



Federal Pre-Budget Submission 2024-25

The Treasury

25 January 2024

Acknowledgements

We acknowledge the Traditional Owners of Country, recognise their continuing connection to land, water, and community, and pay respect to Elders past and present.

We acknowledge the victim-survivors of domestic, family, and sexual violence who we work with and their voices and experiences which inform our advocacy for justice, equality, and safety for women.

About Women's Legal Services Australia

Women's Legal Services Australia (**WLSA**) is the national peak body for 13 specialist Women's Legal Services in each state and territory across Australia, including two First Nations Women's Legal Services. We provide a national voice for Women's Legal Services to influence policy and law reform, and advocate to increase access to gender-specialist, integrated legal services for women.

About Women's Legal Services

Women's Legal Services provide high quality free legal services for women, including legal advice and representation, support services and financial counselling, community legal education, training for professionals, and engage in advocacy for policy and law reform. Some Women's Legal Services have operated for more than 40 years.

WLSA members include:

- Women's Legal Service Victoria
- Women's Legal Service Tasmania
- Women's Legal Service NSW
- Women's Legal Service WA
- Women's Legal Service SA
- Women's Legal Service Queensland
- North Queensland Women's Legal Service
- First Nations Women's Legal Service Queensland
- Women's Legal Centre ACT
- Wirringa Baiya Aboriginal Women's Legal Centre NSW
- Top End Women's Legal Service
- Central Australian Women's Legal Service
- Katherine Women's Information and Legal Service

Contact us

For further information, please contact:

Lara Freidin
Executive Officer

Women's Legal Services Australia

lara@wlsa.org.au

Executive Summary

Women's Legal Services are an important and distinct part of the legal and social services system in Australia. Our sole focus is on assisting women with their legal issues and working towards achieving gender equality. We have decades of experience providing trauma-informed and integrated legal services, and our work is driven by the lived experiences of women who are victim-survivors of domestic, family, and sexual violence.

In 2023, we collected national turn away data over a 5-day period across all 13 Women's Legal Services. 1,018 women who attempted to seek help from a Women's Legal Service had to miss out on receiving assistance due to a lack of capacity. From this we can estimate more than 1,000 women per week, and more than 52,000 women per year, will have to be turned away from our services across Australia.

Without additional funding, Women's Legal Services will continue to be forced to turn away thousands of women at risk of violence each year. We will not be able to provide women with the support they need to be safe and recover from violence and are deeply concerned about a lack of capacity to meet demand, which will continue to increase in the years ahead as victim-survivors of domestic, family, and sexual violence have increasingly complex needs.

We are seeking significant and sustainable ongoing funding for Women's Legal Services to meet demand for assistance and ensure women and children can receive the help and support they need to be safe and to recover from violence.

New data shows Women's Legal Services are forced to turn away more than 52,000 women per year nationally.

Our funding asks

1. An additional \$10 million per year (plus indexation) under the National Legal Assistance Partnership (**NLAP**) to ensure all Women's Legal Services can meet current levels of unmet demand (as recommended by the Australia Institute) and operate a consistent, best practice service delivery model.
2. An increase to indexation under the NLAP that at a minimum equates to any increases in the CPI and required increases in wages and superannuation.
3. An investment of \$600,000 per year (plus indexation) to fund WLSA as a national peak body and enable the Women's Legal sector provide a strong national voice on policy and law reform issues impacting women.
4. A commitment to provide \$4 million per year (plus indexation) nationally for all 13 Women's Legal Services to establish or continue to operate a migration law practice, either via the NLAP or the Department of Social Services.
5. An additional \$4.6 million per year (plus indexation) to establish an additional 5 pilot sites for trauma-informed legal assistance for victim-survivors of sexual assault.
6. An investment of \$600,000 over two years (plus indexation) to pilot a world-first Hague Convention national legal service for women who have taken children overseas and are fleeing family and domestic violence.
7. An additional \$4 million per year (plus indexation) to increase access to gender-led and trauma-informed legal assistance for women with employment and discrimination law matters, including sexual harassment, either via the NLAP or the Department of Employment and Workplace Relations.
8. An additional \$5 million per year (plus indexation) under the NLAP to increase access to legal assistance with family law property matters.

Key focus areas

1. Significant and sustainable funding for Women's Legal Services

An economic analysis conducted by the Australia Institute in September 2020 demonstrated at least \$25 million is required by Women's Legal Services annually to ensure financially disadvantaged and marginalised women at risk of violence can receive specialised legal assistance.

In the 2021-22 Federal Budget, the National Legal Assistance Partnership (NLAP) recognised the role of specialist legal assistance for women, promising Women's Legal Services an additional \$129 million over four years. The administration of these funds was handled by the state and territory governments and as a result only 46.5 per cent, or \$60 million, of this funding was received by Women's Legal Services, equating to only \$15 million per year across 13 organisations.

This means in most jurisdictions across Australia, there has not been a significant uplift in specialist services available to women. The funding allocated has been insufficient to meet the significant levels of unmet demand and the hidden legal needs of women in the community.

Additional funding would ensure Women's Legal Services can better meet the demand for assistance and operate a best practice service delivery model, including expansion of health justice partnerships, domestic violence units and other integrated service models. It would also ensure Women's Legal Services can appropriately plan and budget to provide contemporary and accessible integrated and trauma-informed services for women, provide modern and safe workplaces for staff, and grow sustainably to enhance the assistance available to women in the long term.

At a minimum, we seek funding to ensure all Women's Legal Services can operate a consistent, best practice service delivery model that will meet the needs of the women who are most in need of our assistance. We seek an additional \$10 million per year (plus indexation) nationally to meet the minimum investment recommended by the Australia Institute to meet current levels of unmet demand. A copy of the economic analysis can be provided on request.

Recommendation 1

An additional \$10 million per year (plus indexation) under the National Legal Assistance Partnership (**NLAP**) to ensure all Women's Legal Services can meet current levels of unmet demand (as recommended by the Australia Institute) and operate a consistent, best practice service delivery model.

2. Increase indexation to align with wages and superannuation increases

The community legal sector is a female-dominated workforce. We note the 2021 survey of the Victorian community legal sector conducted by the Victoria Law Foundation found the workforce was 77% female. Unfortunately, salaries in the community legal sector are significantly less than salaries for equivalent roles at legal aid commissions, government, and private practice. This is particularly relevant for staff at Women's Legal Services who predominantly identify as women.

For example, the funding Women's Legal Centre ACT receives from the Commonwealth Government under NLAP is indexed at 1.6% for the 2023/24 financial year. Over the life of funding agreements, this equates to a total indexation of 4.6%. By contrast, the increase in the cost to employ a mid-level solicitor in the ACT was 27% over the same period (noting that this increase will differ between the various states

and territories). This is inclusive of annual Social and Community Services (SCHADS) Award increases and superannuation guarantee increases under the Superannuation Guarantee (Administration) Act 1992.

The solicitors, social workers and financial counsellors who work on the frontline in Women's Legal Services deserve to be paid appropriately for their contribution to our community. They are exposed to distressing and traumatic material, and they provide vital assistance to women experiencing disadvantage or gendered violence in our community. Many community legal centres, including Women's Legal Services, are struggling to maintain services at their current level, and are faced with increases in demand.

We are seeking an increase to indexation that at a minimum equates to any increases in the CPI and required increases in wages and superannuation.

Recommendation 2

An increase to indexation under the NLAP that at a minimum equates to any increases in the CPI and required increases in wages and superannuation.

3. A national peak body for Women's Legal Services

In September 2022, Women's Legal Services made the collective decision to work towards establishing WLSA as a national peak body, responsible for ensuring Women's Legal Services have a national voice on policy and law reform issues impacting our clients, building the capacity of Women's Legal Services to provide best practice services, and providing a forum for staff to collaborate and support each other and share resources.

In the past year alone, WLSA has developed a strategic plan to guide the future direction of Women's Legal Services, established policy committees and committees of practice to create spaces for shared collaboration and to maximise impact at a national level and contributed over 30 detailed submissions to national consultations on policy and law reform. The Federal Government and the Parliament regularly seek WLSA's input on the development of policy and legislation which requires extensive consultation with WLSA members, including input from staff and clients, and detailed technical legal analysis on legislation, case law, and the impacts on women and children. WLSA should be directly funded to do this work.

It is critical to note that WLSA is currently funded through contributions by all member Women's Legal Services and does not directly receive any government funding. The work performed by WLSA in the past 12 months has required the equivalent of at least 3 full-time staff. This means a significant proportion of WLSA's work is performed by senior staff employed by Women's Legal Services who would otherwise be managing their legal service, engaging in service delivery, or contributing to policy and law reform work within their state or territory.

We are seeking \$600,000 per year (plus indexation) to fund WLSA as a national peak body and provide a strong national voice on policy and law reform issues impacting women.

Recommendation 3

An investment of \$600,000 per year (plus indexation) to fund WLSA as a national peak body and enable the Women's Legal sector provide a strong national voice on policy and law reform issues impacting women.

4. Migration law assistance for women on temporary visas experiencing violence

The Temporary Visa Holders Experiencing Violence Pilot commenced in April 2021 and is funded by the Department of Social Services. There are currently 8 Women's Legal Services across Australia funded to provide migration law services to women on temporary visas experiencing violence as part of the pilot. The previous Budget extended the pilot to 31 January 2025.

This pilot has demonstrated an effective model for providing legal assistance and other supports to women on temporary visas to ensure they are able to live safely and free from violence, whether by remaining in Australia or returning to their home country. The Women's Legal Services that have developed migration law practices under this pilot are keen to continue provide these services, and it would be a devastating loss of skills and expertise if the migration practices were defunded.

We are seeking a minimum of \$4 million per year (plus indexation) nationally for all 13 Women's Legal Services to establish or continue to operate a migration law practice, either via the NLAP or the Department of Social Services. This would enable Women's Legal Services to collectively assist 1000 to 1500 women per year nationally, depending on the type of service provided.

Recommendation 4

A commitment to provide \$4 million per year (plus indexation) nationally for all 13 Women's Legal Services to establish or continue to operate a migration law practice, either via the NLAP or the Department of Social Services.

5. Additional pilot sites for sexual assault legal services

We were pleased to see \$8.4 million over three years in the October 2022 Budget allocated for a pilot to provide victim-survivors of sexual assault with greater access to dedicated legal services to support their recovery and engagement with the criminal justice system. Women's Legal Centre ACT and Women's Legal Service WA were the successful recipients of this pilot funding, and Women's Legal Service Victoria will be partnering on the pilot in Victoria.

This pilot should be expanded across the country to test different models in each jurisdiction, allow all victim-survivors to have access to legal assistance, and enable all Women's Legal Services to provide services to victim-survivors of sexual violence to support their recovery and engagement with the criminal justice system and alternative avenues.

Many Women's Legal Services are already working with victim-survivors of sexual assault and delivering services, as far as existing resources allow. We are calling for an additional \$4.6 million per year (plus indexation) to set up an additional 5 pilots in the remaining jurisdictions and ensure victim-survivors in every state and territory jurisdiction can access a pilot site.

Recommendation 5

An additional \$4.6 million per year (plus indexation) to establish an additional 5 pilot sites for trauma-informed legal assistance for victim-survivors of sexual assault.

6. A trauma-informed national Hague Convention legal service pilot for women experiencing violence who have taken a child overseas

Women's Legal Services, with the support of FiLiA Hague Mothers, are seeking funding to provide a trauma-informed Hague Convention legal assistance service for women (and their children) who are the taking parent in international child abduction cases.

In the 2023-24 Federal Budget, the Australian Government committed \$7.4 million over four years to introduce a financial assistance scheme to provide eligible respondent parents ('taking parents') with equivalent access to legal representation. With additional funding, Women's Legal Services could establish a national legal service to provide trauma-informed assistance to women who access the scheme.

The applicant parents are provided with access to legal representation from International Social Service Australia under the existing International Parental Child Abduction grant. The inequality of harms faced by mothers in this situation is significant and the impact of the legal process on their health and wellbeing can be catastrophic. A trauma-informed and gender-led legal assistance service is required to provide Hague-specific expertise to victim-survivors of domestic and family violence who are the taking parent.

We are seeking \$600,000 over two years to pilot a world-first national legal service to assist women who are the taking parent in a Hague Convention matter and are experiencing family and domestic violence, and to provide access to trauma-informed and integrated support services to women accessing the new financial assistance scheme.

Recommendation 6

An investment of \$600,000 over two years (plus indexation) to pilot a world-first Hague Convention national legal service for women who have taken children overseas and are fleeing family and domestic violence.

7. Employment and discrimination law services for gender-based workplace issues

There is a need for greater investment in gender-led employment and discrimination law services to assist women who experience issues at work, discrimination, or sexual harassment. The Respect@Work report recommended establishing Working Women's Centres across Australia (recommendation 49) and increased funding for sexual harassment legal assistance services (recommendation 53).

9 of the 13 Women's Legal Services currently provide legal assistance to women with employment law, discrimination law, or sexual harassment matters. However, only \$3.8 million of the total funding allocated (\$44 million over four years) to implement recommendation 53 of the Respect@Work report was provided to Women's Legal Services to increase their sexual harassment legal assistance services. At the time of this submission, we are still waiting on the Federal Government to implement

recommendation 49 and open a tender process to establish Working Women's Centres in 5 jurisdictions across Australia. The October 2022 Budget allocated \$8 million per year to fund Working Women's Centres in all states and territories, which will be insufficient to meet demand.

The employment and discrimination law services provided by Women's Legal Services include information and support to women to advocate directly with employers where this is their preference, legal assistance, advocacy, education, and workplace training. Our integrated model of service delivery means women are provided with wraparound support and culturally safe legal assistance, specifically tailored for women who have experienced trauma and violence.

Women experiencing gendered violence, including in a workplace context, are likely to have a range of legal needs that require assistance beyond employment and discrimination matters, including in relation to victims of crime compensation, restraining orders, defamation, and administrative law. Women's Legal Services can provide cross-jurisdictional legal assistance to women that spans a range of legal issues and will be particularly useful to enhance women's safety and recovery.

We are seeking a minimum of \$4 million per year (plus indexation) in additional funding to increase access to gender-led and trauma-informed legal assistance for women with employment and discrimination law matters, including sexual harassment.

Recommendation 7

An additional \$4 million per year (plus indexation) to increase access to gender-led and trauma-informed legal assistance for women with employment and discrimination law matters, including sexual harassment, either via the NLAP or the Department of Employment and Workplace Relations.

8. Legal assistance for family law property matters

The unfair or unjust distribution of property post-separation is a significant contributing factor to women's economic and financial insecurity. Women often do not receive the property they are entitled to post-separation, due to a wide range of reasons including fear of possible repercussions such as escalating domestic, family, or sexual violence. This means that many women do not have the financial resources to appropriately care for themselves or their children and to recover from violence.

The early provision of legal assistance with the family law system can ensure that women have appropriate and tailored advice and representation services to achieve a fair and equitable distribution of property. Women's Legal Services provide free legal assistance to women that is tailored to their specific needs, alongside social work and financial counselling, and empowers women to make informed choices about the division of property post-separation. This reduces the risk of women's homelessness and poverty.

We are seeking an additional \$5 million per year nationally to increase the family law property services provided by Women's Legal Services to assist more women at risk of poverty and homelessness.

Recommendation 8

An additional \$5 million per year (plus indexation) under the NLAP to increase access to legal assistance with family law property matters.