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The Secretariat
Senate Legal and Constitutional Committee
Room S1.61
Parliament House
Canberra
ACT, 2600

Ist October 2003

Dear Sir or Madam,

RE: National Legal Aid (NLA) Response
Senate Inquiry into Legal Aid and Access to Justice

On 17 June 2003, the Senate referred the following inquiry to the Senate Legal and Constitutional References Committee for Inquiry and report by 3 March 2004:

The capacity of current legal aid and access to justice arrangements to meet the community need for legal assistance, including:

> **(a) The performance of current arrangements in achieving national equity and uniform access to justice across Australia, including outer-metropolitan, regional, rural and remote areas;**
> **(b) The implications of current arrangements in particular types of matters, including criminal law matters, family law matters and civil law matters;**
> **(c) The impact of current arrangements on the wider community, including community legal services, pro bono legal services, court and tribunal services and levels of self-representation.**

(hereinafter called "TOR" or Terms of Reference.)

National Legal Aid (NLA) makes the following submission to the Inquiry:

Introduction & Background to National Legal Aid and the Funding of Commissions:

National Legal Aid comprises the Directors of the Legal Aid Commissions in each Australian State and Territory.

Each Legal Aid Commission is established under State or Territory legislation and is statutorily charged to provide "legal aid" or "legal assistance". Commissions are

funded by the Commonwealth and State or Territory Governments for this purpose. The terms "legal aid" and "legal assistance" refer to grants of financial assistance for legal representation and a range of legal services including legal representation. These services are discussed below.

Receipt of a limited amount of funding by each Commission for the purposes of providing legal aid or assistance is contingent upon that Commission entering into a funding agreement/s with the Commonwealth and the respective State or Territory Government. The current agreements with the Commonwealth are for a four-year period and are due to expire at the end of June 2004. Renegotiations for the next round of funding are under way. The agreements before the existing Commonwealth agreements were for a three-year period. Issues relating to the amount of funding received by Commissions are discussed below.

Since 1997 the Commonwealth has described itself as the "purchaser" of services which are to be "provided" by Commissions. The respective funding agreements require:
(i) A range of "outputs" (ie services) to be provided by Commissions. Each "output" has an allocated quantitative target and unit price identified against it.
(ii) Commissions to apply Guidelines ("the guidelines") to applications for grants for financial assistance.

The guidelines generally require Commissions;
(a) to ascertain that each application received for a grant of assistance for legal representation falls within the guideline relevant to the matter type for which assistance is sought, and
(b) to apply a means test to the application, and
(c) to apply a merit test to that application, and
(d) to grant legal aid in accordance with the prescribed Commonwealth "priorities" which are contained in Schedule 2 of the agreements. If a Commission does not have sufficient funds to satisfy demand, then aid may be refused on the basis of competing priorities.

The effect of the guidelines with regard to the different law types is discussed below under TOR (b).

History of funding:

The table below shows the funding from the Commonwealth and the States over the period from the 1993-1994 financial year to the present.

Prior to 1997 the Commonwealth funded Commissions on the basis of its then policy that it was responsible for assisting "Commonwealth persons". Funding was on the basis of a specified level of overall government funding with an annual inflator. In 1996 the Attorney-General announced that from 1997-1998 the Commonwealth would cease to provide assistance on that basis and would instead provide funding for matters arising under Commonwealth laws. This involved the cessation of Commonwealth support for matters arising under State and Territory laws, even where the applicant in those matters was a "Commonwealth person". On the basis of

this changed policy the Commonwealth reduced its funding to Commissions by $33.16 million per annum from 1997/1998.

In this regard NLA notes that the Commonwealth has constitutional responsibility for certain people. The Commonwealth has also asserted it is the body which represents Australia with relation to international responsibilities and has signed off on a range of international instruments as a part of that role. These instruments import obligations upon the Commonwealth. These were canvassed in some detail by NLA in its submission to the Senate Legal and Constitutional References Committee's "Inquiry into the Legal Aid System" in 1996. It is not proposed to recanvass these but simply to note that they include, eg, the International Covenant on Civil and Political Rights, the United Nations Convention on the Rights of the Child, the United Nations Convention relating to the status of Refugees, Principals for the protection of the persons with mental illness and for the improvement of mental health care, Convention on the Elimination of All Forms of Discrimination Against Women, Convention on the Elimination of all Forms of Racial Discrimination, and the United Nations Congress on the Prevention of Crime and the Treatment of Offenders. The Commonwealth should not be asserting a position contrary to that which it has declared internationally.

LAC $'000	CW etc $'000	State etc $'000	Spec T etc $'000	Self Gen Income $'000	Total income $'000	Total Expend $'000
total 93-94	117,569	63,901	21,157	45,533	248,160	237,994
total 94-95	118,007	66,768	22,449	41,994	249,218	250,527
total 95-96	122,973	75,263	23,333	40,644	262,213	279,768
total 96-97	128,621	73,565	22,957	39,480	264,623	256,591
total 97-98	108,510	81,242	24,822	29,350	243,924	239,786
total 98-99	109,231	86,204	26,939	21,674	244,048	241,648
total 99-00	103,694	103,831	29,022	31,789	268,336	257,239
total 00-01	110,548	110,974	33,969	23,049	278,540	267,775
total 01-02	117,644	130,493	33,451	21,374	302,962	296,909
total 02-03	123,345	143,509	42,081	17,497	326,432	324,617
total 03-04	128,484	147,850	43,058	18,365	337,757	350,748

A breakdown of these figures by State and Territory can be found on the NLA website at http://www.nla.aust.net.au/.

Please note that the figures include special "once off" payments of funds for particular expensive cases that have cropped up in individual States and Territories over the period.
Please note that '02-'03 & '03-'04 figures are budgeted figures, not actuals.

The Inquiry's Terms of Reference:

National Legal Aid intends to address each of the TOR (a), (b) and (c) but would like first to identify what it believes the "current legal aid and access to justice requirements" are and to refer briefly to what we believe is comprised by "community need for legal assistance".

Current legal aid and access to justice arrangements:

Service providers:
The Organisations and individuals principally involved in providing legal aid and/or access to justice are Legal Aid Commissions (LACs), Community Legal Centres (CLCs), Aboriginal and Torres Strait Islander Legal Services (ATSILS) and members of the private profession performing work for clients in receipt of a grant of legal assistance from Legal Aid Commissions or who are providing pro bono assistance. There is also a range of other not for profit organisations or agencies involved in providing access to justice including various pro bono and specialist services. The Courts are also a significant point of access to justice for the community.

Services:

Legal Aid Commissions (LACs):
LACs provide assistance to as many people as possible with their legal problems. They do this through a mix of legal information, advice, minor assistance and representation provided from head offices in capital city locations and regional offices in various metropolitan and rural locations.

- Legal Representation

This is provided either upon a grant of legal assistance being made to a person by a Legal Aid Commission, or by "Duty Lawyers".

Grants of Legal Assistance:
The lawyers who represent people upon a grant of aid being made are from the inhouse legal practices of the Legal Aid Commissions or are members of the private profession to whom the grant of legal assistance from the LAC is assigned. Whether a grant of legal assistance is made will depend on available funding and an application of the relevant guidelines. Representation is available in the areas of family, criminal and civil law. Clients may have to make a contribution to the cost of legal representation. This will depend on the nature of the matter and the applicant's means.

Duty Lawyers:
Duty lawyer services are provided by the inhouse practices of LACs or private practitioners retained by Commissions for the purpose. Duty lawyers attend at many Magistrates' and Children's Courts to provide advice and to assist unrepresented people with restraint orders, to seek remands, apply for bail and/or present pleas in mitigation. They are frequently called upon by the Judges and Magistrates to assist people who are appearing unrepresented. In some jurisdictions duty lawyers also attend some registries of the Family Court of Australia. This is discussed in more detail below. Duty lawyer services are generally provided free of charge.

- Primary Dispute Resolution (PDR) services:

Grants of legal assistance for PDR are also made. Grants for PDR will usually be made before any grant of aid to commence legal proceedings except if PDR is not appropriate in the circumstances of the case. As for other grants of legal assistance, contributions for PDR services may be payable.

Other services:
The following services are generally provided free of charge:

- Advice and assistance services
- Legal information and referral services, including publications and other resources for public and worker use.
- Community legal education.

Aboriginal and Torres Strait Islander Legal Services (ATSILS)
ATSILS are funded by the Commonwealth Government through ATSIS to provide grants of legal assistance or legal aid and legal services, including representation, to Aborigines and Torres Strait Islanders. Indigenous people are able to approach LACs for assistance should they wish. In some jurisdictions LACs also regularly represent indigenous people where a situation of conflict exists and the ATSILS are unable to assist as a result of that conflict. LACs also work with ATSILS where ATSILS resources are insufficient to meet need in a particular locality and that need is identified as a priority by the LAC. LACs do not receive funds from the Commonwealth for these purposes.

Community Legal Centres (CLCs)
CLCs are funded by the Commonwealth Government through the Attorney-General's Department. Many CLCs also receive funding from the respective State or Territory Government. Except in South Australia, the ACT and the Northern Territory, the LACs are responsible for program management of the CLCs on behalf of the Commonwealth. In some States, LACs also program manage state funding to the CLCs. In SA the funding is administered by the South Australian Justice Department. In the ACT and NT the program is administered by the Commonwealth.

The CLCs primarily provide advice and/or information and referral, community legal education, law reform and limited case work services. Many CLCs offer after hours free advice sessions which are staffed by volunteers from the private profession and from Commissions. This service to the community is invaluable as it enables access to face to face legal advice by people who would not otherwise be able to access face to face advice during business hours. CLCs and LACs work co-operatively in each jurisdiction to maximise services available to the community.

The community need for legal assistance:

NLA suggests that the community need for legal assistance, can be described conceptually as:

- Appropriate access to a range of legal services, irrespective of location or other particular disadvantage.

- Culturally appropriate and easily accessible services for different client groups (Eg: Indigenous clients; culturally and linguistically diverse people; young people; the elderly).
- The provision of alternatives to litigation.
- Assistance for meritorious litigation for those who are financially disadvantaged.
- The provision of effectively integrated services.
- Legal skills and knowledge to be acquired, maintained and retained within the local community.

NLA believes that the level of unmet need across the community has not yet been ascertained but should be as a matter of priority. Issues related to funding and unmet need will be addressed in detail below under TOR (a).

TOR (a): The performance of current arrangements in achieving national equity and uniform access to justice across Australia, including outer-metropolitan, regional, rural and remote areas

"National equity" and "Uniform access to justice":

"National equity" and "uniform access to justice" should entail access by people to the legal services they need. People should not encounter barriers specific to their personal circumstances such as might be caused by location, disability, language, ethnicity etc. "Uniformity" should not entail providing exactly the same ways of accessing the same service and same level of service because this of itself is likely to discourage or prevent access to, and/or use of, the service by some people. Put simply, the same service will not suit everyone and the same means, (eg telephone, face to face etc,) of accessing it will not suit everyone. Some people will need more of a particular service or level of service than others to achieve justice for their situation. Services that work well for some locations may not work well for others.

"Access to justice" involves assisting people to access information, education, advice, and primary dispute resolution procedures. Access to justice should also involve providing representation to people who have been unable to settle their legal cases or who must answer charges and do not have the means, financial or otherwise, to obtain that representation.

The Australian community is diverse. Avenues to access justice will need to be many and varied. "National Equity" and "Uniform access to justice" must not become catch phrases which conceal inappropriate standardising of services for the sake of cost cutting.

The performance of current arrangements:
A map of the location of the LAC offices around Australia overlaid on areas of remoteness identified by the Australian Bureau of Statistics is attached to this submission as Attachment A.

A list of LAC office locations is attached to this submission as

Attachment B.

The location of regional offices and their respective catchment areas has developed according to exigencies such as the location of local courts and the location of other service providers. LACs provide outreach services from various offices, often travelling great distances to isolated communities.

NLA believes that the performance of Commissions and other service providers is generally of a very high standard but that all service providers are hamstrung in achieving national equity and uniform access to justice across Australia by insufficient funding and the conditions that are imposed on that funding. There is communication amongst and co-operation by all the major providers for the purpose of identifying gaps in services and proposals to fill them. However, in many cases there are substantial gaps in service delivery, particularly in rural and remote areas, which can only be remedied by the provision of extra resources. The services that are required to address these gaps should be informed by an analysis of factors such as the legal needs of a particular community and socio-demographic profiles. It is essential that this analysis takes place in order to identify the most appropriate mix of legal services required in a particular area.

Legal Need:
LACs are not able to meet the need which Directors know exists by reason of the number of applications received and refused. The funds each LAC has dictates the extent to which community need can be met. Currently, legal aid programs are therefore "availability" driven rather than "need" driven. LACs are presently forced to determine priorities of need and identify where the greatest need in the community lies and to apply that funding to those priorities.

It should be noted that when Commissions have experienced particular funding difficulties and have reduced or rationed the number of grants of legal assistance, there is a flow-on effect of less applications being received as private practitioners and the public do not bother to seek assistance from Commissions. In jurisdictions where this has occurred, Commissions have experienced difficulty turning the situation around when the funding situation has improved, although there is every reason to believe that the need has not diminished.

There are a range of factors which LACs believe require to be taken into account when identifying need and delivering services. These include that many people in Australia who require assistance are from culturally and linguistically diverse backgrounds, have intellectual and/or physical disabilities, suffer from mental health problems, are infirm or unwell, have limited literacy and numeracy skills and live at such distances that it is not easy, and in some cases is impossible, for them to access services. Recent statistics also show inter alia shifts in population towards the coast, a concentration of people from culturally and linguistically diverse backgrounds living in cities, and a high proportion of indigenous people as contrasted with non-indigenous people living in rural and remote areas. The time taken in delivering services to the people mentioned is often greater that it is for others. NLA also strongly suggests that services to these people are best delivered by providers, such as LACs, ATSILS, and CLCs, who have staff with the relevant specialised training and

experience that assists in the provision of effective service delivery to the people mentioned.

LACs use a variety of strategies to assist in determining and prioritising community need for legal aid services. Examples of strategies used include; recording and monitoring the level of demand for services and analysing trends over time; consulting with and obtaining the views of other organisations engaged in the provision of access to justice when developing or evaluating legal aid policies; and ongoing liaison with specific community groups. Legislation governing LACs also provides for representation on the Boards of Commissions of community organisations and the private profession.

NLA believes that there is a level of need which is not known and not met and which is likely to go well beyond the applications to Legal Aid Commissions for legal assistance that are refused in accordance with the guidelines. Whilst the Commonwealth conducted a study in 1999 which was named the "Legal Needs Study" this study was used as the basis for distributing a finite amount of Commonwealth funds for "Commonwealth matters" across the States and Territories. It used the number of applications received by Commissions as the primary tool for measurement and did not recognise the number of people who never access or receive legal services, and the social and personal factors that define lack of access. As a result of its concern that there is a further level of unknown and unmet need NLA has attempted to obtain non –Government funding for a comprehensive legal needs study. These attempts have unfortunately been unsuccessful. Our concern that there is a level of unknown and unmet need is supported both by recent research commissioned by NLA with regard to self represented litigants (referred to in further detail in the NLA response to TsOR (b) & (c))and anecdotally.

NLA suggests that it is imperative that the funders and purchasers of services work with all service providers to adopt a more co-operative and strategic approach to service provision in Australia. This will help to address the level of that need. An example of the consequences of failure to approach the situation in a co-operative and strategic fashion was the Commonwealth's decision to fund a regional law hotline separate to the telephone advice services already existing in Commissions. This duplicated an existing service when the funds could have been far more effectively utilised in providing other less available services to people.

Commonwealth Funding:

Commonwealth funding for legal aid is currently based on funding for "Commonwealth matters" only. The funding cuts of 1996 had the intent and effect of reducing Commonwealth legal aid expenditure. The shift in policy from "Commonwealth matters" and "Commonwealth persons" to "Commonwealth matters" only was the centrepiece of the funding cuts. The end result was a reduction in legal aid services to disadvantaged people.

The additional $63m legal aid funding for 2000-2004, given CPI factors, was no more than an attempt to return to levels prior to the 1996 funding reduction. It should be noted that the $63m has not been indexed and, while the cost of providing legal services has and will continue to increase, the increased funding is not keeping pace with increases in these costs.

Whilst the quality of legal service has not been affected by the cuts, the quantity and extent of that service has. The so-called "purchaser/provider" approach has added an additional layer of administration and financial accountability for all Commissions.

The Commonwealth policy of legal aid funding for "Commonwealth matters" only produces results that are illogical, inconsistent and, in many cases, insufficient. This is most obvious in the area of domestic violence which is logically considered a family law matter but, because aspects of the case can rely on State legislation, is regarded as a State matter.

National Legal Aid considers that an obligation exists on both Commonwealth and State Governments to provide access to justice for economically disadvantaged Australians and that absolute obligation should not be limited by barriers such as a requirement that legal aid services be confined to particular law types. If the Commonwealth, nevertheless, is not prepared to revert to funding for both "Commonwealth matters" and "Commonwealth persons", current arrangements should be adjusted to permit Commonwealth funding for State law services which support Commonwealth legal aid priorities such as domestic violence and children protection matters etc.

Whilst the Commonwealth does not apply the same basis to its funding of ATSILS or to the Indigenous Womens' Legal Services or Indigenous Womens' Programs within CLCs, the funding provided to these services is also grossly inadequate. As a result, Indigenous women with domestic violence issues are not receiving the assistance or extent of the assistance they need. Because of the huge need in some jurisdictions, the ATSILS and LACs are working together to try and fill the gaps. This generally takes the form of the Commissions funding and/or providing domestic violence services to people in need. As funds are limited, the provision of such services, which are deemed priority, come at the cost of service reduction in other areas.

There is no logical consistency in current Commonwealth funding policies, other than cost cutting at the expense of services to those most in need. The result is "bits and pieces" of service provision around the country, which are not as well integrated as they might be and which do not go far enough in providing services e.g. advice to people, especially by telephone, is covered much better than the representation that is needed when people are unable to settle matters after receiving advice and engaging in PDR.

Funding Models

Funding models are not flexible enough to respond to changes up stream in the justice sector. It is often the case that government policy or legislative changes result in increased demand for legal aid services without a corresponding increase to funding for additional services to meet this demand. Examples of such changes include changes to the legal aid guidelines, the institution of law and order campaigns (such that the number of applicants who risk a sentence of imprisonment and are therefore likely to be eligible for aid increases), and changes to the law regarding superannuation (such that the cost of family law practice has increased).

Adequacy of services

NLA believes that services are generally inadequate, particularly in rural and remote areas. While most people, including those in rural and remote areas, can now access free legal advice via Commission telephone services, many people have difficulty accessing legal aid services, including PDR services, if more than legal advice is required. This is particularly so in rural and remote areas and is sometimes because there are no local legal practitioners in the area at all. The general problem is compounded by private practitioners withdrawing from legal aid work. Again NLA has some evidence to suggest that this is particularly so in rural areas. The withdrawal of private practitioners from legal aid work is discussed in more detail in TOR (c).

Recommendations:

1. That the Commonwealth fund a thorough and independent study to identify the extent of legal need in our community and that this study address the issue of need in metropolitan, outer metropolitan, regional, rural and remote areas. That the study involve consultation with and report on the views of all principle service providers.

2. That upon the report of that study the Commonwealth Government, States and Territories Governments, and principal service providers work together to develop an appropriate strategy for the funding and delivery of services.

3. That funding sufficient to meet the need identified by the legal needs study be provided by the Commonwealth and State and Territory Governments.

4. That pending the outcome of the legal needs study, the Commonwealth Government provide funding to LACs for all family law related matters including those matters which are presently not covered by the "Commonwealth matters" definition, eg; domestic violence, child protection and defacto property.

5. That pending the outcome of the legal needs study, funding to LACs be increased by the Commonwealth and State and Territory governments to meet currently known demand.

6. That pending the outcome of the legal needs study the Commonwealth increase funds to the ATSILS, the LACs and the CLCs such that the needs of indigenous people can be met.

7. That pending the outcome of the legal needs study, the Commonwealth and State and Territory Governments and principal service providers work together to ensure maximum possible benefit from available funding and services to the community.

TOR (b): The implications of current arrangements in particular types of matters, including criminal law matters, family law matters and civil law matters;

As discussed above LACs provide both

(i) grants of legal assistance for the purpose of legal representation including PDR, and

(ii) a range of legal services other than representation for which a grant of legal assistance is not required.

Under TOR (b) NLA intends to discuss issues in connection with the priorities and guidelines attached to the funding agreements and the reliance placed on the range of Commission legal services by people who are not eligible for a grant of legal assistance for representation.

Insufficient funding and the constraints imposed by the Guidelines are factors in the current arrangements which lead to adverse implications in all matter types. Low fees paid to private practitioners performing legal aid work (necessitated by insufficient funding) is causing practitioners to withdraw from legal aid work, particularly in the rural and remote areas.

The Means Test
The means test excludes a large percentage of the population from qualifying for legal assistance. It is clear however that many people who presently do not qualify under the Means Test are not able to afford the services of private lawyers to conduct their cases or at least not able to do so without undue hardship. An increase in funding so as to enable the easing of the means test would result in more people qualifying for legal aid.

NLA recently commissioned research by Griffith University into the link between legal aid and the level of self representation in the Family Court. This study found, inter alia, that there was a relationship between the level at which the means test was set and self-representation in the Family Court. It would not be unreasonable to speculate that the situations identified in this research are likely to be paralleled in other areas of the law. The nature of the research and its results are discussed in more detail below under the heading "Family Law Matters" and in TOR (c) under the heading Self Representing Litigants.

Matter type Guidelines:
The Commonwealth is currently undertaking a review of the matter type guidelines for family law matters. There has been a lengthy consultation process between the Commonwealth and NLA about the guidelines, which has involved NLA raising many questions about the role and limitations of the guidelines and restrictions on the use of funding. NLA has expressed its concern that the potential benefits to the public from proposed changes to the existing guidelines could not be achieved without a concomitant increase in funding.

Criminal Law Matters:
As most criminal law matters are "state matters" it is the States and Territories that provide the funding for the majority of criminal law matters. The funding received by some LACs is insufficient to meet the demand. As a result these LACs are forced to refuse applications which are meritorious.

Factors that are placing further pressure on the funding situations of LACs are the ever increasing costs of testing evidence and defending cases. Investigatory methods in particular are becoming more sophisticated and entail increased costs and resources both in terms of disbursements and the skilling up and time involved in preparation by defence counsel. The cases themselves are also lengthier and therefore costly. These costs are counter-balanced to a small degree by developments in technology such as the use of E-Briefs and Audio Visual facilities in some jurisdictions. In some instances however the use of audio-visual facilities is not appropriate and should not become an automatic substitute for face to face consultation.

Some LACs also provide criminal legal services or funding to indigenous people. As mentioned above, LACs will represent indigenous people in situations of conflict or because an indigenous client wishes to use the services of the LAC for reasons of his or her own. There are also instances where LACs are working with or assisting ATSILS with criminal law clients simply because the ATSILS are not adequately funded to provide the necessary service. Eg; NSW LAC is sometimes asked to fund disbursements for the Aboriginal Legal Service because of inadequate funding and Legal Aid Queensland (LAQ) has entered into an arrangement with ATSILS whereby LAQ grants aid to ATSILS on a disbursement only basis to fund the briefing of counsel in criminal law matters in the District and Supreme Courts.

The Commonwealth's expensive cases fund has been relied on by some LACs to alleviate the pressure associated with expensive Commonwealth criminal cases.

Family Law Matters:
As many family law matters are "Commonwealth matters", it is the Commonwealth that provides the majority of funding for family law matters. Some LACs are in a position such that applications that are considered meritorious are being refused for lack of funds. As mentioned above there is also evidence to suggest, that the means test is set at too low a level, with the result that people who are unable to afford to privately fund a lawyer are ineligible for legal aid and self-represent.

Self-represented litigants in family law:
NLA recently commissioned research by the Socio-Legal Research Centre of the School of Law at Griffith University about the link between inadequate legal aid funding and the growth in self representing litigants in the Family Court of Australia[1]. The report of that research (hereinafter called the "Legal Aid and Self Representing Litigants Report") states that "The results of the research make it clear there is an extensive relationship between the unavailability of legal aid and self-representation in the Family Court. That relationship is found not just in legal aid rejections or terminations, but also in non-applications for legal aid. They also show that in some cases, litigants may appear unrepresented even while holding a grant of aid".[2]

"The research examined the respective associations between the means test and the merits test and self representation. The data suggests that the level at which the means test is currently set does not accurately reflect the level at which people can and cannot afford to pay for their own lawyer, but rather creates a group of people who are not eligible for legal aid but who are unable to afford private representation. These people become self-representing. The data indicates that private legal representation only becomes affordable at an after-tax income level of around $40,000"[3].

Of those surveyed the study found that "Only around half of the self-representing litigants had applied for legal aid. Of those who had not applied for legal aid, only one quarter preferred to represent themselves for reasons unrelated to legal aid. The remaining three quarters had not applied for legal aid for reasons related primarily to

[1] Legal Aid and Self-Representation in the Family Court of Australia. Rosemary Hunter, Jeff Giddings and April Chrzanowski. Social Legal Research Centre, School of Law, Griffith University, May 2003.
[2] ibid Page V
[3] ibid. Page v

the means test, but also for a range of other legal aid related reasons. A substantial proportion of these litigants had had contact with a legal aid office, either through previous experience of a legal aid application, or via a recent enquiry as to their eligibility for aid".[4]

The research referred to above was commissioned by Directors because of our concerns about the connection between self representing litigants and an obvious inadequacy of funding to most LACs and further the connection with the restrictions placed on the use of all Commissions, including those with funds, by the guidelines. These concerns were borne out by the results of the research. Amongst our concerns has been parity of eligibility across LACs. In this regard the report which states "There were evident differences between Registries in both relative success rates in legal aid applications, and the reasons why applications were unsuccessful. These differences appear to reflect the respective family law funding positions of the Legal Aid Commissions. In Brisbane, where demand for family law legal aid funding considerably exceeds the available supply, applicants were more likely to be unsuccessful, and applications were more likely to rejected on the basis of merits. In Melbourne, where the reverse situation applies, applicants were more likely to be wholly successful, and the applications were more likely to be rejected on the basis of means. In Canberra, and Perth, which fall somewhere in between, applications were more likely to be successful."[5] The means test is clearly too tight. Even in those LACs where there is funding available for more family law matters, the necessary raising of the means test will result in increased successful applications and thus a strain on funds.

The report also found that "other non-means and merits tested, non-representation services provided by the Legal Aid Commissions proved to be an important source of assistance for self-representing litigants. Interactive services such as legal advice sessions, telephone or in person advice, assistance with documents and letters, and duty lawyers, were the most frequently used services. It is clear that these services perform an important role for those litigants who are otherwise ineligible for legal aid and are self-representing as a result".[6]

Persistent Litigants

All LACs have experience of family law matters where an unaided party brings numerous applications lacking in merit to the Court against the other party. It sometimes appears that these applications are being made for the purpose of harassing or bullying the respondent. If the respondent is without means then aid will usually be granted. This situation also places a strain on legal aid funding for family law matters. NLA has entered into dialogue with the Family Court of Australia about this issue. Whilst NLA acknowledges that for the Court to refuse to accept an application is to deny a person access to the Court, nevertheless there are cases which show that the present mechanisms for dealing with "persistent" and "vexatious" litigants are not working.

The guidelines and property matters in family law:

[4] ibid Page iii
[5] ibid Page iii
[6] ibid Page iv

The current family law matter type guidelines severely restrict the situations in which aid can be granted. For example, Guideline 8. 2 "Limitations on Assistance" states that legal assistance for property matters, (other than disputes relating to the preservation of assets, or to funds from which the applicant can only receive a deferred benefit), may only be granted if the Commission has decided that it is appropriate for assistance to be granted for other family law related matters. The guidelines state that legal assistance should not be granted if the only other matter is spouse maintenance, unless there is also a domestic violence issue involved. This guideline effectively precludes people who have not had children or whose children are adult from obtaining a grant of aid. It also indirectly precludes aid for many older people. The guideline is discriminatory and in some jurisdictions could be unlawfully so.

The Attorney-General's Department has indicated it is considering a change to this guideline so that aid can be granted for property matters conditional upon the Commission first deciding that this is appropriate "because of the applicant's personal circumstances". This does not go far enough towards alleviating the discriminatory situation which exists. NLA has recommended to the Attorney-General's Department that aid should be available for property only matters and requested that the Commonwealth enter into dialogue with it regarding anticipated funding needs as funding must be provided to enable the extra grants of aid.

Financial capping of family law cases:
Caps are used in an attempt to spread limited legal aid funds among as many matters as possible, and to encourage more efficient conduct of the cases in which they apply. Caps apply to both parties seeking representation and for child representatives. Since the caps were fixed in 1996 they have been fixed at $10,000 for parties and $15,000. The caps include all costs of representation, costs of experts and other witnesses. Since 1996 there have been fee increases and witness expenses, (particularly those associated with experts), have increased. This means the cap is reached more quickly. NLA understands the Attorney-General's Department intends to increase the caps to $12,000 for parties and $18,000 for child representatives but all indications are that there is no extra funding for LACs. As a result LACs will be capable of funding fewer applications.

It should be noted that there is discretion in the Directors of Commissions to exceed the cap but the tension between exceeding caps and funding other cases is real and has resulted in the cessation of aid to people at critical points in the legal process of their family law case. The "Legal Aid and Self –Representing Litigants Report" found that people were appearing unrepresented at stages in family law matters even though they had a grant of aid so as to conserve limited legal aid funds. The research also reports that some of the self-representing litigants had a grant of aid terminated or not extended because they had reached the legal aid cap.

Project "Magellan" is also commencing around the country. This project involves special management by the Family Court of all those cases which involve "serious abuse". The Attorney General has agreed to waive caps for Magellan cases. NLA has indicated to the Attorney-General's Department that this may present funding issues depending on the number of cases for which aid is sought, ie some Commissions may find that they are unable to fund other matters because funds are consumed by

Magellan cases. The Attorney-General's Department has asked LACs to contact them if it apprehends this will occur once the Magellan project is underway and applications are being received.

Child Representatives and shifting Costs:
The process for the appointment of a child representative is that the Court makes an Order for a child representative and requests that the LAC appoint one. Practitioners appointed by LACs are either inhouse counsel or private practitioners who have the necessary experience.

The criteria in the guidelines for the granting of aid for a child representative by an LAC are in accordance with the decision in Re: K (1994) FLC 92-461. All LACs support the appointment of child representatives, and regard the work they do as highly important. Requests for such appointments from Court are hardly ever declined.

There has however been a tendency over recent years for the Court to request reports not from the Courts own staff, but from experts through the child representative. The result has been that the cost of funding child representatives can increase significantly by reason of LACs being required to obtain, and therefore pay for the report. This is a further strain on Commission funds.

Whilst the Court has the capacity to make costs orders against the parties to contribute towards the cost of funding the child representatives these orders have not been commonly made. There are proposed amendments to s. 117 of the FLA 1975 which may result in costs orders against parties who have the capacity to contribute to the cost of a child representative in their case. This may go some, but not all of the way, to addressing the current strain placed by the factors which shift costs to LACs.

Superannuation – costs and delay:
The recent changes to superannuation have increased costs to LACs because of the disbursement costs in obtaining reports and also the delays occasioned by the need to obtain these reports.

Payments to private practitioners performing family law work:
In 2002 NLA surveyed private practitioners with regard to legally aided family law work. The results of that survey provide some evidence to suggest that private practitioners are withdrawing from legal aid work in the family law area because of the low fees that are paid and the bureaucracy that is attached to grants of aid. This evidence has been passed onto the Attorney-General's Department.

Pursuant to the Guidelines legal practitioners performing legal aid family law work are usually paid for each "Stage of Matter" concluded in a family law matter. The Attorney-General's Department may increase the fees payable for certain stages of matter so as to more adequately reflect the time spent on family law matters by private practitioners. However, if there is no concomitant increase in total funding for family law matters then the number of applications that each LAC is capable of funding will decrease. Logically, this is likely to lead to increased rejections, an increase in people who are unable to access the assistance they need and whose matters remain unresolved and/or who are attempt to represent themselves. It is also a factor likely to

further discourage private practitioners from performing legal aid work, as the time in taking instructions and making an application is significant but lost to them if the result is a refusal.

Different stage of matter models across jurisdictions are linked to the different stages in proceedings in the registries of the Family Court of Australia. NLA has raised the issue of the need for one events based model rather than the three which presently exist, ie LACs, the Family Court of Australia and the Federal Magistrates Service.

PDR programs in LACs:
Most Legal Aid Commissions provide or are in the process of establishing primary dispute resolution services through family law conferences in which parenting and parenting/property matters may be resolved. PDR services are fundamentally different from the litigation pathway (court process) in that they allow parties with the assistance of an independent third party to explore options and tailor their agreement to suit individual needs of each family. PDR services can be used at different stages in the dispute eg. in early intervention before any court processes have been commenced and late intervention after court proceedings have been commenced. PDR services at LACs are different to those conducted by community based organisations because parties have the ability to be legally represented in conferences conducted by Legal Aid Commissions so that their interests are protected and with a view to obtaining finalisation of matters between by facilitating the consent order process.

PDR services consist of counselling, mediation, arbitration, conferencing and other means of conciliation and reconciliation. Not all matters are suitable for primary dispute resolution, eg those where child protection issues exist, there is a risk of child abduction, or where clients do not have the willingness or capacity to freely participate in the process due to the existence of domestic violence, mental illness, or drug and alcohol abuse.

The benefit of PDR by Legal Aid Commissions is that many disputes are resolved which would otherwise need to progress through litigation which is costly and, with limited financial resources, if PDR services were not available, Commissions would fund fewer people. The benefits to clients using PDR include:

- parties remain parents after the dispute and ongoing communication must still occur. PDR processes provide the opportunity for parents to tailor an agreement to suit the individual needs of their case.
- The PDR process can help parties reduce areas of misunderstanding and tension and provide them with some skills for dealing with disputes that may arise in the future.
- Matters are resolved more quickly and more cost effectively than proceeding to a contested court hearing.

State Based Family Law Related Issues:
Parties are still required to attend two different courts if they have both "Commonwealth family law matters" eg residence and contact and "State family law matters" eg domestic violence, child abuse and/or defacto property. Two separate grants of aid are also required to be made because of the administrative and financial requirements the result of the current basis of funding from the Commonwealth. This

situation is understandably confusing for the parties who believe they have one problem but can for example, be embroiled in 3 or more different sets of proceeding occurring in 2 or more Courts.

Recommendation 10 of the Senate and Legal Constitutional References Committee's Inquiry into the Australian Legal Aid System[7] was:
The Committee recommends that the Government should:

- Either provide an adequate level of funding for legal assistance for actions taken under state/territory law against domestic violence;
- Or enhance the remedies available under Commonwealth law against domestic violence, and then ensure that adequate legal aid funding is provided to enable victims of domestic violence to access those remedies.
- If it pursues the latter option, it should be as an interim measure provide adequate funding to the states/territories until the new Commonwealth remedies are operating and legal aid funding is available.

Under-resourcing of the Courts:
This is referred to in detail under under TOR (c). People in regional, rural and remote areas face further difficulties in this regard.

Civil Law Matters:
Many civil law matters are "state matters". Whilst Commonwealth and State guidelines make provision for representation in some civil matters, some LACs are constrained by limited funding and the need to prioritise the provision of assistance. LACs take the view that family law matters involving children and criminal law matters where the applicant's liberty is at risk must take precedence. As a result LACs are not able to meet the extent of community need for assistance in civil law matters.

Some of this unmet need is met by private practitioners prepared to pick up the work on a speculative basis, sometimes with access to disbursement only funds. There are however, many people whose cases are not sufficiently attractive for a private practitioner to pick them up. CLCs also focus on particular areas of civil law such as tenancy, social security, debt and credit, the environment and migration. These CLC services go some way to help fill the gaps in service provision.

Immigration:
In the case of migration law, the current guidelines only allow funding to be provided in test case matters in the Federal or High court. Assistance for earlier stages including primary stage application can only be provided through contracts administered by the Department of Immigration. It is not appropriate for the DIMIA to be administering these funds given that DIMIA is also the decision maker in these applications and the respondent in cases where decisions are disputed. It is appropriate that funding for primary stage applications be restored to the LAC. This is likely to reduce the costs incurred by the justice system as a result of poorly advised or prepared applicants, or self represented applicants.

The requirement that there be "*differences of judicial opinion"* before legal aid can be

[7] Third Report, June 1998 at page 79

granted for judicial review proceedings is very narrow and means disadvantaged clients with meritorious cases are denied assistance.

The Immigration Advice and Application Assistance Scheme administered by the Department of Immigration provides representation to only a small number of disadvantaged people in the community applying for visas to the Immigration Department or to review tribunals. Immigration Department statistics indicate that, Australia wide, in the financial year 2001-02, representation was provided under the scheme in 398 non-detention cases. Given that there are over 8000 Temporary Protection Visa holders applying for further visas, many of whom are unable to pay for representation, the current system clearly does not provide access to justice for this disadvantaged group.

Other Legal Aid Services for which a grant of aid is not a precondition
NLA repeats its earlier expressed concern that sometimes a grant of aid and representation is necessary and other services will not suffice. To the extent that people are ineligible for or are refused a grant of legal assistance Commissions will refer people to different Commission services or other organisations as appropriate. Whilst all LAC services are well utilised, if a person has made an application for a grant of legal assistance it is usually because they have already reached the litigation stage and are asking for more than other services can offer. In these circumstances, whilst the services provide some relief they are by their very nature insufficient for the needs of these people.

The Family Court of Australia is faced with increasing numbers of self representing litigants and has approached LACs to assist with providing "unbundled" services to people. The "Legal Aid and Self-Representing Litigants" report also found that "other non-means and merits tested, non-representation services provided by the Legal Aid Commissions proved to be an important source of assistance for self-representing litigants. Interactive services such as legal advice sessions, telephone or in person advice, assistance with documents and letters, and duty lawyers, were the most frequently used services. It is clear that these services perform an important role for those litigants who are otherwise ineligible for legal aid and are self-representing as a result".[8] Whilst LACs will continue to assist to the extent that they can, Directors are concerned that "unbundled services" are not perceived as a cheap alternative to representation or that they are provided to people who have chosen not to make an application for aid (eg persistent litigants who are using the Court as mechanism for harassing a former partner), or who are ineligible for aid as their case is unmeritorious. If legal aid services are provided to this group of people it comes at the cost of reduced grants of legal assistance for those who do want and are eligible for such a grant.

NLA also notes that the provision of "unbundled services" in some situations could also jeopardise a litigant's best case. This becomes more likely the further down the litigation path an applicant has proceeded, eg in preparation for a final hearing or trial.

Recommendations for TOR (b):

[8] ibid Page vi

1. That funding to Commissions be increased so as to enable the raising of the level at which the means test is set in each jurisdiction.
2. That the Commonwealth & States provide sufficient funding to enable the funding of all matters that meet the guidelines.
3. That the Commonwealth provide funding for all family law and family law related matters that are related to family law including those matters which are presently not covered by the "Commonwealth matters" definition.
4. That in instances where there are legislative or policy changes (including changes to the proposed guidelines) that will increase the likely demand for legal aid funds that the Commonwealth and States ensure that there is a concomitant increase in funding to Commissions.
5. That Funders, purchasers and providers work together to develop strategies for the delivery of legal services to the community.
6. That a one Court policy for all family law and family law related matters be pursued and that the Commonwealth legislate accordingly.

TOR 3: The impact of current arrangements on the wider community, including community legal services, pro bono legal services, court and tribunal services and levels of self-representation:

1. The wider community:
Current funding arrangements do not sufficiently allow for the involvement of communities in the design of legal services so as to ensure they will be appropriate and used to maximum advantage.

The capacities of LACs across the country to grant aid for particular matter types are very different as a result of the limited funding received and the fact that LACs have no option but to prioritise applications for assistance. In some jurisdictions applications are refused even where the applicant's matter is of a type provided for by the guidelines and meets the means and merits tests. This results in a lack of equity of access to justice and nowhere is this more glaring than in connection with civil matters. There is also a lack of parity in services to rural and remote areas.

2. The ATSILS
NLA refers to its response under TOR 1 and notes its concern that the ATSILS are underfunded and therefore in some jurisdictions not always able to provide the grants of representation or services to indigenous people.

3. CLCs
The expertise of CLCs generally lies in "poverty law" areas where the private legal profession generally has limited involvement, for example, social security law, immigration, domestic violence, tenancy and consumer credit. As mentioned above LACs and CLCs work co-operatively in each jurisdiction to maximise access to justice for people.

4. Private Profession
The legal aid system as administered by Commissions has been and remains dependent on the assistance of private practitioners to function. In the context of legal aid programs administered by the LACs, one of the most important services that private practitioners offer is the provision of services in remote areas.

The response to the 2002 survey of family law practitioners was limited but the survey results include findings, inter alia, that 28% of respondents nationally had decreased the amount of legal aid work they did in 2000/2001 from what they had done in 1999/2000. A further 15% indicated that they had ceased doing legal aid work prior to 1999/2000. The vast majority of respondents indicated that the overwhelming reason for decreasing legal aid work was as a result of the low fees paid by legal aid commissions.

The Senate Legal and Constitutional References Committee in its third report on the Inquiry into Australian Legal Aid System said that "the bulk of the evidence to the Committee suggested the competency of representation was likely to suffer seriously unless payments [to legal aid practitioners] were increased". The Committee recommended that

- the rates of payment to practitioners be set by the legal aid commissions at sufficiently high rates to ensure that competent representation continues to be provided to those receiving legal aid;
- the Commonwealth provide sufficient funding to enable them to do this; and
- greater efforts be made to continuously monitor the quality of representation provided under legal aid funding.[9]

An examination of the fees paid to legal aid practitioners over the years since the Third Report of the Inquiry into the Australian Legal Aid System[10] shows that increases in the fees over the period have generally not been significant.

In rural areas there are often no legal aid commission offices and legal aid is delivered by private practitioners. In small rural communities, if practitioners refuse to undertake legal aid work, this can mean that no legal aid is available to people in those communities.

Whilst NLA agrees with the finding of the Senate Inquiry that issues of competency, or rather the experience of practitioners doing legally aided work is at stake, the problem is more serious than this in that it is also about the existence of services at all. In this regard the Commonwealth must consider not only increasing funding so as to enable fees to be increased to maintain the interest of the private practitioners in performing family law work but should also develop strategies and incentives for recruiting lawyers to the regional and remote areas.

5.Pro bono

Many private practitioners perform pro bono services, often by volunteering at CLCs. The PBRC is also working to encourage practitioners to pick up work that would not be legally aided and might otherwise not be attended to. NLA has been working with the Pro Bono Resource Centre in this regard. NLA is concerned however that private practitioners are unlikely to pick up cases pro bono where there is little or no prospect of fee recovery or which are not sufficiently significant to attract publicity or attention to the firm – which is after all a business and must bring in enough to survive. Given the difficulty attracting private practitioners to do legal aid work, which whilst paid at low rates is nevertheless paid, LACs are concerned about the increasing tendency of

[9] Third Report, June 1998, Recommendation 5 at page 52.
[10] Senate Legal and Constitutional References Committee. June 1998.

the Commonwealth Government to promote pro bono services as the answer to gaps in service provision, particularly in the areas of ongoing case work and representation. Whilst the prospect of obtaining free legal services is no doubt attractive to funders and providers, pro bono services will not be able to fill even the known gaps because ongoing case work is very resource demanding. Private practitioners run businesses. They have been encouraged to become very competitive and as a result are not as able as they were previously to do loss making work, even if paid at legal aid rates, and especially for nothing.

6. Self representation

Chief Justice Murray Gleeson has commented that:
"..the expense which governments incur in funding legal aid is obvious and measurable, but what is real and substantial, is the cost of the delay, disruption and inefficiency which results from the absence or denial of legal representation. Much of that cost is also borne, directly or indirectly, by governments. Providing legal aid is costly. So is not providing legal aid."[11]

NLA refers to its response to TOR (b).

The Third Report of the Inquiry into the Legal Aid System said of Litigants in Person:
"The Committee considers that the percentage of litigants who appear unrepresented and changes in this percentage over time can be used as indicators of how well the system is operating"[12]. "The Committee has found, however, that there is no comprehensive data available on the percentage of cases in which parties appear unrepresented."

Recommendation 3 of that report was that "that in order to assist in measuring how well the legal aid system is operating, the Government should collect, analyse and publish annual data on unrepresented litigants appearing in the Family Court, the Federal Court, the state and territory Supreme Courts and District/County Courts, and the courts hearing appeals from those courts"[13].

Recommendation 4 of that report was that "the Committee recommends that the Government examine and report on whether savings made by denying legal aid are outweighed by the extra costs imposed on the public purse by unrepresented litigants." [14]

NLA respectfully suggests with regard to recommendation 4 above that the real issues are not about cost. The real issues are
(i) that without adequate legal representation for both parties there is a risk that justice will not be done, and
(ii) the emotional strain placed on litigants when they must deal with what is often the most important issue of their lives in circumstances which they find unfamiliar and

[11] M Gleeson 'The state of the judicature' *Speech* Australian Legal Convention Canberra 10 October 1999 cited in ALRC report above.
[12] Ibid. at p.29, para 3.21.
[13] Ibid at p.30
[14] Ibid at p.36

intimidating. This strain is much greater when the litigant must represent him or herself.

Further to the "Legal Aid and Self-Representing Litigants" report anecdotal evidence suggests that the number of self-represented litigants in summary criminal matters in Magistrates Courts is also increasing in some jurisdictions due to inadequate legal aid funding to provide representation in all matters. There are also significant numbers of people appearing unrepresented before the Federal Court, High Court, the Administrative Appeals Tribunal (AAT) and the Refugee Review Tribunal. The Commonwealth guidelines in connection with immigration matters are particularly restrictive and have been referred to above in NLA's response to TOR (b)..

6. Courts and Tribunals:

LACs contribute to the smooth running of the Courts and Tribunals through the provision of grants of legal assistance assigned to legal practitioners, the duty lawyer services, the provision of advice and minor assistance, information and community legal education. Duty lawyers in particular are often requested by the Courts to assist in cases where litigants are unrepresented. Family Law duty lawyer services cannot operate in all jurisdictions because of conflict issues.

The capacity of legal aid to assist clients and the attractiveness of legal aid work to private practitioners is affected by court related factors which drive up the cost of litigation.

Significant delays are experienced throughout the family law system - in both the Family Court and Federal Magistrate's Service. Delay has serious effects on access to justice. Delays increase the cost of litigation. Further evidence often needs to be obtained and placed before the court either because the initial evidence has gone "stale" – expensive reports by court experts, for example, child and family psychiatrists often need to be updated because of delay. During drawn out proceedings, there are likely to be more court events, including interim applications which are made to address urgent issues while the parties wait for a final hearing. Again this adds to costs. It is also common that matters listed for interim hearing are adjourned because there is insufficient court time to deal with them on the first occasion. Costs to the parties escalate because of this.

At present, for example, the Family Court in Sydney has delays of up to 8 months to obtain a prehearing conference, which will then allocate a hearing date. If all parties have not followed court directions to have their affidavits prepared and filed by a prescribed date before the pre-hearing conference, the date will be lost, and there can be a wait of approximately 8 months to obtain another conference date.

The extra costs incurred as a result of delay make legal aid work, which is unable to compensate for these systemic problems in its pay scales, less attractive. The extra time spent also reduces the number of clients which a practitioner can assist and so reduces the efficiency of practice.

Such delays also add stress to children. The Magellan project is a Family Court initiative, which aims to provide tighter management and quicker hearing to matters involving serious new allegations of child abuse. The project is based on more

intensive court resources and co-ordination between the Court and child welfare agencies. From at least the court management aspect, it is an example of what is required in all matters raising serious issues about the welfare of children. Courts need more resources to address delay.

Recommendations re TOR 3:
1. That funding to the ATSILs is increased to meet the extisting need.
2. That the Commonwealth Government recognise that there are numerous legal information and advice services across the country but that information and advice services whilst less expensive than representation do not provide an adequate service for people who are necessarily involved in litigation.
3. That it is recognised that the unbundling of legal services, whilst capable of providing some relief for litigants is not an alternative to representation and that budget and cost cutting should not be the drivers of what services are appropriate.
4. That funding is provided to Commissions so as to enable them to increase fees to lawyers that do not bear a ridiculous relationship to market rates.
5. That the Commonwealth cease to rely on the goodwill of the private profession in performing pro bono work and recognise that pro bono services will never be sufficient to replace properly funded legal services.
6. That the Commonwealth increase resources to the Court so as to reduce the delays currently experienced around the country.

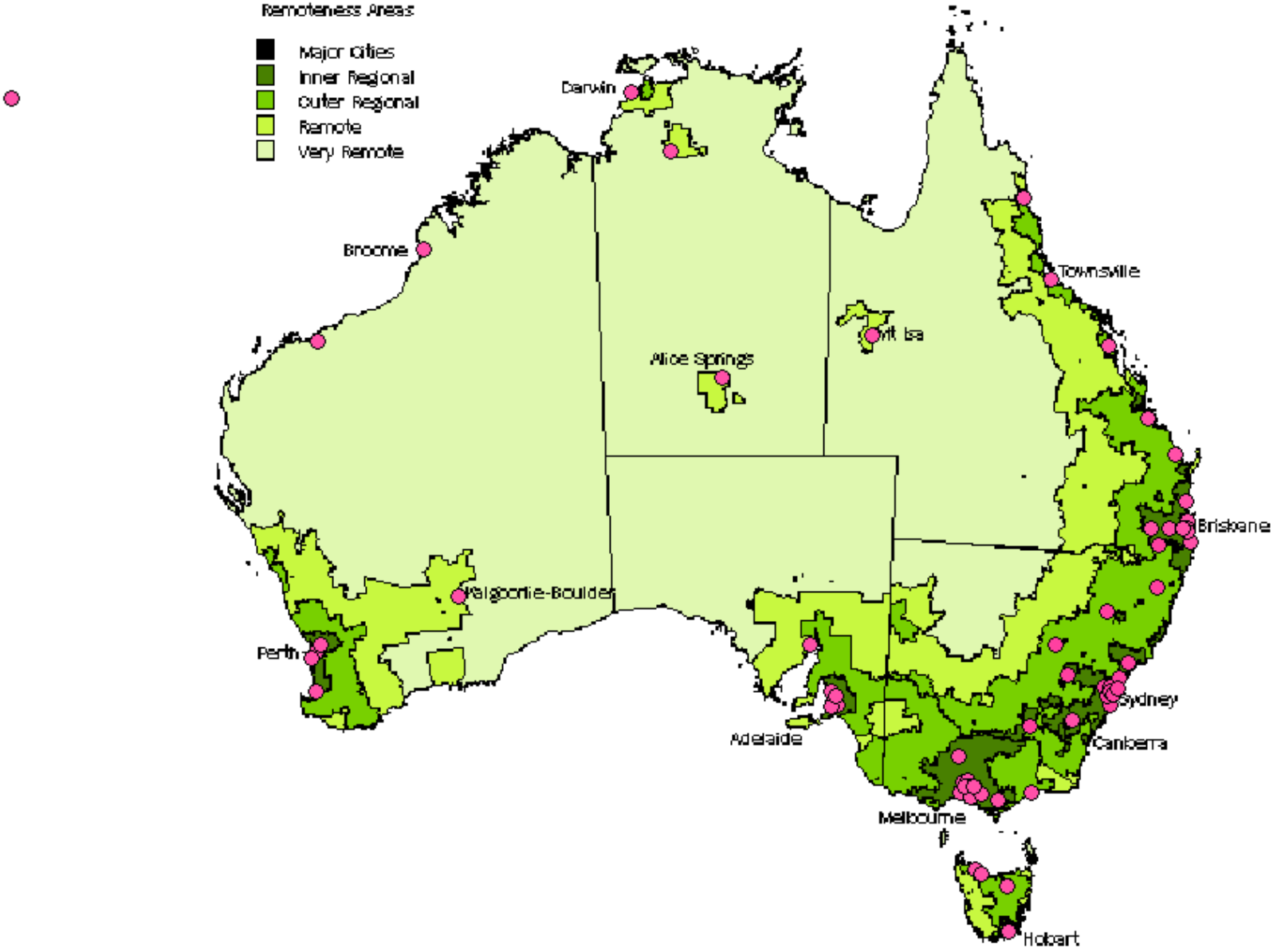
End TOR.

Conclusion:
NLA thanks you for the opportunity to make this submission. Please can you acknowledge receipt of it. Further information to exemplify the concerns raised in this submission can be provided should you so require it and please do not hesitate to contact us. We look forward to your response.

Yours faithfully,

N.S.Reaburn
Chairperson
National Legal Aid

ATTACHMENT A



ATTACHMENT B

Northern Territory Legal Aid Commission
Office: 6th Floor, National Mutual Centre, Cavenagh Street, Darwin
Other offices: Alice Springs and Katherine
Main switchboard: (08) 8999 3000
Legal information only: 1800 019 343
Website: www.ntlac.nt.gov.au

Legal Aid Commission of the ACT
Office: 4 Mort St, Canberra
Main switchboard: (02) 6243 3411
Information and advice: 1300 654 314
Website: www.legalaid.canberra.net.au

Legal Services Commission of South Australia.
Office: 82-98 Wakefield Street, Adelaide
Other Offices: Elizabeth, Holden Hill, Noarlunga, Port Adelaide, Whyalla
Main switchboard: (08) 8463 3555
Legal advice and information: 1300 366 424
Website: www.lsc.sa.gov.au

Legal Aid Queensland
Office: 44 Herschel Street, Brisbane
Other Offices: Cairns, Townsville, Mount Isa, Mackay, Bundaberg, Rockhampton, Maroochydore, Caboolture, Toowoomba, Inala, Ipswich, Woodridge, Southport
Main switchboard, information and assistance: 1300 65 11 88
Website: www.legalaid.qld.gov.au

Legal Aid Commission of NSW
Office: 323 Castlereagh Street, Sydney
Other Offices: Bankstown, Blacktown, Burwood, Campbelltown, Coffs Harbour, Dubbo, Fairfield, Gosford, Lismore, Liverpool, Manly, Newcastle, Nowra, Orange, Parramatta, Penrith, Sutherland, Tamworth, Veterans Advocacy: Wagga Wagga, Wollongong
Main switchboard: (02) 9219 5000
Legal advice and information: 1300 888 529
Website: www.legalaid.nsw.gov.au

Legal Aid Commission of Tasmania
Office: 123 Collins Street, Hobart
Other Offices: Launceston, Burnie and Devonport
Main switchboard: (03) 6233 8383.
Legal advice and information: 1300 366 611
E-mail: info@legalaid.tas.gov.au
Website: www.legalaid.tas.gov.au

Legal Aid Commission of Western Australia
Office: 55 St Georges Terrace, Perth
Other Offices: Fremantle, Midland, Bunbury, Broome, Kalgoorlie, South Hedland,

Christmas Island
Main switchboard: (08) 9261 6222
Information and advice: 1300 650 579
Website: http://www.legalaid.wa.gov.au

Victoria Legal Aid
Office: 350 Queen Street, Melbourne
Other Offices: Bendigo, Morwell, Bairnsdale, Geelong, Broadmeadows, Dandenong, Frankston, Preston, Ringwood, Shepparton, Sunshine
Main switchboard: (03) 9269 0234
Legal information and advice: (03) 9269 0120 (or 1800 677402 for information only)
E-mail: For legal information: getinfo@vla.vic.gov.au
Web-site: www.legalaid.vic.gov.au