



Law Council
OF AUSTRALIA

2026–27 Pre-Budget Submission

The Treasury

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- the Queensland Law Society;
- the Law Society of South Australia;
- the Law Institute of Victoria;
- the Business Law Section
- its Access to Justice Committee;
- its Indigenous Legal Issues Committee;
- its National Human Rights Committee; and
- its Rural, Regional and Remote Committee;

for their contribution to the preparation of this submission.

Executive summary

1. The Law Council is grateful for the opportunity to provide this submission to the Treasury for consideration in preparing the 2026–27 **Budget**.
2. A focus of the Law Council’s submission is investment in initiatives that can assist in improving outcomes for individuals experiencing disadvantage—including older Australians, women and children experiencing family violence and those in places of detention—and support a greater number of people in protecting their rights. In particular, the Law Council’s submission provides a number of recommendations regarding the provision of legal assistance services.
3. The Law Council acknowledges the current economic challenges faced both domestically and globally at the present time. However, it is in tough economic times, when people may be feeling the pinch of price pressure or housing unavailability, that services such as those provided by the legal assistance sector are most vital and should be prioritised.
4. As outlined in this submission, urgent action is needed by the Australian Government to ensure the ongoing sustainability of the delivery of legal aid services in Australia. There is a workforce crisis building in the sector as it is becoming impossible for private legal practitioners to run a viable business and do legal aid work. Forcing private lawyers out of the system, despite their demonstrated commitment to legal aid and access to justice, is not just putting the delivery of publicly funded legal assistance at serious risk. It is also risking further reducing the availability of legal support more broadly—particularly in rural, region and remote (**RRR**) areas.
5. A significant majority of the law firms in Australia are sole practices or very small businesses. These firms are vital in providing access to justice in Australia, but are often operating on very small margins. In this submission, the Law Council outlines a number of areas in which investment by the Australian Government in training, guidance and capability building can support the viability of these small businesses. These areas include the thoughtful and secure adoption of artificial intelligence (**AI**) technology, Anti-Money Laundering and Counter Terrorism Financing (**AML/CTF**) regime compliance and cyber security risk mitigation and access to cyber insurance.
6. As outlined in the Law Council’s Call to Parties ahead of the 2025 Federal Election, it is a critical time for the Australian Government to consider how law reform and government investment can best promote the rule of law, ensure the administration of justice, and build trust in public institutions.¹ It is vital that the Australian Government invest in the institutions that currently underpin, or could enhance, the achievement of those fundamental ideals. This submission outlines the importance of additional investment in the physical and technological infrastructure of the federal courts and tribunals and sets out a number of opportunities for investment in existing and new agencies (including a Federal Judicial Commission and the proposed Whistleblower Ombudsman).

¹ Law Council of Australia, [2025 Federal Election Call to Parties](#) (March 2025) 3.

7. In this submission, the Law Council also encourages further investment by the Australian Government in demonstrating national leadership on matters critical to marginalised individuals and communities overcoming financial, social and cultural barriers. This includes further investment in preventing and addressing hate crimes and hate speech, the implementation of the National Plan to End Violence Against Women and Children 2022–2032, funding First Nations community-controlled legal services, funding disability support in the justice system, supporting cultural heritage protection, and preventing the mistreatment of people in places of detention.
8. We thank the Treasury for its engagement and look forward to the outcomes of the 2026–27 Federal Budget.

Legal assistance sector

Additional resources across the legal assistance sector

9. Australia's legal assistance services play an important, unique, and complementary role in providing legal help to people and communities across Australia. These services—including Legal Aid Commissions (**LACs**), Community Legal Centres (**CLCs**), Aboriginal and Torres Strait Islander Legal Services (**ATSILS**) and Family Violence Prevention Legal Services (**FVPLS**)—are relied upon by countless members of our community when they experience significant vulnerability, hardship and stress.
10. The Law Council welcomes the Australian Government's commitment to a fair and just legal system. We acknowledge the increased and certain funding for legal assistance services provided under the *National Access to Justice Partnership 2025-30 (NAJP)*. The NAJP is an important first step in addressing the significant unmet legal need that exists around Australia.
11. However, we also maintain the view that baseline funding for legal assistance services remains well below an adequate level. Current Commonwealth, state and territory funding cannot satisfactorily meet the needs of Australians who live below the poverty line,² let alone other Australians who increasingly need, but cannot afford, legal services.³ Currently, only about eight per cent of Australian households would meet the means test for legal aid.⁴
12. Dr Warren Mundy, as part of the Independent Review of the previous funding agreement, the National Legal Assistance Partnership (**NLAP**), identified systemic and widespread failings by Australia's governments in meeting the legal needs of Australians in times of vulnerability or marginalisation.⁵ Dr Mundy's key conclusions included that there is significant unmet legal need in Australia, and that funding from all sources is inadequate to address the legal needs of those people the legal assistance sector is meant to support.⁶
13. Under-investment in the legal assistance sector and the justice system comes at a significant cost to individuals and the community. At a personal level, this underfunding means that many people will be unable to resolve their family law disputes, remove themselves from harm, enforce their employment rights, defend themselves against charges, or make sure they have a roof over their head. At a

² Estimates indicate that approximately 14 per cent of Australians are living below the poverty line: see, eg, P Davidson and B Bradbury, Australian Council of Social Service (ACOSS) and UNSW Sydney, [Poverty In Australia 2025: Overview](#) (Poverty And Inequality Partnership Report, October 2025) 9; Impact Economics and Policy, [Justice on the Brink: Stronger Legal Aid for a Better Legal System](#) (Report prepared for National Legal Aid, November 2023) 15.

³ Impact Economics and Policy, [Justice on the Brink: Stronger Legal Aid for a Better Legal System](#) (Report prepared for National Legal Aid, November 2023) 15.

⁴ Ibid.

⁵ Dr Warren Mundy, [Independent Review of the National Legal Assistance Partnership 2020-25](#) (Final Report, March 2024).

⁶ Ibid 230.

wider level, this underfunding has implications in areas such as health, employment and housing.⁷

14. The unavailability of legal assistance services is an important factor in the sizeable number of individuals in Australia being forced to represent themselves in matters—including complex matters—before the courts and tribunals. For example, in its Annual Report for the 2024–25 financial year, the Federal Court of Australia noted that almost 500 matters were commenced by self-represented litigants.⁸ Self-represented litigants are likely to be unfamiliar with the law, the justice system and the processes and procedures of the court or tribunal. This creates a number of challenges for the courts/tribunals in seeking to ensure that proceedings are conducted fairly and efficiently and is a significant driver of increased costs and delays.
15. The Final Report of the Independent Review of the NLAP provides clear guidance for how access to justice in Australia can be considerably improved. Many of the Independent Review’s 39 recommendations will require additional resourcing, shared across Commonwealth, state and territory governments. Key among these recommendations are:
 - (a) Recommendation 1 which calls for an appropriately resourced and ongoing legal needs analysis. Such surveys would support a better understand the legal needs of Australians, including priority groups experiencing disadvantage, legal issues, location and access at a population level.
 - (b) Recommendation 5 which indicates that \$459 million per annum, shared by the Commonwealth (approximately 60 per cent), state and territory governments is needed to better meet demand for legal services in civil and family law matters;
 - (c) Recommendation 17 which calls for the ‘rebasings’ of funding for legal assistance sector organisations to better reflect the true costs of operating sustainable organisations and the level of actual and projected need for services.⁹
16. A comprehensive response to implementing each of the recommendations contained in this Report is still needed. The NAJP is not a substitute for this response.

Recommendation 1

The Australian Government should provide a comprehensive response to the 39 recommendations made in the Final Report of the Independent Review of the National Legal Assistance Partnership. As part of this response, the Australian Government should provide additional funding to legal assistance services in line with the Review’s key funding recommendations.

⁷ Law Council of Australia, [Justice Project](#) (Final Report, August 2018).

⁸ Federal Court of Australia, [Annual Report 2024-25](#) (19 September 2025) 124-127.

⁹ Dr Warren Mundy, [Independent Review of the National Legal Assistance Partnership 2020-25](#) (Final Report, March 2024).

Ensuring that legal aid services are available

17. While the Law Council remains deeply concerned by the inadequacy of resourcing for all legal services funded by the NAJP, an overlooked recommendation of the Independent Review is Recommendation 18, which highlights the low rates paid under grants of assistance to the private profession for delivering legal aid matters and recognises the implications that this will likely have for the availability of legal aid services.¹⁰
18. The private legal sector plays a critical and substantial role in delivering high-quality services under the publicly funded mixed model of legal services delivery. This model allows LACs to draw on both in-house expertise and the experience, acumen and geographic reach of the private profession. These practitioners are vital to their communities, both because of the legal aid services they provide, but also because they provide local access to legal services in much of rural, regional, and remote (RRR) Australia.
19. In 2022–23, the private legal profession undertook 72 per cent of approved legal aid cases across Australia—over 100,000 matters involving Australians in times of need.¹¹
20. A recent ‘census’ of legal aid private practitioners, undertaken by Impact Economics for National Legal Aid, identified that:
 - most of the lawyers providing these services are either self-employed sole practitioners (32 per cent) or working in very small private practices of only 2–4 paid staff (28 per cent);
 - the majority are women (58 per cent); and
 - many are providing legal aid services in RRR areas (37 per cent of participants deliver legal aid both in and outside of capital cities and 30 per cent work only outside of the capital cities).¹²
21. These legal practitioners have been prepared to accept payment well below market rates to do legal aid work due to their strong commitment to access to justice. However, the rates are now so low that it is not possible to run a viable business and do legal aid work. In 2025, the Law Institute of Victoria (LIV) undertook a survey of sole and small-medium law firms to understand the costs and operational challenges they face.¹³ Respondents to this survey who undertake legal aid work reported that grants typically only cover approximately 46% of costs for a legal-aid funded matter.¹⁴

¹⁰ Ibid 139.

¹¹ Impact Economics and Policy, [Justice on the Brink: Stronger Legal Aid for a Better Legal System](#) (Report prepared for National Legal Aid, November 2023) 18.

¹² UNSW Social Policy Research Centre, [Legal Aid Private Practitioners: 2024 Census](#) (Final Report prepared for National Legal Aid, 5 February 2025) 1.

¹³ Cube Group, [Benchmarking the Costs and Challenges of Running a Legal Practice in Victoria in 2025: Insights from the LIV survey of sole and small-medium law firms](#) (Report prepared for the Law Institute of Victoria, August 2025).

¹⁴ Ibid 18.

22. This is forcing private lawyers out of the system despite their demonstrated commitment to legal aid and access to justice. This unviable funding model is putting the delivery of publicly funded legal assistance at serious risk for private practitioners. Recent data shows that 20 per cent of private practitioners undertaking legal aid work are unsure whether they will continue beyond the next 12 months, and 11 per cent already want to cease delivering legal aid.¹⁵ The LIV survey of sole and small-medium businesses found that almost as many firms had ceased undertaking legal aid work as were still providing these services.¹⁶ Additionally, the survey found that the significant majority of firms still undertaking this work were either considering ceasing these services or were unsure if they will cease to provide legal assistance.¹⁷ Many legal practitioners have also reported to the Law Council that they have recently had to make a hard decision to stop taking on, or drastically reduce, legal aid work. This skilled and geographically diverse workforce that has been the mainstay of legal aid casework services simply cannot be replaced.
23. The current workforce crisis means that the broader legal assistance sector is at real risk of collapse, which will, in turn, have dire consequences for individuals and communities reliant on these services.
24. The Law Council is particularly concerned that regional and rural areas already experiencing a shortage of lawyers,¹⁸ will be most severely impacted by this workforce crisis. The more uneconomical undertaking legal aid work becomes, the more firms in RRR areas will be required to downsize or shut down and the more likely that staff will leave for more highly paid opportunities (for example, working with government). This risks a hollowing out of private legal practices in RRR Australia and, as has been observed in the United States, the expansion of so-called 'legal deserts'.¹⁹
25. The Law Council was pleased to learn that the Standing Council of Attorneys-General, at its November 2025 meeting, has identified issues associated with the model and agreed to explore possible solutions through a review of the model.²⁰ However, there is an access to justice workforce crisis right now and it needs to be addressed urgently.
26. To assist in addressing this workforce crisis, as part of Recommendation 18, Dr Mundy suggested that:
- grants of legal aid to private practitioners should be set at the same level as provided in the court scales; and
 - the Australian Government should provide more than \$40 million per annum for this purpose in relation to matters is funds under NLAP (apportioned 91 per cent

¹⁵ UNSW Social Policy Research Centre, [Legal Aid Private Practitioners: 2024 Census](#) (Final Report prepared for National Legal Aid, 5 February 2025) 3.

¹⁶ Cube Group, [Benchmarking the Costs and Challenges of Running a Legal Practice in Victoria in 2025: Insights from the LIV survey of sole and small-medium law firms](#) (Report prepared for the Law Institute of Victoria, August 2025) 17.

¹⁷ *Ibid* 17-19.

¹⁸ See discussion at paragraphs [43]-[49] below regarding the need for support for rural, regional and remote lawyers.

¹⁹ See, eg, Brian Farrell and Daria Fisher Page, [Legal Deserts, Indigent Defense, and the Rural Practice Ecosystem: Observations from Iowa](#) (December 2025).

²⁰ Standing Council of Attorneys-General, [Communique](#) (14 November 2025) 3.

for family law matters, 7 per cent for criminal matters and 2 per cent for civil matters).²¹

27. The Law Council strongly supports this recommendation as a minimum measure. While court scales of costs will typically fall short of the market rate for legal services, they provide benchmarks that are subjected to regular review, and adjusted according to external factors.
28. We note that the *Legal Services Directions 2025* (Cth) will commence on 2 March 2026 and will provide for a new Engagement of Counsel regime.²² In recognition of the fact that rates paid to private counsel had fallen well below market rates and was potentially preventing the Australian Government from access the best available advice, the new Directions provide for a significant increase in rates, as well as indexing. While these measures are welcome and necessary, they also recognise the impact of rates falling well below market value and are demonstrative of what could be done to ensure that LACs, and their clients, are also able to engage private practitioners.

Recommendation 2

The Australian Government should provide additional funding for Legal Aid Commissions to allow for the rates to private practitioners to be aligned with court scales. Legal aid rates should be designed with the objective of ensuring sustainable participation by the profession in the delivery of access to justice to Australians in need.

Independent Children's Lawyers

29. Under section 68L of the *Family Law Act 1975* (Cth), a court can appoint an Independent Children's Lawyer (ICL) to represent and promote the best interests of a child in family law proceedings. ICLs are commonly appointed to assist the court where there are allegations of family violence, allegations of abuse or neglect or where serious mental health issues may exist.
30. A significant contribution made by private practitioners undertaking legal aid funded work is the provision of ICL services. However, it is becoming more difficult for these practitioners to undertake this work.
31. The *Family Law Amendment Act 2023* (Cth) included several measures regarding the roles of ICLs, including a requirement for ICLs to meet with a child, unless exceptional circumstances apply, and to give the child an opportunity to express a view.²³ The Law Council supported these measures in principle. However, as we noted at that time, additional funding is required to ensure that ICLs can meet the additional requirements and give effect to the objects of the reforms.

²¹ Dr Warren Mundy, [Independent Review of the National Legal Assistance Partnership 2020-25](#) (Final Report, March 2024) 139.

²² *Legal Services Directions 2025* (Cth) pt 7.

²³ *Family Law Amendment Act 2023* (Cth) sch 4.

32. As a result of the 2023 reforms, LACs have experienced a significant demand for ICL services.²⁴ This was recognised in the Report of the Independent Review of the NLAP:

*The Reviewer is satisfied that the passage of the Family Law Amendment Act 2023 and procedural changes by the Family Courts have created a circumstance where demand for ICLs is in excess of supply. It is in the interests of children, their parents and efficiency of the courts that this situation is urgently addressed.*²⁵

33. The Law Council is aware that the number of private lawyers available to undertake ICL work is continually decreasing because the grants they receive are too far below market rates, do not reflect their expertise and do not cover the costs involved.
34. The limited availability of ICLs nationally, alongside the recently increased demand, means that the ICL Program is also reaching crisis point. As a result, there can be extensive delays in ICLs being allocated to children.²⁶
35. To address this crisis, the Independent Review of the NLAP estimated that over \$80 million per annum is required to ensure that private practitioners can take on work as ICLs.²⁷ The Law Council considers that this funding should be provided as a priority.

Recommendation 3

In line with Recommendation 19 of the Independent Review of the National Legal Assistance Partnership, the Australian Government should provide additional funding of more than \$80m per annum to Legal Aid Commissions to ensure that Independent Children’s Lawyers can perform the task for which they have been engaged.

Funding First Nations community-controlled legal services

36. Aboriginal and Torres Strait Islander Legal Services (**ATSILS**) and Family Violence Prevention Legal Services (**FVPLS**) play an essential role as specialised, independent, culturally safe and community-controlled organisations providing legal and other important services to First Nations people across Australia.
37. The NAJP included welcome additional funding for these services which will particularly support improved pay and conditions for their workers. However, we understand that the level of funding provided under the new NAJP is not sufficient to

²⁴ National Legal Aid, [Independent Children’s Lawyer Program at Crisis Point](#) (Media Release, 29 October 2024).

²⁵ Dr Warren Mundy, [Independent Review of the National Legal Assistance Partnership 2020-25](#) (Final Report, March 2024) 140.

²⁶ National Legal Aid, [Independent Children’s Lawyer Program at Crisis Point](#) (Media Release, 29 October 2024). At the time of this release, only 15 private lawyers were available in Western Australia to deliver ICL services and that it could take up to three months for an ICL to be allocated for a child.

²⁷ Dr Warren Mundy, [Independent Review of the National Legal Assistance Partnership 2020-25](#) (Final Report, March 2024) recommendation 19.

meet existing (and growing) levels of legal need (including in areas like family and civil law), nor the requirements of the National Agreement on Closing the Gap.

38. The Law Council is also concerned that the current wave of state and territory government ‘tough on crime’ responses is likely to further increase demand for First Nations community-controlled legal services. For example, in November 2025, the CEO of the North Australian Aboriginal Justice Agency noted that there had been a recent 25 per cent increase in demand for legal support in criminal matters likely as a result of legislative and policy changes by the Northern Territory Government.²⁸
39. Funding for First Nations community-controlled legal services should not be static and should respond to increases in demand to ensure that vital legal services are available when needed. The Australian Government must work jointly with state and territory governments, and with the ATSILS and FVPLS, to better respond to the legal needs—criminal, family and civil—driving demand for these services and match funding accordingly.

Recommendation 4

Jointly with state and territory counterparts, the Australian Government should provide additional funding to Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention Legal Services to ensure that funding is adequate and demand-driven.

Expiring programs/funding streams

Permanent Protection Visas

40. Across the 2023–24 and 2024–25 financial years, the Australian Government provided \$36.5 million to LACs and CLCs to support the delivery of legal assistance services to individuals seeking to appeal Permanent Protection Visa (**PPV**) decisions made by the Department of Home Affairs and/or the Administrative Review Tribunal (**ART**).²⁹ This funding ended in July 2025.
41. In the Law Council’s view, this was an important funding stream which supported the integrity of the migration system by helping to address backlogs and ensuring that individuals had access to timely legal advice. Funding for this program should be reinstated.

²⁸ Dechlan Brennan, ‘[NAAJA rejects NT Government push to redirect funding, warns comments based on ‘inaccurate information’](#)’, *National Indigenous Times* (online, 20 November 2025).

²⁹ Australian Government, [Budget Paper No 3, Federal Financial Relations](#) (25 March 2025) 119; See also, Australian Government, [Federal Financial Relations, Addressing Protection Visa Backlogs - Legal Assistance](#) (15 February 2024).

Recommendation 5

The Australian Government should reestablish a dedicated funding stream to support individuals to access legal advice in relation to appeal Permanent Protection Visa decisions.

Disaster legal services

42. The Royal Commission into National Natural Disaster Arrangements acknowledged the role of the legal profession in responding to legal needs arising from natural or human generated disasters.³⁰ A key aspect of this response is delivered through frontline legal assistance organisations, including LACs, CLCs and ATSILSs. However, these services are faced with insecure and insufficient resourcing which is only exacerbated in times of crisis.

43. The Royal Commission also identified the importance of these services being able to prepare and plan ahead of disaster events, rather than simply being stood up when the event occurs:

The delivery of legal assistance services is a key example of non-government recovery support which would benefit from greater planning. Following a natural disaster, numerous legal issues can arise, including in relation to insurance, family law and family violence, tenancy and housing and social security issues. During the 2019–2020 bushfires, the legal assistance sector mobilised a response to support affected individuals. However, there were a number of issues that arose due to the absence of pre-planning or strategic framework.³¹

44. In response to recent disaster events, the Australian Government has provided funding to frontline legal assistance organisations (under a number of streams) directed towards addressing the legal needs of people who have experienced disasters.³² The Law Council understands that these funding streams are due to conclude at the end of the current financial year and that, as a result, some services will no longer be available.

45. The Final Report of the Independent Review of the NLAP includes a recommendation that Australian governments should provide (as part of baseline funding under the NAJP) sufficient funding for legal assistance providers to develop and maintain suitable preparedness to respond to community legal need in the event of natural disasters.³³ Such ongoing funding will assist service providers to respond during disaster periods as well as to develop strategic frameworks and consider systemic changes at other times.

46. Consistent with the recommendations of the Royal Commission and Dr Mundy, the Law Council is supportive of steps that would see ongoing and government funding

³⁰ [Royal Commission into National Natural Disaster Arrangements](#) (Report, 28 October 2020) 439.

³¹ *Ibid.*

³² See Dr Warren Mundy, [Independent Review of the National Legal Assistance Partnership 2020-25](#) (Final Report, March 2024) 59.

³³ *Ibid* 61, recommendation 6.

support the legal assistance sector in responding to legal needs arising from natural disasters, including the needs within the small business sector.

Recommendation 6

The Australian Government should provide ongoing funding nationally for the delivery of disaster response and recovery legal services by Legal Aid Commissions, Community Legal Centres and Aboriginal and Torres Strait Islander Legal Services.

Supporting rural, regional and remote lawyers

47. Access to justice requires lawyers to be physically based throughout RRR Australia to provide essential in-person legal services, build trust and immerse themselves in the local community to ensure they understand the needs of the people they are serving. Lawyers are often the backbone of RRR communities, routinely offering a broad generalised practise and contributing to many vital community and service organisations.
48. However, there is a significant workforce supply issue in RRR Australia stemming from the persistent difficulty in attracting and retaining lawyers to work in these areas. While approximately one third of the Australian population lives outside of our capital cities,³⁴ less than 10 per cent of lawyers practise in a RRR location.³⁵
49. This workforce shortfall means that local lawyers are often overwhelmed, cannot take referrals from legal assistance organisations or are conflicted out of matters. This greatly impacts access to justice for people who live in these underserved regions. Geographical barriers to accessing justice also exacerbate acute existing needs, especially for older persons, victim-survivors of family violence, First Nations people, people from diverse cultural and linguistic backgrounds and people with disability.
50. To address these challenges, practitioners must be incentivised to join the RRR workforce.
51. In December 2023, the Law Council released a proposal for a Higher Education Loan Program (**HELP**) debt relief scheme for lawyers who live and work in an eligible rural, remote, or very remote area.³⁶ Under this scheme, qualifying lawyers would be able to apply for a reduction of their outstanding HELP debt after working in that area for a requisite period, in addition to the waiving of annual indexation of their debt during that period. Similar schemes are already available for teachers and some health professionals.

³⁴ Australian Bureau of Statistics, [2021 Census: Location](#) (Web Page, 28 June 2022).

³⁵ Urbis, [2024 National Profile of Solicitors](#) (Report for the Law Society of New South Wales, 13 June 2025) 33.

³⁶ Law Council of Australia, [HELP debt reduction and indexation relief for legal practitioners working in rural, regional and remote locations](#) (Position Paper, December 2023).

52. An iteration of the HELP debt relief scheme has been recommended (and costed) as part of the Independent Review of the NLAP.³⁷ While the scope of Dr Mundy's recommendation is focused on the legal assistance sector workforce, we accept that it represents a sound starting point for the creation of incentives to meet the demand for legal services in RRR areas.

Recommendation 7

The Australian Government should establish a HELP debt relief scheme for legal practitioners who reside and work in eligible rural, remote, and very remote areas, to incentivise the recruitment and retention of qualified lawyers in underserved areas of Australia.

Courts and tribunals

Investment in infrastructure and technology

53. The technology and digital infrastructure of federal courts and tribunals should be improved, to increase access to justice, and ameliorate delay and inefficiency.
54. In consultation with the federal courts and tribunals, the Australian Government should ensure that their physical and technological infrastructure is of a high standard. Increased resourcing is particularly needed to meet the needs of RRR users of courts and court services. This means appointing judges to hear matters expeditiously, and resourcing registries through appropriate staffing levels, technology, and fit-for-purpose hearing, interview and wait rooms.
55. The Law Council recognises that in the coming years, the careful use of AI technology within the justice system may present some opportunities for increased efficiency. However, AI also presents novel challenges and risks which require careful consideration. Federal courts and tribunals should be well-resourced to understand the nuanced impacts of different forms of AI and different users to develop appropriate procedures to manage these consistently and clearly, with oversight to avoid divergence and duplication, and ensuring the integrity of the administration of justice.

Recommendation 8

The Australian Government should ensure that the federal courts and tribunals have access to physical infrastructure which is suitable and are appropriately equipped with high quality technology. This should include funding to support the federal courts and tribunals to respond to the potential opportunities and challenges of artificial intelligence.

³⁷ Dr Warren Mundy, [Independent Review of the National Legal Assistance Partnership 2020-25](#) (Final Report, March 2024) recommendation 19.

Federal Judicial Commission

56. The establishment of a Federal Judicial Commission (**FJC**) was recommended by the Australian Law Reform Commission in its 2021 *Report Without Fear or Favour: Judicial Impartiality and the Law on Bias*.³⁸ In the 2022–23 Budget, the Australian Government committed to scoping the merits and design of an FJC,³⁹ and a consultation process was subsequently conducted by the Attorney-General's Department in early-2023.⁴⁰
57. The Law Council strongly supports the establishment of an appropriately constituted and properly resourced FJC to support the strength, independence and transparency of the federal judiciary (including tribunals).⁴¹ The FJC should be established consistently with the design principles set out in our policy statement on the *Principles Underpinning a Federal Judicial Commission*.⁴²
58. The establishment of an FJC would provide a clear and structured framework for responding to complaints directed to the federal judiciary and tribunal members. A clear and accessible means of raising and addressing complaints is critical to maintaining public trust in federal courts and tribunals, supporting judicial impartiality and in protecting the integrity of the justice system.
59. The role of the FJC should extend to providing resources, support and education, including providing guidance on acceptable standards of judicial conduct. Such a function would assist in identifying recurring issues, effecting improvements in processes, building the knowledge and skills of judicial or tribunal officers, and identifying circumstances requiring additional pastoral care.
60. In the Law Council's view, the FJC should be established in the 2026–27 financial year following a period of meaningful public consultation on any draft legislation.

Recommendation 9

The Australian Government should provide funding to support the establishment and operation of a Federal Judicial Commission.

³⁸ Australian Law Reform Commission, [Without Fear or Favour: Judicial Impartiality and the Law on Bias](#) (Report 138, December 2021), recommendation 26.

³⁹ Australian Government, [Budget Paper No 2, Budget Measures October 2022–23](#) (25 October 2022) 47.

⁴⁰ Attorney-General's Department, [Scoping the establishment of a federal judicial commission](#) (Discussion Paper, January 2023).

⁴¹ See, eg, Law Council of Australia, [Principles underpinning a Federal Judicial Commission](#) (Policy Statement, 25 March 2023); Law Council of Australia, [Submission to the Attorney-General's Department, Scoping the establishment of a federal judicial commission](#) (8 March 2023); Law Council of Australia, [2025 Federal Election Call to Parties](#) (March 2025) 15.

⁴² Law Council of Australia, [Principles underpinning a Federal Judicial Commission](#) (Policy Statement, 25 March 2023).

Administrative Review Tribunal

61. During Estimates in December 2025, the Chief Executive Officer and Principal Registrar of the Administrative Review Tribunal (**ART**), Mr Michael Hawkins AM, outlined the following statistics in relation to the Tribunal's resourcing and caseload:⁴³
- (a) the ART is funded to finalise 71,045 applications in the current financial year with a budget of 430 full-time equivalent (**FTE**) Members;
 - (b) due to the often-extensive time required for identifying, appointing and training new Members, there is a current shortfall of 97.9 FTE Members;
 - (c) as at 31 October 2025, the ART's caseload was approximately 124,000 including 69,903 in the migration jurisdiction (56 per cent of the caseload) and 40,413 in the protection jurisdiction (33 per cent of the caseload); and
 - (d) there has been a particular surge in applications for review of decisions to refuse student visas with this subset of applications at 46,590 on 31 October 2025 (38 per cent of the caseload). This surge was also acknowledged by the Attorney-General in the Second Reading Speech for the Administrative Review Tribunal and Other Legislation Amendment Bill 2025 (Cth).⁴⁴
62. The Law Council is highly concerned by these statistics which demonstrate a significant increase in the ART's caseload and the same time as it is unable to be fully resourced. This situation risks undermining the ART in meeting its statutory objectives, including: that it be fair and just; that it be accessible and responsive to the diverse needs of parties to proceedings; that it improves the transparency and quality of government decision-making; and that it promotes public trust and confidence in its functions.

Recommendation 10

The Australian Government should continue to work closely with the ART to ensure that adequate resourcing is available and members appointed as efficiently as possible.

Fair Work Commission

63. The *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022* (Cth), *Fair Work Legislation Amendment (Closing Loopholes) Act 2023* (Cth) and *Fair Work Legislation Amendment (Closing Loopholes No. 2) Act 2024* (Cth) expanded several of the Fair Work Commission's (**FWC**) functions relating to workplace bargaining, enterprise agreements, workplace sexual harassment, and disputes about flexible work arrangements, extensions of unpaid parental leave, unfair contract terms,

⁴³ [Evidence to Senate Legal and Constitutional Affairs Legislation Committee](#), Parliament of Australia, Canberra, 1 December 2025 (Michael Hawkins) 109.

⁴⁴ Commonwealth, *Parliamentary Debates*, House of Representatives, 3 September 2025, 1754 (Michelle Rowland, Attorney-General) ([Second Reading Speech](#), Administrative Review Tribunal and Other Legislation Amendment Bill 2025).

casual employment, and the right to disconnect. The legislation also conferred obligations on the FWC to establish expert panels relating to the care and community sector and gender pay equity, and to absorb the functions of the Registered Organisations Commission.

64. The FWC's 2024–25 Annual Report disclosed that, in 2024–25, the Commission received 44,075 lodgements—24 per cent above the five-year average.⁴⁵ The increase in lodgements is substantially driven by increases in the two largest case types—unfair dismissal applications and general protections dismissal applications.⁴⁶
65. To ensure that the FWC can continue perform its functions and exercise its powers in a manner that is fair, just and quick,⁴⁷ despite the increased caseload, we recommend that the Government allocate additional funding to the FWC.
66. Additionally, we suggest resourcing is required to further modernise the FWC's remote conferencing facilities. We note that, even after a recent facilities upgrade, staff-led conciliations are limited to audio conferencing. Members of the legal profession report that, in the majority of cases, the use of video conferencing is extremely valuable in facilitating early dispute resolution (and therefore reducing the costs of a prolonged dispute). Video conferencing should be the default medium for all remote conferencing, while allowing the parties to agree to revert to audio in appropriate matters, such as where trauma is involved.

Recommendation 11

The Australian Government should allocate appropriate additional funding to ensure that the Fair Work Commission is sufficiently resourced to respond to increase in lodgements as a result of the Government's recent workplace reform agenda, and to support dispute resolution through remote video conferencing.

Whistleblower Ombudsman

67. In September 2025, the Attorney-General's Department undertook a consultation on an exposure draft Public Interest Disclosure and Other Legislation Amendment (Whistleblower Protections) Bill 2025.⁴⁸ Among other potential reforms, the draft Bill proposed the establishment of a new Whistleblower Ombudsman within the Office of the Commonwealth Ombudsman.
68. The Law Council supports promoting the integrity and accountability of the Commonwealth public sector and ensuring that legal protections for whistleblowers

⁴⁵ Fair Work Commission, [President's statement](#) (12 November 2025) 1.

⁴⁶ Fair Work Commission, [Annual Report 2024-25](#) (30 September 2025) 26.

⁴⁷ *Fair Work Act 2009* (Cth) ss 577(a)-(b).

⁴⁸ Attorney-General's Department, [Public sector whistleblower reforms](#) (Web Page, 10 September 2025); Exposure Draft, [Public Interest Disclosure and Other Legislation Amendment \(Whistleblower Protections\) Bill 2025](#).

are appropriately robust. In this regard, the Law Council is supportive of the establishment of the Whistleblower Ombudsman.⁴⁹

69. The success of the Whistleblower Ombudsman will be determined by whether the Commonwealth Ombudsman is provided the appropriate resources to undertake the additional role of Whistleblower Ombudsman. Adding a new role, without proportionate additional resourcing, would risk diverting resources from the other extensive oversight functions of the Commonwealth Ombudsman.
70. It will also be critical to ensure there is adequate funding to enable the Whistleblower Ombudsman to deal complaints and disclosures in a timely manner. We note that timeliness is particularly important in cases where instances of wrongdoing may pose an ongoing risk of harm.
71. Funding to support the establishment of the Whistleblower Ombudsman should be supplemented by dedicated and adequate funding to support whistleblowers to access legal assistance (and other necessary services). Such support will be critical to ensuring that Australia's public sector whistleblowing system—as proposed to be amended by the draft Bill—is effective in encouraging and facilitating the making of public interest disclosures and in providing protection to those who make disclosures.

Recommendation 12

The Australian Government should provide funding to support the proposed establishment of a Whistleblower Ombudsman within the Office of the Commonwealth Ombudsman. Additional funding should also be provided to legal assistance sector organisations to ensure that public sector whistleblowers are able to access necessary legal advice and support.

Agency resourcing

Australian Human Rights Commission

72. The Law Council recommends an increase in funding to the Australian Human Rights Commission (**AHRC**), particularly for increased provision of conciliators, and to improve efficiency for mediation and pre-mediation processes in discrimination matters. The Law Council has received reports from members of the legal profession that a number of general protection claims coming to the FWC are discrimination claims. We understand that some applicants are choosing the FWC because can be significantly quicker than the AHRC, even where the AHRC would be an otherwise better fit for the application.

⁴⁹ Law Council of Australia, [Submission to the Attorney-General's Department, Public sector whistleblower reforms](#) (8 October 2025).

Recommendation 13

The Australian Government should ensure that the Australian Human Rights Commission is adequately resourced to effectively carry out its investigation, complaint and conciliation functions and its function of enhancing public education and human rights resources.

Office of the Australian Information Commissioner

73. In 2020, the Australian Government began its review of the *Privacy Act 1988* (Cth). The resulting Attorney General's Department Report contained 116 proposals that aim to make the Privacy Act fit-for-purpose to protect privacy in the digital age.⁵⁰ The Government Response to the Report noted that the Government agrees with 38 proposals, agrees in principle to a further 68, and notes the remaining 10.⁵¹
74. The *Privacy and Other Legislation Amendment Act 2024* (Cth) implemented the first tranche of reforms to the Privacy Act. The Amendment Act provided for 23 of the proposals agreed to by the government, including new powers for the Office of the Australian Information Commissioner (**OAIC**) to develop a children's online privacy code.
75. The Law Council understands that that there will likely be further consultation in relation to the second tranche of reforms in 2026. We suggest that the Australian Government sufficiently resource the timely and effective implementation of the remaining recommendations from the Privacy Act Review Report.
76. Further, the commencement of obligations for tranche 2 entities under the *Anti - Money Laundering and Counter Terrorism Financing Act 2006* (Cth) from 1 July 2026 will significantly increase the number of entities reporting to the OAIC. This is because a number of entities not already captured under the Privacy Act will now need to comply with it as an AML/CTF reporting entities providing designated services.

Recommendation 14

The Australian Government should provide additional funding for the Office of the Australian Information Commissioner to support the timely implementation of reforms to Australia's privacy regime.

⁵⁰ Attorney General's Department, [Privacy Act Review Report](#) (16 February 2023).

⁵¹ Australian Government, [Government Response to Privacy Act Review Report](#) (23 September 2023).

Areas of national leadership

Responding to hate crimes and hate speech

77. The Law Council notes significant recent work to respond to hate crimes and hate speech, including legislative reform and the creation of new offences,⁵² and the establishment of the National Hate Crimes Database. We understand that this work is likely to be accompanied by a corresponding expansion in funding for key agencies, statutory bodies, and law enforcement and intelligence organisations to ensure that they are effective. We support this expansion of funding, having regard to the recent horrific events in Bondi and the clear imperative of combating antisemitism in Australia.
78. As part of these processes, we draw particular attention to the need for dedicated resourcing to ensure that all forms of hate crime and hate speech are understood and acted upon, in light of their concerning prevalence across different communities. While we do not underestimate the impact on any one community, our Indigenous Legal Issues Committee has particularly emphasised the need to recognise and address the very real and present impact of hate crimes and hate speech against First Nations people across Australia, as their realities are too often overlooked in law, policy and program responses. Resourcing to better equip national responses to address racism is vital in this context.
79. The expertise of First Nations persons, and other communities impacted by racism and hate crimes, should be sought to guide any such responses regarding their own communities.

Recommendation 15

Without detracting from the clear imperative of combatting antisemitism nationally, the Australian Government should provide dedicated resourcing to ensure that all forms of hate crime and hate speech are recognised and acted upon. This will require careful consultation with all affected communities. In particular, the views of First Nations communities should be sought to inform this process.

Optional Protocol to the Convention Against Torture

80. The Optional Protocol to the Convention Against Torture (**OPCAT**), which was ratified by the Australian Government in 2017, is designed to prevent torture and other cruel, inhuman, or degrading treatment of people in places of detention. Implementation of the OPCAT in Australia continues to be an issue of concern to the Law Council.
81. As a party to the OPCAT,⁵³ Australia is required to:

⁵² See, eg, *Criminal Code Amendment (Hate Crimes) Act 2025* (Cth); *Combating Antisemitism, Hate and Extremism (Criminal and Migration Laws) Act 2026* (Cth); *Combating Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* (Cth).

⁵³ UN General Assembly, *Optional Protocol to the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment*, 9 January 2003, A/RES/57/199.

- (a) establish National Preventive Mechanisms (**NPMs**), which examine the treatment of persons deprived of their liberty in places of detention and make recommendations to the relevant authorities with the aim of improving the treatment and conditions of such persons;⁵⁴ and
 - (b) make available the necessary resources for the functioning of NPMs.⁵⁵
82. The Australian Government “has elected to adopt a multiple-body monitoring system with the Commonwealth, States and Territories asked to designate their own NPM(s) within their relevant jurisdictions”.⁵⁶ Despite Australia’s ratification of OPCAT, a number of states have not yet designated an NPM.
83. The AHRC has recommended that “Governments resource NPMs sufficiently to allow them to effectively fulfil their OPCAT functions, including the outward-facing functions contained in the preventive package”.⁵⁷ However, we understand that a key obstacle for several states and territories is a continued lack of intergovernmental agreement on funding.
84. We acknowledge that the task of ensuring OPCAT compliance across Australia is complex and requires a negotiated outcome involving the states and territories. Nonetheless, it is vitally important that the Australian Government lead these efforts as a priority. The forthcoming Budget provides an opportunity for the Australian Government to make a financial contribution to the expeditious implementation of all of Australia’s obligations under the OPCAT.

Recommendation 16

The Australian Government must work with the states and territories to agree to funding arrangements to designate effective National Preventive Mechanisms consistent with Australia’s obligations under the Optional Protocol to the Convention Against Torture, and provide additional resourcing as agreed.

Implementation of the National Plan to End Violence Against Women and Children

85. The National Plan to End Violence Against Women and Children 2022–2032 (**National Plan**) is a key joint Australian, state and territory government response to the widespread problem of family violence. The National Plan outlines a multi-pronged approach, with initiatives and services focused on prevention, early intervention, response, and recovery and healing for victims.⁵⁸
86. The First Action Plan 2023–2027 under the National Plan (**First Action Plan**) commits to increasing and strengthening the capability of mainstream and specialist

⁵⁴ Ibid arts 17 and 19.

⁵⁵ Ibid art 18(3).

⁵⁶ Australian Human Rights Commission, [Road Map to OPCAT Compliance](#) (17 October 2022) 3.

⁵⁷ Ibid 4.

⁵⁸ Australian Government, [The National Plan to End Violence Against Women and Children 2022-2032](#) (2022) 20.

workforces to deliver quality services, activities and programs across these four domains.⁵⁹

87. The National Plan specifically seeks to address the disproportionate rates of violence experienced by Aboriginal and Torres Strait Islander women and children, in alignment with Target 13 of the National Agreement on Closing the Gap. The First Action Plan commits government to working in partnership with Aboriginal and Torres Strait Islander communities to ensure policies and services are culturally competent, strengths-based, trauma-informed, and meet the needs of these communities.⁶⁰ Additionally, the Aboriginal and Torres Strait Islander Action Plan 2023–2025 (**Aboriginal and Torres Strait Islander Action Plan**) commits government to undertaking initiatives and services across the four domains outlined in the National Plan through five reform areas: voice, self-determination and agency; strength, reliance and therapeutic healing; reform of institutions and systems; evidence and data; and inclusion and intersectionality.⁶¹
88. The National Plan recognises that there are additional challenges and barriers to attracting, developing and retaining skilled and qualified staff in regional, rural and remote communities.⁶² This extends to workers across the justice system.⁶³ Lawyers who are trained in preventing and responding to gender-based violence, must be available across our RRR communities.
89. We suggest the Australian Government include further funding in the Budget for the measures recommended in the National Plan, First Action Plan and Aboriginal and Torres Strait Islander Action Plan. This includes sustained funding for appropriately targeted specialist legal assistance services, as well as for social and economic measures, including:
- increased funding for specialist legal services, such as ATSILSs, FVPLSs and Women’s Legal Services to provide advice and representation in domestic and family violence matters;
 - community education programs to address the cultural norms of gender inequality as the foundation of violence against women and their children; and
 - integrated programs and services in respect of areas such as police services, school and university-based services, crisis health and accommodation services, financial assistance services, and perpetrator behaviour change programs, as well as the expansion of integrated legal services for victim-survivors of sexual assault.

⁵⁹ Australian Government, [First Action Plan 2023-2027 under the National Plan to End Violence against Women and Children 2022-2032](#) (2023) 13, 30.

⁶⁰ Ibid 13, 46.

⁶¹ Australian Government, [Aboriginal and Torres Strait Islander Action Plan 2023-2025 under the National Plan to End Violence against Women and Children 2022-2032](#) (2023) 46.

⁶² Australian Government, [The National Plan to End Violence Against Women and Children 2022-2032](#) (2022) 55-56.

⁶³ Ibid 55-56, 61-65.

Recommendation 17

The Australian Government should provide additional funding for the measures recommended in the National Plan to End Violence Against Women and Children 2022–2032 and related Action Plans. This includes sustained funding for appropriately targeted specialist legal assistance services.

Disability funding and the justice system

90. The final report of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability made 222 recommendations to improve the inclusion of people with disability through changes to laws, policies, structures and practices.⁶⁴ 172 recommendations fall within the responsibility or shared responsibility of the Australian Government. In response to the Royal Commission's report, the Australian Government accepted 13 recommendations outright and another 117 recommendations in principle.⁶⁵
91. The Law Council calls for long-term and sustainable funding to realise these commitments and meet the needs of all people with disability, including in the areas of anti-discrimination law, and implementing disability rights as part of a federal Human Rights Act, protecting the rights of persons with disability in detention and/or interacting with the justice system, reviewing national principles relating to unfitness to plead, and resourcing specialised legal assistance services.
92. The Australian Government should consider specific funding for independent disability advocacy to monitor the implementation of reforms recommended by the Royal Commission, and report to the Government, with a view to ensuring rights are protected and reform is co-designed and informed by those with disability and lived experience.
93. The Royal Commission noted in its Final Report that the data it received on the proportion of Aboriginal and Torres Strait Islander people with cognitive disability in custody, particularly in youth detention, exposes "a hidden national crisis"⁶⁶ and called for the need for care and support from Aboriginal Community Controlled Organisations to prevent people with disability entering the criminal justice system.
94. We suggest that the Government properly resource the timely and effective implementation of the recommendations of this Royal Commission and particularly suggest the Government provide funding to facilitate the development of an Aboriginal and Torres Strait Islander Disability Framework and operational plan.
95. We support the Commonwealth, State and Territory governments working in partnership with ATSILS to develop an Aboriginal and Torres Strait Islander Disability

⁶⁴ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Final Report, [Executive Summary, Our vision for an inclusive Australia and Recommendations](#), September 2023).

⁶⁵ Australian Government, [Australian Government Response to the Disability Royal Commission](#) (July 2024).

⁶⁶ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Final Report, [Volume 8 \(Criminal Justice and People with Disability\)](#), September 2023) 4.

Framework and operational plan that would co-locate disability advocates within Aboriginal Community-Controlled Organisations. This initiative was recommended by the National Aboriginal and Torres Strait Islander Legal Services in its submission to the NLAP Review.⁶⁷ This is a recommendation that we continue to support.

Recommendation 18

The Australian Government should properly resource the timely and effective implementation of the recommendations of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability and particularly suggest that the Government provide funding to facilitate the development of an Aboriginal and Torres Strait Islander Disability Framework and operational plan.

Cultural heritage protection

96. The Law Council considers that there has been a systemic failure of Australia's Commonwealth, state and territory legislation to protect First Nations cultural heritage. Following the destruction of caves at the Juukan Gorge in the Pilbara region of Western Australia and the subsequent parliamentary inquiry by the Joint Standing Committee on Northern Australia in November 2022,⁶⁸ the Australian Government accepted a recommendation to legislate for new and overarching protection of cultural heritage at the national level.⁶⁹ However, consultations on reforms to Australia's national cultural heritage laws paused in mid-2023 and have not resumed.

Recommendation 19

The Australian Government should legislate stronger and more effective First Nations cultural heritage protections at the federal level and provide funding to implement the recommendations of the Juukan Gorge Report.

Supporting small and medium businesses

Assisting Anti-Money Laundering and Counter Terrorism Financing Obligations

97. From 1 July 2026, the *Anti-Money Laundering and Counter Terrorism Financing Amendment Act 2024* (Cth) will extend the AML/CTF obligations to lawyers across

⁶⁷ National Aboriginal and Torres Strait Islander Legal Services, Submission to the Independent Review of the National Legal Assistance Partnership 2020-25 ([Submission](#), 24 October 2023) 10, Recommendation 17.

⁶⁸ Joint Standing Committee on Northern Australia, Parliament of Australia, [Inquiry into the destruction of 46,000 year old caves at the Juukan Gorge in the Pilbara region of Western Australia](#) (November 2022).

⁶⁹ Australian Government, Australian Government [response](#) to the Joint Standing Committee on Northern Australia's: A Way Forward: Final report into the destruction of Indigenous heritage sites at Juukan Gorge and Never Again: Inquiry into the destruction of 46,000 year old caves at the Juukan Gorge in the Pilbara region of Western Australia – Interim Report (November 2022).

Australia for the first time. While the Law Council supports efforts to combat money laundering and terrorism financing, we are deeply concerned about the impact these reforms may have on sole practitioners and small practices. Sole practitioners and micro/small legal (practices with between 2–4 principals) comprise the overwhelming majority—over 90 percent—of the private legal profession in Australia,⁷⁰ and are responsible for delivering vital legal services to Australians—including to those in RRR areas. This cohort typically operates on thin (and in some cases, very thin) margins and has limited resources to dedicate to implementing their obligations under the Regime.

98. The Law Council has consistently raised concerns about the direct and indirect costs associated with compliance, and about the impact such costs may have on the viability of the private legal profession. To ensure that this significant cohort remains viable across Australia, compliance costs need to be minimised as much as possible, and direct support needs to be provided to the profession.
99. To that end, we recommend that ongoing funding be provided to the regulator, the Australian Transaction Reports and Analysis Centre (**AUSTRAC**), to ensure that it can continue to produce new guidance materials and compliance resources, and to update existing materials and resources. Consideration should also be given to providing dedicated funding to state and territory law societies, bar associations, and (where relevant) legal regulators to enable them to run education programs and to develop their own compliance assisting resources and training for their members.
100. Consideration also needs to be given to reducing compliance costs by reducing costs barriers relevant to AML/CTF obligations. In particular, we recommend that access to information held by the Australian Securities and Investments Commission (**ASIC**) be made freely available by providing suitable funding to ASIC or by way of exemption for costs linked to AML/CTF compliance checks by practitioners. We note that currently ASIC charges fees for accessing many of its databases, including company directory information, which will likely be needed to verify company directors, shareholdings and beneficial owners' identification as required by legislation. A fee-for-service model will inevitably drive up the cost of legal services to the public as those costs will likely be passed on to clients.

Recommendation 20

To reduce the compliance burden of the Anti-Money Laundering and Counter Terrorism Financing obligations on the legal profession, the Australian Government should provide ongoing funding to the Australian Transaction Reports and Analysis Centre and legal profession peak bodies and regulators to develop and provide compliance assisting resources and training.

⁷⁰ Urbis, [2024 National Profile of Solicitors](#) (Report for the Law Society of New South Wales, 13 June 2025) 28.

Artificial intelligence

101. In December 2025, the Department of Industry, Science and Resources released the Australian Government's *National AI Plan* which sets out the measures that the Australian Government intends to implement to 'support Australia to build an AI-enabled economy that is more competitive, productive and resilient'.⁷¹ One of three key goals outlined by the Australian Government is:

*Our goal is to ensure that all Australians, regardless of background or location, shares the advantages of AI. We are supporting small and medium enterprises, regional communities and groups at risk of digital exclusion. Australian workers must share fairly in the potential productivity benefits of AI. Building digital and AI skills, growing and protecting jobs, supporting workforce transitions, and improving public services are central to this effort.*⁷²

102. To give effect to this goal, the Law Council supports education and other tools for small businesses, specifically including the many small law practices who are small businesses and can be overlooked as such, to encourage and facilitate thoughtful and secure responses to AI. The Australian Government should work closely with key industry bodies, such as the legal profession peak bodies, to fund and develop education programs and other resources to upskill Australian business and the workforce.

Recommendation 21

The Australian Government should provide additional funding to support the development of education programs and other materials to assist in upskilling of small businesses, specifically including small legal practices, and their workforce in response to developments in AI technology. This should include education programs and other materials for the legal profession, developed in collaboration with the legal profession peak bodies.

Affordability of cybersecurity insurance for small businesses

103. The Law Council understands that many cyber insurance products may be too expensive or inaccessible for medium and small businesses.⁷³ Business coverage rates in Australia are likely slowed by perceived lack of effective data security, owing to factors such as inconsistent skills and staff retention, advanced social engineering by attackers, and changing security ecosystems from hybrid work arrangements. Small businesses, in particular, often do not have the security controls in place that insurance companies require to mitigate these risk factors. These issues are of particular concern given the increasing obligations on the part of law practices to undertake customer due diligence under the AML-CTF obligations and the associated record keeping requirements. The cybersecurity of small firms is a

⁷¹ Department of Industry, Science and Resources, [National AI Plan 2025](#) (December 2025) 6.

⁷² Ibid 7.

⁷³ On 30 October 2025, Parliamentary Joint Committee on Corporations and Financial Services was referred an [inquiry](#) the provision, regulation, and pricing of modern insurance products for small businesses and not-for-profit and community organisations operating in Australia. This inquiry remains on foot.

significant cyber risk importing cascading costs to the legal sector when meeting its compliance obligations.

104. The Law Council considers that there would be significant benefit to the Australian Government, as part of Horizon 2 of the 2023–2030 Australian Cyber Security Strategy, investing further in building the capability of small businesses to prevent, identify and responding to cyber threats.⁷⁴ One benefit of such investment would be to improve the confidence of insurers to engage with small businesses. This may be achieved by expanding the resources of the Small Business Cyber Resilience Service,⁷⁵ or by considering international approaches.⁷⁶

Recommendation 22

As a part of Horizon 2 of the 2023–2030 Australian Cyber Security Strategy, the Australian Government should provide additional funding to support the capability building of small businesses in response to cyber threats.

Corporations and financial services law reform advisory body

105. From 1989–2014, the Corporations and Markets Advisory Committee (**CAMAC**) operated at comparatively little cost to provide apolitical advice and recommendations to the Australian Government about matters relating to corporations and financial services law, administration and practice. The CAMAC was an independent, transparent and research-based reform body constituted to facilitate appropriate input from business, market and legal sources.
106. The complex and dynamic nature of corporations and markets creates a need for ongoing and timely reform and legal regeneration. The Law Council considers the CAMAC model can provide an effective way of enhancing the efficiency of reform processes by securing expert advice from independent sources during the development of reform proposals—rather than by way of submissions and advocacy after a reform proposal is released for public consideration.
107. In our view, the re-establishment of a standing apolitical law reform advisory body that is akin to the CAMAC would also:
- enhance economic management at the government level and research-based corporate law reform;
 - reduce red tape and unnecessary costs;
 - supplement the resources and expertise within Treasury;
 - provide expert independent consideration that is outside the constraints of the political and electoral cycle; and
 - assist in moving forward with much-needed reform.

⁷⁴ Department of Home Affairs, [2023-2030 Australian Cybersecurity Strategy](#) (22 November 2023).

⁷⁵ Australian Government, [Small Business Cyber Resilience Service](#) (Web Page).

⁷⁶ See, eg, Cyber Security Agency of Singapore, [PSG Cybersecurity Solutions](#) (Web Page, 12 February 2025); Hong Kong Internet Registration Corporation, [Cybersec One](#) (Web Page).

108. The need for such a body was supported in October 2025 by the Corporate Law Reform Alliance (which includes the Law Council's Business Law Section).⁷⁷

Recommendation 23

The Australian Government should re-establish a standing apolitical law reform advisory body (akin to the former Corporations and Markets Advisory Committee) to provide advice and recommendations to government about matters relating to corporations and financial services law, administration and practice.

⁷⁷ Letter from Pauline Vamos, on behalf of the Corporate Law Reform Alliance, to Hon Dr Jim Chalmers MP, Treasurer, [CAMAC revival to kickstart productivity and private sector growth](#) (15 October 2025); Law Council of Australia, [Support grows for corporate law reform](#) (Media Release, 10 November 2025).

About the Law Council of Australia

The Law Council of Australia represents the legal profession at the national level; speaks on behalf of its constituent bodies on federal, national, and international issues; promotes and defends the rule of law; and promotes the administration of justice, access to justice, and general improvement of the law.

The Law Council advises governments, courts, and federal agencies on ways in which the law and the justice system can be improved for the benefit of the community. The Law Council also represents the Australian legal profession overseas, and maintains close relationships with legal professional bodies throughout the world. The Law Council was established in 1933, and represents its constituent bodies:

- the Australian Capital Territory Bar Association;
- the Law Society of the Australian Capital Territory;
- the New South Wales Bar Association;
- the Law Society of New South Wales;
- the Northern Territory Bar Association;
- the Law Society Northern Territory;
- the Bar Association of Queensland;
- the Queensland Law Society
- the South Australian Bar Association;
- the Law Society of South Australia;
- the Tasmanian Bar;
- the Law Society of Tasmania;
- the Victorian Bar Incorporated;
- the Law Institute of Victoria;
- the Western Australian Bar Association;
- the Law Society of Western Australia; and
- Law Firms Australia.

Through these bodies, the Law Council represents more than 110,000 Australian lawyers.

The Law Council is governed by a board of 23 Directors: one from each of the constituent bodies, and six Executive members elected by Directors. The Directors meet quarterly to set objectives, policy, and priorities for the Law Council. Between Directors' meetings, responsibility for the policies and governance of the Law Council is exercised by the Executive members, led by the President. In 2026, the Law Council Executive comprises:

- Ms Tania Wolff, President
- Ms Elizabeth Shearer, President-elect
- Mr Lachlan Molesworth, Treasurer
- Ms Jennifer Ball, Executive Member
- Mr Justin Stewart-Rattray, Executive Member
- Mr Ante Golem, Executive Member

The Chief Executive Officer of the Law Council is Dr James Popple.

The Law Council's Secretariat is based in Canberra. Its website is www.lawcouncil.au.