



Western Sydney
COMMUNITY LEGAL CENTRE LIMITED
ABN 81 963 193 626 | ACN 629 118 903

Dr Warren Mundy
Reviewer
National Legal Assistance Partnership

By email: nlapreview@ag.gov.au

26 October 2023

Dear Dr Mundy

Re: Independent Review of the National Legal Assistance Partnership 2020-2025

I refer to the National Legal Assistance Partnership Review Issues Paper dated August 2023 (the "Review") and enclose a submission to the review.

Yours faithfully

A handwritten signature in black ink, appearing to read 'John Hallam', written over a horizontal line.

John Hallam
Chief Executive Officer
Western Sydney Community Legal Centre Limited

Western Sydney Community Legal Centre Limited. (WSCLC)

Submission – National Legal Assistance Partnership Review Issued August 2023.

Dated 26 October 2023

WSCLC supports the submissions made by peak bodies, CLC Australia and CLC NSW and would also like to make the following additional points for consideration in the National Legal Assistance Partnership Review (NLAP).

A. Who is Western Sydney Community Legal Centre Limited (WSCLC)?

1. Western Sydney Community Legal Centre, through the amalgamation of Macquarie, Hawkesbury and Mt Druitt Community Legal Centres, has been providing legal assistance to the Western Sydney Community for more than 25 years.
2. Today, WSCLC provides legal and social support services across the Western Sydney Community by delivering its services through the following programs in the areas of community legal support and community social support.
 - a. **Community Legal Support**
 - i. **Community Legal Centre Program (CLCP)** - operating in Western Sydney and funding through Legal Aid NSW.
 - ii. **Multicultural Legal Service (MLS)** funded by the NSW and Commonwealth Attorney General's Departments, administered by Legal Aid NSW.
 - iii. **Aboriginal Legal Access Program (ALAP)** funded by the NSW and Commonwealth Attorney General's Departments, administered by Legal Aid NSW.
 - iv. **Children's Court Assistance Scheme (CCAS)** – operating at the Children's Court of NSW at Parramatta and Surry Hills with funding from the Commonwealth Government and NSW Government administered by Legal Aid NSW.
 - v. **Youth Education Program (YEP)** – funded by NSW Department of Communities and Justice.
 - vi. **Home Building Advocacy Service (HoBAS)** – operating state-wide and funded by NSW Fair Trading.
 - vii. **Western Sydney Tenants' Service (WESTS)** – operating within certain sections of Western Sydney and funded by NSW Fair Trading.
 - b. **Community Social Support**
 - i. **Cumberland Women's Domestic Violence Court Advocacy Service (CWDVCAS)** – operating within certain sections of Western Sydney with funding from the NSW Government administered by the Women's Domestic Violence Court Advocacy Program (WDVCAP), Legal Aid NSW.
 - ii. **Family Advocacy Support Service (FASS)** – operating at Parramatta with funding from the Commonwealth administered as a component of the NLAP through Legal Aid NSW.
 - iii. **Central West Contact Service (CWCS)** – operating within Western Sydney and funded by the Department of Social Services (Cth).
 - c. In the financial year 2022/2023 approximately 14,000 individuals were provided with assistance through the many WSCLC programs.

B. Service delivery complexity in Greater Western Sydney.

1. The 2021 ABS Census identified that Greater Western Sydney has a population of 2,606,544 up from 1,937,990 in 2006. The region is economically and socially diverse with significant recorded disadvantage. Many postcodes rate 1 – 4 on the SEIFA disadvantaged scale with only a small number rating least disadvantaged at 9 – 10 on the scale.
2. Although the population has increased significantly since 2006, the number of rental dwellings only increased by 2.3%. Median rents increased by 8.1% between 2016 and 2021 and continue to increase significantly due to rising interest rates and low vacancy rates. Median personal income is \$831pw and family income \$2,325pw, both lower than for Greater Sydney.
3. 40.9% of residents are from cultural and linguistically diverse backgrounds with more than 1.5m people identifying that both their parents were born overseas, up 19.5% since 2016. 16.5% of residents do not speak English well or not at all. Greater Western Sydney houses many refugees including survivors of war, trauma and torture adding significantly to the complexity of needs.
4. 2.5% of the Greater Western Sydney population identify as Aboriginal and/or Torres Strait Islander, a 65.5% increase over the past 10 years.
 - a. Penrith and Hawkesbury LGAs have significantly higher ATSI populations than the Sydney average at 5% and 4.8% respectively.
 - b. Mount Druitt has the highest urban population of Aboriginal and Torres Strait Islander people.
 - c. Indigenous households are over-represented in those needing more bedrooms, unemployment is higher and education and health outcomes significantly lower than the non-indigenous population.
 - d. Intergenerational trauma is evident in the consistently high domestic and family violence and crime statistics as well as the low social, economic, education, employment and health outcomes.
5. Adverse Childhood Experience Research (**ACEs**) identified 10 adverse experiences in childhood that are associated with toxic stress and complex trauma, that lead to an increased risk of poor health and complexities of problems in later life. ACEs are grouped into:
 - a. Abuse: physical, emotional, sexual
 - b. Neglect: physical, emotional
 - c. Household dysfunction: mental illness, incarcerated relative, mother treated violently, divorce, substance abuse.
6. More recently the research has identified that growing up in a violent community also contributes significantly to toxic stresses and negative social, economic and health outcomes.
7. Crime rates are consistently higher in areas of Greater Western Sydney than the rest of NSW with for example Mount Druitt registering domestic violence assaults nearly 3 times higher than the state, other assaults more than 2.5 times higher, robbery 5 times higher, breach AVOs 3 times higher, escape justice 4 times higher, drug offences and theft twice that of the state. Penrith consistently records amongst the highest domestic and family violence assaults in the state (BOCSAR October 2023).

8. The more ACEs a child experiences the greater the chances of poor outcomes in later life including dramatically increased risk of heart disease, diabetes, obesity, depression, substance abuse, smoking, poor academic achievement, time out of work and early death (<https://developingchild.harvard.edu/resources/aces-and-toxic-stress>) as well as suicide attempts, sexually transmitted illnesses, cancer, stroke, Chronic Obstructive Pulmonary Disease (COPD) and broken bones. Any one of these can add complications that may lead to legal, housing, employment, relationship or financial issues requiring legal advice.
9. The prevalence in Greater Western Sydney of intersections between disadvantage, housing insecurity, lower incomes, mental health, high violence and domestic and family violence and breakdown in family relationships, high Aboriginal and Torres Strait Islander populations, intergenerational and childhood trauma, cultural and linguistic diversity, limited literacy, lower education and poor health outcomes add significant complexity to even the most straightforward legal issue.

The prevalence of disadvantage and trauma amongst the people of Western Sydney introduce the risk of vicarious trauma for staff providing services that include hearing these stories on a regular basis. Trauma-informed training, practice and staff supports are increasingly necessary and resource intensive, requiring financial investment.

C. Legal issues or social issues with legal components? How does a CLC increase its effectiveness?

1. There has and will always be individuals within our community who experience vulnerability and disadvantage. As Stephen Wesler wrote in 1970 *"Poverty creates an abrasive interface with society: poor people are always bumping into sharp legal things. Disadvantaged people do not lead settled lives into which the law seldom intrudes, they are constantly involved with the law in most intrusive forms."* Stephen Wesler, **Practicing Law for Poor People** 79 Yale Law Journal 1049 (1970).
2. It is also generally accepted that justice is a key foundation for better and fair societies. When people have effective access to justice, there is social cohesion and better governance. Unfortunately, today we see our justice systems overburdened and underfunded, resulting in people simply not getting the justice they need.
3. There is an abundance of research in Australia and overseas that concludes that people who find themselves in situations of vulnerability and disadvantage have a higher tendency to experience complex social and economic situations, and these lead to legal problems, requiring legal assistance. *"Problems which raise legal issues, aren't rare events presided over by courts, they are commonplace and interwoven with people's everyday lives and wellbeing. They are often serious, frequently lead on from one another, and extend beyond the legal to wider social problems. A clear majority of problems negatively affect people's lives, with stress almost inevitable."* Nigel J Balmer, Pascoe Pleasence, Hugh M McDonald and Rebecca L Sandefur **"Everyday Problems and Legal Need"** Page 9 2023.
4. This is evidenced by the intersection of disadvantage and vulnerability that has led to the kinds of complex situations that the people of Western Sydney are most often experiencing by the time they seek legal and social support from WSCLC. Given the complexity of disadvantage and vulnerability experienced by a large segment of the 2,606,544 people living in Greater Western Sydney, we estimate that there is a significantly greater proportion of the community in need of our services than we can reach, or indeed service, due to limited resources.

5. Community Legal Centres, such as WSCLC, have a unique role in leading the way assistance can be provided to people experiencing situations of vulnerability and disadvantage due to their extensive history in delivering grassroots initiatives, advice and programs in community. As a sector there is an increasing understanding that the complexities in problems people experience require a more holistic approach than that traditionally provided by private lawyers and Legal Aid. This holistic approach leverages legal and social work skills to provide a wraparound service. WSCLC's Family Law Practice includes lawyers who, having worked previously with the Women's Domestic Violence Court Advocacy Service, bring a nuanced trauma-informed, person-centric, holistic approach to their work with people experiencing vulnerability and disadvantage.
6. There have been many advancements in society during the last 20 years:
 - a. While the internet was launched in 1983, it is now embedded in everything we do.
 - b. Legal practices now have CRMs and Practice Management Systems.
 - c. AI is beginning to challenge the way law is practiced and trials are currently underway with Legal Aid NSW and Justice Connect in relation to using the technology at Triage of people presenting problems.
 - d. The Family Court uses audio visual links to conduct court proceedings.
 - e. Codesign is emerging as a proven methodology to help address social impact and encourage engagement and participation from people with people with 'lived experience'.
 - f. Continued and evolved thinking around social issues and their increasing complexity.
 - g. The rise of social index measurement.
 - h. An increase in the need to capture, understand and analyse data.
 - i. An increase in the expectations of individuals on organisations in managing personal data.
 - j. An increase cyber-attacks and the need for evolving cyber security and systems.
7. During this same period, the Legal Assistance Sector experienced:
 - a. No significant increase in funding to meet the growing needs within society.
 - b. Limited funding to invest in leadership and people capability, particularly in integrating trauma informed practices.
 - c. Limited funding available for investment in IT systems and platforms, particularly in data collection, analysis, and management of relationships.
 - d. Under current funding arrangements, there is no flexibility and ability to invest in indirect costs.
 - e. The current funding arrangements do support innovation and the exploration of opportunities for efficiencies using modern technology, infrastructure and Artificial Intelligence.
8. For a CLC to be able to expand its services, it needs to invest in its capability through more skilled employees and systems capability. Not-for-profit indirect costs are simply not being covered by funders in Australia, leading to lower capability and effectiveness across the sector. Research by SVA and CSI has shown that NFPs are underinvesting in critical capabilities. One of the key reasons is that costs incurred by an organisation that cannot be directly and easily attributed to a specific project, cannot be funded by the existing funding arrangements. Indirect costs include IT, finance, human resources, learning and development, measurement and evaluation.

9. There needs to be an acknowledgment and acceptance that CLCs require additional investment and ability to invest in indirect costs and increase their capability, measurement, to successfully use new technology and ways of working requires investment in skills and time.
10. CLC Australia has an accreditation program that has as its key element the philosophy of continuous improvement. WSCLC supports this practice. A key component to any continuous program is the ability to capture, measure and analyse data. This requires systems and skills which are currently not widely available within the CLCs. WSCLC supports the journey towards outcome-based evaluations, however, it also is acutely aware of the need for this journey to be staged, feasible and appropriately resourced with skills, systems, and IT capability.
11. WSCLC is committed to increasing its ability to be more people centred and identify ways to improve the way in which it delivers its services. Anecdotally, we know people use many different types of help and interventions to resolve their problems. Contacting a lawyer, the traditional method of seeking legal advice, is often viewed as the main avenue, however it has increasingly diminished. Our challenge is being able to frame these reviews and provide evidenced based research to implement improvements.
12. Being people centred involves embracing the principles of user centred design, especially evaluating, developing, and delivering standardised, scalable and economically viable justice services. Codesign is a specialised skill and to be effective in delivering improved services needs to be embedded in the organisation. This requires investment of resources and time which currently are outside the ambit of current funding arrangements.
13. There is an acceptance within the legal assistance sector that many people in situations of disadvantage and vulnerability have experienced trauma and it takes time for service providers to develop trust. Unfortunately, the current funding models being short term are therefore / restrictive in allowing a CLC to invest in the development of employees' and the organisation's capability. The short-term funding cycles also have a negative impact on the wellbeing, engagement, development, retention and career paths of employees.
14. CLCs have historically and continue to play an important role in the delivery of services to assist people in managing legal issues that arise from their complex social and economic environments. Our world is challenging how we deliver these services and asking us to see people as a whole, living in complex social environments, resulting in many social problems including legal ones. The nature of how the service is delivered inherently means that the centres are people centred. Unfortunately, CLCs have not been able to increase their capability in people skills and infrastructure to confront the challenges of delivering services in a society that has increased in social complexity. There needs to be an increase in the funding periods to 10 years, annually indexed, and an increase in baseline funding to allow CLCs to contribute to the systemic change asked of them.

End.

