



27 October 2023

Dear Dr Warren Mundy,

Youthlaw | 2023 Submission to the National Legal Assistance Partnership Review

Thank you for the opportunity to make a submission to this review.

We have read and endorsed the submission made by the Federation of Community Legal Centres VIC (the “**Federation**”) and had the opportunity to provide feedback directly to Community Legal Centres Australia (“**CLCA**”).

We were not involved in Victorian consultation but were reassured when we heard you confirm your understanding that what is most important is adequate and sustainable funding for the sector.

It is worth noting that despite the sector remaining underfunded since the Productivity Commission’s Public Inquiry Report on *Access to Justice Arrangements* the type of work the sector does has evolved, specialised, and become even more labour intensive. This reflects CLCs having worked with vulnerable and disadvantage people for so long and listening to what they need. This includes longer-term, wrap around and integrated responses that are far different than the old style information/advice and referral that most CLCs began with. Most CLCs focus appropriately on pre-court work and interventions, but for some cohorts and where legal aid assistance is now no longer provided or restricted CLCs have done what they do best – i.e. identified gaps and met them with services.

At Youthlaw this includes our criminal law practice for vulnerable 18 to 25 year olds, as they are overwhelmingly not eligible for legal aid representation. We see this cohort as highly vulnerable to unnecessary progression into the criminal justice system. It includes our adolescent violence service for those using and experiencing family violence in the home. We provide pre-court and court assistance, the latter necessary because these cases are very complex and benefit from intensive wrap around case management. VLA acknowledge the need for our service and fully support it despite their presence providing duty lawyer services. Other CLCs will have many other similar examples.

Given the peak bodies have responded comprehensively to the Issues Paper we make the following comments from our position as a specialist state-wide Victorian centre with offices and staff based in Carlton (3km N of the CBD) and Ballarat (110km NW of Melbourne).

We also include client stories as we believe this is very helpful to understand our work and that of the CLC sector.

Response to Issues Paper

4.2 To what extent does current legal assistance meet the overall scale and breadth of the legal needs of disadvantaged Australians? Consider: — the drivers of legal need, including where needs are and are not being met — how unmet legal need should be accounted for in the design and funding of legal assistance services — defining and measuring need and unmet need, including the benefits and design of a periodic national legal need survey. The Review is also seeking your help in identifying credible data sources of unmet need that may exist.

Adequacy of legal assistance to meet legal need.

In regard to funding, we have received no real increase in our core funding since at least 2007 (when our current CEO was appointed). The only increases have been CPI or less than CPI increases each year (and these increases only relevant to about 60% of our funding) and one off and sometimes multiple reoccurring grants we have applied for from the Federal and State governments. We still receive one of the smallest core funding amounts of all CLCs in Victoria. This is largely historical as we are specialist centre and came into existence later than some of our sector colleagues.

This historical funding does not reflect our work, initiative and very successful history of securing non-government funding and pro-bono leveraging (the \$ amount accounting for between 40 to 60% of our yearly income).

To assist you we have included information about Youthlaw and our funding and staffing in Annexure A.

At Youthlaw because of inadequate funding we struggle daily to maintain uniformity in service delivery. Any staff member taking leave leaves a gap in capacity. Our staff try as best to cover these gaps but we often need to reduce our service.

Our casework meeting each week is largely spent deciding what of many cases we can take on. The cases brought to the meeting all meet our criteria (already very limiting) and we then have the difficult and time wasting task of reducing this further. This all makes it difficult to widely advertise our services. Every year a new Board is elected and they come up with fabulous ideas to better advertise Youthlaw services, however the CEO needs to explain that we have very limited capacity to respond to any increase in demand.

Other ways we work within our capacity is to reduce the services we offer. Youthlaw still proudly provides court representation (many CLCs do not) and we do so both in criminal and adolescent violence cases as described above (i.e. meeting an unmet legal need), however increasingly we have to say no, leaving many mentally unwell and disadvantaged young people to represent themselves and deal with the complexities of the law and long term negative impacts of sentences and criminal breaches of intervention orders.

Legal need analysis

There is more that could be done to enable the CLC sector to better understand current and emerging legal need.

The Australia wide legal needs survey was an excellent initiative and has been very useful to the CLC sector including Youthlaw to inform our understanding of legal need, to inform decisions to establish services, to provide the evidence base in funding applications and advocacy. It provided a surprising amount of nuance that has been helpful. For example that vulnerable and disadvantaged young people have higher legal need than any other population cohort, however rarely seek assistance.

A very positive initiative by the NALCL (now CLCA) jointly with IT firm FINREA, some years ago, was the creation of some legal need analysis tools. This was somewhat helpful although very general and high level being based on LGAs. One of the most interesting insights from this was the analysis by Justin Finnegan of FINREA about the impact of short-term funded projects. His model was able to demonstrate how new projects drew on and reduced existing capacity of centres. These projects were far from merely value adding.

Over past years VLA has been very active and invested in legal needs analysis in Victoria. They embarked on an ambitious data collection project collaboratively with CLCs and they more recently developed a tool for integrating data sets a bit similar to the NALCL tool above. In regard to the former CLCs struggled to participate as there was no funding for CLCs to do so. Most CLCs also agreed to share their CLASS data. In regard to the tool we leave it to other CLCs to comment but for Youthlaw the tool was not able to be applied to youth legal need across the state (VLA confirmed this limitation).

VLA, and other legal aid commissions, hold the richest source of data for legal need analysis. CLC data in comparison is generally very small and subject to many unknown variables. We are of the view that this data must be better shared with the CLC sector and in meaningful ways to assist CLCs. This means it's not the high level presentation of it, currently for annual reports and public usage, but rather should be sharing of deep dive analysis and data helpful to the CLC sector. VLA and no doubt other legal commissions have vastly expanded their Help Line. This a very rich source of legal need (met/unmet & partially met) and should be analysed deeply and shared with the CLC sector.

As a small centre, big picture analysis such as above and from other indirect sources such as the ABS census data is important and helpful to ensure we are up to date with overall trends, however as a centre with small capacity we find the most useful way to identify and prioritise responding to legal need is through what we hear through our daily help line and our services, and through our strong partnerships with the youth, community and CLC sectors/service systems.

We have also found inquiries by the government and by non-government organisations very helpful. Examples include the Victorian Royal Commission into Family Violence and the many Victorian Child protection inquiries. Both informed our decision to establish our adolescent family violence service and our two out of home care legal services.

A greater understanding of legal need does assist decisions about service development, and greatly assists advocacy for funding for services, but ultimately the greatest barrier to provision of targeted and effective legal assistance is the lack of adequate and sustainable funding.

A side benefit of understanding legal need is also that it assists identification of potential law reform and system change.

The CLC sector is particularly skilled at identifying legal need. Most like Youthlaw do so through listening/consulting with the community through service and sector partners and through delivering services. For most CLCs it is in relation to a mix of geographic area and/or identified high legal need cohorts.

A major barrier to providing adequate and responsive services, however, is that funding is usually short-term and inadequate and the impacts of this are perversely a waste of money as we stop and start projects, staff leave because there is no long term stability to jobs, and partner goodwill is tested. And of course the young people (in our case) miss out on the services they need. This patchwork funding (often competitive between CLCs) leads to a lack of overall co-ordination of services (either State-wide or on a local level). There is often talk of duplication however we think this is a bit of red herring as overwhelmingly no service is able to meet the demand there is, due to inadequate funding, and therefore the existence of a number of supposed overlapping services is in reality just a number of services trying to respond to great need.

There is wastage of time for CLCs to repeatedly develop and submit funding applications and spending limited resources proving legal need and evaluating usually very small projects. Our CEO calculates she spends 1 day a week on funding applications and funding advocacy. This could be better spent on leading identification of need and responding to it.

Funders in the government and non-government sector have criteria for funding. This is very often not aligned with the principles underpinning the NLAP.

One initiative by VLA we think has been very valuable has been the development of their annual plan and reporting templates that require CLCs to document their evidence base for their services. VLA sensibly takes the view that this can be evidence from a range of sources from formal statistics to evidence in government inquiries, and community feedback. This is a simple and highly effective way of guiding/assisting CLCs to inform service delivery based on evidence. An improved understanding of legal need may be helpful to CLCs and funders to better coordinate the effective use of the limited resources, however as we have explained above it is not always the case and attention must also be paid to adequate and sustainable funding to fund the services needed.

The breadth of legal needs, complexity involved and the associated non legal needs, is not easily captured by usual data driven legal needs analysis. In many areas of our work that prioritise vulnerable youth cohorts this is the case.

Finally we mention the current but significant problem with Actionsteps data in Victoria. CLCs including Youthlaw have moved to Action steps, based on the private companies involved holding out that the data would be transferred to CLASS and the CLCs would then be able obtain CLASS data in the reporting formats in place. This has not happened because of technical issues. It leaves CLCs including Youthlaw in a very vulnerable position as our CLASS data is now unreliable and/or incorrect and does not reflect the work we have done for the past year or in to the future. CLCA have been very helpful trying to assist centres. We have no issue with them and they are not at fault. We believe one off funding should be provided to CLCA to try to resolve this issue as soon as possible.

We provide an example of client need from our innovative adolescent violence in the home program (provided by lawyers working together with family violence practitioners). This illustrates some of

the complexity CLCs daily respond to, and the time required to assist such clients. Mere data would not capture this need adequately. Due to limited funding our service is only available to clients attached to 3 courts in Victoria. We continue to advocate for the service to be provided in all children's courts in Victoria.

Case study: Tina , a young woman under 14

Tina, a young person under the age of 14, needed help following an incident at home involving Tina, their mother, and younger siblings.

Police initiated an application for an intervention order against Tina.

Given Tina's young age and their circumstances our approach required sensitivity and thoughtful communication techniques. We collaborated with Tina's school, support services, and health professionals. We provided evidence to the Court that an intervention order would not be suitable for a person of such a young age. Our advocacy focused on the best interests of Tina and their family, underscoring the importance of age-appropriate interventions.

Our efforts culminated in a successful outcome when the Magistrate agreed with our argument and dismissed the intervention order application.

Our practical suggestions in regard to Legal need analysis are as follows:

1. All legal commissions to be required to provide the CLC sector with comprehensive legal needs analysis of their data that is in a clear format to assist CLCs to plan their services. This might include break down of problem types (that is useful), rich demographic information (for us this includes 18 to 25 year olds not just under 18), and assistance levels provided for legal area types. This will include analysis of all Help Line data. This to be funded by NLAP.
2. Any data collection projects initiated by VLA and requiring CLCs to participate should include funding or staff to assist CLCs with this work. This to be funded through NLAP.
3. That an annual or bi-annual legal need survey similar to the Australia wide survey, to occur and be funded by NLAP
4. That the technical barrier to Actionstep data transferring into CLASS in a meaningful way (as held out to CLCs in Victoria by the private companies involved) be resolved immediately and with funding to CLCA to do so . This to be funded by NLAP

4.4 Are there other systemically disadvantaged groups, either existing or emerging, who are not supported adequately? Consider: — the approach to defining and measuring legal need (met and unmet) for priority cohorts — the level and categories of current unmet legal need for priority cohorts — how the needs of people experiencing multiple sources of disadvantage can best be addressed.

We refer to our comments above in regard the difficulties for CLCs to respond to unmet legal need without adequate and sustainable funding to do so.

All CLCs identify and respond to priority groups. This is constantly being updated from the evidence base and in some cases in response to emerging need.

It may be helpful to guide CLCs through NLAP to consider known priority groups however our view is that the limitations of current funding cannot justify any prescription in regard to this. At the minimum CLCs should be guided to take note of the evidence base in regard to priority groups.

We support expanding guidance on priority groups under the NLAP to include women, LGBTIQ+ people, and people impacted by climate change. In our experience young people in particular share a high cross over of legal need when combined with these additional priority groups. Our practice historically over the past 20 years (and the practice of most CLCs) is to prioritise vulnerable cohorts and we regularly update these.

Prescribing priority groups should be driven by legal need and funding should support that legal need fairly across the Country and States/Territories, whether that be allocated across the state and/or by funding specialist centres.

It is curious to be adding priority groups without calling out the completely inadequate funding for the current priority cohorts.

Young people are currently considered by the NLAP as a National Priority Client group – but at Youthlaw we are so limited in funding that we are only targeting our resources at the most vulnerable young people. To get assistance from our service young people also need to be in another (or several other) National Priority Groups (usually experiencing homelessness, family violence, drug and or alcohol dependence, and people with a disability or mental illness).

Further complicating the above, increasingly our funding is tied to our outreach partners (or co-location organisations), so a criteria for assistance also includes whether we are funded to work with the organisation the young person is engaged with.

We are constantly turning away young people who do not meet our casework criteria.

Those young people we do assist will likely only get assistance with one component of their legal issues, i.e. crime, despite having a number of other legal needs (such as fines, debts, safety, housing etc).

We are of the view that as a National Priority Client group services for people 0 to 24 are underfunded and underserved by the NLAP despite young people often having clusters of legal issues and being incredibly likely to benefit from early intervention and wrap around services.

Increased funding for legal services for young people is critical to ensure young people are able to assert and protect their basic human rights. Not doing so, not only damages the future of young people but places an unnecessary cost burden on tax payers and diverts funding from where it is needed in the health, education and employment systems.

Given the trend of early intervention funding and wrap around services it is difficult to imagine a better cohort to prioritise for funding than young people.

Below is a case study of one of those young people Youthlaw could have very easily turned away.

Case study, JOSH, 19

Josh is an Aboriginal man who has a history of severe mental illness and AOD issues, including an inpatient stay earlier in 2022 due to an episode of psychosis. Fortunately, he was supported by Orygen for ongoing psychiatric care and his monthly depot injection.

Josh had a serious criminal matter including an allegation of punching a police officer in the jaw during an altercation as he tried to resist arrest.

While Josh would ordinarily be eligible for a grant of aid due to his circumstances and the seriousness of the matter, he had recently obtained employment, earning approx. \$700/week and as a result was ineligible under the VLA means test.

While we would not normally take this on, Josh met our criteria and fell through the cracks of the system, so we considered it important he had high level legal representation. After an extremely detailed review of the evidence and seeking an external legal opinion, it became apparent that the police had acted unlawfully in failing to consider less restrictive means available before cuffing Josh. Therefore, Josh had a right to resist police. There was also a lack of evidence to substantiate an intentional punch. We put these arguments to the prosecution and obtained a full withdrawal of the charges.

This is a life changing result for Josh, as a conviction for assault police could have had disastrous impacts on his future prospects.

4.5 How should the challenges of service delivery in regional, rural and remote locations be addressed through future agreements? Consider: — the availability of appropriately trained legal assistance professionals — the cost of delivering services in these locations — other supports needed to overcome barriers, such as workforce incentives and access to housing. — challenges associated with conflict-of-interest issues

We agree with the Federation's recommendation that additional resources be provided to specialist CLCs to partner with CLCs in RRR areas to increase capacity. There have been many good one-off projects initiated over the years, to do this however the outstanding problem was that expertise provided and shared would dissipate quickly with staff turnover, and these projects were always short-term funded so that both the specialist and generalists could not maintain the capacity building/sharing of expertise. Both the specialists and generalists need adequate and sustainable funding to do this. It is very timely to do this as online capacity building and sharing expertise and even assisting clients is now quite a normal part of CLC daily service provision.

We also believe that increasing funding for specialist services (coupled with a better understanding of legal need) will lead to a better co-ordination of projects delivered across Victoria in particular targeted to either cohorts (such as youth) or legal need (for example criminal representation of young people aged 18-25 who are not eligible for legal aid).

While we are a State-wide service, we are primarily based in Carlton (3km N of the CBD) we also have several staff in Ballarat (110km NW from Melbourne). We also operate an outreach program where our lawyers travel across the state to outreach partners from Bendigo (150km NW of the CBD) to Rosebud (61km S of CBD).

We agree with the recommendations for funding to account for the travel, staffing, and resourcing challenges of RRR areas.

There are services that would be better funded to sit with state wide specialist services but they need to be funded adequately to be fair to those with legal need outside inner urban courts. An example of this is our adolescent family violence legal service. We assist adolescents connected with Melbourne, Sunshine, Werribee and Heidelberg courts (and this service is limited by our capacity – only 2 lawyers), however we do not have funding sufficient to attend other Children’s courts in Victoria. Generalist CLCs have been funded through VLA to provide early intervention and court FV services to all major courts in Victoria but no CLC attends the Children’s Court. This has left adolescents in most courts in Victoria without specialist assistance.

We do note that as a specialist service our lawyers attend Children’s Court and Magistrates’ Court across both the wider Greater Melbourne area and in the regions – this travel expense is not factored into any specific funding and is very different from LGA based services with limited travel expenses. The time taken to deliver these services should also be taken into account.

Below is an example of the complex work our Outreach service does with young people and the organisations supporting them.

Case study – Mikaere, 19

Mikaere was referred to Youthlaw from a regional community service who did not have experience dealing with criminal matters.

Mikaere had multiple serious criminal matters alleged against him and several thousand dollars’ worth of fines. He has a temporary visa and was therefore vulnerable to deportation. He has a disability and several chronic illnesses. He struggled with substance abuse and poor mental health and was often homeless.

Youthlaw was able to have regular meetings both in person and remotely with Mikaere and his existing support network over the course of a year. Many challenges arose. Through the close engagement with Mikaere Youthlaw was able to resolve all his criminal matters and secure two adjourned undertakings without conviction. With respect to his fines, for some we successfully submitted enforcement review applications on the basis of long-term circumstances and for others arranged them to be worked off with drug and alcohol counselling via the Work Development Permit Scheme. Mikaere was also referred for ongoing citizenship application advocacy.

Mikaere is now working in a trade and is staying out of trouble. It would not have been possible to achieve these outcomes without the combined strength and collaboration of community supports and the flexibility afforded by Youthlaw’s Outreach Program.

4.8 How should holistic service provision improve outcomes and reduce the demand for legal assistance services? Consider: — what approaches to wrap around services have worked well and what have not — the impact of access to justice on wellbeing and other outcomes of individuals — the contribution to broader wellbeing agendas — barriers in the current arrangements to the provision of such support services.

Youthlaw has always delivered services through frontline services where vulnerable and disadvantage young people seek assistance. This has 3 fold advantages: (1) we are targeting our services to those with greatest need, (2) we work with non-legal workers in these services and together address legal and non-legal issues, and (3) the young person is effectively assisted through the one point of contact, whatever that be for initially (housing, money, drug & alcohol rehab etc).

At our establishment 22 years ago we set up inside and integrated with Frontyard Youth services, a Melbourne City Mission youth homelessness platform/building that houses housing, health, Centrelink, education and legal services. We moved out due to a refuge for complex clients being accommodated in the building but still maintain a twice weekly outreach.

From being at Frontyard the lesson was clear – young people were not seeking out lawyers but were seeking out supports for more immediate and identifiable needs (i.e.: housing, safety).

From this we have developed a number of other services and all are delivered via frontline community services, or referrals from them. Examples include our outreach service via regional youth services – council based, not for profit frontline services and Headspace centres. Closer to our Carlton office we reach out to a learning centre for young adults involved in the juvenile justice system and two drug and alcohol rehab centres for young people.

In Ballarat we have a lawyer based in Ballarat Community health (BCH) taking referrals from 6 BCH centres and 30 other community services, schools and organisations. They are also working closely with 2 programs MAST and Goldfields that target at risk young children and young adults who have disengaged from school.

We often get referrals from legal aid (particularly for crime and family violence matters) and other community legal centres where they do not have capacity to provide the wrap around or intensive support a young person needs.

We have directed some of our very precious funding to employ two part-time social workers and a senior social worker (to supervise the team and social work interns) so we can provide a multidisciplinary response to our clients.

A fundamental feature of all our services is training up workers assisting young people, to identify legal issues and support young people getting the assistance they need. We also offer secondary consults to workers and family /friends assisting a young person.

In Victoria there has been a move to an Early Intervention Investment Framework (<https://www.dtf.vic.gov.au/funds-programs-and-policies/early-intervention-investment-framework>).

This is a welcome initiative as it is evidence based recognising the cost benefit of investing in early intervention. This aligns with the substantial evidence base the CLC sector draws on to inform our work and our approach to clients.

In regard young people under 25 it is especially important as they are at most risk of engagement with the criminal justice system, and early intervention and diversion is so important to set them up in life. Intervention before reaching the age of 25 is also consistent with what we now know about

the development of the brain and behaviours such as impulse control. Young people are also a cohort that rarely seeks legal assistance and cannot afford legal assistance. Barriers to access to justice for particularly 18 to 25 year olds are enormous.

We have always had an early intervention approach – by finding young people who are most likely to benefit from legal intervention. Whether this is keeping them out of the criminal justice system and engaged with education, assisting them when family violence brings them into contact with the Court or getting in early and keeping them connected with external supports.

All of this work leads to both improved client outcomes and reduced down the line service usage savings.

Below is a case study of one of our client's who was assisted by a lawyer and a social work practitioner

Case Study : Nina:

We assisted Nina, a long-term client, charged with breaches of a Family Violence Intervention Order. Nina had a history of experiencing family violence, homelessness, and mental health issues.

The charges against Nina necessitated a deep understanding of their situation. Through open and safe dialogue and careful listening, we gained insights into Nina's history of family violence, their experience of homelessness, and the impact of mental health issues on their life. We negotiated with the police to amend the statement of facts in the Police Brief and withdraw certain charges.

We liaised with Nina's supports to gather letters from various sources.

Through these efforts, supports and strategic negotiations Nina achieved an exceptionally positive Court outcome. We also helped address Nina's broader needs, including discussions with mental health professionals involved in Nina's care and devising a comprehensive strategy for keeping Nina safe. We collaborated with a range of support services, to assist Nina in seeking employment, further education and to access the resources to enhance their well-being.

4.9 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? Consider: — the benefits and risks of funding preventative services, including legal education and information services — the potential for cost shifting — what indicators should be used to measure the success of such services

We believe we have addressed in part, these questions in our approach in our comments above about multidisciplinary practice. We believe the inclusion of non-legal assistance together with legal is usually crucial to resolving problems in the long-term. As our history proves this can be through integration of service delivery through non legal services and organisations or through employing non legal staff in CLCs. Over the years our experience, sadly, is that the non-legal services are also seriously underfunded and the integrated service delivery model has not always been as effective as we would hope because clients could only be provided very minimal case management. The multidisciplinary practice approach has the benefit of better continuity for the client.

Providing legal information (not legal advice) has been a highly effective method of assisting young people and those who are assisting them. Young people and their families need assistance to navigate the legal service system and understand options / other services. Our daily Helpline provides this service but currently has no dedicated funding, relying on our already overworked lawyers to respond. Waiting times are 2-5 days turnaround. A small investment by NLAP to fund a lawyer or two to staff this line would reap enormous benefits to early information to the public.

Two other areas we think would reap high return for investment and have enormous benefit as they are preventative are:

1. Intervening to assist young people at risk of engagement with the criminal justice system. 18 to 25 year olds in Victoria are a very high unmet legal need cohort. Funding lawyers and non-legal staff to intervene here (we already provide many services of this kind but need more funding) will prevent/divert and address the needs of these young people, reducing costly interventions by the state (police, courts, legal aid, prison, correctional services etc)
2. Community legal education, with a focus on training those working with young people to identify the legal need of young people and connect them with assistance

Both require us to have sufficient funding to establish services re 1 and provide 2. In our assessment these interventions involve complex work and are time intensive. They inevitably have low statistics.

We have an AVITH (adolescent violence in the home) program whose annual numbers reported are around 40 services versus another NLAP stream who would see 200 services for similar levels of funding.

We are hesitant to make any submission that comes across as requiring the sector to collect further data, we have concerns about the resources required to collect current data but also do not see and value from the current data.

But the data is not telling the story of what we do as an organisation, and we cannot see how it is telling the story of the legal assistance sector.

Below is an example of our community education at Youthlaw.

Informed & Empowered

Youthlaw's education project, *'Informed & Empowered'* was developed in close consultation with young people with lived experience. We developed and delivered educational content to engage directly with vulnerable young people as well as to professionals working with at-risk young people in organisation we deliver services through.

Youthlaw worked with Centre of Multicultural Youth, Children and Young People Disabilities Australia, Headspace, Youth Foyer and Youth Projects. Youthlaw has delivered approximately 40 information sessions to approximately 800 young people and workers all over Victoria. Of the young people who participated in these sessions:

- 90% found the sessions very interesting or interesting
- 80% found the sessions helpful to understand or deal with legal issues
- 90% of young people confirmed that they would know where to get help if they had any legal issues

4.10 How should legal assistance funding be provided to legal assistance providers for advocacy and law reform activities? Consider: — the benefits and risks of the outcomes that can be achieved through funding advocacy activities — how such activities should be funded and how might this funding vary across different types of legal assistance providers — the flow-on effects of funding law reform activities.

The Issues Paper makes the case for dedicated funding for CLCs and in particular for specialist services (following on from the recommendations from the Final Report of the Royal Commission into the Robo debt Scheme). We wholeheartedly support additional funding for advocacy and law reform activity.

Our sector does its best work when we can translate the coal face work we are doing into effective advocacy for law reform.

To achieve positive change the fundamental funding structure needs to be addressed to allow centres to be taking on the client facing work (i.e. to be subject experts on the law they wish to change) and then be adequately funded for community engagement, cross sector collaboration and advocacy, law reform and communications.

At Youthlaw we employed the same dedicated Human Rights and Advocacy Officer for 17 years, this year that staff member retired and we had to make the difficult decision to not refill that role as it has never been adequately funded.

We were lucky that some of the work could be picked up by a collaborative CLC (WEstjustice) and we continued to offer some limited administrative support from our budget to this work.

At present Youthlaw is barely able to respond to the numerous requests for consultation – let alone actively lead change.

Below is a case study of the long term policy work undertaken by Youthlaw

Smart Justice for Young People

Youthlaw with WEstjustice lead Smart Justice for Young People, a coalition of over 40 leading social services, health, legal, Aboriginal and Torres Strait Islander, and youth advocacy organisations working together to create systemic change for children and young people who come into contact with the justice system.

In partnership with over 50 member organisations, Youthlaw lead the production of SJ4YP Key Priorities in the Victorian State election 2022 a joint policy platform of 34 priorities. Collectively these priorities involve systems change and law reform to meet the needs of children and young people, stop criminalising them, keep them out of the criminal justice system, and guarantee the protection of the rights of children and young people currently in the system

4.13 How does workforce supply and remuneration impact on the provision of legal assistance services? Consider: — the current employment arrangements, including levels of remuneration, of lawyers and other staff, by level across legal assistance service providers — how have these developed over time, how do these compare domestically and internationally — barriers to the training or supply of adequate legal assistance workers, and how would addressing these increase the size of the legal assistance work force. — the adequacy of grants of legal aid for Commonwealth assisted matters, how might this be address and how adequacy can be maintained through time — the extent of pro-bono services provided by small and large firms to support the work of legal assistance providers.

It is worth noting that at the time of this submission Youthlaw is currently involved in bargaining with our employees for a new enterprise agreement to replace the *Community Legal Centres 2006-2009 Multi Business Agreement*.

At Youthlaw we are committed to providing secure and safe work for our staff.

We are incredibly limited by our funding on what this looks like.

We try as much as possible to:

1. To pay our employees at a fair level under the award;
2. Offer ongoing employment (rather than fixed term contracts project to project); and
3. Fund ongoing reflective practice and mental health supports for our staff.

We have made these decisions as because it lets us attract and retain talent so we can service our vulnerable young clients.

As much of the funding is becoming increasingly done by competitive tender there is a downwards pressure applied to centres on staffing costs (our major cost). A perverse outcome of this is the downwards classification of staff (which from our observation appears to have coincided with the increase in the National Wage Case – as understandably staffing is becoming more expensive).

While we have been relatively successful in retaining staff, the sector is characterised by relatively junior staff and we continually lose experienced staff to better funded sectors and/or employment opportunities.

We need an immediate and serious uplift to core funding to allow us to:

1. Properly remunerate our highly skilled and dedicated staff;
2. Provide staff with adequate supports (administration, equipment, offices); and
3. Provide safe and supportive work environments for staff and clients (ie: funding for Rainbow Tick accreditation, engaging with Reconciliation Action Plans, funding for ongoing training and development, funding for vicarious trauma and support for staff wellbeing, ie: burn out and mental health).

Youthlaw has for many years had pro-bono relationships with private law firms and more recently with the Royal Melbourne Institute of Technology (RMIT).

RMIT in particular provides us with office space at a peppercorn rate. In exchange we host a number of RMIT students on placement both in our legal clinics and within our social work practice. It is a delicate balancing act of the resources we dedicate to this partnership versus the value the partnership provides us.

We have several secondee arrangements with private law firms. At present we are supported by:

1. Ashurst (since our inception) have provided a rolling full time 6 month secondee lawyer;
2. Wisewould Mahony (since October 2023) are providing a rolling full time 6 month secondee lawyer and a 2 day a week for 12 months senior associate;
3. Collin Biggers Paisley provide a rolling 3 day a week 5 month graduate lawyer (to coincide with their graduate rotations);
4. Gadens provides lawyers to support our Friday Fines Clinic (rotating staffing levels week to week but adds up to equivalent of 0.5 equivalent full time staffing staffing); and
5. HWL Ebsworth on an ongoing basis provide 5 graduate lawyers 1 day a week for 15 weeks (to coincide with their graduate rotations)

In total our secondees add about 4.3 equivalent full-time staffing to Youthlaw.

While these pro-bono arrangements are welcome, it requires funding for administrative support, supervision, human resources, IT, and office space. In particular the supervision burden and constant training of new staff is difficult to resource for a small centre.

Pro-bono is a wonderful contribution to the sector, but it is not the answer to adequate funding.

Below is an example of a program that can only continue due to pro-bono support.

The Legal Pod Program

The Legal Pod Program is a free legal service for care leavers aged 18 to 25. We connect the young person with a pod made up of a small team of lawyers from private law firms who work on a pro bono basis to provide on-going legal assistance for up to three years.

Care leavers often present with a number of outstanding legal issues (commonly fines, debts, housing, safety and FOI requests for care records). They also present with a wide range of other issues ranging from criminal charges, to complex scams, to assistance navigating complex legal (and non-legal) systems in their lives.

This program is entirely run by pro-bono staffing (with supervision staffing coming from Youthlaw). Colin Bigger & Paisley (CBP) provide a commitment to an ongoing graduate secondee to manage the legal pod program.

The ongoing viability of coordinating such a large number of clients, matters and lawyers would not be possible without this support.

The Pod lawyers come from a number of participating firms (Baker McKenzie, Gilbert + Tobin, Holding Redlich, DLA Piper, Wisewould Mahony, Colin Biggers & Paisley, PwC, Russell Kennedy and Ashurst).

This project is unfunded but still requires significant resourcing from Youthlaw to keep it running.

4.14 To what extent are the current reporting processes sufficient to support monitoring, continuous improvement and achievement of objectives? Consider: — the adequacy of current key performance indicators, data standards and collections, — ability for data collection to reflect the complexity of service delivery, level of digital transformation required — how legal assistance data could be integrated with existing and emerging data sources providers — are the current arrangements supporting Priority Reform 4 of the National Agreement on Closing the Gap and how might they be improved

If this submission achieves anything we hope it evidences that it is the stories rather than the service data which reflects the complexity, value and the outcomes of the work that we do.

This year, with the migration to a new legal practice management system Actionstep, data has been an incredibly frustrating exercise.

At Youthlaw we diligently comply with the Federation of Community Legal Centres Victoria's Victorian Data Entry Guide. This requires a significant time investment from an already stretched service.

This year we were unable to effectively generate reports of our services and instead had to go through a complicated process of manipulating raw data to provide service data. Again, this was a time-consuming process and given our poor core funding had to be allocated to management level staff.

The question needs to be asked whether the onerous reporting requirements for a time poor and under resources sector are of any value. Is this data speaking to any picture of legal need and does it touch on the outcomes or savings achieved for doing the work.

Our view is that the funding structures should be based towards outcomes and value and the structure should refrain from inadvertently motivating centres to get high volume of services over

the critical work that needs to be done. CLCs have a long track record of doing a lot with limited funding, the funding framework should place as little burden as possible on us to do our work.

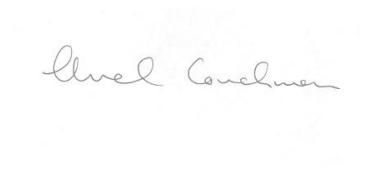
Thank you again for undertaking this review and for reading the stories of our work and impact.

Please get in touch if you have any questions.

Kind regards

A handwritten signature in black ink that reads "James Tresise". The signature is written in a cursive style with a large initial 'J'.

James Tresise
Deputy CEO
james@youthlaw.asn.au

A handwritten signature in black ink that reads "Ariel Couchman". The signature is written in a cursive style with a large initial 'A'.

Ariel Couchman
CEO
ariel@youthlaw.asn.au

Annexure A

About us

Purpose and strategic direction

Youthlaw is a Victorian statewide community-based youth legal service established in 2001. We exist to provide accessible legal services to young people under the age of 25 and those assisting them (workers & adults in their lives). We focus on unmet legal needs and proactive system change advocacy.

We maintain a focus on serving vulnerable and disadvantaged young people who are at risk of disengagement from their community, education, training, employment and as a result are likely to engage with the criminal justice system. We also assist young people to understand and apply the law in everyday day life. Without our assistance, many would experience serious detrimental impacts including violence, family violence, exploitation, homelessness, debt, and ill health.

The need emerging from young people is only growing; COVID-19 has meant that many young people have had many disruptive years and this has widened the divide between those who are able to realise their potential and those who face obstacles to doing so. Poor mental health, housing insecurity, and the cost of living crisis disproportionately impact young people.

Our team, impact and funding

Currently we employ 15 people (10.3 FTEs), have 8 secondee lawyers (2.9 FTEs) from law firms and are assisted by 15 volunteers and 10 placement students.

We provided 3655 legal services to young people in 2022/2023.

Our annual income for 2022-23 is unusually high (1.5 million) however has averaged \$900,000 over past years. In addition to core funding, we apply and successfully secure many one off grants through NLAP, other government priority stream grants, from philanthropic trusts and a small amount through self-generated income and fundraising. We rely on significant IN KIND support. Currently this includes free office space & utilities provided by RMIT, access to free office space at our many partner organisations (eg. Melbourne City Mission, Headspace and Ballarat Community Health), substantial pro bono legal assistance from private firms (over 10 firms) and donated equipment.

Funding sources 2022-23	Amount (\$) 2022-2023
National Legal Assistance Partnership (NLAP) core funding (core recurrent funding)	410K
National Legal Assistance Partnership NLAP Bi-lateral Mental Health grant	237K
NPA Family Violence Stage 2 grant	112K
Victorian State Government <ul style="list-style-type: none"> • Legal Assistance – EIFF Program grant , • Community Legal Centre Family Violence Assistance (CLCFVA) x 3 grants • DFFH affirmative consent education grant 	374K
Various sources including philanthropic trust grants, fundraising and donations	367K

Our Services and Programs

Youthlaw provides a broad range of services including:

- A daily phone and email legal service;
- An Outreach Legal Service (via frontline youth crisis services). Includes increased pathways for & services to young people with mental ill-health 2022 – 2026;

- A Family Violence Legal Service (Adolescent Family Violence focus);
- A legal service for children in child protection residential care (in Ballarat). 3 year philanthropic funded pilot in 13 homes in Ballarat;
- A legal service for child protection care leavers;
- A legal service in Ballarat based at Ballarat Community Health. Includes increased services & pathways for young adults experiencing family violence & sexual assault 2022-2024;
- Legal service embedded in the homelessness focused Frontyard Youth Services (Melbourne CBD)
- Criminal Law Service for vulnerable young adults (18-25);
- A Fines Clinic for vulnerable young people;
- A Student Legal Service at RMIT University; and
- Community Legal Education program including the Victorian Affirmative Consent education project 2022-2024.