

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

Program 1.1

Question No. 77

Senator Siewert asked the following question at the hearing on 25 May 2010:

How will the \$50,000 per annum in income be assessed (that is, is it based on their income for the past financial or calendar year or is it what they expect to earn over the next 12 months?)

- a. Often people's work and income is affected by separation and can be uncertain. Will providers have discretion to vary the fee?
- b. Will there be hardship provisions? For example, if someone has high debt or financial commitments, would that be taken into consideration?
- c. Why was \$50,000 chosen? It is below the average wage, but not the minimum wage. What is the rationale?

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

The fee and threshold are set amounts. In determining a client's income for this purpose, providers will take into account both an individual's previous year's income and expected future income.

a/ b. This change in policy does not affect the existing fee waiver policy which includes the ability to waive fees where:

- (i) the client holds a health care card;
- (ii) the client holds a health benefits card;
- (iii) the client holds a pensioner concession card;
- (iv) the client holds a Commonwealth seniors health card or any other card issued by the Department of Social Security or the Department of Veterans' Affairs that certifies entitlement to Commonwealth health concessions; or
- (v) the client has been granted legal aid for the parenting issue being dealt with at the service;
- (vi) the client is an inmate of a prison or otherwise lawfully detained in a public institution;
- (vii) the client is a child under the age of 18 years;
- (viii) the client is in receipt of a youth allowance, or an Austudy payment or ABSTUDY benefits; or
- (ix) the service ascertains that payment of the fee would cause financial hardship to the client.

- c. \$50,000 was chosen as a reasonable point in which to expect some contribution to services.