



The Law Society
OF SOUTH AUSTRALIA

STATE BUDGET SUBMISSION

2026-27



EXECUTIVE SUMMARY

With the Government planning to hand down its first State Budget since being re-elected, there is no better opportunity to provide a clear vision for a justice system that protects vulnerable people, delivers access to justice to all demographics, and meets the current and future needs of the community.

The Law Society's 2026/27 State Budget submission calls for meaningful investment in the chronically under-resourced justice system that has been hampered by short-term "band-aid" solutions to deep and enduring problems.

This State Budget submission is narrow in scope. It does not call for all budgetary shortfalls in the justice system to be addressed, but focuses on some of the most urgent and critical needs of the system.

Our court facilities are failing – both physically and in their capacity to meet demand. As a result, justice is being delayed.

The community demand for legal assistance is not being met due to a shortage of legal aid and community legal centre lawyers.

At-risk youth are being exposed to a range of new criminal laws, without the commensurate services to prevent and divert them away from crime.

Ordinary South Australians are fighting building disputes that are causing delays and costing more in litigation than the cost to fix the problem; problems which will be exacerbated by the housing boom and require an efficient solution for builders and home owners.

The community deserves a justice system they can access when they need it the most.

The Law Society looks forward to engaging with the Government on creating a justice system that works for all South Australians.

KEY ASKS

The Law Society's key asks:

- Major court upgrades to significantly improve safety standards and meet the growing demand on the justice system;
- Increasing funding for legal aid and legal assistance services, particularly in regional areas
- Investing in diversionary and intervention programs aimed at reducing youth crime
- Reducing court transcript costs and increasing the pool of trained court interpreters
- More bail accommodation and remand programs to reduce homelessness and re-offending
- Strengthening Parliament's legislative review functions
- Establishing a building tribunal



FIXING OUR COURTS

Key asks

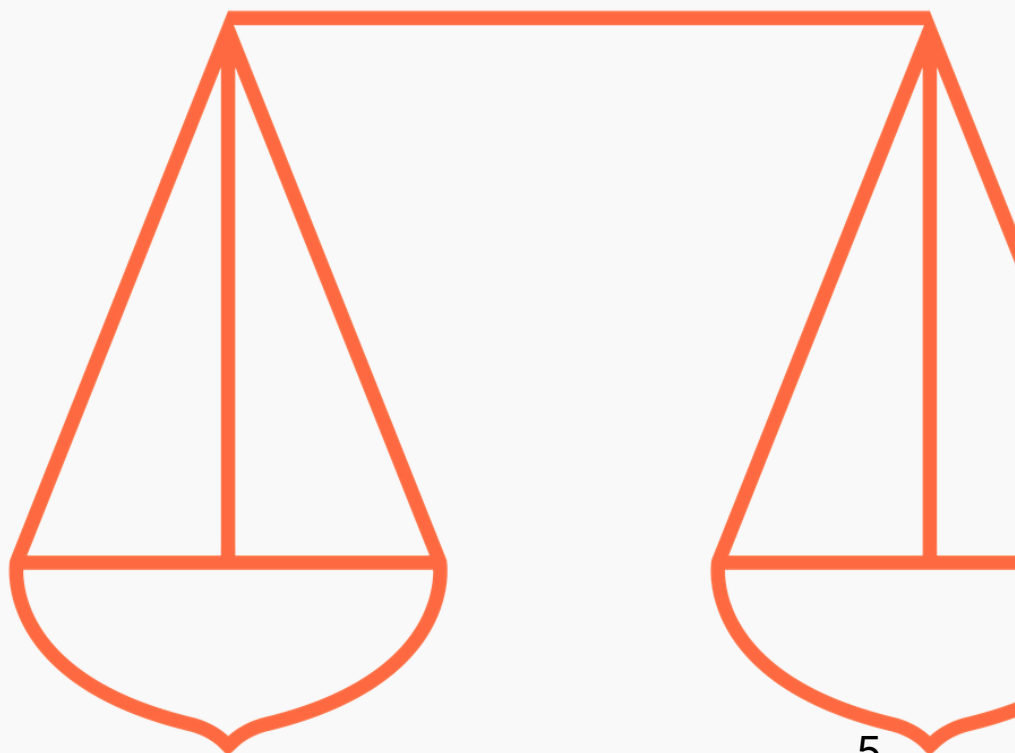
- A commitment to funding of at least \$200 million for urgent court upgrades, including building upgrades and new courtrooms for criminal matters in the Supreme Court and Adelaide Youth Court.
- Dedicated funding for additional purpose-built interview and witness rooms, in line with the Government's commitment to Recommendation 114 of the Royal Commission into Domestic Sexual and Family Violence.
- A delivery timeframe target for building a vulnerable witness suite in the CBD.
- Support and budget commitment for the Royal Commission's recommendations that a capital fund be set up to ensure all courts meet minimum domestic, family and sexual violence safety standards for court infrastructure.

The issues

Recommendations from the Royal Commission into Domestic, Family and Sexual Violence

The Society welcomes the Government's plan to build a vulnerable witness suite in the CBD that will be trauma-informed and located separately to the courts, arising from the Royal Commission into Domestic Sexual and Family Violence. This only addresses the issue of vulnerable witnesses giving evidence in CBD sites – the key recommendation to upgrade all court facilities to meet a minimum standard requires additional funding.

The Society calls on the Government to support and commit funding to ensure all courts – metropolitan and regional – meet minimum safety standards consistent with Recommendations 116 and 117 of the Royal Commission.



The issues

Ageing, dilapidated and unsafe court facilities

The Society calls on the Government to commit urgent funding towards upgraded and modern court infrastructure that supports a contemporary and efficient justice system. Many court buildings across both metropolitan and regional areas are aging, and do not reflect contemporary standards of accessibility or safety for court users and those who work in court buildings, which contributes to delays in major trials due to insufficient capacity.

The facilities in the Sir Samuel Way building, in particular, are at or approaching the end of their operational life and need urgent remediation, as well as provision for alternative court facilities capable of accommodating multi-party and jury trials when this building ultimately fails.

The Youth Court is not up to modern standards. It is unwelcoming and intimidating for young defendants and witnesses. It has nowhere to keep children separate from adults, has no dedicated youth holding cells, and is extremely cramped.

The Society reiterates long-held concerns about the lack of disability access and an absence of accessible facilities for all users of the court (including lawyers, clients, and witnesses), a lack of privacy due to insufficient interview and waiting rooms, and unreliable audiovisual technology. The Society calls on the government to commit funding for accessible and inclusive infrastructure.

The Society's survey of members identified some of the main issues as:

- dilapidated and unsafe sections of buildings
- cramped court rooms
- waiting rooms with poor lighting and airflow
- unreliable audio-visual facilities
- shortage of interview rooms
- limited space to have confidential discussions
- insufficient waiting rooms resulting in defendants and victims sharing the same space
- poor disability access
- poor acoustics in court rooms and lack of hearing loops.

The lack of privacy for clients is a significant impediment to justice access. There is little to no working space for experts who appear in court.

In many cases, victims share the same space as alleged perpetrators due to a lack of private interview rooms or dedicated space for vulnerable witnesses. This is even worse in smaller country courts.

In the last State Budget, the government committed \$20 million over four years to undertake critical works and upgrades on essential court infrastructure, and plant and equipment. This funding will only have limited short-term impact, where significant investment is instead required.

ADDRESSING UNMET LEGAL NEED

Key asks

- Increased funding so that more people can access legal aid and legal assistance, ensuring that, at the very least, those below the poverty line can access legal help, and that people are not priced out of legal help as a result of living in a regional area.
- Increased remuneration for legal aid work to boost the number of lawyers willing to take on this work in private practice, particularly in regional areas.

The issues

The Society and the legal profession urge the Government to prioritise funding to extend access to legal aid and legal assistance services, to meaningfully address cost barriers for people requiring legal assistance.

Legal aid services in regional and remote South Australia remain critically underfunded. There are very few private practitioners outside metropolitan areas who are willing to undertake legal aid work due to low rates of pay and restrictions on funding to cover travel costs. Difficulty with attracting regional practitioners to undertake legal aid work undermines equitable access for country South Australians.

A greater investment in legal aid and legal assistance services in rural, regional and remote South Australia is critical to:

- ensure lawyers can provide face-to-face appointments for vulnerable clients;
- meet the legal needs of First Nations people in regional and remote areas; and
- provide working conditions to attract sufficient staff for community legal centres.

The current eligibility and assessment framework often fails to reflect the varying types of employment, such as seasonal employment, which further restricts a significant portion of regional residents from legal aid eligibility.

The Society calls for Government investment to broaden the scope of legal assistance to assist with wraparound supports for legal aid clients. Many clients experience complex vulnerabilities, which require support beyond the court appearance alone.

EASING COURT COSTS

Key asks

- Funding to abolish transcript fees in South Australian courts
- Investment in technology to increase the speed and accuracy of producing court transcripts



The issues

The cost of obtaining court transcripts remains a significant and long-standing problem that has serious consequences for court users. For example, the typical cost of a transcript for a one-week criminal trial can exceed \$10,000. Transcript fees are prohibitive and create an unacceptable and unfair imbalance between parties where only one party is well funded.

As court transcripts are often already being produced for the use of court and judicial officers, the Society maintains that there should be no charge for sending transcripts electronically to court users and their legal representatives. With advancements in digital technology further efficiencies are achievable.

According to the Independent Auditor's Report for the Courts Administration Authority (CAA), in FY24 the CAA generated \$2.3million from transcript fees, up from \$1.7million in FY23. However this income is not necessarily invested back into the courts, given the income is transferred to the State's consolidated account.

The Society calls on the Government to commit funding for a complete waiver of transcript fees in South Australian courts, such that in the criminal jurisdiction, court transcripts to be provided to defendants for no cost and in the civil jurisdiction, the provision of transcripts be included in the daily Court trial fees.

IMPROVED COURT INTERPRETIVE SERVICES

Key ask

- Funding for specialised cultural and courtroom training for court interpreters, based on an assessment of linguistic and cultural needs of court users



The issues

Where interpreters are required in court, they typically assist individuals who are already disadvantaged in navigating a linguistically or culturally unfamiliar court setting. The availability of appropriately trained interpreters, including cultural training, is therefore essential to the proper administration of justice. The Society understands there is a shortage of Indigenous interpreters in court matters, which severely restricts access to justice for Indigenous clients.

There are many languages spoken within South Australia's Indigenous community, along with specific cultural customs and practices that pertain to different Indigenous groups. It is important that the justice system acknowledges these complexities and ensures all parties to a legal matter have access to interpretive services that are both linguistically appropriate and culturally informed.

In addition, court interpreters require training in legal concepts and court processes. The Society therefore calls for the provision of courtroom and legal training for court interpreters to assist with fair and efficient court proceedings.

ICRIME REDUCTION MEASURES

Key asks

- A significant increase in funding for youth diversionary and early intervention programs that at least matches the \$40 million “Breaking the Cycle” Fund by the Liberal Party prior to the State Election
- Funding to re-establish the Criminal Justice Ministerial Taskforce, and establish a new Youth Justice Advisory Committee.
- Release funding to enable Seeds of Affinity to provide 15 bail and parole accommodation beds for women on bail and exiting custody, and support staff to assist women to find long-term accommodation.
- Funding to build a transitional accommodation facility for Indigenous women, like that in Port Augusta for Indigenous men.
- Commitment to build or provide additional child-safe and appropriate bail accommodation for young people.
- Commitment to funding more rehabilitation programs in prisons, and particularly for prisoners on remand. Associated with this, to implement a policy that remand rehabilitation programs can be accessed without an admission of guilt or a conviction.

The issues

Establishing a Taskforce and Advisory Committee

The Society seeks the establishment of two key taskforces to inform policy and legislative outcomes for criminal justice. First, the re-establishment of the Criminal Justice Ministerial Taskforce which previously met quarterly (most recently in April 2024) to discuss developments and proposals in the criminal justice system. The Taskforce was comprised of the Attorney-General, several members of the Judiciary, members of the ODPP, SAPOL and representatives of the Law Society.

Secondly, the Society has advocated for the establishment of a new Youth Justice Advisory Committee, with a six-month reporting timeframe, to consider youth offending and legislative and policy responses. This Advisory Committee would include: the Guardian for Children and Young People, the Commissioners for Children and Young People, and Aboriginal Children and Young People, SAPOL, the Law Society, representatives of the Judiciary, SACOSS and the Attorney-General's office.



Bail and Post-release accommodation

The Law Society understands that there is a chronic shortage of bail and post-release accommodation for women, particularly Indigenous women who are overrepresented in the prison system. Many women who leave prison or who are granted bail do not have safe, stable housing to go to.

There is limited crisis and transitional accommodation for women who are released from prison, and the housing crisis has exacerbated this problem as those in transitional accommodation struggle to find a private rental. Seeds of Affinity – a non-profit organisation that supports women in and leaving prison – has acquired a facility with 15 single rooms with bathrooms, but lacks funding to enable the rooms to be used to house women in crisis.

There are only four available beds at Catherine House for women on bail. Women on home detention and women charged with aggravated offences are ineligible for these beds. To have just four beds available, and for these beds to be conditional is, in the Law Society's view, unacceptable and not only creates a cycle of re-offending but puts women at significant risk of serious harm.

Similar problems with inadequate accommodation affect children and young people on remand. The Guardian for Children and Young People states that for "children who interact with the youth justice system ... the majority are not formally sentenced. In practice this means many children are being detained in a detention centre prior to having their case heard, and often only because they have nowhere else to go. Once children enter the youth justice system, it can be extremely difficult for them to find a pathway out. Being detained in a detention centre means a child can spend years carrying the trauma, stigma, and in many cases, racism that usually accompanies this experience." The Society calls on the Government to support young people with safe and appropriate bail accommodation.

More rehabilitation programs for remandees

The Society is concerned by reports of prisoners being unable to access rehabilitation programs while on remand, and being released at the end of their head sentence without completing a rehabilitation program. It is important that those in custody and on remand have timely access to rehabilitation services to improve reintegration and reduce re-offending.

The Society understands that it is difficult to access rehabilitation programs while on remand and that where offered, programs for individuals on remand are limited, basic and generalised. It is understood by the Society that rehabilitation programs in prisons are generally prioritised for sentenced prisoners, particularly those serving longer or more serious sentences.

Offence-specific programs are generally not offered to prisoners until they are convicted of an offence, and offenders are assessed for program eligibility only after sentencing. This means that an individual held on remand who has not yet been convicted is often excluded or not eligible for therapeutic or offence-specific programs. When individuals serve their sentence while on remand, they often do so without access to rehabilitation or intervention programs. As a result, they may be released having received no support, or no opportunity to receive support or services aimed at addressing their offending behaviours.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY

Key asks

- Funding to establish a Scrutiny of Bills and Legislation Committee to increase transparency and improve legislative outcomes.
- Proper resourcing of a pool of secretariat and research staff to support Parliamentary select committees, adequate to assist the number of portfolio and standing committees, as recommended by the Select Committee on the Effectiveness of the Current System of Parliamentary Committees.



LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY

The issues

The Society calls on the Government to appropriately resource the Legislative Review Committee to ensure it can operate effectively, to ensure transparency and accountability in the introduction of subordinate legislation and new regulations.

A Report in 2021 by the Select Committee on the Effectiveness of the Current System of Parliamentary Committees identified anomalies in the structure of parliamentary committees in South Australia, most notably the absence of a Committee to scrutinise Bills and proposed legislation. Such a committee would assist the Parliament in its debate, increase transparency and accountability, improve legislative outcomes and increase engagement with the making of laws. The Society calls on the Government to commit to establishing a proper Scrutiny of Bill Committee. South Australia does not have a centralised Committee to scrutinise Bills, nor does it require proposed legislation to be assessed for human rights compatibility.

A supplementary finding of the Select Committee Report was under-resourcing of and inefficient use of committee staff. The Select Committee recommended the establishment of a pool of secretariat, support and research staff from which resourcing can be drawn as needed. This appears to be both warranted and efficient.

The Society calls on the Government to commit to other recommendations of the Select Committee, including in relation to composition of committees from both Houses, and mechanisms to ensure committees comply with timeframes for the length of inquiries.

RESOLVING BUILDING DISPUTES QUICKER

Key ask

- The establishment of a Building Tribunal, placed within the South Australian Civil and Administrative Tribunal (SACAT), to resolve building disputes. The Building Tribunal to comprise a specialist panel including building experts and legal members, who can determine the technical and legal issues that parties need to address.



RESOLVING BUILDING DISPUTES QUICKER

The issues

In 2024/25, the State Government undertook extensive consultation as part of a review of the construction and building industry, with improving the resolution of building disputes one of the key priorities for reform. The final report of this review is yet to be released. The Government's discussion paper proposes domestic building disputes to be heard in SACAT in a less formal, lower cost setting which engages building experts to assist in the determination of disputes. The Society took part in this consultation, and strongly advocated for the establishment of a building tribunal to be placed within SACAT .

Building disputes have become incredibly expensive, lengthy and burdensome. In many cases, the cost of resolving disputes involving defective building work exceeds the alleged cost of the defects. Excessive delays and costs can be caused by builders refusing to fix defects, but also by property owners alleging defects as a way to avoid paying genuine payment claims by builders.

These disputes place a significant burden on builders, developers and home owners, to the detriment of commercial building in South Australia. At present, the system for resolving building disputes is fragmented between matters which are expected to be dealt with the Magistrates' Court, while other matters are dealt with in the District Court and Supreme Court.

Disputes often involve expert reports from building consultants, engineers and surveyors, the cost of which may be disproportionate to the dispute. Obtaining reports can cause lengthy delays. Usually, each side will need its own expert. Judges and Magistrates, who may not have experience in building matters, are called upon to decide between competing expert opinions, after trials that may last weeks.

RESOLVING BUILDING DISPUTES QUICKER

The court system is not ideal for resolving building disputes, and current issues will be exacerbated by the housing boom. Rather, a less formal and more flexible method that includes building specialists and construction lawyers on decision-making panels would significantly reduce the costs and duration of matters and be better placed to efficiently resolve building disputes.

Under the Law Society's proposed model, the fact finding process as to the quality of the work, the remediation required, and the reasonable repair costs, could be determined by a single expert attending on site without the need for a full blown trial in the traditional way, leaving only the non technical questions (such as disputes as to the terms of the contract, meaning of legislation, or disputed evidence) to be determined by the legal member of a Tribunal panel.



Acknowledgement of Country

We acknowledge that we work on the traditional lands of the Kurna people, the original custodians of the Adelaide Plains and surrounding areas.

We pay our respects to Elders past, present and emerging, and recognise their ongoing cultural and spiritual connection to this land.

We acknowledge the Kurna peoples' resilience in the face of historical injustice and their continuing contributions to the richness and diversity of this city.

We commit to fostering genuine reconciliation between First Nations and non-Indigenous Australians.



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The Voice of the Legal Profession



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