

# WHY COMMUNITY LEGAL CENTRES ARE GOOD VALUE



## What are CLCs?

Community legal centres (CLCs) have been a vital component of the provision of legal services in Australia for more than 30 years. There are more than 200 CLCs throughout the country – in metropolitan, suburban, regional, rural and remote areas.

In 2006-07<sup>1</sup> CLCs, in addition to casework:

- provided more than 222,000 individual legal advices
- provided more than 123,000 information, support and referral services – with an emphasis on self-help
- concluded more than 2000 community legal education projects during the year and finalised over 580 law reform projects.

CLCs are different from other providers of legal services. They are not-for-profit organisations independent of government, commercial or professional bodies. They are community-based organisations with a particular focus on the disadvantaged and those with special needs. CLC management and operational structures encourage community involvement and ensure that the changing legal needs of their communities are met.

While they provide legal services to individuals, CLCs also work beyond the individual. CLCs work with their communities to initiate community legal education and law reform projects that are preventative in outcome and that strengthen the community.

The clients of community legal centres are those who are facing injustice, whose legal problem is not profitable, and whose life circumstances are affected entirely by this problem.

Sometimes the communities are not geographical, but communities of interest: people affected by debt or family violence or people with disabilities.



CLCs are generally based in accessible, shopfront locations, in areas of significant socio-economic disadvantage, or hubs easily accessible by public transport. Some are in rural and remote areas and some operate outreach programs in order to make their services accessible to far-flung communities or to people who have difficulty in coming to them.

## Not just lawyers ...

CLCs recognise that the solutions for their clients' problems are not only legal. They work closely with their communities and other service providers to respond to the complex and inter-related needs of their clients. CLCs are staffed by a mix of lawyers, community educators, social workers, non-lawyer advocates, financial and other counsellors, and domestic violence and other specialist community workers. These professionals are backed by administrative and coordination staff.

The holistic multi-disciplinary service provided by CLCs aids in addressing the causes of entrenched disadvantage.

### CASE STUDY

#### Too many fines lead to law change

The Victorian Homeless Persons Legal Clinic (HPLC) saw Richard, an elderly man who suffered from chronic alcoholism and lived in and around a train station. Richard had accrued fines of \$100,000 over five years, sometimes receiving up to 13 a day. These fines all related to 'public-space' offences such as being in the wrong part of the train station, drinking in public, begging and using offensive language (when responding to what he felt was police harassment).

Richard sought HPLC's assistance regarding the fines and to prevent the police from harassing him. HPLC lawyers managed to get Richard's fines revoked and the issues publicised, with the result that his case led to an inquiry into the fines system in Victoria.

In consultation with other service providers, HPLC arranged appointments with a housing information and referral service and a drug and alcohol service. The HPLC also lobbied for Richard's inclusion on a governmental reference group that developed policies and protocols and reviewed legislation in relation to the issuing and enforcement of fines against people experiencing homelessness or poverty. This review ultimately led to reform of the Infringements Act.

◀ *Staff from Kimberley Community Legal Services Inc about to take a flight to Oombulgurri to provide legal services. Like many remote settlements, Oombulgurri is rarely accessible by road and air travel is more cost-effective.*

© Kimberley Community Legal Services Inc.

1. These figures significantly under-represent the total number of services provided by CLCs. They are taken from one database, designed to collect data from CLCs funded under the Commonwealth and State Community Legal Services Programs, which records service delivery for only about 80% of the over 200 CLCs in Australia.

## Early intervention and prevention

*'It is important to emphasise that the value of [the] preventative work [provided by CLCs] is far greater than the reactive costs that would be incurred in the absence of such services. The fence at the top of the cliff not only saves lives, but it is also much cheaper than the ambulance at the bottom.'*

— *The Economic Value of Community Legal Centres*, Institute for Sustainable Futures, University of Technology Sydney, Feb 2006.

Wherever possible CLCs assist their clients by early intervention strategies that prevent the escalation of problems.

Because CLCs are very accessible and are used as referral points by other agencies, many of the clients seen by CLCs are already in crisis and have been rejected for assistance by private, government and other service providers. The ability of CLCs to respond to immediate crises as well as provide early assistance is critical to their demonstrated success at contributing to social inclusion.

Awareness of legal rights and where to go to get assistance is vital. CLC strategies include making it easier for people to access information directly and develop their own knowledge, resources and skills to help themselves as much as possible.

Preventative strategies used by CLCs include many innovative projects that inform communities and individuals about preventive solutions and others that assist community workers and individuals to use the legal system for themselves.

### CASE STUDY

#### Preventing crime in western Sydney

Macquarie Legal Centre obtained funding over two years to run a series of crime prevention workshops for young people. The CLC coordinates this collaborative project, working with local high schools, the Police Service, NSW Legal Aid Commission and the University of Western Sydney (UWS).

The project follows a smaller but successful project, 'Be Engaged Be Proud' where the CLC, Police Service, local youth workers and local high schools cooperated to provide legal information workshops at two high schools in 2005. The CLC uses a community development approach to the project, consulting young people on the content of the workshops through questionnaires and focus groups. In addition young people are given the opportunity to develop their own legal resources, which reinforces the learning from the workshops and is available to a wider audience.

UWS designed and assisted with questionnaires, focus groups and evaluation and will also assess the project's effectiveness.

### CASE STUDY

#### Support for new immigrants

Recognising the particular needs of people from culturally and linguistically diverse backgrounds, CLCs regularly conduct community legal education seminars and training sessions in partnership with organisations assisting newly arrived immigrants.

The Consumer Action Law Centre in Victoria conducts consumer awareness training sessions for new migrants through centres such as Adult Multicultural Education Services. Such early intervention strategies can help prevent vulnerable people from developing legal problems.

## Working collaboratively

CLCs are highly effective collaborators. They have strong links with their local or special interest communities and with all levels of government, and operate in a collaborative network of cross-referring government, community and private service providers. CLCs often have close links with local businesses and many centres have ties with philanthropic organisations and through them, with business enterprises.

### CASE STUDY

#### Empowering tenants and consumers

The Peninsula CLC with funding from Consumer Affairs Victoria (CAV), developed a series of workshops to assist tenants and consumers to confidently represent themselves at the Victorian Civil and Administrative Tribunal. CAV provided further assistance through provision of training facilities and assisting with workshop promotion. In 2007 Peninsula CLC delivered tenant and consumer workshops and both the centre and CAV provided workshops to the Chinese community. CAV provided workshops to landlords and traders.

### CASE STUDY

#### Working with tribunals in Tasmania

*Going It Alone: A Guide for Unrepresented Litigants in the Resource Management and Planning Appeal Tribunal* was developed in 2006 by the Environmental Defenders Office (Tasmania) in consultation with the tribunal itself. The publication of the handbook followed feedback from the tribunal and a Better Planning Outcomes project that suggested that providing litigants with a basic understanding of the appeal process would significantly improve the tribunal's operation.

The handbook is recommended by the tribunal to all unrepresented litigants in planning matters. The tribunal reports that the guide has been highly useful in improving procedural compliance. Clients have consistently stated that the guide has given them greater confidence in running their appeals.

A second edition of the handbook was published in 2007, and a new edition is planned for later this year.

## Social inclusion

Australians pride themselves on their innate sense of justice, embodied in the national attachment to a 'fair go'. This striving for justice goes to the heart of how we see and define ourselves as a nation.

Access to justice must be a key component of any program of social inclusion. It should allow disadvantaged Australians easy access to timely and adequate legal assistance so that they can exercise their rights within a fair and balanced system of justice.

This is a particularly sharp challenge to a developing social inclusion agenda, and CLCs are at the forefront of developing policies and programs to ensure fairness in access to justice.

A rights-based approach to social inclusion and adequate resourcing of CLCs and other free legal services is critical to cementing the rule of law in our communities. Social exclusion is not only a deprivation of income but a violation of human dignity. It is an attack on a person's economic, social, civil and political rights. Being socially excluded means never being safe, being unable to be sure that you can get or keep a job or a home, to protect your legal and human rights.

### CASE STUDY

#### Assisting those with intellectual disabilities

The Albury-Wodonga Community Legal Service, in partnership with other support networks and agencies, set up a volunteer support service for people with an intellectual disability when they are questioned by police.

With funding from the NSW Legal Aid Commission, the CLC trains the volunteers willing to be on a register and will employ a part-time coordinator to recruit volunteers, engage and liaise with police and court staff, organise training and education, and promote the service.

The CLC has also organised training for intermediaries working with people with disabilities coming into contact with the police and court system and offering education on discrimination law in association with a pro bono partner. The CLC is hoping to extend the service to provide support when a person with an intellectual disability appears in court.

## Combating homelessness

A wide range of legal problems commonly cause or contribute to the risk of homelessness. Research shows that most people do not become homeless without at least some interaction with the legal system or other public institutions. It also shows that generally people do not escape homelessness without successfully navigating these institutions. In a recent survey of 50 homeless people in Victoria, over 75% reported a direct causal link between their homelessness and their legal problems. This direct relationship is supported by the experience of CLCs across Australia.

Resolving the legal and related problems that cause homelessness has been part of the daily work of CLCs since they started operating over 30 years ago.

It is not only the specialist 'housing' CLCs such as Homeless Persons' Legal Clinics and the Tenants Unions and Advice Services that deal with homelessness. All CLCs provide advice and assistance which alleviate or prevent the escalation of problems which cause and perpetuate housing vulnerability.

CLCs are consulted every day by clients experiencing eviction or legal action over debt, losing a job or fleeing family violence. Each of these legal problems can place a person and sometimes a whole family at risk of homelessness.

### CASE STUDY

#### When domestic violence leads to homelessness

Raisa, the mother of two children under eight, was the victim of attacks by her partner. Raisa fled the premises after numerous incidents of escalating violence towards her and her children. She had nowhere to go and no money. Her partner had threatened to kill her and her family and she feared that if she went to her family's place, he would find her there and her life and the lives of her family would be endangered. Raisa was too scared to contact DoCS because she feared her children would be taken from her since she was without any accommodation. The first night, she and her children stayed in their car and did not eat. They had no money and had left all their possessions at the house.

The Queensland Women's Legal Service (WLS) came in contact with Raisa the following day when she attended Court in relation to the Apprehended Violence Order (AVO) police were taking out for her protection. The WLS immediately assisted Raisa with her AVO matter and with emergency housing.

The WLS worked with Raisa to address other legal and nonlegal issues including victims compensation, counselling, liaising with the police on the associated charge matters and support through the subsequent hearing into the charges laid against the offender.

Without the assistance and support of the WLS and its specialist domestic violence service, it is likely that Raisa and her children would have experienced longer-term homelessness or that she would have returned to the family home at risk of continued domestic violence.

There are specialist programs or specialist CLCs working in the areas of credit and debt, tenancy, employment, family law, welfare rights, services for elder or young people, and services for those with a disability or mental health problem. In all of these areas, CLCs work at a broader level to address causes of homelessness.

## CASE STUDY

### Jane gets her home back

After some years of separation, Jane's violent ex-partner persuaded her children to pressure her into letting him stay for a short time in her Department of Housing (DOH) property for which she is head tenant. The ex-partner then refused to leave the house, destroyed some of her furniture and stole from her. Jane was frightened but found that police would not remove her ex-partner from the home.

At court the ex-partner claimed he had an entitlement to her property and the matter was listed for an interim hearing some three weeks later. In the meantime Jane moved out into crisis accommodation. The DOH considered the ex-partner to be an unauthorised occupant and began to charge Jane full market rent despite the fact he did not have her authority to be there. Because the ex-partner was not a tenant the department could not evict him.

The Women's Legal Service (WLS) liaised with departmental caseworkers and called them as witnesses in proceedings for a domestic violence protection order (DVO). Jane was awarded a DVO excluding the ex-partner from the premises with a property recovery order.

The WLS successfully negotiated with utility companies to obtain a waiver of bills for the time Jane was involuntarily absent from her flat. Following negotiation, the DOH waived the penalty rent payments for an unauthorised occupant and Jane continues to live in her home.

## Closing the gap

CLCs work closely with Indigenous communities to address one of the greatest areas of unmet legal need in Australia. Many CLCs have tailored specific programs for Aboriginal and Torres Strait Islander (ATSI) individuals and communities in their service areas.

The community-focused cooperative and consultative framework of CLC service delivery is particularly suited to effective work with ATSI communities. CLCs listen to their communities, employ Indigenous workers, learn from the Indigenous peoples' experiences and resource their solutions. Where CLCs identify gaps in service they use their local knowledge and experience to leverage extra resources.



▲ Darwin Community Legal Service Indigenous Aged/Disability Advocates delivering advocacy skills workshop at Wadeye in the NT. © Darwin CLS

## CASE STUDY

### Reducing the barriers for Aboriginal women

Aboriginal women face considerable barriers when trying to access community services, including general distrust of the Australian legal system, lack of knowledge about community services, and practical difficulties with phone access and credit, transport and childcare which prevent would-be clients attending appointments or using telephone advice services.

The Women's Legal Centre in Canberra decided to act on these barriers. They listened to the local Aboriginal women and develop strategies to address the issues.

In 2005, the Centre established an Indigenous Women's Law and Justice Support Project with a small amount of funding from the ACT Community Inclusion Fund.

This highly successful project has resulted in a number of positive outcomes including:

- an Aboriginal identified position at the Centre
- a doubling of numbers of Aboriginal women clients receiving advice from the Centre
- an increase in the number of home visits to Aboriginal clients.



▲ Getting the views of homeless people. The NSW Homeless Persons Legal Service was one of many CLCs that made a submission to the Australian Government's Green Paper on Homelessness earlier in 2008. The HPLS held a number of meetings with people experiencing homelessness to get their views on what the government should do to address the problem. © NSW HPLS

## CASE STUDY

### Welfare rights in the Territory

Following the announcement of the Northern Territory Emergency Response (NTER) in 2007, the National Association of Community Legal Centres (NACLC) obtained a small grant to allow a senior welfare rights solicitor to travel to the Territory to study the best ways to support delivery of social security advice and advocacy.

This scoping project was undertaken by a specialist grouping of CLCs – the National Welfare Rights Network. It identified the need for assistance to help the more than 20,000 Indigenous people in 600 communities across the Territory gain access to expert and culturally appropriate legal advice and assistance to manage the complex social security changes included in the NTER that have directly impacted on their lives.

As a result of this work and NACLC submissions, the Commonwealth Attorney-General's Department provided funding to the North Australian Aboriginal Justice Agency and to the Central Australian Aboriginal Legal Aid Service to each host two staff seconded from CLCs with welfare rights expertise to provide advice and assistance in their respective regions for 12 months.

## CASE STUDY

### Living safe – growing strong

Staff of the South Australian Women's Legal Service had noticed that a lot of Aboriginal women were talking about sexual assault in ways that indicated they were unclear as to the legal seriousness of the offence.

They also noticed that young women were particularly unlikely to report sexual assault. These young women did not want to cause trouble within the family by talking about assaults perpetrated against them. Even if they wanted to report a sexual assault, the communications problems in remote communities provided a further barrier. There is rarely any mobile phone coverage, few landlines are available to them, and public phones often don't work and provide no privacy. The Centre decided to organise a camp called 'Living safe – Growing strong'. The camp used a variety of activities, fun and serious, to educate and empower young Aboriginal women from different regions about violence, to debunk some of the myths surrounding sexual violence and to prevent abuse in interpersonal relationships. The Young Women's Camp Project is an extraordinary example of how community links and cultural understanding allow a trust relationship to develop that can effect huge change.

## Value for money

CLCs have a long history of demonstrated success in obtaining and coordinating volunteer and pro bono support from private lawyers and other professionals. This adds greatly to the total hours, dollar value and range of expertise of the services provided.

For funding bodies it also provides greater value for the funding dollar.

In a large centre with access to many volunteers, the value of pro bono work can amount to hundreds of thousands of dollars a year.

In rural or remote areas, where access to volunteers is more limited, the input of volunteer professionals nevertheless adds significantly to the service offered. For example, the North and North West Community Legal Service in NSW only has three volunteer lawyers, but they contributed 103 hours to that CLC's services last financial year.

CLCs attract and maintain significant volunteer support from the private legal profession with more than 2200 private solicitors around Australia regularly providing voluntary legal services to clients at CLCs. Volunteer services are regularly provided by another 1600 professionals, students and others.<sup>2</sup>

In 2006, volunteers made an in-kind contribution to CLCs of some 300,000 hours, including over 68,000 hours by lawyers and over 229,000 by non lawyer volunteers.

These figures do not include the significant pro bono support provided to CLCs from private law firms by way of secondments or other legal services. This has been estimated to be over 25,000 hours each year.

In total, CLCs are leveraging more than \$23 million worth of free legal assistance each year.<sup>3</sup>

Many CLCs have benefited from particular relationships and partnerships with law firms, including relationships that have been brokered between city-based law firms and CLCs in regional, rural and remote areas.

According to joint submissions by six major law firms to the 2006 Federal Civil Justice System Strategy Paper: *'without a well-funded and comprehensive network of Community Legal Centres and Legal Aid offices, our pro bono schemes would be less effective'*. The firms acknowledged CLCs as the primary source of their pro bono clients and stated that they relied on CLCs to identify matters of real need and to make informed referral decisions as to which clients are most appropriately in need of pro bono assistance.

2. From figures provided to NACLC by the approximately 170 CLCs participating that year in the National Professional Indemnity Insurance Scheme. The total number of volunteers in all (over 200) CLCs would be much more.

3. Calculated from data collected annually by NACLC and information from the National Pro Bono Resource Centre and applying a low commercial hourly rate.

Examples of the value that volunteers add to the cost-effectiveness of CLC services include:

- Redfern Legal Centre in Sydney recently calculated its expected 'volunteer valuation' for legal services to clients for 2008 at more than \$1.7 million.
- The Queensland Homeless Persons Legal Centre, with only 1.5 employed staff, has over the past three years leveraged the assistance of approximately 250 private lawyers to provide over \$1 million worth of free legal services a year to homeless people.
- In 2006-07 Victoria's Peninsula Community Legal Centre's 120 volunteers enabled the centre to run up to nine additional advice sessions each week, assisting 1368 clients over that year.
- The NSW Homeless Person's Legal Service has garnered 15,000 pro bono lawyer hours since it started in mid-2004.
- The Victorian Homeless Persons Legal Service negotiates \$3.5 million of pro bono legal services through private law firms each year.

▼ An example showing how the work of CLCs contributes to the delivery of broader government agendas such as social inclusion and preventing homelessness. As well as delivering extensive benefits to individuals and the communities served by CLCs, this work also provides savings to government.

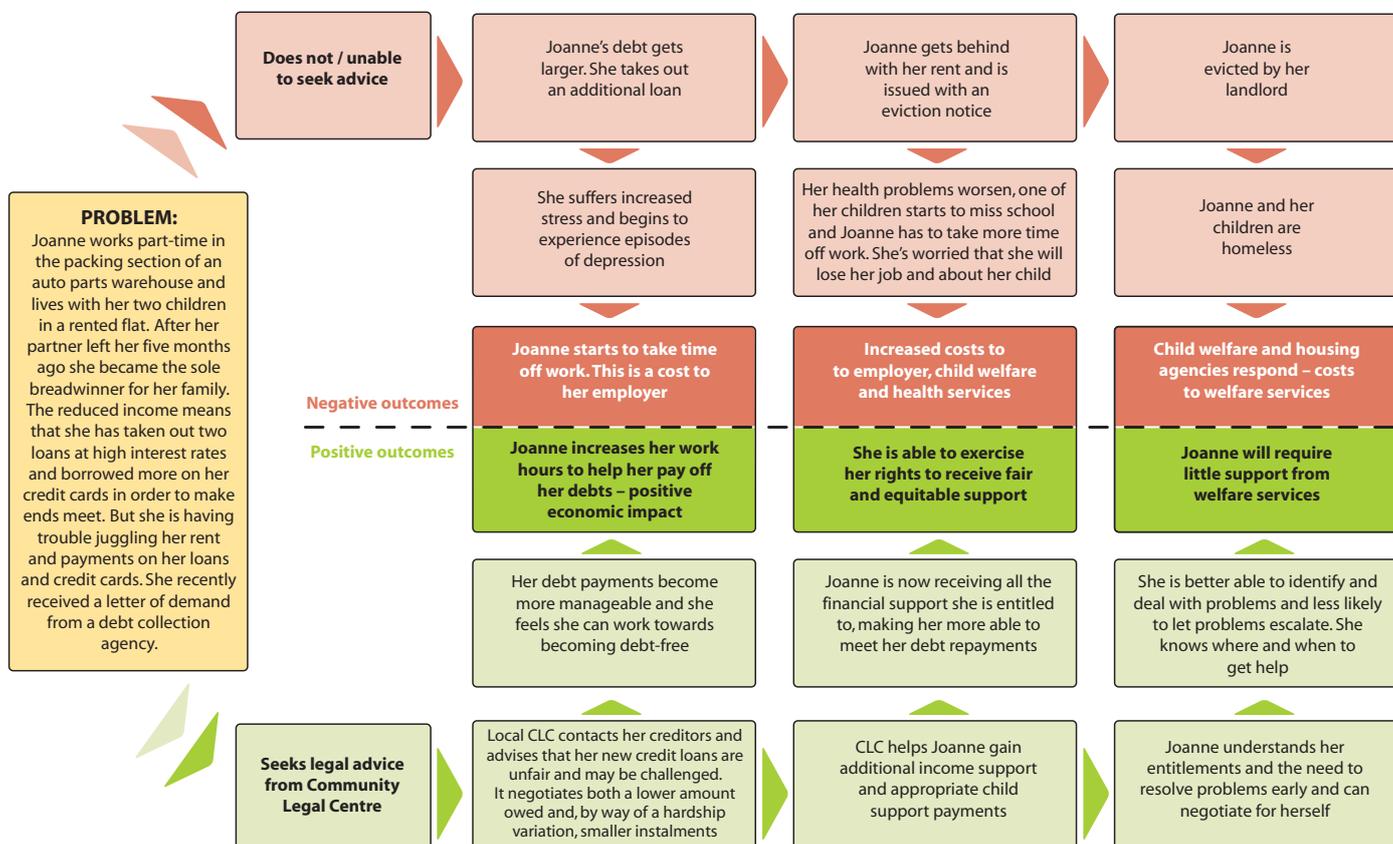
## CASE STUDY



### Tackling unfair practices by motor car traders

After assisting many individuals with complaints about Motor Finance Wizard Pty Ltd (MFW), a licensed motor car trader, and raising complaints with regulators, Victoria's Consumer Action Law Centre launched a direct action campaign aimed at raising awareness among consumers of the practices of some motor car traders. The "Say No to the Wizard" campaign focuses on MFW and other traders who use a business model deliberately structured to evade consumer protection laws. MFW offers "interest-free" loans, taking it outside the protection of the Uniform Consumer Credit Code but then sells cars for much more than they are worth. The difference between actual value and sale price is effectively the interest, but consumers lose their Credit Code protections.

One of Consumer Action's clients was a 21 year old sole parent whose only source of income was the single parent pension. MFW sold her a 1995 Mazda 121 hatchback for a total cost of over \$15,000. The car's market value turned out to be about \$3,000. The car's brakes failed soon after purchase, making it unusable. © VICALC



## Broader public benefits

A 2006 report by the Institute for Sustainable Futures (University of Technology Sydney) on The Economic Value of Community Legal Centres looked beyond the private benefits provided to the individuals assisted by CLCs to the broader public benefits provided to society. It recognised that much of the work of CLCs reduces the need or extent to which clients engage with the costly legal system or have to draw on or use government services.

**'Preventative work of CLCs means that upfront investment in CLCs is often more cost effective ... due to the large avoided cost derived from investing a smaller sum in CLCs thus avoiding much higher legal system costs. ...The wide range of individual and social benefits accruing from the work of CLCs should be recognised as economic values [that in turn should be considered] when considering the overall economic contribution of CLCs [and] determining the true value of government investment in community legal centres. ...**

**The case studies examined in this report show that the quantitative value of CLC services for the clients involved was of the order of one hundred times far greater than the amount that CLC services are funded per client. If we only consider the quantitative values, it is clear that CLCs are providing significant value for money. If we take into account the far greater qualitative benefits, particularly those that accrue to the broader society and into the future, then the total economic value of CLCs is shown to be very high indeed.'**

### CASE STUDY



#### CLC representation at UN

Disability Discrimination Legal Centre NSW (DDLCC) staff and management committee members, as representatives of NACLCL, actively participated at the United Nations Ad Hoc Committee Sessions developing the UN Convention on the Rights of People with Disabilities. Rosemary Kayess, the Chairperson of DDLCC was invited to participate in the UN Working Group meeting to develop draft text and eventually became the NGO representative on the government delegation to the Ad Hoc Committee Meeting.

This photo of DDLCC Management Committee Members Rosemary Kayess, Darren Fittler and Jenny Green and the previous and current HREOC Human Rights Commissioners Sev Odowski and Graeme Innes was taken at the final Ad Hoc Committee Meeting in New York, August 2006. © DDLCC

### CASE STUDY

#### Recruiting and training volunteer lawyers

About half of the legal casework of the West Australian Mental Health Legal Centre involves advocacy for people subject to involuntary mental health treatment under community treatment orders challenging their status at the Mental Health Review Board.

The CLC received pilot funds to employ a pro bono coordinator to recruit, train and support lawyers from private firms to advocate for people appearing before the board. With four legal firms involved and three more planning to join, the project is likely to double the number of people represented by the CLC when fully implemented in 2009.

## Centres of excellence

Every year, CLCs, their staff and volunteers are recognised publicly for their high-quality legal service and contribution to their communities and society.

In 2007, awards received by CLCs or CLC workers included:

- ACT Aboriginal and Torres Strait Islander Person of the Year
- Women Lawyers Association of NSW Achievement Award
- Young Environmental Lawyer of the Year
- Law Society Community Services Award
- Regional Woman Lawyer of the Year
- Law Institute of Victoria New Lawyer Award
- Business 3000 Community Responsibility Award
- Murdoch University Vice Chancellor's Citation for Excellence
- University of NSW Professional and Technical Recognition Award for Excellence in Enhancing the Student Experience
- Australian Young Lawyer of the Year 2007, Australian Young Lawyers Committee of the Law Council of Australia
- 2007 Human Rights Law Award, Law Council of Australia
- 2007 Justice Medal at the Law and Justice Foundation of NSW 2007 Justice Awards
- Metropolitan Consumer Advocacy Excellence Award at the inaugural Victorian Consumer Affairs Awards.

Awards received already in 2008 have included the WA Young Women Lawyers of the Year and the Richard Fletcher Award, WA Consumer Protection Awards 2008.