

SENATE STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION
ATTORNEY-GENERAL'S DEPARTMENT

INQUIRY INTO HUMAN SERVICES (ENHANCED SERVICE DELIVERY) BILL 2007

Senator Nettle asked the following question at the hearing on 6 March 2007:

Can the Access Card be used to determine entitlement to Legal Assistance?

The answer to the Honourable Senator's question is as follows:

The Access Card cannot be used to determine entitlement to legal assistance. The Australian Government funds State and Territory legal aid commissions to provide legal assistance to disadvantaged Australians in matters which arise under Commonwealth law. Legal aid commissions are independent statutory bodies established under State or Territory legislation. In assessing applications for legal aid for Commonwealth law matters, legal aid commissions must comply with priorities and guidelines set by the Australian Government.

The guidelines require commissions to test the merits of the matter for which aid is sought, and to apply a means test to determine the applicant's financial eligibility. The means test comprises both an income and assets test. Some commissions deem full Centrelink beneficiaries to be eligible on the income component of the test.

When lodging a legal aid application, a beneficiary would need to provide to the commission proof of the type of Centrelink payment being received and information about the rate of the payment. The Access Card does not hold income or asset information and cannot be used to test such eligibility. The cardholder may choose to use the Card as a proof of identity document in the application process.