

**Brimbank Melton Community Legal Centre,
*a program of Comm Unity Plus Services Ltd.***

Submission to the Independent Review of the National Legal Assistance Partnership Agreement

October 2023

Contents

Acknowledgement of Country	2
1. About Us	3
commUnity+	3
Brimbank Melton Community Legal Centre	3
2. Introduction	4
3. Executive Summary	4
4. Summary of Recommendations	4
5. Submissions.....	4
Legal Needs.....	5
Roles and Responsibilities	6
Funding Models	6
Demand Over Time	7
Labour Market	8
Data.....	9

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Acknowledgement of Country



We proudly acknowledge the Wurundjeri Woi Wurrung and Bunurong people as the traditional custodians of the land on which we work and provide services.

We pay our respects to Elders past, present and emerging. commUnity+ acknowledges this land was never ceded; that it always was and always will be Aboriginal land.

1. About Us

commUnity+

Comm Unity Plus Services Ltd (commUnity+) is a multi-service community organisation in Victoria that delivers integrated services focused on early intervention to promote social and economic inclusion, social justice, and safety from family violence.

Our Vision is for everyone in the West to have a safe place where they feel they belong and where they can live the life that they choose.

Our Purpose is to support, strengthen and enable individuals and diverse communities in the West to flourish.

We deliver the following programs:

- Brimbank Melton Community Legal Centre (BMCLC)
- Community education in settlement, foundation and employment focused programs across several locations
- Neighbourhood House program based in Deer Park
- Children Contact Services based in Deer Park, Brunswick West, and Glenroy.

Brimbank Melton Community Legal Centre

Brimbank Melton Community Legal Centre (BMCLC), provides free legal services and community legal education across the Brimbank, Melton and Bacchus Marsh communities in Melbourne's West. We work with some of the fastest growing, most culturally and linguistically diverse, and most disadvantaged and marginalised communities in Australia.

BMCLC receives Commonwealth and State funding through NLAP, as well as funding from other sources.

We have a number of different legal clinics and projects that we deliver across the communities that we work with, including:

- A range of generalist and family law legal clinics
- Community legal education and community development, delivered alongside a range of community partners, including commUnity+'s community education programs
- Duty lawyer services for victim-survivors of family violence at Sunshine Specialist Family Violence Court and Bacchus Marsh Magistrates' Courts
- Health Justice Partnerships located at Sunshine Hospital and Melton Health & Community Services
- The Vietnamese Lawyer Project, where legal assistance and education is delivered in Vietnamese language to the large Vietnamese community in our catchment area
- An African Australian legal assistance project commencing in 2024, focusing on early intervention and culturally accessible and appropriate legal service delivery and education, and
- Family law litigation and property settlement assistance to clients in need (predominantly women who have experienced family violence) that are not eligible for legally aided assistance and cannot afford a private lawyer.

BMCLC utilises a client-centred model to deliver legal services and community engagement activities with the primary aims of enhancing access to justice and promoting early intervention and prevention.

Note: Throughout this paper, 'we' refers to Brimbank Melton Community Legal Centre (BMCLC), a program of Comm Unity Plus Services Ltd (commUnity+).

2. Introduction

We welcome the opportunity to contribute to this timely and important review of the National Legal Assistance Partnership (NLAP).

We have made this submission to bring forward some of the unique and significant challenges facing BMCLC and the communities that we work with. Building upon the submissions of our colleagues and the peak bodies in the Community Legal Centre (CLC) sector, we have sought to bring forward the issues and recommendations that we consider most pressing.

Pursuant to the submission guidelines, we consent to:

- Our submission being published on the Review website
- Being identified in the report of the Review as having made a submission
- Our submission being quoted with attribution in the report of the Review
- Our submission being quoted anonymously in the report of the Review.

3. Executive Summary

The current NLAP funding model has presented significant challenges for BMCLC and for the communities that we work with, which has had the effect of reducing the effectiveness and impact of this funding.

Building upon the submissions and recommendations of our colleagues and peak bodies across the CLC sector, we have raised the following issues as important issues for the Inquiry to consider:

- Funding allocations under the current NLAP are not made transparently using up-to-date legal need data
- In areas with very high levels of disadvantage, such as the communities that we serve, our current NLAP funding levels are inadequate
- Funding for community legal centres fails to properly value their important role in the legal assistance sector
- Current competitive processes for funding allocation fail to adequately allocate funds on the basis of legal need, create inefficient and competitive behaviour by community legal centres, and lead to cycles of some organisations regularly succeeding and others failing to attract additional funding
- Current short-term funding contracts reduce the impact of NLAP funding and make it difficult to retain staff
- NLAP funding has failed to account for changes in levels of legal need in different areas. The communities that we serve have experienced increasing levels of disadvantage and enormous population growth, but funding has not matched these needs, leaving these communities behind
- NLAP funding has failed to be adequately indexed, leading to funding cuts in real terms
- Current NLAP funding levels mean that CLCs are not able to offer pay or conditions that can compete with legal aid commissions or private practice, making it very difficult to retain our best staff
- Data collection requirements are often highly onerous, and CLCs are not funded to meet these specific demands.

4. Summary of Recommendations

We make the following recommendations to the Inquiry, arising from our exploration of issues in section 5 *Submissions*:

Recommendation 1: NLAP funded legal need studies are regularly conducted in all states and territories

Recommendation 2: Increase funding amounts for community legal centres Increase funding amounts for community legal centres

Recommendation 3: Increase funding amounts for community legal centres

Recommendation 4: NLAP funding decisions should be transparent and based on legal need

Recommendation 5: NLAP funding should prioritise funding security to create greater stability and certainty for CLCs and CLC staff

Recommendation 6: The NLAP Funding Model should deliver additional funding where additional legal needs are identified during the term of a NLAP

Recommendation 7: NLAP funding should be indexed to reflect the true costs of legal service delivery

Recommendation 8: NLAP funding should allow CLCs to offer pay and employment conditions on par with Legal Aid Commissions

Recommendation 9: NLAP should provide specific funding to CLCs to implement and manage data collection requirements

5. Submissions

We have had the opportunity to read the draft submissions from the Victorian Federation of Community Legal Centres (the Federation, FCLC) and Community Legal Centres Australia (CLCA). This submission by commUnity+ both builds upon their submissions and brings forward the issues and recommendations that we consider most important for the inquiry to consider, and provides context on how these issues are being experienced by BMCLC.

Legal Needs

Issues Paper Issue 2

We endorse the submission of the FCLC in relation to:

- There currently being a limited understanding of legal need around Australia
- Legal need being very high and being largely unmet by current funding and services
- CLCs not being adequately funded to respond to these levels of legal need.

We feel these issues particularly acutely in our work, with the communities that we work with having some of the highest rates of disadvantage and legal need in Australia.

The communities that BMCLC works with are some of the most disadvantaged in Australia on a wide range of measures, particularly highlighted by the high rates of socio-economic disadvantage and family violence¹. The communities that we work with have disproportionately low levels of education, and very high numbers of people that speak limited English², all of which serve to limit their ability to resolve their own legal issues without assistance, with the communities that we work having very high numbers of people likely to need legal assistance if they experience a legal issue.³

Recent research by the Victorian Law Foundation shows that there is a very strong link between legal problems, with the most vulnerable in society not only face more legal problems but also

¹ <https://profile.id.com.au/g21-region/seifa-disadvantage?SeifaKey=400042021>;
<https://www.crimestatistics.vic.gov.au/crime-statistics/latest-victorian-crime-data/family-incidents-2>

² 2021 Census data for Brimbank and Melton LGAs

³ <https://public.tableau.com/app/profile/law.and.justice.foundation.of.nsw/viz/NationalLegalNeedsdashboard/NEEDS-AGGSA>

experience them in clusters - further exacerbating their vulnerability and disadvantaged circumstances.⁴

We see the high legal need and levels of disadvantage in the communities that we work with in the strong demand and long wait lists for our services. Despite significant efforts to narrow and better target our services, BMCLC continues to experience overwhelming demand for our legal core services. We regularly have a full waiting list for appointments and often must turn away high need community members from our service because we do not have the capacity to provide them with assistance within the timeframe required.

We believe that the way in which current NLAP funding allocations have been determined fails to adequately account for areas of higher disadvantage and need, such as in the communities that we work with, and that there is a lack of transparency about how these allocations have been determined.

Recommendation 1: NLAP funded legal need studies are regularly conducted in all states and territories

This is essential to ensure that NLAP funding allocations are made on the basis of legal need, and that funding allocations can shift over time in response to shifting needs. Timing of the studies should be in advance of each NLAP term and (at least) prior to the mid-point of each NLAP term.

These legal need studies should utilise existing available data, such as the recent Victorian Law Foundation's Public Understanding of Law Survey.

Recommendation 2: Increase funding amounts for community legal centres

Funding amounts for CLCs should be increased to recognise the high amount of unmet legal need in the communities that we work with and to recognise the important and specialised role that CLCs play in the legal assistance sector in providing place-based, grassroots, and early intervention legal assistance.

Roles and Responsibilities

Issues Paper Issue 3

We endorse the Federation's submissions in relation to the current issues that result from having Victoria Legal Aid as the administrator for CLC NLAP funding in Victoria.

Recommendation 3: Increase funding amounts for community legal centres

This should include transparency from governments about funding allocations between CLCs and other NLAP funded services such as Legal Aid Commissions.

Funding Models

Issues Paper Issue 6

Significant amounts of CLC funding, including NLAP funding such as the NLAP Special Streams, are allocated to CLCs in Victoria through competitive grants processes, with a lack of

⁴ <https://puls.victorialawfoundation.org.au/>

transparency in how final funding decisions were reached and what evidence was relied upon in making this decision.

These processes mean that CLCs dedicate significant portions of current funding towards competing for additional limited funding, and creates incentives for CLCs to compete with each other, rather than collaborating with each other.

For CLCs such as BMCLC, which are servicing an enormous and growing community demand with limited resources, we have limited capacity to invest in the advocacy and grant writing to attract this funding, therefore often missing out to organisations with greater resourcing to be able to support this advocacy work.

This compounds inequality between CLCs, as successful CLCs receive greater funding which allows better resourcing for future advocacy, often leading to cycles of the same CLCs consistently being successful or unsuccessful with funding outcomes.

Recommendation 4: NLAP funding decisions should be transparent and based on legal need

NLAP funding allocations should be made in a more transparent way that is based on need and demand, rather than through highly competitive processes.

The awarding of additional NLAP funding, beyond core funding, during the term of a NLAP agreement should be an opportunity to provide additional funds where it is identified that needs and demand for legal services has grown.

We also call for greater funding security and longer funding terms for CLCs. Many funding agreements through the current NLAP only provide funding for limited terms as short as 12 months, which has significant implications for project impact and workforce stability.

For CLCs, which operate on relatively small budgets and are often juggling multiple insecure funding streams, a lack of funding security makes it difficult to properly plan and to retain staff. It also reduces the impact of our work, with long-term investment in staff and community engagement often required to build the necessary trust and relationships within communities to reach clients experiencing the highest levels of marginalisation and disadvantage.

This is an issue which has significantly impacted BMCLC in recent years, leading to reduced job security for staff and higher staff turnover as staff seek alternative employment when funding contracts are only extended at the very late minute. At the end of the two most recent financial years, NLAP funding confirmation have only been received by BMCLC on the eve of the new financial year.

Recommendation 5: NLAP funding should prioritise funding security to create greater stability and certainty for CLCs and CLC staff

Demand Over Time

Issues Paper Issue 7

As well as not being adequately targeted to meet the areas of the greatest legal need, the current NLAP funding model for CLCs has failed to properly account for changes in legal needs and demands in different areas over time.

This is an issue which has a very significant impact on the communities that we work with, with BMCLC seeing ever-increasing demands for legal services from people experiencing high levels of marginalisation and disadvantage. Melton, one of the two main LGAs that we service,

is the fastest growing LGA in Australia,⁵ and population growth is projected to continue strongly across our catchment area in the future.⁶

On top of this rapidly expanding population, we have seen increasing rates of family violence⁷ and levels of socio-economic disadvantage⁸ in the communities that we work with in recent years.

Despite this rapidly increasing need for legal services in the communities that we work with, BMCLC's NLAP funding has not expanded to properly meet these increasing needs.

We believe that these challenges mean that the communities that we work with are experiencing higher growth in legal demand than services in other areas, and that the lack of NLAP funding growth to account for this means that these communities are being under-serviced and left behind by current NLAP funding when compared to other areas of Australia not experiencing this level of growth in demand.

Recommendation 6: The NLAP Funding Model should deliver additional funding where additional legal needs are identified during the term of a NLAP

Legal need shifts over time, and funding allocations should be able to better shift over time to meet these changing needs.

This may be achieved through legal needs assessment informing each new NLAP term, and a mid-term legal needs assessment to inform mid-term adjustments (timed accordingly and appropriately scaled).

As well as failing to account for changing demands across different areas, NLAP funding is not sufficiently indexed to account for increasing costs, which has been a significant issue with recent high inflation and national wage increases. In recent years this has meant that CLCs such as ours have experienced an effective NLAP funding cut in real terms, placing additional pressure on budgets and our ability to retain current staffing and service levels.

Recommendation 7: NLAP funding should be indexed to reflect the true costs of legal service delivery

To avoid effective funding cuts in real terms, NLAP funding should be properly indexed to reflect national wage increases (NWI) and other cost increases.

Labour Market

Issues Paper Issue 13

CLC worker's employment conditions are often characterised by low remuneration, poor job security, limited career pathways, and high risk of vicarious trauma and burnout. Due to these issues, we struggle to retain our best staff, who often leave to pursue significantly better paid opportunities at Victoria Legal Aid or in the private legal sector. The gendered nature of the CLC sector means that these poor conditions disproportionately impact women.

⁵ <https://population.gov.au/data-and-forecasts/dashboards/fastest-growing-local-government-areas>

⁶ <https://forecast.id.com.au/melton>; <https://forecast.id.com.au/brimbank/>

⁷ <https://www.crimestatistics.vic.gov.au/crime-statistics/latest-victorian-crime-data/family-incidents-2>

⁸ <https://www.abs.gov.au/statistics/people/people-and-communities/socio-economic-indexes-areas-seifa-australia/latest-release>

These issues are exacerbated by other issues identified above, with limited funding security creating insecure employment for our staff, and with high rates of legal need and disadvantage placing staff at a high risk of burnout and vicarious trauma.

Recommendation 8: NLAP funding should allow CLCs to offer pay and employment conditions on par with Legal Aid Commissions

Data

Issues Paper Issue 14

Data collection and reporting requirements are often burdensome and CLCs are not funded to meet these specific demands. We call for specific add funding to maintain/access IT professionals, modern CMS tools, and to build organisational capacity to conduct effective and consistent data collection and reporting.

Recommendation 9: NLAP should provide specific funding to CLCs to implement and manage data collection requirements

End of Submission