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National Association of
Community Legal Centres

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CEO of NACLC appointed for next 12 months

As announced on 26 March this year, NACLC has appointed Polly Porteous as CEO of NACLC for the next 12 months.

Polly has extensive experience in law, policy, research and advocacy, across the NGO, private and government sectors.

Prior to taking up the CEO role with NACLC, Polly was working as a Senior Legal Officer with the Department of Family and Community Services for the NSW government, focusing largely on disability law. Polly has also worked as a consultant with a private firm and as a Human Rights Officer in India. However, most of Polly's previous work over the past 20 years has been with CLCs. This includes stints as an administrative assistant at Darwin Community Legal Service, a tenants advocate at Redfern Legal Centre, a solicitor at the Tenants' Union of NSW, and a five-year period as the Director of Community Legal Centres NSW.

As Michael Smith, NACLC Chairperson stated "we are most excited that Polly has agreed to serve as the NACLC CEO. Polly has outstanding skills as a leader, advocate and manager and most importantly in building strong working relation-



NACLC CEO, Polly Porteous

ships with both CLCs and our many partners and stakeholders. She also brings great knowledge of the legal and legal assistance sectors."

In between Polly's numerous Canberra visits, trip to Perth for the Community Legal Centres Association WA (CLCAWA) Quarterlies, and phone link-ups, we managed to ask her a few questions.

What is it like being back working in the CLC sector?

It's like I have come home. I left the CLC sector in 2010 because I wanted to see how other sectors work, and as a consultant I got to know the disability, housing and community sectors. Then working in the public service taught me how the NGO sector is viewed from the outside, and the ways in which NGOs can get their messages across. It

wasn't til I came back to CLC-land that I remembered how generous, passionate and smart this sector really is. It's great to be back.

You last worked in the sector in 2010. Has much changed since then?

It feels both pleasingly familiar and interestingly different. NACLC is of course so much bigger now, due to **knowmore**.

The Accreditation Scheme is also new to me, that's something I have had to sit down and learn about from beginning to end. It wasn't around when I left, although I strongly recall that since 2006 there has been a fear that if we didn't put in place a good system of standards we would be at the mercy of random funding body audits, or third-party private accreditation systems. I have to say I am absolutely amazed that NACLC has managed to put in place a sector-operated quality system.

What do you see as the key challenges for the sector at the moment?

Funding, funding, funding! The Commonwealth has failed us. There is no additional Commonwealth dollars in the overall CLC funding bucket, and the "funding cliff" looming in 1 July 2017 is alarming. We already know how many people are missing out on access to legal services, and we know this has a real affect on

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WELCOME NOTE

Welcome to the first edition of **noteBook** for 2015.

There have been a number of changes within NACLCLC and the Community Legal Centres sector since the last edition of **noteBook** in June 2014.

At NACLCLC, our fearless leader Julia Hall has taken leave for a year, and Polly Porteous, who some of you may remember from her previous work at CLCNSW from 2003-2008, will head up NACLCLC as Chief Executive Officer until Julia returns. We find out more about Polly in this edition.

Since the last **noteBook** we have farewelled our Deputy Director, Sector Sustainability, Visakesa (Vissa) Chandrasekaram. NACLCLC hopes to recruit additional staff shortly. There have also been changes to the governance arrangements of NACLCLC, more details of which are set out on the following pages.

In terms of the CLC sector broadly, as you all know, there has been a fundamental shift in the way in which Community Legal Centres are funded and managed. Amanda Alford, Deputy Director, Policy and Advocacy explains these changes and reforms in more detail in this edition of **noteBook**.

NACLCLC released our National Census 2014 Report on Monday 15 June 2015. The Report shows the capacity, priorities and trends in the work of CLCs. It also revealed that over 150,000 Australian's were turned away by CLCs in the 2013/14 financial year. More on the Census Report and the Infographic on page 4 and 5.

It has been two and a half years since the National Accreditation Scheme for Community Legal Centres was first implemented. Diana Dagg, NACLCLC National Accreditation Coordinator talked to three centres that were amongst the

first centres going through accreditation, and teases out the good and the bad experiences they had with the process.

Preparation for the National CLCs Conference is well underway, with some great speakers and workshops planned. We mention some of the keynote speakers on page 7, but you can find full details of the Conference on the NACLCLC website.

I welcome your contributions for consideration and any feedback you may have. Please email: naclc_communications@clc.net.au
Te Rae

noteBook

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CONTRIBUTIONS NACLCLC welcomes contributions for consideration, please email: naclc_communications@clc.net.au

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peoples' lives. We have to keep fighting to get more money into legal assistance, so we can head off that disaster.

The change in our funding arrangements is another key challenge. The Commonwealth is now really just a funding source. The new National Partnership Agreement squarely shifts responsibility for funding decisions and management of CLCs to states and territories. This puts much more pressure on the state and territory CLC associations, which is tricky when there is no funded secretariat in ACT, SA, TAS or NT. There is also a serious risk that national consistency will be lost, for example, that each jurisdiction will have different CLC

service agreements.

I think we need to scope out how the five years of the NPA will work, and identify what the sector needs to do to improve our sustainability. We need to learn from and collaborate with other sectors – disability, housing, family violence, health – both in Australia and internationally.

We need to try and see what is coming for us over the next five years and strategically position the sector to be ahead of the game.

What do you hope to have achieved by the end of your time with NACLCLC?

Wow, 12 months – pretty hard to actually achieve some identifiable goals in that time period. I want to ensure that NACLCLC as an organisation is ticking over smoothly and has a strong relationship with all the state and territory CLC associations. I also want to ensure the Accreditation Scheme is solid, and that we have some form of new database in place to replace the Community Legal Service Information System (CLSIS). I want to see an increase in the public's understanding of Community Legal Centres, and the crucial role they play in helping people solve their everyday legal problems.

CLEAR Database under review

As many of you will be aware, the Community Legal Education and Law Reform (CLEAR) Database showcases and shares information on community legal education and policy advocacy and law reform projects.

In December 2014, NACLCLC began administering the database in-house and is currently conducting an internal review of CLEAR. The review will consider future resourcing and administration.

Please continue to submit your projects to CLEAR via the NACLCLC website: http://www.naclc.org.au/cle_database.php



NACLCL Board of Directors (left - right) Nancy Walke, James Farrell, Rosslyn Monro, Dan Stubbs, Sara Kane, Nick Hudson and Michael Smith

New NACLCL governance arrangements

14 November 2014 - Special General Meeting

The members of NACLCL resolved that NACLCL apply for registration as a company limited by guarantee and approved a new NACLCL constitution. The new governance arrangements set out in the constitution resulted from an extensive period of consultation and development. The NACLCL Board is now a “skills based” Board, with Directors elected by the seven state and territory CLC associations. The constitution also brought into existence the NACLCL Advisory Council. The new Board and Advisory Council together replace the old NACLCL Management Committee.

5 February 2015 - Board has first meeting

The seven-member Board has its first meeting in Sydney. The new Board comprises: James Farrell, Nick Hudson (Treasurer), Sara Kane, Rosslyn Monro, Michael Smith, Daniel Stubbs and Nancy Walke.

29 May 2015 – Advisory Council has first meeting

The NACLCL Advisory Council had its first meeting in Sydney. Hot topics were (of course) Commonwealth funding of CLCs, the proposed

National Partnership Agreement (NPA) on Legal Assistance Services, and the National Accreditation Scheme. The Advisory Council is made up of two people appointed by each state and territory CLC association, two Aboriginal and/or Torres Strait Islander representatives, and the Chair of the NACLCL Board who acts as Chair of the Council.

Work resumes on Aboriginal and Torres Strait Islander Liaison Project

NACLCL has resumed an Aboriginal and Torres Strait Islander Liaison project with a small amount of funding from the Commonwealth Attorney-General’s Department.

The focus of the project is on:

- modelling and encouraging culturally safe policies and practices in CLCs to improve accessibility and appropriateness of frontline service delivery to Aboriginal and Torres Strait Islander people
- encouraging CLCs to improve attraction and retention of Aboriginal and Torres Strait

Islander workers, volunteers and Management Committee/ Board members by assisting CLCs creating a culturally sensitive and welcoming working environment, and

- developing, strengthening and formalising mutually supportive relationships between NACLCL and National Aboriginal and Torres Strait Islander Legal Services (NATASILS) and National Family Violence Prevention Legal Services (NFVPLS).

International Policy and Advocacy Work

NACLCL has continued to engage with a number of international human rights mechanisms and processes. This includes Australia’s 2015 Universal Periodic Review (UPR – also called the Human Rights Scorecard), the Open-Ended Working Group on Ageing, and Australian Government reports under the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Elimination of All Forms of Discrimination against Women.

With respect to the UPR, NACLCL is working collaboratively with the Human Rights Law Centre and Kingsford Legal Centre to coordinate a broad coalition of NGOs.

NACLCL coordinated a NGO submission endorsed by 190 NGOs, and is continuing to engage with the Australian Government, Australian Human Rights Commission and others in preparation for Australia’s appearance before the Human Rights Council in November 2015. More information, including the NGO submission is available on NACLCL’s website.

NACLC National Census of CLCs 2014 Report released

The *NACLC National Census of CLCs 2014 Report* was released on Monday 15 June 2015. The report reveals the capacity, priorities and trends in the work of CLCs.

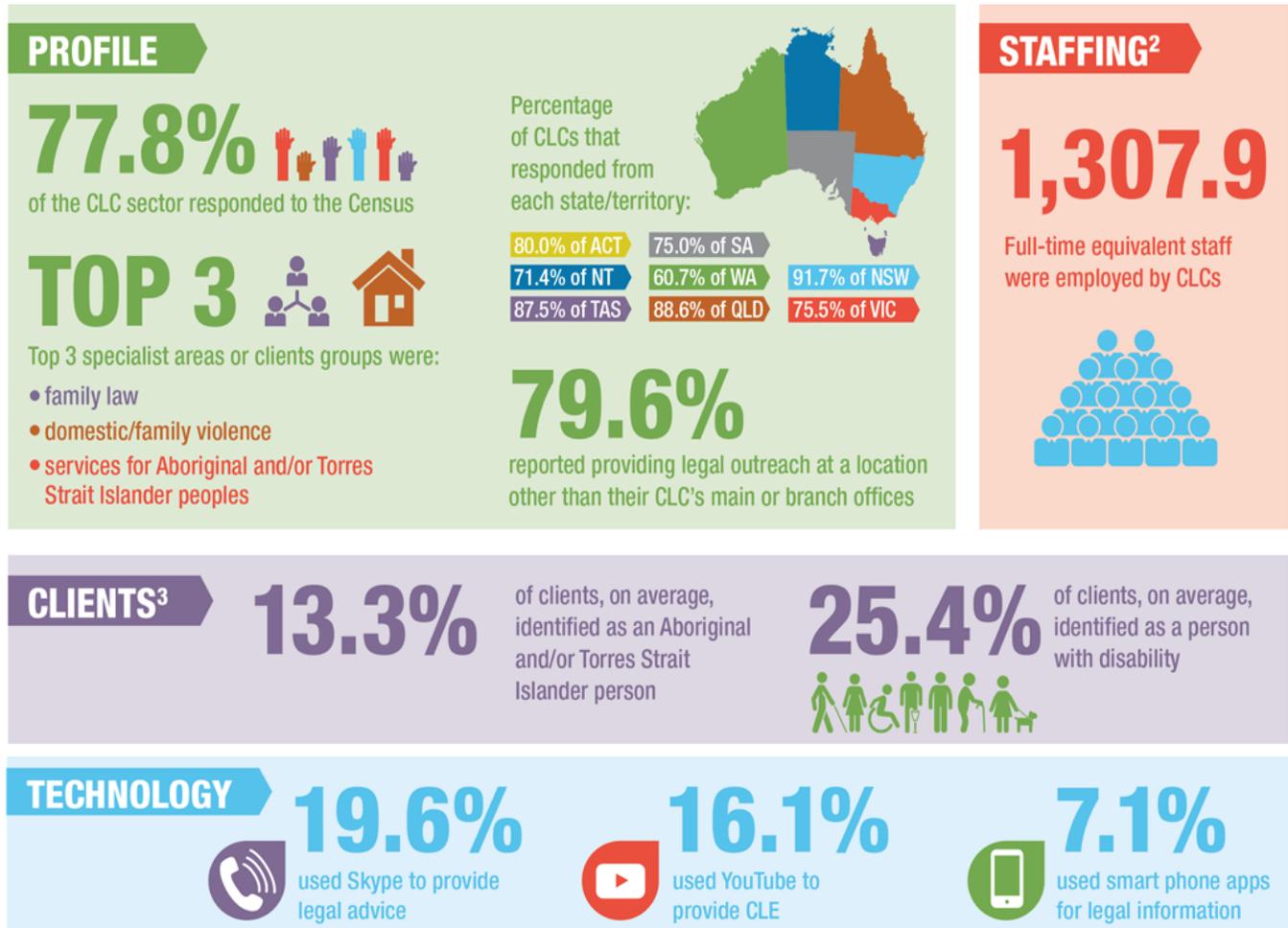
The Census showed that over 150,000 of Australia's most disadvantaged and vulnerable people had to be turned away by CLCs in the previous financial year 2013/2014. 24 centres (30% of respondents) reported turning away over 1,000 people in the year. Michael Smith, NACLC Chair said "these are not just statistics, but real people, often highly vulnerable, who cannot receive the help they need. It's also very difficult for staff and volunteers to have to keep telling people we can't assist them."

NACLC has been able to use this data repeatedly in our advocacy efforts and the statistics on turnaways was picked up by media from; The Project, ABC PM, The Saturday Paper and The Australian. Such coverage underscores the importance of CLCs completing the Census, as the data collected directly informs NACLC's work.

We have replicated the statistics from the Infographic here. Note that these statistics relate to the 2013/14 financial year, except where otherwise noted. Also note, that every percentage (%) referred to is a percentage of the number of respondents that answered a particular question. To locate how many CLCs responded to each question refer to the full Report. You can download the Infographic and the Report from the Reports and Resources section of the NACLC website.

NACLC would like to thank you for actively supporting and participating in the Census. Your responses enabled NACLC to collect crucial data on turnaways, staffing numbers, volunteer and pro bono contributions, client data and CLC use of technology, among other important areas.

NACLC looks forward to releasing the 2015 Census for your feedback in the coming months.



VOLUNTEERS AND PRO BONO PARTNERSHIPS

6,543 contributed a total of **776,178** hours

CLCs spent approximately

139,168 hours

on supervising volunteers, and developing and providing orientation/induction and other training for volunteers

An average of approximately

1 paid staff hour was spent to garner

5.6 quality assured volunteer hours

72,047 hours

were contributed by pro bono partners to CLCs

TURNAWAYS³

156,854

people were turned away



65.0%

reported turning away people due to insufficient resources

GOVERNANCE

44.5% used a skills audit to inform recruitment to the CLC's Management Committee, Board or other governance structure

TOP 3 Top 3 skills that could be strengthened:

- communications/marketing
- strategic/operational planning
- financial skills



POLICY ADVOCACY AND LAW REFORM

82.7%

undertook policy advocacy and law reform activities

TOP 3 Top 3 policy advocacy and law reform activities:

- preparing submissions to inquiries and reviews
- meeting with Members of Parliament (MPs) and/or their staff
- letter writing to MPs



PARTNERSHIPS

42.2% partnered with community organisations – non-legal when delivering legal services

40.6% partnered with Aboriginal community controlled, Family Violence Prevention Legal Services (FVPLS) and Aboriginal and Torres Strait Islander Legal Services (ATSILS) for the delivery of legal services and community legal education (CLE)

68.1% also commonly partnered with community organisations – non-legal for the provision of CLE.

Accreditation in review – two and a half years on

The National Accreditation Scheme for Community Legal Centres is a joint project between NACLCLC and the state associations in NSW, QLD, VIC and WA. It's two and a half years since the first Community Legal Centres (CLCs) were certified in January 2013. The vast majority of registered CLCs are now accredited. All the CLCs, the National Accreditation Coordinator (NAC), and the Regional Accreditation Coordinators (RACs) based in NSW, QLD, VIC and WA have worked together to achieve this milestone.

Before the next round of the accreditation process starts, NACLCLC and the state and territory CLC associations wanted to find out what sustainable difference the National Accreditation Scheme (NAS) had made to the work of CLCs (if any), and what lessons were learned, so the NAS can be improved.

NACLCLC received feedback from CLCs about the NAS through the *Review of the National Accreditation Scheme of Community Legal Centres 2014*. NACLCLC and the state and territory CLC associations are now consulting on changes that might be considered as a result of this review.

Our National Accreditation Coordinator, Diana Dagg, asked some questions of the “early adapters” (those centres that were among the first to be accredited) about their experiences in the NAS. We'd like to thank Kerry Wright from Shoalcoast CLC, Aaron Finn from Townsville CLS and Louise Jeffs from Suncoast CLS for sharing their experiences of the accreditation process. Here are some of the things they said:

Accreditation demonstrates our worth

Aaron said “it's good to have accred-



Suncoast CLS staff (left - right)
Julian Porter Principal Solicitor, Louise Jeffs Coordinator, Alexandra Brunswick Family Lawyer, Jessica Elmes Administration Assistant

itation to call on to show that we're serious about this work. We're used to having to prove our worth, and accreditation helps us to do this. It's a practical thing we can use in a proactive way as a building tool for funding requests and philanthropic applications.”

Kerry noted that at Shoalcoast, they include their accreditation status in funding applications wherever possible “to show we're a good service”.

It promotes quality assurance in our CLC

Kerry, Aaron and Louise all agreed that to achieve its potential, accreditation must go beyond a “one-off tick box exercise” for CLCs. It must be embedded in a culture of quality so that it raises an ongoing conversation about quality between CLC Boards, staff and volunteers.

One example is at Suncoast CLS where the Management Committee have now developed a system of accreditation and policy review where they review a quarter of their policies each quarter – “so it's a win-win situation for us all because it keeps our policies and procedures

up-to-date” said Louise.

Accreditation saves time and effort by meeting a range of compliance needs

For Townsville CLS, accreditation helps meet compliance needs across a number of funding bodies. For example, the Queensland Department of Communities accepts the accredited classification of Townsville CLS as demonstrating its compliance with their program requirements. This saves time and effort.

Accreditation can assist systems and projects

When Suncoast CLS entered into a partnership agreement with Sunshine Coast University, they found that having policies and procedures in place due to accreditation “meant we were clear about our purpose, vision etc. – we were clear about who we are and what we do and that helped with negotiations” said Louise.

Suncoast also commenced strategic planning and a new system of induction and training for volunteer lawyers as a result of

NATIONAL ACCREDITATION SCHEME *for* COMMUNITY LEGAL CENTRES



Shoalcoast CLC staff (left - right)
Kerry Wright Coordinator, MaryJean Kelly Aboriginal Family Law Support Worker

going through the accreditation process and recommendations from the Queensland Regional Accreditation Coordinator, Jude Clarkin. “It’s now a given that volunteers will attend induction and training. It’s cultural – it recognises how important they are to our work,” Louise said.

The downside of accreditation

All three interviewees agreed that accreditation took a lot of time and resources, particularly the first round. However, they were looking forward to the second accreditation being more straightforward “Accreditation the second time will be easier – we’ll be able to get through the language. At first there were lots of problems with the SPP workplan structure. It’s much better to use now”, said Kerry.

Tips and strategies to help CLCs approaching accreditation for the first time

Kerry’s advice to CLCs starting out on accreditation is to set aside the time. She said “I printed out the quizzes – it helps to familiarise yourself with the quizzes and your centre policies and procedures.”

Louise and her team came up with a risk management system. They prepared a summary sheet for all the organisational policies listing what they contain, which policies they are linked to, what needs to be done for

accreditation, and by when. “This saves time and effort, because it means that you can look at the policy cover, see what the policy’s about, when it’s due for review and which other policies it’s related to”.

The Regional and National Accreditation Coordinators will continue to remind CLCs they don’t need to have 100% done immediately. Kerry said she found NSW Regional Accreditation Coordinator Meg Houston’s continued reassurance about this very helpful.

Kerry says she plans to involve more people in CLC accreditation renewal, including Management Committee members.

The next steps for accreditation

Following the recommendations from the *Review of the National Accreditation Scheme of Community Legal Centres 2014* the Accreditation Coordinators have streamlined their processes where possible, and are consulting with CLCs on potential revisions to the Guidelines.

There are plans to add a section to the accreditation website, listing examples of good practice CLC policies, procedures and other information CLCs may find useful.

For the next round of accreditation, the Accreditation Coordinators expect to take a greater role in supporting less well resourced CLCs, and will try and link them with other CLCs for mentoring.

Thank you to our CLC representatives for your accreditation wisdom and congratulations to all the CLCs who worked so hard and achieved so much in the first round.

National CLCs Conference 25-27 August, Melbourne

Registration

There is a new registration category called the group day rate. This is for centres sending 3 or more people from the one centre who are not attending the full Conference (attending for 1 or 2 days only). This rate does **NOT** include the cost of the Welcome Reception.

Keynote Speakers

Some keynote speakers confirmed so far:

- Dr Dylan Coleman is speaking on her work using the Indigenous narrative process and its capacity to recreate stories of trauma and loss into ones of survival and liberation
- Rachel Ball is speaking on the benefits and risks of storytelling in CLCs work
- Rosie Batty, family violence advocate and 2015 Australian of the Year, is speaking on how a powerful story can open doors to change
- Senator The Hon. George Brandis QC, Attorney-General of Australia, is giving the closing address of the Conference.

As always, keep an eye out on the National CLCs Conference website (http://www.naclc.org.au/cb_pages/current_conference.php) for regular updates.

Commonwealth Funding and Legal Assistance Reforms – the current situation

As the sector is aware, NACLCLC has been working very hard over many months to engage with the Commonwealth Attorney-General, the Attorney-General's Department, state and territory CLC associations, and other legal assistance providers about funding of CLCs and legal assistance reforms.

As a result of the concerted advocacy and media work of NACLCLC, state and territory CLC associations, and many individual CLCs, we have managed to achieve a number of positive outcomes for the sector. These include the reversal of some funding cuts and revision of some aspects of the proposed reforms.

Commonwealth Funding

As you may recall, in 2012 then Attorney-General, Mark Dreyfus provided an extra \$6m per year, for a four year period, to 61 CLCs across Australia. However the new Attorney-General, George Brandis announced in the 2013 Mid-Year Economic Fiscal Outlook that this funding would end two years early, that is, by 1 July 2015.

In March 2015, after sustained advocacy from individual CLCs, NACLCLC, and state and territory CLC associations, Attorney-General Brandis, announced that he would reverse some of the cuts. The way in which the Attorney announced this decision had the effect of guaranteeing the 2014-2015 funding levels of the 61 CLCs that had received funding from former Attorney-General Dreyfus in 2012 for two years.

Under the new National Partnership Agreement on Legal Assistance Services (NPA), Commonwealth funding of CLCs will be \$40m in the upcoming financial year (2015-2016), and \$42.2m in 2016-2017. However this figure will drop to \$30.1m in 2017-2018. This represents an approximately **30% drop** in funding from 2017-2018 nationally. From 2017-2018 onwards, annual increases will only be minor indexation.

NACLCLC is extremely concerned about this funding "cliff" in 2017-2018. We know there is significant unmet legal need already. The Productivity Commission report released in 2014 called for an immediate \$200 million injection per year (60% to come from the Commonwealth Government) for all legal assistance services.

In addition, this has had some unintended consequences in the context of the legal assistance reforms.

New National Partnership Agreement

The new NPA is about to be signed by the Commonwealth and State and Territory Governments. The NPA outlines funding, priorities, objectives, reporting requirements, and performance benchmarks for Legal Aid Commissions (LACs) and CLCs. NACLCLC has a range of concerns about the NPA.

The NPA also outlines the jurisdictional breakdown of funding being provided by the Commonwealth to each state and territory for CLCs and LACs, over the five years of the NPA. It includes schedule C which

sets out the "Dreyfus centres", that is, those that have had their 2014-2015 Commonwealth funding level guaranteed for 2 years.

The amount of Commonwealth funding for CLCs in each state and territory was determined on the basis of a new Funding Allocation Model. There has never been a Funding Allocation Model for distribution of CLC funding across Australia. Unfortunately, given that there has been no extra Commonwealth money put into the pot, this new model has resulted in funding cuts to CLCs in some jurisdictions, including South Australia, Tasmania, Western Australia and the Northern Territory.

The NPA sets performance benchmarks for CLCs which require the states to satisfy the Commonwealth that 85-90% of total "representation services" provided by CLCs across the state/territory be provided to financially disadvantaged people. The definition of "representation services" is ongoing matters – it excludes duty lawyer services and minor, short or one-off "legal tasks" (in CLSIS we believe this is medium and major casework). "Financial disadvantage" could be anyone who cannot afford to access private legal services (again, in CLSIS this is no, low and medium incomes). Both definitions will be more fully teased out over the coming months.

NACLCLC will continue to work with state and territory CLC associations and CLCs across Australia in relation to the implementation of the NPA and funding concerns.