

24 February 2017

Civil Justice Project Team  
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By email: [civiljustice@justice.nsw.gov.au](mailto:civiljustice@justice.nsw.gov.au)

Dear Madam/Sir,

***Submission to 'Justice for everyday problems: Civil Justice in NSW'***

Community Legal Centres NSW (CLCNSW) is the peak representative body for 37 member community legal centres (CLCs) throughout NSW.

We welcome the opportunity to provide a submission in response to the consultation paper on civil justice in NSW. Community legal centres are experts in civil law, and this submission draws on some of their experience assisting clients with their civil justice disputes.

CLCNSW would also welcome the opportunity to participate in a more formal way in what could be an exciting transformation of the civil justice system in this state. We appreciate the fact that two of our members, Financial Rights Legal Centre and the Tenants' Union of NSW, have been engaged in the consultative forum that has provided input to the development of ideas to date. We would like the Department to consider having a CLCNSW representative in any future forum, so that we can provide you with information about and access to the expertise of our other members, particularly the critical role that generalist community legal centres play in ensuring access to justice for disadvantaged people across the state.

If you would like to discuss any part of the submission, please do not hesitate to contact Polly Porteous, Interim Executive Director, [Polly\\_Porteous@clc.net.au](mailto:Polly_Porteous@clc.net.au) or 02 9212 7333.

Warm regards



Linda Tucker  
Chair  
Community Legal Centres NSW

## Overview

Community legal centres (CLCs) are independent not-for-profit community organisations that provide free legal services focussing on the most disadvantaged and vulnerable members of the community. The vast majority of our work is in the area of civil law: we are genuinely civil law experts.

Our members are a mix of generalist community legal centres, which provide geographically based services to disadvantaged people within a particular catchment area; and state-wide specialist legal centres, with expertise in working with particular clients and/or across specific areas of law. A list of our members is set out in Appendix 1.

In 2015-2016, our members:

- Provided assistance to at least 55,460 people
- Provided over 80,000 advices, of which 80% were civil law matters, 14% family law and 6% criminal law
- Opened 8,930 new cases
- Closed 8,523 cases, including 1,363 major cases (involving over 20 hours of assistance)
- Delivered 1,032 community legal education programs
- Completed 253 law reform and legal policy projects.<sup>1</sup>

CLCNSW supports the ambition to implement just, quick and cheap ways to resolve civil justice disputes. This approach will facilitate many people to “self-help”, reducing pressure on courts and tribunals and enabling a more effective deployment of legal resources.

However, there is a risk that some digital solutions can contribute to further exclusion and disadvantage of vulnerable people from the NSW justice system, as there are many people who are not capable of accessing new technologies. A well-designed civil justice strategy for the 21<sup>st</sup> century must therefore recognise and respond to the needs of all people, including those for whom digital solutions are not appropriate.

In this submission, CLCNSW identifies three ways this can be achieved.

Firstly, new civil justice systems, processes and technologies should be designed with a view to being accessible to all people. A ‘universal design’ approach would see the use of intuitive system design, Plain or even Easy English, and ways to halt the process or refer people to legal advice at critical points of the process. CLCs are already working in this space, and stand ready and willing to collaborate with the NSW Government as it develops and trials new tools.

Secondly, once new technologies are in place, many people and communities will need support to access them. With sufficient additional funding, CLCs can operate a Digital Access Pathfinder Service within our established CLC legal service model, which will allow CLCs to pilot and test new technologies, and then directly assist vulnerable and disadvantaged people to use online or digital tools as they are implemented.

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<sup>1</sup> This data is drawn from the main database used by 32 of our members; as there are other client databases in use, the numbers are actually higher. Further information: CLCNSW Annual Report 2015-16, [http://www.clcnsw.org.au/cb\\_pages/annual\\_reports.php](http://www.clcnsw.org.au/cb_pages/annual_reports.php)

Thirdly, there is a substantial body of research which shows that the nature of civil disputes, as well as the complex needs and circumstances of vulnerable and disadvantaged people, means there will always be a demand for intensive legal advice and assistance. The civil justice strategy must recognise this, by including increased funding to CLCs across NSW so that we can better work with disadvantaged people and facilitate their access to justice. CLCNSW draws the Government's attention to the CLCNSW Budget Submission for 2017-18 which calls for an additional \$10.5m in funding to CLCs – details are set out in Appendix 2.

## Summary of recommendations

1. Simple, easy-to-use pre-decision checklists can be promoted directly to members of the public through online channels. They could be used by CLCs and other legal assistance providers in community legal education workshops, in order to skill up non-legal workers and disadvantaged communities so they are aware of them and know how to use them.
2. The Department of Justice is encouraged to collaborate with CLCs in the design, testing and rollout of online information and other digital systems, processes and digital strategies, recognising our expertise in both civil law and working with vulnerable clients.
3. CLCs that are accredited through the Community Legal Centre National Accreditation Scheme are also recognised under any NSW Quality Mark or other quality system for legal information or advice services.
4. The NSW Government takes a 'universal design' approach to the design of new technologies.
5. The NSW Government ensures 'flags' for referral to legal services are integrated into the design of digital tools, systems and services.
6. The NSW Government facilitates the use of digital tools by vulnerable and disadvantaged people through the provision of additional funding to CLCs for a 'Digital Access Pathfinder Service'.
7. The NSW Government provides additional funding for the core work of NSW CLCs so that we can better provide assistance to vulnerable and disadvantaged clients, who need more intensive assistance than can be provided by online self-help tools.

# 1. Avoiding common problems

## 1.1 Getting the right information to identify problems early

**Question 1: What would you like to know before making a financial commitment, such as buying something online, signing a phone contract or getting a plumber?**

CLCs provide public information across a range of products and services with some information aimed at the point prior to financial commitment.

In our experience, access to simple, concise and plain English information prior to purchase can play a role in reducing the likelihood of problems arising and facilitate resolution of problems if they do arise.

Information that is typically useful prior to making a financial commitment include:

- Critical protections that apply to the purchase (e.g. cooling off periods, hardship support, how the Australian Consumer Law applies),
- When legal advice should be sought before making the commitment (and how to get legal advice),
- What steps to take in the event that something goes wrong,
- Alternative options to consider (e.g. No interest loans instead of pay day lenders or financial counselling instead of predatory debt management services)
- The availability of ombudsman schemes, tribunals or other relevant services.

An example of a market that has been reformed and benefited the general public as well as CLC clients is the mobile phone market. Rules introduced in 2012 requiring telcos to disclose upfront critical components of their contracts, complaints processes and comparable costs of service, contributed to a sustained reduction in complaints to the Telecommunications Industry Ombudsman.

## 1.2 We want to do more to help you prevent and avoid common problems

**Question 2: Would you use a pre-decision or pre-purchase checklist?**

For many people, including some people that might otherwise require assistance from a CLC, this type of early intervention could give them the information and confidence they need to be self-sufficient in pursuing their rights.

However upfront information has limitations. CLCs deal with many clients whose vulnerabilities mean they aren't necessarily capable of accessing, making use of or acting effectively on the information that may be available to them. It is unlikely that vulnerable and disadvantaged people would be the primary users of pre-decision or pre-purchase checklists.

In order to increase the chances of these pre-decision checklists being used by the people who need them most, the Department of Justice needs to promote and advertise the checklists in a way likely to reach vulnerable people. This would include through Service NSW and the Office of Fair Trading.

In addition, legal assistance providers including CLCs can (and will) promote the checklists and other tools through our existing community legal education programs provided to community and welfare workers, financial counsellors, schools and so on.

### **Recommendation 1.**

Simple, easy-to-use pre-decision checklists can be promoted directly to members of the public through online channels. They could be used by CLCs and other legal assistance providers in community legal education workshops, in order to skill up non-legal workers and disadvantaged communities so they are aware of them and know how to use them.

### **Question 3: How could we better use data and technology to make sure you get information before problems occur?**

There are a range of mechanisms that the NSW Government could use to provide people with information that may be relevant to them, including marketing via Google ad-words, Facebook, twitter, aimed at people who fit within key demographics likely to experience particular types of legal problems. The research of the Law and Justice Foundation of NSW about these demographics would be particularly useful in this regard. In addition, CLCs are in a unique position to identify emerging problems for key groups, whether they relate to a specific business, product/service category, language group, ethnic community or geographic area. CLCs can provide this information to the Department of Justice and can also work to tailor digital solutions to these clients, with the aim of getting it to them before crises arise.

The Tenants Union, for example, hosts an online portal ([tenants.org.au](http://tenants.org.au)) providing extensive support to people with rental disputes. The online information is reviewed annually to maintain its relevance and usefulness based on feedback from clients.

As more and more of our everyday commercial, civic, social and community activities take place online, it is appropriate that justice initiatives make use of technology to alert people to their rights and avenues of redress.

NSW CLCs stand ready to act as partners in the design, testing and rollout of new initiatives. CLCs extensive networks mean we are able to collaborate with a range of user groups, including those who are and are not accustomed to using these services.

#### **Case study 1: Illawarra Legal Centre – Research project to assess user-experience of online legal resources**

*In 2016 Illawarra Legal Centre designed and tested a research model that enabled the gathering of direct feedback from disadvantaged people, working with them on assessing the accessibility and effectiveness of online legal resources.*

*The research found that many of the centre's core client group – including disengaged young people and older people with low education levels – struggled to use the internet to find the answers to common legal problems, such as employment issues, neighbourhood disputes, or debts.*

*The report provides a fascinating insight into the ways that people use the internet, as well as useful tips for anyone designing legal information resources for particular*

*client groups. For example, it found that although the young people in one user group were tech-savvy, they were also easily distracted and unable to sieve out irrelevant information (for example, American websites). Online searches also turned up private legal firms who were trying to sell their legal services. Understandably, some older blue-collar workers in another user group were suspicious of the internet and did not trust some of the websites.*

*Many participants were unable to find correct information because some sites required correct spelling.*

*Almost all participants said at some point in their online searching that they were ready to “give up”, and really wanted to talk to a lawyer on the phone rather than keep trying to use the internet.*

Source: [http://www.illawarralegalcentre.org.au/images/stories/SearchingQs\\_final.pdf](http://www.illawarralegalcentre.org.au/images/stories/SearchingQs_final.pdf)

## **Recommendation 2.**

The Department of Justice is encouraged to collaborate with CLCs in the design, testing and rollout of online information and other digital systems, processes and strategies, recognising our expertise in both civil law and working with vulnerable clients.

### **Question 4: What information would you find useful or wish you had known before you committed to something?**

Experience of CLCs shows that it is essential people understand at what point in the course of their civil transactions it may be appropriate to seek legal advice, and that they are informed about how to access information about their rights and/or independent legal advice. In some cases legal advice will be essential before making a commitment, while in other cases it may have simply been useful to talk to a lawyer.

## **2. Dealing with problems early**

### **2.1 Getting the right information to solve a problem easily**

#### **Question 5: Have you tried to find information about an everyday problem? What was the problem and what information did you find useful?**

Our experience is that early access to legal advice supports people's engagement with legal problems and processes in a variety of ways. The research of Illawarra Legal Centre set out in Case Study 1 shows that, while researching legal information on the internet can be a useful first step to find solutions to legal problems, easy access to a lawyer – including a CLC – plays a critical role in the self-help process as people make their way through a civil dispute.

Clients of CLCs also benefit from our integrated approach to civil justice disputes that enable clients to be connected with other support and advocacy services, for example, financial counselling, legal and tenancy services.



However, we know that many people simply never find their way to CLCs or other legal services, instead turning to non-legal sources for advice.<sup>2</sup> Common barriers to getting access to information are:

- language barriers: in Australia there is not a great deal of information available in languages other than English – as explained in Case Study 5 about Redfern Legal Centre’s international student app
- literacy: even if people can use digital tools, they may not have sufficient literacy to understand the information that they find, or to sieve out irrelevant information from relevant information – again, as illustrated by Case Study 1
- capacity: people with intellectual disability or with other forms of cognitive impairment need tailored assistance to negotiate legal information – some examples are set out in Case Study 2 below
- digital capability: some people, whether because of age or education, are not skilled at using the internet – as Illawarra Legal Centre found in their research set out in Case Study 1
- access to the internet: many people, particularly older people and some vulnerable client groups including Aboriginal and Torres Strait Islander people, do not have household or other reliable access to the internet; this is set out in more detail in our response to question 7 below
- distrust of legal services: there are some groups who do not readily trust government or legal services, in particular, Aboriginal and Torres Strait Islander people.<sup>3</sup>
- competition from for-profit services: a Google search for help will more often than not direct people to for-profit companies that have paid for Google Ad-words before directing them to free services. For example, a search for ‘debt help’ brings up 15 results (including ads), 12 of which are links to for-profit companies.

### ***Case study 2: Intellectual Disability Rights Service – providing Easy and Plain English information***

*The Intellectual Disability Rights Service is a specialist community legal centre that provides legal support to people with intellectual disability.*

*The service has an Easy Read website designed to provide legal information to people with intellectual disability. The website covers topics such as support at court, arrest, and care proceedings.*

*With additional funding, the CLC could expand their Easy English information to cover a wide range of civil law topics.*

*Many other CLCs find Easy English resources useful not just for people with cognitive*

<sup>2</sup> Law and Justice Foundation of NSW, *Reshaping legal assistance services: building on the evidence base – A Discussion paper*, 2014. This paper provides a useful summary of the extensive body of research arising from the LAW survey and is used in preference to the other Law and Justice Foundation of NSW papers on legal need because it usefully describes how this evidence might shape the provision of legal services into the future.

<sup>3</sup> See the work by Chris Cunneen, Melanie Schwartz and Fiona Allison, including the submission from the Indigenous Legal Needs Project (Submission 19) to the Parliamentary Inquiry into Aboriginal and Torres Strait Islander experience of law enforcement and justice services, [http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Finance\\_and\\_Public\\_Administration/Legal\\_assistance\\_services/Submissions](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Finance_and_Public_Administration/Legal_assistance_services/Submissions); Cunneen and Schwartz, ‘Civil and Family Law Needs of Indigenous People’, *UNSW Faculty of Law Research Series - Paper 8*, 2011.

*disability but also people who have limited English literacy.*

Source: <http://www.idrs.org.au/easy-read/easy-read.php>

In 2016 Illawarra Legal Centre designed and tested a research model that enabled first hand testing of online legal materials by individuals living with disadvantage. See case study 1. Many CLCs, particular specialist CLCs, are experts in designing information for particular groups.

***Case study 3: Immigration Advice and Rights Centre - Investigating, designing and developing visual education tools for low English literacy clients***

*The Immigration Advice and Rights Centre is a specialist community legal centre that helps vulnerable people navigate Australian migration law.*

*Eighty percent of the centre's clients require an interpreter. When English is not their first language, or English literacy is low, people are at a significant disadvantage as all migration information, forms and correspondence are only produced in English.*

*The Centre advocates for greater parity in the quality of information provided to both English speaking and non-English speaking people in Australia to ensure access to information and empower people to be proactive. This requires:*

- appropriate resourcing to ensure source materials and translations are of the highest quality and that translated materials are culturally relevant and appropriate*
- a recognition that individuals may have disrupted educational backgrounds and may not be literate in their first language or their community has oral rather than written language traditions*
- information is provided in a variety of formats, including diagrams, pictures, symbols and audio-visual materials that are relevant and appropriate to the socio-cultural visual literacy of the reader.*

*The use of visual materials is relevant to all learners in terms of making connections between words and corresponding pictures, gaining and holding the reader's attention and contributing to their motivation to take action. The Centre is working on a project with pro bono partners to develop visual education resources for its clients that can be easily distributed and accessed across a range of information and communication technologies (ICT)-based platforms.*

Source: Email from IARC, 24 February 2017

## **2.2 We are considering some ideas to help you get the right information**

### **Question 6: What would you think of a network of trusted sources you can rely on?**

Operating on a model of accessibility and inclusivity, our network of 37 generalist and specialist services offers a mix of face-to-face and phone services across NSW, making CLCs accessible to the vast majority of people living in NSW.



CLCs understand the importance of a quality mark system to distinguish reputable, quality-assured, non-profit legal assistance providers from for-profit providers or organisations that do not comply with basic standards. It is this that led to the National Association of Community Legal Centres establishing the Community Legal Centre National Accreditation Scheme.

The CLC National Accreditation Scheme is a sector-led accreditation and certification process for CLCs across Australia. The aim of the National Accreditation Scheme is to support and give recognition to good practice in the delivery of community legal services, and provide a quality assurance process that gives funding bodies, CLCs and their clients confidence that CLCs are operating according to a range of organisational and service delivery standards.

The Standards cover four main areas:

- A. *Governance, Management and Administration* – standards for effective organisational management which overlap with many of the Human Services standards required by NSW Government Funding bodies.
- B. *Provision of legal and related services* – which include the requirement that the CLC comply with the National Association of Community Legal Centre's Risk Management Guide, and that they undergo annual 'cross-checks' by two Principal Solicitors of other accredited CLCs to check compliance against that Guide
- C. *Community Development, Education and Reform Activities* – this includes requirements that all community legal education material is signed off and checked by the principal solicitor
- D. *Accessibility and Inclusion* – including the need to provide services and management that are culturally safe for Aboriginal and Torres Strait Islander people.

All CLCs that are members of their state peak association – so in NSW this is CLCNSW – are required, as a condition of membership, to undergo accreditation through the scheme. Once a CLC is accredited under the Scheme, they are granted a license to use the following Registered Trademark:



CLCNSW has provided the details of this scheme not to insist or recommend that the Department of Justice require such a comprehensive quality program for members of a NSW network of advice/information providers. Rather it is to show that we have also thought through the need to have some standards in place so people know who they can trust. We would be happy to share our experience of developing a quality system.

If some form of quality system is developed for advice and information advisors, we would also ask that CLCs not be required to go through another separate quality system,

but instead that accreditation under our system lead to automatic approval under any alternative quality system.<sup>4</sup>

CLCNSW understands from the UK Law Centres Federation that there are a range of quality marks to accredit both legal advice services (Lexcel Quality Mark) and legal information services (Specialist Quality Mark).

### **Recommendation 3.**

CLCs that are accredited through the Community Legal Centre National Accreditation Scheme are also recognised under any NSW Quality Mark or other quality system for legal information or advice services.

**Question 7: What do you think of creating an online platform that can provide information and simple tools to help solve common problems? What features or services would you want it to have that would help you get the information you need?**

Online platforms and simple digital tools that assist in the resolution of problems would be a welcome addition to the civil law system in NSW. The Law and Justice Foundation of NSW has found that one of the main reasons why people fail to take action in response to legal problems is a belief that resolution would take too long or would be too stressful.<sup>5</sup> If simple, quick online systems were available, this may increase the number of people who take action to assert or defend their rights.

Some CLCs are already working with the Department of Justice in the design and useability testing of digital tools, including online platforms.

### **Case study 4: Tenants' Union of NSW – assisting to develop online repair dispute request tool**

*In 2016 the Department of Justice engaged 'Future Gov' to develop a prototype of an online repair dispute request tool. The Tenants Union and Tenants Advice and Advocacy Services were consulted as part of this process. The aim of the tool was to record the notification of repairs, provide useful information and refer users to appropriate assistance. The intended outcome was to resolve disputes regarding repairs before they are taken to NCAT. The Tenants' Union noted that their participation in the prototype project gave them confidence that the system could assist in dealing with problems early, but they also recommended that further consultation and development of the project be undertaken.*

<sup>4</sup> BNG NGO Services Online has good mapping of existing quality systems, and provides an online tool which allows non-government organisations to map their standards against the various quality systems: <https://www.ngoservicesonline.com.au/>

<sup>5</sup> Law and Justice Foundation of NSW, *Reshaping legal assistance services: building on the evidence base – A Discussion paper*, 2014, p 17.

CLCNSW supports the Department of Justice working closely with CLCs and other legal services that have direct casework experience with vulnerable populations when developing and testing any new digital tools. Legal caseworkers have the best understanding of how civil disputes actually get resolved in practice.

CLCNSW also encourages the adoption of a universal design process that would make tools useable by the largest possible population regardless of age or ability. This would mean specific consideration of the needs of people with, for example, low literacy, low technical skills or limited cognitive skills. In designing tools on universal design principles, the tools become inherently more useable to everyone, including older people and people without disability.

It is particularly important that tools are also developed for, and tested with, Aboriginal people and communities.

A critical feature of new tools or online dispute resolution platforms is the ability to help people identify when they need legal advice. The triggers for legal advice may relate to the type, scale or stage of the problem. But equally it may relate to the circumstances, skills, literacy and competence of the person accessing the tool. Features that should be incorporated into new tools include regular 'checks' about whether someone understands or feels confident about the steps they are taking and, if not, provides details about options for seeking legal advice before they continue using the tool. If these triggers or prompts are not integrated into the tool, then there is a high risk people might move through the system without really understanding what they may be entitled to, simply because they want to resolve the problem quickly. The 'trigger points' may also be useful where non-legal support workers are assisting a disadvantaged person through an online tool – they will know at what point their client needs to access legal advice.

#### **Recommendation 4.**

The NSW Government takes a 'universal design' approach to the design of new technologies.

#### **Recommendation 5.**

The NSW Government ensure 'flags' for referral to legal services are integrated into the design of digital tools, systems and services.

With any adoption of new technologies, governments need to 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 ability of many CLC clients to use technology to manage emerging problems is limited by, among other things, the availability of an internet-enabled device, the cost and availability of internet or data services, poor digital literacy or lack of confidence.

The Australian Digital Inclusion Index, published for the first time in 2016, reports on the relative level of digital access, affordability and ability across Australia. The study found a high level of digital inclusion in Sydney (57.5) compared with the Australian average (54.5) but dropping significantly in regional NSW, including the South Coast (48.6), North

West NSW (48.8) and the Murray and Murrumbidgee (48.4).<sup>6</sup> The Index also highlights the social and economic aspects of digital exclusion in Australia, with education levels, employment status, income levels and age impacting on Digital Inclusion measures.

The Australian Bureau of Statistics previously found in the 2011 Census that Aboriginal and Torres Strait Islander households are less likely to have internet access than other households: 63% compared with 77%.

A 2014 study into the use of mobile phones for homeless people found that, while 95% of homeless people in the cohort had access to a mobile phone (significantly higher than in the general population), there were constant difficulties getting access to credit. Additionally, older homeless men were far less likely than other homeless people to have a mobile phone or to use the internet.<sup>7</sup>

If steps are not taken to respond to the deepening digital divide, then a significant cohort of people living in NSW risk being excluded from the digital developments being proposed by the Department of Justice.

In the United Kingdom, the UK Government has since at least 2012 adopted a strategy to move an increasing number of their government services online. The Government also however developed a concept of 'Assisted Digital', which is "the help government will give to ensure that we do not exclude any users of government services (whether citizens or businesses) who are not online."<sup>8</sup>

As part of Assisted Digital, Citizens Advice Bureaux (CAB) have been funded to provide computer facilities accessible to members of the public, as well as ICT staff who can develop new digital services and train CAB's extensive network of volunteers to assist members of the public use online tools for government services.<sup>9</sup>

CLCNSW proposes that the Department of Justice build on this model through developing a Digital Access Pathfinder Service that would give vulnerable people an opportunity to find legal information, apply for or negotiate with government agencies, or ultimately pursue a legal dispute using digital services.

The Digital Access Pathfinder Service (DAPS) would be located at CLCs but with strong relationships with our network of partners, so that digital access points could include venues such as libraries (tapping into the work of LIAC), neighbourhood centres and other community organisations that already provide members of the public with access to the internet.

DAPS would give vulnerable people supported access to online legal information and dispute resolution services and tools. This service would be guided by CLC staff and

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<sup>6</sup> Thomas, J, Barraket, J, Ewing, S, MacDonald, T, Mundell, M & Tucker, J, *Measuring Australia's Digital Divide: The Australian Digital Inclusion Index 2016*, Swinburne University of Technology, Melbourne, for Telstra.

<sup>7</sup> Humphry, Dr J, *Homeless and connected: Mobile phones and the internet in the lives of Homeless Australians*, 2014, University of Sydney for ACCAN, <https://accan.org.au/grants/current-grants/619-homeless-and-connected-mobile-phones-and-mobile-internet-in-the-lives-of-families-and-young-people-experiencing-homelessness>

<sup>8</sup> <https://www.gov.uk/government/publications/government-approach-to-assisted-digital/government-approach-to-assisted-digital>

<sup>9</sup> Communication with Julie Bishop, UK Law Centres Federation, January 2017; and see for example <https://www.citizensadvicemanchester.org.uk/blog/2016/12/9/new-access-points>.

volunteers who understand the legal processes, the client's needs, the dispute resolution tools and can provide legal advice.

Like Citizens Advice Bureaux in the UK, CLCs are a perfect fit to provide this service. Our triaging approach, strategic use of paid and volunteer staff, legal and non-legal workers, experience guiding vulnerable clients through unfamiliar processes, and our comprehensive community networks, make implementing a Digital Access Pathfinder Service a natural progression of our current services.

**Case study 5: Mid North Coast CLC – providing public access to a dedicated computer for accessing online government services including court applications**

*The Mid North Coast CLC is located two doors down from the Local Court in Port Macquarie. The CLC has always had referrals from the court for people seeking advice about lodging applications. With court applications moving online, the CLC noticed that many people didn't have internet access or access to a printer, which is often needed for printing out final forms ready for signing, or preparing other documentation. The CLC therefore set up a computer in a private room off its reception area, which is available to members of the public on a drop-in basis. The computer is connected to the internet and has a printer but is not connected to the CLC's internal IT systems. Members of the public are now using the computer and printer not just for local court forms but also Family Court divorce applications, and also to access online government services such as Centrelink.*

*If someone asks the receptionist for assistance with understanding the forms or advice about what documents they should be preparing, the receptionist arranges for a solicitor or other relevant CLC worker to either provide them with advice immediately, or makes an appointment time so they can get the appropriate legal assistance.*

**Recommendation 6:**

The NSW Government fund a new 'Digital Access Pathfinder Service' (DAPS) to facilitate the use of digital tools by vulnerable and disadvantaged people through the provision of additional funding to CLCs.

**Question 8: How else could we help you get the right information when you need it? Could smartphone apps or other technologies play a role?**

As noted above, a significant proportion of our clients aren't in a position to take up these technologies. For a large number of people living in NSW, access to CLCs, whether it is by phone or in person, is critical to their ability to get the right information at the right time.

Some CLC clients, particularly younger clients, frequently use Smartphone apps in a range of transactions including banking, event booking, and online purchasing. The success of smartphone apps depends on their ease of use and accessibility (for example

if they are in the client's first language). Of course, the client also needs to have credit on their phone or have access to wifi.

#### **Case study 6: Redfern Legal Centre – International Student app**

*Redfern Legal Centre has operated a legal service for International students since 2011. Through the centre's experience with this client group, they identified a need for simple information in a range of community languages about legal rights in relation to many civil law issues, including employment law.*

*The legal centre is currently developing a mobile phone app for international students. It will provide basic information in their own language and refer them to places for help and assistance. The centre is conducting focus groups with students to get feedback about the app, based on a video showing someone using it. The app uses interactive questions, in their own language, often using yes/no answers. This creates a pathway for students to get the right information about their legal problem.*

*The aim is for the app to be promoted through the university so that students download it when they enrol at university, and can refer to it at any stage.*

#### **Question 9: Is there more that can be done to improve awareness and promote the availability of legal information?**

CLCNSW sees a need for more extensive paid advertising and promotional campaigns aimed at raising the profile of CLCs, LawAccess and other sources of legal advice and information. We see benefits in mainstream campaigns as well as campaigns that target vulnerable and disadvantaged people. It is critical that legal information be available in languages other than English, and promoted to relevant communities through trusted sources, including community radio and press.

Legal education within schools can also play a role in raising awareness of rights and redress among students and their families. This is particularly the case among migrant, refugee and non-English speaking households, where adults may be very unfamiliar with complaint resolution systems and legal processes.

Community legal education, which is core business for CLCs, also plays a critical role in getting trusted legal information to non-legal support workers who are working with disadvantaged client groups. As the Law and Justice Foundation of NSW has found, the vast majority of people with legal problems do not take their legal issue directly to a lawyer, but are more likely to seek help from health workers or other non-legal professionals. CLCs therefore reach out to these professionals to firstly educate them about key legal issues, but secondly explain where their clients can themselves get access to trusted online services and other digital tools.

#### **Case study 7: Women's Legal Service NSW – 'Ask Lois' Online Legal Resource for community workers**

*Ask LOIS is a secure website providing a free legal online information service for community workers across NSW who are working with women who are experiencing or escaping domestic violence.*



*The resource is particularly targeted at regional and rural workers and aims to provide legal training, information, advice and support.*

*Ask LOIS includes:*

- Free fortnightly online workshops: free and interactive training webinars hosted by solicitors and experts across the field.*
- Free online advice and support: Chat with a solicitor online or via videoconferencing every Wednesday between 11:00am-1:00pm for legal support and advice*
- Discussion Forums: Organised by issue and location, online communities are available to share information, resources and collaborate.*
- Resource Library: Extensive resource library containing a range of carefully selected plain English fact sheets, toolkits, videos and links to useful external websites organised by topic*
- Case Studies: Fictional case studies and diagrams as learning materials to explore the different legal and non-legal issues surrounding domestic violence*
- Domestic Violence Service Directory: Browse by region or community group to find domestic violence services for clients.*

Source: <http://www.wlsnsw.org.au/training/ask-lois-website/>

## **2.3 Access to self-help tools and apps for quick next-steps**

**Question 10: What do you think of using online tools that can help you take next steps, such as putting a complaint in writing? What other steps would you want an online tool to help you with?**

Well-designed online tools can reduce actual or perceived barriers to pursuing legal problems for many people. Tools should help people understand not just what to do, but also how to do it and ultimately enable a person to take action. To the extent that this occurs, there is a possibility that resources can be redeployed to better meet the changing legal needs of the communities CLCs work within.

Research undertaken by the Illawarra Community Centre identifies strategies to address barriers to the useability of websites. The report, “A qualitative study of the accessibility and effectiveness of online information for communities living with disadvantage”, would usefully guide the effective development of new tools.<sup>10</sup> The research identifies structural design issues as well as the tone and style of communication as critical to improving access to online information.

**Question 11: What do you think of using online smart technologies to help guide you and the other party to a resolution? When would you be most likely to use these?**

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<sup>10</sup> See case study 1. [http://www.illawarralegalcentre.org.au/images/stories/SearchingQs\\_final.pdf](http://www.illawarralegalcentre.org.au/images/stories/SearchingQs_final.pdf)

As noted above, the Digital Access Pathfinder Service (DAPS) would facilitate use of the tools for people who would otherwise be excluded. With an appropriately funded DAPS strategy, CLCs, and our clients, will be early adopters of these and other technologies.

CLCNSW is supportive of digital innovation, including online smart technologies. This technology is highly attractive to a growing cohort of 'digital natives' who expect to interact with businesses and service providers in a digital environment. Well-designed tools could also reduce the number of matters proceeding to courts or tribunals.

### **3. Getting help to solve a problem**

#### **3.1 Access to advice and assistance**

***Question 12: Have you experienced problems trying to find the right advice or assistance to solve your problem? What were the barriers you faced?***

There remain significant barriers to accessing advice and assistance in NSW. In particular, immediate phone advice is extremely limited – while Law Access may be able to provide legal advice by a solicitor where the matter is urgent or the client particularly vulnerable, most people calling Law Access, the ALS or a CLC are told they need to make an appointment or call back at another time. Very few services provide phone advice and yet the demand for immediate advice is high. Getting access to phone advice remains a significant problem.

***Question 13: What are the gaps in the advice and assistance services available in NSW?***

Despite our extensive network, CLCs do not provide complete coverage across NSW. Even in some areas that are serviced by a CLC, there are practical limitations that make it difficult for clients to secure the help they need.

Across our network, CLCs do not have the resources to meet the demand for their services. There is an ongoing need for more face-to-face and phone advice services in generalist and specialist CLCs. CLCs' ability to provide information and advice services to people living in NSW is constrained only by the core funding we receive.

***Question 14: Have you had difficulty with the way the existing services are delivered (such as waiting times, no telephone or online access)?***

CLCs receive a great deal of feedback from ordinary people about the difficulties they have had with both legal services and government (including courts and tribunals) services.

Clients who finally get in to see a CLC have frequently had to battle the 'referral roundabout', where one service tells them they can't help but to try another service, only for that service to tell them about yet another service.

We know that what people really want when they are in a legal crisis is to talk to an independent solicitor for free as quickly as possible. However this is simply not possible in NSW due to insufficient resourcing of the legal assistance sector, including Law Access. Constant phone engaged signals, limited phone advice times, and difficulty in

physically getting to CLCs or other legal services are constant complaints from people who do finally get in to see a CLC.

### **Case study 8: What not to do - mygov website and app**

*The Federal Government's 'mygov' site is a frequent source of complaints for people talking to CLCs. The site is used for providing information to ATO, Centrelink and Medicare, and all government help lines including Centrelink encourage callers to use the site (which, given the length of the phone wait time, would be a preferred option for many people if the site worked well). However mygov has been plagued with problems for many years, including being incompatible with common browsers, being slow, frequently crashing, being difficult to navigate, and people losing information moving between screens.*

*The mobile phone version of mygov, the various 'Express Plus' apps (Express plus Medicare, Express plus Centrelink, Express Plus Jobseeker) have also been described as a dismal failure by users, with some even having been cut off from Centrelink benefits as a result of the app's failure.*

*Centrelink's current controversial 'Robodebt' data-matching program has been exacerbated by people's inability to get online information about resolving their debts. It's likely that this will further increase peoples' distrust in providing or seeking information to the government online. This is already increasing pressure on staff in Centrelink offices and phone lines, ultimately likely to lead to greater staffing costs.*

Sources: <http://www.governmentnews.com.au/2015/03/this-app-is-crap-centrelink-and-medicare-clients-let-fly-over-bugs/>, <https://www.itnews.com.au/news/atos-mytax-struggles-under-lodgment-traffic-406108>, <http://www.themandarin.com.au/59801-computer-says-good-enough-warns-ombudsman/>

## **3.2 We are considering how to help you get the advice and assistance you want, when and how you need it**

### **Question 15: Would you find a web-chat advice service helpful?**

A consideration for rolling out this kind of technology is the disclosure of sensitive information, for example where a service user raises domestic violence issues. People using a web chat service need to have confidence that their virtual conversations are confidential and inaccessible to third parties (i.e. that they are not cached on the device).

### **Question 16: What do you think of a warm referral ("no wrong door") approach to getting advice and assistance?**

CLCs currently use warm referrals within our network and sometimes facilitate warm referrals to community organisations. This is particularly the case when generalist CLCs are referring clients to specialist services or seeking back-up tertiary advice.

CLCs, and our clients, would benefit from seamless referrals to and from our services. In practice, however, we are unsure how these processes would be implemented. At the moment, for example, LawAccess is not able to connect a caller directly to a CLC phone service. Further consideration is needed as to how consent can be given and conflicts of

interest managed in a warm referral system. Even if these technical and legal issues could be addressed, it would be essential to ensure that the receiving organisation has the appropriate resources to accept the referral.

CLCNSW would be keen to explore further how a “no wrong door” policy could be implemented to incorporate access to services offered by CLCs.

**Question 17: What else would you find useful to help you get advice and assistance?**

CLCs know that by the time people have finally reached them they have frequently been through a referral roundabout. LawAccess is a great referral agency, but even getting to LawAccess can be complicated, with some people reporting to CLCs that they had very long waiting times, or that the LawAccess Client Service Officer simply referred them to some online material and then gave them another number to call.

There are simple steps that could be taken to improve the experience people have when trying to get advice and assistance, including:

- call back services for queues on phone information or advice lines, such as that operated by Qantas
- integrated referral systems whereby callers can be transferred from LawAccess directly to particular legal services (noting this is only possible if the legal service has sufficient staff to answer the calls)
- greater increase in one-off simple email or webchat advices, again noting that this can be resource intensive.

While some technological tools may be able to increase ease of access for some people, ultimately the core client group for CLCs – disadvantaged and vulnerable people – need to speak to a solicitor and have their problem worked through, as we discuss in our response to the next question.

**Question 18: Are there circumstances in which it would be more helpful to get advice in person?**

Yes. There remains a significant population of CLC clients who rely on advice in person. Face-to-face services are a better way to access advice for vulnerable people. The type and stage of legal matter, as well as the kind of client, can also dictate the need for advice in person. A typical CLC client comes to their advice session with a plastic bag full of papers and worry in their eyes.

While some of these communications may move online, talking to a client remains a far better service.

The research of the Law and Justice Foundation of NSW backs up the experience of our CLCs:

“empirical evidence points to there being vulnerable population groups that can face even greater marginalisation through retreat towards more efficient and broader reaching technology-based service delivery. Obviously, those without access to communication technology will find technology-based services of little relevance. But those with lesser capability have also been found to be reluctant to

use less intensive and personal forms of service delivery, as well as less able to use it.”<sup>11</sup>

It is critical that the Government fund well-resourced face-to-face legal advice and assistance for the most marginalised and disadvantaged in the community, particularly people experiencing or at risk of homelessness, people with mental illness, people with cognitive disability and women who experience domestic violence.

As the government rolls out new digital initiatives that are taken up by more and more people, CLCs are likely to be in a better position to concentrate their face-to-face advice services on people whose needs for those services are the greatest. In other words, our expectation is that demand for face-to-face CLC services over the medium-long term will not decline but is likely to become better targeted.

CLCNSW's 2017-18 Budget Submission sets out four areas in which increased funding from the NSW Government would see CLCs able to increase access to justice for disadvantaged and vulnerable people:

1. Maintain existing services by funding the annual \$2.9 million shortfall due to the Federal Government cuts taking place on 1 July 2017
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 (Digital Access Pathways Service) through an additional \$2.2 million per annum.
4. Extend the successful Aboriginal Legal Access Program across NSW for \$2.8 million p.a.

### **Recommendation 7.**

The NSW Government provides additional funding for the core work of NSW CLCs so that we can better provide assistance to vulnerable and disadvantaged clients, who need more intensive assistance than can be provided by online self-help tools.

## **3.3 Access to quick, simple and cheap options for dispute resolution**

***Question 19: What or where are the gaps in cheap and quick options for dispute resolution in NSW? (For example, is there a type of process or scheme you would like to use but isn't available? Are there types of problems that don't have quick and efficient options for resolution? Are there areas of NSW that could be better serviced?)***

CLCNSW refers the Department of Justice to the submissions of other CLCs on this point.

Redfern Legal Centre and the Financial Rights Legal Centre for example call for a Retail Ombudsman scheme (which we discuss further in our response to question 21) or

<sup>11</sup> Law and Justice Foundation of NSW, *Reshaping legal assistance services: building on the evidence base – A Discussion paper*, 2014, p 29.

alternatively the strengthening of Fair Trading NSW's powers to investigate and conciliate consumer law disputes, and enforce outcomes.

The Tenants' Union also argues that NCAT's Administrative Division should be given jurisdiction over social housing decisions, including rent rebates.

### **3.4 We are considering options to improve access to quick, simple and cheap options for dispute resolution**

#### **Question 20: How can we improve awareness of the available options for informal dispute resolution?**

Awareness of industry ombudsman services and free advice services that facilitate use of those schemes remains low. These schemes don't have large budgets to advertise their services and mostly rely on word or mouth or a referral once a problem arises.

The Department of Justice working with these dispute resolution schemes should be looking for ways to improve knowledge of these services in advance of disputes arising, through the various marketing mechanisms we have already discussed in this submission (social media, Google ads and so on).

Getting clear information to individuals can be difficult when a person is in crisis. The Law and Justice Foundation research shows that when legal problems occur, people tend to turn to GPs and health services, or other non-legal trusted professionals.<sup>12</sup> It's therefore really important to ensure that these 'secondary' sources of advice are skilled up enough to refer people to legal services, including their local CLC. One example of this 'up-skilling' and tertiary advice system is Women's Legal Service's Ask Lois service, described in Case Study 6.

#### **Question 21: Are there any common problems that need an ombudsman-style scheme rather than having to take your case to a tribunal or court?**

CLCs have identified a need for an enforceable alternative dispute mechanism to hear and help resolve consumer complaints. Proposals include a general consumer or retail ombudsman, similar to the Retail Ombudsman that operates in the UK (see box below) or, alternatively, an enforceable conciliation scheme administered by consumer protection agencies, to improve the efficiency and enforceability of dispute resolution outcomes.

#### **Case study 9: Financial Rights Legal Centre puts the case for a Retail Ombudsman**

*The Financial Rights Legal Centre's submission to the Review of the Australian Consumer Law advised that they had extensive experience in working with the Financial Ombudsman Service, the Credit and Investment Ombudsman, the Telecommunications Industry Ombudsman and the Energy and Water Ombudsman NSW.*

<sup>12</sup> Law and Justice Foundation of NSW, *Reshaping legal assistance services: building on the evidence base – A Discussion paper*, 2014.



*Financial Rights advised that, in their view, these services produce significant positive outcomes for consumers in terms of easy, low threshold access to alternative dispute resolution, resolution of issues and consumer satisfaction.*

*The UK Retail Ombudsman is an opt-in service with membership of the scheme voluntary, the retailers themselves paying for membership on a sliding scale. It is unclear whether this voluntary regime has led to haves and have-nots in terms of access to alternative dispute resolution and justice. In Financial Rights' view all retailers would ideally be members of the scheme. The Retail Ombudsman service in the UK is free to consumers with the decision of the ombudsman only binding the member retailers who would be contractually obliged to comply with a decision. This is similar to the way FOS and CIO work here and is generally well regarded. The EDR schemes are also generally less cumbersome for consumers to use with the state based tribunal more complex administratively and bureaucratically."*

Source: [http://consumerlaw.gov.au/files/2016/07/Financial\\_Rights\\_Legal\\_Centre.pdf](http://consumerlaw.gov.au/files/2016/07/Financial_Rights_Legal_Centre.pdf)

### **Question 22: How else could we ensure that you have access to quick and cheap options for dispute resolution?**

We refer the Department of Justice to the submissions from other CLCs on ideas for quick and cheap dispute resolution options. CLCs generally support any systems that do improve dispute resolution, but note that people going through the process must be able to get access to legal advice and support at critical stages, otherwise they may give away rights without understanding the implications for their matter at a later stage.

## **3.5 Going to court or a tribunal**

### **Question 23: What are the barriers you faced when you have been involved in a court or tribunal process?**

CLCs' experience in Local Courts is that they are legalistic, bureaucratic, and intimidating environments to work in – and this is just for the solicitors. Ordinary people seeking to use court processes are frequently confused and intimidated, and many people never commence actions to enforce or defend their rights, simply out of fear of being involved with courts.

Given that tribunals were originally developed as simple, non-legalistic alternatives to courts, it is ironic that CLCs also report NCAT as being technical, legalistic, administratively bureaucratic and difficult to navigate for an unrepresented consumer, particularly those who lack education or confidence. The cost, time, administrative requirements, sheer legwork and requirements to appear at hearings all act as barriers.

Both local courts and NCAT are adversarial processes which CLCs report as causing significant anxiety to vulnerable consumers.

As just one example, Financial Rights Legal Centre has found that, rather than simply writing down one's issues in a dot point list and gather documents, as suggested by the

NCAT website, clients are asked to number each page, create an index and place all documents in two identical folders.

The Tenants Union also points out that it is common for landlords to be represented by real estate agents in tenancy matters before the Tribunal, however tenants have limited rights or access to similarly qualified and experienced advocates.

#### **Question 24: What are the gaps in services and information for you to represent yourself?**

There has been substantial literature on the difficulties that disadvantaged people face representing themselves, set out elsewhere in this submission.

One challenge for people representing themselves is the complexity of court forms. The Northern Rivers Community Legal Centre suggests changing court forms from overly legalistic documents that use terms unfamiliar to the average person, to plain English questions that would facilitate people's engagement in their legal disputes.

#### **Case study 10: Plain English ADVOs**

*The Department of Justice's Plain English ADVOs are a good example of a process for developing a resource that better assists people to understand the law even if they are not represented by a solicitor.*

*The ADVOs were developed with the assistance of 'behavioural insights policy', which closely reviewed how ordinary people understood the old ADVOs. The Plain English ADVO now has much simpler language. The aim is to improve compliance and reduce breaches, thus keeping people safe.*

#### **Sources:**

<http://www.justice.nsw.gov.au/Pages/media-news/media-releases/2016/no-more-excuses-advos-plain-english.aspx> <http://bi.dpc.nsw.gov.au/assets/Behavioural-Insights/Library/Behavioural-Insights-in-NSW-2016.pdf>

### **3.6 We are considering several other options to simplify and improve our court and tribunal processes**

#### **Question 25: What do you think about online and virtual courts and tribunals?**

CLCNSW is supportive of these innovations, provided that there are sufficient 'flags' at critical points of the online dispute resolution process that ensure people are advised to seek legal advice.

CLCs are well placed to partner with the government on the design and testing of online and virtual courts and tribunals. We see benefits for CLCs accessing online and virtual courts. Subject to the availability of sufficiently high quality audio-visual services (suitable devices and reliable data bandwidth services), CLCs are likely to be early adopters of these services.

It is also true however that for most CLC clients there are likely to be high barriers to directly using these services, due to, for example, the quality of internet services, access to a webcam and digital literacy. Again, for vulnerable people, a CLC will need to assist them to use these services; which means it is essential for CLCs to be adequately funded into the future.

**Case study 11: Western NSW CLC – frustrations with the online Application for Divorce**

*A solicitor working at Western NSW CLC recently advised CLCNSW that she and her colleagues were “tearing their hair out” trying to help clients with the new “online interactive Application for Divorce” provided by the Family Court. The CLC previously had great success promoting the Family Court’s Divorce Kit to their clients, with the kit easy to access as a PDF document, easy to print out, and easy to fill in.*

*However, the new “online interactive Application for Divorce” is nowhere near as easy to complete. The solicitor said:*

*“There’s nothing straightforward about it. First you have to create a log-in – both for the CLC, then for the lawyer, and then for the client. At various stages you have to print out a form and sign it, then upload it again. The site is confusing and complex even for us solicitors, I can’t see how the ordinary person can go through all of this without support.”*

*The solicitor has gone back to distributing the Divorce Kit and paper applications, but fears that the Family Court will stop taking paper applications in the near future.*

*Source: Communication with CLCNSW, 21 February 2017*

As identified throughout this submission, CLCNSW believes the solution to create inclusive technological development - that leaves no one behind - is to fund a scheme that provides free and supported access to technology within our legal advice model. Our proposed Digital Access Pathfinder Service (outline above at section 2.2) would provide the ideal environment for vulnerable and disadvantaged clients to take advantage of these services.

**Question 26: What else would you find useful to simplify and improve our court and tribunal processes?**

Once people are at the stage of having proceedings in court or at a tribunal, phone advice services don’t work. The availability of a duty lawyer is an effective way of assisting people through their proceedings.

## 4. Enforcing judgements and orders

### 4.1 Streamlining enforcement processes

#### *Question 27: Have you had difficulty enforcing a court or tribunal decision?*

CLCs report general difficulties enforcing orders of specific performance that do not involve monetary amounts.

The Tenants' Union in their submission point to difficulties that tenants' representatives have enforcing NCAT orders against landlords, including the NSW Land and Housing Corporation.

Other CLCs have advised us that they have difficulties enforcing NCAT orders against recalcitrant traders. The process is often very time consuming and difficult for consumers.

For example, the Northern Rivers Community Legal Centre submitted:

"The need to register and enforce an order of NCAT through the Local Court is another roadblock to access to justice. The NCAT process needs to be streamlined, with the Courts and Sheriff's office being more proactive in the process."

### 4.2 We are considering a single enforcement regime for courts and tribunals

#### *Question 28: What do you think about a single enforcement regime for court and tribunal orders?*

CLCNSW refers the Department of Justice to the submissions of individual CLCs on this issue.

#### *Question 29: Are there other ways we could make the enforcement process quicker and simpler?*

Obviously quicker and simpler enforcement is in the interests of all parties, however CLCNSW would be keen to ensure that people have sufficient time to seek legal advice about their options, particularly in relation to repayment plans for monetary orders.

We refer the Department of Justice to submissions from other CLCs about other ways in which the enforcement system could be improved.

## 5. Appendices

### Appendix 1 - Members of CLCNSW

The 37 members of Community Legal Centres NSW 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

#### **Associate Members**

Australian Pro Bono Centre  
University of Newcastle 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  
Wirringa Baiya Aboriginal Women' &  
Children's Legal Centre  
Women's Legal Services NSW

## Appendix 2: Community Legal Centres NSW 2017-18 Budget Submission

Extract from the CLCNSW Budget Submission 2017-18

Source: [http://www.clcnsw.org.au/cb\\_pages/law\\_reform.php](http://www.clcnsw.org.au/cb_pages/law_reform.php)

### 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*,<sup>13</sup> 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 has 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 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:

5. Maintain existing services by meeting the annual \$2.9 million shortfall caused by the Commonwealth Government cuts.
6. Meet unmet legal assistance needs with an injection of an additional \$2.6 million, in line with the recommendations of the Productivity Commission.
7. Invest in legal centre collaboration and co-design in systemic NSW civil justice reform initiatives for \$2.2 million per annum.
8. 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.

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<sup>13</sup> <http://www.pc.gov.au/inquiries/completed/access-justice/report>