

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

**Group 2**

**Program 1.3**

**Question No. 44**

**Senator Wright asked the following question at the hearing on 16 October 2012:**

**Senator WRIGHT:** I am going to ask you to take on notice questions about the annual amount of Commonwealth funding provided to legal aid services over the past five years with a breakdown for Aboriginal and Torres Strait Islander legal services, community legal centres and family violence prevention legal services, and by state and territory.

1. Can you please provide details of the total annual amount of Commonwealth funding provided to legal aid services over the past five years.
2. Can you please also provide details of the total annual amount of Commonwealth funding provided over the last five years to:
  - a) Aboriginal and Torres Strait Islander Legal Services;
  - b) Community Legal Centres; and
  - c) Family Violence Prevention Legal Services.
3. Can you also provide a State and Territory breakdown of the funding provided to Legal Assistance Services, ATSILs, CLCs and FVPLS.
4. The Commonwealth government has apparently spent \$1.3 billion in funding for legal assistance services. Can you please provide a breakdown of how this money has been or will be spent – i.e. how much has been spent over the past 5 years and how much will be spent over forward estimates.
5. Can you also provide details of the services that are receiving these funds, for example, how much is going to legal aid services and how much is going to Community Legal Centres.

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

***Questions 1 and 2:***

The Commonwealth funds the delivery of legal assistance services provided by legal aid commissions (commissions), community legal centres (CLCs), Aboriginal and Torres Strait Islander legal services (ATSILS) and family violence prevention legal services (FVPLS).

Table 1 provides a summary of the annual amount of Commonwealth funding provided to legal assistance services for the five years 2007-08 to 2011-12. It includes separate details for commissions, ATSILS, CLCs and FVPLS.

*Table 1: Summary of Commonwealth funding provided to legal assistance services for the period 2007-08 to 2011-12 (Actual Expense)*

	<b>2007-08 (\$m)</b>	<b>2008-09 (\$m)</b>	<b>2009-10 (\$m)</b>	<b>2010-11 (\$m)</b>	<b>2011-12 (\$m)</b>	<b>Total (\$m)</b>
<b>Legal aid commissions</b>	<b>177.922</b>	<b>170.948</b>	<b>183.509</b>	<b>200.872</b>	<b>204.506</b>	<b>937.757</b>
<b>Community legal centres</b>	<b>30.709</b>	<b>28.594</b>	<b>27.595</b>	<b>31.532</b>	<b>34.123</b>	<b>152.553</b>
<b>Aboriginal and Torres Strait Islander legal services</b>	<b>63.855</b>	<b>61.032</b>	<b>59.549</b>	<b>66.603</b>	<b>68.007</b>	<b>319.046</b>
<b>Family Violence Prevention Legal Services</b>	<b>17.842</b>	<b>17.878</b>	<b>20.373</b>	<b>18.681</b>	<b>19.096</b>	<b>93.870</b>
<b>TOTAL</b>	<b>290.328</b>	<b>278.452</b>	<b>291.026</b>	<b>317.688</b>	<b>325.732</b>	<b>1,503.226</b>

### *Question 3*

The annual amount of Commonwealth funding provided to legal assistance services for the five years 2007-08 to 2011-12 by provider and by State and Territory is detailed in Tables 2 to 5 below.

*Table 2: Commonwealth funding provided to legal aid commissions by State and Territory for the period 2007-08 to 2011-12 (Actual Expense)*

	<b>2007-08 (\$m)</b>	<b>2008-09 (\$m)</b>	<b>2009-10 (\$m)</b>	<b>2010-11 (\$m)</b>	<b>2011-12 (\$m)</b>	<b>Total (\$m)</b>
<b>NSW</b>	63.437	54.542	57.209	62.744	65.137	<b>303.069</b>
<b>VIC</b>	36.322	36.227	43.536	47.214	46.204	<b>209.503</b>
<b>QLD</b>	34.510	35.786	37.326	40.879	43.255	<b>191.756</b>
<b>WA</b>	16.022	16.303	16.216	20.483	19.841	<b>88.865</b>
<b>SA</b>	13.641	13.736	14.054	14.946	15.434	<b>71.811</b>
<b>TAS</b>	5.321	5.838	6.302	5.936	5.936	<b>29.333</b>
<b>ACT</b>	3.997	4.082	4.946	4.491	4.465	<b>21.981</b>
<b>NT</b>	4.672	4.434	3.920	4.179	4.234	<b>21.439</b>
<b>Total</b>	<b>177.922</b>	<b>170.948</b>	<b>183.509</b>	<b>200.872</b>	<b>204.506</b>	<b>937.757</b>

1. Includes Northern Territory Emergency Response (NTER) payments and amounts paid from the Expensive Commonwealth Criminal Cases Fund (ECCCF), the Regional Innovations Program for Legal Services (RIPLS) and the Illegal Foreign Fishing Fund (IFF).

2. Apart from standard indexation, the variation in the level of funding from year to year is mainly driven by the demand on funds from the Expensive Commonwealth Criminal Cases Fund (ECCCF) and one-off additional payments made via the reallocation of program funds within the portfolio.

*Table 3: Commonwealth funding provided to community legal centres by State and Territory for the period 2007-08 to 2011-12 (Actual Expense)*

	<b>2007-08 (\$m)</b>	<b>2008-09 (\$m)</b>	<b>2009-10 (\$m)</b>	<b>2010-11 (\$m)</b>	<b>2011-12 (\$m)</b>	<b>Total (\$m)</b>
<b>NSW</b>	6.990	6.662	5.953	7.202	8.476	<b>35.283</b>
<b>VIC</b>	6.694	6.051	5.655	6.942	7.489	<b>32.831</b>
<b>QLD</b>	4.605	4.519	4.210	4.774	5.127	<b>23.235</b>
<b>WA</b>	4.317	3.953	4.263	4.639	4.675	<b>21.847</b>
<b>SA</b>	3.598	3.258	3.453	3.771	3.941	<b>18.021</b>
<b>TAS</b>	1.352	1.302	1.235	1.469	1.657	<b>7.015</b>
<b>ACT</b>	0.820	0.730	0.692	0.773	0.769	<b>3.784</b>
<b>NT</b>	2.333	2.119	2.134	1.962	1.989	<b>10.537</b>
<b>Total</b>	<b>30.709</b>	<b>28.594</b>	<b>27.595</b>	<b>31.532</b>	<b>34.123</b>	<b>152.553</b>

1. Includes one-off additional payments made via the reallocation of program funds within the portfolio.

*Table 4: Commonwealth funding provided to Aboriginal and Torres Strait Islander legal services by State and Territory for the period 2007-08 to 2011-12 (Actual Expense)*

	<b>2007-08 (\$m)</b>	<b>2008-09 (\$m)</b>	<b>2009-10 (\$m)</b>	<b>2010-11 (\$m)</b>	<b>2011-12 (\$m)</b>	<b>Total (\$m)</b>
<b>NSW</b>	14.214	14.961	14.508	16.151	16.392	<b>72.226</b>
<b>VIC</b>	3.372	3.921	3.254	3.682	3.682	<b>17.911</b>
<b>QLD</b>	13.677	13.487	12.698	15.012	15.453	<b>70.327</b>
<b>WA</b>	15.417	11.53	11.565	11.987	12.55	<b>63.049</b>
<b>SA</b>	5.316	4.769	4.476	4.279	4.360	<b>23.200</b>
<b>TAS</b>	2.020	1.672	1.785	1.886	1.908	<b>9.271</b>
<b>NT</b>	9.839	10.692	11.263	13.606	13.662	<b>59.062</b>
<b>Total</b>	<b>63.855</b>	<b>61.032</b>	<b>59.549</b>	<b>66.603</b>	<b>68.007</b>	<b>319.046</b>

1. Includes Northern Territory Emergency Response (NTER) payments and one-off additional payments made via the reallocation of program funds within the portfolio.

*Table 5: Commonwealth funding provided to Family Violence Prevention Legal Services by State and Territory for the period 2007-08 to 2011-12 (Actual Expense)*

	<b>2007-08 (\$m)</b>	<b>2008-09 (\$m)</b>	<b>2009-10<sup>1</sup> (\$m)</b>	<b>2010-11 (\$m)</b>	<b>2011-12 (\$m)</b>	<b>Total (\$m)</b>
<b>NSW</b>	3.798	3.105	3.288	3.237	3.470	<b>16.898</b>
<b>VIC</b>	1.146	2.114	1.428	1.336	1.522	<b>7.546</b>
<b>QLD</b>	3.539	3.392	3.932	3.916	3.776	<b>18.555</b>
<b>WA</b>	5.234	4.489	6.251	4.529	4.672	<b>25.175</b>
<b>SA</b>	1.247	1.302	1.566	1.850	1.651	<b>7.616</b>
<b>TAS</b>	0.000	0.000	0.000	0.000	0.000	<b>0.000</b>
<b>ACT</b>	0.000	0.000	0.000	0.000	0.000	<b>0.0</b>
<b>NT</b>	2.878	3.476	3.908	3.813	4.005	<b>18.080</b>
<b>Total FVPLS</b>	<b>17.842</b>	<b>17.878</b>	<b>20.373</b>	<b>18.681</b>	<b>19.096</b>	<b>93.870</b>

1. Includes one-off additional across all 31 service providers for disbursement assistance for victims of crime compensation matters.

2. Includes funding provided under the Family Violence Prevention Legal Services program for specific purpose Early Intervention and Prevention (EIP) activities.

### **Questions 4 and 5**

\$1.3 billion refers to the four year allocation of funds provided for legal assistance programs in the 2010-11 Budget. This funding allocation is shown below at Table 6.

The amount spent over the past five years is \$1.5 billion, as shown in Table 1, in response to question 1.

Table 7 shows that the total allocation for legal assistance programs for the four years from 2012-13 is \$1.35 billion.

As requested in question 5, the tables below also identify the funding by legal assistance program.

*Table 6: Breakdown of Commonwealth funding provided for legal assistance programs for the period 2010-11 to 2013-14 (Budget Expense)*

	<b>2010-11 (\$m)</b>	<b>2011-12 (\$m)</b>	<b>2012-13 (\$m)</b>	<b>2013-14 (\$m)</b>	<b>Total (\$m)</b>
<b>Legal aid</b>	194.186	198.287	201.651	205.233	<b>799.357</b>
<b>Community legal services</b>	31.483	33.925	34.443	35.334	<b>135.184</b>
<b>Aboriginal and Torres Strait Islander legal services</b>	63.722	65.466	66.535	68.337	<b>264.060</b>
<b>Family Violence Prevention Legal Services</b>	19.500	19.833	20.190	20.049	<b>80.339</b>
<b>TOTAL</b>	<b>308.891</b>	<b>317.511</b>	<b>322.819</b>	<b>329.720</b>	<b>1,278.940</b>

*Table 7: Breakdown of Commonwealth funding provided for legal assistance programs for the period 2012-13 to 2015-16 (Budget Expense)*

	<b>2012-13 (\$m)</b>	<b>2013-14 (\$m)</b>	<b>2014-15 (\$m)</b>	<b>2015-16 (\$m)</b>	<b>Total (\$m)</b>
<b>Legal aid</b>	212.609	212.166	209.129	213.102	<b>847.006</b>
<b>Community legal services</b>	36.236	37.007	37.134	37.840	<b>148.217</b>
<b>Aboriginal and Torres Strait Islander legal services</b>	65.537	68.112	69.498	72.294	<b>275.441</b>
<b>Family Violence Prevention Legal Services</b>	19.090	19.674	20.049	20.856	<b>79.669</b>
<b>TOTAL</b>	<b>333.472</b>	<b>336.959</b>	<b>335.81</b>	<b>344.092</b>	<b>1,350.333</b>