

NATIONAL LEGAL ASSISTANCE PARTNERSHIP

An agreement between

- the **Commonwealth of Australia** and
- the **States and Territories**, being:
 - ◆ New South Wales
 - ◆ Victoria
 - ◆ Queensland
 - ◆ Western Australia
 - ◆ South Australia
 - ◆ Tasmania
 - ◆ the Australian Capital Territory
 - ◆ the Northern Territory

This agreement will support the *National Strategic Framework for Legal Assistance*, specifically by contributing to integrated, efficient, effective and appropriate legal assistance services which are focussed on improving outcomes and keeping the justice system within reach for vulnerable people facing disadvantage.

National Legal Assistance Partnership

OVERVIEW

1. The National Legal Assistance Partnership (NLAP) is created subject to the provisions of the Intergovernmental Agreement on Federal Financial Relations (IGA FFR) and should be read in conjunction with that Agreement and its Schedules, which provide information in relation to performance reporting and payment arrangements under the IGA FFR. For the purposes of the IGA FFR, the NLAP is categorised as a National Partnership.

Purpose

2. In entering the NLAP, the Commonwealth and the States and Territories (the States) recognise that they have a mutual interest and responsibility in the provision of legal assistance services which help vulnerable people facing disadvantage, who are unable to afford private legal services, to engage effectively with the justice system in order to address their legal problems. The Commonwealth and the States recognise the need to work together to further the *National Strategic Framework for Legal Assistance* and its objective and principles.
3. The NLAP will support the *National Strategic Framework for Legal Assistance*, specifically by contributing to integrated, efficient, effective and appropriate legal assistance services which are focussed on improving outcomes and keeping the justice system within reach for vulnerable people facing disadvantage, within available resources.

Reporting Arrangements

4. The States will report six monthly against the agreed outputs and performance indicators during the operation of the NLAP, as set out in Part 4 – Performance Monitoring and Reporting.

Financial Arrangements

5. The Commonwealth will provide an estimated total financial contribution to the States of **\$2.0 billion over five years** (GST exclusive) in respect of this multilateral agreement of the NLAP, as set out in Part 5 – Financial Arrangements. The Commonwealth may also include additional funding in respect of the Bilateral Schedules of the NLAP; this is at the discretion of the Commonwealth and not required by this agreement.

PRELIMINARIES

6. The *National Strategic Framework for Legal Assistance* (the National Strategic Framework) provides the overarching objective and principles for all government funded legal assistance services, delivered by Legal Aid Commissions, Aboriginal and Torres Strait Islander Legal Services, Community Legal Centres and Family Violence Prevention and Legal Services.
7. The National Strategic Framework was agreed by Attorneys-General from the Commonwealth and the States, through the Council of Attorneys-General.

8. The NLAP provides quarantined Commonwealth funding for the legal assistance sector and sets out arrangements for the delivery of Commonwealth funded legal assistance services. The NLAP outlines a framework to guide the legal assistance sector, including providers which may not be funded under the NLAP.
9. The NLAP supports the objective of the National Strategic Framework and the Parties will ensure that the delivery of legal assistance services are consistent with its principles.
10. The NLAP consists of this multilateral agreement and Bilateral Schedules between the Commonwealth and each State. Within this structure, there are arrangements for:
 - (a) mainstream and specialist legal assistance; and
 - (b) Aboriginal and Torres Strait Islander specific legal assistance.

PART 1 – FORMALITIES

Parties to this Agreement

11. This NLAP is between the Commonwealth of Australia (the Commonwealth) and the States and Territories (the States).

Term of the Agreement

12. The NLAP will commence on 1 July 2020 and will expire on 30 June 2025, or on completion of the final performance reporting and processing of final payments. The NLAP may be terminated earlier or extended as agreed in writing by the Parties.

PART 2 – OBJECTIVES, OUTCOMES AND OUTPUTS

Objectives

13. The objective of the NLAP is to contribute to integrated, efficient, effective and appropriate legal assistance services which are focussed on improving outcomes and keeping the justice system within reach for vulnerable people facing disadvantage, within available resources.

Outcomes

14. The NLAP will facilitate achievement of the following outcomes within the National Strategic Framework:
 - (a) legal assistance services are focused on, and are accessible to, people facing disadvantage;
 - (b) legal assistance services are delivered in a client-centric manner in order to better consider people's legal needs and capabilities;
 - (c) legal assistance and other service providers and governments collaborate to provide integrated, client-centric services to address people's legal and other problems;
 - (d) legal assistance services are provided at an appropriate time, which best addresses an individual's legal needs, including preventative action when appropriate;
 - (e) legal assistance services empower people and communities to understand and assert their legal rights and responsibilities and to address, or prevent, legal problems; and

- (f) legal assistance providers are supported to build the capacity of their organisations and staff, to ensure they can effectively respond to evolving service demand.
15. The outcomes of the NLAP are a shared responsibility of the Commonwealth and the States.

Outputs

16. The objectives and outcomes of the NLAP will be achieved through:
- (a) the delivery of efficient, effective and appropriate mainstream and specialist legal assistance services within each State;
 - (b) the delivery of efficient, effective and culturally appropriate Aboriginal and Torres Strait Islander specific legal assistance services within each State;
 - (c) participation and engagement in collaborative service planning by the Commonwealth, States and the legal assistance sector, with guidance provided in Schedule B; and
 - (d) sharing of information and resources which support the delivery of mainstream, specialist and Aboriginal and Torres Strait Islander specific legal assistance services.
17. The States will ensure the provision of the final year of Commonwealth Social and Community Sector (SACS) supplementation funding, provided by the Commonwealth, to cover increased wage costs arising from Fair Work Australia's 2012 Equal Remuneration Order.
18. From 1 July 2021, in order to receive funding under the NLAP, each State will be required to produce a publicly available Legal Assistance Strategy as set out in Schedule C.
19. From 30 September 2021, in order to receive funding under the NLAP, each State will be required to produce a publicly available Legal Assistance Action Plan as set out in Schedule C.

PART 3 – ROLES AND RESPONSIBILITIES OF EACH PARTY

20. To realise the objectives and commitments in the NLAP, each Party has specific roles and responsibilities, as outlined below.

Role of the Commonwealth

21. The Commonwealth agrees to be responsible for:

Policy and strategic guidance

- (a) facilitating information sharing at the national level with the States and the legal assistance sector;
- (b) organising, facilitating and participating in forums at the national level with the States and the legal assistance sector;

Provision of funding

- (c) providing a financial contribution to the States for the delivery of mainstream, specialist and Aboriginal and Torres Strait Islander specific legal assistance services in accordance with the NLAP;

Sector planning and development

- (d) leading, conducting and participating in national collaborative service planning (Schedule B);
- (e) providing specific guidance and support to the States on the requirements and implementation of collaborative service planning;
- (f) sharing resources at the national level which support the ongoing development and capacity of the legal assistance sector within available funding;

Performance monitoring

- (g) monitoring and assessing performance under the NLAP to ensure that outputs are delivered and outcomes are achieved; and
 - (h) facilitating improvements to the collection of nationally consistent data and the *National Data Standards Manual for Legal Assistance*.
22. Separate to the NLAP, the Commonwealth provides funding for national legal centres and other Commonwealth legal assistance programs.
 23. National legal centres provide legal assistance services on a national level within each State. The Commonwealth's provision of funding to national centres is not intended to limit the State's ability to also allocate funding, provided under the NLAP, to national legal centres.
 24. The Commonwealth may provide guidance to the States and the legal assistance sector, on the implementation of the NLAP.

Role of the States and Territories

25. The States agree to be responsible for:

Policy and strategic guidance

- (a) facilitating information sharing at the jurisdictional level with the Commonwealth and the legal assistance sector;
- (b) organising, facilitating and participating in forums at the jurisdictional level with the Parties and the legal assistance sector;
- (c) providing, on an annual basis, State funding information for legal assistance services to the Commonwealth, in accordance with templates provided by the Commonwealth;
- (d) providing, on an annual basis, legal assistance service data in accordance with Schedule D;

Allocation and administration of funding

- (e) allocating and administering Commonwealth funding for the delivery of mainstream, specialist and Aboriginal and Torres Strait Islander specific legal assistance services, in accordance with the NLAP;
- (f) allocating and administering SACS supplementation until 30 June 2021 to eligible service providers through a fair and transparent process;

Sector planning and development

- (g) leading, conducting and participating in jurisdictional and local collaborative service planning (Schedule B);

- (h) supporting the ongoing development and capacity of the legal assistance sector within available funding;

Performance monitoring

- (i) reporting on the delivery of outcomes and outputs as set out in Part 4 – Performance Monitoring and Reporting;
 - (j) monitoring and assessing the delivery of legal assistance services under the NLAP; and
 - (k) ensuring Legal Assistance Service Data is collected and reported consistent with the *National Data Standards Manual for Legal Assistance*.
26. The States may choose to delegate to a legal assistance provider, in consultation with that legal assistance provider, all or part of their roles and responsibilities relating to the:
- (a) administration of Commonwealth funding for Community Legal Centres;
 - (b) leading and conducting jurisdictional and local collaborative service planning; and/or
 - (c) organising and facilitating jurisdictional legal assistance forums.
27. The States will not delegate its roles and responsibilities relating to any aspect of the administration of funding for Aboriginal and Torres Strait Islander specific legal assistance.
28. The Commonwealth's preference is that the States' roles and responsibilities not be delegated to a legal assistance provider. If a State chooses to delegate its roles and responsibilities to a legal assistance provider, in accordance with Clause 26, the State must:
- (a) ensure the fair and equal participation of the legal assistance sector within their jurisdiction with respect to all activities required under the NLAP;
 - (b) be responsible for resolving any issues relating to performance or financial management in respects to legal assistance provider service agreements and maintaining appropriate communication channels between the State and individual legal assistance providers;
 - (c) take reasonable steps to prevent any perceived or actual conflicts of interest with respect to jurisdictional and local collaborative service planning, jurisdictional legal assistance forums and other relevant activities required under the NLAP; and
 - (d) include information on the nature and extent of the roles and responsibilities the State has delegated to a legal assistance provider within their Legal Assistance Strategy (Schedule C) and Jurisdictional Performance Report (Part 4 – Performance Monitoring and Reporting).

Shared roles and responsibilities

29. The Commonwealth and the States agree to be jointly responsible for:
- (a) participating in consultations with the legal assistance sector as appropriate regarding the implementation of the NLAP;
 - (b) meeting biannually on a bilateral basis to discuss the operation of the NLAP;
 - (c) ensuring the ongoing collection and transparent reporting of agreed nationally consistent data, including ongoing improvements to the *National Data Standards Manual for Legal Assistance*;

- (d) developing an outcomes-based framework for legal assistance services for potential implementation from 1 July 2025; and
 - (e) funding, conducting, participating in and managing the Independent Review of the NLAP in accordance with Part 6 – Governance Arrangements.
30. All Parties agree, subject to meeting relevant legislative obligations (such as those relating to privacy, retention or distribution of information and data), to:
- (a) collect and share data relevant to legal assistance and for delivering improved outcomes under the NLAP;
 - (b) ensure collected data is communicated to the legal assistance sector and provides meaningful insight and analysis to inform legal assistance service delivery; and
 - (c) provide reasonable access to research and administrative data sets.
31. The Parties will meet the requirements of Schedule E, Clause 26 of the IGA FFR, by ensuring that prior agreement is reached on the nature and content of any events, announcements, promotional material or publicity relating to activities or outputs under the NLAP, and that the roles of both Parties will be acknowledged and recognised appropriately.

PART 4 – PERFORMANCE MONITORING AND REPORTING

National performance indicators

32. Achievement of the objectives and outcomes in the NLAP will be informed with reference to the following national performance indicators:
- (a) number and percentage of clients who are receiving legal assistance services who are financially disadvantaged, disaggregated by the national priority client groups detailed in Schedule A;
 - (b) number and percentage of services delivered by legal assistance providers, disaggregated by:
 - i. funding category and stream;
 - ii. intensity (service category and service type);
 - iii. law type and problem type; and
 - iv. client type (indicators of disadvantage and priority client groups);
 - (c) number of referrals made to and from legal assistance providers, disaggregated by source, destination; and
 - (d) number of training or capacity building activities conducted or undertaken by:
 - i. legal assistance providers with other services; and
 - ii. legal assistance providers for providers of pro bono legal services.

National performance benchmarks

33. National performance benchmarks may be agreed by the Parties, from time to time, and set out in a Schedule for that purpose.

Reporting arrangements

34. Each State will provide to the Commonwealth a Statement of Services and Funding and a Jurisdictional Performance Report, as per the dates outlined in Table 1.

Table 1: Reporting milestones each financial year

Reporting requirement	Due date
Statement of Services and Funding	30 September
Jurisdictional Performance Report	31 March

Statement of Services and Funding

35. The first Statement of Services and Funding, due on 30 September 2020, will include:
- projected Commonwealth funding under the NLAP, disaggregated to separately identify funding streams and individual legal assistance providers for the current financial year;
 - the final report required under Clause 23 of the *National Partnership Agreement for Legal Assistance Services 2015-20*; and
 - a statement on the approach to be taken on the allocation and administration of Commonwealth funding for mainstream, specialist and Aboriginal and Torres Strait Islander specific legal assistance services.
36. From 30 September 2021 onwards, Statements of Services and Funding will include:
- projected Commonwealth funding under the NLAP, disaggregated to separately identify funding streams and individual legal assistance providers for the current financial year;
 - reporting reflecting the national performance indicators at Clause 32 for the first six months of the calendar year; and
 - any further reporting reflected in the Bilateral Schedules or other Schedules as agreed by the Parties, in accordance with guidance issued by the Commonwealth.
37. The Statement of Services and Funding will take the form of official correspondence between the relevant State and the Commonwealth (or delegated officials from the relevant agencies).
38. Statements may be made public by the Commonwealth or the States, subject to the agreement of the relevant Parties.

Jurisdictional Performance Report

39. The first Jurisdictional Performance Report, due on 31 March 2021, will include:
- actual Commonwealth funding under the NLAP, disaggregated to separately identify funding streams and individual legal assistance providers, for the current financial year;
 - projected Commonwealth funding under the NLAP, disaggregated to separately identify funding streams and individual legal assistance providers, for the next financial year;

- (c) progress update on the development of the State’s Legal Assistance Strategy and Legal Assistance Action Plan;
 - (d) reporting reflecting the national performance indicators at Clause 32 for the second six months of the previous calendar year; and
 - (e) two case studies, in accordance with guidance issued by the Commonwealth, which cover service delivery models and triage practices.
40. From 31 March 2022 onwards, Jurisdictional Performance Reports will include:
- (a) actual Commonwealth funding under the NLAP, disaggregated to separately identify funding streams and individual legal assistance providers, for the current financial year;
 - (b) projected Commonwealth funding under the NLAP, disaggregated to separately identify funding streams and individual legal assistance providers, for the next financial year;
 - (c) progress made against the State’s Legal Assistance Strategy and Legal Assistance Action Plan, including relevant targets;
 - (d) reporting reflecting the national performance indicators at Clause 32 for the second six months of the previous calendar year;
 - (e) two case studies, in accordance with guidance issued by the Commonwealth, which covers service delivery models and triage practices;
 - (f) results of biennial surveys of legal assistance provider’s clients, based on pre-existing questions developed by the Parties and in accordance with guidance issued by the Commonwealth; and
 - (g) any further reporting reflected in the Bilateral Schedules or other Schedules as agreed by the Parties, in accordance with guidance issued by the Commonwealth.
41. The Jurisdictional Performance Report will take the form of official correspondence between the relevant State and Commonwealth (or delegated officials from the relevant agencies).
42. Jurisdictional Performance Reports may be made public by the Commonwealth or the States, subject to the agreement of the relevant Parties.

Legal Assistance: National Services Summary

43. Subject to each State fulfilling its relevant roles and responsibilities in respect to the NLAP, the Commonwealth, in consultation with the States and the legal assistance sector, will produce a Legal Assistance: National Service Summary annually.
44. The Legal Assistance: National Service Summary will include information and analysis on the delivery of legal assistance services and the use of government funding. The Legal Assistance: National Service Summary will also contain information provided in each State’s Jurisdictional Performance Report.

PART 5 – FINANCIAL ARRANGEMENTS

45. The NLAP is intended to be a single mechanism for Commonwealth funding for legal assistance services. Subject to consideration of appropriateness and the agreement of the Parties, the

Commonwealth may seek to include other Commonwealth legal assistance funding streams over the course of the NLAP.

46. The Commonwealth will provide an estimated total financial contribution to the States of **\$2.0 billion over five years** in respect to this multilateral agreement. All payments are exclusive of GST.
47. The Commonwealth may provide additional financial contributions, in support of the objective and outcomes of the NLAP, through Bilateral Schedules.
48. The Commonwealth's financial contribution will not be reduced where the States secure funding from other activity partners.
49. The States' own financial contributions to legal assistance will not reduce as a result of the Commonwealth contributions under the NLAP.
50. Commonwealth financial contributions provided under the NLAP do not inhibit legal assistance providers, including national legal centres, from accessing and receiving other Commonwealth, State or philanthropic or other funding provided outside of the NLAP.

Table 2: Estimated Commonwealth financial contributions to legal assistance

(\$ million)	2020-21	2021-22	2022-23	2023-24	2024-25	Total
Estimated NLAP payment (1) = (2) + (3)	397.209	403.394	399.469	405.858	412.348	2,018.278
Estimated NLAP – multilateral payment (2) = (6) + (7)	384.499	390.491	396.567	402.912	409.358	1,983.827
NLAP multilateral payment – mainstream and specialist legal assistance services (6)	299.192	303.808	308.365	313.300	318.312	1,542.977
NLAP multilateral payment – Aboriginal and Torres Strait Islander specific legal assistance services (7)	85.307	86.683	88.202	89.612	91.046	440.850
Estimated NLAP – bilateral payment (3)	12.710	12.903	2.902	2.946	2.990	34.451

(a) The **Estimated NLAP – bilateral payment (3)** includes funding for the Family Advocacy and Support Services and administrative funding which is provided through Bilateral Schedules.

Table 3: Estimated NLAP financial contributions - multilateral

(\$ million)	2020-21	2021-22	2022-23	2023-24	2024-25	Total
Estimated NLAP – mainstream and specialist legal assistance services (6)	299.192	303.808	308.365	313.300	318.312	1,542.977
<i>LAC - Baseline</i>	234.320	237.843	241.418	245.281	249.205	1,208.067
<i>CLC - Baseline</i>	33.421	40.605	41.216	41.875	42.545	199.662
<i>CLC - Baseline: Family Law and/or Family Violence</i>	15.051	15.279	15.509	15.758	16.010	77.607
<i>CLC - SACS supplementation</i>	6.478	-	-	-	-	6.478
<i>Domestic Violence Units / Health Justice Partnerships</i>	9.922	10.081	10.222	10.386	10.552	51.163
Estimated NLAP payment – Aboriginal and Torres Strait Islander specific legal assistance services (7)	85.307	86.683	88.202	89.612	91.046	440.850
<i>ATSILS - Baseline</i>	79.479	86.683	88.202	89.612	91.046	435.022
<i>ATSILS - SACS supplementation</i>	5.828	-	-	-	-	5.828

(a) Only three ATISLS are eligible for SACS supplementation, located in Victoria, Queensland, and Northern Territory.

(b) SACS supplementation will cease on 30 June 2021, as per section 10 of the *Social and Community Services Pay Equity Act 2012*. The Commonwealth has increased baseline funding from 1 July 2021 to ensure there is no overall reduction in Commonwealth legal assistance funding.

Table 4: Estimated NLAP financial contributions to the State - multilateral

(\$ million)	2020-21	2021-22	2022-23	2023-24	2024-25	Total
Estimated total NLAP – multilateral payment	384.499	390.491	396.567	402.912	409.358	1,983.827
New South Wales	105.766	107.520	109.306	111.164	113.053	546.809
<i>LAC - Baseline</i>	70.459	71.491	72.538	73.670	74.820	362.978
<i>CLC - Baseline</i>	10.006	11.226	11.419	11.627	11.839	56.117
<i>CLC - Baseline: Family Law and/or Family Violence</i>	3.975	4.046	4.119	4.196	4.275	20.611
<i>CLC - SACS supplementation</i>	0.997	-	-	-	-	0.997
<i>Domestic Violence Units / Health Justice Partnerships</i>	1.444	1.467	1.491	1.515	1.539	7.456
<i>ATSILS - Baseline</i>	18.877	19.282	19.730	20.145	20.568	98.602
Victoria	73.541	74.699	75.840	77.074	78.331	379.485
<i>LAC - Baseline</i>	53.898	54.726	55.567	56.475	57.398	278.064
<i>CLC - Baseline</i>	7.573	9.205	9.343	9.491	9.642	45.254
<i>CLC - Baseline: Family Law and/or Family Violence</i>	3.570	3.620	3.670	3.724	3.780	18.364
<i>CLC - SACS supplementation</i>	1.473	-	-	-	-	1.473
<i>Domestic Violence Units / Health Justice Partnerships</i>	1.576	1.602	1.608	1.634	1.661	8.081
<i>ATSILS - Baseline</i>	4.766	5.532	5.636	5.733	5.831	27.498
<i>ATSILS - SACS supplementation</i>	0.672	-	-	-	-	0.672
Queensland	84.717	86.084	87.482	88.931	90.400	437.614
<i>LAC - Baseline</i>	47.593	48.353	49.124	49.958	50.806	245.834
<i>CLC - Baseline</i>	6.406	8.232	8.359	8.497	8.636	40.130
<i>CLC - Baseline: Family Law and/or Family Violence</i>	2.736	2.785	2.834	2.887	2.941	14.183
<i>CLC - SACS supplementation</i>	1.680	-	-	-	-	1.680
<i>Domestic Violence Units / Health Justice Partnerships</i>	2.370	2.408	2.446	2.485	2.525	12.234
<i>ATSILS - Baseline</i>	20.078	24.315	24.729	25.114	25.505	119.741
<i>ATSILS - SACS supplementation</i>	3.862	-	-	-	-	3.862
Western Australia	48.831	49.465	50.109	50.776	51.454	250.635
<i>LAC - Baseline</i>	26.961	27.311	27.666	28.049	28.439	138.426
<i>CLC - Baseline</i>	3.907	5.132	5.191	5.254	5.318	24.802
<i>CLC - Baseline: Family Law and/or Family Violence</i>	1.966	1.987	2.009	2.032	2.056	10.050
<i>CLC - SACS supplementation</i>	1.157	-	-	-	-	1.157
<i>Domestic Violence Units / Health Justice Partnerships</i>	1.525	1.550	1.574	1.600	1.625	7.874
<i>ATSILS - Baseline</i>	13.313	13.482	13.667	13.839	14.013	68.314

Table 4: Estimated NLAP financial contributions to the State - multilateral

(\$ million)	2020-21	2021-22	2022-23	2023-24	2024-25	Total
South Australia	28.267	28.704	29.146	29.609	30.080	145.806
<i>LAC - Baseline</i>	17.445	17.719	17.997	18.297	18.601	90.059
<i>CLC - Baseline</i>	2.654	3.266	3.313	3.363	3.415	16.011
<i>CLC - Baseline: Family Law and/or Family Violence</i>	1.405	1.423	1.440	1.460	1.479	7.207
<i>CLC - SACS supplementation</i>	0.557	-	-	-	-	0.557
<i>Domestic Violence Units / Health Justice Partnerships</i>	1.017	1.033	1.050	1.066	1.083	5.249
<i>ATSILS - Baseline</i>	5.192	5.267	5.350	5.427	5.506	26.742
Tasmania	11.483	11.714	11.945	12.186	12.431	59.759
<i>LAC - Baseline</i>	6.482	6.615	6.747	6.890	7.036	33.770
<i>CLC - Baseline</i>	1.051	1.293	1.316	1.341	1.366	6.367
<i>CLC - Baseline: Family Law and/or Family Violence</i>	0.538	0.548	0.557	0.568	0.578	2.789
<i>CLC - SACS supplementation</i>	0.216	-	-	-	-	0.216
<i>Domestic Violence Units / Health Justice Partnerships</i>	0.515	0.523	0.531	0.540	0.548	2.657
<i>ATSILS - Baseline</i>	2.688	2.742	2.802	2.857	2.913	14.002
Australian Capital Territory	7.691	7.790	7.891	7.999	8.107	39.478
<i>LAC - Baseline</i>	5.199	5.260	5.323	5.391	5.459	26.632
<i>CLC - Baseline</i>	0.752	0.945	0.955	0.967	0.978	4.597
<i>CLC - Baseline: Family Law and/or Family Violence</i>	0.332	0.335	0.339	0.343	0.347	1.696
<i>CLC - SACS supplementation</i>	0.181	-	-	-	-	0.181
<i>Domestic Violence Units / Health Justice Partnerships</i>	0.458	0.465	0.472	0.480	0.488	2.363
<i>ATSILS - Baseline</i>	0.766	0.782	0.799	0.815	0.832	3.994
Northern Territory	24.203	24.515	24.848	25.173	25.502	124.241
<i>LAC - Baseline</i>	6.283	6.368	6.456	6.551	6.646	32.304
<i>CLC - Baseline</i>	1.072	1.306	1.320	1.335	1.351	6.384
<i>CLC - Baseline: Family Law and/or Family Violence</i>	0.529	0.535	0.541	0.548	0.554	2.707
<i>CLC - SACS supplementation</i>	0.217	-	-	-	-	0.217
<i>Domestic Violence Units / Health Justice Partnerships</i>	1.017	1.033	1.050	1.066	1.083	5.249
<i>ATSILS - Baseline</i>	13.799	15.281	15.489	15.682	15.878	76.129
<i>ATSILS - SACS supplementation</i>	1.294	-	-	-	-	1.294

Use of Commonwealth funding

51. Commonwealth funding provided under the NLAP must be prioritised for the delivery of frontline legal assistance services, which includes operational costs that support this delivery, or to directly enable the legal assistance sector, funded under the NLAP, to undertake activities required by the NLAP.
52. Commonwealth funding provided under the NLAP must not be used by the States to administer the NLAP, unless this funding is specifically provided for this purpose or is agreed in writing by the Commonwealth.
53. Commonwealth funding provided under the NLAP will be quarantined and cannot be used to cross subsidise other funding streams or legal assistance providers. This does not inhibit legal assistance providers from establishing subcontracting or similar arrangements with other legal assistance providers.
54. The States will administer, as appropriate, Commonwealth funding under the NLAP through either a:
 - (a) combination of three and two year funding agreements; or
 - (b) five year funding agreement.

Limited exceptions to this requirement may be agreed between the Parties, in writing, on a case-by-case basis.

55. The States will make best endeavours to ensure that, within the duration of funding agreements outlined in Clause 54, legal assistance providers receive ideally twelve months advance notice of any potential future Commonwealth funding distributions, where applicable and appropriate.
56. The use of Commonwealth funding under the NLAP will be informed by and in accordance with:
 - (a) the States' respective Legal Assistance Strategy and Legal Assistance Action Plan (Schedule C);
 - (b) the outcomes of collaborative service planning (Schedule B); and
 - (c) the Commonwealth priorities under the NLAP (Schedule A).

Mainstream and specialist legal assistance services

Baseline funding

57. Under the NLAP, the States will allocate and administer quarantined Commonwealth baseline funding to Legal Aid Commissions and Community Legal Centres.
58. The Commonwealth's financial contributions to baseline funding for Legal Aid Commissions and Community Legal Centres will be distributed between the States using evidence based funding distribution models.
59. Commonwealth baseline funding for Legal Aid Commissions will be used for Commonwealth law matters only, except:
 - (a) where State law matters relating to the safety or welfare of a child are connected with family law proceedings;

- (b) where State law matters relating to person's safety are connected with family law proceedings; or
 - (c) in discrete assistance or community legal education, regardless of whether the matter relates to Commonwealth or State laws.
60. The Commonwealth's financial contributions to baseline funding for Legal Aid Commissions includes \$8.6 million over five years that must be used for the delivery of legal assistance services related to family law and/or family violence related matters.
61. Commonwealth baseline funding for Community Legal Centres consists of:
- (a) Baseline funding; and
 - (b) Baseline funding: Family Law and/or Family Violence.
62. Baseline funding: Family Law and/or Family Violence for Community Legal Centres will be used for family law and/or family violence related matters.

Domestic violence units and health justice partnerships

63. Under the NLAP, the States will allocate Commonwealth funding to all currently funded legal assistance providers, for the delivery of existing domestic violence units and health justice partnerships.
64. Domestic violence units and health justice partnerships provide legal assistance and other forms of support, including financial support services such as financial counselling, to women experiencing or at risk of domestic violence.
65. The States will be able to reallocate Commonwealth funding for domestic violence units and health justice partnerships to another legal assistance provider, if there:
- (a) are issues relating to performance of the currently funded legal assistance provider;
 - (b) is a demonstrated shift in legal need within the State; or
 - (c) is a more appropriate, qualified legal assistance provider for the delivery of domestic violence units and health justice partnerships.

Aboriginal and Torres Strait Islander specific legal assistance services

Baseline funding

66. Under the NLAP, the States will allocate and administer quarantined Commonwealth baseline funding to Aboriginal and Torres Strait Islander Legal Services for the delivery of culturally appropriate services in a manner consistent with self-determination as defined under the NLAP, and with consideration given to the *Partnership Agreement on Closing the Gap* and the Closing the Gap framework and targets.
67. The Commonwealth's financial contributions to baseline funding for Aboriginal and Torres Strait Islander Legal Services will be distributed between the States using evidence based funding distribution models.
68. The States will allocate Commonwealth baseline funding to all existing and currently funded Aboriginal and Torres Strait Islander Legal Services for the duration of the NLAP.

69. The States may only reallocate Commonwealth baseline funding for Aboriginal and Torres Strait Islander Legal Services to another Aboriginal community controlled entity where the relevant State can demonstrate there:
- (a) are serious and objective issues relating to performance of the currently funded Aboriginal and Torres Strait Islander Legal Service that are detrimental to their present and/or potential clients which have not been rectified following the States working with the relevant Aboriginal and Torres Strait Islander Legal Service to address these issues over a reasonable period of time; and/or
 - (b) is a more appropriate Aboriginal community controlled entity operating within a State which can clearly demonstrate it has the capability and capacity to provide more effective, culturally appropriate legal assistance services to Aboriginal and Torres Strait Islander people or better address legal need within a State, which results in better outcomes for current and/or potential clients.
70. If the State intends to make a reallocation of funding under Clause 69, the State must consult with the Commonwealth, National Aboriginal and Torres Strait Islander Legal Services and the relevant Aboriginal and Torres Strait Islander Legal Service and inform them, in writing, of:
- (a) the proposed reallocation of funding to another Aboriginal community controlled entity; and
 - (b) how the conditions established under Clauses 69 (a) and/or (b) have been met.
71. The Commonwealth's financial contributions to baseline funding for Aboriginal and Torres Strait Islander Legal Services includes \$8.6 million over five years that must be used for the delivery of legal assistance services related to family law and/or family violence related matters.

Payment

72. Subject to the States meeting the requirements set out in the NLAP, the Commonwealth contributions will be paid in accordance with the schedule outlined in Table 5, unless otherwise stated in the Bilateral Schedules.

Table 5: Estimated payment schedule for each financial year

Payment amount	Payment condition	Estimated payment date
25% of total	N/A	7 July
40% of total	<ul style="list-style-type: none"> • Provision of the Statement of Services and Funding; and • From 1 July 2021, the State has a Legal Assistance Strategy in place and is publicly available. • From 30 September 2021, the State has a Legal Assistance Action Plan in place and is publicly available. 	7 November
35% of total	<ul style="list-style-type: none"> • Provision of the Jurisdictional Performance Report; and • From 1 July 2021, the State has a Legal Assistance Strategy in place and is publicly available. • From 30 September 2021, the State has a Legal Assistance Action Plan in place and is publicly available. 	7 May

Financial risk management

73. Having regard to the agreed estimated costs of services and outputs under the NLAP, States will not be required to pay a refund to the Commonwealth if the actual cost is less than the agreed estimated cost. Similarly, the States bear all risk should the costs exceed the agreed estimated costs. The Parties acknowledge that this arrangement provides the maximum incentive for the States to deliver services and outputs cost effectively and efficiently.

PART 6 – GOVERNANCE ARRANGEMENTS

74. The NLAP will be supported by the Legal Assistance Services Inter Governmental Committee consisting of officials from the Parties. This Committee is supported by a National Legal Assistance Advisory Group, consisting of representatives from the national legal assistance sector, research bodies and other national bodies related to legal assistance.
75. Officials from the Commonwealth will, within each jurisdiction and on a tripartite basis, meet annually with officials from the State and delegates representing each type of legal assistance providers individually to discuss issues relating to the NLAP.

Enforceability of the Agreement

76. The Parties do not intend any of the provisions of the NLAP to be legally enforceable. However, this does not lessen the Parties' commitment to the NLAP.

Review of the Agreement

77. In accordance with Clause E23 of the IGA FFR, the NLAP is time limited. To assess the degree to which the agreed objectives and outcomes and/or outputs have been achieved, and inform decisions regarding the appropriate treatment following its expiry, an Independent Review of the NLAP will be scheduled to be completed approximately 18 months prior to its expiry.
78. The NLAP is intended to provide funding for the delivery of legal assistance services which help vulnerable people facing disadvantage, who are unable to afford private legal services, to engage effectively with the justice system in order to address their legal problems. The Independent Review of the NLAP should, at a minimum, consider:
- (a) progress towards achieving the overall objectives and outcomes of the NLAP;
 - (b) the appropriateness of the NLAP in achieving its objective and outcomes and delivering its outputs;
 - (c) whether mainstream, specialist and Aboriginal and Torres Strait Islander specific legal assistance services funded under the NLAP have been delivered in an effective, efficient and appropriate manner; and
 - (d) whether legal assistance service levels have been delivered in an effective, efficient and appropriate manner.
79. The terms of reference for the Independent Review will be jointly developed by the Parties, in consultation with the legal assistance sector.
80. The costs of the Independent Review will be shared by the Parties, with 50% of the cost to be covered by the Commonwealth and 50% to be collectively covered by the States.
81. Subject to the outcomes of the Independent Review, the Parties will consider future arrangements for legal assistance services beyond the term of the NLAP. The Parties will

consider these arrangements when framing their budgets, noting that the necessary policy and budget authority, including in relation to new policy reforms, are subject to the outcomes of budget processes at both the Commonwealth and State level.

Variation of the Agreement

82. The NLAP may be amended at any time by agreement in writing by all the Parties.
83. A Party to the NLAP may terminate their participation in the NLAP at any time by notifying all the other Parties in writing.

Delegations

84. The Commonwealth Attorney-General or the relevant Commonwealth Minister is authorised to agree and amend Schedules to the NLAP on behalf of the Commonwealth and to certify that relevant conditions specified under the NLAP have been achieved, so that payments may be made.
85. Respective State Attorneys-General or the relevant State Ministers with portfolio responsibility for legal assistance are authorised to agree and amend Schedules to the NLAP.
86. The Commonwealth Attorney-General may delegate the issuing of guidance, assessment of reporting and performance monitoring requirements, determining exceptions to the duration of funding agreements for legal assistance providers, and the authorisation of related payments to senior Commonwealth officials, having regard to the financial and policy risks associated with those payments.

Dispute resolution

87. Any Party may give notice to other Parties of a dispute under the NLAP.
88. Officials of relevant Parties will attempt to resolve any dispute in the first instance.
89. If a dispute cannot be resolved by officials, it may be escalated to Attorneys-General, and if necessary, the Council of Attorneys-General.

Interpretation

90. For the purposes of the NLAP:
 - (a) *Aboriginal and Torres Strait Islander specific legal assistance services* refers to legal assistance services delivered by Aboriginal and Torres Strait Islander Legal Services or Family Violence Prevention and Legal Services;
 - (b) *Aboriginal community controlled entity* refers to an Aboriginal and/or Torres Strait Islander organisation that is:
 - i. incorporated under the *Corporations Act 2001* (Cth), the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) or relevant State legislation; and
 - ii. governed by the local Aboriginal and/or Torres Strait Islander communities to which the services are being delivered.
 - (c) *domestic violence units* refers to specialist units within existing legal assistance providers that deliver wrap-around services to women experiencing or at risk of domestic violence;

- (d) *financially disadvantaged* refers to a person who does not have the means to pay for private legal services without incurring serious financial difficulty, including a person who:
 - i. is in receipt of Centrelink benefits as their main source of income;
 - ii. satisfies a means test applied by a legal assistance provider;
 - iii. is exempt from a legal assistance provider's means test; such as a child or a person seeking merits review of decisions about eligibility for Commonwealth military entitlements or military compensation payments;
 - iv. has an income equal to or below the Henderson Poverty Line; or
 - v. cannot access finances temporarily due to circumstances outside of their control. For example, a person at risk of family violence who cannot access finances without risk to their personal safety or safety of others.
- (e) *health justice partnerships* refers to collaborations to embed legal assistance providers in healthcare services in order to assist women experiencing or at risk of domestic violence and train health professionals to identify and respond to domestic violence;
- (f) *legal assistance peak bodies* refers to an organisation, group or association which represents or advocates for legal assistance providers;
- (g) *legal assistance provider* refers to individual Legal Aid Commissions, Community Legal Centres or Aboriginal and Torres Strait Islander Legal Services that operate within a jurisdiction;
- (h) *legal assistance sector* refers collectively to legal assistance providers, Family Violence Prevention and Legal Services and legal assistance peak bodies that may operate within a jurisdiction;
- (i) *lobbying* refers to:
 - i. any oral, written or electronic communication with a government representative in an effort to unduly influence Commonwealth decision making in relation to the awarding of a government contract or grant, or unduly influence a Commonwealth administrative, legislative or policy decision; or
 - ii. undertaking political campaigns or campaigns designed to garner public support for or against an administrative, legislative or policy decision;
- (j) *mainstream and specialist legal assistance services* refers to legal assistance services delivered by Legal Aid Commissions and Community Legal Centres;
- (k) *national legal assistance sector peak bodies* refers to Community Legal Centres Australia, National Aboriginal and Torres Strait Islander Legal Services, National Family Violence Prevention and Legal Services and National Legal Aid;
- (l) *national pro bono peak body* refers to the Australian Pro Bono Centre;
- (m) *pro bono legal services* refers to number of training or capacity building activities conducted or undertaken by:
 - i. giving legal assistance for free or at a substantially reduced fee to:

- a. individuals who can demonstrate a need for legal assistance but cannot obtain legal aid or otherwise access the legal system without incurring significant financial hardship;
 - b. individuals or organisations whose matter raises an issue of public interest which would not otherwise be pursued;
 - c. charities, other not-for-profit organisations or social enterprises, in each case where their sole or primary purpose is to work in the interests of low income or disadvantaged members of the community, or for the public good;
 - ii. participating in the provision of free community legal education on issues affecting low income or disadvantaged members of the community or on issues of public interest; or
 - iii. providing a lawyer on secondment at a community organisation (including a community legal organisation) or at a referral service provider;
- (n) *self-determination* refers to principles which ensures that Aboriginal and Torres Strait Islander people have the right to preserve their culture and identity, opportunity to meaningfully participate in decision making, exercise meaningful control over their affairs and have a meaningful choice in addressing their legal needs. With regard to the delivery of culturally appropriate legal assistance services to Aboriginal and Torres Strait Islander people, self-determination is where:
- i. Aboriginal community controlled entities are 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;
 - ii. Aboriginal community controlled entities have the discretion to determine their service priorities and locations based on community need and in collaboration and partnership with governments and the broader legal assistance sector; and
 - iii. Aboriginal community controlled entities are involved in the development and implementation of legal assistance policies and programs that affect Aboriginal and Torres Strait Islander people;
- (o) *service agreements* refers to individual contracts, grant agreements, or other funding arrangements with legal assistance providers;
- (p) Specific terminology, identified within the NLAP, relating to legal assistance services is defined in the *National Legal Assistance Data Standards Manual*.

The Parties have confirmed their commitment to this agreement as follows:

Signed *for and on behalf of the Commonwealth of Australia by*

The Honourable Scott Morrison MP
Prime Minister of the Commonwealth of Australia
[Day] [Month] [Year]

Signed *for and on behalf of the State of New South Wales by*

The Honourable Gladys Berejiklian MP
Premier of the State of New South Wales
[Day] [Month] [Year]

Signed *for and on behalf of the State of Victoria by*

The Honourable Daniel Andrews MLA
Premier of the State of Victoria
[Day] [Month] [Year]

Signed *for and on behalf of the State of Queensland by*

The Honourable Anastacia Palaszczuk MP
Premier of the State of Queensland
[Day] [Month] [Year]

Signed *for and on behalf of the State of Western Australia by*

The Honourable Mark McGowan MLA
Premier of the State of Western Australia
[Day] [Month] [Year]

Signed *for and on behalf of the State of South Australia by*

The Honourable Steven Marshall MP
Premier of the State of South Australia
[Day] [Month] [Year]

Signed *for and on behalf of the State of Tasmania by*

The Honourable Peter Gutwein MP
Premier of the State of Tasmania
[Day] [Month] [Year]

Signed *for and on behalf of the Australian Capital Territory by*

Andrew Barr MLA
Chief Minister of the Australian Capital Territory
[Day] [Month] [Year]

Signed *for and on behalf of the Northern Territory by*

The Honourable Michael Gunner MLA
Chief Minister of the Northern Territory of Australia
[Day] [Month] [Year]

Commonwealth Priorities

NATIONAL LEGAL ASSISTANCE PARTNERSHIP

PRELIMINARIES

- A1 This Schedule provides guidance on the prioritisation of mainstream, specialist and Aboriginal and Torres Strait Islander specific legal assistance services.

NATIONAL PRIORITY CLIENT GROUPS

- A2 The States will ensure that legal assistance services are focussed on people experiencing financial disadvantage.
- A3 The States will ensure that legal assistance services are planned and focussed to people who fall within one or more of the following national priority client groups (in alphabetical order):
- (a) Aboriginal and Torres Strait Islander people;
 - (b) children and young people (up to 24 years);
 - (c) older people (aged over 65 years);
 - (d) people experiencing, or at risk of, family violence;
 - (e) people experiencing, or at risk of, homelessness;
 - (f) people in custody and/or prisoners;
 - (g) people residing in rural or remote areas;
 - (h) people who are culturally and linguistically diverse;
 - (i) people with a disability or mental illness;
 - (j) people with low education levels; and
 - (k) single parents.
- A4 The list of national priority client groups recognise that certain cohorts of vulnerable people facing disadvantage are more likely to experience legal problems, less likely to seek assistance and/or less able to access services for a range of reasons.
- A5 The legal assistance sector is not excluded from assisting clients that fall outside these groups.

STATE-SPECIFIC PRIORITY CLIENT GROUPS

- A6 In addition to the national priority client groups, States may identify other priority client groups that that may be specific to their respective jurisdiction. The State will ensure the legal assistance sector plan and target their services to these additional client groups.
- A7 If a State identifies additional priority client groups, these should be listed in its Legal Assistance Strategy (Schedule C).

COMMONWEALTH SERVICE PRIORITIES

General principles

- A8 Commonwealth funding must be prioritised for:
- (a) the delivery of frontline services and focused on meeting the legal needs of individuals, with a specific focus on priority clients; and
 - (b) to directly enable legal assistance providers to undertake activities required by the NLAP.
- A9 Mainstream, specialist and Aboriginal and Torres Strait Islander specific legal assistance services must be delivered in a manner consistent with the National Strategic Framework.
- A10 Family or civil law disputes should be resolved through alternative dispute resolution processes rather than through litigation, where appropriate.
- A11 The legal assistance sector should consider whether other services (legal as well as non-legal) may be relevant to a client's needs and make referrals to these services where appropriate. Suitable collaborative arrangements should be established for this purpose.

Family law priorities

- A12 Legal assistance services related to family law should focus on :
- (a) matters where the safety or welfare of children are at risk;
 - (b) matters involving allegations of family violence;
 - (c) matters involving complex issues about the living arrangements, relationships and financial support of children; and
 - (d) assisting people with property settlement matters if they are experiencing financial disadvantage or are at risk of homelessness.
- A13 For Legal Aid Commissions, the representation of children in family law proceedings and family dispute resolution processes should also be a focus.

Commonwealth civil law priorities

A14 Legal assistance services related to Commonwealth civil law should focus on:

- (a) bankruptcy matters;
- (b) consumer law matters;
- (c) employment matters;
- (d) extradition matters;
- (e) human rights and anti-discrimination matters;
- (f) insurance law matters;
- (g) migration matters; and
- (h) social security law matters (including matters relating to military entitlements and military compensation claims).

A15 The list of Commonwealth civil law areas is for guidance only. The legal assistance sector should consider how to best meet civil law need collectively (arising from Commonwealth or State laws).

Commonwealth criminal law priorities

A16 Legal assistance services related to Commonwealth criminal law should focus on:

- (a) matters where the defendant is a child;
- (b) matters where the defendant is being charged with a criminal offence for which a sentence of imprisonment is likely to apply should the defendant be found guilty; and
- (c) assisting persons being detained in custody.

Lobbying activities

A17 Legal assistance providers are not to use Commonwealth resources or funding, provided under the NLAP, to undertake lobbying activities, except as specified in Clause A22.

A18 The NLAP does not restrict what legal assistance providers can do with their State funding or pro bono resources. The manner in which legal assistance providers use non-Commonwealth resources is a matter for those organisations.

A19 Legal assistance peak bodies, rather than legal assistance providers, should undertake public campaigns with respect to any administrative, legislative or policy decisions, including undertaking strategic policy, law reform and related activities.

A20 Under the NLAP, the following activities do not constitute lobbying:

- (a) community legal education activities;
- (a) communications with a committee of the Parliament;
- (b) communications with a Minister or Parliamentary Secretary, unless that communication is intended to unduly influence the outcome of a grant or procurement process or unduly influence a Commonwealth administrative, legislative or policy decision;

- (c) making a submission to a government or parliamentary body or inquiry to provide factual information and/or advice with a focus on systemic factors affecting justice issues;
- (d) identifying and raising systemic issues, factual information and/or advice with a focus on systematic factors affecting the legal and justice system, or that impact the outcome for one or more clients, with a legal assistance peak body, committee of a parliament, Minister or Parliamentary Secretary, or member of the Parliament;
- (e) communications in response to a call for submissions;
- (f) communications in response to a request for tender or similar processes; or
- (g) responses to requests by government representatives for information or policy development.

A21 Legal assistance providers, funded under the NLAP must prioritise the delivery of frontline legal assistance services.

A22 Notwithstanding Clause A17, Aboriginal and Torres Strait Islander Legal Services are permitted to undertake lobbying activities within the definition in Clause 90(i)ii, but must prioritise the delivery of frontline legal assistance services.

Schedule B

Collaborative Service Planning

NATIONAL LEGAL ASSISTANCE PARTNERSHIP

PRELIMINARIES

- B1 This Schedule outlines the specific requirement and guidance for the Parties in the conduct of collaborative service planning.
- B2 Under the NLAP, the Parties will work together with the legal assistance sector to coordinate and maximise the reach of mainstream, specialist and Aboriginal and Torres Strait Islander specific legal assistance services and ensure they are focussed on where they are most needed.

PURPOSE

- B3 Collaborative service planning is an ongoing, iterative process where the Parties and the legal assistance sector will:
- (a) develop collaborative partnerships to deliver holistic services which address a range of legal and other social needs;
 - (b) inform legal assistance policy development, program design or service delivery; and
 - (c) better coordinate existing services to maximise efficiency and effectiveness and minimise system and service gaps.
- B4 Collaborative service planning processes will not be responsible for making funding distribution decisions to legal assistance providers. These processes may be used by the States to inform these decisions.

ACTIVITIES

- B5 Under the NLAP, collaborative service planning will, at a minimum, be focused on:
- (a) consideration of all services provided by the legal assistance sector to inform decisions about ongoing service delivery and identify service gaps;
 - (b) consideration of an appropriate evidence base for legal need;
 - (c) development of the jurisdictional Legal Assistance Strategy and Legal Assistance Action Plan (Schedule C);
 - (d) understanding of existing and emerging legal and other needs;
 - (e) consideration of strategies to streamline services, reduce any unnecessary duplication and target services to areas of greatest need;
 - (f) coordination between legal and other service providers in the planning and delivery of services as well as referral pathways and opportunities for partnerships; and

(g) information-sharing between governments, the legal assistance sector and other service providers and justice agencies.

B6 The Parties will ensure that collaborative service planning supports the *National Strategic Framework for Legal Assistance* and is conducted in a manner that is inclusive, consultative and culturally appropriate.

TIERED COLLABORATIVE SERVICE PLANNING

B7 Under the NLAP, collaborative service planning will be implemented through national, jurisdictional and locally based planning. Each of these tiers of collaborative service planning will be mutually reinforcing.

B8 Each tier of collaborative service planning will:

- (a) have clear and formalised roles, responsibilities and membership;
- (b) be supported by relevant forums and meetings;
- (c) consider issues which intersect or interact with other tiers of collaborative service planning, including but not limited to:
 - i. efficient and effective ways of using available resources;
 - ii. reallocating, consolidating or sharing resources;
 - iii. changing service delivery approaches;
 - iv. adjusting triage practices;
 - v. collaborating or co-locating with other service providers; and
 - vi. merging administrative functions.
- (d) make special consideration of relevant specialist services, jurisdictional and national services, cross border services and pro-bono services; and
- (e) support capacity building and training across the legal assistance and related sectors.

National Collaborative Service Planning

B9 National collaborative service planning will be coordinated and supported by the Commonwealth, through the Legal Assistance Services Inter-Governmental Committee.

B10 National collaborative service planning will:

- (a) provide guidance and support to collaborative service planning at the jurisdictional and local tiers;
- (b) incorporate the outcomes of jurisdictional and local collaborative service planning processes;
- (c) provide a forum for sharing best practice and promoting innovation; and
- (d) identify national level justice and socio-demographic issues which may affect legal assistance services.

- B11 The Commonwealth will lead and conduct at least two national collaborative service planning meetings each financial year.
- B12 For national collaborative service planning meetings, the Commonwealth will invite:
- (a) officials from each State;
 - (b) representatives from the National Legal Assistance Advisory Group;
 - (c) other stakeholders on an ad-hoc basis, including:
 - i. relevant agencies and departments within the Commonwealth;
 - ii. the Federal Courts;
 - iii. other national bodies, agencies and service sectors; and
 - iv. representatives nominated by the States and the National Legal Assistance Advisory Group.

Jurisdictional Collaborative Service Planning

- B13 Jurisdictional collaborative service planning will be coordinated by the relevant State (unless otherwise delegated) and supported by a jurisdictional wide group.
- B14 The States will lead, conduct (unless otherwise delegated) and participate in at least two jurisdictional collaborative service planning meetings each financial year.
- B15 Jurisdictional collaborative service planning should cover a range of issues which may include:
- (a) identify trends in the presentation of legal need in the State;
 - (b) build partnership across the State's legal assistance sector and with other relevant stakeholders, including national legal centres;
 - (c) consider opportunities for improved coordination and targeting of services within the legal assistance sector and across other service providers;
 - (d) consider and report on the outcomes of local collaborative service planning where appropriate;
 - (e) incorporate the outcomes of local collaborative service planning processes;
 - (f) provide a forum for sharing best practice and promoting innovation; and
 - (g) provide guidance and oversight of local collaborative service planning.
- B16 For jurisdictional collaborative service planning meetings, the State will invite:
- (a) officials from the Commonwealth;
 - (b) representatives from the jurisdictional legal assistance sector and relevant peak bodies;
 - (c) representatives from any research bodies relevant to legal assistance;
 - (d) representatives from any national legal centres available, potentially available, within the State;

- (e) representatives from the legal profession, pro-bono sector (in consultation with the national pro bono peak body), and other relevant services sectors;
- (f) representatives from any State entities, including the police and other government bodies, and the Courts; and
- (g) other jurisdictional bodies on an ad-hoc basis.

Local Collaborative Service Planning

- B17 Local collaborative service planning may be coordinated by the relevant State or delegated to a legal assistance provider.
- B18 Local collaborative service planning should cover a range of issues which may include:
- (a) identify the level of legal need in the relevant geographic locale;
 - (b) identify local level systemic issues that affect legal assistance in addressing legal and other social needs;
 - (c) develop an approach to service delivery in the local area and monitor progress;
 - (d) build partnership across relevant stakeholders operating within the relevant locale; and
 - (e) consider opportunities for improved coordination and targeting of services within the legal assistance sector and across other service providers.
- B19 For local collaborative service planning meetings, the State could invite:
- (a) representatives from the local legal assistance sector;
 - (b) representatives from the legal profession, pro-bono sector (in consultation with the national pro bono peak body), and other relevant services sectors operating within the region;
 - (c) representatives from any State justice entities, including the police and other government bodies, and the Courts; and
 - (d) other local bodies on an ad-hoc basis.
- B20 Local collaborative service planning may be combined with jurisdictional collaborative service planning for smaller States.

Legal Assistance Strategy and Action Plan

NATIONAL LEGAL ASSISTANCE PARTNERSHIP

PRELIMINARIES

- C1 This Schedule outlines the specific conditions on the States in developing their Legal Assistance Strategy and Legal Assistance Action Plan.
- C2 The Commonwealth's estimated financial contribution to the State will not be reduced if the State's Legal Assistance Strategy and Legal Assistance Action Plan does not achieve its stated or intended aim or meet its targets.
- C3 The State's Legal Assistance Strategy and Legal Assistance Action Plan can be contained in a single document or in multiple documents.
- C4 The State must ensure that their Legal Assistance Strategy and Legal Assistance Action Plan:
- (a) is in place as per the dates in Table 6;
 - (b) is available on a publicly accessible website, except where it is not reasonable or practicable that these documents are available, including:
 - i. the State is in 'caretaker';
 - ii. the State is developing, reviewing or updating its Strategy or Action Plan; or
 - iii. there is a website outage.

Table 6: Required timeframes

Document	Due date
Legal Assistance Strategy	1 July 2021
Legal Assistance Action Plan	30 September 2021

LEGAL ASSISTANCE STRATEGY

- C5 The State will develop a publicly available Legal Assistance Strategy which will apply for the length of the NLAP. Each Legal Assistance Strategy will:
- (a) indicate the estimated level and manner in which legal need presents in the State, including sub-jurisdictional regions;
 - (b) indicate the priorities and areas of focus for mainstream, specialist and Aboriginal and Torres Strait Islander specific legal assistance services in the State;

- (c) include planned or forecast level of Commonwealth and State funding for legal assistance services;
 - (d) detail how the State will address the legal needs of national priority client groups (Schedule A);
 - (e) outline if there are any specific priority client groups relevant to that State and how the State will address their legal needs;
 - (f) outline approaches the State will undertake to ensure that mainstream, specialist and Aboriginal and Torres Strait Islander-specific legal assistance services are delivered in a manner consistent with the National Strategic Framework; and
 - (g) establish reasonable, relevant, specific and measurable targets relevant to the State that are consistent with and support the objective, outcomes and outputs of the NLAP.
- C6 The State will develop its Legal Assistance Strategy in consultation with their legal assistance sector.
- C7 The Legal Assistance Strategy for each State must be approved by their Attorney-General or relevant Minister.

LEGAL ASSISTANCE ACTION PLAN

- C8 The State will develop at least one publicly available Legal Assistance Action Plan which:
- (a) reflect the strategic direction established by the State's Legal Assistance Strategy;
 - (b) outline specific activities, projects, initiatives and reforms to implement the State's Legal Assistance Strategy and meet the objective and outcomes of the NLAP;
 - (c) incorporate the outcomes of jurisdictional, and where relevant, local collaborative service planning;
 - (d) identify specific priorities for the delivery of mainstream, specialist and Aboriginal and Torres Strait Islander specific legal assistance services in the State; and
 - (e) identify a specific plan of action to address these priorities that includes a range of strategies, such as:
 - i. ensuring an appropriate mix of legal assistance services are delivered which seek to address or prevent legal problems;
 - ii. the development of new, or alteration of existing, referral pathways, networks and links;
 - iii. training and development of legal assistance sector staff; and
 - iv. scoping of new services or activities within available resources.
- C9 The States will develop its Action Plan in consultation with their legal assistance sector.

Schedule D

Legal Assistance Service Data

NATIONAL LEGAL ASSISTANCE PARTNERSHIP

PRELIMINARIES

- D1 This Schedule outlines the specific requirements for the States' provision of Legal Assistance Service Data.
- D2 The State will provide Legal Assistance Service Data in accordance with specific guidance issued by the Commonwealth.
- D3 For the purposes of the NLAP:
- (a) *funding category* refers to either Commonwealth or State funded services; and
 - (b) *funding stream* refers to the specific Commonwealth or State funding stream (for example, baseline funding).
- D4 Other specific terminology used in this Schedule is defined in the *National Legal Assistance Data Standards Manual*.
- D5 Where existing systems do not facilitate the collection of data to be provided under the NLAP, the Parties may agree the proxies to be used for those items until such time as systems are implemented to record those items.

DATA PROTECTION AND USE

- D6 The Parties agree to uphold the highest standards of security and privacy of service data, consistent with the *Australian Government Public Data Policy Statement*, the *Privacy Act 1998* (Cth) and any relevant state and territory legislation.
- D7 The provision of Legal Assistance Service Data under the NLAP is intended to:
- (a) support the provision of meaningful analysis and insight which supports frontline service delivery; and
 - (b) facilitate a greater understanding of the delivery of legal assistance services.
- D8 Legal Assistance Service Data will only be used for policy, analysis, research, and statistical purposes and will not be used for compliance, regulatory, national security or law enforcement purposes.
- D9 The Commonwealth will develop a publicly available National Legal Assistance Data Strategy, in consultation with the Legal Assistance Services Inter-Governmental Committee and Advisory Group. The National Legal Assistance Strategy will outline:
- (a) the strategic priorities and principles for the use of Legal Assistance Service Data;

- (b) data handling and storage protocols;
- (c) data use and access controls; and
- (d) publication and security practices.

D10 The Commonwealth will, where appropriate, provide access to datasets and derived analysis with regard given to administrative arrangements, data security and privacy.

DATA REQUIREMENTS

D11 The States must provide Legal Assistance Service Data in accordance with the timeframes outlined in Table 7.

Table 7: Required timeframes for Legal Assistance Service Data

Period Legal Assistance Service Data to cover	Submission date
1 July 2020 to 30 June 2021	1 September 2021
1 July 2021 to 30 June 2022	1 September 2022
1 July 2022 to 30 June 2023	1 September 2023
1 July 2023 to 30 June 2024	1 September 2024
1 July 2024 to 30 June 2025	1 September 2025

D12 For the first provision of Legal Assistance Service Data, due on 1 September 2021, the States must provide disaggregated data for services provided to individuals (including organisations and groups) containing the following fields:

- (a) Service type
- (b) Primary law type
- (c) Family violence indicator
- (d) Financial disadvantage indicator - for representation services only
- (e) Age (year of birth) - for representation services only
- (f) Aboriginal and Torres Strait Islander status - for representation services only
- (g) Service User location - for representation services only
- (h) Main language spoken at home – for representation services only
- (i) Interpreter/Translator required – for representation services only
- (j) Disability status – for representation services only
- (k) Service results – for facilitated dispute resolution processes only; and
- (l) Activity type – for facilitated dispute resolution processes only.

(m) [ANY ADDITIONAL FIELDS TO BE BASED ON FEEDBACK ON NLAP: DISCUSSION PAPER: LEGAL ASSISTANCE SERVICE DATA REQUIREMENTS]

- D13 From 1 September 2022 onwards, the States must provide unit-level data for legal assistance services:
- (a) provided to individuals (including organisations and groups) (Clause D14); and
 - (b) provided to communities (Clause D15).

Services provided to individuals

- D14 For data relating to services provided to individuals, the State must provide unit-level data, containing the following fields (where applicable), disaggregated by financial years and legal assistance provider type, in accordance with **Tables X to X**.

[TABLES TO BE BASED ON FEEDBACK ON NLAP: DISCUSSION PAPER: LEGAL ASSISTANCE SERVICE DATA REQUIREMENTS]

Services to communities

- D15 For data relating to services provided to communities, the State must provide unit-level data, containing the following fields (where applicable), disaggregated by financial years and legal assistance provider type, in accordance with **Tables X to X**.

[TABLES TO BE BASED ON FEEDBACK ON NLAP: DISCUSSION PAPER: LEGAL ASSISTANCE SERVICE DATA REQUIREMENTS]