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The Executive Director
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Dear Ms Wynn,

Response to Elder Abuse: Issues Paper 47

About National Legal Aid

National Legal Aid (NLA) represents the Directors of the eight state and territory legal aid commissions (LACs) in Australia. The LACs are independent statutory authorities established under respective state or territory enabling legislation. They are funded by state or territory and Commonwealth governments to provide legal assistance to disadvantaged people.

NLA aims to ensure that the protection or assertion of the legal rights and interests of people are not prejudiced by reason of their inability to:

- obtain access to independent legal advice;
- afford the appropriate cost of legal representation;
- obtain access to the federal and state and territory legal systems; or
- obtain adequate information about access to the law and the legal system.

This submission

Each of Legal Aid NSW (LANSW), Legal Aid ACT (LAACT), and the Legal Services Commission of South Australia (LSCSA) has made a submission addressing the questions contained in Elder Abuse Issues Paper 47 (IP) from the perspective of their respective jurisdictions and discussing in detail their legal assistance service delivery.

This over-arching submission provides some information common to all LACs and which is suggested to be relevant to this Inquiry. It starts with a description of LAC services generally and current service delivery contexts, and provides some national data and information about LAC service delivery to older people. On the basis of this background it then addresses some of the questions in the IP, and refers to the submissions made by LANSW, LAACT, and the LSCSA as appropriate.

LAC Services

The legal assistance services provided by LACs to disadvantaged people extend across a range of law types including civil law matters such as personal protection restraining orders, mental health, guardianship and administration, housing, neighbourhood issues, debt, and social security, and family law including domestic violence restraining orders, and criminal law.

The services include legal representation and dispute resolution services by our in-house staff and legal aid panel/list private practitioners in receipt of a grant of legal aid, duty lawyer services at a range of courts and tribunals, legal advice, information, referrals (including warm referrals) to other legal and non-legal service providers, and community legal education services.

The services are delivered from head and branch offices across the nation, and by outreach.

In connection with the legal services provided, some LACs also employ in-house social workers, cultural/community liaison officers, and other social support staff.

With limited funding, all LACs are currently unable to meet demand for legal assistance services. Within individual jurisdictions LACs prioritise service delivery to respond to local pressures and conditions in a climate of competing priorities.

The Legal Australia Wide Survey

NLA funded the New South Wales Law and Justice Foundation to undertake the Legal Australia Wide Survey¹ (LAW Survey) of legal need.

At the time directors were particularly concerned that in addition to the legal need that was presenting at LACs in each jurisdiction and which could not be met, that there was significant unknown legal need in the community and a range of barriers preventing people from accessing necessary services. It was anticipated that the survey would establish the nature and extent of legal needs, causes, and barriers to accessing assistance. It was also envisaged that survey results would inform legal assistance service responses and provide funders with the requested evidence base to support the expressed need for increased funding.

In the context of this IP, the following findings are particularly relevant:

Age

The LAW Survey found that “Age was usually and often strongly related to the prevalence of legal problems, the strategies used to resolve them and whether or not they had been finalised.”² “Across jurisdictions, the oldest group had low prevalence of legal problems

¹ [Legal Australia-Wide Survey: Legal Need in Australia, Law and Justice Foundation of NSW, 2012](#)

² Ibid p 229

overall, substantial legal problems and multiple legal problems. In addition, in all jurisdictions, there was a 'stages of life' effect whereby different age groups experienced different types of legal problems."³

"The reason for the lower reporting levels by older people is unclear. Older people may actually have a lower prevalence of legal problems because their life circumstances are less likely to expose them to legal problems or because they are better able, through experience, to deal with issues before they escalate (Pleasence et al. 2004c). However, the lower reporting by older people may also partly reflect a failure to identify legal needs, for reasons such as a decrease in the importance placed on problems or an increased ignorance of personal circumstances (Pleasence et al. 2004c). Qualitative research identified older people as having particular types of legal needs, due to their unique life circumstances, such as their low income and increased health needs (Ellison et al. 2004). In addition, older people often ignored their legal problems and were reluctant to complain about them. Older people have also been found to have poor understanding of their legal rights and avenues for legal redress (Ellison et al. 2004; Tilse, Setterlund, Wilson & Herd 2002). Thus, specialised information and education strategies for older people may be useful in helping them to recognise and deal effectively with legal problems (e.g. Ellison et al. 2004)."⁴

Advisors

The LAW Survey found that of the 9,783 legal problems where Australian respondents sought advice from one or more legal and non-legal advisers, health or welfare advisers (including doctors, health care services, psychologists, social/welfare/health workers) were used in 27.2 per cent of legal problems where respondents sought advice.⁵

Inquiry into Access to Justice Arrangements

In 2013 the Australian Government Productivity Commission (PC) undertook "an inquiry into Australia's system of civil dispute resolution with a view to constraining costs and 'promoting access to justice'"⁶ with the final report *Access to Justice Arrangements* released in September 2014.

As part of its Inquiry the PC examined the legal assistance landscape and service provision by each of the main legal assistance service providers, being the LACs, the Aboriginal and Torres Strait Islander Legal Services (ATSILS), the Aboriginal and Family Violence Prevention Legal Services (FVPLS) and the Community Legal Centres (CLCs).

Funding shortfall to legal assistance service providers

Whilst the PC examined family law along with other civil law issues and took account of the fact that civil law matters clustered with family law matters, it recommended that as an

³ Ibid p 229

⁴ Ibid p 230

⁵ Ibid p 112

⁶ Productivity Commission 2014, *Access to Justice Arrangements*, Inquiry Report No. 72, Canberra p 3

interim measure, until improved data was available,⁷ a funding increase to legal assistance services of around \$200 million (recommendation 21.4) annually was necessary to address pressing gaps in service delivery:

- \$11.4 million per year to maintain existing frontline services
- around \$57 million per year to relax the means tests for LACs
- around \$124 million per year to provide additional grants of aid in [non-family] civil matters.”⁸

The balance⁹ was recommended to address “a number of sensitivities around the methodology employed”.¹⁰

Means tests

To receive a grant of legal aid, necessary for legal representation and dispute resolution services, an applicant must pass the LAC means test as well as other eligibility criteria including in relation to merit and competing priorities in a climate of limited funding.

In relation to the LACs means tests, the PC found that “LAC’s resources are tight, so means tests are too mean.”¹¹

“Regardless of the relative poverty measure used, the proportion of the population considered poor is higher than the proportion of the population eligible for grants of legal aid from LACs under their means tests. This indicates that many households, despite being financially disadvantaged, may still fail the means tests for grants of legal assistance, or be required to make a contribution towards the cost of their case from a position of meagre resources.”¹²

Many people who are not eligible for legal aid will not be able to afford the cost of a lawyer.

Data

The PC found “that data on the civil justice system are seriously deficient for policy making and evaluation purposes”¹³ and “that policy-relevant data can be best used when they are consistent within and across different types of providers and institutions”.¹⁴

The PC also noted the effort and cost associated with data collection and recording. In relation to the legal assistance service providers the PC said that “Changing the data collection systems to make them fit for purpose may be a costly exercise, but the benefits to the community mean that it is warranted. Governments should bear the costs associated

⁷ Ibid p 738

⁸ Ibid p 1026

⁹ \$7.6 million

¹⁰ Ibid p 1026

¹¹ Ibid p 716

¹² Ibid p 1022

¹³ Ibid p 879

¹⁴ Ibid p 894

with transitioning to new data collecting requirements as the public will benefit the most from evidence-based policy made in regards to the civil justice system”.¹⁵

LAC Services to older people and related data

LAC data about service delivery to people aged 65 and older shows that for the 2015-2016 financial year in excess of 22,000 more intensive services (legal advice, legal task, duty lawyer, and grants of aid) were provided to people who had identified as in this age group. Many thousands more information and referral services will also have been provided to older people.

Issues associated with “elder abuse” are commonly raised, directly or indirectly, by the client or their circumstances in this service delivery context.

Age and other demographic data are recorded in LAC systems for more intensive service delivery types. In relation to the legal problem/s presenting the primary legal matter type will be recorded in data systems, for example, guardianship and/or administration, or violence restraining order. “Elder Abuse”, potentially comprising a range of different behaviours and law and matter types, is not captured nationally in LAC data systems. Elder abuse could be suggested by a co-incidence of age data and the particular matter type recorded, e.g. violence restraining order.

Age and other demographic data is not collected or recorded uniformly or at all in relation to services of less intensity, e.g. LAC hotline information services. This is because these services tend to be delivered more quickly and in high volumes. Generally, it is considered that questions about personal information and the recording of that data should be proportionate both to the service to be delivered and also to the likely value and usefulness of the data.¹⁶

Anecdotally, LAC hotline services are experiencing a rise in contact about matters involving elder abuse, although the person seeking assistance does not usually use the language of “elder abuse”. Services are often provided in relation to financial matters where concerns are expressed about possible/abuse of trust but the caller may not be the older person. In connection with calls about powers of attorney, for example, the caller may be a family member of the older person who does not hold a power of attorney but who is concerned about the way in which another family member, who does hold a power of attorney for the older person, is exercising that power.

Attached to this submission is a breakdown of the intensive services data into service and law type. The attached data shows that the bulk of the individual older person’s legal needs are in the area of civil law. Data initially available at the next level down suggests that in

¹⁵ Ibid p 896

¹⁶ Principle 2 National Legal Assistance Data Standards Manual 2016 “Service Providers will spend more time helping people and less time collecting and recording data. In practice, this will mean collecting fewer data items to reduce the burden on Service Providers and ensuring that the data collected is meaningful and useful.”

civil law overall matter types for older people which are prevalent include domestic violence/personal protection orders, guardianship and administration, mental health, and debt/money owed.

The attached data also indicates limited numbers of grants of aid for representation in civil law to older people. This reflects the finding of the PC that generally grants of aid in civil law matters are limited due to funding constraints, and also that older people, whilst “income poor”, will often have equity in their residence such that they may currently be precluded by the LAC means tests from receiving assistance beyond discrete tasks such as legal advice and minor assistance (“unbundled services”).

When comparing data across jurisdictions, the data further reflects that LANSW has a more mature Civil Law Service and that the LANSW Civil Law Older Person’s Legal Service (OPS) has a beneficial effect in maximising service delivery to older members of the population of NSW.

What is elder abuse?

Question 1 To what extent should the following elements, or any others, be taken into account in describing or defining elder abuse:

- **harm or distress;**
- **intention;**
- **payment for services?**

Question 4 The ALRC is interested in identifying evidence about elder abuse in Australia. What further research is needed and where are the gaps in the evidence?

NLA supports better identification of the nature and extent of elder abuse.

The IP states that “The key terms in the Terms of Reference are ‘older Australians’ and ‘abuse’. Definitions may be used for a number of purposes. For example, they may be used as general descriptions to inform discussion or to inform service responses. They may also be used to define criminal offences, where particularity and precision become crucial. Definitions may also be significant where data about prevalence of abuse is to be collected.”¹⁷

Definition

The purpose/s for which definition/s are to be used may inform their content. More than one definition might be necessary to cover the range of behaviours and relationships. For example, in a family context, the definition of family violence might be the relevant definition with “elder abuse” being indicated by age data.

NLA acknowledges the need for definition/s of elder abuse to work with and supports use of the WHO definition of elder abuse referred to in the IP: “Elder abuse can be defined as ‘a

¹⁷ ALRC Issues Paper 47, 2016 p 13

single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person’.”

Harm or distress should be considered essential elements in describing or defining elder abuse. Intention or payment for services should not be considered essential elements in elder abuse although may be present.

It is suggested that issues likely to arise in connection with the WHO definition are what constitutes “appropriate action” in a given set of circumstances, and what constitutes an expectation of trust and whether it should be subjective or objective. If data is to be collected based on the definition, guidance will need to be given to assist with understanding when something does or does not constitute elder abuse.

Case study - elder abuse?

A very elderly person was moving from one supported independent living accommodation to another. The ‘landlord’ charged the elderly person with a range of costs said to be in association with the end of the arrangement. These included a number of expensive works which were not the legal responsibility of the older person as tenant, however being unaware of her rights she paid them. When a second bill for further work arrived, the older person made contact with an LAC hotline, with staff able to provide legal advice and to then follow up with unbundled legal services to achieve a refund of monies paid. Staff suspected an intended taking of advantage by the ‘landlord’ by reason of the tenant’s age.

Data about prevalence of abuse

We refer to the PC data findings and also to the information about LAC data collection as described above.

NLA is represented on the National Legal Assistance Data Standards Working Group (DSWG). The DSWG was convened by the Commonwealth Attorney-General’s Department (AGD), with a view to developing common data sets underpinned by definitions for use by each of the main legal assistance service providers in their collection and reporting of data. The National Legal Assistance Data Standards Manual (DSM), one of the results of the work of the DSWG, has recently been published although it is acknowledged to be a “living document” which will require regular review and amendment as appropriate. The DSM underpins mandatory data reporting pursuant to the National Partnership Agreement on Legal Assistance Services 2015-2020 (NPA 2015-20) and is also intended to give “best practice guidance to legal assistance service providers to facilitate the collection of consistent and comparable data”.¹⁸

¹⁸ National Legal Assistance Data Standards Manual 2016 expresses this to be consistent with “recommendations in independent reports, including the PC report and the Allen Consulting Group, 2014, *Review of the National Partnership Agreement on Legal Assistance Services*, Canberra (this Review relates to the NPA 2010-2015).

In relation to any potential for capturing data about the prevalence of elder abuse, we expect that amongst the issues that might arise will be some similar to those encountered by the DSWG when it was considering how best to capture consistent quality data about the prevalence of domestic violence.

In the domestic violence context, issues arose out of different data collection, recording and reporting systems, and the different service contexts in which the data was being obtained.

For example:

- Unassisted client completion of application/records as compared with service provider/supported completion.
- Capacity to self-identify issues and preparedness to disclose behaviours. These are facilitated where there is a skilled service provider present.
- Whether the service provider should be in a position to statistically indicate domestic violence when it was perceived to be present although the client may not acknowledge it or have consented to it being indicated.
- Whether the service related to alleged victim or perpetrator.
- The variety of points over a time/process continuum at which data was being collected and/or recorded.
- Ease or otherwise of generating reports or results from the data collected.
- The different purposes for which data might be required were also considered relevant to what was collected and when.

In the context of a nationally accurate picture of the impact of domestic violence, it was noted that one incident could result in multiple data entries across a range of providers, e.g. hospital and other medical/health services, police, child protection, prosecutions, courts, and legal for each of the parties involved, and that tracking such matters involved a range of privacy and resourcing issues.

As a result of the issues encountered, it was agreed that reporting against the NPA would be based on a “family violence indicator” using the variety of existing different questions or tools to ascertain whether the indicator should be “ticked”. Whilst the high level data will not reveal a great deal about the precise nature of the violence or its extremity, it will provide an improved indication of prevalence and also better reflect the nature of the challenging work being undertaken by legal assistance service providers. A high level indicator of family violence does however provide some information about the context (relationship based) in which violence is occurring, whereas a high level indicator of “elder abuse” based on the WHO definition would not.

The DSWG has agreed that further work should be undertaken in relation to domestic violence data sets. A domestic violence sub-committee of the DSWG on which NLA is represented has been formed for the purpose, and had its first meeting on the 5th August. The meeting noted the potential relevance of domestic violence data sets in connection with elder abuse.

See also response to Question 42 below.

Research

Quality data might initially be most readily obtained by undertaking “snap shot” research. In this context, it may be worth considering locations anticipated to yield informative data (e.g. demographically or at relevant service provider premises) and to attempt to better ascertain the nature and extent of the different behaviours that might or might not constitute elder abuse, the related needs arising from the behaviours, and the best responses to the needs. The findings from such studies might then inform any next steps.

Question 2 What are the key elements of best practice legal responses to elder abuse?

It is suggested that the key elements of best practice in a legal response to elder abuse include:

- Collaboration - legal and non-legal service providers wherever appropriate.
- Co-ordinated community legal education as timely intervention and prevention strategies.
- Highly visible, readily accessible legal assistance services including outreach.
- Appropriately trained and resourced workforces
 - ability to recognise potential conflict of interest, private instructions
 - ability to identify need for interpreter
 - availability of appropriately qualified independent interpreters
 - a common framework for screening for elder abuse
 - ability to identify issues of capacity and to assess or refer appropriately
 - time for appropriately trained staff to provide any necessary additional support and assistance
 - skills in the range of legal matters associated with elder abuse
 - ability to work with other disciplines and good communication skills.
- Appropriate dispute resolution services.
- Capacity to pursue matters when negotiation/dispute resolution has failed.
- Quality data, which informs, and is proportionate to, service delivery.

Collaboration

All LACs work with other legal and non-legal service providers. Collaborative arrangements include referrals, including warm referrals, supported by various protocols and arrangements, joint service provision, and participation in stakeholder engagement activities.

LACs variously engage social workers/social scientists, including in the dispute resolution context, as well as community and cultural liaison staff.

LACs also work collaboratively with other disciplines in outreach and Health Justice Partnership (HJP) settings. For further detail about HJPs see Question 37 below.

The new National Partnership Agreement on Legal Assistance Services 2015-2020 (NPA 2015-20), which provides for the Commonwealth funding and reporting arrangements of the LACs and the CLCs,¹⁹ also provides for biannual jurisdictional forums (JFs) to be co-ordinated by respective States and Territories. The JFs involve legal assistance sector representatives and have been established to “consider issues affecting the legal assistance sector, share best practice service delivery models and strengthen networks between service providers”.²⁰ Representatives of the Commonwealth attend the JFs.

Schedule A of the NPA (2015-20) provides for collaborative service planning and collaborative service planning meetings.

Co-ordinated community legal education as timely intervention and prevention strategies

Each LAC undertakes community legal education (CLE) work for and with older people.

Some of this CLE work addresses elder abuse specifically and other work addresses different and sometimes related legal issues of relevance to older people. Some examples of state and territory based CLE resources and activities are outlined below. In combination, these build the legal literacy and capability of older people, placing them and their families and carers in a better position to address elder abuse issues should they arise.

Nationally, NLA supports CLE representatives from each LAC, as part of the NLA CLE working group (CLEWG), to meet annually to discuss priority areas of work and collaborate on national projects. A representative of the National Association of Community Legal Centres’ (NACLC) Community Legal Education Community Development Network (CLECD) is also part of the CLEWG.²¹

Resources permitting, the CLEWG has produced national publications (including taking account of variance between individual state and territory laws, practices and referral points) with each CLEWG state and territory representative ensuring accuracy of information for their respective jurisdiction. The CLEWG also enables the sharing of initiatives from individual locations which can be adapted for use as appropriate in other locations.

In 2012, with older people having been identified as a priority area of work, the CLEWG produced a national factsheet for grandparents about family law issues and contact with grandchildren. While this work did not address elder abuse directly, it was aimed at equipping older people with useful information about their rights and responsibilities and, importantly, promoted the availability of free legal assistance.²²

¹⁹ The previous National Partnership Agreement on Legal Assistance Services 2010-2015 was in relation to LACs only

²⁰ National Partnership Agreement on Legal Assistance Services 2015-2020 p 5

²¹ Since 2015, although noting a long history of co-operation between the NLA and NACLC CLE Networks

²² In the family law context, LACs not uncommonly see situations of extreme conflict between grandparents and their children

CLE also has an important role to play in extending the understanding of the wider community about “elder abuse”, the identification of risk, how to respond to concerns, and the legal consequences of particular behaviours. CLE, both publications and activities, can be tailored to non-legal professionals and staff working with older people.²³

CLE activities can further help to identify an individual’s risk of/elder abuse. It is not uncommon following CLE activities for LAC presenters, or later the LAC, to be approached by attendees about the issues raised in the context of their particular circumstances.

Following are some examples of CLE activity to elder abuse which also highlight co-ordination between relevant providers:

- i) The LANSW “Legal topics for older people” diary 2016. This diary is “produced by LANSW with funding assistance from the Department of Family and Community Services, the NSW Trustee & Guardian, the Seniors Rights Service, the Elder Abuse Helpline, the Financial Ombudsman Service Australia, the Credit and Investments Ombudsman, the Telecommunications Industry Ombudsman and the Energy and Water Ombudsman NSW”.

(See <http://lacextra.legalaid.nsw.gov.au/PublicationsResourcesService/PublicationImprints/Files/716.pdf>)

The diary contains important information about where to get help with a legal problem as well as information about individual legal topics including elder abuse.

“The Queensland Aged and Disability Advocacy (QADA) created the ‘Legal Topics for Older People’ diary for Queensland for 2016 based on the diary produced and distributed by Legal Aid NSW, NSW Family and Community Services, the Aged Care Rights Service and the Elder Abuse Helpline and Resource Unit in 2015.”²⁴

- ii) The South Australian Alliance for the Prevention of Elder Abuse (APEA), of which the LSCSA is a member, focusses on identifying target groups “for specialist training in recognising the signs of elder abuse relevant to the work of the identified group.”²⁵, in addition the LSCSA has been funded by SA Health to develop and maintain the Advance Care Directive website,²⁶ and to produce the highly successful “Knowing Your Rights” new (2016) “resource guide to comprehensively inform senior South Australians about their legal rights and avenues of support.”²⁷

²³ . As an example of a national legal education kit, *What’s the Law? Australian law for new arrivals (WTL)*, based on the Footscray Community Legal Centre resource *Getting to know the law in my new country*, was designed for use by Adult Migrant English Program staff <http://www.nationallegalaid.org/home/what-s-the-law/>

²⁴ Legal Aid Queensland

²⁵ See <http://www.apea.org.au/>

²⁶ See <http://www.advancecaredirectives.sa.gov.au/>

²⁷ See http://www.lsc.sa.gov.au/cb_pages/knowing_your_rights_new_resource_page.php

- iii) Legal Aid Western Australia (LAWA) is a member of APEA:WA and in relation to CLE about elder abuse issues, set up posters and brochures across its state-wide offices on World Elder Abuse Awareness Day.
- iv) The Legal Aid Commission of Tasmania's (LACTas) "Taking Control of your Assets, Taking Control of your Future", classes cover wills, powers of attorney, enduring guardianship, and family agreements, and are held across the State including in conjunction with Seniors Weeks.
- v) Victoria Legal Aid (VLA) works with the Office of the Public Advocate (OPA) to disseminate popular information about powers of attorney, a legal issue which significantly affects ageing people and people with a disability. The Public Advocate, supported by the staff and volunteers of OPA, is empowered by law to promote and safeguard the rights and interests of people with disability. One of the many services it provides is the provision of free information materials on powers of attorney. By going through VLA's distribution system, rather than manually despatching orders for publications, OPA reaches a large number of Victorians. In this partnership, VLA bears the cost for distribution annually of tens of thousands of OPA publications. In doing so, VLA satisfies its statutory obligation to provide education to all Victorians; in this case for ageing Victorians.

VLA distributes six publications for OPA: the popular self-help powers of attorney kit Take control, which usually has an annual distribution of approximately 40,000; Securing their future; and newer publications Side by side, Powers of attorney, Guardianship and administration, and Medical decision making.

VLA has worked with OPA since 1993 on Take control. More recently, when Victorian powers of attorney laws changed on 1 September 2016, VLA worked with OPA to discontinue redundant publications, update respective websites, and promote and distribute revised and new publications. Since 1 September 2016, and in the 2015-16 financial year, VLA distributed over 120,000 OPA publications. This is almost one third of VLA's total annual distribution for 2015-16.

- vi) LAQ's Community Legal Education Collaboration Fund²⁸ has recently provided funding to the Suncoast Community Legal Service (SCLS) in relation to SCLS's dramatic play script to educate older people about their rights and responsibilities about powers of attorney and elder abuse. The play is being performed in September 2016 across 3 Sunshine Coast locations. The grant has funded one performance to be professionally filmed and edited into a digital video resource. Funding will also enable the development of a resource kit to go with the digital resource.²⁹

²⁸ Established in 2011

²⁹ Source, Legal Aid Queensland

The CLEWG is open to the possibility of further national work in connection with elder abuse and would welcome input from the ALRC on this issue.

Highly visible, readily accessible legal assistance services including appropriate outreach

Victims, carers, and potential/abusers should be able to have access to readily identifiable trusted services so as to be able to understand respective legal rights and responsibilities and to be appropriately supported in relation to exercising them. As suggested above CLE has an important role to play in improving awareness of available services.

Readily recognisable entry points

Readily recognisable entry point/s to gaining assistance are also extremely important. “The LAW Survey demonstrated considerable gaps in legal knowledge about not-for-profit legal services in all jurisdictions. Although there was a very high awareness of Legal Aid³⁰ (87-91%) awareness of ALSs³¹ was usually more moderate and awareness of the other legal services examined was considerably lower.”³²

LACs promote their respective high volume telephone hotlines and have effective information databanks including in relation to making appropriate local legal and non-legal referrals. Information is provided and calls are triaged with callers being directed to the service/s which will be best able to assist the caller. Any promotional activity, such as advertising (e.g. LSCSA – back of buses poster campaign) is usually followed by a steep rise in demand however, and given limited resources, there is concern not to create demand that cannot be met.

Outreach arrangements

Outreach arrangements, including HJPs, are considered to be invaluable in providing legal assistance services to people who might not otherwise be helped, whether because they do not recognise they have a legal problem, need support to action it, or are prevented by matters such as poor health, distance and/or poverty from reaching service providers. For example:

- The Northern Territory Legal Aid Commission’s (NTLAC) Indigenous Civil Outreach Program travels remotely and enables the provision of legal advice in Aboriginal and Torres Strait Islander communities. The Program reports significant numbers of older women who are family carers experiencing financial stress as a result of the behaviour of family members and/or domestic violence. The Program has identified the need for CLE about particular topics, and CLE has been delivered in situ as a preventative strategy. It is noted that adult guardianship has been identified as an area of future CLE focus.

³⁰ Legal aid commissions

³¹ Aboriginal and Torres Strait Islander Legal Services or ATSILS

³² *Legal Australia-Wide Survey: Legal Need in Australia*, Law and Justice Foundation of NSW, 2012 p 182

- “Legal Aid ACT has developed a fortnightly outreach program with the Council on the Ageing (COTA) in the ACT. This has allowed us to provide assistance to a number of older clients who would otherwise have difficulty in seeking assistance. Demand for services has exceeded expectations, so we have recently doubled the number of available sessions. Legal Aid ACT is also a key member of the ACT Elder Abuse Network which seeks to facilitate collaboration and communication between other organisations assisting older people.”³³

Outreach arrangements are often resource intensive and depending on location there can be not insignificant occupational health and safety issues which need to be addressed. Home visits and travel to remote communities present particular issues, and often involve conflicted circumstances requiring the skill of experienced practitioners.

Please also see the response to Question 37 (about HJPs) below.

Appropriately trained and resourced workforces

Services providing legal assistance in the area of elder abuse need to be appropriately resourced including with appropriately experienced and equipped staff.

Legal assistance lawyers need legal knowledge, skills and experience in a broad range of matters, some of which can involve complex legal issues, as well as the inter-personal skills to create trusted relationships with clients and other service providers, including service providers from other disciplines.

As identified above legal assistance lawyers should have the ability to work with interpreters, recognise potential conflicts of interest noting the particular context of elder abuse, understand the importance of obtaining private instructions, and be able to respond appropriately to issues of capacity. A common framework for screening tool/s for elder abuse could assist, and is suggested to be a matter worthy of consideration in the context of best practice.

Time is a valuable resource and, noting the frequency of issues of language and capacity, it should be available to enable appropriate support through screening processes, the establishing of trust (which may necessitate more than one interaction), the taking of full instructions, and the provision of advice in a way that can be understood by the client.

Some LACs engage social workers and cultural community liaison officers who work with the legal assistance lawyers to further support the meeting of client needs. Resources permitting, all LACs are hoping to expand social support service delivery to clients in the future.

³³ LAACT submission to IP 47 p 6

NLA suggests that the LANSW Older Persons Legal Service is considered to be a model for best practice, with staff in the OPS able to support staff across the LANSW organisation in responding to elder abuse.

Interpreters

The availability of independent, appropriately qualified interpreters is critical if the extent of elder abuse is to be detected and an appropriate response made. Ideally, it would never be necessary to have to rely on an interpreter known to the client.

NLA refers to the important work of the Australian Institute of Judicial Administration, Professor Sandra Hale and the Judicial Council on Cultural Diversity³⁴ in connection with interpreters. NLA would greatly welcome any initiatives which would see appropriately qualified interpreter work force/s expanded.

Case Study

An extremely elderly client from another country has complex guardianship and civil litigation and does not read or speak English. The client is hearing impaired so the telephone interpreter service is not an option, and the client also speaks a rare dialect. Only one interpreter has been found who can understand the client.

There is a family member who has some English but there is a potential conflict of interest between this family member and the client, such that this one avenue of ready assistance with language cannot be used except in very limited circumstances.

The lack of an independent interpreter has also presented issues in connection with achieving a reliable capacity assessment.

The client is experiencing distress in connection with the proceedings.

In this instance, the legal staff assisting the older person are appropriately trained, well experienced in the area of work, and have the appropriate inter-personal skills to a high degree. Without an interpreter, however, what the staff can achieve for this older person is limited.

Appropriate dispute resolution services

Please refer to our response to Question 41 below.

³⁴ Professor Sandra Hale, Australian Institute of Judicial Administration *Interpreter Policies, Practices and Protocols in Australian Courts and Tribunals: A National Survey* (2011) and Judicial Council on Cultural Diversity *Public Consultation Draft - Australian National Standards for Working with Interpreters in Courts and Tribunals* (2016) <http://jccd.org.au/>

Capacity to pursue matters when negotiation/dispute resolution has failed

Some legal matters are not capable of resolution through the provision of information, advice, “unbundled” legal services, and/or various dispute resolution mechanisms. Legal representation may be required to achieve resolution. Parties will often refuse to negotiate about a potential cause of action if there is no incentive/or disincentive to do so, e.g. because they stand to lose financially. This situation is exacerbated where the party who stands to lose anticipates that the other party does not have the wherewithal, financially and/or otherwise, to pursue the matter to a court or tribunal.

Currently, grants of legal aid for civil law matters are extremely restricted due to local funding pressures. Many matters fall into the civil law category including those where family financial arrangements are in issue, and where there are suggestions that carer institutions or organisations have failed in their duties to older clients. Further, as mentioned above, the means test precludes many people from a grant of assistance and many will not be able to afford the cost of a private lawyer to help them. Where the equity in assets exceeds the allowable threshold LACs may apply limited discretion to a grant if a person is over 60 and in receipt of an income tested pension or benefit and has lived in their home for 5 years (unless bought within a lesser period due to disability or ill health). In such circumstances LACs, in granting aid, are likely to consider securing the property so that when it is sold the cost of providing the legal assistance can be recovered.

Whilst LACs support quality, cost effective dispute resolution processes (see below) legal assistance services should be sufficiently funded to ensure that matters involving elder abuse can be appropriately pursued where needs be. In addition to resourcing LACs in accordance with the recommendations made by the PC in relation to grants of aid for civil law, it may also be appropriate to consider a relaxation of the means test for older people who have substantial equity in their current/former residence and/or limited capacity to control the asset and/or provide instructions.

Question 37 Are health-justice partnerships a useful model for identifying and responding to elder abuse? What other health service models should be developed to identify and respond to elder abuse?

The finding of the LAW Survey (refer above) that “health or welfare advisers (including doctors, health care services, psychologists, social/welfare/health workers) were used in 27.2 per cent of legal problems where respondents sought advice”³⁵ is noted. This indicates generally that health service models are likely to be a useful way to identify and respond to elder abuse.

As suggested above, HJPs and other outreach arrangements can be the only way to reach people who might not otherwise be helped, whether because they do not recognise they have a legal problem, need support to action it, or are prevented by matters such as poor

³⁵ *Legal Australia-Wide Survey: Legal Need in Australia*, Law and Justice Foundation of NSW, 2012 p 112

health, distance and/or poverty from reaching service providers. “Integrated legal services allow easier geographical access to legal support without alerting abusers”.³⁶

Service integration also supports the development of trusting relationships between professionals of different disciplines and improves recognition by “health or welfare advisers”³⁷ of problems requiring a legal response.

LACs are involved in a number of HJPs.

Attached to this submission is some information about HJPs in which LANSW is involved. Two of these HJPs, in particular HealthOne-Sunderland Hospital and Greenway Housing Estate, North Sydney, include an aged care focus.

LANSW has concluded from its experience with HJPs that “The significant growth in interest in Health Justice Partnerships in NSW and the success they have had in reaching highly disadvantaged clients with complex needs has led to the inclusion of Health Justice Partnerships in the 2016-17 Legal Aid NSW Plan. Work to be done over the next year includes:

- Setting up a training and mentoring framework for our solicitors entering into HJPs
- Establishing an internal, cross-divisional framework for planning, stakeholder engagement and governance of HJPs
- Exploring evaluation models
- Scoping funding and resourcing of more integrated models.”³⁸

LANSW, with a significant civil law practice, which includes capacity to provide legal advice and representation in complex and sensitive matters, is a leader in the legal assistance HJP field.

Pursuant to the Government’s Women’s Safety Package, the LSCSA is responsible for the specialist domestic violence HJP in Elizabeth, which is also seeing older women who have experienced “elder abuse”; and LAWAW partners with the Northern Suburbs Community Legal Centre Inc. in the recently commenced Women’s Resource and Engagement Network (WREN) HJP.³⁹ LAWAW anticipates increasing numbers of older women will be seen by WREN.

Key features of the WREN partnership include the co-location of specialist family violence services with health services with associated opportunities to work collaboratively with health professionals. Sessional legal services will be provided at Joondalup Hospital and professional development in relation to family violence will be provided to medical professionals at the hospital and local general practitioners. The aim is to ensure that

³⁶ LAACT submission to IP 47 p 21

³⁷ *Legal Australia-Wide Survey: Legal Need in Australia*, Law and Justice Foundation of NSW, 2012 p 112

³⁸ LANSW briefing to NLA Civil Law Working Group, J. Levitan, J. Cipants, LANSW

³⁹ Legal Aid WA also has an informal health justice partnership with King Edward Memorial Hospital for Women and Fiona Stanley Hospital which provides support to pregnant mothers in the child protection system.

victims of family violence receive holistic case management including seamless referrals to legal services, accommodation and financial and therapeutic counselling.

The NTLAC's Indigenous outreach team is involved in a HJP with Danila Dilba which is the Darwin region Aboriginal Community Controlled Health Organisation. Weekly sessional visits see a range of issues including matters relating to "elder abuse".

Whilst the various HJPs differ and are relatively new modes of service delivery, NLA is looking forward to the results of evaluations, and notes the recent "Health-Justice Partnership Development Report (2016)" for the Victorian Legal Services Board and Commissioner.⁴⁰

NLA also refers to the collaborative arrangements between health/welfare organisations and LACs referred to above in relation to CLE.

Whole of government responses and stakeholder engagement arrangements, such as those reflected in the development of HJPs in NSW and by APEA:WA, could be considered in the context of best practice as they are likely to facilitate recognition of the respective roles of all providers and constructive and co-ordinated responses to issues associated with elder abuse.

NLA notes the LSCSA, with its new and positive experience of the HJP established at Elizabeth, has suggested in its submission that "Resources need to be allocated to all Legal Aid Commissions around Australia to establish health-justice partnerships to combat elder abuse. Legal aid is well placed to deliver a unique, consistent model of service delivery for the hundreds of thousands of people who currently access their services."⁴¹

Question 41 What alternative dispute resolution mechanisms are available to respond to elder abuse? How should they be improved? Is there a need for additional services, and where should they be located?

The IP says "The avenues for redress should be cheap, simple and accessible. However, redress for financial abuse may involve costly and complex applications to state and territory supreme courts."⁴² "One option to provide alternative forums for redress is to expand the jurisdiction of state and territory civil and administrative tribunals. For example, in the context of financial abuse, these tribunals could be vested with jurisdiction to hear and resolve complaints relating to the misuse of powers of attorney and arrangements such as family care agreements. As discussed in the section above relating to family agreements VCAT has the power to hear and determine disputes in the limited circumstance where financial transactions relate to property interests".⁴³

⁴⁰ Compiled by Susan Ball and Cindy Wong, Victorian Legal Services Board and Dr Liz Curran, Australian National University

⁴¹ LSCSA submission to IP 47 p 5

⁴² ALRC Issues Paper 47 p 28

⁴³ Ibid p 41

As a general principle NLA supports quality cost effective dispute resolution mechanisms.

NLA notes that “Legal Aid ACT strongly supports a greater role for mediation and conciliation services to assist in responding to elder abuse”, and suggest that “If ACAT’s jurisdiction was expanded to allow ACAT to hear and determine disputes in circumstances where financial transactions relate to property interests, any expanded jurisdiction could require a mandatory mediation or conference with a registered mediator prior to any formal hearing of the dispute.”⁴⁴

The LAACT submission also notes that LAACT is a registered provider of Family Dispute Resolution (FDR), as are all the LACs which maintain panels of accredited FDR practitioners.

LAACT notes that:

“LAACT is exploring the possibility of commencing an elder law dispute resolution program, using its existing FDR conferences as a model for providing additional low cost legal services.

Whilst an elder law dispute resolution program could be commenced in the current legal framework, any dispute resolution program would be most effectively delivered in conjunction with an expansion of ACAT’s jurisdiction to hear and determine disputes involving financial transactions involving property interests.

If ACAT’s jurisdiction was expanded in this manner, a mandatory requirement could be made for the parties to the dispute to attend a dispute resolution conference before any application could be listed for final hearing. This would provide the parties with a cheap and efficient means of resolving the dispute without the necessity to proceed to a hearing and would reduce the number of matters that ACAT has to hear at a final hearing.”⁴⁵

LANSW’s view is that “there may be potential for greater use of ADR in situations of elder abuse. The use of ADR processes in elder abuse would need to be approached with caution, given the power imbalance that would usually exist between the parties in dispute. However, with appropriate safeguards, there may be scope for increased use of mediation and conciliation to address some forms of elder abuse.”⁴⁶

LANSW “would support the ALRC exploring proposals to confer civil and administrative tribunals with jurisdiction over family agreement disputes. However, such proposals would need to be considered carefully given the complexity of such disputes and the significant financial and property interests that may be at stake.”⁴⁷

LAWA and representatives from the University of Western Australia, the Northern Suburbs Community Legal Centre Inc. and the Citizens Advice Bureau WA have also recently had a

⁴⁴ LAACT submission to IP 47 p 38

⁴⁵ Ibid p 38

⁴⁶ LANSW submission to IP 47 p 22

⁴⁷ Ibid p 22

meeting to identify access for older people in WA to mediation for matters involving family arrangements, decision making and how suitable mediation services might be developed. The need for screening processes in connection with power imbalance, and the capacity of the older person to participate in the process, were a focus of discussions, as were the types of matters un/suitable for mediation.

It is suggested that the appropriateness of mediation for matters involving elder abuse will very much depend on the circumstances of the particular case, including the context of the abuse, the nature and extent of the abuse involved, the nature of the remedy sought, and the capacity, and inclination and motivations of the victim and “alleged/abuser” to be involved in the mediation. For example, anyone who might be charged with a criminal offence in connection with allegations of elder abuse is unlikely to be prepared to participate in dispute resolution unless it formed part of a restorative justice process in the context of an existing charge/s.

LAC dispute resolution programs

All LACs have established dispute resolution programs in the context of family law, and maintain panels of accredited FDR practitioners who have specific training and expertise in matters relating to power imbalance, family violence, negotiations within the context of family relationships and dealing with vulnerable clients.

LACs, with the involvement of the Commonwealth Attorney-General’s Department, are also investigating online dispute resolution options for future use including with a view to expanding dispute resolution services including into areas of civil law.

LAC FDR programs use legally assisted models of dispute resolution. Service delivery methods include ‘face to face’, ‘shuttle’ or remote conferencing. The FDR practitioners (FDRPs) engaged to Chair dispute resolution conferences are from in-house LAC panels and LAC private practitioner panels. Total panel membership is currently approximately 295 FDRPs. Members are either, or both, lawyers and social scientists.

Prior to an FDR conference proceeding a grant of legal assistance must have been made to at least one of the parties and conferences will only be conducted where screening, including for risk, has occurred to determine whether it is appropriate for a conference to proceed. Matters involving family violence and other issues may or may not be screened out depending on the circumstances of the particular case and conferencing methods.

Legally assisted models of dispute resolution involve lawyers for each of the parties unless, following advice, a party has indicated that they do not want to be legally represented. Legally assisted models of dispute resolution are considered to address power imbalance, and ensure that parties are aware of the potential legal consequences in the event that settlement is not achieved.

LAC FDR achieves high settlement rates, and the FDR program has been found to be a cost effective way of resolving disputes in the context of family law.⁴⁸

A grant of legal assistance for litigation may be made in those cases where settlement cannot be achieved.

Responding to elder abuse

It is suggested that LAC legally assisted dispute resolution programs, with established infrastructure and workforces, and a focus on redressing power imbalance, might provide an avenue for responding to issues of elder abuse.

Issues for any dispute resolution service provider will include the need for thorough screening processes contextualised in the model and methods of dispute resolution used by the provider; understanding of the laws and legal processes and procedures related to the circumstances in which the alleged/abuse has occurred including where financial matters are involved in connection with discovery and inspection of documents; eligibility for service use; ability to advise a party about how to further their matter if the dispute resolution fails; and appropriate insurance.

In the context of any potential for LACs to deliver services, consideration would need to be given to relaxing means tests, and any appropriate costs recovery e.g. by way of equitable charge over property with costs recoverable upon sale of the property.

Question 42 In what ways should criminal laws be improved to respond to elder abuse? For example, should there be offences specifically concerning elder abuse?

Whilst there are different strengths of view expressed by some LACs in relation to this example, NLA agrees as a matter of principle, that specific criminal laws should not be created without being sure that existing offences are not appropriate for the purpose. We also note LANSW comments that “There would inevitably be difficulties in defining or determining who is an ‘older’ person for such offence provisions. Setting an age limit for offences of this kind also risks being arbitrary.”⁴⁹

Specific offences might potentially yield jurisdictional data source/s of the number of such matters investigated and/or prosecuted, and/or heard by the courts. It is suggested however that the “particularity and precision”⁵⁰ of the definition/s required for criminal law purposes would be limiting, and NLA has reservations about the extent to which such data could usefully inform an understanding of the nature and extent of the problem, noting that there are likely to be other avenues for obtaining useful data.

⁴⁸ PriceWaterhouseCoopers, *Economic value of legal aid: analysis in relation to Commonwealth funded matters with a focus on family law* (2009) see especially chapter 5

⁴⁹ LANSW submission to IP 47 p 23

⁵⁰ ALRC Issues Paper 47 p 13

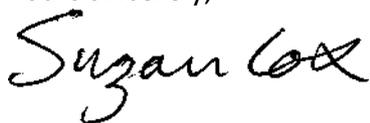
Question 46 How should the police and prosecution responses to reports of elder abuse be improved? What are best practice police and prosecution responses to elder abuse?

NLA notes the experience of LACs is that when police and prosecution responses increase that this has a downstream effect placing increased pressure on LAC service provision and resources. It is anticipated, for example, that increased prosecutions in connection with elder abuse will lead to an increased demand for LAC representation services for the alleged offender.

Conclusion

We thank you for the opportunity to make this submission. Please do not hesitate to contact us if you have any questions about the matters referred to in this submission or require anything further from us.

Yours sincerely,

A handwritten signature in black ink that reads "Suzan Cox". The signature is written in a cursive, flowing style with a large initial 'S' and a stylized 'Cox'.

Suzan Cox QC
Chair

National Legal Aid Statistics Report

Services provided by law type to clients aged 65 & over for Financial Year 2015-2016 as at August 2016

| state | law type | legal advice legal tasks | duty lawyer | grants of aid |
|----------------------|---------------|--------------------------|------------------------|---------------|
| ACT | Civil | 436 | 5 | 9 |
| | Crime | 39 | 31 | 13 |
| | Family | 92 | 68 | 25 |
| ACT Subtotal: | | 567 | 104 | 47 |
| NSW | Civil | 7731 | 218 | 173 |
| | Crime | 696 | 962 | 258 |
| | Family | 1218 | 236 | 88 |
| NSW Subtotal: | | 9645 | 1416 | 519 |
| NT | Civil | 180 | 5 | 5 |
| | Crime | 49 | 67 | 28 |
| | Family | 62 | 4 | 9 |
| NT Subtotal: | | 291 | 76 | 42 |
| QLD | Civil | 675 | 87 | 101 |
| | Crime | 348 | N/K[#] | 192 |
| | Family | 384 | 38 | 36 |
| QLD Subtotal: | | 1407 | 125 | 329 |
| SA | Civil | 1768 | 8 | 5 |
| | Crime | 269 | 223 | 121 |
| | Family | 176 | 52 | 10 |
| SA Subtotal: | | 2213 | 283 | 136 |
| TAS | Civil | 456 | 1 | 17 |
| | Crime | 54 | 65 | 12 |
| | Family | 49 | 28 | 2 |
| TAS Subtotal: | | 559 | 94 | 31 |
| VIC | Civil | 994 | 181 | 60 |
| | Crime | 355 | 767 | 159 |
| | Family | 149 | 454 | 66 |
| VIC Subtotal: | | 1498 | 1402 | 285 |
| WA | Civil | 412 | 0 | 13 |
| | Crime | 170 | 316 | 67 |
| | Family | 215 | 25 | 49 |
| WA Subtotal: | | 797 | 341 | 129 |
| Total civil | | 12652 | 505 | 383 |
| Total crime | | 1980 | 2431 | 850 |
| Total family | | 2345 | 905 | 285 |
| Grand Total | | 16977 | 3841 | 1518 |

LAQ - sessional reporting relates to total number of clients & dispositions

National Legal Aid Statistics Report

Services provided by law type to clients aged 65 & over for Financial Year 2014-2015 as at August 2016

| state | law type | legal advice legal tasks | duty lawyer | representation |
|---------------|----------|--------------------------|-------------|----------------|
| ACT | Civil | 322 | 0 | 6 |
| | Crime | 41 | 24 | 7 |
| | Family | 53 | 71 | 17 |
| ACT Subtotal: | | 416 | 95 | 30 |
| NSW | Civil | 7832 | 203 | 214 |
| | Crime | 603 | 759 | 251 |
| | Family | 1387 | 180 | 68 |
| NSW Subtotal: | | 9822 | 1142 | 533 |
| NT | Civil | 133 | 8 | 4 |
| | Crime | 47 | 57 | 21 |
| | Family | 50 | 4 | 20 |
| NT Subtotal: | | 230 | 69 | 45 |
| QLD | Civil | 623 | 46 | 103 |
| | Crime | 364 | N/K | 157 |
| | Family | 398 | 21 | 38 |
| QLD Subtotal: | | 1385 | 67 | 298 |
| SA | Civil | 1871 | 13 | 2 |
| | Crime | 277 | 290 | 115 |
| | Family | 217 | 75 | 21 |
| SA Subtotal: | | 2365 | 378 | 138 |
| TAS | Civil | 389 | 0 | 24 |
| | Crime | 52 | 56 | 14 |
| | Family | 34 | 13 | 2 |
| TAS Subtotal: | | 475 | 69 | 40 |
| VIC | Civil | 1151 | 159 | 63 |
| | Crime | 487 | 809 | 165 |
| | Family | 198 | 479 | 73 |
| VIC Subtotal: | | 1836 | 1447 | 301 |
| WA | Civil | 594 | 7 | 22 |
| | Crime | 189 | 410 | 71 |
| | Family | 153 | 18 | 31 |
| WA Subtotal: | | 936 | 435 | 124 |
| Total civil | | 12915 | 436 | 438 |
| Total crime | | 2060 | 2405 | 801 |
| Total family | | 2490 | 861 | 270 |
| Grand Total | | 17465 | 3702 | 1509 |

LEGAL AID NSW IN HEALTH JUSTICE PARTNERSHIPS

Participation in Health Justice Forums

Legal Aid NSW participates in a number of collaborative forums together with senior representatives from the NSW Department of Premier and Cabinet, and the Departments of Health, Justice, Family and Community Services (FACS). These forums identify opportunities for collaboration and the establishment of Health Justice Partnerships across NSW.

Health Justice Partnerships Community of Practice (HJPCoP)

The HJPCoP brings together representatives from government, Community Legal Centres as well as pro bono partners including Justice Connect and Clayton Utz. The Mental Health Commission of NSW co-chairs the CoP with Legal Aid NSW and meets quarterly. The Mental Health Commission, together with the Community of practice are developing a NSW position paper on HJPs.

As a result of participation in the forums listed above, Legal Aid NSW is now an active partner in over 10 health justice initiatives across NSW.

| Partners | Description of project |
|---|---|
| HealthOne - Sutherland Hospital | |
| Legal Aid NSW South Eastern Sydney Local Health District Sutherland Hospital MOU in place | <p>A Legal Aid NSW civil lawyer is based at HealthOne Sutherland, a purpose built facility to provide integrated care to people with complex health needs or chronic illness who are living at home.</p> <p>Since December 2015, Legal Aid NSW has delivered Law Checkup training and held a number of stakeholder meetings with hospital staff including the community mental health team, aged care team and Indigenous Health Unit.</p> <p>Legal Aid NSW commenced a weekly civil law advice to patients of the Sutherland Hospital on 10 Feb 2016.</p> <p>Referrals have mainly come from social workers. Clients have asked for advice on powers of attorney, wills, guardianship and insurance (temporary and permanent disability insurance).</p> <p>This is a demonstration project of the Sydney East Regional Leadership Group and the Sydney East Justice and Wellbeing Task Group. The Task Group are planning a public launch the service as a demonstration project. The Launch will be coordinated by Sutherland Hospital with support from Legal Aid NSW.</p> |
| Greenway Housing Estate, North Sydney | |

| Partners | Description of project |
|--|--|
| Legal Aid NSW, FACS Northern Sydney Northern Sydney Health Medicare Local Residents forum | <p>This collaborative project, initiated by the Greenway Tenants Group Inc. and funded by FaCS, aims to improve the health and wellbeing of Greenway Housing Estate residents by linking them with services they would not otherwise access. Many residents are frail, aged and have chronic health and mobility issues that impede travel from the estate.</p> <p>A civil law solicitor regularly attends the Wellbeing Clinic in the estate and works closely with Health NSW (onsite nurse) FaCS (onsite housing caseworker) and Partners in Recovery (social worker) to provide civil law advice.</p> |
| Bungee Bidgel Aboriginal Health Clinic - Hornsby Hospital | |
| Northern Sydney Local Health District Bungee Bidgel Aboriginal Health Clinic Hornsby Hospital GP Unit MOU planned | <p>Civil and family lawyers provide a weekly drop-in legal advice and assistance service at Bungee Bidgel Aboriginal Health Clinic, located at the Hornsby Hospital GP Unit.</p> <p>The need for the clinic was identified through the Sydney East Justice and Wellbeing Task Group Meeting, in consultation with representatives from Family and Community Services and Health. The clinic is targeted at Aboriginal clients who have little access to legal services in the area. Currently, clients need to travel approximately an hour to either Parramatta or Central Sydney Legal Aid offices for advice.</p> <p>Patients at Bungee Bidgel will undergo a comprehensive health check when they first attend. Health workers will complete the Law Check Up checklist as part of that assessment and refer patients to the legal service. Legal Aid NSW will make appropriate cross-referrals to the health service for clients who have not yet engaged with medical treatment.</p> |
| Bidyari Aboriginal Health Centre - SW Sydney Local Health District | |
| Legal Aid NSW SW Sydney Legal Centre South West Sydney Local Health District | <p>This Health Justice Partnership provides services to mental health consumers, particularly Aboriginal clients, at a weekly clinic at <i>Bidyari Aboriginal Health Centre</i> in the suburb of Miller. Miller is an area of profound disadvantage with a high Aboriginal population. A Legal Aid NSW lawyer and a South West Sydney Local Health District psychologist and social worker provide holistic wrap around services to clients.</p> |
| Blacktown Hospital Maternity Unit | |
| Legal Aid NSW Western Sydney Local Health District | <p>A Legal Aid NSW family lawyer provides family law and domestic violence advice and minor assistance to patients of Blacktown Hospital, in particular, to women attending the antenatal health clinic and the maternity unit.</p> <p>Legal Aid NSW has worked with a steering committee of senior managers of</p> |

| Partners | Description of project |
|--|---|
| <p>Blacktown Hospital</p> <p>MOU negotiated</p> | <p>the hospital to embed the legal service in the hospital structure. Legal Aid NSW has met with hospital staff including nursing managers, social workers and doctors to do this.</p> <p>The service commenced in March 2016 and has received referrals about domestic violence, family law and care and protection issues from hospital staff. The Steering Committee are planning a launch in early May 2016.</p> |
| <p>South West Sydney Partners in Recovery</p> | |
| <p>Legal Aid NSW</p> <p>South West Sydney Partners in Recovery</p> | <p>Health workers use the Law Check Up Tool as part of the intake process with the client to identify civil law problems. Health workers then refer the client to the nearest legal service. Often this is the legal service provided in Miller.</p> <p>Legal Aid NSW civil lawyers also regularly train health workers about the Law Check Up Tool.</p> |
| <p>Redlink</p> | |
| <p>Legal Aid NSW</p> <p>Redfern Legal Centre</p> <p>FACS Sydney District</p> <p>Sydney Local Health District</p> <p>Redfern Neighbourhood Advisory Board</p> <p>City of Sydney Council</p> <p>Redfern Police</p> <p>Service Level Agreement in place</p> | <p>RedLink is an integrated service hub located in the Redfern public housing estate which provides health, housing, legal, and wellbeing programs, using shared assessment and referral pathway tools. The RedLink service involves a partnership with a number of government and non-government organisations. A weekly RedLink Law Clinic run jointly by Legal Aid NSW and Redfern Legal Centre assists residents with everyday legal issues such as fines, tenancy, debt and credit and family relationships.</p> <p>The HJP enables service providers to access residents of the housing estate that are highly disadvantaged and who would not otherwise engage with their services. The co-location on one site with a service coordinator enables direct contact between agencies to resolve client problems faster and more efficiently.</p> |
| <p>Western Sydney Local Health District - WDOs</p> | |
| <p>Legal Aid NSW</p> <p>Western Sydney Local Health District</p> <p>Population Health Leadership Group</p> | <p>Senior staff from mental health, drug and alcohol, community health, Aboriginal health, operations, multicultural health, health promotion, Medicare Local, and Westmead Children's Hospital are working to strengthen health justice collaboration through the expansion of the Work and Development Order scheme. Vulnerable people, including people with mental health issues and serious addiction, can reduce unpaid fines through participation in suitable treatment and community health programs.</p> |
| <p>South East Sydney Work Development Orders (WDO) Project</p> | |

| Partners | Description of project |
|---|---|
| Legal Aid NSW South Eastern Sydney Local Health District | Work has been undertaken with the Sydney Local Health District to increase the take up of WDOs in mental health, drug and alcohol and community health services |
| Central Coast Mental Health Project | |
| Legal Aid NSW Central Coast Community Legal Centre | <p>Legal Aid NSW has funded the "<i>Legal Health = Mental Health</i>" project, a partnership between Central Coast Community Legal Centre and Legal Aid NSW to educate mental health caseworkers about the legal system so that they can appropriately refer clients.</p> <p>There is a trial project that involves Legal Aid NSW and Central Coast Community Centre delivering a weekly civil law advice clinic at the Mental Health Unit of Wyong Hospital. Hospital social workers refer clients who are in-patients of the hospital.</p> |
| South Coast Health Justice Forums | |
| Legal Aid NSW Nowra Legal Aid NSW Wollongong Illawarra Partners in Recovery | <p>In October last year Legal Aid NSW Nowra, together with 11 other local justice and health agencies held a Forum to explore new ways of working together for the benefit of shared clients and patients.</p> <p>Following on from the success of the Forum, Illawarra Partners in Recovery has recently provided funding for the development of a model for sustaining ongoing work around the collaboration and development of Health Justice partnerships in the Illawarra Shoalhaven Local Health Districts.</p> <p>Legal Aid NSW Wollongong is now organising a Forum based on the model of the Nowra Health Justice Forum.</p> |

Legal Aid NSW also provides family and civil law outreach advice services in a wide range of health settings across NSW, including at premises of Aboriginal Medical Services and in community health centres.

End.