

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

**Group 2**

**Program 1.3 and 1.5**

**Question No. 77**

**Senator Ludwig asked the following question at the hearing on 18 November 2013:**

1. The former Labor government committed new funds in the 2013/4 budget to legal aid Commission, Aboriginal and Torres Strait islander legal services and the expansion of community legal centres. Is the Government going to honour the funding provided in the last budget?
2. What is the government's policy for community legal centres in rural areas?
3. Does the government believe that there are enough services being provided to legal centres in rural areas?
4. Will the minister commit to keeping the \$10.3m for community legal centres in outer suburban and regional areas?
5. Is the abolishment of the National Aboriginal and Torres Strait Islander Legal Service under consideration either by the department or the commission of audit?
6. Will the AG rule out the abolishment of the ATSILS?
7. With the wide scope of the commission of audit, can the attorney reiterate his promise (reported in the SMH of September 6th - (<http://www.smh.com.au/national/coalition-cuts-to-indigenous-legal-aid-under-fire-20130906-2tah9.html#ixzz2jMTKk1YK>)) that cuts would not impact indigenous legal aid?
8. Does this include the \$12m additional funding that labor put into this year's budget?
  - a) If not - The direct result of this policy is more indigenous people being incarcerated- does the minister agree with the chairman of the National Aboriginal and Torres Strait Islander Legal Service on that point?
9. Has the minister been provided with advice or sought a brief from his department about the impact on indigenous Australians by changing or cutting the funding provided by the Labor government?
10. Can he promise that any changes or cuts will not result in an increased number of aboriginal Australians being locked up?
11. Is the minister more qualified than the chairman of the National Aboriginal and Torres Strait Islander Legal Service to know the effects his cuts will make of indigenous Australians?
12. The Royal Commission into Aboriginal deaths in custody had as one of its recommendations that "That governments which have not already done so should legislate to enforce the principle that imprisonment should be utilised only as a sanction of last

resort.” This year’s Australian Institute of Criminology report said the number of Indigenous deaths in custody was primarily due to the number of Indigenous people imprisoned- won’t your cuts (or you failing to rule out making cuts) just make this situation worse?

13. Twenty years since the Royal Commission, the proportion of prisoners that are Indigenous has almost doubled from 14% in 1991 to 26% in 2011- how are these cuts going to reverse that trend?

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

1. The \$12m additional funding allocated to ATSILS by the previous government in the 2013-14 Budget is fully committed within their current funding agreements. The \$30 million additional funding allocated to legal aid commissions in the 2013-14 Budget is fully committed within two year funding agreements. The \$10.3m additional funding allocated to community legal centres by the previous government in the 2013-14 Budget is currently included in a funding agreement until 30 June 2017.
2. The Government policy is, subject to Budget constraints, to ensure that all Australians are provided with services which facilitate access to justice. This includes Australians who live in rural areas. Legal assistance services are represented in many rural areas, and legal assistance services, including Indigenous legal services, work together to maximise coverage of rural areas, for example, with outreach. The objective of the Community Legal Services Program is to contribute to the provision of access to legal assistance services for disadvantaged members of the community and those with special needs.
3. Services are provided in rural areas within current funding objectives. The objective of the Community Legal Services Program is to contribute to the provision of access to legal assistance services for disadvantaged members of the community and those with special needs.
4. This is a matter to be considered within the Budget context.
5. The abolition is not under consideration by the Department. Questions about the Commission of Audit should be directed to the Department of Finance.
6. .See the answer to Question 5
7. This is a matter to be considered within the Budget context.
8. This is a matter to be considered within the Budget context.
9. The Department has provided advice in relation to funding of ATSILS.
10. It is not expected that any savings found will impact Indigenous incarceration rates. The purpose of any savings is to maintain frontline services.
11. All decisions made by the Attorney-General are informed by advice from the Department and relevant agencies.
12. It is not expected that any savings found will impact Indigenous incarceration rates.

13. It is not expected that any savings found will impact Indigenous incarceration rates. The priority for ATSILS is providing frontline services.