





## General acknowledgements

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We particularly thank the members of the legal assistance forums for their leadership, guidance, and collaboration.

We acknowledge the ongoing contributions made by the legal assistance sector and the sector's dedication to providing vulnerable Queenslanders with access to Justice.

## **Acknowledgements of First Nations Peoples**

The Queensland Government respectfully acknowledges the First Nations peoples in the State of Queensland and acknowledges the cultural and spiritual connection that Aboriginal and Torres Strait Islander peoples have with the land and sea. We respectfully acknowledge Aboriginal peoples and Torres Strait Islander peoples as two unique and diverse peoples with their own rich and distinct cultures.

We pay our respects to Elders past and present. We are dedicated to the inclusion of cultural knowledge and values as critical factors in the development, implementation and evaluation of strategies and actions to support First Nations peoples. We acknowledge and thank the Aboriginal and Torres Strait Islander peoples who contributed to the development of the Queensland Legal Assistance Strategy.

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### Foreword

## Message from the Attorney-General, Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence

The *Queensland Legal Assistance Strategy* is an important step in our journey to keep the justice system within reach for vulnerable Queenslanders facing disadvantage. This is increasingly important as many people in our communities face unprecedented challenges in their everyday lives.

It is important that Government and Queensland's legal assistance sector have a shared vision for the work we are undertaking together. In addition to documenting the shared vision, this strategy provides an opportunity to reflect on the great work we are already doing in delivering collaborative and effective services throughout Queensland to improve outcomes for vulnerable and disadvantaged people in our communities.

This strategy builds on our vision to strengthen genuine partnerships with Aboriginal and Torres Strait Islander communities through our shared commitment, shared responsibility, shared accountability, and respect for our First Nations peoples and their strong bonds to kin, culture, and country.

The Queensland Legal Assistance Strategy has three Focus Areas: Collaboration, Capacity and Capability.

**Collaboration:** we recognise the need to support and strengthen the sector's collaborative service planning model which will maximise the delivery of legal assistance services to the most vulnerable in our communities. Importantly, this strategy acknowledges that legal and social or non-legal issues often intersect and commits to exploring ways to expand referral pathways to provide clients access to holistic services.

**Capacity:** we acknowledge that the dedicated individuals in the sector providing services to vulnerable people need to be supported. This strategy reinforces our commitment to supporting the sector to continue the challenging work they do for our communities.

**Capability:** we recognise the ongoing work underpinning the sector's continuous improvement. The strategy acknowledges opportunities for capability building to enhance our ability to respond to emerging legal need, monitor and evaluate service delivery, and build the evidence base to maximise reach of legal assistance support for mainstream, specialist and Aboriginal and Torres Strait Islander legal services.

This strategy recognises three specific priority client groups for Queensland: People who identify as LGBTIQA+, Refugees and migrants and Women.

It is exciting to work with a sector dedicated and committed to reaching Queenslanders in our community who would otherwise not have access to legal assistance. Together we will improve vulnerable Queenslanders' access to justice.

Hon Shannon Fentiman MP

mfensing

Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence



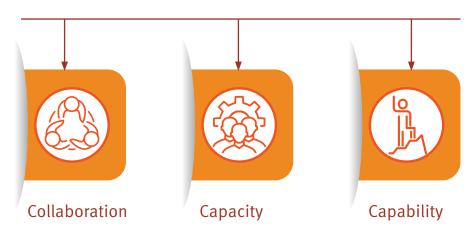
National Strategic Framework for Legal Assistance

National Legal Assistance Partnership 2020-25

Queensland Legal Assistance Strategy and Action Plan

**Queensland Legal Assistance Strategy** 

## Focus Areas





## Queensland's legal assistance sector

Queensland's diverse legal assistance sector is passionate about supporting the most vulnerable individuals in our communities.

- **Legal Aid Queensland** (LAQ) is a statutory authority that provides legal information, advice, and representation services to financially disadvantaged Queenslanders. LAQ specialises in criminal, family, and civil law.
- » Aboriginal and Torres Strait Islander Legal Service (Qld) (ATSILS) is a community-based organisation, that provides professional and culturally competent legal services to Aboriginal and Torres Strait Islander peoples throughout Queensland. ATSILS delivers vital community legal education (CLE) and other early intervention and prevention initiatives.
- Community Legal Centres (CLCs) are non-profit, community-based organisations that provide a variety of legal assistance services including early intervention and preventative strategies such as CLE. CLCs may provide clients with generalist services or specialise in a particular area of law or legal need. Community Legal Centres Queensland (CLCQ) is the peak body for CLCs in Queensland and provides support and advocacy for independent CLCs operating across Queensland.
- Family Violence Prevention Legal Services (FVPLS) are community-controlled organisations that provide Aboriginal and Torres Strait Islander victims and survivors of domestic and family violence (DFV) with culturally safe legal assistance and holistic support, including casework, counselling, and court support. FVPLSs are funded through the National Indigenous Australians Agency.

## What is the national strategic framework?

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

## National Strategic Framework for Legal Assistance

The *National Strategic Framework for Legal Assistance* (the National Framework) was agreed to by the Council of Attorneys-General on 29 November 2019. The National Framework serves as the policy framework for all government legal assistance funding, guiding policy development, service delivery and sector planning.

In support of this, the National Framework sets out six high level principles:

- Focus service delivery on people facing disadvantage
- 2. Client centered and appropriate services
- **3.** Collaboration and integrated approaches
- Appropriately timed responses and preventative action
- **5.** Empowerment and resilience
- **6.** Continuous learning and improvement

## National Legal Assistance Partnership 2020-25

The Commonwealth Government provides funding to Queensland and other states and territories to administer for the delivery of legal assistance services by legal aid commissions, CLCs, and ATSILS on its behalf.

The Queensland Government administers
Commonwealth Government funding provided through
the *National Legal Assistance Partnership Agreement*2020-25 (NLAP). The Queensland Government also
provides funding for legal assistance services. Both
funding allocations are administered through the
Department of Justice and Attorney-General (DJAG).

The NLAP recognises the mutual interest and responsibility of the Commonwealth, states and territories in providing legal assistance services, that assist vulnerable people facing disadvantage, who are unable to afford private legal services to engage effectively with the justice system to address their legal problems. The NLAP supports the National Framework with the objective of:

"contributing to integrated, efficient, effective and appropriate legal assistance services which are focused on improving the outcomes and keeping the justice system within reach for vulnerable people facing disadvantage, within available resources".

## National Strategic Framework for Legal Assistance

Legal assistance is intended to help vulnerable people facing disadvantage who are unable to afford private legal services to engage effectively with the justice system in order to address their legal problems"



## Legal Assistance Strategy – NLAP requirements

The NLAP under Schedule C requires states to develop a publicly available Legal Assistance Strategy by 1 July 2022 and at least one publicly available Action Plan by 30 September 2022.

The NLAP provides that the Strategy will:

- » indicate the estimated level and nature of legal need in the State, including sub-jurisdictional regions where appropriate
- » identify the State's priorities and areas of focus for the delivery of mainstream, specialist, and Aboriginal and Torres Strait Islander legal assistance services including aggregated planned or forecast level of Commonwealth and State funding for legal assistance services
- » include information on the nature and extent of the roles and responsibilities the State has delegated to legal assistance providers (if applicable)
- » describe any specific priority client groups relevant to the State
- » describe how the State will meet the NLAP's objectives and outcomes by assisting in the delivery of mainstream, specialist and ATSILS in addressing the legal needs of national priority client groups and any State specific priority client groups
- » describe the approaches the State will take to ensure that mainstream, specialist and Aboriginal and Torres Strait Islander legal assistance services are delivered in accordance with the National Framework.

The Strategy and Action Plan will be key planning documents to:

- » inform how jurisdictions deliver legal assistance services with Commonwealth funding provided under the NLAP
- increase transparency and accountability by outlining funding goals and priorities
- » provide a meaningful way for jurisdictions to measure performance and progress by identifying relevant targets
- » provide useful information to the public and the NLAP.

# What does the Queensland Legal Assistance Strategy mean for the legal assistance sector and Queenslanders?

Almost half of all Queenslanders will experience a legal problem in a calendar year. Vulnerable people in our community often have more legal issues than other community members but are less likely to have access to the resources to deal with them".1

Individuals who are disadvantaged are more likely than the general population to have legal problems, and they are also more likely to have significant, interconnected legal problems.<sup>2</sup>

A significant portion of these legal issues will be consumer, criminal, domestic and family violence, government or housing related.<sup>3</sup>

The Queensland Legal Assistance Strategy aims to ensure that legal assistance services provided to vulnerable Queenslanders are accessible, appropriate and adhere to the National Framework's principles. The Strategy enhances DJAG's support for the sector, with focus on collaboration, capacity building and capability. It will increase the ability of the sector to perform legal needs analysis, service planning and delivery. By increasing support, more Queenslanders will be able to access appropriate and effective legal support for their needs.

The Strategy aligns with other key Queensland Government strategies such as the *Queensland Women's Strategy 2022-27*, *Queensland Domestic and Family Violence Prevention Strategy 2016-2026*, the *Queensland Housing Strategy 2017-27*, and the *Closing the Gap Implementation Plan*.

#### What will we do?

DJAG administers Commonwealth funding to ensure the delivery of mainstream, specialist and Aboriginal and Torres Strait Islander specific legal assistance services to address the legal needs of priority clients.

Queensland will deliver services in a way that is consistent with the National Framework through focussing on:

- **collaboration**, to support the provision of client-centric services to address legal and other problems including preventative action and a focus on empowerment through understanding of legal rights and responsibilities
- » supporting legal assistance providers to build **capacity** that enhances the sector's ability to deliver effective responses to evolving service demand
- » building capability of the sector to respond to community needs
- » recognising priority client groups are vulnerable and may be more likely to experience legal issues and less likely to seek legal assistance

DJAG and the sector recognise factors that contribute to a person's ability, to seek legal assistance, including for example:

- education and literacy levels
- language barriers
- financial constraints
- lack of accessibility
- access to information and digital technology
- past trauma
- hesitation to engage with the legal system
- lack of knowledge around rights
- lack of understanding about where to go for advice or assistance.<sup>4</sup>



## Responding to the needs of Aboriginal and Torres Strait Islander peoples

Queensland, through DJAG, is committed to addressing the needs of Aboriginal people and Torres Strait Islander people.

This Strategy supports the objective of the <u>National Agreement on Closing the Gap</u> (Closing the Gap) to enable Aboriginal and Torres Strait Islander peoples and governments to work together to overcome inequality and to achieve life outcomes equal to all Australians.

The Strategy embodies the principles of the Queensland Government's *Statement of Commitment to Reframe the Relationship between Aboriginal and Torres Strait Islander peoples and the Queensland Government.* It builds on the progress already made toward this Commitment, including through the Queensland Government's *Reconciliation Action Plan 2018-2022 Addendum.* 

The Strategy supports the commitments in <u>Our Way: A generational strategy for Aboriginal and Torres Strait Islander</u> <u>children and families</u> by strengthening access for Aboriginal and Torres Strait Islander families to information, advice and support through the legal assistance sector.

#### Self-determination

The *Human Rights Act 2019* (Qld) specifically recognises the significance and special importance of self-determination for the Aboriginal and Torres Strait Islander peoples of Queensland.

The Strategy embraces the principles of the National Framework that are applied to support self-determination and the *National Partnership on Closing the Gap*.

This Strategy supports Aboriginal Community Controlled Organisations as providers of culturally appropriate legal assistance services while acknowledging that Aboriginal and Torres Strait Islander peoples should have meaningful choice in the legal assistance services they access. We acknowledge the valuable contribution of non-Indigenous organisations in providing support to First Nations peoples. This Strategy supports ongoing collaboration between Indigenous and non-Indigenous agencies and organisations to offer services that are culturally appropriate for First Nations peoples.

Aboriginal Community Controlled Organisations will be:

- » key in determining service locations and priorities and locations based on community need, in collaboration and partnership with governments and the broader legal assistance sector; and
- » actively and meaningfully involved in the development and implementation of legal assistance policies and programs that affect Aboriginal and Torres Strait Islander peoples.

#### DJAG is committed to:

- full and genuine partnerships with Aboriginal and Torres Strait Islander communities
- respect for Aboriginal and Torres Strait Islander cultures
- shared commitment, shared responsibility, and shared accountability
- empowerment and shared decision making
- a strengths-based approach to working with Aboriginal and Torres Strait Islander peoples and Aboriginal Community Controlled Organisations to support thriving communities.

## What has informed this Strategy?

To identify the level of legal need in Queensland, DJAG engaged Grant Thornton Australia Limited (Grant Thornton) to undertake a scoping exercise and produce a Sector Scoping Report.

During development of the Sector Scoping Report, Grant Thornton engaged with the sector through:

- Stroup Discussions: Group discussions with Regional Legal Assistance Forums (RLAFs) and Specialist Legal Assistance Forums (SLAFs) were facilitated using a semi-structured conversational approach. Where a region was not represented by an RLAF, invitations were distributed to key stakeholders operating in that region to participate in group discussions.
- **Key Stakeholder Interviews:** Semi-structured interviews with members of the Queensland Legal Assistance Forum (QLAF).
- **Written Submissions:** Queensland legal assistance sector stakeholders and interested parties were invited to submit a written submission to the Grant Thornton project team on key discussion areas. Signposts were developed in advance and invitations were advertised through key sector channels. A total of 24 submissions were received from stakeholders.

The Sector Scoping Report informed the development of this Strategy. DJAG released a Consultation Draft of the Strategy to the legal assistance sector and provided opportunity for the sector to provide feedback.

Feedback received from the sector is incorporated in this Strategy.

We acknowledge and value the reports and statistics used in development of the Sector Scoping Report and the Strategy including:

- » Coumarelos, C., Macourt, D., People, J., McDonald, H. M., Wei, Z., Iriana, R., & Ramsey, S. (2012), Legal Australia-Wide Survey: Legal Need in Queensland. Sydney: Law and Justice Foundation of New South Wales
- » Community Legal Centres Queensland (August 2019), Evidence and Analysis of Legal Need
- National Strategic Framework for Legal Assistance 1 July 2020 to 30 June 2025 | Attorney-General's Department (ag. gov.au)
- » Access to Justice Law Council of Australia
- » Organisation for Economic Cooperation and Development, (2019), <u>Equal Access to Justice for Inclusive Growth</u>
  <u>Putting People at the Centre</u>
- » Australian Institute of Health and Welfare, (2021), *Profile of Indigenous Australians*
- » Iriana, R., Pleasence, P., & Coumarelos, C. (2013), *Disadvantage and responses to problems in remote Australia*, Sydney: Law and Justice Foundation of New South Wales
- » Bellerose, D., & Mulherin, G., (2020), Aboriginal and Torres Strait Islander Legal Services: National Picture 2018-19. Sydney: Law and Justice Foundation of New South Wales.
- » http://www.lawfoundation.net.au/reports/2018cpr
- » <u>Law and Justice Foundation of NSW: 2018 Collaborative Planning Resource</u>: NLAS indicators and priority group data by SA4,:and Coumarelos, C., McDonald, H. M., Forell, S., & Wei, Z. (2015). Collaborative Planning Resource Service Planning. Sydney: Law and Justice Foundation of New South Wales.
- » Queensland Government Statistician's Office, (2021), Queensland Social Survey 2021, <u>Domestic and Family Violence</u> Survey Report
- » Australian Institute of Health and Welfare 2019. Family, domestic and sexual violence in Australia: continuing the national story 2019. Cat. no. FDV 3. Canberra: AIHW.
- » Coumarelos, C., McDonald, H. M., Forell, S., & Wei, Z. (2015). Collaborative Planning Resource Service Planning. Sydney: Law and Justice Foundation of New South Wales.
- » Australian Institute of Health and Welfare, (updated 24 Feb 2022), <u>Specialist Homelessness Services: Monthly Data</u>
- » Department of Communities, Housing and Digital Economy, (2021), Social Housing Register 2021



- » SGS Economics and Planning, (2021), Rental Affordability Index: November 2021 Key Findings
- » State of Queensland (Queensland Health), (2019), *Health ageing: A strategy for older Queenslanders*
- » World Health Organisation, (2021), *Elder abuse*
- » Gillbard, A., & Leggatt-Cook, C. (2021). Elder Abuse Statistics in Queensland: Year in Review 2020-21. Brisbane: Elder Abuse Prevention Unit, UnitingCare.
- » Australian Bureau of Statistics, (2021), Prisoners, state/territory by selected characteristics, 2011-2021
- » Law and Justice Foundation of New South Wales, Updating Justice, No. 12 October 2012, <u>Taking no action: unmet legal need in Queensland?</u>
- » Australian Bureau of Statistics, (2019), Disability, Ageing and Carers, Australia: Queensland 2018
- » Australian Bureau of Statistics. (2016), 2016 Census QuickStats: Queensland
- » Australian Institute of Health and Wellbeing, Child protection Australia 2019–20, Summary
- » Law Council of Australia, The Justice Project, (2018), *Final Report Part 1, LGBTI+ People*
- » Prakash, Neha. (2019). Access to Justice for People from Refugee and Migrant Backgrounds in Australia. Deakin: Settlement Council of Australia.
- Women's Legal Services Australia, (2013), <u>Submission to Productivity Commission Draft Report on Access to Justice</u>
  Arrangements

## Level and nature of legal need in Queensland

The factors that contribute to the level and nature of Queensland's legal need are varied, complex and often interconnected.

The NSW Law and Justice Foundation, 2021 Survey noted that approximately 50% of people in Queensland will experience at least one legal problem within a calendar year, with a significant portion of these legal problems relating to consumer, criminal, family, domestic violence, government, or housing related legal issues. Further, legal problems are generally clustered, with an individual likely to experience multiple, related issues at the same time.

There is a distinct connection between disadvantage and the prevalence of legal problems. Disadvantage is a key factor contributing to legal need, often resulting in a 'concentration' of legal problems arising in disadvantaged demographics.<sup>5</sup>

Within the Queensland context, there are several factors that contribute to the State's level of legal need. These include the legal needs and vulnerability of Aboriginal and Torres Strait Islander population,<sup>6</sup> and the level of poverty and the remoteness of population.<sup>7</sup> These factors, as well as education, age, disability, and housing status contribute to Queensland's legal need.

The NSW Law and Justice Foundation Collaborative Planning Resource<sup>8</sup> (the CPR) brings together information on service design and population data to support planning and monitoring of legal assistance services. The CPR developed Need for Legal Assistance Services (NLAS) indicators to provide a Census-based count of the distribution of anticipated need. These indicators show for Queensland:

- » NLAS measure (capability) people aged 15-64 with low income with lower level of education was highest in Wide Bay (16%), Queensland Outback (15.3%) and Darling Downs Maranoa (13.2%). Gold Coast is the most concentrated region (27,071 persons) followed by Wide Bay (26,870) and Ipswich (23,957).
- » NLAS measure (ATSI) Aboriginal and Torres Strait Islander peoples aged 15-64 with low income was highest in the Queensland Outback (17.9%), Cairns (5.3%) and Townsville (3.9%). These regions were the most concentrated regions (9,454, 8,193 and 5,927 respectively).
- » NLAS measure (CALD) people aged 15-64 for whom English is not their main language with low income was highest in Brisbane South (18.8%), Brisbane West (10%), Brisbane Inner City (9.6%). Brisbane South is the most concentrated region (44,819 persons), followed by Gold Coast (28,111) and Ipswich (18,562).
- » NLAS measure (\$52K) people aged 15-64 with moderate income and low education was highest in Wide Bay (25.6%), Queensland Outback (24.1%) and Darling Downs Maranoa (23.65%). Gold Coast is the most concentrated region (53,975 persons), followed by Logan Beaudesert (44,697) and Ipswich 43,561)
- » NLAS measure (65+) people aged 65 and over with moderate income and low education was highest in the Queensland Outback (22.6%), Darling Downs Maranoa (18.9%) and Ipswich (17.9%). Wide Bay is the most concentrated region (11,240 persons) followed by Gold Coast (7,152) and Ipswich (6,960).

Analysis of funding distribution across these identified regions will enhance the legal assistance sector's ability to anticipate and service legal need in priority client groups across regions within Queensland.



## Unmet or underserviced legal need

The NSW Law and Justice Foundation, 2021 Survey found that:

- » a considerable proportion of people take no action to resolve their legal problems (approximately 16.1% took no action and approximately 31.4% attempted to address their legal problem without advice).
- » Aboriginal and Torres Strait Islander peoples and persons with disability were unlikely or unable to secure a resolution of their legal problem.
- » reasons for not seeking legal action are complex and varied, inaction is generally a reflection of the high costs and complexity associated with legal proceedings.

The CLCQ Evidence and Analysis of Legal Need (August 2019) (CLCQ Evidence Guide) estimates that for the 45,000 Queenslanders supported by legal assistance services every year, there are approximately 80,500 turned away due to a lack of resources. With population projections in Queensland over the next five years, it is expected that unmet legal need will grow.

The CLCQ Evidence Guide notes that client demand for a legal service is only one measure of unmet need. Many people do not recognise the legal dimensions of their problem and as such do not seek legal help, leading to negative consequences for both the individual and the community.

The Sector Scoping Report, through research and consultation with the sector, identifies several areas of specialist legal need as underserviced in Queensland:

- » Immigration: Access to immigration and refugee legal assistance has fallen recently because of the Afghanistan refugee crisis. Queensland currently only has one specialist legal assistance provider covering the entirety of Queensland, the Refugee and Immigration Legal Service.
- » Consumer credit and debt: Queensland does not have a specialist legal service for consumer credit and debt matters.
- » Guardianship: Issues surrounding appointment of persons to represent the views, wishes and interests of adults are placing increasing demand on existing legal services.
- » NDIS appeal decisions: The sector anticipates an increasing demand for legal representation to appeal decisions about NDIS plans.
- » Employment law: There is increasing demand for legal assistance in relation to employment, which is likely to increase because of issues relating to COVID-19.
- » Older Persons: There is increasing demand for legal assistance services for older people, particularly in relation to financial matters.
- » Prisoners: Queensland has only one specialist legal assistance service (Prisoners' Legal Service), that is struggling to keep up with demand.
- Family Law and Child Protection: There is a lack of culturally appropriate mediation support services for Aboriginal and Torres Strait Islander peoples.

## Clients with multiple layers of need

Vulnerable Queenslanders often experience multiple layers of need. The Strategy makes a clear commitment to focus on the extension of referral pathways and collaboration between agencies that can provide non-legal support services.

Aboriginal and Torres Strait Islander peoples appear significantly more likely to experience several specific types of legal problems including in relation to welfare benefits and fines, health and rights related legal problems.

The vulnerability of Aboriginal and Torres Strait Islander peoples with multiple disadvantages tends to have a compounding effect on susceptibility to legal problems, stronger than others in the community. Intersecting factors of vulnerability relevant to Aboriginal and Torres Strait Islander peoples include poverty, homelessness, and geographical remoteness.

DFV issues intersect with homelessness, tenancy issues and vexatious litigation (in the context of coercive control).

Children and young people face multiple issues intersecting with DFV, child protection and family matters. Young people are reluctant to re-tell stories, and privacy and confidentiality concerns may limit the ability of service agencies to share information.

The LBGTIQA+ community experience multiple barriers particular around privacy, confidentiality and a lack of inclusive services, with issues increasing in regional, rural, and remote settings and a lack of inclusive services.

## Drivers influencing trends in legal need

Many factors influence the trends in legal need in Queensland.

## Episodic Legal need

The *COVID-19 pandemic* continues to evolve necessitating the need to monitor the impacts on legal problems and access to legal assistance services.

The sector has embraced the move toward more remote service delivery and information technology-based delivery solutions and clients have responded positively to these changes in service delivery. However, access to reliable information technology continues to be a barrier for some clients and service providers, particularly those in rural and remote areas of Queensland.

The pandemic caused an increase in demand for legal assistance from vulnerable clients requiring urgent support in domestic and family violence matters. Employment matters relating to the pandemic have also increased. Access to affordable housing across Queensland has diminished and anecdotally, the sector reports that tenants are hesitant to assert their rights in tenancy matters for fear of losing their property or housing in the current property market.

Legal need rises and falls in response to *Natural disasters in Queensland* with different legal implications across the community. Legal assistance services must respond quickly in a dynamic, client-centered way and in circumstances where legal needs are difficult to predict and can shift over the course of an event.

Recommendation 22.5 of the *Royal Commission into National Natural Disaster Arrangements Report* noted that there may be more responsive mechanisms to target funding and other support for the legal assistance sector during and after a natural disaster. The Royal Commission recommended expediting development of pre-agreed recovery programs to address social needs such as legal assistance and domestic violence.



#### Regional, rural, and remote access

Queenslanders in each region have access to local and statewide legal assistance services, either through direct services or through preferred supplier arrangements with private legal services. While all regions in Queensland have access to legal assistance services, this access is limited in regional, rural, and remote locations. Individuals seeking legal assistance services may need to look beyond their own communities, which can present a significant barrier to accessing services.

Lack of transportation is an issue for persons living in regional, rural, and remote areas that creates a barrier that potentially cannot be resolved through improvements in technology.

While improved access to technology can assist all Queenslanders to access legal assistance services, however, the sector recognises that some clients, for cultural or other reasons, prefer face to face interactions with service providers.

#### Domestic and Family Violence

While DFV can occur in any social context, Queenslanders living in socioeconomically disadvantaged locations disproportionately report DFV incidents by calling for police assistance. A report published by the Queensland Government Statistician's Office (QGSO) in 2021 suggests the rate of DFV incidents occurring in the most disadvantaged areas was 3.2 times more than that of the total population.<sup>9</sup>

Over the last few years, service providers in all Queensland regions have seen a noticeable increase in the demand for services. Women's Legal Service Queensland, a specialist CLC in the areas of domestic violence and financial abuse, for example, reported a 28% increase in calls to their state-wide helplines in 2020-21.

Violence against Aboriginal and Torres Strait Islander women is experienced at a vastly disproportionate rate to the total Queensland population. Decialist service providers, such as Queensland Indigenous Family Violence Legal Service and Aboriginal Family Legal Service Southern Queensland, have noted that services are increasingly overburdened, with some people turned away due to the lack of capacity to meet their needs.

DFV is gendered violence that can often intersect with homelessness and tenancy issues.

Following the release of the First Report of the Women's Safety and Justice Taskforce, the <u>Queensland Government</u> <u>response</u> committed to reform laws and practices to better protect Queensland women from domestic and family violence and hold perpetrators to account. The package of reform will include:

- » New laws and programs to recognise, prevent and punish coercive control including making coercive control a criminal offence
- » Expansion of DFV courts
- » Better support for women
- » A special strategy for First Nations communities
- » Funding for perpetrator programs to change men's behaviour and stop the cycle of violence
- Expansion of High-Risk Teams and co-responder models to ensure victims receive a joint response from police and DFV services.
- » Increased respectful relationships education to all Queensland children and young people

The legal assistance sector provides valuable support to priority client groups affected by DFV.

#### Homelessness

Homelessness can be the result of many social, economic and health related factors. Individual factors, such as educational attainment, whether someone is working, experiencing DFV, ill health and disability, trauma and substance misuse may make a person more susceptible to becoming homeless. Additionally, structural factors, including the lack of adequate income and limited access to affordable and available housing, contribute to the risk of homelessness.

The Australian Institute of Health and Welfare reports that those seeking support from specialist homelessness services in Queensland is increasing, with a higher rate of female clients to male. Those seeking this support do so for a range of reasons, however female clients are more likely than male clients to seek assistance because of interpersonal relationship issues such as relationship or family breakdown or DFV.<sup>12</sup>

Stakeholders across Queensland, particularly within South-East Queensland and North Queensland regions have noted the number of people at risk of or experiencing homelessness has continued to increase over the last three years.

The CPR records Brisbane, Cairns, and the Queensland – Outback as having the highest number of people experiencing homelessness.

#### Housing and Rental Affordability

The COVID-19 pandemic has seen access to affordable housing across Queensland diminish considerably. Access to housing has consistently emerged as a limitation on effective service provision across social services including child protection, mental health, DFV and disability. The lack of access to housing also gives rise to many criminal and civil law problems.<sup>13</sup>

Across Queensland, applications for social housing have continued to rise steadily since 2017, with applications assessed as "very high need" a predominate driver of the rise. Since the beginning of the pandemic, rental affordability has also decreased. Over the last two years, the Greater Brisbane area has seen a decrease in rental affordability. Affordability in regional Queensland has also followed a similar pattern to Greater Brisbane, with affordability significantly decreasing in most other regions, with pressures in the Gold Coast and Sunshine Coast regions. Is

Several stakeholders have indicated that rental affordability and the rise of the housing market in Queensland is having a large impact on local legal need. Anecdotally, stakeholders reported that people are hesitant to assert their rights in tenancy matters for fear of losing their property or housing in the current property market.

#### Elder Abuse

Queensland's population is ageing because of sustained lower birth rates, increasing life expectancy and the movement of the large baby boomer cohort into older age groups. In June 2021, it was estimated that there were more than 832,087 persons aged 65 and over in Queensland. Finis figure is projected to grow to 1.01 million by 2026.

Elder abuse can be experienced by people from all cultural and linguistic backgrounds, regardless of financial capacity. According to the World Health Organisation, it is "...a single or repeated act, or lack of appropriate action, occurring within any relationships where there is an expectation of trust which causes harm or distress to an older person.<sup>17</sup>

Elder abuse appears to be a growing phenomenon in Queensland, with notifications to the Queensland Elder Abuse Prevention Unit Helpline increasing annually over the last two decades.<sup>18</sup>

The National Prevalence Study on Elder abuse (Dec 2021) found one in six older Australians reported experiencing abuse through psychological abuse (11.7%), neglect (2.9%), financial abuse (2.1%), physical abuse (1.8%) and sexual abuse (1%) with multiple types of abuse reported by 3.5% of respondents.<sup>19</sup>

The sector, particularly in regions where there is a high proportion of total population over the age of 65 such as the Gold Coast, Sunshine Coast and Wide Bay, has noted increases in the number of elder abuse issues presenting to services.



## National priority client groups

### Aboriginal and Torres Strait Islander peoples

- First Nations peoples often experience multiple layers of disadvantage, having a compounding effect on vulnerability to legal problems.
- Vulnerable First Nations peoples with legal need often intersect with other priority client groups, compounding the challenges with accessing justice to address legal problems.
- First Nations peoples are almost twelve times more likely to be imprisoned than non-Indigenous people.
- Barriers for First Nations peoples accessing legal assistance services include distrust of the system and insufficient cultural awareness within the sector.
- Strong and interconnected cultural bonds to kin, culture and country are often misunderstood and overlooked.
- Inter-generational trauma and entrenched poverty contributes to homelessness for First Nations peoples. Poverty, homelessness and geographical remoteness can be barriers to accessing legal and other support services.

## Children and young people (up to 24 years)

- Children and young people are diverse.
- Considerable overlap with other priority client groups.
- Legal problems often intersect with other problems such as family breakdown, risky behaviour, mental health, and homelessness.
- Wrap around services and support for mental health, DFV, child protection, housing and other family matters can lead to sustainable and positive outcomes and strengthen the family unit.
- Queensland has a high overrepresentation of young people on remand who are unable to secure bail because they cannot access appropriate housing.
- Aboriginal and Torres Strait Islander children and youth are often affected by inter-generational trauma and have disproportionate disadvantage compared to non-Indigenous children and youth. 1 in 18 Indigenous children were in out-of-home care as of 30 June 2020, with almost two-thirds living with relatives, kin, or other Indigenous caregivers.20
- Children in out-of-home care often experience domestic and family violence and family law issues.
- Challenges:
  - lack of awareness of rights and legal entitlements
  - reliance on adults to mediate their access to legal services
  - fear of being disbelieved or not taken seriously
  - intimidating and formal atmospheres of the law and its institutions
  - lack of targeted strategies.

## Older people (over 65 or Aboriginal and Torres Strait Islander peoples over 50)

- » Queensland's population is ageing.
- » Retirement and reliance on government and superannuation pensions means costs of private legal services are prohibitive to some older people.
- >> Vulnerability in consumer and social relationships where there is an expectation of trust.
- » Elder abuse appears to be a growing phenomenon with the sector seeing an increase in guardianship applications
- Other barriers include, physical incapacity and dependency, technological barriers, and a lack of awareness of how to obtain legal assistance.

## People experiencing, or at risk of, family violence

- Domestic Violence Order (DVO) applications remain high throughout the State in the past five years. Defendants convicted of contraventions of DVO offences have continued to increase with 2020-21 recording significantly more penalties imposed than previous years.
- » DFV cuts across priority client groups, in Aboriginal and Torres Strait Island communities and can intersect with persons who experience homelessness, older persons and people with disabilities.
- » Impact on Aboriginal and Torres Strait Islander women is vastly disproportionate to the broader population. First Nations peoples do not feel safe to report violence for fear of having their children removed.
- » FVPLSs report up to 30% of Aboriginal and Torres Strait Islander women are turned away due to lack of resources and capacity to meet the need.
- » Victims of DFV reported increased vulnerability to other legal problems such as consumer issues, debt matters and family law proceedings.
- » Experiencing DFV often erodes personal capability and exacerbates vulnerability to social disadvantage and other legal and non-legal problems. People experiencing DFV often face personal and systemic barriers to obtaining legal assistance.
- » Victims may face physical, sexual, emotional, psychological, and financial forms of violence, which can inhibit psychological readiness and willingness to seek help and act due to feeling fearful, emotionally overwhelmed, helpless, and exhausted.
- » A range of concerns undermine willingness of victims to access legal assistance and act when they are fearful of the possible consequences of acting.

## People experiencing, or at risk of homelessness

- Those seeking housing and homelessness support in Queensland is increasing, with a higher rate of female clients to male.
- The AIHW Data in 2016 shows homeless people in Queensland represented 18.65% of the total estimated homeless population in Australia.
- » Homelessness can be the result of many social, economic and health-related factors.
- » Individual factors such as educational attainment, employment status, DFV, mental health issues, disability, trauma and substance misuse contribute to a person's risk of becoming homeless.
- Structural factors such as the lack of adequate income and limited access to affordable and available housing can also contribute to the risk of homelessness.
- » First Nations peoples impacted by inter-generational trauma and entrenched poverty can experience homelessness.



## People in custody and/or prisoners

- » In December 2021 the ABS Prisoners data recorded the total number of prisoners in Queensland as 9,952, almost doubling over the last ten years.<sup>21</sup>
  The sector reports:
  - persons leaving custody or prison are vulnerable to issues relating to parole, establishing identity to reconnect with services, discrimination in seeking housing and employment, and criminal law matters
  - people in custody and prisoners often experience socioeconomic disadvantage and higher levels of mental illness, cognitive impairment and intellectual disadvantage, poor educational attainment, unemployment, and can be affected by drug and alcohol addiction.
  - while all people in custody and prison experience criminal law issues, they may also be incarcerated with pre-existing family and civil law issues such as debts, unpaid fines and housing issues arising from socioeconomic disadvantage.

## People residing in rural or remote areas

- » Remoteness plays a significant part in unmet legal need. Queensland is the most decentralised state in Australia, with a comparatively large portion of Queenslanders living outside South-East Queensland.
- While Queensland has a relatively high rate of solicitors who practice in rural, regional, and remote areas, there is still a general shortage of private and public legal services in these areas to meet the legal needs of communities.
- » According to the sector, limited choices of legal assistance services available to communities, increases the risk of conflicts of interest arising. This may preclude those seeking legal assistance to access services in their community. As a result, people seeking legal assistance may need to look beyond their community and travel long distances to access services.
- » Information technology issues remain a barrier for people living in some rural or remote locations.
- While recognising not all people want to use technology to replace face to face interactions, a better understanding of where issues do persist and how to address them will be critical in improving equity of access to justice.

## People who are culturally and linguistically diverse

- » Queensland is home to culturally and linguistically diverse (CALD) people from over 200 different cultures and 220 languages.
- » CALD Queenslanders are vulnerable to legal problems for reasons including
  - fear of the law and legal system
  - different understandings of how the law operates
  - lack of knowledge about their rights and responsibilities in Australia
  - lack of knowledge about the roles of different legal services and
  - difficulty communicating in English.
- » The Sector reports women from CALD backgrounds:
  - are often unaware of their rights and believe that they will be deported without their children if they report DFV or sexual violence
  - have trouble in understanding how they can be protected, as well as difficulty in making applications for protection or being understood by police and courts.

## People with a disability or mental illness

- » The ABS reported:
  - approximately 19% of Queenslanders are reportedly living with a disability.
  - people with a disability or mental illness often experience comorbidity and intersectional disadvantage such as social exclusion, discrimination, unemployment, and heightened risk of abuse.
  - people with a disability or mental illness have a higher vulnerability to most legal problems.
- » Ill-health and long-term disability can have cumulative adverse effects that reduce personal and legal capability, including reduced ability to access and act on advice and minor assistance. Disability not only impedes personal legal capability but can also make effective legal assistance complex and more challenging.

### People with low education levels

- » The CLCQ Evidence Guide reported 25% of people in Queensland had low education levels in 2016.
- The NSW Law and Justice Foundation, 2021 Survey found:
  - people with low education levels also have less prevalence for legal problems, reportedly due to a lack of knowledge about their legal rights.
  - when legal problems do arise, people with low education levels are more likely to ignore their legal problems and are significantly less likely to seek professional legal advice.
- » The CPR shows:
  - NLAS measure (capability), a count of people aged 15-64 who are likely to need legal assistance should they experience a problem due to their low level of personal income and educational attainment was highest in:
    - Wide Bay (16%)
    - Queensland Outback (15.3%)
    - Darling Downs Maranoa (13.2%)
  - Gold Coast is the most concentrated region (27,071 persons) followed by Wide Bay (26,870) and Ipswich (23,957)

## Single parents

- » The ABS 2016 Census QuickStats show single parents:
  - have high vulnerability to experiencing legal problems and overlap considerably with other priority client groups.
  - in Queensland, are 81.5% women.
  - are more likely to experience family law problems when compared to the rest of the population.
  - are also more likely to experience problems relating to credit/debt, rights, and criminal law. 22
- » In recent years, there has been considerable systematic change to family law, child protection and family violence. This can often create barriers for single parents to receive legal assistance, due to a lack of knowledge about how to address a related legal problem.



## Queensland priority client groups

In addition to national priority client groups, Queensland recognises three priority client groups.

## People who identify as LGBTIQA+

- » People who identify as LGBTIQA+ experience general legal issues and some that specifically relate to their identities and status, including discrimination based on sexual orientation, relationship status, family status, gender identity, HIV status or lawful sexual activity<sup>23</sup>.
- » LGBTIQA+ communities disproportionately experience discrimination, harassment, violence, and social exclusion because of the gender binary, homophobia, transphobia, biphobia, intersex discrimination, cissexism, and heterosexism.
- » Research indicates that this contributes to risk factors that increase disadvantage, including experiencing mental illness, alcohol and drug misuse and homelessness.

## Refugees and migrants

- » Newly arrived migrants and refugees to Australia can face several barriers when accessing legal assistance:
  - English language and literacy
  - unfamiliarity and cultural differences
  - prejudice, racism, and discrimination
  - past trauma
  - complexities of the legal system.<sup>24</sup>
- » These barriers are often experienced simultaneously and can heighten vulnerability and often hinder the settlement process.
- » Global crises such as the Afghanistan refugee crisis and the Russian invasion of Ukraine have increased the pressure on the sector to deliver services that are culturally appropriate and specific to their legal needs.

#### Women

- Women on average experience more social isolation, poorer health outcomes, a reduced ability to exercise their rights and a higher difficulty in accessing justice than men. Women are more likely to be represented in specific areas of law such as DFV, family law and consumer law. 25
- Women come from diverse backgrounds and often face multiple barriers due to compounding vulnerabilities, such as identifying as Aboriginal and Torres Strait Islander, identifying as LGBTIQA+, coming from CALD backgrounds and experiencing trauma related to domestic violence or childhood abuse.

### Focus Areas

This Strategy identifies three Focus Areas that have been developed with consideration of the level and nature of legal need in Queensland for national and Queensland client priority groups: Collaboration Capacity and Capability.



#### Collaboration

Bring the sector together

Support and strengthen collaborative service planning across the sector

Improve referral pathways for clients

The NLAP emphasises the importance of collaboration for both service providers and Government.

DJAG is responsible, under the NLAP, for leading, conducting and participating in jurisdictional and local collaborative service planning, as well as supporting the sector's ongoing development and capacity within available funding.

In accordance with Schedule B of the NLAP, DJAG supports collaborative partnerships with the sector to deliver holistic services that address a range of legal and social needs; inform legal assistance policy development, program design or service delivery; and better coordinate existing services to maximise efficiency and effectiveness and minimise system and service gaps.

To be effective, legal assistance services should be targeted, joined-up, timely and appropriate. The sector relies heavily on sector and community partnerships and collaboration to increase Queenslanders' access to services and meet their legal needs.

To meet the principles of the National Framework and NLAP, DJAG will ensure that the sector is supported, within existing resources, to undertake the necessary networking and collaboration between stakeholders to deliver targeted and appropriate legal assistance for Queenslanders.

## **OUR COMMITMENTS**

collaborate on service planning initiatives to maximise reach of legal assistance and other services

ensure a First Nations voice in collaborative activities that increase opportunities for partnerships and in development of projects

establish and expand referral pathways to provide clients access to additional wrap-around supports





## Capacity

#### Strengthen and encourage innovation

#### Workforce development: recruitment and retention

Queenslanders' legal needs are complex and ever-changing. As a result, DJAG will assist the sector in addressing emerging legal need dynamics and improving practices in a sustainable manner within available resources. DJAG is committed to increasing the capacity of the legal assistance sector and will collaborate to do so.

The ongoing COVID-19 pandemic has prompted the sector to implement Information and Communication Technology (ICT) based solutions to improve access to services. While ICT provides innovative solutions for service delivery, it continues to be a barrier for many clients and service providers, particularly those in rural and remote areas.

Securing and managing funding for legal assistance services can often be challenging due to a lack of access to available resources or restrictions on use of funding as prescribed by the funding agency.

In Queensland, the sector faces several workforce challenges, including attracting and retaining suitably qualified and experienced staff, particularly in regional, rural and remote areas.

DJAG acknowledges resource limitations and recognises the existing and significant professional development resources and strategies already developed by the sector.

## **OUR COMMITMENTS**

build awareness of existing resources to harness and maximise access to legal services through improved technology and infrastructure

further develop tools and resources to support procurement of legal assistance services and management of projects and programs

examine approaches to build on sector workforce planning, and support opportunities for professional and leadership development

support innovative and new strategies to increase representation, recruitment, and retention of First Nations peoples in and across the sector

investigate ways to improve cross-government coordination, to improve effectiveness and efficiency of services and reduce administrative burden



### Capability

Improve the evidence-base

Improve capacity to monitor and evaluate service delivery

#### Respond to emerging legal need

Appropriate provision of legal services requires a thorough understanding of the legal problems that Queenslanders experience, the underlying factors that impact a person's legal need and the barriers that people may experience when trying to resolve them.

To achieve this, the sector needs access to the right data, tools, and resources. The sector will build on its capability to understand met and unmet legal need in a local and regional context, as well as the performance of their own work and its impact on clients.

DJAG will seek to improve the planning and decision making of the legal assistance sector by building on the existing evidence base available and strengthening the sector's ability to monitor and evaluate service delivery.

CLE is an important service component of legal assistance in Queensland, informing and building individual and community resilience by enhancing awareness and understanding about the law, and how to identify, prevent and deal with legal problems. CLE also helps community, health and education workers to increase referral pathways and access essential legal assistance services for their clients.

Under the NLAP, the Commonwealth, states and territories are jointly responsible for developing an outcomes-based framework (Outcomes Framework) for legal assistance services for potential implementation from 1 July 2025. DJAG will continue to consult with the sector and provide input into development of the Outcomes Framework.

## **OUR COMMITMENTS**

refine data collection and analysis capability

strengthen the delivery of CLE including through measuring value and impact

contribute to the development of an Outcomes Framework for the sector

improve cultural capability to deliver appropriate and safe options in service delivery



## Investment in legal assistance services 2020-25

## Funding the sector

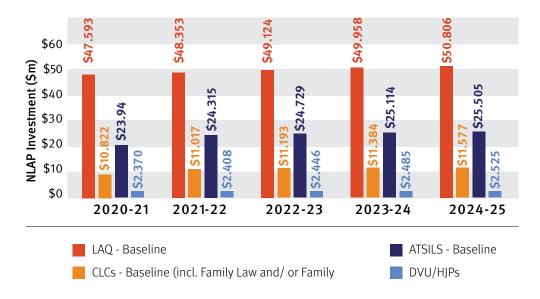
The Queensland Government, through DJAG, allocates and administers Commonwealth and State funding to the sector over a five-year funding cycle, with the current agreement term set to expire on 30 June 2025.

The funding for legal assistance services has been fully committed through to the end of the 2024-25 financial year.

#### NLAP baseline funding (Commonwealth)

The NLAP provides baseline funding for mainstream, specialist, and Aboriginal and Torres Strait Islander-specific legal assistance services of an estimated \$437.664 million over 2020-25 (figure below).

This Baseline funding is provided for LAQ, CLCs, and ATSILS, as well as Domestic Violence Units and Health Justice Partnerships (DVU/HJPs).



Estimated Baseline Queensland NLAP financial investment (\$ million)

# Additional Commonwealth funding for Queensland (Bilateral Schedule)

The NLAP provides additional funding to Queensland through the Bilateral Schedule of the NLAP.

Under the Bilateral Schedule, Queensland will receive \$81.038 million over 2020-25 tailored to the Queensland context.

**Amount** 

|   | Purpose                                                                                |                 |
|---|----------------------------------------------------------------------------------------|-----------------|
|   | Family Advocacy and Support Services                                                   | 22.316M         |
|   |                                                                                        |                 |
| Г | Domestic Violence Units/Health Justice Partnerships                                    | 3.531M          |
|   |                                                                                        |                 |
|   | ATSILS: Justice Policy Partnership, Coronial Inquiries and expensive and complex cases | 0.639M          |
|   |                                                                                        |                 |
|   | Vulnerable women                                                                       | 27.116M         |
|   |                                                                                        |                 |
| L | People with mental health conditions accessing the justice system                      | 12.658M         |
|   |                                                                                        |                 |
| 4 | Workplace sexual harassment or discrimination                                          | 9.662M          |
|   |                                                                                        |                 |
| Γ | Child sexual abuse prosecutions                                                        | 1.498M          |
|   |                                                                                        |                 |
| C | Administration funding                                                                 | 3.618           |
|   |                                                                                        |                 |
|   |                                                                                        | Total : 81.038M |



## Queensland State Government funding

DJAG also administers Queensland Government funding to LAQ, ATSILS and CLCs.

The table includes funding provided from other department administered by DJAG.

## Investments

| Queensland Government legal  |
|------------------------------|
| assistance funding (2020-25) |

## CLCs

| Service delivery     | 76.056M  |
|----------------------|----------|
| Peak services - CLCQ |          |
| Project funding      | 1.249M   |
| Contingency funding  | 1.249M   |
| Program management   | 0.703M   |
| Sundry expenses      | 0.964M   |
| TOTAL                | 82.741M  |
| LAQ                  |          |
| Service delivery     | 492.792M |

**ATSILS** 

Service delivery<sup>26</sup>. 0.964M

Estimated additional Queensland financial investment (\$million)

#### Contingency funding (CLCs)

In recognition of the emergence of new and unforeseen areas of legal need and emergency or service delivery expenses, contingency funding is set aside each year.

CLCs funded under the NLAP can apply to access this funding.

### Project funding (CLCs)

Project funding is also set aside each year for allocation. The funding of continuous improvement projects is critical to fulfilling the State's obligations under the NLAP.

In 2020-21, \$150,000 of project funding was allocated for grants to provide RLAFs and SLAFs with the opportunity to:

- » develop collaborative partnerships to deliver holistic services which address a range of legal and other social needs; and
- » undertake sector and regional building activities which better coordinate existing services to maximise efficiency and effectiveness and minimise system and service gaps.

## Program coordination

Under the NLAP, DJAG delegates partial management of the Legal Assistance Services Program (LASP) to LAQ. The State Program Manager for LASP (LAQ) is responsible for day-to-day administration and contract management of CLCs.

A portion of CLC funding is set aside at the start of each funding cycle for program coordination items and sundry expenses.

#### **Further information**

Allocations may be adjusted throughout the funding cycle, including for changes in the State non-government organisation (NGO) grant indexation rate or further allocations.

For more information visit the *Queensland Government website*.

## **Abbreviations**

| Abbreviation | Definition                                                      |
|--------------|-----------------------------------------------------------------|
| ATSILS       | Aboriginal and Torres Strait Islander Legal Service Qld Pty Ltd |
| CLC          | Community Legal Centre                                          |
| CLCQ         | Community Legal Centres Queensland                              |
| CLE          | Community Legal Education                                       |
| DFV          | Domestic and Family Violence                                    |
| DJAG         | Department of Justice and Attorney-General                      |
| DVU          | Domestic Violence Units                                         |
| FVPLS        | Indigenous Family Violence Prevention Legal Services            |
| НЈР          | Health Justice Partnerships                                     |
| LAQ          | Legal Aid Queensland                                            |
| NLAP         | National Legal Assistance Partnership                           |
| QLAF         | Queensland Legal Assistance Forum                               |
| RLAF         | Regional Legal Assistance Forums                                |
| SLAF         | Specialist Legal Assistance Forums                              |

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