



**Council of
Attorneys-General**

National Strategic Framework for Legal Assistance

Agreed by the Council of Attorneys-General (CAG):

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Contents

Legal need in Australia	2
Overview of the National Strategic Framework	3
Objective of the National Strategic Framework	4
Self-determination	4
Purpose of legal assistance services	5
Principles	6
1. Focus service delivery on people facing disadvantage	6
2. Client centred and appropriate services	7
3. Collaboration and integrated approaches	8
4. Appropriately timed responses and preventative action	9
5. Empowerment and resilience	10
6. Continuous learning and improvement	11

Legal need in Australia

Legal problems are widespread in Australia and there is significant and unmet legal need. Changes in Australian society, through broader socio demographic and population factors and systemic issues, contribute to the level of unmet legal need and directly affects the way in which legal problems present for individuals.

People often experience multiple legal problems at the same time, including criminal, civil and family matters. These legal problems often coexist with, or are triggered by, other problems. In many cases, services and professionals outside the legal system are the first or only points of contact for people in need of legal help.

If left unresolved, legal problems can escalate and trigger other problems, such as health and social welfare issues. They can also impact adversely on a person's broader life circumstances and their ability to participate effectively in society. The flow on impacts will often also affect the person's family and the wider community.

These contextual factors necessitates all levels of government and the legal assistance sector to work together with other service providers to deliver services that consider a holistic approach to addressing an individual's legal and other problems.

Legal problems are highly prevalent amongst groups in society that experience economic, social and other forms of disadvantage. People facing disadvantage often experience higher rates of legal need, and more frequently come into contact with the justice system. Often, it is these people who are more susceptible to, and lack the capabilities and knowledge to deal with, legal problems. Aboriginal and Torres Strait Islander people, in particular, face greater disadvantage and experience significantly higher rates of incarceration than other people in Australia.

Overview of the National Strategic Framework

The National Strategic Framework provides the policy framework for all government legal assistance funding including an overarching objective and aspirational principles, to guide legal assistance policy development, service delivery and sector planning. The National Strategic Framework is not a funding agreement or a performance measurement document.

The National Strategic Framework encompasses all Commonwealth, state and territory government-funded legal assistance. This includes generalist and specialist legal assistance services, delivered by legal aid commissions and community legal centres, and Indigenous Australians—specific legal assistance services, delivered by Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention Legal Services.

The National Strategic Framework was agreed to by the Council of Attorneys-General on 29 November 2019 and was developed with consultation with the legal assistance sector. The National Strategic Framework commenced on 1 July 2020 and expires on 30 June 2025.

A review of the National Strategic Framework should be conducted prior to its expiry.

The National Strategic Framework may be reviewed or amended by the Council of Attorneys-General to ensure that the principles and outcomes remain relevant for all levels of government and the legal assistance sector.

Any review or amendment should be made in partnership between the Commonwealth, states and territories and in consultation with the legal assistance sector.

Objective of the National Strategic Framework

The National Strategic Framework encourages a unified and coordinated approach by governments and the legal assistance sector to keep the justice system within reach in Australia and help focus finite resources towards areas of greatest legal need.

The National Strategic Framework sets out the following shared aspirational objective for all Commonwealth, state and territory government funded legal assistance:

To further a national, integrated system of legal assistance that is focused on keeping the justice system within reach, maintaining the rule of law, and maximising service delivery within available resources. Within this system, legal assistance services should be delivered in a high quality and culturally appropriate manner.

In support of this objective, the National Strategic Framework sets out six principles:

- 1 Focus service delivery on people facing disadvantage
- 2 Client centred and appropriate services
- 3 Collaboration and integrated approaches
- 4 Appropriately timed responses and preventative action
- 5 Empowerment and resilience
- 6 Continuous learning and improvement

Self-determination

The principles of the National Strategic Framework should be applied consistently in a manner which supports self-determination and the *National Partnership on Closing the Gap*. For the purposes of the delivery of legal assistance services, self determination refers to:

- Aboriginal Community Controlled Organisations being the preferred providers of culturally appropriate legal assistance services, while acknowledging that Aboriginal and Torres Strait Islander people have a meaningful choice in which legal assistance services they access

- Aboriginal Community Controlled Organisations determining service priorities and locations based on community need and in collaboration and partnership with governments and the broader legal assistance sector, and
- Aboriginal and Community Controlled Organisations being actively and meaningfully involved in the development and implementation of legal assistance policies and programs that affect Aboriginal and Torres Strait Islander people.

Purpose of legal assistance services

The National Strategic Framework sets out a broad purpose of legal assistance services:

Legal assistance is intended to help vulnerable people facing disadvantage, who are unable to afford private legal services, to access and engage effectively with legal solutions and the justice system in order to address their legal problems.

Legal assistance services are a key component of the justice system and are crucial in maintaining the rule of law by working to ensure that the law is able to be accessed by all people equitably and that fundamental rights are upheld.

Legal assistance services are intended to enable and empower individuals to make informed decisions about asserting or defending their legal rights, meeting legal duties and obligations or otherwise using the law and the justice system to try to progress or address a legal problem.

By addressing legal problems in a holistic manner, legal assistance services allow for timely and cost effective outcomes to an individual's life and wellbeing, prevents the exacerbation of disadvantage, contribute to community safety, and provide broader socio economic benefits, including the overall efficiency of the justice system and other tax payer funded services.

Principles

1

Focus service delivery on people facing disadvantage

Context

People facing disadvantage are more susceptible to legal problems, including multiple and substantial legal problems. Vulnerable groups within our community, particularly Aboriginal and Torres Strait Islander people, tend to experience more legal problems. These vulnerable groups have the capacity, when appropriately supported, to address the challenges they face, including identifying or managing legal problems. Failure to address legal problems often impacts upon broader life circumstances, triggering additional legal and other problems and often resulting in, or furthering, entrenched disadvantage.

Given the finite resources available, it is important that legal assistance services are focused on those most in need. Governments and the legal assistance sector must continue to work together to identify legal need and respond flexibly, in the context of changing demographics, needs and shifts in government policy. Targeting strategies and outreach services may sometimes be necessary to reach and assist people facing disadvantage and with the greatest legal need.

Outcomes

1. Legal assistance services focus on, and are accessible to, people facing disadvantage.

- 1.1 Legal assistance services are accessible to people facing disadvantage, with the greatest legal need and the least capacity of self-help.
- 1.2 Legal need is understood to ensure legal assistance services are responsive to changes in need, within available resources.
- 1.3 Legal assistance services are sustainably structured and operate to deliver appropriate, proportionate and tailored client-centred services.

2

Client centred and appropriate services

Context

To best meet the legal needs of vulnerable people, where practicable, a client-centred approach should be used to ensure legal assistance services are tailored and appropriate to people's particular legal needs, capabilities and knowledge. The level of assistance provided should also be proportionate to people's legal needs and capabilities, factors such as disability and barriers faced in interacting with the legal system, and the complexity of legal problems faced. This ensures that resources are used most effectively.

To facilitate this, service delivery models should be multifaceted and integrate a range of strategies to cater for different capability levels. Such strategies may include, but are not limited to, outreach services, information and other assistance for self-represented parties, dispute resolution and multi-disciplinary partnerships with legal and other organisations.

The delivery of legal assistance services to Aboriginal and Torres Strait Islander people should focus on their specific and unique needs.

Legal assistance services should continue to explore innovative methods of service delivery to both maximise outcomes for clients and the reach of services.

Outcomes

2. Legal assistance services are delivered in a client-centric manner in order to better consider people's legal needs and capabilities.

- 2.1. Legal assistance services are high quality, relevant, delivered respectfully and focused upon improving people's circumstances.
- 2.2. Culturally appropriate legal assistance services are accessible to Aboriginal and Torres Strait Islander people and people from culturally and linguistically diverse communities and are appropriate to their respective legal needs.
- 2.3. All legal assistance providers are proficient to deliver culturally appropriate services to clients.
- 2.4. Service models deliver a mix of legal assistance services and are tailored to meet people's legal needs and capabilities.
- 2.5. Innovative service models are used to improve legal assistance services and better address legal need.
- 2.6. Legal assistance service costs are proportionate to the complexity and significance of the legal matter and the person's capability.

Principles cont.

3

Collaboration and integrated approaches

Context

People experiencing disadvantage are susceptible to multiple legal and other problems. These problems are often inter-related and, in many cases, long-term resolution of any legal problem will only be possible in the context of working to address the other problems they are experiencing.

To improve access to legal assistance services, legal assistance providers should coordinate with each other and collaborate with governments, other services, the pro bono sector and the private legal profession at a national, jurisdictional and regional level. Specific consideration should be made to issues arising in cross border regions and on a national basis.

Collaboration and strong partnerships within the legal assistance sector and with other services and professionals enables people's problems to be dealt with holistically and can result in more effective outcomes. Clear referral pathways, joined up services and an integrated, system-wide approach also fosters a 'no wrong door' culture, making the path towards justice easier to navigate.

Evidence-based, collaborative service planning can help legal assistance services focus on identified areas of legal need, maximising service delivery within existing resources. It also supports the evaluation of existing services and improves service delivery to people facing disadvantage.

Outcomes

3. Legal assistance and other service providers and governments collaborate to provide integrated, client-centric services to address people's legal and other problems.

- 3.1. Legal assistance services deliver complementary services, joined-up where appropriate, that are focused on meeting people's legal needs.
- 3.2. Where appropriate and practical, legal assistance services collaborate with other legal and other services to assist them to identify legal problems, make appropriate legal referrals, and identify and address systemic causes of legal problems.
- 3.3. Legal assistance services focus on identified areas of legal need, including through collaborative service planning.
- 3.4. Sector planning and service delivery are evidence-based and informed by accurate, reliable and consistent data from relevant sources including legal need, service delivery and demographic data.
- 3.5. Governments and legal assistance providers share, where appropriate, information and data relevant to the delivery of services and legal need.

4

Appropriately timed responses and preventative action

Context

Failure to address legal problems often leads to problems escalating or cascading into multiple problems. This results in increased social and economic costs to people, communities and to governments.

Directing people with legal problems, and who are facing disadvantage, to the most appropriate services allows for appropriately timed responses which assist to address their legal problems, avoiding the need for court or tribunal appearances, wherever possible.

Preventative action (including, but not limited to, information, legal advice and community legal education) can address legal problems before they arise or escalate, and help to identify and address systemic causes of legal problems. The use of alternative dispute resolution services and restorative justice programs are encouraged, where appropriate.

Where court proceedings are necessary, legal assistance services contribute to the efficiency of the courts and tribunals. Meaningful cooperation between legal assistance services, prosecution services, relevant authorities and courts and tribunals can assist to facilitate appropriately timed responses and preventative action, in the resolution of matters.

Outcomes

4. Legal assistance services are provided at an appropriate time, which best addresses an individual's legal needs, including preventative action when appropriate.

- 4.1. Legal assistance services offer a range of appropriately timed responses and use the most appropriate service type, including preventative action, to address people's legal problems.
- 4.2. Matters are addressed quickly and cost effectively, including through the use of alternative dispute resolution and consideration of the likelihood of successful resolution, where appropriate.

Principles cont.

5

Empowerment and resilience

Context

Many people are unaware that they have legal problems or that legal remedies exist, and therefore take no action to address their legal needs. The successful resolution of legal problems is highly dependent upon a level of knowledge and capability. While it is not possible to address all unmet legal need, it is important to empower people to understand their legal rights and how to access legal assistance.

A range of activities will be needed to empower people and communities to understand and appropriately act. These activities will depend on the individual's capabilities and the legal problem and circumstances.

Community legal education provides people with the basic skills to identify and address legal problems early and to prevent legal problems from occurring or escalating. Access to information and support facilitates positive participation in the justice system, particularly for Aboriginal and Torres Strait Islander communities, enhancing their access to the justice system and strengthening the rule of law.

Outcomes

5. Legal assistance services empower people and communities to understand and assert their legal rights and responsibilities and to address, or prevent, legal problems.

- 5.1. People have access to the appropriate type of legal assistance that is necessary to enable individuals to make informed decisions about asserting or defending their legal rights, meeting legal duties and obligations or otherwise using the justice system to address a legal problem.
- 5.2. Community legal education and information is tailored appropriately for different groups, coordinated across the jurisdiction, aligned with shared priorities and not duplicated unnecessarily.
- 5.3. People are equipped with increased skills and knowledge to help address or prevent future problems.

6

Continuous learning and improvement

Context

All levels of government should seek opportunities to better understand the legal needs and priorities of the sector more broadly, to ensure that policy decisions accurately reflect the legal landscape in each jurisdiction.

Strategies and interventions to achieve the outcomes identified for Principles 1 to 5 will require appropriate evidence and information sources to support them. Governments and services providers should commit to appropriate monitoring and evaluation of service delivery to learn what strategies work most effectively and efficiently to meet needs.

Opportunities to develop skills, such as in data literacy, should be explored to support legal assistance providers and improve the collection, analysis and communication of data to enhance service outcomes. The ability of legal assistance providers to effectively collect and collate quality data, will support a robust data collection framework and enhance the capacity of staff members as well as the legal assistance service providers more broadly.

Legal assistance peak or representative bodies have an important role in supporting their members by providing leadership, supporting service and organisation standards, facilitating information sharing and developing capabilities.

Outcomes

6. Legal assistance services providers are supported to build the capacity of their organisations and staff, to ensure they can effectively respond to evolving service demand.

- 6.1. Governments provide legal assistance service providers appropriate forums for information sharing and capacity building opportunities.
- 6.2. Governments and the legal assistance sector facilitate a strong culture of information sharing and an effective evidence-base to inform service delivery.
- 6.3. Appropriate monitoring and evaluating mechanisms are in place to identify and learn effective strategies and best practice which improve legal assistance services.
- 6.4. All legal assistance services are able to complete reporting and performance monitoring requirements to a high standard using accurate and appropriate data.
- 6.5. Legal assistance peak or representative bodies support legal assistance service providers by undertaking a range of activities, including capability and capacity building, strategic policy and law reform.

