

Submission to the Independent Review of  
the National Legal Assistance  
Partnership



An Anglicare  
Victoria Program in  
partnership with the  
local community

## Acknowledgment of Country

Gippsland Community Legal Service acknowledges the Traditional Custodians of the lands we now call Gippsland and note that this document was developed on the lands of the Bunurong and Gunaikurnai peoples.

We recognise their continuing connection to Country and Community on these unceded lands. We pay respect to the Elders of the past, present and future.

## Forward

Anglicare Victoria welcomes the opportunity to provide submissions to the Independent Review of the National Legal Assistance Partnership documenting the experience of Gippsland Community Legal Service ('GCLS') in service provision under the NLAP.

GCLS is a community legal centre ('CLC') that provides free legal assistance to people who live, work or study in Gippsland. Operating since 2000, GCLS is a program of Anglicare Victoria and is co-located with other Anglicare Victoria programs at our offices in Morwell, Bairnsdale, and Wonthaggi.

GCLS is a generalist CLC, but delivers more specific service provision within Gippsland, including:

- bushfire recovery legal services in East Gippsland to support community recovery from the 2019/2020 Black Summer Bushfires,
- the Clean Slates Health Justice Partnership with Latrobe Regional Hospital's Community Mental Health Services,
- disaster preparedness legal services in Inner Gippsland and Outer Gippsland,
- family violence intervention order duty lawyer services across five separate courts in Gippsland,
- the Family Advocacy and Support Service family law duty lawyer service, and
- the Victims Legal Service.

GCLS is staffed by 10 lawyers and 2 administrative staff members, with 5 lawyers and 1 administrative staff member working part time.

Geographically, Gippsland makes up 18% of the state of Victoria, bordering Melbourne and extending east to the border with New South Wales. The geographical area covered by GCLS service provision includes people living in areas classified by the Australian Statistical Geography Standard as Inner Regional Australia, Outer Regional Australia, and Remote Australia.

GCLS supports the submissions from the following organisations made to the Review:

- Community Legal Centres Australia ('CLCA')
- the Federation of Community Legal Centres ('FCLC')
- the joint submission by CLCA, National Aboriginal and Torres Strait Islander Legal Services, and National Legal Aid on NLAP and disaster legal assistance
- The Victorian Sector Outcomes Pilot 2022-23 emerging lessons and recommendations submission.

GCLS provides its own submission to contribute supplemental information arising from experience of direct service provision under the NLAP that we consider supports the submissions listed above.

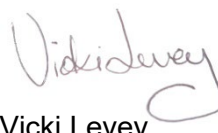
We trust that the unique experience of GCLS in delivering legal services to communities in Gippsland under the NLAP will be of benefit to the Review.



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## 1 Disaster legal services

GCLS has provided bushfire recovery legal services in the East Gippsland Local Government Area since mid-2020 in response to the 2019/2020 Black Summer Bushfires. Initially, GCLS' response work was funded for one lawyer, which extended to two lawyers in April 2021.

In September 2023, GCLS was successful in obtaining a funding grant from the Victorian Legal Services Board and Commissioner which will grow the GCLS disaster preparedness and recovery team by a further two lawyers for two years, with the project expected to commence in December 2023. The additional lawyers will provide disaster legal preparedness support to Gippsland communities.

### 1.1 The urgency of disaster preparedness work

From mid-2020 to September 2023, GCLS provided legal advice to community members experiencing bushfires, floods, storm damage and earthquake damage.

In the week of 1 October 2023, Gippsland experienced bushfires, floods, storms, and an earthquake. Our experience from the Black Summer Bushfires tells us that our communities will be suffering the legal and social implications of that week for years to come.

GCLS emphasises the immediate need for additional resourcing for disaster legal preparedness work and encourages the Review to reflect the urgency of that need. GCLS fears that we are fast approaching a point in Gippsland where inadequate response and resourcing for disaster preparedness will be measured in lives lost, rather than territory burnt or rivers that have broken their banks.

### 1.2 Recovery is preparedness

GCLS considers the existing distinction between disaster preparedness and disaster recovery legal services as arbitrary and disconnected from the reality of the experiences of our communities. There is no point recovering from a disaster if you are not building that recovery around an expectation that you will be better prepared for the next disaster. In Gippsland, the reality is that the next disaster is always coming.

GCLS believes it is imperative that the next NLAP reflect that disaster recovery and disaster preparedness work can no longer be seen as two distinct areas. Recovery is preparedness.

To reflect that experience, 'disaster preparedness and recovery' is referred to as 'disaster preparedness' throughout these submissions.

### 1.3 Integrated service provision and disasters

As a service of Anglicare Victoria, GCLS has the benefit of significant natural integration with other Anglicare Victoria community and family services programs. Although Anglicare Victoria is a state-wide organisation, services vary widely from region to region and are designed to be placed-based and specific to the needs of each of the communities Anglicare Victoria works in. In the context of the funding GCLS received in the wake of the Black Summer Bushfires, this has led to extensive collaboration between Anglicare Victoria's Bushfire Financial Counselling team and GCLS. Our teams are located next door to each other at the Anglicare Victoria Bairnsdale office and both teams naturally develop an in depth understanding of the value and services that the other offers. As a result, joint outreach, community development activities and community education events are the norm in the GCLS disaster experience.

The Public Understanding of Law Survey ('PULS') data reflects the immense need for approaches to disaster preparedness that transcend individual sectors or programs. PULS tells us that we can't rely on

individual community members to understand their issue is legal.<sup>1</sup> However, it also provides hope in that community members frequently ask other support services, such as doctors or government officials, for help.<sup>2</sup> This finding means that we can integrate legal service provision with other services or organisations and increase the understanding within those services or organisations of the legal support available to make sure people are directed to a lawyer capable of resolving their legal need. In the context of the GCLS service provision, the integration with Anglicare Victoria's Bushfire Financial Counselling team means that financial counsellors can direct people with legal issues to GCLS and formally or informally ask for an opinion from GCLS staff about whether an issue can benefit from legal advice. This integration results in better outcomes for clients from both programs.

The same level of curiosity and understanding of when a client would benefit from a referral to a legal service has not been consistently present in services funded to provide casework after a disaster and has not been present in the overall response of different government bodies to the Black Summer Bushfires. In some instances, government bodies have contractually obliged clients to obtain their permission before accessing legal advice, while other government bodies believe legal services complicate things. If government bodies tasked with disaster preparedness functions see independent legal advice as an inconvenience or complication, community members will continue to experience the access to justice issued made all too clear in PULS.

GCLS considers it imperative that the next NLAP expressly recognises the important role of community legal services in disaster preparedness and that the recognition extends to the immense value of integrating legal services into other pillars of disaster preparedness, such as casework and financial counselling service provision. GCLS considers this recognition as an important step in changing the culture of key actors in disaster preparedness to be more accepting of legal support for community members and increasing the legal disaster resilience of community members.

#### 1.4 Knowledge base and disasters

The legal expertise required to provide legal advice on the more complex legal areas involved in disaster preparedness is extremely time consuming to build. GCLS has expanded its disaster preparedness service provision to include complex areas of law relevant to disasters, such as planning law and land management. These are areas of law that our communities identified as being unavailable to them but key to their recovery. That upskilling effort took 2 years of significant investment from our disaster lawyers and our pro bono partners. The reactive model of funding disaster preparedness resets that investment after every disaster through fixed term funding that does not prioritise the retention of staff or their knowledge. That model prohibits CLCs from developing the level of knowledge required to consistently support our communities through the more complex legal areas that disaster preparedness presents, with the reality being that our communities have no alternatives if we cannot provide that advice.

GCLS believes that the next NLAP must prioritise retaining the specialist knowledge that CLCs build during disaster preparedness work, whilst simultaneously providing for surge capacity after specific disaster events.

<sup>1</sup> Nigel Balmer et al, *Public Understanding of Law Survey: Volume 1 – Everyday Problems and Legal Need*, (Victoria Law Foundation, 2023) 17.

<sup>2</sup> Ibid 16.

## 2 Legal need

### 2.1 Understanding legal need is pointless without investment

Place-based services understand legal need, but that understanding means nothing if there are no available resources to reduce that need.

The perfect example is service provision in the East Gippsland Local Government Area. East Gippsland ranks as the third highest rate of family violence in the state, with 1,563 incidents at a rate of 3,162.3 per 100,000 population in the last police reporting year.<sup>3</sup> GCLS receives funding of \$12,500 per year to provide family violence intervention order duty lawyer services to East Gippsland. In the 2022/2023 financial year, GCLS only had capacity to service Bairnsdale Magistrates' Court in East Gippsland once per fortnight, despite family violence intervention order listings being weekly. GCLS delivered just 85 legal services across 24 attendances for the entirety of the 2022/2023 financial year at Bairnsdale Magistrates' Court. Given the significant family violence numbers and that 15.3% of people living in East Gippsland are either separated or divorced,<sup>4</sup> GCLS also has concerns about unmet legal needs in family law in the region. There is a scarcity of family law services in East Gippsland. GCLS and Women's Legal Service Victoria have been in discussions for at least 3 years expressing concern at the low number of family law services flowing to both services from East Gippsland and VLA service provision in the region is not of the scale that it could capture all the legal need in the area.

GCLS knows the legal need, but there is no investment to reduce it.

### 2.2 Legal need continues to increase, investment doesn't

GCLS provides family violence intervention order duty lawyer services to Bairnsdale, Korumburra, Latrobe Valley, Sale and Wonthaggi Magistrates' Courts in Gippsland. GCLS generally represents the victim/survivor in applications and VLA generally represents the respondent. GCLS service provision to Latrobe Valley Magistrates' Court is provided through baseline NLAP funding, while the four other courts receive about \$12,500 in non-NLAP funding per year for duty lawyer service provision. This equates to service provision of one day per fortnight, despite those courts' family violence intervention order lists sitting at least weekly. There is no clarity about whether the non-NLAP courts will be funded next financial year, and funding for the next financial year is generally only confirmed in the month before the end of the financial year.

The precarious funding situation does not reflect the increasing demands on service provision at each of those courts. Despite a decrease in the number of lists covered at the non-NLAP courts to align with the funding received for service provision, demand for duty lawyer services increased as follows from the 2021/2022 to 2022/2023 financial year:

- Bairnsdale: 3.5 services per duty lawyer attendance in 2022/2023 (85 services across 24 attendances), up from 1.7 services per duty lawyer attendance in 2021/2022 (67 services across 40 attendances)
- Korumburra: 2.7 services per duty lawyer attendance in 2022/2023 (72 services across 27 attendances), up from 2 services per duty lawyer attendance in 2021/2022 (98 services across 49 attendances)

<sup>3</sup> Crime Statistics Agency Victoria, Latest Crime Data by Area (25 July 2023) <<https://www.crimestatistics.vic.gov.au/crime-statistics/latest-crime-data-by-area>>.

<sup>4</sup> Australian Bureau of Statistics, 2021 East Gippsland (24 October 2023) <<https://abs.gov.au/census/find-census-data/quickstats/2021/LGA22110>>.

- Sale: 3.8 services per duty lawyer attendance in 2022/2023 (102 services across 27 attendances), up from 2.7 services per duty lawyer attendance in 2021/2022 (125 services across 45 attendances)
- Wonthaggi: 195 services across 40 attendances in 2022/2023 (4.9 services per lawyer attendance), up from 161 services across 43 attendances in 2021/2022 (3.7 services per lawyer attendance).<sup>5</sup>

Additionally, despite a real reduction of two list attendances per fortnight from the 2021/2022 to 2022/2023 financial years, service provision to the Latrobe Valley Magistrates' Court increased from 798 services (5.4 services per lawyer attendance) to 816 services (7.1 services per lawyer attendance).

The inadequate funding provided for known family violence related legal need has resulted in a situation where known legal need significantly exceeds funded service capacity. This is particularly concerning considering the prevalence of family violence in all Local Government Areas in Gippsland and creates a scenario where GCLS must make service decisions that decide whether victim/survivors of family violence in one Local Government Area are more deserving of services than others.

Government decision making reflects the assumption that community legal services will create additional capacity to service expected increases to legal need with no additional funding. A recent example of this occurred in the context of the extension of Specialist Family Violence Courts across Victoria, with no additional funding for legal services provided for the extension. This occurred despite the pilot of the project providing funding for legal services. This meant that no additional legal services were funded for the first year of Latrobe Valley Magistrates' Court being gazetted as a Specialist Family Violence Court, despite knowledge that there would be increased family violence intervention order listings across more sitting days. Additionally, the Latrobe Local Government Area ranks as the highest rate of family violence in the state, with 2,629 incidents at a rate of 3,360.9 per 100,000 population.<sup>6</sup> Funding has since been received for some service extension, but it remains inadequate and is not even sufficient to fund one full time legal role at the new Specialist Family Violence Court.

GCLS knows that legal need continues to increase, but there is no investment to meet it.

### 2.3 CLCs don't need innovation, they need investment

Competitive funding rounds generally require an element of innovation from centres applying for project funding. Such requirements make it unnecessarily difficult to obtain funding for service provision that has previously received short term funding and has proven to be successful. There is already a strong evidence base for projects that were effective, made a positive impact on the most vulnerable members of our communities and then received no further funding.

The Clean Slates Health Justice Partnership ('CSHJP') is an example of a successful program that has struggled to receive ongoing funding, despite a glowing evaluation and successful service provision to difficult to engage clients on compulsory treatment orders under the Mental Health Act. The CSHJP is a collaborative service model between GCLS and Latrobe Regional Hospital that integrates legal and health services to support and empower people with mental health conditions on compulsory treatment orders to resolve their legal problems.

<sup>5</sup> Note that a service decision was made to continue providing services to Wonthaggi Magistrates' Court weekly because of the demand for services at that court. Real funding received for the court still equates to \$12,500 per year, but it is over serviced.

<sup>6</sup> Crime Statistics Agency Victoria, above n 3.



Legal service provision under the full model of the CSHJP is consumer driven and responsive to the legal needs of people with mental health conditions. The CSHJP lawyer engages with clients of Latrobe Regional Health's Community Mental Health Services ('CMHS') across Gippsland using a place-based approach, overcoming geographical and technological barriers to access by engaging with clients through the service method they choose. Colocation at CMHS also enables the CSHJP lawyer to build strong relationships with CMHS clinicians, providing legal information, education, and secondary consultations.

The full model of the CSHJP was funded by a Victorian Legal Services Board grant between 2019 and 2021. The CSHJP was unfunded from July 2021 to June 2022, despite a positive evaluation report reflecting that CSHJP clients would not have been able to represent themselves in legal matters or seek the support of a lawyer independently of the CSHJP. Additionally, all clients that took part in the evaluation had a positive experience with the legal services they received, despite their frustration with clinical mental health services.

In July 2022, the CSHJP received 12-month funding from the Victorian Department of Justice and Community Safety under the National Partnership on Family, Domestic and Sexual Violence requiring a family violence nexus for clients to qualify for assistance. Whilst GCLS is grateful for the family violence specific funding for the CSHJP, subjecting those on compulsory treatment orders to further criteria to access services undermines access to justice. The CSHJP will return to its unfunded model in November 2023. Unfunded, CSHJP clients receive priority in GCLS generalist service provision, but rostering and service demands mean representation in key service provision areas, such as the Mental Health Tribunal, can rarely be facilitated.

The CSHJP is already innovative, it just requires investment.

These funding difficulties even extend to projects that increase the basic collaboration we need as a legal sector to succeed in reducing legal need.

The Gippsland Legal Assistance Forum ('GLAF') is a collaboration of legal assistance services comprised of Gippsland Community Legal Service, Victoria Legal Aid, Victorian Aboriginal Legal Service and Djirra. It was designed for partner organisations to work together to improve access to legal help for priority clients across the whole of Gippsland. While GLAF had a funded part-time project officer, it was directly responsible for the coordination of collaborative relationships with stakeholders, coordination of community legal education events, creation of memorandums of understanding between partner legal services and the Orange Door in both Inner and Outer Gippsland, and the creation of a Cultural Safety Plan. GLAF successfully expanded access to justice across Gippsland while funded for a project officer. Despite the success of GLAF, the collaboration has been unfunded since July 2022. This lack of ongoing resourcing has reduced a successful collaborative arrangement of great value to Gippsland communities to a regular stakeholder engagement meeting.

GLAF is already innovative, it just requires investment.

### 3 Administrative burden and inefficiencies

#### 3.1 The impact on service provision

The GCLS Duty Lawyer Record is a standard template document used by GCLS lawyers providing family violence intervention order duty lawyer services. It combines the minimum mandatory data fields required by the Data Standards Manual ('DSM') and information that may not be covered by the DSM but is required to competently record the details of the service and/or appearance. Most community legal services have

a similar document. There are 54 individual data fields that a lawyer must complete for each service contained in the Duty Lawyer Record, with over 40 of those mandatory data fields imposed by the DSM. The data fields that require client input take about 5 minutes per client, with lawyers usually spending about 30 minutes in total with a client. This means that an estimated 17% of our lawyers' time with a client during a family violence intervention order matter is spent on data collection, not legal services.

Latrobe Valley Magistrates' Court is the headquarters and busiest Magistrates' Court for the Gippsland region. GCLS family violence intervention order duty lawyers at Latrobe Valley Magistrates' Court regularly see 15 clients per lawyer per day. This means that a single GCLS lawyer is regularly expected to record 810 individual data fields and spend one hour and 15 minutes on data collection with clients in one day. Additionally, poor internet connectivity at Latrobe Valley Magistrates' Court and no appetite from funders for investment in the adoption of technology that overcomes connectivity issues means that GCLS lawyers must record those 810 individual data fields on a paper Duty Lawyer Record, before the data is manually entered into the GCLS practice management system. Even were the minimum mandatory data fields required by the DSM the only fields collected (which would create potential breaches of professional obligations), the required data would still be about 600 individual data fields.

Expecting lawyers to record 810 (or even 600) individual data fields in one day is unrealistic, impractical and undermines the integrity of the sector's dataset. It also takes away one hour and fifteen minutes of time that GCLS lawyers should be spending providing victim/survivors of family violence with legal advice and representation. Where a lawyer forgets to collect data, services may not be counted because of missing mandatory data. Where a lawyer makes an error in data collection, the erroneous data will undermine the entire data set. Those errors are compounded by the confusing nature of the data collected. The DSM is frequently unclear and requires too much individual interpretation across too many fields. Interpretation between lawyers varies and interpretation between lawyers at different CLCs varies even more widely. No CLC lawyer has or will ever have the capacity to consult the DSM for 600 data fields while providing duty lawyer services to 15 clients in one day.

To create an accurate data set for community legal services capable of demonstrating legal need, we must understand that our core business will never be data collection and that our data will never be accurate when we contractually oblige CLCs to build in so many points of potential inaccuracy into our processes.

Less data is better data.

The single, most efficient way to reduce the administrative burden on GCLS and increase service provision with current funding levels would be to reduce the number of mandatory data fields our lawyers must collect. Reviewing the DSM and realigning mandatory data to have a greater focus on the client experience and outcomes measurement would also have the added benefit of removing a significant proportion of data collection from the direct lawyer-client interaction, transferring that collection to post-service delivery and making it capable of being consistently and accurately collected through automated client surveys that feed data directly into practice management systems.

### 3.2 The impact on centre management

The complexity of funding and administrative processes imposed by funders place costly and duplicitous burdens on GCLS.

The funding structure of CLCs is too complex. GCLS funding is considered the most complex funding situation of all Anglicare Victoria programs in Gippsland by the Anglicare Victoria regional accountant.

A key perceived benefit of administration of funding sitting with one body is the ability for that body to ensure consistency of funding agreements and requirements. That consistency does not exist under the current administration arrangement in Victoria, where funding received under the NLAP (and many other funding agreements) is administered by VLA.

The administration of CLC funding agreements is managed by different areas within VLA, with some funding agreements managed by VLA's CLC Funding and Development Program ('CLCFDP') and others by individual VLA programs.<sup>7</sup> Inadequate communication between individual VLA programs and CLCFDP has resulted in duplicitous data collection processes which lower the quality of any data captured, increase the reporting cost for CLCs and reduce the number of services CLCs can provide to clients because of the additional time required to collect the data.

The quality of the CLC data has been significantly impacted by the fragmentation of funding administration within VLA. Manual reporting requirements set by individual VLA programs often use data sets that are similar but not identical to the DSM requirements, with fields that do not align with the DSM. This creates an untenable situation where GCLS is required by VLA to collect the data required under the DSM, whilst also being required by VLA to collect additional data for the same service that is similar but not identical and that GCLS knows does not comply with the DSM.

For some funding agreements, GCLS is required to report the same data to VLA three times at the end of each financial year, with the data reported to VLA through jurisdictional reporting, the VLA Community Legal Services Program ('CLSP') Plan Word document developed by VLA, and a separate Excel Spreadsheet template developed by VLA. Both the CLSP Plan and the Excel Spreadsheets require the manual entry of data. Additionally, the manual data entered provides different results to the jurisdictional reporting data because of the difficulty of manually reproducing the data counting rules used in jurisdictional reporting.

For the 2021/2022 end of financial year reporting period, GCLS tracked the real time cost of the reporting burden to comply with the reporting required under the VLA CLSP Plan. Reporting on the previous year's CLSP Plan and development of the CLSP Plan for the following year came at the cost of 135.52 hours, with 69.02 hours undertaken directly by the Principal Lawyer and the remainder undertaken by staff with direct client facing roles. It is important to note the cost measured only represents the end of financial year reporting burden under the CLSP Plan, with further reporting required in January under the CLSP Plan and individual projects often requiring the manual collation and reporting of data at quarterly intervals. VLA regularly takes six months to review the GCLS CLSP Plan document, before approving it with limited to no feedback.

GCLS identifies no benefit to the provision of data in multiple formats and no benefit to the current administration model or processes. The single, most efficient way to decrease the administrative burden on GCLS management would be to remove the duplicity from the current reporting and administration framework and implement an administration framework capable of working more collaboratively with CLCs.

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<sup>7</sup> Given the observations that follow, GCLS would like to preface those observations by noting the enormous amount of respect that it holds for the VLA CLCFDP team, including their professionalism and their commitment to their work. However, GCLS believes it is a team made up of exceptional individuals working within the significant limits imposed on them by existing processes.

### 3.3 Removal of existing restrictions would immediately increase service provision

There is no incentive for GCLS to provide services through Victoria Legal Aids panels. Whilst there are a small number of exceptions, CLCs on VLA panels are not permitted to claim fees such as preparation as VLA considers those costs should be covered by baseline CLC funding. Thus, CLCs are not permitted to claim the same costs as private practitioners and service provision under VLA panels would require the reduction of any current services to accommodate the time it takes GCLS lawyers to do panel work. Providing those services would, in real terms, be making a service decision to reallocate baseline funding towards panel areas and result in increased legal needs in areas currently covered by GCLS service provision.

GCLS cannot justify the creation of additional legal need by reducing current service provision to provide legal services covered by grants of legal aid, regardless of the identified legal need in those areas of law. As long as the current panel restrictions remain in place, GCLS cannot join VLA panels.

Additionally, the requirement for GCLS to apply to join a VLA panel is an unnecessary administrative burden when VLA administers GCLS funding in those areas of law. For example, VLA actively acknowledges that GCLS has the expertise required to provide family violence and family law legal services because they administer GCLS funding in those areas but still require GCLS to apply separately to them to qualify to provide legal services through the family violence or family law panels with a grant of legal aid. This results in a bizarre scenario whereby VLA trusts GCLS to provide family violence and family law legal services competently to clients, just not all potential clients that would receive the same service under different funding. It is a patriarchal distinction that increases unmet legal need, especially given the extensive professional obligations on lawyers and onerous requirements of the Risk Management Guide applicable to CLC work.

GCLS believes that automatic inclusion on a VLA panel when a CLC is funded to provide corresponding legal services and the removal of restrictions on what a CLC can claim on a VLA panel would result in an immediate increase in service provision under those grants. It would certainly result in the immediate uptake of those services at GCLS. The reality is that any costs claimed under those grants of aid would be reinvested into GCLS service provision that reduces legal need in Gippsland.

## 4 Challenges specific to RRR<sup>8</sup> service delivery

The geographical area that GCLS services covers 18% of the state of Victoria and includes areas classified by the Australian Statistical Geography Standard as Inner Regional Australia, Outer Regional Australia, and Remote Australia.

### 4.1 Services in RRR communities take more time and cost more

Providing services to RRR communities is challenging to resource but provides immense benefit to those communities. The most striking example of those challenges at GCLS is the outreach services that our disaster lawyers provide to Mallacoota, a town classified as remote close to the border between Victoria and New South Wales that lost over 120 homes in the Black Summer Bushfires.

GCLS lawyers travelled to Mallacoota 10 times in the 2022/2023 financial year. With no traffic, roadworks, flooding or delays, a one-way trip to Mallacoota from the GCLS office in Bairnsdale takes 2 hours and 48 minutes by car to travel 247km. This equates to 56 hours and 2,470km of travel in the 22/23 financial year

<sup>8</sup> The term RRR ('rural, regional and remote') is used in these submissions instead of 4R, as GCLS does not provide services in any communities classified as 'very remote'.

alone to provide outreach services to one remote community. GCLS data for the 2022/2023 financial year indicates that 23 legal advice services were provided listing Mallacoota as the outreach location. This means that each legal advice service to the town comes with an average of 2 hours and 26 minutes of travel. Aside from the increased financial cost, spending so much time on outreach is draining for lawyers and contributes significantly to burn out.

Our RRR communities are significantly disadvantaged under the current NLAP. They are further disadvantaged by the tendency to utilise service numbers as a reporting and accountability mechanism. The reliance on service numbers promotes low-level, high-volume service provision that disadvantages RRR communities and fails to acknowledge the increased time, effort and cost that RRR CLCs invest in service provision.

Furthermore, GCLS holds concerns that such service provision does very little to reduce the legal need in our communities, especially after a disaster where legal issues become grow in number and become more complex.

GCLS echoes the calls made in other submissions for the value of RRR legal services to be reflected in the next NLAP, including the additional cost that those services incur.

#### 4.2 We need to incentivise law students from Gippsland to stay in Gippsland

There are no university campuses in Gippsland offering a law degree. A law student in Gippsland must decide to either study entirely online or move to a city, usually Melbourne. Law students then build a life in that city over the three to five years of their degree and remain there after completing their degree.

Gippsland needs pathways for law students to remain in Gippsland. Temporary solutions and incentives are part of the solution, but they will never completely solve the problems created by low staffing pools in regions like Gippsland. The limited pool of law students is directly responsible for a limited pool of volunteers, which has the flow on effect of creating a limited pool of qualified lawyers for RRR CLCs to draw from.

GCLS emphasises the need for any RRR workforce proposals to prioritise pathways and incentives that encourage law students to remain in the RRR area they grew up in, benefit from the availability of volunteer opportunities in that area, and enter the legal profession with an understanding of the community legal sector that they do not currently receive through law degrees which complements their understanding of their community.

#### 4.3 Conflicts of interest

GCLS expresses concern that current solutions to the number of conflicts of interest and service availability in RRR regions seem to emphasise the need to water down legal professional obligations to work around conflicts of interest, rather than investing in more services capable of that service provision. The most prominent example is the recent amendments to the *Australian Solicitor's Conduct Rules 2015 (Vic)* to insert r 11A in relation to short-term legal assistance services. GCLS procedures reflect the stance that it is almost always reasonably practicable to conflict check potential clients without the risk of a client being denied access to legal assistance, even in high-volume duty lawyer settings provided in RRR areas.

GCLS does not consider the watering down of the legal and ethical obligations applicable to lawyers to be a sustainable way to address the challenges of dealing with conflicts of interest in RRR settings and believes that the approach only serves to undermine public confidence in legal services. Changing long established rules to redefine and undermine legal professional privilege is not seen by GCLS as a viable alternative to compensate for limited investment in the community legal sector. The only sustainable

approach to minimise the negative impacts of conflicts of interest in RRR settings is to appropriately invest in the community legal services sector to ensure that there are enough lawyers in RRR areas to accommodate the legal need.