

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Program 1.3

Question No. 65

Senator Crossin asked the following question at the hearing on 18 October 2011:

1. How much funding has been given to Legal Aid NSW to act in employment law matters including unfair dismissals?
2. Have any requirements been placed on Legal Aid NSW in terms of who is entitled to representation by them and in what matters?

The answer to the honourable senator's question is as follows:

The National Partnership Agreement on Legal Assistance Services (the Agreement) between the Commonwealth, States and Territories came into effect on 1 July 2010. A copy of the Agreement is available from the Ministerial Council for Federal Financial Relations website at <http://www.federalfinancialrelations.gov.au>. Under the Agreement, NSW will receive \$248.27 million over four years, from 2010-11 until 2013-14.

Funding is not allocated for specific matters under the Agreement. Legal aid commissions can use Commonwealth funding to provide assistance for matters set out in the Commonwealth legal aid services priorities (Schedule A of the Agreement). Civil law priorities include Commonwealth employment, equal opportunity and discrimination cases. It is a matter for Legal Aid NSW to allocate Commonwealth funding to meet demand for these services. A number of community legal centres in NSW also provide some assistance in relation to employment law matters.

In addition to the Commonwealth legal aid services priorities, Schedule B of the Agreement specifies principles for assessing financial eligibility for a grant of legal aid in Commonwealth funded matters (the means test). Legal Aid NSW also applies a merits test in considering applications for a grant of aid.