
Joint Review of Community Legal Centres

SEPTEMBER 2003



Acknowledgements

The Community Legal Centre Review Steering Committee wishes to acknowledge the assistance of community legal centres, agencies and members of the public who made submissions, arranged on-site visits, participated in surveys and attended meetings in support of the review.

The Steering Committee also wishes to thank Christina Kadmos for her assistance in assembling data, facilitating workshops and meetings and her efforts in writing this report.



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Dear Attorneys General

Please find enclosed the report of the Joint Review of Community Legal Centres (CLCs) in Western Australia.

The Review considered material from site visits, workshops and surveys as well as more than 40 submissions from interested agencies and members of the public, over an eighteen month period.

The Review found that centres are appropriately located, services are aligned to need but that key gaps in coverage exist in four regional areas and in outer metropolitan Perth.

The Review report utilises case studies to illustrate the positive impact that CLCs can have for individuals and communities and why they deserve to be actively supported by all levels of Government.

The Review recommends that the Commonwealth and State Governments cooperate to expand the capacity and ensure the ongoing viability of CLCs for the public good, and outlines a range of practical measures to advance this objective, including establishment of a State CLC funding program.

*George Turnbull
CHAIR
JOINT REVIEW STEERING COMMITTEE*

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Key Findings

1. Community legal centres (CLCs) enhance citizenship, make a positive contribution to the community and should be actively supported by all levels of government.
2. The diverse nature of CLCs, the specialist and generalist services they provide and their community involvement ensures relevant and appropriate services that are responsive to client needs.
3. Existing CLCs are appropriately located and the services they are able to provide with existing resources are aligned with need.
4. Key gaps in coverage exist in four regional areas (Gascoyne, Peel, Wheatbelt and West Kimberley) and three 'geographical corridors' of the outer metropolitan area (north, north east and south east).

Recommendations

1. A State CLC funding program should be established.
2. In the establishment of any new services or new community legal centres, priority should be given to:
 - (i) non-metropolitan regions - Gascoyne; Peel, Wheatbelt and West Kimberley; and
 - (ii) metropolitan outer corridors - north, north east and south east
3. Priority services include services for Aboriginal people, mental health consumers, persons affected by domestic and family violence, culturally and linguistically diverse (CALD) people, prisoners and young people.
4. The Commonwealth should review the disparity between CLCs funded before the Justice Statement and those funded since 1996 and should any new funding become available, priority consideration should be given to raising the recurrent funding of existing CLCs to a sustainable level.
5. The Commonwealth and State Governments should cooperate to extend the capacity and ensure the ongoing viability of CLCs and consider developing a Memorandum of Understanding (MOU) to set out the basis for their coordinated action in support of the CLC sector.
6. Discussions should be held with the Law Society of Western Australia regarding the use of Public Purpose Trust funding for delivery of viable services by CLCs, consistent with Trust objectives.
7. Mainstream agencies which resource and utilise CLC services should:
 - (i) commit to a three year funding cycle; and
 - (ii) consider adopting uniform reporting and accountability requirements applying throughout the sector.

8. A stakeholder consultative committee should be formed to provide advice to government on:
 - (i) addressing unmet legal needs; and
 - (ii) ways to facilitate coordination and collaboration throughout the sector.
9. Terms of Reference for this committee should be developed by representatives of State and Commonwealth Attorneys General in consultation with the Community Legal Centres Association of (WA), the Law Society of Western Australia, Legal Aid WA, the Aboriginal Legal Service of WA (ALSWA) and other interested stakeholders.
10. Broad policy driven initiatives to increase coordination and consistency in community legal services should take into account the benefits of diversity arising out of community development processes within organisations.
11. The establishment of any new community legal centres should involve the local community and (in the case of specialist services, the ‘community of interest’) in planning, needs assessment and models of service delivery.
12. Community legal education and law reform initiatives should continue to be acknowledged as positive preventative strategies and core services that add value to the community and the legal system.
13. Outreach services are an effective strategy to improve access to justice and should be:
 - (i) linked to strategic planning; and
 - (ii) funded from recurrent sources.
14. Community legal centre core services should include a mix of one or more of the following services:
 - (i) information and advice;
 - (ii) casework and minor assistance;
 - (iii) representation and advocacy;
 - (iv) community legal education;
 - (v) policy and law reform.
15. CLC volunteer programs value add to service outcomes and should provide for the cost of recruitment, training, coordination, administration and supervision of volunteers.
16. A management support program for CLCs should be developed and made available.

Executive Summary

Community legal centres (CLCs) are individually incorporated and constituted 'not for profit' organisations that deliver legal services to communities and identified client groups that they serve. There are currently 34 identified community legal centres in Western Australia.

Funded from a range of Commonwealth and State sources, Western Australian centres attracted over \$8 million in funds during 2001/02. The major single source of funds is the Commonwealth Community Legal Services Program, provided by the Commonwealth Attorney General's Department.

A Steering Committee for the Joint Review of Community Legal Centres in WA was established in November 2001 to review the scope, distribution, nature and accessibility of CLC services and to assess areas of unmet need. The Review commenced meeting informally in February 2002. The terms of reference for the Review were approved in November 2002.

The Review found that CLCs are diverse organisations that share an overall common set of values. Community legal centres draw upon local support networks and 'communities of interest' in the planning and delivery of services and their connections are integral to effective outcomes as evidenced by the case studies reviewed.

By providing a range of direct services (information, casework, advice, advocacy, mediation and representation) and preventative initiatives (legal education and policy and law reform), CLCs occupy a key role in the delivery of legal assistance services to disadvantaged groups with a special focus on:

- dispute prevention
- dispute resolution
- assisting people to represent themselves
- advocacy for the disadvantaged;
- public interest advocacy
- community building.

The diverse nature of CLCs, the specialist and generalist services they provide their engagement with community and their public interest advocacy provides opportunity for enhanced citizenship and ensures relevant and appropriate services that are responsive to need.

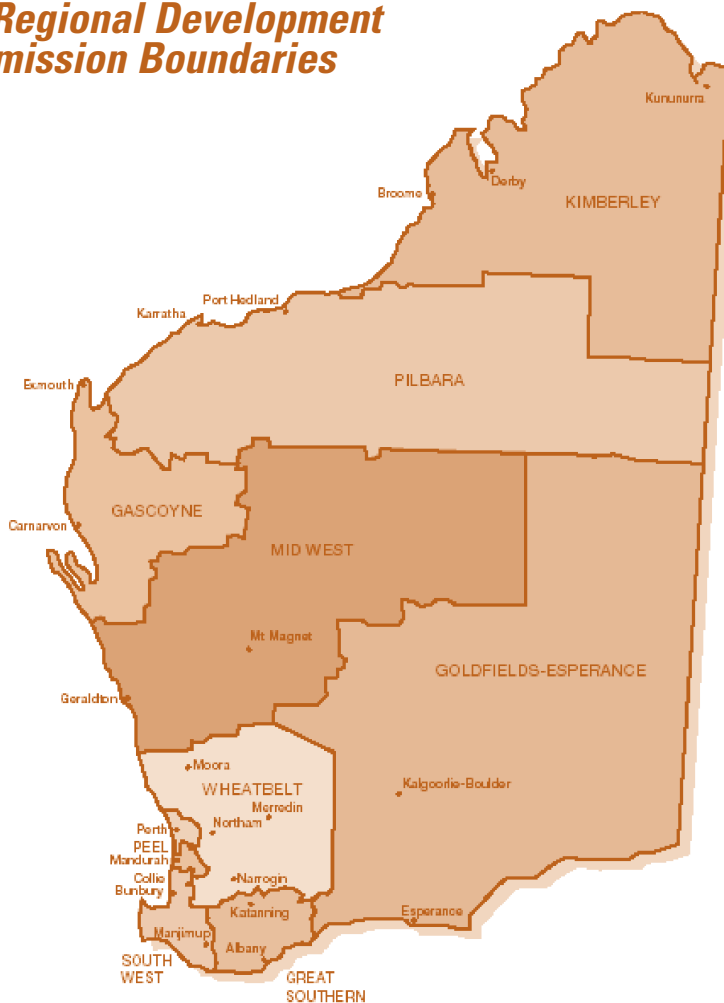
The location of existing CLCs, that have evolved in WA, is aligned with need however key gaps in coverage exist in four regional areas (Gascoyne, Peel, West Kimberley and Wheatbelt) where there are no funded community services and three geographical 'corridors' of metropolitan Perth (north, north-east and south-east).

Community legal centres, like other community law providers (Aboriginal Legal Service of WA and Legal Aid WA), are unable to meet the growing demand for legal assistance. Services are targeted to critical areas of highest demand to assist clients least able to represent themselves.

The Review recommends a range of measures to expand the capacity and ensure the ongoing viability of CLCs, for the public good. Chief among them is continued cooperation between all levels of government and additional funds in the form of a State funding program. Other measures include adoption of a three year funding cycle and simplification of reporting requirements.

The Review identified that many centres exist with inadequate or unreliable sources of funds and should new funding become available, that priority consideration be given to raising the recurrent funding of existing CLCs to a sustainable level.

WA Regional Development Commission Boundaries



Section 1

Introduction

1.1 Background to the Review

In 1997 the Commonwealth began a series of State based reviews of community legal centres (CLCs) funded through the Community Legal Service Funding Program. Agreement was reached with State Governments to undertake the review on a joint basis.

To date, State reviews have occurred in South Australia (completed 1998), Queensland (completed 1999) and Victoria (completed 2001). The review in New South Wales is still to be conducted. In each case, a Review Steering Committee was formed to conduct the review and report to Commonwealth and State Ministers.

In Western Australia, a Community Legal Centre Steering Committee was established in November 2001 and the review commenced meeting informally in February 2002. The terms of reference for the review were approved in November 2002.

This report outlines the methodology, key findings and recommendations arising from the review.

1.2 Steering Committee Members

The members of the WA Community Legal Centre Steering Committee are:

George Turnbull	Chair Director, Legal Aid WA
Bevan Warner	General Manager, Legal Aid WA
Lea Anderson	Coordinator, Women's Law Centre Community Legal Centre Association (WA) Representative
Cheryl Vernon	Manager, Youth Legal Service Community Legal Centre Association (WA) Representative
Kevin Hogg	Solicitor, Rural Community Legal Service. Community Legal Centre Association (WA) Proxy
Garry Burlingham	Commonwealth Attorney General's Dept.
Neville Jones	Department of Justice.
Allison Currie	Legal Aid WA (Secretariat)

1.3 Terms of Reference

The terms of reference for the review are:

A Community Legal Centre Steering Committee be established to undertake the Review of Western Australian Community Legal Centres (CLCs). The Community Legal Centre Steering Committee is to report to the Commonwealth and State on strategies to achieve the following outcomes:-

1. Consistent and equitable distribution of Community Legal Services (CLCs) throughout WA, including consideration of :
 - regional models for generalist CLCs;
 - optional geographical boundaries for metropolitan CLCs to enhance equity of access to CLCs; and
 - range and models for specialist CLCs.
2. Accessible CLC services for persons most in need.
3. Identification of core CLC services and eligibility criteria, including consideration of:
 - consistency in provision of core services; and
 - regional factors in the provision of core services.
4. Enhancement of the corporate governance of CLCs.
5. Enhancement of the role of volunteers at CLCs.
6. Identification of gaps in services and extent of unmet need.
7. Identification of funding levels of CLC services including consideration of:
 - sources of funding
 - adequacy of funding
 - other resources.

1.4 Scope and Definitions

The Review has included all community legal centres in the State - both those funded by the Commonwealth Community Legal Services Program (CCLSP centres) and those that are not (non-CCLSP centres). CLCs are not for profit, non-government organisations that provided legal and welfare services

Whilst it was compulsory for all CCLSP centres to participate, non CCLSP centres could choose their level of participation. This report distinguishes, where significant, differences between CCLSP and non- CCLSP findings. Of the 34 agencies presently identifying as CLCs in Western Australia, 18 (53%) are CCLSP funded.

Section 1
Introduction

CLCs are multi-funded and multi-service organisations. It can be difficult to separate discrete services and funding sources and to do so would provide an unreal picture of how CLCs operate. For this reason, the Review looks at *all* CLC services from *all* funding sources. The report distinguishes between programs and funding sources, where relevant.

The Review elected to use WA Regional Development Commission boundaries when considering location and spread of services as these boundaries are most commonly used in whole of government planning.

Regional Development Commission boundaries include one metropolitan (Perth) and nine regional areas as seen in Map 1:

- Kimberley
- Pilbara
- Gascoyne
- Mid West
- Goldfields-Esperance
- Wheatbelt
- Peel
- South West
- Great Southern.

1.5 Methods of Investigation

The Review examined a range of quantitative and qualitative information as the table below shows, finding a high level of congruence in each source.

Source	Method	Details
<i>Demographic and socio-economic indicator analysis of WA.</i>	<i>Statistical Analysis</i>	<i>Undertaken and reported on by URS Australia Pty Ltd.</i>
<i>Survey of Community Legal Centres</i>	<i>Survey</i>	<i>Developed by CLC Association (WA) and the Steering Committee. Distributed in August 2002. Analysed and reported on by external consultant, Christina Kadmos. 26 responses.</i>
<i>Survey of Legal Aid WA Regional Offices</i>	<i>Survey</i>	<i>Conducted, and reported on by Steering Committee.</i>
<i>Specialist CLC Workshop</i>	<i>Focus Group</i>	<i>Held by the Steering Committee as a focus group for specialist centres. Externally facilitated.</i>
<i>Visits to CLCs</i>	<i>Observation and site investigation</i>	<i>Site visits to 6 CLCs including: 3 regional centres, 1 specialist, 2 mixed centres including meetings with police, courts and welfare agencies.</i>
<i>Call for submissions</i>	<i>Submissions</i>	<i>Publicly advertised in Western Australia on 14 December 2002. 44 submissions received.</i>
<i>Discussions</i>	<i>Steering Committee</i>	<i>ATSIC and ALSWA</i>
<i>Discussions</i>	<i>Chairperson of Steering Committee</i>	<i>Law Society of WA</i>

1.6 Report Format

The report incorporates but does not replicate information contained in the following primary resource documents:

- Review of WA Community Legal Centres - CLC Survey Report
- Legal Aid WA Survey Report
- URS Report - Demographic and socio economic analysis of Western Australia
- CLC Visits - Summary Report
- Specialist Centre Focus Group - minutes of proceedings
- Submission summary table.

Section 1
Introduction

The Steering Committee has chosen to use case studies to illustrate major findings, exploring the key themes and hearing the ‘voice’ of centres and stakeholders. These case studies have been edited from the submissions to the Review and quotes come from submissions and survey responses.

The report layout corresponds to the terms of reference in the following manner:

Table 1 Terms of Reference Matrix

Terms of Reference	Section of Final Report
1	Sections 2 & 3
2	Section 5
3	Section 4
4	Section 6
5	Section 7
6	Section 9
7	Section 8

Section 2
Services

Section 2
Services

We aim to offer a holistic service to clients and the community. By providing a range of services we can address the many, often interrelated, issues a client will present with. By using a multidisciplinary team, we offer a comprehensive view of the law, legal system and the issues clients present with, not just a legal perspective and therefore, not just legal solutions.

CLC Survey Report

In responding to community needs, community legal centres take on the persona of 'community builder'. Inherent in the role of community builder is a commitment to action. Such action is by nature political and depends on participation, not just representation. That is, community legal centres seek not only to represent the people they serve but to ensure that the people they serve are actively involved in decision making that directly impacts on their welfare.

CLC Association WA

CLCs are independent, not-for-profit organisations that provide legal, paralegal and complimentary services to low income and otherwise disadvantaged individuals and groups.

Services can take the form of legal information, advice, assistance, referral, representation, education, public interest advocacy, law reform, mediation, advocacy, housing support and personal support. In addition, CLCs participate in a range of 'community building' initiatives with the aim of working with other agencies and groups to address local or specific need.

CLCs were first established in Western Australia in the 1970s. In 1990, the Federation of Community Legal Centres (WA) was established as the peak body - to provide support, coordination and representation for member CLCs. In late 2002, the Federation adopted a new constitution and name - the Community Legal Centres Association (WA) Inc. (CLCA (WA)). There are now 34 member CLCs in the State. Appendix 1 lists the 34 members of CLCA (WA).

Community Legal Centres are diverse organisations - differing in organizational structures, local priorities, funding and challenges. Centres, however, share a range of elements in common. Core values, as identified by Louis Schetzer¹ and submitted by Gosnells Community Legal Centre, include:

- They are independent of government;
- They aren't only legal organisations, but also human rights based advocacy organisations;
- They are committed to being accessible in terms of location, language, affordability, and atmosphere;
- They are innovative, solution oriented, activist, responsive and progressive;
- They are global in their approach, in that casework, community legal education, law reform, community development and lobbying are inter-related and feed off each other;
- They are community based;
- They involve service users in resolution of their issues; and
- They don't see client issues in isolation, and make appropriate referrals where necessary.

1. Schetzer, Louis, 'Law Reform: Community Legal Centres and the future of law reform' (1998) 23(5) *Alt.LJ* at 254.

Community legal centres view the legal problems of clients in conjunction with other factors affecting the client. For this reason, CLCs try to offer a range of services that respond to the matter holistically, such as financial counselling, welfare rights advocacy, housing assistance, or appropriate referrals.

The desire and ability to understand legal issues from a casework to law reform perspective and respond with a range of strategic and preventative approaches is a key element of CLC philosophy and practice.

A detailed discussion of CLC services is provided in Section 4.

2.1 Generalist and Specialist Services

DOCEP supports the concept of both generalist and specialist agencies. Clearly the provision of a ‘one stop shop’ for community legal services that might involve tenancy, debt counselling and welfare advocacy can provide a holistic service to a member of the community. However, there are many instances where absolute specialist knowledge is imperative to provide the community with an advocate’s voice for reform and to act as a repository for specialist knowledge.

Department of Consumer and Employment Protection

CCLS(WA) acts both as a “primary” service provider providing direct client services and as a “secondary” centre of expertise providing resources and support to generalist and specialist CLCs, financial counsellors and other community agencies.

Consumer Credit Legal Service (WA)

A distinction between generalist and specialist centres is often made when discussing CLCs. Put simply, generalist centres are seen to respond to a range of legal issues and client groups - dealing with the general legal needs of their community.

Specialist centres are those who practice in a particular area of law and/or for a client group with special needs e.g. young people, environmental law, mental health. Specialist centres usually cover a broader catchment area (regional or State) than generalist and act as a resource, back-up and point of referral to generalist centres.

Table 2 Generalist and Specialist CLCs

	Legal focus	Geographical coverage	Client base
Generalist CLCs	<i>broader</i>	<i>more defined</i>	<i>broader</i>
Specialist CLCs	<i>more defined</i>	<i>broader</i>	<i>more defined</i>

Specialist services and centres have arisen out of the acknowledged need for specialist practice across certain areas of law or client groups. Specialist centres develop expertise and provide a level of service that generalist centres may be unable to offer, such as test cases or representation.

In Western Australia, there are a number of different models that arise within the specialist/generalist dichotomy and there exists generalist and specialist *services* as well as generalist and specialist *centres*.

Some specialist services are placed as units within a generalist CLC or some other organisation, to offer support to the small number of staff and to maximise use of the usually limited funding for the specialist service. Other services exist as independent specialist centres. Specialist services can be both a primary provider of direct legal services and a secondary provider of support, assistance and expert advice to other CLCs.

The Disability Discrimination Unit is a specialised service situated within a generalist centre, Sussex St CLS. The following case study from the Unit is an example of the services provided by specialist services.

Case Study #1 – Disability Discrimination Unit

The DDU assisted a group of concerned residents, some with disabilities and some associates of people with disabilities, to take action against a metropolitan city council and a cinema developer after the construction of new cinemas, which were discriminatory in the provision for people with mobility disabilities. Seating was only provided for wheelchairs in seats below the screen that were acknowledged to be unacceptable for ambulant people.

The DDU represented the group through the Human Rights and Equal Opportunity Commission complaints and conciliation processes. The matter was unable to be conciliated and one of the group members commenced proceedings in the Federal Court. The DDU represented the applicant in court and the matter was successfully settled at mediation. As a result of the mediation, the cinemas had 2 lifts installed so that people who used a wheelchair would be able to access all 6 of the cinemas from the rear and have significantly improved viewing.

Sussex St CLC has also been successful in a submission to the Human Rights and Equal Opportunity Commission for a public inquiry into the inaccessibility of petrol station facilities for motorists with a disability. The submission was in response to a number of DDU clients in WA presenting with complaints on their ability to utilise station facilities. The review is currently pending.

Specialist services in W.A are provided on a statewide or regional basis in the following areas, although limitations apply:

- Mental health consumers
- Youth law
- Welfare rights law
- Child support (not statewide)
- Tenancy
- Environmental law
- New arrivals and migrants
- Consumer credit law
- Immigration and refugee law
- Family law
- Women's services
- Disability discrimination
- Indigenous Women's issues.

2.2 Diversity and Commonality

Perhaps the greatest asset of the community legal centre movement is its ability to adapt the nature of their services, including the areas of law addressed and the mode of service delivery, to meet the needs of their communities. That is why the diversity of CLCs is as rich as the diversity of society.

Gosnells CLC

Diversity in service delivery is a key feature of community legal centres in Western Australia and arises from a focus on local conditions and the context of legal need. Such diversity demonstrates itself as a strength of CLCs - enabling responses that are appropriate to local needs, demographics and conditions.

The diversity of CLCs occurs within a federated system. CLCs are linked to each other by State and national associations, via the objectives of the CLC Association (WA), namely:

- Promoting the development of community legal centres;
- Promoting cooperation between community legal centres;
- Promoting the provision of legal assistance to disadvantaged sections of the community;
- Promoting community awareness of the law and to encourage community participation in the legal process;
- Promoting equal opportunity in the law; and
- Promoting social justice in the law.

Commonality in CCLSP centres is also expressed through shared technologies such as the National Information System; national service standards; shared resources; training; collective decision-making and common policy.

The marriage of commonality and diversity appears to sustain services that operate with appropriate professional standards and which provide flexibility and responsiveness to local need. Such a marriage has imbued CLCs with a resilience to overcome uncertain funding bases, expansion and contraction of service delivery, high staff turnover, changing demographics and complex legal needs.

Key Findings

Community legal centres (CLCs) enhance citizenship, make a positive contribution to the community and should be actively supported by all levels of government.

The diverse nature of CLCs, the specialist and generalist services they provide and their community involvement ensures relevant and appropriate services that are responsive to client needs.

Recommendation

Broad policy driven initiatives to increase coordination and consistency in community legal services should take into account the benefits of diversity arising out of community development processes within organisations.

Section 3
***Distribution of
CLC Services***

Section 3
Distribution of CLC Services

Western Australia is by far the largest State in terms of area and, at more than 2,529,875 million square kilometres, covers one third of Australia and spans several climate zones. By way of contrast, NSW is 800,642 square kilometres, or one third the size of Western Australia and the Australian Capital Territory at 2,358 square kilometres is over one thousand times smaller. Tasmania would fit into WA 39 times. The distance from Perth to Port Hedland is 1,635 km, which is only half way to the North of the State. This is 320 kilometres further than the distance from Canberra to Brisbane (1,315 km) and almost 5 1/2 times the distance from Canberra to Sydney (306 km). The distance from Perth to Kununurra (3,214 km), where the Kimberley Community Legal Service is based, is therefore 10 1/2 times the distance from Canberra to Sydney.

CLC Association WA

The delivery of CLC services in Western Australia occurs within a vast geographical area. Gaps exist in particular geographical areas and within certain areas of specialisation. These areas are detailed in Section 9 *Gaps and Unmet Needs*.

Of the 26 CLCs surveyed for the review, approximately:

- one third provide statewide services to eligible clients and support to workers in the field
- one third provide coverage specifically to rural, regional and remote (RRR) areas
- one third provide a mixture of metropolitan plus some non-metro coverage.

Only one centre (non CCLSP) has metropolitan only coverage.

3.1 Regional Services

Regional CLCs constitute 23.5% of all CLCs and 27% of all centres with some form of recurrent funding. Of the nine non-metropolitan regions in WA, six have a CCLSP funded centre. The regions without funded centres are:

- Gascoyne
- Peel
- Wheatbelt.

In the Peel and Wheatbelt regions, CLCs have been formed but have no recurrent funding (Rural CLS and Peel CLS).

Regional services are located in large geographical catchment areas and experience a number of logistical, demographic and financial barriers in adequately covering the entire catchment area. The difficulties of providing services to regional areas is discussed further in Section 4 (4.10).

Regional CLCs endeavour to extend service reach through strategies such as education, outreach, sub-regional offices, networks and training of non-CLC staff. Centres display a creativity and astuteness to local conditions that arises from links to their constituency and extensive networks. The Indigenous Women's Program (IWP) operating from Kimberley Community Legal Service is one example of an initiative that has been successful through its use of a mix of these strategies. The IWP worker and centre solicitor work with Aboriginal communities across the Kimberley region on an outreach basis. Community contact people are trained and community members access the CLC via the community contact and IWP worker.

In addition to services provided by Regional CLCs all CCLSP funded metropolitan based centres provide some form of specialist coverage to non-metropolitan areas.

The following two case studies show examples of services to regional areas by metropolitan based CLCs.

Case Study # 2

Collaboration between Metropolitan and RRR CLCs

Gosnells Community Legal Centre Inc (GCLC) is a generalist legal centre in the southeast metropolitan corridor. GCLC has funding for a specialist Child Support Legal Service for carer parents. The GCLC Child Support Service is one of only three child support funded services in Western Australia.

GCLC receives requests for legal advice and assistance from throughout the State. Where it is not possible for the client to access the centre, particularly those in rural, RRR areas, GCLC endeavours to work in partnership with a local service provider to facilitate access for the client.

An example of this is the working partnership between the Geraldton Resource Centre (GRC) and GCLC:

- *GRC have referred a number of clients to GCLC for child support matters.*
- *GCLC will negotiate with GRC and the client as to the best manner in which to proceed with the assistance.*
- *Historically, in some cases the client has become a client of GCLC with GRC providing the client with access to telephones, fax and email facilities to facilitate the taking of instructions and provision of advice and assistance with documents.*
- *On other occasions, the client will remain a client of GRC, with the GRC solicitor receiving advice and support from GCLC.*

This type of partnership has also worked effectively with the Pilbara CLS.

Section 3
Distribution of CLC Services

Case Study # 3: Youth Legal Service visit to Kalgoorlie

During 14-18 May 2001 (Law Week) Youth Legal Service hosted a regional youth legal education project in Kalgoorlie. The project comprised of:

- *Provision of community legal education workshops for young people in schools and youth agencies; and*
- *Provision of legal training workshops for those working direct with young people focusing on the criminal jurisdictions as it applies to young people and educating them about duty of care and their civil responsibility to young people accessing their services.*

The project was undertaken in collaboration with the newly opened Goldfields Community Legal Centre. Goldfields provided an office base for Youth Legal Service staff and assisted with bookings and workshop planning.

Schools Program

Young people attending the program in schools positively received the project. The numbers attending in schools far outweighed our expectations. Each session ran over time with students asking a barrage of questions. In all, 380 young people attended.

Youth Worker Training

Evaluations from participants indicated that the workshops considerably increased their knowledge of the law as it applies to young people. A total of 45 youth workers attended the training from over 13 government and non-government agencies.

Follow-up

A re-visit to Kalgoorlie will happen some time in the future because our consultation with agencies clearly indicated a high turn over of youth workers and other professionals in the region, with many new graduates taking positions on a regular basis. New graduates tend to be inexperienced in how the law applies to young people and to themselves as workers with young people. Workshop participants spoke strongly about their professional isolation, lack of supports, and lack of training opportunities for professionals in regional areas.

3.2 Metropolitan Services

While there may be a need for some boundaries to be set by centres, it is not possible to make completely inflexible decisions. Factors that may affect a client's decision to approach a centre may include conflict of interest; privacy/confidentiality; family ties; available transport, perception of community. For example: Pinjarra residents do not have public transport access to Mandurah, their closest regional and business centre. The only transport is the Australind train passing through from Bunbury to Perth. It would be easier for a Pinjarra resident with no car to travel directly to the City than access Mandurah or Rockingham for services although this is not a daily service and would entail a full day trip.

Southern Communities Advocacy Legal and Education Service Inc. (SCALES)

Metropolitan CLCs are located throughout the metropolitan areas with the exception of the:

- north
- north east
- south east.

Because CLCs are multi-function organisations, with a range of funding sources and activities, the geographical boundaries between metropolitan CLCs and within centre programs, vary, depending upon the services they offer.

For example, the Community Legal and Advocacy Centre provides family and civil law services to the Fremantle and greater Fremantle area; financial counselling to this area plus Melville and Mosman Park and welfare rights advice to the south west of WA.

Within this diversity, CLCs have worked with each other to clarify general service delivery boundaries. This has evolved from CLCs themselves and appears to work well, apart from the obvious difficulties where there are not enough CLCs to provide services to areas of need.

There is cooperation and flexibility demonstrated by CLCs, within the defined boundaries, in responding to particular needs. For instance, a CLC may offer locum services to another CLC for a short duration at times of staff shortage (unfunded). CLCs may service clients who reside outside of nominated boundaries for reasons such as:

- a history of working with the client and client circumstances
- to address a conflict of interest dilemma
- accessibility factors e.g. location, interpreters and transport.

3.3 Outreach Services

CLCs have a history of providing outreach services, where possible, to areas that are un-serviced. Outreach services are found to be an important strategy utilised by CLCs to maximise access to justice. Details of outreach services provided by CLCs are outlined in Appendix 2.

Sometimes, it has been with the assistance of an initial outreach service that a local CLC is later established. Welfare Rights and Advocacy Service, for example, provided outreach to the northern suburbs prior to the establishment of Northern Suburbs CLC and this centre now provides outreach to the Joondalup/Wanneroo area.

Outreach services are restricted by a lack of recurrent funding. As a result, outreach is usually limited and precarious - reduced if funds are not found and maintained with negative consequences for community confidence.

Key Findings

Existing CLCs are appropriately located and the services they are able to provide with existing resources are aligned with need.

Recommendations

Outreach services are an effective strategy to improve access to justice and should be:

- (i) linked to strategic planning; and
- (ii) funded from recurrent sources.

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I can confirm that of all the referral services used by my busy Electoral Office, CLAC in Fremantle is the one most often used.

Hon Barbara Scott MLC

Education and Law Reform are as critical forms of legal service delivery as is the provision of advice, advocacy and representation. These services are all interconnected. To separate them is to lose their collective value. The whole is greater than the sum of its parts.

Gosnells CLC

Of the issues that our clients present - domestic violence, worker's compensation, tenancy, financial counselling, disputes, understanding of contracts and youth related issues are not uncommon. Therefore, the availability of most of these services through CLCs, have been extremely helpful.

South Metropolitan Migrant Resource Centre.

The survey of CLCs found that, of centres that responded:

- 96% provide community legal education (CLE);
- 85% provide legal information, advice and casework;
- 80% participate in broader law reform;
- 70% offer some form of legal representation; and
- 54% provide public interest advocacy.

Services are underpinned by the community development principles upon which CLCs operate. These principles involve working with communities, local networks and stakeholders, to build capacity, facilitate self-help, create local solutions and link local issues with broader policy.

The combination, depth and focus of core service delivery varies from centre to centre. Each CLC plans and allocates resources across core services as part of their strategic planning and service agreement processes.

Whilst CLCs attempt to provide services that are both immediate and preventative, it can be difficult to reach a balance between the core services, as demand for direct casework is overwhelming.

CCLS(WA), like many other CLCs, seeks to deliver services in a strategic way to maximise the benefits to our community. The extent of unmet need in relation to civil law, means that there is constant demand to provide direct services at the expense of more long term strategies such as resource intensive test cases, or a campaign to establish an industry based ADR scheme for finance companies, or a submission to a Senate inquiry expanding the available rights and remedies for unjust contracts.

Consumer Credit Legal Service (WA)

4.1 Information, Advice and Casework

The provision of information, advice and casework is undertaken by 85% of all centres surveyed (100% of the 18 CCLSP funded centres). Part of the work undertaken by CLCs is captured in the National Information Scheme (NIS). According to the NIS Statistical Profile 2000/2001, participating CLCs provided 22, 866 advice services and opened 5,317 cases. The breakdown by areas of law was:

Table 3: Areas of Law

	Western Australia		National Average	
	<i>Advice</i>	<i>Case Open</i>	<i>Advice</i>	<i>Case Open</i>
Family Law	45%	33%	40%	30%
Criminal Law	4%	12%	10%	15%
Civil Law	51%	55%	50%	57%

However, care must be taken in interpreting NIS information as it under represents CLC activity, for a number of reasons including:

- alternative and concurrent data systems - only CCLSP centres are required to use NIS;
- limitations in data system to capture all variables; and
- user variables: consistencies and variations in interpretation, documentation and application.

CLCs are multi-faceted organisations with a number of potential funding sources and NIS is only one of the data collection systems used. A significant amount of CLC activity is not captured by NIS.

As the demand for services exceeds supply, CLCs are unable to provide full casework services to all that seek assistance. Where possible, CLCs assist people to self advocate through:

- information, kits and education workshops;
- advice
- minor assistance
- working with key agencies to improve dispute resolution processes to enhance self advocacy.

The following case study from Welfare Rights and Advocacy Service (WRAS) highlights how CLCs regulate the level of assistance provided.

Case Study #4: Empowerment Models

At Welfare Rights and Advocacy Centre (WRAS), direct service provision is targeted at the most disadvantaged within our community and priority is given to those who have lost or are at threat of loss of income support payments.

Direct service provision is also targeted at those who may not have the capacity or face additional barriers, which impede access to advance their matters through the avenues of appeal and redress available under the law.

In line with the empowerment model used at WRAS, for those who have capacity to advance their own matters, advice and information is provided to assist individuals to run their own cases. WRAS has developed a number of information products for use by clients of the service including Self Advocacy Kits for the Social Security Appeals Tribunal and the Administrative Appeals Tribunal.

Currently the service is finalising a number of additional information products including facts sheets in relation to Family Assistance and in partnership with the Financial Counsellors Resource Project a fact sheet on Bankruptcy and Centrelink overpayments.

4.2 Representation

CLCs are not able to meet demand for representation (see Section 9 *Gaps and Unmet Needs*), and wherever possible will attempt to resolve problems prior to any hearing or assist the client to self represent.

The extent to which CLCs provide representation services is limited by resources or restrictions imposed by funders. Just under 70% of all centres surveyed and 89% of CCLSP funded centres provide some form of representation. All funded specialist centres offer some level of representation.

Representation is generally limited to certain matters and/or client groups as a means of prioritising resources.

Demand for representation is driven by a number of factors including:

- ability of client to self represent
- availability of alternative sources of representation
- availability of other conflict resolution options.

An example of restrictions on representation and their effect on client outcomes, is seen in the Mental Health Law Centre (MHLC) case study below. As part of their funding conditions, MHLC cannot offer general advice or act for mental health consumers outside of matters relating to the *Mental Health Act 1996*.

4.3 Public Interest Advocacy

Case Study #5: The Mental Health Law Centre

Ms A is a mental health consumer. She has been diagnosed with bipolar disorder. She is currently an involuntary patient detained at Graylands hospital. This is her second involuntary admission as an involuntary patient, the staff at the hospital have applied to the Guardianship and Administration Board to have her placed under administration. Also, Ms A's estranged husband has initiated proceedings against Ms A in the Family Court seeking residency of their two children.

At the time of her prior admission, the Mental Health Law Centre (MHCL) represented Ms A in relation to her involuntary status under the Mental Health Act 1996. This included providing her with legal representation at a review hearing before the Mental Health Review Board. Apart from this prior contact with the Mental Health Law Centre, Ms A has never had contact with a legal service before.

Constraints on Legal Representation

Ms A again seeks legal assistance from the Mental Health Law Centre. This time she requires legal advice and representation in relation to her involuntary status, the proceedings before the Guardianship and Administration Board, and the proceedings before the Family Court. However, the Mental Health Law Centre can only assist Ms A with regards to her involuntary status under the Mental Health Act 1996. The terms of its core funding contract with the Department of Health constrains its services to the provision of legal advice and representation in respect of matters under the Mental Health Act only. The Mental Health Law Centre must therefore endeavour to find appropriate referrals for Ms A to assist with the other two legal issues.

Unfortunately, MHCL is unable to find any available free legal assistance for Ms A in relation her Guardianship and Administration Board proceedings. This is of particular concern as the outcome of these proceedings could effect Ms A's right to make her own decisions.

For her Family Court proceedings, the MHLC identifies another CLC where Ms A could obtain minor assistance. However, this CLC is unable to provide Ms A with legal representation and Ms A, as a result of her illness, does not have the ability to self-represent. Further, due to the stigma attached to her mental illness, Ms A is reluctant to engage with a different agency in addition to the Mental Health Law Centre and reveal information about her mental illness.

Consequently, Ms A only receives legal advice and representation in relation to her involuntary status under the Mental Health Act 1996. No such assistance is available to her in relation to either her Guardianship and Administration or Family Court proceedings.

CLCs initiate, participate in and /or support test case and public interest law matters according to resources and priorities. These services benefit the community and various consumer groups.

Less CLCs undertake this area of work than other core services - largely due to resource and priority issues. 54% of all surveyed CLCs and 61% of CCLSP funded centres offer some form of public interest advocacy services.

Whilst any CLC may undertake public interest advocacy, this activity is usually undertaken by specialist CLCs in their support role to generalist centres.

Examples of test cases undertaken by CLCs in 2001/2002, is provided in Appendix 3. An example of public interest advocacy is provided in case study 6, below.

Case Study #6: The Avco Campaign

From the time it started operating, a significant proportion of Consumer Credit Legal Service's (CCLS(WA)) casework practice consisted of cases involving Avco Financial Services. These cases involved similar issues such as insurance forcing, over commitment (hyper credit), debtor harassment, non disclosure on loan contracts. At a yearly Financial Services Network meeting with other credit lawyers, CCLS(WA) and credit lawyers expressed their frustration at seeing the same issues over and over again with Avco. As a result, a national campaign to change Avco's practices was developed.

CCLS(WA) contributed case studies and helped write a joint report published by Legal Aid NSW and the Consumers Federation of Australia detailing the practices of Avco Financial Services. The report was launched with significant media coverage in July 1997. The media coverage in WA, together with promotion of the campaign to community sector organisations and their clients, generated over a hundred enquiries from Avco customers to CCLS(WA) seeking advice on their legal situation. CCLS(WA) identified over 40 cases where Avco had potentially breached the law. CCLS(WA) represented these clients, filing proceedings in the Commercial Tribunal in some cases but ultimately negotiating settlements for the clients with Avco Financial Services.

In the meantime, Avco management engaged consultants to audit its practices. CCLS(WA) and other consumer groups were consulted and the outcome was the establishment of new compliance processes and an external dispute resolution process involving an independent Chair and two consumer representatives.

In parallel, CCLS(WA) and other consumer groups had been liaising with the ACCC (as well as other government regulators). Section 60 of the Trade Practices Act prohibits "undue harassment" in debt collection but had never been tested. Case studies in the Avco report were referred to the ACCC which developed and issued a guideline on section 60 for industry and consumers. Community groups continued to promote referring debtor harassment cases to the ACCC rather than the state based fair trading agencies, as had previously been the case, and the ACCC has now run a successful prosecution under section 60. The judgment endorses the guideline previously developed.

At the same time that the Avco report was launched, Legal Aid NSW commenced a test case relating to the non-disclosure on credit contracts. These proceedings have now become a series of cases, each involving several thousand, in several jurisdictions in Australia, including WA. CCLS(WA) has provided advice to hundreds of potential clients and currently represents a group of over 70 individuals in the WA proceedings.

Throughout this process CCLS(WA) has also provided resources and information for financial counsellors and other community workers on the legal issues in the Avco report, strategies on how to address them, including sample letters and forms and provided information and updates on the developments in the Commercial Tribunal and with the ACCC.

4.4 Community Legal Education

As a central component of community legal development, CLE offers information and education about the law and legal processes and how to effectively engage those processes. CLE employs different media and approaches to offer a holistic and coordinated approach, taking into account the local geopolitical and cultural context, to support community empowerment. It also provides an ideal method for identifying preventative or early intervention strategies to alleviate casework demands as well as acting as a socio-legal barometer to inform community priorities for policy and law reform.

CLE Workers Network

Community legal education (CLE) is the most common core service undertaken by CLCs. The high incidence of CLE (96% of surveyed centres) indicates the priority attached to CLE, with unfunded centres that are unable to offer casework, still electing to undertake CLE.

The CLC Survey found the following occurrence of CLE in responding centres.

Table 4 CLE Frequency

<i>Frequency</i>			
<i>Weekly</i>	<i>Fortnightly</i>	<i>Monthly</i>	<i>2-3 monthly</i>
<i>27%</i>	<i>19%</i>	<i>35%</i>	<i>12%</i>

Community legal education is preventative, enabling clients, communities and workers to acquire knowledge and skills to exercise legal rights and responsibilities and includes:

- information sessions and workshops for clients or potential clients
- preventative education in schools
- pamphlets, self-help kits, manuals, information cards etc
- training government and non-government workers.

CLE also includes strategies to increase access to justice by targeting promotion and information to a particular client group. The following case study shows the benefits of CLE to clients and the legal system as a whole.

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Case Study #7: Community Legal Education

FLO is a weekly forum conducted by Gosnells Community Legal Centre (GCLC) at Armadale and once per month at Cannington. The forum begins with a Family Law and Child Support Information Session. In addition the information session, FLO provides other key services.

GCLC has partnered with Relationships Australia (Armadale) in the delivery of this workshop. Having heard information on the Family Court process and alternatives to litigation, a Relationships Australia counsellor joins the group to discuss and explore some of the emotional and interpersonal issues that arise in family break ups and from the Family Court process. Participants are informed of where counselling and group work can assist. In particular, Relationships Australia emphasise the importance of supporting children through the process. Relationships Australia offers special programs for children and for youth whose parents have separated.

Following these sessions each participant then receives one on one advice with a solicitor. Having the advice sessions follow after the information session has proven to be very beneficial. The solicitors report that clients are coming to the advice appointments with very targeted questions and with a clearer sense of the questions they should be asking. The most significant outcome we believe however is that the majority of clients are choosing to pursue negotiation or mediation rather than litigation. This has substantial benefits for the parties, the court system and the community.

GCLC is seeking accreditation of the information workshop from the Family Court so that people attending the workshop are exempt from attending the compulsory court mandated information session if in fact their case proceeds to court. This would result in less pressure for resources and cost savings for the Family Court.

4.5 Law Reform

CLCs are to a considerable extent, the canaries in the mine or early warning system of the legal assistance framework. ...Frequently, it is by accepting and dealing with novel or unusual matters that a gap in either or both the law and services for a client / client group, is identified...

For example, it is doubtful that many of the 'scams' identified by the Consumer Credit Legal Service would have been identified so early, had it not been for them being the focus for referrals from government agencies, consumer organisations and other community services.

CLC Association (WA)

The work of CLCs in the area of law reform cannot be separated from the basis of their existence - the motivation of addressing issues of human rights and access to justice requires CLCs to vigorously advocate for systemic change, and not just work from a casework delivery model.

Gosnells CLC

The law reform activities of CLCs are grounded in their experience of delivering community legal services. Whilst small in overall scale of activities, law reform is strategic and aimed at addressing difficulties, gaps or inconsistencies in existing laws, regulations and practices.

Of the 26 centres surveyed, 72% had participated in some form of law reform or policy review over the past five years.

As governments move towards more consultative and active citizenship frameworks, as evidenced in WA through establishment of the Citizens and Civics Unit in the Department of the Premier and Cabinet, the part that CLCs are asked to play in community life is broadened.

CLCs are frequently identified by government as key stakeholders and thought of as effective mechanisms for eliciting community and consumer based input to policy and program development activities. Many CLCs participate as consumer or sector representatives on Commonwealth and State Government initiatives.

Examples of law reform activities undertaken by CLCs in 2001/2002, are provided in Appendix 4. A detailed example of CLC participation in law reform showing a range of strategies over a number of years, is provided in Appendix 5.

4.6 Community Development

Youth Legal Service engages in a 'community development' approach to the establishment of any outreach service. Assessment of needs and service design are undertaken in co-operation with local agencies and the local community, with a view to establishing ongoing resources and services that are sustainable within the local community.

Youth Legal Service

Community development is conducted by CLCs as both a process to plan and deliver services and as a strategy to promote resilience in disadvantaged or marginalised groups in our community. Initiatives aim to engage key individuals, groups and organisations in building a shared understanding and approach to addressing need and building capacity.

The Review found examples of community development occurring at local, State and national levels. Often local initiatives lead to greater areas of collaboration as demonstrated in the following case study.

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Case Study #8: Paralegal Training

Geraldton Resource Centre (GRC) has developed a strong focus on network based community development through its outreach services over the past few years. The organization identified a need to develop paralegals as service delivery suffered from staff turnover in the community lawyer position. A system of mentoring has been developed internally that is being transferred to a network of trusted community representatives and service providers located in Geraldton and communities receiving outreach services from GRC. GRC acts as a point of reference and referral for the network members. These people are in essence volunteers of GRC acting through generic organizations or in a capacity as a trusted community member.

A major problem for these people is isolation from information, and resources rather than purely geographic. Resulting from this realisation is a focus on knowledge management as a form of capacity building.

Strategic Alliances

Recently GRC entered into the first Training Alliance Manager contract in WA with Central West College of TAFE. From this initiative our focus on knowledge management has been developed and is now being implemented to the benefit of those affected by GRC's outreach.

A major initiative has been the strategic alliance between Central West College of TAFE, Legal Aid WA, and the Community Legal Centres Association (WA), which has been enabled through the agreement. From this alliance a paralegal training course has been developed that will be delivered in all community legal centres and Legal Aid in Western Australia.

Training of Volunteers

GRC's network of volunteers will be mentored, developed and accredited by outreach workers in recognition of their efforts on behalf of GRC.

These volunteers constitute an essential network that has been developed by GRC in order to enable greater access to the law and other necessary services previously not available in outreach communities.

Additional funding has been attracted to access training in other supporting areas of operation for the network.

4.7 Additional Services

A range of additional services are provided by CLCs to offer holistic approaches to problem solving, based upon priorities and resources. The Survey of CLCs showed that these services include welfare rights advocacy (35%), tenancy support (27%), financial counselling (23%), mediation (19%) and personal support services (15%).

4.7.1 Welfare Rights Advocacy

Welfare rights advocacy is undertaken, to some degree, by many centres. However, three metropolitan centres are funded to provide specialist welfare rights assistance across the State. In addition to this WRAS with the agreement of the Commonwealth has redirected generalist funding to support the additional welfare rights services it provides to clients throughout WA. The three centres, Welfare Rights and Advocacy Service, Sussex St CLS and Community Legal & Advocacy Centre, each cover a geographical area of approximately one third of Western Australia.

As areas of welfare law, especially in relation to social security law, become more complex and the risk of non-compliance, prosecution and possible imprisonment increases, demand for advocacy and representation also increases. This matter is outlined further in Section 9 *Gaps and Unmet Needs*.

4.7.2 Tenancy Support

Tenancy advice is provided through the Tenants Advice Service (TAS) and ten local service units. The service delivery model arose out of a collaborative process between CLCs and the Ministry of Fair Trading (now DOCEP). TAS receives CCLSP funding and funding from the Rental Accommodation Fund (RAF), which is interest on tenants' bond monies held in trust accounts, administered by the Department of Consumer and Employment Protection (DOCEP). The following table identifies the networks geographical locations.

Table 5 Tenancy Network

Metropolitan Region and location of service		Regional area and location of service	
<i>South East Metropolitan</i>	<i>Gosnells CLC & SSCLC</i>	<i>South Eastern</i>	<i>Goldfields CLC</i>
<i>South West Metropolitan</i>	<i>CLAC and SCALES</i>	<i>Pilbara</i>	<i>Pilbara CLS</i>
<i>North Metropolitan</i>	<i>NSCLC and WRAS</i>	<i>Kimberley</i>	<i>Kimberley CLS</i>
<i>East Metropolitan</i>	<i>MIDLAS</i>	<i>South West</i>	<i>Bunbury CLC</i>
		<i>Central</i>	<i>Geraldton RC</i>

4.7.3 Alternative Dispute Resolution

Mr Wilson SM was some years ago a practitioner in Bunbury and would through me confirm that on each and every occasion that he referred persons or clients to the CMS (Community Mediation Service) a settlement was reached saving certainly his client and the court system those direct costs and expenses of litigation.

Mr K T Fisher SM, Stipendiary Magistrate, Bunbury.

In the consumer credit arena, there is considerable coverage by industry based ADR schemes. We take many more cases through an ADR scheme than we would through court.

Consumer Credit Legal Service

CLCs participate in a range of Alternative Dispute Resolution (ADR) processes including complaint investigation, conciliation and mediation. The majority of CLCs' work can be seen as a form of ADR as they aim to resolve disputes in a non court determined manner, wherever possible. In this sense, CLC outcomes facilitate court diversion - resulting in a cost saving to all parties.

Three CLCs each receive \$32,500 from the Department of Justice to provide community mediation services, an amount that has not been indexed for over 10 years.

The majority of CLC submissions, identified a desire to increase capacity to undertake ADR processes such as mediation.

4.8 Partnership and Networks

... the Mental Health Law Centre and Legal Aid WA are now collaborating to deliver an integrated criminal law service by developing a partnership model of service delivery to defendants with a mental illness. The main purpose of the partnership model is to utilise Legal Aid's scale of operations and the MHLC's expertise and positive network within the niche area of mental health to more effectively deliver the service.

Mental Health Law Centre

CLCs participate in a range of local, State and national networks and partnerships in furthering their objectives. Through such links, centres have been able to better manage demand, find new and innovative solutions and maximise collaboration opportunities. Examples of the use of networks is provided by Northern Suburbs Community Legal Centre (NSCLC) in the following case study.

Case Study #9: Enhancing service delivery through promotion of networks

Northern Suburbs Community Legal Centre (NSCLC) has identified networking as a valuable resource that is visible and viable – a resource that connects people and organisations and assists in the provision of services. Networking promotes public awareness and encourages a process for the resolution of issues. It builds partnerships, supports staff and management and most importantly it provides an avenue to assist the most disadvantaged in our communities. There are many examples of the benefits of networking.

1. Legal Services

Providing accessible legal service to the community in the northern suburbs of Perth has been difficult due to transport accessibility, conflicting out and high demand. NSCLC has prioritised the development of networks including Legal Aid client services, Domestic Violence Unit, Family Court of Western Australia, private practitioners offering pro bono services, Multicultural Women's Advocacy Services and other local based services that may assist clients where we are unable to meet requirements or when assistance other than legal services are required.

In legal matters where NSCLC is unable to assist due to conflict or resources persons requiring urgent assistance are advised that wherever possible we will make contact with an alternate provider and alert them to the urgency of the situation and request assistance on the persons behalf. In non-urgent cases where three alternatives are offered, the caller is advised to phone back if they are unable to secure an appointment.

2. Family Law Network

The network established initially between Legal Aid WA and CLCs has extended to include the Family Court of Western Australia. CLCs practicing family law have greatly benefited from the regular meetings held between the three groups. The network has facilitated a forum for ongoing dialogue and discussion with the object of improving and streamlining services for Legal Aid and CLCs servicing predominantly self- represented litigants.

3. Family Law Foundation

Evolving from the Family Law Network the Family Law Foundation was established as a group comprising representatives from a number of agencies (govt and non govt). The object of the Foundation is to educate the public regarding family law issues.

4. Providing Staff Development through Partnerships

Providing ongoing support and professional development to staff working in a CLC is often made difficult by the limitations of the law individual CLCs practice. NSCLC works in partnership with CLCs and Legal Aid WA to ensure that the professional development needs of staff are met. As an example a Paralegal/community education and development worker employed with the agency was recently seconded to LAWA for three months. This month a restricted practitioner will be seconded to Youth Legal Service for three months.

5. Providing Services through Partnerships - Video Conferencing

NSCLC, CCLS, Rural CLCs and WRAS entered into a partnership to provide video conferencing advice and education sessions to clients residing in the wheat belt of Western Australia. This very successful partnership provided a number of services to disadvantaged members of the community.

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4.8.1 Community Legal Education Network

WA CLEWS acknowledges and supports the continuation of community legal service delivery within the community development framework of community legal centres (CLCs). We appreciate this opportunity to reinforce our position that community legal education (CLE) should be acknowledged, supported and resourced as a core service of community legal centres.

*WA Community Legal Education
Workers Network*

A network of Community Legal Education Workers (CLEWS) exists both at a State and national level. CLEWS offers support, guidance and resources to enhance effective community legal education, primarily as a professional support network. Through the national network, agreed CLE guidelines have been developed. An example of the ways in which CLEWS enhances CLC outcomes is provided in the case study below:

Case Study #10: The CLE Resource Register

An initiative of the CLEWS network, the CLE Resource Register is designed to provide workers with a starting point to identify existing resources in the delivery of CLE, training and community development strategies. Many workers have found that they have done an unnecessary 'run around' or 'reinvented wheels' when developing resources or undertaking community development. The Register hopes to cut a few corners in this process. The Register is divided into areas of law or target group as well as containing a section on CLE practice. The Register provides the name of the resource, its format, a brief description and the contact person or agency.

The Register is revised quarterly to keep it up to date, posted on the CLC bulletin board system and contained in a CLEWS induction kit for new workers.

This is an example of how collaboration has benefited individual workers and CLC sector as a whole. It has boosted the feasibility of many initiatives. It has also been the progenitor for further joint projects as workers recognise common interests and make contact.

Previous initiatives to establish a register have been unsustainable due to the lack of centralised coordination and the need for ongoing maintenance. Currently, Legal Aid's Community Development Officer coordinates updates but it is perhaps more appropriate for resources to be made available so that the CLC Association could play this role as part of a network support function.

4.9 State and National Associations

The Secretariat of the Association of CLCs is crucial to the effective collaboration and information sharing between members. It is also the most effective means by which government and other sectors can engage with CLCs in Western Australia collectively. The Secretariat requires appropriate levels of resourcing to enhance these activities.

Gosnells CLC

Formed by eight CLCs in 1990 as the peak organisation to provide support, coordination and representation for member centres, the Community Legal Centre Association (WA) Inc. now has 34 members - an increase of over 400% in 12 years. The Association provides a forum for shared policy development, planning and problem solving. In addition, it provides a focal point for consultation with CLCs by external bodies, conducts research and facilitates the flow of communication and cooperation between centres.

State associations are, in turn, federated nationally through the National Association of CLCs (NACLCL). NACLCL assists in the coordination of initiatives and standards as well as providing a federal voice for CLCs. Conferences of all CLCs are held nationally and on a statewide basis.

There was wide support shown by CLCs for these affiliations and networks as:

- providing 'value adding' to centre outcomes
- enhancing cooperation
- increasing the skills and knowledge base of centres
- increasing the overall knowledge base of the law, legal services and legal need
- maximising resources
- minimising inefficiency.

4.10 Regional Factors in Service Provision

....That project is illustrative of what doesn't work in rural Australia. A metropolitan based organisation deciding what rural residents need and then providing it, thus being something that is not needed and leaving the yawning chasm of no relevant rural services.

Rural Community Legal Service

Distance is always a factor : mail takes 3 days to get from Bunbury to Narrogin, which is 2 hours drive from Bunbury.

Bunbury CLC

...staff from Geraldton Resource Centre visit Carnarvon, a distance of 474 kilometres each way and Goldfields CLC staff drive for 4 hours to reach Esperance; necessitating overnight accommodation and expenses in both instances. Likewise, Pilbara CLS staff are regularly required to drive the 202 kilometres between their Port Hedland /Roebourne / Karratha offices.

Although it constitutes a third of Australia's area, WA has only 15% of the nation's sealed roads and 18% of its unsealed roads. Further, of almost 150,000 kilometres of roads in WA, more than two thirds are unsealed.

CLC Association (WA)

The single biggest factor affecting the delivery of regional services in WA, is the sheer size of the State and difficulties with transportation. For example, to fly from Perth to the Pilbara and then further north to the Kimberleys on a training trip, requires the traveler to return south to Perth and back out again. There are no commercial flights between these adjoining regions.

Kimberley Community Legal Services is situated in a region that is 421,451 square kilometres, the Goldfields-Esperance region is 771, 276 square kilometres.

In addition to such challenges of scale, regional centres:

- have greater difficulties in attracting and maintaining staff;
- often experience a higher cost of living;
- have greater costs for travel, salaries, training, communications, cooling and purchases;
- have difficulties in accessing support and training services;
- require greater time for travel e.g. outreach visits can involve a six hour return drive;
- have difficulties attracting volunteers, especially legal volunteers from within small communities;
- increased conflict of interest problems;
- less options for referral to public, private or non-government sectors; and
- have difficulties in infrastructure eg internet, communication with clients.

These factors translate to higher costs and fewer options.

Regional centres also require time to ‘settle into’ their communities and establish their services and networks. It has been suggested by some CLCs that longer developmental time is required for regional areas.

Policy makers and funders need to buffer regional centres from the demand for results and high client numbers and support longer developmental periods for RRR CLCs to mature.

Bunbury CLC

Regional centres face difficulties arising from isolation from other practitioners and services, limited options for sharing of knowledge and resources and reduced opportunities for mentoring and supervision. Accessing training for staff is difficult and expensive.

Where possible, metropolitan CLCs provide support services to regions outside their catchment area, but this is no substitute for locally grounded, community based regional centres. In some cases, city based specialist centres can work with local CLCs to collaborate on outreach activities, thereby saving costs.

Regional centres have developed local volunteer networks to increase coverage and one has set up sub-regional offices. However, the magnitude of the logistics are such that CLCs are unable to consistently deliver legal services throughout the entire State.

The next two case studies demonstrate these problems.

Case Study #11: Getting around

The use of scheduled airlines is not always a feasible alternative in WA; a state particularly lacking in intrastate airline services.

- *In the Kimberley, there are 2 return flights daily from Perth to Broome, connecting with 1 only return flight from Broome to Kununurra.*
- *in the Pilbara, there are 2 daily return flights from Perth to each of Port Hedland, Karratha and Newman, with an occasional connecting flight from Newman to Paraburdoo. A second airline flies return from Perth to Karratha 3 days per week with no interconnections.*
- *Gascoyne, Carnarvon and Exmouth are serviced by the same 1 return flight per weekend day to and from Perth. There is no weekday service.*
- *Geraldton is the only community in the Midwest to have scheduled services viz 3 and sometimes 4 return flights per day from Perth.*
- *In the Goldfields, Kalgoorlie has 4 return Perth flights on most days, Leonora has 1 flight on 6 days a week and Laverton / Leinster has 1 flight, 3 days per week, but there are no interconnections between these communities. Likewise, Esperance has 2 return Perth flights on weekdays and 1 on weekend days; none of which connect with other Goldfields centres.*
- *The only other West Australian country town to be serviced by scheduled flights is Albany in the Great Southern, with 2 return flights from Perth on weekdays and 1 flight on weekend days.*

Section 4
CLC Services

Case Study #12: Regional Access

In August/September 2002 at a centre only 100km by road from the Perth GPO, internet access was not available for nearly 4 weeks: Reason – too much “noise” on the line made connection to the ISP impossible.

Public transport

Within the central wheatbelt there is not, to the knowledge of the Rural Community Legal Services, any dedicated intra town public transport service. The Perth/ Kalgoorlie Prospector train service and a Perth/ Northam commuter train are the only public train passenger services in the region. The prospector’s timetable is for a different time of the day (or night) each day of the week. Usually one service each way each day.

The commuter train leaves Perth at about 5.30am to depart Northam for Perth at 7.00am (arriving about 8.30am) and returning at 5.30pm (arrive Northam 7.00pm). The train then returns to Perth, leaving Northam at about 8.00pm arriving Perth 9.30pm. A timetable designed to suit commuting Northam to Perth rather than Perth to Northam. Some railway and private bus services travel through the region en route to Eastern States, Port Hedland or Esperance, but no intra region services exist.

In short there is not by any measure a useful public transport system providing services between central wheatbelt towns. This lack of service contributes to the disadvantage of our rural residents.

Recommendations

Community legal centre core services should include a mix of one or more of the following services:

- (i) information and advice
- (ii) casework and minor assistance
- (iii) representation and advocacy
- (iv) community legal education
- (v) policy and law reform.

Community legal education and law reform initiatives should continue to be acknowledged as positive preventative strategies and core services that add value to the community and the legal system.

Section 5
Accessing CLCs

Section 5
Accessing CLCs

For many of my constituents who need access to legal advice, time is of the essence. From feedback from my constituents I am aware of the lengthy waiting times for appointments and how the fear and stress about not being able to afford a private solicitor compounds and already complex and stressful situation for many people.

Sheila McHale JP MLA

CCLS (WA) submits that the primary issue affecting equity of access to CLCs and CLC services is under resourcing. We do not have a situation where some client populations receive too many CLC services and others too few. We have a situation where areas without funded CLCs are unable to offer access to justice to members of their communities, and areas with funded CLCs also experience significant levels of unmet need.

Consumer Credit Legal Service

The Review found that community legal centres generally provide services to clients who have low income, are financially and socially disadvantaged & have access to limited assistance. Disadvantage may be constituted by a range of factors that include economic, social, cultural, psychological, legal or physical.

Clients can include groups of people, but are most commonly individuals. Using NIS to provide an indication, a CLC client is likely to be on a government income benefit and between 31-40 years of age. For 2000/01, 56% of CLC advice clients in WA were on government benefits or had no income compared with a national average of 49% of advice clients on no income or government benefits.

The NIS Statistical Profile 2000/01, shows that Western Australian CLCs have a similar gender mix to the national average of 60% female and 40% male. The indications of Aboriginal and Torres Strait Islander background is 8% in WA compared to 3% nationally.

5.1 Eligibility Criteria

CLCs offer services in a context where demand significantly outweighs resources. Within this setting, eligibility guidelines have been established by CLCs to provide:

- transparent and fair processes for equitable distribution of limited resources;
- guidelines for intake and referral staff;
- coordination with other CLCs on delivery of services; and
- a framework for administrative, managerial and strategic decision making.

An example of eligibility guidelines is provided by Rural Community Legal Services. This CLC covers a region 154,863 kilometres, has only two part time staff and no recurrent funding.

Case Study #13: RCLS Eligibility Criteria

Rural Community Legal Service (RCLS) has established general eligibility criteria to assist in the allocated limited resources.

Issues to be considered in determining eligibility are:

- *Conflict of interest.*
- *Is the matter within the expertise, knowledge skill of the RCLS lawyer.*
- *Are alternative services available and accessible to the applicant eg private practitioner, Legal Aid WA or Aboriginal Legal Service.*
- *RCLS views itself as a practice of last resort.*
- *Whether RCLS has the resources to undertake the matter bearing in mind the need to maintain availability to others.*
- *Whether referral to another practice, agency or service could result in a resolution of the matter.*
- *The matter has sufficient legal merit.*

The Review found that:

1. CLC eligibility guidelines will vary according to:

- local commonality needs & priorities;
- the centre's current resources;
- availability of alternative services; and
- CLCs constitution and objectives.

2. Eligibility criteria act as a guide only. Flexibility is built into the criteria so as not to deny justice where the CLC is the only or best choice. Examples include:

- conflict of interest problem with alternative service eg LAWA, ALSWA or other CLC;
- lack of other services to refer e.g. increased difficulties in getting legal aid for some matters; decisions by other providers to stop providing a particular service; lack of local services; and
- client has a history with a particular CLC or may have physical access reasons (transport, interpreters, wheelchair accessibility) why they prefer to use a particular CLC.

CLCs publicise eligibility via pamphlets, referral data to CLCs and other agencies and general promotional materials. The combination of guidelines with flexibility seems to work well with CLCs and there was no evidence presented to the review, of major difficulties.

The following case study shows how CLCs will cross refer to each other, between specialist and generalist services and dependent upon eligibility guidelines.

Case Study #14: Service Provision and Cross Referral

The Women's Law Centre (WLC) received an urgent request for assistance for a woman from a Domestic Violence Shelter. The client had three children under the age of eleven years and required assistance with a range of issues including:

- Information and advice on family law children's issues, because her ex partner, father of two of her children threatened to seek residency and return to NSW with the children.
- Information about the processes involved in collecting arrears for Child Support. The father of her eldest child was whereabouts unknown and the client was trying to determine whether or not the Child Support Agency or ATO could trace him and recover significant arrears for child support (Approximately \$4,000).
- Information and advice with regard to her rights to access and use of the family car. The car loan was in both names and was being paid off by both parties.
- Information about the possibility of organising a transfer through Homeswest to a nearby suburb. The Homeswest tenancy was in her and her ex partner's names.

Family Law

WLC was able to provide information about the family law matter and offer limited assistance with paperwork and affidavits. The client was able to make an appointment to see a legal caseworker prior to her matter being heard. At the appointment she received advice about her affidavit and court procedures. She was reassured that if she didn't understand the decision she could return to the service and discuss the outcome of the hearing and any possible future action.

Child Support

WLC is not a specialist child support service and does not receive any additional funding to offer comprehensive service in this area of law. With regard to the child support matter, the client was provided with information about the Child Support Agency. The client was also offered a referral to either Legal Aid's Child Support Unit or Gosnells Community Legal Service (the only metropolitan CLC in WA with specific child support funding). The client indicated that her ex partner had previously had Legal Aid assistance and so she believed she would not be able to access Legal Aid because of their potential "conflict of interest". The client was happy for WLC to refer her to Gosnells and she was offered either an appointment with their Child Support solicitor a place on their next child support community legal education and information session.

Homeswest Tenancy

Women's Law Centre does not receive any specific tenancy funding. However, if clients have tenancy issues that are related to their other legal matters then the caseworkers have the discretion to offer minor assistance. A caseworker who had received tenancy training from Tenants Advice Service was able to provide information about Homeswest procedures and assist the client to make the application to move suburbs. The client was also advised to immediately change the lease into her name only and to organise a priority application for changing the locks and keys.

Consumer Credit

The client's problem with the car loan could not be addressed by WLC because of funding restrictions. Matters involving property cannot be prioritised ahead of children's issues. After discussion with the client, and information provided by the Consumer Credit Legal Service(CCLS), the client was advised to seek detailed legal advice and provided with a referral list. CCLS's guidelines relate to banking and credit law and prohibit involvement in civil disputes between individuals. CCLS spoke to the client to ascertain whether or not she had acquired a "Sexually Transmitted Debt" and to see if there was any possible action against the organisation which had provided the loan. There was no grounds for such action based on the facts.

5.2 Accessible Services

CLCs aim to provide accessible services through a variety of strategies:

- A commitment to free direct services, as underpinned in many cases by the organisation's constitution;
- Physical accessibility. CLCs, especially generalist centres, will seek a location that has easy access via public transportation. Shop fronts in shopping areas, near public libraries and co-location in Lotteries WA funded community service houses, are examples of CLC locations. Centres with statewide briefs will often be located in the CBD to allow for equitable access;
- 42% of CLCs surveyed have 1800 numbers to increase accessibility. Where centres cannot offer 1800 numbers, clients are called back for lengthy STD calls;
- Programs that provide target group specific workers, such as the Indigenous Women's Program, improve the accessibility of CLCs to the targeted client groups;
- Visiting clients who are unable to attend the CLC due to institutionalisation, incarceration, physical abilities or distance from centres;
- Providing sub-regional offices (eg Pilbara CLS) or outreach services to outlying areas.
- Where possible, providing services outside of traditional working hours. This can include CLE forums, self help workshops or after hours legal advice services (often staffed by volunteers);
- Providing flexibility that allows for cross referrals outside normal guidelines;
- Ensuring staff are trained on matters such as cultural safety issues and the use of translators; and
- Operating with minimum bureaucracy and formality, so as to be client focused.

5.3 Access Issues

5.3.1 Interpreters

Western Australia has the highest proportion of overseas born compared to the Australian born component of the population, in Australia. According to the 2001 ABS Census, the overseas born comprise 22% of the Australian population but in the case of Western Australia they account for 27% (495,240 people) of the state's population.

Multicultural Services Centre of WA

Interpreter services can be required for clients born overseas, Indigenous clients and clients whose first language is Auslan. Whilst some interpreter services are provided free to CLCs, Auslan is not. Additionally, translation and on site interpretation services can become costly for CLCs.

5.3.2 Physical Access

Problems of physical access are an issue for metropolitan as well as regional services. Perth's public transport system is less extensive than other capital cities and can cause difficulties for clients without a car.

For instance, travelling from Merriwa in the far northern suburbs to Mirrabooka located at the lower end of the region requires a bus to Joondalup, a train to either Perth or Warwick and a subsequent bus trip from either of these points to Mirrabooka.

Northern Suburbs CLC

The effect of regional distances in accessing and delivering services is outlined previously in 4.10.

CLCs attempt to improve access through the use of technology such as video conferencing. However, these strategies are still in the early stages of development and would benefit from further coordination.

5.3.3 Conflict of Interest

Conflict of interest is a major issue for prospective regional clients; because fewer services are offered it is often difficult for everyone to have the same access to low cost legal and mediation services, legal centres and legal aid. For example, those people who use the Bunbury Community Legal Centre (BCLC) for legal assistance and advice are often unable to use CMS (Community Mediation Service), which operates under the umbrella of BCLC.

Bunbury CLC

Clients in areas with few legal service options may experience difficulties accessing services because the other party to the dispute has already become a client of the centre and conflict of interest has arisen. This is particularly the case in family law matters where neither party has major assets or ability to use private solicitors.

5.3.4 Unmet Need

In 2000/2001 GCLC referred approximately 3000 people to alternative services. The majority of these referrals are made simply because GCLC does not have the resources to assist these people, NOT because they are matters we would not otherwise assist with.

Gosnells CLC

...records of unmet demand for our telephone advice service indicate that CCLS (WA) only has resources to provide advice to 16% of callers, the majority of whom request casework and representation.

Consumer Credit Legal Service (WA)

All evidence indicates that demand for legal services is higher than CLCs capacity to supply and CLCs are unable to meet the demand placed upon them. Specific areas of unmet need are discussed further in Section 9.

5.3.5 Special Client Groups

The Survey of CLCs as well as the Survey of LAWA Regional Offices, found that the following groups were particularly vulnerable and require special strategies to increase their access to justice:

- Culturally diverse clients
- Young people
- Elderly people
- People with mental health issues
- Aboriginal people and Torres Strait Islanders
- People with disabilities
- Domestic violence victims
- People affected by drug use
- Detainees
- Clients without transport.

Recommendations

Nil

Section 5
Accessing CLCs

Section 6
***Management
of CLCs***

Section 6
Management of CLCs

The continuity and mix of members of the Management Committee has allowed a high level of stability for this organisation. Membership of the organisation includes a range of community members, such as politicians, representatives of other community agencies, as well as past consumers of the service.

Welfare Rights & Advocacy Service

The Management Committee spends most of its deliberations on trying to resolve ongoing funding problems and budgetary shortfalls. This includes spending time on issues concerning inadequate salary levels and managing staff turnover. Consequently, there is never much opportunity for the Management Committee to spend time on strategic planning and developing policies and procedures.

Mental Health Law Centre

An appropriately resourced Management and Board Support program is the most effective means of enhancing the corporate governance of CLCs.

Gosnells CLC

The existence of a Management Support Program similar to the project run in NSW in the late 1990's incorporated into an adequately funded Secretariat would facilitate the ongoing process of support to CLCs on the matter of governance. The Secretariat could mentor new services and coordinate needs analysis, training, skills development and other issues that are specific and relevant to the CLC sector.

SCALES

6.1 Legal Entity

The majority of CLCs are incorporated bodies (88% of survey group, 95% of CCLSP funded centres) with management committee structures (96%). This means the primary legal identity of CLCs is that of not-for-profit associations, incorporated under State or Federal legislation.

Each CLC is legally separate from the other and are ultimately accountable to their specific membership, constitution and objectives. These vary from CLC to CLC. Some centres are public benevolent institutions, under Federal definition, others are not.

CLCs are connected through the peak association - the Community Legal Centre Association of WA (CLCA (WA)). The Association's membership is made up of CLCs who agree to share a set of objectives and resources. CLCA (WA) in turn has its own management and membership decision making model.

6.2 Management Committees

Under the *Associations Incorporation Act 1987*, associations must set up a management Committee (also called Board of Management, Executive Committee etc) to oversee the business of the association. In CLCs, membership ranges from 5-13 people with the average being 8-9 members. Of the centres surveyed, there are a total of 213 people serving on Management Committees.

Over half of all Management Committee members have been involved in the centre for less than 2 years and 36% for under 12 months. Management Committees bring a range of skills and experiences to the process of governance.

Members are largely committed members of the community followed by professional or organisational representatives including partners in private legal firms and specific community/consumer representatives.

6.3 Governance Practices

CLCs have developed organisational policies and procedure manuals in 84% of centres surveyed and 94% of CCLSP funded centres.

Whole of centre strategic plans exist in 73% of surveyed centres and 77% of CCLSP funded centres.

Professional Indemnity, risk management policy and procedure and quality assurance is conducted within a common national framework and insurance policy. Under this arrangement, all participating CLCs are required to follow minimum standards and are externally assessed, annually, to check compliance.

National service standards have recently been developed by the Commonwealth and CLCs after a lengthy consultation period. These standards require centres to self assess and report on an annual basis with external review every three years.

Due to the mixed funding of CLCs (see Section 8), centres can be reporting to as many as 7 different funding sources, for an average of \$351,000 per annum. This introduces challenges to streamlined recording and reporting systems, data collection, funding requirements and service practices.

The Review found support for Commonwealth standards for funding, including the 3 year funding agreements and strategic plans. Longer term funding agreements assist planning, program delivery, governance and stability and should be adopted by all mainstream funding agencies.

6.4 Issues Affecting Governance

According to the CLC Survey, and backed up by the centre visits and submissions, the key issue affecting committees in their role of governance is the time spent on funding issues - inadequate amounts, insecure status and sustainability.

...because of low level of recurrent funding, significant time and effort is spent on sourcing and negotiating new funding every year.

CLC Survey

Second to funding is staffing issues. Of those centres with staff, over 39% state that low salaries, high stress and high staff turnover, add significantly to the work of Management Committees through recruitment, supervision and training. Such difficulties distract from strategic planning and broader management.

Generally we have recruited junior people and trained them in-house. We recognise that it may be difficult to replace staff if they leave especially as salaries for similar positions in government for private practice are being paid tens of thousands of dollars more, in some cases this could be double the salary received at...

CLC Survey

Equal second (35% of all CLC respondents) are the difficulties centres have in attracting and maintaining management committee members. Centres indicate increased difficulties in getting members. There is a sense in which 'everyone is busier than they used to be' and have less time for volunteering. The constant juggle of funding and increased demands for reporting and compliance leave many committee members exhausted after a couple of years. Added to this is the increased complexity of management obligations and responsibilities, requiring CLCs to seek specific skills e.g. financial and legal.

A lack of funds and opportunities for training of Management Committee members was identified in 28% of CLCs. On average, CCLSP funded centres had undertaken 10 hours training per year for committee members. A third of survey respondents (38%) want to see more funded training, mentoring, professional development and support of management members, similar to the NSW Management Support Project. Over one quarter stated that adequate, secure funding is essential for better management.

The impact that uncertain funding has on the achievement of stable and effective governance in CLCs is highlighted in the case study provided by Consumer Credit Legal Service (WA).

Case Study # 15: Struggling for Funds

CCLS (WA) began operating in February 1991. Between 1993 and 2002, its only source of recurrent funding was the funding received from the Commonwealth Community Legal Services Program, an amount of \$45,000 - \$50,000 per year. In addition, CCLS (WA) was successful in attracting non-recurrent project funding from a variety of sources to provide specified services in the consumer credit area.

While CCLS (WA) was successful in obtaining project funding, it was also perpetually in imminent danger of closure. On four separate occasions between 1998-2000 CCLS (WA) was forced to issue redundancy notices to all staff and inform clients that CCLS (WA) was facing closure and might not be able to finalize their cases. We started every financial year without sufficient funds to cover our budgeted expenditure, having calculated the exact date we needed to close and still be able to meet our liabilities, and hoping that we would receive a favourable result from one of our numerous applications and attempts to obtain funding in sufficient time to prevent redundancies. The lack of adequate recurrent funding for core services had the following effects:

- *Low staff morale because staff worked with the constant threat of redundancy hanging over their heads. At times staff would engage in practices such as not taking annual leave for 2-3 years so that they would have a financial cushion if CCLS (WA) closed.*
- *High burn out rate for Management Committee members who were actively involved in obtaining funding and acutely aware of their liabilities and responsibilities to staff and the community we served. In 2000, when we could project several months of adequate secure funding, 4 out of 8 Management Committee members resigned. That 8 member Management Committee had taken years to develop and represented a diverse range of skills and experience (CLC lawyer, youth worker, financial counsellor, TAFE lecturer, community sector policy worker, legally qualified management consultant with experience in CLCs, Legal Aid, private practice and ALS, community worker with a background in CALD organisations, State Government policy worker with experience in public relations and human resources). CCLS (WA) is still in the process of rebuilding our Management Committee.*
- *Difficulty attracting and retaining staff. In 1999,(a period of financial difficulty) CCLS (WA) advertised for a caseworker and received 2 applications. In 2002, (a period of greater funding stability) CCLS (WA) advertised for a similar position and received 26 applications.*
- *Inability to implement long term plans e.g. obtaining new premises that would enable CCLS (WA) to increase use of volunteers and deliver evening legal services.*
- *The devotion of staff time and resources to seeking funding to maintain existing service levels. Clients suffer when they cannot be sure whether CCLS (WA) will operate for long enough to finalize their cases. Many consumer credit cases are complex and may take several years to finalize. On one occasion, CCLS (WA) negotiated a monetary settlement for a client against a bank which had made several errors on the client's loan contract, including charging a higher percentage rate than the one quoted verbally. After the negotiations, the bank's lawyer told the CCLS (WA) lawyer that they had heard of CCLS (WA)'s financial difficulties and had considered delaying as much as possible, to see if CCLS (WA) would in fact close, leaving the client unrepresented and unable to pursue a remedy through the Commercial Tribunal.*

Note: From July 2002 CCLS (WA) has a three year grant from the Department of Consumer and Employment Protection of \$100,000 per year to provide advice to members of the public (no representation, education or law reform). This provides greater stability as we start each financial year with a smaller deficit.

6.5 Improving Governance

Strategies to improve governance include structures that are foundational, preventative and service Boards and Management Committees. This may require some resourcing to develop or formalise peer support programs.

State and National CLC Associations may be well placed to deliver such support.

Improved coordination of existing resources could also assist corporate governance - particularly in the areas of insurance, EEO, human resources and industrial relations.

Recommendations

A management support program for CLCs should be developed and made available.

Section 7
***Staff and
Volunteers***

Section 7
Staff and Volunteers

The Mental Health Law Centre has never had any difficulties in recruiting volunteer students and mental health consumers. The problem has always been the lack of time and resources available to effectively coordinate and manage the pool of volunteers. Paid staff already have too many demands on their time to effectively oversee volunteers even though at present they have no option.

Mental Health Law Centre

... in attracting young lawyers we have invested a lot in training and developing them into youth specialists. Many sound youth specialists have been lost to the community sector due to inferior salaries and the need to improve career prospects. This means that Youth Legal Service has continually trained, supervised and assisted young lawyers only to have them leave after a short time because the pay is too poor.

Youth Legal Service

The ability of CLCs to attract the contribution of volunteers is a valuable attribute of this sector. Volunteers provide insight into the local community as well as the opportunity to volunteer in a CLC provides tertiary students with invaluable experience. It must be recognised that volunteers are not free labour and that CLCs should be appropriately resourced to provide quality levels of training, support and supervision to their volunteer workers.

Gosnells CLC

Adequate funding should also be provided for a co-coordinator (for volunteers), this is a very time consuming and integral task and is essential to the smooth and successful running of the volunteer program. If governments are serious about promoting the role of volunteers then adequate funding must be provided for the role of co-coordinator (for volunteers).

MSCWA

7.1 Staffing CLCs

CLCs surveyed employ 170 people - representing 4 830 hours per week and 129 FTEs. The average funded CLC employs 7-8 staff across 219 hours per week. This includes project staff. About half of the positions are part-time. The average position is 28.5 hours per week.

Three centres employ no staff, due to lack of funding and rely on volunteers and one employs staff from project funds only. CLCs employ multi-disciplinary staff. Just over half are legal staff/advocates and caseworkers - the rest are made up of CLE specific staff, policy workers, administrative and management workers.

A large majority of CLCs survey responses spoke of low remuneration (78%) and the difficulties in attracting and maintaining good staff. This is compounded in regional centres, where costs are high. High stress and workloads (47.8%), followed by little professional development and a lack of career opportunities (39%), high staff turnovers and difficulties in recruiting in regional areas (26%) are the top five issues affecting the ability of CLCs to maintain continuous, effective staffing.

The majority of CLC staff are employed under the Social and Community Services (SACS) Award. The award sets minimum rates only, although most CLCs are unable to pay more than the basic award rate. Some CLCs qualify for public benevolent institution status and can offer salary packaging to staff. However, as criteria is limited, not all centres are eligible.

Rates of pay for comparable positions in CLCs are 25%-35% lower than for positions in Legal Aid WA. As the SACS award has failed to keep up with increases in other industries, the remuneration gap between working in a CLC, the public service and the private sector has increased.

On one occasion, CCLS (WA) came upon the scenario where the hourly pay rate for a casual clerical worker to answer phones and do basic typing and filing was higher than the hourly rate paid to the Principal Solicitor.

CCLS (WA)

Regional centres particularly suffer from the effects of low salaries, for two key reasons:

- the salary provides no incentive for people to move to regional areas; and
- the cost of living in regional areas is higher such as housing, air conditioning in hot climates, petrol, food and communications.

Difficulties in attracting staff to remote areas where there are insufficient entitlements, a lack of training opportunities and lack of social supports was also identified as a problem by the regional Legal Aid WA offices through the LAWA Survey.

7.2 Volunteers

The GCLC has been unable to attract people with professional legal qualifications as volunteers. People with these qualities are either already in full time employment or having reached an area of part time or full time retirement....move on....most professional people tend to leave Kalgoorlie at that point, moving on to Esperance, the South West or Perth.

Goldfields CLC

Our experience has shown that community legal education is best delivered by paid staff or volunteer lawyers. Previously Youth Legal Service used volunteer law students to assist in school presentations, however, professional indemnity issues and unfavourable evaluations resulted in the discontinuance of this practice. The problem with using volunteers is that there is no capacity for a small service to monitor quality and to ensure that volunteers other than lawyers provide legal information rather than legal advice.

Youth Legal Service

On each week that we offer the volunteer legal service, for the nine appointments we fill, we refer away, on average, another 30 callers. This amounts to a staggering number of people that we cannot assist throughout the year simply because we do not have the resources to do so.

Gosnells CLC

WA CLCs surveyed for the Review attract approximately 386 volunteers, accounting for 740 volunteer hours per week. This is the equivalent of 19.7 FTEs or 2.5 'averagely funded' CLCs - a value of approximately \$877 550 pa.

Volunteers are predominantly students (57.3% of all hours), followed by people volunteering administrative services (26.7%) and then lawyers (9.4%). Seven centres do not presently use volunteers.

Of those centres that do use volunteers, an average of 5 hours per week is spent on volunteer coordination, 6.4 hours on supervision and 2 hours on recruitment. The training of volunteers is varied, ranging from 0 - 883 hours per annum. If averaged, each volunteer receives 4 hours of training a year.

There are many ways volunteers participate within the sector, and there are several excellent training programs including the Volunteer Induction training program developed by Gosnells CLC, the courses delivered by the DDU at Sussex Street CLC, and the program offered by the Mental Health Law Centre.

CLCs in RRR areas often have difficulties attracting some volunteers, especially lawyers (in the Kimberley the CLC is thousands of kilometres away from the two legal professionals in private practice). In other regions there is also the issue of managing potential conflicts of interest.

The Review notes that cost of supervising and managing volunteers is not properly factored in - such costs include screening, training, induction and professional supervision.

The following three case studies show ways in which CLCs use volunteers.

Case Study #16: Evening Legal Services

Volunteers provide a large component of the work at Community Legal and Advocacy Centre and allow us to assist the number of clients that the service continues to do.

In 1991 we commenced the evening legal service on a once per week basis, as the daytime staff were unable to meet the demand of the numbers or the issues requiring assistance. As time progressed the service was expanded to two nights per week at which level it has remained since. It could be run more often if there were additional lawyers able to assist. The service runs for 11 months of the year.

During the month over the Christmas period when the ELS is suspended, there are many requests for assistance that we are unable to deal with.

Case Study #17: Harvesting Volunteer Support

In April 2002, SCALES began a project with other non-government organisations, such as the Association for Torture and Trauma Survivors (ASeTTS) and the Coalition Assisting Refugees After Detention (CARAD) to provide assistance to Temporary Protection Visa (TPV) Holders in WA.

The project aims to recruit, train and organise a group of volunteer migration agents, solicitors, students and refugee advocates to assist TPV holders in their applications for permanent residence.

As part of this project, a new specialist CLC, the Centre for Advocacy Support & Education for Refugees (CASE for Refugees) has been established. CASE for Refugees already has 400TPV holders who have requested assistance.

Section 7
Staff and Volunteers

Case Study #18:
A Decade of Volunteer Commitment to Legal Services

In the Peel region are a group of committed individuals who have been working for widely available legal services for over ten years. These volunteers have drawn together from organizations, local government and community members who have experienced legal problems. They have been confronted by the crippling effect that lack of legal services have had on people in the region, particularly women and children.

Increased Community Need

Ten years ago, the issue was evident enough for the volunteers to unite in trying to bring increasing legal services into the area. Since then the issues have become critical. The area, comprising five local government areas, has grown from an adjunct to the south west region, to being designated as Peel. It is now the second largest region in WA with a population of almost 80,000, with a lawyer per population ratio of approximately 1:8,000. Low-income families experience real difficulty in accessing legal assistance. With virtually no public transport, accessing existing legal services in the Metropolitan area or Bunbury is beyond the reach of many families. This has led to what one volunteer recently cited as "a litany of serious unattended issues – criminal and child protection issues; tenancy problems leading to homelessness; enormous and complex financial battles that have a devastating effect on individuals and families".

Services Provided

Without external resources, the volunteers over the years have continued to provide informal advice, helped to fill in forms, arrange for community legal education sessions and have endeavoured to attract pro-bono services for people in need of urgent legal assistance. They have lobbied for associated services, particularly for women and children. Two years ago when the City of Mandurah provided funding for part-time project coordinator to assist the group to gain its own legal status. Since then the Peel Community Legal Service has been incorporated and now operates with broad community representation including the original volunteers and other interested residents. Community information sessions have been increased and a free legal advice service with pro-bono assistance from local lawyers has recently commenced.

Demand has continued to escalate with the free legal service showing initial signs of full bookings for advice sessions. Volunteers provide all the booking, preparation and support activities for the pro-bono lawyers. Records from only two small local services show a monthly average of 60 clients in emergency circumstances requesting assistance for legal services.

The Peel CLC volunteers are continuing to seek resources to increase access to effective legal services in the region and are aiming to move to an outreach service to the rural areas as soon as funding allows. The volunteers have an in-depth understanding of the needs of the local community and show by their on-going and long term commitment that they will assist local people as far as possible.

Recommendations

CLC volunteer programs value add to service outcomes and should provide for the cost of recruitment, training, coordination, administration and supervision of volunteers.

Section 8
Funding CLCs

Section 8
Funding CLCs

It is important to note that any funding model that is adopted must provide for secure, core, recurrent, funding for a minimum term of three years. This is to be distinguished from the contracted complimentary funding that some CLCs negotiate with various government agencies to deliver specific, defined legal and related services.

Community Legal Centres Association (WA)

With CLCs being at the 'grass roots' and linked with other local service providers and community groups there is a ready-made network for information dissemination about the law both State and Commonwealth. However, the lack of consistent funding for CLCs means that the opportunities for very effective and targeted CLE go begging. The examples we have of State program funding, such as in youth matters or tenancy, suggest that both specialist and generalist centres and their accordant communities could only benefit from a State funding program.

CLEWS

8.1 Funding Sources

CLCs receive funds from at least 15 different sources and some centres are reporting to up to seven different funding sources as evidenced in summary table of respondents to the CLC survey at Appendix 6.

CLCs experience a great disparity in funding levels. For example, Human Rights WA received no 'government' funding and the Geraldton Resource Centre received more than \$817,000 in 2001/02. The statistically 'average' funded CLC receives approximately \$351 000 per annum and has operating expenses of \$352 000 pa.

The 'average' CLC would have at least 3 - 4 sources of funding.

Major sources of funding include:

- (i) CLCs (CCLSP) funding which comprises 41% of all funding- core funding.
- (ii) Distributions from the Rental Accommodation Fund, which comprises 12% of all funding - for tenancy related purposes.
- (iii) Mainstream agency funding which comprises 28% of all funding - for specific purposes by Commonwealth agencies (6% of total) and State agencies (22% of total) including mediation, emergency relief and financial counselling.
- (iv) Public Purposes Trust (PPT) funding which comprises 7% of all funding - for specific projects.
- (v) Other one-off sources including Lotteries WA, local government grants and subsidies and rollover or carry forward amounts which comprise 12% of total funding.

The Review found that relationships between mainstream government agencies and CLCs vary in line with the relative importance attached to the service delivery outcomes for which CLCs are funded and the source of funds.

As the Department of Consumer and Employment Protection (DOCEP) noted in its submission:

Over the years the Department has established some close working relationships and sees the ongoing retention of these CLC services to the community as an important method of delivering services in the field of consumer protection.

DOCEP Submission

DOCEP administers tenancy programs with funds from the Rental Accommodation Fund and resources the Consumer Credit Legal Service with its own funds, that must survive the annual budget process and priority setting applicable to all Consolidated fund agencies.

The Review found different expressions amongst mainstream government agencies of the State Governments policy approach *to funding and purchasing service delivery through the not for profit sector*, with some agencies favouring triennial funding agreements and others continuing with rather limited year to year grant based arrangements, for what might otherwise be considered core (or at least ongoing) service delivery.

The Review found evidence of underdeveloped relationships where services were not central to mainstream agency objectives or where the CLC service was perceived to be in competition with the agency for scarce resources.

8.2 Adequacy of Funding

Evidence indicates that the *sustainability* of CLCs is at risk. Increased costs, reliance on non-recurrent funding, low salaries and a lack of certainty contributing to their vulnerability.

According to the CLC Survey and submissions made by centres, making budgets balance is often based upon uncosted or under costed inputs (eg training, staff not getting mileage payments and claiming against personal income tax, uncounted over time), high toil and unacknowledged costs e.g. volunteer coordination and support.

Key areas of concern are highlighted below.

8.2.1 Specialist Centre Funding

Specialist centres generally operate from a lower CLC funding base but with a statewide brief.

Of the 11 specialist respondents to the CLC Survey, 4 receive no CCLSP funding and 3 receive less than \$80,000. Average CCLSP funding for specialist CLCs is \$101,035 compared to an average of \$149,285 for generalist CLCs. Average all source funding for specialist CLCs is \$228,826 compared to \$297,564 for generalist CLCs.

Specialist centres are more likely to be reliant on non-recurrent funding (22% of all funding) compared to generalist centres (18.7% of all funds).

8.2.2 Outreach Funding

It is also important to note that fluctuations in this funding have necessitated a curtailing of the outreach on offer. We are no longer in a position to provide drop in advice clinics at youth agencies as had been our practice in the past. Youth agencies continually ask for this level of servicing, yet we are unable to provide it due to a lack of funding to staff such arrangements.

Youth Legal Service

This centre has, for two consecutive years, received funding from the PPT for a second solicitor to provide outreach services to Narrogin, Manjimup, Bridgetown, Collie, Harvey, Busselton and Margaret River. However, this funding must be applied for each year. Each year we are reminded that it is a 'one-off' grant! In 2002 we were not granted funding for 2002/2003 until June 2002, creating considerable uncertainty and forcing the outreach solicitor to seek employment elsewhere. Such programs cannot be fully developed if we are compelled to 'wind down' the service each year in case we lose funding.

Bunbury CLC

Outreach services appear to be particularly vulnerable as they are largely dependent upon non-recurrent funding. This means that outreach services can commence with project funds and then fold if further funding is not secured. The stopping and starting of outreach because of inconsistent funding is not cost effective.

8.2.3 Staffing

Problems with attraction and retention of staff due to low remuneration, was identified by 78% of all CLCs surveyed and was seen to be the biggest challenge facing the staffing of centres. Apart from low wages, a lack of adequate funding means that little provision can be made for staff relief or locums.

8.2.4 Regional Services

As outlined previously in 4.10, the delivery of CLC services to regional areas is affected by the high costs of transport, communication, staff time and high cost of living in regional areas.

8.2.5 The Funding Juggle

Currently, a condition of Commonwealth funding restricts the use of that funding to represent any individual or community organisation/group in any court or tribunal. However such legal representation is sometimes necessary to follow up a matter and ensure that the individual or group succeeds in its pursuit of environmental justice. The EDO's ability to proceed to this level of public interest environmental law depends upon funding from donations, fundraising, and pro-bono representation.

Environmental Defender's Office

CLCs expend considerable time and resources juggling different funding sources. Restrictions, such as those highlighted by the Environmental Defender's Office above, lead to CLCs having to find project funds to provide core services. The challenges and difficulties this can cause are demonstrated in the following case study.

Case Study #19 : Juggling Funding

In 1999-2000, Consumer Credit Legal Service (WA) (CCLS), received funding from 9 different sources. This funding was used to fund "core" staff and "core" service delivery. The Commonwealth CLC Funding Program funded a percentage of all service delivery activities, and funded salary, salary on costs, rent and operating costs. Another funding body provided salary only (no on costs) to deliver casework and representation, no advice, a third purchased \$100,000 worth of advice, community legal education and law reform (no casework), yet another funded \$8,000 worth of casework and advice by a solicitor, a fifth provided \$8,500.00 for salary, salary on costs, defined operating expenses and no rent to provide community legal education and so on. Some funding for casework and advice was specifically limited to consumer credit, other funding enabled CCLS (WA) to do banking and insurance.

None of these amounts correlated to the actual salaries or proportionate rent and operating costs for any one position. So, CCLS (WA) had to engage in an exercise where the amount of time spent by each person on advice, casework, CLE, etc. was calculated, matched up with different funding specifications, and existing job descriptions. CCLS (WA) then had to work out how to attribute rent and other operating costs, bearing in mind that some funding bodies did not contribute to these costs. Funding periods varied from the entire financial year, to a 12 month funding period that did not correspond with the financial year (May to June), to a few months. Reporting requirements also varied with one funding body requiring the collection of information outside that captured by the NIS system.

This juggling exercise continued through the year as new funding sources were obtained. In 2000-2001, CCLS (WA) obtained funding from 7 different sources, only 3 of which were the same as the previous year and repeated the exercise. By comparison, if the project funding could have been treated as project funding not as a substitute for core funding, it would have been much easier to identify the outcomes purchased by each funding body.

8.3 Commonwealth - Pre and Post Justice Statement Funding

Following the Commonwealth Justice Statement in May 1995, standardised levels of core funding were introduced for newly funded CLCs. Comparisons of pre and post 1995 funding, outlined in Table 7, show disparities between these two groups of centres.

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Table 7 CCLSP Funded Centres :Pre/Post Justice Statement

Pre Justice Statement		Post Justice Statement	
Centre	Funding 02/03	Centre	Funding 02/03
Bunbury CLC	\$153,920 (CLC \$47,980 CSS \$105,940)	Albany CLC	\$213,192
Community Legal & Advocacy Centre	\$71,796 (CLC \$20,444 WRC \$51,352)	Environmental Defender's Office	\$78,160
Consumer Credit Legal Service	\$51,328	Goldfields CLC	\$211,648
Geraldton Resource Centre	\$233,240 (CLC \$95,924 RWOL \$79,220 (\$58,096 IWP)	Kimberley CLS	\$270,824 (\$58,096 IWP)
Gosnells CLC	\$185,694 (CLC \$111,536 CSS \$74,158)	Northern Suburbs CLC	\$168,072
Multicultural Services Centre	\$100,904	SCALES	\$106,708
Pilbara CLS	\$216,288 (CLC \$78,972, RWOL \$79,220 \$58,096 IWP)	Women's Law Centre	\$299,520
Sussex St CLS	\$266,588 (CLC \$105,664 DDL \$109,572 WRC \$51,352)		
Tenants Advice Service	\$116,916		
Welfare Rights & Advocacy Service	\$163,268 (CLC \$111,916 WRC \$51,352)		
Youth Legal Service	\$70,248.00		

Cth Funding Abbreviations

CLC = generalist funding
 CSS = child support
 WRC = welfare rights
 DDL = disability discrimination
 RWOL = rural women's outreach lawyer
 IWP = indigenous women's program

8.4 State CLC Funding

A coordinated approach to State funding in line with the Commonwealth arrangement of three year funding agreements and service standards is supported. The removal of any structural barriers in keeping with the State Government's policy statement is also supported. DOCEP will examine ways to provide services that can be funded without the need to resort to inappropriate competitive tendering processes where there is no cost benefit.

DOCEP Submission

I believe that additional State and Federal funding is a necessity and totally support the Gosnells Community Legal Centre in their endeavours to seek a State funding program.

Sheila McHale JP MLA

...I write to give my strongest support for the initiative of a State CLC funding program being set up in the State.

Hon Barbara Scott MLC

....This law reform placed a great burden on CLCs because they were not funded to provide this newly demanded service. It is clearly the responsibility of the State Government to ensure that the legal rights and responsibilities of the WA community are understood and adhered to and that CLCs are adequately resourced to provide this service.

Giz Watson MLC

The biggest single funding issue raised throughout the review process has been lack of a State CLC funding program.

CLCs are supported by other forms of State funding for specific purposes such as financial counselling, mediation and tenancy support, however this is purpose specific and does not enable CLCs to cater for the full range of legal need prevalent in their communities.

Other States have similar arrangements with a mix of CLC specific funding, purpose specific funding and statutory schemes for distributing income and interest earned on various trust accounts.

However, Western Australia is the only mainland State not to have a State CLC funding program.

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Table 8 State/Commonwealth National Comparisons

Community Legal Centre Program Contributions²

2001-02			2002-03		
	C'wlth	State		C'wlth	State
NSW	4,787,117	3,227,498	NSW	4,891,304	3,769,539
VIC	4,323,248	2,742,775	VIC	4,417,338	3,034,811
QLD	3,025,384	1,783,420	QLD	3,091,229	2,066,000
SA	2,618,524	811,249	SA	2,675,515	816,300
WA	2,971,737	31,000	WA	3,036,416	31,000
TAS	971,697	0	TAS	992,845	0
NT	810,659	0	NT	828,303	0
ACT	466,876	0	ACT	477,038	0
	19,975,242	8,595,942		20,409,988	9,717,650

Direct Government grants to Legal Aid Commissions³

2001-02			2002-03		
	C'wlth	State		C'wlth	State
NSW	36,337,000	53,477,000	NSW	38,956,000	61,230,000
VIC	27,750,000	31,500,000	VIC	27,750,000	30,000,000
QLD	21,806,000	20,439,000	QLD	23,709,000	20,696,000
SA	9,901,000	9,412,000	SA	10,351,000	9,691,000
WA	9,741,000	13,530,000	WA	10,486,000	13,370,000
TAS	3,827,000	2,916,000	TAS	3,880,000	3,055,000
ACT	3,071,000	2,019,000	ACT	3,104,000	2,152,000
NT	2,226,000	2,009,000	NT	2,334,000	2,143,000
Total	114,659,000	135,302,000	Total	120,570,000	142,337,000

Aboriginal and Torres Strait Islander Legal Service Funding⁴

2000-01	
NSW	Not included
VIC	2,249,664
QLD	10,934,600
SA	3,455,026
WA	5,846,652
TAS	933,851
ACT	-
NT	5,513,384
TOTAL	28,933,177

2. Refers to funding provided to community legal centres. They do not include other expenditure under the program for Regional Law Online, Data systems and program support costs

3. Does not include legal aid commission revenue from Statutory Trust and special interest accounts, or income generated from client contributions and recovered costs

4. Contains information taken from Table 24 on page 44 of the report Evaluation of the Legal and Preventative Services Program Office of Evaluation and Audit, ATSIIC 2003

8.5 Other Funding Sources

8.5.1 Public Purposes Trust

In relying on Public Purposes Trust yearly funding to provide core services to the young, there is a risk that from year to year core services may not be provided, increasing the risks of these young people being drawn further into the juvenile justice system and more likely to become adult offenders.

Youth Legal Service

... the PPT currently provides 28.89% of our funding. We applied for the current PPT funding on 27th June 2001 but did not receive approval until 5 June 2002, by which time we had ceased promoting our outreach program and our solicitor was actively seeking alternative employment.

CLC Survey Report

The Public Purposes Trust (PPT) receives interest on client monies held in solicitors' trust accounts. Established in 1985, the primary objects of the Trust are:

- (i) to advance the education of the community, and any section of it, with respect to the law;
- (ii) to advance the collection, assessment and dissemination to the community, and any section of it, of information relating to the law; and
- (iii) to improve the access of the community, and any section of it, to legal services.

These objects align neatly with the values and core services delivered by CLCs.

The PPT is the largest provider of project specific funds to CLCs with \$2.2 million provided to CLCs from a total distribution of \$3.6 million, in the past three years.

In the past three years CLCs have received an average 60% of the total distribution from the PPT at an average grant to 16 centres in 2003/04 of \$51,000. The Francis Burt Education Centre and the Law Society's Shopfront Lawyer or Law Access program are the other major beneficiaries.

The PPT is a valued source of funds for CLCs and many have come to rely upon it for core service delivery. PPT funding has enabled CLCs to develop and implement new service initiatives with project funding, however uncertainty and length of time in annual decision making processes makes sustaining effective outcomes difficult.

The Review found the stop start nature of PPT funding to be a common cause of complaint throughout the sector.

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Case Study #20: Domestic Violence Program

Gosnells Community Legal Centre (GCLC) runs a Domestic Violence Legal Service. Unfortunately funding for this service is at best precarious. In having to rely upon the Public Purposes Trust of the Law Society (PPT) for funding of this service, funding is made on a year by year basis only and is not guaranteed from one year to the next.

In 1999 and 2000 the service was funded at a full time level however in 2001 the service was reduced to a part time one without any warning or explanation. In 2002 the service was once again funded to a full time level.

To date (February 2003) we are yet to be advised whether we are to receive funding for this service in the next financial year. This is entirely inappropriate for a service of this nature.

8.5.2 Lotteries WA

The Lotteries Commission has provided grants to 28 of the 33 centres affiliated with the peak body in WA. Between July 1988 and January 2003, direct grants to these 33 centres totalled \$6,083,317. The extent of grant support provided varied from the smallest support to a centre of 1 grant for \$1,890 for general establishment support, to the largest support to a centre of \$1,443,950 through 45 grants.

Lotteries WA Submission

Lotteries WA is a significant financial supporter of CLCs. Lotteries WA provides one-off funding for capital equipment, research projects, management support, training and conference attendance.

Lotteries WA do not provide grants for operating expenses such as for community legal education, minor assistance, information or advice, law reform and casework.

8.5.3 Rental Accommodation Fund

Under the *Residential Tenancies Act 1987*, the Department of Consumer and Employment Protection maintains a trust account for tenants' bond monies. All interest earned on the money in the fund, as well as those bond monies held by financial institutions on behalf of real estate agents, is paid into the fund.

The Act provides that income and interest earned, may be used to provide grants to non-government agencies that provide education or advisory services to tenants. In 2001/02 \$1,030,000 was made available to support statewide tenancy advice and education services by CLCs, from this source.

8.5.4 Cost Recovery

A number of submissions to the Review, spoke of the difficulties CLCs face in recovering costs as a source of self-funding due to restrictions in the *Legal Practitioners Act*.

These difficulties are illustrated in the case study provided by the Mental Health Law Centre.

Case Study #21: Cost Recovery

In 2000 the Mental Health Law Centre (MHLC) was successful in an appeal to the Supreme Court in the matter of EO v Mental Health Review Board. The matter important as a test case because the Supreme Court found that, at the review hearing, the Mental Health Review Board had not complied with the principles of procedural fairness.

Having been successful at the appeal, MHLC was awarded costs in the sum of \$6000 against the mental health service involved, to date, the MHLC has not been able to recover these costs, because of the rules set out in the Legal Practitioners Act and the Legal Practice Board Rules about who may charge costs.

A legal practitioner is not allowed to practice under a name which is not their own name or the name of another practitioner or the name of a legal firm without the written consent of the Legal Practice Board. This raises the question of whether solicitors employed by a CLC such as the MHLC need to obtain permission from the Legal Practice Board to practice as "John Citizen of the MHLC".

The Crown Solicitors Office in the EO decision raised the issue of whether it is the incorporated association (MHLC) that is charging costs or the certified practitioner. They asked whether the solicitor acting on the matter was practising in her own right under the legal firm name of the MHLC. Whilst the solicitor concerned had a costs agreement with the client it is clear that she was practising as an employed solicitor of the MHLC rather than as a solicitor on her own account. Consequently, the MHLC has not been able to recover the costs.

Recommendations

- (i) A State CLC funding program should be established.
- (ii) The Commonwealth should review the disparity between CLCs funded before the Justice Statement and those funded since 1996 and should new State funding become available, priority consideration should be given to raising the recurrent funding of existing CLCs to a sustainable level.
- (iii) The Commonwealth and State Governments should cooperate to extend the capacity and ensure the ongoing viability of CLCs and consider developing a Memorandum of Understanding (MOU) to set out the basis for their coordinated action in support of the CLC sector.
- (iv) Discussions should be held with the Law Society of Western Australia regarding the use of Public Purposes Trust funding for delivery of viable services by CLCs, consistent with Trust objectives.
- (v) Mainstream agencies which resource and utilise CLC services should:
 - (a) commit to a three year funding cycle; and
 - (b) consider adopting uniform reporting and accountability requirements applying throughout the sector.
- (vi) A stakeholder consultative committee should be formed to provide advice to government on:
 - (i) addressing unmet legal needs; and
 - (ii) ways to facilitate coordination and collaboration throughout the sector.

Section 9
***Gaps and
Unmet Need***

9.1 Locational Gaps

The Review identified gaps in services in four regional areas:

- Gascoyne
- Peel
- West Kimberley
- Wheatbelt.

and three metropolitan corridors:

- north
- north east
- south east.

These findings are consistent with the ranking of Local Government Authorities (LGAs) against the Index of Demand for Legal Aid undertaken as part of the Review methodology (URS Demographic and socio-economic analysis of Western Australia, 2003).

The demographic report found the highest regional rankings on the Index of Demand in the LGAs of growth south of Perth (Mandurah and Murray) and remote parts of the State with high Indigenous populations (Kimberley, Ngaanyatjaraku, Upper Gascoyne and Murchison).

Metropolitan rankings for demand are highest in significant population centres (Kwinana, Belmont and Fremantle) and areas of high growth (Swan, Wanneroo and Stirling). LGAs with highest levels of predicted population growth and high Index of Demand rankings include Kwinana, Rockingham, Wanneroo, Stirling, Gosnells and Armadale.

The Wheatbelt region has an established CLC, Rural Community Legal Service, but the centre is without recurrent funding. Peel region has a completely voluntary CLC service and is also without recurrent or significant project funds.

The northern corridor is the fastest growing area in Australia. A greater proportion of people with incomes less than \$120/wk live in this region than in rest of WA and the cities of Wanneroo/Joondalup have a high proportion of young people. Whilst Northern Suburbs Community Legal Centre offer limited services to the area, it is unable to meet demand due to the requirements of their own catchment area, which encompasses 8 LGAs.

9.1.1 Outreach

Outreach is an important strategy utilised by CLCs to maximise access to justice.

In order to cover the State, CLCs need ongoing, secure funding to conduct outreach services to outlying areas in their catchment regions.

Present outreach services are largely funded on project and non-recurrent funds. Such services are vulnerable to loss of funding and stop-start service continuity.

Outreach services are most effective when they are:

- linked to strategic planning;
- planned in collaboration with local services and other stakeholders;
- funded from recurrent sources; and
- in extension to sustainable levels of centre located services.

9.2 Client Groups

9.2.1 Aboriginal People and Torres Strait Islanders

In Western Australia, need for legal assistance from the community sector far outweighs available resources. 22.6% of people accessing the legal system are Aboriginal.

ATSIC and ALS Submission

The need for increased services to assist Aboriginal people was identified widely in Review submissions and surveys. Although programs such as the IWP in Kununurra have been successful and WA CLCs see almost 3 times more Aboriginal clients than the national average, there is still a great gap in services.

This is particularly true in the area of representation. The Aboriginal Legal Service of WA is faced with its own challenges in meeting demand, which it cannot do on its own and any contraction in the service capacity of ALSWA is felt immediately by other providers.

A number of submissions addressed the need for increased services in this area.

9.2.2 Culturally and Linguistically Diverse People

Western Australia has the highest proportion of overseas born compared to the Australian born component of the population, in Australia. According to the 2001 ABD Census, the overseas born comprise 22% of the Australian population but in the case of Western Australia they account for 27% (495,240 people) of the State's population.

Multicultural Services Centre of WA

People not proficient in English are not able to self represent - creating a high demand for services.

There has been an increased use of the Multicultural Services Centre of WA and other CLCs by African/Asian clients. These people usually have little knowledge of the legal system and are extremely vulnerable clients.

The needs of refugees on temporary protection visas has also been identified as a key concern. Whilst CASE has been established to assist these people, the CLC is unfunded and relies on volunteers only.

9.2.3 Mental Health Consumers

At any one time between 1500 and 2000 people in WA are experiencing a severe and debilitating mental illness. It is estimated that one in four people will develop a short or long term mental illness at some time in their lives.⁵ Of this group, only about half receive adequate treatment and support. There are high levels of homelessness and substance abuse.

Mental Health Law Centre

We say with authority that the MHLC was not adequately funded to respond to the new Act of 1996 and that this deficit in resource allocation has never been corrected, despite considerable lobbying. There should be no limitations or false demarcations on what legal need a consumer can bring to a CLC such as the Mental Health Law Centre.

Health Consumers' Council

A large number of submissions to the Review as well as the CLC Survey and LAWA Survey, addressed the need for better services for people with a mental illness.

The 1997 National Survey of Mental Health and Wellbeing of Adults found that 18% of those surveyed experienced some form of mental health disorder in the twelve months prior to the survey. This is consistent with other estimates that 1 in 5 Australians will experience a significant disruption to mental health and wellbeing sometime in their lives with 3-5% of the population experiencing a serious, ongoing illness requiring treatment (HREOC 1993, WAAMH 2001).

Mental illness in our society still holds stigma and many people with mental health problems experience discrimination and social isolation as a result.

Whilst WA has a Mental Health Law Centre, set up under changes to the *Mental Health Act 1996*, (the Act) and funded by the Health Department, the centre is limited to acting for clients on matters pertaining to the Act. The centre is unable to provide legal support to clients on the wide-range of matters they present with.

There is strong support for the funding of a comprehensive generalist legal service for mental health consumers.

9.2.4 Prisoners

The need for improved services to cater for the legal needs of prisoners and their families was identified by a number of submissions to the Review.

5. *The Public Advocate of Western Australia Annual Report 2001/2002.*

9.2.5 Young People

There has been a sharp upturn in matters related to youth debt. In the 2000/1 financial year 45% of our civil work related to youth debt, this jumped to 76% of our civil work for the 2001/2 financial year. The current percentage of civil law matters relating to youth debt is 75% thus far for the 2002/3 financial year.

Youth Legal Service

Young people, by nature of their age and development, are vulnerable members of society, requiring special attention. The need for youth specific services and workers was identified by a number of submissions to the Review. The needs of young people were also identified in the LAWA Survey and by the Department of Community Development's submission. Areas identified by the Department where clients have needs for legal representation & advocacy are:

- Parents with children in State care who are not eligible for legal aid - and do not have adequate access to a CLC; and
- Provision of advocacy services for children.

Whilst Youth Legal Service provides statewide support for CLCs in working with young people, a number of CLCs put forward the need for local youth services situated within the CLC.

The issues of youth debt, particularly related to mobile phones, is an area of increasing need.

9.3 Services

9.3.1 Alternative Dispute Resolution

A number of centres submitted a desire to become more proactive in offering Alternative Dispute Resolution services.

Three CLCs currently receive specific State mediation money, totalling \$97 500. Since the early 1990s, when the funding was introduced, the sum has not been altered. In real terms, the decrease in funding has been substantial.

CLCs are well placed to play a key role in the provision of alternative dispute resolution (ADR) services.

ADR should be offered as an option rather than the only choice and ADR services should be in addition to existing core services.

9.3.2 Domestic Violence

We are consistently aware of the benefits to clients of access to legal advice when applying for Violent Restraining Orders and VRO defended hearings. Legal support when victims are pursuing assault charges is also essential, however as previously stated the family law area in relation to child contact arrangements and property matters is an ongoing major concern for many victims already traumatised by violence and abuse.

Armadale Domestic Violence Intervention Project

Domestic violence is the most common form of assault in Australia. Whilst it is difficult to measure the full extent of the problem, it is estimated that 38% of the female population will experience some form of domestic violence (Report on Women's Safety, ABS 1996). In 1994, WA women were victims in 91.4% of reported cases (Freedom from Fear, WA Govt).

Domestic violence is an area of high priority identified by the CLC Survey, LAWA Survey, URS demographic report and submissions.

Where CLCs have domestic violence specific workers and program such as Geraldton Family Advocacy Service and Gosnells Community Legal Centre, increased access and assistance is effective. However, many of these services, such as those offered by Gosnells CLC, have precarious funding.

Given the nature of domestic violence, the client may have needs crossing criminal law, family law, housing, income support, compensation and children.

9.3.3 Family Law

In this regard I note that the demand for assistance in financial matters has increased significantly recently following amendments to the Family Court Act relating to defacto relationships and the amendments to the Family Law Act concerning superannuation.

*Michael H Holden
Chief Judge, Family Court of WA*

Family Law has been the fastest growing area of legal need for some time. All CLCs surveyed, that offer family law services, say they are unable to manage present demand.

Many clients request family law advice, assistance and representation. Requests for the preparation of documents are constant. In addition, assistance is usually required in other areas of life, as a result of the relationship breakdown, including income support, housing and debt.

Whilst up to 95% of family law matters reach negotiated outcomes, there is still a strong requirement for advice, information and minor assistance to engage in negotiated processes.

Evidence put forward by submissions indicate that recent changes to Western Australian laws, extending access to the Family Court of W.A. to defacto couples for property matters and same sex couples for property and children's issues, has increased demand for family law services.

9.3.4 Representation

One of the main difficulties that workers experience is the lack of funding for litigation and representation. This is where the system fails the clients whom, having been informed of their rights become totally frustrated when trying to secure them, either because of the reluctance to proceed alone, or because they fail when they have proceeded as an unrepresented litigant. This also means that often minor assistance is not useful for clients who are unable to self represent. It has been acknowledged that the courts themselves are frustrated with both the denial of justice and delays caused by the increase in unrepresented litigants.

Community Legal & Advocacy Service

Consumers of mental health services are disadvantaged by self-advocacy. The effects of illness or medication can severely disadvantage such people in putting a case forward in the most cogent and effective light. In addition, many patients are also disadvantaged by their suspicion of institutions (including the law) and are often accustomed to being unheard or misunderstood. These characteristics further inhibit both the patient's ability to put their wishes forward and the patient's expectations of what can be achieved.

Mental Health Law Centre

An Australian Law Reform Commission Report showed that, for matters before the Administrative Appeals Tribunal, represented applicants were more than twice as likely to succeed in their appeals than those unrepresented, with a success rate of 23% for unrepresented compared with 51% for represented applicants.

Council of Official Visitors

Emphasis on education and self-help has to take into account the capacity of the client base especially in remote areas.

LAWA Survey

The inability of CLCs to fully or partially represent clients before courts and tribunals was a major finding arising from the CLC Survey, LAWA Survey and submissions.

Section 9
Gaps and Unmet Need

Whilst CLCs attempt to assist clients to self-represent where possible, this is not always practical or advisable. Given that CLC client groups are often made up of people experiencing compound disadvantage (economic, cultural, social, health), it is not feasible to expect all clients to self represent.

Evidence put forward by submissions indicate that a decrease in the ability of people to attract legal aid, due to tighter eligibility conditions, has increased the demand on CLCs for representation services.

9.3.5 Welfare Rights Advocacy

Many people are not able to fully comprehend the complicated systems governments employ and there is an urgent need for an advocacy service, with immediate access, to assist in addressing issues such as those with Centrelink, especially in the case of breaches.

*Jeanne-Marie Thomasz
Mission Australia*

As social security laws become more complex and prosecution targets have increased, more people are finding themselves at possible threat of court action over alleged breaches or changed eligibility.

The risk of losing income, fines and possible imprisonment is significant and a number of submissions to the review have highlighted the need for increased services in this area - especially in regards to representation.

Regular referrals are made to CLCs with welfare rights workers by staff of Legal Aid WA, as grants of aid for these types of matters are unusual and not forthcoming.

The following case study shows the potential impact of social security prosecution actions and the value that CLCs can have for clients and the legal system.

Case Study 22# : Preventing Prosecutions

Ms S is a 26 year old Indigenous woman with 4 children who lives in a remote North West Town and was referred by Aboriginal Legal Service, as they were representing her against Centrelink's prosecution over a Parenting Payment Partnered (PPP) debt for \$3,800.00, which occurred a number of years ago.

A worker from Welfare Rights & Advocacy Service assisted Ms S to challenge the Parenting Payment debt and was successful at the Social Security Appeals Tribunal (SSAT) in having the debt waived under special circumstances. In this case the Advocacy and Administrative Law Team in Centrelink decided not to appeal the SSAT decision to the Administrative Appeals Tribunal on behalf of the Department of Family & Community Services.

As a result of the SSAT decision the Prosecution Section of Centrelink recommended that Ms S. not be prosecuted and the prosecution action was withdrawn. As a consequence to the waiver of the right to recover Ms S's PPP debt all monies already recovered were refunded to Ms S.

Recommendations

- (i) In the establishment of any new services or new community legal centres, priority should be given to:
 - (i) non-metropolitan regions - Gascoyne; Peel, Wheatbelt and West Kimberley; and
 - (ii) metropolitan outer corridors - north, north east and south east
- (ii) Priority services include services for Aboriginal people, mental health consumers, persons affected by domestic and family violence, culturally and linguistically diverse (CALD) people, prisoners and young people.

Appendix 1

ASSOCIATION OF COMMUNITY LEGAL CENTRES (WA) INC

Albany Community Legal Centre

ALBANY WA 6330

Armadale Information & Referral Service

ARMADALE WA 6992

Bunbury Community Legal Service

BUNBURY WA 6230

CASE for Refugees

PERTH WA 6000 - ROCKINGHAM WA 6168

Citizen's Advice Bureau Legal Service

PERTH WA 6000

Community Legal & Advocacy Centre

FREMANTLE WA 6160

Consumer Credit Legal Service (WA) Inc

PERTH WA 6000

Deaths in Custody Watch Committee (WA) Inc

PERTH WA 6000

Employment Law Centre of WA (Inc)

PERTH WA 6000

Environmental Defender's Office (WA) Inc

PERTH WA 6000

Geraldton Family Advocacy Service

Yamatji Family Violence Protection Unit
GERALDTON WA 6531

Geraldton Resource Centre

GERALDTON WA 6530

Goldfields Community Legal Centre

KALGOORLIE WA 6430

Gosnells Community Legal Centre (Inc)

GOSNELLS WA 6110

Human Rights WA

PERTH WA 6001

Kimberley Community Legal Services

KUNUNURRA WA 6743

Lockridge Community Group

LOCKRIDGE WA 6054

Mental Health Law Centre WA Inc

PERTH WA 6000

Midland Information, Debt & Legal Advice Service (MIDLAS)

Multicultural Services Centre of WA

NORTH PERTH WA 6006

Northern Suburbs Community Legal Centre

MIRRABOOKA WA 6061

Outcare (Incorporated)

WEST PERTH WA 6005

Parkway Legal Advice Centre

NEDLANDS WA 6009

Peel Community Legal Service

MANDURAH WA 6210

People With Disabilities

NEDLANDS WA 6009

Pilbara Community Legal Service

SOUTH HEDLAND WA 6722

Rural Community Legal Service

NORTHAM WA 6401

Southern Communities Advocacy Legal & Education Services Inc

ROCKINGHAM WA 6168

Sussex Street Community Law Service Inc

EAST VICTORIA PARK WA 6101

Tenants Advice Service Inc

EAST PERTH WA 6004

Welfare Rights & Advocacy Service (WA)

PERTH WA 6000

Women's Multicultural Support & Advocacy Centre (Inc)

PERTH WA 6001

Women's Law Centre

INGLEWOOD 6932

Youth Legal Service

PERTH WA 6000

Appendix 2

Outreach Services

Centre names in full

Centre	Outreach Y/N	Location of Outreach
<i>Albany Community Legal Centre</i>	Y	<ul style="list-style-type: none"> • Katanning twice per month
<i>Bunbury CLC</i>	Y	<ul style="list-style-type: none"> • Collie once per week • Harvey once per week • Margaret River once per week • Busselton once per week • Narrogin once per month • Waroona once per month
<i>Consumer Credit Legal Service</i>	Y	1800 State advice line
<i>Environmental Defender's Office</i>	Y	<ul style="list-style-type: none"> • Ad hoc as needed • 1800 State advice line
<i>Employment Law Centre</i>	N	
<i>Geraldton Resource Centre</i>	Y	<ul style="list-style-type: none"> • Video Conferencing • 6 weekly intervals at each location <ul style="list-style-type: none"> • Carnarvon • Meekatharra • Morawa • Exmouth • Eneabba • Shark Bay • Northampton • Dongara • Mingenew • Leeman • Mullewa • Mount Magnet
<i>Goldfields CLC</i>	Y	Intermittent CLE, plus 1300 advice line.
<i>Gosnells CLC</i>	Y	<ul style="list-style-type: none"> • Armadale once per week • DV Armadale Court 3 days per week • Cannington Family Law Forum once per month • Information forums once weekly at Maddington & Armadale

Outreach Services *continued*

Centre names in full

Centre	Outreach Y/N	Location of Outreach
Kimberley CLS	Y	<ul style="list-style-type: none"> • Wyndham once per month • Oombulgurri bi-monthly • Kalumburu bi-monthly • Warnum bi-monthly • Halls Creek bi-monthly • Fitzroy Crossing twice per year • Balgo twice per year • Mulan twice per year • Bililuna twice per year • Yagga Yagga twice per year
Mental Health Law Centre	Y	<ul style="list-style-type: none"> • Graylands Hospital 4 times per week • Bentley Health Service twice weekly • Alma St Fremantle once per fortnight • Swan Valley Centre once per week • Armadale Clinic once per week • Joondalup Health Campus once a month
MSC	Y	Lockridge twice a week
Northern Suburbs Community Legal Centre	Y	<ul style="list-style-type: none"> • Merriwa once per fortnight • Yanchep once per fortnight • Lockridge once per fortnight • Midland once per month
Peel CLS	N (currently not funded)	
Pilbara CLS	Y	<ul style="list-style-type: none"> • Jigalong once per fortnight • Tjillea Warrac oncer per week • Marble Bar once per quarter • Nullagine once per quarter • Onslow once a year • Tom Price once every 6 months • Punmu once a year
Southern Community Advocacy Legal Centre	Y	Kwinana Family Law Forum once a month
Tenants Advice Service	Y	1800 State advice line
Youth Legal Service	Y	<ul style="list-style-type: none"> • 1800 State advice line • Armadale once per fortnight • Joondalup once a week • Midland once a week • Fremantle once a week

Appendix 3

Examples of Public Interest Advocacy

Examples of public interest advocacy and test cases undertaken by WA CLCs in the past five years. Abbreviations in full; case law in italics, a little more detail.

- s84 RTA - backdating rent reduction
- Interaction between G&A Act and MH Act
- Public Housing Review Panel
 - missing documents
- Minimum CS payments and Centrelink
- AAT - Farm Household Support Act 1992 (Cth)
- AAT: s630 AA of SSAct
- Appeals to SC on interpretation of MH Act
- Provision of interpreters to deaf people in banking
- Class actions against financial institutions
- 'STD' debt test cases
- Access to petrol station facilities for people with disabilities
- Land valuation Tribunal
- Rent Ass. for people in retirement villages
- AAT: definition of residence for Carers allowance
- EO and Homeswest
- Housing and EO
- EO, housing and UN - int. court of justice
- 17 Supreme Court Appeals
- *Scott v Telstra* - TTY phones for people with hearing impairment
- *Harris & Ors v Dept. Transport* - accessible buses, train stations etc.
- Testing notion of 'standing' in EP cases
- Coronial Inquiry
- LC and accessibility of cinemas
- LC and town planning - access for people with disabilities
- Migration and Refugee Review Tribunal
- Centrelink: separation under certain circumstances; Administrative errors and overpayments, special circumstances: mental health.

Appendix 4

Examples of Law Reform

Areas of law reform or external policy review/development, undertaken by CLCs in the past five years. Names of Acts in full and in italics

- Review of RTA
- Review of Criminal Law (Mentally Impaired Defendants) Act
- Community Drug Summit
- Amendments to Medical Act
- Guarantors (Consumer credit code)
- Telstra zoning - ACCC price capping review.
- Solicitors Contribution Fund Bill
- Defacto Legislation reform - WA
- Local Health Act
- Review of Disability Services Commission
- Senate Select Committee in Legal Aid
- Poverty, Jobs & Justice
- Campaign re: School fees
- Mandatory Sentencing for Property Offences Bill, Senate Inquiry
- WA Child Welfare Act
- Review of G&A Board
- National Competition Policy Reviews
- Commercial Tribunal Review
- Code of Banking Practice
- HREOC Inquiry Children in Detention
- Review of MH Act
- Protective Custody Bill 2000
- Leg. Council Select Committee on WA Police Service
- Reform of Land Clearing Laws
- Reform of Mining Law
- Best Practice in Indigenous Consumer Education: ACCC
- Review of ADR
- Mandatory Sentencing for Juvenile Offenders Bill, Senate Inquiry.
- Admin Review Tribunal Bill (Cth)
- Establishment of State AAT
- Breaches (Centrelink) Inquiry
- Senate Inquiry into Aust. Refugee and Humanitarian Program
- Family Court Reform
- Legal Aid Act & Joint Review of LAWAA
- Family Law Act
- Independent Inquiry into Social Security Breaches
- Homeswest Policy
- Social Security Fraud & Sentencing
- Homelessness Taskforce
- Reform of Natural Resource Management in WA
- Taskforce on Drug Abuse, WA
- Office of Auditor General: VRO's
- Wallis Inquiry
- Privacy Act
- Local Court Debt Recovery Reform
- Tribunals in WA
- Young Women's Legal Needs
- Dividing Fences Act
- Acts Amendment (Gay & Lesbian Law Reform) Bill 2001
- Review Disability Services Act (WA)
- Review of EPA
- Book Up position paper by ASIC
- Referrals of systemic issues to regulators
- HREOC Inquiry into Taxi Services for People With Disabilities
- Accessibility of Electronic Banking
- Review of School Education Act
- Electoral Act and People With Disabilities
- HREOC Inquiry into Depression and Insurance
- WA Planning Commission Review

Appendix 5

Law Reform Processes

Example provided by Tenants Advise Service Inc. Letting fees in WA - Law reform step by step

Step 1: Initiation and Background

Tenants in WA are the only residential tenants in Australia required to pay a letting fee. This fee covers a portion of the owner's cost for electing to have a licensed real estate agent manage their rental investment. A letting fee is not payable if the tenant lets the rented premises through a private owner. Currently tenants renting through a real estate agent may be charged the equivalent of one week's rent as a letting fee.

Over the last 20 years the issue of whether tenants should continue to pay a letting fee has been reviewed several times. Each time the recommendation has been that tenants should not have to pay a letting fee. However, policy and political processes have prevented this from becoming a reality for tenants. All these years the Tenants Advice Service (TAS) has been a strong advocate for the abolition of letting fees charged to tenants.

Step 2: Submission to legislative review

On 7 December 1995 the Real Estate Legislation Amendment Bill was passed by Parliament. This Bill included a change to prohibit real estate agents charging tenants letting fees but provided that agents could charge owners re-letting fees. These changes were proclaimed to take effect on 1 January 1997.

Step 3: Unpredicted process

On 23 August 1996 the Government in Executive Council, in an unprecedented move, revoked the sections relating to letting fee changes. It was possible the first time this extraordinary process has occurred in a Westminster system. This was apparently done after concerns by real estate agents that they could not absorb the letting fee, it would have to pass on to landlords and that in a depressed market landlords would pass the cost of the fee onto tenants. The Minister for Fair Trading therefore proposed to carry out an independent economic impact assessment on the basis of the proposed changes to the letting fees so the Government could be in a position to understand what the full economic impact would be.

Step 4: Further submission

In July 1997 the Housing Advisory Committee (HAC) was one of sixteen organisations invited to respond to a questionnaire outlining its views on the proposed legislative changes to letting fee arrangements in the Western Australian residential tenancy market. The questionnaire responses formed part of an Economic Impact Assessment report prepared by consultants from the Economics Department at Murdoch University and funded from residential tenant's bond monies, "Economic Impact Assessment - Letting and Re-Letting Fees in the Western Australian Tenancy Market".

Step 5: Increase lobbying

HAC endorsed the report's first finding that the change to rules to prevent agents from charging letting fees to tenants would be largely neutral in its financial impact and will improve efficiency and equity in the market. HAC's view is that the effect for tenants of no longer being required to pay a letting fee as an up front cost will have a significant effect in improving access and choice for tenants, particularly low-income tenants and those eligible for Homeswest but waiting for housing. Despite these good reasons no legislative changes occurred.

Step 6: More submissions and lobbying

The proposal to abolish letting fees is again on the agenda for the Review of the Residential Tenancy Act, carried out in 2002 and 2003. The Stamford review report has taken up TAS' submission to abolish the Letting Fees. TAS is optimistic, that this time the proposal will be adopted for the benefits of tenants.

TAS law reform work utilised the following strategies:

- *Meeting with tenants*
- *Focus groups*
- *Workshops with tenants and community agencies*
- *Community Legal Education, briefing and inclusion in CLE sessions*
- *Development of appropriate and accessible information on letting fees*
- *Writing letters and submissions to stakeholders*
- *Media work*
- *Liaison with government agencies and the non-profit sector*
- *Participation at Government commissions, networks and stakeholder meetings.*

Appendix 6 CLC Funding Sources

The following table is from the CLC Survey, Table 1.3 and covers the period 2001/02.

Centre	Cwealth Community Legal Services Program (CCLSP)	Other C'wealth	Rental Accom Fund	Dept of Justice	Dept of Community Development	Public Purposes Trust (DOCEP)	State CLCs	Loteries WA	Rollover	Other Recurrent	Other Projects	Total
Albany CLC	258,562	0	0	0	0	0	0	0	0	0	0	258,562
Bunbury CLC	193,644	0	0	32,500	0	32,727	0	0	0	0	0	258,871
Centre for Advocacy Support and Education for Refugees	0	0	0	0	0	0	0	0	0	0	0	0
Community Legal Advocacy Centre	68,633	0	37,500	58,038	0	60,000	0	0	144,147	0	0	368,318
Consumer Credit Legal Service	54,236	0	0	0	100,000	54,000	0	0	0	53,000	0	261,236
Environmental Defenders Office	76,496	0	0	0	35,000	0	0	0	0	94,568	0	206,064
Geraldton Family Advocacy Service	0	284,000	0	0	0	0	0	0	0	0	0	284,000
Geraldton Resource Centre	287,840	118,096	75,000	67,486	51,284	0	18,935	0	0	86,094	0	817,058
Goldfields CLC	250,000	0	75,000	0	0	0	0	64,000	0	0	0	389,000
Gosnells CLC	183,144	0	37,500	97,724	60,000	5,942	0	0	0	0	0	415,332
Human Rights WA	0	0	0	0	0	0	0	0	0	0	0	0
Kimberley CLS	296,196	0	75,000	37,500	0	0	0	52,966	0	0	0	463,662
Mental Health Law Centre	0	0	0	0	0	0	65,005	0	0	32,480	0	322,045
Midland Information Debt and Legal Advice Service	0	27,159	75,000	49,382	0	0	4,959	0	0	0	0	156,500
Multicultural Service Centre	98,816	0	0	0	0	0	0	0	0	3,000	0	106,983
Northern Suburbs CLC	160,080	0	75,000	0	0	0	0	0	0	3,000	0	378,380
Peel CLS	0	0	0	0	53,300	0	0	0	0	0	0	53,300
People With Disabilities	0	0	0	0	0	0	0	0	0	0	0	0
Pilbara CLS	245,977	0	136,795	126,944	0	0	0	0	0	263,739	0	562,169
Rural CLS	0	0	54,492	176,700	0	0	30,000	0	0	0	0	263,739
Southern Community Advocacy & Legal Education Service	102,500	10,000	32,500	18,750	0	0	6,200	0	0	34,500	0	207,700
Sussex Street CLC	260,908	30,604	37,500	49,382	42,500	5,683	0	0	52,000	20,000	0	392,750
Tenants Advisory Service	114,424	0	355,000	0	43,450	0	0	0	0	83,284	0	509,661
Welfare Rights Advocacy Service	165,191	0	55,950	0	0	11,108	4,375	0	18,783	2,143	0	297,550
Womens Law Centre	299,000	0	0	0	0	0	0	0	0	0	0	299,000
Youth Legal Service	68,752	0	117,875	0	50,000	0	0	0	0	24,407	0	261,034
Total	3,186,399	469,659	824,495	966,250	63,522	27,900	129,474	116,966	214,930	466,476	7,736,688	10,000,000
Av/CLC	122,554	18,072	32,980	36,010	2,443	1,116	4,980	4,499	8,267	16,788	297,565	322,362
Av/F CLC	132,767	19,577	34,354	39,010	2,647	1,163	5,395	4,874	8,955	18,187	322,362	322,362
% of total	41.19	6.07	10.66	12.10	0.82	0.36	1.67	1.51	2.78	5.64	100.00	100.00

Av/F CLC means average for CLCs with recurrent funding (22)

