

NSW Pre-Budget Submission 2019 – 2020

COMMUNITY LEGAL CENTRES NSW – 30 MAY 2019

This submission reflects the immediate needs of the community legal centre sector to achieve our mission of access to justice for all in a fair and inclusive community.

Community legal centres are independent, non-profit organisations providing free legal help to people at times when they need it most, particularly to people experiencing disadvantage and discrimination. Detailed information about our sector, including the role of Community Legal Centres NSW (as the peak representative body), can be found on [our website](#).

The NSW Government's 2018 Cameron Review acknowledged that community legal centres 'play a unique and essential role' in the NSW legal assistance sector, alongside organisations such as Legal Aid NSW, the Aboriginal Legal Service NSW/ACT, Family Violence Prevention Legal Services, as well as individual lawyers providing pro bono services.

Following the Review our sector entered into a competitive tender process for NSW Government Community Legal Service Program (CLSP) funding. The outcomes were announced at the beginning of May 2019. In general, the results are a 'mixed bag' (full analysis [on our website](#)). While additional overall sector funding and increased funding security via three-year contracts are welcome, many centres will receive less funding from 2018-19 to 2019-20, meaning valued services will need to be reduced in key areas, effective 1 July 2019.

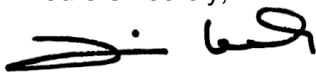
In this submission, we call on the NSW Government to inject \$5.4 million per year over the next three years into the community legal sector in NSW. For 2019-20 this is as follows:

1. \$926,396 to meet CLSP funding shortfalls from 2018-19 to 2019-20 faced by thirteen community legal centres following the competitive tender process.
2. A \$2.9 million general CLSP increase to expand community legal service delivery beyond the status quo.
3. \$870,000 to support the NSW operations of four national community legal centres within the CLSP that currently receive no state funding.
4. \$130,000 for Community Legal Centres NSW to develop and implement an impact evaluation framework for the CLSP in NSW, as recommended by the Cameron Review
5. \$462,000 to continue the Care Partners Program beyond 30 June 2019.

Further information about each of these funding recommendations is set out below.

For more information or to arrange a time to discuss this submission, please contact our Advocacy and Communications Manager, Mark Riboldi, via mark.riboldi@clcnsw.org.au or (02) 9212 7333.

Yours Sincerely,



Tim Leach

Executive Director

Community Legal Centres NSW

WHY COMMUNITY LEGAL CENTRES?

Early legal support is an essential service, helping people navigate the challenges they face day to day. Without legal help, people's problems can spiral out of control, pushing them into poverty, homelessness, debt and danger.

Leaving legal problems unaddressed has a devastating impact on people and their families. It also has serious consequences for the broader community, leading to increased numbers of people interacting with hospitals, police, courts and out-of-home care.

Accessing legal support shouldn't be determined by your bank balance. Everyone in NSW should be able to access independent and affordable legal advice. However, many people experiencing disadvantage and discrimination are unable to access appropriate legal supports where and when they need them.

Key challenges people face that community legal centres help with include:

- family issues like parenting arrangements and child protection
- housing insecurity arising from tenancy problems and homelessness
- financial problems like fines and debts, welfare payments and consumer complaints
- family and domestic violence, child abuse and sexual assault.

There are nearly 40 community legal centres in NSW. Some provide general legal help to people within their geographic catchment area, spread across metropolitan, rural, regional and remote NSW. Others provide specialist assistance on issues like welfare, tenancy, immigration, finance, domestic violence, disability and discrimination.

Community legal centres are well-recognised as effective and efficient service providers, providing crucial legal supports which help stop people's everyday problems spiraling out of control. Community legal centres provide a range of legal services including:

- free, easily accessible and independent advice, representation and casework
- information, self-help resources and referrals
- community education, training and community development
- outreach services, systemic advocacy and law reform.

In the 2017-18 financial year, community legal centres in NSW provided:

- services to least 54,659 people
- 73,159 instances of legal and 8,039 instances of non-legal support
- 68,470 referrals
- information on 33,696 occasions.¹

However, due to long-term underfunding and funding uncertainty, **many community legal centres are forced to turn people away and struggle to retain staff** because of low sector wages and burnout.

Many community legal centres receive funding through a variety of sources, including regular state and federal government funding, grants, and donations from individuals. Community legal centres leverage volunteer support from students, commercial lawyers and pro bono firms to maximise their impact.

¹ Community Legal Centres NSW, *Annual Report 2017-18*, pg. 8.
https://www.clcnsw.org.au/sites/default/files/2018-11/Annual_Report_2017%3A2018.pdf

MEET LOOMING FUNDING SHORTFALLS

Recommendation 1: \$926,396 to meet CLSP funding shortfalls from 2018-19 to 2019-20 faced by thirteen community legal centres following the competitive tender process.

The Cameron Review of community legal centre services found that community legal centres do excellent work with limited resources and are extremely efficient. Grounded in strong governance structures, they are administratively lean and there is very little service duplication across the sector and the state.

The Cameron Review also found that the sector is underfunded and that the ‘vast majority of community legal centres would not be able to absorb a reduction in funding without compromising frontline service delivery.’²

Unfortunately, the recently completed competitive tender process conducted in response to the Cameron Review’s recommendations resulted in a mixed-bag of outcomes for the community legal centre sector in NSW. While the sector welcomed the shift from one-year to three-year funding agreements, as well as an overall increase of \$1.86 million available through the Community Legal Service Program from 2018-19 to 2019-20, we are concerned that redistributions have resulted in overall funding shortfalls for 10 centres. These are:

Australian Centre of Disability Law	Environmental Defenders Office NSW
Illawarra Legal Centre	Western NSW Community Legal Centre
Intellectual Disability Rights Service	Marrickville Legal Centre
North & North West Community Legal Centre	Northern Rivers Community Legal Centre
Wirringa Baiya Aboriginal Women’s Legal Centre	Welfare Rights Centre

South West Sydney Legal Centre, Inner City Legal Centre and Women’s Legal Service NSW were also allocated less general funding. However, they each received funding for new projects from a pool established specifically for new programs (Pool 2). This funding for new projects has resulted in an overall increase in NSW government CLSP funding for 2019-20 for these centres. However, the funds are tied to specific new areas of service delivery, meaning these centres will have to discontinue service delivery in other areas due to the funding shortfall.

The total quantum of the general CLSP funding shortfall for these centres is \$926,396. Community Legal Centres NSW recommends the NSW Government makes up this shortfall as a matter of urgency. This is particularly urgent for the 10 centres that are losing a total of \$671,582 overall from 2018-19 to 2019-20.

If these funding shortfalls are not met, some of the most disadvantaged people in NSW will lose access to key services, including Aboriginal and Torres Strait Islander women, people with intellectual disability, women trying to escape violent relationships and people in some rural, regional and remote NSW.

² Cameron Review Report, Executive Summary, <https://www.justice.nsw.gov.au/Documents/publications-research/Final-Report-CLC-Services.pdf>

INCREASE GENERAL FUNDING FOR THE COMMUNITY LEGAL SERVICES PROGRAM

Recommendation 2: \$2.9 million general CLSP increase to expand community legal service delivery beyond the status quo

There is no shortage of legal need in NSW. Rather than simply funding the sector to maintain the status quo, we recommend that the NSW Government invest an additional \$2.9 million per year into the community legal sector.

This would enable centres to **increase their service offerings, to attract and retain an expert workforce and, ultimately, to increase access to justice in NSW.**

A general increase to the CLSP pool is additionally required to allow for indexation and rising costs for salaries, travel, rent, equipment, etc.

In 2014, the Productivity Commission noted that people experiencing disadvantage and discrimination face significant difficulties accessing the justice system.

More recently, Cameron Review found that people experiencing disadvantage:

- are more likely to experience legal problems than others in the community and to have a greater number of legal problems. People who experience six or more forms of disadvantage experience an average of 12.5 legal problems. This is 6.5 times the average number of legal problems faced by people who do not experience any form of disadvantage.³
- face more challenges when it comes to solving legal problems. This includes poorer knowledge about rights and legal processes, as well as fewer financial resources to access legal advice.⁴
- are significantly more likely to ignore or avoid problems or to act without the benefit of legal or non-legal advice, resulting in worse outcomes.⁵

In addition to its findings about the sector's effectiveness and efficiency (cited above), the Cameron Review identified key service gaps across the legal assistance sector in NSW including:

- capacity gaps
- underserved geographic locations
- inadequate services in specific areas of law
- inadequate services for specific priority groups, particularly Aboriginal and Torres Strait Islander people and communities.

The Cameron Review represents a significant reform to the way the community legal centres in NSW are funded. Community Legal Centres NSW believes that any reform to the legal system must prioritise improving access to justice for people who are most disadvantaged in the community.

³ Ibid, p 68.

⁴ Ibid, pp 29-30.

⁵ Ibid, p 31.

BRING NEW COMMUNITY LEGAL CENTRES INTO THE COMMUNITY LEGAL SERVICE PROGRAM

Recommendation 3: \$870,000 to include the NSW operations of four national community legal centres within the CLSP

The Cameron Review recommended that national community legal centres that provide services to NSW residents should not be excluded from NSW Government funding. Within the Community Legal Centres NSW membership, these centres include Youth Law Australia (formerly the National Children’s and Youth Law Centre), the Animal Defenders Office, Justice Connect and the Arts Law Centre of Australia. The report stated, ‘in principle, all of these services should be eligible to receive NSW Government funding, provided they meet relevant quality standards.’

Critically, the Report recommended that ‘the NSW Government should (seek to identify) additional funds to ensure that these services be funded without resulting in funding reductions to existing services.’

Youth Law Australia, the Animal Defenders Office, the Arts Law Centre of Australia and Justice Connect all made modest applications for funding to support their program and service delivery in NSW through the recent Cameron Review tender process. Unfortunately, none of these centres received any funding.

To support increasing access to justice for people experiencing disadvantage and discrimination, Community Legal Centres NSW recommends that the NSW Government provides an additional \$870,000 per year to these services as requested through their Cameron Review applications. A summary of each application and the programs funding would support is provided below.

Centre	Rationale for funding	Amount p.a.
Animal Defender’s Office	Deliver legal advice, representation and community legal education to people and communities experiencing financial and other forms of disadvantage in NSW with legal matters involving animals.	\$130,000
Arts Law Centre of Australia	A targeted program of legal advice clinics and educational workshops for Indigenous artists in NSW, focusing on regional and remote communities where artists have limited access to specialist legal services.	\$100,000
Justice Connect	Support service delivery to older people experiencing financial and elder abuse and workplace discrimination (including superannuation underpayments).	\$240,000
Youth Law Australia	Deliver a statewide community legal service for young people in NSW, via community outreach and technology-enabled service delivery.	\$200,000

IMPACT EVALUATION FRAMEWORK FOR THE COMMUNITY LEGAL SECTOR IN NSW

Recommendation 4: \$130,000 per year for Community Legal Centres NSW to develop and implement an impact evaluation framework for the sector

The Cameron Review identified the development and implementation of an impact evaluation framework as an essential component of building the evidence base for the CLSP. This would be consistent with the NSW Government's stated commitment to outcomes and impact measurement across all human services. With established relationships and a deep understanding of the sector's vision, mission and operational strengths and limitations, Community Legal Centres NSW is best placed to lead this crucial piece of work.

An additional \$130,000 per year would:

- enable Community Legal Centres NSW to employ a dedicated staff member to drive the consultative process needed to develop a robust framework and to implement it over the next three years.
- cover additional expenses associated with the consultation and development process, including travel, implementation resources and overheads.

MAINTAIN CHILD PROTECTION LEGAL SERVICES

Recommendation 5: \$462,000 to ensure the continuation of the Care Partners Program beyond 30 June 2019

Community legal centres' child protection legal practices are at capacity. Some have been forced to put clients on waiting lists, or to triage the most urgent matters for priority service. Without additional funding, community legal centres are unable to do the vital, preventative and pre-emptive work with families that is needed to reduce the number of children being removed from their families and placed into out of home care.

Early independent legal advice in child protection matters is crucial to helping parents explore their options to prevent permanent child removal. The work of community legal centres can keep families together while ensuring the safety of the child.

Currently, only 12 community legal centres receive Legal Aid NSW funding to deliver child protection legal advice through the Care Partners Program. Most of these centres are only able to deliver a part-time. This is the case even for services whose catchment is statewide or who work with people with extremely complex needs, like Wirringa Baiya Aboriginal Women's Legal Centre, the Intellectual Disability Rights Service and Women's Legal Service NSW.

Current funding allocations expire on 30 June 2019. Worryingly, at the time of writing none of the centres currently receiving 'Care Partner' funding knows whether their child protection legal services will continue to be funded beyond 1 July 2019.

We call on the NSW Government to provide certainty to community legal centres that deliver child protection legal services under the Care Partners Program by immediately announcing its commitment to continue to fund this critical program.