

2 March 2022

Survivor-centred justice requires funding

Substantial and sustained resourcing across multiple sectors, including legal, is needed to ensure long-term programs can be implemented and the immediate needs of women and children at risk of, and experiencing, family and sexual violence can be met.

The Law Council of Australia commends the overall objectives and emphasis of the draft National Plan to End Violence Against Women and Children. It particularly welcomes the National Plan's recognition that there is a need to ensure victim-survivors have access to appropriate survivor-centred justice responses.

'In our [submission](#) on the draft National Plan, a key point we highlighted is that the time has come for us to appropriately fund the legal assistance sector if we are serious about protecting women and children,' Law Council of Australia President, Mr Tass Liveris said.

'The prevalence of child protection matters and cases involving family violence has increased and this has increased demand for legal assistance services. Unfortunately, essential frontline support services remain chronically underfunded and unable to meet the needs of those affected by family violence. The Law Council has long advocated for additional funding to the legal assistance sector to enable the provision of timely, specialised assistance and support to clients.

'While a number of funding commitments made by the Australian Government to support women and families experiencing family and domestic violence are very welcome, we believe more still needs to be done.'

The Law Council of Australia's Pre-Budget submission has called for a commitment of an additional \$400 million to address current service gaps in the justice system.

'Legal assistance providers, such as legal aid commissions, community legal centres, Aboriginal and Torres Strait Islander Legal Services, and Family Violence Prevention Legal Services remain subject to strict resourcing limitations that reduce their capacity to provide support throughout the advisory and litigation process,' Mr Liveris explained.

'For those who cannot obtain legal representation as a result of these resource limitations, the process of self-representing and engaging with authorities in matters involving family violence can be stressful and traumatic. In addition, families will often deal with multiple courts and systems, and navigating these complex processes without legal advice and representation can add to delay and increase risk for the most vulnerable.

'Even without paying for a lawyer, the costs associated with legal proceedings – including filing fees, costs of copying material produced under subpoena, process server fees and costs when issue subpoenas – can be prohibitive. Together, these barriers within the legal system can prevent those affected by family violence from receiving effective legal remedies. Therefore, the National Plan must have a significant focus on resourcing frontline services to address the immediate impacts of family violence.'

The Law Council of Australia is the national voice of the legal profession, promoting justice and the rule of law.

Media Release



The Law Council supports the National Plan's focus on consistency in legal definitions and terminology in relation to family violence across jurisdictions and calls for actions and measures developed under the Plan to be centred on and informed by the diverse lived experience of victim-survivors.

"This is particularly important in the context of efforts to end violence against Aboriginal and Torres Strait Islander women and children under the National Plan," Mr Liveris said. "The Law Council is generally supportive of the draft National Plan's commitment to a specific Aboriginal and Torres Strait Islander Action Plan, however, reiterates the need for such a Plan to be truly self-determined. Aboriginal and Torres Strait Islander women and community-controlled organisations and services must be able to self-design strategies for the safety of these communities."

The Law Council of Australia is the national voice of the legal profession, promoting justice and the rule of law.