

**FEDERATION OF COMMUNITY LEGAL CENTRES
(VIC.) INC. SUBMISSION REGARDING REVIEW OF
COMMONWEALTH STATE COMMUNITY LEGAL
CENTRE FUNDING PROGRAM
IMPLEMENTATION ADVISORY GROUP - TERMS OF
REFERENCE***

20 MAY 1999

*** Please note that a detailed submission critiquing significant aspects regarding Impact Consulting's report will be forwarded to the IAG shortly.**

This submission is subject to formal ratification at a General Meeting of the Federation of Community Legal Centres (Vic.)

INTRODUCTION

This submission from the Federation of Community Legal Centres has been kept brief, as we anticipate that we shall be able to discuss key areas once the Issues Papers are released. In addition, a detailed critique of significant aspects of the report prepared by Impact Consulting will be forwarded to the IAG in the very near future.

In undertaking the review of CLCs, Impact Consulting failed to assess 'legal need' in the community. The ToR for the IAG likewise fails to address this issue. It is extraordinary that recommendations for changes to CLCs may be made in the absence of any clear understanding of legal need in Victoria. CLCs on the other hand have their own day to day experience at the coal face which is unambiguous: demand for legal services vastly outstrips service capacity.

'Legal need' also needs to be reviewed in the context of a social, economic and political environment. The IAG would be advised to consider the factors which currently impinge on legal need such as gambling, drugs, unemployment, homelessness, law and order policies etc. CLCs are responsive to such changes which are to a great extent, the results of changes in government policies: much of our work currently relates to state abrogation in social, human and legal areas.

Another failing of the Impact report is the lack of comprehensive understanding as to what CLCs are and what they do. There is little historical and comparative data about CLCs on which IAG can base any decision in regard to the efficiency and effectiveness of CLCs. A case for change should be made on the basis of knowledge rather than on assumptions. Uncritical support for alternative models under these circumstances undermines the credibility of the review process.

ADDRESSING THE TERMS OF REFERENCE

Term of Reference 1: Consistent and equitable distribution of CLC service resources throughout Victoria including consideration of:

- ***a regional model of generalist CLCs;***
- ***optimal geographic boundaries for metropolitan CLCs to enhance equity of access to CLC services.***

It is of grave concern to the Federation that these TOR appear to imply that it is possible, given existing funding levels, to provide increased CLC services across the state. It is critical that the IAG analyse this assumption. There are clearly insufficient funds to fully service the existing areas in which centres are located. The value of providing 'consistent' and 'equitable' but paper thin services across the state is questionable. The IAG must not shy away from making recommendations regarding the need for additional funding.

Consideration of this TOR should ensure that the non- CLC Funding Program resources, financial and otherwise (community support, volunteers, in kind support), which are accessed by Victorian CLCs are recognised and factored into IAG deliberations.

The fact that the majority of centres developed from local community initiatives in response to identified legal need is central to centres. The implications for the nature of CLCs of imposing a 'top down' model should be carefully considered and critically analysed.

Equitable distribution of CLCs service resources

Any assessment of TOR 1 requires analysis and application of appropriate socio-economic disadvantage indicators across geographical regions, and, importantly, the development of a comprehensive indicator of legal need which deals with the specific issue of legal disadvantage. Only after such an indicator is developed and applied across geographical regions can any assessment begin to be made as to an equitable geographic distribution of CLC resources across Victoria. Indeed, the Federation believes that the development of an agreed set of indicators of legal need is a critical precursor to analysis of many aspects of the TOR's.

In its July 1998 report, Impact Consulting relied on a model that uses eligibility for a health care card as a criteria for determining legal need and eligibility to access CLC services. This reflects a model which is increasingly being used as an indicator of social and economic disadvantage. Unfortunately, it is unsatisfactory in the context of the Review of the CLC Funding Program for the following reasons:

- a) It is a narrow, imprecise and unreliable indicator of social and economic disadvantage. To rely on health care card eligibility as a general indicator of poverty results in the exclusion of many disadvantaged people and groups, for example:
 - people who can only obtain access to part time or casual employment, whose income disentitles them to a health care card;
 - people who are cut off from social security payments who have appeals pending before the SSAT;
 - spouses whose partners are working;
 - families reliant on one income;
 - recent immigrants not yet entitled to social security.
 - Young people who do not have an independent income and who are not eligible to hold a health care card.
- b) Whilst socio-economic disadvantage is often associated with legal need it must be emphasised that legal need is not confined to that measure.

Consistent distribution of CLC service resources

To begin with, there must be a restatement and agreement as to what CLCs are and about the services which they provide. There must also be commitment to ensuring that the comprehensive range of services are available through all funded organisations.

A model for consistent distribution of CLC service resources must also be developed before an assessment can be made as to appropriate allocation of resources to effect this. In determining such as distribution, the IAG must be mindful that certain specific issues of legal need are distinctly relevant in certain communities. Hence, CLCs have often developed areas of specialty and priority to address specific issues of legal need in their communities. Accordingly, within the model there needs to be a framework which ensures that centres continue to be able to prioritise and develop specific strategies to deal with the particular legal issues arising in their respective communities.

Regional Model

Some Victorian CLCs already operate on a regional level. The operating structures and experience of these centres, and in particular Peninsula Community Legal Centre, should be considered in the examination of this issue.

It is critical that the IAG recognise that there are a number of potential regional models. It is also critical to acknowledge that a regional model is only one model for the delivery of CLC services, a range of other models have developed in response to expressed and perceived community needs. The benefits and costs of each of these need to be described and assessed against a defined set of criteria. If a standardised regional model for generalist CLCs is proposed, a comprehensive cost benefit analysis must be undertaken.

In particular, an analysis of the impact on volunteer involvement and contribution to Community Legal Centres of moving to a standardised and regionalised model, must be undertaken. It is our current belief that there may be a substantial loss of volunteers if amalgamations occur.

Term of Reference 2: *Ensuring CLC services are accessible to persons most in need.*

Again, this requires as a first step, an appropriate assessment of legal need. For reasons discussed above, the use of health care card eligibility to determine such need is not, by itself, appropriate. Other indicators of socio-economic disadvantage may add to the picture but are still not specific to the issue of legal need.

Accordingly, the need to first develop an appropriate set of indicators or model which measures legal need is apparent.

The issue of need may also be impacted upon by factors such as what other services are available to potential service users. This raises the issue of how appropriate it is to review CLC service resources outside of the context of a review all legal aid and community services.

Term of Reference 3: *Identification of core CLC services and eligibility criteria including consideration of:*

- ***consistency in the provision of core services; and***
- ***regional factors in the provision of core services.***

In terms of addressing issues of consistency in provision of core services, the need to create a model that preserves the ability of centres to address, prioritise and respond appropriately to specific legal issues of local concern must be satisfied.

Also, in identifying core CLC services, consideration must be given to the important role of community development, networking law reform, volunteer support and training, and also community legal education. These activities assist in determining local legal needs, in raising the profile of the service in its community and enhances mechanisms for community input into service planning and delivery. Methods of such community development, networking, law reform, volunteer support and CLE will vary from community to community and from time to time. Flexibility and responsiveness are key elements of CLC service provision. Accordingly, it is necessary that an analysis of the inherent economies of scale of community development, community networking and CLE is undertaken.

Term of Reference 4: *Efficient and effective management and service delivery including consideration of:*

- ***Collaborative approaches to service delivery and administration functions***

Centres on individual, regional and Federation levels already participate in a range of collaborative approaches to delivery of services and administration. The benefits and implications of this are recognised. The work which has been undertaken previously or which is currently being undertaken should be acknowledged. It is recommended that additional analysis of the way in which resources may be better utilised in assisting centres and the Federation, to further this area of work, rather than in imposing specific approaches and expectations, is required.

An important aspect to consider in this area will be the need to assess the need to make additional resources available to enhance collaborative approaches, for example, including improving electronic and telecommunications systems between centres.

In addition, there needs to be consideration of how to address the issue of conflict of interest in casework, CLE, law reform and community development, and volunteer recruitment and service delivery within large geographical regions, if regionalised models are considered.

- ***The roles and structure of the Secretariat***

In considering the role of the Secretariat it must be recognised that the Secretariat is primarily a resource and advocate for CLCs. It has and will continue to undertake many activities which are seen to be of priority and benefit by both the membership and the Funding Program administrators. However, the credibility of the Secretariat and its value will be undermined if it is placed in the position of having its funding linked to being an "administrative arm of government".

Through the Secretariat key co-ordination, communication, advocacy and resourcing functions are undertaken. These functions assist member centres to provide services which are independent, innovative and responsive and which are effective and efficient.

The Secretariat promotes co-operation and communication between member centres, funders and other relevant organisations on statewide and national levels. Through the Secretariat the views of centres and their communities are represented in a variety of forums, including to governments, the legal system and the media. The Secretariat promotes the work of the membership. Information is provided to the public about relevant services, activities and issues. The Secretariat provides a point through which the public can access CLC services and raise issues.

As a key player in the legal aid and community sectors, it is important that Community Legal Centres are organised and co-ordinated. Given the drastic constraints on legal aid funding, it is essential that centres are able to make the most effective use of the resources available to them and the communities which they serve. Through a range of strategies the Secretariat assists members to achieve these objectives.

The Secretariat staff work closely with Victoria Legal Aid Community Legal Centre Funding Program staff and maintain links with Commonwealth CLC Funding Program staff. Part of the Secretariat's role is to streamline communication and activities between centres and the Program administration. Through these links, and in resourcing centres to achieve their objectives individually and collectively, the Secretariat assists the Commonwealth State Community Legal Centre Funding Program to achieve its objectives.

- ***Appointment processes and selection criteria for management committees***

Any consideration must encompass issues concerning the economies of scale and importance of management committees being representative of the communities which they serve. Included in this must be consideration of models of community management in a regionalised structure, including the potential for community managed branches of regionalised centres.

Also, there needs to be consideration of the importance of having management committee membership of various stakeholders in the centres - both legal and non legal volunteers, community members, other community workers, as well as specific groups within the community such as indigenous people and those of NESB to ensure that the committee is representative and not dominated by professionals and lawyers.

Committees of management must be representative of, appointed by and accountable to the communities which the CLC serves.

- ***Training issues***

Training and other support and assistance to committees of management requires resources. The Federation, in part through the development of its training plan, recognises the collective role which centres can have in this area and is very keen to further develop this.

Term of Reference 5: Enhancement and support of the role of volunteers at CLCs

In considering options to enhance and support the role and contribution of volunteers, considerable attention must be given to the underlying reasons and motivation for volunteers, both legal and non legal, contributing their services. Included in this is analysis of the importance of such factors as community involvement and proximity, convenient access, sense of community ownership and participation in the organisation - not just as an unpaid worker but in a more strategic role.

Part of this consideration should involve direct consultation with volunteers at existing centres - undertaking qualitative research by visiting centres, both specialist and generalist, and interviewing a broad cross section of legal and non legal volunteers, from both large and small centres, inner urban, rural and regional centres.

A comprehensive survey of all volunteers at all CLCs should also be undertaken, to obtain quantitative information indicating the underlying reasons and motivations behind volunteers contributing their services to CLCs.

In addition, any consideration to move away from the existing model of service delivery (ie move to regionalised structures) must include an analysis of the potential impact on volunteer contributions in light of the abovementioned research. In particular, consideration needs to be given to appropriate strategies, the necessary infrastructure and the additional resources which will be needed to ensure that there is no loss of volunteer input.