

07 July 2026

Families missing out as Legal Aid Services end

Despite the progress in the first year of the National Access to Justice Partnership, many families and particularly women and children continue to be left behind with more services reduced.

On 1 July 2026 Legal Aid NSW reduced family law services by strictly limiting eligibility for parenting and property proceedings to domestic violence victims and Aboriginal people. Further changes will come on 31 December, including Independent Children's Lawyers only appearing in final hearings where one or both parties are self-represented.

“Now that the changes in New South Wales have come into effect, a young mother with an intellectual disability who needs to finalise arrangements for her children will now have to navigate complex and lengthy court proceedings on her own. This is just one example of the 25 per cent of clients who are no longer eligible for representation.” Executive Director, Family Law, Legal Aid NSW, Ms Kelso said.

“Legal Aid NSW acknowledges these changes will affect many people who require legal support. The changes are aimed at prioritising legal help for people experiencing the most serious disadvantage. This decision reflects a difficult balance between growing, unsustainable demand and limited resources,” she said.

Legal Aid NSW's reduction in services follows on from Legal Aid Tasmania's decision to do so in January 2025, which has seen -

- ICL appointments for children in 2025–26 **decrease by 38 per cent**. This reduced level is expected to represent the ongoing appointment capacity for 2026.
- Grant funding to parents **decline by 30 per cent** over the past 12 months, with this level also anticipated to reflect the ongoing grants capacity.

Legal Aid ACT has also reduced grants of legal assistance in family law by 30%, due to financial constraints.

Legal Aids are making difficult decisions to reduce services in family law matters despite more than 86 per cent of Legal Aid grants for family law matters involving a risk of domestic and family violence, underscoring the central role Legal Aid plays in supporting safe outcomes through the family law system.

Tightened eligibility will increase the risk that other vulnerable groups such as people struggling with mental illness, people with disability, non-English speakers and others who would find it difficult to participate in family law proceedings without legal representation will miss out.

These decisions are being driven by significant increases in the average cost of family law matters. Legal Aid Tasmania reported an increase of 42% since 2022. There has been a significant increase to the cost of legal aid representation in the FCFCOA since 2021. This includes an over 10-fold increase in the cost of court-based dispute resolution and increases to costs as a result of the expanded role of Independent Children's Lawyers.

While the National Access to Justice Partnership is driving the development of important reforms in data management, workforce strategy, outcomes framework and closing the gap, it has failed to properly account for increases in the volume and cost of delivering legal assistance in family law matters.

Due to the reforms and establishment of the Federal Circuit and Family Court of Australia (FCFCOA) in September 2021, and subsequent changes to processes including the case management pathway, the cost of delivering family law services to Legal Aid clients has significantly increased. The long-term needs of Legal Aids from these new processes have not been properly recognised by government with only temporary transitional funding provided from 2022-24. Of course, the family law services provided by Legal Aids are core services that have continued to grow in demand and costs. This has resulted in tough decisions having to be made.

Legal Aids are engaging with the Federal Government as part of the consultation on the National Plan to End Violence against Women and Children 2022-2032, 2nd Action Plan, in the hope that the system can be more integrated and have a whole of government focus. However, urgent investment is needed to help families who seek assistance now. As the primary provider of legal assistance and representation for women and children in the family law courts across the country, including the provider of grants for Independent Children's Lawyers, Legal Aids are more than a stakeholder in the legal assistance sector, we are the foundation to which access to justice is built.

“National Legal Aid is calling for urgent investment in family law funding for Legal Aids across Australia. The safety of families depends on it.”, Executive Director, National Legal Aid, Yvette D’Ath said.

For further comment, please contact Yvette D’Ath, Executive Director, NLA@nationallegalaid.org.au or Ph: 02 6173 5417