

## REVIEW OF NATIONAL LEGAL ASSISTANCE PARTNERSHIP AGREEMENT

### SUBMISSION BY TOWNSVILLE COMMUNITY LAW

#### Structure

This submission is in two parts:

**Part 1:** A personal statement; and

**Part 2:** Submissions by [Townsville Community Law](#)

#### Consents

Townsville Community Law receives Commonwealth funding under the NLAP and funding from the Queensland Government. Townsville Community Law consents to:

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

#### Part 1: Personal Statement

1. I am employed as the Principal Solicitor at Townsville Community Law. I began volunteering in CLCs when I was a 3<sup>rd</sup> year law student at JCU in Townsville, then in 1992 undertook graduate diploma placement with a Brisbane CLC – the then Welfare Rights Centre (now Basic Rights Queensland). This galvanised my interest in community law, and I have now worked at Townsville Community Law since March 1993 – over 30 years.
2. I have held leadership roles with State and National peak associations and networks, and I have represented CLCs in various forums, including more than a decade of work in the United Nations – predominantly in the area of older persons' human rights.
3. I have personally assisted 15,000 clients in my career and supervised our Centre's assistance to 3-4 times that number of clients over time. I have received many awards including those that are career pinnacles – various state Law Society Awards, the Australian Human Rights Commission Law Award, the Law Council of Australia's President's medal, and a Medal of the Order of Australia.
4. I am exceptionally proud of my achievements, but I still earn less than many Government lawyers with less than 5 years PAE. My superannuation is relatively low and is unlikely to provide a significant retirement income. I'm not poor, but nor am I competitively remunerated for the work I have done or continue to do. This is not within the control of my employer, and I am remunerated at an appropriate level of the award. This situation is reflected by many in our sector.
5. People congratulate me on my contribution to society, but they don't necessarily understand the significant sacrifice working in CLCs represents. My work has been in areas of very high stress and trauma: poverty law, refugees, elder abuse, coronial inquests, human rights.

6. This has taken a toll on me, my family, and my health at times. I'm lucky, my family, friends and colleagues support my work but I'm not sure my story is a good advertisement for our sector. As time has gone on, our sector has become far better at addressing the health and wellbeing of those working within it. This has been a necessary focus of CLC governance for at least 5-7 years. However, wages have barely changed and remain seriously low for most who work in CLCs. Our sector needs a significant injection of funds to improve wages across all our staffing types and thereby provide incentive for people to have a career in CLCs.
7. People like me aren't rare in our sector and our experience is consistent – a life career in public service without the benefits of a public servant.
8. I would hasten to add that our careers might also be more likely to include vicarious trauma, poor health outcomes and poor retirement options than many others who perform similar roles, particularly our colleagues in Government. This is truly ironic given that Government has essentially eschewed its obligation to provide legal assistance by farming this work out to organisations that are cheaper but also simultaneously more efficient and resourceful than Government can ever be – at least in my experience.
9. Independence from government is a critical part of access to justice but so too must parity and equity be reflected within contracting arrangements. For far too long governments at all levels have relied on the goodwill and 'calling' of those who work in CLCs – the time is nigh that CLCs and their employees receive fair remuneration for their work.
10. My personal experience has been that CLCs have always struggled for adequate funding, especially in rural, regional, remote, and very remote locations. This is despite Sackville's very clear findings way back in 1994, which was in my second year of CLC practice. In introducing the ALP's response 'Justice Statement', Prime Minister Keating noted that "[A]ccess to justice is the right of every Australian. It is an essential part of our democratic society." While successive Governments have made similar statements, they have not ensured that the reality of funding has matched their rhetoric.
11. In fact, since the ALP's 1995 'Justice Statement' most funding allocations have been essentially programmatic, thematic, and subject to political motivations within and around state and federal electoral cycles. This idiosyncratic approach has created winners and losers without methodical regard to population growth, legal need or demographic shifts.
12. Some notable exceptions do exist, including the Women's Safety funding measures, which did finally recognise the need for increased resources in the sector. Despite this significant allocation, Government failed to include many other actors within the sector who work in areas of interpersonal violence including domestic and family violence, child abuse, elder abuse and workplace violence. All CLCs service a significant number of people experiencing interpersonal, systemic or institutional violence, abuse and neglect.
13. In short, my personal view is that CLCs (among others) have reached a tipping point where they can no longer operate with the level of expected professionalism and specialisation, or service even part of the demand for legal assistance without a comprehensive review and concomitant enhancement of funding arrangements. If things don't change urgently, the downstream effects of underfunding access to justice will become a defining social issue for Australia, if it isn't one already.

## **Part 2: Submission by Townsville Community Law**

14. From the outset, we reiterate that Townsville Community Law endorses submissions by CLCs Queensland and CLCs Australia. We also enclose our submission to the original review.
15. Townsville Community Law was established in 1991 and first funded in 1991-1992. It was the first CLC established outside the Southeast corner.
16. Many CLCs' baseline CLSP funding depends on when they were first funded. Due to its early establishment, Townsville Community Law remains historically underfunded in comparison to some other CLCs in other similar sized regional centres.
17. Townsville Community Law is best described as a regional generalist CLC, however in reality the programmatic nature of funding over time has caused the service to be both a general provider (predominantly through clinics and outreach) and a specialist provider in a number of practice areas.
18. Townsville Community Law provides services in the following specialist areas:
  - Human Rights And Civil Law Service
  - Social Security Rights Service (Welfare Rights Funding)
  - Queensland Coronial Legal Service (Shared State-wide with Caxton Legal Centre)
  - Family Law Service through evening services and outreach work
  - Seniors Legal And Support Service and Seniors Financial Protections Service
  - Veterans' Legal Service (a Qld Government Pilot)
  - Clinical Legal Studies program with JCU Law School
19. Townsville Community Law provides outreach to the following locations:
  - The [Oasis](#) Veterans Hub
  - The [North Queensland Domestic Violence Resource Service](#)
  - The [Townsville Women's Centre](#)
  - James Cook University City Campus (via a [clinical program](#))
  - Charters Towers through [Prospect Community Services](#)
  - Ingham through [Hinchinbrook Community Support Centre](#)
20. Townsville Community Law also undertakes extensive advocacy work through law and policy reforms submissions, membership of networks, campaigns, and alliances. It has developed specialist advocacy expertise in several areas including human rights, coronial and disability rights.
21. Our advocacy work has included regular advocacy work in the United Nations through various procedures and processes. This has been as a representative of Community Legal Centres Australia who has ECOSOC Special Consultative Status with the UN. This work is roughly costed at Schedule 1. This example could very easily be changed to any large-scale law or policy reform project.
22. Further, Townsville Community Law provides regular community education and community development activities.

23. This includes [Seniors Creating Change](#) which seeks to address elder abuse, social isolation and ageism through a novel, community-led intervention. This work is roughly costed at Schedule 1.

### **Our Clients**

24. Townsville Community Law provides services across all areas of law. It is a holistic service that provides legal assistance across a very broad area of law and problem types.
25. Our top 20 problem types over the last two years (in the Table following) reflect our general/specialist split.<sup>1</sup>
26. One can see our specialist areas hidden within the data but also within the significant data count for “All other problem types” at ~36% and the rather unhelpful “Other Civil” at ~11%, which includes coronial work.
27. Even without a staff family lawyer, the data also reveals the overwhelming need for that area, as it finds its way into evening services (Tuesday and Thursday) and in our Outreach work.

**Table1: Top 20 CLASS Problem Types**

<b>Includes Specialist Program Clients</b>	<b>Problem Type (Top 20)</b>	<b>Number</b>	<b>%</b>
Elder Abuse	Family or domestic violence	977	13.53%
Coronial	Other civil	773	10.71%
Family Law	Child contacts or contact orders	359	4.97%
All programs	Family or domestic violence order	250	3.46%
Disaster	Consumer complaints services	224	3.10%
Disaster	Consumer complaints products	199	2.76%
Social Security	Govt pensions/benefits allowances-refusal eligibility	177	2.45%
Elder Abuse	Neighbourhood disputes complaints about neighbours	171	2.37%
Elder Abuse	Wills/probate making/contest/obtain benefit under	158	2.19%
Veterans	Veterans’ entitlements	148	2.05%
Family Law	Property in marriage	143	1.98%
Family Law	Separation	126	1.75%
Elder Abuse	Neighbourhood disputes Other	122	1.69%
Social Security	Govt pensions/benefits allowances-recovery overpayment	121	1.68%
Family Law	Child residency	118	1.63%
Disaster	Credit and debt owed to client	117	1.62%
Disaster	Consumer complaints financial/insurance/super etc	116	1.61%
Social Security	Govt/admin complaints - govt processes/procedures	110	1.52%
Elder Abuse	Other civil violence/restraining orders	108	1.50%
	Specific issues	108	1.50%
	All Other Problem Types	2594	35.93%
	<b>Grand Total</b>	<b>7219</b>	<b>100.00%</b>

<sup>1</sup> September 2021-September 2023.

28. Further, our work over same period across broad areas of law also reveals the generalist/specialist dichotomy. The breakdown of areas of law as percentages of all clients is as follows:
- 30% Family
  - 60% Civil
  - 10% Criminal Law
29. This mix of work is not dissimilar to many general CLCs.
30. Within specialist programs, areas of law also cluster for individual clients, for example taking all veterans the breakdown of areas of law as percentages of all clients is as follows:
- 36% Family
  - 100% Civil (all veterans had at least one civil issue)
  - 11% Criminal
31. Alternatively, our Seniors Legal and Support Service elder abuse clients show a breakdown of areas of law as percentages of all clients as follows:
- 37% Family
  - 89% Civil
  - 10% Criminal<sup>2</sup>

#### ***What Rural, Regional, Remote and Very Remote CLCs Need***

32. Regional Generalist CLCs need a few specific things in the new NLAP.
33. They need recognition of the higher costs of working in RRRR areas, including costs of outreach (travel, accommodation, technology, and the ability to backfill staff who are away doing that work).
34. They need recognition current resourcing is the central cause of their inability to recruit and retain competent staff, especially in specialist practice areas – for us: coronial, family and domestic violence, elder abuse, veterans, social security.
35. The importance of place-based work – for us: disaster, veterans, First Nations people. For example, Townsville, QLD has the highest number of veterans (14,200) of any region (at the SA3 level). Three in five (60%) veterans have a long-term health condition.
36. The assessment of legal needs must be evidence based, but also recognise that service areas of centres in RRRR settings are diverse and while some may overlap, many have large geographic and thematic or specialist gaps. This becomes particularly obvious in disasters, where the clients needing services are covered geographically or programmatically.
37. The NLAP must ensure collaboration in service provision, not just service planning – again disasters are an obvious pressure point.

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<sup>2</sup> Aged over 65 if non-indigenous or 50 if indigenous

### **Advocacy Funding**

38. Townsville Community Law suggests that there ought to be funding allocations for services that want to undertake advocacy work. This could encompass a broad description including law and policy reform, campaigns, shadow reporting, community education and community development. It might also include public health interventions such as described later in this submission through TCL's [Seniors Creating Change](#).
39. The costings of the various types of advocacy work done by TCL would find at least one FTE (\$156,000<sup>3</sup> = 1FTE) when added to the community legal education work done.
40. This can be conceived as follows in Table 2:

**Table 2: Rough Allocation of Advocacy/Project Work (Not including CLE)**

<b>Type of Activity</b>	<b>Rough Cost/FTE</b>
International advocacy work (Annual Campaign)	\$46K - 0.3 FTE <sup>4</sup>
National and state advocacy work (10 occasions)	\$30K - 0.2 FTE <sup>5</sup>
Community Development/Public Health Intervention	\$33K - 0.2 FTE <sup>6</sup>
<b>Total</b>	<b>\$109K – 0.7 FTE</b>

41. We note that the need to embed advocacy/community development/community legal education work within funding streams means that a reasonable FTE should be struck to assist CLCs to undertake effective work.
42. Townsville Community Law would easily generate enough work for 1FTE solely on its own identified, data-driven projects, requests for input from Parliamentary Inquiries, other types of Inquiries and Commissions and in its community legal education work.

<sup>3</sup> Please note this is illustrative only, \$156,000 is not an adequate funding model for aspects of CLC practice

<sup>4</sup> See calculations at Schedule 1: **International Advocacy**

<sup>5</sup> See calculations at Schedule 1: **National/Jurisdictional Level Advocacy**

<sup>6</sup> See calculations at Schedule 1: **Local Advocacy**

## SCHEDULE

### Qualifiers

The 3 examples use 1FTE = \$3,000 project funding per week (\$156,000 per annum inclusive of all costs)

This is substantially lower than the baseline should be at but does reflect the type of funding available for one-off 1FTE/Year projects.

### **EXAMPLE 1**

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#### **International Advocacy:**

*Human Rights Advocacy on a proposed Convention on the Rights of Older Persons*

**Staff time:** Principal Solicitor (Level 7 SACS)

<b>Activity</b>	<b>Hours/ Year</b>	<b>Cost (FTE@\$3,000/week)</b>
<b>Staff Time</b> Regular meetings, briefings, preparatory work, presentations throughout the year @3 hrs/week	156	~5 weeks \$15,000
<b>Staff Time</b> Intensive preparatory work, briefings, One-off remote attendance (Geneva)	14-28	~1 week \$3,000
<b>Staff Time</b> Intensive preparatory work, briefings, One-off in-Person attendance (New York)	56-70	~2 weeks \$6,000
<b>Disbursements</b> Flights, accommodation, ATO travel allowance, travel insurance, incidentals, visas, transfers, data etc	-	\$10,000-\$12,000
<b>Total</b>	226- 254	~\$34,000+

Other issues include:

- Meetings/briefings after hours/penalty rates eg. Geneva or New York time
- Time away from office, so backfilling workload

Overall financial impact:

- 32 days (6+ weeks) so 0.1 EFT
- But costs closer to 0.25 EFT when add disbursements
- And more if you add backfilling (add at least 3 weeks ~\$9,000) and penalty rates based on after-hours (add at least 1 week ~\$3,000)

**Overall costs ~ \$46,000**

**EXAMPLE 2**

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**National/Jurisdictional Level Advocacy:** *Law Reform Submission to Inquiry***Staff Time:** Principal Solicitor, Solicitors

Estimated time for research, data analysis, consultation, drafting, appearances (no travel)

- Principal Solicitor ~14-28 hours
- Solicitors x 2 ~3.5 hours
- Total ~21-35 hours (\$1,800-\$3000)

Travel adds flights, accommodation, travel allowance etc @~\$1,200+

**Overall costs per activity ~ \$3,000-\$4,200****EXAMPLE 3**

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**Local Advocacy:** *Seniors Creating Change***Staff Time:** SCC Coordinator

Activities:

- Fortnightly Practice Sessions @3hrs x 24 weeks = 72 hrs (\$6,000)
- Fortnightly Performances @ 3hrs x 24 weeks = 72 hrs (\$6,000)

Costs:

- Musical Director @3hrs x 48 weeks = 144 hrs (\$12,000)
- Venue hire @\$100/week x 48 weeks = \$4,800
- Materials (Musical instruments, songbooks, t-shirts) @\$2,000 per annum
- Transport costs (domestic and outreach trips, eg. bus + driver hire) @\$1,000 per annum
- Accommodation (outreach trips)
- Volunteer expenses (food etc) @\$1,000 per annum

**Overall costs per activity ~ \$32,800**