

Budget 2021 – Reducing violence against women and their children

Community Legal Centres overview

The amount provided to the sector through the National Legal Partnership Agreement 2020-2025 over the 2020-21 to 2023-24 period has increased by \$244.4 million comprising increased funding of \$129 million over four years to Women’s Legal Centres, a modest increase of \$4 million per annum to Domestic Violence Units and Health Justice Partnerships, and \$26 million to Family Violence Prevention Legal Centres over 4 years to assist Aboriginal and Torres Strait Islander women and children experiencing family violence

There has been no specific additional funding to Community Legal Centres (CLCs) and the COVID-19 Legal Assistance funding and Bushfire Response funding has been discontinued.

While the \$129 million allocated to Women’s Legal Centres is welcome to improve services to women, NFAW is concerned about the lack of detail in the Budget around the specific allocation of funding. In terms of the demand for services, the amount in the Budget is not enough, and it is immensely disappointing that Community Legal Centres received no additional funding from the Budget. During 2020 CLCs reported a significantly increased demand in a range of areas, and demand is anticipated to continue to increase over time as the community recovers from the pandemic crisis.

Community Legal Centres

The Budget

The National Legal Assistance Partnership 2020-2025 provides funding to all states for legal assistance services delivered by legal aid commissions, Community Legal Centres and Aboriginal and Torres Strait Islander Legal Services. While in the 2021-22 Budget overall funding has increased ‘to increase the capacity of the legal assistance sector to meet community demands’ there was been no increase to Community Legal Centres.

Additional funding has been provided in 3 key areas although the detail around how this money will be shared between the State and Territories and the various services within each state and territory is yet to be announced. Overall the amount provided over 2020-21 to 2023-24 has increased by \$244.4 million compared to the previous Budget. For the 2024-25 year, the Budget provides \$499.4 million to the sector.

Increased funding to Domestic Violence Units and Health Justice Partnerships

The Budget provides a \$77.1 million increase over four years from 2021-22 to the National Legal Assistance Partnership. This is 'to support the early resolution of legal problems for those experiencing mental illness and for mental health workers in Domestic Violence Units and Health Justice Partnerships to support women who have experienced family violence' (Budget Paper 2, p. 117).

- This includes increases of approximately \$4 million per annum increase to the funding provided to Domestic Violence Units and Health Justice Partnerships.
 - (21/22 from \$10.1 to \$14.3; 22/23 from \$10.2 to \$14.5; 23/24 from \$10.4 to \$14.7 AND for the next year \$14.9)

Additional legal assistance funding for Women's Legal Centres under the National Legal Assistance Partnership

'Women's legal centres will receive a significant increase in their funding, to enable them to meet the high levels of need for assistance from women including those experiencing, or at risk of, family violence' (BP2, p.84)

- Specifically, \$129.0 million over four years from 2021-22 for additional legal assistance funding for women's legal centres under the National Legal Assistance Partnership.
 - 2021/22 – \$31.6mil; 22/23 - \$32.0mil; 23/24 - \$32.5mil; 24/25 \$32.9mil.

Funding for Family Violence Prevention Legal Centres

Budget Paper 2 details that there will be '\$26.0 million over four years to better support Aboriginal and Torres Strait Islander women and children who have experienced or are experiencing family violence' (p. 84). While there is little detail, it is believed that this funding will be provided to Family Violence Prevention Legal Centres.

National Partnership Payments Expense (\$m)

	2020-21	2021-22	2022-23	2023-24	2024-25
Community Legal Centres	48.5	55.9	56.7	57.6	58.6
Aboriginal and Torres Strait Islander Legal Services	79.5	86.7	88.2	89.6	91.0
Domestic Violence Units and Health Justice Partnerships	9.9	14.3	14.5	14.7	14.9
Family advocacy and support services	9.9	10.0	27.1	27.1	28.3
Increased legal assistance funding for vulnerable women		31.6	32.0	32.5	32.9

Source: 2021-22 Budget Paper No.3, Table 2.11: Payments to support other state services

Other funding

Budget Paper 3 (p. 90) also notes that '...the legal assistance sector will receive additional funding to ensure that matters can proceed expeditiously through the courts. The National Legal Assistance Partnership 2020-25 contributes to an integrated, efficient, effective and appropriate legal assistance services that are focused on improving outcomes and keeping the justice system within reach for vulnerable people facing disadvantage, within available resources'. How this impacts the CLC sector is unclear.

Gender implications

Why is this an issue for women?

The community legal sector and all its elements provide vital assistance to women, children and the wider community. The advice provided covers broad areas including domestic violence, financial matters and employment to name just a few.

In the 2020-21 Budget analysis we noted concern that COVID-19 would have significant adverse impacts on the those who need the services provided by the community legal sector. It is unfortunate that the evidence confirms that this occurred:

In July 2020, the Australian Institute of Criminology reported that ‘for many women, the pandemic coincided with the onset or escalation of violence and abuse. Two-thirds of women who experienced physical or sexual violence by a current or former cohabiting partner since the start of the COVID-19 pandemic said the violence had started or escalated in the three months prior to the survey’.

Similarly, the Australian Institute of Health and Welfare reported in January 2021 COVID effects including an increase in child welfare issues, impacts on housing, employment, financial stress and so on. Their research highlighted the dire need for increased funding to the CLC sector with ‘people needing domestic violence support most likely to encounter difficulties accessing services’ with ‘around 1 in 5 (23 per cent) of those who sought help’ reporting difficult accessing services. The AIHW also found that despite increased government payments during 2020, individual families could still be financially worse off and overall incomes reduced compared to pre-pandemic levels. Housing stress also increased significantly with concerns that this ‘housing stress for vulnerable Australians will intensify’ with the end of the Job Keeper payments in March 2021.

It is clear that the pre-pandemic pressures on the community legal sector were only amplified by COVID-19. They will not subside immediately. While Australia is at present in a good position in terms of number of cases, the pandemic continues and the economy is yet to return to normal.

What are the 2021 Budget impacts on women?

The \$129 million allocated to Women’s Legal Centres is welcome to improve services to women.

However, NFAW is concerned about the lack of detail in the Budget around the specific allocation of funding. Specialist trauma informed women’s legal organisations are the best placed to deliver these services and every effort must be made to ensure that the funding is provided by the States and Territories to the centres themselves and not absorbed into administration or allocated elsewhere.

Similarly, the \$26 million provided over 4 years to assist Aboriginal and Torres Strait Islander women and children experiencing family violence must be provided directly to Family violence prevention legal centres. NFAW notes that given the demand for services, the amount in the Budget is not enough.

The need for increased funding for Health Justice Partnerships was something that NFAW raised in our previous Budget submission. This funding will be vital to ensuring that legal services are provided to vulnerable members of the community in settings that are most appropriate for their needs.

It is immensely disappointing that Community Legal Centres received no additional funding from the Budget. During 2020 CLCs reported increased demand in a range of areas including domestic and family violence, parenting arrangements, social security, tenancy, employment, legal services for children and young people, legal services and seniors, and insurance, credit and debt.

This is a significant proportion of the work undertaken by the sector, with CLCNSW reporting that 'community legal centres anticipate that increased demand for services will be maintained over the long-term as people and communities struggle to recover from the social and economic impacts of the crisis'.

Recommendations

- The government provide increased funding to assist the CLCs to address their existing and predicted high demand.
- The government ensure that the \$129 million funding provided to Women's Legal Centres goes directly to the legal centres in each State and Territory for the direct provision of assistance to women. and not absorbed elsewhere.
- That the government consider increased funding to Aboriginal Legal Centres to address unmet need.