

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

Program: 1.4 Justice Services

Question No. BE16/011

Senator McKim asked the following question at the hearing on 5 May 2016:

Senator McKIM: To follow up on the previous line of questioning, Minister, you have said that a significant proportion of the \$100 million for breaking the cycle of violence against women and children would be allocated to legal assistance. Firstly, can you be more specific than 'a significant proportion'. Are you talking about 10 per cent or 90 per cent, for example? Secondly, how will the allocations be decided and, particularly, when will they be decided given, by all accounts, we are not far off caretaker mode?

Senator Scullion: In terms of the 'significant proportion', it means just that. It is vague, but 'significant' is what you would normally take from significant. It is quite a considerable amount. The reason it is not specific is because the next part of my answer was that it had not actually been announced, because it has not been worked out. In terms of the circumstances around caretaker mode, I am not sure whether anyone can provide some additional assistance about where we are up to in that regard. As I said, I am advised that it will be announced shortly. Even if it is after that period of time, I am sure that the budget would see us through until that time. Of course, it will be in consultation with legal services in the states and territories and with the sector to determine the distribution. I think the important part of this issue is that, when you are considering legal assistance, it might not be under the legal assistance specific provision in the budget but that it is encapsulated in the other packages that are designed to work more efficiently and effectively with other jurisdictions.

Senator McKIM: Would you regard 'significant' as being more than half? Would that be a reasonable definition of 'significant'?

Senator Scullion: Indeed.

Senator McKIM: Thank you.

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Senator McKIM: The question does still apply. To be clear, the likelihood is that the election will be called within the next few days. The Prime Minister has been very clear about that in his public statements. You have said that there is a process of consultation still to be gone through before decisions are made around the quantum of the \$100 million that will be allocated to legal assistance and, presumably, where within the broader legal assistance framework those funds will specifically be allocated—for example, through CLCs, Family Violence Prevention Legal Services, Aboriginal and Torres Strait Islander Legal Services, legal aid commissions and so forth. Given that you have said there is an intent to consult and given that the Prime Minister has basically said that he will be calling an election in the next few days, will those decisions be made before we enter caretaker mode? Secondly, if they are not made before we enter caretaker mode, can those decisions be made and enacted in caretaker mode?

Senator Scullion: First of all, the consultation has not just started off. There has been some ongoing consultation to come to the position we are in. In regard to the second part of your question, the normal caretaker provisions will apply.

Senator McKIM: I understand that. Having served as a minister in Tasmania, I am well aware of caretaker provisions and also ministerial sign-off. I would submit to you that it would be usual that a minister would sign off on decisions such as this, certainly based on advice from the department, and I am disappointed that we are not able to have some clarity around the timing of the decision-making and the subsequent announcement.

Senator Scullion: Perhaps we can take that element on notice, and if there is any further information around those issues we will be able to provide it on notice.

Senator McKIM: Thank you.

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

On 12 May 2016, the Attorney-General, the Minister for Women and the Minister for Social Services announced that \$30 million of the \$100 million for initiatives to support the Third Action Plan of the *National Plan to Reduce Violence against Women and their Children 2010-2022* will be allocated to legal assistance and family law services.

On 16 May 2016, the Attorney-General sought the views of state and territory Attorneys-General and sector peak bodies about how the \$30 million could be allocated to have the greatest impact.