

# Community Legal Centres Australia Federal Budget Submission 2022 to 2023



Community Legal Centres  
Australia

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## 1. Introduction

Community Legal Centres Australia (**CLCs Australia**) is contributing this analysis to inform the 2022-2023 Federal Budget.

We have collaborated with community legal centres (**Centres**) and partners to develop recommendations on the financial resources needed to strengthen the community legal sector and support the communities we serve. CLCs Australia supports a focus on legal and social protection safety nets to assist individuals and groups experiencing discrimination and inequality.

Based on the evidence gathered by Centres in the 2021 calendar year, a significant injection of funding for the community legal sector is required to address increased legal need in the context of the ongoing management of the COVID-19 pandemic and impacts still being felt from the bushfire crisis in 2020.

CLCs Australia is the national peak body for the community legal sector. Our members are the eight State and Territory Community Legal Centre Associations that represent over 170 Centres in every electorate of Australia. We have drawn from their front-line experiences in developing our recommendations and endorsements.

It is worth noting that Centres across the country have continued to provide free and independent legal assistance to disadvantaged communities throughout the COVID-19 pandemic.

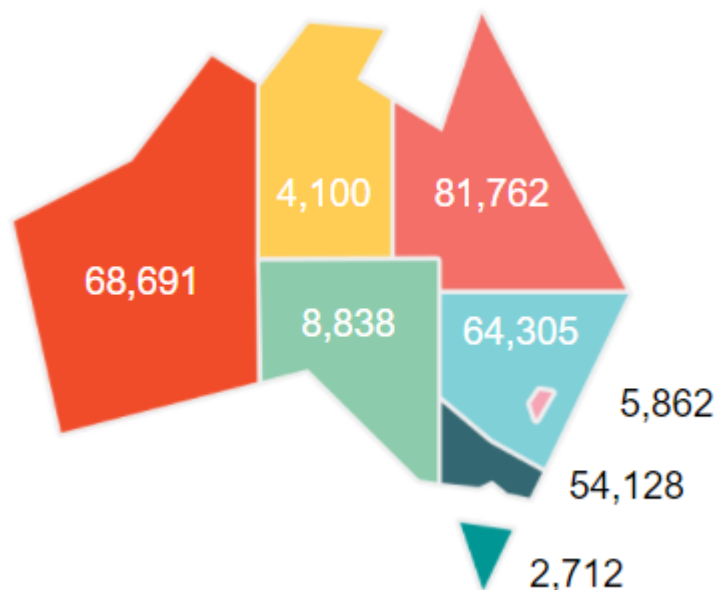
CLCs Australia has also been making calls for the Australian government to address unmet legal need. We strongly believe that more financial resources would enable all Centres to meet unmet legal need in our communities and increase early access to justice.

## 2. Communities and Community Legal Centres

Centres play an important, unique, and vital role in providing legal help to individuals and groups of individuals in disadvantaged and socially excluded communities.

Centres provide free legal help to hundreds of thousands of people, with a special emphasis on people who experience disadvantage, every year. Centres are a critical and unique part of the legal assistance sector. Our services reach every community in Australia and often bridge the divide between urban and remote services.

**From January 2021 to December 2021, Centres provided the following number of services across all States and Territories**

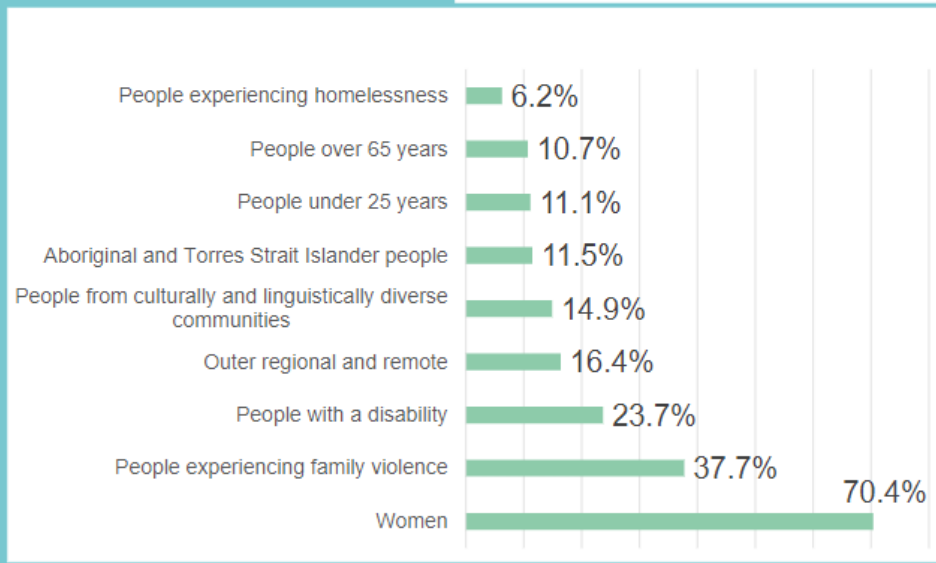


Embedded in local communities, Centres work in a cost effective, wrap around, person centred and multidisciplinary way by:

- providing early intervention services to prevent escalation, and identify issues and service gaps that would otherwise increase the costs placed on other government services;
- ensuring equitable access to justice;
- enhancing community legal education and understanding of legal rights and entitlements; and
- identifying systemic issues and the impacts of laws and policies on clients and communities, and bringing them to the attention of government.

Centres help a broad range of clients and communities. For example, in 2020-2021 the profile of the 609,000 services to clients assisted nationally (noting the conservative nature of these numbers and that it does not include data from all our Centres) is outlined in the graph below:

During 2020-21 the community legal sector provided services to various client groups



## 2.1 Keys Areas of Law

Centres provide services across a range of areas of law, primarily civil and family law.

### The top four areas of law in which Centres provided services in 2020- 2021 were:

1. Family law (in particular, parenting arrangements)
2. Family violence protection orders
3. Housing
4. Credit and debt

## 3. Summary and Recommendations

### 3.1 Executive Summary

There is a strong rationale for a whole-of-government approach to the funding of the work of Centres.

Firstly, the work of the sector cuts across a wide range of areas of law and policy including family law, credit/debt, consumer law, family violence, housing, elder abuse, employment, and social security. Secondly, the sector targets its work to people who experience financial

and social disadvantage and discrimination, as well as other matters that are in the public interest.

As a result, the sector engages individually and collectively across areas of Commonwealth Government portfolio responsibility. This is even more important as we all work together towards equitable recovery from the ongoing COVID-19 pandemic. Centres have seen first-hand the ways communities continue to be affected and the ways adequate financial allocations in the Federal Budget help to build up their resilience.

The work of the sector has significant benefits not only for the individuals and families that Centres assist, but also for governments and the broader community. For example, the Productivity Commission has highlighted that the work of Centres generates cost savings for government and the community, noting that the ‘positive spill-over or flow on effects to the wider community from providing legal assistance services’<sup>1</sup> justify government involvement in, and funding of, legal assistance services. These flow on effects include, for example, individuals being diverted away from government agencies or programs who would otherwise have had to assist these individuals navigate their personal legal issues.

It has also highlighted that in many types of disputes, the avoided or flow-on costs are greater than the cost of providing funding to legal assistance services to provide the assistance<sup>2</sup>. The Cameron Review noted that Centres ‘deliver tangible benefits both to individuals and the broader community’ and that the ‘services provided by Centres are also delivered at very low cost to government.’<sup>3</sup>

The community legal sector is uniquely placed to respond to the changing needs of local communities and address the priority legal issues that have arisen due to the bushfire crisis and COVID-19 pandemic.

Evidence gathered from Centres in 2021 indicates that there has been an increase in demand for legal help as well as increase in the complexity and urgency of legal matters in the following areas:

<b>Legal areas which have seen an increase in demand for help in 2021</b>		
Social security	Employment	Tenancy
Consumer credit	Debt	Insurance
Policing	Senior's rights	Family violence and child protection

Based on over thirty years of experience, the community legal sector has found that after every economic downturn and disaster, the need for community legal services increases.

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<sup>1</sup> Productivity Commission of Australia, Access to Justice Arrangements Inquiry Report No 72 (September 2014) 666.

<sup>2</sup> See, eg, Productivity Commission of Australia, Access to Justice Arrangements Inquiry Report No 72 (September 2014) Appendix K, 1054.

<sup>3</sup> Alan Cameron, Review of NSW Community Legal Services (2017), [2.4.2]

The 2017 Review of NSW Community Legal Services (Cameron Review) outlined several key benefits of the sector, which:

- ensured that legal rights can be enforced;
- prevented civil problems from escalating into criminal matters; and
- avoided costs to other government services and improving the efficiency of court proceedings.

Centres are extremely efficient, leveraging volunteer and pro bono support to maximise the total hours, dollar value and range of services they provide<sup>4</sup>. The community legal sector also incorporates efficiency measures into their sector-wide and individual service design and delivery<sup>5</sup>.

This Federal Budget submission identifies funding priority recommendations where additional investment would have a significant positive impact on the lives of individuals and communities, support high quality and efficient service delivery, and contribute to more effective operation of justice and related systems with a focus on early resolution.

### 3.2 Key recommendations by CLCs Australia

Key recommendations by CLCs Australia	
Recommendation 1:	Deliver funding agreements with 10-year duration and sustainable funding levels through an additional investment of \$80 million per year for 10 years from the Commonwealth Government to boost core funding for Centres across Australia
Recommendation 2:	\$1.5m every four years for a national legal needs assessment to facilitate evidence-based planning and the efficient allocation of resources
Recommendation 3	An additional \$20m per year from the Commonwealth Government to enhance the COVID-19 response and disaster recovery and resilience, with sustained funding until 2025
Recommendation 4:	An additional \$25m per year funding for wraparound support through an integrated services model until 2025

<sup>4</sup> Alan Cameron, Review of NSW Community Legal Services (2017), [5.6]

<sup>5</sup> Alan Cameron, Review of NSW Community Legal Services (2017), [5.1]

**Funding Priority 1: Deliver funding agreements with 10-year duration and sustainable funding levels through an additional investment of \$80 million per year from the Commonwealth Government to boost core funding for Centres**

**Evidence of problem/need:**

Centres need long-term, sustainable, and predictable funding to provide services that meet the needs of local communities. This will enable the sector to create innovative solutions to address legal need during the crisis and in the recovery phase.

On a daily basis, Centres have to turn away people who are disadvantaged or vulnerable who come to them for help and support. We estimate that 80 people a week are turned away from Centres in each electorate.

**What is needed:**

An increase in baseline investment in funding will enable Centres to dedicate their resources to provide the best possible support services to community members in these uncertain and challenging times and reduce the number of people being turned away, and without access to the support they need.

This funding would enable the community legal sector to:

- provide more extensive support to clients, including ongoing case work and assistance on a broader range of legal issues;
- identify systemic issues and bring them to the attention of government;
- expand services in regional, rural, and remote areas across Australia to improve access to justice, and help alleviate accessibility issues experienced by the elderly, women experiencing family violence, and First Nations people; and
- increase community legal education to improve people's capacity to solve their own legal problems, enhance community resilience and reduce disadvantage, thus alleviating the strain on other government services.

**Funding Priority 2: \$1.5m every four years for a national legal needs assessment to facilitate evidence-based planning and the efficient allocation of the Community Legal Sector's limited resources**

**Evidence of problem/need:**

'Legal need' is defined as legal issues that individuals have not been able to resolve effectively by their own means.<sup>3</sup> The distinction between 'met' and 'unmet' legal needs is an important one. The assessment of legal need, both by individual Centres to inform their approach to service delivery and at a jurisdiction wide level, is a vital element of an effective legal assistance sector. Understanding and measuring legal need in Australia and having

access to accurate and recent data underlies effective service delivery and planning across the justice system, including the legal assistance sector. It is also important that the legal need of particular groups, including First Nations people, is appropriately considered as part of mapping legal need. Any improvement in data collection and reporting needs funding to ensure centres have the resources to do this effectively.

The legal assistance sector in Australia is suffering from a lack of contemporary data on legal need and demand for legal assistance services. The last comprehensive nation-wide study of legal need was completed in 2014. In order for the community legal sector to operate effectively, we require regular data and reporting on unmet legal need and hidden legal need across Australia.

While we estimate that 80 people in each electorate are turned away from Centres each week, we currently have no way of quantifying how many people in our communities who do not even approach our Centres need legal assistance and support. This limits our ability to determine exactly what kind of assistance is needed across Australia so that we can effectively plan our services. It also limits our ability to provide this information to funders and make the case for our communities.

### **What is needed:**

The Commonwealth Government should provide funding for a regular national survey of legal need, to examine met and unmet legal need in Australia. As a minimum, for 2021-2022 one specific stream of funding to survey unmet legal need in the context of equitable recovery after the bushfire crisis and COVID-19 pandemic should be provided.

This funding would enable the legal assistance sector to:

- establish a nationwide assessment of legal need and demand for legal assistance services;
- support frontline services to capture and report on data in an effective and useful way
- identify the unique legal needs of people in regional, rural, and remote communities across Australia; and
- engage in evidence-informed sector planning and service delivery.

**Funding Priority 3: An additional \$20m per year from the Commonwealth Government to enhance the COVID-19 response and disaster recovery and resilience, with sustained funding until 2025**

### **Evidence of problem:**

As Centres are embedded in the communities they serve, they have been at the forefront of the response to the recent bushfires, floods and now the COVID-19 pandemic. Legal and support services teams have learned to adapt quickly and respond effectively to each emerging crisis. And as the impacts of the COVID-19 pandemic are likely to be long-lasting, and disasters continue to affect the wellbeing, safety and security of individuals and communities, demand for community legal assistance will remain at elevated levels for the foreseeable future.



As the economic implications of COVID-19 continue to result in significant job losses and insecurity across the country, demand for community legal assistance will remain at elevated levels, particularly in relation to residential tenancy, employment, and social security law matters.

Currently Centres receive no dedicated recurrent funding to contribute to disaster recovery efforts. The community legal sector warmly welcomed the COVID-19 legal assistance funding which was provided from mid 2020 until June 2021, and the Federal Budget 2021-22 funding which was announced in May 2021. However, as a result of delays in the implementation and delivery of funding to Centres (most of whom still had not received their funding as of December 2021), there was a service gap between July 2021 and December 2021 at a time when the ongoing implications of the COVID-19 lockdowns across Australia were at their peak. This period also corresponded with a sharp rise in legal need and demand for services. Many Centres encountered the frustrating situation of being forced to wind down the services they established utilising the COVID-19 disaster funds due to lack of continuity of funding.

#### **What is needed:**

Additional funds will enable Centres to quickly mobilise resources and allow them to better prepare for future disasters. The funding would also be used for the peak bodies across the states and territories to coordinate and support the sector in disaster response and to ensure ongoing resilience to crises.

This funding would enable the community legal sector to have:

- disaster readiness plans in place to ensure they can respond more effectively and efficiently to support communities in the face of a disaster that does not compromise business as usual service delivery;
- resources to support Centres to maintain service levels in light of remote working requirements, including expanded ICT (Information and Communications Technology) capabilities; and
- additional funding for the peak bodies across the States and Territories to coordinate and support the community legal sector in disaster response and to ensure ongoing resilience to disasters.

**Funding Priority 4: An additional \$25m per year funding for wrap around support through an integrated services model until 2025 through the employment of social workers, financial counsellors, and others.**

#### **Evidence of problem:**

Many Centres across Australia operate with an 'integrated service model' that involves ongoing partnerships between Centres and a range of organisations and services, such as health services, community organisations and schools to meet people's complex needs. The majority of those who accessed our services also required additional support through the 'integrated service model', such as access to emergency accommodation

services or childcare assistance. This can only be achieved through additional funding of Centres, including specialist women's legal centres, Family Violence Prevention Legal Services (FVPLS) and expanding 'wraparound' support and services

For example, throughout the COVID-19 pandemic the number of women at risk or experiencing family violence increased from 38.28% of clients in 2019-2020 to 42.27% in 2020-2021. This corresponded with a 16% increase in domestic violence protection orders and a 14% increase in legal support for parenting arrangements. During this time, the integrated services model allowed Centres to liaise with emergency accommodation services, local hospitals, schools, and police to assist women experiencing domestic and family violence.

#### **What is needed:**

This funding would enable the community legal sector to:

- provide long-term, stable funding for existing integrated services across Australia that have been successfully piloted and evaluated; and
- scale-up existing integrated services to provide additional support to better meet client and community needs.

## **4. Endorsement of Submissions by CLCs Australia Partner Organisations**

1. CLCs Australia supports and endorses the recommendations for reform made by Economic Justice Australia, a national network of CLCs Australia
2. CLCs Australia also supports the recommendations made by the Australian Council on Social Services (ACOSS) and Change the Record in their budget submissions.

## **5. Further Information and Contact**

CLCs Australia would welcome the opportunity to provide further information on the contents of this submission.

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