

SCALES

community legal centre

SCALES Community Legal Centre is situated on the unceded territories of the Whadjuk and Binjareb Nyoongar peoples.

SCALES respectfully acknowledges the Traditional Owners and Custodians of these lands and their continuing connection to land, waters and communities. We pay our respect to Elders past, present and emerging.

Submission to the Independent Review of the National Legal Assistance Partnership 2020-2025

The Southern Communities Advocacy, Legal and Education Service Inc. (SCALES) is a not-for-profit incorporated association providing free community legal services to people living in the southwest coastal Perth metropolitan area who would otherwise be unable to access legal services. SCALES hosts the Murdoch University Law Student Clinic (The Clinic).

We welcome the current review of the National Legal Assistance Partnership (“NLAP”) as announced by the Commonwealth Attorney-General the Hon. Mark Dreyfus KC QC on 18 August 2023.

The current NLAP, which is due to expire in 2025, is:

“... a \$2.4 billion agreement between the Commonwealth and state and territory governments to fund vital legal assistance services for the most vulnerable people in Australia.”¹

SCALES consents 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; and
- Our submission being quoted anonymously in the report of the Review.

SCALES would also like to acknowledge and support the submissions made by the Community Legal Centres Australia; Community Legal WA and Aboriginal Family Legal Services.

While this submission does not provide a comprehensive response to all the terms of reference of this review, we wish to make these submissions to bring to your attention the particular benefits of two aspects of legal service delivery. These are Clinical Legal Education (CLEd) and Multi-disciplinary services (MDS).

¹ Attorney-General Dreyfus, Press Release, [‘Independent Review of the National Legal Assistance Partnership – consultation open’](#), 18 August 2023

History

SCALES grew from a classic community development framework through a partnership of the longstanding volunteer organisation, the Kwinana Rockingham Legal Service and the Murdoch University School of Law.

The Kwinana Rockingham Legal Service ran for many years with volunteers Jerroldine Gilbert and Tom Joyce coordinating a roster of pro bono solicitors providing legal advice to local people in Kwinana one evening each week. Appointments were arranged by contacting the then state member of Parliament Norm Marlborough MLA's electorate office. They lobbied for funding for many years.

In the early to mid 1990's, the Murdoch University School of Law saw an opportunity to provide practical experience to graduating law students through clinical legal education (CLEd) and sought collaborations and funding.

In 1996, a partnership between the two organisations successfully secured matched funding from the Commonwealth Community Legal Services Program (CCLSP), CLEd sub program, and Murdoch University. This matched funding model proved to be a strong foundation for the service and the clinical program.

The free generalist legal service opened in donated premises from the City of Rockingham with two solicitors and an admin staff member. The office opened to the public on 7 April 1997 with a full cohort of its first group of 13 law students. All legal services were provided through the Clinic.

Since then, SCALES has hosted over 1,200 law students enrolled in CLEd units and over 50 Practical Legal Training (PLT) graduate placements.

Over the past 26 years SCALES has grown and expanded beyond the Clinic although CLEd continues to play an important and integral part of the organisation. The team now comprises 25 staff employed directly or seconded from Murdoch University, providing generalist, family, family and domestic violence, tenancy, and human rights services often within a multidisciplinary model. We also host 60 CLEd students per year and a number of volunteers in various roles.

Clinical Legal Education and its role in the Legal Assistance Sector (LAS)

This part of the submission will focus on the 2(b) of the terms of reference on the value of Clinical Legal Education.

2. An evaluation of the effectiveness and challenges of service delivery, including:

b) integration, collaboration and innovation of service delivery, within the sector and with other areas of social service provision such as health, employment, disability and child protection services, and how the NLAP supports broader government priorities (such as, the National Plan to End Violence Against Women and Children, Australia's Disability Strategy, and the National Framework for Protecting Australia's Children)

While the review requirements in the NLAP focus on effectiveness over the period considering NLAP's objectives and outcomes and/or outputs,² the current Review goes beyond this by requiring "holistic assessment of legal need and all Commonwealth legal assistance funding".

We would like to suggest that this holistic assessment needs to consider the development of the sector through development of law students and early career practitioners, and the strengthening of ties (and therefore collaboration opportunities) between the legal profession, the legal assistance sector and universities.

There have been many reports regarding the state of access to justice in Australia³. Each report highlights the growing problem of accessing legal services, particularly by those most marginalised in our community. Clinical Legal Education, (CLEd) particularly through collaborations with Legal Assistance Services, can address these issues in a number of important ways:

- Improved legal literacy and resourcing communities to better engage with the legal system.
- Increase the capacity of the legal services to meet the needs of their community.
- Improved capacity particularly in seriously under resourced areas such as rural, regional and remote.
- Developing in our graduates, and therefore in the legal profession, a sense of ethical and reflective practice which includes a commitment to addressing access to justice.
- Developing in our graduates a commitment to pro bono and public service lawyering. Including fostering an ongoing relationship with these services as volunteers, pro bono providers, Board members, etc.

Clinical Legal Education

CLEd is a methodology which brings together communities in need of legal assistance and law students wanting to develop their legal knowledge and their ethical and reflective practice skills. This produces a synergy that can simultaneously increase provision of legal services and improve the education of legal professionals.

For the students, it offers an opportunity to explore legal practice and their role in it, while developing their skills and improving their knowledge.

Favourable staff-student ratios and collaborative learning environments support a climate in which each student is motivated to improve and perform at their best. The personal responsibility of working with and being accountable to clients motivates students to perform to the best of their ability.⁴

It does this through the delivery of legal services by, or with the involvement of, law students acting under professional supervision. In doing so, it can boost collaborating legal centres' capacity to provide legal services to their clients. CLEd has an important role to play in strengthening the legal profession and contributing to access to justice.

² [NLAP](#) Clauses 81 and 82

³ See for example the Productivity Commission's report *Access to Justice Arrangements* No.72, 5 September 2014

⁴ Best Practices Australian Clinical Legal Education September 2012 <https://cald.asn.au/wp-content/uploads/2017/11/Best-Practices-Australian-Clinical-Legal-Education-Sept-2012.pdf>

Australian CLEd has its origins in a model that seeks to provide legal services to the poor and disadvantaged whilst providing a transformative innovative learning experience to law students. In recent years, there has been a significant expansion of clinical programs in Australia however it is noteworthy that there remains a strong commitment in these newer programs to the dual aims of legal education and improving access to justice.

Clinical programs have been developed through partnerships between universities and Community Legal Centres (CLC), Legal Aid Commissions (LAC), Aboriginal Legal Services (ALS) and Aboriginal Family Violence Prevention Legal Services (FVPLS).⁵ They represent a strong yet diverse interaction between a growing number of students and legal assistance service providers across the country.

Legal Literacy and Resourcing

Resources spent in community legal education (CLE) and legal literacy are well spent. This is because awareness of legal rights and where to go to get assistance can assist those through prevention, early intervention and resolution of their legal issues.

The alternative can involve escalation of issues until it requires costly court and legal fees. Legal literacy strategies make it easier for people to access information directly and develop their own knowledge, resources and skills to help themselves as much as possible.

Student contribution to legal literacy and CLE can turbo boost the ability of CLCs and other practices to get the message out. Many Law schools are using methodologies such as Streetlaw⁶ and community legal education to provide these services and develop the communication skills of their law students.

Case Study: Kingsford FDVLC (UNSW)

Students in the Family and Domestic Violence Law Clinic at Kingsford Legal Centre (UNSW) prepare and present community legal education sessions to community groups or groups of intermediaries like social workers, nurses, and family dispute resolution practitioners, who regularly express how useful it is for them to understand legal concepts and processes.

Students also get the opportunity to be involved in "street law" activities, particularly in local high schools where the high school students are very engaged in discussions about legal rights and responsibilities with university students just a few years their senior.

In future, UNSW students will be presenting to high school students about sexual harassment at school and at work, so that high school students can identify inappropriate and unlawful behaviour, and know where to get advice and help.

⁵ For more information on CLED programs see Kingsford Legal Centre Clinical Legal Education Guide, 2019/20, at <https://www.klc.unsw.edu.au/sites/default/files/documents/2924%20CLE%20guide-WEB.pdf>

⁶ See <https://streetlaw.org/> -programs which train law students to boost legal literacy in the community are growing in Australia, see for example; Melbourne <https://law.unimelb.edu.au/students/jd/enrichment/mls-clinics/subjects/street-law>; Murdoch <https://handbook.murdoch.edu.au/units/14/LLB393?year=2024> and Griffith <https://www.griffith.edu.au/study/courses/street-law-community-legal-education-clinic-5176LAW>.

Increasing capacity to deliver services.

CLEd develops collaborations between universities and legal assistance services, which can increase capacity to deliver legal services. While CLEd programs do need resources and infrastructure in order to properly prepare and supervise the students involved, this resource burden is shared by both the universities and the legal services.

Clinical students can then, in turn, contribute to service delivery and boost the delivery of legal services which benefits the legal service and the community it serves. This is particularly the case when clinical programs build the capacities of students and work to further develop expertise which can in turn assist the legal service⁷.

Case study: Murdoch; clinical progression

The Clinical Program at Murdoch University run through a collaboration with SCALES Community Legal Centre has a progressive structure of clinical programs. Students can choose from 5 different clinics and can also do sequential clinics which build on work they have done in other units.

For example, they can work in the human rights clinic after completing the International Human Rights Program, which gives them a foundation for the clinical work. They can also undertake the Policy and Law Reform Clinic and bring to it learnings and expertise they have gained from one of the other practice clinics, thus increasing the impact of their work, and in turn boosting the output of SCALES Community Legal Centre.

Rural, regional remote and very remote (RRRR) service delivery

While 30 per cent of our population live outside a major capital city, only about 10 per cent of lawyers reside in and service RRRR populations. In addition, most law schools are based in metropolitan areas, with very few in RRRR areas. CLEd can address many of the issues this raises, connecting students

Case study Aboriginal Family Legal Services WA (AFLS) and Murdoch Clinic

From 2019 -2021, AFLS and Murdoch collaborated on a clinical program to better support the regional and remotes offices of the AFLS. Murdoch law students worked on matters from AFLS's offices across the state, assisting solicitors in those locations to research and formulate advice, draft documents and access documents for evidentiary purposes.

This was done under the supervision of Perth based AFLS lawyers. Through this collaboration AFLS was able to increase capacity to deliver services to their clients, while Murdoch law students gained insight into the challenges and rewards of working in a practice that brings legal services to regional and remote indigenous women.

⁷ The Murdoch program as a range of clinical units, so students can build on expertise and develop practice skills; <https://handbook.murdoch.edu.au/units/14/LLB393?year=202>; <https://handbook.murdoch.edu.au/units/02/LLB333?year=2024>; <https://handbook.murdoch.edu.au/units/04/LLB336?year=2024> <https://handbook.murdoch.edu.au/units/02/LLB334?year=2024> <https://handbook.murdoch.edu.au/units/02/LLB338?year=2024> <https://handbook.murdoch.edu.au/units/07/LLB330?year=2024>

with RRRR services to increase capacity and to develop in graduates an understanding and a commitment to RRRR legal practice.

Developing Ethical and Reflective Practice

CLEd offers a rare opportunity to teach ethics and professional judgement in an applied way. Most legal ethics courses rely on case studies or hypotheticals, which, while useful, cannot fully prepare students for the reality of practice.

*Clinical pedagogy involves a system of self-critique and supervisory feedback enabling law students to learn how to learn from their experiences.*⁸ This allows them to develop as a reflective and ethical practitioner. Everyday practice means facing everyday ethical questions. CLEd allows students to consider these with the support and guidance of experienced supervisors and encourages them to ask bigger questions about the ethical context of limited access to justice or the role of a practitioner.

The fact that CLEd in Australia is most often based in CLCs and other legal service providers, means that the development of students' ethical framework is also situated within the pressing issues of access to justice. For example, when considering whether a client can be assisted, CLEd students not only consider the ethical issue enunciated in legal conduct rules, but also have to consider the difficulty the client may have in accessing any other legal services. This provides an opportunity to further develop ethical judgement, while also considering their place in a legal system that truly offers justice.

Developing a Commitment to Pro Bono

CLEd is grounded in the 'real-client' experience; it is perhaps the best experiential method of learning and teaching law. By placing law students in close contact with the realities, demands and compromises of legal practice, CLEd provides them with real life reference points for their learning of the law.

CLEd also invites students to see the wider context and every-day realities of barriers to accessing justice and working within the legal system. Clinical pedagogy involves a system of self-critique and supervisory feedback encouraging students to learn from their experiences of simulated environments, observation

SCALES clinical program at Murdoch University helped confirm my views as to the type of law I wanted to practice, and still practice to this day, many years later. It remains my view that SCALES is a course without rival.

SCALES taught me how to apply the skills I learned at Law School in a way that was more practical and tangible than any other unit I undertook whilst studying, in a collegiate and supportive environment.

I would thoroughly and wholeheartedly recommend this course to any prospective student with an interest in social justice.

Tim Hammond SC, Barrister, SCALES Alumni

Murdoch Law School provides to its students an immensely practical education.

Its flagship Practical Legal Education unit gives students a semester long opportunity to work with real clients, handling files through to completion, at the SCALES in Rockingham.

Completing this unit was the highlight of my time at Murdoch, and I know that the unit is the envy of students at other law schools.

Chris Hicks, Special Counsel, Herbert Smith Freehills, Perth, SCALES Alumni

⁸ Best Practices Australian Clinical Legal Education September 2012 <https://cald.asn.au/wp-content/uploads/2017/11/Best-Practices-Australian-Clinical-Legal-Education-Sept-2012.pdf>

and, at its most effective level, personal responsibility for real clients and their legal problems.

This means that law students graduate with greater insight into the profession and their place within it. This insight translates into practitioners who are ready to work and have a good and realistic understanding of what that will involve.

Murdoch University –Alumni Community

The Clinical Legal Education (CLEd) program at Murdoch University has been running in collaboration with SCALES Community Legal Centre for 26 years. Over the years, an Alumni group has developed to support both the work of the clinic and, more importantly, our alumni’s pro bono work within the profession.

Recent research undertaken by Murdoch University School of Law showed that more than 85% of students who have taken a CLED unit while at Law School linked that experience to their commitment to pro bono in their career.

Beyond the Student Law Clinic, SCALES 2023

In the 2023/2024 financial year SCALES will receive funds from several sources including three schedules under the NLAP, Murdoch University and the Department of Mines, Industry Regulation and Safety (DMIRS).

Services include information; referrals; advice; negotiation; advocacy; representation; community legal education; clinical legal education; law and policy reform.

SCALES staff and services provided are client centred, human rights, trauma and domestic violence informed. Our intake procedures focus on identifying clients who are most vulnerable or disadvantaged and aim to provide these client more intensive and extended support and services.

Identified priority client groups include women experiencing family and domestic violence (FDV); Aboriginal and Torres Strait Islander People; culturally and linguistically diverse community members; people with disabilities including mental health issues; young people; older people and residential tenants.

Almost 80% of our legal services is provided in the legal areas of family law – children’s matters, FDV and residential tenancy matters. We believe that these issues are integral to individual and family’s ability to lead positive lives and continue to provide advice, advocacy and representation on these issues as a priority.

Other common legal issues include family law, refugee and humanitarian law, criminal matters, traffic offences, fines and fines enforcement and other minor civil matters.

Clients

In 2022/2023 we helped 623 clients by providing 772 legal advices with a total number of legal services of 1,516. 91 clients were represented at Court 124 times, we provided 79 representations through our tenancy duty lawyer service where we attended for 50 out of the 51 weeks the tenancy court operated.

Court representations included Family Violence Restraining Order (FVRO) interim and final order hearings; FVRO shuttle conferencing; tenancy matters before the Clerk of Courts and in the Magistrates Court; Family Court matters; AHRC discrimination matter and UN treaty bodies; AHRC challenge of an Housing Authority decision; AAT and federal court matters; Ministerials on immigration, detainee rights, prisoners’ rights and prison conditions; WA Ombudsman and WA CCC.

Our youngest client was 9 years old and our oldest client was 88 years old. Our highest cohort of clients with 42% is in the 35-42 age range. Almost 9% of our clients identified as First Nations and 8% as culturally and linguistically diverse. Three quarters of our clients were women, over 50% of our clients disclosed they were experiencing FDV, 10% of our clients were homeless; 97% experiencing financial disadvantage and almost 20% of clients disclosed a disability.

Outreach services are provided at a local women’s refuge by our financial counsellor; duty tenancy services at the Rockingham Magistrate’s Court by our tenant advocates and a new service to Kwinana has just commenced with a senior solicitor attending weekly.

A further 1,418 people were provided with information or referrals to other services when we did not have capacity or if they were seeking assistance outside or legal practice guidelines.

Access to Services

SCALES does not charge fees, we believe that charging fees can be a barrier to people accessing our services in times of great need even if there is an offer to waive fees for those in need. We manage the call on our services through our triage and intake and prioritise people on low incomes, people within our priority groups and the impact their legal matter will make on their life if not resolved.

We have been participating in CLC sector discussions on minimum level of service to any person in WA no matter where they are and look forward to extending these discussions to DoJ to develop a collaborative position.

SCALES does not maintain a waiting list as we have found that it is not helpful to our clients or the service to expect people to wait for any length of time to resolve their issue. We triage those most in need into our services and then provide information and referrals to those we are not able to assist within a reasonable time frame of one to two weeks. Of course, as part of our client focussed services, we are flexible and will see people in crisis when possible to at least engage with them.

Partnerships

Beyond the foundational partnership with Murdoch University, SCALES staff continually evaluate opportunities to partner to improve service delivery and reduce barriers to access legal services and justice.

We have recently re-partnered with the Northern Suburbs CLC Older People's Rights Service to visit monthly to recommence services to older people at risk of or experiencing abuse or exploitation; the Consumer Credit Legal Service visits every two weeks to provide legal advice to people in the region experiencing mortgage stress. Our region has been identified as having some of the highest rates of mortgage stress and food insecurity in the state.

SCALES staff are active in networks and committees locally, statewide and nationally including CLEd, CLE, data collection, family and domestic violence, homelessness, refugee and asylum seeker rights.

Multi-Disciplinary Services

The introduction of the family violence unit (FVU) that includes multidisciplinary practitioners has revealed to us the absolute value of having client advocates, disability advocates, financial counsellors and other non-legal practitioners who can work in the legal practice addressing the broader client issues that may impact on, cause, or complicate the legal issue.

We are experiencing more people who have been appointed a guardian and/or had their financial matters placed in administration or the hands of the public trustee. These clients tend to be highly vulnerable and often have complex intersecting needs that would benefit from a multidisciplinary approach in the broader legal practice.

Separating the legal need or issue from the person's broader situation is counterintuitive and often leads to a failure of the client to be able to successfully resolve their issue in a sustainable way. Funding to assist with those broader social issues in a multidisciplinary way such as Centrelink, financial counselling, assistance with forms or online access to forms is more likely to create a successful longer term outcome. Referring these clients to other services is often unsuccessful due to trust issues, capacity of the client and long wait lists for many services.

SCALES Family Violence Unit

The funding of this service is the culmination of decades of CLC sector lobbying for holistic services for our clients. In the 2017/2018 financial year, SCALES was funded to provide a specialist family violence service for women at high risk of harm.

While initial funds allowed the employment of a solicitor, client advocate and administrative support, expansion of the funding now allows us to employ a counsellor and a financial counsellor. In addition, our baseline funded DVLWN solicitor also sits in this service.

This reduces the number of times a woman must tell her story and she can attend appointments with solicitors, client advocates, counsellor, tenant advocates and financial counsellor in the same office. Clients become familiar with the staff and organisation and it builds a sense of trust, safety and confidence in the women.

Legal needs appointments are often provided with both the client advocate, an experienced senior social worker and a solicitor. The order of appointments depends on the presenting issues, with safety being paramount.,

Most common legal issues are FVRO related and family law. We are also able to provide advice on a broader range of legal issues that impact on our clients' lives. These matters might include criminal injuries compensation, criminal charges, traffic offences, tenancy matters and break lease applications.

We are also able to add value to this service from our broader legal practice making legal services available for tenancy, criminal and migration law matters.

Challenges

Department of Justice as funding managers

In the context of the NLAP, a major challenge has been the transition of funding managers from Legal Aid WA to the WA Department of Justice (DoJ).

While there has been a welcome increase in funding since DoJ took over the reins of WA legal assistance service funding management, extension of funding contracts for longer periods, and strong acknowledgement that WA CLCs have been neglected for many years, there have also been challenges. Some are simple teething problems that come with change such as variations on how we report and what we report, some are major threats to the CLC sector and individual CLCs.

Regular requests by DoJ for information have tight turnarounds and there has been an expectation that the Community Legal WA staff should speak on behalf of the sector without having had the chance to consult to establish a sector view on these issues. It is not unusual to have to provide feedback on an important issue with a two or three day turnaround to allow CLWA to respond in their time frame to DoJ.

Meetings between SCALES' staff and DoJ staff have also indicated that the Clinic is not necessary and that we should consider moving away from that model due to its expense. Outlined separately in this document is a section on the value of CLEd beyond the immediate service provision. As an aside, every time the Managing Director attends Legal Assistance Sector or CLC events, she counts the SCALES alumni in the room. In 2023, with at least 4 large gatherings, there has never been less than 6 alumni in the room providing leadership roles in the legal assistance sector.

I learnt more from my time as a student at SCALES than the rest of my law degree combined!

The skills I learnt have been invaluable as I have progressed in my career.

My SCALES experience meant I felt much more confident when I started as an Articled Clerk at the Director of Public Prosecutions and as far as I know, there is nowhere else you can get this 'real-life' experience as a law student.

Alice Barter, Managing Lawyer, Civil Law and Human Rights Unit, Aboriginal Legal

WA CLC Sector Sustainability

Since DoJ provided criteria for *sector sustainability* or *financial risk profile indicators* to WA CLCs there has been a lot of anxiety and fear in the sector. Other WA Legal Assistance Services do not have this criteria.

The criteria varied in the early days but is now clearly communicated that each WA CLC should have:

1. more than \$1.5 million in stable funding (not grants);
2. no more than 75% of funding to be from DoJ Baseline funding;
3. no more than the CLC average going to administrative or back office costs; and
4. comparable service delivery cost component, to other comparable parts of the sector (e.g. with a similar service delivery model, or responsible for delivering services to a comparable geographic region).

CLCs that do not meet this criteria are highly likely to be considered unsustainable and have been advised to consider mergers, acquisitions or partnerships to avoid that services' funding being put to tender in 2025.

Discussions amongst many CLCs on potential mergers have been extensive but often under a cloak of secrecy as they are concerned about the risk of competitive tendering being an outcome of the sector sustainability discussion.

We acknowledge there are service delivery gaps in the metropolitan area and are working with neighbouring CLCs and other organisations to develop options to address those gaps. However, we have concerns that merging across a large and diverse geographic region is inconsistent with our place based, community development approach to service planning and delivery when the main goal appears to be a reduction in the number of CLC contracts across the state rather than a focus on client centred service delivery.

Unmet, unexpressed and emerging need

As mentioned previously, SCALES region has pockets that have been identified as having high food insecurity, high mortgage stress and high incidences of FDV. With the housing crisis across the country and a vacancy rate of 0.04% in WA, there are many factors impacting on people's ability to identify and/or manage legal issues. Cost of living increases are impacting on our clients capacity to manage on a day to day basis. Often this means their legal issues escalate before they seek help.

On top of that, the announcement of five new nuclear submarines being homebased from 2027 at the Garden Island Naval Base in Rockingham may well bring jobs, but it will also bring further housing stress, and stress on child care centres and school places. Our client cohort will not be able to compete with the 4,000 to 5,000 staff accessing services while living in the region and supported by the US government.

We do not know what this will look like and will seek a meeting with our local Federal Member for Brand, Madeleine King to discuss the community needs and how the growth may affect the call on SCALES and other local services.

Southern Corridor CLC Partnership Exploration

DoJ unofficially advised that we need to review and reduce the number of organisations or contracts in the south metro region and there should be no more than two contracts beyond this contract period. This was formally confirmed in a meeting between the City of Fremantle and DoJ officers.

There are currently five generalist CLCs in the south metro region being Fremantle, Gosnells and SCALES CLCs, Sussex Street and Peel CLSs. *See map to show approximate metropolitan service delivery areas.*

In response to this advice, the five south metro services met and have been working together for over a year with regular meetings and consultations to look at options.



Actions have included:

1. Engagement and payment of a consultant to undertake a high level analysis of organisational operations and potential partnership options of SCALES, Sussex Street CLS and Gosnells CLC with a view to:

- a. identifying partnership models that are relevant to the three organisation's contexts,
- b. mapping potential partnership strengths and opportunities.

This analysis has considered organisational culture and structure: geographic catchment; financial sustainability analysis and efficiencies; core service offering and potential growth opportunities, possible conflicts and Board/constitutional requirements.

Note that the report did not assess Fremantle CLC due to the complexity of their being a department of a local government authority and needed to be assessed following the initial assessment. Peel CLS's view was they were a regional service rather than strictly metropolitan, and that while keen to partner where possible to improve their service delivery capacity, they did not think a merger with a metropolitan CLC was an option and subsequently withdrew from the group.

2. Meetings with:
 - a. the CEO of Peoplekind, a recently formed large NFP that successfully merged a number of services under a new umbrella organisation;
 - b. one of the consultants who worked in the Peoplekind merger and acquisition;
 - c. CEO and Manager of a CLC with four offices to discuss the logistics of a larger organisation;
 - d. And regular meetings between Fremantle, SCALES, Gosnells CLCs and Sussex Street CLS new CEO.
3. Discussions and analysis of population, ABS statistics, service delivery gaps – geographically and legal issues;
4. Engagement of a pro bono legal firm who specialises in mergers and acquisitions to guide us with our discussions.

This is no small project and has taken a great deal of time of each of the four service leaders. We are well aware there are gaps in service delivery and have looked at a number of options to meet the expectations of the DoJ. We acknowledge that we can do better, but we have grave concerns about issues such as the potential loss of place based services and place based governance; the risk of excluding clients due to conflicts of interests in fewer services and other risks.

We are committed to continuing to look at how we can better serve our community but this comes at a cost to each of our capacity to lead within our organisations as well as our communities while responding to this threat to our service and the broader CLC sector.

Opportunities

Clinical Legal Education

The Opportunities for Clinical Legal Education are many. Targeted investment in this area would further strengthen CLEd and exponentially increase the positive impact CLEd has on access to justice; service delivery; formation of lawyers; and the understanding and commitment to justice of the broader profession.

We recommend the following measures to begin:

1. Funding be increased to support CLEd programs and to encourage Universities to develop CLEd programs.

Paired or tied funding between government and universities works very well to both meet and resource the dual outcomes of service provision and legal education. Funding offered on the basis that it will be matched by universities to offer CLEd programs, would allow universities to develop these programs in a way that improves the educational outcomes for their students, while also addressing access to justice issues in their area, or beyond.

2. Targeted funding for regional, rural, remote

Universities could be encouraged to develop CLEd programs that service regional, rural and remote communities. Funding could target service delivery while also assisting with student familiarisation with justice issues and career opportunities in these areas.

3. Infrastructure for CLEd

With a small amount of funding, structural support for CLEd across Australia could be established. This could be funds to support the already established Clinical Legal Education Network Australian (CLEAN), a website which could also act as a repository of resources and support for CLEd programs and funding for networking and information exchange to support clinical programs and their staff (both legal and academic).

Multi-Disciplinary Service

Legal problems rarely exist on their own, they are more likely to be part of a complex web of difficulties, including financial and/or social complexities. For this reason, the provision of a multi-disciplinary service which address the client holistically brings with it enormous value. SCALES has witnessed this first-hand in the operation of the FVU, a multi-disciplinary service. In addressing the clients issues holistically the outcomes are not only better but the results are sustainable. This can be clearly seen from the case studies included below in [Annexure 1](#).

We recommend the following measures.

4. Funding be increased to support multi-disciplinary service delivery.

While this is already in place through many measures for example Health Justice Partnerships, development of this model should continue with a particular focus on placing the client at the centre of legal service delivery.

5. Reduction in siloing within government and funding arrangements

Opportunities for multidisciplinary positions and services will enhance and support success of our clients' legal issues. We encourage the government to reduce the siloing between departments to increase opportunities to provide holistic or wrap around services.

6. There should be Federal Involvement in Funding and co-ordination.

We believe strongly that there is a need for a federal involvement in the management of and allocation of funding to ensure standardised distribution of funding intended for a specific purpose. An example is the Vulnerable Women funding that has been disbursed state by state in what could easily be perceived as a piecemeal approach rather than as a collaborative national strategy to provide legal service to vulnerable women.

Conclusion

We acknowledge the state and federal government's support of the Legal Assistance Sector and the move towards longer term funding contracts to increase the sustainability of services. However, there is a need for parity to bring longstanding funded services into line with more recently funded services in the amount of funding provided. It is also important to ensure that rural, regional, remote and very remote communities are funded at appropriate levels to accommodate the increased cost of delivering services across this vast country.

This brief submission has tried to highlight to areas that could turbo-charge the effectiveness of legal service provision across the country.

Clinical Legal Education offers an opportunity to positively impact on delivery of legal services and improve access to justice, while also educating law students and developing a legal profession that is reflective and ethical. In doing so, it brings emerging generations of legal practitioners to Legal Assistance Services including ALSs, CLCs, FVPLS and LACs, and not for profit legal practices.

Multi-disciplinary services can also increase the effectiveness of assistance for clients. By putting the client at the centre of service delivery and wrapping responses to their issues around them, the resolution of problems is more effective and long lasting.

These are two innovative ways that legal service provision can be strengthened and become more effective in addressing the ongoing challenges of access to justice. These approaches have both been implemented at SCALES through collaboration and development of our own services, and they have been tested and proven to improve service delivery and client outcomes, while also strengthening the legal service delivery framework.

Annexure 1

Case Studies

Case Study 1 (FVU)

**names have been changed*

Wendy came to SCALES two weeks after she separated from her husband Peter, they had been together for 20 years and married for 18 years. They have three children all in their teens, the children stayed in the rented marital home with Peter as Wendy was worried about their safety if she took them with her.

Peter does not know where she is staying but she does visit the children at the marital home. About 6 months before separating, she found a tracking device in her car. She looked for it after she became suspicious when Peter kept on showing up where her car was parked even if it wasn't a usual place.

As part of our intake process, the Client Advocate spoke at length to Wendy and used the Department of Communities Common Risk Assessment and Risk Management Framework (CRARMF) to complete a risk assessment.

Wendy's immediate concerns were that Peter had been stalking her and was leaving work several times a day to check to make sure she was at home; he had also drugged her on a number of occasions.

Wendy told us there was a long history of violence perpetrated by Peter against her, she has left him before, she had experienced financial, physical, emotional, and sexual abuse and felt trapped and powerless. He had even assaulted her when she was pregnant and dragged her around by her hair many times.

She told us that she had been physically and sexually assaulted by Peter and he had tried to choke and strangle her many times. He had threatened to harm or kill her, the children and their pets at different times. Her children have witnessed the violence on occasion and have attempted to intervene to protect her.

Wendy has been socially isolated from family and friends and Peter restricted her access to money as well making her pay for most household and vehicle expenses out of her pay. He has many credit cards but she doesn't know much about his financial situation and they had no shared bank accounts.

She believes he monitors her telephone, email and online accounts.

In the past, when she left, Peter threatened to kill himself and the pets, he also regularly followed her and stalked her.

Her story indicated to our Client Advocate that she was at high risk of harm from Peter.

A safety plan was developed with Wendy that involved what to do if she felt unsafe at home. This included not consuming any food or drink provided by Peter and where she would go if she was able to get away. They talked about setting up a system where her important items such as her purse, keys and phone were all together in one place, keeping her phone charged and with her and fuel in the car.

Wendy was to have conversations with those she trusted to discuss what action to take if they were concerned about her or if she used a code word that meant she wanted them to call the Police.

Wendy was to think about where she could keep her important documents so that she could access them and whether to get a spare set of keys cut for the house. After this conversation, Wendy said she felt more confident about asking for help and was given numbers for Police, Crisis Care, Entrypoint and the Women's Domestic Violence Helpline.

Part of the safety plan also included a list of items to take when leaving, important numbers, getting a new email address and safe phone. The Client Advocate contacted the Police and arranged for both her new address and old address to be flagged with the Police to ensure that if they're called, they were aware of the risk to Wendy and the children.

Appointments were arranged for legal advice on a Family Violence Restraining Order (FVRO) and arrangements for the children. An appointment was made with the Financial Counsellor and counselling was offered. A referral to the local women's refuge for Safe at Home support and replacement phone was also provided.

When the solicitor met with Wendy, they explained what a FVRO was, how it worked, what could be included and how to apply. They also talked to her about the risk involved and that sometimes a FVRO might not increase safety, that she knew her situation best and she could make an informed decision based on her knowledge of him and his behaviour and what a FVRO could do for her.

SCALES assisted Wendy with her application for a FVRO and affidavit and she was successful. Wendy had decided not to include her younger child on the FVRO as she was worried it might make things worse with Peter. There was an exception in the FVRO to allow Peter to contact her regarding arrangements for the children. When she later expressed regret at not including her youngest on the FVRO, we gave her advice about what she could do to get her child protected.

Peter then applied for and was granted an interim FVRO. SCALES requested a transcript as part of our ongoing support for Wendy.

Wendy then sought advice about her rights and responsibilities with the tenancy as it appeared the landlord was planning on selling the property. She was given advice about her options including that she could end the tenancy agreement with a 7-day notice of family violence, meaning her liability in the tenancy agreement would be ended and that Peter would still be on the tenancy agreement and be liable for the end of TA obligations but also removing the multiple sheds full of his stuff.

She could also end the fixed term agreement by giving 30 days' notice but would then be liable for cleaning and getting rid of all of Peter's property as he is not able to go onto the property because of the terms of her FVRO.

The Financial Counsellor completed a financial position statement that outlined Wendy's expenses and how much she would need to cover her ongoing costs. This showed a need for Wendy to review her finances and she was invited to bring in as many accounts as she could locate to work with the Financial Counsellor.

She was also provided with information on Centrelink payments she may be eligible for and dealing with a Centrelink debt over \$20,000 currently in the hands of a debt collection agency. We have referred her to the Fremantle Community Legal Centre Welfare Rights worker for more detailed advice on the Centrelink debt.

Other services include negotiating with the debt collector to defer payment while she has no income, helping set up new utility accounts in her name as Peter had had all of the utilities in his name and had had them disconnected.

The Financial Counsellor also spoke to Wendy about reviewing insurances and superannuation accounts to reconsider who she had nominated as beneficiaries and advice on storing items of value and important documents.

We also helped Wendy follow up about Child Support and she now understands that she can seek an exemption on the FDV grounds if she is concerned for her safety.

Liaison with the local women's refuge support services for Wendy included obtaining a new phone, checking for tracking apps, lock change at property, safety assessment of the property and ongoing FDV support in the home.

The benefit of having an integrated multidisciplinary team has meant we were able to provide a central place where Wendy could talk to people about her various issues in familiar surrounding with familiar faces. She knew who to call to find out about her various issues and had a central contact in the Client Advocate.

During her time as a client of SCALES, she was provided services by the Solicitor, Client Advocate, Counsellor, Financial Counsellor and Tenant Advocate and was linked by warm referral to another CLC for Centrelink advice and the local women's refuge for support.

She tells us she feels stronger and more confident that she is able to protect herself and her children from Peter's unacceptable behaviour. With the protection of the FVRO, new locks on her home and a safe phone, she feels safer and is looking forward to going back to work, Peter's harassment at her workplaces made working impossible over the past few months.

We continue to work with Wendy on her FVRO matters, her family law matters, her tenancy matter as well as providing counselling services and financial counselling services.

Case Study 2

**names have been changed*

Amelia is a young woman who telephoned SCALES for help with a charge of breach of a police order. She was put through to a solicitor to talk about the criminal charges.*

Through that conversation with the solicitor it became clear that Amelia had a number of serious issues that included having just left a domestic violence situation leaving her homeless, mental health issues, debt and the need for a Family Violence Restraining Order (FVRO).

Amelia had been 'couch surfing' with friends but this became unsafe and problematic and she started living in her car. She called Crisis Care, Entry Point and the DV Helpline daily but there was no accommodation available.

The solicitor quickly linked Amelia with the SCALES' counsellor and client advocate. The counsellor worked with Amelia to help her manage the distress at her situation.

The client advocate carried out a risk assessment with Amelia and developed a safety plan with her. She also tried to refer her to several different housing support services in the area but without success.

Amelia's mental health was deteriorating to the extent that other services would not engage with her as her mental health diagnosis and current situation was too difficult or beyond their capacity to help her.

The SCALES' financial counsellor also saw Amelia and was able to help her with her fines. The financial counsellor negotiated a reduction in the total amount of fines that Amelia had to pay and then helped her renegotiate a payment plan. Amelia had been paying \$200 per week and this was unsustainable, the new payment of \$25 per week is sustainable and means that she now has more money available to her on a weekly basis and she isn't being chased for her debt.

At the same time as Amelia accessing these services, the solicitor continued to work with her, concerned about Amelia being charged with breach of a police order when she was clearly the victim. SCALES agreed to draft submissions to the Prosecutor that the breach of police order charges were not in the public interest and that they should be dropped. The submissions were successful and the Prosecutor dropped the charges.

A second solicitor drafted documents to help Amelia apply for a restraining order and then referred her to the Courts' Family Violence Service to obtain support to apply for a FVRO and was successful in her application. This meant she was now protected from her ex partner.

It is evident that the lack of support from other services has had a negative impact on Amelia's mental health, and she told the client advocate that she may have to present to the mental health ward at hospital if something doesn't come up soon. Options such as a mental health transitional facility were considered but without success.

Amelia was also helped to access the Escaping Family Violence Payment which meant she has the resources able to set herself up in a new home when she found one.

COMMENT:

It is becoming more and more difficult to support clients escaping family and domestic violence (FDV) as homelessness is becoming an increasing result. With refuges not being able to exit clients to housing once safe, there is little turnover and availability in the limited accommodation available.

Due to the housing 'crisis', there are few if any options for these women (some with accompanying children) and trying to offer supports when they don't even have a safe place to stay is problematic.

The very services that are funded to support women escaping violence with obtaining safe, affordable housing, are unable to do so, which leaves the burden on front-line workers from other support agencies, including SCALES.

If Amelia had been offered safe accommodation when she first escaped the violence, I believe her present circumstances would be vastly different, and she would be able to accept other supports. However, until she is accommodated it is unlikely Amelia can focus on anything other than basic needs.

There needs to be an urgent review into Crisis Care and the DV Helpline and their role in accommodating women escaping violence. The results of women not being found safe accommodation include women staying in violent situations or returning to violence due to a lack of alternatives. This is unacceptable and is not in-line with the Governments national plan to end violence against women and children 2022-2032.

CASE STUDY 3

**names have been changed*

Grace came to SCALES seeking advice and assistance as she feared for her life and had been subjected to stalking and death threats by Albert*, her ex-partner and father of her children.*

Grace had an interim Family Violence Restraining Order (iFVRO) which Albert had breached many times but she was too frightened to go to the police.

Grace was referred to our Family Violence Unit and we assisted her by connecting her with the Rockingham Police Family Violence Team where she received specialised assistance.

We further assisted her by representing her at court and providing her with ongoing client support, both legal and non-legal.

Albert was charged and convicted of more than 45 breaches of the FVRO and Aggravated Stalking. The FVRO application was made final under s63.

If Grace had not come to SCALES for assistance, Albert's behaviour would have continued and likely, escalated. This would have ended in disaster for Grace and her children. Grace now feels much safer to move on beyond this relationship.

CASE STUDY 4

**names have been changed*

11.30am

*The Principal Solicitor (PS) spoke to the Manager about *Jenny after a legal appointment about driving under suspension.*

The PS was concerned that Jenny had expressed during the appointment that she had a clear plan to commit suicide and the PS asked if the Manager could speak to Jenny.

Jenny's issues were long standing and severe FDV, homeless for the past few months, eldest son killed in car accident and a new job opportunity on a farm last week ended in her being drugged and raped. She rented a room with an acquaintance of a friend moving in on the weekend after a stay in hospital and 2 days in a hotel room organised by a hospital social worker. Feels very unsafe with him and doesn't want to go back.

Manager introduced herself to Jenny and had a brief chat, she had a GP and with Jenny's permission she called the practice. Jenny had only just started seeing Dr G recently and the Dr was going to do a letter of support for an application for public housing, she wasn't sure whether that had happened. The Dr wasn't available to speak to Jenny, but we left a message with staff to see if she could make time today.

The Manager also called the Rockingham Adult Mental Health Service and asked to speak to a duty officer as we had a woman in the office who was actively suicidal and had a plan. The duty officer took the call and advised the best course of action was to take her to the Emergency Department at the Rockingham General Hospital.

Jenny was happy to go to the hospital; we called the GP back and left a message to say we were going to ED and the GP had responded to the message to admin who were just about to call to advise the GP had also suggested ED.

We went to Jenny's current accommodation and she went in and collected a change of clothes and her medications.

About noon, we went into ED and the Manager accompanied Jenny through all of her conversations throughout the day. She was moved into back quite quickly but on a bed next to the nurses' station not in a booth.

She was relatively calm and appreciated a supporting presence and when the Manager offered to leave to give her privacy, she asked for her to stay during conversations. She had her observations done by a nurse and a doctor spoke to her, when asked for somewhere more private and they moved us to an interview/meeting room. When the Manager offered to get her bags from her car, Jenny didn't want her meds with her which meant to me that she was still considering suicide.

Dr spoke to her and then went to speak to the Mental Health team and Nurse in charge.

She had to do an alcohol breath test and a drug urine sample before the mental health team would engage with her and she was happy to do both although had just been to the loo and it took a while and a couple of drinks to be able to provide the urine sample.

The psychiatrist came in to see her about 5pm and did a comprehensive intake for about 45 minutes,

once again Jenny asked the Manager to stay with her.

The outcome of that meeting was that while there were no beds in the hospital or ED, he agreed that she needed to feel safe and he would consult with the senior mental health nurse about whether she could stay in ED. Jenny was happy to stay in ED if that was all that could be offered.

The nurse came in and explained there were no beds in the hospital and also that there were no beds in ED. Asked if she had anywhere she could go, Jenny said no. The nurse explained she could stay in the meeting room while it wasn't needed but if it was needed, she would be put in a chair in the emergency department if there were still no beds. Jenny agreed with this.

As Jenny hadn't taken her meds that morning (as she felt if she started taking them she would take them all in the morning) the psychiatrist and nurse issued her with the meds she needed then and then the psychiatrist confirmed he had written up her night meds so they could be administered and the nurse took charge of her meds which the Manager had been holding during the discussions with the psychiatrist for Jenny on her request.

The psychiatrist confirmed he would link her in with the community mental health acute support team who would contact her tomorrow (Wednesday) and that he would also have the social worker see her to see in the morning to see if they could locate some safe accommodation for her. Jenny was happy to be treated by the community team and see the social worker.

The Manager then felt it was safe to leave her then and left the hospital about 6.15pm. Jenny had her business card to call if she needed anything or if the social worker wanted to speak to me and that our staff would continue with the issues they had spoken to her about at her appointment.

Over the course of the day she wondered whether the rapist had been charged and was in custody and also if she was on a rental blacklist.

The Manager passed the messages on to the staff she spoke to and followed up with the GP about the letter to go with her public housing urgent application.

Since this incident, we supported Jenny with legal services to do with her driving offences, followed up with her ex's criminal charges and started a criminal injuries compensation application. We have provided her with dignity bags, food vouchers, Christmas hamper and support with accessing services including financial counselling, housing, Centrelink and other services.

Jenny visited the office a couple of months later thank us all.

Jenny said at that visit we were the only service she contacted who listened to her and that without us, she would have committed suicide that day. She moved into communal supported living and then was able to obtain a rental property. She went through the selection and recruitment process for a FIFO job and has reconnected with her son and spent Christmas with him and his family including her 1 year old grandson.

We are linked her in with our new counsellor as she was still on the wait list for her request for a SARC appointment.

Outcome

Jenny is aware of what is going on with her abuser's criminal matters and feels much safer now.

She is housed and engaged with support services and has reengaged with family and met and is

spending time with her 1 year old grandson.

A criminal injuries compensation application is being prepared on her behalf.

Without SCALES' assistance, Jenny would have died of a drug overdose in her rented bedroom that day. She now is hopeful, she is happily employed and is rebuilding her life and family connections and is financially independent.

Contact: Gai Walker
Managing Director
SCALES Community Legal Centre
T: 08 9550 0410
E: g.walker@murdoch.edu.au