

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

BUDGET ESTIMATES 2017

Attorney General's Department

Program: 1.1 AGD Operating Expenses - Civil Justice and Legal Services

Question No. BE17-011

Senator Kakoschke-Moore asked the following question on 24 May 2017:

Senator KAKOSCHKE-MOORE: Can you tell me whether or not any new specialist domestic violence units will be established in South Australia as a result of this funding?

Ms Samios: No decision has been taken at this stage as to where they will be established.

Senator KAKOSCHKE-MOORE: Is it up to the states to put in an application to the federal government to express their desire or their need for an additional site? How will that work?

Ms Samios: We will be seeking input from the states and territories on possible locations and possible service providers.

Senator KAKOSCHKE-MOORE: In terms of how that money is then spent, does the federal government put any parameters on that? Would you say, 'You can only use this to pay for an additional lawyer'? Is there any restriction on how the money is spent by the unit?

Ms Samios: Each of the units is funded through a direct grant agreement, and there are a range of parameters that are set out in those grant agreements for how the funding can be spent and the time frame in which it can be spent.

Senator KAKOSCHKE-MOORE: Perhaps on notice, could I have some more information about those grant agreements and what is contained in them?

Ms Samios: Sure.

Senator KAKOSCHKE-MOORE: Are you aware of any specific areas across Australia that have demonstrated a higher need for these services?

Ms Samios: It is not information we have put together yet.

Senator KAKOSCHKE-MOORE: So that will happen as a result of the discussions you are having now?

Ms Samios: That is correct.

Senator KAKOSCHKE-MOORE: Has there been a trial of the existing specialist domestic violence units?

Ms Samios: This entire arrangement is under a pilot program, so the existing units that are there are over a four-year pilot period. These additional units will also be part of that pilot. We are expecting to commence evaluation of that pilot early in the next financial year and to conclude that evaluation early in the following financial year, so in the financial year 2018-19, with the intention of informing government about future options.

Senator KAKOSCHKE-MOORE: I just want to turn to South Australia again for a moment. The South Australian government is currently in the process of implementing a centralised system for legal assistance, where the Legal Services Commission will control eligibility assessment, triage and the referral of clients. I understand an MOU has been signed between the South Australian government and the Legal Services Commission. Does the federal government have a view on whether the South Australian government is permitted to provide Commonwealth funding allocated to community legal centres to the Legal Services Commission for the purposes of this

new centralised system?

Ms Samios: I think it is best if we take that on notice.

The response to the honourable Senator's question is as follows:

The grant agreements entered into between the Attorney-General's Department (the department) and the individual providers of the specialist domestic violence units require the service providers to undertake the following activity:

The Grantee will establish a specialist domestic violence unit to deliver wrap-around services to women experiencing or at risk of domestic violence within [location]. The focus of the services will be on providing intensive front-line legal assistance, including representation where necessary, and holistic case management support assisting clients to access the other help they need.

The service will target the most vulnerable and at risk women who are in need of this intensive support. This will include ensuring that the service is accessible to Indigenous women, culturally and linguistically diverse women, and women with a disability or mental illness. The service will be culturally appropriate for all clients.

In developing and undertaking the Activity, the Grantee will engage with relevant stakeholders to ensure that services are joined up, appropriately targeted, and tailored to meet clients' legal needs and capability levels. Relevant stakeholders include legal and non-legal service providers in the region. This engagement should include identifying and seeking to address service gaps, and ensuring that the services benefit the region generally.

Collaboration with other service providers will include building referral pathways and increasing support options for clients. The Grantee will develop case management protocols with other service providers for referrals and gaining client permission to share relevant information for the purposes of streamlined service delivery. Relevant non-legal services may include (but are not limited to) financial counselling, trauma counselling, tenancy assistance, emergency accommodation, family law services and employment services.

Any legal representation services should prioritise clients experiencing financial disadvantage. Financial disadvantage has the same definition as in the National Partnership Agreement on Legal Assistance Services 2015-20, where it means people who do not have the means to pay for their legal representation without incurring serious financial difficulty, including people who:

- (i) are in receipt of Centrelink benefits as their main source of income; or*
- (ii) satisfy a means test applied by a legal aid commission; or*
- (iii) are exempt from the legal aid means test; or*

- (iv) *have an income equal to or below the Henderson Poverty Line; or*
- (v) *cannot access finances temporarily due to circumstances outside of their control, such as family violence preventing them from accessing finances without risk to their personal safety or the safety of others.*

This text varies slightly in some of the grant agreements to specifically require the service provider to partner with another service provider, or establish the service within another related service.

The grant agreements also require the service providers to engage in ‘community of practice’ discussions about the establishment, implementation and evaluation of the pilot services, to collect data requested by the department, and to engage in evaluation activities.

Service providers were required to submit a project plan for delivery of the activity, including a budget, which were to be approved by the Attorney-General’s Department prior to any payments being made.

In relation to the centralised system for legal assistance triage and referral in South Australia, the *National Partnership Agreement on Legal Assistance Services 2015-2020* does not permit South Australia to reallocate Commonwealth community legal centre funding to the Legal Services Commission of South Australia.