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**REVIEW OF THE DELIVERY OF LEGAL ASSISTANCE SERVICES
TO THE NSW COMMUNITY**

1. Women's Legal Services NSW (WLS NSW) thanks the Attorney-General for the opportunity to comment on the delivery of legal assistance services to the NSW community
2. WLS NSW is a community legal centre that aims to achieve access to justice and a just legal system for women in NSW. We seek to promote women's human rights, redress inequalities experienced by women and to foster legal and social change through strategic legal services, community development, community legal education and law and policy reform work. We prioritise women who are disadvantaged by their cultural, social and economic circumstances. We provide specialist legal services relating to domestic and family violence, sexual assault, family law, discrimination, victims compensation, care and protection, human rights and access to justice.
3. In summary, we are experiencing diminishing capacity to deliver legal assistance to the most disadvantaged women in NSW, particularly women who are Indigenous, from a culturally and linguistically diverse background, women with disabilities and women living in rural regional and remote areas.

In particular, women who are victims of domestic violence sexual assault and the effects of family breakdown have unmet need for access to legal assistance.

The diminishing capacity is due in large part to the increase in the cost of providing services, particularly the cost of the salaries of legally qualified and other professional staff which has not been reflected in the funding provided. As a result it has been necessary to reduce the size and scope of our services.

It is increasingly difficult to provide an accessible service to women throughout NSW by way of telephone advice services. This is due in part to the increasing reliance on mobile phones by the most disadvantaged women, and the lack of access to free or low-cost calls to 1300 and 1800 numbers from mobile phones.

We have attached background material for your information about the analysis of legal need, salary costs and the effects of inadequate access to telephone legal advice services.

4. If you would like to discuss any aspect of this submission, please contact me 02 8745 6900.

Yours sincerely,
Women's Legal Services NSW

Helen Campbell
Executive Officer.



Attachments:

1. Background report to development of a strategic plan WLS NSW (Excerpt): JSA 2009

The report indicates that WLS NSW is generally meeting its targets with respect to key target disadvantaged groups, including Indigenous women and women with a disability, and has been seeing an increase in the proportion of first activity date matters where there have been indicators of domestic violence. The type of legal matters addressed by the service over the past four years favours Family Law Matters (approximately 83% of all first activity matters dealt with by WLS NSW in 2008), the balance being made up of Civil Law (15%) and Criminal Law (2%). However, it also appears that certain disadvantaged areas in New South Wales are presenting at far lower rates to WLS NSW relative to likely legal need, and particularly in the South West NSW, Bankstown and Auburn areas in Sydney SD. The report indicates that locating services or outreaches near areas of high legal need is likely to be an effective strategy measure.

A related report, also prepared by JSA for Community Legal Centres NSW (CLC), applies a legal needs assessment framework to NSW under several categories. Along with other groups presenting legal need, the report indicates that lone parent households are likely to experience a very high rate of legal need, with a concentration of lone parent households in more disadvantaged areas of the state. Victims of crime are also identified as being in need of legal need and tend to be concentrated in highly disadvantaged rural areas. Persons with a disability have also been shown to have a high level of overall disadvantage. Being from an Indigenous or Torres Strait Islander background is also an important indicator for legal need, with the highest concentration of those from Indigenous background outside Sydney in the North Western and Central West. Geographically, in NSW, the report indicated that Sydney's Central/South West (Fairfield, Canterbury and Auburn) are most likely to have a high level of disadvantage as well as those in Mid-North Coast area (Clarence Valley, Kempsey and Nambucca). The Mid-North Coast region particularly has little to no apparent CLC coverage (specifically Kempsey, Nambucca and Bellingen). Other areas with high disadvantage and great legal need include South Eastern SD (Bombala, Goulburn Mulwaree, Harden), the State's South West (Wentworth, Balranald, Junee) and the Central West SD (Cowra, Weddin).

2. Outreach legal services to people with complex needs: what works? LJF 2009

This paper summarises a review of research into outreach legal services to disadvantaged people for whom there is no simple solution to complex needs. The review indicates that outreach legal services have the capacity to reach disadvantaged clients with complex needs who would not have otherwise received legal assistance, as well as reduce client stress and anxiety and reduce burdens on host agencies. It identifies that effective outreach services should be organised and run in collaboration with other local legal and non-legal services in order to ensure the service succeeds in filling the gap. The report also proposes that services be flexible, and located in private places that are frequented and trusted by the target group. The studies reveal overall that in order for outreach legal services to be effective, funding must cover advice provision, but also administration and coordination of the service and ongoing collaboration with host agencies and training of legal advisors. Finally, it concludes that outreach legal services need to set achievable targets and outcomes for monitoring and view with reasonable expectations of the resources required to meet disadvantaged clients with complex and multifaceted needs.

3. Provision of legal advice services to women throughout NSW by telephone: background paper

This background paper on WLS NSW's telephone advice services builds on the 2009 WLS NSW legal needs analysis. It is evident that the provision of a telephone service may not be the most effective way of reaching disadvantaged women. The research implies that the telephone is mostly being used by women who are not in the most disadvantaged areas. This may be attributable to the lack of affordability of 1800 numbers when making long-distance calls of long duration, as well as issues relating to reliance on a mobile phone for access. The paper concludes that the telephone remains the technology with the most potential to offer confidential, one-on-one, real-time legal advice, and that extending 1800 access to mobile phone users would increase WLS NSW's capacity to provide services to disadvantaged callers without access to a landline.

4. The cost of a Free Call: Accessing 1800 and 1300 services from mobile phones: ACCAN 2010

The report highlights the important public services provided by 1800 as well as 13 and 1300 numbers. Despite this, ACCAN, AFCCRA and ACCOSS are concerned about the call cost consumers incur when dialling 1800 and 13 numbers from their mobile phones. This super-complaint asks for the Australian Communications and Media Authority (ACMA) to investigate this issue, and strongly recommends that calls from mobile phones to 1800 and 13 numbers match the charges incurred when calling from landlines. This is particularly important as there is a high rate of mobile phone use among disadvantaged low-income consumers for whom high mobile phone costs to 1800 and 13 numbers can prevent them from accessing telephone services from outreach organisations. In response, a paper published by ACMA on 11 October 2011 supports the ACCAN's recommendations, proposing that the Numbering Plan be varied so that calls from mobile phones to freephone numbers be free of charge and that mobile calls to local rate numbers are limited to the amount of time that a consumer would expect to pay for a local call made from a landline, albeit with a 12-month lead time before any changes are made.

5. Mercer Benchmarking review final report 2011

In a review of work value assessments across Community Legal Centres (CLCs), Mercer has provided remuneration recommendations for six roles in CLCs across NSW. The review's observations generally indicate inadequate and non-competitive remuneration levels for employees at CLCs, with salary levels significantly below those of other awards. Overall, the findings indicate that while administrative positions are generally remunerated competitively, competitiveness decreases greatly for senior positions including Centre Manager, Principal Solicitor and Solicitor. Mercer recommends alignment with the Australian Public Sector Award for all CLC positions.