

VISION FOR JUSTICE

Actions for the 48TH
Parliament of Australia



Community Legal Centres
Australia

Join us to step towards our Vision for Justice

It will take many years of hard work to achieve our Vision for Justice: a society in which everyone is treated fairly, and can access justice regardless of income, race, gender, disability, or any other systemic barrier. As a first step, we have identified some actions the 48th Parliament of Australia can take to bring communities closer to achieving our vision.

These are not the only actions we will need to take to collectively build a fair and just society, but they are examples of the kinds of reforms that will be necessary. They stand alongside and complement the actions recommended by our allies across the legal assistance and social justice sectors. Some will take significant political will to achieve; others have strong support already but require leadership to turn support into actual legislative, policy or budgetary change. All can be delivered by the 48th Parliament. Future parliaments will have more work to do.

Every action identified here will take us a step toward achieving our Vision for Justice in at least one of its eight thematic areas. Most actions will deliver justice across several thematic areas. Actions are tagged with icons to show the thematic areas of our Vision for Justice they most impact.

Themes:

-  Social and economic justice
-  First Nations justice
-  Domestic, family, and sexual violence prevention, response and healing
-  Migration justice
-  Freedom from discrimination
-  Human rights and civil liberties
-  Justice where we live
-  Climate justice

Strengthen the social safety net



Increase the base rate of JobSeeker, Youth Allowance, Austudy, ABSTUDY, Special Benefit and Parenting Payment to at least \$82 per day (\$574 per week).

Implement the Robodebt Royal Commission's call for increased resourcing for free legal services by investing an additional \$5 million per year in Department of Social Services funding for specialist social security legal services, starting from 2026-27.

Invest in better health and social outcomes through legal help



Start work towards a whole-of-government approach to resourcing for legal assistance, including assessing the benefits and cost savings that legal assistance delivers across all portfolio areas.

Begin by requiring all relevant Federal Government portfolios to participate in the mid-point review of the National Access to Justice Partnership agreement. Assess department priorities and desired outcomes to identify opportunities where modest targeted investments in community-based legal assistance would deliver significant benefits. Relevant departments include Health, Social Services, Employment and Workplace Relations, Emergency Management, the National Disability Insurance Scheme and Home Affairs. Starting with the Department of Health, deliver these investments.

By the last budget of the 48th Parliament:

- Invest additional Department of Health funding in community legal centres and Family Violence Prevention and Legal Services that deliver mental health legal services and Health Justice Partnerships
- Outline proposals for future targeted investment from other portfolios beyond the Attorney-General's Department.

Support Aboriginal and Torres Strait Islander peoples' self-determination through adequately funding community-controlled services in line with priority reform two of the National Agreement on Closing the Gap



Significantly increase Federal Government funding for Aboriginal community-controlled organisations, including legal assistance providers, health services, and services that work in the intersection of health and justice.

Ensure funding to improve outcomes for Aboriginal and Torres Strait Islander peoples is directed to self-determined approaches that transform unjust systems, address the root causes of problems, and support healing.

Urgently reduce forcible child removals, keep kids out of prison, and keep criminalised women safe, to reverse regression on Closing the Gap targets 10 and 12 and to progress on targets 11 and 13



Work with state and territory governments and the Aboriginal community-controlled sector to:

- Assess and reform all jurisdictions' Working With Children Check, Blue Card or equivalent systems to improve cultural appropriateness and ensure Aboriginal and Torres Strait Islander people aren't unjustly prevented from becoming kinship carers. Develop culturally appropriate frameworks for assessing actual risk to children, which consider the context of any existing or historical criminal records. Incorporate First Nations-determined protective measures to keep children safe from all forms of harm.
- Raise the age of criminal responsibility to at least 14 across all jurisdictions.
- Develop a national framework to support Aboriginal and Torres Strait Islander women in and leaving prison, which includes:
 - ▶ Supporting women to maintain contact with their children while in custody
 - ▶ Ensuring support for women ahead of release from prison to access ID, and to arrange income, a safe place to live, and access to health services.

- ▶ Implementing clear and consistent rules of access to prisons for organisations delivering critical services, including legal assistance. This includes facilitating continuity of casework support for people leading up to, and following, release.

Prevent people who use violence from weaponising laws and government and legal systems to continue or hide their harmful behaviour



Accept and implement recommendations 49 – 54 of the 2024 parliamentary inquiry, *Financial abuse: an insidious form of domestic violence*, to give the Australian Taxation Office a greater role in collecting and enforcing Child Support payments and ensure the system better protects victim-survivors of financial abuse.

Remove the Maintenance Income Test from calculating Family Tax Benefit Part A for child support payees.

Increase resourcing for Services Australia to improve its Child Support Scheme services, including debt enforcement.

Work with state and territory Attorneys-General through the Standing Council of Attorneys-General to prioritise further reforms to Australia's national model defamation provisions, and ensure consistency across all jurisdictions:

- Ensure all jurisdictions implement the Stage 2 defamation reforms, including extending absolute immunity to reports of sexual violence made by victim-survivors to police
- During the 48th parliament, agree to extend absolute immunity to reports made to employers, medical or psychological professionals, education providers, and lawyers so that people who have been sexually harassed or assaulted can seek healing and justice without fear of a defamation suit. Set a clear timeframe for implementation and work with the states and territories to ensure consistency across jurisdictions.

Amend the *Sex Discrimination Act 1984 (Cth)* and relevant industrial laws to restrict the use of confidentiality and non-disclosure agreements in workplace sexual harassment cases unless requested by the complainant.

Urgently invest in community legal centres' frontline domestic, family and sexual violence work to support safety, justice and healing for victims-survivors



Urgently reduce the number of victims-survivors turned away from community legal centres by investing an additional \$95 million per year, from 2026-27. Funding should flow to all community legal centres that work to support victims-survivors of domestic, family and sexual violence seek safety, justice and healing. This includes place-based or 'generalist' centres, Women's Legal Services, and other specialist community legal centres.

Ensure all victim-survivors of sexual violence have access to legal assistance to navigate the criminal legal system and other processes such as restorative justice and seeking redress.

Expand access to restorative justice pathways for victim-survivors of sexual violence



Take leadership in progressing recommendations 58 – 60 of Australian Law Reform Commission report 143 *Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence*.

Work with state and territory governments to adopt, or review and amend, legislation in all jurisdictions, and deliver federal funding, to make restorative justice for sexual violence widely available, including where a person has not reported to police. Ensure nationally consistent experiences for victims-survivors in all jurisdictions who seek restorative justice pathways.

Support community legal centres' contribution to changing community attitudes and behaviours surrounding domestic, family and sexual violence



Increase resourcing for community legal centres to deliver:

- Community-based preventative approaches including community legal education on identifying violence and unsafe relationships

- Case management programs for people who use violence, to support rehabilitation and accountability, and to reduce domestic, sexual and family violence.

Improve access to justice and safety for victim-survivors of family violence in family law proceedings, particularly in regional and remote communities



Increase investment in the family law system to improve outcomes for people experiencing domestic family and sexual violence. This should include:

- Increased resourcing for the Family Court of Australia to address backlogs, implement trauma-informed processes, and improve cultural safety for Aboriginal and Torres Strait Islander people
- Providing regular training to ensure all family law professionals are family violence and trauma-informed, culturally safe, child-rights focussed, and disability and LGBTIQ+ aware. Training should be delivered, developed, and regularly evaluated by subject-matter and lived experience experts.

Simplify divorce proceedings and improve protections for applicants impacted by domestic, family and sexual violence by:

- Expanding hardship exemptions for family law filing fees to divorce applications
- Allowing electronic service and dispensation of service where safety is at risk
- Removing the requirement for parenting arrangements to be made before applying for divorce.

Increase funding for community legal centres to provide advice and representation to women involved in Family Court proceedings. Begin with targeted investments in 2026-27 and 2027-28 for community legal centres in regional, rural, remote, and very remote (regional and remote) communities.

Reduce geographic inequity in access to justice and safety



Ensure the workforce strategy developed under the National Access to Justice Partnership responds fully to the needs, experiences and challenges of regional and remote communities and the services that support them.

Use findings from the 2023-24 mid-point review of the National Legal Assistance Partnership agreement to drive supplementary research into the true cost of delivering services in regional and remote communities. Ensure models for funding community legal centres under the next national partnership agreement (to begin in 2030) are informed by this research and are targeted to reduce geographic gaps in access to justice.

Ensure research, policy, and program development for legal assistance in regional and remote areas are co-designed with local services and are accountable to communities.

Take action to ensure human rights are respected, protected and enforceable under domestic and international law



Enact a federal Human Rights Act within two years.

Invite the United Nations Special Rapporteur on freedom of peaceful assembly and association to conduct a country visit to Australia to:

- examine the situation relevant to their mandate
- identify areas of good practice
- make recommendations to federal, state and territory governments to improve the protection of the rights to freedom of peaceful assembly and association.

Support the development of an international treaty on the human rights of older people. Include older persons and the civil society organisations that represent them as equal participants in the development process.

Uphold the rights of people with disability to make decisions about their lives



Implement recommendations from the Disability Royal Commission report, *Diversity, dignity, equity and best practice: a framework for supported decision-making* to develop a national scheme for supported decision-making to protect the human rights of people with intellectual disability.

Keep LGBTQ+ people safe from mistreatment and discrimination



Remove exemptions for religious organisations in the *Sex Discrimination Act (1984) Cth*, to ensure that people employed by or accessing services like religious schools, healthcare, disability and other community services are protected from discrimination based on who they are.

Improve safety for refugees and people seeking asylum



End offshore processing and close all offshore processing centres; withdraw from regional third-party reception arrangements and stop third country removals.

Abolish all forms of temporary protection including Temporary Protection and Safe Haven Enterprise visas and grant all refugees permanent protection visas.

Ensure the right to study, work and Medicare, and establish a safety net, so that people at all stages of seeking protection have access to legal assistance, financial assistance, mainstream social support, sustainable housing and healthcare.

Invest in access to justice for LGBTIQ+ people, and refugees, asylum seekers and vulnerable migrants



Deliver additional Commonwealth funding through the National Access to Justice Partnership agreement to enable community legal centres to plan and deliver services to LGBTIQ+ people and to refugees, asylum seekers and vulnerable migrants. Ensure new funding acknowledges the expertise of existing services supporting these communities.

Work with states and territories to urgently overcome the historical practice of excluding some centres – especially those working in areas of federal law like immigration and employment – from National Access to Justice Partnership funding.

Improve due process, transparency and fairness for people seeking review of federal government decisions that impact their safety and wellbeing



Reform the Administrative Review Tribunal so all people can lodge applications, including people without access to representation. This includes connecting people to support services, ensuring access to interpreters, and making referrals to free legal services.

Reform the Tribunal so that, where possible, it operates in a non-adversarial way.

Remove the distinctive and discriminatory procedural code for applicants in the Migration and Refugee Division of the Tribunal.

Improve the Tribunal's collaboration with community legal centres so that centres can better represent their clients, including by facilitating access to documents and being more flexible in scheduling.

Arrange and facilitate Tribunal duty lawyer services in conjunction with other services operated by the legal assistance sector.

Protect people through and following climate disasters and extreme weather



Lead a national process to agree on a shared set of actions to support implementation of consistent minimum energy efficiency standards for rental homes across all jurisdictions.

Improve transparency and accessibility of insurance by requiring insurers to:

- Tell consumers the changes they can make to their homes to make them more resilient to disasters and lower their insurance premiums
- Provide free assessments for people who have made changes to their homes to mitigate disaster impacts and require that insurers reflect these mitigation measures in any new or renewing insurance policies
- Require that insurers provide customers a tailored breakdown of the key components of their premiums to understand the reasons for any changes.

Strengthen oversight of the insurance sector and improve outcomes for those impacted by disasters, by implementing recommendations of the Standing Committee on Economics' report on the *Inquiry into insurers' responses to 2022 major floods claims*, starting with recommendations 1, 2 and 7.

Deliver additional funding via the National Access to Justice Partnership for community legal centres to deliver community legal education and other risk-reduction, preparedness, and resilience-building programs as part of business-as-usual service delivery.

In consultation with the community legal sector, reform the National Emergency Management Association's (NEMA) standardised disaster recovery legal assistance package. Ensure the funding model is fit for purpose and delivers timely and flexible funding to community legal centres when a disaster is declared. Task NEMA to work with states and territories to ensure a nationally consistent approach.





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