

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

Group: 2

Program: 1.3

Question: BE14/091

Senator Singh asked the following question at the hearing on 26-29 May 2014:

1. Are the legal services provided by EDOs provided by any other organisation to Australians who are unable to afford specialised environmental lawyers?
2. Has the Attorney-General ever visited an EDO as Attorney-General? If so when? Which EDO?
3. Did the Attorney-General consult with any of the Environment Defenders Offices or their representatives before determining that existing Service Agreements to EDOs would not be extended and that the Grant Agreements to EDOs that had been committed by the previous Commonwealth government would be cancelled?
4. What was the representation made to the Attorney-General in the letter from the Minerals Council received on 11 October? Did that letter request a cut in funding to EDOs?
5. What was the 'change of policy' that led to the decision by the Abbott Government to defund environmental defenders' offices in Australia?
6. The Government was asked the following question on notice (no. 125) arising out of the last Estimates session:
 - "1) Was an economic assessment of the financial benefits of the work being conducted by the EDOs carried out prior to determining that EDO Service Agreements would not be extended and existing Grant Agreements would be cancelled? If not, why not?"And:
 - 2) Was an assessment of the social benefits of the work being conducted by the EDOs carried out prior to determining that EDO Service Agreements would not be extended and existing Grant Agreements would be cancelled? If not, why not?

The Government answered that no such assessments were carried out, and that the decision of the Government to cut EDO funding implements an election commitment. This statement about the implementation of an election commitment was also made in response to questions on notice 123 and 124.

What was that election commitment referred to? When was this commitment made, and in what forum?

7. I refer to the Government's answer to question on notice no. 126 arising out of the last Estimates session. The Government was asked to "[d]etail the 'provision of enhanced frontline legal services to disadvantaged members of the community' that has been achieved since 17 December 2013." The Government replied that "The process to implement the Government's decision is still underway". Please detail the progress the Government has achieved in providing enhanced frontline legal services to disadvantaged members of the community since February.

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

1. The department cannot comment on what services may or may not be provided by "any other organisation".
2. No. However, members of the Attorney-General's staff have done so.
3. No.
4. It is not appropriate to disclose the contents of private correspondence to the Attorney-General.
5. The Government has directed that the funding of legal assistance services be focused on providing front-line services to disadvantaged people requiring legal help, rather than using public money for reform and advocacy activities.
6. On 5 September 2013, the 'Final Update on Federal Coalition Election Policy Commitments' at item 9.3 listed 'Reprioritise Indigenous Policy Reform program' to deliver savings of \$42m over four years.

This commitment was modified in a measure progressed through the Mid-Year Economic and Fiscal Outlook, to reprioritise funding across all legal assistance programmes.

In a pre-election debate with the then Attorney-General on 26 August 2013, Senator the Hon George Brandis QC outlined the Coalition's policies across a range of legal issues, including legal assistance. Senator Brandis stated that, in a resource-constrained environment, legal assistance funding should be spent where it is most needed – helping actual people in actual distressful circumstances rather than on advocacy.

7. The Mid-Year Economic and Fiscal Outlook legal assistance savings measure directs the funding of legal assistance services to the provision of front-line services to disadvantaged people requiring legal help, rather than using public money for reform and advocacy activities.

Guidelines to implement this policy for the Community Legal Services Programme took effect in July 2014. Guidelines to implement this policy for the Indigenous Legal Assistance Programme will take effect in August 2014. All legal assistance providers continue to deliver services to disadvantaged members of the community in line with their funding agreements.

Funding arrangements that expire on 30 June 2015 include a requirement to focus Australian government funding on front-line service delivery.