

25 October 2022

Welcome investment in First Nations justice

The Law Council welcomes the investments in community-led justice reinvestment initiatives and First Nations-led legal assistance services announced in tonight's Federal Budget.

This funding includes:

- \$81.5 million for justice reinvestment initiatives to be delivered in partnership with First Nations communities, including:
 - \$69.0 million over 4 years from 2022–23 (and \$20.0 million per year ongoing) for justice reinvestment initiatives; and
 - \$12.5 million over 4 years from 2022–23 (and \$3.1 million per year ongoing) to support a national independent body to coordinate justice reinvestment;
- \$13.5 million over 3 years from 2022–23 for Aboriginal and Torres Strait Islander Legal Services (ATSILS);
- \$1.0 million over 3 years from 2022–23 for the representative peak body for ATSILS, the National Aboriginal and Torres Strait Islander Legal Services; and
- \$3.0 million over 3 years from 2022–23 for the National Family Violence Prevention Legal Services Forum.

“Prioritising investment in prevention and early intervention is critical in addressing the overincarceration of First Nations people in Australia,” Law Council President Mr Tass Liveris said.

“Justice reinvestment provides community-led, place-based, preventative, therapeutic and early intervention solutions that reduce criminal offending and prevent future incarceration. These solutions present a more efficient use of resources and boost the productivity and wellbeing of our communities.

“The Law Council has consistently advocated for a justice reinvestment model, including establishment of a national justice reinvestment body. The initiatives announced tonight are the largest national justice reinvestment package ever committed by the Commonwealth and is definitely a move in the right direction.”

The Law Council also welcomes the provision of \$75.1 million over two years from 2022–23 for the preparation of the referendum to enshrine a Voice to Parliament in the Constitution.

However, the Law Council notes the lack of new investment in the justice system, courts and tribunals and the baseline funding of legal assistance services.

“While we are pleased to see that the Government has maintained previously announced funding for many existing initiatives, such as the Lighthouse Project, more needs to be done,” Mr Liveris said.

“A focus of this Budget appears to be on measures intended to assist Australians through the tough times of the current economic climate. However, the Budget largely fails to recognise the fundamental role of legal assistance services in supporting Australians when crisis hits.

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“Timely and effective access to legal assistance is critical in resolving family law disputes, removing people from the harm of family violence or elder abuse, helping people enforce their financial rights and ensuring their access to housing. This Budget is pitched at improving wellbeing; therefore, it is disappointing that once again it doesn’t recognise the vital role of the legal assistance sector in underpinning community and individual wellbeing.

“The next Budget in May 2023, and the upcoming review of the National Legal Assistance Partnership, provide the Government with a not-to-be missed opportunity to address the critical underfunding of frontline services.

“We are very pleased the Government has committed to establishing a taskforce to consider options for the development of a Federal Judicial Commission. The Law Council strongly supports the establishment of such a Commission and looks forward to working with Government and the Federal Courts on its design.”

The Law Council also commends the following Budget measures:

- the provision of \$5.8 million for the establishment of an Alternative Dispute Resolution Pilot to improve outcomes for National Disability Insurance Scheme participants, with an additional \$6.6 million for participants to access advocacy and legal assistance;
- an additional \$12.0 million over 4 years to community legal centres in New South Wales and Queensland to assist fire and flood affected individuals to access legal assistance;
- additional funding of \$49.8 million for the Australian Human Rights Commission, including \$31.8 million over four years of additional base funding and \$10.5 million to implement Respect@Work recommendations;
- \$22.7 million over 4 years to enhance the capacity of the Office of the Director of Public Prosecutions to digitally manage evidence;
- \$9.8 million over 4 years from 2022–23 (and \$2.6 million per year ongoing) to restore funding to the Environmental Defenders Office and Environmental Justice Australia;
- \$5.5 million over two years to the Office of the Australian Information Commissioner to respond to the Optus data breach; and
- as previously announced, \$262.6 million over four years for the establishment and ongoing operation of the National Anti-Corruption Commission.

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