

Strategic alignment: 2014-17

Strategic funding for legal assistance and legal profession regulation services

KEY OBJECTIVE

A model of transparent decision-making so that all Legal Practitioner Interest on Trust Account Fund (LPITAF) funding allocations are directed and applied in a manner that maximises service delivery to Queenslanders across the state, while ensuring the ongoing viability of the LPITAF.

STRATEGIC ALIGNMENT

Strategic objective

Clear strategic objectives that align with the Queensland Government and Department of Justice and Attorney-General's (DJAG) strategic objectives form the basis of the transparent decision-making model for allocating funds

Practical applications

- There should be a clear link between each of the LPITAF funding allocations, the functions and services delivered with those allocations, and achieving the LPITAF strategic objectives.
- The strategic objectives are supported by a set of funding strategies (for 2014-17) that guide decision-making at a practical level to maximise the delivery of legal assistance services across Queensland.

FRONTLINE SERVICE DELIVERY

Strategic objective

LPITAF funding will be directed to the provision of frontline justice services for Queenslanders; and

Priority will be given to services that assist vulnerable people and disadvantaged community members to access justice

Practical applications

The frontline services that should be funded from the LPITAF are primarily:

1. Regulation of the legal profession in Queensland (regulatory functions that are for the protection of and directly benefit Queenslanders who engage a legal practitioner); and
2. The provision of legal assistance services to vulnerable and disadvantaged Queenslanders.

Strategic objective

Allocations will take into account the need to maintain the ongoing viability of the LPITAF, including taking special measures if necessary to preserve its viability

Practical applications

- Any of the four types of funding may be restricted or made unavailable in a three year cycle if special measures are required to preserve the viability of the LPITAF.
- LPITAF service delivery funding allocations to specified entities and community organisations should continue to be indexed by Consumer Price Index (CPI) each financial year, unless special measures are required to be put in place in any three year cycle to preserve the viability of the LPITAF.

ACCOUNTABILITY

Strategic objective

Allocations should promote, efficiency, effectiveness, and cost effectiveness

Funding strategy: 2014-17

Legal assistance organisations should continue to deliver complementary legal assistance services across Queensland

Practical applications

- Funding will not be provided where there is a true duplication of services or funding available from other sources.
- Funded services should collaborate where possible, including: applicants applying for LPITAF funding to deliver legal assistance services should be required to demonstrate that they have referral pathways in place to other relevant services (for example: specialist to generalist and generalist to specialist).
- Business and service delivery models should be efficient, including collocation with other legal or non-legal services where appropriate.
- All community organisations that receive LPITAF funding must commit to and demonstrate participation in the Queensland Legal Assistance Forum (QLAF), Regional Legal Assistance Forum, specialist legal assistance forum or other similar group. What constitutes 'participation' will be defined for each individual organisation in the context of which group is most relevant to their service and location and included in their service delivery agreement.
- Where a Community Justice Group and LPITAF funded community organisation deliver services in the same area they should network with and make appropriate referrals to each other. In 2013-14, where these networks do not exist, DJAG will facilitate initial contact on a location by location basis. These networks and referral pathways should be promoted by including them as a condition of funding in their service delivery agreements from 2014-15.

Funding strategy: 2014-17

The provision of general legal information and education to the broader community and 'self help' type services for legally capable people need to be balanced with specialist services for specific vulnerable and disadvantaged groups.

Funding strategy: 2014-17

Generalist services should be, as much as practicable, accessible across Queensland; this should primarily be achieved by addressing geographical gaps based on evidence of need.

Practical applications

- There are identifiable geographical gaps or pressure points in the delivery of generalist legal assistance services across Queensland that would be best addressed through specialist services. DJAG consults with the Commonwealth Government and legal assistance sector to determine the areas in greatest need of attention and identify practicable measures that can be taken to improve services in those areas in future, including whether there are any geographical areas where a larger service or collocated services would be more cost effective than a number of smaller services.
- See 'Priority Service Areas: 2014-17'.

Funding strategy: 2014-17

The need for development or enhancement of specialist services for vulnerable and disadvantaged groups will be identified through consideration of: empirical research on legal need (including high prevalence vulnerable groups and legal problems); current Queensland Government priorities (for example: new legislation); and increasing the reach of specialist services across Queensland.

Practical applications

- There are identifiable high prevalence vulnerable groups and legal problems in Queensland that would be best addressed through specialist services. DJAG consults with the Commonwealth Government and legal assistance sector to determine the areas in greatest need of attention and identify practicable measures that can be taken to improve services in those areas in future, including whether there are any geographical areas where a larger service or collocated services would be more cost effective than a number of smaller services.
- See 'Priority Service Areas 2014-17'.

Funding strategy: 2014-17

Build on existing service delivery structure where possible and only fund the establishment of separate new services if necessary.

Strategic objective

Allocations will be made through robust governance mechanisms

Practical applications

- DJAG has overall responsibility for administering the LPITAF.
- The Attorney-General is the ultimate decision-maker for funding allocations.
- The LPITAF Committee has oversight of the financial management of and funding allocations from the LPITAF.

- The Queensland Legal Assistance Forum is the sector reference group that provides input into the strategic direction and funding allocations for LPITAF funded organisations.
- The Legal Assistance Strategy and Funding unit's role includes:
 - financial management and administration of the LPITAF, focussing on preserving the LPITAF's viability;
 - implementing the new funding model and operating it on an ongoing basis;
 - establishing and maintaining closer working relationships with funded organisations, including improving communication and facilitating input into funding strategies;
 - encouraging an environment within the legal assistance sector that is conducive to: enhanced collaboration; developing practicable solutions to address service gaps; and reducing the likelihood of unnecessary service duplication;
 - contributing research analysis and policy information to inform legal assistance sector strategic planning and policy;
 - working collaboratively with the Commonwealth Attorney-General's Department and other Queensland Government departments on an ongoing basis with the goal of systematically simplifying funding arrangements for funded organisations and the respective Governments;
 - supporting the LPITAF Committee and the Attorney-General in their roles in the model; and
 - rigorous monitoring of and reporting on funding and delivery of funded services, including through: service delivery agreements; annual public reporting; and a dedicated webpage.
- For each funding round and as required, DJAG should:
 - consult with the Commonwealth Government and other Queensland Government departments about their funding priorities and proposed allocations, with the goal of systematic simplification of funding arrangements for funded organisations and the respective Governments; and
 - invite the Commonwealth Government to jointly consult with the legal assistance sector in Queensland to obtain State-wide, regional, and individual service information to inform funding decisions (through the existing QLAF forum).
- LPITAF funding should be allocated to community organisations in three year cycles. The cycles should generally align with the Community Legal Services Program funding cycles, with the first commencing in 2014-15.
- There are four types of LPITAF funding allocations that can be made to community organisations:
 1. Service delivery funding

Service delivery funding should be provided under three year service delivery agreements. A reassessment should be undertaken every three years to ensure funds are being allocated to initiatives that best address the strategic objectives and funding strategies. This type of funding would replace the categories of funding currently known as 'recurrent funding' and 'transitional funding'.

2. Service development or improvement funding

This funding should be available for up to three years for new services or improvements to services to be piloted within a three year funding cycle. For example, this funding could be provided on the basis that the first year could involve establishment (including recruitment) and reduced running costs, the second year will involve full running costs and evaluation, and the third year will involve full running costs. The evaluation would be conducted in the second year to allow the initiative to be considered for service delivery funding in the next three year cycle. This funding would only be offered for a funding cycle if it is anticipated that sufficient service delivery funding will be available for successful initiatives from the next funding cycle.

3. Project funding

This funding should be available for one-off projects that will produce a predetermined product or outcome with no ongoing costs. Project funding could be provided for any period of time up to three years. Potential project topics might be identified by the LPITAF Committee.

4. Emergency funding

DJAG should continue to set aside an amount per annum of LPITAF funds for matters of an emergent nature. The amount should be reassessed for each three year funding cycle.

- The amount of funding available in each category will be reviewed by the LPITAF Committee, decided by the Attorney-General, and published at the start of each funding round, although whether the whole of that amount is allocated will depend on an assessment of the proposals received in that funding round.
- The organisation is accountable, including:
 - accreditation under sector specific standards; and
 - financial management competence, evidenced by audited financial statements.

Strategic objective

Information about the allocation process and outcomes should be readily accessible to applicants and the community

Practical applications

- DJAG should maintain information about the allocations made and services delivered for LPITAF funding on the LPITAF webpage.
- The annual report on the allocation of LPITAF funds, including the links between the strategic objectives and the LPITAF funded functions and services, is included in the DJAG Annual Report and available on the LPITAF webpage.
- Applicants should be notified of the outcomes of the funding allocations by 31 March at the latest for funding commencing as of 1 July the next financial year.
- Reporting
 - Specified entities are required to make annual budget submissions, including a breakdown of the types and number of services to be provided.
 - A two-stage application process for the allocation of LPITAF funds to community organisations is being used for the first funding cycle, commencing in 2014-15.

- All funded organisations will be required to comply with service delivery agreements, including regular performance and financial reporting.
- Each organisation that receives LPITAF funding must acknowledge and report on the use of those funds in its Annual Report.
- LPITAF funding allocated to community organisations should continue to be managed under the Community Legal Services Program with Legal Aid Queensland as the State Program Manager.
- The specified entities should be required to acquit unspent funds so they can be returned to the LPITAF, unless they are to be retained and used for another purpose approved by the LPITAF Committee.
- Community organisations should continue to be able to carry forward 15% of their funding on an annual basis. Additional funding can only be retained and used if it is for a particular purpose approved by the LPITAF Committee.