

16 January 2024

Our ref: [KB:GA]

Dr James Popple
Chief Executive Officer
Law Council of Australia
19 Torrens Street
Braddon ACT 2612

By email: [REDACTED]

Dear Dr Popple

2024-25 Pre-Budget Submission Consultation

Thank you for the opportunity to provide feedback to the Law Council's 2024-25 Pre-Budget Submission to the Treasury. The Queensland Law Society (QLS) appreciates being consulted on the issues that will be raised on behalf of the legal profession.

Due to time constraints, we have only been able to prepare a brief list of items at this time. We refer to our [Call to Parties Statement from the 2022 Federal Election](#)¹, noting there are outstanding issues in this document which have yet to be funded.

The Queensland Law Society calls for:

Area of concern	Funding/resourcing request
Legal assistance	<ul style="list-style-type: none">• The provision of needs-based funding to the legal assistance sector.• Funding for the Productivity Commission to conduct an 'access to justice survey' to determine need for services.• Maintaining the increased funding provided to ATSILS by the state and federal governments for 2023/24 into the 2024/25 period. This funding was provided to maintain parity of salaries with Legal Aid Queensland staff and to provide for a modest increase to ATSILS' staffing profile (30 new positions were funded across Queensland to assist in improving the unsustainable workloads in most locations and to reverse temporary service suspensions that arose due to that

¹ <https://www.qls.com.au/Content-Collections/Statements/2022-Federal-Election-Call-to-Parties-Statement>

	<p>issue). We advise that the Chief Justice, Chief Judge and Chief Magistrate of the Queensland Courts, amongst others, were each supportive of the original request for the further funding.²</p>
Courts, commissions and tribunals	<ul style="list-style-type: none"> • Appointment of judges, commissioners and judicial members to meet the needs of each court, commission and tribunal. • Delivery of requisite technology and infrastructure for all courthouses, including by working with State and Territory Governments in regional areas, to enable safe and secure access to and within these buildings, e-trials and access to audio-visual facilities in courtrooms and interview rooms. • Secure and long-term funding for the maintenance and upgrade of court systems and infrastructure. • In respect of the Federal Circuit and Family Court of Australia, resources to address the following issues identified in the 2023 annual report³: <ul style="list-style-type: none"> ○ more judicial resources are urgently needed to address the backlog of more than 16,000 pending cases, a large majority of which will require judicial determination.⁴ ○ sustained increase in migration filings have not been met with an equivalent increase in judicial resources which has impacted the Court's ability to resolve migration cases in a timely way.⁵ • Adequate resources to support the increased workload of the Fair Work Commission following recent amendments to the <i>Fair Work Act 2009</i> (Cth), noting the Commission has reported that its workload: <p>“... for 2023-24 so far has been 13% higher than the 5-year average. Lodgments in November 2023 were the third highest for an individual month within the past 4 calendar years. Lodgments were above average in 11 of the 18 case categories in November, including our highest-volume case types - Unfair Dismissal (+8%), General Protections Dismissal (+14%) and Agreement Approvals (+28%).”⁶</p>

² We refer to [correspondence QLS sent to the Queensland Government](https://www.qls.com.au/Submissions/2023/Boost-Emergency-Funding-for-the-Aboriginal-and-Tor) last year calling for the further funding: <https://www.qls.com.au/Submissions/2023/Boost-Emergency-Funding-for-the-Aboriginal-and-Tor>

³ FCFCOA Annual Report 2022-23, accessed via: <https://www.fcfcOA.gov.au/sites/default/files/2023-11/FCFCOA%20Annual%20Report%202022-23.pdf>

⁴ Ibid, page 2.

⁵ Ibid, page 98.

⁶ President's statement, Fair Work Commission's 2023 work and 2023-24 performance

Justice Hatcher, President Sydney, 22 Decemb0r 2023 accessed via:

<https://www.fwc.gov.au/documents/reporting/presidents-statement-work-performance-2023-12-22.pdf>

	<ul style="list-style-type: none"> Adequate funding for a new administrative appeals tribunal, noting the repeated references to under-resourcing in the Administrative Appeals Tribunal Annual Report 2022 23.⁷
Federal Judicial Commission	Funding to establish and operate a Federal Judicial Commission that investigates complaints against judicial officers and facilitates education and pastoral care services for judicial officers.
Responding to the Disability Royal Commission and NDIS review reports	Analysing and responding to the recommendations of the Disability Royal Commission and NDIS review including sufficient funding of disability advocacy (for individual and systemic advocacy) and support services. ⁸
Services Australia	<p>Appropriate resourcing of the Child Support Agency (CSA) to enable consistent and early recovery of child support arrears. The recent rise in cost of living and related financial pressures has seen an increase in clients seeking advice and assistance around recovering arrears/debts for carer parents for child support.</p> <p>Many clients who are registered with CSA rely on regular child support payments and a delay in receipt of these can cause serious hardship. Our members regularly hear from clients about debts into the tens of thousands of dollars accruing with the CSA over multiple tax years, without enforcement action being taken by the agency.</p> <p>The Services Australia Annual Report⁹ suggests that enforcement is a mixed picture – there are some improvements in recovery of debts through departure prohibition orders (stopping payers leaving the country because they have a debt), but with litigation debt recovery in the 22/23 year still lower than 20/21 year and similarly, interception of tax refunds down on previous years.</p> <p>The CSA anecdotally takes action to enforce a CS debt for the larger, easier to recover debts (where there are clearly available assets/cash to garnishee). Resourcing the timely enforcement of child support arrears would make a material difference to families. Resourcing the CSA to undertake enforcement action consistently, and swiftly should be a priority.</p>

⁷ Administrative Appeals Tribunal Annual Report 2022 23AAt accessed via:

<https://www.aat.gov.au/AAT/media/AAT/Files/Reports/AR202223/Administrative-Appeals-Tribunal-Annual-Report-2022%E2%80%9323.pdf> at pages 21, 27, 29, 32

⁸ For further details, please refer to the Taylor Fry and the Centre for International Economics paper, *Increased funding to meet demand for disability advocacy services* dated September 2023, accessed via: <https://disability.royalcommission.gov.au/system/files/2023-09/Increased%20funding%20to%20meet%20demand%20for%20disability%20advocacy.pdf>


⁹ Services Australia, Annual Report 2022-2023, accessed via:

<https://www.servicesaustralia.gov.au/sites/default/files/2023-10/annual-report-2022-23.pdf> at page 80.

2024-25 Pre-Budget Submission Consultation

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via [REDACTED] or by phone on [REDACTED]

Yours faithfully


Rebecca Fogerty
President