



## ASU Submission

Australian Government Attorney-General's Department

### The Independent Review of the NLAP

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## The ASU

The Australian Services Union (ASU) is one of Australia's largest Unions, representing approximately 135,000 employees. The ASU is the largest union of workers in the social and community services sector. Our members predominately work in non-government, not-for-profit organisations that support people experiencing or at the risk of experiencing crisis, disadvantage, social dislocation, or marginalisation. We are the union for community legal services, including Aboriginal legal services.

## Executive Summary

Community legal centres (CLCs) are not-for-profit, independent, community-based organisations that provide a range of legal and related services, including legal information and referrals, legal advice and assistance, outreach work and advocacy policy services. The community legal sector plays a significant social and economic role by offering frontline legal assistance to vulnerable populations and generating policy and law reform through advocacy.

Community legal centres are struggling with increased demand for legal assistance, with many unable to meet community demand and turning clients away. Services cannot respond to the rising demand from the most disadvantaged and vulnerable people in Australian society because funding does not increase as demand increases. Funding arrangements must be indexed at least annually to account for increased labour costs and increased demand for services. Governments must also increase funding when their policy decisions increase the demand for legal assistance.

A highly skilled, qualified, professional, and sustainable workforce is essential to delivering high quality services. However, the sector struggles to attract and retain enough skilled, professional staff to meet the demand. This includes legal professionals, administrative staff and community development workers. Too often, these workers leave community legal centres for higher paying and more secure public sector jobs. Government must recognise the value of professional community legal centre workers by funding professional, public sector rates of pay and ensuring certainty in terms of their job. Funding should be tied a 'floor price' that means services must pay workers at parity with equivalent workers in the public service and receive all the minimum SCHADS Award minimum conditions.

Many community legal centre staff are on rolling fixed term contracts. This compounds the workforce problem because skilled workers leave for secure employment in other sectors. Government can easily address funding issues by increasing the length of funding cycles to promote secure working arrangements. These should be at least 6 years in length and come with a binding obligation to offer staff permanent, secure employment.

## Recommendations

1. Governments should provide additional funding to establish pay parity for lawyers, administrative staff, and community development workers with equivalent roles in the public sector Legal Aid.
2. The NLAP should establish clear benchmarks for the classification of non-legal community legal centres roles, especially identified position for Aboriginals and Torres Strait Islanders, and fund those levels to establish pay parity with similar roles at public sector legal aid.
3. Government must introduce 6-year funding cycles to support improved outcomes for clients through improved opportunities for organisations to attract and retain the best staff and that provide community legal centres with an opportunity to engage in the development of more comprehensive services to meet the multiple needs of clients.

4. Funding provided to service providers must be subject to the condition that they engage staff as permanent, secure employees with limited exceptions for long-term leave coverage and genuine special time-limited projects.
5. All grants, tenders, and commissioning for services in the community legal sector should be underpinned by a minimum 'floor price' that ensures tenders account for professional wages and modern award minimum conditions.
6. Government should establish a permanent national portable leave scheme for all social and community services workers, including community legal centre workers.
7. Commonwealth Government and state/territory governments should establish a tri-partite process to establish a floor price for community legal centres in each state and territory including representatives from government, employers, and the Australian Services Union.
8. Government must address funding issues to ensure that funding arrangements for community legal centres are indexed annually to account for increased labour costs and increases in demand for services.
9. The National Legal Assistance Partnership should recognise advocacy, policy development and law reform as core functions of community legal centres. Funding arrangements should include money for advocacy but should not restrict the advocacy activities of community legal centres.
10. Funding for community legal centres needs to recognise the cost of capital infrastructure improvements necessary for centre sustainability.

## Introduction

We welcome the independent review of the National Legal Assistance Partnership (NLAP). The current partnership between the Commonwealth and State governments is failing our most vulnerable populations and is having a deleterious effect on the workforce.

The objective of the NLAP is to provide efficient, effective, and appropriate legal assistance services which are focused on improving the outcomes of vulnerable Australians.<sup>1</sup> However, chronic underfunding and growing demand for resources has left vulnerable people stranded with some community legal services suspending services.<sup>2</sup>

Low rates of pay and poor employment conditions have far-reaching consequences, affecting staff recruitment, retention, and the overall wellbeing of the workforce. Addressing this challenge requires a comprehensive approach involving fair funding models and competitive remuneration including funding for pay parity with equivalent positions in state/territory public sector legal aid organisations.

As service purchasers, Governments do not play a sufficiently active role in ensuring that funded service providers adhere to industrial standards in their workplaces. Funding provided to service providers must be tied to secure employment conditions and job security for workers and ensure funding for wages is correctly passed onto workers in full.

There must be genuine partnership between governments, unions, and the legal sector to deliver better funding, long term funding contracts, proper and transparent indexation as well as fair wages and conditions for workers.

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<sup>1</sup> National Legal Partnership Agreement 2020-2025

<sup>2</sup> Article: Hopes legal aid funding review will deliver equal justice <https://the-riotact.com/hopes-legal-aid-funding-review-will-deliver-equal-justice/678547>

## Pay parity with Legal Aid

The low remuneration offered by community legal centres poses significant challenges in attracting qualified staff, particularly solicitors and legal professionals. Salaries for legal staff are notably lower than those offered in private practice and legal aid commissions. For instance, a principal solicitor in a community legal centre may earn significantly less than counterparts in private practice. Low pay directly correlates with high staff turnover rates, resulting in increased recruitment costs and disruptions in service continuity.<sup>3</sup>

### ASU case study – Pay Disparity

An ASU member who works at a community legal centre in NSW. They have 6 years post admission experience. They recently compared their salaries with a colleague working in the public sector. Both started legal work at approximately the same time in 2018 after completing their studies. The ASU member is paid about \$45,000 less each year than their public sector colleague.

Community legal centres find it difficult to compete in the legal market given their inability to offer attractive salaries. In addition, community legal centres often struggle to provide adequate professional development opportunities, limiting career advancement and growth for their staff.

Although rare, some community legal centres do recognise the value of their workers and pay staff appropriate Award rates which are higher than what most community legal centres are able to afford.

### ASU case study – Fair wages stop high attrition

Central Tablelands and Blue Mountains Community Legal Centre (**CTBMCLC**) pays lawyers at level 7 of the SCHADS Award. The base annual salary for a Level 7 employee under the Award is \$110,907.68 to \$115,573 depending on length of service with additional amounts if they work shifts. This is the second highest classification under the Award. This approach has served the centre well with recent recruits commenting on the decent pay compared to other community legal centres who pay lawyers at Level 4 (a maximum of \$88,277 after 4 years of service). One recruit is actually paid more working at CTBMCLC than they were while working in private practice.

Staff who leave CTBMCLC have not reported that it is due to pay, but rather personal reasons or wanting to pursue other opportunities. CTBMCLC has not had issues with being unable to fill roles.

CTBMCLC has 2 roles whose salary is above the Award, CEO and Principal Solicitor. Both the CEO and Principal Solicitor have been in their roles for a long time.

Workers' salaries for legal positions in Aboriginal and community legal services have been noted to be relatively lower than those in legal aid commissions and government departments, especially in comparison to legal positions in private legal service providers.<sup>4</sup>

### ASU case study – Indigenous Organisations

Lawyers at the Aboriginal Legal Rights Movement (**ALRM**) in South Australia have long worked at lower wage rates than other legal services. The union and the Movement are working to address this through Enterprise Bargaining. However, ALRM is faced with a stark dilemma under current funding arrangements. It cannot address the pay rate/retention issues without impacting on services.

<sup>3</sup> Victoria Law Foundation, Working in Community Legal Centres in Victoria Report [https://a.storyblok.com/f/139306/x/db7ac29950/working\\_in\\_community\\_legal\\_centres\\_in\\_victoria\\_sustainable\\_workforce.pdf](https://a.storyblok.com/f/139306/x/db7ac29950/working_in_community_legal_centres_in_victoria_sustainable_workforce.pdf).

<sup>4</sup> Ibid.

ALRM is a leading provider of indigenous legal services. It specialises in culturally safe legal practice. Many lawyers come to ALRM to learn from this expertise. Unfortunately, the organisation has historically had a very high turnover of lawyers. Lawyers come in, are trained by the ALRM, and then leave for better pay working for the State Government in either Legal Services or Prosecutions.

Recently the organisation has made the decision to increase wage rates to maintain staff, but this will have a flow on impact on service delivery if the pay increase is not properly funded.

Solicitors and legal professionals often undertake work in addition to their actual role, such as clerical work, acting as social workers, producing social media content etc due to the limited funding available for community legal centres to employ staff.

#### **ASU case study – Responsibilities and Workloads**

An ASU member in NSW said:

‘I recently held a role at a community legal centre where my responsibilities included (but were not limited to) giving legal advice, doing ongoing casework, making legal and non-legal referrals, writing policy submissions, organising and participating in stakeholder meetings, organising and presenting at community legal education sessions, organising and attending legal outreach sessions, writing media releases, producing written and visual content for social media, monitoring and replying to comments on social media pages, producing content for the centre’s website and supervising volunteers in a variety of roles. There were periods of time where this role also included answering the phones and booking appointments. This was regarded as a junior role.

As well as employing legal staff, community legal centres employ workers in client service roles including case workers, social workers, financial counsellors, Aboriginal engagement officers, policy workers, administrative and management workers, and community development workers. A recent report and survey of Victorian community legal centre staff found those employed in client service roles thought there were less opportunities to build a career within their community legal centre.<sup>5</sup> They also felt their salary was significantly less to others working in a similar role outside the community legal centre sector.<sup>6</sup>

Our members have reported issues where some community legal centres underpay community outreach workers by wrongly classifying them on the lowest levels of the SCHDS Award classification structure. Our members report that identified Aboriginal roles are often classified at Levels 1 and 2 when these roles would be classified at Levels 3 or 4 in other circumstances. This is a direct consequence of the insufficient funding arrangements for Aboriginal Legal Services. Often, funding is not enough to pay community development workers the appropriate SCHDS classification, with workers under-classified, despite these workers being highly skilled and qualified.

Several CEOs at Victorian community legal centres indicated recruitment and retention is challenging in regional and remote locations, finding recruitment becomes more difficult the more regional the position is.<sup>7</sup>

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<sup>5</sup> Victoria Law Foundation, Working in Community Legal Centres in Victoria Report [https://a.storyblok.com/f/139306/x/db7ac29950/working\\_in\\_community\\_legal\\_centres\\_in\\_victoria\\_sustainable\\_workforce.pdf](https://a.storyblok.com/f/139306/x/db7ac29950/working_in_community_legal_centres_in_victoria_sustainable_workforce.pdf).

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

### **ASU case study – Regional retention and recruitment issues**

One CEO Reported

‘As a regional CLC we face a range of barriers to retaining solicitors and para-legals. In an 18-month period, 5 solicitors came and left our service.

‘In an earlier reporting period around 7 solicitors and para-legals were farewelled, in some cases having completed their legal degrees or due to taking up new roles.

‘Some of these staff, sought better pay elsewhere, others moved in different directions after a thorough grounding in all elements of our community law practice. Our service bears the cost burden of the two-to-three-month recruitment process, the ongoing training, supervision, and relationship building with local community networks. Time involved in all elements of recruitment is significant and detracts from other areas of service provision.

‘Regional CLCs have high costs associated with travel and other expenses supporting staff doing field work. Funds have been generally used historically for most of our solicitors for a 4 day a week role under the SCHADS Award, but we have found staff generally seek 5-day positions to meet their cost of living requirements. The service must constantly juggle to employ and retain full time staff.

### **ASU case study – High turnover**

One CEO reported:

‘Our CLC is one of the largest in Victoria, with over 80 workers employed. We pride ourselves on the deep and systemic work we do in law reform, and providing adaptive approaches to the communities we provide support for. In the last 3 years, over 3 new programs have been developed, some of which have ongoing funding confirmed, yet amongst these programs, very few workers in non-management roles have been provided ongoing contracts.

‘In the last ten months to date, we have lost approximately 20 staff, who brought a combined experience of over 60 years, at some stages of the year it felt like someone was leaving every 2 - 3 weeks. Many of these workers had been working at the organisation since being volunteer lawyers, and on average, most had been employed there for 2.7 years.

Out of this group, 2 had been provided more than a 12-month fixed term contract during their tenure and were in management positions.

‘The remaining group were on 12-month fixed term contracts and were not in management roles. From those who have left, only 4 have remained in the community legal sector.

‘With corporate and public sector conditions far outrunning those of ours, it's not surprising why my colleagues would choose to leave the community legal sector, despite their passionate motivation for joining it in the first place.

‘With new changes to minimum requirements of contract tenure coming into force this year, we urgently need CLC funding to reflect the conditions that enable us to not only continue our work but provide ourselves the stability and security that every worker deserves.

‘Without this, we will continue moving through the cycle of training, caseload excess, burn out and attrition that comes with band-aid solutions, whilst we attempt to address the marathon challenges brought by systemic injustice.

**Recommendation 1:** Governments should provide additional funding to establish pay parity for lawyers, administrative staff, and community development workers with equivalent roles in the public sector Legal Aid.

**Recommendation 2:** NLAP should establish clear benchmarks for the classification of non-legal community legal centres roles, especially identified positions for Aboriginals and Torres Strait Islanders, and fund those levels to establish pay parity with similar roles at public sector legal aid.

## 6-year funding cycles linked to permanent, secure jobs

The short duration of funding cycles leads to a very high incidence of fixed term employment and other types of insecure work at community legal centres.

A recent report and survey of Victorian community legal centre staff found respondents plans to continue working at their current community legal centre was related to whether their contract was ongoing, fixed term or casual. 20.4% of fixed term and 27.8% of casual employees intended to stay at their current community legal centre for less than 1 year.<sup>8</sup> The report found short term funding cycles, fixed term project and program funding and security of employment tenure as ongoing threats to staff retention and centre sustainability.<sup>9</sup>

Longer funding lengths would help mitigate these issues along with firmer expectations imposed on community legal services employing workers to ensure that jobs are permanent, ongoing, safe, secure and adhere to industrial standards. Government should honour its pre-election promise to move towards longer, more stable funding cycles best delivered through 6-year contracts.<sup>10</sup>

Unfortunately, insecure employment is a well-established business model for many community legal centres. Longer term funding contracts will not be enough to change employment practices at every employer. Government funding must come with enforceable requirements to offer employment on a permanent basis and to convert existing fixed-term employees to permanent.

Recently the Victorian State Government introduced a Fair Jobs Code for the Community Services Sector.<sup>11</sup> The initiative promotes secure employment and job security, promotes fair labour standards, encourages compliance with employment, industrial relations and workplace health and safety obligations. Under the Code, suppliers and businesses bidding for government contracts will require a Fair Jobs Code Pre-Assessment Certificate to show a history of compliance with employment, industrial relations and workplace health and safety laws.<sup>12</sup> The NLAP should include similar initiatives to the Victorian Fair Jobs Code.

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<sup>8</sup> Victoria Law Foundation, Working in Community Legal Centres in Victoria Report [https://a.storyblok.com/f/139306/x/db7ac29950/working\\_in\\_community\\_legal\\_centres\\_in\\_victoria\\_sustainable\\_workforce.pdf](https://a.storyblok.com/f/139306/x/db7ac29950/working_in_community_legal_centres_in_victoria_sustainable_workforce.pdf).

<sup>9</sup> Ibid.

<sup>10</sup> Jenny McAllister speech, March 2022

[https://www.jennymcallister.com.au/speech\\_to\\_asu\\_members\\_blaxland\\_restoring\\_respect\\_for\\_the\\_community\\_sector](https://www.jennymcallister.com.au/speech_to_asu_members_blaxland_restoring_respect_for_the_community_sector)

<sup>11</sup> Victorian Government, About the Victorian Fair Jobs Code for the Community Services Sector [online] <https://www.dffh.vic.gov.au/fair-jobs-code#:~:text=The%20CS%20Code%20is%20a,employees%20and%20their%20representatives%3B%20and>

<sup>12</sup> Victorian Government, The new Victorian Fair Jobs Code – promoting fairer jobs and recognising good employers [Online] <https://localjobsfirst.vic.gov.au/news/news-items/the-new-victorian-fair-jobs-code-promoting-fairer-jobs-and-recognising-good-employers>



**Recommendation 3:** Government must introduce 6-year funding cycles to support improved outcomes for clients through improved opportunities for organisations to attract and retain the best staff and that provide community legal centres with an opportunity to engage in the development of more comprehensive services to meet the multiple needs of clients.

**Recommendation 4:** Funding provided to service providers must be subject to the condition that they engage staff as permanent, secure employees with limited exceptions for long-term leave coverage and genuine special time-limited projects.

### The need for a *floor price*

Competitive tendering in the community legal centre sector has forced organisations into a competition to 'win' funding to deliver a service for the lowest price for government. This model means that organisations must offer the cheapest product to attract government funding. Competitive tendering model is pointless. Community legal centres are labour-intensive operations, so competitive tendering can only mean undercutting each other on labour costs. Further, most community legal centres are well established organisation who serve specific geographical areas or communities and/or specialise areas of legal practice. It should be very clear to governments which community legal centres have the expertise to address problems or service particular communities.

Proponents of competitive tendering argue that competitive tendering encourages 'efficiency', and the 'best' will win tenders, leading to improvement in service quality by providing users with 'choice' about the services they access. The ugly reality is that competitive tendering among grant funded services has directly led to:

- there are very high levels of unpaid work,
- a significant proportion of employees in the sector being engaged on a part-time, fixed term contract or casual basis,
- there is almost no access to paid overtime or time off in lieu arrangements,
- there is a high turnover of employees,
- low wages mean limited accumulation of superannuation benefits,
- little or no training, or employees undertaking unpaid training in the employees' own time,
- little or no professional supervision or professional development,
- little or no non-work support (training leave, Paid Parental Leave), and
- little or no end-of-employment support (redundancy, outplacement).

Funding for community legal centres should be based upon a *floor price* below which no tender will be accepted. This would mean that all tenders would be required to include funding provision for basic industrial standards.

A floor price for government funding will encourage workers in the community legal sector to develop a career and to support workforce development, sector stability and a better trained and qualified workforce. A floor price below which no organisation can tender will encourage organisations in the sector to collaborate and share resources, working together rather than against each other in an endless competitive spiral downwards.

We propose a model floor price which established pay parity with public sector legal aid employees. It must include:

- Salaries equal to equivalent positions at public sector Legal Aid
- SCHADS Award Allowances, and
- SCHADS Award Penalties and loadings.

An appropriate price floor must provide for accrual of portable leave entitlements including:

- Annual leave (including 5 weeks' annual leave for shift workers),
- Personal leave,
- Long service leave,
- Redundancy protections,
- Paid Parental Leave, and
- Paid family and domestic violence leave

An appropriate price floor must include adequate overhead costs for all workers, regardless of the nature of their employment, including:

- Professional supervision and/or continuing professional development,
- Provisions for onboarding of staff,
- Provisions for regular team meetings, and
- Provisions for ongoing professional development and training – including covering the cost and time of attaining any qualification requirement.

#### **ASU case study – Competitive tendering and Targets**

In 2018 closed tendering took place in NSW. Unfortunately, there was so little money in the pool that community legal centres agreed to bid for existing funding amounts. This caused division in the sector and significant time, effort, and money (some centres used professional tender writers) was spent on merely trying to survive. This distracted centres from the vital work they do and put pressure on staff to perform.

In addition, some centres had targets increased by the independent panel with no rationale and the funding was made conditional upon meeting those targets. Increased targets put even more pressure on staff to 'churn' through clients impacting the quality services that community legal centres are known for. Fortunately, a silver lining to Covid was that condition funding based on targets ceased and was no longer enforced.

**Recommendation 5:** All grants, tenders, and commissioning for services in the community legal sector should be underpinned by a minimum 'floor price' that ensures tenders account for professional wages and modern award minimum conditions.

**Recommendation 6:** Government should establish a permanent national portable leave scheme for all social and community services workers, including community legal centre workers.

**Recommendation 7:** Commonwealth Government and state/territory governments should establish a tri-partite process to establish a floor price for community legal centres in each state and territory including representatives from government, employers, and the Australian Services Union.

## **Indexation of funding**

It is essential that governments address funding issues to ensure that indexation is paid to community legal centres (including funding for wages, staff training, occupational health, and safety (OH&S) obligations and relief staff) to support the sector and ensure quality service provision.

Most community legal centre staff are employed under the SCHADS Award. Wages are not market-based like the private legal sector which is tied to WPI and other economic indicators. The Award sets minimum rates only, with most community legal centres unable to pay more than the basic Award wage. The SCHADS Award wages are significantly below private and public sector legal wages.

It is therefore critical that Government funds the increased cost of wages and superannuation. As noted above, wages should be increased to establish parity with legal aid. If that recommendation is not adopted, then indexation must include an amount equal to the Annual Wage Increase for employees covered by the *2012 Equal Remuneration Order* ('ERO')<sup>13</sup>. Community legal centres need sustainable funding models that allow them to plan for the long term. Predictable and stable funding is crucial for effective service planning and delivery.

Funding arrangement must provide for increased costs of running a service each year and that indexation of funding contracts should accurately reflect these cost increases. Failure to increase indexation and ERO payments will result in services and/or jobs being cut.

**ASU Recommendation 8:** Government must address funding issues to ensure that funding arrangements for community legal centres are indexed annually to account for increased labour costs and increases in demand for services.

## Advocacy & Law Reform

Community legal centres often engage in advocacy directly related to the communities they serve and broader policy issues. Advocacy and lobbying of governments are a core business of community legal centres and must be funded appropriately to ensure vulnerable Australians have a voice. Legal reform suffers when community legal centres are not adequately funded to advocate.

Philanthropy Australia's report *The Power of Advocacy* highlights how funding policy advocacy can achieve great change across a diverse range of areas, whilst supporting public interest and balancing out the private interests of businesses, sectors and industries who can often dominate over the broader community, including those on the margins of society.<sup>14</sup>

### Case Study

One ASU member explained the importance of advocacy in their organisation:

'Funded advocacy is important for several reasons:

**'Amplifying marginalised voices:** Our organisation represents people with disabilities individually, and through community education and systemic advocacy. We represent the most marginalised people – people who are discriminated against and often restricted unlawfully, socially, emotionally,

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<sup>13</sup> In 2012, the Fair Work Commission made an Equal Remuneration Order covering Social and Community Services Employees in recognition of the gender-based undervaluation of their work. This order applies to every worker in the social and community sector, including NDIS workers such as disability support workers, support coordinators, local area coordinators, and back-of-house/administrative staff. The Equal Remuneration Order applies a loading to the SCHADS Award Pay rates for SACS Employees. A summary of the ERO rates of pay can be found at [Note 2 to Clause 15 of the SCHADS Award](#).

<sup>14</sup> Philanthropy Australia, *The Power of Advocacy* Report <https://apo.org.au/node/132686>. Also see: Philanthropy Australia's 2017 Philanthropy Meets Parliament Summit and *Investing in Change: Why Supporting Advocacy Makes Sense for Foundations* <https://www.giarts.org/article/investing-change-why-supporting-advocacy-makes-sense-foundations>

and economically. Funding allows us to raise and amplify the voices of people with disabilities and bring attention to important issues that may otherwise go unnoticed.

**‘Creating systemic change:** Our advocacy efforts can lead to systemic change by influencing policies, laws, and regulations. Funding enables us to work with other organisations (many pro bono) to conduct research, engage in awareness raising, and organise and support community campaigns that can bring about meaningful and lasting change.

**‘Providing support and resources:** Funding allows our organisation and other advocacy organisations to provide direct support and resources to individuals or communities affected by a particular issue. Where we are unable to help – we can connect people with disabilities to legal aid, other community legal services, or other more appropriate community initiatives and support.

**‘Holding power accountable:** Advocacy organisations play a crucial role in holding those in power accountable for their actions or policies. By receiving funding, our organisation can work with our clients and others to conduct investigations, monitor government or corporate activities, and raise awareness about any misconduct or wrongdoing.

**‘Building coalitions and collaboration:** Funding enables advocacy organisations like our organisation to collaborate with other like-minded groups, forming alliances to tackle complex issues collectively. This collaboration strengthens advocacy efforts and increases impact toward improving the lives of people with disabilities.

**‘Raising public awareness:** Our organisation and other advocacy organizations rely on funding to raise public awareness about the issues that people with disabilities face. This can be done through media campaigns, public events, or educational initiatives. Increased awareness leads to greater public support and engagement, which can further drive change.

Where Governments reform laws that create additional work for community legal centres, they must ensure additional funding is provided for not only immediate costs but also for subsequent ongoing work.

Furthermore, community legal centres should not be prevented from providing advocacy services with the threat of loss of funding or concerns about potential loss of charity status and tax concessions. Funding should not come with any ‘gag clauses’ restricting them from criticising Government.

**Recommendation 9:** The National Legal Assistance Partnership should recognise advocacy, policy development and law reform as core functions of community legal centres. Funding arrangements should include money for advocacy but should not restrict the advocacy activities of community legal centres.

## Funding to maintain and improve building infrastructure

Many community legal centres use premises that are no longer fit-for-purpose. This is particularly the case for regional and rural community legal centres that do not have adequate funding for infrastructure improvements. Our members report serious safety concerns due to building infrastructure failures, including old unmaintained buildings that are falling apart, along with physical premises that are not suitable for the line of work being conducted. For example, some community legal centres do not have the building infrastructure to be able to keep legal parties (perpetrators and victims) apart when in the building at the same time.

**Recommendation 10:** Funding for community legal centres needs to recognise the cost of capital infrastructure improvements necessary for centre sustainability.

## Workforce data and caseloads

Workforce data for the community legal centre sector is difficult to source.

### Workforce data

A recent report from the Victoria Law Foundation detailed the following workforce snapshot:

#### *“Workforce demographics and diversity*

- The majority of the respondents were female (76.9%), 21.5% were male and 1.6% identified as non-binary, gender diverse.
- 55% of respondents were younger than 40 years. 46.3% of the workforce was aged between 25 and 39 years.
- 17% said they were LGBTIQ.
- 9.9% reported a disability (including long-term physical, psychiatric, intellectual, or sensory conditions).
- 3.6% were Aboriginal and Torres Strait Islander people. Related to this, CEO Survey respondents indicated that 30% of community legal centres had a Reconciliation Action Plan (RAP), 33.3% were developing their RAPs, and 36.7% did not have RAPs.
- Three quarters of the workforce identified as Australian, 14% as European, 11% as British and/or Irish, 6.2% as East or South-East Asian, 4.1% as South Asian, and 2% as Middle Eastern and/or North African.
- 85.6% of respondents had a bachelor’s degree or higher. For those with law degrees, Monash, Melbourne, Deakin, and La Trobe universities were most common (in that order), accounting for 63.8% of lawyers.”<sup>15</sup>

Whilst the above statistics are only from Victoria, we believe them to be a good representation of the community legal sector wider workforce. We understand Community Legal Centres Queensland will also be providing a workforce survey report to this Review.

### Caseloads

There are no sources of caseload data for the CLC sector. These organisations are indicative of the CLC sector caseloads.

The 2021-22 Annual Report from Community Legal Centres Australia reported “The 170 centres in our membership network delivered about 650 000 critical legal and related supports to more than 180,000 people nationwide”.<sup>16</sup>

The report provided a breakdown of services for community legal centres including:

- “Referrals – 215,782
- Legal advice – 205,061

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<sup>15</sup> Victoria Law Foundation, Working in Community Legal Centres in Victoria Report, p6 [https://a.storyblok.com/f/139306/x/db7ac29950/working\\_in\\_community\\_legal\\_centres\\_in\\_victoria\\_sustainable\\_workforce.pdf](https://a.storyblok.com/f/139306/x/db7ac29950/working_in_community_legal_centres_in_victoria_sustainable_workforce.pdf)

<sup>16</sup> 2021-22 Annual Report from Community Legal Centres Australia, p4 <https://clcs.org.au/wp-content/uploads/2023/01/CLCsAustraliaAnnualReport2021-22-3.pdf>

- Information services – 101,966
- Legal tasks – 434,141
- Duty lawyer – 29,302
- Court/tribunal – 8,483
- Dispute resolution -777.”<sup>17</sup>

Whilst the report did not provide a breakdown of caseloads for each centre, it does suggest a high client base and caseload for the 170 centres.

Data from Aboriginal and Torres Strait Islander legal services confirms this view:

- Lawyers at the Aboriginal Legal Rights Movements are juggling over 150 clients each at one time.<sup>18</sup>
- The 2021-2022 Annual Report from the Aboriginal Legal Service NSW/ACT reported the following statistics: 21,244 – clients supported; 115,601 – services provided (98,548 duty services; 14,268 representation services, 2,785 discrete assistance) and 142 different courts attended. ALS NSW/ACT employs approximately 125 solicitors.<sup>19</sup> Whilst the report did not provide a breakdown of caseloads, it does suggest a high client base and caseload per solicitor.

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<sup>17</sup> 2021-22 Annual Report from Community Legal Centres Australia, p10 <https://clcs.org.au/wp-content/uploads/2023/01/CLCsAustraliaAnnualReport2021-22-3.pdf>

<sup>18</sup> In Daily, 'Unsustainable': SA Aboriginal legal service's budget plea <https://indaily.com.au/news/2022/05/27/unsustainable-sa-aboriginal-legal-services-budget-plea/>

<sup>19</sup> 2021-22 Annual Report from Aboriginal Legal Service (NSW/ACT) Limited [https://assets.nationbuilder.com/alsnswact/pages/794/attachments/original/1667779909/Annual\\_Report\\_2022\\_WEB.pdf?1667779909](https://assets.nationbuilder.com/alsnswact/pages/794/attachments/original/1667779909/Annual_Report_2022_WEB.pdf?1667779909)