

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

**Program:** 1.4 Justice Services

**Question No. SBE16/131**

**Senator Pratt asked the following written question at the hearing on 12 December 2016:**

1. What projects or services have been funded using the \$100 million allocated for initiatives under Third Action Plan under the National Plan to Reduce Violence against Women and their Children?
2. What process occurred to determine allocation of that funding to legal assistance services, including community legal centres?
3. How much of the government's \$30m of funding towards the Third Action Plan for Prevention of Violence Against Women and Their Children was allocated to Aboriginal and Torres Strait Islander community controlled legal services?
4. How much of the previous allocation of \$15m of funding to legal assistance services under the Women's Safety Package was provided directly towards Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention Legal Services?
5. In relation to the significant rates of family violence in Indigenous communities, what measures are being adopted to counter these statistics?
6. What data does the department base its funding decisions on when it is widely known that family violence statistics are widely under-reported?
7. How is the department collecting data to inform their funding decisions? How standardised and reliable is that data across the states and territories?
8. What criteria are applied in assessing the diverse funding needs of metropolitan and rural, regional and remote community legal centres?
9. In relation to next year's funding cuts to the community legal sector, what considerations have been given to the impact of these cuts on rural, regional and remote service delivery?
10. How will Government ensure that funding to rural, regional and remote areas is fair and equitable, and acknowledges the higher costs of service delivery, and the challenges associated with delivering services to Australia's most disadvantaged people?
11. The Community Legal Services Programme within the Attorney-General's Portfolio contains funding over the forward estimates.
  - a. What does the \$7.906 mill in 2016-17 include?
  - b. What does that \$7.704 mill in 2017-2018 include?
  - c. What does the \$2.627 in 2018-19 include?
  - d. What does the \$2.661 million in 2019-20 include?
12. How much funding is available for the discretionary grants programme, administered by the Department, over the forward estimates?
13. Is there an application round planned in the coming months?
14. Under the National Partnership Agreement on Legal Assistance Services, how much Commonwealth funding has been provided for each jurisdiction to undertake services planning processes?
15. How are service planning processes required under the National Partnership Agreement on Legal Assistance Services progressing in each jurisdiction?

**The answers to the honourable senator's questions are as follows:**

1. *What projects or services have been funded using the \$100 million allocated for initiatives under Third Action Plan under the National Plan to Reduce Violence against Women and their Children?*

Of the \$100 million, \$30 million is being administered by the Attorney-General's Department for legal assistance and family law services. Those funds have been allocated to the following initiatives:

- \$18.5 million for legal aid commissions to deliver integrated duty lawyer and social support services in family law courts
- \$6.2 million for Family Relationship Centres to pilot legally-assisted family dispute resolution for vulnerable families
- \$5 million to extend the legal assistance pilots (12 specialist domestic violence units and five health justice partnerships) under the Women's Safety Package, for a further year
- \$0.3 million to support data analysis work in the legal assistance sector.

The remaining \$70 million is being administered by the Department of Social Services and the Department of the Prime Minister and Cabinet.

2. *What process occurred to determine allocation of that funding to legal assistance services, including community legal centres?*

On 16 May 2016, the Attorney-General wrote to his state and territory counterparts and sector peak bodies to seek their views on how best to allocate the \$30 million committed for legal assistance and family law services. The Attorney-General considered the proposals received in response to his request.

The department worked closely with the Department of Social Services and the Department of the Prime Minister and Cabinet to ensure that the proposed uses of the funding across the \$100 million package complemented each other, and implemented the Government's election commitments.

The Government determined the allocation of the \$100 million package and announced it alongside the release of the Third Action Plan on 28 October 2016.

Eleven community legal centres operating legal assistance pilots under the Women's Safety Package will receive an additional year of funding through the Third Action Plan. Community legal centres may also be involved in future legally-assisted family dispute resolution pilots by partnering with Family Relationship Centres.

3. *How much of the government's \$30m of funding towards the Third Action Plan for Prevention of Violence Against Women and Their Children was allocated to Aboriginal and Torres Strait Islander community controlled legal services?*

This funding has not been directly provided to these services. The \$30 million for legal assistance and family law services was allocated to legal aid commissions, community legal centres, and Family Relationship Centres. A small amount was also allocated for a data analysis project.

Aboriginal and Torres Strait Islander community controlled legal services may be involved in pilots of legally-assisted and culturally appropriate family dispute resolution by partnering with Family Relationship Centres who will be selected through a grants round to be conducted in early 2017.

Of the remaining \$70 million for the Third Action Plan, \$25 million for Indigenous-specific measures is being administered by the Department of the Prime Minister and Cabinet.

4. *How much of the previous allocation of \$15m of funding to legal assistance services under the Women's Safety Package was provided directly towards Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention Legal Services?*

This funding has not been directly provided to these services. The \$15 million legal assistance pilots under the Women's Safety Package are being operated by 11 community legal centres and two legal aid commissions, across 13 locations. Selected providers were required to service the identified locations, and the units were intended to provide services for all women in those locations.

A number of the units are located in regions with a high proportion of Indigenous Australians (eg. Dubbo, Townsville, the Kimberley and Alice Springs). The selected service providers in those locations are working with other services in their regions, including Indigenous legal assistance services and Family Violence Prevention Legal Services, to ensure services meet the needs of Indigenous clients. A key feature of all the units is their cultural liaison capability, and the provision of culturally appropriate services to Indigenous or Culturally and Linguistically Diverse (CALD) women.

5. *In relation to the significant rates of family violence in Indigenous communities, what measures are being adopted to counter these statistics?*

The Third Action Plan under the *National Plan to Reduce Violence against Women and their Children 2010-2022* includes supporting Aboriginal and Torres Strait Islander women and their children as National Priority Area 2. Questions about the Third Action Plan should be directed to the Department of Social Services.

6. *What data does the department base its funding decisions on when it is widely known that family violence statistics are widely under-reported?*

The Attorney-General makes funding decisions. In advising the Attorney-General on family violence funding, the department considers a range of evidence, information and reports, including:

- the Family Law Council's reports on Families with Complex Needs and the Intersection of the Family Law and Child Protection Systems
- the COAG Advisory Panel's Final Report on Reducing Violence against Women and their Children
- the Victorian Royal Commission into Family Violence
- consultation with a range of service providers, including consideration of Women's Legal Services Australia's Safety First in Family Law 5 Step Plan
- consultation with other stakeholders, including states and territories
- independent reviews of existing programmes and services
- service data held by the department from legal assistance and family relationship services

- service data held by the Department of Social Services
- data from state and territory police and justice agencies
- research from the Australian Institute of Family Studies (AIFS)
- other research utilising ABS data.

7. *How is the department collecting data to inform their funding decisions? How standardised and reliable is that data across the states and territories?*

The department receives a range of demographic and service data from legal assistance and family law service providers under relevant funding arrangements.

The department has worked with providers across the legal assistance sector to develop the National Legal Assistance Data Standards Manual, with the aim of standardising legal assistance data collected across the states and territories.

8. *What criteria are applied in assessing the diverse funding needs of metropolitan and rural, regional and remote community legal centres?*

9. *In relation to next year's funding cuts to the community legal sector, what considerations have been given to the impact of these cuts on rural, regional and remote service delivery?*

10. *How will Government ensure that funding to rural, regional and remote areas is fair and equitable, and acknowledges the higher costs of service delivery, and the challenges associated with delivering services to Australia's most disadvantaged people?*

Under the *National Partnership Agreement on Legal Assistance Services 2015-2020* (the Agreement), state and territory governments are responsible for allocating Australian Government funding to individual CLCs, alongside state funding contributions, using evidence-based collaborative service planning processes. States and territories are required to administer Australian Government funding in accordance with the Commonwealth priorities in Schedule B to the Agreement. People residing in rural or remote areas are one of the priority client groups set out in Schedule B.

For the purpose of the Agreement, Australian Government CLC funding was allocated between jurisdictions using an evidence-based funding allocation model (FAM) from July 2015. The FAM includes a cost factor component that reflects the number of people residing in isolated communities and the increased cost of delivering services to those communities, as determined by the Commonwealth Grants Commission.

11. *The Community Legal Services Program within the Attorney-General's Portfolio contains funding over the forward estimates.*

a. *What does the \$7.906 mill in 2016-17 include?*

b. *What does that \$7.704 mill in 2017-2018 include?*

c. *What does the \$2.627 in 2018-19 include?*

d. *What does the \$2.661 million in 2019-20 include?*

12. *How much funding is available for the discretionary grants programme, administered by the Department, over the forward estimates?*

The 2016-17 Budget and forward estimates for the Community Legal Services Programme (CLSP) include funding for legal assistance services under the Women's Safety Package (in 2016-17 and 2017-18, to be updated at Additional Estimates to include 2018-19) as well as funding for discretionary grants for activities that aim to achieve an integrated, efficient and

effective community legal assistance sector. The distribution of funding to these activities is set out in **Table 1** below.

Available funding over the forward estimates varies depending on existing commitments.

**Table 1: Four year funding for Community Legal Services Programme**

<b>Financial year</b>	<b>Women’s Safety Package (\$m)</b>	<b>CLSP discretionary grants programme<sup>1</sup> (\$m)</b>	<b>Total CLSP (\$m)</b>
<b>2016-17</b>	4.999	2.907	7.906
<b>2017-18</b>	5.079	2.625	7.704
<b>2018-19</b>	-	2.627	2.627
<b>2019-20</b>	-	2.661	2.661

Note 1: Includes funds already committed under grant agreements.

13. *Is there an application round planned in the coming months?*

There is no application round scheduled at this time.

14. *Under the National Partnership Agreement on Legal Assistance Services, how much Commonwealth funding has been provided for each jurisdiction to undertake services planning processes?*

The *National Partnership Agreement on Legal Assistance Services 2015-2020* provides \$1.226 billion over five years and requires states and territories to undertake collaborative service planning in their respective jurisdictions. It is a matter for each state and territory to determine the resources required to conduct its service planning processes.

15. *How are service planning processes required under the National Partnership Agreement on Legal Assistance Services progressing in each jurisdiction?*

As at March 2016, all states and territories were meeting the collaborative service planning milestones set out in the *National Partnership Agreement on Legal Assistance Services 2015-2020*. The next annual reports on collaborative service planning are due to be submitted to the Commonwealth by 31 March 2017.