

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

Group: 2

Program: 1.4

Question No. BE15/060

Senator Wright asked the following written questions from the 27 and 28 May 2015 hearings:

1. During the Budget Estimates hearings on 28 May 2015, the Attorney General's Department undertook to provide full details, including factors and weightings, of the Funding Assistance Formulas used to calculate the amount of funding to be distributed to each state and territory under the new National Strategic Framework for Legal Assistance in relation to legal aid commissions, community legal centres and the Aboriginal and Torres Strait islander Legal Services.
 - a. Has this information been made publicly available?
 - b. If so, where is it located?
 - c. If not, why not?
2. The Communique following the 22 May 2015 meeting of the Law, Crime and Community Safety Council records that Ministers agreed 'in-principle' to the National Strategic Framework for Legal Assistance, while acknowledging that some jurisdictions reserve their position in relation to particular aspects of the framework to be finalized before it comes into operation.
 - a. When will the National Strategic Framework for Legal Assistance be finalised?
 - b. When will the finalised Framework be made publically available?
 - c. What assistance will the Department provide to bring the Framework into practical operation on 1 July 2015, particularly given the extremely short time frames between finalisation of the Framework and implementation?
3. A recent census by the National Association of Community Legal Centres revealed that 84 community legal centres across Australia reported they had to turn away 156,854 people in the 2013/2014 financial year. A 2014 ACOSS survey has also found that 72 per cent of centres report they cannot currently meet demand. The Australia Institute has found that 490,000 Australians each year miss out on legal help for financial reasons or lack of knowledge.
 - a. Given the existing significant level of unmet legal need, why has the Government cut funding to Community Legal Centres by 30 per cent from 2017-2018 onwards?
 - b. How does this funding cut align with the Productivity Commission's recommendations in its report on Access to Justice Arrangements and the Commonwealth's own commitments to tackle domestic violence and Indigenous disadvantage?
4. The Australian Government has expressed a commitment to addressing family violence as a national crisis.
 - a. Can the Department confirm that only \$16.7m was committed under the federal budget for the Commonwealth's contribution for a national awareness campaign?
 - b. Can you provide details of the funding arrangements for the '1800 Respect' project?

- c. What is the Government's plan for dealing with the increased demand on already over-stretched services that will arise from the increased awareness and increased referrals from 1800 RESPECT to counseling, community legal centres, and refuges?
5. Can you confirm whether the funding for the new National Partnership Agreement will be offset from within the Indigenous Affairs and Attorney General's Portfolios?
 - a. What specific programs or services have been cut to fund this agreement?
 - b. Will any jobs be lost in each of the respective Departments as a result?
 6. How does the new National Strategic Framework for Legal Assistance take into account population growth in areas such as Wyndham which has been one of the fastest growing suburbs in the country for a number of years?
 - a. Wyndham Legal Service has advised that Family Violence and fines are the two most common issues that people seek assistance with their service. Has funding for Wyndham Legal Service been increased under the National Strategic Framework for Legal Assistance?
 - b. What about in 2017-18?
 7. The Federation of Community Legal Centres in Victoria has expressed concern that under the new National Strategic Framework for Legal Assistance, it is no longer sufficient to be financially disadvantaged or to fall within a priority group to obtain free legal help; those who receive free legal help from community legal centres must be experiencing financial disadvantage and fall within a named priority group.
 - a. Can you confirm that this is how the new rules will be applied?
 - b. If so, how will this affect the 39 per cent of cases that Victorian community legal centres deal with that come from domestic violence disputes where the women involved may not meet this double criteria?
 8. Please provide details of the transitional funding that has been offered by Commonwealth to South Australia to assist Community Legal Centres, who as of 1 July 2015, will be required to transition to the new National Partnership Agreement.

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

In responding to these questions, the Attorney-General's Department notes that the Senator refers to the *National Strategic Framework for Legal Assistance* when raising matters relating to the new *National Partnership Agreement on Legal Assistance Services* (NPA). Where appropriate the department has responded with reference to the NPA.

1. In response to question on notice B15/021 the department has provided documentation about the allocation of Commonwealth funding for community legal centres and legal aid commissions under the NPA.
 - a) This information has not been published, but was provided to states and territories on 19 May 2015. The department understands that states and territories elected to distribute this to representatives of the legal assistance sector in their respective jurisdictions.
- b) & c) This information has not been published as negotiations between the Commonwealth, states and territories are ongoing.

2.
 - a) The *National Strategic Framework for Legal Assistance* will be put to the Law, Crime and Community Safety Council (LCCSC) for final endorsement after the NPA has been finalised.
 - b) The framework will be made publicly available once it has been finalised and endorsed by the LCCSC.
 - c) The framework is an overarching document, which will provide high-level policy guidance to governments and the legal assistance sector. It does not include matters which require operational implementation as suggested by the question.
3.
 - a) Non-ongoing funding arrangements expire on 30 June 2017.
 - b) The Australian Government is committing \$1.3 billion over five years through the NPA, and a further \$350 million over five years through the Indigenous Legal Assistance Programme. Indigenous Australians and people experiencing, or at risk of, family violence are Commonwealth priority groups for legal assistance.
4.
 - a) & b) This is a matter for the Department of Social Services.
 - c) Under the NPA, states and territories must undertake collaborative service planning. Meetings will include governments and sector representatives, including legal aid commissions, community legal centres and Indigenous legal assistance services. Service planning will use evidence from quality data sources to identify priority clients and geographic locations in which people have the highest level of legal need. The Australian Government will work with states and territories through the service planning process to ensure services are directed to where they are most needed.
5. Funding for the NPA is provided for in the Budget forward estimates.
6. Commonwealth funding for legal aid commissions and community legal centres is distributed between the states and territories using evidence-based funding allocation models. The models use population data, which is updated for each financial year using population growth projections sourced from the Australian Bureau of Statistics.

Within each jurisdiction, the states and territories will have discretion to distribute their Commonwealth funding allocations to address emerging legal need and growth areas.
- a) & b) This is a matter for the Victorian Government. Under the NPA, states and territories are responsible for allocating Commonwealth funding to individual CLCs. The department cannot confirm how much funding Wyndham Legal Services will receive until the Victorian Government has allocated its Commonwealth and state funding for community legal centres.
7. In response to feedback during negotiations, this particular clause of the NPA has been amended – the requirement is now for the majority of representation services to be provided to people who are financially disadvantaged.

8. The Attorney-General has approved additional, one-off funding of \$1.7 million to South Australia to assist with the transition to new arrangements from 2015-16, subject to the South Australian government making a commitment to agree to the NPA. It will be at the discretion of the South Australian Government to determine the proportion of funding directed to individual community legal centres or the Legal Services Commission of South Australia.