5 May 2019

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Dear Mr Smith

Thank you for writing to the Australian Labor Party concerning the legal assistance provided by the Eastern Community Legal Centre (ECLC) to communities in Melbourne's eastern suburbs.

We appreciate you detailing the legal support issues of interest to the ECLC and the communities you service. Please find below responses to your specific questions.

1. **What commitments will you make to increase resources for legal help in the Eastern region?**

Labor believes that for Australia to remain a fair and democratic nation, justice must be accessible to all Australians, rather than only to wealthy individuals and companies who can afford to hire lawyers. In essence, Labor believes that all Australians, not just the wealthy, should have the right to a fair go under the law.

Providing access to justice for all Australians has been a Labor priority for over a generation, when the Whitlam government established Legal Aid. Since that time, Labor has championed and strengthened the legal assistance sector.

Our priority is to strengthen the legal assistance sector, ensuring that all Australians, not just the wealthy, have access to justice. Our policies in this area include:

- Expanding the financial rights legal assistance sector from 40 lawyers to 240 lawyers across Australia, using $120 million from the Banking Fairness Fund. This will give the victims of the banks and other large financial institutions a chance to seek compensation for the harm they suffered, which was revealed in the Banking Royal Commission that the Liberals fought so hard against.

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- Strengthening legal assistance services through a new $90 million Preventing Family Violence Legal Service Fund. This fund includes
    - $42.5 million extra for Community Legal Centres – sufficient to provide vital legal assistance to approximately 115,000 additional women and their families suffering from family violence.
    - $21.5 million in additional funding to Family Violence Prevention Legal Services, providing dedicated legal support to First Nations women and their families.
    - $21 million to double the number of Specialist Domestic Violence Units and Health Justice partnerships – providing specialist support to women in hospitals, health services and in the community.
- Labor will also provide an additional $20 million over four years to the base funding of CLCs in order to support the general services that CLCs provide to communities across Australia. As Eastern CLC understands well, CLCs provide free legal assistance to hundreds of thousands of everyday Australians, as well as to vulnerable and disadvantaged members of the community every year. In particular, Labor recognises that CLCs play a crucial and effective role in assisting people to resolve their legal problems at an early stage, before they escalate to become far more complex and expensive matters. As frontline services, CLCs also contribute to systemic legal reform through policy advocacy. This $20 million commitment is in addition to the substantial commitments noted above to expand the work of CLCs in domestic violence and financial advice work.
- $4 million over four years has also been committed to support the National Association of Community Legal Centres (NACLC) in fulfilling its important sector leadership role, which includes
    - Building the capacity of its state members and individual CLCs.
    - Building relationships to leverage combined resources, expertise and knowledge for the benefit of the organisations and communities.
    - Developing and support high standards and quality in our own work and across the sector.
- Labor will also strengthen access to justice for Indigenous Australians by providing $40 million over four years to Aboriginal and Torres Strait Islander Legal Services (ATSILS), and $4 million over four years to the ATSILS peak body, the National Aboriginal and Torres Strait Islander Legal Services (NATSILS), to build its capacity to lead the sector and

to support its strategic plan to improve justice outcomes based on community, culture and empowerment.

- We also commit that if elected, a Shorten Labor Government will maintain the independence of the Indigenous Legal Assistance Program, which gives effect to the fundamental principle of self-determination for First Nations people by funding ATSILS as the community-controlled providers of culturally safe legal services for Aboriginal and Torres Strait Islander people. This is vital to ensure effective access to justice for Indigenous Australians, and will reverse the Morrison Government's decision to roll ATSILS into the general funding stream for Commonwealth legal assistance, as announced in the 2019-20 Budget in April.

- Labor has also committed to restore Commonwealth funding to Environment Defenders Offices across Australia, with $14 million to flow over four years. EDOs are responsible, independent, not-for-profit and non-partisan legal organisations. They are staffed by dedicated professionals that act for all kinds of Australians, from farmers, to Indigenous Australians, to community and environmental groups who want to uphold our laws, to enforce their legal rights, and to protect Australia's precious natural assets.

- Finally, recognising the important role of legal assistance sector in advocacy and law reform, and the particular expertise that many of these organisations have in their areas of practice, a Labor government will immediately remove all gag clauses from Commonwealth funding agreements with legal assistance services that were put in place and maintained by the Abbott-Turnbull-Morrison Government. Labor believes that governments should welcome policy advocacy from organisations with expert knowledge acquired from practical experience, rather than trying to silence them.

This comprehensive suite of polices to improve access to justice across Australia will include benefits to the Eastern region of Melbourne, including to Eastern CLC. Labor believes that the precise allocation of funds should be carried out on the basis of the best available evidence, to ensure that those funds reach Australians in need. However, Labor is confident that a CLC such as Easter CLC, which services a large and diverse population, will receive significant additional resources in the distribution of the funding commitments noted above.

In addition, people living in the Eastern region of Melbourne will also benefit from the increased resources Labor has committed to other legal assistance providers that services that service the region, including Environmental Justice Australia (formerly EDO Victoria), and the Victorian Aboriginal Legal Service.

2. What commitments, plans and proposals do you have to improve access to justice?

As noted in the answer to Question 1, Labor is committed to strengthening legal assistance services through a new $90 million Preventing Family Violence Legal Service Fund. This fund includes:

- $42.5 million extra for Community Legal Centres – sufficient to provide vital legal assistance to approximately 115,000 additional women and their families suffering from family violence.
- $21.5 million in additional funding to Family Violence Prevention Legal Services, providing dedicated legal support to First Nations women and their families.
- $21 million to double the number of Specialist Domestic Violence Units and Health Justice partnerships – providing specialist support to women in hospitals, health services and in the community.

3. What commitments including funding commitments will you make to addressing family violence across Australia?

A Shorten Labor Government will make preventing and responding to family violence a national priority, and commits to national leadership to address the shameful prevalence of violence against women and their children.

Labor will more than double investment in the Fourth Action Plan to prevent and respond to family violence, delivering record Commonwealth funding of over $660 million.

Early intervention and education, frontline services, emergency accommodation and legal services will all receive a significant boost under Labor.

A Shorten Labor Government investment will include an extra $60 million to build more refuges and emergency accommodation, doubling the Liberals' commitment. This will mean more refuges in areas of need, modern facilities that accommodate older children, accessibility upgrades and better places for children. Labor will also invest $18 million to continue the Keeping Women Safe in their Home program.

<u>More legal assistance.</u>

As noted above, Labor will support better legal services through a new $90 million Preventing Family Violence Legal Service Fund.

This will include $42.5 million extra for Community Legal Centres; $21.5 million extra for Family Violence Prevention Legal Centres providing dedicated legal support available to First Nations women in more areas; and $21 million to double the number of Specialist Domestic

Violence Units and Health Justice partnerships – providing specialist support to women in hospitals, health services and in the community.

Safe, affordable housing

Labor will establish an $88 million Safe Housing Fund to deliver transitional and emergency housing for women and children escaping violence, older women at risk of homelessness and young people exiting out of home care. $20 million from the Safe Housing Fund will go towards Labor's extra support for refuges and emergency accommodation. Labor will also build 250,000 affordable houses – helping women and children escaping family violence to find stability and rebuild their lives.

Investing in prevention

Labor will invest $62 million in Local Community Prevention and Frontline Service Grants, including dedicated funding for First Nations women, women with disability, culturally and linguistically diverse women and LGBTIQ people. Labor will invest in family violence services for LGBTIQ people in each state and in evidence-based men's behaviour change programs.

Supporting respectful relationships education in schools

Labor will provide $35 million to state and territory and non-government school systems to deliver best-practice, evidence-based, age-appropriate respectful relationships education in schools.

Better risk management

Labor will fund a $2 million trial of the Integrated Safety Response model – a strategy to pull existing services together and reach at-risk families earlier.

More practical support for women

Flexible support packages: Labor will invest $60 million in 20,000 Flexible Support Packages of up to $10,000 to support people escaping family violence in practical ways that help them the most – such as rent, furniture, transport, medication, home security and transport costs.

Domestic violence leave: Labor will legislate ten days paid domestic violence leave as part of the National Employment Standard. People experiencing family violence should not have to choose between leaving a violent relationship and keeping their job.

Better Centrelink services: Labor will improve Centrelink services, with 25 Family Violence Specialists to provide support for people experiencing family violence – including priority

claim processing and a new dedicated Family Violence phone line to make sure people get payments quickly, and can get straight through to a specialist who can support them.

Supporting women on temporary visas: Women on temporary visas are particularly vulnerable to family violence and are often unable to access the support services they need. Labor will review immigration and social security arrangements and invest $5 million in services and interpreters.

Recognising economic abuse: Changing the law to ensure that economic abuse is a recognised form of family violence, and that dowry abuse can be one of many kinds of financial abuse.

Tackling forced marriage: Labor will invest $13.6 million to tackle forced marriage, introduce forced marriage protection orders and a Commonwealth Forced Marriage Unit to assist victims.

Making family violence a national priority

Labor's plan will make the prevention of violence against women and their children a COAG priority, because governments need to work together towards lasting change. We will also deliver a new 10-year National Plan to Reduce Violence Against Women and their Children, set a target to reduce rates of family violence and establish a National Advisory Group to guide the development of the National Plan.

Labor is committed to the $328 million investment in the Fourth Action Plan, including its focus on prevention.

Labor will also work with the sector to implement recommendations from the Senate committee inquiry into 1800RESPECT that will strengthen service delivery going forward.

In summary, if elected, a Shorten Labor Government will show the national leadership required to put the prevention of family violence back at the top of the national agenda.

4. What commitments will you make to ensure that legal help is fully integrated into these reforms?

Please see commitments noted above, which include a considerable allocation of resources to legal services and provision for the integration of legal advice with other services, such as through doubling the number of Health-Justice Partnerships.

5. What commitments, plans and proposals do you have to prevent and respond to elder abuse?

A Shorten Labor Government will address the prevalence of elder abuse. Labor believes that all older Australians should be free from the atrocities of elder abuse and neglect, intentional or unintentional.

Older Australians should be free from fear of physical, psychological, emotional, sexual or financial abuse and Labor will always work to protect the rights of older Australians to a dignified and fulfilling old age.

Ensuring that older Australians are protected and are given the opportunity to live dignified, good lives is too important to be subject to further delays. The mistreatment of older Australians is simply not acceptable and Labor stands ready to work with governments at all levels to stamp out elder abuse.

Labor has called on the Morrison Government to do more to progress its response to the Australian Law Reform Commission's (ALRC) report into elder abuse. The Liberals sat on the ALRC report for months and progress on implementing the recommendations has been too slow. A Labor Shorten Government will progress the recommendations of the report.

6. Will you commit to increasing the number of financial counsellors and community legal centre financial services lawyers? How?

As noted in the answer to Question 1, Labor has committed to a comprehensive package to increase the financial counselling services and financial services lawyers. This includes expanding the financial rights legal assistance sector from 40 lawyers to 240 lawyers across Australia, using $120 million from the Banking Fairness Fund. This will give the victims of the banks and other large financial institutions a chance to seek compensation for the harm they suffered, and that was revealed in the Banking Royal Commission that the Liberals fought so hard against

Labor has also announced that a Shorten Labor Government will establish a free legal advice service for small business and farmers who are victims of bank misconduct. This is because Labor recognises that when farmers and small businesses are driven into financial difficulty because of bank misconduct, they can't afford to pay for private legal representation. Too often they're forced to go to court unrepresented.

Under Labor, Australian farmers and small businesspeople will no longer have to fight the banks on their own. This groundbreaking new service will be funded through Labor's Banking Fairness Fund. Labor will provide $10 million per year in ongoing funding from the Banking Fairness Fund, totalling $40 million over four years.

The service will offer free telephone legal advice to small businesses and farmers across Australia who are in a dispute with a financial service provider. In addition, the service will

have funding and capacity to run ongoing cases in court and through the Australian Financial Complaints Authority.

7. **Will you commit retaining the independence of the Indigenous Legal Assistance Program (ILAP) to ensure both funding transparency and a commitment to Aboriginal Controlled Community Organisations delivering these services?**

Yes. As noted in the answer to Question 1, if elected, a Shorten Labor Government will maintain the independence of the Indigenous Legal Assistance Program, which gives effect to the fundamental principle of self-determination for First Nations people by funding ATSILS as the community-controlled providers of culturally safe legal services for Aboriginal and Torres Strait Islander people. This is vital in ensuring effective access to justice for Indigenous Australians, and will reverse the Morrison Government's decision to roll ATSILS into the general funding stream for Commonwealth legal assistance, as announced in the 2019-20 Budget in April.

Thank you again for writing to Labor on the legal assistance issues of importance to the communities you work with. We look forward to continued engagement with you to progress needed law reforms.

Australian Labor Campaign Headquarters
www.alp.org.au