

Senate Inquiry into Involuntary and Coerced Sterilisation of People with Disabilities in Australia

Question – Do you hold any data on how many [sterilisation/special medical procedure] cases have been funded [by Legal Aid]?

Answer – the Department does not hold this data. The Department has requested that National Legal Aid seek any information Legal Aid Commissions might hold on (1) how many special medical procedure cases it had funded and (2) how many ICLs have been appointed in special medical procedure matters. National Legal Aid undertook to source this information, if it was held, as soon as possible. Should they be able to provide any information we'll forward it on to the Committee as soon as possible.

Input from Legal Aid Commissions:

Legal Aid Commissions have advised that their systems do not record this information. The following information was sourced from each office on a “best available estimate” basis.

How many special medical procedures have been funded by legal aid:

LACTas (Tasmania)	Only funded one in the past 3 years that I can recall. Possibly two in the past 5.
LSCSA (South Australia)	1 ICL appointment this financial year. The parties are not in receipt of legal aid. Can't recall any other matter in the past few years.
LANSW (New South Wales)	Around 1 or 2 each year. We generally try to keep them in-house.
LAWA (Western Australia)	We have had no sterilisation cases to my knowledge for many years. We are able to advise on how many in the last 12 months but not over a longer period as we do not report against this. We have had 12 gender dysphoria cases in 2012/13 (these are classed as special medical procedures).
LAQ (Queensland)	We have had a look through our systems however we do not capture this data to a sufficient resolution to report.
VLA (Victoria)	The Victorian protocol is for an ICL to be appointed in every special medical case. We are not aware of any appointments for sterilisation matters in recent years. We have also checked our records for matters funded as "special medical procedure" and can find no reference to any sterilisation matters.
LAACT (Australian Capital Territory)	Cannot recall funding any in the past few years.
NTLAC (Northern Territory)	1 case in last 22 years.