



2025-26 Pre-Budget Submission

Introduction

Community legal centres help hundreds of thousands of people every year to resolve everyday legal problems in areas like housing, relationships, debts and money problems, and discrimination. People trust their local community legal centre to support them early, before legal problems snowball to crisis point.

However, community legal centres in Australia have long been significantly under-funded. Over the past decade, many national inquiries, surveys and reports¹ have found high and increasing levels of unmet legal need across the country. This hurts people and communities, and it costs governments.

The September 2024 Commonwealth announcement of funding security beyond 30 June 2024 and of an uplift in funding has provided a brief reprieve, but it is not enough. This submission first sets out the additional community legal centre investment required under the National Access to Justice Partnership to address the funding and workforce crisis and enable community legal centres to begin to meet unmet legal need in the community.

There are several critical matters not fully contemplated by the September 2024 announcement. Some of these matters were not clear at the time the announcement was made, and others have evolved significantly since that date. This submission sets out several targeted funding proposals to address emergent pressure points in need of urgent attention.

Thank you for taking the time to consider our submission. If you need further information, please contact our Policy & Communications Coordinator, Riley Brooke, on riley.brooke@clcs.org.au.

¹ Attorney-General's Department (2024) *Independent review of the National Legal Assistance Partnership 2020-25 Final Report*: <https://www.ag.gov.au/legal-system/publications/independent-review-national-legal-assistance-partnership-2020-25>; Productivity Commission (2014) *Access to justice arrangements – Inquiry report*: <https://www.pc.gov.au/inquiries/completed/access-justice/report>; Law Council of Australia (2018) *The Justice Project – Final report*: <https://lawcouncil.au/justice-project/final-report>; Victoria Law Foundation (2023) *The Public Understanding of Laws Survey (Vol 1) – Everyday problems and legal need*: <https://victorialawfoundation.org.au/research/puls>

Summary of recommendations

The 2025-26 federal budget should deliver:

1. An additional \$230 million per year for community legal centres, comprising \$135 million for workforce needs and general services and \$95 million for domestic and family violence services, less whatever is allocated to the sector from the Commonwealth's September 2024 announcement.
2. \$14.5 million in targeted funding for community legal centres to provide legal assistance to the LGBTIQ+ community.
3. \$14.5 million in targeted funding for community legal centres to provide legal assistance to recent migrants, asylum seekers and refugees.
4. A \$20.8 million investment to offset some of the challenges facing community legal centres in rural, regional, remote, and very remote areas.
5. A targeted \$5 million uplift for specialist social security legal services.
6. A commitment of \$3 million over six years for the community legal sector to move to modern, efficient data and technology systems.
7. \$3 million for Community Legal Centres Australia, to ensure an adequately funded national community legal sector peak to support the 165 community legal services in our membership.
8. An increase to Commonwealth community legal centre funding streams outside of the partnership agreement, at least in line with increases to community legal centre funding under the NAJP, including for workforce and indexation components as well as general uplift to assist in meeting unmet legal need.

About community legal centres

Community legal centres are distinct within the legal assistance sector. Our movement has a unique service model and set of values, underpinned by its 50 years' history.

Community legal centres provide everyday legal help to prevent crisis. We help hundreds of thousands of people every year to resolve everyday legal problems in areas like housing, relationships, debts and money problems, and discrimination. People trust their local community legal centre to support them early, before legal problems snowball to crisis point.

Community legal centres carry out integral frontline domestic and family violence work. Our sector plays a crucial role in preventing and responding to domestic and family violence. Frontline family law and family violence services make up the largest area of work for our sector. People go to community legal centres for help to keep themselves and their children safe from violence.

Community legal centres provide holistic, trauma-informed support. We recognise the impacts of trauma and discrimination on people's ability to access justice. We know that many people's legal issues are connected to other social and financial problems. Because of this, community legal centres employ not just lawyers but social workers, financial counsellors, Aboriginal community development workers, tenant advocates and more, to help people holistically. People come to community legal centres for holistic support to untangle lots of different but connected problems all at once.

Community legal centres provide education to help people and communities avoid legal problems. We understand that the best thing is often to help people avoid the legal system altogether. We educate and empower communities to prevent legal problems from emerging. People can avoid legal trouble when they can access community legal education from their community legal centre.

About Community Legal Centres Australia

Community Legal Centres Australia is the national representative voice for the community legal sector. We are an independent, non-profit organisation set up to support the community legal sector. We strive to be leaders in good practice, to advocate for justice and the promotion and protection of human rights, to be responsive to the needs of the community legal sector and to maintain and strengthen the collaborative networks that allow our sector to provide holistic support to communities.

Our members are the eight state and territory community legal sector peak bodies. Together, we represent over 150 community legal centres (including 13 Women's Legal Services), 11 Family Violence Prevention and Legal Services and two Aboriginal and Torres Strait Islander Legal Services across Australia. Our expertise is grounded in the stories of the hundreds of thousands of people who engage our sector's services each year and who experience first-hand the barriers to justice that exist in our legal system. Our public advocacy ensures that their voices and experiences drive progressive system reform.

1. Community legal centres remain chronically underfunded

The legal assistance sector in Australia is chronically under-funded. Over the past decade, many national inquiries, surveys and reports have found high and increasing levels of unmet legal need across the country.² This hurts people and communities, and it also increases downstream costs to governments via the health, social services, and criminal justice systems.

Community legal centre funding has gone backwards in real terms in recent years. Under the expiring National Legal Assistance Partnership (NLAP) 2020-25, centres were locked into 1.5% increases, including during years when inflation ran as high as 7%. Government efforts to increase indexation for 2024-25 were welcome but were insufficient to reverse the impacts of years of inadequate indexation.

At the same time, the cost-of-living crisis, ongoing impacts of the COVID-19 pandemic, and various climate disasters have driven escalating legal need in the community, with nine out of ten centres reporting increased demand for their services in 2023-24 as compared to 2022-23. Meanwhile, wages in our highly feminised sector are lower than those for similar roles in the public and private sectors, leaving our workforce struggling in the face of heightened cost-of-living and housing pressures.

Ahead of the 2024-25 federal budget we calculated that community legal centres required a doubling of funding, to begin to address the sector's funding and workforce crises. The budget did not deliver. The final report of the independent review of the NLAP, published in late May 2024, recommended significant additional investment in legal assistance by all governments, and estimated the funds currently in the community legal centres service system at \$135 million per year.

Community Legal Centres Australia used community legal centre service data for the 2023 calendar year to calculate the estimated number of victim-survivors of domestic and family violence that were being turned away nationally per year due to under-resourcing. We estimated that to meet the needs of these people would require an additional \$95 million per year in targeted domestic and family violence funding for community legal centres.

On this basis, we determined that under the next legal assistance partnership, community legal centres require a minimum of \$270 million per year in baseline funding (a doubling of the \$135 million currently in the system), as well as a targeted \$95 million per year uplift in frontline domestic and family violence funding, to flow to all community legal centres that do this work. In total we sought an additional \$230 million per annum.

The Commonwealth's September 2024 funding announcement provided a welcome reprieve but has not resolved the crisis.

In September 2024, the Commonwealth Government announced its contribution to the 2025-30 National Access to Justice Partnership (NAJP), which includes an increase of \$800 million over five years to legal assistance.

² Attorney-General's Department (2024) *Independent review of the National Legal Assistance Partnership 2020-25 Final Report*: <https://www.ag.gov.au/legal-system/publications/independent-review-national-legal-assistance-partnership-2020-25>; Productivity Commission (2014) *Access to justice arrangements – Inquiry report*: <https://www.pc.gov.au/inquiries/completed/access-justice/report>; Law Council of Australia (2018) *The Justice Project – Final report*: <https://lawcouncil.au/justice-project/final-report>; Victoria Law Foundation (2023) *The Public Understanding of Laws Survey (Vol 1) – Everyday problems and legal need*: <https://victorialawfoundation.org.au/research/puls>

This increase includes:

- \$300 million for increased indexation and for wages supplementation for workers in community-based legal assistance services
- \$500 million for general uplift for frontline legal assistance services.

The general uplift and indexation funding are to be split between all five legal assistance providers (community legal centres, Women’s Legal Services, Aboriginal and Torres Strait Islander Legal Services, Family Violence Prevention and Legal Services, and Legal Aid Commissions). The workforce component will be split between community-based providers (i.e., all bar Legal Aid Commissions).

The Commonwealth’s commitment of new and ongoing funding under the NAJP has provided welcome additional security for our sector. However, while welcome, the increase does not come close to the amount our sector requires to address the crisis and meet community need. The total increase for five sectors is less than what community legal centres alone need.

The Commonwealth recently announced how this additional funding would be split between providers. Welcome injections of funding for Women’s Legal Services and Family Violence Prevention and Legal Services will make a difference for these centres, but, for the rest of the community legal sector, the increase is far more modest.

We restate our recommendation that the Commonwealth Government double the community legal centres funding currently in the service system by providing an additional \$230 million per year (less the increase that will flow from the September 2024 announcement).

The 2025-26 federal budget should deliver:

- 1. An extra \$230 million per year for community legal centres, comprising \$135 million for workforce needs and general services and \$95 million for domestic and family violence services, less whatever is allocated to the sector from the Commonwealth’s September 2024 announcement.**

2. Emergent need for targeted community legal centre funding in 2025-26

Whilst we acknowledge the Commonwealth’s investment, there are several matters which were not fully contemplated by the September 2024 announcement, largely because the Commonwealth did not have all the information required at that time. Here we set out several targeted funding proposals to address emergent pressure points that require immediate attention.

Additional funding for new priority groups under the NAJP

It is likely that new priority populations will be added to the NAJP, in line with recommendations the NLAP review report and following negotiation between the parties to the agreement. The inclusion of additional priority groups was not factored into the previous funding announcement and should be addressed in the 2025-26 budget.

LGBTIQ+ people

Members of the LGBTIQ+ community face specific legal issues, however the Commonwealth government currently does not provide funding to any LGBTIQ+-specific legal assistance services. The trans and gender diverse community face significant unmet legal need, especially surrounding documentation, and discrimination at work and in other parts of public life. For trans people, there is a significant overlap between health needs and legal needs – legal gender recognition is a health issue.

LGBTIQ+ legal services provide specialist LGBTIQ+ legal help in areas like domestic, family and sexual violence, discrimination, identification documentation amendments, and online abuse and doxing. They also provide safe, LGBTIQ+-friendly support for LGBTIQ+ people to resolve a wide range of everyday problems. These centres build the entire sector's capacity to appropriately support LGBTIQ+ clients and are frequently called on to provide expert input into laws, policies, plans and procedures that relate to the LGBTIQ+ community.

A 2023 Legal Needs Survey conducted by LGBTI Legal Service found that LGBTIQ+ people overwhelmingly express a preference for accessing specialist LGBTIQ+ services and generalist services that are LGBTIQ+ inclusive. Almost half of survey respondents reported they would be less likely to access legal help at all in the absence of such services.

Existing services for LGBTIQ+ communities are poorly funded and patchy. In five out of eight states and territories, LGBTIQ+ people have no access to specialist services or programs. Existing LGBTIQ+ services are delivered via a mix of State Government funding, grants, philanthropic donations, and substantial pro bono support.

In March 2023, the Victorian Government responded to the gap in funded specialist legal services for the LGBTIQ+ community by providing \$1.6 million to support the establishment of Q+Law, a statewide community legal centre service for LGBTIQ+ Victorians.³ Inner City Legal Centre made a submission to the NLAP review costing a dedicated LGBTIQ+ legal service in NSW at \$2 million a year.

We support the inclusion of LGBTIQ+ people as a priority group under the NAJP, alongside a targeted funding increase to enable legal assistance providers to meet the needs of this community. We recommend a minimum Commonwealth contribution of \$1.6 million per jurisdiction to fund a specialist LGBTIQ+ community legal centre, rising to \$2 million in NSW, Victoria and Queensland to account for larger population sizes.

Specialist services are crucial, but it is also important that all legal assistance providers are equipped to meet the needs of LGBTIQ+ people. We recommend the Commonwealth also resource all centres to provide staff and volunteer training to ensure service provision to this group is effective and safe.

Recent migrants, asylum seekers and refugees

Community legal centres work with refugees and asylum seekers, migrant women experiencing domestic and family violence, international students, and other recent migrants to provide specialist support in refugee and immigration law as well as culturally responsive, holistic assistance in a range of other areas of law.

Recent migrants, asylum seekers and refugees experience many systemic barriers to accessing justice, and without legal assistance can be at greater risk for workplace exploitation, domestic and family violence, and housing instability. Immigration and refugee law are complex,

³ Premier of Victoria, 31 March 2023, *Landmark Legal Service For Victoria's LGBTIQ+ Communities*: <https://www.premier.vic.gov.au/landmark-legal-service-victorias-lgbtqi-communities>

specialist areas of law, and many legal services are unable to help refugees and asylum seekers. Community legal centres are often the only available option for these people to come to for help to stay safe and well.

There are refugee and asylum seeker specialist community legal centres in every jurisdiction except the Northern Territory. However, funding for these services varies widely and is generally inadequate to meet community need. Some services rely on state government funding, and at least one service has been informed by its state government that it will no longer be funded because it works in the federal jurisdiction. Several rely significantly on fundraising to keep their doors open.

Past governments have been reluctant to fund refugee legal services. We believe this is because these centres have been strong critics of Commonwealth Government refugee policy over the last decade.

The NAJP should include the distinct category of “recent migrants, asylum seekers and refugees” as a priority group for legal assistance, and this change should be accompanied by an adequate funding uplift. Targeted funding to enable community legal centres to meet the needs of recent migrants, asylum seekers and refugees should similarly comprise components for specialist services, and for training for all centres to enable effective and safe service provision to this group.

The 2025-26 federal budget should deliver:

- 2. \$14.5 million in targeted funding for community legal centres to provide legal assistance to the LGBTIQ+ community.**
- 3. \$14.5 million in targeted funding for community legal centres to provide legal assistance to recent migrants, asylum seekers and refugees.**

Targeted uplift for community legal centres in regional, rural, remote and very remote communities

The September 2024 announcement did not include any specific component to address the significantly higher costs of delivering services in regional, rural, remote and very remote (regional and remote) communities.

In recent months, a wave of media stories has highlighted the deepening mental health crisis across rural and regional Australia,⁴ the increase in need for domestic and family violence services in regional areas,⁵ the urgent need for justice responses that support young people in regional and remote areas to make safe and healthy decisions and avoid contact with the justice system,⁶ and the ongoing and escalating rental crisis in the regions.⁷

⁴ ‘Isolated, overwhelmed and hours from a psychologist: regional Australia facing a perinatal health crisis’, 29 September 2024, *The Guardian*; ‘Mental health support for NT culturally-diverse and regional communities in ‘state of crisis’’, 9 November, *ABC News*.

⁵ ‘Domestic violence survivors wait months in refuges as housing crisis bites regional Qld’, 23 October 2024, *ABC News*; ‘Horror domestic and family violence figures a wake-up call for region’, 13 October 2024, *The Advocate*.

⁶ ‘Underfunding of community legal centres crippling rehabilitation chances, making youth crime worse’, 17 April 2024, *ABC News*.

⁷ ‘Single parents bear the brunt of the rental crisis in regional Victoria’, 5 October 2024, *The Guardian*; ‘Housing crisis leaves Victorian town Castlemaine with just 10 homes to rent’, 10 November 2024, *ABC News*.

There is ample evidence that deep and persistent disadvantage is concentrated within specific geographic communities across the nation.⁸ People in regional and remote communities experience higher rates of disadvantage than the general population and often have very different needs from those closer to major urban centres.

People living in regional and remote communities have less access to services than people in metropolitan areas – both in terms of number and diversity of services. Many services are simply unavailable in some parts of the country. This means that community legal centres servicing those areas are often required to meet a greater number of needs for the people they are assisting.

Isolation, distance, and cultural factors increase the cost and complexity of service delivery to these communities. Providing services can be significantly more time-intensive in regional and remote areas – workers in these communities have reported experiences of spending six or more hours traveling to, carrying out, and traveling home from, a single client meeting.

Digital services play an important role in service delivery to regional and remote communities but cannot replace place-based, face-to-face services. Many people in regional and remote areas have limited access to the internet or devices, and many also have limited digital literacy. Even for those with access to internet and devices, digital service delivery is only an option after trust has been built through face-to-face engagement. It can be difficult to fully understand the breadth of a person's legal and other needs without building a level of trust that is only attainable in person. This means that, while digital service delivery should be supported where appropriate, regional and remote communities need their community legal centre to be adequately resourced to travel to help them face-to-face.

The additional resourcing required to provide people in regional and remote communities with appropriate legal support includes resourcing for cars, fuel, satellite phones, accommodation, staff time to travel long distances within the centre's catchment area, and additional staff time to build relationships and trust in regional and remote areas.

Many centres in regional and remote areas report difficulty attracting and retaining qualified staff. Cost-of-living and rental crises contribute to this: rental housing is limited, and centres' lack of resourcing to pay sufficient wages means community legal centre workers struggle to find a place to live that they can afford. Community legal centres do not have the resources to provide relocation costs that may otherwise assist in attracting staff from other areas. Childcare is also limited in regional and remote areas, creating yet another barrier for community legal workers who have children.

These challenges and mean that people living in regional and remote communities are often unable to access the level of legal support that they need. To offset some of the challenges in providing services to regional and remote communities, we recommend the Federal Government invest in a 20% regional and remote loading for community legal centres working in regional, rural, remote and very remote areas.⁹ There are approximately 1,063 full-time equivalent roles in regional and remote community legal centres nationally.¹⁰ Based on median

⁸ Vinson, T., Rawsthorne, R., Beavis, A., and Ericson, M. (2015). *Dropping off the edge – persistent disadvantage in Australia*: <https://apo.org.au/node/56085>

⁹ This is based on the model developed by Community Legal Centres Queensland for their 2024 State Budget submission for a regional, rural and remote (RRR) loading for Queensland centres in RRR areas.

¹⁰ Based on the Community Legal Centres Australia sector survey 2023-24.

the community legal sector salary¹¹ a 20% loading requires an investment of \$20.8 million per year.

The 2025-26 federal budget should deliver:

- 4. A \$20.8 million investment to offset some of the challenges facing regional and remote community legal centres and enable them to better meet the legal and related needs of the people and communities they serve.**

Funding for specialist social security legal services

We understand that the Commonwealth Government has engaged very seriously with the Robodebt Royal Commission and its recommendations, and that the Commonwealth's work in this area is not yet finished. The Robodebt Royal Commission Report clearly recognises the key public interest role played by community legal centres in the social security space,¹² and calls for this to be considered with respect to funding decisions.

Part 6 of the Heads of Agreement for the National Access to Justice Partnership, published on 12 September 2024, sets out that:

‘States will administer NAJP funding in accordance with Commonwealth priorities, which are family law matters, combating gender-based violence against women and children, particularly First Nations women and children, alleviating cost of living pressures such as employment, welfare, housing and financial disputes, Closing the Gap and reducing incarceration rates for First Nations adults and youth.’

Ensuring fair access to social security, including through the ability to access specialist legal assistance, is clearly crucial to many of these Commonwealth priorities. We support the calls from Economic Justice Australia to urgently fund specialist social security legal assistance.¹³

A targeted uplift for specialist social security legal services was not included in the September 2024 funding announcement and we recommend this be addressed in the next budget consistent with the Commonwealth's ongoing work to implement the recommendations of the Robodebt Royal Commission.

The 2025-26 federal budget should deliver:

- 5. A targeted \$5 million uplift for specialist social security legal services.**

Funding for community legal centres to move to modern, efficient data and technology systems

Community Legal Centres Australia has already presented a proposal to the Commonwealth seeking funding for its digital future, which will replace our ageing CLASS database with a brand-new national data repository. Under the proposal, individual centres will acquire Client Management Systems, delivering productivity gains not only in relation to centres' data

¹¹ \$97,750 is the median salary in for Queensland community legal centre workers, excluding CEO salaries, from their most recent workforce survey. There has not been a recent national workforce survey. 2022 research by Community Legal Centres NSW on salary benchmarking found a similar median salary for solicitors (by far the most common role type in the sector) of \$95,500. The most common allied roles (court support workers/advocates and social workers) also had a median salary of \$95,500. Community Legal Centres Australia will carry out its own workforce survey in 2025.

¹² Commonwealth, Royal Commission into the Robodebt Scheme, *Final Report* (2023) vol 2, 378.

¹³ Economic Justice Australia Pre-Budget Submission 2024: https://www.ejaustralia.org.au/wp-content/uploads/Economic-Justice-Australia_2024-Budget-Submission.pdf

functions but right across their operations. The data transition outlined in our proposal will secure for the Commonwealth, and for our sector, ongoing access to improved client and service data. This will assist centres to better shape and target services and will inform government decision-making through a better understanding of the scope and impact of our sector's work. The costings for this proposal were developed in consultation with the Commonwealth and have been calculated at \$3 million over six years.

The 2025-26 federal budget should deliver:

- 6. A commitment of \$3 million over six years for the community legal sector to move to modern, efficient data and technology systems.**

Funding for the national peak

Community Legal Centres Australia is the national representative voice for the community legal sector.

Some of our functions include:

- Running the National Accreditation Scheme
- Running the National Insurance Scheme
- Running our national service data system (CLASS) for all centres
- Doing jurisdictional reporting for states and territories so they can comply with NLAP
- Running national community legal centre networks
- Organising the national conference
- Doing national policy and advocacy work on behalf of our sector.

Our services enable centres to operate more efficiently and free them up to focus on frontline service delivery. We also help deliver on the Commonwealth's need for national service data and a functional, cohesive sector.

It costs us \$3 million annually to run Community Legal Centres Australia. However, we only receive \$323,000 in recurrent Commonwealth funding. The rest we leverage in one of two ways:

1. We charge individual centres a 'general fee'. Most centres use Commonwealth NLAP money to pay this fee. This means that the money is paid by the Commonwealth to the states, distributed to centres, and comes to the national peak via general fee. Every year, we receive more requests from centres for waiver of these fees as they struggle with rising costs and capped funding. In 2023-24, we collected \$860,000 from centres.
2. We charge states and territories for the costs associated with CLASS. States and territories use CLASS deliver the jurisdictional reports on community legal centre service delivery required under NLAP. To pay these charges, states and territories use Commonwealth NLAP money earmarked for community legal centres. In 2023-24 we collected \$1.37 million from states and territories to run CLASS.

The Commonwealth Government should fund the national peak, and to a point that enables it to function properly. It would be far easier administratively for the Commonwealth Government to fund Community Legal Centres Australia via a single, direct allocation. Ensuring the national peak has sufficient funding to operate effectively would not represent a significant additional cost to government. It would prevent states and territories from using funds earmarked for frontline community legal centre services to fund their contribution to data collection and reporting and would also reduce the financial burden on individual centres' already stretched budgets created by our need to levy membership fees to fund our work.

In recent years the department has supplemented Community Legal Centres Australia's income with one-off grants from time to time, but we need stable, sufficient, recurrent Commonwealth funding to enable us to deliver the services our sector requires.

The 2025-26 federal budget should deliver:

- 7. \$3 million for Community Legal Centres Australia, to ensure an adequately funded national community legal sector peak to support the 165+ community legal services in our membership nationally.**

Increased funding for non-NLAP funded community legal centres

Many community legal centres are dependent, in whole or in part, on Commonwealth funding streams outside of the NLAP. This includes streams administered by the Attorney-General's Department, such as the Community Legal Services Program, as well as by other government departments, such as Social Services, Health, Home Affairs, and the Office for Women. Generally, these centres experience the same challenges meeting increasing demand for legal assistance services with insufficient resources as centres that receive most of their funding via NLAP.

These non-NLAP funding streams were not addressed in the Commonwealth's September 2024 announcement, and this should be rectified in the 2025-26 budget.

The 2025-26 federal budget should deliver:

- 8. An increase to Commonwealth community legal centre funding streams outside of the partnership agreement, at least in line with increases to community legal centre funding under the NAJP, including for workforce and indexation components as well as general uplift to assist in meeting unmet legal need.**