

27 October 2023

The Independent Review of the NLAP

By email: submissions@nlapreview.com.au

Dear Dr Mundy

Re: YFS Legal Submission to the Independent Review of the NLAP

Thank you for the opportunity to provide feedback on the Independent Review of the National Legal Assistance Partnership Agreement (NLAP). YFS Legal appreciated the opportunity to contribute to the CLCQ briefing held in Brisbane on 25 August 2023 with yourself, and other Queensland community legal centre representatives.

YFS Legal supports the submissions made by Community Legal Centres Australia (CLCA) and Community Legal Centres Queensland (CLCQ). This submission is structured to reflect these submissions, providing only additional comment where relevant.

YFS Legal consents to:

- this submission being published on the Independent Review of the NLAP website
- being identified in the Report of the Review as having made a submission
- this submission being quoted with attribution in the Report of the Review
- this submission being quoted anonymously in the Report of the Review.

We would be happy to provide further clarification on our submission.

Yours sincerely



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Submission to the independent review of the NLAP

27 October
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YFS Legal



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YFS respectfully acknowledges Aboriginal and Torres Strait Island people as Australia’s first peoples and the traditional custodians of the land on which we meet and work. We recognise the important role they have within community and country, and we pay our respects to the Elders of this land past and present.

Required information

Organisation name

YFS Legal on behalf of YFS Ltd

Organisation type

Community Legal Centre

Funding

YFS receives Commonwealth funding under the NLAP and from other Commonwealth and Queensland Government sources.

Consents

YFS Legal consents to:

- this submission being published on the Independent Review of the NLAP website
- being identified in the Report of the Review as having made a submission
- this submission being quoted with attribution in the Report of the Review
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About YFS

YFS is a not-for-profit, community services organisation based in Logan, Queensland.

We believe that everyone should have the opportunity to thrive. We work alongside people backing them to overcome adversity.

We support individuals and families through a mix of government, philanthropic and self-funded initiatives.

We work together with others to promote inclusion, advocate for justice and influence changes to the service system.

About YFS Legal

YFS Legal is a Community Legal Centre working with clients in Logan, Beenleigh, Jimboomba and surrounding areas in south-east Queensland. YFS Legal employs 3.6 full-time equivalent lawyers, and a legal secretary.

The services provided by YFS Legal are:

- representation of young people aged 10-25 years old, predominantly in the criminal justice system, and the family and domestic violence court.
- advice to young people and clients of various ages from the Logan and surrounding area on a variety of topics such as: criminal, family, family and domestic violence, and civil law. Advice is delivered in-person, by telephone, and through outreach services.
- information and referrals in relation to other relevant legal and non-legal support services.
- legal task assistance, for example assistance with the drafting of domestic violence applications, parenting plans, completing QCAT applications, letters of demand.
- community legal education at schools and community groups on a variety of topics.
- fortnightly duty lawyer service at the Beenleigh Children's Court on Monday and Friday.
- family and domestic violence duty lawyer services as scheduled at the Beenleigh Magistrates Court and the Cleveland Magistrates Court.
- unfunded family and domestic violence support at Beaudesert Magistrates Court.
- writing and contributing to submissions in relation to law reform.
- developing and maintaining collaborative relationships with other Community Legal Centres, state government justice departments, non-government organisations, private law firms, community-based organisations, and individual community members.
- delivering student clinics for university in conjunction with University of Queensland, Bond University, and Queensland University of Technology.

Introduction

YFS Legal supports the Community Legal Centres Australia's (CLCA) and Community Legal Centres Queensland's (CLCQ) submissions to this review. This submission provides supporting material to the CLCA and CLCQ submissions with a focus on the YFS Legal experience.

Legal assistance for Aboriginal and Torres Strait Islander peoples

Legal assistance for First Nations people is a priority for all legal services.

YFS Legal acknowledges the importance of Aboriginal Community-Controlled Organisations (ACCO) in the provision of services in the legal assistance sector. These organisations must be appropriately funded to provide critical services to improve client outcomes and access to justice.

YFS also recognises the right to self-determination and the empowerment of Aboriginal and Torres Strait Islander peoples in accessing legal assistance. In this, Aboriginal and Torres Strait Islander peoples should have the opportunity to engage in the services of other high-quality services from non-Indigenous organisations.

It is important that these organisations provide holistic, culturally safe and appropriate services to Aboriginal and Torres Strait Islander clients. All community legal centres should receive funding to ensure that staff, services, and resources are culturally safe.

Key issues

Legal needs

YFS Legal operates in a fast-growing area between Brisbane and the Gold Coast. This growth is concentrated in peri-urban areas where service access is limited.

Our region is characterised by significant socio-economic disadvantage. For the population we serve, access to a face-to-face place-based service is critical.

The CLCQ 2019 Evidence and Analysis of Legal Need document highlighted ongoing disadvantage and legal need in Logan, with relatively low incomes and high unemployment and homelessness concentrated in particular suburbs where YFS Legal is currently well-established.

Ongoing growth in legal need reflects increasing levels of inter-generational disadvantage, trauma, poverty and family dysfunction. YFS Legal serves areas with very high per capita rates of low legal capability, with 7.36% of the population (23,353 people) meeting the NLAS indicator established by the Law and Justice Foundation.

YFS Legal is turning away people as we do not have the capacity to support the demand for legal services in the area. This has implications for our most vulnerable clients.

In September 2023 alone, we made 135 referrals to other services as we did not have the capacity to deal with their matters. These referrals were primarily to other community legal centres for the drafting of legal documents and court representation.

YFS Legal relies on volunteer and pro bono services to assist our service to meet unmet legal need in Logan and surrounds. While we value the services of our pro bono partnerships and volunteers, we are limited in our capacity to supervise more law students or graduate lawyers to address unmet legal needs. We do not believe that community legal centres should have to rely on the charity of lawyers and law students.

Funding models

The funding model should recognise the intersection of legal problems.

“People often experience multiple legal problems at the same time, including criminal, civil and family matters. These legal problems often coexist with, or are triggered by, other problems”.¹

It is our experience that there is often a link between our advice and representation in the family law / family and domestic violence courts / child protection and the criminal justice system. To provide efficient, safe and a holistic service, this needs to be a consideration in determining funding.

YFS Legal and other community legal centres need increased funding to:

- meet current needs
- respond to growing demand
- resource our infrastructure and system needs (e.g. replacing the Community Legal Assistance Service System (CLASS))
- provide more wrap-around services
- improve our competitiveness as employers.

Funding models should also be reflective of the current and future demographics of areas in which they provide services. For example, areas with a higher representation of Aboriginal and Torres Strait Islander peoples and growing population should have investments that reflect these increasing demands. Logan has both a high population of Aboriginal and Torres Strait Islander people and is projected to be the third fastest growing LGA in Queensland over the next 20 years contributing to 13% of the growth across the state in this time².

Demand over time

YFS Legal supports a five-year NLAP Agreement, and CLCA’s recommendation to make minimum five-year contracts mandatory. This will assist in better planning, and recruitment and retention. While five-year agreements provide stability and certainty, this approach does not provide the ability for community legal centres to address changes in legislation and government policy, law reform advocacy demand including an increase in demand for services and increases in the complexities of matters.

¹ Council of Attorneys-General, National Strategic Framework for Legal Assistance, page 2.

² [content.id.com.au 2022 Population forecast review: Logan-Beaudesert Region, Queensland](https://content.id.com.au/2022/Population-forecast-review-Logan-Beaudesert-Region-Queensland).

YFS Legal agrees with CLCA position that the indexation rate in NLAP should be attached to the Consumer Price Index or at least 5% per year. This will allow community legal centres to cover basic costs year to year and adapt to the changing economic environment.

YFS Legal supports the CLCA and CLCQ position that no part of the legal assistance sector should administer or manage another. The eligibility for Legal Aid Commissions to administer legal assistance funding to other legal assistance providers should be removed. This creates a power imbalance, is a conflict of interest, creates unnecessary administrative processes, and can be a barrier to the collaboration of service delivery.

Further, we believe that Commonwealth funding should also be provided and distributed with consultation of state community legal centre peak bodies.

States/territories should have some flexibility in relation to funding allocations to community legal centres but should have to engage with the Commonwealth and with the state/territory community legal sector peak if they plan to conduct tenders or other reallocation processes.

Wrap around services

Collaboration with other legal and non-legal services assists services to identify legal problems, make appropriate legal referrals, and identify and address systematic causes of legal problems. YFS Legal adopts a holistic support model to enhance a client's engagement and legal outcome. It is our experience that clients requiring a holistic service is increasing, outgrowing our capacity.

For example in 2020, YFS Legal conducted the first analysis of the legal needs of the First Nations peoples of Logan. We found that First Nation survey respondents had multiple legal and other problems and are likely to benefit from a more holistic or client-focused approach to presenting issues.

Flexible funding is needed for non-legal supports integrated with legal services to provide holistic responses, particularly for families impacted by domestic and family violence, young people and vulnerable people including seniors.

Early intervention

Early intervention and prevention are priorities for YFS Legal. Community education targeting people at most risk of legal issues is a vital role for community legal centres.

Our First Nations Community Legal Education work has highlighted that provision of community legal education is needed to help reduce barriers that stop Aboriginal and Torres Strait Islander people from accessing legal help. Our 2020 survey of First Nations legal needs informed the development of community legal education tools in the areas of human rights, wills and estates, and criminal law.

Advocacy

YFS Legal supported the removal of the advocacy gag from NLAP agreement in November 2022 by the Federal Attorney-General. We join the call for a further step to be taken in the insertion of a clause providing an explicit acknowledge of the responsibility of the community legal sector to conduct advocacy.

Labour market

Community legal centres need to be competitive employers in a tight labour market.

As noted by CLCQ and CLCA, community legal centres struggle to recruit appropriately qualified solicitors. YFS Legal plays a key role in developing law students' skills and experience through our student clinics.

Our funding needs to be adequate to attract staff. If we reduce staff hours or increase leave to be more competitive, we will be unable to meet our contract benchmarks or respond to demand. We need consideration to attract the right people into the community legal sector.

Data

There is no allocation for data management systems within the current budget. The Community Legal Assistance Service System (CLASS), used for reporting and conflict checking, is expected to end in June 2025.

The next funding agreement should include funds to cover data reporting requirements including budget to replace the data management system.



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