

Review of the Commonwealth Community Legal Services Program
March 2008

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EXECUTIVE SUMMARY

This review of the Commonwealth Community Legal Services Program was commissioned by the then Attorney-General, the Honourable Philip Ruddock MP, in April 2006. It is the first nationally-focused review of the Commonwealth Community Legal Services Program.

The review had as its focus, the goal of maximising legal outcomes for disadvantaged Australians through improving services and ensuring they are more appropriately and effectively targeted to the needs of the community.

It was governed by the following six terms of reference:

1. Examine the role of the Program in providing access to justice, in conjunction with legal aid, pro bono and financial assistance.
2. Develop a funding model for the distribution of Program funds.
3. Examine existing service delivery models with a view to identifying the most efficient and effective models.
4. Examine options for bringing other funding under the umbrella of the Community Legal Services Program to rationalise compliance and accountability costs to funded centres.
5. Review existing Community Legal Services Program accountability requirements, including the Community Legal Services Information System.
6. Develop performance criteria for the Program.

Consultation Process

As part of the consultation process for the review, the National Association of Community Legal Centres was invited to provide its views on how the Commonwealth Community Legal Services Program could operate more effectively. The Secretary of the Attorney-General's Department also wrote to his counterparts in the States and Territories inviting input, and the Department sought input from State Program Managers on a range of issues relevant to the review.

Input from Commonwealth Community Legal Services Program stakeholders highlighted many positive aspects of the Program including:

- its flexibility which enables responsiveness to emerging client needs
- community legal centres' expertise in areas of law that other providers are unwilling or unable to cover
- community legal centres' multi-dimensional approach to service delivery which is well-suited to assisting people with complex needs and multiple disadvantages, and
- sharing of expertise and resources between community legal centres which, in turn, promotes cost savings.

However, the input also noted the challenges community legal centres face in delivering services on current funding levels – the average amount of funding provided under the Commonwealth Community Legal Services Program in 2006-07 is approximately \$173,000.

Summary of Key Findings

The review has examined Commonwealth Community Legal Services Program data and confirmed that it is providing services to clients who are significantly disadvantaged. For example, 58% of clients received some form of income support, 82% of clients earned less than \$26,000 per annum, and almost 9% of clients had some form of disability.

In addition, there is a growing body of evidence that many disadvantaged members of the community often face a 'cluster' of problems that, if left unresolved, increase their social exclusion with long term implications for their health, employment capacity and general well being. Community legal centres' client centred approach to service delivery means that they are well placed to address this need.

The review found that the major focus of current Commonwealth Community Legal Services Program accountability requirements is on outputs rather than outcomes for clients. Accordingly, it has highlighted a number of areas in which changes could be made to current accountability requirements to achieve an enhanced focus on client outcomes.

In particular, the report recommends the implementation of an integrated performance management framework, to include:

- a triennial review of the performance of each community legal centre
- changes to reporting requirements to better demonstrate client outcomes, and
- adoption of a funding model designed to ensure a more appropriate and equitable distribution of any additional Program funding.

The review also identified a number of recommendations. These are outlined at pages 8-10 of this report. The most significant of these propose the introduction of:

- a funding model for the distribution of new funding
- an integrated outcomes-based performance management framework, and
- streamlining of reporting requirements (consistent with the Australian Government's Social Inclusion Agenda).

Implementation of Recommendations

The implementation of the recommendations contained in this report will occur in the context of the renegotiation of the new three year service agreements, with a number requiring consultation with key Commonwealth Community Legal Services Program stakeholders as to how they should be implemented.

RECOMMENDATIONS

1. The objective of the Commonwealth Community Legal Services Program should be *to contribute to the provision of access to legal assistance services for disadvantaged members of the Australian community and those with special needs* through the provision of funding to organisations with a community-based management model.
2. The primary function of the Commonwealth Community Legal Services Program should be the provision of early intervention legal and related services designed to deal with identified client needs.
3. The Commonwealth Community Legal Services Program's role in the mix of other service delivery options should be to provide services which complement those of legal aid commissions and other service providers and which are coordinated with those providers within a cooperative service delivery framework. This complementary role should be explicitly stated in the Program Guidelines.
4. A funding model should be adopted for the allocation of any new funding provided to the Commonwealth Community Legal Services Program.
5. The proposed funding model set out at section 2.9 should be provided to stakeholders for comment prior to consideration of its adoption as the Commonwealth Community Legal Services Program funding model.
6. The funding model should run on a three year cycle, concurrent with the service agreement, and be used to review the allocation of funding to individual community legal centres prior to the next service agreement.
7. The Australian Government should not initiate the establishment of any new community legal centres based on socio-economic/client data alone – community genesis should be the driving force for the establishment of any new services, supported by relevant socio-demographic data to establish need.

8. An overarching service delivery model should be adopted to provide an outcomes-based performance management framework for the Commonwealth Community Legal Services Program, requiring community legal centres to:
 - (a) identify the legal service demands of their client communities
 - (b) develop a service delivery plan to meet those demands in accordance with Commonwealth Community Legal Services Program priorities
 - (c) deliver services in accordance with that plan, and
 - (d) evaluate the effectiveness of their service delivery.
9. Funding by sub-program should be re-evaluated and options considered to allow for greater flexibility in reporting for those community legal centres funded under more than one sub-program.
10. The present restriction against litigation in the Commonwealth Community Environmental Legal Program should be removed subject to the inclusion of a provision in the Program Guidelines requiring that assistance is targeted at the needs of the local community and resources are allocated in a way which maximises service delivery to that community.
11. The possibility of bringing other Australian Government funding under the umbrella of the Commonwealth Community Legal Services Program should not be pursued given the lack of any evidence that this would result in any efficiencies in meeting accountability requirements.
12. The Department should reevaluate financial reporting requirements with a view to streamlining them for the purposes of the next round of service agreements.

13. The Department should consult with Commonwealth Community Legal Services Program stakeholders on the implementation of a performance management framework incorporating a performance review of each community legal centre in the final year of the three year funding cycle with a satisfactory rating (or significantly improved performance following an unsatisfactory rating) required for eligibility for funding in the next three year cycle.
14. The existing Commonwealth Community Legal Services Program service standards should be reviewed to ensure consistency with better practice principles.
15. Existing service delivery reporting requirements should be changed to include a greater focus on outcomes, for example, through a requirement to include case studies demonstrating how service delivery strategies achieve outcomes for clients.
16. An evaluation strategy for the Commonwealth Community Legal Services Program should be developed in consultation with stakeholders with the aim of implementing a program of evaluation activities designed to facilitate continuous improvement.

BACKGROUND

General Overview

The Commonwealth Community Legal Services Program has a long history commencing in 1978 with national funding of \$175,000. Funding was provided on a grants-based arrangement with little or no performance reporting obligations.

Funding for the Commonwealth Community Legal Services Program in 2006–07 totalled \$24.7m, with \$22.1m allocated to 128 community legal centres and the balance used for program support activities. The State contributions totalled \$17.6m (including \$3.7m provided to State only funded community legal centres).

Community legal centres funded under the Commonwealth Community Legal Services Program undertook 269,537 activities in 2006–07.

Funding is provided through a service agreement which is renegotiated every three years, although funding is provided to each community legal centre on an ongoing basis subject to it meeting the terms and conditions of the Service Agreement. In 2006–07 the level of Australian Government funding provided to community legal centres funded under the Commonwealth Community Legal Services Program ranged from \$2,741 (South West Brisbane Community Legal Service) to \$786,298 (Women's Legal Resource Centre, New South Wales), with the average being approximately \$173,000.

Funding since 1995–96 is set out at **Attachment A**. The last significant injection of funding into the Commonwealth Community Legal Services Program was \$3.6m in 1999–2000 to establish five new community legal centres in regional and remote areas (Kalgoorlie, Broken Hill, Gippsland, Mt Gambier and Riverland).

The Commonwealth Community Legal Services Program has evolved significantly since its inception. It now includes Program guidelines, service standards, regular financial and progress reports, and a data collection and reporting system for use by individual community legal centres and State Program Managers.

Implementation of the service standards and the data collection system were long and difficult processes, with many centres concerned these processes impinged on their independence and professionalism. Today the culture in the sector has changed significantly, particularly within the peak national and state associations and there is a strong commitment to working collaboratively on projects. The national peak body, the National Association of Community Legal Centres has emphasised, in discussions with the Department, that there has always been an unquestioned acceptance of the need to account for the expenditure of public funds and ensure the provision of quality services.

Community Legal Centre Service Delivery

The current outcome statement for the Commonwealth Community Legal Services Program is 'equitable access to legal assistance services to disadvantaged members of the community and those with special needs'.¹

The activities funded under the Commonwealth Community Legal Services Program comprise: information, advice, casework, community legal education, and law reform and legal policy. Within the Commonwealth Community Legal Services Program framework, community legal centres determine the type and mix of service delivery that best meets the needs of their client communities. The service delivery strategies of each centre are set out in its Community Legal Services Program Plan submitted at the commencement of each three year service agreement. Each centre also submits annual targets for anticipated service delivery levels.

Stakeholders

The Department recognises the skills and expertise within the community legal services sector which contribute to the Commonwealth Community Legal Services Program meeting community needs.

¹ Attorney-General's Department, Commonwealth Community Legal Services Program Guidelines.

The Department works cooperatively with the community legal services sector to ensure that the Commonwealth Community Legal Services Program meets its objectives. It liaises regularly with the National Association of Community Legal Centres.

A Memorandum of Understanding between the Commonwealth and each of the Legal Aid Commissions in New South Wales, Victoria, Queensland, and Western Australia and the Attorney General's Department of South Australia sets out a statement of principles to guide the Commonwealth and the relevant State in the management and support of the Community Legal Services Program. A State Program Manager Agreement with each of these organisations, and the Legal Aid Commission of Tasmania, sets out the purchasing arrangement for provision of State Program Manager services. State Program Managers are responsible for day-to-day administration of the Commonwealth Community Legal Services Program, acting as a first point of contact for queries and ensuring compliance with the accountability requirements of the Service Agreement. The Department liaises with State Program Managers frequently and holds both regular program management and specific purpose meetings.

State-Based Reviews

Reviews of the joint Community Legal Services Program in those States which also provide State program funding were conducted from 1997 to 2006. Reviews were completed in South Australia (1997), Victoria (1998), Queensland (1999), Western Australia (2003) and New South Wales (2006). The Victorian Review was not published due to disagreement within the Review's Implementation Advisory Group over recommendations proposing the relocation and amalgamation of some community legal centres.

The reviews were jointly commissioned by the Commonwealth and the respective State. The terms of reference varied slightly from review to review, but focused largely on the same core issues:

- consistent and equitable distribution of community legal services
- identifying core community legal centre services, and
- enhancing corporate governance and the role of volunteers.

Most reviews recommended that community legal centres continue to have flexibility in determining the most effective form of service delivery for their client community, comprising a mix of one or more of the current core activities of information, advice, casework, community legal education, and law reform and legal policy. However, the report of the South Australian review was more prescriptive with the recommendations including a requirement for set opening hours, standardised eligibility criteria and the types of matters which should not be handled, for example, conveyancing, traffic and major indictable offences.

The reviews also identified areas of unmet need, although both the Western Australia and New South Wales reviews recommended that the funding of existing community legal centres be increased to a viable baseline before the provision of funding to any new community legal centres.

Among the more significant recommendations of the New South Wales review was the proposed adoption of a Strategic Service Delivery Model. This encompasses a needs assessment, service planning to meet identified needs in accordance with good practice and actual service delivery. The review also recommended a minimum baseline funding level to cover three full-time positions for all community legal centres funded in New South Wales.

A table summarising the recommendations of all the State-based reviews is at **Attachment B**.

The Review Process

The former Attorney-General authorised the Department to conduct a review of the Commonwealth Community Legal Services Program on 20 April 2006. He also invited the National Association of Community Legal Centres, in October 2006, to provide its views on how the Commonwealth Community Legal Services Program could operate more effectively, with a strong focus on clients. The National Association of Community Legal Centres made a submission dated 30 March 2007 to the former Attorney-General.

The Department sought input from State Program Managers on 14 March 2007, on a range of issues relevant to the review (a copy of the questions is at **Attachment C**). With the exception of Victoria, all State Program Managers responded. The Secretary of the Department also wrote to his counterparts in the States and Territories, on 19 April 2007, inviting input into the review. Responses were received from Victoria, New South Wales, Tasmania and South Australia.

Commonwealth Community Legal Services Program staff met with a range of program areas within the Department and in other Australian Government departments to obtain information on the operation of other programs. The Department undertook research on the operation of overseas programs similar to the Commonwealth Community Legal Services Program, and on program outcome performance measurements generally.

The Department undertook a review of research and reports relating to community legal centres over the last 20 years (a list of reviews is at **Attachment D**).

The Department also undertook research and collected data from a wide range of sources such as the National Association of Community Legal Centres publications, community legal centre annual reports, Community Legal Services Information System reports, Australian Bureau of Statistics survey reports and New South Wales Law and Justice Foundation reports.

The Better Practice Guides produced by the Australian National Audit Office on the Administration of Grants² and Developing and Managing Contracts³ were adopted as reference documents for the review.

² Australian National Audit Office, *Administration of Grants Better Practice Guide*, May 2002.

³ Australian National Audit Office, *Developing and Managing Contracts Getting The Right Outcome, Paying The Right Price Better Practice Guide*, February 2007.

1 TERM OF REFERENCE 1 -THE ROLE OF THE PROGRAM IN PROVIDING ACCESS TO JUSTICE, IN CONJUNCTION WITH LEGAL AID, PRO BONO AND FINANCIAL ASSISTANCE

1.1 Commonwealth Community Legal Services Program Outcome Statement and Objectives

The outcome statement for the Commonwealth Community Legal Services Program set out in the Program Guidelines and approved by the then Attorney-General in October 2005 is *'equitable access to legal assistance services for disadvantaged members of the Australian community and those with special needs.'*⁴

Underpinning the outcome statement are the objectives set out below:

- Community legal services assist people, individually or collectively, as well as the community overall. Assistance is directed towards people who experience some form of systemic or socio-economic barrier to accessing legal services and/or whose interests should be pursued as a matter of public interest.
- Community legal service clients receive early assistance through the provision of appropriate information and referral.
- Community legal service clients gain a practical and improved understanding of legal and other options available to them through the provision of appropriate advice.
- Community legal service clients, through the provision of appropriate casework, gain an increased opportunity to pursue outcomes consistent with their legal rights or entitlements and community legal service resources.
- Community legal education provides people, service providers and other agencies with opportunities to:
 - improve their awareness of the law, legal processes and other regulatory mechanisms where appropriate
 - increase their ability to understand and critically assess the impact of the law and the legal system on themselves, and/or

⁴ *Community Legal Services Program Guidelines*, p6.

- improve their ability to use the law, legal system and other regulatory mechanisms where appropriate.
- Community legal centres undertake law reform and policy work to meet the priority needs of the target groups and communities with whom they work.
- All services are delivered efficiently and effectively in order to provide accessible, responsive, respectful, understandable and useful services to clients.

In order to provide a simpler, all-encompassing objective for the Program, it is the Department's view that the above objectives could be better expressed as one clear objective:

to contribute to the provision of access to legal assistance services for disadvantaged members of the Australian community and those with special needs.

1.2 Service Delivery

To meet the above objectives, the Commonwealth Community Legal Services Program funds a set of core activities comprising information, advice, casework, community legal education and law reform and legal policy.

The Community Legal Services Information System shows that almost 62% of activities (information, advice and casework) undertaken by community legal centres in 2006-07 involved civil law. Tenancy, credit and debt, and employment issues were the most common problem types. Almost 31% of community legal centre activities involved family law. The most common problem types were child contact and residency, followed by divorce and separation, and property matters. The remaining 7% of information, advice and casework related to criminal matters.

The breakdown of activities undertaken in 2006–07 is set out in Table 1 below.

Table 1: No of services and % provided by community legal centres in 2006–07 for Commonwealth and State

CORE SERVICES	NO. OF SERVICES	% OF SUB TOTAL	% OF NATIONAL TOTAL
Information	89,742		33.3%
Advice	153,289		56.9%
Casework (Cases closed)	24,748	100.0%	9.2%
Minor	17,700	71.5%	6.6%
Medium	5,373	21.7%	2.0%
Major	1,675	6.8%	0.6%
Community Legal Education Projects*	1,346	100.0%	0.5%
Minor	788	58.5%	0.3%
Medium	383	28.5%	0.1%
Major	175	13.0%	0.1%
LRLP Projects*	412	100.0%	0.1%
Minor	204	49.5%	0.1%
Medium	126	30.6%	0.1%
Major	82	19.9%	0.03%
National Total	269,537		100.00%

Source: Community Legal Services Information System CA 11 Output-Full Breakdown (active, funded, Community Legal Services Program only)

- * Minor – 0-5 hours
- Medium – 6-20 hours
- Major – Over 20 hours

The data shows that:

- Direct legal advice and information made up 90.2% of activities, with casework accounting for a further 9.2%.
- Half of one percent of activities comprised community legal education with 0.3% of those activities being reported as minor activities.
- Less than one quarter of one percent of activities comprised law reform and legal policy, with 0.08% reported as being of a minor nature, 0.05% as medium and 0.03% as major activities.

Figures 1, 2, 3, 4 and 5 and Tables 2, 3 and 4 show the composition of the types of clients seeking and receiving assistance from community legal centres.

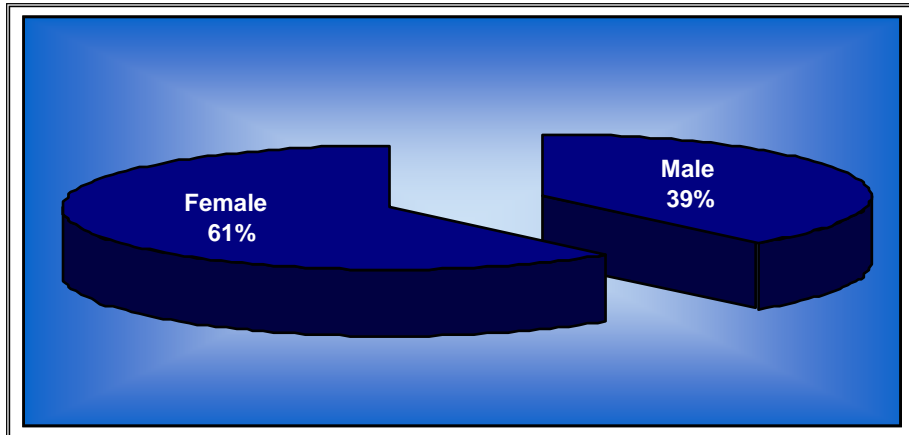


Figure 1 – Clients by gender – 2006–07

Females made up the majority of clients for community legal centres at 61%.

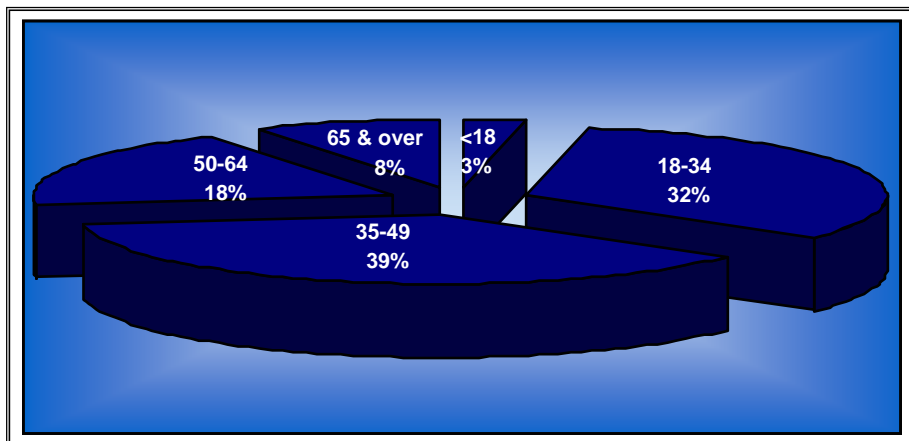


Figure 2 – Clients by age – 2006–07

People between the ages of 35 and 49 comprised 39% of clients (Figure 2). Overall 74% of clients were less than 50 years of age.

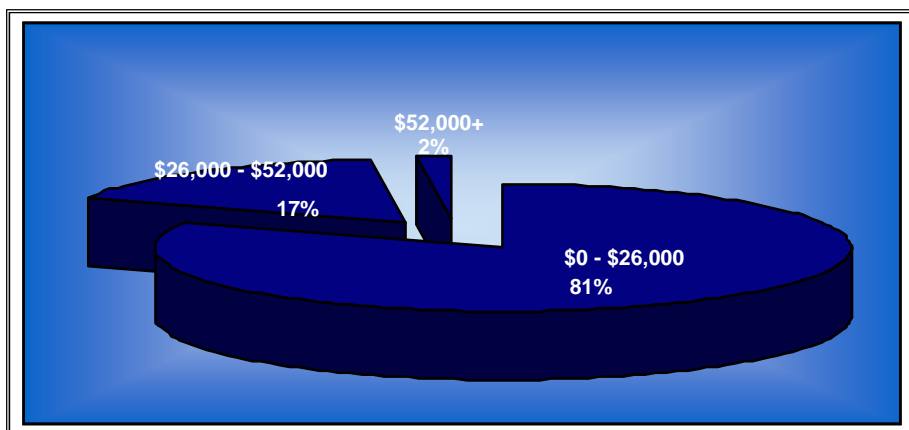


Figure 3 – Clients by income level – 2006–07. (\$0 to \$26,000 per year, \$26,000 to \$52,000 per year and \$52,000 per year or over).

The majority of clients (81%) earned less than \$26,000 per year with a further 17% earning less than \$52,000 per year (Figure 3).

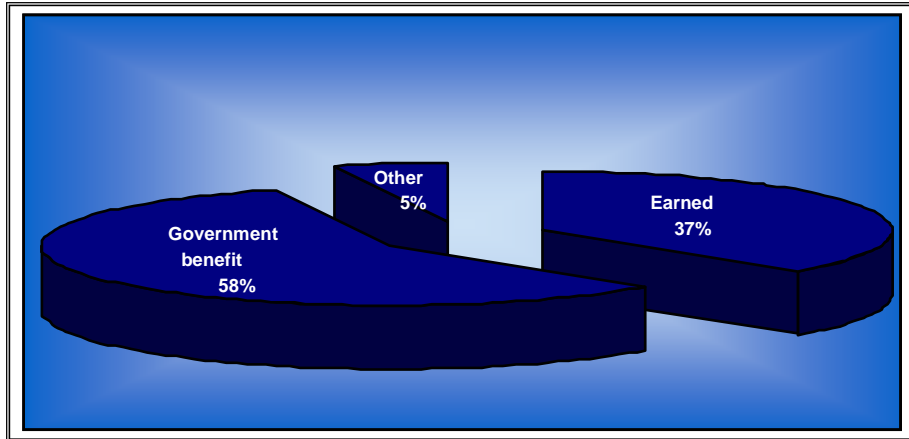


Figure 4 – Clients by income source – 2006–07

58% of clients received some form of government income support.

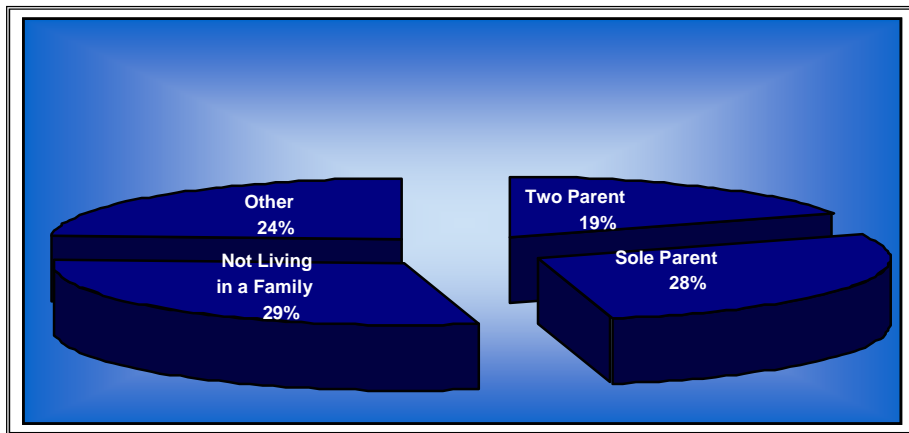


Figure 5 – Clients by family type – 2006–07

Family type is relatively equally distributed across all family type categories.

Table 2 – Clients by Indigenous Status – 2006–07

Indigenous Status	Number	% of total clients
Aboriginal	4,427	3.6%
Torres Strait Islander	142	0.1%
Both Aboriginal & Torres Strait Islander	540	0.4%
Total (Indigenous)	5,109	4.2%

Table 3 – Clients by Disability – 2006–07

Disability	Number	% of total clients
Clients with a disability	11,282	9.2%

Table 4 – Clients by English Proficiency – 2006–07

English Proficiency	Number	% of total clients
Not Well	3,766	3.1%
Not At All	703	0.6%
Total – Low English Proficiency	4,469	3.6%

Table 5 - Community Legal Services Program clients by law type by number and percentage for 2006/07

Law Type	Number	%
Family Law	41,495	30.8%
Civil Law	83,406	61.8%
Criminal law	9,981	7.4%
Total Clients	134,882	100.0%

Source: Community Legal Services Information System CC6 Clients by law type (active, funded, Community Legal Services Program only)

1.3 *Comments on Current Arrangements*

A number of responses from State Attorney-General's departments to the review provided strong words of support for community legal centres, examples of which are summarised below.

- Victoria is extremely supportive of community legal centres.

Community legal centres play an important role within the community and the legal system on a number of levels in New South Wales, through:

- assisting individual clients directly through the provision of legal services to members of the community
- actively assisting groups of individuals and potential clients through community legal education
- actively assisting groups of individuals and numerous potential clients to manage their contact with the legal system, and
- aiming to reduce legal problems and needs in the broader community through law reform and advocacy work.

Responses also indicated that the current Program arrangements are generally working well, for example:

- There are productive working relationships between community legal centres, the State Program Manager and the New South Wales Legal Aid Commission with a cooperative attitude to working together to improve the Program.
- The Program generally operates effectively in South Australia and has a strong client focus.
- There were also some practical suggestions about ways in which the Program could be improved. For example, New South Wales supports a range of improvements as follows:

- ensure adequate core funding using a clear allocation formula
- streamline the reporting requirements for community legal centres
- improve the information technology systems used by community legal centres to meet reporting requirements
- improve transparency and develop a detailed set of policies and procedures
- recognise the importance of effective co-ordination to the overall effectiveness of the Commonwealth Community Legal Services Program, and
- ensure adequate funding for co-ordination activities.

It was also noted that there is scope to reduce the complexity of the current reporting arrangements for community legal centres, without compromising accountability, and that more simplified accountability arrangements would be welcomed. The issue of streamlining current accountability arrangements is discussed later in the report.

The current arrangements in relation to the coordination of the services of community legal centres with those of other referral and assistance agencies were generally perceived as working reasonably well. However, suggestions for ways in which coordination could be improved were also offered:

- There is further scope to increase co-ordination, especially in rural, regional and remote areas.
- Referrals to the Public Interest Law Clearing House could also be improved.
- Extending the use of direct referral to an appropriate organisation in the presence of a client ('warm referral') may improve service delivery to clients and assist in the coordination of services.

There may be scope to improve the coordination of community legal education activities between community legal centres, legal aid and other referral and assistance agencies, particularly in the area of the production of legal information kits, brochures and website tools.

1.4 Why Fund Community Legal Centres?

Australian Government support for the Commonwealth Community Legal Services Program is based on the following principles:

- Community service providers best meet the needs of their own communities.
- Harnessing the contribution of volunteers enables community input to services, and
- Early dispute resolution helps to keep people out of court.⁵

1.4.1 Community Focus

One of the distinguishing features of community legal centres is their close connection with their communities. The Report of the Western Australian review noted that:

[community legal centre] Services are underpinned by community development principles. These principles involve working with communities, local networks and stakeholders to build capacity, facilitate self-help, create local solutions and link local issues with broader policy.⁶

It is the community development approach which enables community legal centres to design their service delivery to meet the needs of their communities. The Report of the New South Wales review noted that:

A key strength of the Community Legal Services Program is the ability for funded Centres to design and develop their service delivery on the basis of their knowledge and experience of the target community and their relationships with other legal, welfare and community service providers.⁷

State Program Manager input to this review notes that community legal centres undertake community development and maintain community connections in a number of different ways. Examples of community connection include representation of community members on

⁵ Federal Civil Justice Strategy Paper, p 104.

⁶ Legal Aid Western Australia, *Joint Review of Community Legal Centres Legal Aid, September 2003*, p 24. .

⁷ Legal Aid Commission of New South Wales, *Review of the New South Wales Community Legal Centres Funding Program – Final Report*, June 2006, p78.

Management Committees, a strong volunteer base at many community legal centres and community legal centres working in partnership with other organisations.

In addition, community legal centres make concerted efforts to remain connected to their communities. The Tasmanian State Program Manager noted:

I believe that centres make huge efforts to stay connected to their communities. Many rely on other community organisations for help and assistance also. Therefore centres will actively seek and maintain community connections.⁸

However, some community legal centres experience difficulties being responsive to their communities. The Queensland State Program Manager noted that:

An issue in relation to the responsiveness of community legal centres to their communities relates to the difficulty that some community legal centres experience in that they are funded to provide a State-wide service. Obviously these community legal centres can neither be connected, nor responsive to the needs of community legal centres in their communities, given the vast area which they are supposed to cover.⁹

In addition, having more community connections may pose some risks for community legal centres. The Tasmanian State Program Manager noted that community connection was:

... balanced with the risk that the more contact each community legal centre has with the community the more referrals it will receive, this in turn puts pressures on centres to cope with demand and to also deal with inappropriate referrals.¹⁰

⁸ Tasmanian State Program Manager, *Response regarding the internal Review of the Community Legal Services Program*, 11 April 2007, p2.

⁹ Queensland State Program Manager, *Response regarding the internal Review of the Community Legal Services Program*, 12 April 2007, pp3-4.

¹⁰ Tasmanian State Program Manager, *Response regarding the internal Review of the Community Legal Services Program*, 11 April 2007, p2.

1.4.2 Outreach

Those community legal centres that are able to provide outreach services, undertake a significant amount in a variety of ways. Some provide after hours services to clients who are unable to access a community legal centre during normal office hours, others travel to small rural or remote communities. State Program Managers report that outreach in rural and remote areas is of major importance, particularly for Aboriginal people and culturally and linguistically diverse community groups.

Many community legal centres build relationships and partnerships with other service agencies to extend their service reach. For example, the Kimberley Legal Service and the Katherine Women's Legal and Information Service coordinated their outreach visits with those of the local Family Violence Unit to provide clients with greater access to services.

Some community legal centres provide outreach services to their immediate localities, such as surrounding suburbs. For example, the Hobart Community Legal Centre provides services to areas within a relatively short drive of the office (15kms out of the Hobart central business district), to areas where targeted clients are considered to have very high need and a very high level of welfare dependence and are unable to attend the community legal centre office. Some community legal centres have a satellite office in other high need areas of their State, and some specialist community legal centres that cannot provide a physical outreach service, operate State-wide telephone advice lines.

Specialist community legal centres provide casework support and specialist assistance as required to community legal centres in regional, rural and remote locations, and co-operate with them in the delivery of community legal education and other activities.

However, regional, rural and remote community legal centres face additional barriers when trying to address the unmet needs of their local communities. The report by the National Pro Bono Resource Centre, *Regional, Rural and Remote Pro Bono Models and Opportunities*, noted that regional, rural and remote community legal centres:

- usually service much larger areas, often with fewer resources and staff, than metropolitan community legal centres
- often do not have the advantage of being able to refer clients to local legal aid offices or other specialist community legal centres
- face particular problems relating to recruiting and retaining experienced staff, and
- may face difficulties managing resource allocations which do not adequately cover the additional costs of running outreach programs.¹¹

Additional problems community legal centres face in providing outreach to regional, rural and remote locations include the level of demand, distance, accommodation and travel costs, limited presence of other service providers and, in the more remote locations, the reliability of video conferencing facilities. The challenge is to find the balance between covering the needs of the target group within the wider geographic community without compromising the standard of service or reducing local service delivery. Feedback suggests that regional, rural and remote outreach services are generally stretched and cannot meet demand.

1.4.3 *Volunteers and Pro Bono*

In its review submission, the National Association of Community Legal Centres notes that many community legal centres have been able to attract and maintain significant support from volunteers and pro bono lawyers. For example, it has been calculated by the National Association of Community Legal Centres that volunteers contribute the equivalent of a minimum of \$23m per annum to the Commonwealth Community Legal Services Program.

Community legal centres provide an avenue for harnessing volunteer services. Lawyers and other volunteers do not provide their services to government agencies such as legal aid commissions. The National Pro Bono Resource Centre noted, in its media release dated 6 September 2007, *legal volunteers vital to community legal centre service delivery*, that:

70% of community legal centres surveyed by the National Pro Bono Resource Centre said that without pro bono assistance, key services such as advice clinics, complex casework and litigation, could not be delivered at current levels.

¹¹ National Pro Bono Resource Centre, *regional, rural and remote pro bono, models and opportunities*, May 2006, p 5.

There are a range of opportunities available to community legal centres for further enhancing pro bono and volunteer support. The National Pro Bono Resource Centre has fostered a number of such initiatives including development of the ‘*clcvolunteers*’ website in collaboration with the National Association of Community Legal Centres and the promotion of partnerships between community legal centres and individual law firms. The National Pro Bono Resource Centre has also observed that the secondment of vacation/summer clerks to community legal centres has enormous potential to tap into private firms’ law student resources.

In addition, the National Pro Bono Resource Centre says there is a link between individual lawyers volunteering at community legal centres and the tendency of these lawyers to take matters back to their firms for in-house pro bono assistance. Volunteering is an important vehicle to ‘capacity-build’ private firm pro bono output, and as such, any means to assist community legal centres to enhance their volunteering capacity must be encouraged.¹² This is supported by the Law Council of Australia:

These (volunteer) services act as gateways or pathways to legal representation through referral and pro bono work. They identify meritorious cases and, in addition, offer a range of representation services especially where there are significant gaps such as victims’ compensation matters, services for particularly disadvantaged groups, services to remote, regional and remote areas, and for Indigenous communities.¹³

Yet the ability of community legal centres to run effective volunteer services may hinge on the number of volunteers available. The Queensland State Program Manager reported that several community legal centres run effective volunteer services in that State as a result of the large number of available volunteers. In some instances a community legal centre is able to provide advice sessions several nights per week using volunteers, for example, Caxton Legal Centre. Others provide very extensive outreach services across large regional areas. However, these sessions and outreach services are primarily viable because there are currently volunteer lawyers in those areas to run the services. Should those volunteers cease work, then it is probable that the services would cease operations.¹⁴

¹² National Pro Bono Resource Centre *Submission to the New South Wales Review of Community Legal Centres*, February 2005, p.3.

¹³ Law Council of Australia, *Erosion of Legal Representation in the Australian Justice System*, February 2004, pp55-56, viewed 10 July 2007, <www.lawcouncil.asn.au/get/publications/2393555026.pdf>

¹⁴ Queensland State Program Manager, *Response*, p2.

The lack of availability of volunteers mostly impacts regional, rural and remote community legal centres, which have difficulties incorporating volunteer assistance into their service delivery models. The report by the National Pro Bono Resource Centre, *Regional, Rural and Remote Pro Bono Models and Opportunities*, says that regional, rural and remote community legal centres ‘have greater difficulties than metropolitan community legal centres incorporating volunteer assistance from private lawyers and law students into their service delivery models.’¹⁵

There are, nevertheless, a growing number of collaborations between law firms and regional, rural and remote community legal centres. In New South Wales, this collaboration is assisted through the Cooperative Legal Services Delivery Model currently being rolled out by the Legal Aid Commission (see Section 1.6).

However, the success of pro bono programs would appear to depend on good working relationships between community legal centres and pro bono firms, and the community legal centre sector being well-resourced. The National Pro Bono Resource Centre notes that pro bono coordinators consistently report that the most successful [pro bono programs] are a result of close and ongoing working relationships with community legal centres, and that without a well-resourced community (and legal aid) sector, pro bono programs would not be effective.¹⁶

1.4.4 *Early Intervention and Multi-Faceted Approach*

Community legal centre services are focused on providing assistance at an early stage in a dispute. In its 2004–2007 Budget Submission, the National Association of Community Legal Centres noted: ‘community legal centres are positioned at the prevention and early intervention end of the legal system, working to reduce the likelihood of litigation, as well as other negative social consequences.’¹⁷

¹⁵ National Pro Bono Resource Centre, *regional, rural and remote pro bono, models and opportunities*, May 2006, p 5.

¹⁶ National Pro Bono Resource Centre Submission to New South Wales Review.

¹⁷ The National Association of Community Legal Centres, *Community Legal Centres: An investment in value; Investing in Community Law: Budget Submission to the Commonwealth Government 2004-2007*, August 2003, p15

This view is further supported by the Law Council of Australia. It says that:

Community legal centres are an important gateway to legal services for the community, particularly for socially and economically disadvantaged people. Their services also provide early intervention opportunities so that consumers are able to access information and advice about their legal problems at an early stage. This often leads to the early resolution of problems and avoidance of costly court cases.¹⁸

Community legal centres generally adopt a whole-of-client approach to service delivery. Other legal service providers may be limited in their approach by strict eligibility criteria.

Community legal centres are less litigation focused so they have a greater capacity to spend more time with their clients to determine the full extent of their problem/s including legal and non-legal concerns. For example, the National Association of Community Legal Centres submission to the review includes case studies highlighting the whole-of-client approach. The unique whole-of-client focus approach allows community legal centres to determine the cause of problems and make the necessary referrals to legal and non-legal service providers. The attached (**Attachment E**) scenario provided by the National Association of Community Legal Centres illustrates the client outcomes that can be achieved by community legal centres, in comparison with the negative outcomes because of a lack of assistance.

It should also be noted that many community legal centre clients need assistance with more than one problem and that these can be complicated and multi-faceted. The National Association of Community Legal Centres notes in its submission to the review:

Centres report an ever-increasing demand for their services, accompanied by a trend towards greater complexity of legal problems...Working with other legal and non-legal service providers, community legal centres are experiencing an increase in referrals to their centres. In some places, centres are experiencing a 600% increase in referrals in some areas of law.¹⁹

¹⁸ Law Council of Australia, *Erosion of Legal Representation in the Australian Justice System*, February 2004, p.34.

¹⁹ National Association of Community Legal Centres Submission, p15.

The New South Wales Law and Justice Foundation published a report, *Justice Made to Measure* (March 2006) found that over two-thirds of participants in a legal needs study reported experiencing one or more legal events in the previous 12 months, suggesting a high level of legal need across the surveyed areas. The 10 most frequent types of legal events were general crime (experienced by 27% of all participants), housing (23%), consumer (22%), government (20%), accident/injury (19%), wills/estates (15%), employment (12%), credit/debt (12%), family (9%), and education (7%).

A study undertaken by Ab Currie, Principal Researcher, *Access to Justice and Legal Aid*, Department of Justice, Canada, compared the results of legal needs surveys in a range of overseas jurisdictions and found the incidents of legal problems ranged from 26% – 67% of respondents.

... justiciable problems trigger both other justiciable and a range of health and social problems. Access to justice services can therefore play an important role in building an inclusive society, diminishing social disadvantage, dependency and the related cost to public services.²⁰

Other research also confirms that legal needs often do not involve one problem, but rather a cluster of problems and increased complexity in matters.²¹ The National Association of Community Legal Centres' submission cites a number of studies and reports including the Australian Council of Social Services, *Australian Community Sector Survey Report 2007*, the 2006 report on *The Economic Value of Community Legal Centres* by the University of Technology Sydney, the New South Wales Law and Justice Foundation as part of its *Access to Justice and Legal Needs* research program and research in the United Kingdom, *A Trouble Shared – legal problems clusters in solicitors' and advice agencies*, which all point to the need for a multi-dimensional approach with more holistic service provision and better coordination

²⁰ Ab Currie, Department of Justice Canada, *The Legal Problems of Everyday Life*, p34. Paper delivered at the International Legal Aid Group, Antwerp 2007.

²¹ Paper presented at International Legal Aid Group conference

of responses to clients' needs.²² The New South Wales review noted that:

The community legal centres' value base included a strong emphasis on 'holistic' responses to client problems—an awareness that a disadvantaged client's legal problem was likely to be based in, associated with or the cause of other non legal problems which should also be addressed.²³

Various studies have identified a range of cluster types, for example, family problems, welfare benefits/housing, consumer and employment. In their research on problem clusters, Moorhead et al found that about a third of clients also had a physical disability, chronic illness or mental problems.²⁴

The National Association of Community Legal Centres submission notes that its consultations with community legal centres had revealed an increase in clients with mental or intellectual disabilities which had the attendant outcome of increasing complexity in matters and the time required to assist these clients.²⁵ The submission also cites the Law and Justice Foundation research, *Justice Made to Measure*, which found that people with a chronic illness or disability are particularly vulnerable to a range of civil, criminal and family legal problems and suggested that meeting the legal needs of people with a chronic illness or disability should be a top priority.²⁶

In order to address the increase in numbers of clients with mental illness issues, Elizabeth Evatt Community Legal Centre is actively seeking working relationships with other organisations including the local mental health unit, the police and the courts, with a view to building a collaborative structure around these institutions/agencies. The overall aim is to assist in building effective community support networks around people with a mental illness to reduce the risk of further legal problems.²⁷ A similar approach is adopted by many community legal centres around the country. In addition, Elizabeth Evatt Community Legal Centre approached Legal Aid New South Wales to develop an in-house case management model that combines legal and social work interventions, as well as formalised collaboration and referral pathways with external service providers.

²² The National Association of Community Legal Centres *Submission*, p16

²³ New South Wales Review, p28.

²⁴ Moorhead Richard, Cardiff University, *Coping with Clusters? Legal problems Clusters in Solicitors' and Advice Agencies*, Paper delivered at the International Legal Aid Group, Antwerpen 2007. Viewed 10 July 2007, 2007<<http://www.ua.ac.be/main.aspx?c=.ILAG2007&n=39309&ct=40011>>.

²⁵ The National Association of Community Legal Centres *Submission*, p15

²⁶ The National Association of Community Legal Centres *Submission*, p24.

²⁷ The National Association of Community Legal Centres *Submission*, p36.

The project is specifically directed at improving outcomes for people with mental health issues but would have relevance for working with other client groups suffering social and economic disadvantage. Legal Aid New South Wales is currently considering the proposal.

In her response to this review, the Tasmanian State Program Manager reported that an added problem for community legal centres in dealing with their clients stems from the stresses that community legal centre staff are exposed to when balancing funding constraints and assisting clients, and particularly when dealing with members of the community that no other providers can or will assist.

1.4.5 Other Distinguishing Features of Community Legal Centres

Other benefits of community legal centres noted by the National Association of Community Legal Centres in its review submission include:

- their expertise in areas of law that other providers have no interest in or no facility to provide
- their expertise in effectively assisting people with complex needs and multiple disadvantages
- their established working relationships and collaboration with other organisations that also have expertise in delivering services to disadvantaged members of the community, and
- their ability to share expertise and resources between centres, and the cost savings resulting from this collaboration.

Community legal centres play a key role in legal service delivery, a role which complements that of other service providers. In particular, community legal centres offer a range of services and referral paths which recognise the inter-relationship between legal and non-legal problems and aim to provide clients with assistance to resolve problems at their root cause, reducing the likelihood of further involvement with the legal system.

Community legal centres' clients fall outside the guidelines for assistance offered by legal aid commissions. While family law forms a significant component of community legal centre's work (over 30%) the majority of their work (over 60%) involves civil law matters. Legal Aid Commissions are more likely to give priority to criminal and family law matters and only take on more complex civil cases. Most civil law matters arise under State and Territory laws and Commissions reduced their civil law practices in favour of directing their State/Territory funding to criminal matters, following the Australian Government's decision to cease funding matters arising under State and Territory laws in 1997–98.

Community legal centres are also very flexible in their service delivery. Many provide evening advice clinics for clients who cannot attend during normal business hours, and often provide advice clinics at venues where vulnerable members of the community congregate, for example, community centres, drop-in centres, health centres and aged care facilities.

As community managed services, community legal centres are able to identify and respond quickly to emerging community need in ways that other service providers cannot. For example, in its submission the National Association of Community Legal Centres reports that following Cyclone Larry, community legal centres located in northern Queensland made a strategic decision to respond to immediate need and temporarily diverted resources to distressed clients providing information on insurance issues and crisis management.

The National Association of Community Legal Centres asserts that getting accurate information about legal rights into the community is an effective first step in assisting many, rather than a few, clients.²⁸

1.4.6 National Legal Profession (National Legal Profession Model Laws Project)

The National Legal Profession Model Laws Project relates to the development of a nationally consistent set of regulations for legal practitioners. Legislation based on a model bill has been passed in six states and territories, and is currently being considered by the Western Australian and South Australian Parliaments. The model bill did not cover a number of issues which were ultimately intended to be included, one of them being regulation of legal practitioners working

²⁸ National Association of Community Legal Centres Submission p21.

in community legal centres. A discussion paper regarding professional regulation issues faced by legal practitioners working in community legal centres is being prepared by a Standing Committee of Attorneys-General Joint Working Party. After being finalised, the discussion paper will be sent to key stakeholders for comment, following which further model laws will be developed for enactment by the States and Territories.

1.5 The Status of Similar Programs Overseas

Reviews have been undertaken in Ontario (Canada), the United Kingdom and the Netherlands. Some key features of the programs in these countries are summarised below.

1.5.1 Canada

Legal Aid Ontario has responsibility for 79 community legal clinics. The clinics provide services including:

- legal representation and advice
- community development and organising
- law reform, and
- public legal education.

Legal Aid Ontario assists and supports the clinics through its Clinic Resource Centre which provides legal research and legal information. It also coordinates the clinics' purchases of information technology equipment and other office supplies.

Legal Aid Ontario monitors clinics' performance through a Quality Assurance Program and regular meetings. The Quality Assurance Program requires clinics to submit a range of quarterly and annual reports including an annual funding application containing a review of last year's work and a work/business plan for the coming year. The clinics receive funding on a presumptive basis subject to meeting the requirements of the Quality Assurance Program.

1.5.2 *United Kingdom*

Law Centres are the United Kingdom equivalent of community legal centres. Law Centres provide an independent legal advice and representation service. They employ specialists in areas of 'social welfare' law and help individuals and local groups with problems. There are 63 Law Centres throughout England and Wales. All of these hold contracts with the Legal Services Commission to provide legally aided services to eligible clients. The value of these contracts in 2006–07 was approximately £10,560,031. These contracts also allow Law Centres to apply for additional funding from the Legal Services Commission (legal aid certificates) to undertake representation work for eligible clients in categories of law where a solicitor is employed. Other sources of Law Centre funding are local authorities and other government departments.

The Legal Services Commission is running a project to establish how it wants to purchase integrated social welfare law services in the future (covering community care, debt, employment, housing and welfare benefits). By integrated social welfare law, the Legal Services Commission means a service that can give a client access to all five categories of social welfare law via a single access point either by providing all the services in the same place or through referral. One of the project's objectives is to establish a number of pathfinder Community Legal Advice Centres (and Community Legal Advice Networks) to test models for the delivery of integrated social welfare law services.

Both Law Centres and Community Legal Advice Networks will provide the same services but will do so in different ways. Centres will be run by a single legal entity (although some services may be sub-contracted) and run from a central office, along with outreach. Community Legal Advice Networks will see a group of providers come together and sign up to a shared service specification guaranteeing that wherever a client contacts the network they will have access to the full range of services provided.²⁹

The Community Legal Advice Centres will provide face-to-face legal advice services - from initial diagnosis to specialist representation (litigation) - for a wide range of social welfare and family problems, allowing people to get help on a range of frequently related problems. They

²⁹ http://www.legalservices.gov.uk/civil/community_legal_advice_centres_and_networks.asp

will also help to tackle the causes of people's problems such as the poor delivery of public and private services and raise awareness of clients' rights by, for example, providing information, self-help packs and participating in legal education sessions. The services will also link in with those providing specialist advice in categories not covered (mental health, immigration, education, clinical negligence, personal injury, actions against the police and crime).

At present there is one Law Centre in operation in Gateshead and work is underway to have Law Centres or Community Legal Advice Networks operational in Derby, Leicester, Portsmouth, Hull, East Riding of Yorkshire, Cornwall, Wakefield, and Barking and Dagenham.

A key feature of these new services is that the Commission and the local authority(s) responsible for the area in which they are situated will jointly fund them. The rationale being that coordinated funding will provide a more integrated and cost effective service that better meets client needs.

1.5.3 The Netherlands

Prior to 2003, Legal Aid and Advice Centres were publicly funded through the Legal Aid Board. The aim of the Legal Aid and Advice Centres was to concentrate on primary legal aid by providing a low threshold of access to justice, at no or very low cost and to provide an important screening function by tackling legal problems at an early stage, so avoiding the possibility of escalation and minimising social and personal costs.

A review in 2000–01 found that some Legal Aid and Advice Centres had shifted their attention from their primary focus of information and referral to extensive legal aid and representation. They started to act on behalf of paying clients (that is, those not eligible for legal aid) thus neglecting their primary role.

In November 2003, the Legal Aid and Advice Centres were dismantled and replaced by 30 Legal Services Counters. Activities undertaken by the Legal Services Counters are

provided free of charge and comprise:

- information
- clarifying a problem and advising of one's judicial position
- simple advice (such as how to proceed, example letters), and
- referral.

1.6 *Cooperative Service Delivery*

The Cooperative Legal Service Delivery Model is an initiative of the Legal Aid Commission of New South Wales. The aim is to bring together key legal service providers to apply a coordinated and regional approach to the planning and delivery of legal services. The initiative commenced as a pilot in two regions, and following a positive evaluation, is now being rolled out throughout the state.

The Cooperative Legal Service Delivery Model does not operate formally in other jurisdictions. However, a number of other states/territories actively pursue collaboration. For example, in Western Australia, a planning day was held in 2001 between community legal centres and Legal Aid Western Australia, to address delivery of family law services to clients. As a result of the planning day, Legal Aid Western Australia and community legal centres developed a set of protocols to govern referrals between agencies to ensure streamlining of services to clients and to avoid the 'referral merry go round' for family law clients.

The Director of Legal Aid Western Australia and the Chairperson of the Western Australian Association of Community Legal Centres endorsed the protocols for use by Legal Aid Western Australia and all community legal centres. The protocols reportedly continue to work well.

Legal Aid Western Australia and a working group of stakeholders, concerned with the recruitment and retention of professional staff in the bush, have developed a program called the 'Country Lawyers Graduate Program'. This is aimed at improving the recruitment and retention of lawyers in regional and remote areas by recruiting, developing and rotating junior solicitors throughout regional Western Australia.

A trial of cooperative arrangements is also currently underway in the Northern Territory following the publication of *Justice Too Far Away – Report of the Tennant Creek Regional Legal Access Project*.³⁰ The report noted that despite improvements in recent years, there was no doubt that people living in Tennant Creek continued to experience difficulty in gaining affordable access to legal services. The Community Legal Resource Centre was established in May 2006, in response to the report, with surplus Commonwealth legal aid funds held by the Northern Territory Legal Aid Commission and some funding from the Northern Territory Government. An evaluation of this service is scheduled to be conducted early in 2008.

The National Association of Community Legal Centres submission notes that one of the distinguishing features of community legal centres is their collaborative work with other justice sector players and non-legal service providers. This network and knowledge:

...gives community legal centres a significant ‘triage’ function within their communities – effectively assisting people to get off the ‘referral merry-go-round’ by providing information on the right place to get the services (legal and non-legal) they require.³¹

However, the National Association of Community Legal Centres notes that the success of cooperative service delivery initiatives depends on the availability and capacity of participating agencies to provide the time and staff resources required.³²

The National Pro Bono Resource Centre’s report, *Mapping Pro Bono in Australia*, notes the need for better dialogue and coordination between government funded legal services, pro bono providers, and referral schemes at a local, State and national level.³³

The establishment of Family Relationship Centres has seen further development of cooperative and collaborative service delivery arrangements between the family relationship services sector and community legal centres.

³⁰ Northern Territory Legal Aid Commission, *Justice Too Far Away: Report of the Tennant Creek Regional Legal Access Project*, May 2003.

³¹ National Association of Community Legal Centres Submission, p30

³² The National Association of Community Legal Centres Submission, p46.

³³ National Pro Bono Resource Centre, *Mapping Pro Bono in Australia*, May 2007, p 118.

Two of the first 40 Family Relationship Centres (Joondalup and Mandurah) involved community legal centres in consortia for the delivery of Family Relationship Centre services. Effective referral arrangements between Family Relationship Centres and other services, including community legal centres, have also been developed across the network. Family Pathway Networks are independent groups of service providers who work collaboratively to achieve an integrated law system. The membership consists of organisations that deliver services to families who are separating and community legal centres are members in many networks.

Increased collaboration on common issues with other programs in the Department, will contribute to providing a shared response to resolution, increased consistency and, where appropriate, cost efficiencies. For example, a coordinated departmental approach by the Commonwealth Community Legal Services Program, Family Violence Prevention Legal Services and Family Relationship Centres to resolving accommodation issues in the Kimberley, may provide opportunities that are not feasible either financially and/or logistically for program areas operating in isolation. The Department will review across the relevant programs it administers.

Similar collaboration may also be an option to explore with those states that contribute to the Community Legal Services Program (New South Wales, Victoria, Queensland, Western Australia and South Australia). The Department proposes to raise this issue with the States once it has reviewed opportunities for collaboration across the programs it administers.

The Department administers a number of statutory and non-statutory schemes of financial assistance. The statutory schemes include the *Administrative Appeals Tribunal Act 1976*, the *Federal Proceedings (Costs) Act 1981* and the *Trade Practices Act 1974*. Non-statutory schemes include the Commonwealth Public Interest and Test Cases Scheme, Overseas Custody (Child Removal) Scheme and the Special Circumstances (Overseas) Scheme. However, community legal centres do not tend to access the financial assistance schemes. From 1992 to 2006, only seven applications for financial assistance were received from community legal centres. The total assistance granted to community legal centre clients between 1992 and 2006 amounts to \$44,665. This comparatively low level of usage reflects the strict guidelines and eligibility criteria for these schemes.

Recommendations

1. The objective of the Commonwealth Community Legal Services Program should be *to contribute to the provision of access to legal assistance services for disadvantaged members of the Australian community and those with special needs* through the provision of funding to organisations with a community-based management model.
2. The primary function of the Commonwealth Community Legal Services Program should be the provision of early intervention legal and related services designed to deal with identified client needs.
3. The Program's role in the mix of other service delivery options should be to provide services which complement those of legal aid commissions and other service providers and which are coordinated with those providers within a cooperative service delivery framework. This complementary role should be explicitly stated in the Program Guidelines.

2 TERM OF REFERENCE 2 - DEVELOP A FUNDING MODEL FOR THE DISTRIBUTION OF PROGRAM FUNDS

2.1 Current Funding Distribution

The Commonwealth Community Legal Services Program originated as an application-based grants program. Different amounts of funding were provided to different community legal centres, and in different years, depending on available funds. The result is a variety of funding levels across the Commonwealth Community Legal Services Program.

The following table (Table 6) shows Commonwealth and State funding for 2006–07 aggregated by State. The figures include New South Wales Public Purpose Fund monies, State-only funded community legal centres (those to which the Commonwealth does not contribute) and State funding to State-based sector Federations and Associations.

Table 6 – Commonwealth and State funding for 2006–07

	Cth Funding	State Funding	Total Funding	Cth Funding %	State Funding %
NSW	5,161,722	4,038,445	9,200,167	56.10%	43.90%
Vic	4,713,017	6,905,119	11,618,136	40.57%	59.43%
Qld	3,362,466	2,594,117	5,956,583	56.45%	43.55%
SA	2,910,277	813,204	3,723,481	78.016%	21.84%
WA	3,302,845	1,026,000	4,328,845	76.30%	23.70%
TAS	1,034,002	0	1,034,002	100.00%	0.00%
NT	986,982	0	986,982	100.00%	0.00%
ACT	518,896	0	518,896	100.00%	0.00%
National Children's	158,765	0	158,765	100.00%	0.00%
TOTAL	22,148,973	15,376,885*	37,525,858	59.02%	40.98%*

*In 2007-08, State funding to the Commonwealth Community Legal Services Program increased taking the State percentage to 48.15%.

2.2 Adequacy of Current Funding Levels

A comparison was undertaken of several other programs administered by the Department. Statistical data for the Family Relationship Services Program has not been included because it would not be appropriate to make comparisons with the Commonwealth Community Legal Services Program given the wide range of services provided under that program. The Family

Relationship Services Program fund Family Relationship Centres and a range of other services, including Family Dispute Resolution Services, Children’s Contact Services, Counselling, Family Relationships Education and Skills Training and services under the Parenting Orders Program. The amount of funding varies widely depending upon the particular service type and its location. For example, a Children’s Contact Service in a regional location may be funded to the amount of \$230,000 per annum whereas a service under the Parenting Orders Program in a capital city may be funded to the amount of \$600,000 per annum. None of the Family Relationship Services Program services provide legal advice or assistance.

The following table (Table 7) and figure (Figure 6) show funding for 2006–07 for those programs that were able to provide information:

Table 7 –Comparative funding levels (in ‘000 dollars rounded) across comparable AGD programs 2006-07 (for the purposes of this table, Community Legal Services Program column is based on Commonwealth funding alone).

State	CLSP	% of total Program Funding	LAP	% of total Program Funding	LEGA	% of total Program Funding	FVPLS	% of total Program Funding	Total Program Funding
NSW*	5,320	7.59%	45,802	65.41%	12,664	18.08%	2,201	3.14%	70,026
VIC	4,713	10.26%	30,616	66.68%	2,809	6.12%	873	1.90%	45,916
QLD	3,362	6.40%	32,071	61.06%	12,325	23.47%	2,169	4.13%	52,522
WA	3,302	12%	13,862	46.58%	8,811	29.61%	2,755	9.26%	29,758
SA	2,910	13.43%	13,360	61.64%	3,627	16.74%	963	4.44%	21,673
TAS	1,034	13.91%	4,999	67.26%	1,399	18.82%	0	0.00%	7,432
ACT	519	11.78%	3,887	88.24%	0	0.00%	0	0.00%	4,405
NT	987	7.43%	3,428	25.81%	6,536	49.22%	2,330	17.55%	13,280
Total	22,149	9.04%	148,025	60.42%	48,171	19.66%	11,291	4.61%	245,012

Source: CLSP –Community Legal Services Information System – CM 11 Quarterly Income and Expenditure (active, funded, Community Legal Services Program only, State) , LAP- Legal Aid Program, LEGA – Legal Aid for Indigenous Australians, FVLS – Family Violence Prevention Legal Services Program. (*New South Wales includes National Children’s (based in New South Wales but provides a national service)

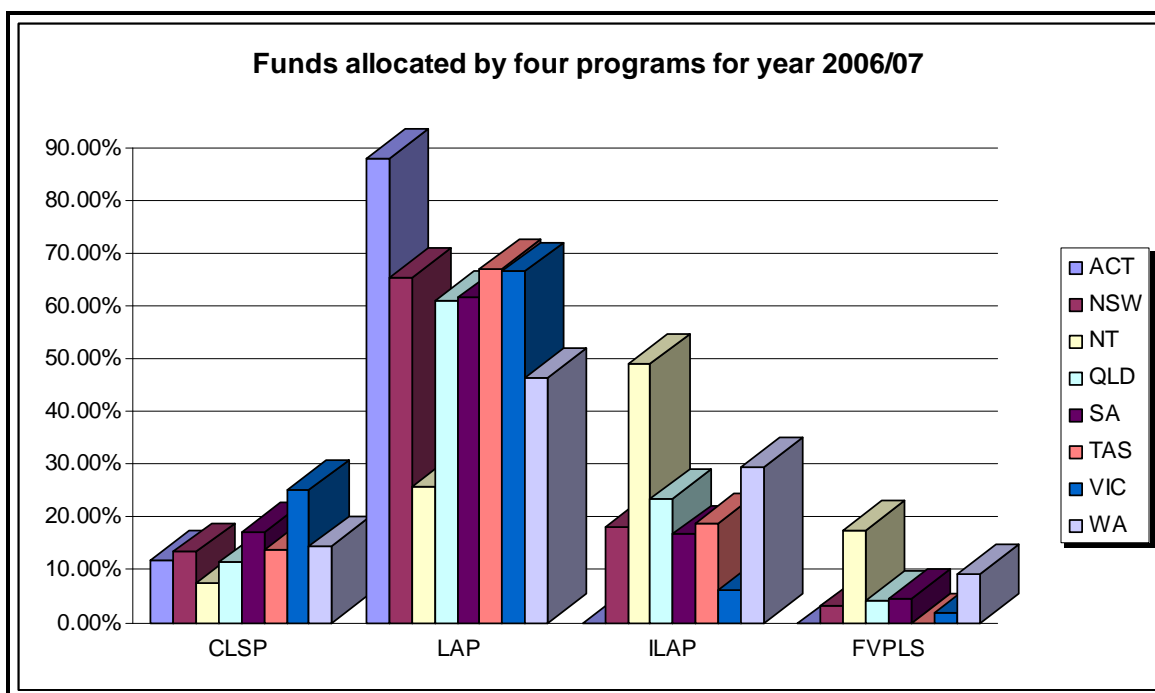


Figure 6 - Distribution of funds for States by Community Legal Services Program and three other programs for 2006–07

The average funding levels for community legal centres, Family Relationship Centres and Family Violence Prevention Legal Services in 2006–07 are set out below (Table 8). While the Family Relationship Centres and Family Violence Prevention Legal Services were set up by the Australian Government to deliver specific services, the comparison of funding levels confirms that community legal centres are generally poorly funded. It should be noted that a significant proportion of Family Relationship Centres’ costs relates to accommodation. Family Relationship Centres are required to be located in highly visible and accessible premises such as in shopping centres which have high rental costs. Additionally, Family Relationship Centres are required to employ professionally qualified practitioners, rather than relying on volunteers for professional services

Table 8 – Average funding levels for community legal centres, Family Relationship Centres and Family Violence Prevention Legal Services.

Community Legal Centres	Family Relationship Centres	Family Violence Prevention Legal Services Units
\$173,000	1,062,000*	\$490,000**

* Family Relationship Centres received an additional average of \$198,000 for establishment costs.

** Family Violence Prevention Legal Services Units received up to \$200,000 for additional establishment costs.

The funding formula adopted for the Family Violence Prevention Legal Services Program is based primarily on staffing and service delivery costs. Apart from the initial set up (capital costs of approximately \$200,000 per unit), the recurrent costs relate to the day-to-day operating costs. Individual unit budgets are assessed during annual applications for continued funding and agreed with the Department. The approximate breakdown of costs (as a percentage of the total average unit funding) follows:

64.05%	Salary Costs (approx. \$320,000)
4.42%	Motor Vehicles (approx. \$22,000)
1.11%	Repairs & Maintenance (approx. \$5,000)
24.24%	Service Delivery (approx. \$120,000)
1.73%	Supplier – energy (approx. \$8,500)
4.45%	Travel (approx. \$22,000)

Service delivery areas for the units are predetermined and based on those identified by the Crime Research Centre, University of Western Australia, taking into account areas of relative highest need. The location of the units is based on highest need.

In relation to Family Relationship Centres, the Department does not specify the minimum staffing levels required to operate Centres. Applicants who apply through the open competitive selection process to establish and operate a Family Relationship Centre are required to provide details of their proposed staffing model. The applicant must provide a staffing profile that reflects the proposed service delivery model, and the requirements described in the Operational Framework and other program documentation.

Nonetheless, in assessing applications, the Department does consider minimum staff required for that location, taking into account the size of the catchment and safety issues.

It is difficult to make comparisons of community legal centre wages with other Australian Government funding programs because, as indicated above, many of those programs were established through Budget initiatives to provide adequate funding to ensure both operational viability and flexibility in staffing mix.

The following table (Table 9) lists the core activities provided by other Departmental programs in comparison to community legal centres.

Table 9: Types of core services provided by Community Legal Services Program and other programs for 2006–07

CLSP	NO. OF ACTIVITIES *	LAP	NO. OF ACTIVITIES	LEGA	NO. OF ACTIVITIES	FVPLS	NO. OF ACTIVITIES
Information	89,742	Telephone Service	217,719			General Information	18,178
Advices	153,289	Duty Lawyer Services	14,687	Advice Matter	69,138	Counselling	6,320
Cases Closed	24,748	Litigation Services	33,468	Case Matter	74,837	Legal Assistance	6,627
Community Legal Education	1,346	Family Development Resolution	14,469	Duty Matter	32,787	Community Awareness and development	3,158
Law Reform and Legal Policy	412	Assignment Services	53,424			Referrals to Indigenous	3,343
		Legal Advice & Minor Assistance	139,285			Referrals from Indigenous	6,834
National Total	269,537	National Total	473,052	National Total	176,762	National Total	44,460

Source: Community Legal Services Information System - report CA 11 Output-Full Breakdown (active, funded, CLSP only) at 27 September 2007, LAP- Legal Aid Program, LEGA – Indigenous Legal Aid Program, FVPLSP – Family Violence Prevention Legal Services Program. *Includes activities provided with joint Cth/State funding.

Community legal centres are experiencing particular problems in meeting demand for services within their current funding allocations. The *Australian Community Sector Survey 2006* identified that 19% of eligible people are turned away by community legal services (as a percentage of people assisted).³⁴

In its submission to the Review, the National Association of Community Legal Centres said:

Centres are also facing difficulties meeting administrative costs and are faced with deteriorating quality of working conditions and substantially low salaries.³⁵

In its draft Budget Submission for 2007–2010, the National Association of Community Legal Centres notes that low wage levels within community legal centres make it difficult to attract and retain experienced staff.³⁶

³⁴ Australian Council of Social, Services, *Community Sector Survey: 2007 National Report, Paper 145*, February 2007, p3 and p14.

³⁵ National Association of Community Legal Centres Submission, pp 12-13.

³⁶ Draft Budget Submission to the Commonwealth Government 2007-2010, *Community Legal Centres Across Australia: An Investment Worth Protecting: National Association of Community Legal Centres*, p16.

The responses from State Attorney-General's Departments also raise concerns about funding levels. According to Tasmania, in a letter dated 16 May 2007:

The focus on the provision of a Statewide service is, with the current base level of Commonwealth funding, almost impossible to achieve effectively.

The New South Wales Attorney-General stated, in his letter dated 2 July 2007, that:

The 2005 New South Wales Community Legal Services Program review found that the Program is under-funded to meet the growing demand for legal services. Most community legal centres are overwhelmed by the demand for their services and cannot sustain their current level of service, nor meet emerging service gaps.

The New South Wales State Program Manager highlights that some community legal centres provide a wider level of services than their funding levels would indicate because of their success in attracting a solid base of volunteer solicitors (with unrestricted practising certificates) and volunteer students.

However, the New South Wales State Program Manager noted that the capacity of some community legal centres to provide services commensurate with the population and identified legal need is seriously compromised by inadequate resources. These include the five community legal centres that were established by the Australian Government in 1996 under the then Government's 'justice statement' (that is, Central Coast Community Legal Centre, Western New South Wales Legal Centre, Mt Druitt and Area Community Legal Centre Inc, North and North West Community Legal Service and Northern Rivers Community Legal Centre). These community legal centres currently receive only small amounts of State Community Legal Services Program funding from the New South Wales Government.

According to the New South Wales State Program Manager these community legal centres have managed to be quite productive in terms of outputs within their resource constraints as they have developed strong links within the communities that they service, especially in outreach to small rural and remote communities. While they attract significant interest from volunteer

students, current funding levels limit their capacity to supervise volunteers in any significant numbers.

More generally, according to the New South Wales State Program Manager, the potential effectiveness of community legal centres can be undermined by a range of factors which are linked directly to inadequate resources. These include management instability, difficulty in attracting suitably qualified staff, difficulties in undertaking outreach and community legal education because of capacity limitations and relocation/accommodation uncertainty caused by an inability to pay rent at commercial rental market rates.

The Senate Legal and Constitutional References Committee Inquiry Report, *Legal Aid and Access to Justice*, found that community legal centres are a crucial part of providing access to justice for all Australians but noted that community legal centres appear to be facing a funding crisis.³⁷

In its budget submission to the Australian Government for 2004–07, the National Association of Community Legal Centres noted that a community legal centre solicitor with 5+ years experience received a significantly lower salary compared to a similar solicitor in private practice in Sydney, Melbourne and Brisbane. The average wage for a community legal centre employed principal solicitor with 5+ years practicing experience was less than \$50,000 (the range being between \$33,000 and \$70,000). Similarly, the average wage paid to centre managers was around \$42,000. The National Association of Community Legal Centres noted that this figure was particularly low given the complex management tasks and accountability obligations required of community legal centre staff.

Most community legal centres pay their lawyers and administrative staff under State and Territory awards covering Social and Community Services. Some centres have made arrangements, including by contract and salary packaging, to vary solicitor salaries and it is certainly within their power to do this. However, if lawyers are paid higher salaries, this will impact on centres' ability to provide services at current levels, unless the salary increases are covered by increases in funding.

³⁷ Senate Legal and Constitutional Affairs Committee, *Inquiry into Legal Aid and Access to Justice*, Commonwealth of Australia, 2004, p218.

The lower wages paid by community legal centres exacerbate the reality of recruitment difficulties and are given as the reason why many community legal centre solicitors and managers determine there is no option but to move on to higher paying positions in other sectors, despite the fact that they continued to enjoy their work.

The National Association of Community Legal Centres reports that the wage issue has become worse in recent years as a result of changes to public policy covering salary packaging in non-profit organisations. Many community legal centres use salary sacrificing and packaging to compensate their workers for the lower than average wages they must pay because of funding limitations. The value of this compensatory measure has decreased since the Australian Taxation Office introduced formal ‘caps’ to the amount of salary that can now be packaged by employees of charitable organisations.

The impact of low wages is particularly highlighted in regional community legal centres. The following quote from the manager of the Goldfields Community Legal Centre (Kalgoorlie) helps to illustrate the situation:

There are enormous difficulties being experienced by regional centres in attracting solicitors. How can anyone expect a fully qualified senior solicitor to work in the higher-cost-of-living regional centres on somewhere between \$45–50 thousand per year, plus they have to pay their travel costs which are high in Western Australia. The reality of having the streets lined with willing pro bono lawyers is yet another issue, certainly in Kalgoorlie. It’s just not happening. It’s not a place where professionals retire, as it is nearly four hundred kilometres from the nearest coastline, and who else is there out here?³⁸

The South Australian State Program Manager reports that centres have difficulty in recruiting and retaining suitably qualified and experienced solicitors for outreach posts in rural and remote regions (for example, Port Augusta). This sentiment is shared among State Program Managers.

³⁸ Budget Submission to the Commonwealth Government 2004-2007, *Community Legal Centres – An Investment in Value, Investing in Community Law*, August 2003.

In an effort to try to address this problem, several initiatives have been implemented. Funding in the 2007–08 Budget of \$60,000 a year, indexed over four years, was provided for the Regional Seasonal Clerkship Project. The aim of the project is to enhance the recruitment and retention of young lawyers in rural Australia. This project will be coordinated by the National Association of Community Legal Centres.

Also aimed at improving the recruitment and retention of lawyers in regional and remote areas is the Country Lawyers Graduate Program in Western Australia. This is a joint initiative between the Law Society of Western Australia, Legal Aid Western Australia, community legal centres, the Aboriginal Legal Service of Western Australia, and the Family Violence Prevention Legal Services of Western Australia and the Department. The aim of this project is to recruit, develop and rotate junior solicitors throughout regional Western Australia through a four year fast-track professional development opportunity. Salaries will commence at \$42,000 per annum and progressively increase to around \$60,000 in the fourth year. In addition there is provision for salary packaging. Legal Aid Western Australia will pay professional membership to the Law Society of Western Australia and regional allowances include access to subsidised housing.

However, the ability to attract and retain staff is not just isolated to the community legal centre sector. The Australian skills shortage is affecting the whole of the legal sector. For example, the *Australian Law Management Journal* of Spring 2006 ran a special feature on recruitment. Several authors repeated the message that the present skills shortage makes it increasingly difficult to attract good lawyers.³⁹

Nevertheless, it is clear that funding levels under the Commonwealth Community Legal Services Program are exacerbating the problem, with informal feedback from some stakeholders expressing concern about the quality of advice given by less experienced community legal centre lawyers. However, it should be noted that State Program Managers report that there are few formal complaints made to them about the performance of community legal centres. Any complaints that are received are referred to community legal centre management committees for investigation and resolution.

³⁹ Borchardt R and Kearney S, *Australian Law Management Journal*, Spring 2006, pp 10-12 and 20-21 respectively.

With no new injection of recurrent funds into the Commonwealth Community Legal Services Program since 1999-2000, community legal centres rely on indexation to cover increases in salaries and other operating costs. However, the current indexation methodology does not generally cover increases in salary costs.

The Report of the Community Sector Taskforce March 2006, *Towards a Sustainable Community Services Sector in the Australian Capital Territory*, (released July 2006) found that:

A significant proportion of the community sector is reliant on indexation increases to cover any increase in salaries. This is particularly true of organisations that do not have fee for service or income deriving options...These disparities may be alleviated by the change in the way indexation is applied to funded services...Funding levels have been indexed according to a Consumer Price Index increase in recent years. Community sector organisations have indicated that these funding increases have not been sufficient to meet the increases in salaries and operating costs, limiting the capacity of organisations to negotiate salaries above the award rates.⁴⁰

The Deputy Prime Minister, the Hon Julia Gillard MP, has previously noted ‘the Australian Bureau of Statistics Household Expenditure Survey confirms that the cost of living has outpaced Consumer Price Index over the period from 1998–99 to 2003–04 by 8%.’⁴¹

The Australian Government indexes its program funding through the use of composite indexes comprising different ratios of the Wage Cost Index and the Consumer Price Index. These indexes are thought to provide a safety net adjustment from the Wage Cost Index and a measurement of underlying inflation from the Consumer Price Index. The Department of Finance and Deregulation advises that the indexation rate used for the Commonwealth Community Legal Services Program is the Wage Cost Index 1 and is based on a program cost ratio of 75% employees and 25% suppliers. This is an accurate reflection of the actual average cost ratios of the 2006–07 Commonwealth Community Legal Services Program.

⁴⁰ ACT Government, Report of the Community Sector Taskforce, *Towards a Sustainable Community Services Sector in the ACT*, March 2006.

⁴¹ <http://www.asu.asn.au/media/20070427-juliagillard-asurereportlaunchspeech.pdf>

In 2007–08 the New South Wales Government agreed to index the State Community Legal Services Program funding by the current 3.3% Social and Community Services award increase.

In order to explore options to cover increased operating costs, the Department investigated the possibility of also adopting an indexation rate for the Commonwealth Community Legal Services Program higher than the Wage Cost Index method currently used. The Department of Finance and Deregulation advises that the indexation rate can only be changed every 3 years and then only to another wage cost index with a different combination of salary/supplier ratios. In order to support the case for a new indexation rate, the Department would need to provide historical analysis and some form of extrapolation of the expected future performance over the next three years. This should show how the cost ratios had changed, and were expected to maintain that change, to a ratio associated with an alternate index.

The current indexation cost ratios, as stated above, accurately reflect the actual average cost ratios of the 2006–07 Commonwealth Community Legal Services Program. Therefore there appears to be no basis on which a case could be mounted for a change in indexation methodology.

2.3 *Rural, Regional and Remote Services*

Community legal centres situated in regional, rural and remote areas have higher service delivery costs, generally do not have access to a volunteer base, and have more difficulty attracting suitably experienced professional staff necessitating payment of higher salaries. They also have travel and additional staffing costs to provide outreach services to a wider geographic area while maintaining services in their base location.

The difficulties faced by regional, rural and remote community legal centres are further articulated by the Western Australia State Program Manager. In her submission to the review, she notes:

Centres in regional, rural and remote locations in Western Australia face special difficulties in attracting and retaining staff, especially solicitors. Centres in regional, rural and remote locations also face challenges in the delivery of services due to the large distances covered and travel and accessibility issues for clients. It is often challenging for administrative and professional staff (especially solicitors) to relocate from major cities to remote locations and they often experience practical difficulties (increased costs, housing shortages, social isolation, lack of amenities) and professional isolation.⁴²

The New South Wales Review Report also notes:

Many of the more recently established Centres (particularly those in regional, rural and remote areas) have found that they have less access to volunteers and have been unable to incorporate significant numbers of volunteers into their service delivery model.⁴³

2.4 Legal Needs of Older People

Community legal centres note that the growing percentage of older people in the community makes it imperative for the justice system to find new ways to meet the needs of older people.⁴⁴ Older persons have a unique range of legal needs and barriers to accessing legal services including mobility, ill health and social isolation, access to technology, lack of financial resources and financial abuse. Many older people are living with a disability. Caxton Legal Centre, in its submission to the House of Representatives Standing Committee on Legal and Constitutional Affairs Inquiry into Older People and the Law, noted that in 2003, 51% of people aged 60 years and over reported having a disability.⁴⁵ Caxton also submitted that a multi-disciplinary team approach is essential when working with at-risk older clients, involving doctors/social workers/counsellors with professionals like lawyers and law enforcement officers.⁴⁶

This view is supported by the Victorian Federation of Community Legal Centres which submits that because of the complexity of needs, partnership with a wide range of other specialist services is vital and should include Indigenous, culturally and linguistically diverse (culturally

⁴² Western Australian Response, p 3.

⁴³ New South Wales Review, p140.

⁴⁴ Federation of Community Legal Centres', Submission of the Federation of Community Legal Centres (VIC) INC; To the House of Representatives Standing Committee on Legal and Constitutional Affairs; *Inquiry into Older People and the Law*, December 2006, p8.

⁴⁵ Caxton Legal Centre Inc, Submission of the Caxton Legal Centre to the House of Representatives Standing Committee on Legal and Constitutional Affairs; *Inquiry into Older People and the Law*, December 2006, p5

⁴⁶ Ibid, p29

and linguistically diverse) and disability communities and organisations.⁴⁷ In considering the characteristics of older persons' engagement with the law and implications for service delivery, the Victorian Federation identified the need for models of legal service delivery to older people to take into account the characteristics of older people as a group, in order to best address the significant barriers that older people face in accessing legal services.⁴⁸ Victoria Legal Aid received \$300,000 in the 2006–07 State budget to establish an older persons legal service.

On 15 June 2007 the Office of Seniors' Interests Western Australia, announced that Northern Suburbs Community Legal Centre and Advocare Inc would provide an elder justice advice service for vulnerable older people who have been abused or who are at risk of being abused. The service will offer legal advice and information, support, advocacy and referrals for older members of the community. The Western Australia Government has allocated \$160,000 annually until June 2009 for the provision of the service.

The Queensland Department of Communities has given a combined \$1.9 million to the Cairns, Townsville, Toowoomba, Taylor Street (Hervey Bay) and Caxton Community Legal Centres to provide legal assistance to seniors. This initiative is for a pilot period of 12 months, commencing in April 2007 and concluding on 30 June 2008. The funding provides for a solicitor, social worker and administrative officer at each participating community legal centre. An evaluation of the pilot is scheduled to be completed in September 2008.

Commonwealth legal aid grants are intended for all disadvantaged sections of the Australian community, including disadvantaged older Australians. In determining whether to grant legal aid, legal aid commissions are required to apply a means test to ensure that scarce legal aid funds are used to support those most in need. The means test assesses both income and assets and may act as a barrier to some older Australians who may have substantial equity in their home, but a low income. These people may then turn to community legal centres for assistance.

⁴⁷ Submission Federation of Community Legal Centres, Inquiry into older people, p13

⁴⁸ Submission Federation of Community Legal Centres, Inquiry into older people, p14

The means test applied is determined by the individual State and Territory legal aid commissions. The Department, in consultation with National Legal Aid, is working to achieve consensus on a nationally consistent approach to means testing, one that will take into account the applicant's overall capacity to afford legal services.

However, it is worth noting that statistical data indicates that the means test does not appear to be disadvantaging older persons compared to other applicants. In 2006–07, 81% of applications for legal aid assistance by older people were approved. This percentage is higher than the national average for all applicants of 77%.

In September 2007, the House of Representatives Standing Committee on Legal and Constitutional Affairs tabled its report *Older People and the Law*. The Committee found that the existing legal system is not well equipped to meet the legal needs of older people and that initiatives to address these needs are often constrained by funding and the difficulty of obtaining suitably qualified people.⁴⁹ The Committee concluded that community legal centres are well placed to provide information, advice, counselling, and advocacy to older people, particularly where they can provide outreach and home visits.⁵⁰

The report makes two recommendations directly relevant to the Commonwealth Community Legal Services Program:

Recommendation 38: The Committee recommends that the Australian Government increase funding to the Community Legal Services Program specifically for the expansion of services, including outreach services, to older people by community legal centres.

Recommendation 39: The Committee recommends that the Australian Government provide funding to community legal centres to expand their community education role, with a specific focus on older people.

⁴⁹ House of Representatives Standing Committee on Legal and Constitutional Affairs, *Report on the Inquiry into Older People and the Law*, 2007 p. 157

⁵⁰ *Ibid* p. 182

2.5 *Funding Models used by other Attorney-General's Department Programs*

2.5.1 *Aboriginal and Torres Strait Islander Legal Services*

A Funding Allocation Model was developed for legal aid services for Indigenous Australians. The Funding Allocation Model was implemented in July 2005 and replaced the historical grant process which was directed by Aboriginal and Torres Strait Islander Commission councils.

The Funding Allocation Model is based on the needs of Indigenous Australians, driven by demography and regional dispersion. It also takes into account prison locations and the removal of people from their family as children. The Funding Allocation Model provides an open, accountable and equitable method for the distribution of funds.

2.5.2 *Legal Aid Program*

The legal aid funding model uses demographic, social and economic variables to provide a distribution of legal aid funding across the States and Territories. Variables used include: resident population, age and gender of legal aid applicants, divorces involving children and single parent benefit payments. Weightings are also applied to reflect the differences in costs between jurisdictions, for example, higher costs in less populous jurisdictions, costs associated with providing services in highly urbanised environments, and differences in socio-economic composition. The legal aid funding model is updated before each new legal aid agreement to reflect any changes in the key variables used in the model.

2.5.3 *Family Violence Prevention Legal Services Program*

The Family Violence Prevention Legal Services Program was allocated additional funding in 2004–2005 and in 2006–07. This was used to increase the number of units initially from 13 to 26 units and then from 26 to 31 units. The Department commissioned the Crime Research Centre, based at the University of Western Australia, and sent letters to over 270 stakeholders seeking input into identifying high need areas which could support the establishment of Family Violence Prevention Legal Services units. The research took into account rates of family violence and sexual assault/abuse through various sources such as court, police and hospital

statistics. The purpose of this was to ensure that funding was based on need by identifying high need service areas throughout rural and remote locations across Australia.

2.6 Australian Bureau of Statistics Report

A report for the Attorney-General's Department was prepared by the Australian Bureau of Statistics Statistical Consultancy Unit. The Statistical Consultancy Unit analysed the relationship between area level disadvantage and location of community legal centres. A copy of the full report is at **Attachment F**. The analysis showed that community legal centres are geographically concentrated in major urban areas, generally in areas of relatively less disadvantage.

Additional work undertaken by the Australian Bureau of Statistics noted that area measures of disadvantage may also mask local pockets of disadvantage with community legal centres generally located within these pockets. The study concluded that the areas identified as the most disadvantaged did not have access to a community legal centre. However, it noted that major urban community legal centres may be accessible to clients from more disadvantaged areas.

2.7 Minimum Baseline Funding

The New South Wales Review recommended a minimum baseline level of funding for community legal centres. In particular, it recommended:

- Salaries for three, full-time positions based on:
 - a senior (unrestricted practising certificate) lawyer
 - an administrator/financial manager
 - a coordinator/community worker or educator.
- On-costs and administrative costs as a fixed proportion of the salary figure.
- An overheads cost as a fixed proportion of the salary figure.
- A loading in exceptional circumstances for eligible rural and remote Centres to meet the costs of providing services in their areas (such as outreach services).⁵¹

⁵¹ New South Wales Review, Recommendation 56, p 178.

In its 2007–10 Budget submission, the National Association of Community Legal Centres recommends a minimum funding level based on five full-time equivalent staff comprising a manager/coordinator, a senior or principal solicitor, a legal officer, a community development/legal education officer, and an experienced finance/administrative worker. Further, and where applicable, a volunteer coordinator position was proposed.

In their Review input, most State Program Managers refer to the inadequacy of current funding levels. While the Department agrees that it is difficult to expect an organisation to provide legal services on funding less than the level of one full-time and one part-time employee (allowing for a solicitor and a part-time administrator/coordinator at a current cost of approximately \$120,000 including overheads), prescribing a minimum baseline that would apply to all centres is problematic.

A one-size-fits-all approach would see the application of a common baseline to all centres, irrespective of their client catchment area, area of speciality (if any), target client group, and other available funding (including Community Legal Services Program State funding).

2.8 *The National Association of Community Legal Centres Funding Formula*

In October 2007, the National Association of Community Legal Centres submitted to the Department its *Revised Funding Formula for Community Legal Centres*. The formula is based on two principles: funding for staffing and premises allocated on the basis of need, and funding for special circumstances, for example, unexpected increases in legal need. The National Association of Community Legal Centres also proposes the implementation of the Strategic Services Delivery Model, with costings for baseline funding for each community legal centre at around \$500,000. In order to establish if the National Association of Community Legal Centres salary amounts were within industry standards, the Department did a comparison of the various salary awards and examined industry trends. The comparison found that the National Association of Community Legal Centres model was within industry standards.

2.9 Proposed Funding Model

The Department engaged a consultant to assist in the development of a funding model to provide a sound evidence-based framework for future enhancement of the Program. The consultant had extensive experience with the Commonwealth Grants Commission and has been involved in the maintenance and development of the legal aid funding model. The terms of reference for development of the model are at **Attachment G**.

The proposed funding model provides a mechanism to determine which community legal centres are located in areas of greatest demand for community legal services, which community legal centres are in greatest need of funding, and also the relative distribution of new funding based on:

- the expense assessment methods used by the Commonwealth Grants Commission in its annual calculation of per capita relativities for the distribution of Goods and Services Tax revenues amongst the States and Territories
- the calculation of overall measures of relative need for each community legal centre, based on assessments of demographic, economic and geographic influences on the demand for and costs of providing community legal centre services to the population, such influences being beyond the control of individual community legal centres
- an estimation of potential service populations for each community legal centre, and
- setting of a minimum overall level of relative need against which community legal centres are assessed to be ‘in need’ for additional funding, so they have the capacity to provide a minimum level of service to their clients.

Factors influencing demand for services in catchment areas include:

- age and sex composition of community legal centres clients
- relative numbers of single parent families with dependent children (less than 15 years of age) and dependent students
- relative numbers of persons who speak English not well or not at all
- relative numbers of Indigenous status, and
- relative income and employment levels.

A comparison is also made between numbers of actual clients (sourced from the Community Legal Services Information System data) and expected clients (based on the above influencing factors and standard rates of demand) to assist in determining areas of need and unmet need across Statistical Local Areas, including those presently not serviced by a community legal centre.

The funding model incorporates three components:

- minimum funding – allowing the establishment of a minimum funding level for each community legal centre on the basis of a set of sliding operational priorities, for example, remoteness or large catchment
- needs based funding – providing additional funding for the delivery of services to the potential service *population* of each community legal centre based on a needs assessment of the demographic, economic and geographic influences on the demand for and costs of providing services to that population, and
- unmet needs funding – providing additional funding for the delivery of services to meet potential legal service *demands* in geographical areas which are either being significantly under-serviced or not being serviced at all.

The model can be updated as demographic data changes over time, providing the capacity to identify areas of emerging or declining need on an ongoing basis and to respond accordingly.

2.9.1 *Considerations for Implementation of the Model*

The review considered the appropriateness of redistributing the current Commonwealth Community Legal Services Program funding allocation using the funding model tool. The Department determined that it would be too disruptive to attempt to redistribute the current funding allocations as current levels of funding do not provide the scope to allocate a minimum base level of funding to all centres. Applying the funding model for redistributing current funds may skew funding to such an extent that the number of community legal centres disadvantaged by the distribution would far outweigh those that would be advantaged.

The proposed funding model is most appropriately applied as a tool for the Commonwealth Community Legal Services Program to use in exploring how best to allocate any new funding. The Department intends undertaking a consultation process with key Commonwealth Community Legal Services Program stakeholders, State Program Managers and the National Association of Community Legal Centres, to ensure the funding model takes into account all relevant factors, and explore its use for the combined Commonwealth/State Community Legal Services Program. In the absence of new money the Department would be able to use the funding model in situations where one-off funding becomes available.

Recommendations

4. A funding model should be adopted for the allocation of any new funding provided to the Commonwealth Community Legal Services Program.
5. The proposed funding model set out at section 2.9 should be provided to stakeholders for comment prior to consideration of its adoption as a Commonwealth Community Legal Services Program funding model.
6. The funding model should run on a three year cycle, concurrent with the service agreement, and be used to review the allocation of funding to individual community legal centres prior to the next service agreement.

3 TERM OF REFERENCE 3 - EXAMINATION OF EXISTING SERVICE DELIVERY MODELS WITH A VIEW TO IDENTIFYING THE MOST EFFICIENT AND EFFECTIVE MODELS

3.1 *Current Commonwealth Community Legal Services Program Service Delivery Models*

The Commonwealth Community Legal Services Program does not prescribe a service delivery model and community legal centres funded under the Commonwealth Community Legal Services Program use a range of different models. For example, some community legal centres run essentially as small legal practices, while others apply community development strategies to their work. Most community legal centres undertake some form of outreach activity.

All community legal centres provide a mix of core service activities, with information and advice generally constituting the bulk of service delivery. Each community legal centre is required to submit a Community Legal Services Program Plan outlining its service delivery strategies over the life of the three year service agreement and provide progress reports against the Community Legal Services Plan. The Community Legal Services Plan has to be approved by the relevant State Program Manager.

In their Review input, State Program Managers identified a number of successful service delivery models. Some of these examples are set out below.

3.1.1 *Inner City Legal Centre (New South Wales)*

The Inner City Legal Centre is an example of a lower funded, generalist, community legal centre. It is a well managed community legal centre which has existed for more than 25 years with strong links to its local community and to the legal fraternity in Sydney.

Inner City Legal Centre has been successful in attracting a solid base of volunteer solicitors (with unrestricted practising certificates) and volunteer law students. This has enabled Inner City Legal Centre to provide a wider level of service than its level of funding would indicate.

The strengths of Inner City Legal Centre derive from:

- a strong identity with the local community and an understanding of its problems
- highly skilled staff and access to a substantial volunteer base (Sydney University and UTS Law Schools)
- a skilled and stable management committee which includes members of the legal profession and local community members
- strong networks with other legal service providers, government agencies, community groups and community legal centres
- strong community support, and
- rental subsidy support from Sydney City Council, which frees resources for service delivery.⁵²

3.1.2 *Gosnells Community Legal Centre – Generalist – Multiple Funding Sources (Western Australia)*

Gosnells Community Legal Centre services the geographic area from Canning to Serpentine Jarrahdale in the South East geographic corridor of Perth. It is a good example of a community service delivery model. A significant feature of Gosnells community legal centre has been the involvement of the local community as volunteers in most areas of service delivery. Volunteers have included lawyers, social workers, mediators, welfare workers, law students, administrative workers and receptionists.

Gosnells Community Legal Centre is a long-established centre that also receives funding from multiple sources including the Department of Consumer and Employment Protection (tenancy), Department for Communities (financial counselling), Department of Immigration and Citizenship (community settlement and support service), and the Public Purposes Trust of Law Society.

⁵² New South Wales State Program Manager, *response regarding the internal Review of the Community Legal Services Program*, 5 April 2007, pp3-4.

From a variety of funding sources, Gosnells Community Legal Centre provides the following services to clients:

- Child Support Legal (Commonwealth Community Legal Services Program funded)
- Family Law Legal (Commonwealth Community Legal Services Program funded)
- Domestic Violence Service (State Community Legal Services Program funded)
- Generalist Evening Legal Service (volunteer lawyers)
- Mediation Service (State Community Legal Services Program funded)
- Financial Counselling Advocacy (Department of Community Development funded)
- Welfare Rights Advocacy (Commonwealth Community Legal Services Program funded)
- Tenancy Advocacy (State Department of Consumer and Employment Protection funded)
- Paralegal Training Program (culturally and linguistically diverse & Indigenous workers)
- community legal education – Law for Non Lawyers (Community Legal Services Program funded)
- Emergency Relief (Department of Community Development funded), and
- Parent Support Project for Children in Care (Department of Community Development funded)⁵³

3.1.3 Geraldton Resource Centre – Regional Rural and Remote – Indigenous Women’s Project and Rural Women’s Outreach Project Sub Programs (Western Australia)

Geraldton Resource Centre receives Australian Government funding for generalist services, Indigenous Women’s Project and Rural Women’s Outreach Lawyer funding. Geraldton Resource Centre also receives other funding for financial counselling (State), emergency relief and tenancy advocacy (State) and funding from the Public Services Trust of the Law Society (State project funding).

Geraldton Resource Centre was the winner of the Consumer Protection Award in 2005 and 2006 issued by the Department of Consumer and Employment Protection.

Geraldton Resource Centre delivers services in all core Commonwealth Community Legal Services Program activity areas of information, advice, casework, community legal education, and law reform and legal policy. The centre conducts community legal education at various outreach locations and at Greenough Regional Prison

⁵³ Western Australian State Program Manager Response, pp5-6.

- Indigenous Women’s Project
 - Nyarlu Miyarungalgu - is an outreach legal service for Aboriginal Women. The Indigenous Women’s Project worker and solicitor travel to communities surrounding Geraldton including Carnarvon, Meekatharra and Eneabba.

- Partnership Project with Clayton Utz
 - The Clayton Utz Perth office works with the Geraldton Resource Centre under a project initiated by the National Pro Bono Resource Centre. It helps community legal centre lawyers located in regional, rural and remote communities provide legal services for disadvantaged and marginalised people. The Clayton Utz partnership with the Geraldton Resource Centre is the first time a city firm has worked with a regional Western Australian community legal centre to offer mentoring, research and continuing legal education assistance. This partnership has developed into an invitation from Clayton Utz to Geraldton Resource Centre to apply for funds for a project for youth.⁵⁴

3.1.4 *Northern Suburbs Community Legal Centre – Generalist Justice Statement (Western Australia)*

The Northern Suburbs Community Legal Centre offers legal information, advice, advocacy and representation. Other services offered are community legal education, community development and law reform. Services and programs offered by the Northern Suburbs Community Legal Centre include:

- generalist legal program (Commonwealth Community Legal Services Program funded)
- tenancy advocacy (State funded)
- evening legal service (volunteer lawyers), and
- pro bono – Law Society Public Interest Clearing House.

⁵⁴ Western Australia Response, pp7-9.

Community legal education and community development project/activities run by Northern Suburbs Community Legal Centre include involvement in the following:

- partnership for the new Family Relationship Centre – Consortium with Anglicare Western Australian, Edith Cowan University, Ngala and the Citizens Advice Bureau
- representation on the Western Australian Family Pathways Network (a collaboration of agencies, professionals and service providers who work with separating families. The Family Pathways Network has been formed to develop strategies that improve information and referral processes for agencies that work with separating families)
- Northern Suburbs Regional Domestic Violence Advisory Committee
- Grandparents Raising Grandchildren (providing office space and support to this grandparents group has resulted in members of the group now referring clients for legal services at Northern Suburbs Community Legal Centre)
- Western Australian Tenancy Network – participates with other tenancy providers in this network
- Law Week – participates in activities run by Law Week through the Law Society
- African Men’s Group
- Australian Muslim Women’s Group, and
- Boronia Pre Release Centre (Prison) for women (community legal education work undertaken in partnership with this program).⁵⁵

3.1.5 *Women’s Legal Centre (ACT) – Specialist Women’s Program*

The goal of the Women’s Legal Centre (ACT) is to improve women’s access to justice. Its objectives are to:

- provide accessible, timely and accurate information, advice and assistance on legal and related matters to women in the Australian Capital Territory and region
- raise awareness in the community about the law and the legal system as it affects women

⁵⁵ WA Response, p 5

- identify and challenge barriers to women’s access to justice, and
- ensure the professional and accountable management and functioning of the Women’s Legal Centre (ACT).

The Women’s Legal Centre (ACT) received an ACT Community Award for its ‘legal advice and assistance, law reform and community legal education services’ at the 2007 Australian Capital Territory International Women’s Day Awards.

‘Lawsupport’ has been Women’s Legal Centre (ACT) major community legal education activity. It is a training course for people supporting others with family law and domestic violence legal issues. The training course has been run at least twice a year since 2002 and is ‘always fully booked and rated highly.’ Women’s Legal Centre (ACT) also adapted sessions from the ‘Lawsupport’ course for training run by the Department for staff of the Family Relationships Advice Line and Family Relationship Centre.⁵⁶

3.1.6 *Taylor Street Community Legal Service (Queensland) – Regional - Generalist*

Taylor Street Community Legal Service (Taylor Street) provides extensive outreach services in various areas throughout the Wide Bay-Burnett region. The Taylor Street model is unique in that, rather than employing a solicitor and having a full-time presence in one location, the service operates a legal advice session circuit in 12 rural and regional towns, utilising volunteer solicitors in the local community.

If there is insufficient demand in a town in a particular week, the coordinator is able to change the circuit so that services can be targeted to meet the highest levels of demand in the region. The Department conducted a review of Taylor Street in early 2006 and found the model to be working successfully in the Wide Bay-Burnett area.

⁵⁶ ACT State Program Manager, *Response regarding the internal review of the Community Legal Services Program*, 12 April 2007, pp1-2.

3.2 *A Service Delivery Model for the Commonwealth Community Legal Services Program*

The above examples illustrate the diversity of community legal centre service delivery. This diversity enables community legal centres to tailor their services to the needs of their client communities. However, from a whole of Program perspective, it would be useful to have an overarching service delivery framework for evaluation and planning purposes. This would also recognise the full range of community legal centre operations, including those that cannot readily be measured through an outputs framework, but which are intrinsic to addressing the broader needs of client communities.

The New South Wales review noted the importance of the community management model. In terms of new community legal centres, the review report recommended that the establishment of new community legal centres, or the expansion of services already offered by community legal centres, should evolve on the basis that the organisation, or a 'geographic/special interest group' identifies the need. The Department agrees that community genesis should be the driving force for the establishment of any new community legal centres, supported by relevant socio-demographic data to establish need.

3.3 *The Strategic Service Delivery Model Recommended by the New South Wales Review*

The New South Wales Review recommended a Strategic Service Delivery Model for individual community legal centres. The Strategic Service Delivery Model comprises three key elements, which are summarised below.

- Identifying unmet legal needs through a variety of techniques including:
 - monitoring casework patterns and statistics
 - research, including consultation with and/or surveys of clients, legal and non-legal service providers and communities, and
 - analysis of socio-demographic data and reports.

- Planning and developing service responses in accordance with best practice by:

- adopting a strategic approach to planning
 - considering equity and consistency issues
 - identifying preventative, early intervention and capacity building approaches
 - using community development approaches
 - working cooperatively with other legal and/or community services providers, and
 - adjusting service delivery in response to changing circumstances.
- Delivering services—including the following activities or ‘modes’:
 - legal services to clients - information, referral, advice, primary dispute resolution, and casework services including negotiation, advocacy and court representation
 - community development activities
 - legal reform and legal policy advocacy
 - strategic litigation
 - community legal education
 - promoting community participation in the legal system, and
 - training and support to other service providers.⁵⁷

The New South Wales Review concluded that the implications of adopting such a model are that:

- community legal centres should be resourced at least to the baseline level of funding recommended to enable them to operate efficiently, effectively and safely, and
- establishment of a new community legal centre, or service within an existing Centre, should be based on evidence that the Centre or a geographic/special interest group has identified the need that it has acted or intends to act to meet the need through the establishment of a community legal centre, and that this is a credible and appropriate way to meet the need.⁵⁸

The Department sees merit in the adoption of a service delivery model for the Commonwealth Community Legal Services Program. It would provide a framework for the delivery of Commonwealth Community Legal Services Program services and for program evaluations and

⁵⁷ New South Wales Review, pp 94-98.

⁵⁸ New South Wales Review, p94.

assessments of the performance of individual community legal centres. This is recommended in Section 6.4 proposed service delivery model, based on the Strategic Service Delivery Model, is set out below (Figure 7).

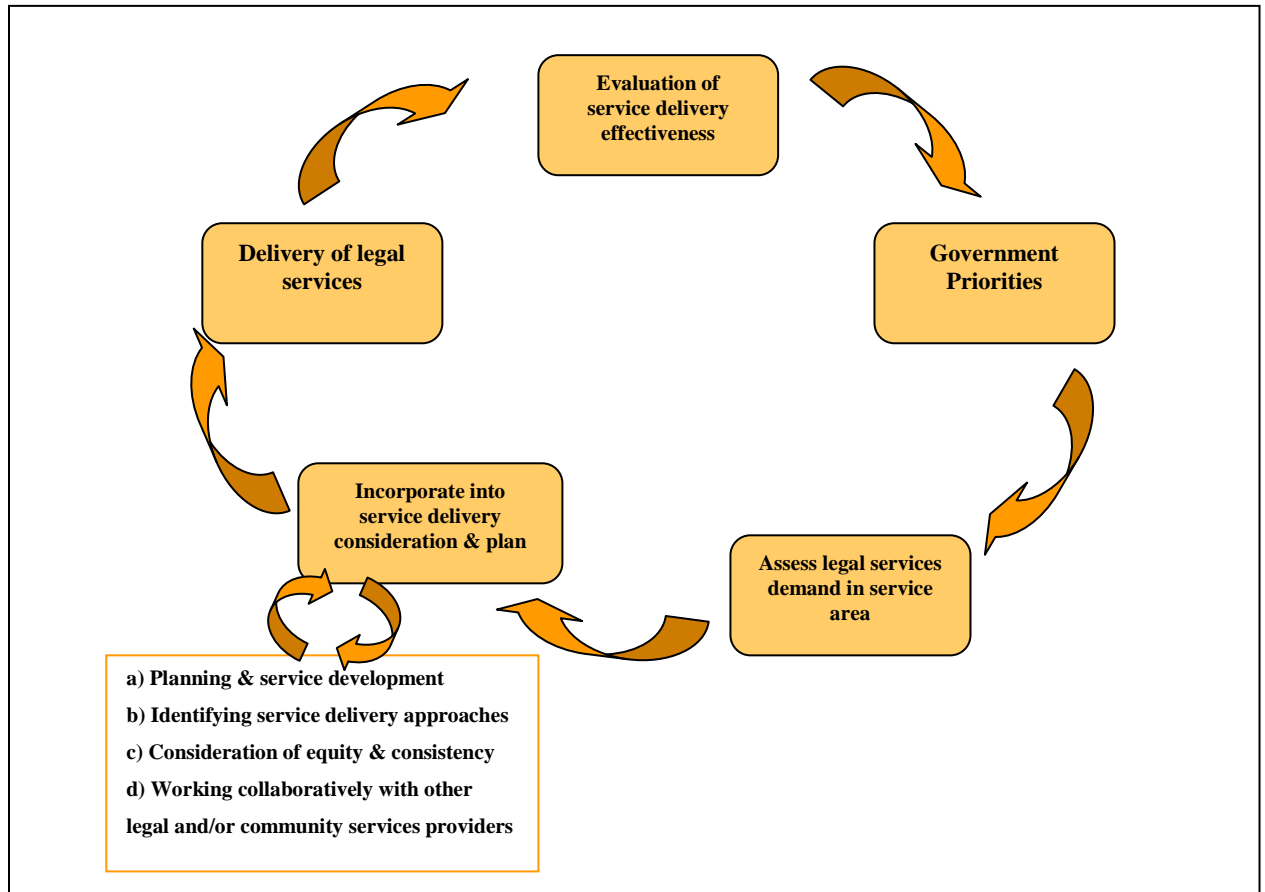


Figure 7 – Community Legal Services Program Strategic Service Delivery Model

3.4 Scope of Service Delivery

As previously stated, the outcome statement for the Commonwealth Community Legal Services Program is:

‘equitable access to legal assistance services for disadvantaged members of the Australian community and those with special needs.’

Within this broad mandate, community legal centres are faced with choices about who to service and how to service them. The Commonwealth Community Legal Services Program Guidelines provide that:

Community legal centres have a responsibility to ensure that resources are allocated in such a way as to provide the most benefit to the greatest number of people. While there is no simple rule on how to allocate limited resources, decisions should be based on an assessment of individual situations. Factors which a service provider should consider include the:

- extent to which the person is facing some form of social or systemic barrier to accessing legal services
- extent to which the person meets any eligibility criteria set by the service provider
- vulnerability of the person should no assistance or no further assistance be provided
- potential for reaching a resolution at the earliest opportunity which achieves a just and satisfactory outcome for the client
- extent to which the service required by the person falls within the particular scope of services provided by the organisation
- availability of more appropriate assistance through other service providers
- potential of the service provider to assist the person achieve a desired outcome, and
- impact the provision of services to a particular person will have on the ability of the service provider to assist other clients and potential clients.⁵⁹

In its review submission, the National Association of Community Legal Centres notes that in determining their service delivery priorities, community legal centres take into account long and short-term client outcomes, available resources, expertise, and the impact of an activity or approach on other priorities. Accordingly, it notes that in some circumstances, a community legal centre may decide that rather than see individual clients with particular problems, it may choose alternatively (or simultaneously if within a community legal centres resource capacity) to adopt a strategic approach to resolving those needs. For example, by using a law reform or community legal education model to more systematically address legal problems and redress injustices.⁶⁰

⁵⁹ Community Legal Services Program Guidelines, p19.

⁶⁰ The National Association of Community Legal Centres Submission, p19.

3.4.1 Stakeholder Views

All of the stakeholder input into the review indicates that community legal education and law reform are viewed as integral parts of the Commonwealth Community Legal Services Program. According to the National Association of Community Legal Centres submission:

Law reform is a key element of the community legal centre service delivery model. It is an effective and efficient way to address the systemic problems facing some clients, complementing the important face-to-face individual client work. Law reform work can deliver far-reaching outcomes for clients, resulting in improvements to laws, policies and practices.⁶¹

The input from all State Program Managers either featured or assumed community legal education and/or law reform as key elements in effective service delivery. The New South Wales Review Report highlights the integration of community legal education with the rest of a community legal centre's operations and contains numerous case studies of effective community legal education and law reform by New South Wales community legal centres.

The Director General of the Attorney-General's Department of New South Wales comments that community legal centres have provided valuable input into a number of law reform projects undertaken by his Department. The proactive client focus of community legal centres in New South Wales is constituted by community legal education and law reform as well as individual legal service provision.⁶²

One noteworthy theme that emerges from the stakeholder input is that the different service delivery methods are inter-dependent in addressing community need.⁶³ For example, casework can reveal a need for law reform which, if successful, would reduce the demand for casework in the future. Conversely, community legal education can also be used to increase the profile of a community legal centre within its community and thus lead to an increase in the numbers of clients seeking assistance.

⁶¹ National Association of Community Legal Centres Submission, p70.

⁶² Input from New South Wales Attorney General's Department.

⁶³ National Association of Community Legal Centres Submission, p70.

3.5 *Appropriateness and Relevance of Specialist Sub-Programs and Projects*

The Commonwealth Community Legal Services Program includes 10 sub-programs which provide funding for assistance in specific areas of law such as welfare rights, or targeted to special needs groups such as Aboriginal and Torres Strait Islander women or young people.

Almost half of Commonwealth Community Legal Services Program funding is currently directed to these specialist sub-programs. The sub-programs currently comprise⁶⁴:

- Child Support Legal Services Program (\$1,426,120)
- Civil Litigation Projects (\$153,962),
- Clinical Legal Education (\$462,569)
- Commonwealth Community Environmental Legal Program (\$725,136)
- Disability Discrimination Act Legal Services (\$961,121)
- Indigenous Women's Projects (\$1,029,482)
- Rural Women's Outreach (\$563,397)
- Satellite Women's Projects (\$345,693)
- Welfare Rights Services (\$1,646,038)
- Women's Legal Services (\$2,742,494), and
- Youth Legal Services (\$549,787) including National Children's and Youth Law Centre.

In some instances the sub-programs provide funding to stand-alone organisations such as Environmental Defenders Offices. In other cases, funding is provided in conjunction with generalist community legal centre funding.

It is the Department's assessment that Commonwealth Community Legal Services Program sub-programs should be limited to specialist areas of law or particular client groups. Applying this approach to the current sub-programs, the following sub-programs would remain:

- Child Support Legal Services Program
- Clinical Legal Education
- Commonwealth Community Environmental Legal Program

⁶⁴ 2006-07 funding allocations

- Disability Discrimination Act Legal Services
- Indigenous Women's Projects
- Welfare Rights Services
- Women's Legal Services, and
- Youth Legal Services.

The Civil Litigation Projects, Rural Women's Outreach Programs and the Satellite Women's Projects would no longer be maintained. However, centres currently receiving funding under these sub-programs should have that funding rolled over into their generalist Commonwealth Community Legal Services Program funds.

At the present time, community legal centres are required to maintain separate financial and activity records for each sub-program. This is a particular burden where a centre is funded under a number of sub-programs and it does not provide any flexibility for responding to emerging needs. There are 13 organisations that receive funding through three separate sub-programs, and a further 21 that receive funding under two sub-programs.

It is the Department's view that affected stakeholders should be consulted prior to any changes to existing sub-program funding arrangements. Where a community legal centre receives funding under more than one sub-program, the Department notes that consolidating reporting may have the advantage of streamlining financial reporting and enable individual community legal centres to have some flexibility in using their Commonwealth Community Legal Services Program funds to address the agreed priorities presented in their Community Legal Services Program Plans.

A number of the Commonwealth Community Legal Services Program sub-programs are relevant to the responsibilities of other Australian Government Departments, for example, Commonwealth Community Environmental Legal Program – Department of the Environment,

Water, Heritage and the Arts, and Clinical Legal Education – Department of Education, Employment and Workplace Relations. The Department proposes to explore options for such Departments to contribute to Commonwealth Community Legal Services Program funding initiatives such as an expansion of the Clinical Legal Education sub-program.

3.5.1 The ‘No Litigation’ Restriction for Environmental Defenders Offices

In determining the most cost-effective use of scarce resources available in legal aid, the former Government made a decision in 1997 to focus more clearly the purpose of Commonwealth Community Environmental Legal Program funding in line with Government priorities. The changed arrangements precluded Environmental Defenders Offices from using Commonwealth monies for litigation related work. While other community legal centres funded under the Commonwealth Community Legal Services Program are not precluded from undertaking litigation related work, an underlying principle of the Australian Government’s support for the community legal sector is that all funded community legal centres have a focus on providing early intervention and non-litigation services.

Priority areas for environmental legal service delivery under the Commonwealth Community Legal Services Program are currently the provision of:

- advice
- education
- development of resource materials
- liaison
- promotion and
- law reform/research in relation to environmental issues.

The Environmental Defenders Offices have consistently argued that the ‘no litigation’ restriction should be removed from the Commonwealth Community Environmental Legal Program Guidelines since it came into force in 1997.

The Environmental Defenders Office Network argues that the provision of litigation funding from the Australian Government is central to better environmental outcomes. It also argues

that: ‘it is a sign of a robust democracy where governments are prepared to allow public funds to be used to test the legality of merits of government decisions that affect the environment’.⁶⁵

Environmental Defenders Offices have conducted ‘test cases’ using other funding sources over the years, in relation to environmental law. In New South Wales, the Environmental Defenders Office has run cases against the State government on environmental assessment, water allocation, Aboriginal cultural heritage and the value of the wilderness.

Some states offer assistance in environmental matters. In New South Wales, grants of legal aid from the Legal Aid Commission New South Wales are available for litigation in some environmental cases in the public interest using State funds.

The Senate Legal and Constitutional References Committee, in its inquiry into *Legal Aid Access to Justice*, formed a view that the rationale for having a Commonwealth funded Environmental Defenders Office [network] was to ensure that the area of public interest environmental law, which would otherwise have little priority for receiving legal aid, is effectively advocated. It concluded that for the Commonwealth Community Legal Services Program to be able to effectively advocate, it needed to have the freedom to choose how it uses its funding in relation to litigation.

The Commonwealth Community Legal Services Program Guidelines currently provide community legal centres with a framework for assessing how to best allocate their resources in response to client needs. There is no basis for excluding Environmental Defenders Offices from this framework thereby providing them with the same flexibility as other community legal centres to allocate resources in a way which best meets their clients needs. However, in order to ensure the appropriate targeting of resources in environmental matters specifically, the Program Guidelines could be amended to require that assistance in such matters is targeted at the needs of the local client community and resources are allocated in a way which maximises service delivery to that community.

⁶⁵ Australian network of Environmental Defenders Offices submission to Senate Inquiry into Legal Aid and Access to Justice, 2003, viewed, 10 July 2007. <http://www.aph.gov.au/Senate/committee/legcon_ctte/completed_inquiries/2002-04/legalaidjustice/submissions/sub8.doc>.

Recommendations

7. The Australian Government should not initiate the establishment of any new community legal centres based on socio-economic/client data alone – community genesis should be the driving force for the establishment of any new services, supported by relevant socio-demographic data to establish need.
8. An overarching service delivery model should be adopted for the Commonwealth Community Legal Services Program, requiring community legal centres to:
 - (a) identify the legal service demands of their client communities
 - (b) develop a service delivery plan to meet those demands in accordance with Commonwealth Community Legal Services Program priorities
 - (c) deliver services in accordance with that plan, and
 - (d) evaluate the effectiveness of their service delivery.
9. Funding by sub-program should be re-evaluated and options considered to allow for greater flexibility in reporting for those community legal centres funded under more than one sub-program.
10. The present restriction against litigation in the Commonwealth Community Environmental Legal Program should be removed subject to the inclusion of a provision in the Program Guidelines requiring that assistance is targeted at the needs of the local community and resources are allocated in a way which maximises service delivery to that community.

4 TERM OF REFERENCE 4 - OPTIONS FOR BRINGING OTHER FUNDING UNDER THE UMBRELLA OF THE COMMUNITY LEGAL SERVICES PROGRAM TO RATIONALISE COMPLIANCE AND ACCOUNTABILITY COSTS TO FUNDED CENTRES

4.1 *Other Australian Government Funding*

In November 2006, the Secretary of the Department wrote to his counterparts in other relevant Australian Government departments, seeking details of funding provided to community legal centres under the programs they administer. Responses to the Secretary's letters revealed that only the Department of Families, Housing, Community Services and Indigenous Affairs and the Department of Health and Ageing provide specific program funding to community legal centres also funded under the Commonwealth Community Legal Services Program.

Australian Government funding provided to community legal centres in 2006-07 for non-Community Legal Services Program projects or programs makes up less than 6% of the funding provided to centres funded under the Commonwealth Community Legal Services Program and affects only 12.5% of community legal centres. The Department of Families, Housing, Community Services and Indigenous Affairs provided funding ranging from \$510 to \$135,470, making a combined total of \$610,603 to 14 community legal centres under seven different funding programs. The Department of Health and Ageing provided Advocacy Services Program funding to two community legal centres at a combined total of \$653,000.

The National Association of Community Legal Centres noted in its submission to the review that while there are benefits in attempting to standardise reporting requirements across funding bodies, community legal centres suggest that this may actually increase the complexity of their reporting requirements. Community legal centres believe the greatest efficiency would be gained by standardising data items across departments at Commonwealth and State level, for example, client age ranges.

The Department is also aware that in Western Australia, a range of State funding has been combined to streamline processes for community legal centres in that State. This is discussed further below.

In the Department's view, in the absence of any evidence that significant efficiencies could be obtained by bringing Australian Government funding allocated to community legal centres from sources other than the Commonwealth Community Legal Services Program, under the umbrella of the Program, this should not be pursued. However, the Department considers that any options for standardising data items across jurisdictions are worthy of pursuit and will continue to explore any opportunities for doing so.

4.2 Other Funding Provided to Community Legal Centres

Significant levels of funding are provided by State government departments and philanthropic sources. In 2006–2007, community legal centres reported receiving approximately \$41 million in funding outside the Commonwealth Community Legal Services Program.

Following the *Joint Review of Community Legal Centres* in Western Australia in 2003, the Western Australian Government established a State-based Community Legal Services Program incorporating funding from a range of government agencies. This has resulted in benefits for community legal centres in having one all-encompassing service agreement and reporting framework. However, whether this is taken up in other jurisdictions is a matter for State and Territory governments.

Recommendation

11. The possibility of bringing other Australian Government funding under the umbrella of the Commonwealth Community Legal Services Program should not be pursued given the lack of any evidence that this would result in any efficiencies in meeting accountability requirements.

5 TERM OF REFERENCE 5 – REVIEW EXISTING COMMONWEALTH COMMUNITY LEGAL SERVICES PROGRAM ACCOUNTABILITY REQUIREMENTS, INCLUDING THE COMMUNITY LEGAL SERVICES INFORMATION SYSTEM

5.1 *Existing Commonwealth Community Legal Services Program Accountability Requirements*

The Commonwealth Community Legal Services Program service agreement defines the obligations of each party and provides an accountability framework for the expenditure of public funds. It requires community legal centres to submit for approval:

- a Community Legal Services Program Plan
- an annual accrual budget
- quarterly funding acquittals
- progress reports against the Community Legal Services Program plan
- annual audited financial statements, and
- a copy of their Annual Report which must include a range of details including hours of operation and the names of management committee members, etc.

Under the service agreement, community legal centres are required to comply with a range of conditions in relation to the use of funds, and must maintain financial management systems that allow budgeting and reporting on an accrual basis in accordance with applicable Australian Accounting Standards. Community legal centres are also required to collect and maintain data on client demographics and service activities, comply with a set of national service standards and to conduct client satisfaction surveys.

5.2 *Level of Compliance with Commonwealth Community Legal Services Program Accountability Requirements*

The level of community legal centres' compliance with accountability requirements is generally very good, with the majority of reports submitted by the due date.

Timely performance and financial information enables State Program Managers to detect emerging problems. However, there are a number of community legal centres that struggle to complete reporting requirements by the due dates specified in the service agreement. Many community legal centres rely on pro bono and volunteer support from auditors and accountants to carry out management and financial tasks just as they do with lawyers and law students for service delivery.

While the Department is aware that community legal centres are not reporting in a timely manner, it is reluctant to routinely penalise community legal centres for late submission of reporting requirements as suspending payments may adversely affect service delivery or make it difficult for community legal centres to meet financial liabilities such as salary payments. Accordingly, payments are generally withheld only where critical reporting requirements are not met or where there is a pattern of non-compliance. Through working cooperatively with the sector initially, but with the option of audits or the suspension of funding payments in reserve, the Department is able to ensure compliance with virtually all requirements.

5.3 *Community Legal Services Information System*

Development of the Community Legal Services Information System commenced in August 1999, replacing the Commonwealth Community Legal Services Program's previous data collection system, the National Information System. The Department progressively rolled out the Community Legal Services Information System to service providers from July 2003 to February 2004. The system experienced a number of teething problems, for example, in the first roll-out there were problems with the functionality of the software in the Macintosh environment which required modifications. In addition, the original ad-hoc reporting tool proved too complex for

day to day usage, and consequently a new and more user friendly ad-hoc reporting tool was developed.

There have been other functionality issues identified since its inception, as is expected from a 'live' data system. However, these problems have been progressively addressed and, in 2006, Version 5 of the Community Legal Services Information System was rolled out and received wide user acceptance.

The Community Legal Services Information System allows community legal centres to transmit accountability information electronically to a central database for analysis. It also provides community legal centres with internal management functions and a case management tool.

The Community Legal Services Information System produces two types of reports:

- Local Reports – only accessible by the relevant community legal centre. Reports are run against the community legal centre's locally stored database which contains all client and activity data. There are 13 reports under this category. There is also an additional ad-hoc reporting tool, the Data Query System, which allows community legal centres to query the database.
- National Processing Centre Reports – accessible by the Department, State Program Managers, the National and State Associations of Community Legal Centres and individual community legal centres via the National Processing Centre website, using password protection. Reports are run against the centrally-held secure database which contains de-identified client, activity and financial data. There are 53 reports available under this category.

The National Association of Community Legal Centres review submission acknowledges:

...the effort and resources that have been expended on this system especially to accommodate centres' requirements of the system. Overall the Community Legal Services Information System is a robust and useful information system. It is well accepted by centres even though some problems remain.⁶⁶

One of the most significant issues is accuracy and consistency of data entry. While the Community Legal Services Information System Data Dictionary includes a set of definitions of data items, there continues to be a variation in the recording of the core service activities. These definitional issues are being addressed through State Program Managers and additional Community Legal Services Information System training currently being funded by the Department. However, there is scope to further address the accuracy and consistency issue through improved system validation. The Department proposes to explore options for increasing the current data validation included in the Community Legal Services Information System.

There are a combined total of 72 key data items required by the Australian Government across the six data entities.⁶⁷ There are a further six key data items that relate to worker status and worker type and are required by the community legal services sector.

While 72 data items may seem excessive, community legal centres are not required to enter this amount of data at any one time. For example, for an Information Summary activity, and excluding Community Legal Services Information System generated identifiers, the Commonwealth requires two key data items (problem types and referral to).

⁶⁶ National Association of Community Legal Centres Submission, p77.

⁶⁷ The data entities in Commonwealth Community Legal Services Information System are Client, Matter, Advice, Casework, Non-casework and Information.

There are a further 28 mandatory data items (including limitation dates, limitation issues relevant to the community legal centres Professional Indemnity Insurance requirements) and 23 optional data items. Both mandatory and optional data requirements were included in Community Legal Services Information System at the community legal services sector's request to assist community legal centres in their case management. 'Key Data Items' are the only data items in Community Legal Services Information System that are transmitted to the National Processing Centre.

'Mandatory Data Items' are compulsory and values must be entered in order for a record to be saved to the local database. 'Optional Data Items' are not compulsory and are used only where they are helpful or useful to a centre. They are saved to the local database only.

5.4 Are the Commonwealth Community Legal Services Program Accountability Requirements Excessive?

The Report of the Australian Community Sector Survey 2007, undertaken by the Australian Council of Social Services, notes that the majority of survey respondents found the funding requirements under government contracts to be a significant burden. The Report said:

Many reported that this drew resources away from service delivery. Many respondents suggested that additional funding was needed to assist with this burden or that simplification of the financial and program reporting requirements commonly required by government funding departments was required. Smaller organisations appear to suffer most from administrative burden, due to the fact that funding requirements are often no less for organisations working with small government grants'.⁶⁸

⁶⁸ Australian Council of Social, Services, *Community Sector Survey: 2007 National Report, Paper 145*, February 2007, p3.

Accountability requirements in a number of other Australian Government programs are summarised in **Attachment H**. Generally, the accountability requirements of the Commonwealth Community Legal Services Program are aligned with those of other Australian Government programs. However, there is scope to simplify some financial reporting requirements.

5.5 Streamlining Requirements

The financial reports currently required under the Commonwealth Community Legal Services Program are quite detailed and most State Program Managers raised the issue of streamlining financial reports in their Review input. This would not only reduce the reporting burden on community legal centres but also reduce the number of inquiries about financial reporting issues to State Program Managers and the Department.

Some of the responses from State Attorney-General's Departments provided comments on opportunities to streamline accountability arrangements.

For example, according to the New South Wales response (letter dated 2 July 2007):

There is scope to reduce the complexity of reporting requirements on community legal centres, without compromising accountability. It would be worthwhile to review current reporting requirements to determine: whether all matters which community legal centres are currently required to report on are necessary and promote the accountability of community legal centres; whether there is scope to achieve more consistency in the format and content of reports; whether there is scope to consolidate reports or to reduce the frequency of reporting; and whether information technology improvements are feasible.

The response from South Australia (letter dated 31 May 2007) states that:

The Attorney General's Department would welcome any opportunities to streamline and simplify accountability arrangements. There may be an opportunity to reduce the reporting burden on community legal centres by reducing the number and frequency of reporting obligations or in the simplification of reports. This is particularly relevant for smaller community legal centres who shoulder the same reporting obligations as the larger community legal centres but do not have the

same resources. End of year reporting could potentially be more streamlined if due dates more closely reflected organisations practices around the timing of audited statements and Annual General Meetings. The issue of streamlining and simplification in accountability generally may be best considered by a working party to review all aspects of compliance reporting. Consideration may need to be given to the range of other non Community Legal Services Program reporting requirements where community legal centres receive funds from sources outside the program.

Currently the Commonwealth Community Legal Services Program requires community legal centres to submit annual audited financial statements. Community legal centres are also required to submit an annual budget and quarterly income and expenditure reports via the Community Legal Services Information System. This is the same, or a lesser, level of reporting required of organisations funded through the Legal Aid Program, the Family Violence Prevention Legal Services Program and the Legal Aid for Indigenous Australians Program. However, as noted in Section 2.2, the average amount of funding provided to community legal centres under the Commonwealth Community Legal Services Program is significantly lower than that provided to organisations under these programs.

In recognition of this, the Department has explored options for streamlining Commonwealth Community Legal Services Program accountability requirements. In the Department's view, the better option is to simplify financial reporting requirements rather than to reduce the frequency of reporting, except where funding is below a threshold amount that is less than that required to provide a full complement of Commonwealth Community Legal Services Program services. There are several grounds for continuing to require quarterly financial reporting for most centres. These include:

- providing centres and State Program Managers with an early opportunity to detect problems and to take remedial action before the escalation of financial problems

- ensuring the Community Legal Services Information System is regularly and adequately informed of its financial position in order to protect the volunteer members of the management committees held personally responsible for the governance of the organisation under the applicable incorporation legislation
- providing the details to complete the Business Activity Statement required by the Australian Taxation Office as all centres (except one) are in the Goods and Services Tax system, and
- providing centre staff with the opportunity of more readily recalling the circumstances covered in the reports.

As noted above, the current Community Legal Services Information System financial reporting requirements are quite detailed. Reducing the number of separate reports required by consolidating most sub-programs, as recommended in Section 3.5, would significantly reduce the reporting and data processing burden on community legal centres. In addition, the Community Legal Services Information System annual budget and quarterly financial report require community legal centres to complete 20 mandatory reporting fields including not only salaries and rent (averaging about 80% of costs) but also such items as repairs and maintenance, staff recruitment, programming and planning and minor equipment. The Department proposes to explore options for reducing the number of mandatory reporting fields (although this will need to be negotiated with the State governments that also provide funding under the joint program).

End of year financial reports must comply with Australian Accounting Standards. Currently these impose heavy compliance burdens on not-for-profit organisations required to complete general purpose financial reports. The Australian Accounting Standards include provision for more limited special purpose reports and the Department is exploring the possibility of adopting these as the minimum mandatory requirement for end of year Commonwealth Community Legal Services Program reports. A benefit of adopting this approach would be the removal of the requirement for cash flow reports, the completion of which many community legal centres find difficult, often outsourcing them to professional accounting firms.

In addition, an analysis of 2006-07 joint Community Legal Services Program funding reveals that there are eight organisations receiving less than \$80,000, thirteen less than \$100,000 and fifteen less than \$120,000. Generally, these organisations provide specialist services in the areas of environmental law, tenancy, or older persons' rights, with most receiving funding from other sources. In effect, the Commonwealth funding amounts to a contribution to service delivery rather than funding for an organisation to deliver a full complement of Commonwealth Community Legal Services Program services.

The Department is investigating the possibility of reducing the financial reporting obligations for community legal centres receiving amounts of joint Commonwealth/State funding under an amount required to fund at least one full-time equivalent employee plus operational costs. Again, this will need to be the subject of negotiations with the relevant State governments.

Recommendation

12. The Department should reevaluate financial reporting requirements with a view to streamlining them for the purposes of the next round of service agreements.

6 TERM OF REFERENCE 6 - PERFORMANCE CRITERIA FOR THE PROGRAM

6.1 Performance Indicators at the Program Level

The Commonwealth Community Legal Services Program sits under the following Departmental outcome statement in the Portfolio Budget Statements:

Outcome 1 – An equitable and accessible system of federal civil justice

The associated output statement for the Program is:

Output 1.7 – Legal services and policy advice on Indigenous law and justice and legal assistance, and the administration of related government programs.

The Department revised its performance indicators against the above outcome statement in the Portfolio Budget Statement in 2006 in order to provide a greater emphasis on the quality of service delivery. The indicators comprise the following:

- Quality:
 - Percentage of audited service providers confirmed as meeting Commonwealth Community Legal Services Program service standards. In 2006–07 the target is 95%.
 - Percentage of clients reporting that Commonwealth Community Legal Services Program services helped them in understanding or dealing with their problems. In 2006–07 the target is 95% of clients included in client surveys which were conducted during the period of the 2005-08 Service Agreement.
- Quantity:
 - Number of services provided against target. In 2006–07 the target is 250,000 services.

6.2 *Current Performance Management Framework for Individual Community Legal Centres*

Performance indicators were developed to measure effectiveness, efficiency and accountability as part of a Service Standards and Performance Indicators (SSPI) Project finalised in 2000. The performance indicators developed as part of Commonwealth Community Legal Services Information System in 2002 are:

- efficiency – number of activities (weighted to reflect an assumed hourly value, for example, information activities are weighted at 0.25 while advice is weighted at 0.5)
- effectiveness – the proportion of clients receiving a ‘participation benefit’ and a ‘client benefit’ from the service provider (both benefits measured from the response to particular questions in the client satisfaction surveys required under the service agreement), and
- accountability – submission of all required reports.

However, the performance indicators have not proven to be particularly effective. They were considered too simplistic and in many cases the calculated efficiency and effectiveness ratios provided little useful information concerning community legal centre operating capability.

Currently, compliance with the accountability requirements set out in Section 5.2, including adherence to the Commonwealth Community Legal Services Program service standards, comprise the performance management framework for the Program.

6.3 *Performance Indicators Used in Other Programs*

For the purposes of this Review, performance criteria for four other Australian Government funding programs were analysed. These programs were selected for their similarity to the Commonwealth Community Legal Services Program in that services are generally provided by community organisations.

6.3.1 *Family Relationship Services Program, Home and Community Care Program, Job Network, and Family Violence Prevention Legal Services Program*

In 2003, a national review of the Family Relationship Services Program concluded that the information needs of key program stakeholders were not sufficiently met by existing systems and recommended the development of a comprehensive and outcome-focused performance framework for the program. From 2005 to 2007, a new Performance Framework for the Family Relationship Services Program was developed and workshopped, involving extensive consultation with all states and territories. On 31 May 2007, the Department finalised a contract for the delivery of a new Family Relationship Services Program Performance Framework.

The Department of Families, Housing, Community Services and Indigenous Affairs is also currently undertaking broader work on developing whole of portfolio performance indicators.

6.3.2 *Department of Health and Ageing – Home and Community Care Program*

The Home and Community Care Program is a joint Commonwealth, State and Territory initiative under the auspices of the *Home and Community Care Act 1985*. It provides funding for services which support people who live at home and whose capacity for independent living is at risk or who are at risk of premature or inappropriate admission to long term residential care. The services within this Program are both residential and community based. The Home and Community Care Program has nine Outcome Indicators:

- appropriateness of care
- quality of care
- effectiveness of care
- use of services by special needs groups
- use of services by those with the greatest need
- range and level of services
- individual costs
- project costs, and
- efficient and effective program management.

6.3.3 *Department of Education, Employment and Workplace Relations – Job Network*

Job Network is an Australia-wide network of organisations dedicated to helping people get and keep a job. Job Network provides ongoing employment services provided by a Job Network member. The services are culturally sensitive as well as tailored to clients' needs and available job opportunities.

The Department of Education, Employment and Workplace Relations monitors, measures and evaluates the performance of service providers against the requirements of its contract for services, including Key Performance Indicators, the Employment and Related Services Code of Practice and the Service Guarantee. This is done on the basis of performance data collected from various sources including: client satisfaction surveys of participants, surveys of the service provider and other providers, and post-program monitoring surveys.

The Department of Education, Employment and Workplace Relations formally assesses the performance of the service provider at performance reviews which occur after each performance period has elapsed. There are six performance periods (all are of six months duration) under the three-year contract. The Department of Education, Employment and Workplace Relations assesses performance against key performance indicators on the basis of the principles and commitments set out in its Code of Practice and Service Guarantees.

6.3.4 *Attorney-General's Department Family Violence Prevention Legal Services Program*

The Family Violence Prevention Legal Services units provide culturally appropriate assistance to Aboriginal and Torres Strait Islander adults and children who are victims of family violence including sexual abuse.

The provision of legal assistance, case work and court support to victims of family violence are the primary functions of the Family Violence Prevention Legal Services units. Other services provided to clients include counselling, assistance and support to victims of sexual assault, child protection, information, and referral services.

The Performance Indicators are set out below:⁶⁹

- Describe how the service has advanced the issue of family violence in the identified service area. What strategies, initiatives or activities have been implemented to improve the longer term situation for victims, as outlined in the Operational Framework.
- Provide a detailed description of community awareness activities conducted. The description should include information about the planned activity, target audience and desired outcomes as well as the actual results/effectiveness of the activity.
- Submit a report on a quarterly basis detailing workload data as listed in the Operational Framework.
- Undertake a self-evaluation of the unit's performance against the service standards listed in the Operational Framework and provide details of the outcomes of the evaluation.
- Undertake an annual client survey of the unit's service delivery performance and provide details of the outcomes of the survey, as outlined in the Operational Framework.

In addition, Family Violence Prevention Legal Services units collect a detailed range of performance information including, but not limited to:

- numbers of contacts to centres by phone and in person
- referrals from Indigenous Legal Services, police, mainstream legal service providers, child protection agencies, other service providers
- matter type, that is, number of advices, minor assistance, casework and other
- number of sexual assault, assault cases by age and gender both reported and taken on by the service
- number of children assisted and type of assistance provided
- number of cases referred to child protection agencies
- outcomes for women and children arising from accessing the service
- number of community awareness-raising activities and what they were about, and
- training and conferences attended and outcomes.

⁶⁹ Family Violence Prevention Legal Service: Program Funding Agreement, Annexure C.

6.4 A New Performance Framework

The Australian National Audit Office's *Administration of Grants Better Practice Guide* notes that 'funding agreements need to be supported by performance and financial monitoring frameworks.'⁷⁰

The Productivity Commission's 2007, *Report on the Provision of Government Services*,⁷¹ notes the importance of outcomes-focused performance indicators for government funded services in order to determine whether service objectives have been met.

Consultation with the program areas of other departments showed a renewed focus on the development of outcomes-based performance management frameworks.

The overarching service delivery model referred to in section 3.2 of this report provides the framework for implementation of an outcome-based performance management system for the Commonwealth Community Legal Services Program. The service delivery model would allow a review of the performance of each funded community legal centre in terms of the:

- assessment of the legal service demands of its client community
- service delivery planning and design to meet those demands, and
- actual service delivery.

This approach is consistent with the approach adopted by the Legal Services Corporation USA in assessing the performance of legal services programs funded through its grants process. The National Association of Community Legal Centres recommended, in its Review submission, that the Legal Services Corporation USA criteria model be used as a starting point for the development of performance criteria for the Commonwealth Community Legal Services Program. The criteria are based on four performance areas:

- effectiveness in identifying the most pressing civil legal needs of low-income people in the service area and targeting resources to address those needs

⁷⁰ Australian National Audit Office's Better Practice Guide, p57.

⁷¹ Productivity Commission, *Report on Government Services 2006*, viewed 10 July 2007, <<http://www.pc.gov.au/gsp/reports/rogs/2006/index.htm>>

- effectiveness in engaging and serving the low-income population throughout the service area
- effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area, and
- effectiveness of governance, leadership and administration.

Each performance area has a set of indicators and specific questions to assist assessment.

While the National Association of Community Legal Centres recommends the Legal Services Corporation USA model as a basis for further work, it notes that for a performance framework to be effective in assisting the management of the Commonwealth Community Legal Services Program, it is important to ensure that the criteria reflect the nature of their work and that community legal centres are resourced adequately for that work. Other researchers have noted the difficulties associated with imposing public sector based performance criteria on community organisations.⁷²

Implementation of an outcome-based performance management system for the Commonwealth Community Legal Services Program would require significant consultation. The Department's practice is to consult National Association of Community Legal Centres on all key Program issues and, those State governments contributing to the joint Community Legal Services Program would wish to be consulted about the implementation of a new performance management framework.

The Department proposes an approach which allows flexibility in the details of the new performance management framework, while ensuring that a framework is implemented. In particular, the Department proposes that:

- a performance review be conducted of each community legal centre in the final year of the three year funding cycle and that a satisfactory rating (or significantly improved performance following an unsatisfactory rating) be required for eligibility for funding in the next three year cycle

⁷² Paul Bullen, Management Alternatives, *Counting and Measuring in Community Services*, viewed 10 July 1998, <<http://www.mapl.com.au/A14.htm>>.

- the performance criteria for the review be adapted from those used by the Legal Services Corporation of the USA
- the performance review continue to include an assessment of compliance with the Commonwealth Community Legal Services Program service standards but the standards be re-examined to ensure consistency with better practice principles such as those included in the Legal Services Corporation of the USA detailed performance criteria and Australian quality assurance systems designed for the legal profession, for example, Law9000
- the performance review take into account feedback obtained from clients and other local service providers and any complaints received by State Program Managers and/or the Attorney-General's Department, and
- existing reporting requirements in relation to service delivery be changed to include a greater focus on outcomes, for example, through a requirement to include case studies demonstrating how service delivery strategies achieve outcomes for clients.

Adoption of such a performance management framework would be consistent with the performance policy for Family Relationship Centres, under which performance of each organisation is assessed against a set of key performance indicators.

In addition, the Department proposes to examine ongoing mechanisms for promoting quality service delivery. These might include ensuring that community legal centres have access to relevant training courses at a reduced rate and sponsoring 'better practice forums' on key aspects of service delivery.

6.5 Program Evaluation

Periodic evaluation or review of Australian Government programs is a very important element in the lifecycle of programs. It is best achieved through robust performance management supported by performance monitoring.⁷³ The Australian National Audit Office's *Administration of Grants Better Practice Guide 2002* says:

⁷³ Australian National Audit Office Better Practice Guide, p63.

Review and evaluation is an important part of managing government programs. Evaluations contribute to better program management, greater accountability, more informed decision-making, improved use of resources, and refined program objectives.⁷⁴

Consultations with other departments indicated that program evaluations are a feature of a number of other Australian Government programs, for example, Job Network. Such evaluations provide a framework for continuous improvement while also providing a measure of the efficiency, effectiveness and appropriateness of program activities.

The overarching service delivery model recommended in Section 3 includes an evaluation of the effectiveness of services. The Department would consult with the National Association of Community Legal Centres and the States on the development of an evaluation strategy. This consultation would include agreement on an underpinning ‘program logic’ to be used as the basis for any evaluation.

A first draft of the proposed Program Logic is at **Attachment I**. It is based on the program logic used by the Department’s Family Relationship Services Program and an iteration submitted by the National Association of Community Legal Centres as part of its submission to the review. A copy of the National Association of Community Legal Centre’s revised Program Logic is also at **Attachment I**.

⁷⁴ Australian National Audit Office Better Practice Guide, p63

Recommendations

13. The Department should consult with Program stakeholders on the implementation of a performance management framework incorporating a performance review of each community legal centre in the final year of the three year funding cycle with a satisfactory rating (or significantly improved performance following an unsatisfactory rating) required for eligibility for funding in the next three year cycle.
14. The existing Commonwealth Community Legal Services Program service standards should be reviewed to ensure consistency with better practice principles.
15. Existing service delivery reporting requirements should be changed to include a greater focus on outcomes, for example, through a requirement to include case studies demonstrating how service delivery strategies achieve outcomes for clients.
16. An evaluation strategy for the Commonwealth Community Legal Services Program should be developed in consultation with stakeholders with the aim of implementing a program of evaluation activities designed to facilitate continuous improvement.

7 PROGRAM ADMINISTRATION

7.1 *Other Program Administration Issues*

7.1.1 *The State Program Manager Role*

The Australian Government provides funding, under a State Program Manager agreement, to the Legal Aid Commissions in New South Wales, Victoria, Queensland, Western Australia and Tasmania, and the Attorney General's Department in South Australia, to assist in managing the Commonwealth Community Legal Services Program in each State. The Department currently undertakes the State Program Manager role for community legal centres located in the Australian Capital Territory and Northern Territory and also for the National Children's and Youth Law Centre. Each organisation identifies a staff member to perform the State Program Manager role and in those jurisdictions where there is a State Community Legal Services Program, that person plays a similar role for the State. State Program Managers are responsible for the day to day management of the Community Legal Services Program in their respective jurisdictions, including review of financial reports, monitoring of service delivery levels and undertaking service standards audits.

Departmental relationships with State Program Managers are generally very good, with State Program Managers effectively performing the role set out in the State Program Manager agreement. The Department meets with State Program Managers on a quarterly basis, and State Program Managers themselves liaise regularly to share knowledge and promote consistency of practice.

Responses from the State Attorney-Generals' departments in Tasmania, New South Wales and South Australia state that the current administrative arrangements for the State Program Manager role in these States are generally working well.

According to its response dated 31 May 2007, the South Australian Attorney General's Department:

While there may be scope for improvements in some areas like communication between the parties, the Attorney General's Department believes the arrangements are in the best interests of both parties and that the State Program Manager role is an efficient mechanism for the administration of funds provided under the Commonwealth Community Legal Services Program and the State Community Legal Services Program.

7.1.2 Funding for State Program Managers

Funding for the State Program Manager role totalled \$522,329 in 2006–07. The funding is indexed annually at the same rate applied to community legal centres.

The New South Wales Legal Aid Commission has indicated that the amount of funding provided by under the Commonwealth Community Legal Services Program is not sufficient to allow fully effective performance of the State Program Manager role for the 29 Commonwealth funded community legal centres. This issue was also raised in the Report of the New South Wales Review.⁷⁵ Nevertheless, the New South Wales State Program Manager has proven very effective in dealing with the strategic focus of the Program and always provides early alerts of any issues.

Victoria Legal Aid has also expressed concern about the amount of funding provided under the Commonwealth Community Legal Services Program for State Program Manager services. It has indicated that, unless funding is increased, it may no longer be prepared to undertake this service. However, Victoria Legal Aid plays an active role in the management of the Program, enforcing adherence to accountability requirements, while providing significant support to the sector through a range of training and other initiatives.

There is no scope to increase payments to State Program Managers within the current Commonwealth Community Legal Services Program allocation. However, the streamlining of financial reporting referred to in section 5.5 should assist in reducing the amount of time State Program Managers need to spend on routine financial accountability issues. The Department

⁷⁵ New South Wales Review, Recommendation 61, p180.

would then be in a better position to negotiate with State Program Managers to work more closely with community legal centres on strategic service delivery issues and play a key role in the proposed performance assessment process (see Section 6.4). However, it is likely that Legal Aid Commissions and the South Australian Attorney General's Department would seek more funding to take on this enhanced role.

7.1.3 South Australia

In South Australia, the State Program Manager role is located in the State Attorney General's Department, not the Legal Services Commission. While financial accountability requirements are generally well addressed through this relationship, the State Attorney General's Department has little involvement in practical service delivery issues.

The Department intends to explore the possibility of locating the State Program Manager within the Legal Services Commission to determine whether this would allow better support for the Commonwealth Community Legal Services Program given its more comprehensive understanding of service delivery issues in a legal environment. Such an arrangement may also provide opportunities for leveraging off the Legal Services Commission's existing training activities and referral network. Relocation of the State Program Manager role to the Legal Services Commission's would also bring South Australia in line with the other jurisdictions where the State Program Manager is located in the Commission.

7.1.4 Could the State Program Manager Role be Improved?

State Program Managers provide a state presence for the Commonwealth Community Legal Services Program and help to build productive working relationships with community legal centres. However, over recent years the role has become increasingly focused on financial accountability. The effectiveness of the State Program Managers could be improved if they were able to play a more proactive role in monitoring service delivery arrangements, for example, the waiting time for appointments, extent of outreach activities and the effectiveness of referral protocols.

The Department is exploring options for reducing the amount of time State Program Managers need to spend on routine financial accountability issues with a view to ensuring that they are able to work more closely with community legal centres on service delivery issues and play a key role in the proposed performance assessment process (see Section 6.4).

7.2 Program Documentation

The current service agreement is a much more streamlined document compared to previous versions, and many of the documents previously appended to the agreement are now simply referenced as being available from the Department's website. While the streamlined agreement was well received by stakeholders, the lack of detail has been the source of some confusion, particularly in relation to financial reporting.

The Department examined the program documentation of the following Australian Government funding programs:

- the Family Violence Prevention Legal Services Program, which has an Operational Framework that provides minimum standards for the formation, structure and management of the Family Violence Prevention Legal Services units
- Legal Aid for Indigenous Australians, which has policy directions that lay down the priorities for the delivery of legal aid services to Indigenous Australians, and
- the Family Relationship Centres which have an Operational Framework that describes the role and objectives of the Family Relationship Centres, also providing guidelines on key requirements for the provision and delivery of Family Relationship Centre services. The Operational Framework sits alongside other Family Relationship Services Program documentation including the program guidelines, funding agreement, and the Family Relationship Services Program administrative approval requirements.

In the Department's view, community legal centres and other stakeholders would benefit from consolidation of existing program documentation into one Operational Framework. The Department proposes to develop this framework for the service agreements for 2008–11 and onwards.

7.2.1 *Finance and Information Technology Functions in Community Legal Centres*

Community legal centres need to juggle the allocation of funding between delivering services and meeting compliance requirements of ever increasing administrative, staffing and financial legislation. Finance and information technology functions in a community legal centre, particularly a small community legal centre in a regional or remote area, can be extremely difficult to maintain. The funding levels of some community legal centres make it difficult to attract the appropriately qualified staff or outsourced services. Some community legal centres use volunteers where possible, while others rely on general administrative staff to keep track of regular expenditure and maintain their information technology systems, and use outsourced services to manage more complex problems.

Cost restraints, lack of onsite expertise and limited availability of outsourced services are common concerns. In some regional areas, local information technology suppliers charge high prices for support, sometimes without the requisite professional skills. New audit independence standards contained in the Australian Accounting Standards may present further challenges to some community legal centres that have previously relied on their auditor's assistance to complete transactions and reports.

To meet the increasing complexity of compliance issues, administration staff need to have a working knowledge of legislation that includes:

- Goods and Services Tax
- employee related legislation including taxation, salary packaging, Occupational Health and Safety requirements and superannuation
- Association Incorporation Acts (State law) or the *Commonwealth Corporations Act 2001 (Cth)* or *Corporations (Aboriginal and Torres Strait Islander) Act 2006*, and
- an understanding of the Australian equivalents to International Financial Reporting Standards.

There is a general recognition that the weight of regulation is becoming burdensome to small business and particularly to small not-for-profit organisations. The Australian Government Productivity Commission is conducting research on 'Benchmarking Regulatory Burdens on Business'. The Victorian State Services Authority is also reviewing the regulatory burden on the not-for-profit sector with the aim of reducing the burden while continuing to achieve the goals of regulation.

The 2005–08 service agreement for the Commonwealth Community Legal Services Program provides that an organisation is only eligible to receive funding if it is an Australian company, an association incorporated under the legislation of the State or Territory in which it operates or an Aboriginal association incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*. Obligations under the various Acts include, but are not limited to:

- mandatory rules such as membership qualifications, fees and subscriptions, members liability, constitution and appointment of the Committee, general meetings, source and management of funds, common seals, inspection of books, etc
- alteration of constitution
- records and account keeping
- annual reporting including extensions
- duty to act honestly or in good faith
- duty of care and diligence
- duty to disclose and avoid conflicts of interest
- duty to attend committee meetings
- examination of books and investigation of affairs, and
- penalties.

The New South Wales Review Report recommends that:

Specialised training should be designed and made available for management committee members on all aspects of governance and the roles and responsibilities of committee members including:

- principles of governance;
- roles and staff and management committee;
- finances and accountabilities – including reading and interpreting key financial reports, questions to ask to ensure the funds are in order, funding sources and funder requirements;
- employer responsibilities including Occupational Health and Safety, WorkCover, equal opportunity, recruitment, grievances and disciplinary processes;
- strategic planning, performance monitoring and reporting;
- effective and efficient meeting procedures, including agenda, use of sub-committees, delegation, report formats, minutes etc;
- mediation and conflict management;
- management committee self/peer appraisals.⁷⁶

Under the additional \$1m approved by the former Attorney-General in 2006-07 for a range of information technology and training activities, the National Association of Community Legal Centres has been funded to produce a set of resources to strengthen community legal centres' governance and management structures.

In addition, Victoria Legal Aid is implementing an information technology support project for community legal centres funded in Victoria through the Program. The project includes a centralised help desk for all information technology support, not limited to Commonwealth Community Legal Services Information System, and centralised distribution of software upgrades.

⁷⁶ New South Wales Review, p138.

Within the above \$1m Community Legal Services Program Information Technology and Training Initiatives project, the National Association of Community Legal Centres was also provided with funding to explore the possibility of establishing a centralised national panel of preferred information technology suppliers to provide information technology support to community legal centres. While a scoping study identified that a national panel was not feasible, the National Association of Community Legal Centres has been examining the alternative option of establishing a national Help Desk to support community legal centres with information technology issues. The project evaluation will now include feedback from community legal centres on the feasibility of a levy on all centres to maintain the National Help Desk as an ongoing service.

In relation to financial management, there is little support for community legal centres experiencing difficulties or seeking assistance. The Department issues advice to community legal centres through State Program Managers on a range of financial issues but cannot provide detailed support for the variety of day to day operational concerns facing 128 unique community organisations, for example, on the correct procedure for recording depreciation in their particular financial circumstances. Some form of centralised, professional finance support or Help Desk would not only be of assistance to community legal centres but would also reduce the amount of time State Program Managers and the Department spend in attempting to rectify individual financial reporting problems. The Department proposes to explore options for implementing such support.

ATTACHMENTS

Attachment A

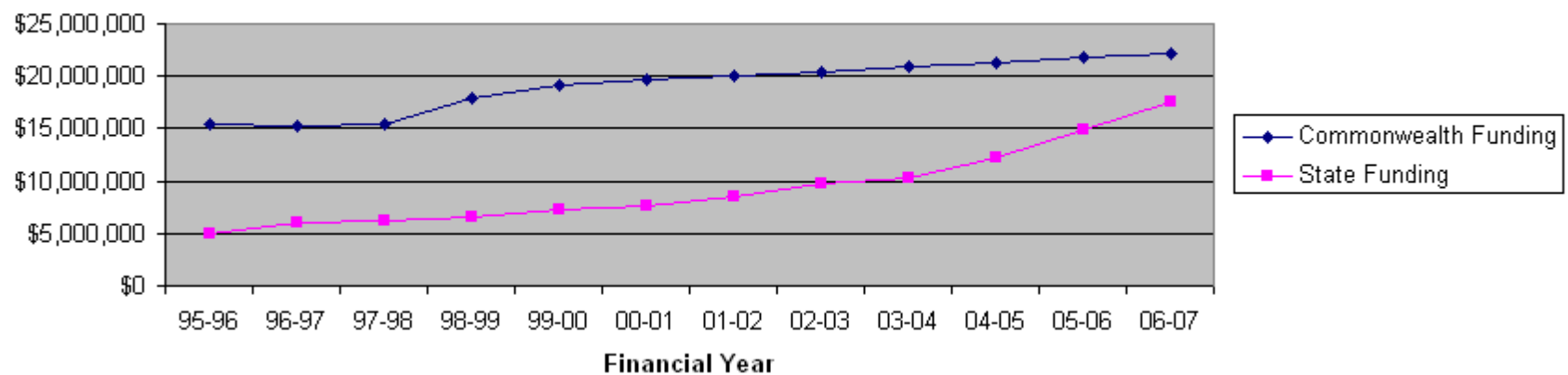
Community Legal Services Program - Commonwealth and State Direct Funding Since 1995–96

	1995–96		1996–97		1997–98		1998–99		1999–00		2000–01	
State	Cwllth	State	Cwllth	State	Cwllth	State	Cwllth	State	Cwllth	State	Cwllth	State
New South Wales*	3,861,469	1,527,113	3,820,312	2,529,329	3,859,081	2,610,289	4,385,016	2,716,241	4,614,968	3,017,498	4,695,093	3,141,578
VIC	3,403,337	1,970,865	3,370,597	2,012,253	3,404,854	2,072,621	3,942,702	2,013,196	4,169,634	2,101,942	4,240,140	2,099,145
QLD	2,388,819	1,077,863	2,421,585	1,026,143	2,439,981	1,081,840	2,877,490	1,335,531	2,917,568	1,566,000	2,967,227	1,566,000
WA	2,044,478	31,000	2,019,708	31,000	2,026,945	31,000	2,574,571	31,000	2,792,157	31,000	3,045,243	31,000
SA	1,802,519	438,060	1,789,023	489,000	1,799,319	489,000	2,110,763	485,676	2,525,181	501,225	2,568,189	752,316
TAS	868,202	0	893,920	0	878,829	0	930,782	0	937,138	0	953,018	0
ACT	421,552	0	417,797	0	420,238	0	446,797	0	449,848	0	457,902	0
NT	588,797	0	582,283	0	645,249	0	677,189	0	781,813	0	795,076	0
TOTAL	15,379,173	5,044,901	15,315,225	6,087,725	15,474,496	6,284,750	17,945,310	6,581,644	19,188,307	7,217,665	19,721,888	7,590,039

	2001–02		2002–03		2003–04		2004–05		2005–06		2006–07	
State	Cwllth	State	Cwllth	State	Cwllth	State	Cwllth	State	Cwllth	State	Cwllth	State
New South Wales*	4,787,117	3,227,498	4,891,303	3,769,539	5,003,804	3,991,000	5,103,880	4,956,178	5,216,165	5,169,034	5,320,488	5,928,383
VIC	4,323,248	2,742,775	4,417,335	3,034,811	4,518,937	3,399,476	4,609,316	3,311,916	4,710,720	5,270,138	4,804,935	7,230,488
QLD	3,025,384	1,783,240	3,091,230	2,066,000	3,162,328	2,066,000	3,225,574	2,064,472	3,296,537	2,589,317	3,362,468	2,594,117
WA	2,971,737	31,000	3,036,416	31,000	3,106,253	31,000	3,168,379	1,137,900	3,238,084	1,026,000	3,302,845	1,026,000
SA	2,618,524	811,249	2,675,515	816,300	2,737,052	803,800	2,791,793	781,625	2,853,213	797,258	2,910,277	813,204
TAS	971,697	0	992,845	0	1,015,681	0	1,035,994	0	1,058,786	0	1,079,962	0
ACT	466,876	0	477,038	0	488,010	0	497,770	0	508,722	0	518,896	0
NT	810,659	0	828,302	0	847,354	0	864,301	0	883,315	0	900,982	0
TOTAL	19,975,242	8,595,762	20,409,984	9,717,650	20,879,419	10,291,276	21,297,007	12,252,091	21,765,542	14,851,747	22,200,853	17,592,192

*Includes National Children's & Youth Centre funding

Funding for the Community Legal Services Program - Commonwealth and State



Commonwealth Community Legal Services Program – Joint Commonwealth/State Reviews

State	Date commenced	Status	Date of response	Recommended Areas of Priority	Resultant New Centres
New South Wales	Terms of Reference agreed upon March 2002	Completed	Report released June 2006	No specific location specified	
Queensland	Terms of Reference agreed upon March 1999	Completed.	Report released December 1999.	<ul style="list-style-type: none"> ○ Wide Bay Burnett ○ Inala/ Darra/ Wacol area ○ Petrie/ Deception Bay/ Redcliff area ○ Logan area 	A new community legal centre established at Wide Bay Burnett in 2003.
South Australia	Consultants engaged in Jan 1997	Completed.	Report finalised May 1998 and released in November 1998. AG Media release November 1998.	<p>Existing funding be distributed across four regions of metropolitan Adelaide:</p> <ul style="list-style-type: none"> ○ western ○ southern ○ central, and ○ northern regions <p>Report recommended that existing centres in western, southern and central Adelaide merge within each region and that Para Districts community legal centre form the northern region community legal centre. However, existing centres refused to merge.</p>	Three new community legal centres established as result of closed tender: Westside Community Lawyers, Central community legal centre, and Southern Communities community legal centre.

State	Date commenced	Status	Date of response	Recommended Areas of Priority	Resultant New Centres
Victoria	Consultants engaged July 1998	Report completed May 2001. Not initially released as steering committee could not agree on final recommendations. Commonwealth and Victorian A-G's agreed to release report in March 2004.	AG Media release 1 June 2001 announced government commitment to existing funding arrangements and challenged the State to match Commonwealth funding.		Nil
Western Australia	November 2002	Completed.	Report considered by AG November 2003. Available on www.legalaid.wa.gov.au	<ul style="list-style-type: none"> ○ Non-metropolitan regions – Gascoyne, Peel, Wheatbelt and West Kimberley ○ Metropolitan outer corridors – north, north east and south east. 	<p>WA AG announced \$1.125m new State funding available from 1/7/2004:</p> <ul style="list-style-type: none"> ● Environmental Defenders Office – Bush Lawyer (outreach service) ● Geraldton Resource Centre – Gascoyne community legal centre (outreach service) ● Peel Community Legal Service – new centre in Peel Region ● Mental Health Law Centre – new service ● Gosnells community legal centre ● SCALES ● Community Legal & Advocacy

					<p>Centre</p> <ul style="list-style-type: none">• Consumer Credit Legal Service• Association for community legal centres (WA)
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New South Wales Community Legal Centre Review Recommendations

The New South Wales community legal centre Review makes 62 recommendations. Summary of key recommendations are:

- Establishment of a New South Wales Legal Assistance Forum.
- Adoption of a Strategic Service Delivery Model for the Community Legal Services Program.
- A review to identify the full range of effective service delivery models for regional and remote areas.
- Establishment of a Training, Resource and Infrastructure Program (TRIP) to provide centralised support for Centres on a range of issues.
- An audit of Centres' information and communication technology needs and a one-off upgrade of Centres' computer networks to an agreed standard.
- Community Legal Services Program funding for Centres to provide specialist services targeted at Indigenous people and communities.
- An Indigenous Access project.
- Investigation of the true level of need for interpreter services in Centres.
- A review by funding bodies of reporting and accountability requirements for Centres.
- Specific assistance for Centres on governance issues, including training for boards and management committees on their roles and responsibilities.
- A review of pro bono referral systems.
- More centralised support to enable Centres to make the best use of volunteers.
- Adoption of a common, minimum-funding baseline for all Centres, both generalist and specialist, and action to bring all currently-funded Centres at least to the baseline.
- An independent, professional work-value assessment of key Centre positions so as to determine appropriate salary rates.
- An increase in the level of resources provided for State Program Management services in New South Wales.

Western Australia Community Legal Centre Review Recommendations

1. A State community legal centre funding program should be established.
2. In the establishment of any services or new community legal centres, priority should be given to:
 - (i) non-metropolitan regions – Gascoyne, Peel, Wheatbelt and West Kimberley, and
 - (ii) metropolitan outer corridors – north, north east and south east.
3. Priority services include services for Aboriginal people, mental health consumers, persons affected by domestic and family violence, culturally and linguistically diverse (CALD) people, prisoners and young people.
4. The Commonwealth should review the disparity between community legal centres funded before the Justice Statement and those funded since 1996 and should any new funding become available, priority consideration should be given to raising the recurrent funding of existing community legal centres to a sustainable level.
5. The Commonwealth and State Governments should cooperate to extend the capacity and ensure the ongoing viability of community legal centres and consider developing a Memorandum of Understanding (MOU) to set out the basis for their coordinated action in support of the community legal centre sector.
6. Discussions should be held with the Law Society of Western Australia regarding the use of Public Purpose Trust funding for delivery of viable services by community legal centres, consistent with Trust objectives.
7. Mainstream agencies which resource and utilise community legal centre services should:
 - (i) commit to a three year funding cycle, and
 - (ii) consider adopting uniform reporting and accountability requirements applying throughout the sector.
8. A stakeholder consultative committee should be formed to provide advice to government on:
 - (i) addressing unmet legal needs, and
 - (ii) ways to facilitate coordination and collaboration throughout the sector.

9. Terms of Reference for this committee should be developed by representatives of State and Commonwealth Attorneys General in consultation with the Community Legal Centres Association of (WA), the Law Society of Western Australia, Legal Aid WA, the Aboriginal Legal Service of WA (ALSWA) and other interested stakeholders.
10. Broad policy driven initiatives to increase coordination and consistency in community legal services should take into account the benefits of diversity arising out of community development processes within organisations.
11. The establishment of any new community legal centres should involve the local community and (in the case of specialist services, the 'community of interest') in planning, needs assessment and models of service delivery.
12. Community legal education and law reform initiatives should continue to be acknowledged as positive preventative strategies and core services that add value to the community and the legal system.
13. Outreach services are an effective strategy to improve access to justice and should be:
 - (i) linked to strategic planning, and
 - (ii) funded from recurrent sources.
14. Community legal centre core services should include a mix of one or more of the following services:
 - (i) information and advice
 - (ii) casework and minor assistance
 - (iii) representation and advocacy
 - (iv) community legal education, and
 - (v) policy and law reform.
15. Community legal centre volunteer programs value add to service outcomes and should provide for the cost recruitment, training, coordination, administration and supervision of volunteers.
16. A management support program for community legal centres should be developed and made available.

QLD Community Legal Centre Review Recommendations

1. The community legal centre Advisory Group (The Group) determined the areas of greatest disadvantage in the need of new or expanded legal aid services are in order of priority:
 - Wide Bay Burnett
 - Inala / Darra / Wacol area
 - Petrie / Deception Bay / Redcliffe area
 - Logan area
2. The Group recommended that should any additional funding become available, then that funding should be directed at those areas, in order of priority as outlined above.
3. The Group agreed that the identification of core community legal centre services was being addressed in the context of the Service Standards and Performance Indicators project currently being undertaken by the Commonwealth (*this Project was completed in June 2002*).
4. The Group agreed that every effort and encouragement should be made by all stakeholders to ensure that the best statistics possible regarding service delivery are kept.
5. The Group agreed that consideration of eligibility criteria was appropriately dealt with as part of the national project on National Eligibility and Contributions Policy Project currently being undertaken by the Commonwealth.
6. The Group recommended that Legal Aid Queensland provide on a regular basis appropriate management committee training for all management committee members in Queensland interested in participating.
7. The Group strongly urged all members of management committees to attend any training provided to familiarise themselves with their legal obligations and responsibilities.
8. The Group recommended to Legal Aid Queensland to make funding available to enable a consultant to provide a Resource Manual which can be distributed to new members of management committees and other members who are unable to attend training courses.

9. A generic volunteer resource kit, which can be customised by different community legal centres depending on their individual needs, has been developed by Legal Aid Queensland in consultation with Caxton Legal Centre Inc. and made available for each Centre.
10. The Group recommended that each community legal centre have one person, either paid or volunteer, who has as part of their job description, the duty of coordinating the centre's volunteer program.
11. Legal Aid Queensland encourages its staff to consider the benefits of volunteering their services to a local or specialist community legal centre in their community or region.

South Australian Community Legal Centre Review Recommendations

RECOMMENDATION 1

Geographic Regions for Generalist community legal centres

- The recommended model is based on four independent regions - north, south, west and central.
- Each region should have a number of conveniently located Access Points.
- West Region to incorporate SLAs of Enfield B, Hindmarsh and Woodville, Glenelg, Henley and Grange, Port Adelaide, West Torrens and Thebarton.
- North Region to incorporate SLAs of Elizabeth, Gawler, Munno Para and Salisbury.
- South Region to incorporate SLAs of Brighton, Marion, Mitcham, Happy Valley, Noarlunga and Willunga.
- Central Region to incorporate SLAs of Adelaide, Burnside, Campbelltown, East Torrens, Enfield A, Kensington and Norwood, Payneham, Prospect, St Peters, Stirling, Tea Tree Gully, Unley and Walkerville.

Access Points

- West Region - proximity of Arndale or Woodville/Port Road intersection and current Parks accommodation.
- North Region - proximity of Parabanks Shopping Centre/Salisbury Interchange and Elizabeth City Centre.
- South Region - current Marion community legal centre accommodation and current Noarlunga community legal centre accommodation.
- Central Region - city, current AINCLS accommodation and vicinity of Tea Tree Gully.

Implementation

- Bowden Brompton and Parks to form West Region.
- Norwood and AINCLS to form Central Region.
- Marion and Noarlunga to form South Region.
- Para Districts to form North Region.

Specialist Services

- Child Support Program - Carer and Liable Parent

- One service in the North Region,
 - One service in the South Region, and
 - community legal centre system and the LSC to collaborate on common client eligibility criteria.
- Children's Access Program
 - To be the responsibility of the West Region pending Commonwealth review.
- Children and Youth Legal Services
 - To be the responsibility of the Central Region.
 - Resources to focus on developing awareness of youth issues, coordination of casework in generalist community legal centres and law reform and community education.
- Civil Litigation
 - To be the responsibility of the West Region.
- Disability Discrimination Act Legal Advocacy Service
 - To be the responsibility of the Central Region pending Commonwealth review.
- Environmental Defenders' Office
 - To continue with current operation and location
- Financial Counselling
 - To remain in current regions - South, North and Central.
- Mediation Services
 - Mediation programs should not be resourced from generalist funding.
 - All mediation funding (including TDO position) to be the responsibility of the South Region.
 - Outreach services to be provided to all regions.
- Welfare Rights Centre
 - To be the responsibility of the Central Region.
- Women's Legal Service
 - Extend existing operation to provide an outreach service of at least one day per week in each of the four regions.
 - Responsible for Indigenous Women's Program and Women's Rural Outreach Program.

RECOMMENDATION 2

Client Eligibility

- Any member of the community should be entitled to receive one free consultation from a community legal centre.
- community legal centres should not provide advice to any established-for-profit organisations.
- Non-profit, community based non-Government organisations should be entitled to receive advice and on-going assistance.
- community legal centres should not provide ongoing assistance, to persons eligible to receive a service from the LSC.
- Funding be made available for a research project to recommend changes in operation of the justice system to address any deleterious effects of current legal aid rationing.
- community legal centres should not be involved in matters where legal aid has already been provided to a person and the funding cap for legal aid has been reached.
- community legal centres should consider the interplay between income, nature of the matter, impact on the client and extent of service the community legal centre can realistically provide.
- community legal centres should consider individual personal circumstances when considering the extent of community legal centre service to a client.

Income and Asset Tests

- Income Tests should be applied at different rates for minor and major matters.
- For minor matters the upper limit of DSS Income Tests for Pensioners (over 21) and Disability Support Pensioners (under 21) should be used as a cut-off basis for Income Testing.
- Income Testing for major matters, (over eight hours solicitor time) should be based on the Pension Income Test rates with an additional 10% added to the upper limit for every eight hours extra solicitor work that is anticipated.
- For major matters, in addition to the Income Test, an Asset Test should also be applied.

Contributions/Fees

- community legal centres should charge a standard fee for all minor matters
 - No client should be excluded from service on the basis of financial inability to pay the fee.
- Clients receiving a community legal centre service for major matters (i.e. over eight hours solicitor-time) should contribute towards the cost of these services where it is deemed that they have the resources.

Disbursements

- Clients should be required to meet their own disbursements.

Types of Legal Matters

- Where legal assistance for a particular matter is provided elsewhere, as a free public, government or community service, then the client should be referred to that appropriate agency.
- When assessing whether or not to deal with a particular matter community legal centres should also consider:
 - the power imbalance of the parties in dispute
 - the degree of vulnerability or risk to the client if no intervention or legal assistance is provided, and
 - the legal merit of the matter.
- Matters that should **not** be handled by community legal centres are:
 - Wills
 - Conveyancing
 - Guarantees
 - Neighbourhood Disputes
 - Taxation and Company Law
 - Personal Injury, WorkCover, Medical Negligence
 - Major Indictable Offences
 - Traffic, and
 - Superannuation.

Extent of Community Legal Centre Services

- community legal centres should work to reach a logical conclusion (from a legal perspective) for the client. This should include court representation when necessary.

Opening Hours

- community legal centres should remain open during recognised business hours e.g. 9 am to 5 pm Monday to Friday.

Specialist Services

- Refer to Recommendation 1.

RECOMMENDATION 3

Community Education

- community legal centres should work collaboratively with each other and other educators to enhance existing services.
- community legal centres should make a joint application through South Australian Council of Community Legal Services (SACCLS) for development funding to resource a Project Officer to support collaboration between community legal centres in relation to community education.

Law Reform

- Law Reform should be the responsibility of local Committees of Management.
- community legal centres to work collaboratively with appropriate service agencies to develop and enhance appropriate work practices and physical environment.

Training and Staff Development

- At a local level training and staff development should be the responsibility of Committees of Management.
- community legal centres should jointly apply for development funding to support sector-wide training and staff development.

Information Technology

- community legal centres should make a cooperative application for resources to fund a professional independent assessment of all community legal centre IT requirements.

Contract Work

- community legal centres should jointly request funding to employ a professional resource to undertake a cost and efficiency benefit analysis of collaboratively contracting out certain classes of administrative and financial

work and to develop strategies for administration and implementation of such work practices.

Planning and Quality Assurance

- community legal centres should work collaboratively to share experience and skills in developing new best practice policies and procedures.
- community legal centres should participate in the Commonwealth review of service standards and performance indicators.

Information Sharing

- SACCLS should review operational and policy making procedures.

RECOMMENDATION 4

Volunteers

- The decision as to the extent of voluntary involvement should rest with the community legal centre management committee.
- Written procedures and policy should be developed for voluntary work.
- community legal centres should have authority to control the engagement, termination and supervision of volunteers.
- community legal centres should develop closer links with Law Society, Bar Association, legal firms and barrister chambers to identify means of advancing working relationships.
- community legal centres should identify common volunteer training requirements and liaise with other educators, where possible, to arrange training delivery.
- Volunteers should not be appointed to key strategic positions within community legal centres.

RECOMMENDATION 5

Community Management

- community legal centres should revise constitutions to include all Implementation Advisory Group recommendations in relation to management committees.

Community Involvement

- community legal centres should develop community involvement programs to encourage local participation in community legal centres.

Management Committee Training

- community legal centres should work collaboratively to produce a set of guidelines for management committee meetings.

RECOMMENDATION 6

Country Services

- community legal centres should develop with the Legal Services Commission of South Australia (LSC) a model of cooperation and cross-referral for clients.
- Each community legal centre should accept responsibility for a number of country subdivisions.
- Should additional funding become available, resources should be provided to community legal centres to off-set cost of providing services to country clients.

Copy of Questions for State Program Managers (State Program Managers)

1. Examples of community legal centres you would classify as 'model' organisations, and the reasons for this (for example, innovative use of funds, excellent service delivery reputation, sound administration and management, good processes/procedures).
2. Examples of effective service delivery models.
3. What, if any, protocols are in place between your community legal centres and other service providers? How effective are these protocols in avoiding the 'referral merry-go-round'?
4. Overall, how connected and responsive are your community legal centres to their communities? For those community legal centres that you perceive as having a close connection with the community, is their service delivery more effective?
5. Approximately what percentage of your community legal centres undertake community development work, if any? Can you please give some examples of any community development work? Do you have any feedback from communities or other stakeholders on the effectiveness of this work? If so, could you please provide examples?
6. What percentage of your community legal centres undertake outreach activities? What factors do your community legal centres take into account in planning outreach activities, e.g. court circuits? What are the challenges in ensuring effective outreach activities? What is the impact on local service delivery, if any?
7. Examples of community legal education and/or law reform activities that appear to have been particularly effective, and the reasons why they were effective.
8. Are community legal education/law reform activities coordinated within your State (and/or information shared)? If so, how and is the coordination effective in targeting services and avoiding duplication of resources?
9. What accountability requirements of the service agreement cause the most inquiries/concerns by community legal centres?
10. Do you use any measures/information apart from compliance with service standards, reporting requirements, the Community Legal Services Program plan and annual targets, to monitor the performance of your community legal centres, e.g. feedback from other service providers, regular visits, attendance at State Association conferences/meetings?
11. Overall, do your community legal centres experience difficulties in recruiting and/or retaining management committee members, particularly those with relevant expertise?
12. How often, on average, would community legal centres in your State experience governance problems? Can you please give some examples of the type of problems experienced, and how they were resolved?

13. Do you receive complaints from community legal centre clients about the quality of service delivery. If, so on average how many complaints would you receive annually? What percentage of these would progress to an investigation?
14. Could you please give a brief overview of linkages in place (both formal and informal):
 - (a) within the community legal centre sector in your State/Territory e.g. networks (apart from National Association of Community Legal Centre networks) and State Association committees/working groups
 - (b) between community legal centres and other local providers, and
 - (c) between community legal centres and the Legal Aid Commission e.g. meetings between the Legal Aid Commission and State Association
15. Top three issues which impede the efficient operation of the Commonwealth Community Legal Services Program, if any.
16. Top three priorities for improvement in the operation of the Commonwealth Community Legal Services Program, if any.
17. Comments, if any, on the operation/effectiveness of the Commonwealth Community Legal Services Program sub-programs. Are there any related programs in your State? Do the sub-programs duplicate similar services available with your State?
18. Any suggestions as to how the State Program Manager role could be made streamlined.

Reviews of Community Legal Centres from the last 20 years (apart From Joint Commonwealth/State Reviews)

Review	Date	Purpose of Review	Undertaken by	Jurisdiction
Assessment and Evaluation of the Victorian Community Legal Centres Group Statistics Scheme	December 1986	Evaluation of the group statistics scheme.	The Statistics Group of the Federation of Victorian Legal Centres. Christine Barczak	Victoria
Findings / Recommendations / Conclusions <ul style="list-style-type: none"> • Benefit, statistical data for comparison of data with other community legal centres. • Federation acknowledged potential scope of data for research, lobbying and reform. 				
Libraries Australia Record Id 40808449				
Legal Aid for the Australian Community Legal Aid Policy, Programs and Strategies	July 1990	To examine the key principles of legal aid, to evaluate legal aid services in Australia and to review the effectiveness and economy of arrangements and methods currently used in providing legal assistance in Australia.	National Legal Aid Advisory Committee (NLAAC). Conducted in consultation with Legal Aid Commissions, community legal centres, the legal profession, government departments, and social and community organisations with an interest in legal aid delivery, policy or funding.	Federal
Findings / Recommendations / Conclusions: <ul style="list-style-type: none"> • Communication, autonomy and accountability are three key factors in ensuring that a co-operative legal aid structure meets the needs of the Australian community over the short, medium and long-term. • Partnership which has evolved since 1970s between governments, Legal Aid Commissions, community legal centres and private legal 				

practitioners in the national legal aid infrastructure should continue.

- Effective co-operative management of national legal aid programs require positive acknowledgement of the autonomy of legal aid agencies including Legal Aid Commissions, community legal centres as a desirable feature of the legal aid infrastructure.
- The committee recommends that although governments have a proper interest in ensuring the accountability of legal agencies, Legal Aid Commissions and community legal centres should be able to expect that governments will ordinarily respect the autonomy and lawful responsibilities of accountable members of board of management of community legal centres.
- Office of Legal Aid Administration in conjunction with Legal Aid Commissions and the National Association of Community Legal Centres should encourage the development and adoption of uniform national accountability requirements.
- Establishment of effective and on-going communication between Office of legal Aid Administration, the National Association of Community Legal Centres and amongst the 91 community legal centres throughout Australia is desirable if community legal centres are to fully contribute to the national legal aid partnership.
- Good communications, including development of clear, comprehensive and responsive policies are central management issues.
- Meaningful and practicable service levels and operational levels should be developed and adopted by all community legal centres.
- Time recording procedures which are appropriate to services performed should be developed as productivity measures to assist in evaluating the cost efficiency.
- Government should provide additional funds, accommodation and services-enabling existing community legal centres to attain minimum levels sustainable organisational effectiveness by obtaining core resources.
- Provide program managers with access to reliable, uniform and comparable statistical information. Need for an integrated approach to planning and developing appropriate legal aid programs.
- Uniform access to legal programs is a desirable goal of national legal aid programs but which is not necessarily achieved by uniform funding levels of funding for States and Territories.
- Comprehensive and practicable understanding of current developments in legal aid in other countries with a comparable legal aid system is essential for effective strategic planning in national legal aid program management.
- Use of uniform terminology in funding and administration would promote communication and effective management.
- National program management undergo a fundamental change in approach by replacing 'service-oriented' with 'solution-oriented' program management.
- Practicable consistency in the means tests, merits and other eligibility criteria applied by legal aid agencies. (Committee advises that it would be impracticable and undesirable to introduce income and assets criteria similar those applied by Legal Aid Commissions in identifying legally-assisted persons who are financially able to contribute towards the costs of providing legal services in legal aid programs administered by community legal centres).
- Governments should develop a co-ordinated national approach to community legal education targeted at people who are actually in need of adequate information about legal rights and interests, advice and information about the law. Provision of advice and information about

the law will remain an important legal aid strategy in the community legal centre.

- The identification and assessment of needs of the Australian community for legal aid is a key part of implementing national legal aid policies intended to provide effective and efficient legal aid programs.

Library N399.K1AUS

Community Legal Centres: A Study of Four Centres in New South Wales And Victoria.	July 1991	To examine the effectiveness of the centres and provides a snap shot of four centres' operations in one month. The centres which form the focus of the study Marrickville Legal centre and Women's Legal Resource Centre in New South Wales and Frankston North Legal Service and the Tenants Union of Victoria in Victoria.	Office of Legal Aid and Family Services	New South Wales Victoria
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Findings / Recommendations / Conclusions

Federal Government response to report:

- Acknowledged its shared responsibility with State and Territory Governments regarding legal aid and access to justice.
- Noted it was particularly committed to providing access to justice for disadvantaged people.
- Endorsed the view that accessible legal services/information was an integral measure of social well-being for all.
- Stated its strong support for role and activities of community legal centres.
- Stated support for existing partnership structure between governments, independent statutorily-based Legal Aid Commissions.

Note: The study of four centres is a descriptive study designed to assist in understanding more about community legal centre and their operations. Provides a snapshot over one month.

In conclusion:

- Community legal centres play an essential role in the Australian legal system. Filling the gap in legal service delivery for those people who are ineligible for legal aid assistance and whose matters are not dealt with by the private legal profession.
- They also provide valuable legal education for the community and participate in law reform processes.
- Community legal centres expressed concerns at the current gaps in legal service delivery.
- The study also revealed that the four centres experienced a number of operational difficulties because of inadequate premises, equipment and libraries.

AGIS NO 91/2515				
Legal Aid in Western Australia State Services Study	1992	Examination of current regional offices and an appraisal of options to address outstanding legal need for the Legal Aid Commission services in Kalgoorlie, Geraldton and Albany.	Department of the Prime Minister and Cabinet	Western Australia
<p>Findings / Recommendations / Conclusions</p> <p>Report highlighted current barriers to direct access to legal services. These included:</p> <ul style="list-style-type: none"> • Lack of legal services in area, restricted direct access to legal aid and other Legal Aid Commission services, financial barriers, transport/physical access problems, lack of awareness of the law, legal issues and rights and social and intellectual competency. • Isolation also resulted in a lower than usual awareness of the available services and the processes of the law, although for people living outside regional centres the main problem was lack of physical access to legal services. 				
ISBN 0 644 27254 6				
Equal Before The Law? Access to Interpreters in Community Legal Centres	March 1993	Investigate the provision of interpreters in community legal centres Pilot projects were conducted at the Footscray Legal Centre, Coburg Brunswick Community Legal and Financial Centre and Fitzroy Legal Service.	Progressive Projects Lampshire and Rolfe	Victoria
<p>Findings / Recommendations / Conclusions</p> <p>Community legal centres through their financial predicament are being denied access to accredited interpreters generally, and more particularly interpreters specialising in the legal matters unlike Legal Aid Commission. Evaluation indicated that when accredited interpreters are provided, there is improved communication between the client and solicitor, contributing to an increased quality of service. As well professional ethics, such as confidentiality, are assured and maintained, and greater confidence by solicitors that the needs of the non-English speaking clients are being met.</p> <p>Resources provided to ensure That community legal centres can move forward to appropriately and adequately meet the needs of people from non-English background.</p>				
Access To Justice	1994	Committee to consider ways in which the legal	Access To Justice Advisory Committee	Federal

an Action Plan		system could be reformed in order to enhance access to justice to make the legal system fairer, more efficient and more effective.		
Findings / Recommendations / Conclusions <ul style="list-style-type: none"> • It is fundamental to access to justice that the legal aid agencies including community legal centres should have adequate resources. • Additional funding to be used for a range of preventative measures, such as telephone legal advice services and community legal education programs. 				
ISBN 0 642 20296 6				
Review of the Delivery of Legal Aid Services in Victoria	November 1994	Review's aim is to ascertain whether the Legal Aid Commission permits the most effective delivery of Victorian legal aid services.		Victoria
Findings / Recommendations / Conclusions <ul style="list-style-type: none"> • Priorities adopted by Legal Aid Commissions must arise from a consultative framework in which staff of the Legal Aid Commissions and external community agencies and other interested organisations have participated. • Community legal centres in the same district as regional Legal Aid Commission offices should be attached to regional offices for the purpose of liaising and ensuring that their respective services are provided in a complementary way. • Appropriate demographic studies should be undertaken to assess the need for Legal Aid representation in high population areas of the State; for Ballarat, Mildura and Shepparton. • The federation of community legal centres, in their submission to this review, said that they believed that Legal Aid was the appropriate body to administer funding of community legal centres in the State. • Legal Aid employs a community legal centre Program Adviser whose responsibility is to co-ordinate the relationship between the Legal Aid and the community legal centres. Regional meetings between office staff and community legal centre staff should be held to reduce duplication and share common goals. 				

Justice Statement	May 1995	Responds to the Advisory Committee's recommendations and those made in a number of other reports that have proposed improvements in the legal system.	Attorney-General Department	Federal
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Findings / Recommendations / Conclusions

- Many areas of Australia still do not have access to community legal centres.
- Traditionally community legal centres have been established on the initiative of their communities.
- Many communities have not the resources to develop centres on their own initiative.
- To address this problem, the CCLP will be boosted by a major injection of funding for a range of targeted community legal services. Government will extend the availability of services to areas of greatest need, particularly to rural regions and to high growth outer metropolitan areas.

ISBN 0 642 20831 X

Legal assistance Needs Phase 1: Estimation of a Basic Needs-Based Planning Model	December 1996	Model to assist in the allocation of legal aid funding to the States and Territories on the basis of need.	Rush Social Research John Walker Consulting Services	Federal
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Findings / Recommendations / Conclusions

- Community legal centres constitute a significant, community source of legal assistance, complementary to that provided by Legal Aid Commissions.
- Pro bono schemes and assistance in kind is common in community legal centres
- A set of protocols between the Commonwealth and Legal Aid Commissions with administration of funding for community legal centres is being developed.
- The major significance of the community legal centres for the present project resides in their detailed and widespread interaction with the community at large and their sensitivity to legal aid need in the community. These matters are examined in detail in phase 2 of the project. Phase 1 identified groups in society that were particular disadvantage in access to legal aid: Aboriginal and Torres Strait

Islanders, people of non-English speaking backgrounds, people living in remote locations, women, youth and people with disabilities.				
Inquiry into the Legal Aid System in Australia.	March 1997 June 1997 June 1998	September 1996, the Senate referred to the Legal and Constitutional References Committee an inquiry into the legal aid system in Australia.	Senate Legal and Constitutional References Committee	Federal
<p>Findings / Recommendations / Conclusions</p> <ul style="list-style-type: none"> • To maximise the effectiveness of the legal aid provision the Government must recognise and be committed to a partnership approach with the profession, the community, state and territory governments and academia in cooperation with the Law Council of Australia, • Undertake research to determine the extent and nature of, and the motivation for, the legal profession's subsidy of legal provision in Australia. • Recommends that Government formally acknowledge the contribution of legal profession, recognising the pro bono work undertaken by individuals and firms. • Recommends that Government, in cooperation with the Law Council of Australia, establish, development and evaluation fund to encourage the trialling of innovative methods of providing legal information, advice and education by legal aid service providers. • The outcomes achieved from funding legal services through community legal centres are "leveraged" by the contribution of volunteers. • Committee received a lot of evidence that community legal centres are constantly seeking new approaches to the organisation and delivery of services with a view to reducing costs and providing a greater level of service. • Committee also heard that funding to support innovation, research and development is not readily available at the national level. • Examination of the work of community legal centres shows that, a preventative approach based on community input and sound research successfully identifies innovative and appropriate responses to access to justice problems. • Evidence was provided to the committee about the value of Community Education Register. • National Association of Community Legal Centres advised the importance of facilitating research and development, in an environment of high demand and reduced resources. <p>www.aph.gov.au/senate/committee/legcon_ctte/completed_inquiries/1996-99/legalaid/report/contents.htm</p>				
Legal assistance Needs Phase Two	October 1998	Identification of needs in addition to expressed demand for services in order to assist in	Rush Social Research John Walker Consulting Services	Federal

Summary Report		determining Commonwealth priorities for service delivery and provide a basis for future allocation.		
Findings / Recommendations / Conclusions Themes emerging from the research: <ul style="list-style-type: none"> • High and growing level of unmet need. • Some unmet need relates to low income people not being aware of where services can be accessed. Stakeholders believe the bulk of unmet need is with availability of services. Community legal centres have generally tried to cope with increased demand by increasing information sessions run by volunteers, and printed matter. • Strong drift to community legal centres by low income people in need of assistance. Community legal centres report that they do not have resources to deal with this. • People forced into self-representation due to fewer pro bono services and reduced resources of community legal centres. Legal Aid Commissions and community legal centres believe there is a need for more advice services and more provision of education and information. • People need to be educated about their rights and responsibilities under the law, and the way the legal system works. • Community legal centres report that they are receiving more and more of those refused legal assistance. 				
Review of the federal civil justice system	August 1999	Commission to review the adversarial system of conducting civil, administrative review and family law proceedings before courts and tribunals exercising federal jurisdiction.	Australian Law Reform Commission	Federal
Findings / Recommendations / Conclusions <ul style="list-style-type: none"> • Federal funding allocation will increase over next four years for spending on legal advice telephone service, new regional centres, capital upgrade, program support fund and clinical legal education project. • In the development of a national legal aid scheme, consideration should be given to the role of the newly formed Australian Legal Assistance Forum, which could play an important role in coordinating and enhancing legal aid services. • Prioritising and targeting legal aid. • Many targeted services are also provided by community legal centres, through clinical legal education programs. • Although there is a degree of coordination at a broad policy and administrative level, there is little coordination, sharing of case and 				

practice information or referral cooperation, occurring between Legal Aid Commissions and community legal centres. The lack of coordination can produce inefficiencies.

- Community legal centre reliance on volunteers means they can provide services at a lower cost per case than provided by Legal Aid Commission staff or private lawyers.
- Federal government recently undertaken reviews South Australia and Victoria. This review will extend to all States. It has resulted in the establishment of new community legal centres in rural areas and may result in amalgamation of certain metropolitan community legal centres.

ISBN 0 642 56547 3

Review of Disability Discrimination Act Legal Services.	October 1999	Evaluation of the Disability Discrimination Act Legal Services.	Rush Social Research	Federal
<p>Findings / Recommendations / Conclusions</p> <ul style="list-style-type: none"> • Funding is, as always an ongoing issue. • Community legal centres are seen as valuable allies in Disability Discrimination Act issues/cases although scarcity of resources and generally less knowledge of Disability Discrimination Act issues. • Potential for up skilling within generalist community legal centres depending on resources. • Contact with community legal centre sector is made on a less structured basis, and as far as seen is less regular & less intense. • Community legal centres are a referral source for clients to the Disability Discrimination Act Legal Service. • Small numbers of community legal centres are providing legal assistance on Disability Discrimination Act matters; however need more skills and understanding of the complexities of the DDA legislation. 				
Managing Justice Review of the federal civil justice system	December 1999	Commission to review the adversarial system of litigation.	Australian Law Reform Commission	Federal
<p>Findings / Recommendations / Conclusions</p> <ul style="list-style-type: none"> • Legal Aid Commissions and community legal centres are key providers of legal assistance for those who cannot afford to pay for the 				

services of a lawyer.

- The commission notes the role and contribution of lawyers in subsidising legal services. Pro bono and continuing goodwill is an essential factor in maintaining an effective legal system.
- In view of the need for civil justice policy making and reform to be informed by empirical research, stakeholders should seek opportunities for undertaking collaborative research, including through the strategic partnerships with industry – research and training (SPIRT) grants scheme.
- Legal Aid Commissions, community legal centres and law societies should develop a process for coordinating and exchanging information among legal service providers.
- Legal Aid Commissions should develop a comprehensive referral directory for legal and non-legal advice and services in each State and Territory. Directories to be designed to complement the law handbooks produced by community legal centres.

ISBN 0 642 70816 9

Community Legal Centres-Location, Equity and Access Analysis	January 2001	To analyse the current distribution of community legal centres resources in Victoria, in terms of both access & equity.	i.d consulting * This was part of the Joint Commonwealth/State review that was not released.	Federal & Victoria
Findings / Recommendations / Conclusions				
<ul style="list-style-type: none"> • Numbers of areas currently under serviced by community legal centres or have no service. Need to review allocations. • May be a need to establish community legal centre in Shepparton and Bendigo to service the Loddon and Goulburn regions. Gippsland and East Gippsland regions relatively poorly serviced, given the level of socio-economic disadvantage across these areas. Bairnsdale (East Gippsland sensible location). • Little coverage in the Wimmera region, recommendation an outreach advice and referral service based in Horsham. 				
Review of Community Legal Centres.	2001	Review of the Victorian Community Legal Centre Funding Program administered by Victorian Legal Aid.	Implementation Advisory Group of the Review of community legal centres in Victoria. Chairperson Jan King	Victoria

			* This was part of the Joint Commonwealth/State review that was not released.	
Findings / Recommendations / Conclusions				
<ul style="list-style-type: none"> • Location: challenge is the provision of adequate, consistent and equitable distribution of services to target populations in need throughout Victoria. • Challenge is made particularly significant by the mismatch between location of community legal centres and demographics combined with lack of new funding to meet increased populations and need. • Funders should not require community legal centres to administer either a means or matter type eligibility test for advice. When assessing whether to represent a particular client community legal centre should consider: the degree of vulnerability or risk to the client if no intervention or legal assistance is provided, the legal merit of the matter and the impact of providing this service on the community legal centres capacity to provide services to other clients. • Decisions on the level and type of volunteer involvement need to be linked to the centre's service priorities and strategic plan, and the centre's capacity to resource and support volunteers. 				
Review of Legal Services in Rural & Regional Victoria	May 2001	Inquire into and report to Parliament on the accessibility and adequacy of legal services in rural& regional Victorian and examine the effect of any lack of services.	Parliament of Victoria, Law Reform Committee	Victoria
Findings / Recommendations / Conclusions				
<ul style="list-style-type: none"> • Committee in its recommendations has placed a focus on new technology which plays a significant role in making legal services accessible to country Victorians. • Recommendations also focus on a coordinated approach to the delivery of legal information and emphasise the importance of flexibility in modes of delivery. • More face to face services in the Hume region, recommends the establishment of community legal centre or regional office in Shepparton. • Legal profession and government to consider ways of attracting law graduates to rural and regional areas. • Regional community legal centres be funded at a level which allows for a minimum of 3 full-time staff and an operational level 				

equivalent to that provided to new centres at Mildura, Albury/Wodonga and Morwell.

- Funding for rural and regional community legal centres include a rural loading.
- The government ensures that sufficient data collection is undertaken by specialist centres so that usage levels can be accurately recorded by region.
- That specialist centres focus on developing policies that facilitate access to their services by rural and regional clients.
- That community legal centres ensure that membership of their management committees reflects the range of skills available in the community to enhance each centre's development.
- That there is greater recognition by funding bodies of the additional costs involved in operating community legal centres in rural and regional areas.
- Federation of community legal centres establishes a formal program of professional support for solicitors in RRRcommunity legal centres through links with larger metropolitan centres.
- State Government provide funds to an existing community legal centre in a rural location, to undertake a one year pilot project to provide outreach legal services to at least two locations by the use of video-conferencing link, in conjunction with regular circuits.
- State Government funds the Federation of community legal centres to undertake a feasibility study for the provision of legal advice to clients of RRRcommunity legal centres by video-conferencing link to solicitors in the metropolitan area.

<http://www.parliament.vic.gov.au> ISBN 0-7313-5390-0

My Time is Not a Gift to Government. An Exploratory Study of New South Wales Community Legal Centre Volunteers	May 2002	Study about the character and nature of volunteers working in community legal centres in New South Wales.	Roselyn Melville (The Combined community legal centres' Group New South Wales Inc and ISCCI funded this study, with contributions from the Law and Justice Foundation of New South Wales and the Illawarra Legal Centre Inc	New South Wales
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Findings / Recommendations / Conclusions

Federal and State Governments:

- Governments must take a lead and value the work of volunteers; include volunteers in policy-making decisions and processes.
- Learn from experiences overseas, re contracting and tendering policies, to avoid some of the negative impacts of these policies on volunteers and agencies.
- Governments and community sector organisations need to pay attention to empirical evidence that shows that the pool of volunteers is

shrinking.

- Given the demographic and economic changes occurring in Australian society, strategies need to be developed to ensure that the people will continue to volunteer.
- Need to acknowledge and recognise that people volunteer for a range of reasons.

community legal centres:

- Accurate data should be kept on volunteers in community organisations.
- Overseas experience has shown that infrastructure costs of training and supporting volunteers must be included in any funding formula.

www.uow.edu.au/arts/archives/iscci/publications/my_time.pdf

Justice Too Far Away. Report of the Tennant creek regional legal Access Project.	May 2003	Report discusses ways to improve access to legal services in Tennant creek.	Northern Territory Legal Aid Commission	Northern Territory
Findings / Recommendations / Conclusions				
<ul style="list-style-type: none"> • Improved community awareness of available legal services- relevant agencies including AGD and community legal centres provide access to information on their web sites, providing link to information on the Northern Territory Legal Aid Commission web site. • Establishment of a Legal Resource Centre, Northern Territory Legal Aid Commission should take responsibility for the establishment of a new community based service, the Tennant Creek Legal Resource Centre. Northern Territory Legal Aid Commission should contribute a significant proportion of the required funding and seek additional funds from AGD. • Program of community legal education. 				
Inquiry into the Legal Aid System in Australia.	June 2004	This inquiry presented an opportunity for the Committee to re-examine the state of legal aid, following the previous Committee's	Senate Legal and Constitutional References Committee	Federal

	Report in June 1998.	
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Findings / Recommendations / Conclusions

- Lack of data on demand and unmet legal need, the Committee heard criticism on the Rush/Walker funding model (Analysis had no regard for unmet need).
- Committee is concerned that in 2004 there is still a serious lack of appropriate data, and recommends that a national survey of both demand for legal services and an assessment of unmet need should be undertaken as a matter of urgency. Such research should be undertaken in conjunction with state/territory Legal Aid Commissions and community legal centres.
- During inquiry there was evidence that various groups are particularly restricted in gaining access to justice, due to factors as socioeconomic disadvantage, cultural background and remoteness from mainstream legal services.
- The Committee considers that the community legal centre sector is a crucial part of providing access to justice to all Australians and is concerned that the centres appear to be under extreme pressure.
- Analysis of the of the impact of reduced legal aid funding on the demand for their services, coupled with increased funding to this sector is urgently required.
- The Committee recommends that technological initiatives such as videoconferencing and telephone advice services should be used by the Commonwealth/State/Territory Governments, Legal Aid Commissions and community legal centres as part as an integrated approach to providing services in RRR areas.
- Commonwealth/State/Territory Governments provide additional funding to State/Territory Legal Aid Commissions and community legal centres to allow them to expand their services, including outreach services, to RRR areas which are seriously under-funded.
- The Commonwealth/State/Territory Governments should jointly fund a \$100,000 pilot program in each jurisdiction to assess the viability of a “one-stop-shop” interpreter service for community legal centres and legal aid services, to be administered by the Legal Aid Commissions.
- The Commonwealth/State/Territory Governments commission research to quantify the economic effects that self-represented litigants have on the federal justice system, including the costs these litigants impose on the courts and tribunals, other litigants, community legal centres and the social welfare system.
- The Commonwealth/State/Territory Governments, Legal Aid Commissions and community legal centres should engage in collaborative research to accurately determine the extent to which current legal aid funding arrangements impact upon the work and operations on individual community legal centres.
- The Commonwealth/State/Territory Governments should provide additional funding to enable community legal centres to recruit, train and retain staff, through adequate remuneration, skill development programs and improved employment conditions.
- The Commonwealth/State/Territory Governments should provide additional funding to enable community legal centres to overcome existing operational difficulties, such as inadequate premises, facilities and resources, and enable them to better plan for such requirements in the future.

www.aph.gov.au/senate/committee/legcon_ctte/completed_inquiries/2002-04/legalaidjustice/report/b01.htm				
Report 403 Access of Indigenous Australians to Law and Justice Services.	June 2005	Inquiry into the provision of law and justice services to Indigenous Australians.	Joint Committee of Public Accounts and Audit	Federal
Findings / Recommendations / Conclusions				
<ul style="list-style-type: none"> • AGD rationalise funding of Indigenous legal services by incorporating Indigenous Women's Projects that are currently administered through mainstream community legal centres, into Family Violence Prevention Legal Services program. • The ANAO conduct a performance audit of those areas of the AGD responsible for funding of Family Violence Prevention Legal Services and community legal centres with regard to the same matters covered in the Audit Report No. 13, 2003-2004. 				
Evaluation of the Cooperative Legal Service Delivery Model (CLSDM) Pilot.	August 2005	An evaluation was designed to monitor and report on the pilot and make recommendations for improvements to the model and its possible extension to other areas of the state.	Legal Aid Commission of New South Wales	New South Wales
Findings / Recommendations / Conclusions				
<ul style="list-style-type: none"> • Developing a consistent data collection tool has been taken up by Legal Aid Commission. • Law and Justice Foundation keen to work with agencies to encourage quality and relevant data collection through the Data Digest. However, because community legal centre data collection system is national, discussions with community legal centres and the Australian government will be necessary in order to change in data collection. • The mind set should change from mere cooperation and collaboration by individual service providers to viewing participants as doorways to a single system of which individuals are a part. Membership of the group of coalition partners should be limited to legal services deliverers. There is a need to consider how specialist community legal centres can be involved. • Legal Aid Commission should provide funding for a dedicated central coordinator, high level liaison with senior staff of other participating organisations, particularly community legal centres. 				

Justice made to Measure. New South Wales Legal Needs Survey in Disadvantaged Areas. Access to Justice and Legal Needs.	March 2006	The main purpose is to provide a rigorous and sustained assessment of the legal and access to justice needs of the community, especially disadvantaged people, which will assist government, community and other organisations to develop policy and plan service delivery.	Law and Justice Foundation of New South Wales	New South Wales
Findings / Recommendations / Conclusions <ul style="list-style-type: none"> • Civil, criminal and family legal needs common in the disadvantaged communities surveyed. Some people had multiple, complex legal needs, others more resilient. People chose different means of resolving their legal issues. • To meet the varying needs of different individuals, a multidimensional approach to legal service provision (more accessible legal services; additional staffing and extension of hours; general community legal information and education; tailored legal education, information, advice and assistance services to meet the specific needs of different groups and individuals; non-legal professionals acting as gateways to legal services; and improved coordination between different legal services). • Such an approach would require appropriate resourcing and quality assurance, and effective coordination by government. 				
ISBN 1832-2670				
Distributing Legal Aid in New South Wales	December 2006	The audit's objective to assess if legal aid is properly distributed to those who are entitled to it. To assess the Commission against the objective, the audit focused on two lines on inquiry: Is the information about eligibility for legal aid clear and well communicated? Are decision-making processes sound.	The Audit Office of New South Wales	New South Wales

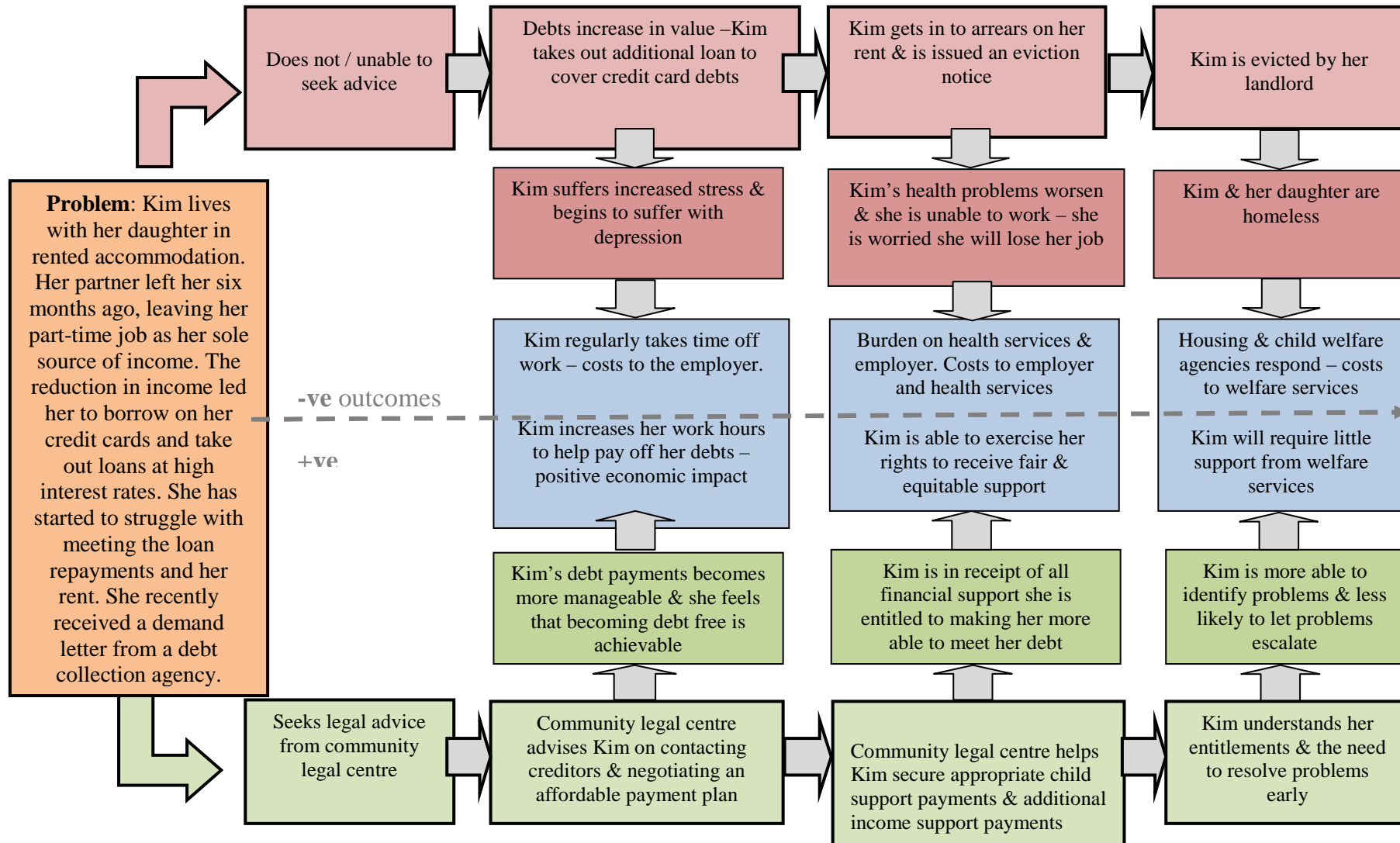
Findings / Recommendations / Conclusions

General recommendations for the commission to consider:

- Make information clear about legal aid
- Better understand target groups and demand for services.

www.audit.New South Wales.gov.au/publications/reports/performance/2006/legal_aid/legalaid-contents.htm

Attachment E



**Analysis of Index of Relative Socio-economic
Disadvantage in developing a funding model for the
Commonwealth Community Legal Services Program**

A Report for the Attorney-General's Department

Prepared by the Statistical Consultancy Unit

Australian Bureau of Statistics

March 2007

Disclaimer

Views expressed in this report are those of the ABS Statistical Consultancy Unit and do not necessarily represent those of the Australian Bureau of Statistics. Where quoted or used, they should be attributed clearly to the ABS Statistical Consultancy Unit.

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1. Executive Summary

As part of a preliminary examination into the relationship between area level disadvantage and location of Commonwealth Legal Centres (community legal centres), the Australian Bureau of Statistics Statistical Consultancy Unit (SCU) conducted a study using Index of Relative Socio-economic Disadvantage (IRSD). The study aimed to determine whether the community legal centres are located close to areas that are relatively most disadvantaged. The analysis involved generating ranks of Statistical Local Areas (SLAs) based on the IRSD scores and examining the geographic distribution of community legal centres in least and most disadvantaged areas.

The analysis revealed that community legal centres are geographically concentrated in major urban areas. Using the IRSD as a measure of area level disadvantage, the study showed that majority of relatively more disadvantaged Statistical Local Areas (SLAs that had the lowest 20 percent of IRSD scores) were not located in major urban areas. However, since the community legal centres *were* concentrated in major cities, most community legal centres were located in the relatively least disadvantaged Statistical Local Areas (SLAs that had the highest 20 percent of the IRSD score).

Furthermore, the study also identified areas that are relatively most disadvantaged (Statistical Local Areas that have IRSD score in the lowest ten percent) but do not contain a community legal centre. While the study did not specifically consider community legal centre catchment areas, it was shown that community legal centres located in major urban areas may be more accessible to clients from more disadvantaged areas.

2. Introduction

There are currently 128 Community Legal Centres (community legal centres) across Australia that receive funding from the Attorney-General's Department (AGD). Each community legal centre has its own annual targets and programs and may differ in their speciality legal aspects (eg. some specialise in environmental aspects, while others may specifically cater for disadvantaged groups).

Centres receive a total annual funding of around \$22m [based on the 2006-07 Commonwealth funding allocation]. The existing model for funding distribution across all centres is based on historical information and ad-hoc requests. The community legal centres in New South Wales, Victoria, Western Australia, Queensland and South Australia receive additional funds from state governments.

The Attorney-General's Department (AGD) is currently undertaking a review of the existing distribution model, with the view to developing an equitable and defensible funding model for the future. It is desirable that the future funding model provide funds to the areas of most need.

The study outlined in this document is considered a preliminary exercise; the outcome of which will guide the later stages of the project. The data used in the analysis and the results are presented in sections 3 and 4, and are followed by some conclusions in section 5.

3. Data

2001 Census data was used in the analysis. The main version of Socio-Economic Index for Areas (SEIFA) uses Census Collection Districts (CD) as the unit of analysis. However as the geographic information for community legal centres was provided at the SLA level, an SLA level IRSD index was created. Using similar method to that used to produce SEIFA 2001, SLA level IRSD score were produced. While considering the distribution of SLA IRSD scores, SLAs were ranked accordingly; those SLAs that are ranked in the first decile had IRSD scores amongst the lowest ten percent of all scores, and those ranked 10th had scores that were among the highest ten percent. A decile contains 10% of all IRSD scores, while quintile contains 20% of scores. In some analyses we have combined deciles 1 and 2 to represent the lowest quintile and deciles 9 and 10 to represent the highest quintile. We have used terms such as 'the lowest 10% of IRSD scores' and 'lowest decile' and 'highest 10% of scores' or 'highest decile' interchangeably through out this report.

4. Results

When considering the proportion of existing community legal centres located in the lowest and highest quintile (decile 1 and 2, and decile 9 and 10 respectively), it was found that there were proportionately slightly more community legal centres in the relatively more disadvantaged SLAs than in less disadvantaged areas (Table 1). However, if we look at how community legal centres are distributed in areas that are in the fourth quintile (decile 7 and 8) we see that nearly a third of all community legal centres (30%) are located in these areas. The table shows that community legal centre location is independent of SLAs index of relative disadvantage.

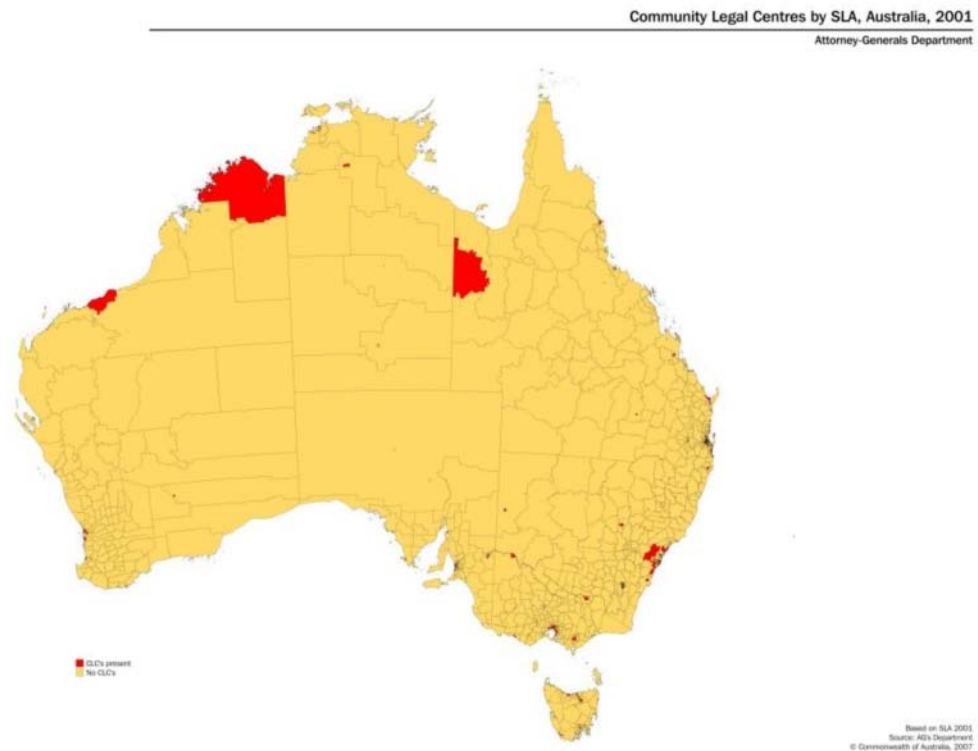
Table 1 Distribution of community legal centres by SLA rank

SLA rank	No of SLA	No of community legal centres present	Percent of community legal centre
Decile			
1	133	14	10.9
2	133	9	7.0
3	134	8	6.3
4	133	12	9.4
5	134	16	12.5
6	133	13	10.2
7	134	20	15.6
8	133	18	14.1
9	134	12	9.4
10	133	6	4.7
Total	1334	128	100.0

Although the data from Table 1 show that more community legal centres are not necessarily located in areas that are most disadvantaged, it does not show the spatial distribution of community legal centres in relation to how disadvantaged SLAs are distributed across Australia.

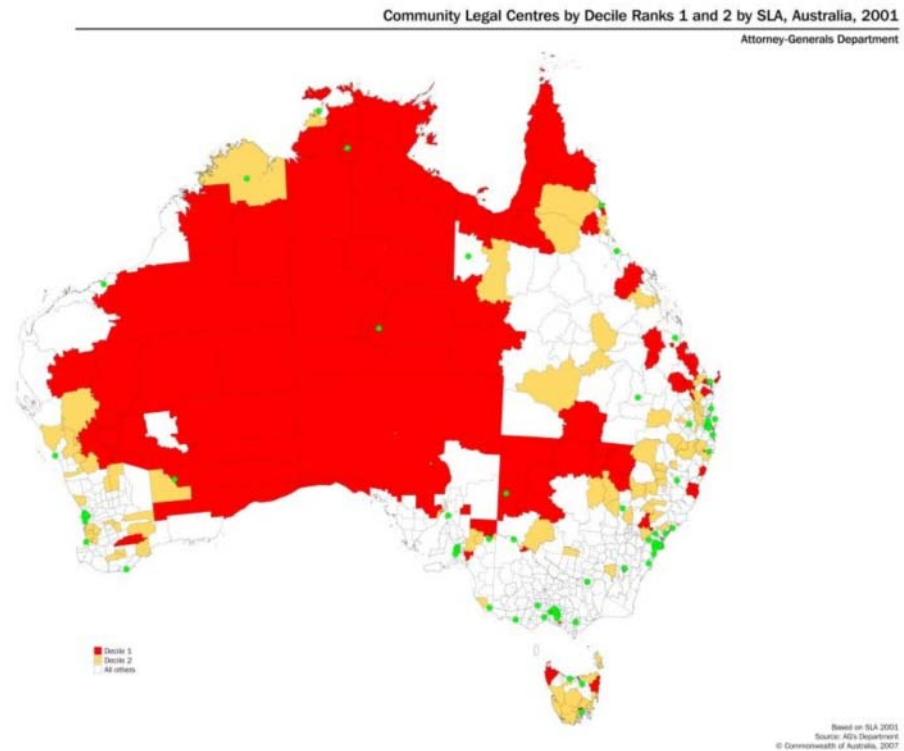
To assess the spatial distribution of community legal centres and the least and most disadvantaged SLAs across Australia, the community legal centre locations were mapped in relation to their associated SLAs. Figure 1 shows in red, the SLAs where community legal centres are currently located. Most of these community legal centres are located in or close to major urban areas.

Figure 1: Statistical Local Areas where Community Legal Centres are currently present, 2007



The community legal centre location information can be combined with information showing how SLAs are ranked in terms of disadvantage. In doing so, it was found that large relatively more disadvantaged areas have no access to community legal centres (Figure 2). The areas shaded in red are relatively most disadvantaged areas (areas that fall in the lowest decile of IRSD score), whereas areas that are shaded yellow fall in the second lowest decile. In this report, we have combined decile 1 and 2 to represent relatively disadvantaged areas. The community legal centre locations are marked with green dots. If a single SLA has more than one community legal centre, we have only shown one dot, as putting more than one dot would make the crowd the map. The reader should note that while the land area of associated with areas of relative disadvantage is large; the population in this area is not proportional to the land area. The reader should also bear in mind that the majority of Australian population lives in or near major urban areas.

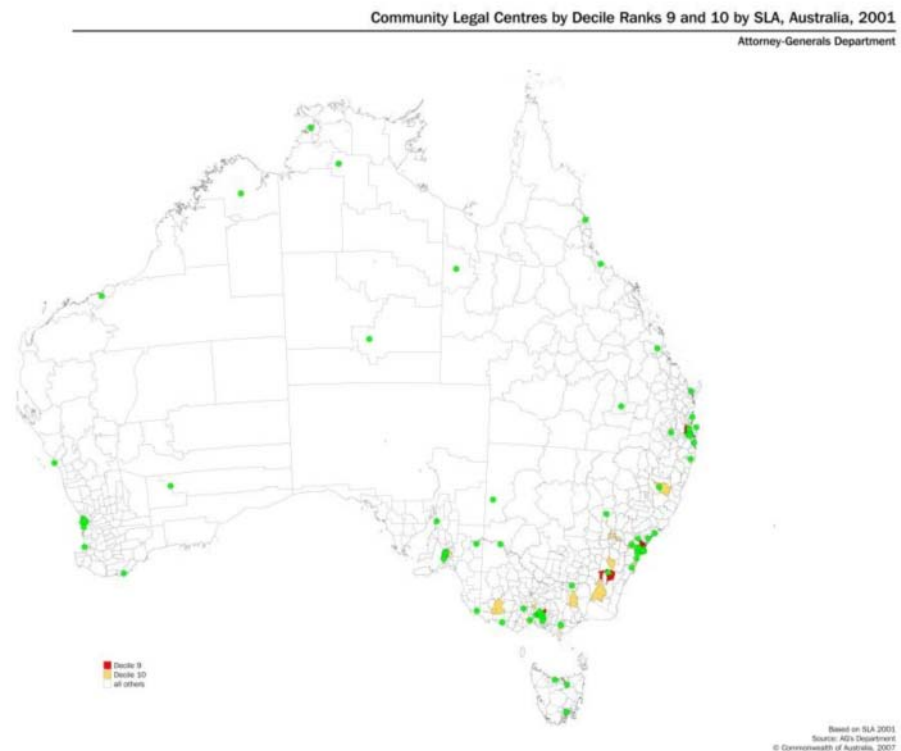
Figure 2: Relatively disadvantaged Statistical Local Areas and the location of Community Legal Centres, 2007



Following a similar process, areas of relatively least disadvantage (SLAs in 9th and 10th decile) have been identified and compared to the location of existing community legal centres.

In figure 3, we have identified SLAs that are in the 9th (shaded with red) and 10th deciles (shaded with yellow), and whether or not these areas have community legal centres. Due to the size of SLAs in major urban areas, SLAs boundaries are covered with the green dot signifying the presence of community legal centres. Even so, it can be seen that the majority of the community legal centres are away from major urban areas, and also away from areas that are relatively less disadvantaged.

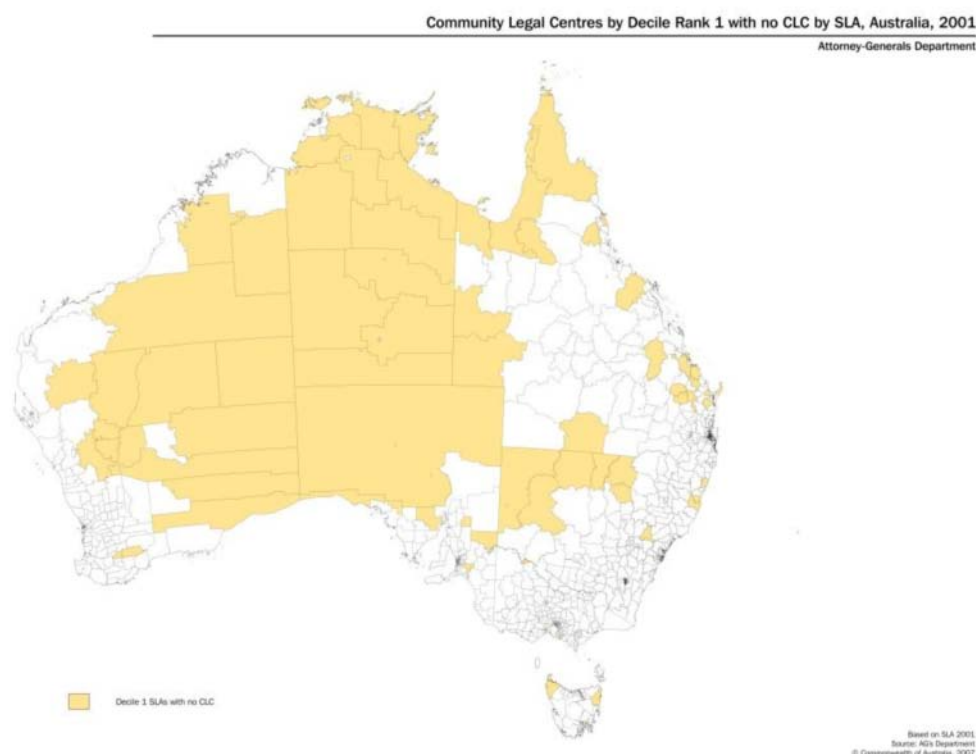
Figure 3 Relatively less disadvantaged Statistical Local Areas and the location of Community Legal Centres, 2007



An assumption of equitable distribution of funds would indicate that people in the relatively most disadvantaged areas (SLAs that have the lowest 10 percent of IRSD scores), should have relatively easier access to community legal centres. It could be argued then, that the funding model should encourage community legal centres to be located in areas which are most disadvantaged. However, there may also be positive efficiency and practical reasons explaining the location of community legal centres in major urban areas.

A potential method for allocating/reallocating funds would be to ensure that people from relatively more disadvantaged areas (based on IRSD score) have access to legal help. In Figure 4 we see that not many disadvantaged areas (SLAs with IRSD score among the lowest 10%) have ready access to community legal centres.

Figure 4: Relatively most disadvantaged Statistical Local Areas where Community Legal Centres are absent, 2007



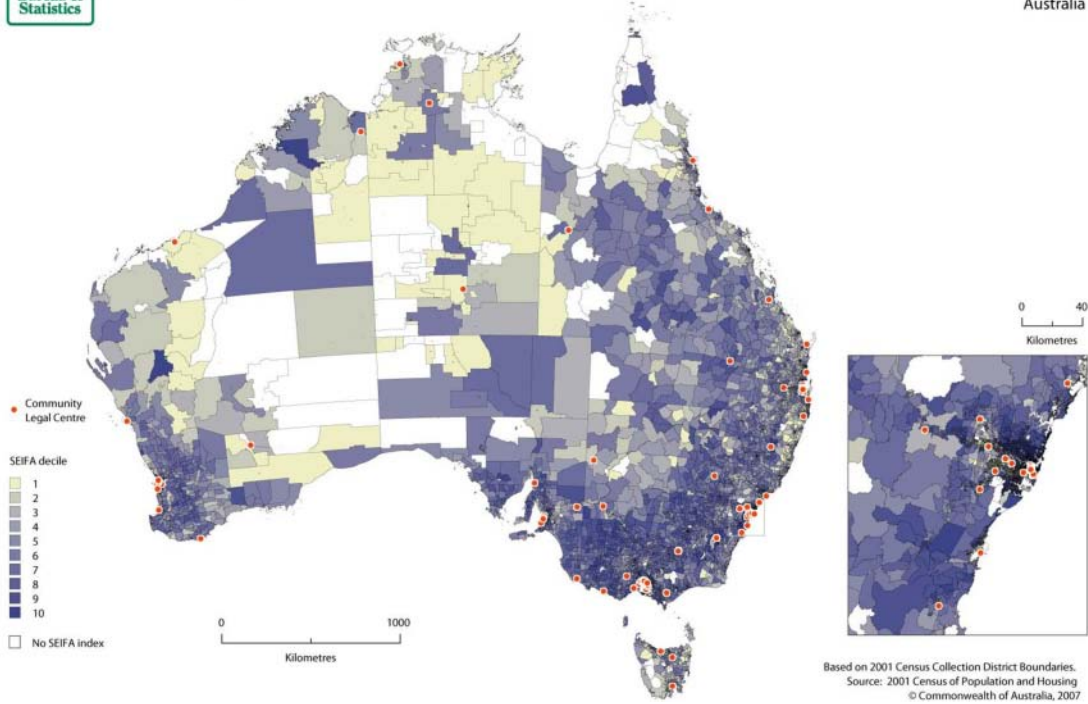
5. Conclusion

Using the IRSD as measure of area level disadvantage, the analysis revealed that existing location of community legal centres is independent of the area level disadvantage. Area level variables such as income, employment, occupation, housing tenure and Indigenous status, are used to create IRSD score. Based on these area level characteristics, SLAs have been identified whether they are relatively disadvantaged (in the 1st and 2nd decile) or relatively least disadvantaged (9th and 10th decile). Using this distinction, it was found that SLAs that are relatively more disadvantaged do not have ready access to community legal centres. Furthermore, when SLAs falling in the 1st decile rank (relatively most disadvantaged), but do not have any community legal centres were considered, the results show that a large part of relatively disadvantaged Australia is without ready access to community legal centre.



Location by SEIFA Decile of Community Legal Centres funded under the Commonwealth Community Legal Services Program

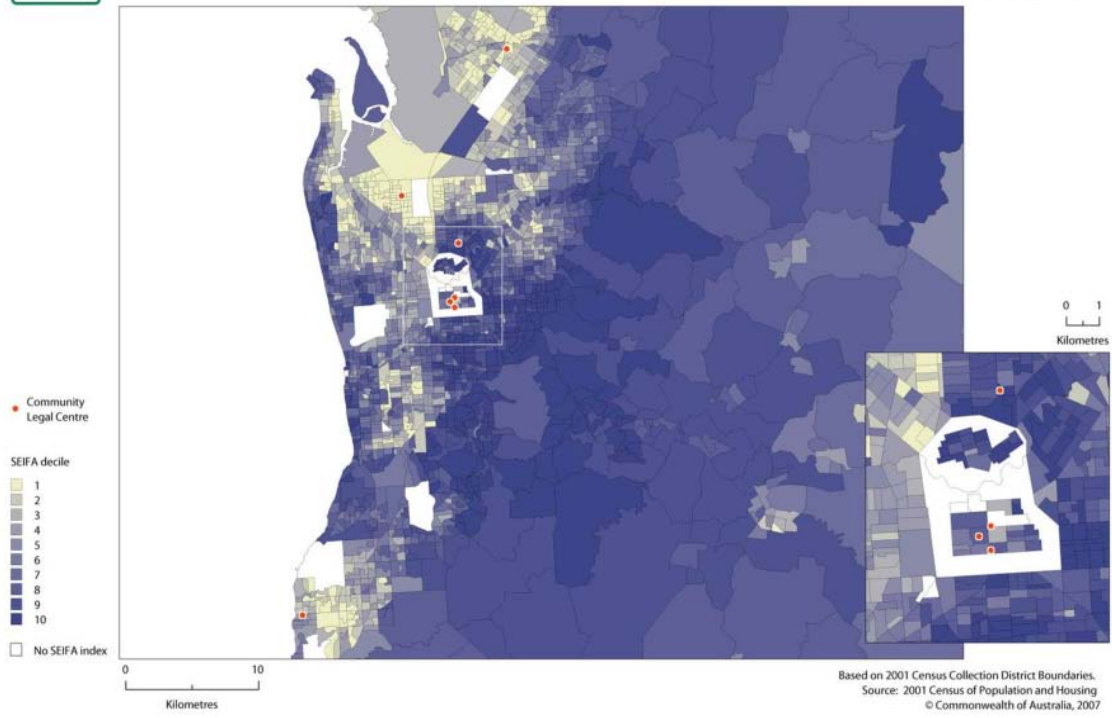
Australia





Location by SEIFA Decile of Community Legal Centres
funded under the Commonwealth Community Legal Services Program

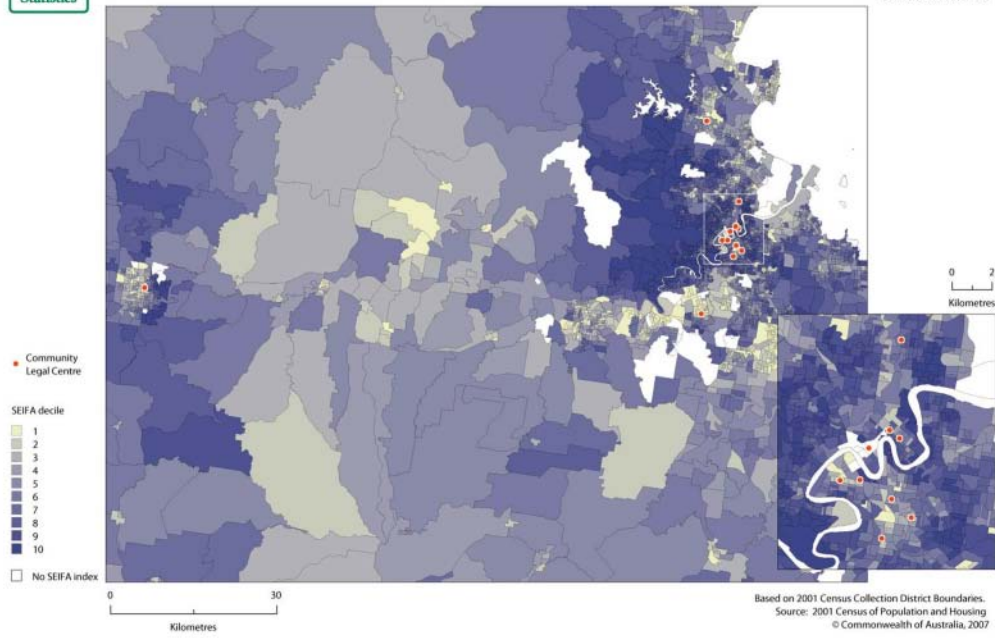
Adelaide District





Location by SEIFA Decile of Community Legal Centres
funded under the Commonwealth Community Legal Services Program

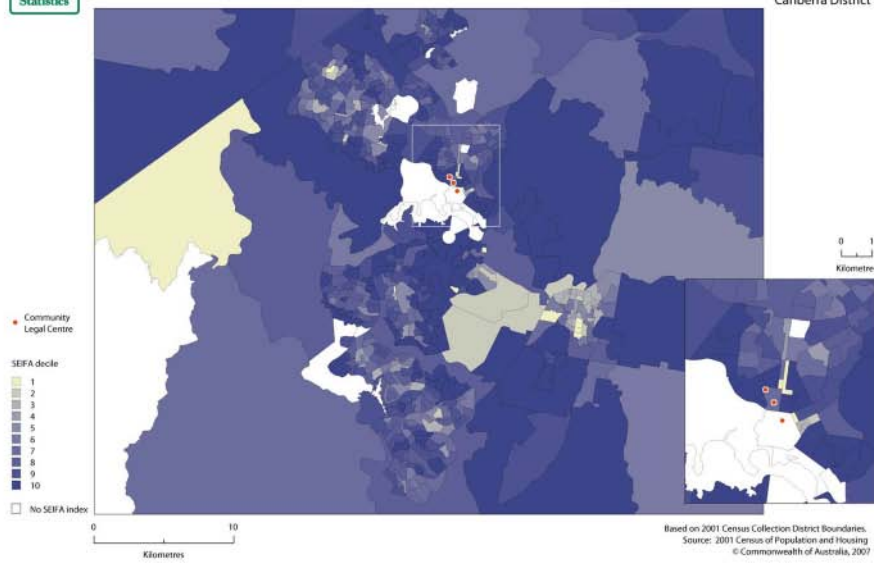
Brisbane District





Location by SEIFA Decile of Community Legal Centres
funded under the Commonwealth Community Legal Services Program

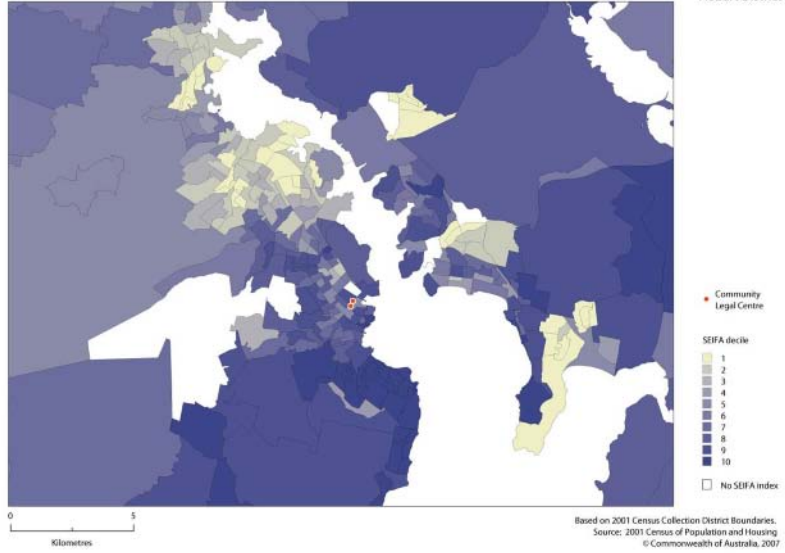
Canberra District





Location by SEIFA Decile of Community Legal Centres
funded under the Commonwealth Community Legal Services Program

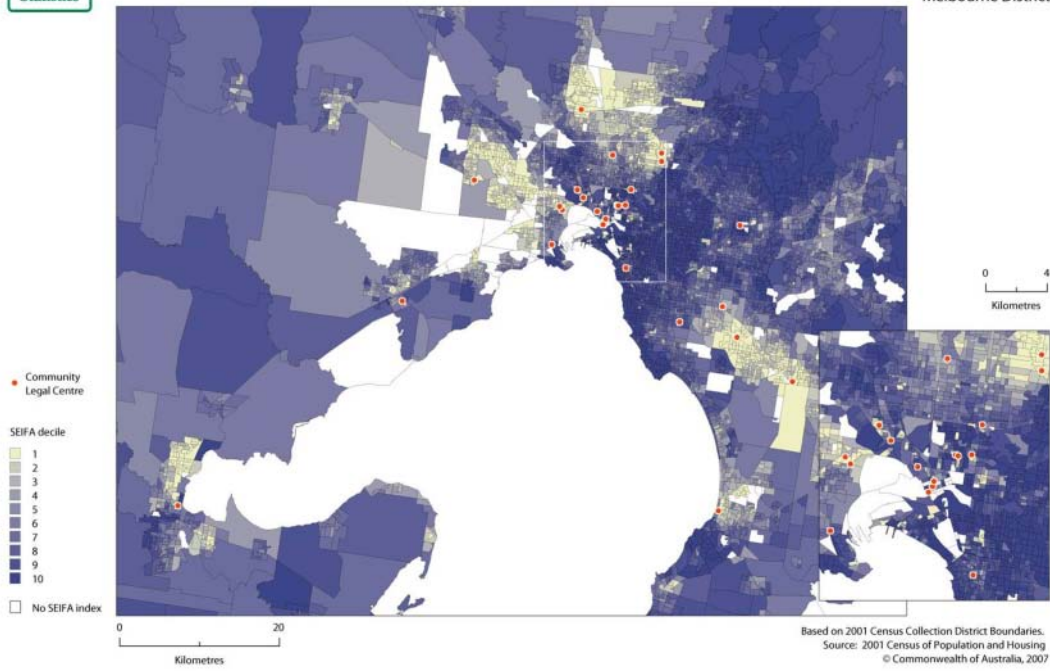
Hobart District





Location by SEIFA Decile of Community Legal Centres funded under the Commonwealth Community Legal Services Program

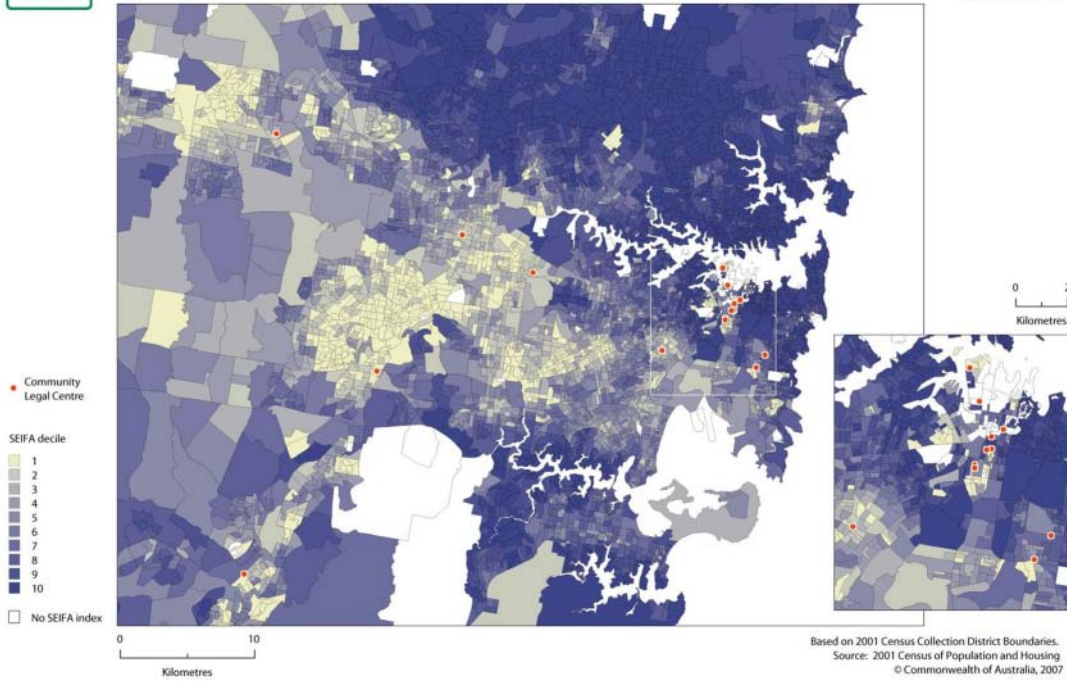
Melbourne District





Location by SEIFA Decile of Community Legal Centres funded under the Commonwealth Community Legal Services Program

Sydney District



Terms of Reference for Commonwealth Community Legal Services Program Funding Model

- 1) Identify the most appropriate socio-demographic factors for predicting the need for community legal centre (community legal centre) services.
- 2) Determine the proportion of the identified socio-demographic factors amongst the Australian resident population at Statistical Local Area (SLA) level.
- 3) Rank SLAs according to their proportion of identified socio-demographic factors. Ranking should be at the levels of high, medium and low, with the high category further disaggregated into quartile rankings.
- 4) Map the existing location of Commonwealth Community Legal Services Program funded community legal centres and other relevant service providers against the SLA population data.
- 5) Determine the high and medium need SLA locations without access to:
 - a) a Commonwealth Community Legal Services Program funded community legal centre, or
 - b) other relevant service providers.
- 6) Determine locations for Commonwealth Community Legal Services Program community legal centres in priority descending order.
- 7) Determine the optimum:
 - a) staffing level and mix
 - b) catchment area, and
 - c) funding formula for an ideal community legal centre.
- 8) Determine the most appropriate indexation method for the Commonwealth Community Legal Services Program to ensure funding allocations keep pace with the cost of providing services.

Performance Frameworks for other Commonwealth programs

For the purposes of this Review funding programs in four Australian Government Departments were analysed; Department of Families, Housing, Community Services and Indigenous Affairs, Department of Health and Ageing, Department of Education, Employment and Workplace Relations and the Attorney-General's Department. These programs were selected because they provide funding to organisations that provide assistance services to the community.

Department of Families, Housing, Community Services and Indigenous Affairs – Family Relationship Services Program (FRSP)

The Australian Government funds the Family Relationships Services Program (FRSP) through the Attorney General's Department (AGD) and the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA). Services are provided by not-for-profit organisations (including community organisations).⁷⁷

The aim of the FRSP is⁷⁸

Improved wellbeing of families by supporting positive family relationships through:

- *Early intervention and prevention services and*
- *Post separation services.*

Outcomes with a focus on the family
<ul style="list-style-type: none"> • Increased communication skills (in the context of family relationships and in relation to children after separation). • Increased parenting skills (both parents have parenting skills and are involved in their children's upbringing and maintain a relationship with their children after separation). • Increased family and social connections (improved help-seeking behaviour/able to identify support people and services). • Improved conflict resolution skills. • Increased [client] knowledge and awareness of professional support. • Families learn to resolve their own disputes. • Agreements reached are fair, sustainable and durable.
Outcomes with a focus on children
<ul style="list-style-type: none"> • Improved developmental skills (eg language, social, relationship, physical). <p style="text-align: center;">Improved relationships with parents, carers and other family members</p> <ul style="list-style-type: none"> • Increased participation or enjoyment of school or other social activities. • Children maintain a relationship with both parents post-separation (where this is in the children's best interests).

⁷⁷ Family Relationships Services Program Guidelines May 2005

⁷⁸ FRSP: Performance Framework 2005-2008, p9.

- Children experience safe contact post-separation.
- Agreements reflect best interest of children.

Outcomes with a focus on community

- Community development increased community participation, links and collaboration, within the community of interest to best support and address the needs of families and their relationships.
- Community Capacity Building increased skills in the community of interest' to respond to the needs of families in maintaining strong and resilient relationships.
- Community Education increased knowledge in the community of interest to respond to the needs of families in maintaining strong and resilient relationships.
- Reduced litigation in the family law court system.
- Reduced negative impact of separation or divorce on the community.

The FRSP collects the following performance information:⁷⁹

- Intended Client Benefit (ICB) – Total clients, clients with progress, clients without progress, unknown ICB, percentage of total with progress made
- Information and referral –includes follow up to ensure referrals were successful
- Education and skills training
- Counselling (includes family therapy)
- Dispute resolution (includes mediation, conciliation and making post-separation agreements)
- Change-over and supervised contact
- Support
- Community development
- Client intake, assessment and case management
- Evaluation (includes client feedback)
- Quality assurance (includes staff training and development, self assessment ongoing compliance, financial accountability auditing, and reporting)
- Collaboration –joint projects undertaken to improve access to and integration of the service delivery system
- Stakeholder relationships
- Networking
- Research

Department of Health and Ageing – Home and Community Care Program (HACC)

The HACC Program is a joint Commonwealth, State and Territory initiative under the auspices of the *Home and Community Care Act 1985*. Nationally, the Commonwealth Government contributes approximately 60% of Program funding and maintains a broad strategic policy role. It provides funding for services which support people who live at home and whose capacity for

⁷⁹ Family Relationships Services Program Guidelines May 2005

independent living is at risk or who are at risk of premature or inappropriate admission to long term residential care.

The HACC Program is part of a broader framework of community and health services funded through the Commonwealth, States and Territories or jointly. The services within this framework are both residential and community based.

The aim of the HACC Program is⁸⁰

To enhance the independence of people in these groups and to avoid their premature admission to long term residential care.

The Program aims to:

- provide a comprehensive, coordinated and integrated range of basic maintenance and support services for frail aged people, people with a disability and their carers
- support these people to be more independent at home and in the community, thereby enhancing their quality of life and/or preventing their inappropriate admission to long term residential care, and
- provide flexible, timely services that respond to the needs of consumers.

HACC Outcome indicators⁸¹

Indicator 1: Appropriateness of care

It is important that HACC services are appropriate to the assessed needs of the consumer. This indicator will show whether consumers are receiving the right amount of service and the right kind of assistance to meet their needs. It will also show whether people with special needs, such as people from culturally and linguistically diverse backgrounds, receive services which are appropriate to those needs.

In looking at this indicator, assessed needs are the full range of community care needs within the scope of the HACC Program, not just those which can be met by existing HACC services. That is, assessed need is decided purely on the basis of what support the individual needs to remain in the community. Service providers will, of course, make decisions about to what extent the service can meet those needs. This indicator will also measure, at the program level, any difference between assessed need and the type and amount of service provided. For example, a person with social support needs being provided a meals-on-wheels service.

Indicator 1 assesses the availability of services to meet the needs of HACC consumers, and therefore measures unmet need.

Indicator 2: Quality of care

This indicator would provide information on the quality of services provided to the consumer.

⁸⁰ National Program Guidelines for the Home and Community Care Program 2002.

⁸¹ National Program Guidelines for the Home and Community Care Program 2002.

Indicator 3: Effectiveness of care

It is important that HACC services contribute to the achievement of the HACC Program objective by helping consumers to continue to live in the community and by enhancing the independence of consumers. This indicator will show whether the HACC Program is achieving this objective by looking at what effect the provision of HACC services has on the independence and lifestyle of consumers.

Indicator 4: Use of services by special needs groups

This indicator aims to show whether the use of services by the Program's identified special needs groups, matches the actual geographical distribution of those groups. These special needs groups are people from culturally and linguistically diverse backgrounds, Aboriginal people and Torres Strait Islanders, people with Alzheimer's disease or other related disorders, financially disadvantaged persons, or people living in remote and isolated areas.

This indicator must be considered along with Indicator 1: Appropriateness of Care. Indicator 1 is concerned with whether HACC services respond appropriately to the needs, including any special needs, of people who use the services. This indicator addresses the question of whether people with special needs are using HACC services in the numbers we would expect given the numbers of each group in the community. If measurement of this indicator shows that this is not happening, the Program will have to look at why this is the case. Information from Indicator 1 may help answer the question and show whether a lack of appropriate services is discouraging people with special needs from using HACC services.

Indicator 5: Use of services by those with the greatest need

This indicator would show whether HACC services are targeted to those consumers with the greatest assessed need. As noted in Indicator 1, the process of assessing need is viewed separately from decisions by service providers on the services they are able to provide to individuals.

Indicator 6: Range and level of services

This indicator would show if the level of funding and the range of HACC services available within a particular area, were enough to meet the needs of consumers in that area and if the types of services needed are available.

Indicator 7: Individual costs

This indicator would show whether costs per consumer are related to the level of need and the circumstances of the consumer. The indicator would aim to show whether people with a similar level of need receive a similar level of services. It would help to measure the resources needed to help people with different levels of need. It would also help in working out how much HACC funds are needed to provide services to the community.

While indicators of appropriateness and quality show how well the Program meets consumer needs, the Program must also measure whether the use of funds matches the level of need of consumers and whether such use is efficient.

Indicator 8: Project costs

This indicator will allow the Program to compare the cost of providing care in a particular HACC service type in different areas. In the long term this would help to make sure that HACC funds are used efficiently and that the maximum amount of services is provided with the money available.

Indicator 9: Efficient and effective Program management

This indicator would show how well the Commonwealth, States, Territories and service providers are managing the HACC Program. Efficient management contributes to consumers getting the best possible service by making the best use of Program funds for service delivery, providing high quality services and providing services that meet the needs of consumers.

The HACC Program records the following performance information:⁸²

- Accommodation setting
- Accommodation setting after cessation of services
- Amount of assistance received (cost)
- Amount of assistance received (quantity)
- Amount of assistance received (time)
- Assistance with goods and equipment received
- Carer availability
- Carer residency status
- Date of entry into HACC service episode
- Date of exit from HACC service episode
- Date of last assessment
- Date of receipt of assistance
- Funding source category
- Government pension/benefit status
- Main reason for cessation of services
- Primary type of assistance received
- Reason for HACC client status
- Relationship of carer to care recipient
- Service delivery setting
- Source of referral
- Total amount of type of assistance received (cost)
- Total amount of type of assistance received (quantity)
- Total amount of type of assistance received (time)
- Total assistance with goods and equipment received

Department of Education, Employment and Workplace Relations – Job Network

Job Network is an Australia-wide network of organisations dedicated to helping people get and keep a job. Job Network provides ongoing employment services provided by a Job Network member. The services are culturally sensitive depending on circumstances and background as well as tailored to the clients needs and available job opportunities.

⁸² HACC Data Dictionary Version 1.0: May 1998

It was difficult to find any information regarding performance measurement for this program. However, Job Network report on the following items in their Performance and Evaluation Reports:⁸³

Number of:

- vacancies lodged on the national vacancy database
- job placements
- long term job placements for disadvantaged job seekers
- long term jobs for disadvantaged Indigenous job seekers
- long term jobs for disadvantaged sole parent job seekers
- long term jobs for disadvantaged job seekers identified as having a disability
- long term jobs for highly disadvantaged job seekers

Attorney-General's Department – Family Violence Prevention Legal Services and Family Relationship Centres

Family Violence Prevention Legal Services (FVPLS)

The Family Violence Prevention Legal Services units provide culturally appropriate assistance to Aboriginal and Torres Strait Islander adults and children who are victims of family violence, including sexual abuse. Providing legal assistance, case work and court support to victims of family violence is the primary function of the units. Other services provided to clients include counselling, assistance and support to victims of sexual assault, child protection, information and referral services.

The Family Violence Prevention Legal Services Program outcomes and objectives are:⁸⁴

- To promote and sustain a non-violent environment in which Aboriginal and Torres Strait Islander people can live, nurturing and reflecting Indigenous values of caring and sharing, to support and meet the emotional, physical and social needs of family members.
- To provide legal assistance, counselling and ongoing support to Aboriginal and Torres Strait Islander people who are victims of family violence, including sexual abuse, or who are at immediate risk of violence.
- To provide community education and improve the awareness of families and communities of the effect of family violence, child abuse and sexual assault.
- To reduce Family Violence, Reduce child abuse, Reduce sexual assault/abuse.

The Performance Indicators are:⁸⁵

- Describe how the service has advanced the issue of family violence in the identified service area. What strategies, initiatives or activities have been implemented to improve the longer term situation for victims, as outlined in the Operational Framework.
- Provide a detailed description of community awareness activities conducted. The description should include information about the planned activity, target audience and desired outcomes as well as the actual results/effectiveness of the activity.

⁸³ Job Network Performance Profile – August 2006

⁸⁴ Family Violence Prevention Legal Service: Program Funding Agreement, Schedule 1

⁸⁵ Family Violence Prevention Legal Service: Program Funding Agreement, Annexure C

- Submit a report on a quarterly basis detailing workload data as listed in the Operational Framework.
- Undertake a self-evaluation of the unit's performance against the service standards listed in the Operational Framework and provide details of the outcomes of the evaluation.
- Undertake annual client survey of the unit's service delivery performance and provide details of the outcomes of the survey, as outlined in the Operational Framework.

Family Violence Prevention Legal Services collect the following performance information:⁸⁶

- Total number of people contacting Family Violence Prevention Legal Services by initial contact and follow up contact
- Total number of referrals from ATSILS, Police, mainstream legal service provider, child protection agencies, other service providers
- Number of people who only needed legal information, needed help accessing other service providers, needed practical assistance ie accompanying client to appointments with other agencies
- Number of referrals made by phone only
- Number of ongoing cases
- Number of clients provided with criminal law advice or assistance, civil law advice or assistance, family law advice or assistance
- Type of matter ie number of advices, minor assistance, casework and other
- Number of sexual assault, assault cases by age and gender both reported and taken on by the service
- Number of applications, and breaches, for restraining orders both reported and taken on by the service
- Number of other cases in which criminal law assistance was provided both reported and taken on by the service
- Total number of successful legal applications and what type
- Total number of clients counselled
- Number of community awareness-raising activities and what where they about
- Number of children assisted and how
- Number of cases referred to child protection agencies
- Outcomes for women and children arising from accessing the service
- Training and conferences attended and outcomes

Family Relationship Centres (Family Relationship Centre)

The Centres are a first port of call when families want information about relationship and separation issues.

Through information and referral the Centres help families strengthen relationships and deal with relationship difficulties. Where families separate, the centres provide information, advice and dispute resolution (such as mediation) to help them reach agreement on parenting arrangements without going to court. They also refer families to a range of other services that can help.

⁸⁶ Family Violence Prevention Legal Services: Operational Framework July 2006

Family Relationship Centres are part of the Family Relationships Services Program, which aims to improve the well being of families and children by supporting positive family relationships through prevention and early intervention services and post-separation services.

Objective 1: Helping intact families with their relationships⁸⁷

Intact families are given help with their family relationships and parenting through appropriate information and referral.

Key Performance Indicator 1.1

The percentage of people in the catchment area who receive assistance from the Family Relationship Centre.

Key Performance Indicator 1.2

The percentage of families using the Centre who take up appropriate referrals to:

- pre-marriage education programs
- programs that help them stay together
- programs that help them with parenting, and
- programs that help them deal with other issues that impact on their family relationships (eg treatment for gambling or drug problems).

Key Performance Indicator 1.3

The percentage of intact family members who found the Centre's assistance to be helpful.

Objective 2: Helping separating families with their relationships

Separating parents are given help to achieve workable parenting arrangements without going to court, through information, support, referral and dispute resolution services.

Key Performance Indicator 2.1

The percentage of separating parents attending the Centre who agree on parenting arrangements without a court determination of a dispute (including those who have been to court previously who do not require further court determination).

Key Performance Indicator 2.2

The percentage of separating parents attending the Centre who acknowledge an improvement in communicating with the other parent about post-separation parenting.

Key Performance Indicator 2.3

The percentage of separating parents attending the Centre who take up appropriate referrals to programs to help them stay together.

Key Performance Indicator 2.4

The percentage of separating parents attending the Centre who take up appropriate referrals to programs to help them deal with:

- entrenched conflict, or

⁸⁷ Operational Framework – Family Relationship Centres: October 2005

- other issues that impact on their relationships.

Note: Although Centres themselves will not be delivering these services directly, they should ensure that they refer client to available services that produce the best outcomes.

Key Performance Indicator 2.5

The percentage of parenting arrangements still workable after one year, including those amended to meet changing circumstances.

Key Performance Indicator 2.6

The percentage of separating parents using the Centre whose situation involves family violence who found the Centre's assistance to be helpful.

Key Performance Indicator 2.7

The average waiting time for separating parents to attend advice or dispute resolution sessions (taking into account adjustments for service loadings as identified below).

Objective 3: Providing quality family relationship services

In meeting the above objectives Family Relationship Centres need to deliver high quality, timely, safe and ethical services.

As a minimum they will be required to:

1. comply with relevant legislative requirements and standards under the Family Relationships Services Program Approval Requirements as well as additional requirements set in this Operational Framework, and
2. ensure that family practitioners at the Centre meet the competency-based accreditation standards developed for the Attorney-General's Department by the Community Services and Health Industry Skills Council.

Family Relationship Centres collect the following performance information:⁸⁸

- Reason for completion of activity ie agreement reached, course completed, did not show
- Was a certificate issued
- Type of parenting agreement reached
- Parenting agreement outcome
- Relationship with other clients involved in the matter
- Presenting needs of client ie legal, health, parenting, relationships etc
- Course information such as objective, area of relationship being addresses, course type, material type, course provider, professionals involved and clients involved
- Community development information including stakeholders involved, strategy (ie school promotion or expo), professionals involved and description of activity
- Session details: duration, did it occur, subprogram, service strategy used, setting (ie outreach, in centre, telephone etc), location, interpreter usage, fees charged, clients present, other professional present
- Referrals: who referred to, if to another FRSP program which one, reason for referral, client details, follow up information ie did they go? If not why.

⁸⁸ Obtained from FaCSLINK forms.

Draft CLSP Program Logic v0.1

