



**FEDERATION**  
OF COMMUNITY LEGAL CENTRES VIC

**STRENGTHENING  
COMMUNITY LEGAL SERVICES  
FOR A THRIVING VICTORIA**

**VICTORIAN BUDGET SUBMISSION 2022**

## ABOUT THE FEDERATION

The Federation is the peak body for Victoria's 46 Community Legal Centres. Our members are at the forefront of helping those facing economic, cultural or social disadvantage and whose life circumstances are severely affected by their legal problem. For nearly 50 years, Community Legal Centres have been part of a powerful movement for social change, reshaping how people access justice, creating stronger more equitable laws, and more accountable government and democracy.

We pursue our vision of a fair, inclusive, thriving community through challenging injustice, defending rights and building the power of our members and communities. As an influential advocate, our voice is distinct and courageous: we are not afraid to challenge government, big business, or other powerful actors to ensure equality and fairness for all.

Read our strategic plan online [fclc.org.au/about](https://fclc.org.au/about)

**WE WANT A COMMUNITY THAT IS FAIR, INCLUSIVE AND THRIVING: WHERE EVERY PERSON BELONGS AND CAN LEARN, GROW, HEAL, PARTICIPATE AND BE HEARD.**

The Federation:

- ▼ Enables a strong collective voice for justice and equality;
- ▼ Mobilises and leads Community Legal Centres in strategic, well-coordinated advocacy and campaigns;
- ▼ Works with members to continuously improve the impact of community legal services;
- ▼ Drives creativity and excellence in the delivery of legal services to communities;
- ▼ Helps make justice more accessible.

Our members lead collaboration and advocacy via several Working Groups, providing guidance and direction for the Federation's work, as well as opportunities for joint advocacy.

Together with our members and communities, we work to dismantle unjust systems that perpetuate racism, sexism, homophobia, ableism, economic injustice and other inequalities. Our priority is to be fully accountable to the communities we represent.

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*\*This Budget Bid should be read in conjunction with the Federation of Community Legal Centres Family Violence Budget Submission 2022.*

## ACKNOWLEDGEMENT OF COUNTRY

The Federation acknowledges the Traditional Custodians of the lands across Victoria and note that this document was developed on the lands of the Wurundjeri people of the Kulin Nations.

We recognise that the over-representation of Aboriginal and Torres Strait Islander families and children in the justice system, many of whom have experienced family violence, is in part a devastating consequence of colonisation, intergenerational trauma and ongoing experiences of systemic racism.

We pay our respects to the strength and resilience of Aboriginal and Torres Strait Islander peoples and cultures and to all Elders past, present and emerging and recognise their unceded sovereignty.

# EXECUTIVE SUMMARY

The Federation of Community Legal Centres and Community Legal Centres across Victoria want the same thing the State Government wants and the same thing the general community wants – to live in a fair and equitable society where all Victorians feel valued and can grow and thrive.

We know access to a fair and just legal system is at the heart of an equitable community. We know that legal issues can play a devastating role in people's ability to function. And we know that by helping people to resolve their legal problems early and effectively we can reduce the devastating impact legal issues can have on a person's life and can stem the flow of compounding issues that so often arise when legal challenges are not addressed early.

Throughout the COVID-19 pandemic, demand for legal assistance has escalated as people experience financial hardship, unemployment, evictions, family violence and mental health issues. Legal problems caused by the pandemic have disproportionately affected the most disadvantaged and marginalised people in our community.

Community Legal Centres are uniquely placed to help clients who have complex life issues who find themselves facing legal matters – both big and small. CLCs work with people who are often disadvantaged in the community for whom even simple legal issues, such as an infringement, can be impacted by the complexity of their life circumstances. Community Legal Centres provide tailored 'wrap-around' and holistic support and often work with community sector partners such as healthcare practitioners and financial literacy experts to better support clients.

However, demand for legal assistance continues to significantly outstrip the availability of services due to the ongoing under-resourcing of Community Legal Centres. Each year, Community Legal Centres are forced to turn-away thousands of Victorians who need their support. The Law Council of Australia reported in the Justice Report in 2018 that in 2015–16 almost 170,000 people were turned away nationally from Community Legal Centres. This unmet demand will continue to escalate alongside the impacts of the pandemic, climate change and widening inequality.

Community Legal Centres support those most in need of assistance, who cannot afford private lawyers and do not have access to legal aid. On average, up to 70 per cent of people who access Community Legal Centre services have an income of less than \$32,000 per year.<sup>1</sup> They are also more likely to face additional barriers to accessing legal services and support due to their mental health, racial or cultural background, age, disability, LGBTIQ+ status, or geographic remoteness.

The impacts of unresolved, escalating legal problems on individuals, our communities and the government are significant; but they can be avoided. Through adequate funding we can ensure all Victorians have the access to the community legal assistance that they need. Studies have shown that for every dollar spent by government on funding Community Legal Centres, they return a benefit to society that is 18 times that cost.<sup>2</sup>

This year, we repeat our call on the Victorian Government to provide a significant investment in funding for Community Legal Centres in Victoria to meet existing need for legal assistance and to address the continued rise in demand brought about by the pandemic and widening inequality.

Without additional funding, it is anticipated that Community Legal Centres will refuse at least 20,000 requests for legal assistance in the 2022/23 financial year.

We also seek funding to:

- ▼ Expand integrated legal services, with wrap-around support for more people with complex issues.
- ▼ Build the evidence base and improve quality in the community legal sector through increased monitoring, evaluation and outcomes measurement capacity.
- ▼ Build a workforce for the future through a dedicated graduate program for community lawyering.
- ▼ Prepare regional centres to respond to legal need arising from natural disasters.
- ▼ Coordinate community legal sector responses to the government's mental health reforms.

Investing in Community Legal Centres is vital to create a fair and equal Victoria, where every person belongs and can learn, grow, heal, participate and be heard.

Now, more than ever, Victorians who are marginalised or disadvantaged need access to the community legal services that can support them to resolve their legal problems quickly and effectively.

## OUR ASKS

Invest in Community Legal Centres in Victoria to meet existing need for legal assistance and to address the continued rise in demand brought about by the pandemic and widening inequality.



Expand Community Legal Centres' integrated legal services, with wrap-around support to help more people with complex issues.



Enable Community Legal Centres to build the evidence base and improve the quality of community legal sector support and outcomes for Victorians most at risk of injustice through increased monitoring and evaluation capacity.



Build a workforce for the future through a dedicated graduate program for community lawyering.



Prepare regional centres to better respond to legal need arising from natural disasters to help residents and communities get back on their feet more quickly following a natural disaster.



Coordinate community legal sector responses to the government's mental health reforms.



## SECTION 1:

# MEETING DEMAND FOR SERVICES



The community legal assistance sector plays a vital role in ensuring access to justice for all Victorians. By providing free, expert and holistic legal assistance, Community Legal Centres ensure that a person's financial status, disability, mental health needs, educational attainment, regional location or cultural background pose no barrier to their full and fair engagement with Victoria's legal system.

Nearly half of all Victorians will have a legal problem in the next 12 months, and nearly one third will have more than one.<sup>3</sup> The legal system is complex and hard to navigate. It is difficult for people to make informed choices without proper legal assistance; and this can have an impact on all aspects of their lives. Publicly funded legal assistance services provide a crucial safety net for people in our community who need it most. Community Legal Centres support Victorians through a holistic approach that enables the social services system to come together and intervene early.

People experiencing disadvantage are more likely to have complex legal problems. This includes people with a disability, First Nations people, the elderly, people born overseas, people experiencing homelessness and single parents. Although they need more support, these people have unequal access to legal resources and information. They can fall through the cracks of our legal system, often leading to poor outcomes such as being unnecessarily burdened by crippling debts, being forced into homelessness, or ending up in prison.

Unfortunately, the need for free community legal assistance is already greater than the services available. And this gap will only continue to grow due to factors such as accelerating population growth, increased vulnerability resulting from natural disasters (which are predicted to become more frequent due to climate change) and the economic and social impacts of the COVID-19 pandemic.

Community Legal Centres focus on intervening early, avoiding the escalation of legal problems. This not only improves wellbeing for individuals, but it also leads to significant cost savings to the government by reducing the burden which would be placed on other support systems including social services and healthcare. As highlighted on the following page 'Ben - improving wellbeing'.

Unfortunately, the community legal sector has been unable to keep up with the demand to address the legal needs of Victorians. Funding has not increased to keep up with Victoria's growing population and the increasing complexity of legal matters faced by many Victorians. As a result, Community Legal Centres have not been able to meet legal need.

A major cause of this challenge is funding arrangements: the community legal sector gratefully receives some guaranteed core funding from the Commonwealth and State governments, but is also highly dependent on limited, project-based and short-term funding grants. The uncertainty and limited nature of this kind of funding constrain the sector's capacity to engage in important, long-term planning. It also means that Victorians are unable to rely on crucial services from year to year.

**Our ask:** To strengthen the security of community legal sector funding in Victoria, and to enable the community legal sector to expand to meet 50 per cent of the current unmet demand and hidden demand for services, we are seeking an additional boost of funding over four years.



## BEN – IMPROVING WELLBEING

Ben lives on a farm in Gippsland. Much of his property was damaged by the recent bushfires, and he has lost most of his income. He has insurance, but isn't sure what is covered by his policy and his insurer is refusing to make any payments. Ben is struggling to cope with the loss of his land and livelihood, and his mental health is deteriorating.



Ben reads in the local paper that lawyers from the regional CLC will be attending the town's library once a week to help people affected by the bushfires with insurance issues.

### No access

Ben fails to secure any payments on his insurance and falls behind in his mortgage repayments. He takes out high-interest short-term loans to try and manage his financial situation.

### Early intervention

Ben, and some of his friends from neighbouring farms who are in a similar position, attend the next insurance **advice session**. The CLC lawyers work through their insurance policies and assist them to **prepare claims**. Ben is referred to the CLC's in-house social worker for **case management support**.



Ben submits a claim according to the advice, but it is rejected. He calls the lawyer who helped him at the outreach clinic, and gains **ongoing legal representation** to dispute the decision.



With legal representation, Ben is ultimately able to make a successful claim on his insurance and keep his farm. The CLC social worker assists Ben to access counselling services and a local **men's health support network**.



Faced with mounting debt and with limited social supports, Ben becomes increasingly stressed and depressed. He begins to abuse alcohol.

Eventually, his bank indicates its intention to foreclose on his mortgage. Ben can't see a way out of his situation, and attempts suicide.

### Late intervention

As he begins to recover, Ben's neighbour refers him to the local CLC, where a lawyer takes on his insurance case and writes to the bank to renegotiate the terms of Ben's mortgage, including a hold on repayments.

Ben's CLC lawyer assists him to ultimately make a successful claim on his insurance. However, Ben's mental health takes a significant time to recover, and he remains dependent on social security for the next several years before he can restore his farm.

Ben's neighbour finds him and calls the **ambulance**. Ben stays in **hospital** for several weeks while he recovers. When he is back on his feet, the hospital refers him for ongoing, **intensive mental health support**.



In the meantime, Ben loses his property. He receives some **social security** support and has to move into shared accommodation in Colac, which is the only place he can afford. He loses contact with his psychologist and his mental health once again begins to decline and he starts drinking again.

Ben struggles to retrain or find employment and develops a serious alcohol dependency. Ben becomes unable to afford rent and ultimately becomes homeless, dependent on charity services. His alcohol consumption starts to impact his physical health, and he is admitted to hospital with severe alcohol poisoning.



## SECTION 2:

# INVESTING IN INTEGRATED SERVICES



Community Legal Centres work to ensure their clients' legal needs are met, to reduce inequality, and to ensure that their clients' legal problems do not escalate. They take a holistic, community-based and multi-disciplinary approach to providing legal support to some of the most disadvantaged people in Victoria.

Community Legal Centres focus on intervening early to ensure legal problems do not escalate. By partnering with non-legal professionals through integrated services models, Community Legal Centres and other service providers are able to identify root causes affecting Victorians and address the person's needs more holistically. For instance, a woman may visit a local health service experiencing anxiety, chronic headaches and difficulty breathing. During the consultation the doctor realises the woman is facing significant housing issues and potential homelessness, which are contributing to her health issues. If the doctor works with a local Community Legal Centre in an integrated services model, they can bring in a community lawyer early to help address the housing issue and minimise the woman's stress. This will help improve her overall health and wellbeing.

By working together, integrated services partnerships not only improve individual wellbeing, but can also lead to significant savings to the government by reducing the burden that impacts other government systems and services if legal needs are not addressed.

Integrated services can take many different forms, including co-location of a lawyer at another agency, regular outreach by a lawyer to a community service, or teams consisting of lawyers, social workers, health practitioners and financial counsellors working together.

Improved links between services also minimise the trauma associated with people having to repeat deeply personal stories to different service providers. Addressing both the legal and social needs of clients can reduce stigma and build their resilience, wellbeing and, ultimately, their level of social participation.

**Our ask:** We are seeking funding for integrated services over three years to expand existing integrated services, continue integrated services with lapsing funding, fund new integrated services, and scale up proven integrated services models.



Read more about the work of integrated services and partnership programs to better support Victorians who are most at risk of injustice.

## SECTION 3:

# BUILDING THE EVIDENCE BASE

The benchmark of any effective program is the ability to capture relevant and meaningful data, monitoring that data and then using it to measure the impact and effectiveness of the services provided. To ensure Victorians, particularly those who are most at risk of injustice, are getting the best possible access to appropriate legal services, Victoria needs to invest in systems that allow us to build an adequate evidence base.

The community legal sector faces significant difficulties in collecting, monitoring and evaluating data due to limited infrastructure and capacity, caused by a lack of investment over many years. Community Legal Centres' capacity and capability to evaluate activities are variable across the sector. A strategic and purposeful approach is needed to ensure capabilities are supported, built, shared and strengthened across both generalist and specialist Community Legal Centres.

Effective data collection across all Community Legal Centres would provide a more comprehensive picture of the work that centres undertake. This would lead to improved services as well as greater community understanding of the support available to them, and help Community Legal Centres better communicate the impact of their services to the community and to the government. It will also lead to improvements in cost management, in turn improving long-term funding and sustainability across the sector.

With improved monitoring and evaluation capacity, the Federation would be better able to identify gaps and opportunities for improvement and could support Community Legal Centres more to build on their collective strengths.

Community Legal Centres face increasing demands from funders for accountability. Funders and governments rightly seek to verify how effective services are through evidence-informed reporting. As governments reshape service sectors, there is an expectation that outcomes will be evaluated.

Community Legal Centres are required to report on the impact of their services. This obligation to provide full, accurate and meaningful data to the government highlights the need for the sector to be adequately funded to increase its monitoring, evaluation and learning capacity.

**Our ask:** We are seeking funding to enhance the capacity of Community Legal Centres to collect, monitor and evaluate data, and to measure outcomes, to better support the legal needs of Victorians.



SECTION 4:

# A WORKFORCE FOR THE FUTURE



The community legal sector faces significant issues attracting and retaining staff across Victoria. Workforce challenges include low pay rates, fewer opportunities for career progression, lack of training and development opportunities, and difficulty retaining leaders and experienced professionals. There is also a lack of relevant preparation across tertiary education providers for social justice lawyering. This means there is a limited pipeline of skilled workers for the community legal sector into the future. To address this, the sector must invest heavily in on-the-job training.

Currently, Community Legal Centres do not have the capacity or the funding to provide graduate opportunities for training. Recruitment to the sector typically relies on law firms to train new lawyers and for junior lawyers to make a significant career move to the community legal sector in the early stages of their career development. Given the sector's lack of resources and career opportunities, it can be difficult for young lawyers to make this move, particularly if they are motivated by salary and career progression. In addition, the training in these firms is tailored to a different kind of legal work to the work undertaken by community lawyers.

While many law students would prefer to work in the community legal sector at the start of their career,<sup>4</sup> there are currently very few opportunities for law school graduates to work in the community

legal sector. Historically, small graduate programs have been available with the Federation of Community Legal Centres, the Asylum Seeker Resource Centre and Fitzroy Legal Service.<sup>5</sup> Of these programs, only the Fitzroy Legal Service continued its graduate training program in 2021.

A sector-wide graduate program would benefit both graduates and Community Legal Centres. It would enable Community Legal Centres to enhance their recruitment of interested and talented graduates and to provide tailored legal training. By including four-month rotations with a regional centre (along with rotations in a metropolitan generalist centre and a specialist centre) this investment will also promote career pathways in regional Victoria.

Importantly, the Graduate Program will provide an early career pathway for people who are interested in social justice lawyering and who are passionate about helping people who are experiencing disadvantage.

**Our ask:** We are seeking funding for a graduate program to increase pathways into the community legal sector and build a stronger workforce for the future.



### SURGE IN DEMAND 2020-2021 COMPARED WITH THE PREVIOUS YEAR

 **113%** increase in Housing Services from 3,518 to 7,506

 **35%** increase in Family Law Services from 28,750 to 38,790

 **16%** increase in Employment Services from 2,761 to 3,199

Figures only reflect 31 Victorian CLCs. Actual figures will be higher.

## SECTION 5:

REGIONAL  
DISASTER  
RESPONSE

Community Legal Centres are regularly called on to assist with disasters, including fires, floods and storms. Disasters are unanticipated and unexpected events that cause injury, death or property damage on a large scale – and which may result in complex legal issues for the victims and/or their families. Common legal needs arising in relation to disasters include insurance, family law, family violence, tenancy and housing, and social security.

In 2009, following the Black Saturday bushfires, Community Legal Centres worked closely with local communities and organisations to provide local tailored responses to help those affected get their lives back on track. Each affected area used a local co-ordinator (predominantly Community Legal Centre leaders, with Victoria Legal Aid taking the lead in other locations). Given the scale of this disaster, a state-wide partnership named Bushfire Legal Help was developed, comprising key legal peak bodies and services. This later became Disaster Legal Help, which has continued on a smaller scale.

During 2019 and 2020, a major legal need arose when bushfires once again ravaged parts of northern and eastern Victoria. Again, local Community Legal Centres responded with strong support and partnerships from specialist Community Legal Centres, and the broader Disaster Legal Help partners, including Justice Connect, Victoria Legal Aid, the Victorian Bar and the Law Institute of Victoria.

Community Legal Centres are a vital part of the response to disasters, ensuring that local communities are able to respond quickly, and can recover effectively after the disaster passes.

**Our ask:** We are seeking an investment in Community Legal Centres and a Future Disaster Fund to ensure that the sector is able to support communities to prepare for, respond to, and recover from, natural disasters; and to minimise the adverse impacts of disasters on communities, particularly Aboriginal and Torres Strait Islander communities and in regional Victoria.



## SECTION 6:

# MENTAL HEALTH REFORMS



Community Legal Centres play a critical role in assisting people living with mental illness or psychological distress to resolve their complex, and often intersecting, legal issues. During 2020–2021, 20 per cent of Community Legal Centre clients revealed they were living with a mental illness, and 60 per cent of clients with six or more legal issues reported having a mental health condition.<sup>6</sup>

The Royal Commission into Victoria’s Mental Health System found that those living with mental illness were more likely to experience discrimination, both within the mental health system itself and also in society. Recommendation 41 of the Royal Commission is focused on enhancing access to legal protection from mental health discrimination and enabling independent legal services to initiate legal claims (including test cases) on behalf of people living with mental health conditions who experience discrimination.

The Royal Commission also recognised the importance of reducing the criminalisation of people living with mental illness. It is widely recognised that people living with mental health illness are overrepresented in the criminal legal system and in prisons, which do not have adequate mental health support systems in place.

A further recommendation of the Royal Commission is to expand the Assessment and Referral Court – designed to help people address the underlying mental health factors that contribute to their offending behaviours – to each of the 12 headquarter Magistrates’ Courts. This will result in a need for sensitive and experienced advocates to represent clients in these dedicated forums.

With their existing skills and experience working holistically with clients living with mental illness or psychological distress, Community Legal Centres are uniquely placed to lead on legal responses to the Victorian Government’s mental health reforms.

**Our ask:** In anticipation of State Government funding to implement relevant recommendations under the Royal Commission, we are seeking an investment in a Senior Legal Policy Adviser position based at the Federation, to convene members and lead community legal sector policy and advocacy responses to support the government’s mental health reforms.



# WANT TO KNOW MORE?

Read more about Community Legal Centres' integrated services and partnership programs to support Victorians most at risk of injustice. Hyperlinks have been included for the publications available online.

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**WE APPRECIATE AND CELEBRATE DIVERSITY IN ALL ITS FORMS.**  
WE BELIEVE DIVERSITY OF ALL KINDS MAKES OUR TEAMS, SERVICES  
AND ORGANISATIONS STRONGER AND MORE EFFECTIVE.

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*Community Legal Centres are  
the heart of a movement for justice.*

