



UMSU LEGAL SERVICE

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The Independent Review of the National Legal Assistance Partnership 2020 – 2025

Submission from the University of Melbourne Student Union Legal Service

27 October 2023

The UMSU Legal Service acknowledges the Traditional Owners and Custodians of the lands on which we work, and pay our respects to Indigenous Elders past and present. Sovereignty has never been ceded. It always was and always will be, Aboriginal land.

1. Required information

Submission from:

University of Melbourne Student Union (UMSU) Legal Service
Wurundjeri and Boon Wurrung Country Level 2, Building 168
University of Melbourne VIC 3010

Organisation type: Community Legal Centre

The UMSU Legal Service is a specialist community legal centre and department of UMSU Inc., providing free legal advice, representation, and financial counselling to current University of Melbourne students.

Funding

The UMSU Legal Service does not receive funding from the Commonwealth under the NLAP. It is not supported by funding from other Commonwealth or State Government sources save for the one-off funding by the Victorian Government as a response to the COVID-19 pandemic.

The UMSU Legal Service is solely funded by the Student Services and Amenities Fee (“SSAF”), which is paid by students of the University (or deferred through the SA-HELP loan scheme).

The UMSU Legal Service is reliant on obtaining this funding via three-year funding agreements negotiated between UMSU and the University, which administers SSAF, and with which UMSU and the UMSU Legal Service can come into conflict through our work. Funding is also based on terms and conditions of service delivery that the University establishes, and fluctuates depending on the number of students enrolled. Annual indexation of the amount which can be collected by the provider is capped by the Commonwealth Government, and the amount of the fee is determined by the higher education provider, which may not align with NLAP funding indexation.

Consents

We consent to this submission:

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

2. About the UMSU Legal Service

The UMSU Legal Service is provided by UMSU, the union for all enrolled undergraduate and graduate University of Melbourne students. UMSU’s purpose is to enhance student life at the University of Melbourne. UMSU does this by elevating and representing student voices through purposeful engagement and advocacy, as well as providing exceptional programs, services and opportunities that champion inclusivity and accessibility.

The UMSU Legal Service is accredited by Community Legal Centres Australia and is a member of the Federation of Community Legal Centres Victoria. We also convene the Victorian Student Legal Services Network and co-convene the National Student Legal Services Network, groups of legal services which assist tertiary students across Australia and collaborate on legal issues affecting students.

3. Response to Part 4: Issues to be explored

3.1 – Endorsement of Federation of Community Legal Centres Victoria’s submission

We endorse the submission made by the Federation of Community Legal Centres Victoria, and we make the following specific recommendations.

3.2 – Part 4.1: Effectiveness

The objective of the NLAP is to contribute to integrated, efficient, effective and appropriate legal assistance services that are focused on improving outcomes and keeping the justice system within reach for vulnerable people facing disadvantage, within available resources.

In our view, the NLAP generally meets its objective; the legal assistance sector, as funded by the NLAP, efficiently and effectively helps a significant number of people experiencing disadvantage, with limited resources. However, we submit that the objective of the NLAP can be achieved in a better and more holistic way.

There are pockets of the community who are simply not supported by services funded by the NLAP. As an example, anecdotally, we hear that some university students with legal needs may not be eligible to access services in the legal assistance sector. This could be because their legal issues do not meet the services’ guidelines; because they are not considered a priority client group; or because they do not meet strict means tests (for example, where international students receive some financial support for their studies from families overseas).

The COVID-19 pandemic demonstrated the real difficulties that university students can face in getting legal help. With the closure of drop-in/night services and otherwise a reduced capacity from the legal assistance sector to meet new clients, the already-limited access to legal services became near impossible. A significant number of international students were also affected by the border closure and were unable to return to Australia or had to return home overseas unexpectedly. The legal issues they experienced as a result often fell squarely in the gaps of services provided by the NLAP funding.

The UMSU Legal Service helped hundreds of university students, who otherwise would not seek or receive legal help, navigate through their tenancy, employment, and other legal issues during the pandemic.

We call for the NLAP to provide funding to services, including the UMSU Legal Service, which are not currently funded by the NLAP, but which nonetheless assist in improving outcomes for vulnerable people facing disadvantage. We submit that this would enable the NLAP better to achieve its stated objective.

We are calling for additional funding only for the UMSU Legal Service, as a specialist community legal centre (and not funding for UMSU more broadly), to support and appropriately resource our work. The legal need of our cohort has continued to increase after the pandemic and in the cost-of-living crisis, and is currently greater than we are able to service.

3.3 – Part 4.2: Legal need

The UMSU Legal Service acknowledges the difficulty of defining and measuring legal need and unmet legal need. We fully endorse the submission made by the Federation of Community Legal Centres Victoria on legal need, in particular that “any analysis or quantification of legal need must be considered in tandem with increased levels of resourcing.”

We note that, in 2014, the Productivity Commission recommended that the eligibility for

government-funded legal assistance should be consistent and linked to an agreed measure of disadvantage, and ***appropriately updated over time*** (emphasis added), making any eligibility requirements transparent and equitable.¹

Studies of legal need provide valuable evidence of a snapshot in time. However, we submit that legal need studies should be resourced as an ongoing commitment, so that when circumstances or our way of life change (for example, due to the COVID-19 pandemic and the ongoing cost of living crisis), the NLAP is able to respond by allocating appropriate resources to help those in need.

We endorse the recommendations made by the Federation of Community Legal Centres Victoria on legal need.

We also submit that there is currently significant unmet legal need for university students.

3.4 – Part 4.4: Disadvantaged groups

The UMSU Legal Service exclusively assists university students with their legal issues. This provides us with a unique perspective to be able to identify that university students, and in particular international students, are a group that is clearly and objectively disadvantaged, yet does not fit neatly into one of the current Priority Client Groups under the NLAP.

In our work, we observe:

- students facing significant power imbalances when dealing with institutions or other individuals (such as landlords and employers);
- students living in rental properties provided by universities and affiliated entities, which are exempt from the protections of rental laws;
- students being victims of a casualised workforce and general lack of secure work;
- students being underpaid and facing discrimination and sexual harassment in their employment;
- students relying on foodbanks or other free food initiatives to survive;
- students living in illegal and/or inappropriate housing conditions;
- a lack of financial support for international students from governments (such as not being eligible for JobKeeper payments during the COVID-19 pandemic, or not being able to travel on concession fares on public transport); and
- students experiencing significant mental health issues which are caused and contributed to by many of the above issues.

Students, of course, can and do belong in other Priority Client Groups, such as people experiencing disability (including mental health issues), people who are culturally or linguistically diverse, and people who are experiencing family violence.

The closest Priority Client Group under the NLAP for students appears to be the group “children and young people.” However, we submit that having their own category of Priority Client Group would more accurately reflect the fact that students are a systemically disadvantaged group who are not presently adequately supported by the legal assistance sector. This new Priority Client Group would give the sector insight into this area of need, for better planning and resourcing.

We call for the NLAP to include *students and/or international students* as an additional Priority Client Group. In the alternative, we call for the NLAP to include *people experiencing multiple sources of disadvantage* as an additional Priority Client Group. Consistent with our recommendation in 3.3, we also call for the process of reviewing Priority Client Groups to be ongoing, allowing emerging priority client groups to be recognised when required.

¹ Australian Government Productivity Commission Inquiry report: Access to justice arrangements, 3 December 2014.

As a specialist community legal centre, the UMSU Legal Service is able to identify the unmet legal need of university students. If resourced more appropriately to meet this need, we are well-placed to address the legal issues of students who are experiencing multiple sources of disadvantage. Consequently, the UMSU Legal Service is seeking to be considered for future NLAP funding as an outcome of this review.

Like with other community legal centres, addressing the legal need of university students by providing free legal help during their studies ultimately also prevents further costs and risks for this cohort developing at a later stage. As clients present with legal needs that require specialised knowledge of the higher education sector, we contend that recognising community legal centres in this context provides broader social and economic value. We believe it supports retention in education, in circumstances where our education sector is an important priority for governments and a significant driver of migration to Australia.

We thank you for the opportunity to make a submission to the Independent Review of the National Legal Assistance Partnership 2020-2025. Please do not hesitate to contact us with any questions about this submission.

UMSU Legal Service