

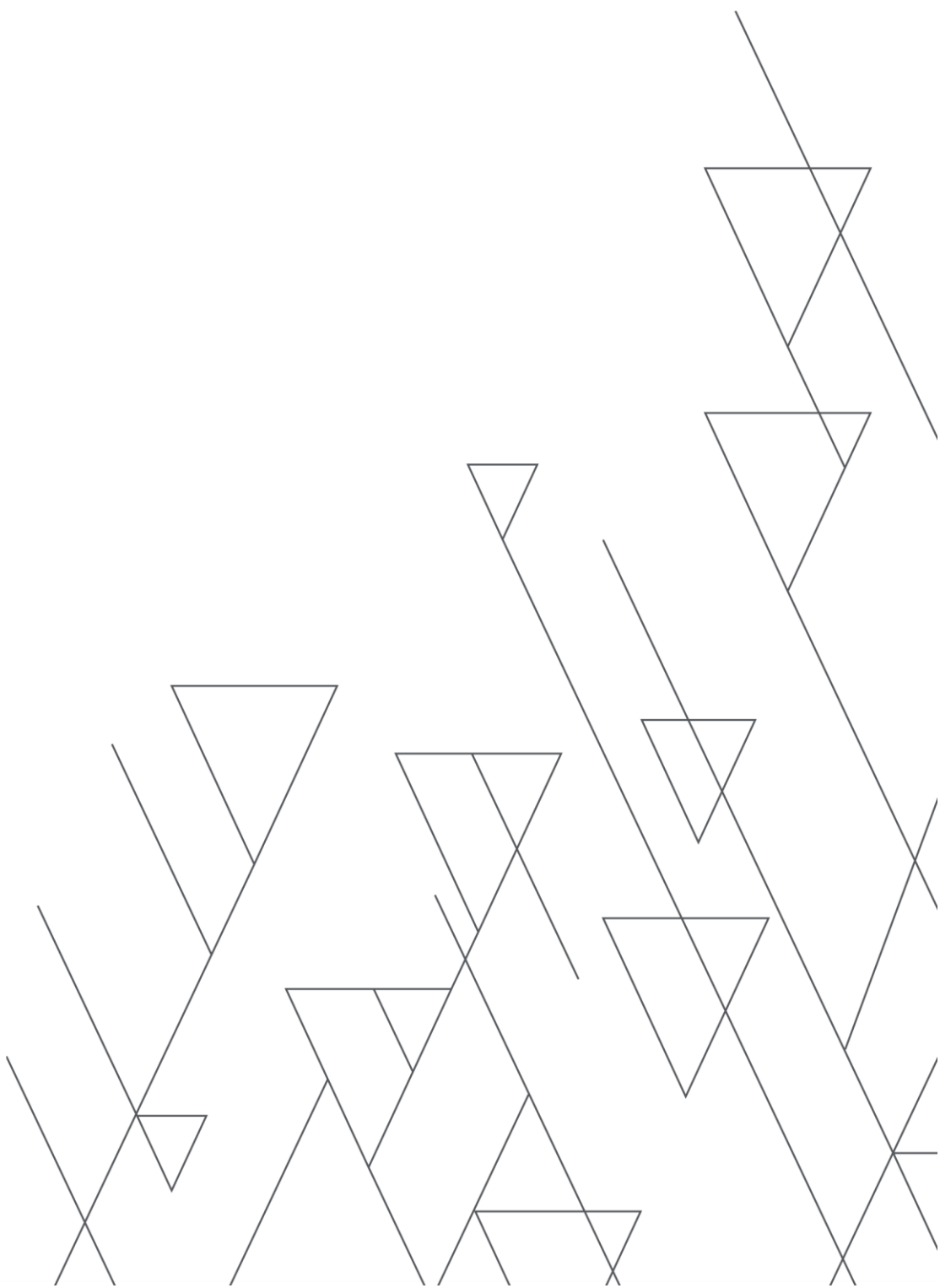
Legal Assistance Strategy

Victoria 2022 -2025

Building the Foundations



Justice
and Community
Safety





Acknowledgement of Traditional Owners

The Department of Justice and Community Safety (DJCS) acknowledge Aboriginal and Torres Strait Islander people as the First Peoples and Traditional Owners and custodians of the land and waterways upon which our lives depend.

We acknowledge and pay our respect to ancestors of this country, Elders, knowledge holders and leaders – past and present. We extend that respect to all Aboriginal and Torres Strait Islander peoples.

We recognise that Aboriginal and Torres Strait Islander communities are steeped in culture and lore having existed within Australia continuously for some 65,000 years. We acknowledge the significant disruptions to social and culture order and the ongoing hurt caused by colonisation. We acknowledge the ongoing leadership of Aboriginal communities across Victoria in striving to build on these strengths to address inequalities and improve Aboriginal justice outcomes.

DJCS acknowledges the inherent strength of Aboriginal and Torres Strait culture recognising the wealth of experience that the Aboriginal and Torres Strait community holds. We are committed to promoting Aboriginal self-determination.



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Executive Summary

The Department of Justice and Community Safety (DJCS) and the Victorian legal assistance sector will work together to achieve:

A sustainable and resilient legal assistance sector to ensure Victorians have access to appropriate and timely legal assistance which places the client at the centre, reducing inequality and improving lives.

The Victorian Attorney-General, Jaclyn Symes MP, has approved this Legal Assistance Strategy (Strategy) which sets the direction for the legal assistance sector in Victoria.

This Strategy complements other strategic frameworks in place across the sector, including the *National Strategic Framework for Legal Assistance*¹, and will inform how legal services are delivered in Victoria. It will continue to evolve in response to further work on legal need and other initiatives, and to incorporate all areas of the sector such as those services receiving state activity-based funding, predominantly in criminal law and child protection.

A pathway for achieving the vision of a **sustainable and resilient legal assistance sector** will be guided by the five **Principles**. The five **enablers** build on existing strong collaborative and integrated partnership models in Victoria. In combination, they will support the sector to deliver the five **outcomes** to improve service delivery and better achieve the sector's Vision.

This Strategy has been produced by the Victorian Department of Justice and Community Safety (DJCS) in close partnership with the Victorian legal assistance sector.

The development of this strategy has highlighted the strong partnerships and collaborative relationships across the legal assistance sector in Victoria. It builds on the strengths and capabilities of the sector and draws on its understanding of the legal needs of disadvantaged people and the complexity of their individual situations. The consultation process highlighted the interest and enthusiasm of the sector to engage in this work and define initiatives that will enable the outcomes to be delivered, and better support people experiencing disadvantage and vulnerability across Victoria.

A strong theme throughout the Strategy is the need to continue to improve the evidence base to understand legal need and service provision, and to build the capability of the sector to work with and understand the power of data to support strategic and operational activities.

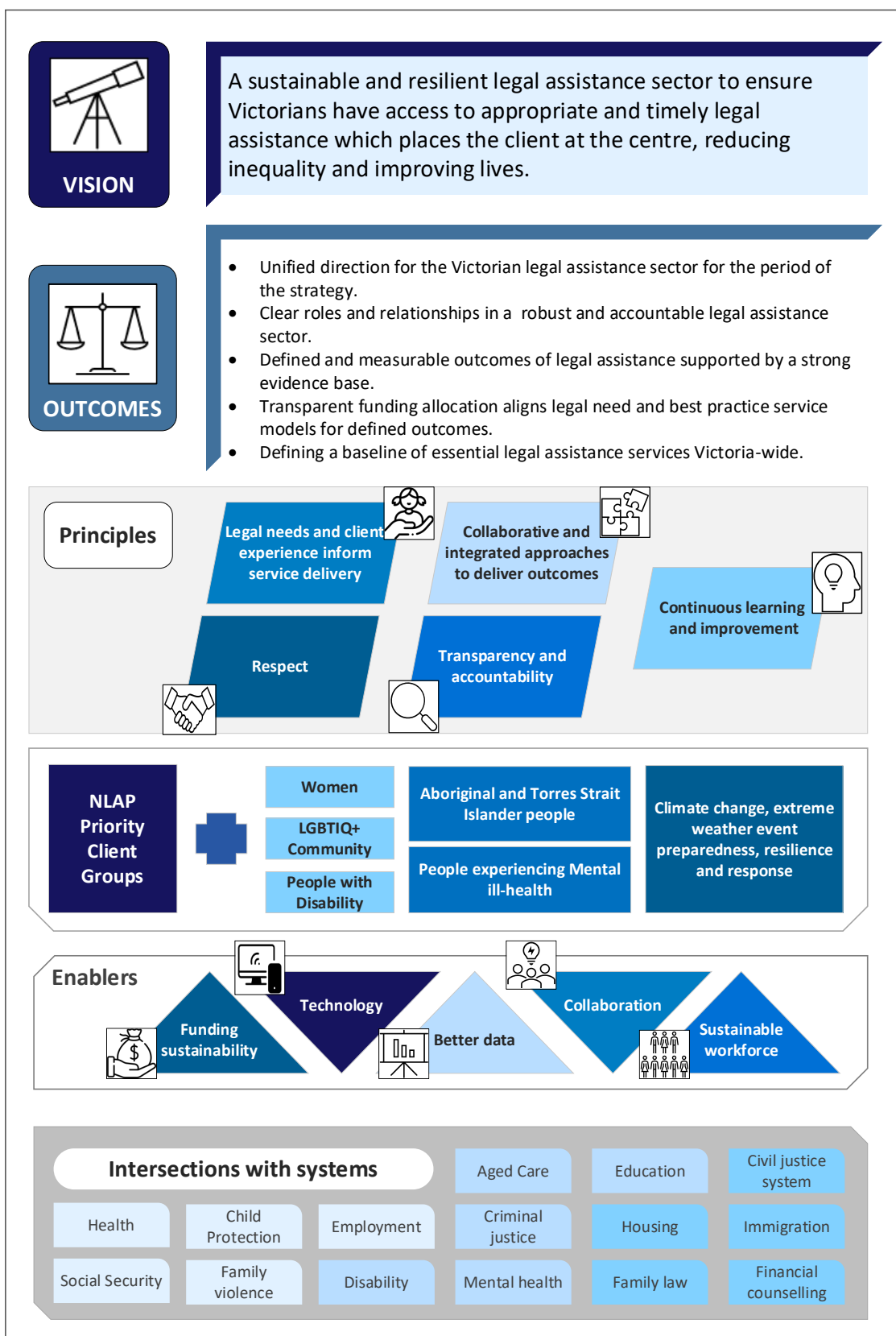
The Strategy will be supported by the Legal Assistance Action Plan (Action Plan), and DJCS will continue working with the sector to progress initiatives identified through consultation. A key element of further work which will be working with Aboriginal legal services to develop an Aboriginal Legal Assistance Strategy to outline the direction for the delivery of culturally appropriate and safe legal services to Aboriginal people in Victoria.

This Strategy satisfies the requirements of the *National Legal Assistance Partnership 2020-25*.²

¹ *National Strategic Framework for Legal Assistance* <https://www.ag.gov.au/system/files/2020-06/National-Strategic-Framework-for-Legal-Assistance.pdf>.

² *National Legal Assistance Partnership 2020-25* <https://www.ag.gov.au/system/files/2020-06/National-Legal-Assistance-Partnership-Agreement.pdf>.

Strategy on a page



1. Victorian Legal Assistance Strategy

The Victorian Legal Assistance Strategy (Strategy) outlines the vision and focus for the delivery of government funded legal assistance services in Victoria. It will guide actions to better support the legal assistance sector. The Strategy will be the framework to guide service design, service delivery and sector planning, and support the Attorney-General, Victorian and Commonwealth governments in policy development and decision making on programs and funding related to legal assistance in Victoria.

Scope of the Legal Assistance Strategy

The Legal Assistance Strategy is a foundational strategy

The *National Legal Assistance Partnership 2020-25*³ (NLAP) is the agreement between the Commonwealth and States and Territories that recognises mutual interests and responsibilities in the provision of legal assistance services to help people experiencing disadvantage and vulnerability. The NLAP is also the mechanism for Commonwealth funding to States and Territories. The NLAP is supported by a *National Strategic Framework for Legal Assistance*.⁴

The NLAP requires all States and Territories to develop a jurisdictional Legal Assistance Strategy and Legal Assistance Action Plan (Action Plan).

This Strategy has been produced by the Department of Justice and Community Safety (DJCS) in partnership with the Victorian legal assistance sector (refer [Appendix A](#) for a brief summary of justice partners), in particular:

- Victorian Community Legal Centres
- Federation of Community Legal Centres
- Victoria Legal Aid, and
- Victoria Law Foundation.

The Strategy has been informed by Djirra and the Victorian Aboriginal Legal Service (VALS) but does not seek to represent all of their views. Djirra and VALS will lead the development of an **Aboriginal Legal Assistance Strategy**, supported by DJCS.

The Strategy is proposed to operate for the remaining term of the NLAP (2022-25), noting that it should be considered an evolving document and will be the subject of continued development in consultation with the Sector.

While the Strategy acquits the NLAP requirements, it has been developed with a state-wide and whole of sector focus. This will inform the NLAP Action Plan and be used to shape the strategic direction of the sector.

Legal Assistance Action Plan will support the Legal Assistance Strategy

The Strategy will be supported by an Action Plan that will provide a road map for implementation of the Strategy, including specific activities and initiatives to meet the outcomes of the NLAP. The Action Plan will be developed in consultation with the sector.

This Strategy will continue to evolve in response to legal need and other initiatives

DJCS will continue to build upon the Strategy to incorporate a whole-of-sector strategic focus.

³ *Ibid*

⁴ *Above n1.*

DJCS will partner with the VALS and Djirra to develop an **Aboriginal Legal Assistance Strategy** to outline an approach for the delivery of culturally appropriate legal services to Aboriginal people, recognising that embracing self-determination requires an Aboriginal led Strategy that reflects the different context of Aboriginal legal assistance services.

Similarly, recognising the significant work on data sovereignty that is underway in Victoria, it is proposed that a legal needs analysis specifically dealing with First Nations Victorians be driven under that strategy, in collaboration with DJCS and relevant sector partners.

The Strategy does not deal in detail with all areas of the legal assistance sector, such as those services receiving state activity-based funding, predominantly in the area of criminal law, and pro bono legal services. DJCS will continue consultation with the sector to ensure the Strategy reflects the particular concerns and strategic directions for these services. This will include consultation with the Law Institute of Victoria and Victorian Bar about matters relevant to the private profession and barristers receiving funding through the legal assistance sector.

While the Strategy includes a snapshot of legal need in the state, DJCS notes multiple pieces of work underway on legal need in Victoria such as the Public Understanding of Law Survey being undertaken by the Victorian Law Foundation (VLF). The Strategy will be updated to reflect the outcomes of this work as and when it becomes available.

2. NLAP requirements of the strategy

The NLAP requires each jurisdiction to produce a publicly available Legal Assistance Strategy, with specified requirements. This Strategy satisfies the requirements of the NLAP.

The table below indicates where the relevant content is contained in this Strategy.

NLAP Clause	NLAP Requirement	Strategy reference
C5 (a) Legal Need	indicate the estimated level and nature of legal need in the State, including sub-jurisdictional regions where appropriate	Legal Need summary – section 8
C5 (b) Priorities and areas of focus	indicate the priorities and areas of focus for the delivery of mainstream, specialist and Aboriginal and Torres Strait Islander specific legal assistance services in the State	Priorities for Victoria section 7
C5 (c) Funding	include aggregated planned or forecast level of Commonwealth and State funding for legal assistance services	Funding for legal assistance – Appendix B
C5 (d) Delegations	if applicable, information on the nature and extent of the roles and responsibilities the State has delegated to a legal assistance provider	Victoria's Legal Assistance Sector – Appendix A
C5 (e) Priority client groups	outline if there are any specific priority client groups	Priorities for Victoria – section 7
C5 (f) Implementing the objectives and	detail how the State will meet the objectives and outcomes of the NLAP in supporting the delivery of mainstream, specialist and Aboriginal and	Enabling the sector to achieve outcomes – section 6

NLAP Clause	NLAP Requirement	Strategy reference
outcomes of the NLAP	Torres Strait Islander Legal Services in addressing the legal needs of national priority client groups and State-specific priority client groups	Legal needs analysis and mapping gaps in service delivery – section 8 Note key details will be outlined in the Action Plan
C5 (g) Approaches to delivery	outline approaches the State will undertake to ensure that mainstream, specialist and Aboriginal and Torres Strait Islander-specific legal assistance services are delivered in a manner consistent with the National Strategic Framework	Priorities for Victoria - section 7 Enabling the sector to achieve outcomes – section 6

3. Vision

DJCS and the Victorian legal assistance sector will work together to achieve

A sustainable and resilient legal assistance sector to ensure Victorians have access to appropriate and timely legal assistance which places the client at the centre, reducing inequality and improving lives.

Legal assistance services are sustainable and resilient and serve their communities now and into the future

A sustainable and resilient legal assistance sector has the right structure, funding approach, information and data, skills and capability to continue to deliver legal assistance to meet critical legal need, including where new and challenging circumstances arise, and with a focus on meaningful outcomes for Victorians experiencing disadvantage.

Appropriate and timely legal assistance means:

Legal assistance that is *available at the right point in time* to minimise impact and reduce problem escalation. Essential legal services need to be prioritised and available in a timely manner for those in critical and acute need, such as people:

- facing a sentence of imprisonment
- involved in child protection court proceedings
- who are children involved in court proceedings of any kind, including family law proceedings
- facing compulsory mental health treatment
- facing imminent eviction or homelessness, or
- requiring urgent family violence protections.

Legal assistance that *meets the identified need* is not always required to be delivered by a lawyer, noting that non-legal advocacy is increasingly provided to support people to navigate systems and access services they need to address legal and psychosocial needs. Non-legal advocacy can also assist people to present their views and preferences to decision makers, such as mental health clinicians or child protection practitioners. These non-legal supports can connect a person with other social services that may reduce legal need or the likelihood of legal problems escalating. Likewise, integrated approaches that provide legal assistance in conjunction with other non-legal social supports can be more successful in addressing the identified need.

Legal education, information and self-help tools delivered or available to the right audience at the right time (e.g. through online platforms), can enable people to find solutions to their own legal problems. Similarly, early resolution options such as easy access to legal advice, where available, can reduce the risk of escalation to a legal conflict. Such approaches enable the individual to exercise their agency and maintain a sense of control and autonomy.

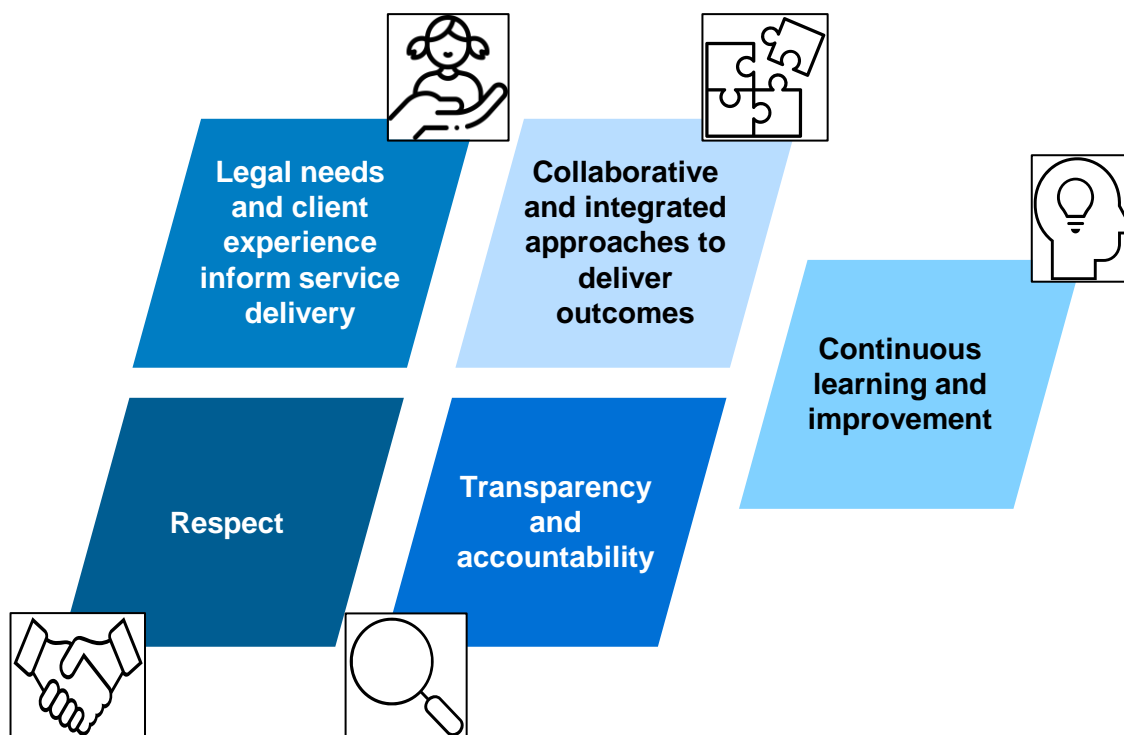
Victorians with high legal need may not be concentrated in areas in which they can easily access legal assistance. General and specialist legal assistance can be delivered in ways that will enable the right service to be available to ensure a person can be supported to access legal assistance in place, depending on their own capability. This can be enabled with mixed-service models, collaboration and partnerships, capacity building, and advice facilitated by technology. This also includes the range of intensity of legal assistance to address client needs and capabilities at different moments in time, ranging from information or advice, duty lawyer services, ongoing casework with integrated services to meet coexisting legal and other social needs, through to representation in courts and tribunals.

Legal service providers will *place people at the centre* in their service design and in client interactions. This includes ensuring people have the choice of culturally safe and appropriate legal assistance, and allowing client feedback and experience to inform service design. Understanding client experience assists in setting outcomes (for clients and services), and associated evaluation and reporting. Victorians who are recipients of publicly funded legal assistance have a role to play in driving services.

This recognises that when people are at the centre of legal assistance services, they are also more likely to gain skills that can be used to address underlying issues that have contributed to the legal issue, resolve future legal issues, though the development of self-advocacy capacity and information acquisition about services that assist with future access and navigation.

Reducing inequality and improving lives underscores the core outcomes of all legal assistance, which is to ensure people experiencing disadvantage and vulnerability are able to be informed and supported through a legal problem or process, resulting in an improvement to their lives. This aligns with a sector focus on outcomes thinking and increasing consideration of the health and social impacts of legal problems and corresponding benefits of legal assistance.

4. Principles



These principles reflect the shared values and commitment of the Victorian legal assistance sector and guide the sector to achieve the above vision. They build on the *National Strategic Framework*⁵ and draw upon sector strategies.

Legal needs and client experiences inform service delivery

Service delivery will target Victorians facing disadvantage who are more likely to be facing legal problems, and for whom legal problems can be more serious or have a bigger impact than for people without disadvantage. The client's perspective will be taken into consideration when tailoring service delivery models, so they are appropriate to particular legal needs, capabilities and knowledge.

Service design, delivery and evaluation will be informed by client experiences and feedback. For example, the development of client intake and triaging practices will be informed by client experiences.

A client-centred approach, utilising consumer leadership and input will ensure legal assistance services are tailored and appropriate to particular legal needs, capabilities and knowledge, as determined by the person needing assistance.

Systemic change and broader justice policy can be informed through systemic issues identified by service providers.

⁵ Above n2.

Collaborative and integrated approaches to deliver outcomes

Collaboration and strong partnerships within the legal assistance sector and with other non-legal professional services will enable problems to be dealt with holistically, and as early as possible to avoid escalation and the development of other problems. Collaborative approaches to planning and consistent data sharing will also assist in developing a more holistic view of legal need.

Victoria has developed strong models of integration, building on health justice partnership models and expanding service models to support other forms of integration. These models help address the complex and intersecting issues that affect their clients and patients in ways they could not do alone.

They also provide more gateways to access both legal and non-legal supports. These integrated approaches have proven invaluable during the challenges of the pandemic as individuals (especially people at risk of family violence) have been able to access permitted health services during even the most stringent lockdown period, and as a result maintain access to critical legal assistance to ensure their safety.

Legal assistance sector collaboration allows for strong referral pathways and builds knowledge and skills in specialist areas to increase the capability of the sector as a whole to be able to provide a multi-disciplinary legal service to more clients. This is especially important in regional locations.

Continuous learning and improvement

We are inquisitive, reflective and committed to adapting and growing in response to evidence and leading practice.

Legal assistance services will continue to explore innovative and effective methods of service delivery to always improve service delivery. Services will learn from each other, collaboratively evaluate service models and adapt good practice learned from such approaches to improve their programs.

Respect

The delivery and quality of legal assistance is vital to ensure effective access to justice.

We will be sensitive to, and respect any personal, cultural, social or other that might affect an individual's ability to engage with us or the legal system.

We will respect the capabilities and strengths of different parts of the sector, so we actively draw on these to deliver meaningful outcomes.

Transparency and accountability

Access to information about the use of public funding is key to ensure the integrity, independence and impartiality of the legal assistance sector.

Ensuring decisions are made transparently and use the best available evidence will encourage confidence in the justice system.

Legal assistance services will also be accountable for the accuracy of data collected and reported to demonstrate the impact of their services on improving client outcomes. They will meet reporting requirements consistently and accurately to help build a stronger evidence base.

5. Outcomes

The Strategy aims to deliver outcomes at the sector level, to improve service delivery and better achieve the sector's Vision.



The outcomes of the Strategy are:

Unified direction for the Victorian legal assistance sector for the period of the strategy

The Strategy aims to set the direction of the legal assistance sector for the period of 2022-25. It will act as a key reference point when determining the workplan for DJCS and sector agencies going forward. It establishes a framework for key pieces of work to be articulated in the Action Plan.

Clear roles and relationships in a robust and accountable legal assistance sector

The Strategy and Action Plan will clarify roles and responsibilities to ensure the sector is robust and accountable, and that it includes the right arrangements to enhance sector collaboration.

Defined and measurable outcomes of legal assistance supported by a strong evidence base

The sector is maturing in its capacity to work with data to demonstrate the value of investment in legal assistance and connecting this investment to defined and measurable outcomes. This will be underpinned by consistent data collection, consistently applied outcomes measures, and a strong evidence base. The evidence base will reflect service activity levels, legal needs, and client outcomes, which together support planning, service delivery and outcomes monitoring in line with the standards expected from contemporary government funded services. This will ensure that funding decisions are informed by the true benefits of legal assistance, which are far reaching.

The sector has led the way in developing Outcomes Frameworks and looking to legal needs and client experiences to inform outcomes design and assessment, recognising that the best measure of effectiveness is the life changing difference that legal assistance can deliver at the personal level.

Transparent funding allocation aligns legal need and best practice service models for defined outcomes

Legal assistance services receive funding from Commonwealth, State and other sources to ensure they are able to deliver programs despite limited resources. However, a lack of visibility of funding can result in inequitable distribution, or higher concentration of services in areas with comparatively less legal need. Further work under the Action Plan will seek to increase transparency of funding to introduce greater equity in distribution and improved targeting of legal assistance.

Service models for legal assistance often demonstrate impressive innovation to better deliver outcomes for clients. However, the need to compete for funding can result in innovation at the expense of baseline service delivery to meet legal need. Competition rather than collaboration can reduce the opportunities to promote best practice standardised models. This is influenced by modes of funding and can be reduced by targeted service design and informed funding models. Further work under the Action Plan will investigate funding models that promote adoption of standardised best practice models to serve Victorians consistently, with relevant place-based adjustments and options for scaling.

Defining a baseline of essential legal assistance services Victoria-wide

The NLAP has contributed to a diversification of legal services delivered by the sector to meet legal need, particularly for family violence services. This has resulted in the growth of service delivery without necessarily corresponding assessment of legal need, location and funding certainty. There is a need to determine baseline legal assistance services and locations of need so that funding allocations align, and sustainable ongoing funding sources can be identified to enable continuing delivery.

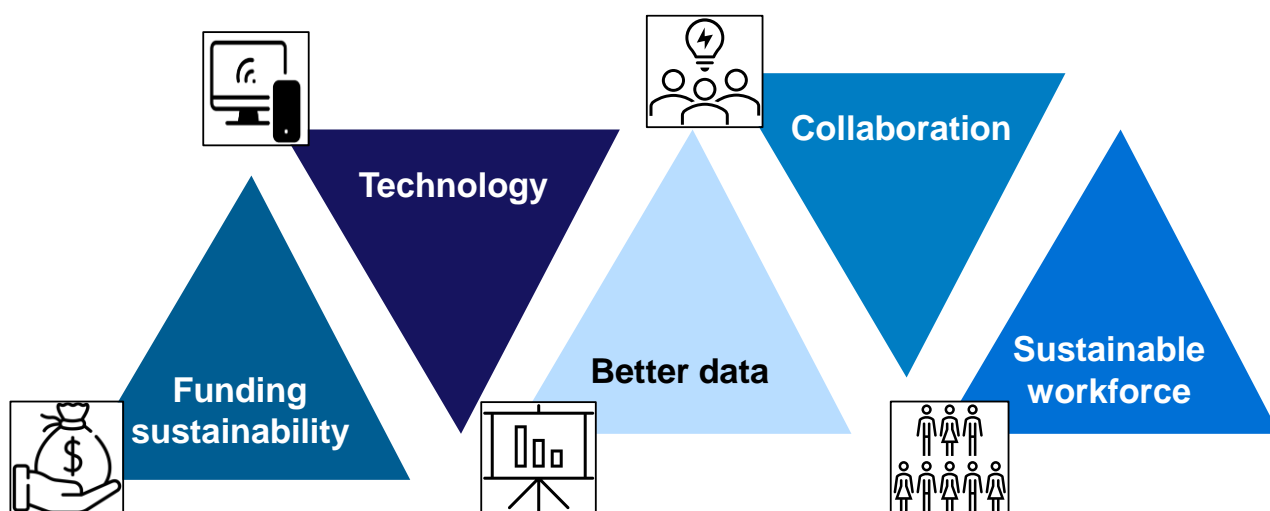
The Vision has drawn on the Objective of the National Strategic Framework for Legal Assistance

To further a national, integrated system of legal assistance that is focused on keeping the justice system within reach, maintaining the rule of law, and maximising service delivery within available resources. Within this system, legal assistance services should be delivered in a high quality and culturally appropriate manner.

6. Enabling the sector to achieve outcomes

6.1 Legal assistance enablers

The sector has recognised the below enablers will increase the capability of the sector to achieve the outcomes of this strategy, including the outcomes of the NLAP in supporting the delivery of mainstream, specialist and Aboriginal and Torres Strait Islander legal services (ATSILS⁶) in addressing the legal needs of the priority client groups:



Funding sustainability

Funding sustainability is a key enabler that ensures the sector is able to meet its outcomes and make sustained improvements to services to reduce inequality and improve the lives of Victorians. Key to funding sustainability is ensuring that, where possible:

- funding decisions are informed by legal need and priority areas identified via accurate, consistent and current data relating to need and changes in demand.
- there is an understanding that baseline service delivery requires a level of core funding and funding certainty.
- the preference for longer term funding to enable service certainty and continuity of delivery is acknowledged.
- there is a shared understanding, based on evidence, of baseline service delivery needs and associated drivers, and recognition of the limited levers to adjust baseline service levels.
- transparent information about funding and funding decisions is publicly available.
- foundational costs are acknowledged, such as those necessary to engage in data collection, evaluation and reporting, collaborative service design, project management, service establishment and operational costs.
- funding arrangements and reporting requirements are simplified and streamlined to reduce administrative burden.

⁶ NLAP specifically quarantines funding to ATSILS, which in Victoria only covers VALS. Throughout this Strategy, reference to Aboriginal legal services is a reference to both VALS and Djirra.

- there is an adequate supply of legal assistance providers in regions and across areas of law where there are identified demand pressures for services.

Sustainable Workforce

There are multiple factors necessary to ensuring the sector workforce is sustainable. These factors include:

- clear and supportive pathways for workforce to enter the sector
- safe workplaces that are trauma informed and inclusive, with appropriate complaint mechanisms and accountability procedures for unsafe practices and behaviours.
- improved funding certainty ensuring greater continuity of service for the workforce
- adequate supply of legal assistance and allied service providers in regions and areas of law where there are identified demand pressures.
- acknowledging the important role of volunteers in service delivery and future capability development.
- ensuring activity or outcomes are deliverable in a sustainable manner, reducing the reliance on discretionary effort and non-work time.
- working collaboratively across the sector to use specialist capabilities and expertise to build capability or respond to specific needs (e.g. uplift in insurance law knowledge in response to bushfire and flood events).

The Victoria Law Foundation's current focus on the CLC workforce hopes to answer the following questions:

- Who works in the sector?
- What is it like to work in a CLC?
- How could the work of CLCs be strengthened?
- What would enhance the work of the community legal sector as a whole?

The first three reports from this project have been published and provide: a workforce profile and comparative data, analysis of the impact of COVID-19 on the CLC workforce and their clients and lessons identified, and a technical report. Subsequent detailed reports are to follow.⁷

Victoria Legal Aid is also addressing workforce challenges through:

- addressing the shortage of trial counsel available to help courts address backlog through access to its Trial Counsel Development Program and by granting exemptions for counsel not on its Preferred Barrister List to conduct trials in appropriate cases.
- better understanding the relationship between workforce pressures and the health of legal assistance supply, including participation by Community Legal Centres, Aboriginal legal services and private practitioners.
- developing an organisational workforce planning strategy.
- a stronger focus on mental health needs of the VLA workforce.
- embedding hybrid work models that support employee flexibility without compromising VLA's role and duties.

⁷ Victoria Law Foundation, Community Legal Centres Workforce Project, accessed from <http://victorialawfoundation.org.au/research/community-legal-centres-workforce-project/>

- implementing and expanding pathways programs for new graduates, First Nations staff and other diverse cohorts.

The broader legal assistance sector, which includes the private profession and those providing pro bono services, have particular workforce challenges that will be the subject of further consultation and will be reflected in the Strategy in future.

Collaboration

The Legal Assistance Sector has always had a strong focus on collaboration to reach shared goals and outcomes of improved access to legal assistance for disadvantaged people. This is recognised as a key enabler that ensures better assistance is delivered

- Strong partnerships – place-based and specialist including non-legal advocacy, health and mental health, and housing partnerships.
- Integrated services include partnerships with social, health, educational or other local services to ensure people can get support before their issues escalate.
- Collaboration and co design based on client feedback and experience with specific focus on making service pathways easy to find and to use.
- Collaborative planning and shared approaches supported by data (collection and sharing)
- Collaborative service design from multiple sector partners ensures service models deliver the best service at the right time, and that all feasible service delivery options are considered.
- Integrated service approaches, such as Health Justice Partnerships, are a key feature of service delivery with significant State funding in Victoria.
- Capability building is central to enabling statewide delivery of general and specialist services, effective non-legal advocacy services and supporting different sector participants to respond to legal need.
- The Federation of Community Legal Centres (FCLC) and Victoria Legal Aid (VLA) have developed Partnership Principles to promote and guide them to reach shared outcomes and improved access to legal assistance for those experiencing disadvantage.

Better Data

“Quality data requires investment in people and time, in resources and capability. Without funding, building data capability and practices comes at the cost of frontline legal assistance service capacity, presenting an unacceptable dilemma”⁸.

Good data is essential to an evidence based legal assistance sector, where information informs service planning, funding decisions and outcomes analysis. Good data requires:

- data collection systems within legal assistance services utilising complementary data systems

⁸ McDonald, H.M., McRae, C., Balmer, N.J., Hagland, T., & Kennedy, C. (2020). *Apples, oranges and lemons: The use and utility of administrative data in the Victorian legal assistance sector*. Melbourne: Victoria Law Foundation, Executive Summary.

- investment in data to inform service delivery, legal needs, monitor and evaluate outcomes, and help remove barriers to service access
- strong data governance, with consistency in data standards
- capability building to ensure understanding and similar practices are adopted, and
- completeness of data to provide meaningful analytics

The Victoria Law Foundation's report 'Apples, Oranges and Lemons: The use and utility of administrative data in the Victorian Legal Assistance Sector'⁹ found that data collection practices across the sector varied considerably. Between organisations there was inconsistency in how data was collected, counted and measured. These variations reflected choices of individual organisations, with data collection tailored to the needs of services and their clients. The legal assistance sector understands these challenges with the sector wanting to improve data collection practices. Efforts to improve are ongoing justice system wide.

DJCS has recognised these problems and has been investing through the FCLC in uplift of data capability and access to case management systems across the Community Legal Centre (CLC) sector. The Legal Assistance Action Plan will include relevant data improvement initiatives.

Technology

Technology enables the sector to deliver services and to continuously improve how they do so. Benefits of technology include:

- Enabling remote service delivery, particularly for specialist services, or where the client is not able to travel
- Enabling effective high volume service delivery where that is appropriate
- Enabling earlier access to assistance before court (not just at court, on the day)
- Reducing the administrative burden on legal assistance service providers or individual lawyers to ensure they can concentrate on delivering high value work to clients.

Acknowledging the digital divide, not all people have access to technology through which to gain legal information or services. Service delivery must always consider both how technology can assist or enhance access, but also where in person assistance will deliver better outcomes. Digital first and in person services must always ask how adjustments can be made to increase equity for any and all consumers to access services.

Investment is being made in the sector to deliver efficiencies and better service outcomes. An example is the work of VLA to deliver technological and digital capability through its Digital Legal Aid Project and pre-court capability (Help Before Court). Investment has enabled Justice Connect to enhance the functionality of its Pro Bono Portal to efficiently link service requests with pro bono providers.

6.2 Intersections with systems

This Strategy recognises the complex intersections between systems experienced by people, and the importance of a holistic understanding of systems to enable the sector to produce better outcomes for clients.

Government systems can rarely be defined strictly by their legal or non-legal attributes, with many systems incorporating service delivery which requires legal information or assistance at some time, including as a necessity if rights under the system are to be exercised. We recognise that

⁹ Ibid, 83.

legal assistance plays a key role in the following systems, but do not present this as an exhaustive list:

Health	Disability	Housing
Social Security	Aged Care	Family Law
Child Protection	Criminal Justice	Civil Justice system
Family violence	Mental health	Immigration
Employment+	Education	Financial counselling

Legal issues arise from personal circumstances, but also from the interaction of systems with those circumstances. People experiencing disadvantage commonly have multiple interactions with different government systems and/or law enforcement agencies, that can increase the complexity of their legal issue/s. This requires a holistic approach to ensure that all issues can be responded to or resolved, as well as addressing the core contributing factors that lead to people being in contact with these systems.

Legal assistance plays a crucial role in assisting people to interact with systems or prevents their interaction with systems. Key points for legal assistance can include:

- **Early intervention** is providing access to timely effective assistance, leading to better outcomes, and reducing clients' progress to more intensive (acute) downstream services. It also facilitates their linkage to support systems to help address underlying and intersecting issues.
- **Interacting with systems** so that people experiencing vulnerabilities know and understand their rights, are linked in and referred to service providers so that they can exercise their rights, participate in legal processes, appropriately challenge decisions and seek better outcomes. For individuals interacting with the criminal justice system, legal assistance provides appropriate advice and representation to facilitate access to justice and effective interactions with court processes, leading to better outcomes for the system and individual.
- **Transitioning between service systems:** recognising the legal needs of people exiting correctional facilities or services, forensic, health or mental health systems or child protection. Legal assistance helps them to receive the help they need, for example, for offenders this includes preventing further re-engagement, better understanding obligations post-release, resolving outstanding legal matters, and helping them to link up to the support systems they need.

7. Priorities for Victoria

Targeting legal services to priority client groups

Victoria is committed to the delivery of legal assistance to the national priority client groups and directs its funding to enable this to take place.

Victoria supports the delivery of services to people experiencing vulnerability and disadvantage, including those described below. A large proportion of clients accessing legal assistance experience a combination of types of disadvantage and may be a member of multiple priority client groups.

National priority groups

<p>National Priority Client Groups</p> <p>(under NLAP Schedule A)</p>	<ul style="list-style-type: none"> • Aboriginal and Torres Strait Islander people • children and young people (up to 24 years) • older people (aged over 65 years or Aboriginal and Torres Strait Islander people aged over 50 years) • people experiencing, or at risk of, family violence • people experiencing, or at risk of, homelessness • people in custody and/or prisoners • people residing in rural or remote areas • people who are culturally and linguistically diverse • people with a disability or mental illness • people with low education levels • single parents
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Victoria will prioritise the following areas and client groups:

Victorian priority groups

In addition to the National Priority Client Groups outlined above, Victoria acknowledges that other client cohorts that are more likely to experience vulnerability and disadvantage will be supported through the prioritisation of the following areas of focus.

It is recognised that the challenges for people living remotely is amplified when considering the below priorities. Distance, lack of public transport, poor technological access, and/or capability all contribute to increased barriers to accessing legal assistance.¹⁰ It is important that service models and funding decisions are informed by the evidence of local needs, these barriers to accessing services, and unique challenges, including those faced by border communities.

¹⁰ Schetzer, L. & Henderson, J 2003, *Public consultations: a project to identify legal needs, pathways and barriers for disadvantaged people in NSW*, Access to justice and legal needs vol. 1, Law and Justice Foundation of NSW, Sydney
<http://www.lawfoundation.net.au/report/consultations/43D4550085267659CA257060007D4EC1.html>.

Work under the Action Plan will ensure geography is taken into account to ensure that, no matter where you live, everyone should have access to legal assistance services.

Women

Women represent over half of Victoria's population,¹¹ with approximate half of those women living outside Greater Melbourne.¹² Women have varying intersecting experiences and vulnerabilities across the following priority areas.

LGBTIQ+ Community

The LGBTIQ+ community experience specific legal issues that relate to their identity and status. The specific areas of legal need include discrimination, assault and harassment, end-of-life planning, medical treatment and administrative issues for example changing identity documentation.¹³

The Victorian Government is supporting the LGBTIQ+ community through funding a dedicated community legal centre to provide gender specific legal services recognising the unique intersecting experiences and vulnerabilities across the following priority areas.

Family Violence

Family violence continues to be the number one justice issue in Victoria.¹⁴ Legal assistance for both victim-survivors and perpetrators is an integral part of the family violence support system. It provides both advice on legal matters and a gateway to other social support services.

Family violence intersects with other justice and social systems including family law, child protection, the criminal justice system, mental health and housing. A holistic and multi-disciplinary response is required to provide a wrap-around service to better support the client.

Victoria is committed to ensuring that family violence legal assistance is effectively embedded and integrated across the sector. Both Victoria and the Commonwealth provide significant funding to be directed to frontline service delivery of legal assistance to support people at risk of or experiencing family violence. However, much remains to be done in responding to family violence and seeking to safeguard affected people.

Aboriginal and Torres Strait Islander people

Recognising the historic work in Victoria to acknowledge the injustices perpetrated by the state against Aboriginal people, the sector needs to ensure that Aboriginal people have the means to exercise self-determination when interacting with legal systems. Similarly, it is important services which support the legal needs of First Nations people are able to build strong local partnerships and deliver culturally safe and appropriate services.

The Aboriginal Legal Assistance Strategy will direct activity relating to First Nations people, noting that this Strategy will also include actions for the sector which are undertaken to improve services for Aboriginal people.

¹¹ Victorian demographic data, 2018, <https://www.health.vic.gov.au/chief-health-officer/demographic-data-2018>.

¹² <https://www.abs.gov.au/statistics/people/population/regional-population-age-and-sex/2020#victoria>.

¹³ Law Council of Australia Justice Project, LGBTI+ People Final Report (August 2018) <https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Final%20Report/LGBTI%20People%20%28Part%201%29.pdf>.

¹⁴ Victorian State Government, Ending Family Violence: Victoria's Plan for Change, 2017, <https://www.vic.gov.au/sites/default/files/2019-07/Ending-Family-Violence-10-Year-Plan.pdf>.

People with Disability

As recognised by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, access to justice for people with disability is critical to obtaining equality.¹⁵ Legal Assistance can enable people with disability to exercise their rights, participate in legal processes, appropriately challenge decisions affecting their lives and agency, and seek better outcomes.

People experiencing Mental ill-health

The Royal Commission into Victoria's Mental Health System¹⁶ showcased the relationship between legal need and mental health illness being bidirectional, meaning not only do legal problems cause and exacerbate mental health issues, but people experiencing mental health issues are significantly more likely to experience legal problems.

Access to legal assistance is crucial for people whose legal issues are linked to their experience of mental health. The sector knows that many vulnerable Victorians experience a mental health condition, and this compounds existing disadvantage. Strong health justice partnerships are critical to produce better outcomes for Victorians experiencing disadvantage and mental health issues.

Climate Change, extreme weather event preparedness, resilience and response

There is significant change in legal need and increased vulnerability resulting from extreme weather events. People living more remotely are particularly affected by climate change and the effects of extreme weather events, due to the lack of available services and the need for a surge response that may be delayed by distance. Extreme weather events are becoming more frequent, with the United Nations Office for Disaster Risk Reduction recognises climate change is an underlying driver of disaster risk.¹⁷ Climate change can increase disaster risk in a variety of ways, including by altering the frequency and intensity of natural hazards, affecting vulnerability to natural hazards, and changing exposure patterns.¹⁸ To ensure our sector is capable of responding in the immediate aftermath and during the recovery period (often for many years after the event), there is a need to invest in preparation. Critical legal information, advice and assistance before an event can reduce its impact. Disaster Legal Help is an example of a collaborative model that is responding to natural disasters and climate change impacts.

How these will be prioritised

The Action Plan will draw out in detail how the above areas will be prioritised, noting that their allocation as a priority signals a commitment to prioritise them over the life of the Strategy:

- when allocating funding
- in service design
- to highlight relevant legal needs, service gaps and areas for reform
- for special projects or programs.

¹⁵ Royal Commission Research Report - Nature and extent of violence, abuse, neglect and exploitation against people with disability in Australia, prepared by Centre of Research Excellence in Disability and Health, March 2021.

¹⁶ RCMHS Final Report published February 2021, <https://finalreport.rcvmhs.vic.gov.au/>.

¹⁷ World Meteorology Organisation, ATLAS of Mortality and Economic Losses from Weather, Climate and Water Extremes 2021

¹⁸ CSIRO, State of the Climate, 2020, file:///C:/Users/vicw64f/Downloads/State-of-the-Climate-2020.pdf.



These areas of focus will be prioritised in DJCS work with the Commonwealth, state government and the sector, to ensure that legal assistance is considered in system design, modification or transformation in any reform agenda.

8. The demand for legal assistance in Victoria is high

“Population trends in Victoria indicate that the demand for legal assistance services will continue to grow, with accompanying demand for other support services, such as interpreter services”¹⁹

Demand for legal services currently outweigh the ability of legal service providers to adequately meet that demand. As economic circumstances become more difficult, more and more Victorians are qualifying for legal assistance, placing more stress on legal assistance providers.

Understanding the nature and extent of the need for legal assistance in Victoria is vital to ensure services reach those that most need it, and limited resources are allocated as efficiently as possible. The below analysis considers legal need in Victoria, noting ongoing work to improve this understanding is underway and will be continued under the LAAP.

Current state of legal need in Victoria

Many intersecting factors contribute to the prevalence of legal need. One key factor is persistent and entrenched disadvantage. The Dropping off the Edge 2021 Report²⁰ (DOTE Report) has identified locations across Australia in which complex and entrenched disadvantage is experienced.

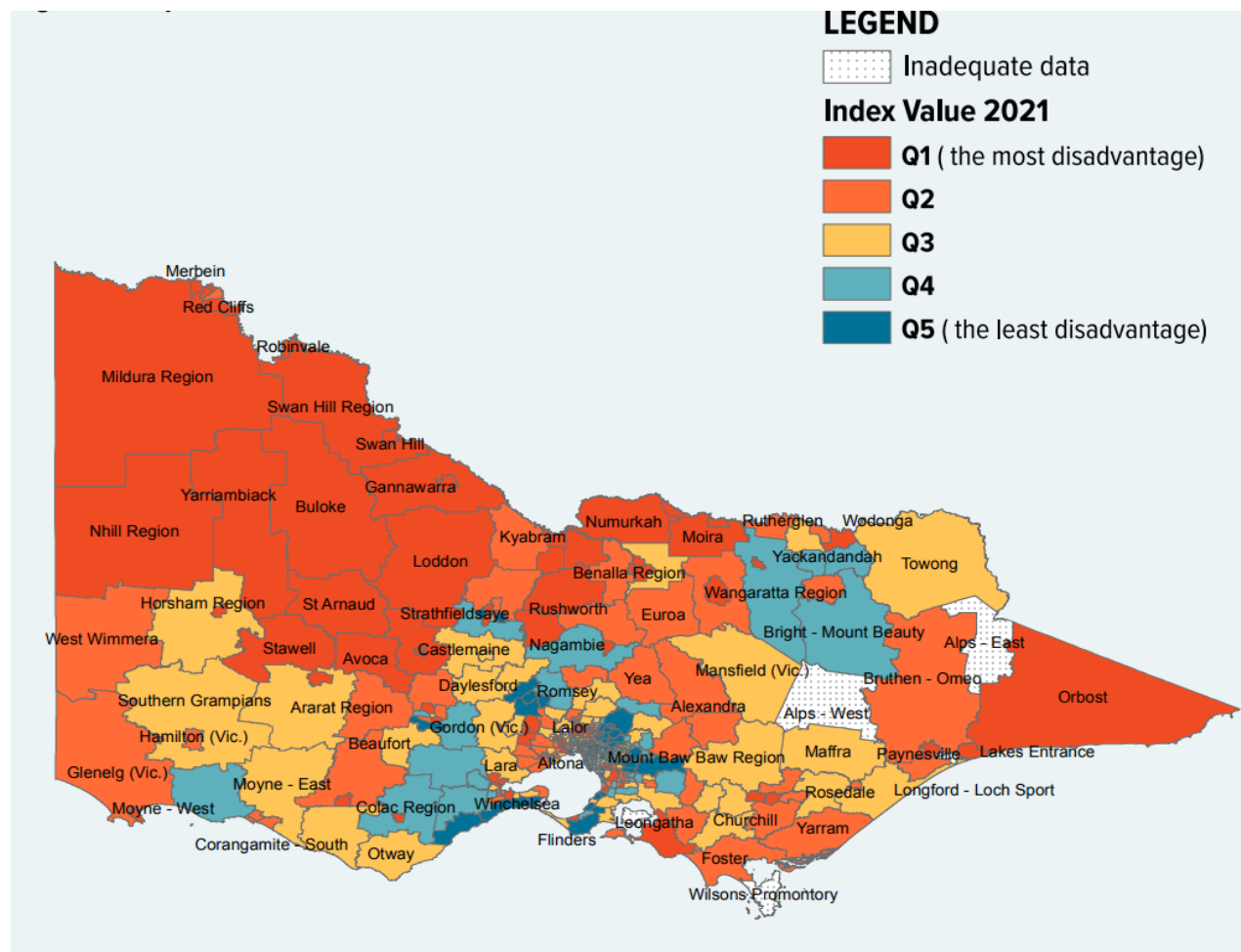
The Report analysis indicators to identify disadvantage such as low-income levels, low education levels and unemployment. It also includes complex indicators such as intergenerational disadvantage, environment and community safety.

The map of Victoria (Figure 1 over) provides a ‘heat map’ of the areas across Victoria that are experiencing greatest disadvantage, with areas of strongest disadvantage highlighted across Greater Melbourne (Figure 2 over).

¹⁹ Department of Justice and Regulation, *Access to Justice Review*, 2016, 12.

²⁰ Tanton, R., Dare, L., Miranti, R., Vidyattama, Y., Yule, A. and McCabe, M. (2021) *Dropping Off the Edge 2021: Persistent and multilayered disadvantage in Australia*, Jesuit Social Services: Melbourne.
https://static1.squarespace.com/static/6170c344c08c146555a5bcbe/t/61958bf805c25c1e068da90f/1637190707712/DOTE_Report+_Final.pdf

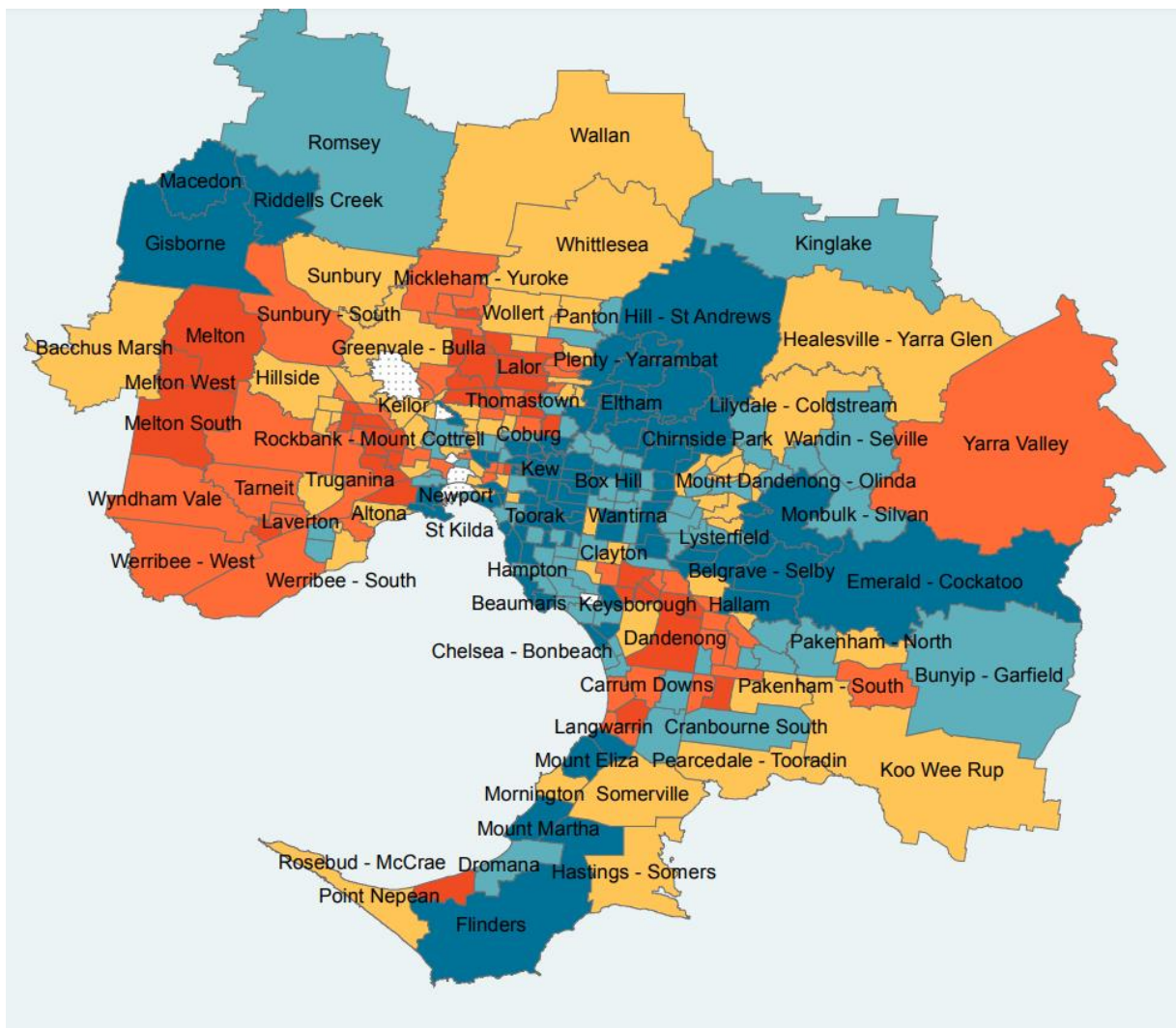
Figure 1: Heat map of disadvantage across Victoria



(Dropping off the Edge 2021 Report

https://static1.squarespace.com/static/6170c344c08c146555a5bcbe/t/61958bf805c25c1e068da90f/1637190707712/DOTE_Report+_Final.pdf, pg. 89)

Figure 2: Heat map of disadvantage across Greater Melbourne



(Dropping off the Edge 2021 Report

https://static1.squarespace.com/static/6170c344c08c146555a5bcbe/t/61958bf805c25c1e068da90f/1637190707712/DOT_E_Report+-_Final.pdf, pg. 90)

The DOTE Report noted that “disadvantage in Victoria tends to be in regional locations, but the extremes of disadvantage tend to be in Greater Melbourne”.²¹

As may be seen, generally the most significant areas of disadvantage are those areas at greatest distance from Greater Melbourne, and communities in Melbourne’s significant growth corridors. The DOTE Report found significant disadvantage spanning Victoria, and identifies the following top five locations for regional and Greater Melbourne as locations of high entrenched disadvantage:

²¹ ibid 104.

Regional Victoria	Greater Melbourne
Corio – Norlane	Broadmeadows
Morwell	Campbellfield – Coolaroo
Maryborough	Meadow Heights
Mildura	Dandenong
Moe	Doveton

As outlined in [Appendix B](#), Commonwealth baseline funding has not increased over the past 5 years. It is recognised that the Commonwealth has increased overall funding in response to areas of special need such mental health supports and enhanced services to vulnerable women. However, these increases in funding are for specific purposes and only service providers that deliver these specialised services benefit from targeted increases in funding. An increase in ongoing baseline funding will enable the sector to support the increasing need across Victoria to better support priority groups.

The Victorian government continues to support early intervention programs, recognising the need to help people before they become further involved in the justice system.

Need for Legal Assistance Services (NLAS) indicator

The locations of disadvantage highlighted in the DOTE Report are confirmed by the Law and Justice Foundation of New South Wales (LJF) in its collaborative service planning resources.²² Some variation occurs due to different factors being included in the respective analyses but overall there is consistency across both approaches.

The LJF developed the concept of the 'Need for Legal Assistance Services' (NLAS) indicator²³ that estimate the number of people in a geographic area likely to require legal assistance if they were to experience a problem.

Key contributors to the NLAS indicator include the level of disadvantage clustered in certain areas. The definition of people with a high NLAS capability indicator are people:

- aged 15 – 64 years
- with a personal income of less than \$26,000 per year, and
- whose highest education attainment is Year 12 for ages 15 – 39, Year 11 for ages 40 - 49, and Year 10 for ages 50 – 64, who are not currently studying and do not have post-school qualification.²⁴

²² Coumarelos, C, McDonald, H, Forell, S and Wei, Z, *Collaborative Planning Resource – Service Planning*, November 2015, Law and Justice Foundation of New South Wales, [http://www.lawfoundation.net.au/ljf/site/templates/reports/\\$file/CPR_Service_Planning_Nov2015.pdf](http://www.lawfoundation.net.au/ljf/site/templates/reports/$file/CPR_Service_Planning_Nov2015.pdf).

²³ Mirrlees-Black, C and Randell, S, June 2017, *Need for legal assistance services: developing a measure for Australia*, Justice Issues, Paper 26, Law and Justice Foundation of New South Wales, [http://www.lawfoundation.net.au/ljf/site/articleIDs/AE704CF1729F466A8525814F000812D9/\\$file/JI_26_pages_NLAS_indicator.pdf](http://www.lawfoundation.net.au/ljf/site/articleIDs/AE704CF1729F466A8525814F000812D9/$file/JI_26_pages_NLAS_indicator.pdf).

²⁴ Ibid.

The top 10 local government areas in Victoria identified by the LJF to have a high NLAS indicator are as follows.

Casey	Whittlesea	Greater Dandenong
Hume	Wyndham	Greater Geelong
Brimbank	Melton	Moreland
	Frankston	

(*Law and Justice Foundation of New South Wales, Indicators of Legal Needs* – Data update, December 2021, <http://www.lawfoundation.net.au>).

Whilst most are located within Greater Melbourne in the high growth corridors, the NLAS does not take into account measures such as intergenerational disadvantage, environment and community safety, all of which will influence the measure and extent of disadvantage.

The LJF also developed an indicator to identify areas that have a large number of people who may require culturally specific services.²⁵ The NLAS (ATSILS) indicator counts people identifying as Aboriginal or Torres Strait islander aged 15 and over with a low personal income²⁶. The top 10 local government areas in Victoria identified by the LJF to have a high NLAS (ATSILS) indicator are as follows:

Greater Geelong	Greater Bendigo	Whittlesea
Greater Shepparton	Wyndham	Hume
Mildura	Casey	East Gippsland
	Ballarat	

(*Law and Justice Foundation of New South Wales, Indicators of Legal Needs* – Data update, December 2021, <http://www.lawfoundation.net.au>).

Taking this NLAS into account indicates an increased legal need for culturally safe legal assistance to be provided in a number of regional areas (including Greater Geelong and Greater Shepparton) and adds additional focus to legal needs in selected Melbourne growth corridors such as Hume and Casey.

Legal needs analysis and mapping gaps in service delivery

Legal assistance service providers undertake local-level legal needs analysis as part of their service design, and further work and research is ongoing.

The VLF is currently undertaking a Victorian-wide, first of its kind, survey exploring how people experience, understand and navigate the law and everyday life problems. The Public Understanding of Law Survey (PULS) will give a clearer understanding of what people know about their law, what kinds of problems they encounter and how they have engaged and

²⁵ Ibid.

²⁶ Ibid.

navigated the system. It will identify barriers to people accessing legal assistance and be a vital tool in understanding legal need in Victoria.

The PULS and other ongoing legal needs mapping and analysis conducted at the local level will inform the development of a more comprehensive analysis of legal need.

To meet the objectives and outcomes of the NLAP in supporting the delivery of legal services in addressing the legal needs of priority client groups, DJCS will work with the sector to:

- map current services,
- identify legal need; and
- develop a framework to support service design models across Victoria.

As part of the development of the Aboriginal Legal Assistance Strategy, it is proposed that a First Nations specific legal needs analysis be considered, drawing on current and ongoing legal analysis work from VALS, Djirra, VLA, Aboriginal Justice Forum and LJF, and respecting Aboriginal data sovereignty.

Appendix A – Victoria’s legal assistance sector

Justice Partners

The following provides a brief introduction to key justice partners in Victoria, which together deliver legal assistance and related services

Victoria Legal Aid (Legal Aid Commission) - www.legalaid.vic.gov.au

VLA is an independent statutory authority established under the *Legal Aid Act* 1978, funded by the Commonwealth and Victorian governments, and the Victorian Legal Services Board’s Public Purpose Fund. VLA’s purpose is to make a difference for clients and the community through the provision of effective legal services and collaborative leadership of a strong and dynamic legal assistance sector. Fundamentally, its statutory obligation is to provide legal aid in the most effective, economic and efficient manner.

As part of this significant responsibility, VLA provides the primary entry point for members of the public to access legal information through its Legal Help phone line, webchat service and website. Through this entry point, people are able to access legal assistance or are directed to suitable sources of information or other services.

Community Legal Centres - www.fclc.org.au/find_a_community_legal_centre

CLCs are independent, not-for-profit community organisations that provide free legal services to members of the public. CLC services focus on disadvantaged people and those with specific needs. CLCs are a key component of Victoria’s legal assistance system as they complement and extend the services provided by legal aid commissions and the private profession.

Generalist community legal centres assist people within their local area with a range of legal issues. Specialist community legal centres focus on groups of people with specific needs (such as women, people with disabilities, students) or on a particular area of law (such as consumer rights, environmental law, tenancy) throughout Victoria.

Federation of Community Legal Centres - www.fclc.org.au

The peak body for CLCs in Victoria. The Federation of CLCs (the Federation) aims to build a strong and effective community legal sector by providing services, professional development and support to CLCs. The Federation also leads a strong collective voice for justice and equality. The Federation facilitates working groups of staff from different community legal centres to share expertise and develop strategic approaches to service provision.

Victorian Aboriginal Legal Service (VALS) – www.vals.org.au

VALS is an Aboriginal community-controlled organisation providing legal and community justice services to Aboriginal and Torres Strait Islander peoples. VALS is actively involved in community education, research and advocacy around law reform and policy development.

Djirra (Family Violence Prevention Legal Services) – www.djirra.org.au

Family Violence Prevention Legal Services (FVPLS) are community-controlled organisations that provide Aboriginal and Torres Strait Islander victims and survivors of domestic and family violence with culturally safe legal assistance and holistic support.

Djirra is an Aboriginal Community Controlled Organisation which provides support to Aboriginal people who are or have experienced family violence. Djirra engages in the provision of culturally safe and holistic support and specialist family violence legal assistance and representation.

Pro Bono

Pro bono services in Victoria enable the provision of legal services that are socially responsible and without expectation of fee, or at a reduced rate. The Victorian Bar Pro Bono Scheme and the Law Institute of Victoria's Legal Assistance Scheme plays a pivotal role in referring clients to legal personnel where clients are unable to obtain appropriate legal assistance from any other source (including other legal assistance schemes and have made an application for legal aid, and either that application has been refused or no decision has been made in relation to the application).

Victoria Law Foundation – www.victorialawfoundation.org.au

Victoria Law Foundation (VLF) is an independent statutory body that undertakes research, community education, such as the annual law week, and allocates grants to support better justice outcomes for all Victorians.

Law Institute of Victoria – www.liv.asn.au

The Law institute of Victoria (LIV) is the state's peak body for lawyers, including the private profession. The LIV purpose is to be a leader and innovator of the legal profession, to support and inform members, and to raise the profile and standing of the legal profession. The private profession receives grants of legal aid to represent legally aided clients.

The LIV Find Your Lawyer Referral service assists the public to find a law firm to help them with their legal issue.

Victorian Bar – www.vicbar.com.au

The Victoria Bar is the professional association for barristers in Victoria. Barristers are specialist advocates who advise and represent litigants in courts, tribunals mediations and arbitrations, and receive grants of aid to represent legally aided clients.

Department of Justice and Community Safety (DJCS) – www.justice.vic.gov.au

DJCS is the coordinating agency for the state's justice system, including police, criminal prosecutions, consumer protection, prisons and community corrections services, and emergency services.

Attorney-General of Victoria

The Attorney-General of Victoria is the state government minister responsible for the legal system in Victoria, including all the Victorian courts and tribunals. The Attorney General is Victoria's First Law Officer and primary responsibility is to protect, preserve and promote the rule of law. The Attorney-General must ensure the law is applied equally and fairly to everyone and that checks, and balances are maintained between the three arms of government -the legislature, the executive and judiciary. The Attorney-General is responsible for advising the government on improving the legal system. This includes providing advice on general government policy relating to the law and the courts, as well as recommendations for law reform. This practical work is carried out by DJCS, the department of the Victorian public service that provides advice and support to the Attorney-General.

Nature and extent of Victoria's roles and responsibilities under the NLAP delegated to a legal assistance provider

Administration of Commonwealth CLC funding

VLA manages the administration of Commonwealth funding received through the NLAP for allocation to Victorian CLCs. All decisions regarding funding allocations are retained by DJCS with approval through the Attorney-General.

VLA undertakes the monitoring of the CLC program and has delegated authority to report from the Community Legal Assistance Service System (CLASS) database to meet NLAP reporting requirements.

Collaborative Service Planning and legal assistance forums

VLA undertakes certain collaborative planning activities on behalf of the legal assistance sector. The Collaborative Planning Committee (CPC) is a forum which meets bi-monthly and is chaired by VLA (through its CEO) and includes executive representation of DJCS (through Deputy Secretary Integrity, Legal and Law Reform). Membership of the CPC is drawn from across the legal assistance sector.

CPC sets a workplan of collaborative activities of interest to the legal assistance sector which includes initiatives such as targeted regional legal needs analysis and a legal assistance outcomes framework.

Whilst these activities are delegated, the DJCS retains responsibility of the flow through of decisions which impact NLAP implementation.

DJCS also holds a monthly strategic level service planning forum with sector representatives covering both NLAP and state level legal assistance matters, and a fortnightly forum which includes a strong focus on operational NLAP matters.

Appendix B – Funding for legal assistance

State funding

State funding 2021-22

The Victorian Government provides a significant level of funding to the legal assistance sector. For the 2021-22 financial year, \$218.028 million in state funding was provided to VLA, CLCs and Aboriginal legal services.

This funding total comprises the state funding distributed to the sector through the DJCS and must be interpreted with caution as:

- it does not include funding to the sector through other state departments, and
- It does not include funding distributed to the sector through philanthropic or statutory entities.

Of the funding distributed to the sector, funding is distributed as follows (refer also table below):

- VLA received \$179.041 million which is primarily directed to a mix of state-based criminal, civil and family law matters, including child protection matters.
- CLCs received \$34.928 million, with parts of this funding directed to Domestic Violence Units (DVUs), Health Justice Partnerships (HJPs) and other integrated service models.
- Aboriginal legal services, principally VALS and Djirra (a Family Violence and Prevention Legal Service) received \$4.059 million.

State level funding for the legal assistance sector varies from year to year depending on priorities of each year's State Budget and duration of funding received, noting that funding may be a mix of both time bound and ongoing funding.

Total State funding for legal assistance	2021-22 (\$M)
Legal Aid Commission (VLA)	179.041
Aboriginal and Torres Strait Islander Legal Services (ATSILS)	4.059
Community Legal Centres	32.819
Domestic Violence Units (DVUs)	0
Health Justice Partnerships (HJPs)	2.109
Family Advocacy and Support Services (FASS)	0
TOTAL	218.028

Note funding to DVUs has been included in the HJP total

State funding 2022-23

Only summary level information about State funding for 2022-23 can be provided at this time as it is subject to approval for allocation.

Funding has been allocated for legal assistance under the State Budget 2022-23, most of which is timebound. Key elements of this funding are:

- VLA to receive \$49.965 million over two years to continue to meet baseline service demand
- Overall VLA is to receive \$83.994 million over four years under various budget initiatives consequential to investment in court activity, including for specialist court listings and pre-court legal assistance initiatives
- Funding of \$6.5 million for 2022-23 for the CLC sector to continue and expand investment in early intervention programs delivered through integrated services including HJPs, and to maintain baseline funding through a family violence related grant. Almost 20 per cent of this funding is being directed to Aboriginal legal services.

Through state funding, VALS is receiving funding for a range of legal and community-based services over five years from 1 July 2020 to June 2026, totalling over \$16 million.

Projected funding levels are not provided as state level funding varies from year to year and is subject to annual budget cycles. Any figures provided will be incomplete and may be open to misinterpretation.

State funding complements and exceeds Commonwealth funding for legal assistance

The State funding of \$218.028 million for 2020-21 provides a significant share (71 per cent) of the funding provided for legal assistance, complementing the \$89.784 million received under the National Legal Assistance Partnership (NLAP) for the same financial year.

Through the Federal Budget 2021-22, there was an uplift in funding to Victoria of \$71.316 million over four years which is being directed to a number of priority client cohorts and legal needs including vulnerable women, people with legal needs who experience mental health conditions, and people experiencing workplace discrimination and sexual assault.

Specific funding has been directed to support emerging legal needs

Given the impact of COVID-19 over the past two years and changes to court operations, the legal assistance sector has benefitted from timebound pandemic funding from both State and Commonwealth governments although this funding has largely now expired.

Overall, the legal assistance sector received funding of \$17.5 million from the State Government and \$12.1 million from the Commonwealth Government for the period 2019-20 to 2020-21. Due to the timing of the funding, a portion of the funding was expended during 2021-22.

Funding has enabled timely response to legal needs in bushfire affected communities.

East Gippsland and North-East Victoria experienced catastrophic bushfires early in 2020 and communities experienced heightened legal need to assist in the immediate aftermath and the longer recovery period.

Through Bushfire Recovery Victoria (BRV) initial funding of \$7.870 million has been received over four years (to June 2023) to enable service delivery to affected communities. In partnership with

Disaster Legal Help Victoria (DLHV), these funds have been directed to on-the-ground CLCs and Aboriginal legal services and to statewide services to provide surge capacity and additional specialist capability in areas including family violence, tenancy matters, social security and credit card and financial stress.

Funding has enabled the development of a Disaster Management Strategy and Action Plan, establishment of statewide disaster coordination roles through VLA, the FCLC and VALS and Djirra. The Action Plan has enabled local responses to more recent storm damage, especially in the Yarra Ranges and will help build capacity to respond to future disasters.

Commonwealth funding of \$1.574 million was received over two years to 30 June 2021 to provide additional legal assistance in bushfire affected areas and was distributed alongside the BRV funding to meet the needs of these communities.

Both sets of funding have been principally directed to front line service delivery to meet the legal needs of people in the bushfire affected communities.

Commonwealth funding for 2021-22 and 2022-23

The NLAP provides:

Funding under the NLAP	2021-22 (\$M)	2022-23 (\$M)
Legal Aid Commission (VLA)	54.726	55.567
Aboriginal and Torres Strait Islander Legal Services (ATSILS)	5.740	5.965
Community Legal Centres	12.825	13.013
Domestic Violence Units (DVUs)/ Health Justice Partnerships (HJPs)	2.325	2.339
Family Advocacy and Support Services (FASS)	1.692	6.515
New specialist funding streams	11.737	11.922
Administration funding	0.739	0.748
TOTAL	89.784	96.069

Funding has been included under the 2022-23 Federal Budget, enabling an increase in investment in specialist programs directed to meet legal need. A strong focus of the additional funding has been recognition of the impact of mental health for disadvantaged people with legal needs, and the specific needs of women experiencing a range of vulnerabilities, including workplace sexual harassment.

The funding has been directed for the following purposes and the first two years of funding is included in the above totals (noting unless otherwise indicated, the figures below are for four years to 30 June 2025):

- ATSILS for 'Closing the Gap', \$1.114 million
- Additional funding to DVUs/HJPs to support services to people experiencing mental health conditions, \$2.947 million

- Funding to extend the duration of FASS services to 30 June 2025 and enable the program to operate at seven circuit courts and include services for people with mental health conditions, bringing FASS funding to \$23.338 million over five years
- Increased assistance to vulnerable women, \$27.168 million
- Support for people with mental health conditions to access the justice system, \$11.048 million
- Frontline support to address workplace sexual harassment, \$8.4434 million
- Supporting increased child sexual prosecutions, \$1.242 million.

Additional funding has been awarded to the Victorian CLC sector through the ***National Partnership Agreement under Family, Domestic and Sexual Violence responses 2021-23***.

This funding of \$6.88 million over three years is in the process of being allocated and is not included in the above figures.

The funding is being distributed to 16 CLCs delivering innovative health justice partnerships directed to people at risk of or experiencing family violence. While the programs are primarily directed to women as victim-survivors and their affected family members including young children, some funding will be distributed to meet the needs of young people/adolescents experiencing family violence.

One CLC will be funded to deliver an innovative approach to perpetrators in contact with the justice system and who are experiencing mental ill-health and/or drug and alcohol issues and are not suitable for more mainstream Men's Behaviour Change programs.