

Review of community legal centres (CLC) services

A review is proposed to assist the NSW Government to ensure CLC legal assistance services are directed to people most in need, to improve the efficiency and effectiveness of CLC service provision and to assist the NSW Government plan how best to distribute available funding to CLCs to respond to demand and support access to justice.

The delivery of Commonwealth funded legal assistance services by community legal services is outside the scope of this review.

The review will commence in September 2017 and report to the Attorney General by mid December 2017. The review will consult with stakeholders including Legal Aid NSW and the CLC sector.

Terms of reference for the review

1. The review will catalogue the type, scope and geographic spread of activities of CLCs in NSW.
2. The review will provide recommendations on the type, scope and geographic spread of activities of CLCs that should be funded by the NSW government, having regard to matters including, but not limited to:
 - a. the type, scope and geographic spread of legal assistance services also provided to priority clients by the NSW Legal Aid Commission;
 - b. the most significant legal needs experienced by disadvantaged people arising from the operation of State law;
 - c. the most significant service gaps in legal assistance service provision to disadvantaged people;
 - d. which types of legal assistance services CLCs should provide, including specialist and generalist legal services, in which locations;
 - e. whether government-funded services should be provided to a broader group of low income clients, and not just those considered to be at most disadvantage;
 - f. whether funding should be allocated to centres which, because they provide national services in addition to services to NSW clients, are not currently funded as NSW CLCs;

- g. whether CLCs should play a role in the delivery of the NSW Government's Civil Justice Strategy (which is still in development) and, if so, what that role should be; and
 - h. whether there is any duplication in the legal assistance services presently delivered by CLCs and the NSW Legal Aid Commission, and options for reducing that duplication.
- 3. The review will provide recommendations on funding levels required to enable CLCs to deliver the legal assistance services that the review considers should be provided by CLCs, having regard to matters including, but not limited to:
 - a. the benefits that are expected to accrue to the community , the justice system, and the government and non-government sectors; and
 - b. measures that should be put in place to maximise the efficiency and effectiveness of CLC service provision, having regard to the need to minimise administrative burdens and maximise front line service delivery;
 - c. the extent to which the delivery of the legal assistance services that the review considers should be provided by CLCs is best facilitated by use of a recurrent funding model, a program based funding model, a combination of these funding models or by some other funding approach.
- 4. The review will recommend a refined funding model for informing the allocation of the funding available for NSW CLCs. In developing the refined funding model, the review will have regard to:
 - a. the need to provide sufficient stability in funding arrangements to allow for effective planning and service provision;
 - b. direct legal assistance to disadvantaged people who do not have the means (financial or other) to access private legal services being the highest priority for state government funding;
 - c. what impact, if any, funding or potential funding from other sources should have on the allocation methodology;
 - d. the type, scope and geographic spread of present activities of NSW CLCs; and

- e. transitional arrangements for CLCs that would be affected by any changes in the funding model.

Notes

1. In relation to the refined funding model, the review should not adopt a methodology that determines allocations only by reference to an assessment of socio-geographic need and the geographic proximity of CLCs to areas of high such need. Rather, the methodology should have due regard to the types of services provided by CLCs and the extent to which CLCs deliver targeted services to those most in need that effect measurable change for the better.
2. The refined funding model should be scalable having regard to available funding allocations in any financial year. This being so, the review may find that different CLC sector total annualised funding thresholds trigger the applicability of different allocation methodologies.
3. In undertaking its work, the review should have regard to, among other sources, the Productivity Commission's Inquiry Report: Access to Justice Arrangements (September 2014); the Law and Justice Foundation's Report – Legal Australia-Wide Survey: Legal Need in New South Wales (August 2012); and the National Partnership Agreement on Legal Assistance Services. The review will also have regard to the Department of Justice's recent and ongoing work on the civil justice system.
4. The Review should have regard to the Public Purpose Fund and the quantum of funding available for CLCs from the PPF and other State sources.