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A Community Legal Centre

SUBMISSION

Productivity Commission Inquiry into Access to Justice Arrangements: Draft Report

Prepared by Fitzroy Legal Service

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ABOUT FITZROY LEGAL SERVICE

The Fitzroy Legal Service (FLS) is one of the oldest community legal centres in Australia, opening in 1972. FLS provides legal information, advice and casework and plays a significant role in the areas of law reform and community legal education. FLS publishes a number of hard copy and on-line resources, including the Law Handbook, an iconic, plain language guide to the law.

FLS has a long-standing involvement in social justice issues with the local and wider community and relies on volunteer and pro bono partner participation in our core work. We do this by actively recruiting and training volunteers to participate meaningfully in FLS work and by forging links with the local community – both agencies and the general public. We also have partnerships with private law firms.

FLS is an independent, not for profit, membership based organisation, governed by a volunteer Board. An incorporated association, FLS employs a small team of 23 staff and receives support from over 250 volunteers. In the 2012/2013 financial year FLS assisted over 3,000 individuals with direct legal assistance services. Many more individuals accessed FLS resources such as the Law Handbook Online – *over 1.1 million users during the 12 month period to 30th June 2013.*

Our services include:

- a legal advice service that operates five nights a week, staffed primarily by volunteer lawyers;
- an outreach service and four specialist legal advice clinics (specialising in family law, animal law and LGBTIQ-related legal issues);
- a self-funding day practice that offers criminal, family and selected general law casework and court representation;
- a Drug Outreach Lawyer program that provides community legal education, referral, advice, advocacy and ongoing casework services to drug users on an outreach basis through health partnerships;
- two duty lawyers providing advice, casework and support services at the Neighbourhood Justice Centre;
- a social action team that undertakes community development and community legal education activities, and is involved in public interest litigation, law reform and the development of legal research and policy; and
- Publication of *The Law Handbook* (hard copy and online) annually, as well as other websites and resources.

INTRODUCTION

The Fitzroy Legal Service (FLS) welcomes the opportunity to contribute a submission to the Productivity Commission Draft Report into Access to Justice Arrangements (Draft Report).

As the Draft Report identifies, “Disadvantaged Australians are more susceptible to, and less equipped to deal with, legal disputes” (p2) Pleasingly the Draft Report recognises the significant economic and social benefits of investing in the legal assistance sector and we congratulate the Productivity Commission on this.

Fitzroy Legal Service has had opportunity to review the submission put forward by the Peninsula Community Legal Centre and endorses its recommendations. In addition to the points raised therein, we provide the following submission.

THE UNIQUE ROLE OF COMMUNITY LEGAL CENTRES WITHIN THE BRODER LEGAL ASSISTANCE SECTOR

Community Legal Centres (CLCs), such as FLS, play a unique and vital role as part of the mixed model of legal assistance services. FLS is a public benevolent institution (PBI) with deductible gift recipient (DGR) status. As a charitable organization we are bound by our Purposes, as listed in the FLS Rules, which include “*to provide free and readily accessible legal service to people in necessitous circumstances*”.

As a PBI with DGR status, FLS is able to engage community and philanthropic support thereby positively leveraging government funding. FLS total income in 2012/2013 was \$1,235,774. Approximately 75% was sourced via government departments or agencies (ie Commonwealth Attorney General’s Department, Victoria Legal Aid, Department of Health, City of Yarra), the remainder of income was sourced through other means (grants, donations, fundraising).

The work of FLS is grounded within our community connections - from a volunteer Board of community representatives, to partnerships with a range of organisations, such as St Mary’s House of Welcome, Odyssey House, YSAS, North Richmond Community Health, Carringbush Adult Education, Brotherhood of St Laurence, North Yarra Community Health and Youth Projects.

The experiences of clients, as heard through advice and casework services, informs the community legal education, community development, law reform and policy work of FLS, ensuring it is grounded in evidence and based on community need. A number of examples are listed below.

Advocacy around council by-laws and alcohol consumption to accommodate factors of homelessness and visibility of Aboriginal communities

Through duty lawyer services at the Neighbourhood Justice Centre (NJC) and the Drug Outreach Lawyer Program, the link between alcohol dependence/ poverty/ homelessness and engagement with the criminal justice/ infringements system is consistently evidenced in FLS casework. In the City of Yarra, FLS was able to provide an opportunity for vulnerable community members to address council directly about the impact of the laws, and to agitate for a complex analysis into the competing health and community safety concerns engaged by local laws prohibiting alcohol consumption in public places. The link between violence and night time economy was clarified through this process, and exemptions were passed in parks and gardens between the hours of 9 am and 9 pm. Protocols were developed in relation to enforcement in particular on vulnerable people. Council engaged in varied community consultations, providing opportunity for community members to participate in the development of laws that affect them. This process was quite unique as compared with other local government areas. The impacts of the laws on Aboriginal communities and on homeless communities continue to be monitored.

Advocacy around amendments to social order offences in Victoria – Summary Offences Act 1966

Public order offences in governing through law the legitimate use of public spaces have disproportionate impacts on people who are more reliant on public spaces. When reforms were introduced in Victoria, FLS was able to engage with a wide variety of stakeholders to place squarely on the agenda concerns regarding impacts on people experiencing homelessness, mental health concerns and drug dependence. As a CLC we believe our position in putting the concerns of the most marginalised communities on the policy agenda is extremely important. Raised awareness provides a context that can have a number of complex impacts. FLS' engagement in this particular policy work enabled a range of other community sector partners to raise concerns, including the Council to Homeless Persons, the Victorian Council of Social Services, the Salvation Army and the Victorian Aboriginal Legal Service. The increased profile of concerns raised by stakeholders worked at the 'coal face', including as canvassed through parliamentary debate and party positioning, provides a strong foundation for pressing for monitoring of impacts/ development of protocols to address impacts on vulnerable communities.

Safe Community Access to Health Service Providers: North Richmond Estate

FLS has coordinated a range of community development initiatives at the North Richmond Housing Estate. In 2012-2013, through consultation with stakeholders and residents at the North Richmond Housing Estate, FLS wrote a detailed report to health and law enforcement agencies in regards to policing strategies on the estate. The document provided legal analysis, anecdotal information and case studies about policing strategies and the relationship between law enforcement, the local health service, and the Office of Housing.

In response to the document, the Department of Health facilitated a roundtable, bringing together senior command and local police, FLS, the North Richmond Community Health Centre, including its Needle and Syringe Program, and the Yarra Drug and Health Forum. The various issues raised in the FLS report formed the agenda discussed, with a number of positive long term strategic actions agreed upon at its conclusion.

One of the most important action items was the establishment of regular meetings (every six weeks) at the North Richmond Estate between local Richmond Police, Office of Housing, Fitzroy Legal Service and the North Richmond Community Health Service's Needle and Syringe Program. These meetings provided a useful forum for these key stakeholders and service providers to share information and raise issues arising from their work.

Further, FLS produced community legal education (CLE) materials for residents on the estate that outlined their rights and obligations in terms of policing in the local area. These CLE materials were considered to be of great value by local service providers and residents due to their unique localized perspective on legal issues on the estate. The Department of Health and Victoria Legal Aid consulted FLS on these grass roots resources with a view to developing resources for broader distribution.

5.1 UNDERSTANDING WHEN PROBLEMS HAVE A LEGAL DIMENSION

The importance of Community Legal Education

In order for CLE to be most effective, it must be based on identified community need and delivered with community input. This is where CLCs have a have a unique ability to positively impact. Strong partnerships with community and community sector partners are central to identifying and delivering education initiatives that will be of most benefit within a community development framework. Examples of FLS work in this area are listed below:

Relationships with the health sector providing opportunities for creative community legal education

FLS engaged in intergenerational CLE regarding female genital circumcision through local health services. Through partnership with community connected workers in the health service, CLE was able to take place in the context of a broader framework including religious doctrine, cultural practices, and cross cultural critiques around double standards. The approach taken by the CLC sector that knowledge and comprehension of the laws that bind you is one of the most fundamental rights provides somewhat unique opportunities to engage with the community in a non-judgmental way to enhance knowledge. This CLE was taken up by community radio and brochures developed for the health service.

Human Rights are For Everyone

Subsequent to the introduction of the Charter of Human Rights and Responsibilities, FLS ran a series of events with vulnerable communities with the theme “Human Rights are for Everyone”. As a community development activity, these events sought to celebrate the rights and dignity of all people even though often in other guises the law does not reinforce that.

For example, an event was held for drug users in the local area to watch the documentary ‘Bastardy’ chronicling the cycles of imprisonment and homeless in a long road to recovery of local community member Uncle Jack Charles. Speakers from the NSP, and peer advocates spoke at the event, as well as Jack Charles. Art by local drug users was also exhibited. A very large number of people attended, and the mainstreaming of the language of human rights for vulnerable communities was considered a priority for FLS. Other similar events were held with local Aboriginal community, homeless community and rooming house residents.

As an off shoot of this, a further project evolved, governed and controlled by rooming house residents under FLS oversight. This involved a series of videos with the theme ‘Know Your Rights’ involving specific legal problems affecting rooming house residents.

Taxi Driver Legal Education Seminars at 13CABS

FLS, in partnership with Monash Oakleigh Legal Service, has been providing weekly legal education seminars to taxi drivers at 13CABS since April 2013. The project was initiated after it had been observed that a number of taxi drivers were presenting at the FLS legal advice clinic who had been charged with sexual assaults. This pattern was raised at a Victorian Taxi Directorate meeting, and a program was developed by FLS in recognition of the specific vulnerabilities of taxi drivers as workers, and the role that increased legal knowledge could play in the prevention of taxi driver legal issues arising and/ or spiralling out of control.

More than *eight hundred* taxi drivers have participated in the program since its inception, which covers legal areas such as: motor vehicle accidents and insurance, fines, bailment agreements, fare evasion, assault, sexual assault, victims of crime assistance and worker's compensation.

Evaluation of the program has been overwhelmingly positive. As of the end of 2013, 96% of the four hundred and sixty-three (463) taxi driver participants surveyed reported that the education seminars were either "very useful" or "useful". Through this engagement with taxi drivers, FLS has enhanced understanding of the specific needs and challenges of those in the taxi driving industry and identified areas of law affecting taxi drivers in need of significant reforms such as taxi fare evasion, fines and infringements and taxi driver relationships with police.

Further, many taxi driver participants reported that they were not aware of the availability of free legal help prior to the seminars. Following the sessions, we surveyed the participants on whether they would contact a community legal centre for their legal problems: 96% of the taxi driver participants surveyed answered in the affirmative.

5.2 INFORMATION AND ADVICE FOR RESOLVING DISPUTES

"Addressing the legal needs of disadvantaged Australians requires more than effective referral services as their legal problems often coexist with other social, economic and health issues" (p171).

Information Request 5.3 (p173)

The Commission seeks feedback on how best to facilitate effective referrals for legal assistance between organisations responsible for human service delivery, and where appropriate, greater information sharing across departments and agencies.

Draft recommendation 5.1

All states and territories should rationalise existing services to establish a widely recognised single contact point for legal assistance and referral. The service should be responsible for providing telephone and web-based legal information, and should have the capacity to provide basic advice for more straightforward matters and refer clients to other appropriate legal services.

As a well-known community organisation, FLS is often the first point of call for individuals seeking legal assistance. In the three year period 1st July 2010 to 30th June 2013, FLS provided over 2,500 information and referral services.

Whilst streamlining contact points for legal assistance may have benefit for those individuals able to identify they have a legal issue, it will not aid those who are unable to self-identify. The Legal Australia Wide (LAW) survey¹ results highlighted that legal professionals are only consulted for approximately 16% of all legal problems and that

¹ Legal Australia-Wide Survey, Legal Need in Australia, Christine Coumarelos, Deborah Macourt, Julie People, Hugh M. McDonald, Zhigang Wei, Reiny Iriana and Stephanie Ramsey, Law & Justice Foundation of NSW, August 2012

people often turn to their trusted health and welfare professionals for advice and assistance with legal issues. The LAW survey highlighted the value of a holistic, integrated, and multifaceted approach to justice that addresses the diverse needs of different people and, in particular, addresses the needs of disadvantaged people, who are particularly vulnerable to legal problems.

For FLS, the localised relationships, networks and varied activities through which our service engages with the local community plays a significant role in facilitating identification of legal problems and promoting referrals. This occurs through strong connections and integration into the health/ community service sector, and through the professional development and community development work FLS performs with allied agencies, as well as partnership approaches to delivering casework in a therapeutic jurisprudence framework.

The development of relationships of trust and visibility in the community have been crucial to servicing the needs of the most vulnerable FLS clients, and this access to justice goes beyond a local focus. For a significant portion of our client base, facilitating access to justice and identification of legal problems is reliant on an outreach model.

For example, FLS staff have attended a local BBQ on a fortnightly basis for Aboriginal people for seven years. Regular attendance by staff has been a priority for FLS, whose relationships with participants in the BBQ require a gestational period of trust/ relationship building. FLS staff have provided advice, referral and ongoing casework to local Aboriginal communities as a result of this engagement. The 'Billabong BBQ' initiative was the recipient of a National Reconciliation Week Award in 2013.

FLS is currently commencing a similar outreach presence at St Mary House of Welcome, where a soup kitchen and activities centre operates in the local area. This initiative has been developed in recognition that many vulnerable community members are in a position where they are (a) unable to identify they have a legal problem; and /or (b) not able to attend a legal service; and/ or (c) will require intensive support to engage in legal processes.

FLS is also currently reviewing our service delivery model in relation to family violence. Again, the ability to identify a legal issue, or to obtain preliminary support in the process of identifying a legal issue can be complex and challenging. For example, women experiencing family violence may need significant support to receive legal information/ advice, and it is incumbent on legal service providers in cases of significant vulnerability, to adjust service delivery models to ensure equity of access. For FLS, the local focus of our networks and service delivery model assists in providing the intelligence required to identify gaps and unaddressed legal needs.

The FLS Drug Outreach Lawyer Program is a long standing example of a highly effective way to facilitate referrals for legal assistance across human service agencies, particularly for individuals who are unable to identify that they have a legal problem and/ or have complex needs that present multiple barriers in accessing legal services. The program involves a lawyer attending a number of health services on a weekly or fortnightly basis, engaging in discussions with clients and workers, providing support in identifying legal issues that can be assisted with, and engaging in a collaborative form of case management with allied services in providing case work support. A large proportion of the clients of the Drug Outreach Lawyer Program have a dual diagnosis, and are also experiencing homelessness, poverty, and trauma. Many clients will not be in a position to be pro-active in taking steps to address their legal issues. In fact, many clients will often not identify that they have a legal issue until they come into contact with the lawyer at the health services. An example is provided below.

A young man had found stable accommodation and was starting to look into drug treatment options. He had an unpaid debt and legal proceedings had been issued. A process server tracked him down at his new residence however the man was not home when he arrived. After finding out that the process server had attended the young man left his address and started living on the streets again to avoid detection. This matter could have been easily dealt with if this person had been linked up with a lawyer and provided with advice at an earlier stage.

FLS came into contact with this client through the Drug Outreach Program. We were able to assist this client to resolve the debt matter meaning the client was able to return to their accommodation. This example highlights

that through outreach FLS has capacity to reach the client rather than the client having to identify that they need to access a lawyer.

21. REFORMING LEGAL ASSISTANCE SERVICES

“To get more out of the legal assistance dollar, duplication needs to be reduced – the CLCs, ATSILS and FVPLS should leverage more off the LACs in the area of information and resources and only add original information in specialized areas where material is not available” (p616).

We agree duplication of resources is not beneficial. However, this statement assumes that all original material rests with Legal Aid Commissions and the onus is on other service providers not to duplicate. We would urge the Productivity Commission to give due recognition to the origin of a range of legal assistance resources, the FLS Law Handbook being one such example. To our knowledge, the FLS Law Handbook is accessed more than any other legal information resource in Victoria, with links incorporated into a range of government sites, including dispute resolution and Court/ Tribunal sites, and is relied on extensively by LACs in the provision of legal services. The position of the community legal sector in being able to garner pro bono goodwill has been central to the success and longevity of the FLS Law Handbook.

The Law Handbook

The history and philosophy of FLS is inextricably bound with its iconic publication, *The Law Handbook* (LHB). When FLS was founded, it became clear that volunteers needed information they could rely on in order to provide the greatest possible help to those who came seeking legal information and assistance. Thus, *The Legal Resources Book* (LRB) came into being in May 1977. The editors of the LRB, who were among the founders of FLS, also sought to provide a plain-English legal resource for other professionals such as social workers, teachers and youth workers. The book was also intended to be a do-it-yourself guide that would assist and empower individual community members to resolve their own legal problems. The LRB was embraced by the legal and broader community. By 1985 the LRB had sold 40,000 copies. In May 1986 it was decided to produce the book annually as a bound volume, and the LHB was launched in May 1987.

The LHB's 36th edition was produced in 2013 and it remains unique as a comprehensive guide to both state and Commonwealth laws as they relate to Victorians. The LHB has grown to a 1,000-page plain-English guide, covering areas such as family law, social security, debts and bankruptcy, superannuation, tenancy and neighbour disputes, consumer issues, employment disputes, discrimination, dealing with police, bail, criminal law issues, accidents, injuries, and health and ageing.

A team of seventy contributing legal experts donate their time and legal expertise every year to ensure the publication's accuracy. The publication has remained inexpensive and accessible because of the generosity and good will of these volunteer contributors. The LHB is sold to lawyers, community workers, government organisations, local councils, community organisations, law firms, universities, schools, libraries and individuals.

In June 2009, the Law Handbook was launched as a free website – the Law Handbook Online. This online resource has been a resounding success, greatly increasing both the reach of the Law Handbook and the community's access to the law and legal information. Since its launch the Law Handbook Online has achieved the following usage:

- * 3,745,441 sessions
- * 2,914,604 individual users
- * 8,038,810 page views

The website is currently averaging 20,000 visits per week.

21.3 ARE LEGAL ASSISTANCE SERVICES IN THE RIGHT LOCATIONS

“Around one fifth of CLCs are located in areas in the bottom three deciles of the SEIFA. Over two-thirds are located in the top three SEIFA deciles.” (p634) FLS questions the use of the Australian Bureau of Statistics’ *Socio-Economic Information for Areas (SEIFA)* Index of Relative Socio-Economic Disadvantage (IRSED) data being relied on as a sole measure for where legal assistance services should be targeted.

FLS provides legal services to people who live, work or study in and around the City of Yarra. A significant percentage of people from outside the City of Yarra receive one-off legal advice from our night service, or are provided with a referral to another service. The reason for this is that many other community legal centres that do not have the capacity to provide the level of drop-in advice services provided by FLS as a result of our volunteer pool, and regularly refer clients to our night service. Additionally, as a well established community legal service, there is a level of awareness in the broader community of our existence as a provider of free legal advice, referral and services.

The central location of FLS in terms of public transport access for volunteers and clients alike is also a significant factor in the level of service we are able to provide.

Additionally, as outlined below, the demographic of the City of Yarra is nuanced, and the centralisation of a large number of support services also affects the trajectory of client access. The representation of homelessness in City of Yarra and City of Melbourne is high, and is potentially also linked to the presence of support services. City of Yarra, and particularly Richmond, is also recognised as a drug use ‘hot spot’ where significant numbers of people with complex needs and multiple barriers to equity in access to justice are present.

City of Yarra

The City of Yarra is located in the inner east of Melbourne. Whilst the SEIFA IRSED for City of Yarra is 1019.50, a relatively high score indicating fewer disadvantage,² the area has pockets of high disadvantaged households next to wealthy ones.

Four major public housing estates are located within the City of Yarra – Atherton Gardens, North Richmond, Collingwood and Carlton. There are just under 5,000 public housing dwellings in Yarra comprising 13% of Yarra’s dwellings, and 7% of all Victoria’s public housing stock. Significantly, 33% of Victoria’s high-rise public housing is in Yarra. Yarra is Victoria’s most socially and economically diverse community – a large very-disadvantaged population lives alongside significant affluence. Yarra has more high and more low-income households than the Melbourne average. Yarra is the only municipality that has a high proportion of its population living in very disadvantaged neighbourhoods – 9% of residents live in a collector district with a disadvantage index value below 700 (a value of 1,000 is the average for Australia)³.

In their book, “The Spirit Level: Why Equality is Better for Everyone” (published in 2009), Kate Pickett and Richard Wilkinson highlight the “pernicious effects that inequality has on societies: eroding trust, increasing anxiety and illness, (and) encouraging excessive consumption”. The book outlines that for each of eleven different health and social problems: physical health, mental health, drug abuse, education, imprisonment, obesity, social mobility, trust and community life, violence, teenage pregnancies, and child well-being, outcomes are significantly worse in more unequal rich countries.

² <http://profile.id.com.au/yarra/seifa-disadvantage>

³ [http://docs.health.vic.gov.au/docs/doc/05030C592C0BD11ACA257A100024B48F/\\$FILE/Yarra_2012-v02.pdf](http://docs.health.vic.gov.au/docs/doc/05030C592C0BD11ACA257A100024B48F/$FILE/Yarra_2012-v02.pdf)

21.4 ARE ASSISTANCE SERVICES TARGETING THE 'RIGHT' PEOPLE?

Neighbourhood Justice Centre (NJC)

The NJC encompasses one court and on-site services such as drug and alcohol, mental health, corrections, financial counselling, housing and other types of community support. The NJC is for people who live in the City of Yarra and for homeless and indigenous people with a connection to the area. As discussed above, the City of Yarra is a diverse community encompassing areas of significant wealth and significant disadvantage.

A major component of the NJC is a multi-jurisdictional court where one principal Magistrate hears all matters in a holistic manner to enable more comprehensive resolutions of issues presenting at the Centre. The NJC legislation was developed around a philosophy of therapeutic jurisprudence and the aim to assist individuals to manage their lives and issues to reduce the risk of recidivism and work towards rehabilitation and recovery.

According to the CLSIS⁴ database dictionary the categories relating to income levels are:

- **Low Income:** under \$500 per week or \$26,000 per year.
- **Medium Income:** Between \$500 and \$1,000 per week or \$26,000 to \$50,000 per year
- **High Income:** Over \$1000 per week or over \$52,000 per year

FLS provides a range of civil and criminal legal assistance services based out of the NJC. For the period 1st July 2010 to 30th June 2013, FLS provided assistance to 1,454 clients. Low income earners are overwhelmingly represented in the client profile with 79.43% of clients falling into this category, with the main income source for clients assisted being a government pension or benefit (on average 50%).

For clients assisted by FLS at the NJC, approximately half of all clients indicated that they have a disability. Given that key findings from the Legal Australia Wide Survey⁵ indicated that people with a disability and single parents were twice as likely to experience legal problems, this would point to significant legal need within the residents of the City of Yarra, despite the SEIFA IRSED.

Legal Needs Analysis

FLS is currently undertaking a legal needs analysis utilizing the National Association of CLCs *Legal Needs Assessment Framework*⁶ and its associated *Strategic Planning Toolkit*. As part of this process the FLS CLSIS data for the three year period 1st July 2010-30th June 2013 was assessed and revealed the following:

- The FLS night service provided over 8,000 pieces of advice during that period. Income levels advised by clients indicated that 82% fell into the low income level, with 17% medium and less than 1% high; and
- FLS conducted 2,500 cases during that period, with just on 90% of clients in the low income bracket.

FLS has also recently undertaken a process of reviewing and updating guidelines for our night service. The FLS night service operates five nights per week, Monday to Friday, through the support of hundreds of volunteer lawyers and law students. As part of this process, we have confirmed priority clients as those who meet the following criteria:

⁴ CLCs funded through the Community Legal Services Program are required to use the CLSIS database to record information on clients and their legal matters.

⁵ Legal Australia-Wide Survey, Legal Need in Australia, Christine Coumarelos, Deborah Macourt, Julie People, Hugh M. McDonald, Zhigang Wei, Reiny Iriana and Stephanie Ramsey, Law & Justice Foundation of NSW, August 2012

⁶ http://www.naclc.org.au/cb_pages/legal_needs_assessment_framework.php

Category	Definition
Financial disadvantage	Client is on an annual earned income of less than \$26,000 (ie \$500 per week or less)
AND/OR	Client identifies with one or more of the following: <ul style="list-style-type: none"> <input type="checkbox"/> Experiencing or has experienced family violence <input type="checkbox"/> Homelessness or is at risk of homelessness <input type="checkbox"/> Disability or mental illness <input type="checkbox"/> Culturally & linguistically diverse background <input type="checkbox"/> Aboriginal or Torres Strait Islander background
AND Legal Matter	Client has a legal matter that FLS can assist with (FLS does not provide advice on immigration/visas, commercial matters, building disputes, tax/superannuation, trusts/investments)

Eligibility Criteria

The Fitzroy Legal Centre assists clients who are both eligible for a grant of legal assistance via Victoria Legal Aid, and those that are not. Should CLCs and legal aid commissions be required to have the exact same eligibility criteria, this would result in many individuals missing out on legal assistance services. As an example, FLS has a long standing specialist family law advice clinic. Changes in legal aid guidelines have increased the community need in relation to this service. As a result FLS has developed a second clinic which has been operating for two months. Already, this clinic is booked out three weeks in advance. If access to early legal advice were unable to be provided, the subsequent impact on people's lives, their health and wellbeing, would be significant. Furthermore, the holistic nature of CLC work provides for a multiplicity of issues to be addressed for the one client. The flexibility that CLCs have to assess client needs and circumstances would be lost should eligibility criteria be narrowed and more strictly defined.

Case study:

Ms X is a 35 year old lady of Aboriginal descent. She experienced a fragmented and traumatic upbringing, including placement in a number of foster homes with significant sexual and psychical abuse. She has a history of significant poly substance abuse that commenced when she was 13 years old. She has limited formal education and held little employment. A recent neuropsychological assessment uncovered a pronounced cognitive disability.

Ms X was remanded in custody on eight police warrants for dishonesty offences. A grant of legal aid was available for her criminal matters before the court and bail was applied for and granted. Ms X breached her bail the following week by failing to appear at court. A new warrant was issued by the court. Ms X was remanded and her matter was adjourned for her FLS lawyer to obtain the evidence and negotiate the charges.

Whilst in custody Ms X continued to accrue rental arrears for her room in community housing. Unlike Department of Housing, Community Housing does not reduce rent when an individual is incarcerated – even though Ms X's Centrelink payment ceased. The community housing agency lodged an application at the Victorian Civil and Administration Tribunal (VCAT) for a possession order due to Ms X rental arrears. The FLS lawyer successfully negotiated consent orders on Ms X's behalf for a payment plan to begin once Ms X exited prison. This ensured Ms X was not exited from prison into homelessness. There was no grant of legal aid for the preparation or appearance at VCAT for this matter.

Ms X's criminal matters were finalised and she served a term of imprisonment. She returned to her community housing, repaying a large debt with an extra \$10 per week on top of her rental payments out of her Centrelink payment. It was obvious that this tenancy was unsustainable in the long term. In conjunction with home ground services the FLS lawyer applied on Ms X's behalf for a property with the Justice housing program. The application

was successful and Ms X moved into her property approximately one month after exiting prison. There was no grant of legal aid for the preparation of the housing application and the advocacy on Ms X's behalf to secure this property.

Ms X describes her new home as the only place she has ever felt safe in. She has not re-offended since securing permanent housing. Without the assistance of her FLS lawyer Ms X would have been exited from prison into homelessness. It is clear that this holistic work (not funded by a grant of legal assistance) alongside Ms X's representation in her criminal matters (funded by a grant of legal assistance) has had an enormous impact on Ms X's safety and security and future interaction with the criminal justice system.

23. PRO BONO SERVICES

Over 250 people contribute their time voluntarily to FLS each year, resulting in an estimated 230 volunteer hours per week. Using similar costing to that in the Peninsula Community Legal Centre submission of \$48.54 per hour⁷, this would equate to an amount of \$11,164.20 per week or \$580,538.40 per year.

As canvassed above, the proximity of FLS to the Melbourne CBD is an important factor in our ability to engage large numbers of lawyers and law students in our volunteer program, which predominantly contributes to the FLS night service. In the three year period 1st July 2010 to 30th June 2013, the FLS night service provided over 8,000 advices.

Volunteers are also involved in governance, policy and administrative roles as well as direct legal assistance services. The benefits of volunteering for both the individual involved and the community is well recognised and it is only because CLCs are independent community based organisations that they are able to engage such significant volunteer involvement.

⁷ Submission to Productivity Commission, Inquiry into Access to Justice Arrangements: Response to Draft Report, 21 May 2014, Peninsula Community Legal Centre, page 6.