



NLAP Summary

We welcome:

- Five-year mechanism
- CLCs *should* get three to five-year funding agreements
- No State or Territory will get less money under this agreement
- Consolidation of multiple funding streams under NLAP, and the flexibility to bring in more (see page 5 of the NLAP Overview Paper).
- More Commonwealth leadership and more guidance for State and Territory Governments (see pages 11-12, but also throughout the paper).
- State and Territory governments are restricted from delegating their responsibilities, i.e. Legal Aid Commissions cannot make funding allocations
- Establishing governance structures around NLAP, including an Advisory Group for which CLCs Australia, NATSILS and NFVPLS have a seat at the table (see pages 20-21)
- Improved collaborative service planning, including a tiered approach and more information sharing (see pages 13-15)
- Transition to an outcomes-based framework developed through co-design (see page 19)
- More transparency obligations on State and Territory governments by introduction of a jurisdictional Legal Assistance Strategy and Legal Assistance Action Plan (see pages 17-18 for more detail)
- SACS ERO becoming consolidated funding after it ceases on 30 June 2021
- Recognition of client-centred and integrated service delivery, including community empowerment

What we are concerned about:

- The delivery of culturally appropriate, community-controlled services is fundamental to addressing disadvantage and access to justice for Aboriginal people and therefore should be dealt with as a separate program under Commonwealth responsibility. ATSILS should not be part of NLAP, as they have clearly expressed. Support for self-determination is not as strong as it could be in the National Strategic Framework (page 24)
- Although the proposed six months' notice to funding changes is an improvement on current arrangements, we would seek twelve months as a minimum notice period.
- The lack of a clear funding commitment from State and Territory governments
- Funding is still not sufficient to meet legal need
- No visibility over the Funding Allocation Model at this stage
- There have been some improvements to the advocacy gag clause. It now clarifies what Centres can do and that any restrictions do not apply to non-Commonwealth funding. But the restrictions on Commonwealth funding are

alarming. We have been told clearly that the Attorney thinks that any campaign/lobbying work that is about swaying public opinion should be restricted to peaks and not done by Centres (see page 22)

- Maintaining the distinction of the family law and family violence services ‘streams’
- Women and LGBTI people have not been added to priority client groups, nor has there been any recognition of public interest work
- Collaborative service planning needs to be supported with additional resources
- No commitment to funding peaks despite increased responsibilities
- The data definitions do not yet recognise Ongoing Legal Support as a category
- Elements of co-design appear throughout, but do not underlie, the Overview Paper and proposed agreement
- Insufficient indexation

What we are not sure about:

- Increased data collection – although Centres are already collecting this data, are there any concerns about the amount or types of data being collected (see page 16)?
- We need to wait on a paper about the funding allocation model (see page 6 under the heading **State and territory funding distribution**)
- Under what circumstances should HJP/DVU funding stay with current providers (see page 7-8 under the heading **Domestic violence units and health justice partnerships**)
- The possibility of FVPLS being rolled into the agreement – we suspect FVPLS will oppose this

Reminder: Our Key Asks

In July 2019, as a sector we settled [our key asks](#) in relation to a new National Partnership Agreement. This table attempts to summarise how our key asks are met by the NLAP Overview Paper:

Key Asks	NLAP Overview Paper
Co-design must underlie and inform Government approaches to the funding and administration of the sector, including negotiation of the National Mechanism itself and then, moving forward, system and service design and implementation.	Partially met
A requirement that State and Territory Government funding contributions (or at least a baseline) are included in the National Mechanism over its life	Partially met
Minimum five-year National Mechanism (with a review prior to its expiration).	Met

Key Asks	NLAP Overview Paper
Removal of the restriction on the use of Commonwealth funding by community legal centres to undertake policy, advocacy and law reform work	Partially met
Oppose rolling of ATSILS and Indigenous Legal Assistance Programme under the National Mechanism	Not met
Consolidation of various separate funding streams under the National Mechanism, including ensuring consistent reporting requirements but also sufficient flexibility to enable centres to respond to emerging need	Met
Ensuring there is provision to include new funding under the National Mechanism where it becomes available/is announced	Met
Considering ways the National Mechanism can strengthen its support for innovation	Met
Funding for Community Legal Centres Australia (NACLC) and State and Territory peak bodies to support negotiation and implementation of the new National Mechanism	Not met
A requirement that State and Territory Governments rather than Legal Aid Commissions are the funding/system administrator in each jurisdiction	Met
Greater clarity about the roles of each level of government in key areas under the National Mechanism	Met
Greater Commonwealth leadership and engagement in relation to funding and administration under the National Mechanism	Met
Establishment of a national forum with key sector representatives to advise and provide guidance on implementation of the National Mechanism nationally, chaired by the Commonwealth	Met
Greater information sharing around good practice and data/reporting by the Commonwealth.	Met
Increased guidance to State and Territory Governments about implementation of the National Mechanism to ensure greater consistency and appropriate implementation	Met
Increased feedback about information reported to the Commonwealth under the National Mechanism (for example, trends and headline statistics or issues) to the sector	Met
Ongoing relationship with and funding of national peak bodies	Partially met
Requirements around transparency in the allocation of funding under the National Mechanism	Met
Greater transparency in State and Territory Government use/allocation of funding for administration of the National Mechanism	Met
Considering reporting arrangements in the context that they do not currently capture the full scope and complexity of services, nor recognise the substantial variations in effort required to produce each unit of 'counted' service output	Partially met
Considering reporting arrangements in the context that they currently impose a relatively low burden but there are reporting inconsistencies between the National Mechanism and other funding streams	Met
Incorporation of possible move to sector outcomes/performance/evaluation framework and outcomes measurements, but as a staged approach and with funding provided to CLCs Australia to develop a national framework as the first	Met



Key Asks	NLAP Overview Paper
step (that builds on work already done or being undertaken in Victoria, Queensland and NSW) and the sector more broadly	
Greater Commonwealth leadership, guidance and information sharing in relation to Collaborative Service Planning (and this reflected in the National Mechanism document)	Met
Establishment of a national Collaborative Service Planning body/forum chaired by the Commonwealth	Met
Increased national guidance and requirements about Collaborative Service Planning	Met
Greater information sharing around good practice and data/reporting by the Commonwealth	Met
Commonwealth funding for an updated national LAW Survey of legal need to underpin Collaborative Service Planning	Not met
Improvements to Collaborative Service Planning	Met
Increased national guidance/requirements about Collaborative Service Planning in the National Mechanism	Met
Greater information sharing around good practice and data/reporting	Met
Increased collaboration across jurisdictions including in relation to national and cross-border services	Mostly met
Greater consideration of the roles/work of generalist and specialist centres and the work of national and cross-border services	Not met
Greater consideration of Community Legal Education and systemic law reform, policy and advocacy work.	Partially met
Further consideration of and commitment to true, genuine and equal partnerships and engagement by all providers engaged in Collaborative Service Planning.	Met
Increased funding to peak bodies and the sector itself to support Collaborative Service Planning.	Not met