



NSW Budget Submission 2017-2018

Community Legal Centres NSW

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Executive Summary

Community legal centres (CLCs) across NSW are committed to delivering free advice and related services to people and communities facing economic, social or cultural disadvantage.

In the 2014 *Access to Justice Report*,¹ the Productivity Commission warned that funding for legal assistance services was on an unsustainable course. The Commission recommended an immediate input of \$200 million from all levels of government, merely to meet existing needs. Despite this, the Federal Government imposed a 30% cut across CLC funding nationally in the National Partnership Agreement for Legal Assistance Services (the NPA) due to take effect on 1 July 2017. In NSW, this cut is \$2.9 million, or 23% of Commonwealth funding, which will have serious consequences for the legal assistance sector across the state.

With a projected \$3.7 billion surplus for 2016-2017, the NSW Government is well placed to fund strategic, long-term investment in community legal centres with just four funding priorities, set out in this Budget Submission. **We call on the NSW Government to:**

1. Maintain existing services by meeting the annual \$2.9 million shortfall caused by the Commonwealth Government cuts.
2. Meet unmet legal assistance needs with an injection of an additional \$2.6 million, in line with the recommendations of the Productivity Commission.
3. Invest in legal centre collaboration and co-design in systemic NSW civil justice reform initiatives for \$2.2 million per annum.
4. Extend the successful Aboriginal Legal Access Program across NSW for \$2.8 million per year.

Total impact on NSW Budget (new money): \$10.5 million per year

We invite further conversation arising out of this submission. Please feel free to contact Polly Porteous, CLCNSW Interim Executive Director on (02) 9212 7333 or Polly.Porteous@clc.net.au with any inquiries.

Yours faithfully,



Linda Tucker

Chairperson

Community Legal Centres NSW

¹ <http://www.pc.gov.au/inquiries/completed/access-justice/report>

1. A brief introduction: community legal centres in NSW

Community Legal Centres NSW (CLCNSW) is the peak representative body for 37 member community legal centres (CLCs) throughout NSW, and the NSW representative member of the National Association of CLCs (NACLCL). Our role is to:

- Provide services to member centres including training, capacity-building, network support and development, communications and information, financial management services, legal policy development and advocacy;
- Represent the interests of community legal centres to the public, the media, and community organisations;
- Refer members of the public to appropriate CLCs or other legal assistance services;
- Coordinate strategic direction and development for the sector as a whole; and
- Liaise and negotiate with government on legal, equity, funding and program issues.

1.1 Who do we help and how?

Community legal centres are independent not-for-profit community organisations that provide free legal services focussing on the most disadvantaged and at-risk members of the community.

In the 2015- 2016 financial year, community legal centres in NSW:

- Provided assistance to at least 55,460 people
- Provided 79,398 advices
- Opened 8,930 new cases
- Closed 8,523 cases, including 1,363 major cases (complex/lengthy matters)
- Delivered 1,032 community legal education programs
- Completed 253 law reform and legal policy projects ²

² CLCNSW, *Annual Report 2015/2016*, http://www.clcnsw.org.au/cb_pages/annual_reports.php

2. Funding Priorities: Four ways to invest wisely in justice

2.1 Maintain existing services:

Inject \$2.9 million annually for the next three years to maintain existing services, protecting the sector and vulnerable clients from immediate damage.

As outlined in detail in Section 4 below, the Federal cuts to community legal centre funding will have significant effects on not only community legal centres and their clients, but also on the legal sector more broadly.

\$2.9 million per year of maintenance funding – on top of the existing funding contribution by the NSW Government – will allow community legal centres to continue providing their existing services to their communities, and continue facilitating innovations to increase capacity.

This funding will prevent centre closures, reduced service delivery, reduced legal casework capacity, and less clients turned away. It will also ensure the retention of the intellectual capital and legal service infrastructure currently provided by community legal services. This funding will ensure that client legal referral and information pathways relied on by government do not short-circuit.

Allocation of this funding will occur as per the funding methodology currently being developed with Legal Aid NSW.

2.2 Meet unmet needs

Inject \$2.6 million of additional funds to meet NSW's demonstrated legal assistance needs, as recommended by the Productivity Commission.

An injection of \$2.6 million is urgently needed to meet NSW's fundamental legal assistance needs and to develop a new methodology that examines missing services in the legal assistance landscape. Australia-wide, the Productivity Commission recommends a baseline of \$200 million in state and federal funding to the legal assistance sector over 5 years, 60 per cent from the Commonwealth and 40 per cent from state and territory governments.

Community legal centres currently receive 12 per cent of funding for all legal assistance services (LAS). Using the current LAS funding split, \$24 million of this \$200 million should come to CLCs: \$14.4 million per year from the Commonwealth and \$9.6 million per year from states and territories.

For NSW, currently receiving 27 per cent of Commonwealth funding under the NPA, this equates to approximately \$3.8 million extra from the Commonwealth. On the same

Community Legal Centres NSW

60:40 share that the Productivity Commission recommends this means a \$2.6 million injection in state government funding for community legal centres in 2017-2018.

	CLCs NPA (Commonwealth) 2015-16 funding*		Using this split to implement PC recommendation of additional \$200m p.a. for the whole legal assistance sector (\$ p.a.)	How PC says this should be split between Commonwealth and state/territory governments for the whole legal assistance service sector (\$ p.a.)		12%** of this legal assistance sector total should go to CLCs (\$ p.a.)	
	\$m p.a.	%		Commonwealth share = 60%	State/territory share = 40%	Commonwealth contribution	State/territory contribution
NSW	11.44	27%	\$53,219,204	\$31,931,522	\$21,287,681	\$3,831,783	\$2,554,522
Total	42.99	100%	\$200,000,000	\$120,000,000	\$80,000,000	\$14,400,000	\$9,600,000

*Includes SACS supplementation

**Current percentage CLCs make up of legal assistance sector (i.e. Legal Aid/ATSILS/FVPLS/CLCs) total funding re civil/family law

Figure 1: Estimating how much additional funding the NSW Government would need to contribute in order to implement the recommendations of the Productivity Commission's Access to Justice Report, 2014

This \$2.6 million from the NSW government, in addition to maintenance funding listed in 2.1, will allow CLCs to meet existing need amongst disadvantaged people in their communities.

2.3 Invest in the future of civil justice reform

Reduce burdens on court resources and save on human and economic costs for just \$2.2 million per annum, building innovative community based digital pathways for people to seek help easily, cheaply and effectively.

The NSW government is currently undertaking a consultation in relation to improving and increasing accessibility of civil dispute resolution processes. The consultation paper *Justice for everyday problems: Civil Justice in NSW* notes that of the almost 3 million people in NSW who experience a significant legal problem each year (the vast majority being civil problems), only half of these people will seek help. "Nearly 20 per cent of people will take no action at all because they think it will be too stressful, too expensive, or they simply don't know what to do."³

Part of the solution must be embracing advances in automation, artificial intelligence and other technologies to increase the ease with which people in the community, especially the most disadvantaged, are able to access justice. Governments around the world are already putting measures in place to try to address similar issues. In the UK, there is a detailed strategy to move civil court services online.⁴

³ NSW Government, Department of Justice, *Justice for everyday problems: Civil Justice in NSW*, 2016, Forward, http://www.justice.nsw.gov.au/justicepolicy/Pages/lpcld/lpcld_consultation/Civil-Justice-Consultation.aspx

⁴ Information about the UK Lord Justice Briggs, *Civil Courts Structure Review*, Judiciary of England and Wales, July 2016, <https://www.judiciary.gov.uk/wp-content/uploads/2016/07/civil-courts-structure-review-final-report-jul-16-final-1.pdf> ; also see

However, with any push to adopt new technologies, governments must recognise that there will always be a portion of the population which does not have the skills or resources to use the new technologies without some form of assistance. The UK Conservative Government has developed a concept called 'Assisted Digital Support', recognising that human support is needed for many people to access the increasing number of government services that are online.

CLCNSW understands that this includes the provision of funding to the UK Citizens' Advice network for Assisted Digital Support projects, which allows CAB volunteers and staff to sit with members of the public and help them use the online tools for government services, which will include (as they become available) online court or tribunal services.⁵

Like Citizens Advice services in the UK, community legal centres in NSW are already at the forefront of dealing with every day legal problems in the community: whether it is debt, neighbourhood disputes, small fines or tenancy issues. This places us in a unique position to be able to pilot, test and roll out new technologies and innovative services across NSW. We know how to divert people out of the expensive court systems and provide timely advice, solving problems before they escalate.

For just \$2.2 million per annum, the NSW government can embed easy-to-access civil justice solutions in communities across NSW, reducing the burden on the courts and other parts of the justice system.

With this funding, Digital Access Pathfinders (DAPs) will be placed in clusters around NSW, servicing geographic areas like Northern NSW and Western Sydney, as well as at relevant specialist legal centres, for example the Seniors Rights Service and Financial Rights Legal Service. Early modelling suggests a model of 15-20 DAPs, a Project Manager based at CLCNSW, as well as technological start up and maintenance costs.

Besides the immediate benefit to government and communities across NSW, the efficiencies of service through this program would greatly benefit other areas of CLC activity, freeing up solicitors and support workers to focus their attention more squarely on the areas they are most needed.

As nimble organisations responsive to the needs of some of the most disadvantaged people in NSW, who are intimately involved in ongoing law reform and community education, CLCs are perfectly placed to trial and roll out civil justice reform in NSW.

2.4 Extend the ALAP across NSW

With an additional \$2.8 million per year, extend community legal centres' inclusive and successful Aboriginal Legal Access Program (ALAP) across NSW,

⁵ See for example <http://www.bedfordcab.org.uk/advice-assisted-form-filling.html>

ensuring culturally appropriate legal service provision and closing the gap in indigenous access to justice.

The Aboriginal Legal Access Program (ALAP) currently funds a dedicated Aboriginal Legal Access worker in five community legal centres, and an ALAP Coordinator role at CLCNSW. Since its inception in 2008, this program has committed to increasing access to justice in NSW for Aboriginal and Torres Strait Islander people by:

- improving the representation of Aboriginal people in the legal sector,
- role-modelling employment pathways and culturally appropriate settings for legal education, and
- delivering legal information and advice.

All of these activities improve access to justice for Aboriginal and Torres Strait Islander people in NSW.

The program has also helped increase the number of Aboriginal staff in the NSW CLC sector, which has risen from 10 to 30 since 2011. It should be noted that almost all of these positions are part-time.

In the 2012-2013 financial year, the data shows that on average, 6.33 per cent of clients at centres with ALAP workers are Aboriginal and/or Torres Strait Islander people. This is compared with 3.75 per cent of the respective client base from the 20 non-ALAP centres. In 2007-2008, the same centres serviced 5.7 per cent and 3.7 per cent respectively, demonstrating that centres with ALAP workers are able to increase the amount of Aboriginal and Torres Strait Islander clients their centre reaches.

\$2.8 million annually would allow for 33 FTE ALAP workers to be employed across NSW at community legal centres, increasing the access to justice for people in these Aboriginal and Torres Strait Islander communities.

It should be noted that this is roughly half what is required to roll out this program in full to every community legal centre in NSW. The best-practice ALAP model involves two full time employed ALAP workers per community legal centre: one male and one female per CLC.

The distribution of the 33 FTE ALAP workers will be determined according to need and areas of disadvantage, aiming towards best practice, with workers auspiced at centres across NSW working collaboratively to ensure maximum coverage and effect.

By funding this budget priority, the NSW government can ensure culturally appropriate legal service provision and close the gap in indigenous access to justice.

2.5 Summary of budget proposals

1. Inject \$2.9 million annually for the next three years to maintain existing services, protecting the sector and vulnerable clients from immediate damage.
2. Inject \$2.6 million of additional funds to meet NSW's demonstrated legal assistance needs, as recommended by the Productivity Commission.
3. Reduce burdens on court resources and save on human and economic costs for just \$2.2 million per annum, building innovative community based Digital Access Pathways for people to seek help easily, cheaply and effectively.
4. With an additional \$2.8 million per year, extend community legal centres' inclusive and successful Aboriginal Legal Access Program (ALAP) across NSW, ensuring culturally appropriate legal service provision and closing the gap in indigenous access to justice.

3. The importance of community legal centres

CLCs provide a safety net for those who have no other option for legal assistance, with a focus on early intervention and civil law services.

As the Productivity Commission noted:

*CLCs are community-based not-for-profit organisations with a number of defining features. They play a distinct role in the legal assistance landscape assisting Australians who cannot afford a private lawyer but who are unable to obtain a grant of legal aid, either because the person is not eligible or because the LAC has a conflict of interest. As community-based organisations they also seek to embed their services within their communities and many work in partnership with other local groups and establishments. Their use of volunteers and pro bono services is another characteristic feature of CLCs.*⁶

The general underfunding of legal assistance services by all levels of government means that while 13 per cent of Australians fall below the poverty line⁷, only 8 per cent of the population qualify for government legal aid under current income and assets means tests.⁸ This means five per cent of Australians – more than 1,200,000 people, with perhaps 400,000 in New South Wales – are living below the poverty line but are not allowed to access Legal Aid NSW's services. These people rely on CLCs.

Community legal centres additionally contribute to the broader community. We provide accessible legal information and education through strategically tailored talks, publications and online presentations. We enrich policy development and law reform debate with our legal specialisation, our deep knowledge of our communities and the issues and barriers they face, and by generously sharing insights not shared by government or the private sector.

Community legal centres provide a range of legal services including:

- Free, easily accessible advice, representation and casework;
- Information and referrals;
- Community education;
- Systemic advocacy and law reform on behalf of disadvantaged groups;
- Self-help resources;
- Training of community workers;
- Outreach services; and
- Community development.

⁶ <http://www.pc.gov.au/inquiries/completed/access-justice/report> (Vol. 2, p. 669.)

⁷ ACOSS, Poverty in Australia, 2016.

⁸ <http://www.pc.gov.au/inquiries/completed/access-justice/report> (Appendix H.)

Because of our direct and ongoing connection to the community, numerous NSW government policy initiatives and legislative amendments have been spearheaded by community legal centres. We can demonstrate problems and propose concrete solutions.

Our small scale allows us to be nimble and creative where government agencies are not. Many solutions to systemic legal issues have been generated by community legal centres' capacity to innovate and use small-scale pilot schemes to demonstrate effectiveness.

3.1 Specialised legal service provision

3.1.1 Early intervention in civil law

Community legal centres' early intervention legal work reduces potential long-term costs to the community. For example by:

- resolving disputes early without resorting to costly litigation;
- mitigating loss, such as by getting consumer legal advice or dealing with bad credit debt or mortgage defaults; or
- assisting victims of domestic violence with legal and referral needs to avoid its human toll, but also to minimise domestic violence's associated costs, such as to the healthcare, child protection, education and social housing systems.

Our members' early intervention work educates people about the law so they can avoid legal disputes altogether or use the law to safeguard their rights, to safety in the home or the workplace, for example. For people already involved with the law, early intervention work assists them to participate more fairly, enhancing justice and creating efficiencies for the system in general.

The Productivity Commission had this to say about community legal centres' benefits to clients and to the wider community:

The primary beneficiaries of legal assistance are the individuals who receive services. Legal assistance can help resolve their legal problems, reduce the financial costs and stress they experience, and prevent further hardship from the escalation of unresolved problems. While hard to measure, these impacts can be significant for the individuals concerned.

Providing legal assistance to individuals with civil legal problems can also deliver benefits to the wider community, including:

- *ensuring legal rights are enforced across the community*
- *preventing the escalation of civil disputes, including into criminal matters*

- *avoiding the costs of other government services*
- *improving the efficiency of court proceedings.*⁹

3.1.2 Collaborative pathways to service delivery

Community legal centres collaborate with various government and non-government service providers to ensure accessible, appropriate and effective referral pathways. For many clients, half the battle is working out what the problem is, where to go and how to ask for help.

Community legal centres have been extremely effective at developing and facilitating productive relationships with local service providers. This is demonstrated through effective referrals, liaison, and formal and informal network meetings. CLCs are key players in the Collaborative Legal Service Delivery Program, which brings together organisations at a local level in 12 regions of NSW to plan for and delivery effective legal services.

CLCs have been involved in health-justice partnerships for decades, long before the branding of Health Justice Partnerships. Current examples are Women's Legal Service NSW's embedded outreach work with Women's Health Centres,¹⁰ and Redfern Legal Centre's Aboriginal Health Justice Partnership with Royal Prince Alfred Hospital.¹¹

3.1.3 Specialists in community legal education

A cursory review of Law Access NSW's legal information topics on tenancy, mortgages and domestic violence, reveals the extent of community legal centre contributions. Local and specialised community legal centres are referenced in each 'Need More Help?' rubric. Publications ranging from pamphlets, 'how to' sheets, to chapters of the Law Handbook are authored by community legal centres. Community legal centres in NSW publish 27 out of 46 titles under the heading 'Tenancy'; 'Mortgage Stress' features 13 out of 31 publications, while many others refer back to community legal centres as referral points for further advice or products of collaborative service delivery such as the Mortgage Stress Handbook or the Financial Wellbeing and Capability Program.

3.1.4 Innovation in the law and in cost-effective service delivery

Community legal centres have a strong track record in identifying areas of emerging and unmet legal need and leveraging the private legal sector's pro bono contributions and volunteers. Many mainstream legal services had their genesis in independent or collaborative community legal centre pilot schemes.

⁹ <http://www.pc.gov.au/inquiries/completed/access-justice/report> (Vol. 2, p. 757.)

¹⁰ See <http://www.wlsnsw.org.au/legal-services/legal-advice-and-casework/whc-outreaches/>

¹¹ MJA Insight, 'Preventative health action through the law', 6 June 2016, <http://www.doctorportal.com.au/mjainsight/2016/21/preventive-health-action-through-law/>

Our holistic service delivery models have generated financial efficiencies and collaborative 'wrap-around' client service delivery methods. This includes having financial counsellors or social workers alongside solicitors, or hosting tenancy services or domestic violence court assistance services through auspicing agreements with community legal centres

Centres have achieved great success using information technologies to meet the needs of some isolated and rural and remote communities and to reach greater numbers of workers who can in turn help their own clients through community legal education.

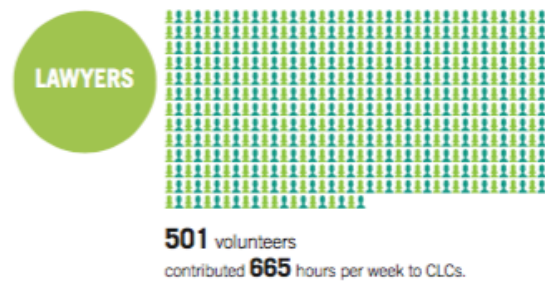
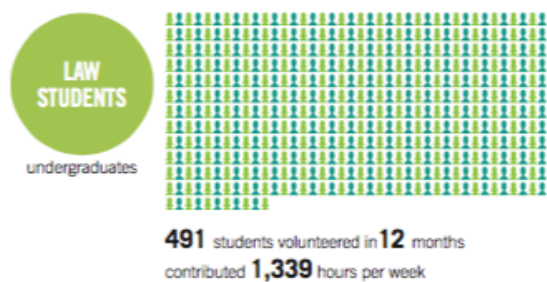
A characteristic strength of CLCs is meaningful engagement with the private sector and leveraging a skilled and willing volunteer workforce to meet our clients' needs across a wide range of legal issues and communities.

The graphic on the following page provides a snapshot of the ways CLCs leverage over 1000 volunteers every year to increase the quantum of work that we are able to perform.

How do CLCs use volunteers?



The 3 main categories of volunteers were:



How do CLCs leverage pro bono partnerships with law firms?

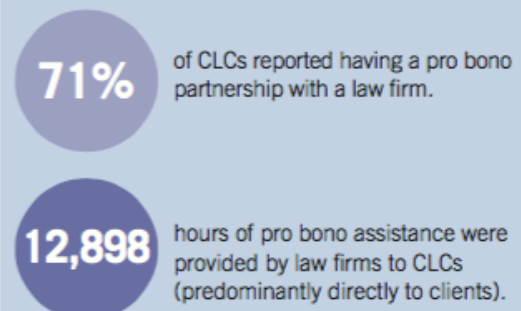


Figure 2: Infographic: CLCNSW, Annual Report 2015/2016.¹²

¹² http://www.clcnsw.org.au/cb_pages/annual_reports.php

4. Funding for community legal centres in NSW

4.1 Summary of projected funding for 2017-2018

CLCs in NSW have three primary sources of funding for their core legal work: the Commonwealth Government, the NSW Government, and the Public Purposes Fund. The following table sets out the split between the three funding sources:

2017-2018 estimates (if no additional funding forthcoming)		Totals
Commonwealth Government funding		\$9,664,000
CLC funding - set out in NPA (22% cut from 2016-17 funding).	\$9,016,000	
SACS ERO - set out in NPA (SACS ERO rate set by DSS at 7.51%).	\$648,000	
NSW Government funding		\$5,957,090
CLC funding - uses 2016-17 amounts as indexation unknown until state budget.	\$5,596,090	
SACS ERO (SACS ERO rate set at 7.51%).	\$361,000	
Public Purposes Fund		
Figures based on the total amount of funding provided by the PPF to all CLCs in 2016-17, however the PPF has not confirmed that any or all of this will be available in 2017-18		\$4,039,745
TOTAL CORE FUNDING		\$19,660,835

Figure 3: Core funding for NSW CLCs expected in 2017-2018

4.2 The funding cliff

4.2.1 The National Partnership Agreement for Legal Assistance Services

The Commonwealth Government's *National Partnership Agreement for Legal Assistance Services (2015-2020)* – which commenced on 1 July 2015 – locks in a recurrent annual funding cut to NSW community legal centres of around 23% from 1 July 2017 every year for three years.

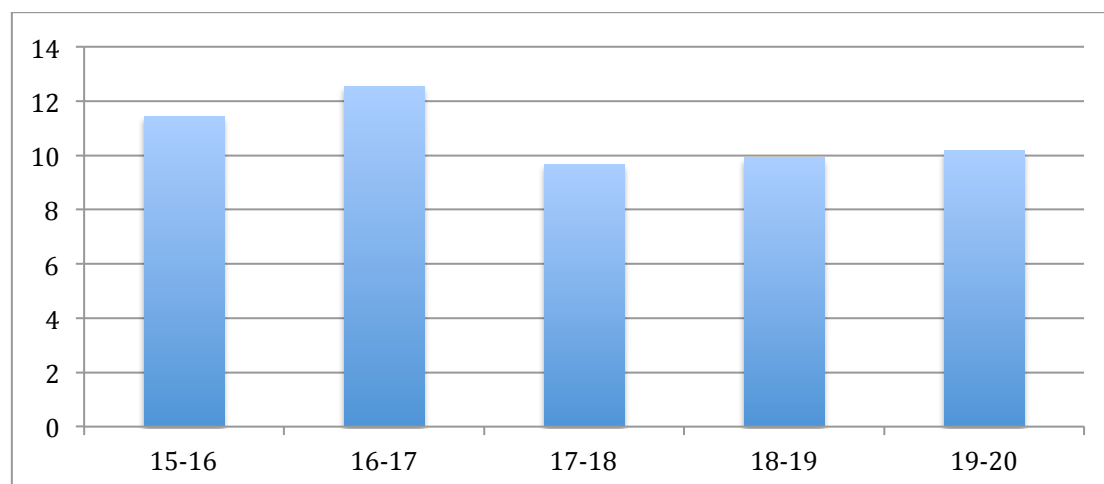


Figure 4: Commonwealth funding for community legal centres from 2015/16 to 2019/20 (in \$ millions)

In NSW, this equates to approximately \$2.9 million less funding each year over the next three years. The NPA only outlines Commonwealth funding and is silent about state and territory contributions. In 2016-17 the Commonwealth contributed a total of 52 per cent of all CLC funding, with NSW Government contributing 29 per cent, and 19 per cent of contributions coming from the NSW Public Purpose Fund.

In announcing the NPA the Commonwealth Attorney-General emphasised the need for “evidence-based decisions” from states, praised the more than 12 months of “extensive consultation” with state and territory Attorneys-General, and thanked them for the “genuine and collaborative way” the NPA was developed.

Without additional funding, the Commonwealth’s cuts will equate to the loss of between 25 and 30 staff positions in a sector with just 400 FTE staff. This will have an immediate and direct impact on vulnerable clients with the loss of client-facing solicitor positions and direct frontline service-delivery, given that administrative support is already at an absolute minimum.

Due to constant funding pressures and extensive use of volunteers, there is no ‘fat on the bone’ in the community legal sector. On average, for every six frontline staff there is currently less than one service support staff member.

4.2.2 Existing NSW Government funding

In the past 16 years, the NSW Government has increased the annual allocated budget for CLCs, by CPI indexation and an average real increase of only about 1.6 per cent per annum, usually due to specific initiatives such as state funding for the Rural Women’s Outreach in 2010-11. Minimal increases to the Social and Community Services (SACS) Award and Equal Remuneration Order supplementation are additional to this.

This rate of increase has barely been adequate to cover rising real wage costs.

CLCs continue to pay considerably lower salaries than Legal Aid NSW or the private legal sector.

A 2012 report by human resources consulting firm Mercer, commissioned by CLCNSW and other CLC peak bodies, compared staff positions and salaries at CLCs with staff in the NSW public sector (including Legal Aid NSW).¹³ Mercer found that CLC solicitors and principal solicitors are paid almost 30 per cent less than their equivalent government counterparts (that is, staff in roles with equivalent years experience and supervisory responsibilities).

¹³ Mercer, Benchmarking Review, Joint Project for CLC Associations, 2012, http://www.naclc.org.au/resources/Mercer%20Benchmarking%20Review_Final%20Report_20120717.pdf

An internal 2016 remuneration survey of NSW CLCs shows that the mean annual salary for CLC solicitors is just \$77,000. Our highest paid workers – the principal solicitors who lead the work of CLCs and supervise teams of staff and volunteers sometimes over 30 people – have a mean annual salary of just \$96,000¹⁴, which is less than the base salary of a Clerk Grade 9/10 working in the NSW public service, or a Grade III Legal Officer at the Legal Aid NSW.

The lack of any genuine increase in funding from the NSW Government to NSW CLCs means we can't compete with government or private sectors. Further, it does not account for:

- the rapidly growing population of NSW;
- the increasing complexity of society and the law;
- growing income and wealth disparity in Australia; and
- for some specialist CLCs, ongoing commercial rental increases exceeding CPI.

4.2.3 Public Purpose Fund

The Public Purpose Fund (PPF) consists of interest received on solicitors' trust accounts kept in NSW, and is managed by the Law Society of NSW. Under section 55 of the *Uniform Legal Profession Act 2014*, the Trustees of the Fund have discretion to provide funding to agencies or organisations for a wide range of purposes. In 2016-17, the PPF contributed just over \$4m a year to about 14 community legal centres. However, as the Law Society warned in 2013:

“There has recently been a significant decline in the NSW PPF's capital reserves. Its accounts show it has been operating in deficit since 2009. This is primarily due to decreased investment returns as a result of the downturn in the global economic market combined with an increase in payments being made from the fund on a discretionary basis.”¹⁵

CLCNSW understands that the situation has not improved since this statement, and therefore that the PPF may be unable to provide the current level of funding to CLCs, let alone any additional funding.

CLCNSW is of the view, shared by the Productivity Commission,¹⁶ that the NSW Government has relied heavily on the PPF over the past two decades to prop up the struggling legal assistance sector. Now that the PPF is itself struggling, the NSW Government should step up and provide increased funding from consolidated revenue.

¹⁴ Internal remuneration survey conducted by CLCQ for CLCNSW, 2016; results can be provided.

¹⁵ Law Society of NSW, Submission to the Productivity Commission, <http://www.pc.gov.au/inquiries/completed/access-justice/submissions/submissions-test2/submission-counter/subdr174-access-justice.pdf>

¹⁶ <http://www.pc.gov.au/inquiries/completed/access-justice/report> (Vol. 2, p. 757.)

5. Opportunity knocks

The long-term all-of-government savings offered by funding community legal centres are clear, as are the significant benefits for the community. This presents an excellent opportunity for the government to make a solid investment in the future of NSW.

Community legal centres are extremely efficient non-government organisations. We are agile, innovative, and used to stretching our limited funds through leveraging law students, volunteer solicitors, and pro bono partnerships with private law firms. We can be situated to meet areas of high unmet legal need or deliver outreaches to rural, regional and remote areas. We make a significant contribution to law reform across the country and ensure as many people as possible have access to justice.

But we can't continue to do this without basic funding.

CLCNSW is working closely with Legal Aid NSW to develop a funding mechanism that ensures CLC funding is allocated according to need.

Whichever way the pie is cut, there is simply not enough government funding to meet the community's legal assistance needs in NSW.

5.1 A time of crisis?

All community legal centres in NSW are struggling to meet existing demand.

A survey of just seventeen community legal centres (about half our sector) undertaken by the National Association of Community Legal Centres last year found that over 34,000 people were turned away from NSW legal centres in 2014/2015.

The amount of people who need legal assistance and are unable to access it can only be expected to rise.

5.1.1 A reduction in frontline services

The expected \$2.9 million reduction in funding means:

- Centres will lose solicitors, Aboriginal access workers, and other key staff;
- Outreaches in rural areas will have to be closed;
- Centres will lose support staff that coordinate volunteer rosters, develop pro bono partnerships, and operate the infrastructure for legal clinics;
- Waiting lists for legal advice will stretch to 6 weeks or more;
- Unfair and inequitable laws and policies will go unnoticed; and
- Increased pressure Legal Aid NSW and the courts in civil and family law.

There are no reasonable grounds to reduce legal assistance funding when Commonwealth and State governments are calling for more legal support for people facing family and domestic violence – a priority client group for all community legal centres.

Serious consideration must be given to the economic cost to NSW through significant cuts to funding early intervention services provided by community legal centres. It is our submission that the costs – both human and economic – are too great to warrant a mere maintenance of funding and adjustments for inflation.

4.1.2 The cost to the public

Some casualties in a reduction of community legal centre funding will include:

- A reduction in the number of legal assistance services as centre funding fails to match centre expenditure commitments;
- Greater costs to already-disadvantaged individuals as legal disputes become intractable or their entanglement in the justice system deepens;
- Increased demand on government legal services such as Legal Aid NSW and LawAccess NSW;
- Greater costs to government and other social support mechanisms, as unresolved legal problems for individuals and whole families develop into entrenched social problems;
- The undermining of the community's confidence in government's ability to provide equitable access to the justice system; and
- The undermining of the community's confidence in the justice system and respect for the law.

All of these will impact on the just, efficient and affordable running of NSW courts, as well as society's ability to keep people out of prison and debt and reduce domestic violence.

5.2 From crisis to opportunity

Funding community legal centres, as outlined in this Budget submission, is a commitment to a modern justice system where everyone has access, a call consistent with the Premier's Priorities, the NSW State Plan and the recently announced 'Justice for everyday problems' review into civil justice.

Appendix I

Members of CLCNSW

Our 37 members are a mix of generalist community legal centres, which provide geographically based services to disadvantaged people within a particular catchment area; and specialist centres with expertise to work with particular clients and/or across specific areas of law across NSW.

Generalist Community Legal Centres

Central Coast Community Legal Centre
Elizabeth Evatt Community Legal Centre
Far West Community Legal Centre
Hume Riverina Community Legal Service
Hunter Community Legal Centre
Illawarra Legal Centre
Inner City Legal Centre
Kingsford Legal Centre
Macarthur Legal Centre
Marrickville Legal Centre
Mid North Coast Community Legal Centre
North & North West Community Legal Service
Northern Rivers Community Legal Centre
Redfern Legal Centre
Shoalcoast Community Legal Centre
South West Sydney Legal Centre

Western Sydney Community Legal Centre
Western NSW Community Legal Centre

Specialist Community Legal Centres

*Animal Defenders Office
*Arts Law Centre of Australia
Australian Centre for Disability Law
Environmental Defender's Office NSW
Financial Rights Legal Centre
HIV/AIDS Legal Centre
Immigration Advice and Rights Centre
Intellectual Disability Rights Service
*Justice Connect
*National Children's and Youth Law Centre
Public Interest and Advocacy Centre
Refugee Advice and Casework Service
Tenants' Union of NSW
Seniors Rights Service
Welfare Rights Centre
Warringa Baiya Aboriginal Women and Children's
Legal Centre
Women's Legal Services NSW

Associate Members

*Australian Pro Bono Centre
*University of Newcastle Legal Centre

* Organisations marked with a star do not receive funding from the NSW 'core' CLC funding pool.