

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

Group 2

Program 1.3

Question No. 156

Senator Wright asked the following questions at the hearing on 18 November 2013:

1. Did the review of the National Partnership Agreement on Legal Assistance Services consider whether state legal services commissions' eligibility guidelines, which dictate which people are eligible for legal assistance and in what circumstances, were set in accordance with the terms of the Agreement itself?
2. Will the findings of the review into the National Partnership Agreement on Legal Assistance Services be implemented before the results of the Productivity Commission's inquiry into access to justice are known, or does the Department intend to respond to the findings of the two bodies together?
3. Has the Department undertaken any work that would support state legal aid commissions - by examining efficiency, business practices and whether operations can be streamlined or improved, as a way of ensuring the Commonwealth's contribution to legal assistance is spent in an optimal way?
4. The National Partnership Agreement for Legal Assistance Services states at clause 40 that it must be reviewed by 30 June 2013, with regard to the parties' progress in achieving the agreed outcomes, objectives and outputs. In the May budget estimates hearings, the Department advised that the review may not occur to that timeline, and that it was likely to be finalised in about August this year. When will the report summarising the review be published?

The answers to the honourable senator's questions are as follows:

1. The National Partnership Agreement on Legal Assistance Services (the NPA) does not set the eligibility criteria for legal assistance services, which is for each legal aid commission to determine.

The NPA provides guidance to legal aid commissions on the types of matters which should attract Commonwealth-funded legal assistance. The NPA also establishes principles for assessing financial eligibility for a grant of legal aid. However, these terms are neither prescriptive nor exhaustive.

The review of the NPA assesses the appropriateness of the guidance provided to legal aid commissions under the NPA.

2. The timing of the Government's response to both the NPA review and the Productivity Commission's inquiry into access to justice arrangements is a matter for Government.

3. The review of the NPA includes an evaluation of the quality, efficiency and cost-effectiveness of the legal aid commissions. In addition, the department meets regularly with legal aid commissions to discuss performance and other operational matters.
4. This is a decision for the Government. As the Attorney-General, the Hon George Brandis QC, advised during the hearing on 18 November 2013, the NPA review will be released in due course.