

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

Group 2

Program 1.3, 1.5

Question No. 18

Senator Wright asked the following question at the hearing on 24 February 2014:

CHAIR: Is the government aware of this report yet, Minister?

Senator Brandis: Yes, this is the Allen review?

CHAIR: It has not been publically released, but it has been released to the government?

Mr Fredericks: It is well known to the government and it is under consideration.

Senator Brandis: Mr Fredericks, Mr Wilkins and I spend an enormous amount of our time discussing access to justice issues, I think it is fair to say.

Mr Fredericks: Correct.

CHAIR: So we mere mortals would expect to read that shortly?

Mr Fredericks: Ultimately that is a matter for government, but it ought be in the near future.

CHAIR: On notice and in very round figures, could you tell me the cost of this review?

Mr Fredericks: Yes, I will need to take that on notice.

CHAIR: It has been going for, what, 12 months?

Mr Fredericks: Actually, Senator, my colleague is assisting me here. I can give you the total of the contract because it is published: the cost of that was \$815,366. It is worth noting that the states and territories contributed to that cost, given that it is under the NPA. They contributed \$167,341.

...

Mr Fredericks: The four legal assistance programs are actually those that I just noted in the context of the NPA review. They are, firstly, the legal aid program; secondly, the Indigenous legal assistance program; thirdly, the community legal services program; and fourthly, the family violence prevention legal services program. I should just note, in relation to that fourth program, that that program now resides with the Department of the Prime Minister and Cabinet.

Senator WRIGHT: I am now going to ask you something that would probably take quite a significant amount of time, I imagine, to answer. But I would like a broad overview and then I would like the detail for every organisation whose funding will be affected by this measure. There are various organisations that receive funding under these four areas. Can you, off the top of your heads, tell me what they are? I do not know if you can answer those in full detail today or whether you need to take those on notice.

Senator Brandis: I think will take those on notice.

...

Senator WRIGHT: Generally, then, what sorts of organisations are going to be affected?

Senator Brandis: This is what I was trying to get to before.

Senator WRIGHT: Okay, now we can come to it.

Senator Brandis: Well, now I can. You read the note to the MYEFO and I want to explain to you the approach the government has taken.

Senator WRIGHT: I would appreciate brevity though.

Senator Brandis: The kind of services where these savings will be found are in what is sometimes called policy and advocacy. You see—as you are aware but others may not be—that most of what the legal assistance sector or the access to justice sector does this case work: helping specific people who are too poor to afford a lawyer. But increasingly over recent years an increasing percentage of the legal assistance dollar has been spent on what is called advocacy work or policy work, which is not directed to helping specific clients with specific needs but in participating in—as it were—society's discussion about various areas of potential law reform or identifying gaps in the legal system.

Now, that is a good thing to do but in my view—and I hold this view very strongly—where resources are limited, I would rather see that money spent helping individual people in need who cannot afford a lawyer rather than spent on policy development. That is where the savings will be found.

Senator WRIGHT: Please advise of every organisation whose funding will be affected by this measure and please advise at what point, in relation to each of those organisations, will the loss of funding be effective? That is specific information that many, many organisations are keen to understand and know.

Senator Brandis: Sure, we will take that on notice. Can you clarify, when you say the loss of funding will be effective, you are after a date, are you?

Senator WRIGHT: Yes, essentially, because we have got the forward estimates. We have got the figures over the forward estimates, but we want to understand what the implications of this are.

Senator Brandis: We can take that on notice.

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

Please refer to question no. 19 for response.

