

Access to Justice Arrangements  
Productivity Commission  
LB2 Collins Street East  
**MELBOURNE VIC 8003**

**BY EMAIL:** [access.justice@pc.gov.au](mailto:access.justice@pc.gov.au)

Tuesday, 27 May 2014

Dear Commissioner,

**SUBMISSION: ACCESS TO JUSTICE ARRANGEMENTS**

Thank you for the opportunity to make a submission in response to the Productivity Commission's Draft Report on Access to Justice Arrangements ("the Draft Report").

Marrickville Legal Centre (MLC) is a community legal centre, which has for over 30 years been providing free legal advice and assistance to disadvantaged residents in Sydney's inner western and southern suburbs. Over 1.4 million people live in MLC's catchment area – approximately 5% of the Australian population.

In addition, MLC auspices two tenants' advocacy services in Sydney's inner west and northern suburbs. MLC also has a specialist Youth Legal Service, which provides legal assistance to all young people across New South Wales.

The Centre is staffed by a dedicated team of staff and volunteer solicitors, advocates and students.

While MLC is physically located in Marrickville, the Centre provides legal services to a large part of the Sydney metropolitan area. We do this through legal outreach and community legal education. With limited resources, we use regular strategic planning to evaluate and target legal service delivery to areas of highest need.

The provision of legal outreach is based on our regular strategic planning. The process of strategic planning is informed by the mapping of legal need and where service providers are located. Legal need is identified through the aid of our extensive community experience, SEIFA data and NSW Law and Justice research.

One of many examples of our targeted legal outreach is a youth legal outreach to Bankstown. Bankstown was recently identified by the Commonwealth government as a priority area of disadvantage in its Building Better Communities Programme. MLC has a long-standing relationship with youth centres in Bankstown and has for many years run a youth legal outreach in partnership with local youth centres. Partnerships with other community organisations ensure a holistic approach can be taken and a client's non-legal needs addressed.

We also run drop-in services. At the Newtown Neighbourhood Centre our tenancy service runs a clinic for homeless clients and for clients living in boarding houses. At the St George Migrant Resource Centre at Rockdale, we run a weekly drop-in legal clinic.

In the mapping of areas of high legal need, we have found that caution needs to be exercised when examining SEIFA statistics. For example, Marrickville is a large suburb with pockets of advantage and disadvantage. In South Marrickville there is a concentration of public and social housing. There are also a disproportionately large number of boarding houses in the Marrickville Local Government Area. Analysis of SEIFA statistics should not be made at the LGA or suburb level, but rather at the smaller Statistical Area Levels 1 or 2. This ensures that disadvantaged Australians are not glossed over because of their comparatively-advantaged neighbours.

The point should also be made that basing funding purely on the immediate legal needs of people in a geographical area does not recognise the role of CLCs in systemic advocacy and law reform. There may be CLCs situated in relatively advantaged areas whose law reform work significantly increases access to justice for all disadvantaged clients.

In relation to draft recommendation 21.3, MLC has concerns about adopting stricter eligibility criteria along Legal Aid lines. The concerns include the introduction of a whole new level of cumbersome bureaucracy to verify a means test, for example.

A strict means test might exclude deserving disadvantaged clients, for example those with mental health issues or who are refused Legal Aid. Stricter tests will not allow CLCs to respond flexibly to needs of particular groups or individuals. Marrickville already uses a broad-stroke means test for employment law advice, limiting it to people who earn less than \$68,000 a year. This is the only means test we apply. It was applied to ensure that we are assisting low paid workers. We do not verify the means test. This limit allows us to target our services to the most disadvantaged.

Without strict means tests, MLC already targets and prioritises its assistance to the most disadvantaged. Approximately 78% of clients who were given advice and who reported their income scale had no or low incomes.

MLC uses many volunteers to deliver its legal service. Without our dedicated volunteers, we could not reach the number of clients we do. However, recommendation 23.1 suggests that the use of volunteers should be increased.

Ultimately, increased use of volunteers is not a sustainable way of dealing with increased legal need. Volunteers play a very valuable role, but our CLC cannot base service delivery on particular volunteers with specific skills being available. Volunteers come and go and each volunteer has a different area of expertise, different skills and varying levels of commitment. They also require legal supervision, which demands extra resources from the Community Legal Centre and takes highly-skilled staff solicitors away from client contact.

Yours sincerely,

Catherine Dornan  
Executive Officer