

4 November 2013

Dr Warren Mundy
Presiding Commissioner
Access to Justice Arrangements
Productivity Commission
LB2 Collins Street East
Melbourne VIC 8003

Dear Dr Mundy

Re: Inquiry into Access to Justice Arrangements

I. Introduction

The National Children's and Youth Law Centre (NCYLC) is a Community Legal Centre dedicated to working for and in support of Australia's children and young people, their rights and access to justice. We advance this mission by providing young Australians with sound legal advice and education; advocating for changes to laws, policies and practices to advance their rights; creating opportunities for their participation in decision making; and promoting the implementation of the United Nations Convention on the Rights of the Child. We welcome this opportunity to comment on Australia's system of civil dispute resolution and access to justice and equality before the law.

NCYLC is unique, as all of our legal education and advising occurs online through our legal information website, *Lawstuff* (www.lawstuff.org.au) and our email legal advice service, *Lawmail* (www.lawstuff.org.au/lawmail). While NCYLC has only three permanent staff members, *Lawstuff* is supported by student volunteers and interns from the University of New South Wales and other universities, and *Lawmail* is supported by pro bono partners, coordinators, volunteers and a secondee solicitor from King & Wood Mallesons, as well as volunteers from Telstra and ASIC. This model allows us to provide legal information, advice and referral to children and young people throughout Australia. In the 2012-13 financial year alone, *Lawstuff* had 443,602 unique visitors and 1,247,612 page hits, and *Lawmail* responded to 934 requests for legal advice from across the country.

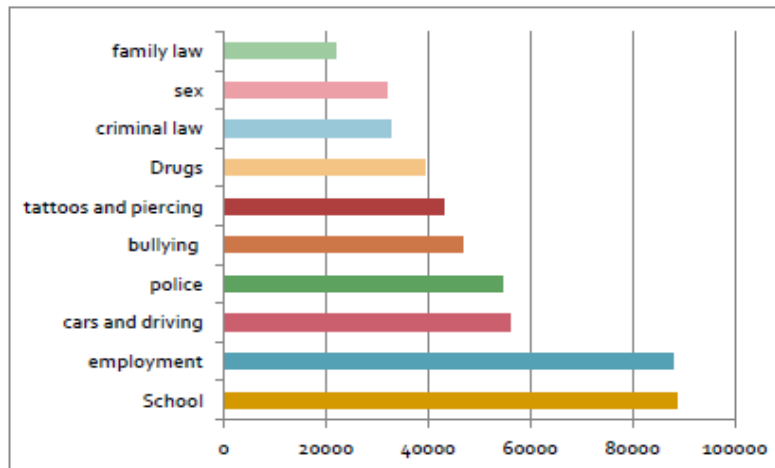
This submission will discuss *Lawstuff* and *Lawmail* in the context of Term of Reference 8: "alternative mechanisms to improve equity and access to justice and achieve lower cost civil dispute resolution, in both metropolitan areas and regional and remote communities, and the costs and benefits of these, including analysis of the extent to which the following could contribute to addressing cost pressures: (a) early intervention measures . . . (d) different models of legal aid assistance . . . and (f) use of technology".

II. The legal needs of children, young people and their associates

In August 2013, the Law and Justice Foundation of New South Wales (LJF) released a paper summarising findings from the Legal Australia-Wide (LAW) Survey on the legal problems experienced by young people aged 15-24. The paper reported that younger Australians had a higher vulnerability to legal problems and experienced different types of legal problems than their elder counterparts. In particular, legal problems related to accidents, crime, personal injury and rights (eg unfair treatment by police, student bullying/harassment, etc) peaked within this age group.

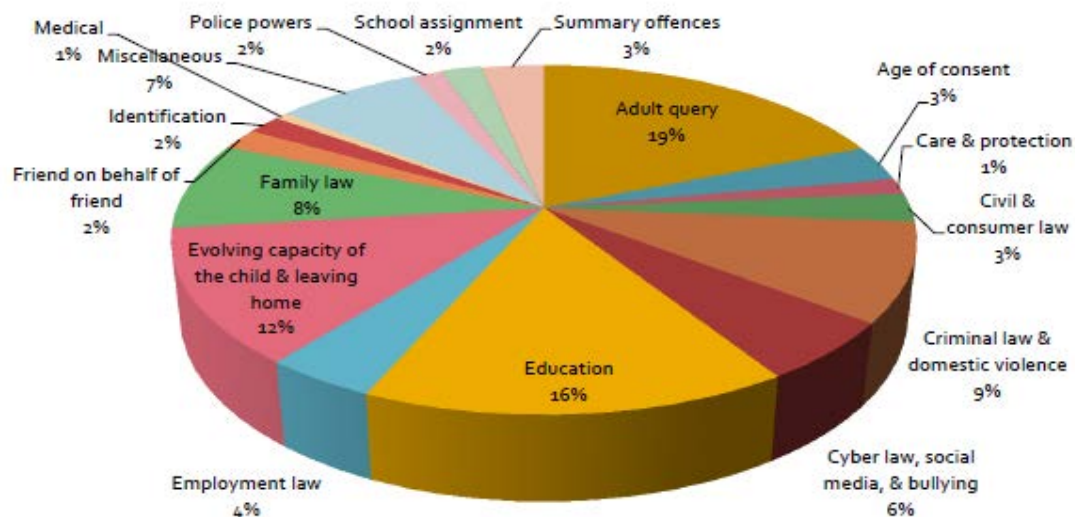
These findings are largely consistent with our *Lawstuff* and *Lawmail* data. The top ten most viewed topics nationally on *Lawstuff* are school, employment, cars and driving, police, bullying, tattoos and piercing, drugs, criminal law, sex and family law. *Lawstuff*'s cars and driving topic corresponds to LJF's accidents category, *Lawstuff*'s criminal law and drugs topics correspond to LJF's crime category and *Lawstuff*'s school, police, bullying, tattoos and piercing and sex categories correspond to LJF's rights category.

Top Ten Most Viewed Topics Nationally on *Lawstuff* 2012-13



Similarly, the most common issues that young people ask about in *Lawmail* are education (including bullying, discipline, school rules, etc), evolving capacity of the child and leaving home (with a focus on decision-making rights), criminal law and domestic violence, family law and cyber law, social media and bullying.

Lawmail Categories 2012-13

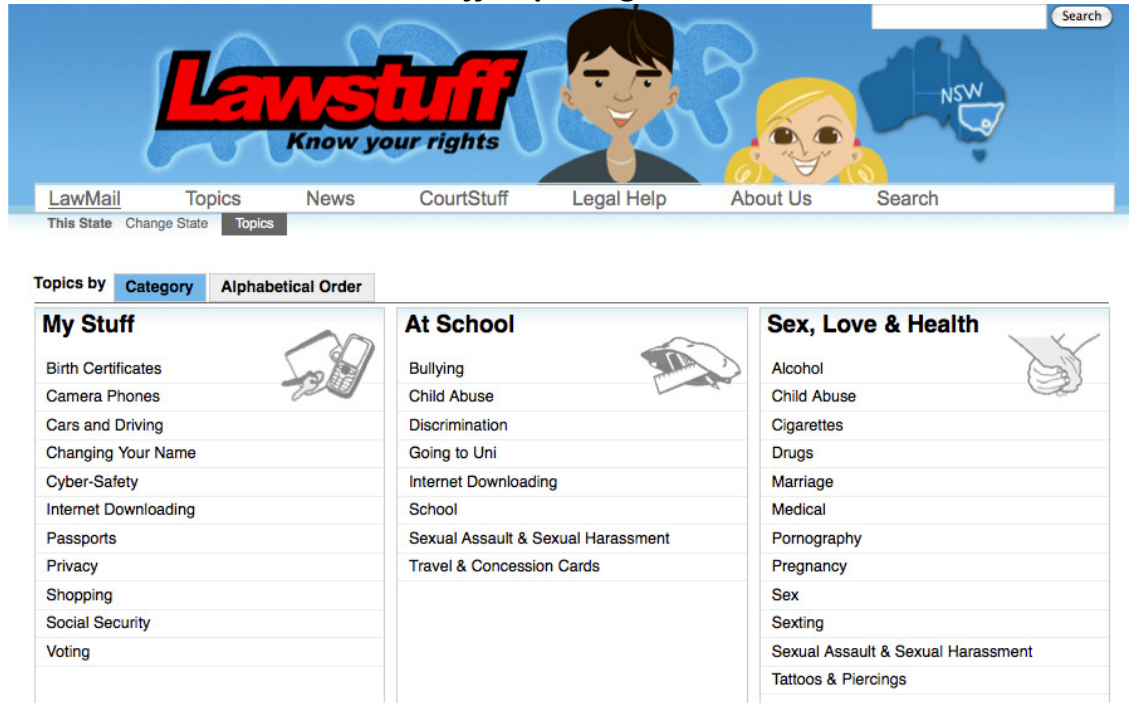


III. How we are meeting the legal needs of children and young people




LJF's paper found that legal information and advice should be targeted according to types of legal problems that tend to peak at different ages, communicated in an age-appropriate form and disseminated via age-accessible pathways. *Lawstuff* and *Lawmail* use these strategies to meet the legal needs of children and young people.

Lawstuff provides quality, plain-English legal information for each state and territory on a variety of legal problems that young people commonly experience. The majority of visitors (68.7%) find their way to *Lawstuff* by searching for information about a particular legal question or topic on Google.

Lawstuff Topic Page for NSW



The screenshot shows the Lawstuff website interface for NSW. At the top, there is a navigation bar with links for LawMail, Topics, News, CourtStuff, Legal Help, About Us, and Search. Below this is a sub-navigation bar with 'This State', 'Change State', and 'Topics'. The main content area is divided into three columns: 'My Stuff', 'At School', and 'Sex, Love & Health'. Each column has a list of topics and a small icon representing the category.

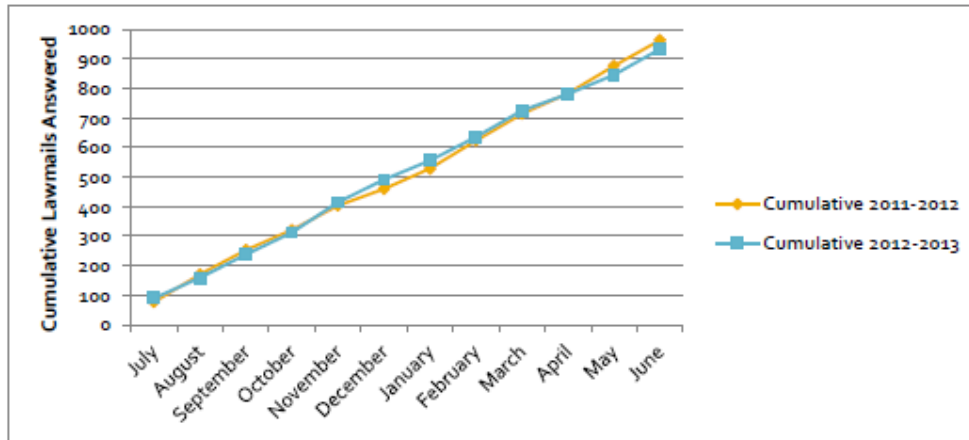
Topics by	Category	Alphabetical Order
My Stuff		
Birth Certificates		
Camera Phones		
Cars and Driving		
Changing Your Name		
Cyber-Safety		
Internet Downloading		
Passports		
Privacy		
Shopping		
Social Security		
Voting		
At School		
Bullying		
Child Abuse		
Discrimination		
Going to Uni		
Internet Downloading		
School		
Sexual Assault & Sexual Harassment		
Travel & Concession Cards		
Sex, Love & Health		
Alcohol		
Child Abuse		
Cigarettes		
Drugs		
Marriage		
Medical		
Pornography		
Pregnancy		
Sex		
Sexting		
Sexual Assault & Sexual Harassment		
Tattoos & Piercings		

If a visitor to our site cannot find the answer to their question on *Lawstuff*, or if they need more specific legal advice about an issue they are experiencing, they are urged to send us a *Lawmail*.

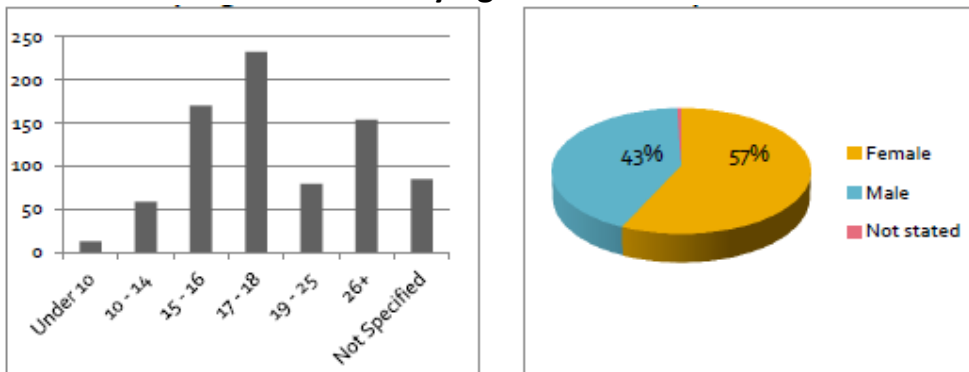
The objective of the *Lawmail* service is to provide accessible, age-appropriate and high-quality information, advice and referral to young people and their advocates so they can be afforded safety, support and a voice in their matter. We answer clients' queries honestly, clearly and with regard to their developmental level. Each *Lawmail* begins by thanking the client for their question, then repeats the facts and instructions provided by the client, identifies any missing information and assumptions, gives a "short answer" to the client's questions, provides a more detailed "long answer" which breaks down each of the issues involved and outlines the client's options (and the pros, cons or possible consequences of each), and refers the client to a list of legal and non-legal organisations in their area that can assist them further.

In 2012-13, NCYLC responded to 934 *Lawmails* from clients across Australia with the help of our pro bono partners at King & Wood Malleons, Telstra and ASIC. 97% of clients who completed our *Lawmail* client survey in 2012-13 reported that they understood our advice and that they found it 'useful' or 'very useful'.

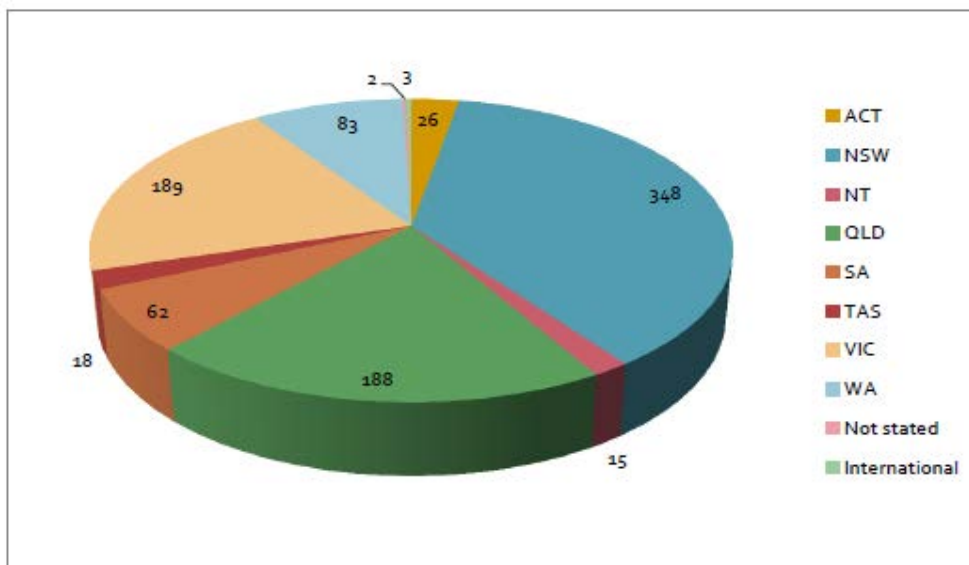
Lawmails Answered 2012-13



Lawmail Clients by Age and Gender 2012-13

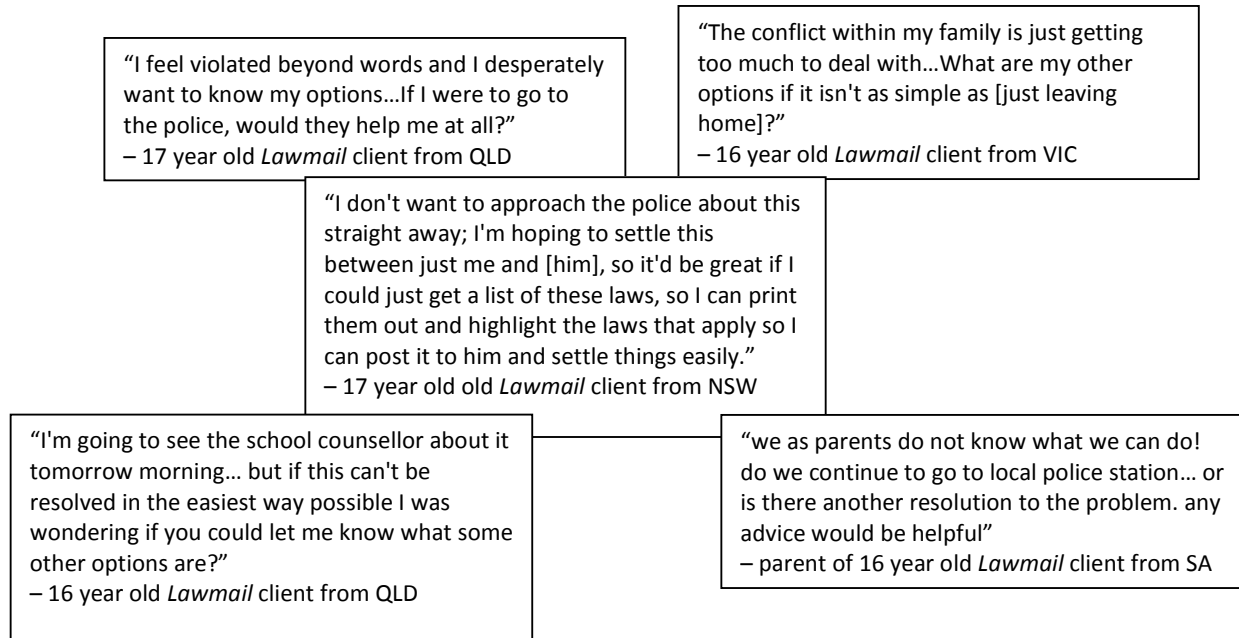


Lawmail Clients by Location 2012-13



LJF's paper found that young people aged 15-17 years were less likely to take action to resolve their legal problems, and recommended that information and education initiatives help empower young people to identify their legal needs and take steps towards resolution. *Lawmail* does just that.

While all of our *Lawmail* clients recognise that they have a problem or potential problem, and many have already begun thinking about possible solutions, what they seek from *Lawmail* is basic information about the legal implications of their situation and an outline of their options. We triage the queries according to urgency, identify the potential legal issues and the client's avenues for addressing them, and encourage help-seeking by referring clients to the most appropriate local services for further assistance.



For example, we frequently receive questions about bullying. Often, the bullying is occurring both online and in school, and the victim does not know what to do about it. *Lawmail* will provide the client with basic information about all of their alternatives—for example:

- informing the bully about the laws they could be breaking and asking them to stop (via a notice drafted by NCYLC, if the client prefers),
- reporting the bullying to the relevant website or mobile phone company for breaching the terms of use,
- inviting the bully to attend mediation (if appropriate in the circumstances),
- informing the school of the bullying and asking them to implement the relevant anti-bullying policies, acceptable use agreements, disciplinary procedures, etc,
- making a complaint to the relevant governmental agency if the school's response is inadequate or if the bullying involves discrimination, sexual harassment, etc,
- applying for a protection order if the client is afraid of the bully,
- reporting to the police if there is a risk of harm or if the bully is committing a crime,
- applying for victim's compensation and services (if appropriate in the circumstances),
- seeking local legal advice if the client has a potential civil claim, such as defamation, and
- talking to a trusted adult or a local youth counselling service about what's going on.

This broad strokes approach to the provision of legal information, advice and referral provides the client with options for intervention at every stage and refers the client to the most appropriate service provider (whether legal or non-legal), increasing the likelihood that the issue will be resolved before it becomes a larger problem and avoiding the "referral roundabout".

IV. Our unique model of legal assistance and the role of technology

Providing legal information and advice exclusively online improves the scope of service delivery by offering a mode of seeking and receiving information that is attractive to young people. NCYLC's national web presence means that clients can immediately access helpful, child-friendly information on *Lawstuff* no matter where they are in the country and what time of the day it is, simply by Googling whatever is troubling them. This has significant implications for those who are normally constrained from accessing legal services due to geographical constraints or limitations on mobility.

Clients can also send a *Lawmail* at any time and from any internet-enabled location, providing as much or as little information as they want (though they will only receive specific advice if they provide enough detail to run a conflict of interest check), and investing only a few minutes of their time. In return, they receive quality information tailored to their age and circumstances within 6 days (with urgent cases dealt with sooner). As the advice is written, it is also highly accountable and allows a young person to bring it to a person or organisation (eg their parents, teacher, counsellor, local police, etc) for further assistance. We also encourage non-legal advocates and other helpers who may be directly assisting a young person with a legal issue to contact us via *Lawmail*.

V. Pro bono engagement and the role of technology

NCYLC has worked in partnership with King & Wood Mallesons since 2001 to provide the *Lawmail* service to young people nationally through the "Cyber Volunteer Program". In 2007, the program expanded to include volunteers from Telstra and ASIC. We currently have about 150 active cyber volunteers in five capital cities—Perth, Brisbane, Melbourne, Sydney and Canberra. Each city's volunteers check in on a particular day of the week. On that day, 5-6 volunteers meet for 2 hours in the local offices of King & Wood Mallesons and log in to NCYLC's system remotely to access pending *Lawmails*. After a brief conference call with the Cyber Project Coordinator, the volunteers pair up and draft responses for our clients. At the end of the session, they submit their responses to NCYLC, where they are reviewed and then sent to the client.

This use of technology—and more specifically, the ability to work remotely and without the constraints of real-time service provision—has enabled NCYLC to attract significant pro bono support and to provide services to many more young people than would otherwise be possible. With our recurrent funding of \$180,000 alone, we estimate that we would only be able to employ one solicitor to work in *Lawmail*, providing between 300 and 500 advices annually. By leveraging our pro bono personnel, we are able to provide nearly 1000 advices per year. Perhaps more significantly, our model has allowed us to provide nearly half a million unique visitors with legal information in the last financial year via *Lawstuff*. NCYLC would not be able to do this but for the electronic nature of our model. While the costs of our website are not terribly significant, the benefits to these people having access to legal information must be very significant in terms of increased capacity for early intervention to prevent unnecessary escalation.

We emphasise that this model could be applied more broadly, for example, as an addition to existing telephone-based legal information and referral services like LawAccess in NSW.

VI. Conclusion

Thank you for this opportunity to share NCYLC's experience in promoting access to justice via *Lawstuff* and *Lawmail*. Please do not hesitate to contact us with any questions.

Sincerely,

Matthew Keeley
Director & Principal Solicitor
National Children's and Youth Law Centre