



Independent Review National Legal Assistance Partnership 2020-2025

Community Legal Centres NSW Submission

October 2023

The National Strategic Framework for Legal Assistance provides guiding principles for the provision of legal assistance services to ensure they are client centred, collaborative, integrated, and provide empowerment and resilience for people facing disadvantage. Legal assistance provided by Legal Aid Commissions, Community Legal Centres and Aboriginal and Torres Strait Islander Legal Services directly contributes to government commitments to Closing the Gap, the Wellbeing Framework and the National Plan to End Violence Against Women and Children.

Community Legal Centres work with people in deep and persistent disadvantage and as such, have a unique knowledge and skill set, routinely working with people who have low literacy, mental health issues, have experienced trauma, whose first language is not English, and who experience systemic poverty and violence. To provide accessible services, we prioritise inclusive practice and cultural safety and strive to ensure our work is trauma informed, holistic and closely aligned with allied professionals who we work with to provide additional support and services. The way we work is unique to our sector.

Community Legal Centres NSW values the opportunity to contribute to the review of the National Legal Assistance Partnership. We are committed to actively participating in this process and have provided a comprehensive submission based on data from Community Legal Centres across New South Wales, a series of consultations with each of our members and a range of surveys.

Community Legal Centres NSW is not only dedicated to submitting the perspectives of our 41 member centres, but also to engaging in open dialogue in the review process and as the new agreement is formulated to ensure that our sector's insights are heard and understood. We believe that our direct involvement in discussions can significantly enhance the development of the next Agreement.

We aim to create a more effective and responsive legal assistance framework that better serves the needs of our communities and improve access to justice for people in New South Wales, particularly for people who experience deep and persistent disadvantage and dislocation. We are eager to engage in fruitful discussions to help inform and improve the upcoming Agreement.

This submission is in four parts. It includes:

- ☐ Community Legal Centres NSW NLAP review submission (this document)
- ☐ Creating sustainable and resilient Community Legal Centres: a model for NSW
- ☐ Change takes community
- ☐ Community Legal Centres NSW NLAP review consultation report

Katrina Ironside
Executive Director
Community Legal Centres NSW

Acknowledgement of Country

Community Legal Centres NSW acknowledges the Gadigal people of the Eora Nation who are the Traditional Owners of the Country on which we work. We acknowledge that this land was never ceded. Always was, always will be, Gadigal Land.

About Community Legal Centres NSW

Community Legal Centres NSW is the peak representative body for 41 community legal centres in NSW and represents the views of Community Legal Centres to the government and broader community. Community Legal Centres NSW supports, represents and advocates for our members, and the legal assistance sector more broadly, with the aim of increasing access to justice for people in NSW. Community Legal Centres are independent non-government organisations that provide free legal services people experiencing deep and persistent disadvantage and dislocation.

Consents

We consent to this submission:

- ☐ Being published on the Review website; and
- ☐ Being identified and quoted with attribution in the report of the Review.

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Recommendations

1. Long-term and sustainable core funding to provide free legal assistance to people experiencing deep and persistent disadvantage and shocks is the responsibility of government.
2. Ensure enough core funding to create resilient organisations to deliver long-term impact on complex social issues. A resilient organisation is one that can: recruit and retain staff; provide career pathways; provide a safe and culturally competent workplace; resource operational costs and overheads; fund free legal assistance for priority groups; can participate in community development; advocate for law reform and policy change; can have robust IT systems; have strong governance; and support a volunteer workforce.
3. To ensure workforce sustainability, raise wages by approximately 30 percent, plus 18 percent wage oncosts, to achieve parity with Legal Aid NSW and provide resources for staff wellbeing to provide a safe workplace through trauma informed and inclusive practices.
4. In the next agreement, include a clause that the Commonwealth matches CPI on overheads and operational costs and indexation increases as determined by the Fair Work Commission over the life of the Agreement, including mandatory superannuation increase and funds to cover the increasing cost of employee entitlements over time.
5. Abandon the competitive tendering process and instead provide funding to ensure that Community Legal Centres are sustainable organisations that can meet the legal need of people who experience deep and persistent disadvantage. Issues around performance can be dealt with within the contract.
6. Review the model for Grants of Aid and consider redistributing some of this funding to Community Legal Centres and ATSILS to provide a bespoke service in RRR areas.
7. Within broader government plans and programs, fund the work of Community Legal Centres to help deliver them.
8. Remove the eligibility for Legal Aid Commissions to administer funding. In NSW, shift the administration of funding to the Department of Communities and Justice and outline a transition plan.
9. The new Agreement should include the requirement for states and territories to fund a peak in acknowledgement of the role that peaks play in providing advice, coordinating law reform, research and policy, advocacy, stakeholder engagement and consensus building.
10. The new Agreement should include the requirement for states and territories to ensure funding is distributed to centres within 3 months or receipt from the Commonwealth.
11. The new Agreement should fund all Community Legal Centres providing services to groups according to legal need currently outlined in Schedule A – A15 of the NLAP Agreement. Ensure that government cannot make political decisions to rescind funding or exclude centres from being funded.
12. Increase funding to CLCs in NSW to provide legal services to clients in NLAP priority groups who cannot access Legal Aid on civil law matters excluded by the Legal Aid Commission NSW Civil Law Blueprint.
13. Expand the NLAP priority groups to include carers, LGBTIQ people and asylum seekers.
14. Provide ongoing funding under NLAP to coordinate state-wide preparation for, response to and recovery from disasters within the legal assistance sector and with state-wide emergency response mechanisms.
15. Ensure that funding for community legal centres affected by disasters is delivered at the time of the disaster and continues to match the changing legal need over time.

16. The new Agreement properly resources a robust collaboration and consultation between legal assistance service providers, such as Collaborative Service Planning, including Cooperative Legal Service Delivery Program.
17. The new Agreement should fund the public interest work of community legal centres including funding for community legal education, law reform and strategic litigation.
18. The new Agreement should include a clause to permit systemic advocacy activities of Community Legal Centres.
19. The new Agreement should ensure that community legal centres' contribution to the delivery of government national plans and priorities is recognised in the implementation plans and funded to deliver on those plans.
20. The new Agreement should acknowledge and resource appropriately the complexity of legal issues and the importance of a sustainable service model including staff safety and wellbeing, trauma-informed practice and operational costs.
21. Reporting on Commonwealth funding should be consistent and streamlined, including different streams under the NLAP.
22. The requirement under Schedule D to provide unit-level data should be removed.
23. The Commonwealth should acknowledge the work done by peaks and centres in outcomes-based frameworks and include this work in their outline its strategy for the development and implementation of an outcomes-based framework and resource this work.
24. Changes to reporting templates should be given with at least 12 weeks' notice, and the before the start of the next reporting period.
25. The new Agreement should include an increase to baseline funding to build the capacity of Community Legal Centres in data collection, evaluation, performance monitoring, reporting, and a cybersecurity program.
26. Community Legal Centres NSW supports the Recommendations in the Community Legal Centres Australia submission.

Recommendations from our complementary report, *Creating sustainable and resilient Community Legal Centres: a model for New South Wales*:

27. Increase funding for operational costs by 27 percent to ensure that indirect costs are adequately funded to support sustainable organisations.
28. To ensure workforce sustainability, raise wages by approximately 30 percent, plus 18 percent wage oncosts, to achieve parity with Legal Aid NSW and provide resources for staff wellbeing to provide a safe workplace through trauma informed and inclusive practices.
29. Incorporate short-term project funding to existing level of funding to create baseline funding.
30. Provide evidence-based funding for the legal need of people experiencing deep and persistent disadvantage and emerging areas of unmet need.
31. Provide access to funding for changes to or surges in legal need and disasters.
32. Create an innovation fund.
33. Develop a model for funding Community Legal Centres with centres who receive funding from other Government sources.

Addressing review questions

3. Legal assistance for Aboriginal and Torres Strait Islander Australians

3.1 Self-determination

How can self-determination and cultural appropriateness be best supported through legal assistance arrangements?

Consider:

- ☐ the contribution of legal assistance programs to the Priority Reforms of the National Agreement on Closing the Gap, including prioritising, partnering and negotiating beneficial sector-strengthening strategies and activities
- ☐ the extent to which the NLAP has addressed the need for the community-controlled sector to be actively and meaningfully involved in the development and implementation of legal assistance policies and programs.

Supporting self-determination for First Nations people is crucial, not only for effective service delivery but also as a fundamental human right. Self-determination, as recognised in various international human rights instruments, empowers Indigenous communities to make decisions about their own lives, including legal matters. By upholding this right, legal assistance can better ensure the needs and aspirations of Aboriginal and Torres Strait Islander people are respected and met.

Contribution to priority reforms of the National Agreement on Closing the Gap

Legal assistance programs play an integral role in contributing to the Priority Reforms of the National Agreement on Closing the Gap. The following measures should be addressed:

- ☐ Legal assistance should prioritise the unique legal needs of First Nations people, acknowledging that these needs are deeply intertwined with cultural, social, and economic factors.
- ☐ Collaborative partnerships between legal assistance providers and Aboriginal and Torres Strait Islander community-controlled organisations are essential. These partnerships allow for community-driven solutions, ensuring that legal services align with the self-determined goals of the communities they serve.
- ☐ Legal assistance arrangements should actively involve Aboriginal and Torres Strait Islander community-controlled organisations in negotiating sector-strengthening strategies and activities. These negotiations should be driven by community input and actively seek to address systemic issues faced by Indigenous communities.
- ☐ Legal assistance arrangements should ensure that the Aboriginal and Torres Strait Islander community-controlled sector is actively and meaningfully involved in the development and implementation of legal assistance policies and programs. This involvement should extend to relevant aspects of legal service planning and delivery, including the development of policies, procedures, and cultural competency standards.
- ☐ Funding should be allocated to provide cultural safety and decolonisation training for all staff involved in the legal assistance sector. This training should focus on raising awareness of cultural nuances, historical trauma, and the impacts of colonisation. It

should equip staff with the knowledge and skills to provide culturally safe and appropriate legal services.

- Legal assistance arrangements must address the underemployment of First Nations workers. This includes the following steps:
 - Ensuring that legal assistance organisations actively work to recruit, retain, and promote First Nations workers.
 - Addressing systemic barriers that hinder the career progression of First Nations workers within the sector.
 - Creating pathways for First Nations workers to contribute to the development and delivery of legal assistance programs.

3.2 Arrangements over time

How do legal assistance arrangements (that is funding provided to ATSILSs, FVPLS, LACs and Community Legal Centres and other organisations) support intersectional and holistic approaches to legal assistance for Aboriginal and Torres Strait Islander people?

Consider:

- the benefits or risks of achieving this through a single or separate agreement for Aboriginal and Torres Strait Islander legal assistance services (including both ATSILS and FVPLS)
- whether or not Aboriginal and Torres Strait Islander legal services should be funded directly by the Commonwealth.
- the role of the states and territories in the funding of services for Aboriginal and Torres Strait Islander people.

Community Legal Centres are significant providers of legal assistance to First Nations communities in NSW. Many centres have dedicated considerable effort to establishing trust with local communities and crafting service models that prioritise cultural safety both for First Nations staff and for clients. Community Legal Centres provide specialist services for Aboriginal women and play a critical role in supporting Aboriginal and Torres Strait Islander women particularly for conflicts of interest, and matters involving domestic and family violence and abuse.

Legal assistance arrangements that support intersectional and holistic approaches to legal assistance for Aboriginal and Torres Strait Islander people should focus on collaboration, cultural competency, and addressing the root causes of legal issues. Whether achieved through a single or separate agreement, the priority should be on delivering comprehensive, culturally sensitive, and efficient services. Direct Commonwealth funding can help ensure that resources are allocated appropriately, while continued collaboration with states and territories is essential to provide a coordinated and tailored response to the legal needs of this community.

3.3 Funding levels

How should the funding models consider what funding is required to enable delivery of legal assistance through Aboriginal and Torres Strait Islander organisations?

Consider:

- ☐ the contribution of current funding arrangements to the achievement of socio-economic outcomes and targets
- ☐ access to interpreters in relation to both impact on outcomes and funding in delivery of services to ATSI people.
- ☐ how the legal assistance needs of Aboriginal and Torres Strait Islander people should be reflected in the funding of LACs and Community Legal Centres.

Funding legal assistance for Aboriginal and Torres Strait Islander people should be integrated into the funding structure for Community Legal Centres. It's essential to acknowledge that Community Legal Centres are substantial providers of services to First Nations people, including the provision of specialised services tailored to the unique legal requirements of Aboriginal women. Ensuring that this work can be sustained without imposing an excessive reporting burden through multiple agreements is crucial. Any model should recognise that legal issues are interconnected with broader socio-economic challenges and that collaboration is essential for comprehensive, culturally sensitive, and effective service delivery.

To achieve this, funding mechanisms should prioritise the following principles:

Recognition of specialisation: Funding allocation should acknowledge and reinforce the critical role of Community Legal Centres in delivering specialised, culturally safe services. In particular, these services should be supported to ensure that they meet the distinct legal needs of Aboriginal and Torres Strait Islander women.

Streamlined reporting: To avoid overburdening Community Legal Centres with reporting requirements, funding arrangements should be designed in a way that minimises administrative complexities. This may involve consolidating multiple funding streams into a cohesive framework, reducing redundancy, and facilitating more efficient resource allocation.

Enhance collaboration:

Funding arrangements should facilitate partnerships with other First Nations service providers and Aboriginal-controlled services. This coordination promotes a shared approach to addressing complex legal issues and leverages the collective expertise of different organisations. Legal services are not standalone; they intersect with other services, and effective collaboration helps in comprehensive problem-solving.

Customisation for local needs: The funding model should acknowledge that the legal needs of Aboriginal and Torres Strait Islander communities can vary between regions. Therefore, it should allow for customisation to cater to local needs, enabling Community Legal Centres to work closely with local First Nations services to address specific concerns.

Issues to be explored

4.1 Effectiveness

To what extent has the NLAP achieved the overall objectives and intended outcomes?

Consider:

- ☐ the appropriateness of the NLAP in achieving its objective and outcomes and delivering outputs
- ☐ whether general, specialist and Aboriginal and Torres Strait Islander specific legal assistance services funded under the NLAP have been delivered in an effective, efficient and appropriate manner.

Overall, Community Legal Centres NSW continue our support for a National Legal Assistance Partnership.

Support for NLAP

Funding stability

The multi-year funding agreements provided under the NLAP offer a degree of financial stability that allows Community Legal Centres to plan their operations and services more effectively. This stability is especially valuable for Community Legal Centres, as it reduces the uncertainty associated with annual or short-term funding arrangements. It enables them to make longer-term commitments to staff, resources, and client services.

Recognition of legal need

The NLAP's recognition of the legal needs of disadvantaged individuals and communities is significant. Community Legal Centres NSW appreciate that NLAP acknowledges the importance of addressing these needs, particularly among people experiencing disadvantage and dislocation. It signals a commitment to providing access to justice for those who may face systemic barriers to legal assistance.

Collaborative opportunities

Community Legal Centres NSW values the NLAP's emphasis on collaboration among various legal assistance service providers, including Community Legal Centres, Legal Aid, and Aboriginal and Torres Strait Islander Legal Services. Collaborative efforts can lead to the sharing of expertise, resources, and best practices. By working together, organisations can create a more coordinated and comprehensive network of support for clients, enhancing the overall quality and reach of legal assistance services. Collaborative initiatives should not be impeded by competitive funding or administration of funding by another legal assistance provider such as the case in NSW with Legal Aid NSW administering funding for Community Legal Centres.

Concerns and Challenges

Funding adequacy

A primary concern among Community Legal Centres is whether the funding allocated under the NLAP is adequate to meet the consistently high demand for legal assistance services. Many Community Legal Centres report high demand for legal assistance and at the same time have resource limitations making it difficult to provide timely and comprehensive assistance to all clients. Adequate funding is crucial to ensure that Community Legal Centres can continue to serve their communities effectively. In 2022, when the Fair Work Commission announced the increase in the national minimum wage by 5.2 percent and the award minimum wage by 4.6 percent and the

mandatory Superannuation increase of 0.5 percent, Community Legal Centres were burdened with the responsibility of meeting these increased wage costs for their staff because indexation under the previous NLAP Agreement was fixed at 2 percent.¹ This impacted staff retention, recruitment and service delivery.

Complexity of legal issues

Community Legal Centres often handle complex legal issues that require specialised knowledge and expertise. Some Community Legal Centres have expressed concerns that the NLAP's funding model may not adequately support the provision of specialist legal assistance services. Issues such as family violence, immigration, disability-related matters, and Indigenous legal matters often demand highly specialised skills and resources to address effectively. Law and Justice Foundation research consistently finds that legal problems tend to cluster, and emotional, social and legal issues are often intertwined.² The Law and Justice Foundation Legal Australia Wide Survey (LAW Survey) shows that people who experience indicators of disadvantage are more likely to experience legal problems and have a greater number of legal problems³. The number of legal problems is likely to increase in people who experience multiple indicators of disadvantage⁴.

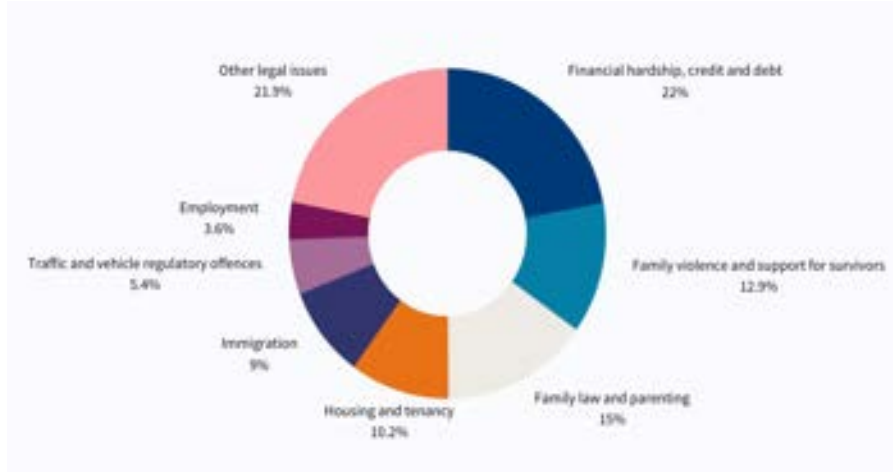
Sustainability

Community Legal Centres are concerned about the long-term funding under the NLAP for the sustainability of Community Legal Centres. As the legal landscape evolves and client needs change, Community Legal Centres must adapt their services to meet these evolving demands. Ensuring ongoing funding that keeps pace with these changes is a significant concern to maintain the quality and availability of legal assistance services. Administrative compliance ranging from insurance obligations, privacy and data protection, new legislation such as the positive duty on employers to prevent sexual harassment in the workplace, all place additional burdens on services. There is more about what is required for a sustainable service in the paper *Creating sustainable and resilient community legal centres: a model for New South Wales*.

The appropriateness of the NLAP in achieving its objective and outcomes and delivering outputs

Community Legal Centres NSW believe that NLAP has been an appropriate mechanism for delivering beneficial outcomes for people experiencing deep and persistent disadvantage in NSW. Community Legal Centres in New South Wales are highly effective in achieving the commitment to accessibility, delivery of client-centric services, collaboration, timely intervention, empowerment, and capacity-building and this contributes to their success in addressing the legal needs of individuals and communities facing disadvantage. Community Legal Centres play a pivotal role in promoting justice, equality, and well-being in New South Wales, ensuring that legal assistance is not only accessible but also empowering and effective for those who need it most.

Types of services provided by Community Legal Centres in 2022-2023



In 2022-2023, Community Legal Centres in NSW assisted 53,354 people:

- ☐ 39,470 people experiencing financial disadvantage
- ☐ 12,449 people with disability or mental illness
- ☐ 12,984 people experiencing, or at risk of, family violence
- ☐ 4,767 Aboriginal and Torres Strait Islander people
- ☐ 10,767 people whose main language spoken at home is not English
- ☐ Gender breakdown:
 - ☐ Female: 27,435 (55%)
 - ☐ Male: 22,025 (44%)
 - ☐ Other gender: 305 (1%)
- ☐ 205,671 services provided, including information and referral services.

Legal assistance delivered in an effective, efficient and appropriate manner

Community Legal Centres are at the heart of their communities whether those communities are geographically based or aligned by a specific area of law or a particular demographic. Generalist Centres are located in the communities they serve. Specialist centres may operate at a state or national level and range from issues-based centres who work on concerns such as the environment and human rights to Centres who focus on the legal need of particular groups such as women, First Nations people, people with disability and young people.

Regardless of whether they are generalist or specialist, the embedded presence of Community Legal Centres in their communities plays a pivotal role in increasing effectiveness and improving outcomes for disadvantaged people in New South Wales. This close connection with the community allows Community Legal Centres to understand, address, and advocate for the unique legal needs of their clients in a way that transcends traditional legal services. The benefits of service delivery by Community Legal Centres are:

1. Cultural competency and safety

Being embedded in a community whether by geography or by specialisation, Community Legal Centres develop a deep understanding of the diverse cultures, norms, languages, and traditions of their clients. This commitment to cultural safety is vital in serving people effectively, because it creates an environment where individuals from diverse cultural backgrounds feel respected, valued, and empowered, and where their cultural identities, traditions, and perspectives are

acknowledged and accommodated without discrimination or bias. Cultural safety is a priority for Community Legal Centres, and steps are taken to ensure that employees, clients, and stakeholders can express their cultural identities and needs freely, knowing they will be understood and supported.

2. Accessible services

For generalist Community Legal Centres, proximity matters. Having Community Legal Centres located within the communities they serve means that clients have easier access to legal assistance. This reduces barriers related to transportation and travel time, making it more convenient for people to seek help. Accessibility can be a game-changer for clients who may have limited resources or face mobility challenges.

What makes Community Legal Centre accessible is not just about office location. Outreach services are a core part of providing legal assistance for Community Legal Centres and many lawyers from Community Legal Centres go to where their clients are located.

There are an estimated 93 outreach clinics across NSW run by Community Legal Centres. They operate in a wide range of locations from public libraries, hospitals, places of detention, and online and some lawyers travel long distances to provide services to people living in remote and regional areas. Community Legal Centres in NSW have self-organised into catchments so that there are no gaps in service delivery.

For Specialist Community Legal Centres, by focusing on particular legal issue or client group, centres develop insight into the unique challenges and barriers faced by their clients. This specialised knowledge allows them to tailor their services, resources, and advocacy efforts to directly address the specific legal issues that affect their clients, making the support more relevant, effective and accessible.

3. Trust and rapport

Community Legal Centres that are deeply embedded in their geographic or demographic communities are often seen as trusted allies. Over time, they build strong relationships and rapport with community members. This trust is invaluable in encouraging clients to seek assistance, share their concerns openly, and engage in the legal process without fear of judgment or discrimination.

Specialisation enables Community Legal Centres to speak the language of their clients, understand their unique needs, and create services that are more inclusive, respectful, and responsive. This, in turn, fosters a higher level of trust and engagement, making these centres more accessible to those who need their assistance the most.

4. Collaborative networks

Community Legal Centres depend on their networks. Within the Community Legal Centre sector in NSW, there are 20 networks facilitated by Community Legal Centres NSW to share knowledge and resources on particular areas of law and service delivery. Community Legal Centres also collaborate with other legal assistance providers, local community organisations, statewide and national NGOs, and government services at the local, state and national level. This collaborative network strengthens the support system available to clients and enhances opportunities for research and law reform. By working together, Community Legal Centres can ensure that clients receive comprehensive assistance that goes beyond legal matters and addresses other social determinants of their well-being.

5. Early intervention

Community Legal Centres provide crucial legal education, information, and support services to individuals and communities, equipping them with the knowledge and tools needed to address legal challenges proactively. By intervening early, Community Legal Centres help people make informed decisions, access their rights, and navigate complex legal processes, ultimately reducing the demand for legal assistance services in the long run. This preventative approach not only promotes individual empowerment and access to justice but also contributes to more efficient and cost-effective legal systems. Early intervention can also apply at the structural level. Specialist services in particular can identify the effects of policy and law and seek reform to prevent negative impacts on affected people downstream.

6. Responsive services

Community Legal Centres can adapt quickly to changing community needs. They are in a better position to identify emerging legal issues and respond promptly. This agility ensures that clients receive timely and relevant support, which is crucial for disadvantaged individuals facing urgent legal challenges. It also allows Community Legal Centres to respond to emerging legal issues through strategic litigation and law reform either for particular client groups and specialist areas of law.

The effectiveness of a trauma informed approach:

A trauma-informed approach to legal assistance is a compassionate and empathetic framework that recognises the potential impact of trauma on individuals seeking legal help. It acknowledges that many clients who experience disadvantage and dislocation may have experienced trauma in their lives, whether through experiences of violence, abuse, discrimination, climate disasters or other adverse events. This approach is rooted in an understanding of trauma's profound and lasting effects on a person's mental, emotional, and physical well-being.

How our trauma-informed approach to legal assistance improves the outcomes of disadvantaged clients:

1. Building trust and safety

Community Legal Centres prioritise creating a safe environment. We understand that trust is paramount in any legal relationship. By demonstrating empathy, active listening, and respect, we aim to foster a sense of safety for our clients. This trust forms the foundation of our work together.

2. Avoiding re-traumatisation

One of the key principles of our trauma-informed approach is to avoid retraumatising our clients. We recognise that discussing legal issues can sometimes trigger memories or emotions related to past trauma. Our approach involves sensitivity to this possibility and an emphasis on ensuring that clients feel in control of their legal processes.

3. Empowering client autonomy

We believe in empowering our clients to make informed decisions about their legal matters. This means providing them with clear information about their rights and options, without imposing our judgments or solutions. Empowering clients in this way helps them regain a sense of control over their lives.

4. Recognising coping mechanisms

Clients who have experienced trauma may have developed various coping mechanisms to navigate their experiences. Our trauma-informed approach involves recognising and respecting these coping strategies while also assisting clients in exploring healthier alternatives when needed.

5. Providing emotional support

Legal issues can be emotionally taxing, especially for clients who have faced adversity. Community Legal Centres recognise the importance of emotional support and offer a safe space for clients to express their feelings and concerns. We understand that addressing legal issues is not just about the law; it's about the well-being of the whole person.

6. Collaboration and referrals

Our trauma-informed approach extends beyond legal assistance. We collaborate with mental health professionals, counsellors, and support services to provide holistic support for our clients. We understand that addressing trauma may require a multidisciplinary approach.

7. Tailoring legal strategies

Community Legal Centres work closely with our clients to develop legal strategies that align with their needs and goals. Our approach is not one-size-fits-all; it is customised to the unique circumstances of each client. We consider the trauma history of our clients when devising legal solutions.

8. Advocating for systemic change

While Community Legal Centres provide individualised support, we also recognise the systemic factors that contribute to our clients' disadvantages and trauma. Community Legal Centres actively engages in advocacy efforts to address these underlying issues, striving for systemic change that can benefit the entire community.

9. Measuring success beyond legal outcomes

Our assessment of success goes beyond legal outcomes. We measure success in terms of improved well-being, dignity, equality, and reduced violence and poverty for our clients. We celebrate not only legal victories but also the positive changes in our clients' lives.

Collaboration with service providers and governments for integrated services

While there is already a foundation of collaboration among Community Legal Centres, Legal Aid, and the Aboriginal Legal Service in NSW, there is room for improvement. Enhancing communication, refining referral processes, investing in cross-training, and adopting a more integrated approach to service delivery are key steps toward ensuring that our clients receive the comprehensive legal assistance they need. By working together more effectively, these organisations can collectively strengthen access to justice for all members of the community. While there is a will for collaboration, without an investment in coordination, it cannot achieve the results that it promises.

4.2 Legal Need

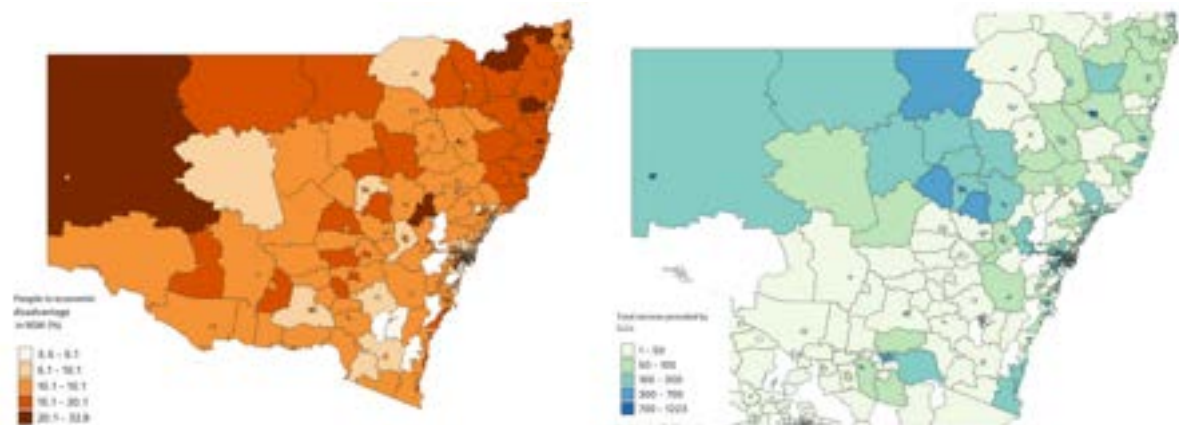
To what extent does current legal assistance meet the overall scale and breadth of the legal needs of disadvantaged Australians?

Consider:

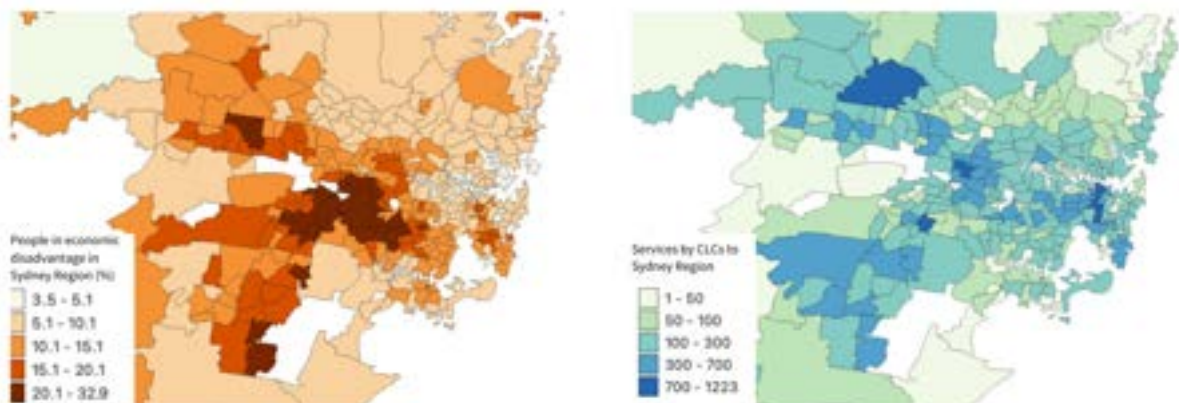
- ☐ the drivers of legal need, including where needs are and are not being met
- ☐ how unmet legal need should be accounted for in the design and funding of legal assistance services
- ☐ defining and measuring need and unmet need, including the benefits and design of a periodic national legal need survey.
- ☐ The Review is also seeking your help in identifying credible data sources of unmet need that may exist.

Economic Disadvantage in NSW compared with services provided by Community Legal Centres (2021)

NSW:



Sydney Region:



Source: NCOSS Mapping Economic Disadvantage in NSW⁵ and Community Legal Centre Service Data via CLASS Data Repository

Key drivers of legal need in New South Wales

Cost of living crisis

The cost of living crisis has been driving individuals and families into disadvantage. Economic challenges exacerbate legal need, as people grapple with issues like debt, tenancy disputes, welfare entitlements and increasing rates of sexual, domestic and family violence and abuse. An unfair fine system can lead to financial hardship and access to legal support is crucial to ensure that individuals have a fair chance to challenge unjust fines, seek redress, and prevent the accumulation of additional penalties or legal consequences.

Housing

The intersection of housing and legal need is a critical issue, particularly for people who have been made vulnerable with the cost-of-living crisis. Tenants facing eviction, unsafe living conditions, or disputes with landlords require legal assistance to assert their rights and maintain secure housing. Homeless people may encounter legal issues related to their status, such as accessing social services or criminalisation. Affordable housing shortages and discriminatory practices can result in systemic legal challenges that demand advocacy and litigation.

Sexual, domestic and family violence and abuse

Gendered violence and abuse is a significant driver of legal need. Victim-survivors require legal assistance to navigate complex legal processes, enforce protection orders, and access support services. Community legal centres play a critical role in providing protection, justice, and redress for victim-survivors of violence and abuse, addressing not only the immediate legal concerns but also working to prevent further harm and contribute to broader societal change in attitudes. First Nations women, in particular, face unique barriers, including the threat of child removal, police violence, racism, and housing stress. Similarly, migrant and refugee women may confront threats of deportation, adding further complexity to their legal needs.

Visa status

Visa status plays a pivotal role in driving legal need, particularly with complex visa regulations, to maintain lawful residency, and avoid potential visa violations. Many visa holders face challenges related to workplace exploitation, unfair dismissal, or unsafe working conditions. Navigating the complex and often lengthy asylum process requires legal assistance to prepare and present their cases effectively. Many asylum seekers also contend with issues related to detention, access to basic rights and services, and family reunification.

Discrimination

Discrimination is a pervasive issue that gives rise to a wide range of legal need. Individuals who experience discrimination based on factors such as race, gender, age, disability, or other protected characteristics often require legal assistance to address the harm they have suffered. Legal need in discrimination cases can encompass various aspects, including filing complaints with relevant authorities, pursuing civil litigation, seeking redress for workplace discrimination, or advocating for fair housing and educational opportunities.

Children and families

The child protection system's reactive, crisis-driven, and often discriminatory nature is a significant driver of legal need. This system fails to adequately address the complex needs and rights of vulnerable children, particularly First Nations children. Legal assistance is increasingly required to rectify these systemic shortcomings, advocate for fair treatment, and ensure that the rights and well-being of children are protected. The failings of the child protection system can

serve as a pathway to the criminal legal system for many vulnerable children. This particularly impacts First Nations children, who are disproportionately represented in out-of-home care and juvenile justice systems. The low age of criminal responsibility exacerbates this issue by potentially subjecting these children to criminalisation instead of providing them with appropriate diversion and support services.

Policing

Discriminatory policing practices in New South Wales contributes to legal need. These practices disproportionately target marginalised communities, particularly Indigenous Australians, people from culturally diverse backgrounds and people with disability, leading to a heightened risk of unlawful arrests, racial profiling and misidentification of perpetrators in family violence situations. People subjected to discriminatory policing often require legal assistance to challenge these injustices, seek redress, and protect their fundamental rights. Effectively addressing discriminatory policing not only mitigates the immediate legal concerns but also fosters a fairer and more inclusive society. Legal assistance and advocacy are critical in holding law enforcement agencies accountable and ensuring that discriminatory policing practices are curbed.

Prisons

Addressing the legal needs of prisoners and disrupting pathways to incarceration are pivotal components of criminal justice reform. By ensuring that prisoners have access to legal representation and advocacy, breaks the cycle of incarceration and fosters a more equitable and just criminal justice system that focuses on diversion, rehabilitation and reducing recidivism. Legal assistance plays a vital role in promoting fairness, protecting rights, and facilitating successful reintegration.

Environmental defenders

Protest laws impact individuals' abilities to peacefully assemble and express their grievances effectively. Activists need legal support to understand the intricacies of these laws, defend their rights when facing arrests or charges, and challenge legal actions that may hinder their protest activities.

Disasters

Disasters intensify demand for legal services. From insurance disputes, tenancy and housing issues, domestic and family violence and abuse, to social security and financial advice, disasters generate a range of legal challenges. Community Legal Centres support people in navigating these complex legal landscapes, ensuring justice and protection for affected individuals and communities.

Beyond legal assistance in addressing legal need

Moving beyond addressing legal needs issue by issue, it's crucial to recognise the significance of proactive law reform initiatives. Law reform entails the examination, identification, and transformation of legal and policy frameworks to prevent and mitigate legal needs at their source. It is instrumental in creating a fairer and more equitable society by eliminating systemic barriers and injustices that often give rise to legal problems. This approach acknowledges that merely responding to legal issues as they arise is not enough; instead, it seeks to reshape the legal landscape to reduce the occurrence of legal needs in the first place.

Peak organisations serve as hubs for collaboration, coordination, and advocacy among community legal services for law reform. They play a pivotal role in driving law reform efforts by conducting research, identifying systemic issues, and advocating for changes at both the state and

national levels. By pooling resources, knowledge, and expertise, peak bodies can provide crucial support to Community Legal Centres and amplify their collective impact on law and policy reform. Through their concerted efforts, peaks contribute to building a legal system that not only addresses legal needs but also actively working to prevent and reform laws and policies, reducing legal need at its root.

Accounting for unmet legal need for in the design and funding of legal assistance services

Community Legal Centres, as frontline providers, are well-positioned to identify changes in legal need, which may stem from technological advancements, changes in social norms, or evolving government policies. To ensure that legal assistance services remain relevant and effective, funding mechanisms must be adaptable and responsive to the shifting legal landscape.

Under the current NLAP Agreement, the Commonwealth government has access to data from the legal assistance sector across the country.

Governments can enhance their planning and design of funding for legal assistance services with the following measures:

Needs assessment

Conduct comprehensive and regular needs assessments to understand the legal needs of the community. These assessments should encompass demographic shifts, emerging issues, and gaps in services. This data-driven approach helps governments allocate resources where they are most needed.

Long-term commitment

Commit to sustained funding over the long term. Short-term funding cycles can create uncertainty and hinder effective planning and service delivery. Multi-year funding agreements provide stability for service providers and encourage innovation and strategic growth.

Collaboration and coordination

Encourage collaboration and coordination among legal assistance service providers, government agencies, and other stakeholders. This can prevent duplication of services, maximise resources, and ensure a holistic approach to addressing legal needs.

Performance metrics

Develop clear and meaningful performance metrics and outcomes to measure the impact of funding. Outcomes-based funding models can support Community Legal Centres to better understand their own work, set their own priorities and to focus on achieving positive results for clients.

Innovation funds

Set aside funds specifically for innovation and piloting new approaches to address legal needs. This encourages service providers to explore creative solutions and adapt to changing circumstances.

Flexibility

Provide flexibility in funding agreements, allowing service providers to respond to emerging legal needs quickly. Flexibility can include the ability to reallocate funds within programs to address urgent issues.

Acknowledge the importance of cultural competency

Cultural competency and safety to make legal assistance services accessible to a broad range of clients. Ensure that services are culturally sensitive and responsive to the diverse needs of the community.

Regular review

Conduct regular reviews and evaluations of funding programs and their administrators to assess their effectiveness and identify areas for improvement. Feedback from service providers and clients should be considered in these evaluations.

Community engagement

Community engagement is essential for informed decision-making and effective resource allocation. Involving the community including in ongoing advisory groups, fosters a sense of ownership and ensures that funding priorities align with real needs.

Research and data analysis

Invest in ongoing research and data analysis to monitor trends in legal needs. This data can inform policy decisions and funding allocations.

Accessible application processes

Streamline application and reporting processes for funding to reduce administrative burdens on service providers. Simplified procedures can help organisations focus more on service delivery.

Inclusivity

Ensure that funding programs are accessible to a diverse range of legal service providers, including smaller organisations and those serving marginalised communities.

Capacity building

Provide resources and support for capacity building among service providers. This includes training, technology upgrades, and professional development opportunities.

By adopting these strategies, governments can create a more responsive, effective, and equitable legal assistance system that meets the evolving needs of their communities.

4.3 Roles and responsibilities

What roles should the Commonwealth and the jurisdictions play in determining or administering funding distribution between legal assistance service providers?

Consider:

- ☐ the benefits and risks of more specific roles with performance indicators and outcomes
- ☐ the involvement of the Commonwealth in the distributional outcomes of CLC allocations of the states and territories
- ☐ whether agreements should specify annual funding commitments for all parties.

Performance indicators and outcomes

While specifying performance indicators and outcomes in a future agreement could enhance effectiveness, they should be flexible and responsive to local need to strike a balance between standardised allocation and tailored service provision.

Community Legal Centres should be able negotiate outcomes and performance indicators that align with the unique legal need of their community. Specific indicators and outcomes should be data-driven, ensuring that funding is allocated based on empirical evidence of the legal need within a specific jurisdiction. This promotes targeted and effective use of resources. Clear performance indicators enable better accountability, as Community Legal Centres to measure their progress against defined objectives. This transparency benefits both the funding authorities and the service providers.

But balancing specificity with local variations in legal need can be challenging. Overly rigid indicators may not capture the diversity of issues within a jurisdiction. Developing and monitoring a comprehensive set of indicators can be administratively burdensome for both the funding entities and Community Legal Centres, potentially diverting resources from direct service provision. There's a risk of misalignment between the chosen indicators and the actual needs of the community, particularly if the data used for this purpose is not up-to-date or accurate. Indicators and objectives should not be in place for the life of the agreement, but rather there should be a regular review process to ensure they remain relevant.

Administration of funding

Community Legal Centres NSW supports Legal Aid NSW's proposal that the NLAP be amended so that the administration of funding for Community Legal Centres cannot be delegated by the state. Legal Aid NSW currently administers Community Legal Centre funding in NSW through the Community Legal Centre Program Unit. Community Legal Centres NSW and Legal Aid NSW have consistently advocated that Community Legal Centre funding be administered by NSW Department of Communities and Justice.

There is a conflict of interest in the administration of Community Legal Centre funding by Legal Aid NSW. The Legal Aid Commission should not administer or manage Community Legal Centre funding as they are direct competitors for legal assistance funding. At a state level, Legal Aid's relationship to government as a state statutory authority means that they are perceived by their NSW state government peers to be part of government. Legal Aid Commissions are better resourced and positioned to develop that relationship. Legal Aid Commissions get first access to funding from state government and most of the state government funding goes to Legal Aid Commissions.

Community Legal Centres NSW calls on the NSW state government to work in partnership with Community Legal Centres.

Removing the eligibility of Legal Aid Commissions to administer funding and transferring the role to the Department of Justice equivalents will improve clarity of decision-making, minimise bureaucracy and improve the efficiency of decision-making, communication, and funding distribution. This will also enable better collaboration between Community Legal Centres and Legal Aid Commissions as it will be a peer-to-peer relationship that can work in partnership with each other to develop and deliver innovative and effective services.

Removing this conflict would also ensure fairer funding outcomes. In 2021-2022, the Commonwealth Government pledged \$129 million over four years for women's legal centres to help vulnerable women access justice. Less than half of the funding earmarked was handed to specialist women's legal services across the country and in NSW the funding was provided to Legal

Aid NSW. This is an example of the conflict of interest at Legal Aid NSW as a service provider and as the administrator of Community Legal Centre funding.

4.4 Disadvantaged groups

Are there other systemically disadvantaged groups, either existing or emerging, who are not supported adequately?

Consider:

- ☐ the approach to defining and measuring legal need (met and unmet) for priority cohorts
- ☐ the level and categories of current unmet legal need for priority cohorts
- ☐ how the needs of people experiencing multiple sources of disadvantage can best be addressed.

Defining and measuring legal need

Defining legal need should be based on a combination of both population and demand factors. Services that address legal need must be distributed where there is the greatest number of people experiencing disadvantage and dislocation, as this represents the most significant societal impact. Legal needs analysis should encompass measures of disadvantage and the complexity of legal issues faced by individuals and communities. Special attention should be given to areas with low population density but high levels of disadvantage. These regions often face unique challenges in accessing legal assistance due to limited service availability and increased geographical barriers. A targeted approach is required to ensure that people in such areas receive adequate support.

Categories of current unmet legal need

Disaster-related legal need

The frequency and intensity of climate disasters are increasing. These events result in legal needs related to insurance disputes, property rights, disaster relief, family violence and navigating complex government assistance programs. Different legal needs emerge at distinct phases of a disaster, from insurance claims and property disputes during the response and recovery phases to employment issues and disaster recovery benefits as communities rebuild. Community Legal Centres are at the forefront, offering legal information, advocacy, and assistance to help disaster-affected individuals and communities access justice and rebuild their lives, demonstrating their essential role in disaster response and recovery efforts. Coordination to plan and prepare for disasters, leverage specialisations at key times, collaborate at a community and state level is required to ensure that people are appropriately supported at each stage of a disaster.

Mental health and legal need

The intersection of mental health and legal need is complex, exacerbated by the criminalisation of mental health issues. Many individuals facing mental health challenges find themselves entangled in legal problems, such as criminal charges or involuntary hospitalisation. Community Legal Centres provide essential assistance to individuals with mental health concerns, offering advice on matters like discrimination, housing instability, social security, and healthcare access, while also advocating for their rights within the criminal justice system.

Digital and online legal need

The rise of digitalisation has brought forth a new dimension of legal need. With increased online interactions, individuals encounter various legal issues in the digital realm, such as cybersecurity

breaches, online harassment, data privacy violations, and e-commerce disputes. Community Legal Centres play a role in addressing these emerging challenges from complex cyber laws, supporting victims of online abuse, and advocating for robust data protection regulations. As the online landscape continues to expand and change, Community Legal Centres must adapt to ensure individuals' rights and safety are protected.

Sex workers and legal need

Sex workers often face unique and complex legal needs stemming from the stigmatisation and criminalisation of their profession. Their legal challenges may encompass issues related to discrimination, workplace safety, immigration, and access to essential healthcare services. Sex workers often encounter barriers to reporting violence or exploitation due to fear of legal repercussions. Addressing the legal needs of sex workers requires a comprehensive approach that prioritises their safety, human rights, and access to justice. Community Legal Centres play a crucial role in offering legal support, information, and advocacy for sex workers, striving to promote fair treatment, and improved working conditions within the industry while addressing the multifaceted legal issues they encounter.

LGBTQI people and legal need

Domestic violence within LGBTQI relationships can be underreported and misunderstood, and creates hidden legal need. Community Legal Centres can provide essential support, helping victim-survivors navigate legal proceedings, secure restraining orders, and access necessary resources and a specialist service can ensure that this is done in a culturally safe way. Transgender people face legal hurdles concerning name and gender identity changes on identification documents, as well as discrimination in various aspects of life, such as healthcare and employment. Community Legal Centres are instrumental in advocating for transgender rights, providing legal assistance to change identification documents, and combating discrimination, contributing to the pursuit of justice and equality for LGBTQI communities.

Disability and legal need

Violence, abuse, neglect and exploitation of people with disability is pervasive and this drives a very high level of legal need that spans many aspects of people's lives over time. These needs can encompass issues related to accessibility, employment discrimination, housing, education, healthcare, the criminal legal system and disability benefits and supports. Accessibility and adjustments are critical concerns, and discrimination and harassment in the workplace, educational institutions, healthcare settings and in public spaces are endemic. Community Legal Centres can play a pivotal role in addressing these legal needs, advocating for the rights and well-being of people with disability, and working towards a more inclusive and equitable society.

People under the care and responsibility of the State and legal need

People under the care and responsibility of the State, such as those in immigration detention centres or children in out-of-home care, often experience complex and heightened legal need. These legal needs can arise from various issues, including human rights violations, protection concerns, access to essential services, family law matters, and challenges related to immigration status. For immigration detainees, legal assistance is essential to ensure their rights are upheld, address concerns about detention conditions, and pursue avenues for release or asylum. Similarly, children in out-of-home care require legal support to advocate for their best interests, navigate the child protection system, and secure stable living arrangements. The legal need for these vulnerable populations is paramount, as it directly impacts their well-being, safety, and fundamental rights, underscoring the critical role of legal assistance services in safeguarding their interests and promoting justice.

Carers and legal need

Carers play a vital role in society by providing essential support to individuals who are elderly, disabled, or facing health challenges. However, they often encounter legal needs related to their caregiving responsibilities. These legal needs can encompass various aspects, including obtaining guardianship or power of attorney to make decisions on behalf of the care recipient, securing financial assistance or benefits to cover the costs of caregiving, addressing disputes or conflicts within families about caregiving arrangements, and navigating complex healthcare or aged care systems. Carers may also require legal assistance in planning for the future, such as drafting wills or advanced care directives. Recognising and addressing the legal needs of carers is crucial, as it not only supports them in fulfilling their caregiving roles effectively but also ensures the well-being and rights of care recipients are upheld. Legal assistance can empower carers with the necessary tools and resources to navigate the legal complexities associated with caregiving and provide the best possible care for their loved ones.

Financial abuse and legal need

Financial abuse leads to significant legal need. It involves the unlawful or improper exploitation of an individual's financial resources, typically targeting vulnerable or older adults. This form of abuse can take many forms, including theft, fraud, coercion, or undue influence, resulting in devastating consequences for financial stability and overall well-being. Legal need arising from financial abuse can be multifaceted. Victims may require legal assistance to pursue civil remedies, such as recovering stolen assets, obtaining restraining orders against perpetrators, or navigating complex legal processes, such as probate and estate planning. Additionally, legal support is crucial in identifying and reporting cases of financial abuse, as well as in providing preventive measures, like setting up powers of attorney, trusts, and other safeguards.

Addressing the needs of people experiencing multiple sources of disadvantage

Community Legal Centres play a critical role in addressing the complex legal needs of individuals experiencing multiple sources of disadvantage. They adopt a holistic and client-centred approach that takes into account the intersecting factors contributing to an individual's legal issues.

In 2022:

- 9492, or 20 percent of clients presented with complex legal problems, requiring assistance with more than 2 legal issues⁶.
 - 69 percent of these clients were female
 - 14 percent were Aboriginal or Torres Strait Islander
 - 49 percent of complex cases were to people experiencing or at risk of family violence
 - 31 percent of complex cases were to people with disability or mental illness.
 - Almost half of these clients were experiencing more than one source of disadvantage.

Some ways Community Legal Centres address the needs of people facing multiple disadvantages include:

Tailored legal services

Community Legal Centres provide customised legal services that recognise the unique circumstances of each client. They conduct thorough assessments to identify the specific legal issues a person is facing and consider how different aspects of their life, such as socio-economic status, race, gender, disability, or age, intersect with these issues.

Legal empowerment

Community Legal Centres empower clients by providing them with legal information, education, and resources. They ensure that clients understand their rights and options within the legal system, enabling them to make informed decisions.

Intersectional advocacy

Community Legal Centres engage in intersectional advocacy, addressing systemic barriers and discrimination that disproportionately affect marginalised communities. They work to change policies and practices that perpetuate disadvantage, aiming for more equitable legal systems.

Collaborative services

Community Legal Centres often collaborate with other social services, healthcare providers, and community organisations. This multi-agency approach helps address the broader needs of clients, including housing, healthcare, employment, and mental health support.

Culturally competent services

Community Legal Services also provide services that are culturally safe. Cultural safety is vital for ensuring the accessibility of legal services, particularly for culturally diverse or marginalised communities. Cultural safety helps eliminate barriers to access, as individuals are more likely to seek legal help when they feel their cultural values and perspectives are considered. It promotes a sense of inclusivity, ultimately improving the overall quality of legal services. Ensuring that legal services are culturally safe is not only an ethical imperative but a practical one, as it leads to better outcomes and increased access to justice for all individuals, regardless of who they are.

Trauma-informed care

Recognising that many clients may have experienced trauma, Community Legal Centres adopt trauma-informed practices to create a safe and supportive environment. They avoid re-traumatisation and focus on healing and empowerment.

Preventative strategies

Community Legal Centres engage in community legal education and prevention programs to tackle legal issues before they escalate. By addressing the root causes of disadvantage, they work to reduce the overall legal need in their communities.

Accessible services

Community Legal Centres provide free legal assistance, ensuring that financial barriers do not prevent individuals from accessing legal support. They take into account a client's circumstance and this may include childcare, food and transportation support, phones to support clients to be able to access legal services. Community Legal Centres understand that legal issues do not occur in isolation and are often interconnected with other forms of disadvantage. By offering holistic, client-centred, and inclusive services, they strive to address the comprehensive needs of individuals facing multiple sources of disadvantage, ultimately working towards a more just and equitable society.

4.5 Regional, rural and remote contexts

How should the challenges of service delivery in regional, rural and remote locations be addressed through future agreements?

Consider:

- ☐ the availability of appropriately trained legal assistance professionals
- ☐ the cost of delivering services in these locations
- ☐ other supports needed to overcome barriers, such as workforce incentives and access to housing.
- ☐ challenges associated with conflict-of-interest issues

Regional and remote Community Legal Centres often struggle to attract legal professionals because of their geographic isolation. These areas may have limited amenities, and problematic access to services, making them less appealing to potential employees, especially those with families or personal commitments. The availability and affordability of housing can be a significant concern in remote areas. In some cases, housing shortages or high rental costs can make it difficult for legal professionals to find suitable accommodation for themselves and their families. The overall cost of living, including groceries and utilities, can also be higher in remote locations, affecting the financial viability of employment in these areas.

Covering vast geographic regions often requires legal professionals at regional and remote Community Legal Centres to engage in extensive travel to reach clients, attend court hearings, and provide outreach services. This travel can be time-consuming and logistically challenging, especially when dealing with long distances and limited transportation options. It can disrupt work-life balance and place additional demands on staff members. Community Legal Centres in regional and remote areas may encounter legal matters that are particularly complex due to unique regional issues or the intersection of multiple forms of disadvantage.

Similar challenges are faced by other sectors. The NSW Department of Education is progressively introducing a great range of new benefits and incentives for teachers and executives in a number of rural and remote NSW public schools.⁷ It includes financial and professional benefits, as well as a range of additional allowances. A summary of the benefits can be found here: <https://education.nsw.gov.au/teach-nsw/find-teaching-jobs/choose-rural/benefits-and-incentives#tabs1> This incentive and allowance-based system could be applied to the legal assistance sector to help improve recruitment and retention of staff.

Some specific measures for Community Legal Centres in regional and remote areas are:

Ensure funding for real cost of delivering services

Efficiently delivering legal services in remote areas is a challenge that necessitates strategic financial support. To address the hurdles faced by legal professionals traveling to remote regions, providing financial support or subsidies for transportation costs can be pivotal. An investment in IT infrastructure is equally crucial, enabling virtual consultations that significantly reduce the need for extensive travel. Ensuring clients have access to the necessary technology for remote consultations becomes a parallel priority. It is essential to recognise that while digital infrastructure can enhance access, it cannot always replace the invaluable face-to-face service delivery. Therefore, continued investment in maintaining both digital and in-person options is necessary for comprehensive service delivery.

Confidentiality and conflict

Maintaining confidentiality and addressing conflict issues is paramount when providing legal services in remote areas. Service planning to ensure there are options for legal assistance providers and investing in state-wide and national specialist services can help to circumvent these challenges.

Workforce Incentives and Housing

Attracting legal professionals to work in remote areas requires comprehensive incentive packages. These packages might encompass higher salaries, relocation allowances, housing support, and student loan forgiveness programs. Collaborating with local authorities to create affordable housing options for legal professionals is essential, as it not only makes living and working in remote regions viable but also contributes to community stability.

Hub Model and Service Planning

Implementing a hub model and encouraging legal assistance providers to engage in cooperative service planning at the regional level is pivotal. This cooperative approach involves coordinating efforts and resources effectively among Community Legal Centres, Legal Aid, and the Aboriginal Legal Service. Adequate funding is necessary to support this coordination. To tailor services to the local population effectively, it is imperative to conduct thorough needs assessments in each region, providing critical data to inform service planning. A multi-provider approach is often necessary to prevent conflicts and ensure the optimal coordination of services at the local level. Sustainability of these services must also be a primary consideration, aiming to meet the long-term needs of the community effectively.

4.6 Funding models

To what extent does the funding model support appropriate distribution and quantum of Commonwealth resources to meet current and future needs?

Consider:

- ☐ the need to maintain the principle of 'Commonwealth funding for Commonwealth matters'
- ☐ gaps in current funding and the quantum of any funding gaps
- ☐ how should the level of baseline funding for the next agreement be determined and distributed
- ☐ should terminating funding under NLAP be rolled into baseline funding and if so how
- ☐ whether Commonwealth funding should continue to be provided both within and outside NLAP and/or within the Attorney-General's portfolio and if so how.

Jurisdictional matters

Splitting funding based on Commonwealth law matters and state law matters fails to address the complex legal need of clients seeking assistance from Community Legal Centres. The nature of these clients' challenges often encompass a multitude of legal issues from both jurisdictions, making it impractical to neatly categorise their needs into separate jurisdictions. A client-centric approach, founded on legal need rather than artificial jurisdictional distinctions, is essential for effectively addressing the overlapping issues faced by those seeking assistance. The focus should be on delivering comprehensive support to individuals based on their unique requirements, ensuring that they receive holistic legal assistance.

Gaps in current funding

Gaps in current funding should be determined by legal need, addressed in section 4.5 and organisational underfunding, addressed in the Community Legal Centres NSW paper *Creating sustainable and resilient community legal centres: a model for New South Wales*. Updated unit costings must consider pay equity, strengthening sector sustainability, staff retention, and rolling over ad hoc funding into ongoing support.

Baseline funding

The allocation of funds for Community Legal Centres in NSW should take into account various factors, such as legal need, population, economies of scale, operational costs, and considerations for regional and remote areas. The current allocation for NSW of at least 30 percent of the overall funding aligns with the state's overall population and cohort populations. The process for determining this should be transparent and evidence-based.

Administration of Community Legal Centre funding in NSW

Community Legal Centres NSW believes that the current arrangement of Legal Aid administering Community Legal Centre funding is a conflict. To align with funding distribution in other States, the Department of Communities and Justice should assume the administration of Community Legal Centre funding. This shift aims to address conflicts of interest and leverage the expertise and relationships held by the current Community Legal Centre Program Unit team.

Funding outside NLAP

Community Legal Centres benefit from a varied funding landscape that extends beyond the NLAP Agreement. This diversity in funding sources is a fundamental strength of the sector, providing opportunities for innovation and tailored approaches to addressing specific legal need or client group. Whether these additional funding streams should be incorporated into NLAP should be determined through case-by-case negotiations with the relevant centres, considering the unique circumstances and requirements of each. This approach ensures that the sector remains adaptable and responsive to the diverse needs of the community.

Grants of Aid

A large proportion of casework and representation of disadvantaged and vulnerable clients in NSW is undertaken by panel (private) lawyers under a Grant of Aid. Panel lawyers deliver almost half of all Legal Aid NSW services. Legal Aid often faces challenges in securing services in rural, regional, and remote areas. In contrast, generalist Community Legal Centres are already established in these areas, and specialist Community Legal Centres have substantial experience in remote service provision.

To provide accessible services, Community Legal Centres prioritise inclusive practice and cultural safety and strive to ensure our work is trauma informed, holistic and closely aligned with allied professionals who we work with to provide additional support and services. The way we work is unique to our sector. In contrast, private practitioners who receive funds through the Grants of Aid system may not deliver trauma-informed and holistic service delivery, which is a critical aspect of addressing clients' complex needs effectively. Further injection of funds into the Grants of Aid model may not yield significant improvements, as it already consumes a substantial portion of NLAP funding, and increasing funds may not necessarily result in a proportional increase in the volume of work completed.

In 2021-2022 grants to private lawyers totalled \$146 million, more than Community Legal Centres and Aboriginal Legal Service NSW/ACT funding combined. We note that there are concerns that the Grant of Aid scheme is at risk with panel lawyers withdrawing from this work due to the low fees. Panel lawyers argue they are not allocated enough hours and the fees are inadequate as they are approximately one quarter to one third of the fees the lawyers would charge a private client for a family law matter. It has been submitted by Legal Aid NSW that the hourly rate should be increased to \$300.

This is not the complete picture. There are 895 firms in the Sydney metro area and 548 firms in regional areas in NSW that did panel work in 2021-2022. In some RRR areas, there are no private lawyers willing to do panel work or just no lawyers-sole practitioners that once serviced those areas are reaching retirement age and are closing their practices. Staffing in RRR areas is an issue across the legal assistance sector.

Putting additional funding into the panel system will not solve the problems. The Grant of Aid system is outdated in the way it allocates services and does not guarantee that vulnerable clients receive the trauma informed, culturally safe, holistic service they require. A new model should be investigated as the existing model is not effective in delivery the services NLAP envisions.

It is acknowledged that the legal assistance sector cannot do all the work panel lawyers do, however alternatives should be investigated to fund work that can be undertaken by Community Legal Centres and Aboriginal and Torres Strait Islander Legal Services. It is not proposed that Community Legal Centres and Aboriginal and Torres Strait Islander Legal Services access Grants of Aid, but rather than some panel funds be redirected to these services to provide additional representation and case work services to clients they have a relationship of trust and support with that they would normally have to attempt to refer for a Grant of Aid.

This injection of funding into the most under-resourced key pillars of the legal assistance sector would ensure that vulnerable clients in regional, rural and remote areas would receive trauma informed assistance from legal services that can understand and navigate complex legal matters. There is extensive evidence that the service model used by Community Legal Centres and Aboriginal and Torres Strait Islander Legal Services works.

Example for Community Legal Centre model

It is assumed that panel solicitors in the great metro area can service the need for Grants of Aid. Community Legal centres do not want to take work from private solicitors who often assist centres through pro bono support. The example is based on addressing the unmet need in RRR areas.

Community Legal Centres comprise generalist, place-based centres that cover the geographical spread in NSW and specialist centres that cover the state. The specialist centres that are funded under NLAP (14 centres) and the generalist centres in RRR (10 centres) collectively assist vulnerable clients in RRR areas across family, civil and criminal law and bring specific expertise in working with clients in casework and representation.

At the current rate Commonwealth rate of \$150 an hour (the lower rate compared to state matters of \$195), based on a 35-hour week, this would total \$273,000 a year. It is appreciated that the work fluctuates and there are overhead costs, but the point remains that Community Legal Centres are not funded at this rate for a solicitor and overheads.

To address the lack of available lawyers in RRR areas, it is proposed that these centres are funded to provide duty lawyer services and representation in RRR areas, either in place or in an outreach model. It is not suggested that these centres be funded on a Grant of Aid model, but if each of these centres were provided with funding from the current Grant of Aid pool from NLAP, the 24 centres could engage additional staff to undertake what had been Grant of Aid work. This would provide additional resources for each centre and would grow the sector, increasing efficiency, efficacy and positive outcomes. It would also allow investment in workforce capacity and retention.

Re-directing Grants of Aid funding

\$273,000 x 24 centres = \$6,552,000

\$546,000 x 24 centres = \$13,104,000

This is a small portion of current the panel lawyer pool of \$146 million

4.7 Managing demand over time

What timeframe is most appropriate for the next national legal assistance partnership agreement, and how can flexibility be embedded to accommodate changing needs?

Consider:

- ☐ the most appropriate timeframe for the national legal assistance partnership agreement
- ☐ the most suitable way to index the funding over time to ensure funding adequacy
- ☐ how best to adjust funding in the event of unforeseen changes in demand or input prices.

Determining the most appropriate timeframe for the next national legal assistance partnership agreement and embedding flexibility to accommodate changing needs is crucial for the effectiveness and adaptability of the agreement. Key considerations are:

1. Agreement timeframe

The most appropriate timeframe for the next national legal assistance partnership agreement should strike a balance between stability and adaptability. A 5-year agreement is generally more suitable than a 10-year one due to the potential for changes in demand, demographics, and funding priorities over time. A 5-year term allows for regular reviews and adjustments, ensuring that the agreement remains responsive to evolving legal needs and challenges. State and Commonwealth funding should align.

2. Indexing funding adequacy

To ensure funding adequacy over time, funding should be indexed to factors such as inflation, population growth, Fair Work Commission decisions and changes in demand for legal services. This indexing mechanism should be transparent and predictable. Regularly reviewing the funding formula and indexation parameters is essential to align funding with the actual cost of delivering legal assistance services.

3. Adjusting funding for unforeseen changes

Flexibility in adjusting funding is critical to address unforeseen changes in demand or input prices. An established mechanism should be in place for emergency or ad hoc funding adjustments. Funding adjustments can be informed by data and evidence, such as changes in the volume and

complexity of cases, emerging legal needs (for example, pandemic-related legal issues), or unexpected increases in the cost of service delivery.

4. Review and evaluation

Regular reviews of the agreement's performance, outcomes, and funding allocation should be conducted. This review process should involve stakeholders from legal assistance providers, government agencies, and disadvantaged communities. Evaluation findings can inform adjustments to funding and priorities, ensuring that the agreement remains responsive to changing needs.

5. Contingency funds

Creating contingency funds within the agreement can provide a buffer for unforeseen events or emergencies. These funds can be allocated based on agreed-upon criteria and guidelines. Contingency funds should be accessible to address urgent legal needs, such as those arising from natural disasters or public health crises.

7. Consultation and feedback

Ongoing consultation with legal assistance providers and disadvantaged communities is essential. Regular feedback mechanisms can help identify evolving needs and potential areas for adjustment. Open channels for input and feedback ensure that the agreement remains grounded in the realities of service delivery and the experiences of those accessing legal assistance.

4.8 Wrap around services

How should holistic service provision improve outcomes and reduce the demand for legal assistance services?

Consider:

- ☐ what approaches to wrap around services have worked well and what have not
- ☐ the impact of access to justice on wellbeing and other outcomes of individuals
- ☐ the contribution to broader wellbeing agendas
- ☐ barriers in the current arrangements to the provision of such support services.

Approaches to wraparound services

Community Legal Centres operate with a primary focus on delivering the best possible service to their clients, driven by a commitment to justice and equity. It's important to note that, at their core, CLCs are legal practices. While Community Legal Centres use a variety of models to provide holistic or wraparound services individual centres are best placed to know what works best for their clients and their service delivery either in house or by referral to other local services.

Unlike other professionals, legal practitioners, are not mandatory reporters. This is a significant aspect of the legal practice that must be carefully managed when Community Legal Centres are providing wraparound services in-house. Mandatory reporting can have implications for the confidentiality and trust between clients and their legal advisors. While clients can seek safe and confidential advice from lawyers, the situation differs for many other professionals who have mandatory reporting requirements, such as social workers.

Legal practices can also protect their clients in contexts. another unique aspect is the regulatory framework governing access to client information. Unlike some professions where government agencies can potentially access records, legal practices are generally safeguarded from

government raids and interference. This further underscores the significance of managing the specific roles and responsibilities of legal practitioners within the broader legal and social services landscape.

Community Legal Centres play a crucial role in providing support and assistance to social workers in navigating legal issues that intersect with their field of expertise. This support often includes delivering Continuing Legal Education (CLE) programs that enhance the legal knowledge of social workers and help them understand the legal complexities their clients may face. These CLE programs also facilitate the development of networks, enabling social workers to find appropriate referrals for clients in need.

Community Legal Centres extend their reach through an outreach model and in NSW, Community Legal Centres provided 93 regular outreach services in 2022. This model involves establishing services in various locations, including courts, and remote or regional centres. These outreach services are designed to bring legal assistance closer to communities that may face geographical barriers.

Community Legal Centres recognise the importance of collaborating with allied professionals in addressing complex legal and social issues. These professionals need not be part of the same legal practice but can include various specialists working together to provide comprehensive and holistic support to individuals and communities. This collaborative approach ensures that the diverse needs of clients are met effectively, bolstering the overall capacity to address legal issues within the broader social context.

Impact on wellbeing and other outcomes

Access to justice is intrinsically linked to wellbeing. When individuals have their legal needs addressed, they experience improved mental health, reduced stress, and greater stability in their lives. This, in turn, positively impacts their families and communities. Holistic service provision can break cycles of disadvantage. By addressing the root causes of legal issues, such as housing instability or family breakdown, individuals are more likely to achieve sustainable outcomes, reducing the recurrence of legal problems.

Community Legal Centres play a central role in advancing comprehensive wellbeing agendas within society. Centres go beyond addressing legal issues, adopting a holistic approach that aligns with various dimensions of wellbeing. Community Legal Centres foster social inclusion by ensuring that individuals, regardless of their socio-economic background or other factors, have equal access to justice. They strive to reduce the barriers that may lead to social exclusion, working to create a society where everyone's voice is heard, and their rights are protected.

Legal issues can often have profound economic implications, such as housing instability, debt, or employment disputes. Community Legal Centres address the legal determinants of economic stability by helping individuals navigate these challenges, which, in turn, promotes financial security and resilience. The work of Community Legal Centres also contributes to stronger community bonds by resolving disputes, advocating for fair and just policies, and addressing systemic issues that can create tension within communities. They actively engage in community education and outreach to promote understanding, cooperation, and harmony.

In New South Wales, wellbeing measures form part of the State Outcomes frameworks. Community Legal Centres significantly contribute to several key outcomes that enhance the wellbeing and safety of communities and support a just legal system.

1. Stronger communities

Community Legal Centres collaborate with local organisations and community groups, amplifying their impact and creating a network of support for vulnerable individuals.

Through community education initiatives and outreach programs, Community Legal Centres empower residents with knowledge about their legal rights and responsibilities, further strengthening community cohesion.

2. Active and inclusive communities

Community Legal Centres actively engage with culturally and linguistically diverse communities, ensuring that language and cultural barriers are addressed, and diverse voices are heard. They advocate for systemic changes and policy reforms to eliminate discrimination and promote equal access to justice, actively working towards creating a more inclusive society.

3. Children and families thrive

In addition to legal representation, Community Legal Centres offer family support services, such as counselling and referrals to other community resources, to ensure the holistic well-being of children and families. Through partnerships with child protection agencies and family support organizations, they help families access the resources they need to provide a safe and nurturing environment for children.

4. Efficient and effective legal system

Community Legal Centres pioneer innovative legal practices and alternative dispute resolution methods, contributing to a more streamlined and responsive legal system.

They collaborate with the legal profession, judiciary, and government agencies to promote legal system efficiencies and best practices, ultimately benefiting both the legal sector and the public.

5. People have a safe and affordable place to live

Community Legal Centres engage in housing policy advocacy, pushing for reforms that address housing affordability and homelessness issues at a systemic level. They work alongside housing organizations and shelters to provide a continuum of care, ensuring that individuals facing housing challenges receive comprehensive support.

6. Prepared for disasters and emergencies

Community Legal Centres actively participate in emergency response coordination, ensuring that legal needs are integrated into disaster management plans. They collaborate with disaster relief agencies and local governments to establish protocols for legal aid during emergencies, contributing to more effective disaster response and recovery efforts.

7. Reduce Reoffending

By addressing the underlying legal issues that contribute to criminal behaviour, Community Legal Centres actively contribute to rehabilitation efforts within the criminal justice system.

They engage in restorative justice programs and community-based initiatives that focus on preventing recidivism and promoting reintegration into society.

8. Safer communities

Community Legal Centres provide resources and support to victims of crime, assisting them in navigating the legal system and seeking justice. Through partnerships with law enforcement agencies and victim support services, they advocate for the protection and safety of individuals affected by crime and violence.

The Commonwealth *Measuring What Matters* wellbeing framework

Community Legal Centres align with the Commonwealth's wellbeing framework by recognising that legal, social, and economic determinants are interconnected. They understand that achieving wellbeing involves addressing the root causes of legal issues, not just the immediate legal remedies. Community Legal Centres offer more than legal advice; they provide emotional support, referrals to social services, and community resources that enhance their clients' overall wellbeing. Community Legal Centres also engage in preventative strategies, addressing legal issues at an early stage to prevent them from escalating and negatively affecting a person's wellbeing. This includes community legal education programs aimed at increasing legal literacy. This comprehensive approach recognises that legal issues often impact other aspects of a person's life.

THEMES

Theme: Healthy

A society in which people feel well, are in good physical and mental health, can access services when needed, and have the information they require to take action and improve their health

Healthy: Access to care and support services

Dimension: Equitable access to quality health and care services

Metrics

- ☐ Unmet needs: proportion of people (aged 0-64 years) living in households who receive disability support who felt their needs were not being met
- ☐ Unmet needs: proportion of people (aged 65 years and over) living in households who receive aged care services and who felt their needs were not being met
- ☐ Quality: proportion of people with disability (aged 15–64 years) who were satisfied with the quality of assistance
- ☐ Quality: proportion of people (aged 65 years or over) living in households, who were satisfied with the quality of assistance

Community Legal Centres play a role in achieving this goal in the following ways:

1. Advocating for vulnerable populations

CLCs often represent individuals who face barriers to accessing disability support or aged care services. They advocate for the rights of clients to receive the care and support they need, ensuring that their voices are heard and their unmet needs addressed.

2. Navigating complex systems

Community Legal Centres assist clients in understanding the complex systems governing disability and aged care services. They provide legal advice and support to individuals and families seeking these services, helping them navigate bureaucratic processes and ensure their needs are met.

3. Addressing Quality of Care

Community Legal Centres may engage in advocacy and litigation to address issues related to the quality of care and assistance provided to individuals with disabilities or older Australians. They work to hold service providers accountable for delivering high-quality care and support.

4. Community education

Community Legal Centres engage in community education and outreach efforts to inform individuals about their rights and entitlements regarding disability and aged care services. By raising awareness, Community Legal Centres empower people to advocate for themselves and seek the services they require.

5. Policy advocacy

Community Legal Centres participate in policy discussions and law reform efforts related to healthcare and support services. They work to shape policies that promote equitable access to quality care and support for all Australians, regardless of age or disability.

Theme: Secure

A society where people live peacefully, feel safe, have financial security and access to housing

Secure: access to justice

Dimension: Living peacefully and feeling safe

Metric: Index of Australia's performance in providing accessible and affordable civil courts and alternative dispute resolution mechanisms.

Community Legal Centres play a role in achieving this goal in the following ways:

1. Enhancing access to legal assistance

Community Legal Centres provide free legal services to individuals who may otherwise face barriers in accessing legal help. This accessibility ensures that people can seek legal remedies when their rights are infringed upon, contributing to a sense of security and fairness within the legal system.

2. Alternative dispute resolution

Community Legal Centres actively promote and facilitate alternative dispute resolution mechanisms such as mediation and negotiation. These methods offer individuals a peaceful and less adversarial way to resolve conflicts, reducing the burden on the formal court system.

3. Empowering vulnerable communities

Community Legal Centres prioritise serving vulnerable and disadvantaged populations, including those facing domestic violence, discrimination, or housing insecurity. By addressing their legal needs, Community Legal Centres help create a safer environment for these individuals and their families.

4. Advocating for legal reforms

Community Legal Centres engage in systemic advocacy and law reform efforts. They work towards improving laws and policies that impact the accessibility, affordability, and effectiveness of civil courts and dispute resolution mechanisms. These efforts contribute to a more secure legal environment for all Australians.

5. Community education

Community Legal Centres conduct community education and outreach programs, empowering individuals with legal knowledge to navigate disputes effectively. Informed citizens are better equipped to protect their rights and seek peaceful resolutions.

Secure: Childhood experience of abuse**Dimension:** Living peacefully and feeling safe**Metric:** Proportion of people who have experienced physical or sexual abuse before the age of 15 years**Community Legal Centres play a role in achieving this goal in the following ways:****1. Supporting survivors of abuse**

Community Legal Centres often provide legal assistance and support to survivors of physical or sexual abuse, including those who experienced abuse before the age of 15. They assist survivors in pursuing legal remedies, obtaining restraining orders, and seeking compensation, contributing to their safety and protection.

2. Legal advocacy for preventing abuse

Community Legal Centres engage in advocacy and law reform efforts to strengthen legal frameworks related to child protection, domestic violence, and sexual assault. By advocating for improved laws and policies, Community Legal Centres work to prevent abuse and enhance the safety of vulnerable individuals.

3. Promoting child safety and welfare

Community Legal Centres may work with children and families to address issues related to child protection and welfare. They offer legal guidance to ensure the best interests of children are safeguarded, further contributing to their safety.

4. Collaboration with support services

Community Legal Centres often collaborate with support services, including counselling, healthcare, and community organizations, to provide holistic support to survivors of abuse. This collaborative approach promotes the well-being and safety of survivors.

Secure: Experience of violence**Dimension:** Living peacefully and feeling safe**Metrics**

- ☐ Proportion of people who experienced physical violence in the last 12 months
- ☐ Proportion of people who experienced violence by an intimate partner in the last 12 months

Community Legal Centres play a role in achieving this goal in the following ways:**1. Legal assistance for victim-survivors**

Community Legal Centres offer legal support to victim-survivors of sexual, domestic and family violence and abuse. They help victim-survivors obtain restraining orders, pursue legal action against perpetrators, and access compensation or support services.

2. Advocacy for legal reforms

Community Legal Centres engage in advocacy efforts to reform laws and policies related to sexual, domestic and family violence and abuse, and violence prevention. Their advocacy work aims to strengthen legal frameworks, ensuring greater protection for victim-survivors and holding perpetrators accountable.

3. Empowering victim-survivors to seek justice

Community Legal Centres empower victim-survivors to seek justice and legal recourse against perpetrators of violence. By providing information, legal advice, and representation, Community Legal Centres enable victims to navigate the legal system effectively.

4. Collaborating with support services

Community Legal Centres often collaborate with support services such as counselling, shelters, and healthcare providers to offer comprehensive assistance to survivors of violence. This holistic approach addresses not only immediate legal needs but also the broader well-being of victims.

5. Raising awareness

Community Legal Centres engage in community education and awareness campaigns to promote a culture of non-violence and respect. They work to prevent violence by educating individuals about their legal rights and available resources.

6. Data collection and reporting

Community Legal Centres may collect data on cases related to physical violence and intimate partner violence. This data can inform policymakers and service providers, contributing to evidence-based approaches for reducing violence.

Secure: homelessness

Dimension: Having financial security and access to housing

Metric: Rate of people who are experiencing homelessness

Community Legal Centres play a role in achieving this goal in the following ways:

1. Preventing homelessness

Community Legal Centres provide critical legal assistance related to housing, including preventing unlawful evictions, addressing disputes with landlords, and advocating for tenants' rights. By offering these services, Community Legal Centres contribute to preventing homelessness among vulnerable individuals and families.

2. Access to legal remedies

Homelessness often results from complex legal issues, such as housing disputes, debt, or family breakdowns. Community Legal Centres ensure that people experiencing or at risk of homelessness have access to legal remedies and support, helping them maintain stable housing situations.

3. Tenancy support

Community Legal Centres offer guidance on tenancy laws and responsibilities, helping tenants understand their rights and obligations. This knowledge empowers individuals to secure and maintain suitable housing, reducing the likelihood of homelessness.

4. Advocating for affordable housing

Many Community Legal Centres engage in advocacy efforts to promote affordable housing policies and address housing affordability challenges. By advocating for systemic changes, Community Legal Centres contribute to reducing homelessness rates in their communities.

5. Supporting vulnerable populations

Community Legal Centres often focus on vulnerable populations, including people experiencing homelessness. They offer legal assistance tailored to the unique needs of these individuals, helping them access support services and housing options.

6. Collaborative initiatives

Community Legal Centres collaborate with various stakeholders, including government agencies, shelters, and housing providers, to create holistic solutions for homelessness. These partnerships can lead to initiatives that provide housing alternatives and support for those without stable housing.

Secure: Making ends meet

Dimension: Having financial security and access to housing

Metrics

- ☐ Proportion of households who experienced a cash flow problem in last 12 months
- ☐ Proportion of households unable to raise \$2,000 when needed

Community Legal Centres play a role in achieving this goal in the following ways:

1. Debt and financial counselling

Community Legal Centres provide free legal advice and assistance to individuals and families facing financial challenges, including those with debt issues or disputes. By helping clients negotiate with creditors, access financial hardship programs, or navigate bankruptcy options, Community Legal Centres contribute to resolving financial crises.

2. Tenancy and housing

Community Legal Centres offer legal support to tenants facing eviction, rental disputes, or unsafe housing conditions. By advocating for tenants' rights and providing representation in tenancy disputes, Community Legal Centres help individuals maintain stable housing situations.

3. Consumer Rights

Community Legal Centres assist clients in cases of unfair business practices, misleading contracts, or disputes with financial institutions. By addressing consumer rights violations, Community Legal Centres contribute to reducing the financial burden on households.

4. Social Security and Welfare Advocacy

Community Legal Centres help clients access social security benefits and understand their entitlements. By ensuring individuals receive the financial support they are entitled to, Community Legal Centres mitigate cash flow problems and help households meet their basic needs.

5. Policy and Advocacy

Community Legal Centres engage in law reform and advocacy efforts to address systemic issues contributing to financial insecurity and housing instability. They work with government agencies and community organisations to develop policies and legislation that promote economic security and affordable housing.

Secure: Online safety**Dimension:** Living peacefully and feeling safe**Metric:** Proportion of people who have experienced online harm or negative content in the last 12 months**Community Legal Centres play a role in achieving this goal in the following ways:****1. Legal guidance and advocacy**

Community Legal Centres provide legal guidance and advocacy to individuals who have experienced online harm or have been affected by negative online content. They assist victims in understanding their legal rights, potential recourse, and available remedies.

2. Cyberbullying and harassment

Community Legal Centres support victims of cyberbullying and online harassment by offering legal assistance to combat these issues. They help individuals navigate the legal avenues for reporting, restraining orders, and seeking justice against perpetrators.

3. Privacy violations

Community Legal Centres address cases involving privacy violations, such as the unauthorised sharing of personal information or non-consensual intimate images. They advise victims on their legal options to protect their privacy and seek redress.

4. Online defamation

Individuals who face defamation or false statements online can turn to Community Legal Centres for legal assistance. Community Legal Centres help victims explore defamation claims and take appropriate legal action to address harm to their reputation.

5. Cybersecurity education

Community Legal Centres play a role in educating the public about online safety and cybersecurity measures. By raising awareness and providing guidance on protecting personal information, Community Legal Centres contribute to a safer online environment.

6. Collaborating with authorities

Community Legal Centres collaborate with law enforcement agencies, regulatory bodies, and online platforms to address online harm effectively. They advocate for the enforcement of laws and policies aimed at preventing and addressing online threats.

7. Empowering victims

Community Legal Centres empower victims to assert their legal rights and seek justice, fostering a sense of security and agency in the digital space. They assist victims in taking legal action to hold perpetrators accountable.

Theme: Cohesive

A society that supports connections with family, friends and the community, values diversity, and promotes belonging and culture

Cohesive: Experience of discrimination**Dimension:** Valuing diversity, belonging and culture**Metric:** Proportion of Australians who experienced some form of discrimination in the previous 12 months**Community Legal Centres play a role in achieving this goal in the following ways:****1. Discrimination redress**

Community Legal Centres provide legal assistance to individuals who have experienced discrimination based on various factors, such as race, ethnicity, gender, sexual orientation, disability, or age. They help victims understand their rights and legal avenues for addressing discrimination.

2. Advocacy and education

Community Legal Centres actively engage in advocacy and education efforts aimed at combating discrimination. They collaborate with community groups, raise awareness about anti-discrimination laws, and work to eliminate discriminatory practices.

3. Promoting equal access

Community Legal Centres are committed to ensuring that everyone has equal access to legal services, regardless of their background or identity. They actively promote inclusivity within the legal system, fostering a sense of belonging for all.

4. Community building

Community Legal Centres contribute to building inclusive and diverse communities by fostering dialogue and understanding among different cultural, ethnic, and social groups. They facilitate community-building initiatives that celebrate diversity and promote cultural exchange.

5. Legal support for vulnerable communities

Community Legal Centres provide legal support to people experiencing disadvantage and dislocation, who are disproportionately affected by discrimination. They work to address systemic inequalities and empower individuals to challenge discrimination.

6. Advocacy for legal reforms

Community Legal Centres advocate for legal reforms and policy changes aimed at preventing discrimination. They engage with lawmakers and government bodies to ensure that anti-discrimination laws are comprehensive and effective.

7. Combating hate speech and hate crimes

Community Legal Centres actively participate in efforts to combat hate speech and hate crimes. They provide legal assistance to victims and work to hold perpetrators accountable under the law.

8. Cultural competency

Many Community Legal Centres prioritise cultural competency by ensuring their staff and volunteers are trained to understand the diverse backgrounds and needs of their clients. This enables them to provide more effective support to those experiencing discrimination.

Theme: Prosperous

A society that has a dynamic, strong economy, invests in people's skills and education, and provides broad opportunities for employment and well-paid, secure jobs

Prosperous: Broadening access to work

Dimension: Broad opportunities for employment and well-paid, secure jobs

Metrics:

- ☐ Employment rate, population aged 15-64
- ☐ Participation rate, population aged 15-64
- ☐ Gender pay gap

Community Legal Centres play a role in achieving this goal in the following ways:

1. Employment rights and disputes

Community Legal Centres assist individuals facing workplace disputes, wage theft, unfair dismissals, or workplace discrimination. By protecting workers' rights and advocating for fair treatment, Community Legal Centres support job security and ensure that employment opportunities are based on merit.

2. Discrimination and equal opportunity

Community Legal Centres work to eliminate discrimination in the workplace based on factors such as gender, race, age, disability, or sexual orientation. By addressing discriminatory practices and advocating for equal opportunities, they contribute to a more inclusive job market.

3. Health and safety at work

Community Legal Centres provide legal assistance to workers who have been injured on the job or who are concerned about unsafe working conditions. Ensuring safe workplaces not only protects workers' well-being but also maintains their capacity to engage in meaningful employment.

4. Unfair employment contracts

Community Legal Centres help individuals understand their employment contracts and address unfair terms and conditions. By ensuring that employment agreements are fair and transparent, Community Legal Centres support job security and workers' economic well-being.

5. Workers' compensation

Community Legal Centres assist workers in navigating the complex workers' compensation system, ensuring that those who are injured at work receive the financial support they need during their recovery.

6. Economic security for vulnerable communities

Community Legal Centres focus on providing legal assistance to people experiencing disadvantage and dislocation. By addressing their legal needs, Community Legal Centres contribute to economic security and provide pathways to employment.

7. Advocacy for employment law reforms

Community Legal Centres engage in advocacy efforts to improve employment laws and practices. They work to strengthen legal protections for workers, ensuring that labor standards keep pace with evolving employment practices.

8. Support for job seekers

Community Legal Centres assist job seekers with legal issues related to employment, such as disputes with employment agencies or issues with job-seeking programs. By resolving these issues, Community Legal Centres facilitate access to job opportunities.

9. Income support and welfare rights

Community Legal Centres help individuals understand their entitlements to income support and welfare payments. By ensuring that eligible individuals receive the financial assistance they are entitled to, Community Legal Centres promote economic stability.

Barriers in the current arrangements to the provision of such support services.

Funding constraints

Limited funding often hinders the expansion of holistic services. Ensuring adequate financial support for these initiatives is crucial for their sustainability.

Coordination challenges

Collaborations between legal assistance providers, healthcare institutions, and social services can be complex. Effective coordination mechanisms and co-design of services are essential to overcome these barriers.

Access issues

People experiencing disadvantage and dislocation face barriers to accessing holistic services, including geographical limitations and awareness gaps. Expanding outreach efforts and improving access points are necessary.

4.9 Early intervention

How should legal assistance funding support activities that at an early stage reduce or prevent legal need, including activities not purely of a legal character?

Consider:

- ☐ the benefits and risks of funding preventative services, including legal education and information services
- ☐ the potential for cost shifting
- ☐ what indicators should be used to measure the success of such services.

Funding should support initiatives that provide accessible legal information and education to the public. This includes workshops, online resources, and community outreach programs that enhance legal literacy.

Benefits and risks of funding preventative services

Legal assistance funding plays a critical role in supporting activities aimed at preventing or mitigating legal need at an early stage. These activities extend beyond traditional legal services and encompass a broader spectrum of initiatives, including legal education and information services. Community legal education empowers individuals with knowledge of their rights and

responsibilities, enabling them to proactively address legal issues. By equipping individuals and communities with preventive tools and resources, legal assistance funding can contribute to a reduction in the incidence and severity of legal problems. These services foster a culture of legal awareness, strengthening communities' ability to self-advocate and resolve issues independently.

Providing legal education alone may not prevent issues arising from systemic inequalities.

It's crucial to strike a balance between funding early-stage prevention and addressing immediate legal needs. Overemphasising prevention at the expense of services for those currently in crisis may leave vulnerable individuals underserved.

Indicators to Measure Success

1. Reduced incidence of legal problems

A decrease in the number of individuals seeking legal assistance for issues that could have been prevented through education and early intervention.

2. Increased legal literacy

Measuring improved understanding of legal rights and responsibilities among target populations.

3. Community resilience

Assessing the community's ability to identify and address legal issues independently, demonstrating the efficacy of preventive initiatives.

4. Feedback Mechanisms

Soliciting feedback from communities and individuals who have engaged with preventative services to gauge their perceived effectiveness.

4.10 Advocacy

How should legal assistance funding be provided to legal assistance providers for advocacy and law reform activities?

Consider:

- ☐ the benefits and risks of the outcomes that can be achieved through funding advocacy activities
- ☐ how such activities should be funded and how might this funding vary across different types of legal assistance providers
- ☐ the flow-on effects of funding law reform activities.

Funding advocacy and law reform activities for Community Legal Centres is essential to leverage their expertise and experience in shaping laws, policies, and practices. Community Legal Centres play a pivotal role in assisting governments in developing new laws and advocating for systemic change. In September 2022, Community Legal Centres NSW surveyed our members on law reform activities over the course of a year. Most centres participated in a law reform activity in some way during the year, with the majority writing between 5 and 10 submissions to government inquiries, with some up to 50 a year. Most centres collaborated in their law reform activities, either with other Community Legal Centres or with the community sector more broadly. A smaller number also did advocacy including letters and meetings with MPs, and those with dedicated law reform staff doing an average of 8 meetings a year and up to 30.

Other law reform activities included:

- ☐ Appearing as a witness at parliamentary hearings
- ☐ Collaborating with other community/government service providers
- ☐ Preparing information sheets for the public
- ☐ Writing research reports
- ☐ Signing statements of support for advocacy and campaigns
- ☐ Participating in government reference or advisory bodies

What is clear, is that governments depend on the expertise of Community Legal Centres in all aspects of law and policy development, monitoring and reform. Community Legal Centres should be free to do this work and not restricted by a clause in the next NLAP Agreement that restricts advocacy. In addition, this essential public interest role should be funded, both at the Peak and in centres.

The public interest role of community legal centres

Community Legal Centres inherently serve the public interest by championing causes and advocating for changes that have broad societal impacts. They engage in public interest advocacy, addressing issues that extend beyond individual client cases to benefit entire communities. By focusing on the public interest, Community Legal Centres can:

Promote Equity: advocacy efforts target systemic inequalities and unfair policies, striving for a more just and equitable society.

Prevent Harm: identifying and rectifying injustices through advocacy prevents harm from befalling vulnerable individuals and communities.

Foster Accountability: Community Legal Centres hold governments accountable for their actions and decisions, ensuring transparency and responsiveness to the public.

Funding peaks for advocacy and law reform

Funding the peak organisation for community legal centres in each state is not just an investment in a single entity but can significantly enhance the effectiveness and impact of the entire community legal sector. Peaks play a vital role in coordinating the efforts and resources of individual Community Legal Centres within their state. They provide a unified platform for Community Legal Centres to collaborate, share insights, and align their activities. Through this coordination, peaks can ensure that the legal needs of communities are comprehensively addressed, avoiding duplication of efforts and maximising the sector's impact.

Peaks have a broader perspective and deeper insights into the legal issues faced by communities across their state. By overseeing the issues of multiple Community Legal Centres, peaks can identify emerging trends and areas of concern that may not be apparent to individual centres. This early detection of legal needs allows for proactive responses and timely interventions. Peaks have the capacity to connect seemingly disparate issues and recognise the interconnectedness of legal challenges. They can draw parallels between different areas of law and advocate for holistic solutions. This ability to connect issues is essential for addressing the root causes of legal problems and advocating for systemic change.

Peaks are uniquely positioned to leverage the on-the-ground expertise of Community Legal Centres. They can harness the wealth of knowledge and experience held by Community Legal Centre staff who work directly with clients and communities. This expertise informs evidence-

based advocacy and ensures that proposed reforms are rooted in real-world experiences. Peaks amplify the collective voice of Community Legal Centres and their clients. They can advocate for policy and legal changes at a higher level, drawing attention to systemic issues and advocating for fairness and justice. Peaks also engage in public awareness campaigns, ensuring that the broader community understands the importance of access to justice.

Example: "Change Takes Community" – Community Legal Centres NSW Law Reform Agenda

An illustrative example of the impact of peak-led law reform initiatives is *Change Takes Community*, the law reform agenda of Community Legal Centres NSW. This initiative outlines a vision for a fairer future in New South Wales and addresses a wide range of legal issues affecting the community. With the support and coordination provided by the peak, this agenda can gain traction, influence policymakers, and drive meaningful change in the legal landscape.

Funding peaks for advocacy and law reform is an investment in a coordinated, informed, and impactful approach to addressing legal needs in communities. Peaks act as catalysts for positive change, bringing together the expertise, resources, and collective voice of the community legal sector to advocate for a more just and equitable society.

Benefits and risks of funding advocacy activities

Benefits

Advocacy by Community Legal Centres can lead to sweeping systemic changes, impacting laws, policies, and practices to benefit society as a whole. Addressing systemic issues through advocacy enhances the effectiveness of legal assistance services and reduces the recurrence of legal problems. Community Legal Centres' expertise informs the development of informed, effective, and equitable policies. Engaging in public interest advocacy fosters public trust in the legal assistance sector, demonstrating its commitment to broader social welfare.

Risks

Advocacy efforts may challenge existing norms, potentially leading to controversy or opposition. Balancing funding for advocacy alongside direct client services can be challenging, but it is essential to ensure the sustainability and effectiveness of Community Legal Centres.

Flow on effects of funding law reform activities

The importance of law reform in addressing legal need cannot be overstated. Law reform is a proactive approach to shaping, modifying, or updating legal frameworks to prevent problems before they arise, identify and rectify systemic issues, and ultimately reduce the overall demand for legal assistance services. Law reform provides the following benefits:

1. Prevention of legal issues

Law reform allows policymakers to anticipate and address potential legal issues by enacting laws and regulations that promote fairness, equity, and social justice. For example, law reform can play a preventive role by reviewing and revising fines and penalty structures. When laws related to fines are reformed to ensure that they are fair, proportionate, and take into account individuals' financial situations, it can prevent legal issues such as excessive debt, license suspensions, or incarceration due to inability to pay fines. These reforms aim to promote a more equitable and just legal system by reducing the risk of legal issues stemming from punitive fines and penalties.

2. Early intervention

Effective law reform can facilitate early intervention in legal matters, mitigating the escalation of disputes. For instance, reforms in tenancy laws can offer structured mechanisms for landlords and tenants to resolve issues promptly. Tenancy laws that provide mechanisms for resolving landlord-tenant conflicts can help prevent eviction-related legal issues from reaching crisis levels. This proactive approach helps maintain stable housing situations and benefits both parties, enhancing overall community well-being.

3. Systemic problem identification

One of the primary benefits of law reform processes is their capacity to systematically identify and address underlying issues within the legal system. Through comprehensive reviews and analyses of existing laws, regulations, and policies, law reform initiatives can shed light on systemic problems and gaps in legal protections that may have otherwise gone unnoticed. For example, when conducting a review of family law, policymakers and legal experts may identify inefficiencies or biases that have persisted over time. These issues could include long delays in court proceedings, inadequate support for vulnerable parties, or discriminatory practices. By bringing these systemic problems to the forefront, law reform can lead to targeted changes in the legal framework.

4. Addressing emerging challenges

As communities evolve and new challenges emerge, law reform provides the flexibility to adapt to changing circumstances. Emerging issues such as cybersecurity, climate change, and digital privacy require updated legal frameworks. Law reform ensures that legal systems remain relevant and effective in addressing modern challenges.

5. Promoting equity and access to justice

Law reform endeavours to create a legal environment that promotes equity and equal access to justice. This is particularly important for people experiencing disadvantage and dislocation and communities who may face systemic barriers to legal assistance. By addressing discriminatory laws and regulations, law reform works to level the playing field and ensure equal protection under the law.

6. Reduction of legal need

Ultimately, the goal of law reform is to reduce the overall demand for legal assistance services by preventing legal issues from arising in the first place. This not only saves resources but also improves the quality of life for individuals and communities.

Law reform is a proactive and strategic approach to shaping legal systems and frameworks to prevent legal issues, identify and rectify problems, and promote equitable access to justice. By addressing the root causes of legal need and creating a fair and responsive legal environment, law reform plays a pivotal role in reducing legal need and ensuring that legal assistance services are more effective and accessible to all members of society.

Examples of successful law reform in 2022

- ☐ Redfern Legal Centre leading a legal challenge that quashed 45,000 COVID fines in NSW, including a total of 3,840 children between 13 and 17 years of age.
- ☐ Welfare Rights raised concerns about Robodebt which led to the Royal Commission. Recommendation 12.4 called for community legal centres to be funded adequately in the next Legal Assistance National Partnership Agreement.

- Economic Justice Australia, the national peak body for Community Legal Centres that specialise in social security law, led a campaign to successfully include Social Security into the National Plan to End Violence Against Women and Children, social security for women fleeing violence will be part of government priorities for the next decade.
- The Women's Alliance, led by Women's Legal Service, Wirringa Baiya Aboriginal Women's Legal Centre and DV NSW got improvements to both the legislation criminalising Coercive Control in NSW, to the process of implementation, ensuring robust and ongoing review.

4.11 Efficiency

To what extent are administrative processes of funders placing unnecessary regulatory burdens on legal assistance providers?

Consider:

- the current costs of compliance and red tape that impact the delivery of legal assistance, and how these can be reduced or streamlined
- the effect of regulatory burdens on the cost of delivering legal assistance services and subsequent impact of reducing availability of private practitioners to undertake legal aid.

Community Legal Centres in New South Wales operate in an environment where they feel stretched and under-resourced, primarily due to the high demand for their services. Legal assistance providers often operate at or beyond their capacity to address the significant legal needs of their respective catchment areas. It is important to clarify that the legal assistance sector in NSW is organised by geographical catchments, deliberately designed to minimise duplication. This results in a situation where regulatory burdens are not due to duplication of services but rather the sheer volume and complexity of cases.

Compliance costs, reporting requirements, and administrative processes can be exacerbated in resource-constrained environments. While the regulatory burdens are primarily a result of overwhelming demand, it is imperative that administrative processes be streamlined to minimise unnecessary complexities. This includes simplifying reporting requirements and ensuring that operational budgets account for the additional costs associated with compliance. To address the broader issue of stretched services and limited availability, a holistic approach is required. This may involve increased funding, improved resource allocation, and a collaborative effort to expand the legal assistance sector's capacity to meet the legal needs of disadvantaged Australians.

4.13 Labour market

How does workforce supply and remuneration impact on the provision of legal assistance services?

Consider:

- the current employment arrangements, including levels of remuneration, of lawyers and other staff, by level across legal assistance service providers
- how have these developed over time, how do these compare domestically and internationally
- barriers to the training or supply of adequate legal assistance workers, and how would addressing these increase the size of the legal assistance work force.
- the adequacy of grants of legal aid for Commonwealth assisted matters, how might this be address and how adequacy can be maintained through time
- the extent of pro-bono services provided by small and large firms to support the work of legal assistance providers.

Workforce and remuneration levels in Community Legal Centres is detailed in *Creating sustainable and resilient community legal centres: a model for New South Wales*.

Impact of workforce supply and remuneration on Community Legal Centres

The provision of legal assistance services by Community Legal Centres is significantly influenced by workforce supply and remuneration. Community Legal Centres often struggle with competitive remuneration levels compared to counterparts in the legal assistance sector, particularly wages at Legal Aid and vary considerably with private practice. This wage disparity can hinder the recruitment and retention of skilled professionals within the sector.

Over time, employment arrangements within the Community Legal Centre sector have seen limited growth in terms of remuneration and in the last couple of years have seen a reduction in real-terms due to inflation and the fixed level of indexation in the NLAP Agreement. The disparities in pay between Community Legal Centres lawyers, Legal Aid and private law firms have persisted, making it challenging to attract to and keep legal professionals in the sector. As well as worse pay, Community Legal Centres may offer fewer opportunities for career advancement and professional development compared to larger legal organisations. This can dissuade legal professionals, especially those early in their careers, who seek a clear path for advancement. For the particular labour market issues for regional and remote Community Legal Centres, see 4.5 regional, remote and rural contexts.

Community Legal Centres, regardless of their location, frequently contend with high caseloads and demanding workloads. The combination of relatively lower pay and heavy work demands can lead to burnout among legal practitioners, further exacerbating retention challenges. Recruitment and retention challenges can directly affect the ability of Community Legal Centres to provide consistent and reliable legal assistance services to their communities. High staff turnover disrupts the continuity of client relationships and legal representation, impacting the quality of service delivery. Addressing these issues requires a multi-faceted approach which is addressed in our *Creating sustainable and resilient community legal centres: a model for New South Wales* paper.

4.14 Data collection

To what extent are the current reporting processes sufficient to support monitoring, continuous improvement and achievement of objectives?

Consider:

- ☐ the adequacy of current key performance indicators, data standards and collections,
- ☐ ability for data collection to reflect the complexity of service delivery, level of digital transformation required
- ☐ how legal assistance data could be integrated with existing and emerging data sources providers
- ☐ are the current arrangements supporting Priority Reform 4 of the National Agreement on Closing the Gap and how might they be improved

Reporting Burden

On average, Community Legal Centres spend around 3-5 hours per week on reporting and more than 8 hours a week on data cleansing and supervision¹. The time and resources spent depends on the size of the organisation and the number of funding streams, as well as the systems in place to support data collection and analysis.

Reporting Templates

The Commonwealth is able to change the reporting templates for Jurisdictional Progress Reports under the NLAP with little notice to the sector. Changes to reporting templates require development changes to the reporting database/s used by each Community Legal Centre, typically immediately before or during the report deadlines when Community Legal Centres require additional support to meet their own reporting requirements.

Unit-level data

Community Legal Centres had concerns about the requirement to provide unit-level data to the Australian Bureau of Statistics (ABS), under Schedule D of NLAP. This requirement was completed for the first time in September 2023. The provision of unit-level data is overly burdensome for Community Legal Centres as each centre is the custodian of their data and each Principal Solicitor is required to review their data and conduct de-identification checks and before the data is shared. CLCs Australia was responsible for the coordination, development of the process and support to individuals completing the checks. The provision of unit-level data process has collectively taken the sector hundreds of hours to generate data across dozens of domains.

Outcomes-based reporting

The current NLAP includes a requirement for the Commonwealth and States to develop an outcomes-based framework, however, this has not yet begun. Community Legal Centres NSW has developed an outcomes framework for Community Legal Centres, and similar frameworks and templates have been developed by Community Legal Centre peaks in Queensland and Victoria. Individual Community Legal Centres have also developed and implemented their own frameworks

¹ Survey of Community Legal Centres conducted by Community Legal Centres NSW in May-June 2023

to various degrees. It is unlikely a one-size fits all outcomes framework would work for all legal assistance service providers, or all Community Legal Centres as the service models are different. Future work around an outcomes-based framework should be in partnership with the sector and will require resourcing to develop and to implement.

Lack of investment

Baseline funding is not sufficient to build the capacity of the sector in data collection, evaluation, performance monitoring and reporting. The capacity of centres to report data efficiently and accurately is dependent on administrative and IT systems, and internal expertise and resources. Community Legal Centres are already operating on tight budgets and prioritising frontline service delivery.

4.15 Opportunities What other changes to the NLAP would further improve service delivery outcomes and maximise use of resources?

Consider how the NLAP could be changed to better support innovation and improved best practice throughout the life of the agreement.

1. Provide ongoing funding under NLAP to coordinate state-wide preparation for, response to and recovery from disasters within the legal assistance sector and with state-wide emergency response mechanisms.
2. Ensure that funding for community legal centres affected by disasters is delivered at the time of the disaster and continues to match the changing legal need over time.

It is clear there will be ongoing disasters related to the impact of climate change, and Community Legal Centres will play a crucial role in supporting individuals and communities through these crises. Despite this important role, Community Legal Centres receive no dedicated recurrent funding to contribute to disaster recovery efforts or to prepare for future disasters. Ongoing funding would enable community legal centres to continue to respond to future disasters, allow them to undertake long-term service and business continuity planning, engage and retain suitably qualified staff, and respond quickly and flexibly to meet the emerging needs of local communities.

¹ Fair Work Commission decision

² See: Scott, S & Sage, C 2001, Gateways to the law: an exploratory study of how non-profit agencies assist clients with legal problems, Law and Justice Foundation of NSW, Sydney

³ Coumarelos, C, Macourt, D, People, J, McDonald, HM, Wei, Z, Iriana, R & Ramsey, S, Legal Australia- Wide Survey: legal need in New South Wales, Law and Justice Foundation of NSW, Sydney, (2012) (LAW Survey NSW) p 66-68.

⁴ Law and Justice Foundation, Updating Justice No. 24.

⁵ Vidyattama, Y., Brown, L., Tanton, R., and NSW Council of Social Service (NCOSS). (2023), Mapping Economic Disadvantage in New South Wales, 2021. NATSEM, Faculty of Business, Government and Law, University of Canberra. Report Commissioned by NCOSS.

⁶ 2022 client and service data of all Community Legal Centres in NSW reporting via CLASS Data Repository

⁷ The Rural and Remote Education Human Resources Strategy was released on 30 November 2017. Available at: <https://education.nsw.gov.au/about-us/strategies-and-reports/rural-and-remote-education-strategy-2021-24>