

**Our Ref:** LH:NH

20 November 2023

Dr Warren Mundy  
Independent Reviewer  
National Legal Assistance Partnership Review

**Via email:** [submissions@nlapreview.com.au](mailto:submissions@nlapreview.com.au)

Dear Dr Mundy,

## Submission to the National Legal Assistance Partnership Review

Thank you for the opportunity to provide a written submission to your review of the National Legal Assistance Partnership (NLAP) following our meeting with you and Dr Chiang on Friday 27 October.

Our submission first provides some additional information about our service, our clients (page 2) and our funding arrangements (page 2). We then make further comments on the following key issues:

- high client demand in a time of reducing funding, relevant to issues 2, 6 and 7 in the Issues Paper for the review (page 5)
- increasing service delivery costs, relevant to issues 5 and 7 (page 7)
- recruitment and retention challenges, relevant to issue 13 (page 7)
- survivors as a priority group, relevant to issue 4 (page 7)
- duplication in reporting requirements, relevant to issues 11 and 14 (page 8).

As requested, we have also included some references that support the argument that public assistance lawyer wellbeing is maximised when sector funding is both secure and adequate (page 9).

### About knowmore

#### Our service

knowmore legal service (knowmore) is a nation-wide, free and independent community legal centre providing legal information, advice and referrals, education and systemic

advocacy for victims and survivors of child abuse. Our vision is a community that is accountable to survivors and free of child abuse. Our aim is to facilitate access to justice for victims and survivors of child abuse and to work with survivors and their supporters to stop child abuse.

From 2013 to 2018, our service assisted people who were engaging with or considering engaging with the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission). From 1 July 2018, knowmore has delivered legal support services to assist survivors of institutional child sexual abuse to access their redress options, including under the National Redress Scheme (NRS). knowmore also delivers financial counselling services to people participating in the NRS, and works with other services in the NRS support network to support and build their capability. Since 2022, knowmore has also been assisting survivors who experienced child sexual abuse in non-institutional settings, and providing legal and financial counselling support to people engaging with the Territories Stolen Generations Redress Scheme (Territories Redress Scheme).

knowmore uses a multidisciplinary model to provide trauma-informed, client-centred and culturally safe legal assistance to clients. knowmore has offices in Sydney, Melbourne, Brisbane, Perth, Adelaide and Darwin. Our service model brings together lawyers, social workers and counsellors, Aboriginal and Torres Strait Islander engagement advisors and financial counsellors to provide coordinated support to clients.

### **Our clients**

In our Royal Commission-related work, from July 2013 to the end of March 2018, knowmore assisted 8,954 individual clients. The majority of those clients were survivors of institutional child sexual abuse, and 24% identified as Aboriginal and/or Torres Strait Islander peoples.

Since the commencement of the NRS for survivors of institutional child sexual abuse on 1 July 2018 to 30 September 2023, knowmore has received 98,126 calls to its 1800 telephone line and has completed intake processes for, and has assisted or is currently assisting, 16,433 clients. Almost 2 in 5 clients (37%) identify as Aboriginal and/or Torres Strait Islander peoples. About 1 in 6 clients (15%) are classified as priority clients due to advanced age and/or immediate and serious health concerns including terminal cancer or other life-limiting illness.

### **Our funding**

knowmore is funded by the Australian Government under 5 activities:

- Legal support services for survivors engaging with the NRS
- Legal support services for victims and survivors of non-institutional child sexual abuse
- Support services for the Territories Stolen Generations Redress Scheme
- Redress Support Services Capability Activity (NRS)

- Financial Capability Activity (NRS).

More information about this funding is provided in the table on the following page.

In summary:

- Funding is divided across 3 agencies — the Attorney-General’s Department (2 activities), the Department of Social Services (2 activities) and the National Indigenous Australians Agency (1 activity).
- The first 3 activities are for the provision of legal assistance to survivors.
- Most of knowmore’s funding is currently from the NRS legal support activity, discussed further below on page 5.

**Table: Details of knowmore’s funding from the Australian Government**

Activity	Description	Administered by	Funding period	Funding amount
Legal support services for survivors engaging with the NRS	Provide legal assistance to help survivors of institutional child sexual abuse access their redress options, including under the NRS	Attorney-General’s Department	1 Jul 2018 – 30 Jun 2021 (3 years)	\$37.93m Note: \$3.56m of this was unspent
			1 Jul 2021 – 30 Jun 2026 (5 years)	\$36.63m plus \$3.56m in unspent funds carried over to 30 Jun 2024
Legal support services for victims and survivors of non-institutional child sexual abuse	Provide legal assistance to survivors of child sexual abuse in non-institutional settings	Attorney-General’s Department	23 Dec 2021 – 30 Jun 2025 (3.5 years)	\$12.67m
Support services for the Territories Stolen Generations Redress Scheme	Provide legal assistance and financial counselling to eligible applicants for the Territories Stolen Generations Redress Scheme, and their descendants	National Indigenous Australians Agency	1 Mar 2022 – 30 Jun 2026 (4 years)	\$9.36m
Redress Support Services Capability Activity (NRS)	Provide training, support and guidance to workers at Redress Support Services so they can better support survivors of institutional child sexual abuse engaging with the NRS	Department of Social Services	2 Jan 2020 – 30 Jun 2024 (4.5 years)	\$5.14m
Financial Capability Activity (NRS)	Provide financial counselling to survivors of institutional child sexual abuse engaging with the NRS	Department of Social Services	1 Jun 2021 – 30 Jun 2024 (3 years)	\$4.50m

Note: All funding amounts are excluding GST.

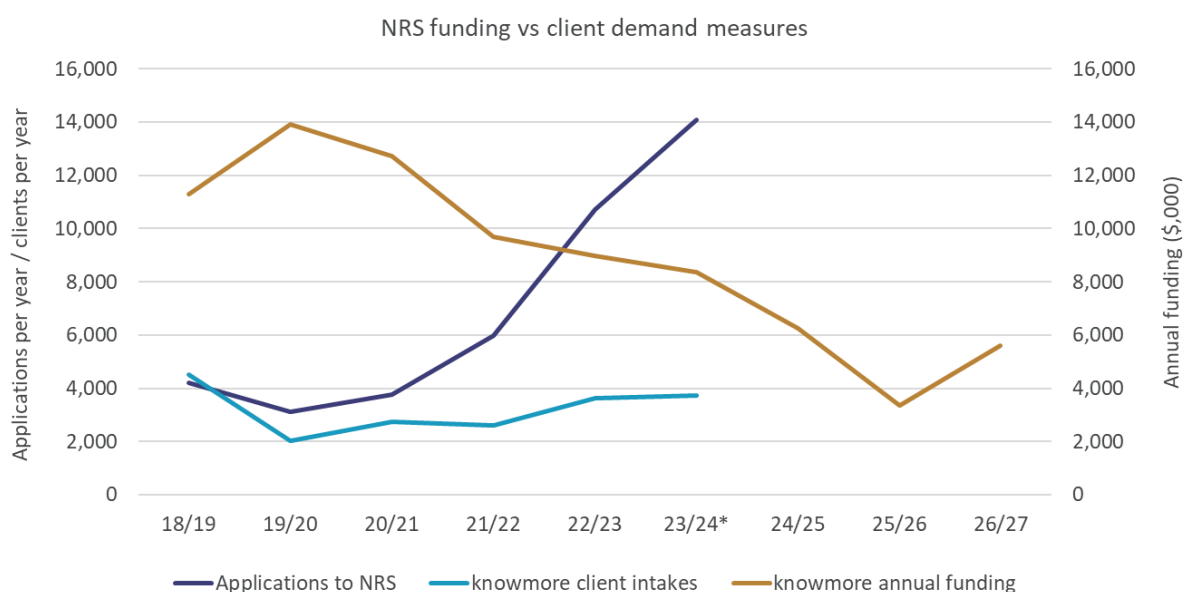
## knowmore's comments on key issues

### High client demand in a time of reducing funding

The chart below depicts the funding levels for our NRS-related legal support services against knowmore client data (client intakes) and NRS application data (application numbers). It paints a stark picture.

- Demand for our services has increased significantly over the last 4 years, and particularly since July 2021. Client intakes have risen by almost 75% in that time, from just under 200 clients in July 2021 to almost 350 clients in July 2023.
- We are continuing to face high demand for our NRS-related services, and we expect this to continue as record numbers of survivors apply to the NRS. In 2022/23, 10,723 people applied for redress — almost double the previous year's record of 5,987.
- Our current NRS-related legal support services funding is well below the funding we received in the first 3 years, and further reduces markedly until the end of the current agreement on 30 June 2026. Our funding in 2025/26 will be less than half of this year's funding, and only a quarter of what we received in 2020/21.

**Figure: Chart depicting funding levels for our NRS-related legal support services compared to knowmore client data and NRS application data**



\* Application numbers annualised from data to 13 October 2023; client numbers annualised from data to 30 September 2023

This situation has very significant consequences for survivors.

- Currently, wait times for clients to receive advice services from us is out to about 7 weeks (49 days), compared to 2 to 3 weeks (12 to 19 days) in July 2022.

- The tapering we are seeing in client numbers is reflective of our having hit maximum, and now reducing, capacity — it does not reflect the full demand picture. We are therefore concerned that survivors are having to complete redress applications on their own, or find alternative (non-specialist or fee-for service) support.
- We expect the 25% decrease in our funding next financial year to mean that we will need to refer out more than 900 clients in 2024–25 — that is, 900 victims and survivors of child sexual abuse who would previously have been able to access the help they need from knowmore.

Even more survivors will be left without our assistance in future years, given further decreases in our funding and an expected surge in applications late in the life of the NRS.<sup>1</sup>

We know that the survivors who will be (and are) most severely impacted are those from further marginalised groups. This particularly includes Aboriginal and/or Torres Strait Islander survivors, who represent an increasingly large proportion of knowmore’s clients — in the first quarter of 2023/24, 44% of new knowmore clients identified as Aboriginal and/or Torres Strait Islander people (compared to 26% in 2018/19 and 41% in 2020/21). It also includes survivors with disability, survivors experiencing homelessness, survivors living in rural, regional and remote communities, and other survivors experiencing heightened marginalisation, who will often need a more comprehensive and timely service than our reduced funding levels will allow us to provide. For survivors with intersecting experiences of marginalisation, the impacts will be compounded.

Noting all of the above, the funding structure we are working to is completely at odds with the client-centred, trauma-informed and culturally safe model we are contracted to provide. This is slowly and consistently affecting overall client experience and stakeholder confidence in our services. If not addressed, we are concerned that over time this is going to negatively shape the narrative of what has been a highly successful approach with proven outcomes

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<sup>1</sup> This reflects the experience of other redress schemes. For example, 41% of applications received before the initial closing date of the Irish Residential Institutions Redress Board were received in the 6 weeks prior to the initial closing date. When the scheme was extended, more than half of the late applications were received in the year before the final closing date. There were similar late surges in the previous redress schemes in Western Australia and Queensland. See Finity Consulting, *National Redress Scheme participant and cost estimates*, 2015, section 5.1.4, p 30, [www.childabuseroyalcommission.gov.au/sites/default/files/file-list/national-redress-scheme-participant-and-cost-estimates-report.pdf](http://www.childabuseroyalcommission.gov.au/sites/default/files/file-list/national-redress-scheme-participant-and-cost-estimates-report.pdf) and S Winter, *Monetary redress for abuse in state care*, Cambridge University Press, 2022, part III, chapter 9, [www.cambridge.org/core/books/monetary-redress-for-abuse-in-state-care/contents/A301F3EA545C4C3BD92F93E7108AAC6E](http://www.cambridge.org/core/books/monetary-redress-for-abuse-in-state-care/contents/A301F3EA545C4C3BD92F93E7108AAC6E).

for survivors of abuse. This is not reflective of the significant investment government has made in our service, or the demonstrated successes we have delivered for so many clients.

### **Increasing service delivery costs**

With the notable exception of commercial rent, we have seen significant year to year increases in all costs. knowmore's funding is all short term in nature and does not receive indexation treatment.

As a national service, knowmore has funder expectations of conducting regular outreach to rural, regional and remote areas across the country, which is a significant cost to the organisation. We have seen the costs of these activities increase considerably (close to double) over the past 2 years. As there has been no increase in funding to recognise these increased costs, the number, length and size of outreach trips has been limited, resulting in fewer clients being able to receive in-person services. This impact serves to compound access to justice issues for people living in rural, regional and remote communities.

To maintain service levels, appropriate indexation should be applied and would need to take into account any particular significant costs incurred by specific programs.

### **Recruitment and retention challenges**

We experience some difficulty attracting and retaining workers. It is acknowledged that the narrow focus and nature of knowmore's work contributes to this situation. During the recruitment process it is common to have candidates take positions with government or legal aid commissions due to the higher salaries on offer for similar work conditions. These differences are observed across all offices but is particularly marked in Darwin. As a result, knowmore regularly carries a number of open positions, which negatively impacts the delivery of services to clients.

The short-term nature of our various funded programs requires a small but significant proportion of our workforce to be employed on fixed term contracts, and an increased rate of resignations is observed nearing the end of these terms. An increased rate of resignations of permanent employees is also observed toward the end of each funding contract, particularly when there are delays in the funder formally announcing and renewing contracts. As knowmore's NRS funding has reduced and client demand has remained high, signs of vicarious trauma and burnout have become more apparent and an increase in staff turnover has been observed.

### **Survivors as a priority group**

Consistent with the role of our service, we support victims and survivors of child sexual abuse, the Stolen Generations and other childhood trauma being regarded as a priority client group (or groups) for legal assistance funding. This would appropriately recognise the profound, long-lasting and cumulative impacts that such trauma can have on survivors — impacts that can span across all areas of a survivor's life and thus give rise to many and

diverse support needs that can both increase the experience of legal problems and decrease the likelihood of a survivor accessing legal assistance.<sup>2</sup> Recognising victims and survivors among the priority client groups would also align with Australian governments' strategic focus on preventing and improving responses to childhood trauma — as demonstrated through, for example, the National Strategy to Prevent and Respond to Child Sexual Abuse 2021–2030,<sup>3</sup> the National Plan to End Violence Against Women and Children 2022–2032,<sup>4</sup> and relevant targets in the National Agreement on Closing the Gap.<sup>5</sup>

While our service is focused on survivors of childhood trauma, we note recent and ongoing inquiries focused on other groups of people who have experienced trauma — for example, the Royal Commission into Defence and Veteran Suicide, and the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. We also note the potential for new redress options to emerge from this work. Our experience assisting people through the Royal Commission into Institutional Responses to Child Sexual Abuse, and now the NRS and the Territories Stolen Generations Redress Scheme, has highlighted the importance of people who have experienced trauma being supported to safely navigate legal processes that have the potential to be re-traumatising. We would therefore support other groups of survivors who are the focus of inquiries and redress schemes also being identified among the priority client groups for legal assistance funding.

### **Duplication in reporting requirements**

As noted on page 4 above, the Australian Government funds us to provide legal assistance services under 3 separate activities:

- one in relation to the NRS

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<sup>2</sup> For more information about the impacts of childhood trauma and the support needs of victims and survivors, see, for example, Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission), *Final report: volume 3, impacts*, 2017, [www.childabuseroyalcommission.gov.au/impacts](http://www.childabuseroyalcommission.gov.au/impacts); Royal Commission, *Final report: volume 9, advocacy, support and therapeutic treatment services*, 2017, [www.childabuseroyalcommission.gov.au/advocacy-support-and-therapeutic-treatment-services](http://www.childabuseroyalcommission.gov.au/advocacy-support-and-therapeutic-treatment-services); and D Haslam, B Mathews, R Pacella, JG Scott, D Finkelhor, DJ Higgins, F Meinck, HE Erskine, HJ Thomas, D Lawrence and E Malacova, *The prevalence and impact of child maltreatment in Australia: findings from the Australian Child Maltreatment Study: brief report*, Australian Child Maltreatment Study, Queensland University of Technology, 2023, [www.acms.au/resources/the-prevalence-and-impact-of-child-maltreatment-in-australia-findings-from-the-australian-child-maltreatment-study-2023-brief-report/](http://www.acms.au/resources/the-prevalence-and-impact-of-child-maltreatment-in-australia-findings-from-the-australian-child-maltreatment-study-2023-brief-report/).

<sup>3</sup> Available at [www.childsafety.gov.au/what-we-do/implement-national-strategy-prevent-and-respond-child-sexual-abuse](http://www.childsafety.gov.au/what-we-do/implement-national-strategy-prevent-and-respond-child-sexual-abuse).

<sup>4</sup> Available at [www.dss.gov.au/ending-violence](http://www.dss.gov.au/ending-violence).

<sup>5</sup> Available at [www.closingthegap.gov.au/](http://www.closingthegap.gov.au/).



- one in relation to child sexual abuse in non-institutional settings
- one in relation to the Territories Stolen Generations Redress Scheme.

We are required to submit 6-monthly reports in relation to each of these activities. Each report details activities delivered to clients, communities and workers, and significant extra work is involved in determining how to best report activities and attribute those activities to the appropriate funding stream.

The multiple reporting requirements that flow from our multiple funding streams fail to recognise the overlapping nature of childhood trauma and the integrated way in which we deliver services to survivors. It is not uncommon that a person will need our assistance in relation to more than one of the above areas — for example, if they experienced child sexual abuse in both an institutional and non-institutional setting, or if they may be eligible for both the Territories Stolen Generations Redress Scheme and the NRS.

In these situations, our overall approach to data collection and reporting is primarily driven not by the needs of the client and how we deliver services to them, but by how we need to report against funded programs. This means recording multiple, separate legal (and other) services in our client information system, which are later incorporated into multiple, separate analyses for our multiple, separate reports to government. This involves a significant investment of time and resources — a minimum of 10 working days full-time equivalent, in our estimate — and ultimately produces reports that do not fully capture the nature of our client group or how we deliver coordinated support to address survivors' multiple legal needs. We find that funders also regularly ask for additional details that are not captured in the required reports.

We strongly support streamlined reporting requirements and processes. This should include consistency in reporting requirements across all funding streams, and a single reporting process for all funding streams. We also support reporting requirements that focus on data and information to better inform the government about the nature of our client group and their needs, and about the integrated nature of our services. In our view, this would better help to identify gaps in service delivery and opportunities for further improvement.

### **References relating to lawyer wellbeing and funding**

During our recent meeting, you requested references from our Director of Client Services, Amanda Whelan, that support the argument that public assistance lawyer wellbeing is maximised when sector funding is both secure and adequate. Amanda has supplied the following references, which link lawyers' job satisfaction and the prevention of burnout through high values work and role autonomy — 2 common characteristics that those coming to the legal assistance sector believe will be prioritised in their working experience. The implication is that both of these characteristics come under continued threat when the legal assistance sector is constantly under funding and staffing pressures, and that lawyer

wellbeing is adversely affected as a result. We hope these references are of use to you and your team.

1. LS Krieger and KM Sheldon, 'What makes lawyers happy? A data-driven prescription to redefine professional success', *George Washington Law Review*, 2015, 83(2):554–627, [ir.law.fsu.edu/articles/94/](http://ir.law.fsu.edu/articles/94/).
2. M Nickum and P Desrumaux, 'Burnout among lawyers: effects of workload, latitude and mediation via engagement and over-engagement', *Psychiatry, Psychology and Law*, 2023, 30(3):349–361, [doi.org/10.1080/13218719.2022.2035840](https://doi.org/10.1080/13218719.2022.2035840).
3. KM Sheldon and LS Krieger, 'Service job lawyers are happier than money job lawyers, despite their lower income', *The Journal of Positive Psychology*, 2014, 9(3):219–226, [doi.org/10.1080/17439760.2014.888583](https://doi.org/10.1080/17439760.2014.888583).
4. L Soon, JJ Walsh, A McDowall and KRH Teoh, 'The effects of basic psychological needs satisfaction and mindfulness on solicitors' well-being', *International Journal of the Legal Profession*, 2022, 29(2):143–158, [doi.org/10.1080/09695958.2021.2020657](https://doi.org/10.1080/09695958.2021.2020657).
5. L Soon, A McDowall and KRH Teoh, 'Towards a context-specific approach to understanding lawyers' well-being: a synthesis review and future research agenda', 2023, *Psychiatry, Psychology and Law*, [doi.org/10.1080/13218719.2023.2206879](https://doi.org/10.1080/13218719.2023.2206879).

Thank you again for the opportunity to provide this written submission to the review. We have no concerns about it being published.

Should we be able to provide any further information to assist you, I can be contacted on 03 8663 7425 or at [nick.hudson@knowmore.org.au](mailto:nick.hudson@knowmore.org.au).

Yours sincerely,



**NICK HUDSON**

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