

**SENATE LEGAL AND CONSTITUTIONAL AFFAIRS**

**REFERENCES COMMITTEE**

**ANSWERS TO QUESTIONS ON NOTICE**

Treasury Portfolio

27 October 2009

**Question number: not applicable**

**Topic: Total Commonwealth legal aid funding**

**Approved by Minister's Office:**

**Signature:** .....

**Date:** ..... 18/10/09 .....

*Senator Ludlam asked: Is it possible to provide an indication of total Commonwealth legal aid funding and community legal centre funding if I give you two dates – for example, 1990 versus today?*

Answer: Total Commonwealth funding for legal aid between 1990-91 to 2009-10 is provided in Table 1. Commonwealth community legal centre funding is provided in Table 2. Data for the period to 2008-09 are outcomes. Data for 2009-10 are Budget estimates.

**Table 1: Commonwealth legal aid funding**

\$million	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97	1997-98	1998-99	1999-2000
Total	102.9	114.8	117.8	120.8	121.2	126.0	128.3	109.7	102.8	103.3

**Table 1: Commonwealth legal aid funding (continued)**

\$million	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10
Total	105.7	118.2	121.4	128.0	144.7	148.5	155.0	178.3	171.1	172.2

Source: Data for all years for Commonwealth legal aid funding is provided by the Attorney General's Department.

Note that, for most of the period reported in Table 1, the payments were made by the Attorney-General's Department in respect of funding to the States for legal aid. Outcomes data for Commonwealth legal aid funding for the years 1990-91 to 1996-97 as reported in Final Budget Outcome publications included payments in respect of community legal centre funding that have subsequently been classified as Commonwealth own-purpose expenses. One-off funds are included in 2007-08 and 2008-09.

Note also that, since April 2009, as part of the centralised payment arrangements in the new federal financial framework, these payments are being made by the Commonwealth Treasury to State Treasuries for distribution to State Legal Aid Commissions.

**Table 2: Commonwealth community legal centre funding**

\$million	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97	1997-98	1998-99	1999-2000
Total	2.7	5.2	6.3	9.0	8.4	13.8	15.1	14.9	18.6	24.9

**Table 2: Commonwealth community legal centre funding (continued)**

\$million	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10
Total	21.7	22.8	24.2	23.2	23.2	23.4	25.8	32.4	31.1	26.1

Source: Data for all years for Commonwealth community legal centre funding data is provided by the Attorney General's Department. One-off funds are included in 2007-08 and 2008-09. Other one-off funds were also provided to community legal centres from a separate appropriation, however these have not been included in the above figures.

Note that community legal centres are funded through Commonwealth own-purpose expenses, with all payments made by the Attorney-General's Department.

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### ANSWERS TO QUESTIONS ON NOTICE

#### Treasury Portfolio

27 October 2009

**Question number: not applicable**

**Topic: Law Council recommendations as part of the budget process**

*Senator Fisher asked: Are you aware of the recommendations that [the Law Council] made to the government as part of the budget process early this year for initiatives to attract and retain legal talent in rural and regional areas, and are you aware of how the government responded to those recommendations if at all?*

Answer:

The Treasury received a Pre-Budget Submission for the 2009-10 Budget from the Law Council of Australia on 9 January 2009.

The Government already provides a taxation concession for individuals in remote and regional areas through the zone tax offset. This is in recognition of the disadvantages that individuals are subjected to because of isolation and high cost of living in comparison with other parts of Australia.

The Australia's Future Tax System Review is undertaking a comprehensive review of Australia's tax system and will make recommendations which seek to create a tax structure that will position Australia to deal with the demographic, social, economic and environmental challenges of the 21st century and enhance Australia's economic and social outcomes.

Access to justice for rural, regional and remote areas was considered as part of the report of the Access to Justice Taskforce, 'A Strategic Framework for Access to Justice in the Federal Civil Justice System', which was released on 23 September 2009. Issues identified in the consultation and the Taskforce's recommendations will be considered by government departments and agencies, and will assist the Government to develop initiatives which appropriately address and improve access to justice for all Australians.

The Attorney-General has released the report for public discussion and input, and further details regarding the consultation process are available on the Attorney General's Department website at <http://www.ag.gov.au>.

The Commonwealth is also working with the States and Territories to implement a new National Partnership agreement for legal aid in 2010.