

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

Group 2

Program 1.3

Question No. 43

Senator Brandis asked the following question at the hearing on 16 October 2012:

Senator BRANDIS: I am looking at the schedule of grants made from the Attorney-General's office in the current financial year, which is being supplied to the Senate under the continuing order of the Senate. That is from 1 July 2012 to 30 June 2013. You are familiar with the document I am referring to.

Ms Bailey: I do not have it with me.

Senator BRANDIS: There you are: have a look at it. I just want to know one thing, please—and you may have to take this on notice—if you glance through the document, you will see there are numerous instances of programs entitled 'financial assistance towards legal costs and related expenses.' Against that entry, we see the words 'name omitted for privacy reasons'. Apart from the amount, there is no indication whatsoever of the purpose of the grant other than it is towards legal costs. What I would like to know, please, is of all the items in the schedule so described, how many relate to asylum seeker matters, the provision of legal costs towards asylum seekers?

Mr Duggan: I would prefer to take that question on notice, if I may. Some of them will indeed relate to that but I cannot give you that answer now.

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

Grants for financial assistance towards legal costs and related expenses are generally paid to individuals rather than to organisations and are treated as sensitive. As such, details of individual cases do not appear on the Attorney-General's Department schedule of grants.

None of the matters with the program description of 'financial assistance towards legal costs and related expenses' relate to asylum seeker matters.

Programs entitled 'financial assistance towards legal costs and related expenses' are funded under the *Commonwealth Guidelines for Legal Financial Assistance 2012*, the *Native Title (Provision of Financial Assistance) Guidelines 2006*, s34ZX *Australian Security Intelligence Organisation Act 1979* and the *Federal Proceedings (Costs) Act 1981*. Information about the schemes is available from the Attorney-General's Department website.

Individuals receive financial assistance under the various schemes for a range of commonwealth law matters including:

- Overseas child abduction matters
- Serious overseas criminal cases
- Parties involved in land use agreements under the *Native Title Act*
- Persons called to give evidence before the Australian Crime Commission or summoned to appear before a prescribed authority by the Australian Security Intelligence Organisation

- Parties issued a certificate of costs by the Administrative Appeals Tribunal, Federal Magistrates Court, Family Court, Federal Court or the High Court of Australia, and
- Public interest or test cases that settle an uncertain area or question of Commonwealth law, or resolve an important question arising under a Commonwealth law that affects the rights of a section of the public which is, or a group of individuals who are, socially or economically disadvantaged.