

Community Legal Centres Queensland

State Budget Investment Proposal 2022-2025

Introduction

Queensland's community legal centres (CLCs) need to be adequately funded to respond to increased demand, complexity and urgency of legal problems, resulting from COVID-19 and population growth, for vulnerable and disadvantaged people experiencing urgent and complex needs.

This State Budget Investment Proposal includes seven recommendations across four key areas for the expansion of the Queensland Community Legal Services Program, currently funded under the National Legal Assistance Partnership Agreement 2020-2025.

Overall, we recommend the Queensland Government invest an additional \$18 million p.a. over three years into Queensland CLCs.

This extensive investment package outlines how this investment in vital social infrastructure will:

- Help meet the increased demand for CLCs in communities across Queensland
- Support Queenslanders pursuing their human rights
- Support legal assistance for domestic and family violence
- Ensure First Nations Queenslanders get the legal help they need through Family Violence Legal Prevention Legal Services
- Address and prevent service delivery gaps by providing more integrated services to Queenslanders
- Help the Queensland understand the legal needs of Queenslanders which can guide future government investment and planning in the legal assistance sector.

Our recommended investment strategies and initiatives to meet these goals are summarised below.

Summary of recommendations

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Background

What are community legal centres?

Community legal centres (CLCs) play a vital role in making Queensland a safer and fairer place to live, by ensuring that everyone has access to justice. CLCs have a positive impact and make a real difference.

Early legal assistance is an essential service, helping people navigate the challenges they face day-to-day. Without it, people's problems can spiral out of control, pushing them into poverty, homelessness, debt, and danger. This leads to more people interacting with public hospitals, police, courts, prisons, and the out-of-home care system.

CLCs are independent, community-run organisations that provide free legal help to people who cannot afford a lawyer or who are unable to get legal aid. There are 34 of these organisations across Queensland, providing free legal advice and ongoing representation and support.

CLCs support people with a wide range of legal problems including family and domestic violence, relationship breakdown, employment issues, debt and consumer problems, tenancy disputes and much more. As well as helping individuals with their legal and social problems, CLCs work to prevent problems from arising or escalating through community legal education and working with government and other bodies to improve unfair laws and processes.

Who are our clients?



Who is Community Legal Centres Queensland?

Community Legal Centres Queensland is the peak body for Queensland's 34 CLCs and we work with those centres towards our vision for a fair and just Queensland. Our mission is to be a voice for the sector; to lead and support CLCs to deliver quality and accessible services to vulnerable and disadvantaged people; and to bring about change for individuals and communities.

Positive impact on vulnerable and disadvantaged Queenslanders

Our 2020-2021 Impact Report (**enclosed**) highlights the positive impact Queensland CLCs have on stakeholders and work for the future to meet the legal needs of vulnerable and disadvantaged Queenslanders. Our Impact Report demonstrates that Queensland's CLCs have a significant impact on communities across the state, providing:

- Appropriate and effective client-centred services to almost **53,000 clients** each year, tailored to meet the diverse access needs of vulnerable and disadvantaged people and communities, which makes an important difference to people by improving their safety, wellbeing and inclusion in society
- Increased knowledge and access to legal and social support for clients through collaborative partnerships and referral pathways with community partner agencies, and community legal education and information services
- Essential support to the justice system to help it operate efficiently and effectively for all parties, including enabling clients to effectively navigate the system and informing decision-makers to enable them to make just policy and practice decisions
- Meaningful professional relationships with and positive experiences for hundreds of committed volunteers, by harnessing the energy and expertise of volunteers in legal direct service delivery and support roles, which act as a service multiplier.

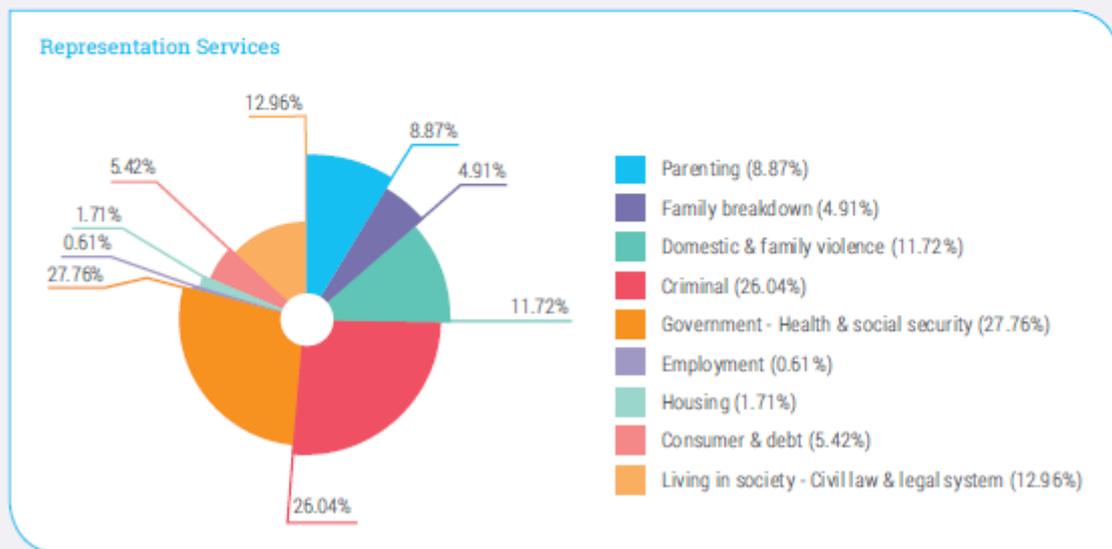
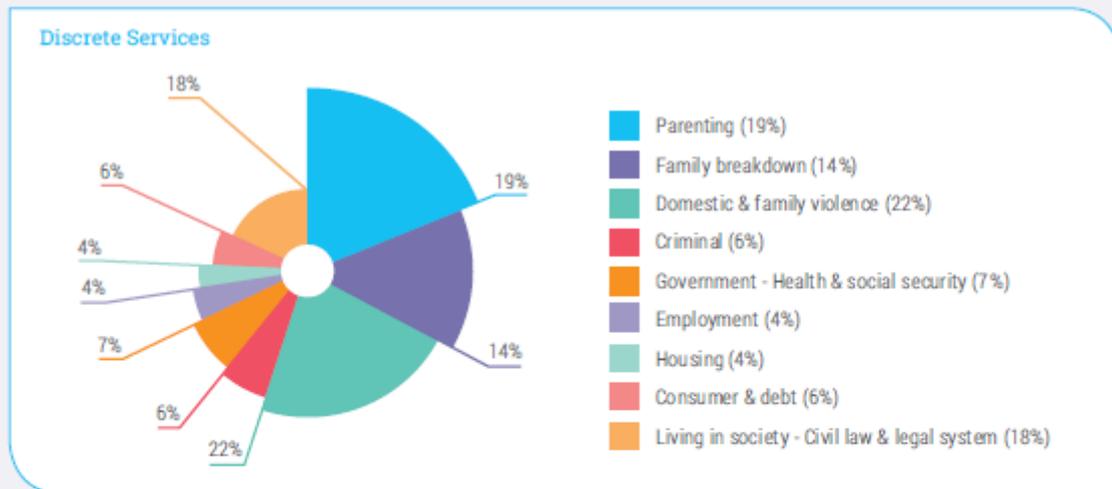
Continuing impacts of COVID-19 pandemic

The social and economic impacts of the COVID-19 pandemic have surfaced many legal issues that disproportionately harm the people and communities that CLCs support: those reliant on social security, living on low incomes or with insecure work, Aboriginal and/or Torres Strait Islander people, people with disabilities, renters, people experiencing or at risk of homelessness, and people experiencing domestic and family violence.

Many CLCs struggled to meet the demand for their services even before COVID-19 struck. We know from recent surveys of our member CLCs that the initial spike in demand for help from clients and communities because of the pandemic has continued to increase over time, and that the urgency of client need and the complexity of legal matters with which clients need help has also continued to increase, while at the same time there has been a notable decrease in volunteer numbers and available hours in CLCs.

As people and communities that have been impacted hardest by COVID-19 are going to take the longest to recover, we expect the pandemic’s impacts will continue to be felt by the clients and communities that CLCs serve for a number of years.

What legal problems did we help with this year?



Recommended investment strategies and initiatives

1. Fund access to justice to meet increased demand for CLCs in Queensland

Recommendation 1: Invest an additional \$5 mil p.a. to help meet increased demand for general community legal assistance services

Community Legal Centres Queensland welcomes the Queensland Government's decision to provide five-year funding agreements under the current National Legal Assistance Partnership (NLAP). These investments provide certainty and stability for many of our CLCs, allowing them to better respond to the legal needs of vulnerable and disadvantaged people.

Community Legal Centres Queensland also welcomes the recent Commonwealth Government's additional investment in Queensland CLCs of over \$35 mil over four years of the NLAP for legal assistance for vulnerable women (\$27.116 mil), supporting people with mental health problems (\$4.22 mil), and legal assistance for workplace sexual harassment (\$4.351 mil approx.). As outlined previously, with the impacts of the pandemic continuing to flow through a sector that was already struggling to meet demand, further funding support from Government is timely. A key constraint of the funding support provided by the Commonwealth, however, is the fact that it is tightly targeted to just three areas of legal need.

Queensland CLCs help almost 53,000 Queenslanders every year but turn away a further 80,500 people due to lack of resources. This unmet legal need in the sector is predicted to only increase, with the population of Queensland growing over the last three years and projected to grow by a further 1.4-2% over the next five years. Over the past 12 months alone, as a result of pandemic induced migration, Queensland's population has increased at the fastest rate in more than 30 years. Without additional resources for CLCs to meet overall demand, access to justice for vulnerable and disadvantaged people will become increasingly out of reach, and more people will miss out on the legal help they need.

Legal need and the context in which services are being delivered continues to shift and change over time, including in response to external events and disasters such as COVID-19. For CLCs to be adaptable to meet these emerging needs and respond to changes in demand profile, they require a high degree of flexibility and responsiveness, with broad based funding that supports centres to make grassroots decisions about targeting services to clients and communities most in need. Our Impact Report outlines the services delivered by Queensland CLCs in 2020-2021.

We know that CLCs in Queensland want to be able to employ more lawyers and social workers to meet client demand, have better systems in place to support increased services, deliver new programs or outreach to respond to emerging need or changes in demand profile, and work more collaboratively with community and legal sector partners to meet client need.

CLCs also continue to be a primary channel for the provision of practical and well-targeted legal information to vulnerable communities and priority groups as a key diversionary/early intervention approach. The ability of CLCs to provide insight to the grassroots impact of existing legislative and regulatory settings, as well as the potential downstream effect of law reform proposals upon clients and communities served by legal assistance services, is also a critical aspect of the value that CLCs bring to the justice system as a whole.

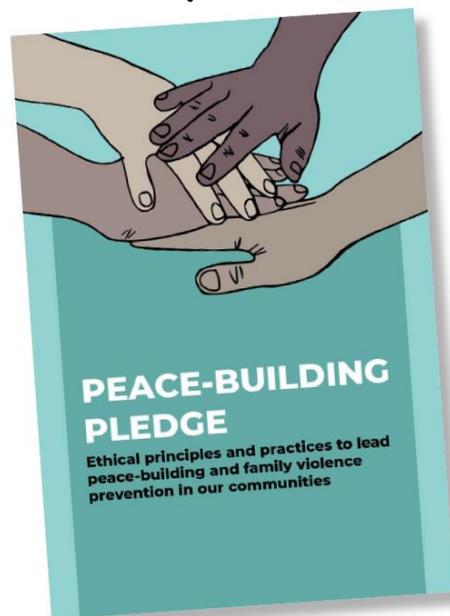
We therefore recommend that the Queensland Government invest an additional \$5 mil per year for the 3 years to June 2025 to support the provision of generalist legal services by CLCs across Queensland in all areas of legal need, providing increased capacity for CLCs to meet the ongoing and growing increase in demand for legal assistance generated by the pandemic itself and by continuing demographic and population changes.

Case study #1: Peace building and legal education for refugees

After deep engagement with 27 communities from refugee and humanitarian backgrounds, a generalist Queensland CLC identified a need in these communities for building a better understanding of family violence and how the law might impact them, and co-designed a 'peace building' family violence prevention program with community agencies and community leaders.

The program covered understanding and communicating conflict, violence and the law; extent and causes of family violence; ways to prevent family violence; getting to know and work more effectively with key services; strengthening skills in working with abusers to promote change and accountability; and resolution and restoration of the community.

The online program included the development of a leader's toolkit and a peace-building pledge, and is already creating changes in these communities, with community and faith-based leaders providing support to women experiencing violence, supporting inclusive family negotiations, and establishing closer relationships between the communities and service providers.



Recommendation 2: Invest an additional \$3 mil p.a. to support Queenslanders pursuing their human rights

The Queensland *Human Rights Act 2019* (Qld) has now been in force for nearly two years. CLCs are increasingly identifying opportunities to assist their clients to uphold their rights under the Act. Indeed, in a recent member survey by Community Legal Centres Queensland, human rights was identified by Queensland CLCs as the highest priority area for any new Government investment in the community legal assistance sector.

Aside from an early investment to support awareness and knowledge of the new Act, there has been no standalone line of funding to support the community legal assistance sector to assist clients to access their rights under the Act. The lack of resources for this complex work limits the capacity of CLCs to undertake human rights based matters.

We therefore recommend that the Queensland Government invest an additional \$3 mil per year for the 3 years to June 2025 to support CLCs to assist clients to access their rights under the *Human Rights Act 2019* (Qld).

Recommendation 3: Invest an additional \$3 mil p.a. to support the provision of domestic and family violence assistance

We know that domestic and family violence is the largest area of legal need being dealt with by many of our CLCs and has been exacerbated by the pandemic. It remains one of the top two areas of law for which targeted additional investment is a key priority for the sector.

Investment by the Queensland government will help support recommendations from the *Hear Her Voice* report and ensure an appropriate funding balance following significant investment by the Commonwealth to specialist women's CLCs.

Generalist CLCs and those delivering Domestic Violence Duty Lawyer Services are often called on to provide legal representation and services to respondents and children, as well as providing legal assistance in relation to DVO breaches. While not as high profile as the work with victim-survivors, it is nevertheless critical work that is also essential to the smooth functioning of the justice system and safety of applicants and children.

Additional investments by the Queensland Government will help to ensure appropriate balance is maintained in Queensland's legal assistance service system, following the very significant investments by the Commonwealth Government directed to one part of that system.

We therefore recommend that the Queensland Government invest an additional \$3 mil per year for the 3 years to June 2025 to support the provision of domestic and family violence community legal assistance services by generalist CLCs across Queensland.

Case study #2: Behaviour change and culturally appropriate support to keep families safe

Keeping women and children safe from domestic and family violence requires men to be held accountable for their violence and to access support to change their behaviour.



Imran emigrated from Iraq and was suffering from anxiety and war-related post-traumatic stress disorder (PTSD).*

In Queensland, he was facing charges for breaching a domestic violence protection order.

Drawing on their holistic approach, a generalist Queensland CLC provided a range of supports to Imran to help his behaviour change, including a referral to a culturally appropriate domestic violence and post separation parenting course, psychological counselling, and culturally appropriate mediation.

The CLC's representation ensured that a condition of Imran's probation order was to continue to take steps to support his behaviour change and mental health conditions.

Recommendation 4: Invest an additional \$1 mil p.a. for Family Violence Prevention Legal Services (FVPLS) to provide specialist legal assistance services to First Nations Queenslanders

Community Legal Centres Queensland welcomes the recent decision to make \$1 mil p.a. of additional Commonwealth Government funding available to FVPLS in Queensland (to be allocated via select tender). We note that Queensland's two FVPLS historically have been unsuccessful in securing funding from the Queensland Government and remain funded entirely by the Commonwealth Government.

First Nations people are around four percent of Queensland's population (2016 Census). Rates of domestic and family violence are catastrophically high for many people and communities, with First Nations women experiencing the worst rates of violence and abuse in the world.

We believe the time has come for the Queensland Government to contribute its own resources to the organisations working on the frontline to assist First Nations people affected by domestic and family violence.

We therefore recommend that the Queensland Government invest an additional \$1 mil per year for the 3 years to June 2025 to support FVPLS in Queensland to substantially increase their capacity to assist First Nations people and communities across Queensland who are facing violence and abuse.

Case study #3: Living free from violence with help from trauma-informed services

First Nations women are 35 times more likely to experience domestic and family violence than non-Indigenous women, according to the Queensland Government's Not Now, Not Ever report. When CLCs partner with community centres, it makes it easier for vulnerable women to overcome significant barriers to access timely legal help.

Sonya, a young Aboriginal woman, went to her local community centre in distress after her ex-partner had assaulted her and taken her two young children. A regional FVPLS worked closely with the community centre as part of an integrated service model to ensure Sonya didn't have to re-tell her story and relive her trauma, and sought urgent assistance from the court that the children be returned to her care.*

The court heard Sonya's application the same day, ordering that the children were to live with her and spend supervised time with their father. With the help of the CLC, the children were returned safely to her care the next day.



2. Fund new integrated services and partnerships in the community legal sector to support people with urgent and complex needs

Recommendation 5: Invest an additional \$5 mil p.a. to address and prevent service delivery gaps

We know from the recent member survey by Community Legal Centres Queensland, CLASS data and anecdotal reports from CLCs that the urgency and complexity of legal matters being faced by CLC clients is continuing to increase. Many clients present with multiple legal issues and are often at crisis point by the time they contact a CLC; and people receiving help from Queensland CLC now require an average of four visits to resolve their legal problem.

These trends have been exacerbated by the pandemic and are expected to continue to worsen as levels of social and economic disadvantage deepen in many of the communities that our sector helps.

With the increasing complexity of issues being faced by clients and the intersectionality of needs across multiple domains, the capacity to take a holistic and integrated approach to the delivery of legal assistance services is critical to preventing service delivery gaps, overcoming service barriers and improving accessibility. The use of integrated legal services and partnerships to ensure people's complex needs can be met has become an increased priority for CLCs, with the pandemic accelerating this trend.

Many of our CLCs are already moving in this direction, but have limited capacity to make real headway given that this way of working requires significantly increased people and time resources.

We therefore recommend that the Queensland Government invest an additional \$5 mil per year for the 3 years to June 2025 to support the community legal sector to develop and trial new integrated models of service delivery, including to build referral pathways and partnerships, upskill the CLC workforce in integration practice, support and educate other services and professionals to identify people with legal needs (problem identifiers), and undertake relevant research and evaluation.

Case study #4: University partnership improves human rights for prisoners

CLCs partner with universities to identify system issues and raise awareness about improving them. For more than 30 years, a specialist CLC has provided legal services to people in Queensland's prisons, many of whom have spent time in solitary confinement.

The CLC undertook a joint research project with a university exploring legal responses and alternatives to solitary confinement, and to ensure compatibility with the Human Rights Act 2019 (Qld).

*The CLC worked closely with university academics and volunteer law students to publish the *Legal Perspectives on Solitary Confinement in Queensland* report. Media attention and increased awareness of the use of solitary confinement in prison has contributed to lawyers and other professionals achieving positive legal and human rights outcomes for many people in prison.*



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3. Fund research and analysis to guide future planning and investment in community legal services

Recommendation 6: Invest one-off funding of **\$1.5 mil** for analysis of the net economic benefit of CLCs for the economic and social system and the efficiency of the justice system, to help guide future government planning and investment in Queensland CLCs

Current measures of the impact of investments in CLCs are substantially confined to analysis of met and unmet legal need, with the use of demographic proxies for assessing unmet legal need and the extrapolation of that data into assessments of the likely costs associated with fully meeting need.

At this time, there is very little useful analysis of the downstream net economic benefit of community legal assistance, whether at the Queensland or national level. There is, therefore, a degree to which governments can be said to be ‘flying blind’ in understanding the actual economic impact of investments in CLC services in terms of the potential net benefit at the wider economic and social system level. There are also questions about whether existing investments are achieving optimal outcomes and the extent to which value for money is being achieved.

Being able to quantify net economic benefit of investment, including the potential benefits for the justice system itself (including the avoidance of costs), would assist in making the case for investment decisions by government, including the potential for increased levels of investment over time, confidence in the targeting of funding legal assistance services, and potential cost savings to government through investing in the right places at the right time for greatest impact.

We therefore recommend that the Queensland government invest \$1.5 million (total) to facilitate a structured analysis of the economic value of CLC services in Queensland, including the avoidance of costs in the justice system, and including a review of research that extends beyond demographic data proxies, and the development of a mechanism and metric for identifying and capturing emerging legal needs.

4. Fund the peak body

Recommendation 7: Invest an additional \$500,000 p.a. ongoing in the peak body, Community Legal Centres Queensland, to enhance capacity to effectively to support the CLC sector

Community Legal Centres Queensland has a strong track record in working constructively with the Queensland government on key issues impacting the community legal sector, including:

- Providing a central point of contact for Government in engaging with the sector and seeking input to key initiatives and policies
- Facilitating positive engagement between government and the community legal sector
- Undertaking analysis and research contributing to policy planning and development
- Development of resources and materials that support sector development and engagement with government
- Supporting funding and procurement processes to enable CLCs to engage effectively and for communities to get the services they need through transparent and fair processes
- Co-ordinating sector wide activities that contribute to the legal need evidence base, demonstrate sector impact and capture client experiences, supporting government investment and reporting
- Contributing to development of the knowledge and skills base within the community legal sector, providing assurance to government of the quality of services

Community Legal Centres Queensland seeks an additional and ongoing contribution to its core funding to provide it with the capacity to advance priority initiatives (over and above its current funded deliverables) in agreement with the Department of Justice and Attorney-General, obviating the need for continuing small injections of one-off project funding.

The additional funding would support key initiatives such as workforce development and training; supporting good practice within CLCs; service design, development and evaluation; and responding effectively to emerging developments such as government recommendations – an example of which is the *Hear her Voice Report* recommending dedicated training for CLC lawyers.

We therefore recommend that the Queensland Government invest an additional **\$500,000 per year (ongoing)** to Community Legal Centres Queensland's base funding, to expand the capacity of the peak body to deliver strategic priority initiatives that grow and develop the community legal sector.