

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

Group: 2

Program: 1.3

Question No. AE15/112

Senator Wright asked the following written question from the 24 February and 27 March 2015 hearings:

1. The MYEFO cuts to legal assistance services announced in December 2013 amounted to \$43.1 million, yet the 'reversal' of the cuts announced on 26 March 2015 'restored' only \$25.5 million over two years. Please list the legal assistance services that will be impacted the shortfall in the reversal of these cuts?
2. When will the Commonwealth Government disclose the new funding formula for the allocation of State and Territory CLC funding?
 - a. Can you confirm that this formula was not developed in consultation with the community legal sector?
 - b. Will this formula include safeguards to guarantee that existing centres will not be closed due to the potential redistribution of funding?
 - c. Will this formula guarantee that no family violence intervention order services will be impacted by the proposal to stop the use of Commonwealth funds on community legal centre cases relating to State matters that are not connected to a Family Court proceeding?
3. Does the Department intend to defer the commencement of the new funding formula for the legal assistance sector to enable evidence-based legal needs assessment and jurisdictional service planning to take place? If so, for how long?
4. Can you confirm that under the new funding model, the Commonwealth will no longer play a coordination role with CLC program management and administration?
 - a. If so, what resources and assistance will be provided to the States to enable them to transition to this coordinating role? Will this change be taken into account when setting the time frames for the commencement of the new funding model?

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

1. The decision to restore \$25.5m in legal assistance funding over two years did not include the reinstatement of funding for nine Environmental Defenders Offices (EDOs). These services are as follows:
 - EDO NSW
 - Environmental Justice Australia
 - Environmental Defenders Office Queensland
 - Environmental Defenders Office of Northern Queensland
 - Environmental Defenders Office (SA)
 - Environmental Defender's Office Western Australia
 - EDO Tasmania

- Environmental Defenders Office (NT)
 - Environmental Defenders' Office (ACT)
2. The timing for release of the allocation of Commonwealth funding for community legal centres to each state and territory is a matter for the Australian Government.
 - a. The department sought input from stakeholders, including community legal centres, about factors that influence demand for legal assistance services, and used this information in developing the funding allocation models.
 - b and c. The purpose of the CLC funding allocation model is to provide an evidence-based method for allocating available Commonwealth funding between jurisdictions on the basis of relative need for legal assistance services. The model does not determine the amount of funding allocated to individual CLCs or for specific purposes.
 3. The timeframe for applying new models for the allocation of Commonwealth legal assistance funding is a matter for the Australian Government in the 2015-16 Budget.
 4. The funding allocation model is separate from the proposed administrative arrangements.