

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

**Program:** 1.4 Justice Services

**Question No. SBE16/118**

**Senator Di Natale asked the following question at the hearing on 12 December 2016:\**

Senator DI NATALE: I have actually just got a couple more questions on the same issue. I was struck by something the Human Rights Commission said about some work that was done to highlight that being able to conciliate cases saves something like \$200 million a year. I am just wondering whether the department—it might be a question for Mr Moraitis; I am not sure if it is something you might be able to answer, Attorney-General—has done any work to show how much each dollar of investment provides in terms of a return down the track. Obviously, having people who do not have access to a lawyer or who are unrepresented defendants imposes a cost on the courts. Has there been any work to highlight that there are actually some savings as well from that investment?

Mr Moraitis: As a general proposition, yes, that is taken as the reality. Any investment in that space avoids expenditure down the track. Whether there has been any quantified research in recent years, I would have to ask Mr Anderson and Ms Harvey about that. But, certainly, we are very conscious of the fact that early investment in things like this, whether it is in the criminal justice space or the family law space, provides opportunity cost savings.

Mr I Anderson: All I can really add to that is that the Productivity Commission looked at a lot of issues in this space, but I would rather take it on notice.

Senator Brandis: I am not sure, Senator Di Natale, whether the Human Rights Commission itself has commissioned such a study. If there were such a study, you would expect it would have been commissioned by the Human Rights Commission rather than done by the department.

Senator DI NATALE: Perhaps if you would take on notice any work or modelling that has been done in that area.

Mr I Anderson: Can I just clarify—I might have misunderstood the question—are you asking simply about human rights complaints?

Senator DI NATALE: No. That was an analogy to say that they had commissioned some work—you are right, Senator Brandis—

Senator Brandis: I am sorry: perhaps I have misunderstood you; I thought you were asking whether there was a study as to the savings and the benefits of Human Rights Commission conciliation complaints.

Senator DI NATALE: Sorry, perhaps I just confused the issue. They raised that some work had been commissioned and that it demonstrated a significant saving. I am asking, within the legal aid space, whether any such work has also been commissioned to demonstrate what sort of savings are recouped down the track.

Mr I Anderson: I am happy to take that on notice.

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

The department has previously commissioned an analysis of certain services delivered by legal aid commissions. In 2008, KPMG was engaged by the department to conduct an evaluation of Commonwealth funded family dispute resolution services delivered by legal aid commissions between 2004-05 and 2007-08. The evaluation included a cost-benefit analysis comparing the cost to the government of funding family dispute resolution within legal aid commissions with the value of court event hours avoided as a result of successful family dispute resolution

interventions (where court event hours includes interim, directions, procedural and substantive hearings, case conferences, conciliation conferences, appointments with family consultants, appearances before registrars, and appeals). The final evaluation report concluded that family dispute resolution in legal aid commissions returns on average \$1.48 for every \$1 invested across Australia.

The department is aware that National Legal Aid commissioned a report from PricewaterhouseCoopers on this issue - *Economic value of legal aid: Analysis in relation to Commonwealth funded matters with a focus on family law* (March 2010). In that report, it was estimated that the efficiency benefits from services that legal aid commissions provide in relation to family law are in the range of \$1.60 to \$2.25 for every dollar spent.