

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

Group: 2

Program: 1.3

Question No. AE15/086

Senator Wright asked the following question at the hearing on 27 March 2015:

Senator WRIGHT: Can I ask one more clarifying question? I just want to clarify something. People have been grappling and struggling with this idea of: 'What is advocacy and what is not?' and 'When do you cross the line into advocacy?' You have talked about a 'sustained campaign', but what about if there is a meeting of concerned people in a regional area about a particular issue and the legal centre turns up there and makes an argument for law reform because one of the reasons that issue is live is because there is a problem with the law. Is that advocacy? Is that community legal education?

Senator O'SULLIVAN: I would have thought so.

Mr Manning: I am actually interested in asking the department.

CHAIR: Mr Manning, you are aware you do not have to give legal advice or opinions.

Mr Manning: Put it this way: there have been guidelines provided to each of the service providers in relation to advocacy; that said, I think we in the Attorney-General's Department are just applying the ordinary dictionary definition and letting people decide. But, if people are going to a meeting and telling people what their legal rights are, then I do not think that is advocacy. But, if they are going for the point of trying to achieve a political aim, for example, and—

Senator WRIGHT: Law reform, not necessarily a political aim.

CHAIR: Thanks, Senator Wright.

Mr Manning: Sorry, I was just using an example. I was not saying it. Can I add one thing to that? We have made it very clear to providers, for example, that coming to a committee such as this and putting forward a view based on the experience and expertise they have is not anything that has been changed under the guidelines.

Senator WRIGHT: That is very interesting. Thank you for that.

CHAIR: Thank you, Mr Manning. Senator Collins?

Senator JACINTA COLLINS: Mr Manning, could you provide us on notice with a copy of those guidelines. I would be most interested.

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

The guidelines for the Community Legal Services Programme are available at:

<http://www.ag.gov.au/LegalSystem/Legalaidprogrammes/LegalServicesProgram/Documents/CommonwealthCommunityLegalServicesProgrammeGuidelines.pdf>.

The guidelines for the Indigenous Legal Assistance Programme are available at:

<http://www.ag.gov.au/LegalSystem/Legalaidprogrammes/Documents/IndigenousLegalServicesProgrammeGuidelines-July2014.pdf>.