

**Submission to the Productivity Commission
Access to Justice Arrangements 2014**

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We welcome the opportunity to provide a submission the Productivity Commission at its public hearings held in Perth.

Background

The Northern Suburbs Community Legal Centre (NSCLC) is a generalist community legal centre based in the northern suburbs of Perth. The centre was founded in 1996 following release of the Justice Statement by the Commonwealth Attorney General in 1995. It is the only CLC located in the northern corridor with two offices, one located in Mirrabooka 12.5 kms north of Perth and the other at Joondalup 26 kms north of Perth. The Joondalup CLC is located at the Edith Cowan University.

The area served by the NSCLC is one of the biggest in Australia with 7 local government areas and an estimated 30% of the states population. The service area extends from central Perth to Yanchep in the north out to the coast and inland to parts of the City of Swan.

In 1996 the Annual income was less than \$200,000.00 (CLSP) and in 2014 our annual income is approximately \$1.5m including Commonwealth CLSP funding of approximately \$300K. The Joondalup CLC is solely funded by a State Legal Contributions Trusts fund grant. Other income sources include Department of Commerce (WA) – Tenant Advocate and Education Services (TAES), the Department of Local Government and Communities(WA) – Older People’s Rights Service(elder abuse) and until February 2014 Legal Aid WA Partnership Family Law program.

Other sources of income include McCusker Charitable Foundation (Human Rights program) Mercy Care Rental Ready Program and other no recurrent income sources. Currently we have a grant from the WA Police to produce a DVD and accompanying materials targeting family violence (including parent on parent and parent on child violence) within African communities. This project is in partnership with the WA Police and the Department of Child Protection.

NSCLC employs 8 FTE lawyers, 1 FTE Social Worker, 2FTE education workers and 2 FTE advocates. As the NSCLC is in partnership with the Edith Cowan School of Law and Justice we offer not only placements but volunteer positions at both offices. At any time there may be 6 law students on placement and up to three graduates completing their School of law requirements.

The centre practices in

- Family law including family violence and children’s issues. Two Pro Bono law firms attend at the offices 1 day per week to provide family law property advice.
- Criminal law in the summary jurisdiction of the Magistrates Court under the Criminal Code or Road Traffic Act.
- Specialist criminal advice under the Fisheries Act; (usually CaLD people recreational fishing)
- Local Government Act and Dog Act.
- Tenancy law for tenants only
- Elder Abuse – mainly civil law including family agreements and abuse but may also include criminal law (fraud)
- Civil law including minor motor vehicle property, criminal injuries, debts and other minor civil.

Between July 1, 2013 and 27 May 2014 the NSCLC provided

- 3832 clients with 7556 advices
- Managed over 500 cases and represented 55 clients in court.

The centre has an active Education Unit delivering over 120 sessions in partnership with the community in the past 12 months and it is in the area of civil law, education and community partnerships that I address the Commission.

“The capacity of legal assistance providers to assist disadvantaged Australians is constrained, including by funding arrangement and that “governments should ‘ earmark” a specified amount of legal assistance for civil matters (21.1)

The NSCLC agrees that the capacity of legal assistance providers to assist disadvantaged Australians is constrained by resources available. In 2009 the NSCLC in partnership with local community and government agencies recognised the need to develop strategies and programs to meet the demand on services by our disadvantaged communities. In particular we were concerned that all services were being overwhelmed with clients seeking assistance in the areas of motor vehicle accidents, driving infringements, telecommunication debts, money borrowing debt and eventually in some cases eviction and homelessness due to rental debts.

Case Study 1

In early 2009 NSCLC lawyers met to discuss current cases and discovered that in the civil area two lawyers were working on similar matters. Both matters concerned telecommunication debts for internet connection and usage. What was different about these matters was that both clients were newly arrived humanitarian entrants and neither owned computers. Further investigation revealed that our clients were not alone in “signing up” to agreements for internet usage and that all had been visited by a “Door to Door” salesman. When queried why they signed for something they neither understood nor needed they replied “He was in a suit and I thought he was from the government.”

Mirrabooka is recognised as the most ethnically diverse suburb in Australia with significant segments of our local population from Africa, Middle East and Asia. A feature of these groups are that many of them have spent significant parts of their lives in refugee camps and have had little if any formal education which impacts upon their ability to integrate into our ever increasing modern society. It is noted that similar disadvantages face our own indigenous citizens.

In many cases our clients are unable to read or write in the language they speak and at times all agencies have struggled to find interpreters for particular language groups.

Following consultation NSCLC commenced its Community Education Program (CEP) in 2009 and has since escalated implementation and further refined services to the community and relative stakeholders. Our CEP services have focused on emerging trends identified through both advice and casework services and in consultation with the community including ethnic leaders, WA Police Community Policing Unit, local community based organisations and government departments. These areas/topics are Finance and Consumer Issues, Family Relationships and the Law, Residential Tenancy Issues and Driving in WA: Getting a Licence and other Common Driving Issues

Our focus is on the specialised delivery of legal education workshops targeting at-risk segments of the community; namely CaLD groups (including newly arrived migrants and humanitarian visa holders) and other non English speaking communities. Accordingly, it is these groups that we have targeted and the primary recipient stakeholders or partners of our CEP services have been TAFE's that deliver the Australian government's Adult Migrant Education Program (AMEP) and other settlement grant agencies such as Edmund Rice Centre and MercyCare (whose clients are specifically CaLD migrants and humanitarian visa holders). Many of the NGOs are contracted through the Department of Immigration and Citizenship.

The educational workshops are tailored for non English speakers and involve role play and interactive techniques in educational delivery. The response has been positive with settlement grant agencies requesting our services and a number of partnerships being developed to deliver education to the communities including a partnership with MercyCare to deliver a four day Rental Ready Program to emerging communities.

To view education programs and our You tube channel go to: www.nsclegal.org.au

The value of preventative education

The value of preventative education should not be understated when considering strategies around improving access to justice. The provision of targeted education to provide people with information that will assist them to resolve issues at an early stage and before they escalate into unmanageable issues will result in better outcomes for the client and for the legal system overall.

The value of partnerships in developing education

It has been our experience that partnerships are an essential component to delivering services to the community. Engaging with community and government will result in far better outcomes for the community and an improved understanding of the multiple issues that have an effect on the outcomes for many families.

The NSCLC has a number of formal and informal partnerships including

Formal Partnerships:

- **AnglicareWA - Family Relationship Centre Joondalup.**

Northern Suburbs Community Legal Centre entered into a partnership with AnglicareWA to tender successfully for the Joondalup Family Relationship Centre. The partnership has been a benefit to both parties and to clients with a Lawyer advising clients at the FRC and also providing advice to family consultants employed by the FRC.

- **Edith Cowan University - Joondalup Community Legal Centre**

Edith Cowan University and the Northern Suburbs Community Legal Centre are partners in the Joondalup Community Legal Centre (an office of Northern Suburbs Community Legal Centre).

The centre is located on the Edith Cowan University Campus at Joondalup. As part of the partnership the University provides the accommodation, furniture and utility overheads.

An integral part of the partnership between the Centre and ECU's School of Law and Justice is the law student workplace practicum.

Studied as an elective unit, Community Legal Practice (LAW3602), students undertake a workplace practicum at the Centre, learning first hand many of the skills necessary for the responsible and successful practice of the law.

Under the supervision of qualified legal practitioners, students will assist in the delivery of legal services, allowing students to apply much of the theoretical knowledge acquired in other law units.

Students will also learn about the practical and ethical aspects of giving legal advice including management of client expectations and confidentiality, and will be encouraged to reflect upon the adequacy of the law within a social context.

- **MercyCare - Rental Ready Program**

NSCLC and MercyCare are partners in the Rental Ready Program. The program was developed by MercyCare and is a program funded by the Department of Immigration and Citizenship (DIAC). In partnership with MercyCare, NSCLC delivers the legal education component of this 4 day program as part of the Settlement Grants Program to newly arrived migrants and humanitarian entrants.

- **Legal Aid WA - Human Rights are Aussie Rules Program**

Legal Aid WA and NSCLC are partners in the Human Rights are Aussie Rules program, a school based human rights education program for primary children aged 10-12. The program is based at the Mirrabooka office of NSCLC and is a metropolitan wide service.

- **Advocare Inc. – Older People's Rights Service**

The Older People's Rights Service is a legal and social work advocacy service managed by the NSCLC in partnership with Advocare Inc. The Metropolitan wide service is located in the NSCLC offices in Mirrabooka with an outreach office in Belmont at the Advocare Inc. offices.

Informal Partnerships

Partnerships in the development and delivery of education resources including videos and manuals on family law, criminal law, driving and traffic and family violence.

- **Adult Migrant Education Program**

- Central Institute of Technology, Perth Campus
 - Polytechnic West, Belmont Campus

- Cyril Jackson Senior Campus – Intensive English Program
- West Metropolitan Crime Prevention Office, Western Australia Police
- Centacare Inc.
- Edmund Rice Centre
- The Law Society, Francis Burt Law Education Program
- Life without Barriers
- PVS Workfind
- Save the Children
- City of Stirling
- Metropolitan Migrant Resource Centre
- Department of Child Protection
- ISHAR Multicultural Women’s Services

Why Community Legal Centres are best placed to deliver legal services to communities

Community Legal Centres are an integral part of community and in particular communities that are disadvantaged. The culture ingrained in CLCs is one of working closely with communities and community agencies. This culture has developed over the years due to recognition that with very few resources CLCs were unable to meet demand and so centres developed a range of strategies and programs that could be delivered within their meagre resources. Being small can also have advantages including being able to tailor programs to smaller groups of people and to recognise when a group of people are falling through the cracks.

In Western Australia CLCs have a history of working together to maximize and share resources to deliver effective and targeted services to our communities.. The FRC/CLC partnership and the Tenancy Network are excellent examples of maximizing resources and working in partnerships.

Karen Merrin
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