

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

Program: 1.4

Question No. AE16/074

Senator Collins asked the following question at the hearing on 9 February 2016:

1. The Productivity Commission's *Report on Access to Justice Arrangements* was released on 3 December 2014. In that Report, the Productivity Commission concluded that "*More resources are required to better meet the legal needs of disadvantaged Australians*". The Productivity Commission also found that "*...not providing legal assistance in these instances can be a false economy as the costs of unresolved problems are often shifted to other areas of government spending such as health care, housing and child protection. Numerous Australian and overseas studies show that there are net public benefits from legal assistance expenditure.*"
Given these findings of the Productivity Commission, and the direct and severe impact on the delivery of legal services that the Government's cuts have already caused, why does the Government plan for assistance to CLCs to be slashed as soon as the previous Labor's Government's funding injection ends in two years' time?
Why is the Turnbull/Abbott Government doing exactly the opposite of what the Productivity Commission recommends? (See pp 30, 38 and 63 of volume 1 of the report)
2. In a statement provided by the Attorney-General to the ABC Radio Current Affairs *PM* program (1 February 2016), the Attorney-General stated:
the Government has committed \$1.6 billion over the next five years to Legal Aid commissions, community legal centres, and Indigenous legal assistance services.
Please provide a breakdown of this by year and by legal assistance service category.
3. In Senate debates (13 October 2015), Senator Michaelia Cash acknowledged cuts to community legal centres in the 'out years' (after previously denying them) and advised that these would be looked at as part of MYEFO/Budget processes. There was no additional funding for community legal centres in MYEFO, so what consideration will be given to restoring and boosting community legal centre funding as part of the 2016 federal Budget in line with the Productivity Commissioner's recommendation?
4. In announcing the backflip on cuts to legal assistance services, on 26 March 2015, Senator Brandis stated:
The Community Legal Centres are very often the front line against domestic violence, they are an extremely valuable resource, the Commonwealth has always funded them, or contributed to the funding of them. And I'm delighted to be able to, particularly from the perspective of the Community Legal Centres that does such wonderful work in dealing with the consequences of domestic violence, I'm delighted to be able to announce the restoration of their funding
Given this sentiment, why is the Government drastically cutting funding to CLCs in two years' time, when the Government has been told explicitly that these cuts will have a devastating impact on frontline legal assistance providers and therefore on the most vulnerable in our community?

5. The Attorney-General has often liked to declare that it is only advocacy that he wants to stop CLCs from engaging in. He has said that he is only seeking to gag CLCs from engaging in law reform, but not to reduce their front-line services. The Darebin Community Legal Centre in Victoria has suffered a massive cut to its Commonwealth funding, and we are advised that as a consequence of these cuts the centre will not be able to assist over 150 women with family law matters (unless those women are eligible for legal aid grants). How does the Turnbull Government justify this impact given what you have said about the importance of CLC work?
6. The Goulburn Valley Community Legal Centre (incorporating Loddon Campaspe CLC) has lost over \$100,000 in Commonwealth funding for the coming year. This allocation, soon to be cut, pays for a full-time lawyer providing Family Violence, Family Law and generalist services in Shepparton (a high need area). The Commonwealth Government's own 2015 Yearbook shows that the Goulburn Valley is one of the most disadvantaged areas in Victoria. Family Violence and Family Law matters make up more than half of all the work the CLC does in that area, and the loss of a full position would have a devastating impact on highly vulnerable clients. How does the Turnbull Government justify this impact given what you have said about the importance of CLC work?

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

1. In 2013, the Government decided to no longer fund Environmental Defenders' Offices. Some funding was cancelled in December 2013, and other funding agreements expired on 30 June 2014.

Other than this, there has been no reduction in Commonwealth funding to community legal centres to date. The reasons for scheduled 2017-18 reductions in community legal centre and Indigenous legal assistance funding are:

- o for community legal centres, in 2013, the former Labor Government provided a four year, one off transfer of funding to community legal centres of \$6.8 million per year. That ends, and was always intended and understood to end, on 30 June 2017, and
- o the two-year funding reinstatement of \$12 million for community legal centres and \$11.5 million for Indigenous legal assistance providers ends on 30 June 2017. The 2013 Mid-Year Economic and Fiscal Outlook savings measure is ongoing from 1 July 2017.

The Government continues to seek opportunities to further support community legal centres and the legal assistance sector more broadly. This is demonstrated by the \$15 million legal assistance component of the \$100 million Women's Safety Package, and the March 2015 restoration of \$25.5 million in funding to the legal assistance sector.

Over the life of the National Partnership Agreement on Legal Assistance Services, there are no reductions to legal aid funding. In fact, Commonwealth legal aid funding steadily increases over the life of the Agreement, from \$207.95 million in 2015-16 to \$219.941 million in 2019-20.

2. The Government has committed more than \$1.6 billion in legal assistance funding over the next five years.

Programme	2014-15 Actual (\$m)	2015-16 Budget (\$m)	2016-17 estimate (\$m)	2017-18 estimate (\$m)	2018-19 estimate (\$m)	2019-20 estimate (\$m)	TOTAL 5 years 2015-20 (\$m)
NPA – Legal aid commissions	204.362	207.950	211.277	214.24	217.243	219.941	1070.651
NPA – Community legal centres		40.021	42.222	30.122	30.582	31.071	174.018
NPA – SACS for community legal centres		2.971	3.645	4.352	5.076	5.826	21.870
TOTAL NPA	204.362	250.942	257.144	248.714	252.901	256.838	1266.539
Indigenous Legal Assistance Programme (ILAP)	74.311	72.387	73.658	69.167	69.060	69.958	354.230
TOTAL NPA + ILAP	278.673	323.329	330.802	317.881	321.961	326.796	1620.770
Community Legal Services Programme (CLSP)	42.819	4.334	2.915	2.633	2.630	2.664	15.176
Expensive Commonwealth Criminal Cases Fund (ECCCF)	7.925	3.794	4.615	3.686	3.737	3.788	19.620
TOTAL NPA + ILAP + CLSP + ECCCF	329.417	331.457	338.332	324.200	328.328	333.248	1655.566
Women’s Safety Package		4.920	4.999	5.079			14.998
GRAND TOTAL	329.417	336.377	343.331	329.279	328.328	333.248	1670.564

3. As Senator Michaelia Cash stated on 13 October 2015, funding for the legal assistance sector will be considered as part of normal budgetary processes.

4. The reasons for reductions in community legal centre and Indigenous legal assistance funding in 2017-18 are:

- for community legal centres, in 2013, the former Labor Government provided a four year, one off transfer of funding to community legal centres of \$6.8 million per year. That ends, and was always intended and understood to end, on 30 June 2017, and
- the two-year funding reinstatement of \$12 million for community legal centres and \$11.5 million for Indigenous legal assistance providers ends on 30 June 2017. The 2013 Mid-Year Economic and Fiscal Outlook savings measure is ongoing from 1 July 2017.

5. Under the National Partnership Agreement on Legal Assistance Services (2015-20), state and territory governments are responsible for the administration of funding to legal aid commissions and community legal centres.

There has not been a reduction in Commonwealth funding to the Darebin Community Legal Centre (CLC). Under Schedule C of the National Partnership Agreement on Legal Assistance Services, the Darebin CLC has its 2014-15 Commonwealth funding level guaranteed for two years (2015-16 and 2016-17). From 1 July 2017, it is a matter for the Victorian Government to determine the distribution of available Commonwealth (and state) funding to community legal centres in Victoria through evidence-based, service planning processes.

6. Under the National Partnership Agreement on Legal Assistance Services (2015-20), state and territory governments are responsible for the administration of funding to legal aid commissions and community legal centres.

There has not been a reduction in Commonwealth funding to the Loddon Campaspe Community Legal Centre (incorporating the Goulburn Valley Community Legal Centre). Under Schedule C of the National Partnership Agreement on Legal Assistance Services, the Loddon Campaspe Community Legal Centre has its 2014-15 Commonwealth funding level guaranteed for two years (2015-16 and 2016-17). From 1 July 2017, it is a matter for the Victorian Government to determine the distribution of available Commonwealth (and state) funding to community legal centres in Victoria through evidence-based, service planning processes.