

GENDER LENS ON THE 2024 BUDGET

Key policy in discussion	National Legal Assistance Partnership
Portfolio and or agency	Attorney-General's
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Key Portfolio Issues

- The Government has provided additional funding of \$44.1 million in 2024–25 to support the National Legal Assistance Partnership (NLAP) and Family Violence Prevention Legal Services, including one-year indexation supplementation to the funding for Legal Aid Commissions, Community Legal Centres and Aboriginal and Torres Strait Islander Legal Services, and additional funding to reduce community legal sector pay disparity.
- Legal assistance services are a vital part of the safety net for women experiencing disadvantage or financial insecurity, particularly for victim-survivors of domestic, family, and sexual violence.
- Access to legal assistance supports women to navigate legal systems and drives women's financial independence and safety.
- Unmet demand for legal assistance services from women is high and increasing, particularly for victim-survivors of gendered violence, however there was no additional funding in the Budget to increase frontline legal service delivery.
- Due to the current NLAP expiring in June 2025, lack of adequate indexation supplementation to the funding under the NLAP, and legislated increases to wages and superannuation, the community legal sector is now planning to start reducing services which means more women in crisis will be turned away.
- The community legal sector is a female-dominated workforce and while the Women's Budget Statement recognises this, the additional funding is not adequate to address pay disparity between women working in the community legal sector and Legal Aid Commissions.

The National Foundation for Australian Women is a feminist organisation, independent of party politics and working in partnership with other women's organisations. NFAW is dedicated to promoting and protecting the interests of Australian women, including intellectual, cultural, political, social, economic, legal, industrial and domestic spheres.

Budget Measures

Additional funding to support the National Legal Assistance Partnership

The Government is providing additional funding of \$44.1 million in 2024–25 to support the National Legal Assistance Partnership (NLAP) and Family Violence Prevention Legal Services, including one-year indexation supplementation to the funding for Legal Aid Commissions, Community Legal Centres and Aboriginal and Torres Strait Islander Legal Services, and additional funding that is described as a measure “to reduce community legal sector pay disparity”.

The Department of the Treasury manages Commonwealth payments to the states and territories for the purposes of the NLAP.

This measure is also described as a measure “to support the implementation of the National Plan to End Violence Against Women and Children 2022–32”.

National Legal Assistance Partnership

Payments (\$m)

	2023-24	2024-25	2025-26	2026-27	2027-28
Department of the Treasury	-	35.5	-	-	-
National Indigenous Australians Agency	-	8.6	-	-	-
Total — Payments	-	44.1	-	-	-

Source: 2024-25 Budget Paper No 2, page 51

Detailed allocation of the additional funding to legal assistance services

Further details about this measure have been provided to Women’s Legal Services Australia by the Attorney-General’s Department. The breakdown of this measure is as follows:

- \$16.9 million for one-year of indexation supplementation to the funding for legal assistance services under the NLAP, including:
 - \$10.8 million for Legal Aid Commissions
 - \$3.7 million for Aboriginal and Torres Strait Islander Legal Services
 - \$2.4 million for Community Legal Centres
- \$27.2 million to reduce community legal sector pay disparity, including:
 - \$11.7 million for Aboriginal and Torres Strait Islander Legal Services
 - \$8.6 million for Family Violence Prevention Legal Services
 - \$6.9 million for Community Legal Centres

This means that the total additional funding per legal assistance service type is as follows:

- An additional \$15.4 million for Aboriginal and Torres Strait Islander Legal Services
- An additional \$10.8 million for Legal Aid Commissions
- An additional \$9.3 million for Community Legal Centres
- An additional \$8.6 million for Family Violence Prevention Legal Services

Total payments under the National Legal Assistance Partnership

The NLAP for 2020-25 already included around 1.5 per cent indexation to many, but not all, of the specific funding streams under the NLAP.

The below table demonstrates the increase for specific funding streams under the NLAP from 2023-24 to 2024-25, taking into account the additional funding measure.

Table 2.11: Payments to support other state services

\$million	2023-24	2024-25	2025-26	2026-27	2027-28
National Partnership payments					
National Legal Assistance Partnership 2020-25					
Aboriginal and Torres Strait Islander					
Legal Services	89.6	106.4	-	-	-
Community Legal Centres	57.6	67.9	-	-	-
Coronial inquiries and expensive and complex cases	2.7	2.7	-	-	-
Domestic Violence Units and Health Justice Partnerships	14.7	14.9	-	-	-
Family advocacy and support services	27.7	28.3	-	-	-
Frontline support to address workplace sexual harassment	11.0	11.2	-	-	-
Increased legal assistance funding for vulnerable women	32.5	32.9	-	-	-
Justice Policy Partnership	0.7	-	-	-	-
Legal aid commissions	260.0	274.9	-	-	-
Legal assistance family law pilot program	3.6	3.6	-	-	-
State and territory legal assistance administration	4.9	4.9	-	-	-
Support Criminal Justice Reform through Coronial Inquiries	5.4	5.4	-	-	-
Supporting increased child sexual abuse prosecutions	1.7	1.7	-	-	-
Supporting people with mental health conditions access the justice system	14.5	14.5	-	-	-
Total National Legal Assistance Partnership 2020-25	526.5	569.4	-	-	-

Gender implications of this budget measure

Access to legal assistance is crucial for women's safety and gender equality

The legal assistance sector includes Legal Aid Commissions in each state and territory and 165 Community Legal Centres, Family Violence Prevention Legal Services and Aboriginal and Torres Strait Islander Legal Services.

Legal assistance services are a vital part of the safety net for women experiencing disadvantage or financial insecurity, particularly for victim-survivors of domestic, family, and sexual violence. Access to legal assistance supports women to navigate legal systems and drives women's

financial independence and safety. Aboriginal community-controlled and culturally safe legal assistance services are vital to addressing the disproportionate rates of violence against Aboriginal and Torres Strait Islander women.

Page 22 of the Women's Budget Statement recognises the critical role of legal assistance services in delivering critical advice and representation to women experiencing, or at risk of experiencing, family and domestic violence. However, the Women's Budget Statement does not recognise the vital role of legal assistance services in supporting women's economic security and independence, including through the provision of legal assistance with social security, child support, family law property disputes, employment and discrimination law, tenancy law and debts.

More than 792,600 legal assistance services were completed across Australia in 2022-23 using funding provided under the NLAP (2020-25), according to [new national statistics](#) released on 9 May 2024 by the Australian Bureau of Statistics (ABS). More than half of the clients assisted were women. However, due to limited funding to engage in more accurate data collection, legal assistance services say this data is an [undercount](#) of national service delivery.

Legal Aid Commissions, Community Legal Centres including Women's Legal Services, and Family Violence Prevention Legal Services provide legal assistance with family violence intervention orders, family law, child protection, and victims of crime compensation. Women who are victim-survivors of family and domestic violence will most likely have to engage with one, or all, of these areas of law, particularly if they have children with the perpetrator.

Many legal assistance services also take an integrated approach to legal service delivery through partnerships with social supports that support women to navigate legal systems in a safe and supported way. For example, Aboriginal community-controlled legal assistance providers offer vital culturally safe supports to prevent and respond to domestic and family violence impacting First Nations people. Women's Legal Services provide access to gender-led, specialist and trauma-informed legal assistance for women which includes access to in-house social supports, such as social workers, financial counsellors, and First Nations caseworkers.

Legal assistance services ensure women can navigate these legal systems in an informed, safe, and supported way that leads to better outcomes for women.

Legal assistance services are significantly underfunded

The demand for legal assistance services from women in the community who are experiencing financial disadvantage significantly outstrips available resources. Several independent, national, and state-based [surveys and studies have shown](#) that unmet legal need is high and growing.

Community Legal Centres Australia [reports](#) that Community Legal Centres are collectively having to turn away 1,000 Australians each day or over 350,000 people per year who have approached them for assistance with everyday legal problems.

Family Violence Prevention Legal Services report surges in demand for legal assistance from Aboriginal and Torres Strait Islander women and children experiencing family violence across Australia. For example, in the first three months of 2024, [Djirra experienced a 22 per cent surge in demand](#) for their services.

The 13 [Women's Legal Services](#) across Australia collectively provided legal assistance to 25,157 women in the 2022-23 FY Australia. However, they estimate they will turn away 1,000 women per week or 52,000 women this year from their services, many who would be in crisis and experiencing gendered violence.

The [Impact Economics Justice on the Brink report](#) commissioned by National Legal Aid found \$484 million in funding per year is required to meet unmet demand for Legal Aid.

The current NLAP expires on 30 June 2025 which means the lack of funding for legal assistance services in the forward estimates in the Budget creates significant uncertainty for legal assistance services.

Indexation

Indexation on most Commonwealth funding delivered via the NLAP 2020-2025 service contracts (fixed at around 1.5% for each of the five years of the agreement) has not kept pace with inflation or the true cost of delivering services.

[According to Community Legal Centres Australia](#), “inadequate indexation coupled with rising costs (including welcome mandatory increases to award wages and superannuation contributions for workers) means that, for most centres, funding has decreased in real terms year on year since 2020. With demand increasing, and budgets flatlining, centres have been forced into difficult decisions to limit access to services, close outreaches and turn away ever-increasing numbers of people who need help”.

Table 2.11 in Budget Paper 3 shows how the additional funding for legal assistance services under the NLAP will be allocated to specific funding streams. There is an increase of \$10.3 million for the ‘Community Legal Centres’ funding stream between 2023-24 FY and 2024-25 FY, which is baseline funding and will include more appropriate indexation supplementation.

However, there is a less than 2 per cent increase between 2023-24 FY and 2024-25 FY for funding streams that are dedicated to addressing gender-based violence. This includes:

- Domestic Violence Units and Health Justice Partnerships,
- Frontline support to address workplace sexual harassment, and
- Increased legal assistance funding for vulnerable women.

These funding streams provide more than half of the total NLAP funding for most Women's Legal Services. According to [Women's Legal Services Australia](#), the lack of additional funding for these funding streams means Women's Legal Services “will have to start planning to reduce services to women experiencing gender-based violence”. The current level of indexation on

these funding streams is inadequate to keep up with inflation or the true cost of delivering services and coupled with the lack of funding for legislated increases to wages and superannuation, services will be forced to reduce staff.

It is worth noting that Family Violence Prevention Legal Services already receive indexation supplementation to their funding provided by the National Indigenous Australians Agency, which is why they only received additional funding to address pay disparity.

Pay disparity

The community legal sector is a female-dominated workforce:

- A [2021 survey of the Victorian community legal sector](#) conducted by the Victoria Law Foundation, found the workforce was 77 per cent female. Women dominated all roles within community legal centres: 75.7 per cent of people in leadership roles were women; 73.1 per cent in legal roles; 78.1 per cent in client service roles; and 88.6 per cent in centre operations and administrative roles.
- Community Legal Centres Queensland's 2023 [Summary Report](#) of Workforce Survey Data, Working in Community Legal Centres in Queensland, found that in 2022–23, 84.9 per cent of workers in community legal centres in Queensland were women.

Page 22 of the [Women's Budget Statement](#) says:

“The community legal sector is a female-dominated workforce. Salaries for the community legal sector are significantly less than those attainable in private practice or for equivalent positions within government. Investing in the community legal sector is not just good for the many women who seek support through legal services, it also supports closing the gender pay gap.”

Unfortunately, salaries in the community legal sector are significantly less than salaries for equivalent roles at Legal Aid Commissions, government and in private practice. This is an issue that has been well-known for decades. For example, Community Legal Centres Queensland [has found](#) that on average, community legal sector workers earn 22 per cent less than staff at Legal Aid Queensland. The pay gap between Principal Lawyer roles in the community legal sector and Legal Aid Commissions can be over \$35,000.

Community Legal Centres Australia says low remuneration rates for staff working in the community legal sector are now driving a [workforce crisis](#). This means services are finding it difficult to recruit and retain staff, which puts more pressure on existing staff, many who are already experiencing burnout and vicarious trauma. [According to Women's Legal Services Australia](#), “the solicitors, social workers, First Nations caseworkers, and financial counsellors who work in frontline Women's Legal Services are exposed to significant trauma. They deserve to be paid appropriately for their contribution to our community.”

The \$27.2 million in additional funding to address pay disparity will need to be split across 165 Community Legal Centres, Family Violence Prevention Legal Services and Aboriginal and Torres

Strait Islander Legal Services. Community Legal Centres Australia estimates this will equate to only about \$60,000 in additional funding per centre.

This amount of funding is not adequate to address the pay disparity between the community legal sector and Legal Aid Commissions. There continues to be a gender pay gap between the female-dominated workforce in the community legal sector and the broader workforce of the legal profession which is only comprised of 55 per cent women. The gender pay gap particularly impacts staff working in Women's Legal Services who are all women.

If the additional funding to address pay disparity is allocated in the same way as the indexation supplementation funding, the staff who work in legal assistance programs dedicated to addressing gender-based violence will miss out.

Recommendations

NFAW calls for:

- Urgent investment in the legal assistance sector to ensure Legal Aid Commissions, Community Legal Centres, Family Violence Prevention Legal Services, and Aboriginal and Torres Strait Islander Legal Services can meet the unmet legal needs of women, particularly women experiencing financial disadvantage and women in crisis who are at risk of, or experiencing, domestic, family, and sexual violence.
- A commitment to ongoing legal assistance funding beyond June 2025.
- At least 4 per cent indexation on all funding streams under the NLAP, including programs dedicated to addressing gender-based violence.
- Additional funding to adequately address the pay disparity for women working in the community legal sector compared to Legal Aid Commissions.
- Recognition in the Women's Budget Statement of the value of legal assistance services in supporting women's economic independence and financial security, including through the provision of legal assistance to women experiencing financial disadvantage with social security, child support, family law property disputes, employment and discrimination law, tenancy law and debts.