

Submission to the National Legal Assistance Partnership Review

Social Security Rights Victoria
October 2023

EXECUTIVE SUMMARY

Social Security Rights Victoria (SSRV) welcomes the opportunity to make a submission to the National Legal Assistance Partnership (NLAP) Review and respond to the Issues Paper published in August 2023.

Our primary recommendation is that statewide specialist legal services need a significant step-change uplift in funding within NLAP to operate viably and sustainably, and deliver on NLAP objectives. This is unquestionably true for specialist legal services that focus on social security—social security law is complex and has historically been under-funded compared to other areas of specialisation.

In this submission, we explain how having well-funded statewide specialist legal services can make a huge difference, by improving the efficiency and impact of the overall legal assistance sector. Specialist legal services can work together with local community legal centres and other community services to give people the right level of support, particularly those most experiencing disadvantage or vulnerability. Specialist services are also well-placed to share insights and expertise to support justice system reform.

We also provide analysis about social security legal need, given SSRV's area of speciality. Legal assistance support for social security issues has not been prioritised during the current NLAP, meaning significant legal need is not being met. A particular problem in relation to social security is that poor accessibility of Centrelink and Services Australia systems drives demand for contacts to social security legal services, even where the issue raised may not be strictly legal. There is a substantial opportunity to improve both administrative review and Centrelink accessibility to contribute to addressing community legal needs.

This submission follows the following format:

- Part A introduces SSRV, its impact for clients and the community, and provides a summary of its resource barriers.
- Part B provides an overview of social security legal need, noting that people who experience social security legal issues are commonly experiencing significant financial or other types of disadvantage. For too long, cultural and political biases have meant that social security recipients are not considered 'worthy' of assistance. The NLAP Review has a significant opportunity to contribute to the Commonwealth Government's response to the Royal Commission into the Robodebt Scheme by challenging the cultural biases that may have led to social security legal services being under-funded over many years.
- Part C outlines the value of the specialist community legal centre service model, and the various ways this model efficiently delivers on NLAP objectives. Many areas of law are complex and require specialist assistance. An integrated model that responds to this complexity while aiding locally provided services is not only efficient but can be effective, ensuring legal assistance services meet legal needs.
- Part D emphasises the need for a step-change in resourcing for legal assistance, and particularly for small statewide services. We outline the substantial problems caused by insufficient base funding for small community legal centres. We suggest that a minimum level of organisational funding is required to ensure that centres operate at a viable and sustainable level to deliver on NLAP objectives.

- Part E responds specifically to the questions posed by the Issues Paper.

We would be happy to discuss any aspect of this submission with the Reviewer. Please contact Gillian Wilks, Chief Executive Officer, Social Security Rights Victoria, Ph (03) 9481 0299, Email ceo@ssrv.org.au.

Summary of Recommendations

Recommendation 1:

The NLAP should specifically recognise social security as a substantial area of legal need requiring priority and a step-level change in investment.

Recommendation 2:

The NLAP Review should respond to the Final Report of the *Royal Commission into the Robodebt Scheme* by ensuring social security legal work has sufficient and dedicated funding within NLAP.

Recommendation 3:

The NLAP should fund regular legal need studies to inform legal assistance resourcing decisions.

Recommendation 4:

The NLAP should specifically recognise the role and expertise of specialist statewide legal services, including:

- enabling effective and innovative responses to legal complexity;
- efficiently supporting early intervention and wrap-around services, particularly through secondary consultation and professional development for generalist lawyers and non-legal workers; and
- providing insights and expertise to support systemic advocacy and drive justice reform.

Recommendation 5:

The NLAP should ensure that the cost of running the organisation as well as costs associated with the delivery of legal assistance services be built into core funding for community legal centre, so that legal need can be better met and for organisational stability, viability, and effectiveness. The model and costings attached to this submission be considered in determining core/baseline funding for statewide specialist social security legal services.

Recommendation 6:

The NLAP should adopt and fund a 'hub and spoke' model of resourcing to support relevant specialist legal services extend specialist service deliver and build capacity of the sector.

Recommendation 7:

The NLAP should support partnerships between specialist legal centres and Aboriginal Community Controlled Organisations and legal services to support access to culturally safe specialist services.

Recommendation 8:

The Commonwealth should, through the NLAP, provide incentives so that Commonwealth areas of legal responsibility are adequately identified and prioritised in legal needs assessments and funding decisions at the jurisdictional level.

Recommendation 9:

The NLAP should ensure organisations receive longer-term funding agreements, at least in line with the period of NLAP or preferably seven years in length.

Recommendation 10:

The NLAP should support early intervention as a key part of CLC core service delivery work. Specific funding should be allocated to projects and initiatives that aid early intervention, avoiding more costly legal problems.

Recommendation 11:

To support efficiency, all legal assistance funding (both NLAP and non-NLAP) should enable streamlined and consistent reporting requirements.

Recommendation 12:

Increased resourcing should be provided to Centrelink and Services Australia to ensure that barriers to accessing the social security system are addressed, thus reducing the burden on community organisations, including community legal centres, and administrative review processes.

Recommendation 13:

A system of appropriate referrals from the new Administrative Review Tribunal to specialist social security legal services should be explored.

Recommendation 14:

Governments need to invest in increasing salaries and benefits for community legal centre workers to address wage equity with legal aid commissions.

Recommendation 15:

The NLAP should provide baseline funding to support modern technology and client management systems to aid staff efficiency and enable effective monitoring and evaluation.

Contents

EXECUTIVE SUMMARY	2
Summary of Recommendations	3
A. INTRODUCTION	6
A.1 About Social Security Rights Victoria	6
A.2 SSRV's impact for clients and the community	6
A.3 The resource barriers faced by SSRV	7
B. SOCIAL SECURITY LEGAL NEED	8
B.1 NLAP priority clients are social security recipients and social security law is a priority legal need.	8
B.2 Cultural biases deprioritise value being placed on social security legal assistance.	8
B.3 Levels of legal need.	9
B.4 Why social security needs to be specifically prioritised in NLAP.	10
C. BENEFITS OF SPECIALIST COMMUNITY LEGAL CENTRES	12
C.1 Specialisation enables effective responses to legal complexity.....	12
C.2 Specialisation supports early intervention and wrap-around services.	13
C.3 Specialist centres support partnerships that deliver targeted and accessible services for people facing disadvantage.	17
C.4 Specialist centres innovate to drive preventative impact	19
C.5 Insights and expertise of specialist centres can contribute to justice reform.	20
D. NEED FOR STEP-CHANGE IN RESOURCING TO SUPPORT DELIVERY ON NLAP OBJECTIVES.	21
D.1 The problems caused by insufficient core funding	21
D.2 The minimum level of organisational funding required.	23
E. RESPONSES TO QUESTIONS IN THE ISSUES PAPER.....	24
E.1 Legal assistance for Aboriginal and Torres Strait Islander Australians.....	24
E.2 Effectiveness	25
E.3 Legal need	26
E.4 Roles and responsibilities	27
E.5 Disadvantaged groups	27
E.6 Regional, rural and remote context	27
E.7 Funding models	28
E.8 Managing demand over time	29
E.9 Wrap around services	29
E.10 Early intervention	30
E.11 Advocacy	30
E.12 Efficiency.....	31
E.13 Commonwealth administrative review	31
E.14 Labour market	33
E.15 Data	33
F. CONCLUDING REMARKS	34
APPENDIX: Statewide Social Security Legal Service Model and Costing	35

A. INTRODUCTION

A.1 About Social Security Rights Victoria

Social Security Rights Victoria (SSRV) is a state-wide Victorian community legal centre specialising in social security law and policy. Our vision is for a fair and just society in which all people can receive a guaranteed, adequate income in order to enjoy a decent standard of living. SSRV contributes to this vision through the provision of legal and related services to vulnerable and disadvantaged Victorians and those who support them. We assist our clients, and the community, to secure and protect their rights to equitable social security entitlements.

SSRV has been operating for over 35 years, with funding through the National Legal Assistance Partnership (NLAP), other government funding, as well as through philanthropic grants and other sources. SSRV's services are directed to people who are experiencing financial disadvantage and other forms of vulnerability such as those related to disability, physical or mental illness, age, family violence, family breakdown, Aboriginal and Torres Strait Islander background, cultural and linguistic diversity, remote location, and those affected by disasters.

SSRV provides legal information, advice, casework and representation services, including in the General Division and Social Services and Child Support Division of the Administrative Appeals Tribunal (AAT). SSRV also delivers secondary consultation services to legal and other professionals, designs and delivers community legal education and professional development resources and workshops, and contributes to policy, sector development and systemic advocacy on a state and national level. With integrated services funding, SSRV also employs a financial counsellor and works with the Victorian financial counselling sector to improve client outcomes.

SSRV is a member of Economic Justice Australia, the peak organisation for community legal centres providing specialist legal assistance to people in relation to social security rights issues and rights. SSRV is also a member of the Victorian Federation of Community Legal Centres and, through that membership, connected with Community Legal Centres Australia. SSRV acknowledges the important roles played by peak sector bodies.

A.2 SSRV's impact for clients and the community

The services and interventions provided and enabled by SSRV break cycles of disadvantage. Our impact can be described through the following case study and client journey.

Case study: Mina's story

Mina's Jobseeker Payment had been cancelled a few months earlier because she couldn't meet her mutual obligations due to serious health issues.

After taking on Mina's case, SSRV found that Mina:

- had complex mental health issues which she did not recognise or take medication for, speaks English as a second language, and does not have any family or friends for support;
- was not linked into any support services and did not have regular GP or doctor – and had been denied access by multiple local support services due to Mina's mental health issues;
- wasn't paying rent and didn't have any money to afford basic necessities;
- was to be evicted by the Department of Housing within the next week due to months of unpaid rent.

SSRV's team:

- immediately assisted Mina to regain access to Jobseeker Payments (with a small amount of backpay and exemption from mutual obligations for 8 weeks to allow Mina to work with local support services);
- worked with the Department of Housing to cease the eviction process (her rent would be paid from her Jobseeker Payments with a small fortnightly repayments of the arrears);
- despite a GP advising that Mina would not be eligible for the Disability Support Pension (DSP) due to her lack of insight into her serious mental health issues, SSRV was able to approach a specialised Centrelink worker who they convinced to accept a DSP application. Mina was granted DSP at the original decision maker stage without any need for appeal.

Mina now accessing the DSP means she has security of income support. She can pay her rent ongoing and has a higher quality of life.

The following client journey helps articulate the impact made by SSRV:

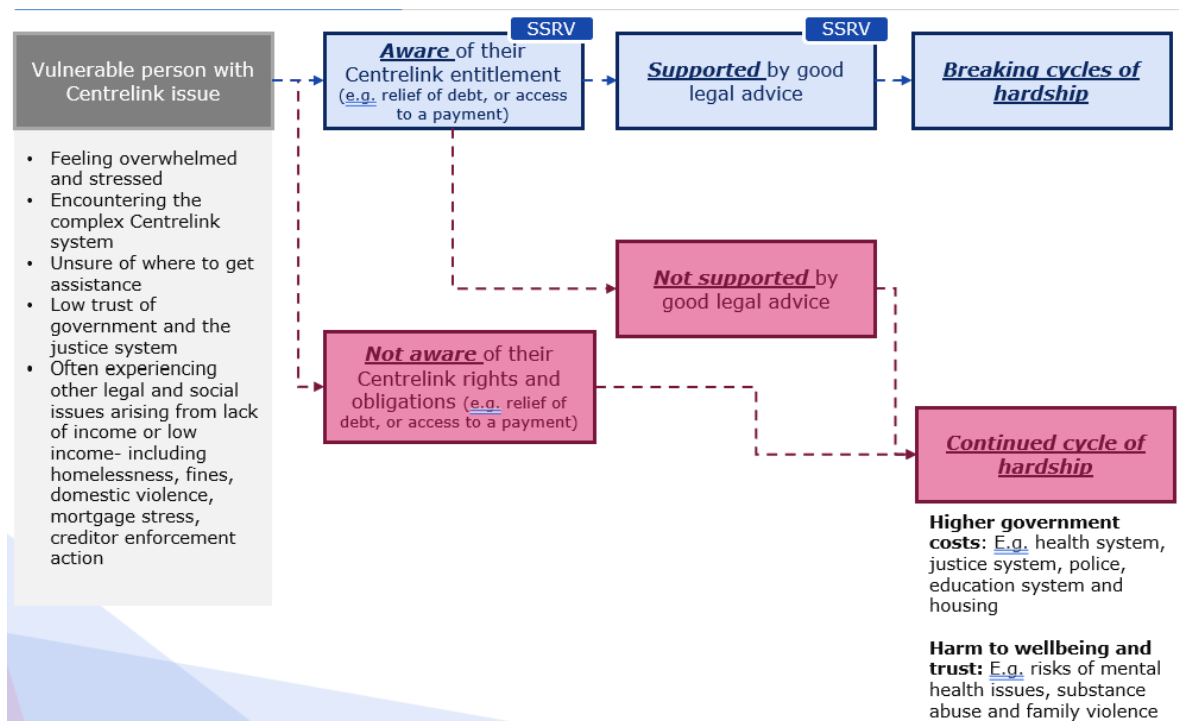


Figure 1: Client Journey

A.3 The resource barriers faced by SSRV

SSRV does not have sufficient core funding to enable us to operate as a viable and sustainable organisation. Funding allocations through NLAP and its predecessors have largely been made for historical reasons and have not been based on legal need, the real costs of running a community legal centre, or organisational impact. This has meant that SSRV's resources from NLAP is limited, at around \$358,000 per annum. SSRV has been able to obtain additional philanthropic and project funding in recent years but, as this submission demonstrates, this funding situation means SSRV faces significant challenges including:

- difficulties in attracting and retaining key staff;
- insufficient staff capacity that jeopardises human resources, risk management and quality obligations, as well as strategic and administrative functions;
- limited contingency to manage staff leave and resignations;

- insufficient resourcing for fit-for-purpose premises, technology and systems.

This submission, particularly section D, will further articulate the step-change increase in resourcing required for smaller specialist community legal centres like SSRV to be adequately funded to deliver on NLAP objectives.

B. SOCIAL SECURITY LEGAL NEED

B.1 NLAP priority clients are social security recipients and social security law is a priority legal need.

Schedule A to NLAP sets out priority client groups and civil law priorities. Many if not all the priority client groups, listed below, feature in SSRV's advice and casework cohorts. The priority groups are:

- (a) Aboriginal and Torres Strait Islander people;
- (b) children and young people (up to 24 years);
- (c) older people (aged over 65 years or Aboriginal and Torres Strait Islander people aged over 50 years);
- (d) people experiencing, or at risk of, family violence;
- (e) people experiencing, or at risk of, homelessness;
- (f) people in custody and/or prisoners;
- (g) people residing in rural or remote areas;
- (h) people who are culturally and linguistically diverse;
- (i) people with a disability or mental illness;
- (j) people with low education levels; and
- (k) single parents.

The SSRV Annual Report 2021/22 lists client demographics which clearly overlap with NLAP priority clients.¹ Around 71% of clients identify as having a disability, while 25% of clients are experiencing or have experienced family violence. Around a third of clients are from non-metropolitan regions.

Furthermore, a stated civil law priority of NLAP is 'social security law matters' (clause A15(h)). Despite this, as set out throughout this submission, the existing NLAP has not sufficiently met social security legal need in Victoria. To address this, the NLAP should specifically recognise social security as a substantial area of legal need requiring a step-level change in investment. We explain our suggested level of change below, in section D.

B.2 Cultural biases deprioritise value being placed on social security legal assistance.

The Royal Commission into the Robodebt Scheme recognised the value of specialist social security legal services, referencing the need for 'ongoing and sufficient funding' for the provision of advice and support for people with social security issues.² Robodebt impacted an estimated 443,000 people, with 381,000 pursued for debt. Only a very small contingent of affected people were able to benefit through the intervention of social security legal services.

¹ See: <https://www.ssr.org.au/our-work-and-impact/>

² Royal Commission into the Robodebt Scheme, Chapter 12, page 372: <https://robodebt.royalcommission.gov.au/>

Moreover, the Royal Commission identified a clear cultural reason why social security policy, including support for social security recipients, is deprioritised. The Commissioner stated:

...politicians need to lead a change in social attitudes to people receiving welfare payments. The evidence before the Commission was that fraud in the welfare system was miniscule, but that is not the impression one would get from what ministers responsible for social security payments have said over the years. Anti-welfare rhetoric is easy populism, useful for campaign purposes. It is not recent, nor is it confined to one side of politics, as some of the quoted material in this report demonstrates. It may be that the evidence in this Royal Commission has gone some way to changing public perceptions. But largely, those attitudes are set by politicians, who need to abandon for good (in every sense) the narrative of taxpayer versus welfare recipient.

SSRV considers that when it comes to legal assistance funding decisions, this view of social security applicants and recipients as ‘less worthy’ than others experiencing legal problems, can inform outcomes. This may occur not only when partnership agreements like NLAP are drafted and agreed to, but also in relation to specific funding decisions which respond to community issues or identified concerns during the period of national partnership agreements. The NLAP Review has a significant opportunity to contribute to the response to the Final Report of the Royal Commission into the Robodebt Scheme, by challenging the cultural biases that have led to social security legal need being under-funded over many years.

B.3 Levels of legal need.

Submissions from Community Legal Centres Australia, the Federation of Community Legal Centres and Economic Justice Australia all highlight the importance of ongoing research to understand legal need in the community. Unfortunately, data is inconsistent and not necessarily timely. We support calls for NLAP to fund legal need studies to inform legal assistance resourcing.

Section E.3 of this submission provides some data that helps understand social security legal need, based on the number of applications to the Administrative Appeals Tribunal (AAT), and the vast majority of need is unmet by legal assistance.

The recent Victorian Law Foundation Public Understanding of Law Survey (PULS), although only based on Victorian data, also demonstrates significant social security legal need. For example, out of all justiciable problems, government payments and public services equated to 8.1 percent (4.5 percent for government payments, and 3.6 percent for government or public services).³ Importantly, those experiencing such legal problems were also experiencing significant material harm or disadvantage: out of those that had a government payment legal problem, 25.7% reported they were unable to eat, heat or cool their home; 20.4% reported moderate or severe mental distress, significantly higher than in relation to other types of legal need. This indicates the severity of impact associated with social security legal need.

³ Victorian Law Foundation, 2023, *Public Understand of Law Survey: everyday problems and legal need*, available at: <https://puls.victorialawfoundation.org.au/>.

B.4 Why social security needs to be specifically prioritised in NLAP.

Social security law is vast, complex, and frequently changing, creating confusion and uncertainty for many Centrelink applicants and recipients. Due to this, it commonly requires specialist lawyers to assist effectively.⁴

There are several unique factors with the social security system and legal processes that drives the need for adequate legal assistance and support.

First, where a social security decision is appealed to the Administrative Appeals Tribunal, Centrelink appoints legal counsel where the matter progresses to the General Division. While tribunals are meant to encourage and accommodate self-represented parties, there is no doubt that Centrelink's regular appointments of external lawyers employed by private firms exacerbates power imbalances. Centrelink's appointment of lawyers serves to disincentivise self-represented appeals to the General Division, as individuals don't feel they can stand against a private lawyer and often withdraw or don't appeal to the General Division. Representation for the applicant can help address the imbalance of power between the applicant and Centrelink in this legal setting.

Second, specialist social security lawyers are able to identify legal issues in an efficient and effective way and assist both clients and Centrelink with reaching timely and efficient outcomes. This is because they 'live and breathe' the vast legislation and related policies that make up social security administration. The case study of Han, below, demonstrates the value of a specialist lawyer.

Case Study: Han's matter

SSRV was contacted through the Worker Help Line, by Han's support worker, Shelley, who had been assisting Han with emergency relief. SSRV provided a secondary consult to Shelley, then organised a legal advice appointment for Han.

Han told SSRV that he currently had no income or access to finances. Han had been reliant upon his son for income, however his son had recently become terminally unwell. Han was now homeless and relying upon charities for food and shelter. Han had applied for a Centrelink income support payment but hadn't heard back from Centrelink. He also hadn't provided Centrelink with information about his residency; Han had been living in Australia for some time but had only recently received permanent residency. He told SSRV he was worried he wouldn't be eligible for any payment due to waiting periods.

Through a legal task service, SSRV helped Han contact Centrelink to seek an update on the progress of his application. After taking further instructions from Han and reviewing Han's documents, the lawyer identified that Han should fit the criteria of two waiting period exceptions. With Han's consent, SSRV'S lawyer wrote to Centrelink detailing Han's eligibility for residency exceptions under social security law. The lawyer also sought Centrelink organise social worker support for Han to assist him to obtain housing.

Centrelink responded two days later that they had processed and approved Han's income support payment. Centrelink also organized a referral for Han to speak with a local Centrelink social worker for assistance with obtaining housing.

Han was very relieved and said to SSRV, "sincerely thank you, you have really helped me."

⁴ See response at Part E.3 for further evidence as to social security legal need.

Han's support worker, Shelley, also reflected to SSRV: *"I sincerely appreciate the positive outcome for Han. It's my hope that his newfound stable income will have a lasting impact on his life, enabling him to secure housing and afford essential amenities.*

Should I encounter additional clients facing Centrelink issues beyond my capability to resolve, I will not hesitate to refer them to you or seek guidance from your expertise. Your assistance has made a significant difference in his life."

Third, the accuracy of legal and administrative delivery of social security can impact access to safe housing, adequate food, and paying for other essentials like medical costs. In this way, social security legal assistance can help early before problems escalate. Lan's case study, above, demonstrates this—without the intervention from SSRV, Lan's health and housing situation could have quickly deteriorated. Early intervention investments, like social security legal assistance, is more fiscally sustainable: governments and funders face reduced acute service costs (like material aid, homelessness, and health services) where social security problems are addressed earlier rather than escalating to crisis point.

Fourth, sufficient and specialised legal assistance contributes to accountability of the effectiveness of social security legal system delivering on its policy objectives. This was particularly recognised by the Royal Commission into the Robodebt Scheme, making a specific recommendation that the NLAP Review consider the 'importance of the public interest role' played by community legal centres and legal aid commissions in relation to Robodebt. The Commission referred to this as 'an extra layer of "check and balance"' which contributes to the fair, efficient and effective functioning of the social security legal system.⁵ We provide further information in Part C of this submission about the ways in which SSRV has contributed to systemic justice outcomes.

Given these factors, SSRV considers that future national partnership agreements on legal assistance services, and decisions to distribute funding for legal assistance, needs to prioritise social security legal need.

Recommendation 1:

The NLAP should specifically recognise social security as a substantial area of legal need requiring priority and a step-level change in investment.

Recommendation 2:

The NLAP Review should respond to the Final Report of the Royal Commission into the Robodebt Scheme by ensuring social security legal work has sufficient and dedicated funding within NLAP.

Recommendation 3:

The NLAP should fund regular legal need studies to inform legal assistance resourcing decisions.

⁵ As above, recommendation 12.4, page 378.

C. BENEFITS OF SPECIALIST COMMUNITY LEGAL CENTRES

The NLAP recognises the role of specialist legal assistance services within each state,⁶ however funding decisions under the NLAP do not appear to have specifically considered the role, value, and impact of specialist community legal centres such as SSRV.

There are a range of benefits of specialisation, particularly within a statewide specialist community legal centre, that also contribute to the main objectives of the NLAP. These objectives include that services are accessible, integrated, client-centric, provided at an appropriate time, and build capacity of organisations to respond to evolving service demand.⁷

C.1 Specialisation enables effective responses to legal complexity.

Specialisation is necessary to respond to the complexity of particular areas of law and legal systems, or to enable focus on cohorts of priority clients. As noted above, social security law is complex. Unfortunately, there is little independent, expert, and specialist knowledge regarding social security outside specialist community legal centres and some legal aid commissions.

There are a range of benefits of a service model which builds up expertise within a team at a specialist centre. For example, a team of lawyers and experts in a particular field can ensure expertise is retained over time. While there may be some specialists within a generalist legal centre, a service model that relies on a sole specialist creates risks for ongoing service delivery and expertise development.

In addition, specialisation commonly enables more detailed and substantial legal assistance to be provided, including representation through courts and tribunals. The following case study, Toby's matter, demonstrates the value of representation and additional supports through an appeals process.

Case study: Toby's matter

Toby was in a serious accident when he was younger. After a few years of legal processes, he received a significant amount of compensation. He was initially reliant on this for daily living expenses, but as his situation changed this was less the case. Toby was able to use the remainder of his money to purchase a home.

Toby experienced significant family violence. After his partner was removed from the home, he lost his main source of income and applied for payments from Centrelink. He was rejected due to the compensation he received. Toby was subject to a compensation preclusion period (CPP) that would not end for around two years.

Toby came to SSRV at the point of appealing to the Administrative Appeals Tribunal (AAT). Toby was seeking to have his CPP ended early.

SSRV assisted Toby to appeal to the AAT, and represented him during the hearing. SSRV made submissions as to why the special circumstances provisions should apply to end the CPP early, and specifically why Toby still owning the house should not be an impediment to exercising this discretion. This was the main sticking point for Centrelink, but SSRV was able to show not that

⁶ See, e.g., clause 17(a) of NLAP.

⁷ See clause 14 of NLAP.

there were impediments to selling the house, meaning it wasn't readily realisable, but that this would be harsh and unfair in the circumstances.

The SSRV financial counsellor supported this appeal, helping to prepare a statement of financial circumstances for the AAT's consideration. This demonstrated the precarious position Toby was in financially, and noted that Toby would not be able to make it to the end of his CPP on the assets he had available to him.

Toby was successful in having the remainder of his CPP waived. He will now receive Centrelink payments going forward. Toby's financial position now appears to be more stable and he hopes to be able to improve his position to better provide for his child going forward.

This case demonstrated that it is possible to get a compensation preclusion period waiver where the compensation money was used to purchase a significant asset. In this case the decision to purchase the house was made at a time when it was financially sound and there was no expectation of having to rely on social security. The intervening event was the family violence, which isn't something that can be predicted or is reasonable to plan around.

C.2 Specialisation supports early intervention and wrap-around services.

The recent Victoria Law Foundation's Public Understanding of the Law Survey asked respondents how they responded to legal problems. While 21 percent of respondents obtained advice from legal services, 29 percent obtained advice from an independent source but not a legal service. Independent sources included, for example, dispute resolution bodies, government and councils, unions, health, financial and community services professionals.⁸

This demonstrates that other professionals are assisting their clients with social security related issues. They often benefit from access to specialist social security law knowledge and experience to support the advice and services that they provide.

To support such professionals, specialist community legal services commonly adopt targeted and efficient service models designed to share expertise with other legal and non-legal service providers, to promote early intervention and wrap-around, holistic services, in line with NLAP objectives. These types of service interventions include secondary consultation (worker help services) and professional development and resources targeted at other legal and community professionals.

What are secondary consultations?

Secondary consultations involve a lawyer providing one-on-one information or advice in a timely and approachable way to non-specialist community professionals (this could include generalist lawyers, community workers, financial counsellors, health workers etc) who support vulnerable and/or disadvantaged clients.⁹ The assistance provided can include information and advice on the legal options available for a particular problem, explanation as to what happens at a court or

⁸ Victorian Law Foundation, 2023, *Public Understand of Law Survey: everyday problems and legal need*, page 102, available at: <https://puls.victorialawfoundation.org.au/>.

⁹ Liz Curran, 'Lawyer Secondary Consultations: improving access to justice and human rights: reaching clients otherwise excluded through professional support in a multi-disciplinary practice' 8(1) *Journal of Social Inclusion* (2017) https://openresearch-repository.anu.edu.au/bitstream/1885/201346/2/01_Curran_Lawyer_Secondary_2017.pdf

tribunal, or on information about professional and ethical obligations in the context of a complex legal situation.

SSRV delivers a Worker Help Line for other professionals who support social security applicants and recipients. Specialist information, advice and legal support is provided on matters including eligibility for pensions and allowances, medical evidence and other information, overpayments and debts, suspensions or cancellation of payments, family violence and social security and appealing Centrelink decisions. This service model is flexible and can extend across a range of assistance types—from assisting the professional through providing information and testing ideas, inviting the professional to make a warm referral so more intensive legal support can be provided to a disadvantaged client, joint interviews with the client and further assistances at different points of the conduct of the matter.

Research has demonstrated that secondary consultations have been effective at building the capacity of non-legal professionals in a climate of limited resources.¹⁰ Effective secondary consultation models:

- Build trust and relationships between specialist lawyers and other professionals, both generalist lawyers and non-lawyers;
- Provides community professionals with confidence and greater certainty as they support their clients with legal and non-legal needs; and
- Provides efficient, effective and responsive service where clients themselves may not be emotionally ready to see a lawyer, have too many issues weighing on them, or have poor experiences of lawyers.

In the 2020-21 year, SSRV delivered 423 Worker Help Line services to workers from 212 different organisations. Twenty-one percent of these were to workers in regional/rural Victoria. Twenty-eight percent of calls came from social/case workers, 27 percent from financial counsellors, 14 percent from legal workers, 10 percent from Disability Workers/Advocates, 6 percent from health workers, 5 percent from housing workers, with the remaining 10 percent from various other sectors. Given that many of these professionals will be supporting their client with a range of issues, this data set demonstrates the broad extent of holistic, integrated, and targeted support a secondary consultation service is able to provide.

In 2022-23, through the Worker Help Line, SSRV provided 481 secondary consultation services to workers assisting their clients with social security problems. These workers were from 215 different organisations across Victoria. Immediately following this service, 96 percent said the assistance provided helped them better understand and feel more confident dealing with the matter.

As an example of feedback provided, one worker told SSRV: “It has been so helpful, Centrelink is very hard to navigate, I work in drug and alcohol counselling and don't have any qualification for Centrelink issues, it's been really great to have someone answer questions.”

¹⁰ Liz Curran, ‘Preliminary Findings on the Value of Secondary Consultations in Reaching Hard-to-Reach Clients and in Building Professional capacity’, August 2015, available https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2786435 and Liz Curran, ‘First Research and Evaluation Report Phase One Consumer Action Law Centre Project – Responding Effectively to Family Violence Dimensions of Debt and Credit Through Secondary Consultations & Training with Community Professionals’ ANU College of Law Research Paper No 18-7, available https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3085677.

In medium term follow-up surveys of professionals who had used the Worker Help Line, 92 percent stated that the assistance from SSRV provided a difference to the service they were able to give their client; made a difference to their client's understanding of their Centrelink issue and the options for action; and made a difference to them feeling confident and capable to assist a person with a social security issue. One hundred percent of the workers said they would use SSRV again if needed. A worker told us: "Straight forward and clear information provided; useful in that I understood it but in a way that I could explain back to client without additional information or support."

If they had not been able to access the Worker Help Line service, workers told us they (and their client):

- (They would) "Try to muddle through with little Centrelink knowledge."
- "I'm pretty resourceful, but don't know if I would have been able to find that particular exemption as it is not mentioned as a standard option for people accessing payments and social workers don't necessarily offer it or know about it either."
- "Would have had to accept what Centrelink said."

Case Study: Ben's matter

Ben is a NDIS support worker. He contacted SSRV's Worker Helpline as he was assisting his client to apply for DSP. Ben told the SSRV lawyer that his client applied for DSP about 12 months and was rejected, however, now had updated medical evidence from his specialist and was wanting to reapply.

Ben explained that he had reviewed the specialist's letter and wasn't sure it provided all the information Centrelink may require and thought the client should obtain more medical evidence before reapplying. Ben added that his client's GP wasn't wanting to provide information in writing and had said Centrelink can call them if needed.

The SSRV lawyer was unable to advise whether the specialist's letter would be sufficient without reviewing it, however, explained that given it was from a specialist, Centrelink may not require any further evidence from the GP unless there were gaps in the information the specialist was able to provide. The SSRV lawyer then explained that if Ben's client applied with the letter from the specialist and was rejected, they could lodge an appeal and provide further medical evidence at any stage of the appeal process. They could even reapply with any updated medical evidence and proceed with an appeal at the same time.

The SSRV lawyer added that alternatively, though, Ben's client could wait and obtain further medical evidence before reapplying but ultimately which way they go is a decision for Ben's client.

Ben spoke with the SSRV lawyer a couple of months later and explained that his client had decided to lodge their DSP claim with the letter from the specialist rather than waiting, and it was granted. Ben was very appreciative of the assistance provided through the Worker Helpline, stating that after speaking with SSRV he realised that it was up to his client to decide whether to apply or wait for more medical evidence.

This case demonstrates the benefit of secondary consultations through the Worker Helpline. While we can't necessarily advise on merit, we can talk through the options or next steps available and the pros and cons with each of those options. As such, this allows the worker to access information they would not otherwise be able to readily obtain from Centrelink or other sources.

Sometimes a secondary consultation will lead to specific advice being provided to the community professional's client, but support can continue to be provided to the worker so that the client is helped holistically. Vicki's case study below is an example.

Case study: Vicki's matter

Katie, a support worker at a homelessness service, called the Worker Help Line about her client, Vicki, in May 2021. Katie told us that Vicki had recently received a letter from Centrelink stating she had a \$23,000 debt for overpayment of DSP.

SSRV provided Katie with a secondary consultation appointment, where the review processes were discussed with Katie. Katie did not have details of the debt and why it was raised. As such, we offered to book Vicki for an advice appointment with one of our lawyers, with Katie present.

During this advice appointment, Vicki told us she had been receiving the DSP for 20 years. She had a husband who lived in Taiwan but they had recently separated. Vicki told us her husband had come to Australia on a bridging visa and shortly after he received Permanent Residency he left the relationship. Vicki told us she was always honest with Centrelink about her relationship and where her husband was living.

During the appointment, we advised Vicki about her right to seek review of the debt, as well as the possibility of seeking a copy of her Centrelink file through a Freedom of Information ('FOI') request.

After the advice appointment, Katie assisted Vicki to lodge a FOI request. The FOI documents were received, at which time Katie referred Vicki through the Worker Help Line again and we booked a further legal advice appointment with Vicki.

Upon speaking with Vicki again and receiving her FOI documents, one of our lawyers opened a legal task file to review the FOI documents. Through this review, we identified that Vicki had been receiving the single rate of DSP throughout her relationship with her ex-husband, because Centrelink had made a determination under section 24 of the *Social Security Act 1991* that they were not members of a couple.

Centrelink had raised the debt because they had reviewed Vicki's circumstances and decided that a section 24 determination should not have been applied. Vicki also told us that she has an intellectual impairment and that she had never had any knowledge of her ex-husband's finances or income.

At this point, Vicki had lodged an Authorised Review Officer (ARO) request. As such, following the FOI review, we discussed with Vicki what she should raise in her conversation with the review officer and what documents she could provide the review officer to support her application for waiver of the debt.

A few months later Katie contacted our Worker Help Line and asked if we could explain to Vicki the ARO decision she had received. Katie emailed us the ARO decision and we called Vicki for a further advice appointment.

The ARO had decided that while the overpayment was raised correctly, the entire debt of \$23,000 was waived under special circumstances and administrative error.

This case study highlights the importance of the Worker Help Line, and the impact the Worker Help Line can have in achieving successful client outcomes. The Worker Help Line allows community workers access to lawyers with specialist social security knowledge and empowers them to support their clients.

SSRV's collaboration with the support worker, Katie, meant that Vicki received ongoing support from Katie, whilst SSRV advised Katie and Vicki on the rights to review, reviewed the FOI documents, and advised upon the merits and arguments of strength. The pooling of knowledge and resources between Katie's support service and SSRV resulted in a very successful outcome for Vicki.

Beyond one-on-one assistance, specialist community legal centres also regularly deliver professional development, tools and resources targeted at community professionals. These in turn can be used by the community professional, whether they are a generalist lawyer or non-legal professional, to benefit their client work, efficiently extending the value of specialisation.

In the 2022-23 year, SSRV delivered such educational support to more than 661 workers, many of whom are financial counsellors, generalist lawyers, social workers and disability workers. More than 40 percent of participants were from a rural or regional area, demonstrating the reach of specialist centres. Feedback provided by participants includes:

- 94% identified they had an improved understanding of SSRV and its services;
- 90% identified that they feel more confident in identifying and responding to client social security matters; and
- 95% anticipate that what was learned in the workshop will help to better assist service users.

C.3 Specialist centres support partnerships that deliver targeted and accessible services for people facing disadvantage.

A key way in which specialist community legal centres design service interventions to ensure accessibility and target people facing disadvantage is through collaboration, partnerships and integrated projects, in line with NLAP objectives.

A 2018 Evaluation by the Federation of Community Legal Centres assessed outcomes associated with various collaborations between specialist and generalist community legal services.¹¹ This analysis demonstrated that:

- Service delivery was improved – there was increased professional ability of generalist community legal centres to assess a client's specialist law needs; there was increased knowledge and skills to support clients; and there was an increased capability to address additional areas of law.
- Stronger and more effective referral pathways and working relationships between community legal centres was enabled, including in relation to systemic advocacy.
- Client outcomes improved, with the evaluation finding better legal outcomes and improved wellbeing for clients.

While the collaborations assessed as part of the evaluation differed, one striking outcome is that many of the partnerships continue to develop and deliver outcomes beyond the project term.

¹¹ Federation of Community Legal Centres, 'Collaboration Works: FLC Generalist-Specialist Project', August 2018, available https://www.fclc.org.au/generalist_specialist_clc_project

As example of where SSRV has supported specialist-generalist collaboration for people facing disadvantage is in relation to disaster response. SSRV's approach to disaster planning and response is outlined at Part C.4, but an important aspect of the model involves specialist expertise supporting and resourcing local legal assistance providers through secondary consultations, training, tools, and resources.

Over recent years, with funding from the Victorian Government for integrated services, SSRV had developed a collaborative project with Financial Counselling Victoria, the peak body for financial counsellors in Victoria. Many of SSRV clients have adjacent financial issues, that further compound their financial hardship and vulnerability. The partnership seeks to address this, by providing resources, support, and training to financial counsellors and also through working with government and industry to improve approaches to financial difficulty for vulnerable individuals. Activities include:

- direct service provision and support, for example, by providing appointments to clients who have been referred by financial counsellors and offering secondary consultations directly to financial counsellors through the Worker Help Line;
- professional education, such as delivering professional development to members of Financial Counselling Victoria, supporting their knowledge and skills development and professionalisation; and
- joint work on addressing systemic issues.

This project also enables the employment of a financial counsellor within the SSRV staff team. Utilising the broader professional skills of financial counsellors has proven very effective at delivering beneficial outcomes for very vulnerable clients, as Mina's case study demonstrates.

Case study: John's matter

John is a 40-year-old single man, living in shared accommodation in the outer northwest of Melbourne. He has limited capacity to self-advocate and presented to our service reporting that he had had no Centrelink income for some months, after previously being self-employed. He was unclear of the status of any application, and was experiencing significant hardship, along with a threat of being evicted from his housing.

The community lawyer reviewed his case and provided advice about John's legal options, including appealing his last rejected payment and making a new application for JobSeeker Payment. They also arranged an appointment with the financial counsellor for the next day. The financial counsellor worked with the client to establish precisely what had been done, and needed to be done, to support his claim, and discussed immediate access to emergency relief in his area. At the same time, the financial counsellor contacted the Community Engagement team at Centrelink to assist in having John's matter given urgent priority.

In the space of 24 hours, we were able to establish that there were just a few points of clarification required regarding prior earnings, and that John's access to JobSeeker would not just start then, but would be back-dated to the 3 months prior, when he had initially approached Centrelink.

John was able to clear his rental arrears and ensure that his ATO returns were completed. He is now in a more stable position to move forward.

C.4 Specialist centres innovate to drive preventative impact

Specialist community legal centres are well-placed to innovate, building the capacity of their organisations and interventions, to more effectively respond to evolving service demand. Again, this is in line with NLAP objectives.

Two examples of such innovations at SSRV are the Disability Support Pension (DSP) Help Project as well as the Disaster Preparedness and Response Project.

The DSP Help Project sought to help people living with illness, injury, or disability to access income support. Responding to increasing numbers of clients having their applications for the DSP being rejected, the project aimed to create an online resource that helps applicants better understand and apply for the DSP. SSRV worked with a design consultancy to build the DSP Help website and chatbot to support applicants and their supporters to understand the DSP, understand medical evidence requirements, and navigate application processes and appeals. The chatbot can be used to generate a personalised Medical Evidence Kit that assists health professionals in supporting applications with medical evidence.

DSP Help – Client Feedback

“The DSP Help bot was the most amazing tool in helping me to provide my doctor with the information she required to write me a supporting letter. Her letter addressed the criteria, both directly and thoroughly.

Being autistic and having ADGD, I struggled to communicate my impairment. I also have great difficulty organising my scattered thoughts. I fully believe that I would not have been approved for DSP had I not used the medical bot. I just wanted to give my deepest and sincerest thanks to all of those individuals who helped to create and bring together the resources, the bot, the website, every little detail, every contribution.

You have provided me with the opportunity to move forward. I am looking forward to a brighter future knowing that I can now focus on my strengths and abilities, and be the best I can be for my family. Being disabled is tough, but having the support of a brilliant few is paramount to living our best lives. Thank you again, best wishes.”

The Disaster Preparedness and Response Project was developed following the 2019/2023 Victorian Bushfires and with a government grant. It was built upon a disaster-related social security legal needs analysis and incorporated the following elements:

- Readiness and preparedness – ensuring checklists, tools and educational resources are ready to assist;
- Resilience – ensuring staff have built capability about the interaction between disasters and social security and that there is understanding of likely issues;
- Collaboration – building on existing partnerships and supporting new ones to ensure effective response;
- Responsiveness – developing an operational response plan that includes clear actions following a disaster, including communication activities and sector engagement.



Figure 2: Disaster Preparation and Response Plan

Following the 2022 Victorian Floods, the operational response plan was enacted. Stakeholder feedback was that the community’s ability to identify and respond to social security legal need arising from the floods was substantially enhanced.

C.5 Insights and expertise of specialist centres can contribute to justice reform.

A further way in which specialist community legal centres are particularly well-placed to support NLAP objectives is in relation to systemic advocacy and law reform.

SSRV, as a member of Economic Justice Australia and independently, regularly provides advice and casework insights, as well as its specialist expertise, to support the development of submissions and advocacy to improve outcomes for Centrelink applicants and recipients.

One recent example of SSRV’s advice and casework insights informing the development of social security policy and administration relates to SSRV’s disaster assistance work, mentioned above, as well as COVID response. SSRV prepared a briefing document based on evidence from client issues and its casework, consulted with EJA and its members, and with EJA has presented the issues and proposed solutions to representatives from Services Australia, the Department of Social Services and relevant government ministers. Key proposals include.¹² Key proposals have included:

- The need for improved exceptions and discretions to be applied to applications for social security payments where the claimant is not present in Australia, which is a requirement for a valid claim. The experience of COVID-19, where many Australians were overseas and unable to return to Australia due to government policies, demonstrated the need for change.
- The need for changes to social security policy when decisions are made about an applicant being a ‘member of a couple’. In the case of environmental disasters, such as bushfires, storms, floods, cyclones and earthquakes, the availability of alternative accommodation can

¹² See: <https://www.ssr.org.au/better-responding-to-the-needs-of-people-affected-by-disasters/>

be limited and people may cohabit with others, including former partners. SSRV assisted people whose aged pension entitlements were reduced because they were living with a former partner after a bushfire, severely limiting their recovery from disaster.

Specialist legal centres are particularly well-placed to share insights not only from their direct services, but from other legal services and non-legal services with which they partner. Specialist legal centres are commonly invited by relevant government departments and agencies to provide such feedback.

Recommendation 4

The NLAP should specifically recognise the role and expertise of specialist statewide legal services, including:

- enabling effective and innovative responses to legal complexity;
- efficiently supporting early intervention and wrap-around services, particularly through secondary consultation and professional development for generalist lawyers and non-legal workers; and
- providing insights and expertise to support systemic advocacy and drive justice reform.

D. NEED FOR STEP-CHANGE IN RESOURCING TO SUPPORT DELIVERY ON NLAP OBJECTIVES.

D.1 The problems caused by insufficient core funding

As discussed above, SSRV relies on annual core funding through NLAP of around \$358,000 per year. While, SSRV has been able to attract project and other funding, this funding cannot be used to ensure a viable and sustainable organisation as it must deliver on project objectives—project funding is generally tied to delivery of ‘additional’ outcomes with specific restrictions on using the funds for core organisational purposes. The following chart outlines SSRV’s funding profile over recent years.

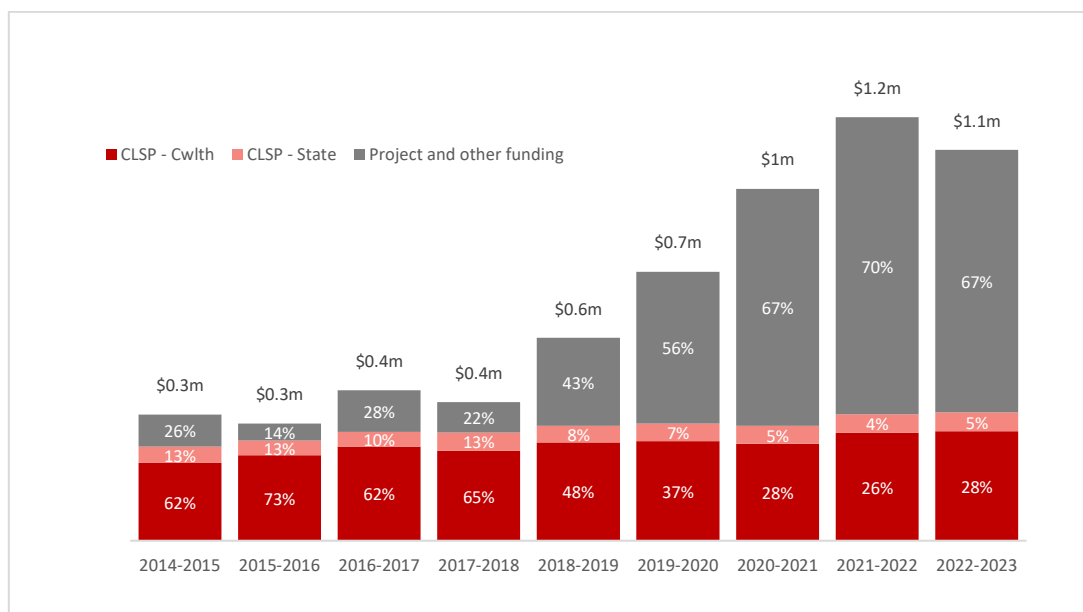


Figure 3: SSRV funding profile (\$m) [CLSP refers to NLAP funding in the above table]

Low and inadequate funding levels have existed because funding determinations are historically based. The above chart covers the last two NLAP agreement periods (2015-2020 and 2020-2025). This confirms that at the organisational level, funding determinations or distributions have not related to legal need or resource requirements for a modern community legal centre. Rather, funding has been rolled over each year.

This funding level means that SSRV, and other centres which receive similar funding levels, are hampered in their ability to effectively deliver on NLAP objectives. Furthermore, they can face significant barriers to fully achieving the benefits of specialist community legal service models, described above.

Low and insufficient core funding levels mean:

- Services face substantial challenges in attracting and retaining staff.
Where organisational funding is uncertain, services' ability to recruit and retain staff is affected. For specialist centres to develop the skills and knowledge required to be effective, they need to be able attract and retain those specialist staff. Often, there are not experts outside specialist centres. For example, there are few private lawyers with expertise on social security. This means that skills and knowledge are developed in-house, so retention is key. Without sufficient size and resourcing, small centres are often unable to deliver staff the modern working conditions expected. For example, the level of flexibility and entitlements to attract and retain staff can be impracticable. In addition, there is often no contingency to manage staff leave and resignations, affecting service continuity. This is particularly important in relation to leadership positions, like that of principal solicitor, which are required to have additional qualifications and experience.
- Insufficient staff capacity jeopardises workplace safety, risk management and quality obligations, as well as strategic and administrative functions.
All independent organisations are operating in increasingly complex regulatory and risk management environments, with community expectations and accreditation requirements demanding levels of investment in service planning, workplace safety, quality assurance, as well as leadership, strategy, and reporting, including evaluation activities. An organisation with just \$358,000 core funding per annum simply cannot deliver on these important requirements.
- Lack of fit-for-purpose premises, technology, and systems.
Investment in organisational infrastructure is essential to deliver on NLAP and service delivery objectives. Services with limited core funding, like SSRV, are unable to afford the upfront expenditure associated with technology and system upgrade. For example, many services are transitioning practice management software to modern fit-for-purpose systems. In some instances, there have been grants available to support this. But without the staffing to manage the technological change, and funds to pay ongoing costs associated with software, licensing, and training, SSRV has been unable to take advantage of the support. Expectations around data and reporting are rightly increasing. However, without dedicated resources to deliver on these expectations, including within core funding, small organisations face insurmountable barriers.

Beyond these fundamental organisational viability concerns, inadequate core funding can mean that the service faces additional challenges delivering on legal assistance funding objectives. For example:

- Inadequate staffing and resources, and competing demands, can lead to stress and burnout. This can lead to staff resignations and the organisation then having to redirect limited resources towards recruiting and training new staff in social security law. This in turn impacts SSRV's capacity to deliver the number and extent of services to vulnerable community members.
- Services may be forced to narrow their scope of services, potentially to exclude some critical legal issues that affect vulnerable populations, or to limit the capacity to take on more complex cases, leaving individuals with complex legal matters underserved.
- Goals of equitable access to services can be compromised, as insufficient funding can exacerbate inequities by making it harder for individuals from disadvantaged backgrounds to access the help they need.

D.2 The minimum level of organisational funding required.

SSRV recognises the need for client-centred, needs-based funding. However, there also needs to be some minimum requirements about what this means for legal services on the ground—for the costs of running a viable and sustainable organisation.

Clearly, existing services will be reluctant to see funding distributions changed so that funding is enhanced in one area of need (such as specialist social security matters) at the expense of funding reductions in relation to other under-resourced areas of practice or need. As such, there needs to be a step-change to legal assistance resourcing that delivers guaranteed, sufficient, core or baseline funding to enable the organisation to deliver on NLAP objectives.

SSRV considers that, at a minimum, the baseline/core funding it requires to operate as a statewide specialist social security legal centre is between \$2 million to \$3 million per annum. This would fund the following:

- Staffing – core organisational leadership and management roles, as well as roles to deliver on legal services, community engagement, policy & advocacy, data, insights & reporting as well as operations and administration. Resources are also required for training and professional development.
- Technology and infrastructure – resources include premises, information technology, legal practice management systems, data reporting and secure communication systems.
- Community engagement and partnerships – resources dedicated to outreach programs, training programs including venues and resources, as well as partnership development and management.
- Evaluation and impact monitoring – a minimum funding level should allow an organisation to have a measurable impact on the community it serves, as well as the ability to measure those outcomes to inform continuous improvement and innovation.

Attached to this submission is a more detailed service model and costing for specialist statewide social security legal services. The service model includes important resourcing for a 'hub and spoke' model of service delivery (see also Section E.6), as well as integration with non-legal services (see also Section E.9).

- A 'hub and spoke' model of service delivery (a form of specialist-generalist partnership) can enhance service reach, particularly for regional and remote areas. The specialist centre can

operate as a hub and provide specialist outreach services and capacity building to specified geographical areas of cohorts via partnerships with other place-based or specialist community legal centres. Social security law specialists could be placed in, seconded to or employed by the partner centre, and work to deliver services and skill up other staff and partners. This model enhances the benefits of collaboration to ensure an effective and accessible service response.

- Integrated services can support wrap-around, holistic service delivery by drawing on skills and capability of non-legal professional staff to support a client's broader issues and ensure they are effectively dealt with along with legal issues. Centring this in the service model enhances legal service delivery by making it more responsive and effective to those with the greatest levels of disadvantage or vulnerability.

SSRV considers that only if there is only if there is adequate core/baseline funding for an organisation (such as that proposed for a statewide social security law specialist centre), can then assessments be made about funding based on outcomes and impact. SSRV points to research conducted by Social Ventures Australia and the Centre for Social Impact that finds that effective not-for-profits incur shared and indirect costs that need to be funded to enable them to achieve their impact.¹³ Without sufficient core organisational funding, services lack the foundations required to deliver on NLAP objectives and outcomes.

Recommendation 5:

The NLAP should ensure that the cost of running the organisation as well as costs associated with the delivery of legal assistance services be built into core funding for community legal centre, so that legal need can be better met and for organisational stability, viability, and effectiveness. The model and costings attached to this submission be considered in determining core/baseline funding for statewide specialist social security legal services.

Recommendation 6:

The NLAP should adopt a 'hub and spoke' model of resourcing to support relevant specialist legal services extend specialist service deliver and build capacity of the sector.

E. RESPONSES TO QUESTIONS IN THE ISSUES PAPER

E.1 Legal assistance for Aboriginal and Torres Strait Islander Australians

The Victorian Law Foundation PULS report found that 18 percent of Aboriginal and/or Torres Strait Islander participants had experienced a government payment problem, compared to only 4.2 percent of participants that did not so identify.¹⁴ Clearly there is significant social security legal need in this community.

Specialist community legal centres are well-placed to partner with Aboriginal Community Controlled Organisations, including those offering generalist legal services. Like other generalist legal services,

¹³ Social Ventures Australia and Centre for Social Impact, *Paying what it takes report*, 2022, available at: <https://www.socialventures.com.au/work/paying-what-it-takes-report/>

¹⁴ Victorian Law Foundation, 2023, *Public Understand of Law Survey: everyday problems and legal need*, page 62, available at: <https://puls.victorialawfoundation.org.au/>.

Aboriginal and Torres Strait Islander legal services benefit from being able to access specialist support from specialist legal centres.

An example of a successful, collaborative model that could be expanded to other specialist legal centres is the collaborative partnership between the Victorian Aboriginal Legal Service and the Consumer Action Law Centre. This partnership is designed to improve the capacity of both organisations to respond to unmet consumer, credit, and debt legal needs of the Victorian Aboriginal communities, as well as to shine a light on systemic issues that may be addressed through justice reform. The partnership has increased access to culturally appropriate and safe services, while also producing reports about consumer harm affecting Victorian Aboriginal and Torres Strait Islander peoples.¹⁵

Such a model, if applied to social security, could respond in a culturally competent and safe way to the problems experienced by Aboriginal and Torres Strait Islander people when they engage with social security. For example, a 2013 Indigenous Legal Needs Report found that underpayment and maladministration were issues that particularly affected Aboriginal and Torres Strait Islander people.¹⁶ Underpayment can be caused by the more frequent movement of extended family in and out of a given household, which might be construed by Centrelink as altering entitlements. Low levels of access to technology and barriers to engaging with Centrelink online systems can also result in mistakes or maladministration. Almost a quarter of people who participated in this research identified as having experienced a dispute or problem with social security.

Recommendation 7:

The NLAP should support partnerships between specialist legal centres and Aboriginal Community Controlled Organisations and legal services to support access to culturally safe specialist services.

E.2 Effectiveness

To what extent has the NLAP achieved the overall objectives and outcomes?

As described earlier in this submission, NLAP has not delivered on many of its objectives around supporting integrated, efficient, effective, and appropriate legal services while keeping the justice system within reach for vulnerable people facing disadvantage.

While many community legal centres and legal assistance services have met significant legal need, and innovated effectively, particularly smaller organisations face barriers to contributing to the key objectives of NLAP. As outlined above,

- An inability to resource fundamental operations means technology and systems cannot aid efficient service delivery;
- Lack of base resourcing limits mechanisms to attract and retain specialist staff and the capacity of the organisation to respond to evolving service demand;
- Insufficient resourcing direct to drawing on insights and systemic advocacy means that the opportunity to prevent legal problems is missed;

¹⁵ Victorian Aboriginal Legal Service and Consumer Action Law Centre, *Consumer Issues in Victorian Aboriginal Communities*, 2020, available at: <https://consumeraction.org.au/consumer-issues-in-victorian-aboriginal-communities-integrated-practice-project-report-2020/>

¹⁶ James Cook University, *The Civil and Family Law Needs of Indigenous People in Victoria*, 2013, available at: <https://www.jcu.edu.au/indigenous-legal-needs-project/resources/ilnp-reports-and-papers>

- The cost and challenges in measuring the outcomes of innovative approaches may mean that this work is not given priority or that ability to judge effectiveness is compromised.

E.3 Legal need

To what extent does current legal assistance meet the overall scale and breadth of the legal needs of disadvantaged Australians?

Legal assistance targeted at social security legal needs fails miserably at meeting the need. While we recognise that not all legal need must be met by legal assistance (non-legal services can play a critical role in supporting people facing justiciable problems¹⁷), this is not necessarily the case in relation to social security legal need. This is because the complexity of the social security system and its administration often necessitates legal assistance.

For example:

- Decision letters issues by Centrelink are opaque. These letters can cover important issues such as payment application refusals, debt recovery, and other decisions involving the application of discretion, yet provide little to no reasons for the decision made. This makes it difficult for people to understand the decision and whether they have grounds to appeal, which means that many will seek legal advice.
- If Services Australia is legally represented at AAT hearings, legal representation for individuals is needed to remedy an imbalance of power.
- The number of applications lodged at the AAT is significant, with some 12,138 applications being lodged in 2021-22,¹⁸ 6,694 applications reaching decision, and 1,770 of those changing decision.¹⁹ While we don't have up-to-date information, data from 2019-20 shows that 98.1% of applicants were unrepresented at the SSCSD-stage, and 92.4% were unrepresented at the general division stage. The set-aside rate of both AAT divisions would be higher in relation to Centrelink matters if applicants were able to obtain legal representation.
- Even where generalist lawyers and other community professionals provide support and representation in relation to AAT appeals, specialist centres like SSRV are regularly called upon to provide secondary consultation due to the complexity of matters and procedures. It is really only specialist social security legal services (and some legal aid commissions) that that have expertise and knowledge in social security independent of Centrelink.

When it comes to social security administrative decision-making, there is often a genuine legal question to be considered that can be best advanced through legal advice or representation to pursue correct and preferable decision making for the individual. Furthermore, given social security entitlements enables someone to have the basic income to live with dignity, addressing social security legal need through legal assistance directly supports NLAP priorities around disadvantage and economic drivers of vulnerability.

¹⁷ Victorian Law Foundation, 2023, *Public Understand of Law Survey: everyday problems and legal need*, page 10, available at: <https://puls.victorialawfoundation.org.au/>.

¹⁸ Administrative Appeals Tribunal, Annual Report 2021-22, page 21, available at: <https://www.aat.gov.au/about-the-aat/corporate-information/annual-reports/2021-22-annual-report>

¹⁹ Services Australia, Annual Report 2021-22, page 115, available at: <https://www.servicesaustralia.gov.au/annual-report-2021-22?context=1>.

E.4 Roles and responsibilities

What roles should the Commonwealth and the jurisdictions play in determining or administering funding distribution between legal assistance service providers?

SSRV generally agrees that the level of government closest to the service delivery should be responsible for determining and administering funding distribution between legal assistance service providers. However, where a service provider focuses on a Commonwealth area of law (i.e., social security), funding is not consistently prioritised to meet the relevant legal need.

SSRV considers that the Commonwealth must provide guidance and incentives to state and territory governments so that Commonwealth areas of legal responsibility are adequately identified and prioritised in legal needs assessments and funding decisions. This principle needs to apply not only to base NLAP funding, but to any additional funding that comes available within the period of NLAP.

As identified in Part B.1, there is a clear overlap between social security legal need and priority client groups. However, this has not been consistently recognised in funding decisions.

Recommendation 8:

The Commonwealth should, through the NLAP, provide incentives so that Commonwealth areas of legal responsibility are adequately identified and prioritised in legal needs assessments and funding decisions at the jurisdictional level.

E.5 Disadvantaged groups

Are there other systemically disadvantaged groups, either existing or emerging, who are not supported adequately?

SSRV considers that people dependent on social security should be considered a disadvantaged group and priority client cohort in the context of NLAP. As noted, where an adverse social security decision is made, this can directly affect someone's livelihood, as well as their health and wellbeing. Lack of access to social security entitlements, or the raising of debts, can place people at risk of homelessness.

The impact of social security failings on disadvantaged groups was made clear in the Royal Commission into the Robodebt Scheme. As stated by the Final Report, 'vulnerable and disadvantaged cohorts were hit the hardest by the legal and policy failings of the scheme which shaped the way in which recipients could navigate the system'.²⁰

E.6 Regional, rural and remote context

How should the challenges of service delivery in regional, rural and remote locations be addressed through future agreements?

As described in Part C of this submission, the specialist community legal centre model can provide strong support to legal services delivered in regional, rural, and remote areas. For example, secondary consultation (worker advice) service models demonstrate good reach into rural and regional communities. In the 2020/21-year, 21 percent of SSRV Worker Help Line services were provided to workers in regional and rural Victoria.

²⁰ Royal Commission into the Robodebt Scheme, Chapter 9, page 328.

Moreover, specialist centres can provide support through a ‘hub and spoke’ model of service delivery. As stated by the Issues Paper, regional and rural services can face workforce challenges. Specialist centres can help address this, by prioritising regional partnerships, training, or projects. This might include specialist lawyers working for or being seconded to regional locations, or working to skill up and support regional lawyers. The SSRV disaster response project, described in section C.4, is an example of such a model. This project provided training and specialist support to lawyers and other professionals in generalist legal centres and related services. This model contributes to meeting legal need in regional and rural areas.

E.7 Funding models

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

The NLAP funding allocation model, which the issues paper states is designed to deliver baseline funding to community legal centres, is highly flawed. This is because the outcome of the model is that it leaves a specialist statewide community legal centre like SSRV with core funding of only around \$358,000 per annum to deliver services.

SSRV agrees with this statement in the consultation paper “the current funding models do not determine what level of funding is required to address a specified level of legal need but rather, simply distributes a largely arbitrary level of baseline funding which is then supplemented in a non-systematic way on the basis of politically perceived need”.

The issues paper also refers to top-up funding over the life of NLAP to fund specific legal needs. This has not dealt with the substantial legal need relating to social security. This reflects the finding of the Robodebt Royal Commission around ‘social attitudes to people receiving welfare payments’ being driven by ‘anti-welfare rhetoric’ and a ‘narrative of taxpayer versus welfare recipient’.

Further, as described in Part E.4, states and territories often do not prioritise Commonwealth responsibilities when allocating funding. This leads to inadequate allocations of function to social security specialist centres, due to a preferencing for state and territory concerns.

Existing funding allocation models fail to recognise the costs and challenges of providing statewide services when dealing with a particularly complex area of Commonwealth jurisdiction. Funding arrangements also fail to recognise that legal aid commissions frequently refer people to community legal centres where:

- their matter is still subject to internal review;
- the person is ineligible to receive legal aid due to means and merits testing;
- legal aid provides very little representation services.

In addition, generalist community legal centres frequently refer people with social security issues to specialist centres, particularly for representation in complex places.

SSRV considers that funding allocation models need to recognise and distinguish different types of service provision, in addition to legal need. For example, statewide specialist centres require a different approach compared to a generalist, place-based centre. A funding allocation model that focuses primarily on legal need tends to prioritise a place-based response, and diminishes the varied

ways in which statewide models respond to the complexity of legal need. Attached is a service model and costing for statewide specialist social security legal services.

E.8 Managing demand over time

What timeframe is most appropriate for the next national legal assistance partnership agreement, and how can flexibility be embedded to accommodate changing needs?

The 5-year NLAP has not delivered certainty for community legal centres in Victoria. Victorian centres were only provided with 3-year funding term initially, with reference to a review as to the distribution of funding among centres to inform the latter half of the NLAP term. This did not occur, and funding was merely extended. If NLAP is to offer certainty for legal service providers, so that they can manage demand over time, it needs to ensure that funding agreements align with the period of NLAP.

The Commonwealth Government has indicated publicly that it is supportive of longer-term funding agreements,²¹ and we note the current Department of Social Services consultation which explores options for longer grant agreement cycles.²² SSRV considers that should there be a step-change in the amount of base funding for small centres (as we have advocated), then a longer funding term, i.e., seven years, would enable greater certainty and facilitate planning to meet changing community needs. To be effective, this would require an effective indexation clause that meets inflation and addresses other specific drivers of costs at community legal centres. The existing NLAP arrangements which have not included indexation at the Commonwealth level has meant that services decline over time.

Recommendation 9:

The NLAP should ensure organisations receive longer-term funding agreements, at least in line with the period of NLAP or preferably seven years in length.

E.9 Wrap around services

How should holistic service provision improve outcomes and reduce the demand for legal assistance services?

As noted in Part C, above, specialist community legal services support holistic, wrap-around service delivery in a number of ways.

- Secondary consultations should be recognised in NLAP as a dedicated and effective wrap around service that meets core NLAP objectives around efficient, effective, and appropriate legal assistance services, and keeping the justice system within reach of vulnerable people facing disadvantage, within available resources.
- Integration with non-legal professionals, such as financial counselling or social work, ensure that people's broader issues are effectively dealt with along with legal issues.
- Partnerships with generalist and/or other specialist legal services also supports holistic, wrap around services, so that multiple legal issues can be dealt with effectively. The Victorian Law Foundation PULS survey found that people who have multiple legal problems are more likely

²¹ See, eg, https://www.acoss.org.au/media_release/acoss-welcomes-ministerial-announcement-of-longer-funding-contracts-trial-and-recommitment-to-proper-indexation/

²² DSS, A stronger, more diverse and independent community sector, September 2023, Page 23, available at: <https://engage.dss.gov.au/a-stronger-more-diverse-and-independent-community-sector/a-stronger-more-diverse-and-independent-community-sector-issues-paper/>

to suffer from severe disadvantage, such as being able to eat, heat or cool their homes because of a shortage of money, or significant mental distress.²³ SSRV lawyers regularly work closely with tenancy specialists where social security and tenancy issues affect one client, or with generalist lawyers where family violence issues exist in addition to social security issues.

E.10 Early intervention

How should legal assistance funding support activities that at an early stage reduce or prevent legal need, including activities not purely of a legal character?

Early intervention, and empowering people to avoid legal problems, is central to the work of community legal centres. Advice services and limited assistance are often sought to help manage a problem early on, but centres also invest in projects and innovations designed to empower people and avoid problems. The SSRV DSP Help project, described in Pat C.4 above, is a case in point.

As articulated in the recent Victorian Law Foundation PULS survey report, whether people perceive problems as legal has a significant effect on problem resolving behaviour. Only 13.7 percent of people surveyed who had a problem with government payments characterised the problem as legal. This means that they were less likely to seek help and resolve the problem. This confirms that a role for early intervention is to help ‘problem spot’, and guide to possible resolution options. As described above, where someone experiences an adverse Centrelink decision, legal advice and assistance is likely to be needed (rather than simply information) due to the complexity of social security law and administration.

SSRV recommends that consideration be given to specific allocation of funding for innovative projects and initiatives that aid early intervention, avoiding more costly legal problems. This would incentivise early intervention and prevention, thereby driving efficiency and appropriateness of service, which are NLAP objectives. Where an innovation demonstrates outcomes, it should transition to ongoing funding.

Recommendation 10:

The NLAP should support early intervention as a key part of CLC core service delivery work. Specific funding should be allocated to projects and initiatives that aid early intervention, avoiding more costly legal problems.

E.11 Advocacy

How should legal assistance funding be provided to legal assistance providers for advocacy and law reform activities?

Strategic and public interest advocacy drives efficiency and reduces demand for services. As described in Part C.5, specialist centres are particularly well-placed to share insights through advocacy and reform activities. For this to be effective, however, smaller specialist community legal centres require additional and specific resourcing for advocacy. While NLAP does not limit this activity, where a small centre only has a very small core funding level, it is almost impossible to specifically fund this activity.

²³ Victoria Law Foundation, PULS survey volume 1, page 74.

E.12 Efficiency

To what extent are administrative processes of funders placing unnecessary regulatory burdens on legal assistance providers?

In order to have some viability and sustain activities, smaller centres regularly obtain additional resources from other funding sources beyond NLAP. While broader funding sources can enhance service offerings, multiple funding streams can be resource intensive to manage and result in multiple and complex funding streams. Consideration should be given to whether NLAP can support streamlined reporting across funding programs outside NLAP, particularly through identification and promotion of minimum data sets needed for reporting that might be adopted by other funders.

Recommendation 11:

To support efficiency, all legal assistance funding (both NLAP and non-NLAP) should enable streamlined and consistent reporting requirements.

E.13 Commonwealth administrative review

How might Commonwealth administrative processes, including appeals, be reformed to reduce the demand for legal assistance services and improve outcomes for legal assistance service clients?

Ideally, Commonwealth administrative processes, including in relation to social security, should eschew complexity and adopt human-centred design principles to make it easy to navigate without dedicated legal assistance. It is hoped that a new administrative review body will be designed around these objectives, but this vision is a long way from the system we have currently.

For example, Services Australia/Centrelink should be able to provide the information, support, resources, and tools the community needs to understand entitlements and obligations, and access the income support they need. Unfortunately, the supports provided are still too complex and don't respond to the reality of vulnerability in the community. To take just one example, the 'digital-first' service model of Services Australia, while benefiting many Australians, does not effectively meet the communication needs of vulnerable groups. The latest research on digital inclusion suggests that almost 10 percent of the population is highly excluded, and that digital ability remains a growing issue particularly for lower income groups.²⁴ The result is that many are unable to access the information and supports they would need from government agencies. In the worst cases, people miss out on entitlements risking substantial financial disadvantage, homelessness, and health problems.

Even outside vulnerable groups, participants can struggle to access Centrelink services. A recent opinion article in *The Age*, 'Today, I tried to call Centrelink 17 times. I got through to hold music once then it hung up', demonstrates the broader problem.²⁵ The article revealed that between 1 July 2022 and 31 January 2023, two-thirds of calls to Centrelink went unanswered. The result of poor accessibility is people contacting legal assistance services for basic access support, even if there is not a legal problem.

²⁴ Australian Digital Inclusion Index 2023, available at: <https://www.digitalinclusionindex.org.au/key-findings-and-next-steps/>

²⁵ Catherine Xie, 'Today, I tried to call Centrelink 17 times. I got through to hold music once then it hung up', *The Age*, 18 October 2023.

To ensure people can navigate system complexity and access their entitlements, services like SSRV's Legal Assistance Line, Worker Help Line, and resources such as DSP Help are in demand. Community legal centres will reasonably invest in these types of support if it aids access to income support, and avoids costs associated with adverse decisions and subsequent appeals process. It is not, however, efficient service delivery compared to people being able to navigate the system without barriers.

In relation to review and appeals processes, again ideally legal assistance services might not always be required. However, that would require substantial system change so that review processes were designed to be less adversarial and more independent and investigatory, based on fair recognition of entitlements.

Moreover, it needs to be recognised that independent legal assistance will always have some role to play, for example representing more vulnerable cohorts or in more complex areas of law, particularly to promote correct and preferable decision-making (principles of administrative law). SSRV's work also holds the government accountable in making decisions which affect vulnerable people's income security. With a huge power balance, the government is a large, well-funded structure, and those challenging decisions are often confused and unsure about how to navigate the system and pursue their rights.

As the system stands, early legal assistance at review and appeals stages can aid early resolution, and less drawn-out processes. Too often, claimants may pursue their appeal without understanding what is realistic in their circumstances, or even the decision they are appealing. Furthermore, it is the experience of social security legal services that where clients are represented at the appeal stages, they have a higher chance of success. A review of SSRV's closed court/tribunal representation matters from June 2022 to October 2023 shows that positive outcomes were achieved for 90 percent of clients represented at the AAT. Outcomes included compensations periods reduced, clients allowed to access/back on payments, debt found not to exist, debt waived or irrecoverable, person found not to be a member of a couple, settlements reached. SSRV takes on matters for representation where merit has been assessed, where there is an argument to be made, and where claimants are likely to be unable to make the arguments on their own.

Given this, it is SSRV's view that access to timely and appropriate legal assistance can support effective and efficient administrative review systems. Decision-makers can be provided better information, appellants can be supported to understand their options and negotiate in their interests, and decisions will be made more robust and be more effective at delivering just outcomes.

Recommendation 12:

Increased resourcing should be provided to Centrelink and Services Australia to ensure that barriers to accessing the social security system are addressed, thus reducing the burden on community organisations, including community legal centres, and administrative review processes.

Recommendation 13:

A system of appropriate referrals from the new Administrative Review Tribunal to specialist social security legal services should be explored.

E.14 Labour market

How does workforce supply and remuneration impact on the provision of legal assistance services?

As described in Part D, NLAP delivers insufficient core funding for small organisations to meet modern workplace conditions, meaning that organisations face significant challenges in meeting employee expectations.

NLAP must commit to reforms that support both pay parity for community legal centre workers as well as modern employment conditions. This is a necessary precondition for an effective service; without it, services will be inconsistent, lower quality (small organisations face barriers to attracting and retaining higher performing staff), and are unable to promote innovation and improvement.

Recommendation 14:

Governments need to invest in increasing salaries and benefits for community legal centre workers to address wage equity with legal aid commissions.

E.15 Data

To what extent are the current reporting processes sufficient to support monitoring, continuous improvement and achievement of objectives?

Community legal centres are committed to monitoring and evaluation, drawing on client and service data. SSRV considers that there are benefits associated with retaining specific monitoring and evaluation capability inside organisations, including:

- Timeliness—in-house evaluation and monitoring allow for near real-time feedback and analysis, meaning issues can be identified and addressed promptly, leading to more adaptive decision-making.
- Contextual understanding—organisations have a deep understanding of their own operations, goals, and communities they serve. In-house capabilities allow for evaluations to take this context into account, leading to more relevant and actionable insights.
- Continuous improvement—regular monitoring and evaluation can support a culture of continuous improvement in an organisation, leading to better program outcomes and increased effectiveness over time.

While external assessments can from time-to-time provide an independent perspective and ensure objective, such analyses is likely to deliver on improved services if they are built upon in-house capabilities.

The existing funding arrangements, however, mean that data collection, monitoring and evaluation are far from optimal at small organisations. For example, SSRV has been unable to move to modern, fit-for-purpose, and efficient client management systems due to the resource intensiveness of such a change. This not only relates to one-off costs associated with a change to improved systems (generally, a grant may be obtained for such costs), but also other unfunded costs, such as staff capability to manage the change internally, and ongoing licensing fees associated with new technologies.

Monitoring and evaluation needs to be supported through NLAP, including through resourcing technology and human resource investments that enable efficient data collection and reporting. Data management and analysis is a skill that must be supported in community legal centres, rather than just being seen as an ‘add-on’ to the job of an over-stretched lawyer.

Recommendation 15:

The NLAP should provide baseline funding to support modern technology and client management systems to aid staff efficiency and enable effective monitoring and evaluation.

F. CONCLUDING REMARKS

In conclusion, it is evident that well-funded statewide specialist legal services, particularly those focused on social security, are not just a good but a necessary public investment. The complexity of social security law, coupled with historical underfunding, has left vulnerable individuals without the support they desperately need. It is critically important that people can access social security expertise that is independent of Centrelink.

By providing these services with the funding they require, the NLAP Review has a unique opportunity to rectify long-standing biases and contribute to a more just legal assistance sector. Specialised community legal centres, working in tandem with local services, offer an efficient and impactful model that can significantly improve the lives of those facing disadvantage. This investment is not just about meeting legal needs; it's about delivering on the promise of justice and equality for all.

APPENDIX: Statewide Social Security Legal Service Model and Costing

Two statewide community legal centres specialising in social security law currently operate in the two largest states by population in Australia – Social Security Rights Victoria (SSRV) and Welfare Rights Centre New South Wales (WRC NSW). Although each organisation has developed, is funded, and operates independently, both understand their specialist role to broadly include:

- delivery of specialist legal assistance to vulnerable and disadvantaged people in their state (information and referral, advice, limited task work, casework and representation, community legal education – mostly by telephone or online);
- sharing their expertise and experience to build the confidence and capability of other legal and social services professionals who are assisting their clients with social security problems (through secondary consultation, collaborative and integrated service delivery, professional development and resources, placements, partnerships and volunteer/pro bono arrangements);
- based on evidence from client and stakeholder experience and service delivery, identifying policy and systems issues relating to social security law and its administration, informing decision makers of the issues and proposing solutions;
- proposing and piloting innovative approaches to addressing social security legal need.

There is limited social security law expertise within the Australian legal assistance sector and less in the private legal sector. Some legal aid commissions do some work in this area. Statewide specialist social security community legal centres play a very important role in ensuring that this expertise is developed, maintained and shared for the benefit of vulnerable people, those who support them and those who make and administer social security law and policy.

Minimum baseline funding

In order to continue to effectively perform this role, statewide specialist social security legal centres require sufficient and sustainable core/baseline funding and funding certainty. This is not currently the case.²⁶ The following is a proposal for minimum baseline and further funding to support SSRV and WRNSW to:

- operate modern, viable and sustainable organisations that provide effective governance, management, operations and administrative support, systems, technology, etc that meet legislative and ethical requirements and funder/client/community and other stakeholder expectations;
- attract and retain quality paid staff and volunteer/pro bono resources;
- build, maintain and share specialist social security law knowledge, experience and expertise;
- deliver a range of statewide specialist legal and related assistance – to the right people, at the right time, in the right way; and

²⁶ For example, SSRV currently receives less than \$358,000 in Commonwealth (\$305,561) and State (\$52,331) government baseline funding. This means in effect that the National Legal Assistance Partnership funds only up to the equivalent of one specialist social security lawyer in the Victorian community legal centre sector. WRC currently receives \$688,895 in Commonwealth (\$309,683 + Family Law/Family violence \$112,732) and State (266,461) government base line funding, which funds the equivalent of five staff members, only two of which perform full-time casework.

- leverage their expertise and evidence from their practice to be responsive, to innovate and to inform fairer laws and processes.²⁷

We consider that there is a case for proportionate additional resourcing for WRC NSW given the additional population of that state. According to the Department of Social Services, there are 1.56m people in NSW and 1.1m people in Victoria who are in receipt of social security payments. This would imply an around 30% uplift for NSW.

Extended service reach and integrated service delivery

Beyond minimum baseline services, a ‘hub and spoke’ model of service delivery (a form of specialist-generalist partnership) can enhance service reach, particularly for regional and remote areas. The specialist centre can operate as a hub and provide outreach to regional and remote areas via partnerships with relevant generalist community legal services. Specialist staff could be located in, work for or be seconded to the regional centre, deliver specialist services and work to skill up staff and local partners. This model enhances the benefits of collaboration to ensure an effective and accessible service response.

Integrated services can support wrap-around, holistic service delivery by drawing on skills and capability of non-legal professional staff to support a client’s broader issues are effectively dealt with along with legal issues. Centring this in the service model enhances legal service delivery by making it more responsive and effective to those with the greatest levels of disadvantage or vulnerability.

Indicative Detailed Costings, Services and Outcomes/Outputs

Please note:

1. The following is an indicative service model and outputs. Each organisation has done and will develop operations and service delivery relevant to context, priorities, demands and emerging issues/priority cohorts. Ideally, improvements to Centrelink accessibility and reforms to government administrative decision-making processes in the medium term will mean that over time both organisations are able to increasingly shift service delivery resources towards casework and representation.
2. The model and costing for Baseline Funding and for Integrated Services is a set amount that is increased by 5% each year of the funding agreement to account for increases in wages and operating costs. The model and costing for the Specialist Partnerships/Hub and Spoke Model envisages that this service approach will develop incrementally over at least the first three years of the funding agreement and then have a percentage increase built in to cover wage and operational cost increases.
3. We are proposing that Welfare Rights Centre NSW would be funded at baseline model plus 30% to adjust for relative population size and number of social security payment recipients in New South Wales compared to Victoria.

²⁷ Both SSRV and WRC NSW are members of Economic Justice Australia, as well as state and national CLC peak bodies, and can share insights to support improvement and reform in the social services and broader legal sector.

Minimum Baseline Funding	Costs	Services	Outcomes/Outputs
<p>Year 1 - \$1,980,000 (\$180,000 per position x 11 positions)</p> <p>Subsequent years – previous year + 5%</p>	<p>Staffing Costs</p> <p>Wages and Oncosts (WorkCover, Superannuation, Annual, Personal, Long Service and other leave entitlements, backfill to cover leave)</p> <ul style="list-style-type: none"> • Chief Executive Officer and operations – 4.5 staff • Legal practice - Principal Lawyer and 4 staff • Community engagement and partnerships, policy/advocacy – 2.5 staff. <p>Professional Registration, Professional Development, Recruitment and Onboarding (EAP, external supervision, industrial and other industrial services where not provided through membership of peak bodies)</p> <p>Operating Costs</p> <ul style="list-style-type: none"> • Rent and other premises costs • Utilities • Insurances • Communications – telephones, internet, website • Staff amenities • Furniture and equipment • Software and web services 	<p>State-wide, specialist social security legal centres providing the following services:</p> <p>Information, Referral and Intake</p> <ul style="list-style-type: none"> • Legal Information Line/ Reception 5 days per week • Triage into SSRV services • Provide information, referral to other relevant services <p>Community and Legal Worker Help Line</p> <ul style="list-style-type: none"> • Secondary consultation, warm referrals and collaborative client assistance 5 days per week • Over time helps to build sector capacity and to resolve Centrelink issues with the need to consult. <p>Legal Advice and Task Clinics</p> <ul style="list-style-type: none"> • 20-25 appointments per week • one-off legal advice and legal task (limited advice and further assistance) services such as direct advocacy to Centrelink, preparation of FOI requests, short “letters of support” to the AAT <p>Casework and Representation</p> <ul style="list-style-type: none"> • More intensive casework and representation services provided to priority clients/ matters (including assistance such as review and advise on FOI documents, preparation of submissions for ARO and AAT, representation in ARO, AAT and Federal Court of Australia appeals) 	<p>Outcome</p> <ol style="list-style-type: none"> 1. Capable and sustainable statewide specialist community legal centre able to respond to the legal needs of people experiencing disadvantage. 2. People experiencing disadvantage have increased access to justice. <p>Outputs</p> <p>1,000 information and referral services per annum</p> <p>400 Worker Help Line Services per annum</p> <p>900 legal advice only and legal task services (review and draft documents, negotiate with other party, provide further advice, etc.) per annum</p> <p>50-90 court/tribunal or other representation services per annum, including cases with strategic value/public interest</p>

Minimum Baseline Funding	Costs	Services	Outcomes/Outputs
	<ul style="list-style-type: none"> • Legal Practice Management software – fees, support and administration* • Stationery and printing • Board and strategic planning expenses • Peak body membership fees <p>Program Costs</p> <ul style="list-style-type: none"> • Service, promotional and educational costs • Design and printing • Travel <p>Contracted Services</p> <ul style="list-style-type: none"> • Website development and maintenance • ICT maintenance and support • Bookkeeping, accounting and audit • Evaluation • Other specialist services as required – legal, human resources/industrial relations, cultural competency, planning 	<p><i>Engagement, Community Legal Education and Capacity Building</i></p> <ul style="list-style-type: none"> • Focus on professional development to other professionals assisting clients with social security problems • Written and online information – supporting problem identification and appropriate responses • Online self-help resources (eg DSP Help) • Promotions, communications and social media • Stakeholder engagement • Facilitated communities of practice <p><i>Legal Policy and System Advocacy</i></p> <ul style="list-style-type: none"> • Draw insights from advice and casework to inform policy an advocacy activities, including submissions, reports, briefings etc • Design and implement systems for collecting data and identifying examples of systemic issues in casework • Engagement with Economic Justice Australia and other partners on systemic advocacy, including through research, engagement, media and representations. <p><i>Access and manage additional resources to extend and enhance services and operations</i></p> <ul style="list-style-type: none"> • projects funded government and philanthropic from other sources (eg Victorian Legal Services Board grant) • volunteer programs • pro bono support • student programs 	<p>Outcome</p> <p>3. Community members and service providers have increased capability to understand and address legal issues.</p> <p>Outputs</p> <p>10 community legal education workshops Maintenance and development of fact sheets, online resources, etc Stakeholder engagement Promotions, communications, social media Facilitated communities of practice</p> <p>Outcome</p> <p>4. Decision makers address systemic issues.</p> <p>Outputs</p> <p>5+ substantive activities (contributions to submissions, appearances at inquiries, media articles) informed by evidence from client experience, undertaken independently and collaboratively, including contributing to Economic Justice Australia led initiatives.</p> <p>Leveraging other funding and resources to provide additional client and community services, to target specific cohorts and issues, to pilot innovative approaches and solutions.</p>

Minimum Baseline Funding	Costs	Services	Outcomes/Outputs
		Sector Engagement and Collaboration	Undertaken to promote services and progress all aspects of service delivery and operations. Awareness of and contribution to sector issues and initiatives.

Specialist Partnerships/ 'Hub and Spoke' Model	Costs	Services	Outcomes/Outputs
<p>Year 1 - \$450,000 (2.5 positions x \$180,000 per position)</p> <p>Year 2 - \$945,000 (4 positions x \$180,000 + 5%)</p> <p>Year 3+ - \$992,250 (5 positions x \$198,450) Plus 5% for each subsequent year</p> <p><i>Proposed staged approach to recognise relationship development process</i></p>	<p>Year 1</p> <ul style="list-style-type: none"> • 2 x Community Lawyers • 0.5 Paralegal /Administrative Support • Employee oncosts • Contribution to operation and program costs • Increased provision for travel, accommodation, partner organisation expenses <p>Year 2</p> <ul style="list-style-type: none"> • 3 Community Lawyers • 1 Paralegal/Administrative Support <p>Years 3+</p> <ul style="list-style-type: none"> • 4 Community Lawyers • 1 Paralegal/Administrative Support 	<p>Services delivered in partnership with/located with other Victorian and New South Wales community legal centres.</p> <p>Each community lawyer is regularly located in/seconded to/employed by other community legal centres, including in rural and regional areas:</p> <ul style="list-style-type: none"> • deliver specialist social security legal services to clients identified by that organisation • resource staff of that CLC to strengthen capability to identify and respond appropriately to social security legal issues including through secondary consultation and casework support • provide professional development and resources (including casework support and communities of practice) • collaborate to deliver engagement, community legal education, work on joint initiatives – projects and systemic advocacy, as relevant. <p>May be time limited or ongoing. Ideally, understanding of social security legal need would be strengthened and the CLC capability and confidence would be built to the stage where social security legal service provision becomes part of the centres business and usual.</p>	<p>Outcomes:</p> <ul style="list-style-type: none"> • People experiencing disadvantage have increased access to justice near to where they live. • Community members and service providers have increased capability to understand and address legal issues. <p>Outputs will include</p> <ul style="list-style-type: none"> • legal advice, tasks and representation services • secondary consultation and casework support • delivery of professional development and community legal education • collaboration on joint activities. <p>Specific approaches, activities and numbers will be dependent on and designed in collaboration with the partner organisations/ taking into account factors such as location,</p>

Specialist Partnerships/ 'Hub and Spoke' Model	Costs	Services	Outcomes/Outputs
		<p>Build in capacity to shift resources as required, including to respond to disasters and other emerging issues.</p> <p>Part of community lawyer time may be spent in central office. Management, professional supervision, paralegal/ administrative support provided.</p>	partner organisation operation and preferences, priority clients, etc.

Integrated Services	Costs	Services	Outcomes/Outputs
<p>Year 1 - \$180,000 (1 positions x \$180,000 per position)</p> <p>Year 2 - \$189,000 (1 position x \$180,000 + 5%)</p> <p>Year 3+ - \$198,450 (1 position x \$189,00 + 5%) Plus 5% for each subsequent year</p>	<ul style="list-style-type: none"> • 1 FTE Financial Counsellor/ Social Worker/Case Worker • Employee oncosts • Contribution to operation and program costs 	<p>Based on strong evidence of the benefit of holistic/integrated services provision in conjunction with legal services:</p> <ul style="list-style-type: none"> • offer one-off and ongoing assistance to support clients to address social security and related issues (finances and debt, housing, health , etc) • establish links with other services to strengthen and extend referral pathways and collaborative service provision 	<p>Outcome</p> <ul style="list-style-type: none"> • The organisation and its stakeholders have increased capability to provide integrated responses to the needs of people experiencing disadvantage. <p>50+ people who have also received legal assistance are provided with once-off or extended assistance per annum</p>