

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

Group 2

Program 1.3

Question No. 67

Senator Siewert asked the following question at the hearing on 30 May 2013:

1. With regards to the new legal aid funding for Aboriginal Legal Services – have any decisions been made about the distribution of this funding? How much will be allocated to the NT? Can you please supply data about the allocation of funding by state and territory and number of clients serviced by state and territory, for the last three financial years.
2. While the federal Government is increasing its funding for legal aid that includes community legal centres and Aboriginal legal services, states are cutting their funding allocations, for example the cuts to Welfare Rights in NSW. Do you know what the net impact on services per state and territory will be?
3. How much of this funding will be used to fill gaps in legal aid services left by state budgets?
4. Will any of the new funding be available to ensure that the NSW Custody Notification Service continues to operate?

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

1. Funds are allocated to each ATSILS using a funding allocation model which takes into account the size of the Indigenous population, the likely demand for legal services and the cost of delivering legal services. The funding allocation model determines funding for each State/Zone by comparing factors that estimate demand for services (such as age, education, gender, employment, removal from family) and factors that affect the cost of service delivery (such as number of non-English speakers, regional and remote courts and offices). This model was used to distribute the additional funding allocation in the 2013 Budget.

Under the funding allocation model, the Northern Territory will be allocated \$24.9m over 2013-2014 and 2014-2015 financial years. This represents an increase in base grant funding of \$2.05m over two years as a result of the additional funds.

ATSILS funding/Matters

	2010-11 (\$m)	2011-12 (\$m)	2012-13 (\$m)	Total (\$m)	Total matters 10-11	Total matters 11-12	Total matters to date 12-13
NSW	16.151	16.392	16.998	49.541	57,118	40,327	28,903
VIC	3.682	3.682	3.859	11.223	12,805	10,632	10,170
QLD	15.012	15.453	16.254	46.719	60,849	76,993	53,910
WA	11.987	12.55	12.467	37.004	25,572	23,480	16,847
SA	4.279	4.36	4.432	13.071	17,821	20,545	16,603
TAS	1.886	1.908	2.016	5.81	4,512	4,304	2,491
NT	13.606	13.662	13.991	41.259	24,691	26,120	15,585
Total	66.603	68.007	70.017	204.627	203,368	202,401	144,509

Note: The current ATSILS data collection system does not collect client numbers only matter numbers.

2. The Department is aware that some States have ceased or reduced funding allocations to community legal centres, including through sources other than the Community Legal Services Program. It is not possible to accurately determine the specific impacts of state government decisions as those decisions are varied and further decisions can occur at any time.
3. Allocations of the additional funding have not yet been fully determined. As noted in the answer to Question 2, it is not possible to accurately determine the specific impacts of state government decisions and some of the additional funding is tied to specific service delivery on Commonwealth priorities. Accordingly, it is not possible to determine the extent of funding that will be used to fill any gaps in legal aid services left by state budgets.
4. Yes. The Attorney-General has agreed to the Aboriginal Legal Service NSW using some of the additional funds, announced in the 2013-14 Budget, to maintain the custody notification service. An additional one-off payment of \$137,500 has also been made to assist with meeting the costs of the service.