

Law Access Response to the Independent Review of the National Legal Assistance Partnership

Law Access Limited is a company limited by guarantee, incorporated in December 2014. Its sole member is The Law Society of WA and its Board of Directors comprises a minimum of 50% Law Society nominees.

Law Access facilitates the delivery of pro bono work by the Western Australian legal profession. We take applications for legal assistance direct from the public (individuals and not-for-profit organisations) and on warm referral from service providers (including the legal assistance sector). We assess applications for suitability for referral to pro bono legal services and, where appropriate, seek to place applicants with practitioners who are willing to provide services without charging their usual fees.

Since the introduction of the WA Pro Bono Model on 1 July 2020, Law Access has been a primary source of eligible pro bono work for the profession. We have been charged with the responsibility of promoting pro bono work in the profession, working with CLCs to improve outcomes in the legal assistance sector through pro bono engagement, and assisting pro bono lawyers with their capacity to deliver appropriate services to vulnerable clients.

Law Access was established with a three-year organizational development grant from Lottery West. The Public Purpose Trust has supported Law Access with successive grants from FY2017. The Department of Justice commenced a grant to Law Access in FY2021 with the expansion of Law Access services to cover the WA Pro Bono Model.

The below is an extract from the Law Access audited financial reports FY2022:

3 Revenue

	2022 \$
Revenue	
<u>Government grants</u>	
Department of Justice - WA Probono Model grant	150,000
Department of Justice - Law Access grant	100,000
ATO Jobkeeper grant	-
ATO COVID-19 cashflow boost	-
<u>Other revenue</u>	
Public Purposes Trust Fund grant	270,000
Sponsorship	18,500
Donations	170,241
Interest on investments	51
Total Revenue	708,792

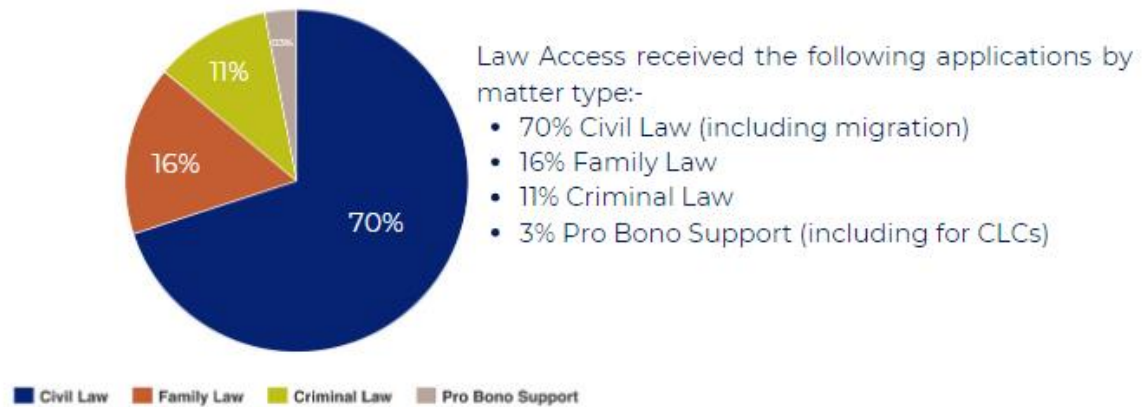
Law Access funding from the Public Purpose Trust is a 3-year grant agreement expiring 30 June 2025.

Law Access funding from the Department of Justice is a 3-year grant agreement expiring 30 June 2025.

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

Law Access does not receive any funding through the NLAP.

In FY2022, Law Access received the following application types (from 2022 Impact Report) and placed **200 matters** with pro bono practitioners:



In that year, Law Access assisted individuals in genuine need of legal assistance with experience of the following categories of disadvantage:

- 7.2% ATSI (First Nation)
- 25.7% DISABILITY (People with a Disability)
- 9.7% DV (Domestic Violence)
- 10.2% PRISONER or DETAINEE
- 10.9% CALD (Culturally / Linguistically Diverse)
- 12.3% RRR (Rural, Regional and Remote)

Law Access costs in FY2022 were \$678k and Law Access facilitated the delivery of legal services by the WA legal profession as follows (from 2022 Impact Report):

 **7541***
Estimated value of pro bono hours

 **\$2.76m***
Estimated value of pro bono \$

Law Access work through the contribution of the private profession realized an over **400%** leveraging.

Given that Law Access is an option of last resort for applicants who cannot receive assistance through other service providers, the ability to assist through the private profession in this way is a vital part of the legal assistance sector.

The Commonwealth needs to support the pro bono referral services as the final piece of the puzzle that allows all people to access legal assistance where needed.

10. Advocacy: Should legal assistance funding be provided to legal assistance providers for advocacy and law reform activities?

Legal assistance providers have a unique and important perspective on access to justice and equity issues. The private profession have both an appetite for and resources to apply to: research, analysis, advocacy, law reform, and strategic litigation. Law Access sits between the two and provides an important connection for the legal assistance sector to request and receive appropriate support from the private profession in their advocacy and law reform activities.

To be effective advocates for access to justice and equity in application of our laws, the legal assistance sector needs core funding for these activities. Law Access also needs core funding for involvement in this work, including facilitating collaboration between the legal assistance sector and the private profession. Again, the value garnered through leveraging pro bono participation in this space is considerable.

13. Labour market: How does workforce supply and remuneration impact on the provision of legal assistance services?

Law Access operates on the un-tested assumption that its operations are covered by the SCHADS Award, alternatively that this award is the closest market measure of appropriate wages for our staff.

The award conditions cannot compete with either the private profession or with Legal Aid. Therefore, there is a considerable pull away from the legal assistance sector and into private practice AND a large portion of the workforce inclined towards the legal assistance sector is attracted to Legal Aid.

Law Access is not a direct service provider and does not provide actual legal advice; therefore, we also compete on job satisfaction with providers of legal services to clients (private, government and NGO).

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

We refer to our answers to question 6 and question 10 above.



Alana Dowley
Chief Executive Officer



Greg McIntyre SC
Chair, Board of Directors

29 August 2023