



Royal Commission Into Aged Care Quality and Safety

By email: ACRCfinalsubmissions@royalcommission.gov.au

13 November 2020

Dear Commissioners and Counsel Assisting

Response to submissions and recommendations

We consent to the release and publication of this submission.

Our submission is focussed on the need for increased resourcing of legal assistance.

We are the national peak for 170 community legal centres around Australia who provide free legal help to people across Australia who experience discrimination and disadvantage; people who otherwise would not be able to afford a lawyer. A significant cohort in our client group are people who are aged 65 years and older and specialist services like Seniors Rights Service NSW are part of the community legal sector. Other community legal centres provide more generalist legal services. The work of the sector is focussed on civil and family law.

A significant number of community legal centres work in addressing issues of interpersonal violence such as family and domestic violence and elder abuse. Community legal centres' services are provided under the National Legal Assistance Partnership Agreement which names older Australians as priority clients.

With current resourcing, community legal centres are able to assist about 200 000 people each year. A breakdown of the demographics of our clients include:

- 10% are 65 years of age or older
- 60% are women
- 22.5% are living with disability

Many of our older clients live in aged-care or are receiving care at home or are living in transitional or inadequate housing while waiting for assessment of care packages. Community legal centres are well-placed to work within a human rights approach and ensure that legal guarantees can be enforced for older people across Australia. This includes a wide range of issues around violence, abuse, neglect and exploitation that occur within the domain of the private family home and within close social networks, and that are hidden by older person's situations of social isolation.

We note that, generally speaking, no community legal centres were called to give evidence before the Royal Commission Into Aged Care Quality and Safety. Consequently we are concerned that none of the recommendations relate to the provision of legal assistance. In our view it is a significant gap in Counsel Assisting's recommendations that must be remedied with a complementary recommendation of allocation for legal assistance.

Besides community legal centres, the legal assistance sector is made up of three other types of service provider – Aboriginal and Torres Strait Islander Legal Services, Family Violence Prevention Legal Services and Legal Aid Commissions.

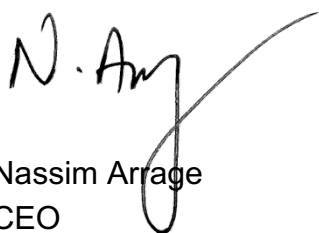
It is well known that the legal assistance sector is not sufficiently resourced to meet community demand. Increased resourcing is supported by recommendations of the Productivity Commission (2014) and the Justice Project (2018).

While we support the recommendations in relation to the provision of advocacy services, legal assistance must also be resourced. Without additional funding for legal assistance, people in aged care and living with violence, abuse, neglect and exploitation in our community will be unable to access assistance with technical and legally complex matters, including court and tribunal process, and human rights matters. These matters cover a wide range of issues community legal centres assist older Australians with including, estate and end-of-life decision-making, health rights, family agreements and disputes, guardianship, family violence and elder abuse, consumer rights, discrimination, victims of crime and systemic investigations such as occurs in Ombudsman, Commission and Coronial matters.

To better assist people living in aged care with these types of legal issues, there needs to be an increase in funding for legal assistance. The community legal centre component of this is \$22.5 million per annum which would see the addition of one additional full-time staff in each community legal centre across Australia.

The recent Federal Budget has failed to bring any additional resourcing for legal assistance.

Yours sincerely



Nassim Arrage
CEO