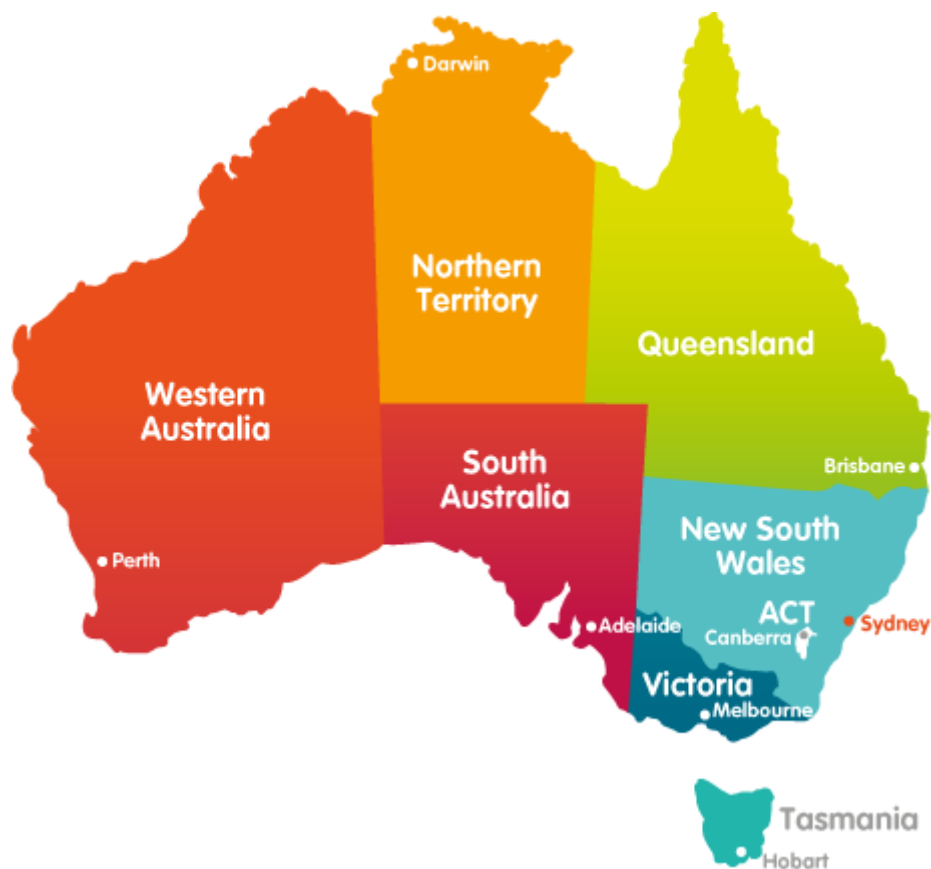


National Report Australia



International Forum on Legal Aid 2023 Taiwan

1. About Legal Aid in Australia

1.1 Statistics

Name: Australia

Population: 26.2 million¹

GDP: \$1.68 trillion (2022 USD)²

Poverty line: 50% of median income or AUD \$489/week (single adult)³

Percentage of population living in poverty: 13.4% living below 50% of median income⁴

Number of practising lawyers in Australia: Est. 90,329⁵

1.2 Australia is a Federation

Australia is a federation. It has a geographically, culturally, and economically diverse population of 26.1 million spread across six States and two Territories:

- New South Wales
- Queensland
- South Australia
- Tasmania
- Victoria
- Western Australia
- Australian Capital Territory
- Northern Territory.

The federal government (also referred to as “the Commonwealth”) has constitutional responsibility for specific national issues. Each State and Territory has its own government that is responsible for all other issues.

Commonwealth legislation mainly governs family law upon the breakdown of a relationship (including issues about with whom children should live and the division of property), social security, immigration, employment, consumer protection and certain types of criminal law, such as crimes in relation to national security.

State and Territory legislation governs all other criminal law, child protection, family violence and some civil law types such as mental health.

1.3 The Australian Legal Assistance Landscape

Legal assistance in Australia is provided by four main groups of providers, each of which receives funding from either or both of the Commonwealth and respective State or Territory governments.

¹ <https://www.abs.gov.au/statistics/people/population>

² <https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=AU>

³ [ACOSS/UNSW Poverty in Australia.](#)

⁴ Ibid.

⁵ [Urbis, 2022 National Profile of Solicitors, Final 26 April 2023.](#)

The four main funded providers are:

- Legal aid commissions (LACs)
- Aboriginal and Torres Strait Islander Legal Services (ATSILSs)
- Family Violence Prevention Legal Services (FVPLSs)
- Community legal centres (CLCs).

“While all four providers offer a mix of services from legal education to casework for individuals and groups of clients, the targets for their services differ, as do their size. ...All four employ mixed service delivery models,⁶ with a focus on holistic services.”⁷ Various schemes of pro bono assistance and volunteering also exist.

Good relationships and co-operative arrangements exist between legal assistance service providers. These relationships and arrangements ensure that services are stretched as far as possible, and that issues such as legal conflicts are addressed. They also ensure that people receive the service most appropriate to their individual need.

Nationally, relationships and co-operation are supported by the [Australian Legal Assistance Forum](#) constituted by representatives of the peak bodies for all legal assistance providers.

The balance of this report focuses on LACs.

2. Legal Aid Organisation/Authority

2.1 Legal Aid Commissions and National Legal Aid

There are eight independent LACs in Australia, one in each of the States and Territories. Each LAC is set up by statute to provide legal assistance to disadvantaged people. The LACs are the main providers of legal assistance services in Australia, “receive the majority of government funding and service most Australians who receive publicly funded legal assistance.”⁸ LAC services are provided across the country from 78 offices and numerous outreach locations including to many regional, rural and remote areas of Australia.

The directors/CEOs of the LACs combine at a national level to form National Legal Aid (NLA). NLA is chaired by an appointed director/CEO on a rotating basis.

The purpose of NLA is to lead and encourage a national system of legal aid that allows disadvantaged individuals to access justice, to ensure the legal assistance sector is adequately funded, and to provide a forum for collaboration at a national level between government, stakeholders, community and legal assistance providers to develop best practice legal assistance.

Ms Louise Glanville, Chief Executive Officer, Victoria Legal Aid (VLA) has been the Chair of NLA since June 2021.

⁶ I.e., use of both in-house lawyers and private practitioners to deliver legal aid services.

⁷ Productivity Commission 2014, *Access to Justice Arrangements*, Inquiry Report No. 72, Canberra, 665.

⁸ Ibid 667.

2.2 Legal Aid Commission Services

In 2021-22 LACs provided over 1.5 million services comprised by the following:

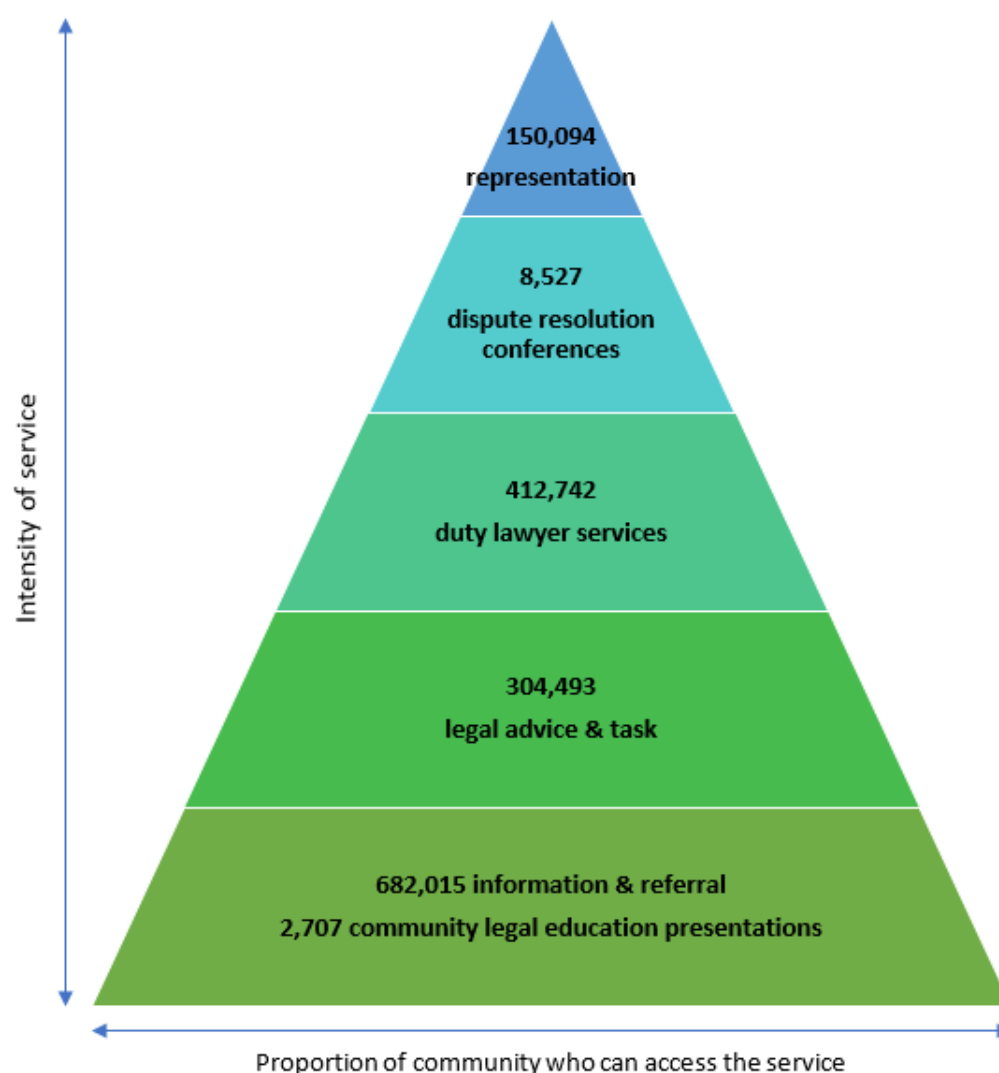
- Representation services in cases before courts/tribunals, including Independent Children's Lawyers (ICLs) in Commonwealth family law matters, and Separate Representatives for children in State and Territory court child protection matters.
- Family law dispute resolution services which are child focussed and may be child inclusive.
- Family Advocacy and Support Services including duty lawyer services at family law courts including non-legal support services for people affected by family violence.
- Duty lawyer services at criminal law courts and some civil law courts and tribunals.
- Specialist services to support people to safely share their experiences with the Royal Commission into Defence and Veteran Suicide and the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.
- Legal advice, task assistance⁹ and information services face to face, by telephone, and online.
- Non-legal advocacy.
- Community legal education, including publications, information sessions and workshops, also via web and social media.
- Strategic litigation and advocacy, and law reform services.

Grants of legal aid to either an in-house LAC lawyer or to the private legal profession must be made for representation and family dispute resolution. Applications for grants of legal aid are subject to means, merit and guidelines testing. These criteria are applied in a context of limited funding and competing priorities. Grants of legal aid are generally subject to a contribution payable by the applicant. LACs can place charges over a person's property to cover the cost of a contribution. The amount can then be recovered if and when the client sells their property.

Family dispute resolution is conference based. Conferences are chaired by family dispute resolution practitioners who are accredited pursuant to family law legislation. At least one of the parties to the dispute must be in receipt of a grant of legal aid and the legally aided party will be legally represented. Non-legally aided parties may be legally represented or choose to self-represent. Family dispute resolution for property law issues has been very limited due to funding and eligibility restrictions. LACs are currently conducting Commonwealth funded trials of small claims family law property mediation.

Other LAC services do not rely on a grant of legal aid first being made and are generally provided free of charge.

⁹ E.g., Letter writing, advocating on someone's behalf and assistance with drafting documents.



Sources: 2020-21 National Legal Aid Statistics <https://nla.legalaid.nsw.gov.au/nlareports/> and legal aid commissions.

Nationally in 2021-22, 23% of grants of legal aid (33,792 for representation) were in-house, while 77% (116,113) were assigned to private practitioners.¹⁰

Payment to private practitioners is generally by hourly rate for the work undertaken and/or fixed fees for particular types or stages of work.

Strategic litigation and advocacy and law reform services are aimed at addressing systemic injustice, reducing disadvantage, and improving the experience of people interacting with the justice systems. LACs use their evidence base for this purpose.

¹⁰ <https://nla.legalaid.nsw.gov.au/nlareports/reportviewer.aspx?reportname=PractitionerType>

3. Budget and Funding Arrangements

3.1 Legal aid commission funding

The LACs are individually funded from three main sources. In 2020-21 LACs received total funding of AUD \$942.074M, made up of:

- \$294.305M from the Commonwealth
- \$586.271M from State or Territory governments
- \$29.486M from public purpose/statutory interest on trust funds
- \$32.011M from other income.

Proportion of LACs budget

	Total income \$AUD¹¹	% from federal government	% from state/territory governments	% from Special Trust & Statutory Interest	% from other income
2020-21	\$942.074M	31.2%	62.2%	3.1%	3.4%
2019-20	\$880.163M	30.4%	57.9%	8.4%	3.4%

Australia's legal aid budget is capped on an annual basis. As a general rule, Commonwealth funding must be used for Commonwealth law matters (including family law, Commonwealth criminal law, and welfare law), while state funding must be used for state law matters (including most criminal matters and some civil matters).

3.2 Funding Allocation Models

The Commonwealth's financial contribution to legal assistance is allocated between the States and Territories using Commonwealth funding allocation models. These funding allocation models take account of a range of factors, such as population, but are applied to fixed and limited sums of money.

As indicated above, LAC funding arrangements are also affected by what is known as the "Commonwealth-State divide" which requires that Commonwealth funding be used on Commonwealth law types. This divide was applied to the LACs in 1997 and underpinned a reduction in then Commonwealth funding to the LACs. Previously the use of Commonwealth funding had not been restricted in this way.

3.3 Current Funding Agreement

The [National Legal Assistance Partnership 2020-2025](https://www.nationallegalaid.org/resources-2/finance-2/) (NLAP) provides Commonwealth funding for the legal assistance sector. Signatories to the NLAP are the Prime Minister and the Premiers of the States and Chief Ministers of the Territories. Each of the States and Territories receives Commonwealth funding for each of the LACs, ATSILSs, and CLCs with fixed amounts allocated to each group of service providers.

¹¹ <https://www.nationallegalaid.org/resources-2/finance-2/>

The NLAP allows for LACs to spend Commonwealth funding on discrete assistance¹² and/or community legal education, regardless of whether the matter relates to Commonwealth or State laws, and on State/Territory law representation matters in which an applicant or child's safety is at risk and there are "other connected family law proceedings", i.e. Commonwealth family law proceedings.¹³

The States and Territories provide funding direct to LACs in amounts determined by respective budget processes.

The NLAP establishes a Legal Assistance Services Inter-Governmental Committee comprised of representatives from the Commonwealth and each State and Territory, and an Advisory Group comprised of representatives from the Commonwealth, national legal assistance peak bodies, and other national stakeholders such as legal assistance research foundations. The NLAP also provides for collaborative service planning at national, jurisdictional (State and Territory) and local service levels. The National Collaborative Service Planning (NCSP) meetings are attended by Commonwealth and State and Territory officials and representatives of the Advisory Group. Whilst NCSP meetings have been few in number, it is hoped that they will become a forum which sets the legal assistance research agenda.

The NLAP requires that service provider data be provided to the States and Territories and the Commonwealth and the Australian Bureau of Statistics. It is intended that reports created from this data will be available for collaborative service planning purposes.

Pursuant to the NLAP, an Independent Review of the NLAP is to be completed approximately 18 months prior to its expiry, i.e., by 31 December 2023¹⁴. The Terms of Reference for the Review, developed in consultation with the legal assistance sector, were released in March 2023. The Scope of the Review includes:

1. A holistic assessment of legal need and all Commonwealth legal assistance funding, and
2. An evaluation of the effectiveness and challenges of service delivery, and an evaluation of data collection, performance monitoring and reporting.

4. Eligibility for LAC Legal Representation and Funding Shortfall

The 2014 report of the Australian Government Productivity Commission, *Inquiry into Access to Justice Arrangements*, found that there is approximately 14% of people living in poverty and only 8% would be eligible for legal aid.¹⁵ "While the LACs' income and assets tests are based on the national means tests thresholds, the reality of fixed budgets means that LACs have not been able to keep updating the thresholds to keep pace with inflation",¹⁶ and that "Client profile data from LACs confirms the welfarisation of legal aid".¹⁷

¹² I.e., information, legal advice, legal task.

¹³ National Legal Assistance Partnership 2020-25, 17.

¹⁴ Ibid Clause 81.

¹⁵ Productivity Commission 2014, *Access to Justice Arrangements* Inquiry Report No. 72, Canberra, 1021-22.

¹⁶ Ibid 716.

¹⁷ Ibid 717.

The Productivity Commission identified that “an interim funding injection¹⁸ in the order of \$200m [\$240m with inflation] - from the Australian and State and Territory governments – is required per year”¹⁹ to address the more pressing gaps in services. The Productivity Commission specified that this funding should be provided as follows:

- \$11.4m per year [\$13.7m with inflation] to maintain existing frontline services²⁰
 - around \$57m per year [\$68.4m] to relax the means tests for LACs
 - around \$124m per year [\$148.8m] to provide additional grants of aid in civil matters.”²¹

“Civil law matters are the poor cousin in the legal assistance family. Australia’s most disadvantaged people are particularly vulnerable to civil law problems and adverse consequences resulting from the escalation of such disputes.”²²

Legal aid commission services - 2021-22

Services provided	Law type ~	2021-22
Grants of aid approved	civil	4,742
	crime	100,243
	family	45,109
	total	150,094
Duty lawyer	civil	23,738
	crime	341,336
	family	47,668
	total	412,742
Legal advice	civil	107,058
	crime	70,627
	family	87,926
	unknown	3,967
	total	269,578
Legal task	civil	12,024
	crime	13,046
	family	9,845
	total	34,915
Family dispute resolution conferences		8,527
Community legal education ^[1]		2,707
Information/referral ^[1]		682,012
Total services provided		1,560,575

Source - National Legal Aid statistics & legal aid commissions.

~ Family includes state family law childcare & protection and apprehended domestic/family violence matters, although matters of this type might also be reflected in civil law data.

[1] Including family violence, child protection, family law and related matters such as tenancy, mortgage stress, debt relief etc.

¹⁸ Until sufficient data can be collected to better inform funding of legal assistance services - Productivity Commission 2014, *Access to Justice Arrangements Inquiry Report No. 72*, Canberra, 738.

¹⁹ Productivity Commission (n 15) Recommendation 21.4 Overview p 63 and Appendix H 1026.

²⁰ Following funding cuts in the 2013-14 Mid-Year Economic and Fiscal Outlook and 2014-15 Budget, funding to all four legal assistance providers was reduced by around \$43m over 4 years.

²¹ Productivity Commission (n 15) Appendix H 1026.

²² Ibid 703.

Commonwealth funding announcements since the Productivity Commission report, which are gratefully acknowledged, have been largely tied to specific purpose activities, rather than to enable the relaxation of LAC means tests.

In March 2021, the report of the then Commonwealth Parliament Joint Select Committee Inquiry into Australia's Family Law System recommended that the Australian Government increase funding to LACs to relax their means tests so as to increase legal assistance to vulnerable families.²³

In the Commonwealth Budget May 2021 further funding was announced for LAC initiatives including:

- Family Advocacy and Support Services, which provide legal and social support services in connection with family violence and family law proceedings
- Family Law Property Mediation - LAC Trial, this is a pilot of LAC family dispute resolution in family law small value matters involving property. This Trial is due to conclude on 30 June 2023. An evaluation of the Trial²⁴ has been conducted and the report is positive. It is hoped that funding for the work of the Trial to continue will be received.

In the Commonwealth Budget October 2022, funding was announced for the LACs to support the expansion of the family law court's safety risk screening and case management pilot (the Lighthouse Project²⁵) and to support case management processes. Additional funding was also announced for the LACs to continue to administer the Commonwealth's Family Law and Cross-examination Scheme.²⁶ This Scheme protects victims of family violence from being directly cross-examined by alleged perpetrators.

Legal Need

Pursuant to the NLAP each State and Territory has developed a publicly available Legal Assistance Strategy which indicates "the estimated level and nature of legal need in the State, including sub-jurisdictional regions where appropriate."²⁷

The most recent nation-wide survey of legal need was the 2012 Legal Australia-Wide Survey (LAW Survey).²⁸

The Victoria Law Foundation is currently undertaking the [Public Understanding of Law Survey](#) (PULS) a Victoria-wide survey exploring how people experience, understand and navigate law and everyday life problems. This is a face-to-face survey of 6,000 respondents. The main project

²³ Joint Select Committee on Australia's Family Law System, *Improvements in family law proceedings*, Recommendation 16, xi.

²⁴ Australian Institute of Family Studies, [Evaluation of the Lawyer-assisted Family Law Property Mediation: Legal Aid Commission Trial](#), August 2022.

²⁵ Federal Circuit and Family Court of Australia, Lighthouse model - <https://www.fccoa.gov.au/fl/fv/lighthouse>

²⁶ Commonwealth Attorney-General's Department, Family Violence and Cross-examination of Parties Scheme <https://www.ag.gov.au/families-and-marriage/publications/family-violence-and-cross-examination-parties-scheme>

²⁷ Clause C5, National Legal Assistance Partnership 2020-25.

²⁸ [http://www.lawfoundation.net.au/ljf/site/templates/LAW_AUS/\\$file/LAW_Survey_Australia.pdf](http://www.lawfoundation.net.au/ljf/site/templates/LAW_AUS/$file/LAW_Survey_Australia.pdf)

report is scheduled for release in 2023. This research will assist understanding of the prevalence, type, and distribution of civil legal problems, as well as the capability of Victorians to respond to these challenges. The findings will be of value across the sector in policy, legal assistance and the private profession.

5. Quality Assurance

Supervision and mentoring: all in-house LAC lawyers receive supervision, mentoring, and training.

Professional development: continuing professional development (CPD) is provided for all in-house LAC lawyers and may be provided by LACs to members of the private profession who are prepared to undertake work on a grant of legal aid and to other legal assistance service providers.

Respective State and Territory professional bodies also require lawyers to undertake compulsory CPD in connection with holding a practising certificate. This is generally a minimum of 10 hours per year, and there are requirements that CPD relates to each of ethics, professional skills, practice management or business skills, and substantive law.

Panel operation: LACs allocate grants of legal aid on the basis of panels which are generally based in the respective area of practice. Some specialist panels have also been established, e.g., for serious crime, and appointment as an ICL in family law proceedings. Audits of grants and/or in-house files may be undertaken in relation to quality.

Other requirements for practitioners: generally, LAC lawyers are required to hold a practising certificate and comply with CPD requirements. There are, however, additional requirements e.g., ICLs and people working with children, are required to have successfully completed the National ICL Training Program, to have a minimum of five years practice in family law, and in line with State and Territory requirements to hold the respective State or Territory “working with vulnerable people” card.

Client Surveys pursuant to the NLAP: pursuant to the NLAP, biennial surveys of LAC clients are conducted. Results from previous biennial surveys reflected high levels of satisfaction.

Complaints: LACs have complaint mechanisms which allow clients and community members to raise quality concerns about LAC lawyers. These complaint mechanisms operate in addition to complaint functions associated with professional bodies, Ombudsmen’s offices etc.

6. Public Legal Education

Initiatives to raise awareness of legal assistance services include:

- community legal education publications and activities
- training for community workers
- phone and webchat lines
- outreach targeted to particular needs in many regional and remote locations
- health justice partnerships

- domestic violence legal and social support services located in the courts and in the community
- media engagement, national and local
- strategic advocacy and law reform
- self-help resources for people who may be ineligible for a grant of aid for legal representation.

Information about how to access, or further access, legal assistance services is provided through all the above channels.

Examples of community legal education publications can be accessed from LAC websites via <https://www.nationallegalaid.org/contact/>

amica

amica is a national online service that can be used by separating couples in Australia to make parenting arrangements and to divide property and money. Funded by the Commonwealth and designed by family lawyers, amica's artificial intelligence (AI) was built to provide a suggested division of assets consistent with what a Lawyer or Court would recommend.

With over 1.4 million website views since its launch in June 2020, amica is quickly becoming a known, dependable and valuable resource. Its usage continues to grow, with over 8,000 matters (16,000 people) registered to use the service and thousands of suggested divisions provided. The key indicator of amica's success is the enormous social benefit being delivered to Australians who have empowered themselves with information and the value to those who have gone on to receive a suggested division from amica's AI or finalised their separation through one of the formal agreements generated by amica. Noting that the average cost of legal advice for such matters is more than \$10,000 per person, users have saved more than \$20 million (AUD) by using amica.

Since the presentation at the last International Legal Aid Group Conference held virtually in Sydney (Australia) additional functionality has been added to the platform. Market research and client feedback found there was a need to provide a single-sided version of amica. An increasing number of people were keen to try amica but were initially apprehensive about inviting their former partner, without having first tried it themselves. People who have experienced domestic violence also provided feedback that a one-sided interface would help empower them with information about their rights and what a division of money and property may look like.

amica^{one} (<https://one.amica.gov.au>) is a single-sided version of amica. It provides a proposed division of money and property based on the user's financials and their estimate of their former partner's finances. It provides a guided process and amica's AI provides a suggested range of what the individual may receive if the parties use amica. The suggested division range in amica^{one} is an estimate only. Once the user has created an account and invited their former partner, they will receive a more accurate suggestion based on information provided by and agreed to by both parties, to work out a division of money and property that's right for them. Additional functionality in relation to superannuation splitting will also be launched in late 2023.

7. Alternative Sources of Legal Services

Please refer to 1.3 in this Report.

8. Holistic Legal Services

There are many national and state-based legal assistance sector initiatives that support a holistic service delivery response. As indicated above, this report focusses on LACs, however all four main groups of providers have holistic services and work in partnership with non-legal service providers and each other to best address local needs.

Generally, LACs have relationships with community-based organisations and agencies delivering social support services to support a holistic approach to resolving issues. LACs are increasingly employing social support workers on staff and seeing the benefits for clients.

The LACs' **Family Advocacy and Support Services (FASS)** is the largest national program for holistic legal assistance service delivery. "FASS provides assistance in family court matters to people who have experienced family violence or have used or are alleged to have used family violence. FASS recognises that matters involving family violence are often very complex, and clients may be more vulnerable and require more assistance than in other matters. FASS is primarily a court based walk-in service through which clients receive assistance from a lawyer and social worker. While the lawyer assists with the family law and other legal matters, the social worker assists with the surrounding non-legal issues. FASS social workers can assist clients to access social services including welfare, counselling, housing, drug and alcohol programs, and behaviour change programs. The lawyer and social worker also collaborate with the client, the court, and the police, to provide safety planning where necessary. FASS was evaluated by the government, with very positive results."²⁹ Additional funding has been provided to LACs to expand FASS on a number of occasions including as part of the Commonwealth Budget (May 2021) in relation to mental health support staff. Innovative approaches are being considered for mental health support, such as the services of a Therapy Dog attending Court.

Your Story Disability Legal Support (YSDLS), established in 2019, is a joint initiative of National Legal Aid and National Aboriginal and Torres Strait Islander Legal Services and is funded by the Australian Government. YSDLS responds to the [Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability](#). YSDLS "empowers people with disability to safely share their story with the Disability Royal Commission and connect with local support services" and works "in partnership with communities to deliver a person centred, trauma-informed and culturally safe legal service."³⁰

Some of the many examples of State and Territory based holistic services are included at Attachment A to this Report.

²⁹ Australia's Country Report ILAG Conference 2019.

³⁰ <https://www.yourstorydisabilitylegal.org.au/About-us>

9. UN SDG Standard 16.3

- *SDG 16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all*

Closing the Gap

“All Australian governments are working with Aboriginal and Torres Strait Islander people, their communities, organisations and businesses to implement the new [National Agreement](#) on Closing the Gap at the national, state and territory, and local levels.”³¹ Closing the Gap includes 19 national socio-economic targets, including that Aboriginal and Torres Strait Islander adults and young people are not overrepresented in the criminal justice system,³² and that Aboriginal and Torres Strait Islander children are not overrepresented in the child protection system.³³

[NLA’s Strategic Plan 2021-24](#) includes priorities of increasing core funding to enable more services to be provided across all law types and to further support people experiencing family violence, and working with First Nations organisations to achieve Aboriginal and Torres Strait Islander justice. In 2021-22, more than 107,000 legal assistance services were provided by LACs to people who identified as Aboriginal and/or Torres Strait Islander.³⁴ See e.g., Attachment A, Legal Aid NSW Civil Law Service for Aboriginal Communities and Family Law Service for Aboriginal Communities.

Strategic Advocacy

“LACs promote the rule of law through their status as independent statutory bodies. By maintaining independence from the government, LACs can assist ordinary citizens to hold the government to account for errors and injustices. LACs also have an important role in advocating for the reform of laws that adversely affect LAC clients.”³⁵

E.g., Robodebt is “the informal name given to a debt recovery program starting in 2015 ... The Robodebt scheme automatically issued notices to welfare recipients identified as having debts through a process of income averaging ... The scheme unlawfully claimed almost \$2 billion in payments from 433,000 people.”³⁶ The strategic advocacy of legal assistance service providers, including LACs, has contributed to the cessation of Robodebt and the establishment of a Royal Commission into the Robodebt Scheme which is due to report on 30 June 2023. Strategic litigation run by Victoria Legal Aid saw the Commonwealth concede that “the averaging method at the heart of the system was unlawful.”³⁷

Examples of national law reform submissions can be accessed via <https://www.nationallegalaid.org/resources-2/nla-submissions/>

³¹ Closing the Gap <https://www.closingthegap.gov.au/>

³² Targets 10 and 11.

³³ Target 12.

³⁴ Data about LAC service use by Aboriginal and Torres Strait Islander peoples relies on the service user self-identifying and it does not include all services e.g., does not include any information services.

³⁵ Australia’s Country Report ILAG Conference 2019.

³⁶ ABC News, *A Robodebt royal commission has been announced. Here’s how we got to this point*, 26 August 2022 <https://www.abc.net.au/news/2022-08-26/robodebt-royal-commission-explained/101374912>

³⁷ <https://www.legalaid.vic.gov.au/depth-look-our-robo-debt-test-case>

10. Other

10.1 Most innovative project 2021-22

Mental Health Training Project for the Legal Assistance Sector

This Project will develop and deliver a national training package for the legal assistance sector for working with clients experiencing mental health issues and/or risk of suicide. LACs have been funded to develop the package.

Defence and Veterans Legal Service

This is a free national service, operated by the LACs and funded by the Commonwealth, to provide independent information and legal advice to support Australian Defence Force personnel and veterans, as well as their families, carers and supporters, to safely share their experiences with the [Royal Commission into Defence and Veteran Suicide](#).

Family Advocacy and Support Services expansion

LACs have been funded to expand FASS services in each State and Territory to regional locations and the provision of dedicated mental health staff to enhance the services provided.

10.2 Most disappointing trend 2021-2022

Inability to maintain and improve service delivery due to rising costs. Concern that private practitioners, particularly Independent Children's Lawyers, are withdrawing from undertaking legal aid work due to the challenging nature of the work and the comparatively low levels of remuneration.

10.3 Biggest challenge for 2023

Reducing the gap between the number of people living in poverty and the number of people eligible for legal aid.

10.4 Effects of Covid-19

LACs achieved the shift to service delivery in an online environment as a result of COVID-19 with relative agility. The shift to the online environment in Australia has produced a range of benefits including saving limited funding by reducing costs associated with travel and waiting time; expanding service reach; and reducing the delays that existed at some courts as hearings have been capable of being conducted remotely and judicial officers and professional staff from other parts of the country have been able to assist.

LACs are increasingly using the online environment to share live training to LAC staff across the country.

Conclusion

More information about National Legal Aid and links to each State/Territory LAC are available at <http://www.nationallegalaid.org/>

Inquiries can be directed to the NLA Secretariat nla@legalaid.tas.gov.au

Attachment A to Country Report Australia – item 8. Holistic Legal Services

Some of many examples of State and Territory based holistic legal services

Legal Aid Australian Capital Territory

Legal Aid ACT's **Health Justice Partnership (HJP)** embeds specialist family violence lawyers into the Centenary Hospital for Women and Children and the Canberra Hospital. The service operates Monday to Friday and provides free legal advice to staff and patients of the hospital. The team of lawyers work with health partners including social workers, nurses, midwives and other medical staff to provide integrated legal services to enable clients to access free, safe and tailored legal advice. The HJP service reduces barriers to clients who need legal advice at critical periods, particularly during or shortly after a hospital presentation, during pregnancy or after giving birth. Lawyers are embedded in locations where patients attend health or family appointments, and where they may have already established trusting relationships with health professionals.

HJP lawyers also provide training to health staff regarding the HJP service, family violence, legal responses to incidents of violence, care and protection and referral pathways. This collaboration builds the capacity of health staff to identify and respond to family violence and other legal matters.

Legal Aid ACT's award-winning **Community Liaison Unit (CLU)** provides a holistic model of care that understands the multi-dimensional needs of clients. The CLU:

- connects clients and their families to appropriate supports and resources beyond those that can be provided by legal professionals
- provides a culturally responsive approach and continuity of care from first contact through to final hearing, utilising early intervention approaches for this purpose
- assists clients to navigate the justice system and communicate with their lawyers.

CLU staff include two Aboriginal and Torres Strait Islander Officers, two Cultural Liaison Officers (male Officer speaks Arabic, the female Officer speaks Dari and Persian), Disability Justice Liaison Officer, Mental Health Liaison Officer, Family Violence Specialists and a Social Worker.

Legal Aid New South Wales

The **Civil Law Service for Aboriginal Communities (CLSAC)** is a team dedicated to the legal needs of Aboriginal clients, predominantly those living in regional and remote areas of New South Wales and Aboriginal women in custody. CLSAC is based in the Sydney, Orange, Lismore and Wollongong offices. Services include:

- regular outreach to [Aboriginal communities](#)
- Aboriginal Women Leaving Custody Service
- [telephone advice service](#)
- [financial counselling](#).

CLSAC aims to provide holistic legal services. A Law Check Up tool is used to help clients identify and prioritise their legal issues. Many of CLSAC's staff are Aboriginal people who have invaluable insights into working with Aboriginal communities. CLSAC's Aboriginal staff hold regular meetings to discuss cultural and community issues and events affecting CLSAC's service delivery.

The **Family Law Service for Aboriginal Communities** (FamAC) is a state-based, Aboriginal led service made up of lawyers dedicated to assist Aboriginal and Torres Strait Islander families and children in family law and care and protection matters. The FamAC team provides advice, early intervention support, outreach and casework litigation to Aboriginal and Torres Strait Islander families and children currently involved in or at risk of being involved in family or care and protection proceedings.

One Legal Aid was launched in May 2022. The new model responds to increasing demand for Legal Aid NSW services, fundamentally reshapes service provision to put clients at the centre of everything done and improves the quality of services provided. The model creates consistent access for clients regardless of where they live in NSW, or which office or service they approach. Features include;

- an integrated intake function across Legal aid NSW
- a clear and consistent triage process that matches clients to the level of service they require and prioritises clients with greater need
- a connected system that allows staff to book clients an advice appointment on first contact regardless of how they approach Legal Aid NSW
- a State-wide Advice Team made up of experienced criminal, family and civil lawyers providing advice over the phone.

The Legal Aid NSW **Domestic Violence Unit** (DVU) is a statewide service made up of lawyers, social workers and financial counsellors dedicated to assist victims of domestic and family violence. The DVU provides casework litigation, social work assistance and financial counselling to victims of domestic and family violence who are at serious threat and/or have complex legal and social needs.

Cross practice partnerships have been established with the Civil Law Division's Immigration team to assist women on temporary visas experiencing domestic violence, and with the Housing and Homelessness team. A generalist civil lawyer has recently been embedded in the DVU to build civil capability and help clients and solicitors navigate available civil law services.

The Legal Aid NSW **Elder Abuse Service** (EAS) is a specialist interdisciplinary team established in 2019 under the Commonwealth *Protecting the Rights of Older Australians Elder Abuse Service Trials*. The service represents and supports older people at risk of or experiencing elder abuse. The EAS adopts a collaborative casework model with lawyers and social workers working together to assist older people to find appropriate remedies and supports for their circumstances. It is a tertiary service that accepts direct referrals from police, health services and NGOs.

The EAS is a generalist service that provides assistance with:

- Housing and granny flats
- Centrelink debts
- Family breakdown
- Informal loans
- AVOs
- Guardianship and Powers of Attorney
- Physical and sexual abuse
- Financial abuse
- Psychological abuse (bullying, harassment, isolation and neglect).

Legal Aid NSW has a number of **Health Justice Partnerships** including WHOS (We Help Ourselves), a residential drug and alcohol treatment facility with locations in Sydney, the Hunter Valley, Newcastle and Goulburn. WHOS adopts a “therapeutic community” model of treatment and residents typically stay for 3-12 months. Along with substance dependence, residents have histories of imprisonment, homelessness, family violence, mental illness, cognitive impairment, disability, and trauma. And they often have complex and multiple legal problems.

Civil and family law services are provided onsite and by telephone with the aim of reducing the barriers to legal assistance for residents and better addressing the health harming aspects of legal issues. The most common civil issues relate to debts and credit-related financial hardship such as credit cards, loans and increasingly Buy Now Pay Later products, as well as housing, fines, victims’ compensation and police matters.

An evaluation conducted in late 2020 found that providing legal services in a safe and therapeutic environment is highly effective as it allows clients and lawyers to address legal issues over time without losing contact and when the client is committed to recovery. Other outcomes included a reduction in stress and anxiety from unresolved legal problems and connection to ongoing community and government supports through facilitated referrals.

Legal Aid Queensland

Legal aid Queensland’s **Rural and Farm Legal Service** works closely with financial counsellors to assist farmers experiencing **credit and debt** issues reach the best possible outcome through the provision of financial counselling and negotiation and mediation with banks.

LAQ’s **Social Support Program** acknowledges that clients who experience legal issues often also struggle with a range of difficulties in other areas of their life and the Social Support Coordinator (social worker) provides social support to clients as required to respond to those needs. Social workers are embedded in LAQ legal assistance teams including **youth justice, civil law, child and family services and the Call Centre**. The program provides:

- crisis intervention
- coping strategies, problem-solving, motivation, emotional regulation support to engage with legal assistance, and

- individual advocacy, case management, and the provision of information and referrals for on-going support.

The Brisbane based Child and Family Services Team comprises psychologists, social workers, and mental health workers, and provides family reports, social assessment reports, referrals, safety planning, risk management, domestic violence application support, and family dispute resolution services. Location dependent outreach services are provided. The Townsville office has a social worker for risk management, safety planning, referrals and report preparation and family dispute resolution services. The social worker also undertakes some work in the Cairns region. The Commonwealth funded Domestic Violence Unit based at LAQ's Rockhampton Office comprises social workers and a mental health clinician.

Legal Aid Western Australia

Legal Aid Western Australia has a **health justice partnership** with Next Step Alcohol and Drug Service in East Perth. A civil lawyer from Legal Aid WA attends Next Step once per fortnight to provide face-to-face legal advice appointments. Next Step refers to the Legal Aid WA lawyer when legal issues such as debt, housing insecurity, unpaid fines, violence, abuse and neglect, are identified.

Elder Rights WA is a holistic service which provides legal and social support services through Legal Aid Western Australia's in-house lawyers and social workers. The social workers provide support to the client before, during and after the legal advice appointment, as well as connect the client with necessary social support services such as housing/crisis accommodation.

Legal Services Commission South Australia

The Legal Services Commission South Australia operates two **health justice partnerships** in collaboration with two major public hospitals - one of which is near to the Adelaide CBD, and the other is in the northern metropolitan region. Both HJPs are concerned with delivering prompt legal advice to women patients suffering from or at risk of exposure to **domestic and family violence**.

The Legal Services Commission South Australia has a specialist **Disability Information and Legal Assistance** resource centre providing specialised information and legal advice to South Australians with disability, their supporters and advocates. Key components of the service include:

- legal advice (for clients identified as highly vulnerable or highly complex, who do not already have an established legal pathway),
- provision of specialist legal information and selected referral,
- community and stakeholder engagement, and legal education (including the development of easy read resources).

The Legal Services Commission South Australia employs four Allied Health Professionals (Social Workers) who are employed in connection with its FASS service, the specialist Domestic Violence Unit, and one of the HJPs, and is currently recruiting a Mental Health Social Support Coordinator and additional Mental Health Worker.

[Northern Territory Legal Aid](#)

Northern Territory Legal Aid (NT Legal Aid) is involved in two **health justice partnerships** (HJPs) with Aboriginal and Torres Strait Islander Medical Services which provide assistance to **First Nations** peoples. One is based at Danila Dilba Health Service in Darwin, a medical service for First Nations peoples, and one is at Legal Aid's Katherine office.

Health Justice Partnership - Katherine Intensive Support Program

NT Legal Aid Civil Law Service in Katherine operates a HJP with Wurli Wurlijang Aboriginal Health Service, specifically their Katherine Individual Support Program (KISP). KISP is a case management program delivered to Aboriginal persons experiencing homelessness, and who have chronic health conditions and high frequency hospital emergency department admissions. The partnership seeks to address the unmet legal needs of this highly vulnerable cohort as well as upskill and capacity build the medical and social support services connected to KISP to identify the intersection of their work and legal issues. Working closely with the KISP case manager and other health professionals, the HJP seeks to address legal barriers to improving health - access to housing, social security law, consumer law and more – in a 'wrap-around care' model. Services are delivered daily from homelessness drop-in centre, The Katherine Doorways Hub operated by key stakeholder, The Salvation Army. The HJP consists of a lawyer with administrative support working alongside the Social Support Worker within NT Legal Aid's Criminal Division (Katherine). KISP HJP is funded by the Primary Health Network.

NT Legal Aid has social support worker positions in general and specialised areas across the service. Specialised areas include a financial counsellor to assist people experiencing or escaping from domestic, family and sexual violence, youth justice, domestic and family violence, family law and child protection and adult crime. NT Legal Aid also has generalist support positions in regional offices of Katherine and Alice Springs. NT Legal Aid created a new role of Practice Lead – Social Support to have oversight over these roles and ensure a supportive practice framework is in place for the organisation.

[Tasmania Legal Aid](#)

Senior Assist elder abuse prevention unit - Tasmania Legal Aid provides an integrated response to elder abuse. Tasmania Legal Aid's team of case managers (social workers) work alongside Tasmania Legal Aid lawyers to provide a wraparound response to elder abuse through counselling, safety planning and referrals to services. The service supports people to recognise and avoid elder abuse, and to address psychological and emotional abuse, recover property and funds, and to remove abusive family members from the client's home.

Outreach clinic at the Peacock Centre's Mental Health Integration Hub

Tasmania Legal aid is piloting an early intervention outreach clinic at Hobart's new Mental Health Integration Hub. The Hub is a welcoming place providing short term, practical mental health support, information, advice and assistance to people experiencing mental health issues and distress. The provision of holistic social services aims to help keep people out of hospital and to live well. Tasmania Legal Aid lawyers attend the service most days to give free legal advice and referrals to people who walk in or make an appointment. There are other service providers on site and virtually available to provide other supports including housing, employment, addiction treatment, financial counselling, laundry services, counselling, day supports and Centrelink.

As well as the Hub the centre also includes:

- intensive onsite mental health accommodation as a 12 bedroom unit that is designed like a home to be open and welcoming, and provides services to help people return to satisfying and meaningful lives
- a Recovery College which is a dedicated space providing opportunities for people to improve their mental health, wellbeing, and personal recovery through education, and a
- Safe Haven providing care and support to people in suicidal or situational distress and their families, friends or support networks in a safe and therapeutic environment.

Victoria Legal Aid

Youth Crime Prevention & Early Intervention Program is jointly lead by West Justice Community Legal Centre, Victoria Legal Aid and Victoria Police and is supported by other community services in the Western suburbs. It aims to divert children and young people away from the criminal justice system and reduce re-offending rates. It focusses on improving access to, and consistency in the use of, police cautions and diversions for children and young people including children and young people from diverse backgrounds, for whom English may not be a first language, and/or who may be in residential care and and/or have complex needs.

Independent Mental Health Advocacy is a non-legal representational mental health advocacy service at Victoria Legal Aid that supports and assists people to make, and be involved in, decisions about their mental health assessment, treatment, and recovery. This is achieved through assisting in supported decision-making by providing consumers information on the mental health system and their rights, building capacity for self-advocacy, directly engaging with a person's treating team and linking consumers to other legal and non-legal services.

Independent Family Advocacy and Support provides non-legal advocacy and support to parents and primary carers who are involved in the **child protection** system following notification to the child protection authority and prior to the initiation of proceedings. Independent Family Advocacy and Support gives people the information and support that they need to understand their rights, responsibilities and options and connects them with services such as housing, family violence and drug and alcohol services.

End.