

What you need to know about the Budget 2018-19

The [2018-19 Federal Budget](#) was handed down last night by the Treasurer, the Hon Scott Morrison MP.

In its [Budget-night statement](#), the Law Council of Australia welcomed the Government's \$22 million commitment to protect vulnerable Australians from elder abuse but stressed that greater funding for the courts and legal aid is still required to end the justice crisis.

The Attorney-General's Portfolio Budget Statement is [available here](#). Some of the Budget's key law and justice initiatives are included below:

A. New scheme to encourage lawful behaviour of Income Support Recipients, subject to State and Territory negotiation

In his [Budget Speech](#), the Treasurer announced that "New powers will also be sought to back in States and Territories to crack down on offenders and criminals with outstanding warrants and fines by withholding their welfare payments".

[Budget Paper No. 2](#) elaborates on this initiative, stating that (at pg 172):

"The Government will establish a scheme to encourage lawful behaviour from income support recipients. Under the scheme, the Commonwealth will be able to make compulsory deductions from the welfare payments of serial fine defaulters who have outstanding State and Territory court-imposed fines. The Commonwealth will also be able to suspend or cancel the welfare payments of individuals who have outstanding State and Territory arrest warrants for indictable criminal offences.

The scheme will strengthen the principle of mutual obligation underpinning the Australian welfare system by requiring recipients to meet their obligations under State and Territory laws. It will also enhance the integrity of the welfare system, ensuring those avoiding justice are not being supported by taxpayer funds.

Financial implications for this measure are not for publication (nfp) as the scheme is subject to negotiation with the States and Territories."

B. \$22 million response to the ALRC's Elder Abuse Report, including State and Territory collaboration on a national online register for enduring powers of Attorney

[Budget Paper No. 1](#) outlines the Government's "*More Choices for a Longer Life Package*", which includes (at 1-26):

- "establishing an Aged Care Quality and Safety Commission and developing a new approach for monitoring quality in the aged care sector", as part of the Government's response to the *Review of National Aged Care Quality Regulatory Processes*;

- \$22 million “to protect older Australians from abuse, including by funding trials of specialist elder abuse support services”, in response to findings by the Australian Law Reform Commission’s report *Elder Abuse — A National Legal Response*;
- A commitment by the Government to work “with the States and Territories to develop a national online register for enduring powers of attorney and develop a National Plan on Elder Abuse.”

[Budget Paper No. 2](#) provides further detail, including that the \$22 million will support (pg 76):

- expansion and evaluation of trials of three types of specialist support services: specialist elder abuse units located in legal services; health-justice partnerships; and family counselling and mediation services;
- an Elder Abuse Knowledge Hub;
- a National Prevalence Research scoping study; and
- the development of a National Plan to address elder abuse, to be agreed between the Cth, States and Territories, in close consultation with industry and community groups.

Additionally, the Government will “work with the States and Territories to develop a nationally consistent legal framework and establish a National Register of Enduring Powers of Attorney. Expenditure for this component has been provisioned in the Budget but is not for publication pending the outcome of negotiations with the States and Territories...”

C. Annual indexation of Federal Courts and Tribunal Fees from 1 July 2018, to realise \$4.8 million in revenue

[Budget Paper No. 2](#) states that from 1 July 2018, “the Government will apply annual rather than biennial indexation of fees for the federal courts, the National Native Title Tribunal and the Administrative Appeals Tribunal, resulting in an increase in revenue of \$4.8 million over four years. The revenue from this measure will be redirected by the Government to repair the Budget and fund policy priorities” (pg 9).

D. Efficiencies in the Attorney-General’s portfolio to realise \$20.3 million in savings

[Budget Paper No. 2](#) announces that the “Government will achieve savings of \$20.3 million over five years through efficiencies in departmental activities of the Attorney-General’s portfolio and through improved targeting of program expenditure. The savings from this measure will be redirected by the Government to repair the Budget and fund policy priorities” (pg 75). Affected entities include the Office of the Director of Public Prosecutions, the AAT and the Attorney-General’s Department, who are budgeted to “achieve savings” of \$1.8 million, \$3.7 million and \$10.5 million respectively over the next five years.

E. High Court of Australia security improvements, funded in part through increased fees

[Budget Paper No. 2](#) states that “The Government will provide \$10.7 million over five years from 2017-18 (including \$4.5 million in capital funding) to improve the security of the High Court of Australia. The cost of this measure will be partially met through additional revenue of \$6.4

million over four years from 2018-19 by increasing fees for the High Court of Australia, the Federal Court of Australia and the general division of the Federal Circuit Court of Australia. The increase will not apply to family law fees” (pg 9).

F. \$1.6 million to deliver a National Apology to victims of institutionalised child sexual abuse

[Budget Paper No. 2](#) announces that the Government “will provide \$1.6 million over two years from 2017-18 to develop and deliver a national apology to the victims of institutional child sexual abuse” (pg 77).

G. Royal Commission into Institutional Responses to Child Sexual Abuse — implementation taskforce

[Budget Paper No. 2](#) states that “the Government has provided \$6.3 million over three years from 2017-18 for a taskforce to coordinate the development and implementation of the Government’s response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse” (pg 77). This cost will be offset by redirecting unspent funds from the Royal Commission of \$2.1 million in 2016-17 and \$4.2 million in 2017-18.

H. \$3.6 million to establish an Anti-Slavery Unit

[Budget Paper No. 2](#) notes that “the Government will provide \$3.6 million over four years from 2018-19 to establish an Anti-Slavery Unit, within the Department of Home Affairs, to manage the implementation of a Modern Slavery Reporting Requirement. There is a risk that modern slavery is occurring in the supply chains and operations of businesses operating in Australia. This measure will support businesses to mitigate this risk and strengthen Australia’s overall ability to combat modern slavery, including strengthening criminal justice outcomes and enhancing victim support” (pg 127).

I. Australian Commission for Law Enforcement Integrity Operations Facility in Sydney

[Budget Paper No. 2](#) details that “The Government will provide \$2.5 million over three years from 2019-20 for the Australian Commission for Law Enforcement Integrity to establish and maintain an operations facility in Sydney. The cost of this measure will be met from within the existing resources of the Department of Home Affairs” (pg 75).

J. \$59.1 million for joint Commonwealth-State National Criminal Intelligence System

[Budget Paper No. 2](#) states that “The Government will provide \$59.1 million over four years from 2018-19 to enable the joint Commonwealth-States build of a National Criminal Intelligence System (NCIS). The NCIS will provide a national, unified picture of criminal activity to better enable law enforcement and intelligence agencies to combat criminal and national security threats” (pg 130).

K. National Partnership on Family Advocacy and Support Services

[Budget Paper No. 3](#) notes that “The Commonwealth will support the establishment and operation of Family Advocacy and Support Services by legal aid commissions. They will provide integrated duty lawyer and family violence support services at locations across Australia” (pg 37).

L. Implementation of Optional Protocol on Convention Against Torture

[Budget Paper No. 2](#) notes that “the Government will provide \$1.2 million over four years from 2018-19 to the Commonwealth Ombudsman to support its roles as the National Preventive Mechanism (NPM) Coordinator and as a Commonwealth NPM body with respect to Commonwealth primary places of detention under the Optional Protocol on the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (OPCAT). The Government ratified OPCAT on 21 December 2017. The cost will be met from within existing Department of Defence and Home Affairs resources” (pg 76).

M. Additional funding to respond to 2017 Independent Intelligence Review recommendations

[Budget Paper No. 2](#) outlines how the Government will provide further funding to respond to the recommendations of the 2017 Independent Intelligence Review, including (pg 163):

- \$52.1 million to augment the Office of the Inspector-General of Intelligence and Security (OIGIS) to oversee the activities of all agencies within the National Intelligence Community; and
- \$18.1 million for the Attorney-General’s Department and the Office of Parliamentary Counsel to undertake a comprehensive review of the legal framework governing Australia’s National Intelligence Community and related oversight bodies.

N. Parenting Management Hearings legislation and appropriation

The Attorney-General’s Department [Portfolio Budget Statement](#) notes that:

“Since 2017–18, the [Federal] court has been responsible for corporate administration of the Parenting Management Hearings. These are designed to be a fast, informal and less adversarial forum for resolving non-complex family law disputes between selfrepresented parties. The Parenting Management Hearings will help relieve the workload of the Family Court and the Federal Circuit Court. Legislation for Parenting Management Hearings is before Parliament” (pg 136).

“...Appropriation from government increases by \$4.607m in 2018–19 when compared with 2017–18. The main components of this increase are \$2.448m additional appropriation for parenting management hearings, an additional \$1.989m as part of the modernisation fund used for the digital court program and \$0.405m in additional funding for family consultants” (pg 149).

O. Decrease in expenses within the courts and legal services due to the end of the current National Partnership on Legal Assistance Services

In [Budget Paper No. 1](#), *Statement 6: Expenses and Net Capital Investment* notes as follows (at 6-15-16):

“ Public order and safety

The public order and safety function includes expenses to support the administration of the federal legal system and the provision of legal services, including legal aid, to the community. Public order and safety expenses also include law enforcement, border protection and intelligence activities, and the protection of Australian Government property.

Total expenses for the public order and safety function are estimated to decrease by 0.9 per cent in real terms from 2017-18 to 2018-19, and decrease by 15.6 per cent in real terms over the period 2018-19 to 2021-22.

Expenses within the courts and legal services sub-function are estimated to decrease by 5.6 per cent in real terms from 2017-18 to 2018-19 and decrease by 30.4 per cent in real terms from 2018-19 to 2021-22, mainly reflecting the end of the current National Partnership on Legal Assistance Services on 30 June 2020. Funding beyond this period is not for publication pending negotiations.”