



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

No. 246

WRITTEN QUESTION

J Davis to the Attorney-General, Hon Marie-Clare Boothby MLA:

Legal Aid NT Funding Dispute

1. The same question was put to the Treasurer as Written Question No. 202 of the 15th Assembly and answered: "These questions do not fall within the responsibilities of the Treasurer." For each of 2023–24, 2024–25 and 2025–26, what total funding was provided by the Northern Territory Government to the Northern Territory Legal Aid Commission, showing separately the base appropriation, any additional funding provided through Treasurer's Advances, and any other one-off or supplementary funding, with the amount, date of approval and purpose of each?
 - a. What is the equivalent figure budgeted for 2026–27?
2. Does the funding model for the Northern Territory Legal Aid Commission distinguish between clients by their referral source and, in particular, between clients referred by the North Australian Aboriginal Justice Agency and other clients?
 - a. If so, on what financial or policy basis is that distinction made?
 - b. Is that distinction reflected in the Commission's funding agreement or in any direction given to the Commission, and can the relevant document be tabled?
3. What steps is the Government taking to resolve the funding dispute without leaving individuals unrepresented?
 - a. Has the Government sought or received advice on its obligations where a person is unable to obtain representation, and can that advice be tabled?
4. In a media release of 18 September 2025 titled "CLP Names Leaders to Bolster Legal Aid NT", the Attorney-General stated: "We've delivered an 80% boost to baseline funding, with \$5.5 million each year ongoing from 2025-26." Budget Paper No. 3 for 2026–27 lists "Legal Aid NT additional

funding” as a key existing initiative at \$5.5 million in the 2025–26 revised budget and \$5.5 million in the 2026–27 budget.

- a. What was the Commission's baseline funding in the year immediately before that increase, and what is the baseline in 2026–27? Please state both figures.
 - b. On what date was each amount provided to the Commission, in which budget line does it appear, and how much of each has been paid to date?
 - c. Is the amount recurrent beyond 2026–27 and, if not, in which year does it cease?
5. Does the Government consider the funding provided to the Northern Territory Legal Aid Commission for 2026–27 sufficient for the Commission to perform its functions under the Legal Aid Act 1990?
 - a. If so, on what analysis?
 - b. Does the Attorney-General endorse the service reductions the Commission made in November 2025?
6. The Government has invested in policing, prosecutions and expanded mandatory sentencing while narrowing bail. What additional funding has been allocated to legal assistance services to meet the increased demand generated by those policy decisions?
 - a. Has the Department modelled the additional legal assistance funding required to meet increased prosecutions, and can that modelling be tabled?
 - b. If no such modelling has been undertaken, on what basis was the legal assistance allocation set?
 - c. What measures ensure that increased prosecutions do not extend waiting times to access the courts?
7. In a letter to the Northern Territory Government tabled in May 2026, the Commonwealth Attorney-General advised that the Commonwealth's National Access to Justice Partnership funding increases for 2025–26 — 13.1 per cent for the Northern Territory Legal Aid Commission and 33.5 per cent for the North Australian Aboriginal Justice Agency — are “not... intended to replace or offset the Northern Territory's investment in the legal assistance sector, which has not increased in real terms”, and that the Territory is expected to “maintain its level of effort and investment”. Does the Government accept the Commonwealth's assessment that the Territory's investment in the legal assistance sector has not increased in real terms?

- a. If not, what real-terms figures does the Government rely on, and can they be tabled?
 - b. How does the Government reconcile the reduction of more than \$3.2 million in the Commission's total funding this financial year with the \$5.5 million shown as a key existing initiative in Budget Paper No. 3 for 2026–27, and with the expectation that the Territory maintain its level of effort and investment?
 - c. Has the Commonwealth raised the Territory's compliance with that expectation in any correspondence since May 2026, and can that correspondence be tabled?
 - d. The Director of the Commission is reported to have written to the Criminal Lawyers Association NT stating that the Territory reduced the Commission's funding this financial year from \$15.35 million to \$12.07 million. Are those two figures correct? If they are not, please state the correct figure for each year.
8. Has Treasury or the Attorney-General's Department calculated the cost to the Territory of court delays, adjournments and potential stays arising from the legal aid funding position?
 - a. How does that cost compare with the additional funding the Commission has requested?
 - b. If no such calculation has been made, in which system are adjournment and stay reasons recorded?
9. The Attorney-General is reported to have said that the Government has offered the Northern Territory Legal Aid Commission a multi-year funding deal which the Commission has not agreed to.
 - a. On what date was that offer made, for what total amount, and over what period?
 - b. What conditions were attached to it?
 - c. On what date did the Commission decline it, and what reason did it give?
 - d. Will the offer and the Commission's response be tabled?
 - e. Does the offer remain open?