

GENDER LENS ON THE 2024 BUDGET

Key policy in discussion	Legal assistance for women on temporary visas
Portfolio and or agency	Department of Social Services
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Key Portfolio Issues

- The National Plan to End Violence Against Women and Children 2022-32 recognises the unique impacts of family violence on migrant women, and that migrant women face structural barriers other women do not, such as the impact ending a relationship has on their visa status and eligibility for social security.
- Women on temporary visas or no visa in Australia need access to legal assistance and support services to ensure they can safely leave violent relationships and remain in Australia.
- The Government has recognised the value of the Temporary Visa Holders Experiencing Violence Pilot by extending it to 30 June 2025 and providing ongoing funding for legal assistance for temporary visa holders leaving a violent relationship.
- The legal assistance component of the Pilot includes funding for seven Women’s Legal Services, Northern Suburbs Community Legal Centre, and Legal Aid NSW.
- Collectively, the seven Women’s Legal Services provided legal assistance and support services to over 700 women on a temporary visa or no visa in 2021-22 under the Pilot.
- The funding provided in this Budget is adequate for legal assistance services to continue to provide the same level of service delivery to women on temporary visas as provided in previous years.
- However, the lack of a significant increase in funding means there will not be an increase in legal services available to women on temporary visas experiencing violence and this also puts additional pressure on a female-dominated and under-resourced workforce.

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

The \$925.2 million over five years to make permanent the Leaving Violence Program includes funding for legal assistance for women on temporary visas experiencing violence or leaving a violent relationship.

This includes:

- The extension of the Temporary Visa Holders Experiencing Violence Pilot trials from 1 February 2025 to 30 June 2025, which includes legal assistance funding.
- \$16.5 million over five years from 2023–24 (and \$5.1 million in 2028–29) to continue to provide legal assistance for temporary visa holders leaving a violent relationship.

The Leaving Violence Program – financial support for victim-survivors of intimate partner violence

Payments (\$m)

	2023-24	2024-25	2025-26	2026-27	2027-28
Department of Social Services	-	198.6	185.2	251.4	257.5
Department of Home Affairs	-	1.5	1.5	1.5	1.6
Total – Payments	-	200.1	186.7	252.9	259.1

Source: [Budget Paper 2](#) 2024-25 p. 176

The Government will provide \$925.2 million over five years from 2023–24 (and \$263.3 million per year ongoing) to make permanent the Leaving Violence Program that will provide financial support, safety assessments and referrals to support services for victim-survivors leaving a violent intimate partner relationship. Funding includes:

- ...
- \$152.3 million over three years from 2023–24 to extend and expand the Escaping Violence Payment and the Temporary Visa Holders Experiencing Violence Pilot trials to 30 June 2025, and to continue to provide support services for a further 12 weeks beyond the pilot end date for active cases.
- \$16.5 million over five years from 2023–24 (and \$5.1 million in 2028–29) to continue to provide legal assistance for temporary visa holders leaving a violent relationship.

...

The cost of this measure will be partially met from within the existing resourcing of the Department of Social Services.”

The Department of Social Services has confirmed with Women’s Legal Services Australia that the \$16.5 million is for the extension of the Temporary Visa Holders Experiencing Violence Pilot trials from 1 February to 30 June 2025, and for the provision of legal assistance to temporary visa holders from 1 July 2025 until 30 June 2028. A further \$5.1 million is provided for 2028-29.

Gender implications of this budget measure

The [Women’s Budget Statement](#) recognises the value of legal assistance for victim-survivors on temporary visas on page 17:

“Temporary visa holders experiencing family and domestic violence face additional barriers when leaving, or seeking to leave, a violent partner relationship. The TVP has highlighted the importance of access to legal assistance for victim-survivors on temporary visas.”

Relevance to the National Plan to End Violence Against Women and Children 2022-32

The National Plan to End Violence Against Women and Children 2022-32 recognises the vulnerability of migrant women and children to family violence. One in three migrant and refugee women in Australia are experiencing family violence and rates are known to be even higher amongst women on temporary visas. Importantly, the National Plan recognises that migrant women face structural barriers other women do not, such as the impact ending a relationship has on their visa status and eligibility for social security.

Legal assistance for women on temporary visas experiencing violence

The Temporary Visa Holders Experiencing Violence Pilot [commenced in April 2021](#). The Pilot provides wraparound and specialist legal and support services, including migration advice and representation, to women on temporary visas or no visa experiencing domestic and family violence. This also includes legal assistance with interrelated issues in relation to family violence, family law and child protection.

The services provided include discrete assistance such as information and legal advice, ongoing legal support, representation at the Administrative Appeals Tribunal or in the Federal Circuit and Family Court of Australia, and referrals to other appropriate support services to help address clients’ complex needs.

The legal assistance component of the Pilot is delivered by seven Women’s Legal Services, Northern Suburbs Community Legal Centre, and Legal Aid NSW. According to [Women’s Legal Services Australia](#), the seven Women’s Legal Services delivering the pilot collectively assisted over 700 women in 2021-22. They say increased awareness of their migration service in the community and across the family violence and legal sectors has resulted in a steady increase in referrals services since the Pilot began.

The Pilot has had [significant positive outcomes](#) for women experiencing domestic and family violence, including many visas being granted (protection, partner or dependent child visas) to ensure women can remain in Australia and free from violence, and improved outcomes in

family violence, family law and child protection legal issues, as well as other civil law issues (such as housing).

No significant increase in legal assistance available

The additional \$16.5 million in this Budget will ensure that legal assistance service delivery continues and does not decrease. However, while the funding provided in this Budget is adequate for legal assistance services to continue to provide the same level of service delivery to women, there will not be enough funding for a significant increase to the legal assistance available to women on temporary visas experiencing violence.

This is despite the likely increase in demand for legal assistance following the proposed legislative reforms to expand the family violence provisions in the Migration Regulations 1994 and support visa holders experiencing domestic and family violence, including secondary applicants for permanent visa subclasses, offshore temporary Partner visa applicants and Prospective Marriage visa holders.

Women's Legal Services Australia says the current quantum of funding under the Pilot is inadequate for services to operate a sustainable migration law practice. For example, the annual amount of funding provided to some Women's Legal Services has not been enough to hire a second full-time legal practitioner, which creates significant risk for service continuity and sustainability (for example, if the staff member goes on leave). For these services, including Women's Legal Centre ACT and the Top End Women's Legal Service NT, overflow monies have been used to fill the gap and enable the recruitment of a further legal practitioner which is not sustainable.

The community legal sector is a female-dominated workforce that is under-resourced and staff are paid relatively low wages. The limited funding puts added pressure on a female-dominated workforce who are working in a high-pressure environment, exposed to vicarious trauma, and supporting women to navigate dangerous situations for themselves and their children.

Recommendation

NFAW calls for the provision of additional funding for legal assistance services to support women on temporary visas experiencing domestic and family violence.