

# National Regional, Rural, Remote and Very Remote Community Legal Network ('4Rs Network')

<https://clcs.org.au/4rs-network/>

Contacts in covering email

2 September 2024

The Hon. Mark Dreyfus KC, MP,  
Attorney-General  
PO Box 6022, Parliament House  
Canberra ACT 2600

And to:

Mr Shane Rattenbury MLA  
Attorney-General of the ACT  
By email: [Rattenbury@act.gov.au](mailto:Rattenbury@act.gov.au)

The Hon. Kyam Maher MLC  
Attorney-General of SA  
By email: [AttorneyGeneral@sa.gov.au](mailto:AttorneyGeneral@sa.gov.au)

The Hon. Michael Daley MP  
Attorney-General of NSW  
By email: [maroubra@parliament.nsw.gov.au](mailto:maroubra@parliament.nsw.gov.au)

The Hon. Guy Barnett MP  
Attorney-General of Tasmania  
By email: [Guy.Barnett@parliament.tas.gov.au](mailto:Guy.Barnett@parliament.tas.gov.au)

The Hon. Hon Gerard Maley MLA  
Attorney-General of the Northern Territory C/-  
the office of the Chief Minister  
By email: [Chief.Minister@nt.gov.au](mailto:Chief.Minister@nt.gov.au)

The Hon. Jaclyn Symes MP  
Attorney General of Victoria  
By email: [Jaclyn.Symes@parliament.vic.gov.au](mailto:Jaclyn.Symes@parliament.vic.gov.au)

The Hon. Yvette D'Ath MP  
Attorney-General of Queensland  
[attorney@ministerial.qld.gov.au](mailto:attorney@ministerial.qld.gov.au)

The Hon. John Quigley MLA  
Attorney General of WA  
By email: [Minister.Quigley@dpc.wa.gov.au](mailto:Minister.Quigley@dpc.wa.gov.au)

Dear Attorney-General Dreyfus,  
and Attorneys of each States and Territories,

## **4Rs Network Legal Assistance Report Card and Backgrounder including response to the Report of the NLAP Review**

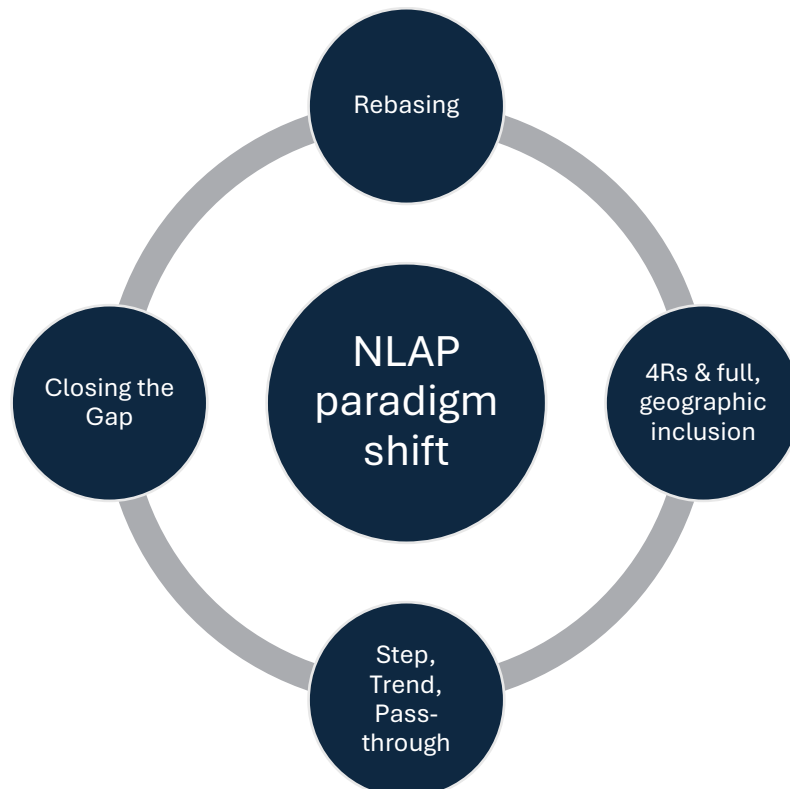
This letter is to express appreciation of the combined efforts reflected in the completion of the Report of the Independent Review of the National Legal Assistance Partnership Agreement ('**Review Report**'). We recognise the work currently being undertaken by Governments and numerous stakeholders towards the next Legal Assistance Partnership Agreement ('**NLAP**').

The 4Rs Network endorses efforts by all legal assistance peaks, legal assistance services, the legal profession and stakeholders to impress **the urgency of the situation** due to the chronic funding shortfalls, dramatic turn away rates and the destabilising effect of funding uncertainty. All of these are intensified in many regional, rural, remote and very remote ('4Rs') areas where **risks of staff losses and service reductions** are being keenly felt.

This **letter also underlines the importance of achieving a paradigm shift which includes setting parameters for full geographic inclusion.**

The 4Rs Network submission to the NLAP Review, and those by all legal assistance sectors, emphasised the critical importance of achieving funding levels to address levels of need, and costs of service provision, including in 4Rs areas. Community-based legal assistance sectors emphasised effective, safe and sustainable service provision, and the critical importance of trusted, accessible, place-based services in 4Rs areas.

The paradigm shift for the next NLAP must involve rebasing all legal assistance sectors and services emphasising (i) Closing the Gap and emphasising (ii) full geographic inclusion of 4Rs areas. The latter, tackles geographic discrimination which is occurring through the withholding of resources and solutions from and for 4Rs areas - so undermining the rights, inclusion and wellbeing of priority groups in 4Rs areas.



While the general directions of the NLAP Review Report are supported, there are issues of principle and approach which require more consideration in support of justice, rights and inclusion of all priority groups in 4Rs areas.

### ***Urgency and setting directions***

It is hoped that this input will be reflected in the responses to the crisis relating to urgent needs, and in setting directions for the next NLAP.

As represented by the above diagram, the ‘shape’ of the new funding model proposed by the NLAP Review (base, step, trend and passthrough) is supported.

The diagram reflects the two major mutually reinforcing outcomes, namely Closing the Gap and geographic (4Rs) inclusion.

Geographic inclusion requires attention to structural factors to promote and protect inclusion of all priority groups in 4Rs areas. It also requires a new approach to funding, for access to legal assistance and wraparound, for all priority groups in 4Rs areas.

The following are attached:

1. **4Rs Legal Assistance Report Card** (below).
2. **Backgrounder** to the Report Card.

We urge adoption of the 4Rs Legal Assistance Report Card by the Commonwealth, all states and territories, and all contributors and stakeholders.

The Report Card is guide to achieving key objectives and measuring progress across 4Rs areas nationally and locally.

Would be pleased to discuss any matters which may assist.

Yours faithfully,

*Judy Harrison*

Judy Harrison

Co-convenor, 4Rs Network

Attached: *Backgrounder to the 4Rs Legal Assistance Report Card*

## 4Rs Legal Assistance Report Card: Federal, state, territory govts & all stakeholders: Aug 24

<b>Regional, rural, remote and very remote (4Rs) Legal Assistance Report Card: Guide and assessment tool for jurisdictions and stakeholders</b>		CTH	ACT NSW NT QLD SA TAS VIC WA
1.	<b>National 4Rs Access to Justice Strategy &amp; Action Plan endorsed by all jurisdictions and stakeholders?</b> <ul style="list-style-type: none"> <li>• Principles in the Strategy include: <ul style="list-style-type: none"> <li>○ Commitment to full access to legal assistance &amp; wraparound support across 4Rs Aust.</li> <li>○ Closing the Gap priorities, community-based, place-based legal assistance in 4Rs</li> <li>○ Processes for accountability to 4Rs access to legal assistance stakeholders</li> </ul> </li> </ul>	No, no Strategy.	
2.	<b>Govt. grant funding to ATSILS, FVPLS, ACCO CLCs &amp; CLCs is adequate in and for 4Rs areas?</b> <ul style="list-style-type: none"> <li>• ‘Same job same pay’ as LACs achieved for ATSILS, FVPLS, ACCO CLCs &amp; CLCs in &amp; for 4Rs?</li> <li>• Funding levels enable these sectors to effectively and sustainably: <ul style="list-style-type: none"> <li>○ Cover their 4Rs service areas, including any newly added, without turn away?</li> <li>○ In total, eliminate geographic gaps in access to legal assistance services?</li> </ul> </li> </ul>	No	
3.	<b>National 4Rs Legal Workforce Plan endorsed by all jurisdictions &amp; stakeholders?</b> <ul style="list-style-type: none"> <li>• Paralleled by identifiable 4Rs plan in each jurisdiction including ACT?</li> <li>• Plans address all issues including pipeline supports e.g. law schools &amp; legal education?</li> <li>• Success of workforce efforts reflected in: <ul style="list-style-type: none"> <li>○ Full and responsive staffing of all 4Rs legal assistance roles in all legal assistance sectors?</li> <li>○ Workforce supply overcome as a barrier to legal assistance and wrap around in 4Rs areas?</li> </ul> </li> </ul>	No plan & success indicators not achieved.	
4.	<b>Advocacy &amp; research capacity for 4Rs legal assistance &amp; justice issues in place?</b> <ul style="list-style-type: none"> <li>• Peaks, networks &amp; groups within sectors funded and facilitated for 4Rs inclusion?</li> <li>• Research, monitoring, reporting &amp; project capacity responds to 4Rs legal needs?</li> </ul>	No to both points	
5.	<b>Barriers to full access by people and communities in 4Rs areas legal assistance &amp; wraparound, responsive to their needs, have been overcome?</b>	No	

# **National Regional, Rural, Remote and Very Remote Community Legal Network**

<https://clcs.org.au/4rs-network/>

## **Backgrounder to the 4Rs Legal Assistance Report Card – Aug 24**

### **Incorporating response to the Report of the Independent Review of the National Legal Assistance Partnership Agreement**

Dated: 2 September 2024

The 4Rs Network acknowledges Traditional Owners of Country throughout Australia and the continuing connection to lands, waters and communities. We pay our respect to Aboriginal and Torres Strait Islander cultures and to Elders past and present.

## Contents

About the 4Rs Network.....	3
4Rs Legal Assistance Report Card: Federal, state, territory govts & all stakeholders: Aug 24 ...	4
About this Backgrounder .....	5
Glossary .....	6
Tools.....	7
NLAP Review Report chapters and recs. ....	8
NLAP Review Report recs. and implementation categories .....	9
I NLAP Review Report compared to 4Rs submission .....	12
I.I NLAP Review Report compared to 4Rs key challenges table .....	12
I.II NLAP Review Report compared to 4Rs recommendations.....	14
I.III Summary of 4Rs Network response to NLAP numbered recommendations .....	18
II Principles in the NLAP Report and 4Rs inclusion .....	26
II.I NLAP Review Report – underpinning principles.....	26
II.II Principles relating to rights and inclusion of people in 4Rs areas .....	27
II.III 4Rs proficient collaboration and connectivity .....	28
II.IV Support for 4Rs place-based approaches .....	32
III Synthesis of the paradigm shift and 4 key 4Rs issues.....	32
III.I NLAP paradigm shift.....	33
III.II Closing the Gap.....	34
III.III Principled and structural approach to 4Rs inclusion .....	34
III.IV Rebasing of community-based legal services in and for 4Rs areas .....	35
III.V Step, Trend and Pass-through .....	36
IV Response to numbered NLAP Report Recs: Attachment 1 .....	37

## About the 4Rs Network

The 4Rs Network is a network of non-profit legal services in and/or for 4Rs areas which provide legal and related assistance via an incorporated non-profit structure or auspicing arrangement.

These services are based in and/or serve localities within any of four of the five [classes of remoteness](#) including:

- Inner regional Australia
- Outer regional Australia
- Remote Australia
- Very remote Australia

This equates to 6 of the 7 levels in the Modified Monash Model<sup>1</sup> being MM2 Regional centres to MM7 Very remote communities.

These services in 4Rs areas work with and for their communities and regions. Their methods and programs often reflect deep understanding and long-term efforts to address important community needs. Their programs, services and advocacy often reflect involvement in community issues that have not been addressed by other means, including by local, state, or federal governments.

National, statewide and sector peaks for these services, may participate in the 4Rs Network in support of their 4Rs work and objectives.

The 4Rs Network also includes incorporated non-profit legal services with national, statewide or regional service areas which include 4Rs areas. Many of these services are based in metropolitan areas, with a longstanding history, and are orientated to 4Rs areas within their available resources. Noting that the ability for people and communities in 4Rs areas to access these services is constrained by current government funding formulas.

The 4Rs Network has been facilitated from within and supported by Community Legal Centres Australia. It builds on a substantial history of community legal centre-based networking from the mid-1990s which has sought to address the specific and nuanced legal needs and rights of 4Rs communities to increase the wellbeing of those living within them.

More information about the 4Rs Network is available on [the 4Rs Network page](#) on the Community Legal Centres Australia web site which includes links to previous submissions.

Below is the **4Rs Legal Assistance Report Card** which is the focus of this **Backgrounder**.

---

<sup>1</sup> Department of Health, [Modified Monash Model Fact Sheet](#) (online)

## 4Rs Legal Assistance Report Card: Federal, state, territory govts & all stakeholders: Aug 24

Regional, rural, remote and very remote (4Rs) Legal Assistance Report Card: Guide and assessment tool for jurisdictions and stakeholders		CTH	ACT NSW NT QLD SA TAS VIC WA
1.	<p><b>National 4Rs Access to Justice Strategy &amp; Action Plan endorsed by all jurisdictions and stakeholders?</b></p> <ul style="list-style-type: none"> <li>• Principles in the Strategy include:                             <ul style="list-style-type: none"> <li>○ Commitment to full access to legal assistance &amp; wraparound support across 4Rs Aust.</li> <li>○ Closing the Gap priorities, community-based, place-based legal assistance in 4Rs</li> <li>○ Processes for accountability to 4Rs access to legal assistance stakeholders</li> </ul> </li> </ul>	No, no Strategy.	
2.	<p><b>Govt. grant funding to ATSILS, FVPLS, ACCO CLCs &amp; CLCs is adequate in and for 4Rs areas?</b></p> <ul style="list-style-type: none"> <li>• ‘Same job same pay’ as LACs achieved for ATSILS, FVPLS, ACCO CLCs &amp; CLCs in &amp; for 4Rs?</li> <li>• Funding levels enable these sectors to effectively and sustainably:                             <ul style="list-style-type: none"> <li>○ Cover their 4Rs service areas, including any newly added, without turn away?</li> <li>○ In total, eliminate geographic gaps in access to legal assistance services?</li> </ul> </li> </ul>	No	
3.	<p><b>National 4Rs Legal Workforce Plan endorsed by all jurisdictions &amp; stakeholders?</b></p> <ul style="list-style-type: none"> <li>• Paralleled by identifiable 4Rs plan in each jurisdiction including ACT?</li> <li>• Plans address all issues including pipeline supports e.g. law schools &amp; legal education?</li> <li>• Success of workforce efforts reflected in:                             <ul style="list-style-type: none"> <li>○ Full and responsive staffing of all 4Rs legal assistance roles in all legal assistance sectors?</li> <li>○ Workforce supply overcome as a barrier to legal assistance and wraparound in 4Rs areas?</li> </ul> </li> </ul>	No plan & success indicators not achieved.	
4.	<p><b>Advocacy &amp; research capacity for 4Rs legal assistance &amp; justice issues in place?</b></p> <ul style="list-style-type: none"> <li>• Peaks, networks &amp; groups within sectors funded and facilitated for 4Rs inclusion?</li> <li>• Research, monitoring, reporting &amp; project capacity responds to 4Rs legal needs?</li> </ul>	No to both points	
5.	<p><b>Barriers to full access by people and communities in 4Rs areas to timely legal assistance &amp; wraparound, responsive to their needs, have been overcome?</b></p>	No	



## About this Backgrounder

This is the **Backgrounder** to the National Regional, Rural, Remote and Very Remote Community Legal Network ('4Rs Network') **4Rs Legal Assistance Report Card** (above) which is a one page, 5-point guide for the federal, state and territory governments and all stakeholders to achieve full access to effective legal assistance in 4Rs areas across Australia advancing justice, rights, wellbeing and inclusion.

The Report Card distils directions and how to gauge *are we there yet?*

The **Backgrounder** outlines the reasons for the priorities in the Report Card. The Backgrounder particularly focuses on:

- Advancing analysis by the Commonwealth, States and Territories and all stakeholders, in relation to 4Rs areas and priority groups impacted.
- Addressing the practical operational needs of all community-based legal services in 4Rs areas.
- A new paradigm of drive and accountability for 4Rs access to justice inclusion.

The Backgrounder highlights directions following the Independent Review of the National Legal Assistance Partnership Agreement ('Review Report')<sup>2</sup> in light of the submission to the Review by the 4Rs Network and many others relating to 4Rs areas. Many submissions by national, statewide, sector, regional and local stakeholders highlighted the importance of substantially and quickly increasing access to legal assistance in 4Rs areas.

Closing the Gap and geographic inclusion are major themes of the Review Report which are also reflected in State and Territory Legal Assistance Strategies and Action Plans.<sup>3</sup>

The 4Rs Network submission to the Review, and many other submissions relating to 4Rs areas, strongly urged increased funding realistic to community needs, service delivery costs and sustainability and geographic coverage.

The Review accepted that there are often higher operating costs in 4Rs areas due to local conditions and logistics.<sup>4</sup> The Review found that recruitment and retention are impeding services in 4Rs areas, and that this is linked with salaries and conditions, which must be

---

<sup>2</sup> Attorney-General The Hon Mark Dreyfus KC, MP, '[Independent Review of the National Legal Assistance Partnership](#)' (Media Release, 28 May 2024); Warren Mundy, [Independent Review of the National Legal Assistance Partnership 2020-2025 – Final Report](#), March 2024 (**'NLAP Review Report'**).

<sup>3</sup> NSW Government, [New South Wales Legal Assistance Strategy and Action Plan 2022–2025](#) 30 Sept 2022; Queensland Government, [Queensland Legal Assistance Strategy 2020-2025](#) 28 June 2022, and [Action Plan](#); Government of Western Australia, [Western Australia Legal Assistance Strategy 2022-25](#) and [Action Plan](#); South Australia Government, [South Australia Legal Assistance Strategy and Action Plan 2022-25](#); Victorian Government, [Victorian Legal Assistance Strategy 2022-25](#) and [Action Plan 2022-25](#); Tasmanian Government, [Tasmanian Legal Assistance Strategy 2022- 25](#) and [Action Plan 2022-23](#); and the ACT Government, [ACT Legal Assistance Sector Strategy 2023-2025](#) and [Action Plan 2023-2025](#).

<sup>4</sup> For example, reflected in the NLAP Review Report at pp.134-136 and 174.

increased across community-based legal assistance sectors (ATSILS, FVPLS and CLCs) to be on par with Legal Aid Commissions.<sup>5</sup> This, and recommendations in the report regarding geographic coverage, would achieve major progress in the 4Rs access to justice landscape.

While the general directions of the Review Report are supported, there are issues of principle, approach and detail for increased effectiveness in support of justice, rights and inclusion in 4Rs areas. These are encapsulated in the **4Rs Legal Assistance Report Card** and highlighted in this **Backgrounder**.

Goodwill, good process and striving by Governments and by all stakeholders at this critical juncture has high prospects of positively resetting the course of access to justice in Australia. This includes achieving inclusion of priority groups in 4Rs areas. Geographic inclusion relating to 4Rs areas appears, for the first time, to be centrally included in the policy vision.

It is crucially important to achieve progress quickly. The dramatic inadequacy of funding to levels of disadvantage and needs in 4Rs areas and funding uncertainty, are placing many legal assistance services under extreme duress.

After the Glossary and Tools below, the Backgrounder consists of four sections:

- I. NLAP Review Report compared to the 4Rs Network submission** – highlights key areas for further development and action and summarises the 4Rs response to the NLAP Review Report, including to the 39 numbered recommendations.
- II. Principles in the NLAP Report and 4Rs inclusion** – responds to the principles in the NLAP Report and outlines improvements for 4Rs inclusion.
- III. Synthesis of the 4 key 4Rs issues** – distils 4Rs directions into 4 key points.
- IV. Response to NLAP Review Report recommendations** – responds to the 39 recommendations in [Attachment 1](#).

## Glossary

ACCO	Aboriginal Community Controlled Organisation
ACCO CLC / ACCO Women’s Legal Service	There are currently two ACCO CLCs, being Aboriginal Community Controlled Organisations which are CLC and are not ATSILS or FVPLS. The two ACCO CLCs are the First Nations Women’s Legal Service Queensland and Wurringa Baiya Aboriginal Women’s Legal Centre.

<sup>5</sup> NLAP Review Report iv-v; Ch. 8 Same Job, same Pay, 147-175 (discussion), Rec. 25 ‘Remuneration of Community Legal Assistance Workers’, and Rec. 17 ‘Rebasing community legal service providers’.

ACCO legal assistance service	ACCO legal assistance services are ATSILS, FVPLS, First Nations Women’s Legal Service Queensland, Wirringa Baiya Aboriginal Women’s Legal Centre and any other ACCOs providing legal assistance services.
ACNC	Australian Charities and Not-for-Profits Commission
ALAF	Australian Legal Assistance Forum consists of representatives of the national peaks of each of the legal assistance sectors (LACs, ATSILS, FVPLS and CLCs) and the Law Council of Australia.
ATSILS	Aboriginal and Torres Strait islander Legal Services
CLC	Community Legal Centre
CLCA	Community Legal Centres Australia
Community-based legal assistance services	Means ATSILS, FVPLS and CLCs unless the context indicates otherwise. These are non-profit incorporated services.
4Rs Network	National Network of Regional, Rural, Remote and Very Remote Community Legal Services.
FNAAFV / NFVPLSF	First Nations Advocates Against Family Violence (from 1 July 24, formerly National Family Violence Prevention Legal Services Forum (‘NFVPLSF’).
FVPLS	Family Violence Prevention Legal Services.
LACs	Legal Aid Commission/s. LACs are statutory entities.
Legal assistance providers	Unless otherwise indicated means ATSILS, FVPLS, CLCs and LACs.
NATSILS	National Aboriginal and Torres Strait Islander Legal Services
Review Report / or NLAP Review Report	Final Report of the Independent Review of the National Legal Assistance Partnership <sup>6</sup> released by Attorney-General Dreyfus on 28 May 2024. <sup>7</sup>

## Tools

The tools show the NLAP Review Report recommendations / implementation categories.

<sup>6</sup> Dr Warren Mundy, [Independent Review of the National Legal Assistance Partnership 2020-2025 – Final Report](#), March 2024.

<sup>7</sup> Attorney-General The Hon Mark Dreyfus KC, MP, [‘Independent Review of the National Legal Assistance Partnership’](#) (Media Release, 28 May 2024).

## NLAP Review Report chapters and recs.

**Table 1: NLAP Review Report chapters and recommendations**

<b>NLAP Review Report</b>	<b>Rec.</b>	
<b>Ch 1: Introduction</b>		
<b>Ch 2: National Legal Assistance Partnership</b>		
<b>Ch 3 Legal Assistance Landscape</b>		
<b>Ch 4: Legal Need</b>	1	Legal needs survey
	2	Addressing unmet geographic need
	3	Complete FVPLS coverage
	4	Legal Assist Impact Ass for admin law
	5	Civil law
	6	Disaster legal assistance
	7	Women's peak funding
	8	Priority groups
<b>Ch 5: Closing the Gap</b>	9	A2JP must address Closing the Gap (CtG) Priority Reforms
	10	All legal assistance provided by ACCOs to be funded through A2JP
	11	Self-determination review
	12	Self-determination review
	13	Self-determination in new services
<b>Ch 6: Funding facts</b>		
<b>Ch 7: Funding models</b>	14	NLAP funding model to be abandoned
	15	Reduction in fragmentation
	16	Cease competitive tendering
	17	Rebasing community service providers
	18	Rates of grants of legal aid
	19	Independent Children's Lawyers
	20	Step (rec. 20) (other than as it applies to rec 2,3,4, 5)
	21	Indexation
	22	Legal Assistance Impact Assessment
	<b>Ch 8: Same job, same pay</b>	23
24		Workforce strategy
25		Remuneration of community sector workers
26		HECS-HELP Forgiveness Scheme
<b>Ch 9: Delivering legal assistance</b>	27	Use of baseline funding
	28	Advocacy and law reform
	29	Justice Tech. Innovation Fund Board
<b>Ch 10: Administration and costs sharing</b>	30	Term of AJP2
	31	Better reporting
	32	Improved Commonwealth involvement
	33	LACs not to administer funding
	34	Commonwealth money for Cth matters
	35	Sharing the funding task
<b>Ch 11: Outcomes and data</b>	36	Administrative responsibility
	37	Outcomes Framework
	38	Performance indicators
<b>Ch 12: Implementation</b>	39	Temporary indexation

## NLAP Review Report recs. and implementation categories

1. This section summarises the implementation categories in the NLAP Report contained in Chapter 12 – Implementation, relating to:

... implementation considerations for actioning the suite of recommendations provided by the Review, and considers which priorities require dedicated effort.’<sup>8</sup>

The Reviewer noted that:

‘Some recommendations necessarily inform the implementation and cost of others’<sup>9</sup>

‘market and physical constraints necessarily mean service providers may need several years to fully deploy additional funding made available to them, especially those which involve recruiting new staff and upgrading premises and IT systems. Others, such as work on a legal needs survey and Justice Technology Innovation Fund, are largely independent and can be implemented as government resources permit.’<sup>10</sup>

‘There are priorities for proposed reforms that can be expected to improve safety outcomes for women and children, reduce incarceration rates of Aboriginal and Torres Strait Islander peoples, and help people experiencing challenges with cost of living in areas like tenancy, social welfare payments, workplace rights and consumer credit.’<sup>11</sup>

2. The Reviewer divided the recommendations into the three categories:
  - Urgent – those which need to be implemented largely in full by 30 June 2025
  - Architecture – those relating to governance and the documentation of A2JP, or which support its long-term development
  - Phased – these largely relate to expenditure that involves recruiting workers and capital investment, and those it will take time to assess need and cost.<sup>12</sup>
3. The tables below, show the recommendations outlined in Ch.12 against the Reviewer’s three categories. The Reviewer included Rec 11 – Self-determination review, in the urgent and architecture categories (shown accordingly). Some adjustments are indicated in the footnotes.

---

<sup>8</sup> NLAP Review Report, p. 230.

<sup>9</sup> NLAP Review Report, p. 230.

<sup>10</sup> NLAP Review Report, p. 230.

<sup>11</sup> NLAP Review Report, p. 231.

<sup>12</sup> Ibid.

**Table 2: NLAP Review Report breakdown of recommendations into three categories ordered by category and (next page) by recommendation**

<b>Urgent</b> – those which need to be implemented largely in full by 30 June 2025	11	Self-determination review	<b>Phased</b> – these largely relate to expenditure that involves recruiting workers and capital investment, and those it will take time to assess need and cost. <sup>13</sup>	2	Addressing unmet geographic need
	13	Aboriginal interpreters		3	Complete FVPLS coverage
	17	Rebasing community service providers (partial for ATSILS & FVPLS)		4	Legal Assistance Impact Assessment for admin law <sup>14</sup>
	18	Rates of grants of legal aid		5	Civil law
	19	Independent Children’s Lawyers		17	Rebasing: Focus first on ATSILS and FVPLS; CLCs funded solely by Cth complete by 30/3/26 for funding inclusion in 26-27 but by 25-26 preferable; Cth/State funded CLCs & LACs: should complete by 30/3/27 for funding inclusion in 27-28 (new NLAP 3 <sup>rd</sup> yr) <sup>15</sup>
	24	Workforce strategy			
	25	Remuneration of community sector workers			
<b>Architecture</b> – those relating to governance and the documentation of A2JP, or which support its long-term development	1	Legal needs survey			
	7	Women’s peak funding			
	8	Priority client groups			
	9	A2JP must address Closing the Gap (CtG) Priority Reforms			
	10	All legal assistance provided by ACCOs to be funded through A2JP			
	11	Self-determination in existing services			
	12	Self-determination in new services			
	14	NLAP funding model to be abandoned			
	15	Reduction in fragmentation			
	16	Cease competitive tendering			
	18	Grants restructuring review			
	20	Step (rec. 20) (other than as it applies to rec 2,3,4, 5)			
	21	Indexation			
	22	Legal Assistance Impact Assessment			
	27	Use of baseline funding			
	28	Advocacy and law reform			
	29	Justice Technology Innovation Fund Board			
	31	Better reporting			
	32	Improved Commonwealth involvement			
	34	Commonwealth money for Commonwealth matters			
	35	Sharing the funding task			
	35	Administrative responsibility			
	36	Outcomes Framework			
37	Performance indicators				
38 <sup>16</sup>	Data systems				

<sup>13</sup> NLAP Review Report, p. 231.

<sup>14</sup> Listed in Rec. 20 as ‘Step’, not included in the NLAP breakdown of categories at pp.231-253 but added in here for completeness.

<sup>15</sup> NLAP Review Report, pp. 234-5.

<sup>16</sup> Listed as Rec. 39 on the list of priorities in the NLAP Review Report, but it is Rec. 38.

29 Aug 24 draft 4Rs Backgrounder to 4Rs Legal Assistance Report Card

Ordered by recommendation			Ordered by Category		
Rec.	Category	Recommendation	Rec.	Category	Recommendation
1	Architecture	Legal needs survey	6	Urgent?	Disaster legal assistance
2	Phased	Addressing unmet geographic need	11	Urgent	Self-determination review
3	Phased	Complete FVPLS coverage	13	Urgent	Aboriginal interpreters
4	Phased	Legal Assist Impact Ass for admin law	17	Urgent	Rebasing community service providers (partial for ATSILS & FVPLS)
5	Phased	Civil law	18	Urgent	Rates of grants of legal aid
6	Urgent?	Disaster legal assistance <sup>17</sup>	19	Urgent	Independent Children's Lawyers
6	Phased ?	Disaster legal assistance <sup>18</sup>	23	Urgent	Portability of entitlements
7	Architecture	Women's peak funding <sup>19</sup>	24	Urgent	Workforce Strategy
8	Architecture	Priority client groups	25	Urgent	Remun. of community sector workers
9	Architecture?	A2JP must address CtG Priority Reforms <sup>20</sup>	39	Urgent	Temporary indexation 2024-5
10	Architecture	All legal assistance provided by ACCOs to be funded through A2JP	1	Architecture	Legal needs survey
11	Urgent	Self-determination review	7	Architecture	Women's peak funding
11	Architecture	Self-determination review	8	Architecture	Priority client groups
12	Architecture	Self-determination in new services	9	Architecture?	A2JP must address CtG Priority Reforms
13	Urgent	Aboriginal interpreters	10	Architecture	All legal assistance provided by ACCOs to be funded through A2JP
14	Architecture	NLAP funding model to be abandoned	11	Architecture	Self-determination review
15	Architecture	Reduction in fragmentation	12	Architecture	Self-determination in new services
16	Architecture	Cease competitive tendering	14	Architecture	NLAP funding model to be abandoned
17	Urgent	Rebasing community service providers (partial for ATSILS & FVPLS)	15	Architecture	Reduction in fragmentation
17	Phased (?)	Rebasing community service providers <sup>21</sup>	16	Architecture	Cease competitive tendering
18	Urgent	Rates of grants of legal aid	20	Architecture	Step (rec. 20) (other than as it applies to rec 2,3,4, 5)
19	Urgent	Independent Children's Lawyers	21	Architecture	Indexation
20	Architecture	Step (rec. 20) (other than as it applies to rec 2,3,4, 5)	22	Architecture	Legal Assistance Impact Assessment
21	Architecture	Indexation	27	Architecture	Use of baseline funding
22	Architecture	Legal Assistance Impact Assessment	28	Architecture	Advocacy and law reform
23	Urgent <sup>22</sup>	Portability of entitlements	29	Architecture	Justice Tech. Innovation Fund Board
24	Urgent	Workforce strategy	30	Architecture	Term of AJP2
25	Urgent	Remuneration of community sector workers	31	Architecture	Better reporting
26	Phased (?)	Rec 26 – HECS-HELP Forgiveness Scheme <sup>23</sup>	32	Architecture	Improved Commonwealth involvement
27	Architecture	Use of baseline funding	33	Architecture	LACs not to administer funding
28	Architecture	Advocacy and law reform	34	Architecture	Commonwealth money for Cth matters
29	Architecture	Justice Tech. Innovation Fund Board	35	Architecture	Sharing the funding task
30	Architecture	Term of AJP2 <sup>24</sup>	36	Architecture	Administrative responsibility
31	Architecture	Better reporting	37	Architecture	Outcomes Framework
32	Architecture	Improved Commonwealth involvement	38	Architecture	Performance indicators
33	Architecture	LACs not to administer funding <sup>25</sup>	2	Phased	Addressing unmet geographic need
34	Architecture	Commonwealth money for Cth matters	3	Phased	Complete FVPLS coverage
35	Architecture	Sharing the funding task	4	Phased	Legal Ass Impact Ass for admin law
36	Architecture	Administrative responsibility	5	Phased	Civil law
37	Architecture	Outcomes Framework	6	Phased (?)	Disaster legal assistance
38	Architecture	Performance indicators	17	Phased (?)	Rebasing community service providers
39	Urgent <sup>26</sup>	Temporary indexation 2024-5	26	Phased (?)	Rec 26 – HECS-HELP Forgiveness Sch
39	Phased <sup>27</sup>	Temp. indexation till Rebasing completed	39	Phased	Temp indexation till Rebasing complete

<sup>17</sup> Not categorised in NLAP Review Report, listed here as 'urgent' as some funding finishing in 2023/4.

<sup>18</sup> Ibid and as rebasing disaster legal assistance included in Rec. 20 included here also as 'phased'

<sup>19</sup> Listed as Step in Rec. 20 of the NLAP Review Report.

<sup>20</sup> Not included in list of categories in the NLAP Review Report, included here as 'Architecture'

<sup>21</sup> Ibid.

<sup>22</sup> Not included in NLAP Report categories, included here as 'Urgent' as in Rec 24 which is listed 'urgent'.

<sup>23</sup> Not included in NLAP Report categories, from Rec. 26 listed here as 'Phased'.

<sup>24</sup> Not included in NLAP Report categories, included here as 'Architecture'

<sup>25</sup> Ibid.

<sup>26</sup> Included here as 'urgent' because Rec. 39 recommended funding provision for 2024-5.

<sup>27</sup> Included here as 'phased' as Rec 39 is for higher indexation in 2025-6 until rebasing is completed.

## I NLAP Review Report compared to 4Rs submission

The current National Legal Partnership Agreement ('NLAP') which is due to expire on 30 June 2025, is:

“... a \$2.4 billion agreement between the Commonwealth and state and territory governments to fund vital legal assistance services for the most vulnerable people in Australia.”<sup>28</sup>

The Report of the Independent Review of NLAP ('the NLAP Review Report')<sup>29</sup> was released by the Attorney-General on 28 May 2024.<sup>30</sup>

The 4Rs Network submission to the NLAP Review recommended ways forward to address critical lacks in access to legal assistance and resulting effects in regional, rural, remote and very remote ('4Rs') areas.<sup>31</sup>

This section compares the NLAP Review Report with the 4Rs submission to the Review,<sup>32</sup> indicating opportunities for Governments and stakeholders to:

- implement the many positive findings and recommendations of the Review, and
- address a range of issues more fully,

The following snapshot compares the findings and recommendations of the NLAP Review Report with the summary sections of the 4Rs submission, namely:

- Key challenges table (I.I below), and
- Recommendations (I.II below).

### I.I NLAP Review Report compared to 4Rs key challenges table

The 4Rs submission to the NLAP Review included a short table summarising the key challenges to be overcome, which were also developed in the submission.<sup>33</sup> The table below, repeats this table in the two left hand columns, while the two right hand columns summarise responses to the NLAP Review against those criteria.

---

<sup>28</sup> Attorney-General The Hon Mark Dreyfus KC, MP, '[Independent Review of the National Legal Assistance Partnership – consultation open](#)', (Media Release, 18 August 2023).

<sup>29</sup> Dr Warren Mundy, '[Independent Review of the National Legal Assistance Partnership 2020-2025 – Final Report](#)', March 2024.

<sup>30</sup> Attorney-General The Hon Mark Dreyfus KC, MP, '[Independent Reivew of the National Legal Assistance Partnership](#)' (Media Release, 28 May 2024)

<sup>31</sup> 4Rs Network, '[Submission to the NLAP review, 27 Oct 2023](#).'

<sup>32</sup> Ibid, 22-23.

<sup>33</sup> Ibid.



**Table 3: 4Rs Network response to the NLAP Review Report**

4Rs Network submission to the NLAP Review		4Rs Network response to the NLAP Review Report	
Challenges for NLAP	To overcome the following:	Comments on NLAP Review Report	Next steps by Govts and stakeholders
Planning and direction for the 4Rs	<ul style="list-style-type: none"> <li>No national 4Rs Access to Justice Strategy.</li> <li>No articulated 4Rs vision, concepts, structures, or coordination.</li> <li>No identifiable 4Rs representative or implementation arrangements.</li> </ul>	Not addressed.	Address.
Funding and resources for the 4Rs	<ul style="list-style-type: none"> <li>No 4Rs legal assistance community needs-based funding model.</li> <li>No accountability for the adequacy of funding in the 4Rs or the effects of underfunding, including cost-shifting.</li> </ul>	Potentially on track to achieving the first. Second also but processes for accountability unclear.	Confirm first to be achieved. Address the second for the next NLAP.
Legal workforce for the 4Rs	<ul style="list-style-type: none"> <li>Dramatically insufficient salaries and conditions for 4Rs legal assistance workforce (lawyers and non-lawyers).</li> <li>No national legal workforce plan and no 4Rs legal workforce plan</li> <li>Insufficient emphasis on paralegal, non-legal advocacy, and support across 4Rs communities.</li> <li>Absence of programs and financial incentives to help address 4Rs legal workforce needs.</li> </ul>	Substantial focus on salaries and conditions including 4Rs applauded. Recommended national legal workforce plan, but not 4Rs legal workforce plan. Insufficient emphasis on tailoring and innovation in 4Rs (dot point 3). HECS forgiveness Rec. welcome but highly insufficient.	Implement salary and conditions parity with LACs for ATSILS, FVPLS and CLCs simultaneously & immediately. Address: <ul style="list-style-type: none"> <li>- national 4Rs legal workforce plan &amp; sector plans re 4Rs.</li> <li>- emphasis on 4Rs tailoring and innovation.</li> <li>- range of programs and financial incentives for 4Rs legal workforce needs and develop an attuned / responsive HECS forgiveness scheme.</li> </ul>
Accountability to groups and communities in the 4Rs	<ul style="list-style-type: none"> <li>No 4Rs legal assistance targets or intended impact model.</li> <li>No monitoring and reporting on 4Rs legal assistance, access to justice or intended outcomes.</li> <li>No adequate accountability under NLAP to 4Rs communities (horizontal accountability), and over-</li> </ul>	Not addressed but could be built into the recs. made about resetting objectives and measures.	Address.

	reliance on vertical accountability to funders.		
Cross-cutting themes relating to the 4Rs	<ul style="list-style-type: none"> <li>• No principles for access to legal assistance in the 4Rs.</li> <li>• No adequate measures to address metro-normativity in legal education and training for admission to legal practice resulting in insufficient focus on 4Rs law, justice, and legal workforce issues in law school curriculum.</li> <li>• No measures to facilitate law student legal practitioner and law student pro bono resulting in this being highly skewed to the metro and inequitable for 4Rs communities.</li> </ul>	Not addressed although good <i>visibility</i> of 4Rs and geographic inclusion in the Review Report.	Address all three dot points.

## I.II NLAP Review Report compared to 4Rs recommendations

The following compares the 10 numbered recommendations in the 4Rs submission to the NLAP Review (left hand columns) with the treatment and recommendations in the NLAP Review Report (two right hand columns).

**Table 4: 4Rs recommendations compared to NLAP Report**

4Rs NLAP Review submission recommendations		Comments on NLAP Review Report	Next steps by Govts and stakeholders
<b>1</b>	<b>4Rs Network Pre-budget submission should be implemented</b> That the recommendations by the 4Rs Network, in its January 2023 federal pre-budget submission, be implemented. That is:		
	<ul style="list-style-type: none"> <li>• Establish a National 4Rs Access to Justice Strategy and Action Plan.</li> </ul>	Not addressed.	Address.
	<ul style="list-style-type: none"> <li>• Increase federal portfolio capacity to respond to 4Rs legal needs – to include all relevant portfolios to overcome the narrow and insufficient focus on the Attorney-General's portfolio.</li> </ul>	Not addressed. Rec 22 Legal Assistance Impact Assessment important but insufficient.	Address.
	<ul style="list-style-type: none"> <li>• Immediate injection of funds for 4Rs community-based legal services for 4Rs place-based approaches, addressing priority unmet community legal needs via models to increase wellbeing across multiple areas in people's lives.</li> </ul>	Strong emphasis on large funding injection but insufficiently responsive with timing for 4Rs (crisis) and lifting ATSILS, FVPLS	Address.

		and CLCs at the same time. Insufficient focus on 4Rs place-based approaches and other points in the 4Rs rec.	
	<ul style="list-style-type: none"> <li>Allocate federal funding for 4Rs community legal services to be assisted to collaborate and develop as a sector.</li> </ul>	Not addressed.	Address.
	<ul style="list-style-type: none"> <li>Allocate federal funding for the 4Rs Network to hold a national gathering of 4Rs community-based legal services and initiatives to deliberate current issues, themes, directions and solutions.</li> </ul>	Not addressed.	Address.
2	<p><b>NLAP’s unresponsiveness to 4Rs legal needs to be overcome</b></p> <p>The unresponsiveness of NLAP to 4Rs legal needs must be addressed, and forms of bias which have subordinated legal needs in the 4Rs must cease. This should also be reflected in a major, corrective, funding injection to address unmet needs for access to legal assistance in the 4Rs.</p>	Hard to say. 4Rs visible in discussion, appears included. But no principles expressed. Bias against / subordination of, 4Rs is not addressed.	Address.
3	<p><b>Principles in Support of 4Rs Legal Assistance are needed</b></p> <p>NLAP should facilitate development of Principles in Support of 4Rs Legal Assistance and once finalised, these principles should be incorporated in relevant way in stakeholder practices.</p>	Not addressed.	Address.
4	<p><b>Standards for access to legal assistance in the 4Rs are needed</b></p> <p>NLAP should ensure that standards for access by 4Rs communities to legal assistance are established and implemented and reporting against standards and indicators include report-back and direct engagement with 4Rs groups and communities.</p>	Not addressed.	Address.
5	<p><b>Standards to address factors upstream from the 4Rs are needed</b></p> <p>NLAP should implement standards which address upstream factors relating to access to legal assistance in the 4Rs, in particular:</p> <ul style="list-style-type: none"> <li>sufficient funding to ensure equitable salaries, not less than Legal Aid Commission levels, for community legal workers salary levels in 4Rs</li> </ul>	Substantial focus on salaries and conditions including 4Rs welcomed.	Implement for ATSILS, FVPLS & CLCs at same time, & asap.
	<ul style="list-style-type: none"> <li>initiatives in support of recruitment and retention of the remote 4Rs legal workforce equivalent to those relating to the rural and remote health workforce</li> </ul>	HECS rec welcome but too limited & other supports not addressed.	Address.
	<ul style="list-style-type: none"> <li>initiatives to increase the treatment and inclusion of 4Rs justice issues and career options in law curriculum including</li> </ul>	Not addressed.	Address.

	financial support for law students to undertake clinical and other placement programs in 4Rs areas, and including a domestic equivalent to the New Colombo Plan in law focused on the 4Rs		
	<ul style="list-style-type: none"> <li>• Initiatives to facilitate 4Rs pro bono.</li> </ul>	Not addressed.	Address.
6	<p><b>NLAP theory of change should reflect positive inclusion of the 4Rs</b></p> <p>NLAP should reflect a coherent, meaningful, and integrated theory of change and results framework. This should include the objective of reducing disadvantage. Measures should support dialogue about progress in 4Rs and metro areas, including accountability to groups and communities in the 4Rs.</p>	Progress with NLAP rec for new Outcomes Framework (Rec.36)	Fully integrate 4Rs per 4Rs rec. 6.
7	<p><b>Indicators, baselines, and data sharing for the 4Rs</b></p> <p>The new NLAP should place transparency and accountability at the centre to achieve a striving approach to access to legal assistance and the intended impacts like Closing the Gap and include:</p>	Can be built from recs. although not addressed.	Address.
	<ul style="list-style-type: none"> <li>• indicators and targets to help respond to unmet legal needs in the 4Rs</li> </ul>		Address.
	<ul style="list-style-type: none"> <li>• baselines and additional data collection including qualitative data</li> </ul>		Address.
	<ul style="list-style-type: none"> <li>• sufficient capacity for effective and ongoing 4Rs access to justice research, and</li> <li>• an effective range of justice, social justice and wellbeing indicators relating to the 4Rs.</li> </ul>		Address.
8	<p><b>NLAP reconceptualised to promote ‘buy-in’ and leveraging</b></p> <p>NLAP should be reconceptualised to promote ‘buy-in’ and leveraging by the full range of policy and program areas and enable inclusion of peaks representing disadvantaged groups and mechanisms for inclusion of lived experience. This will help address the current problems of NLAP being distanced from, and insufficiently accountable to the 4Rs.</p>	Not addressed.	Address
9	<p><b>Foreground geography, place, and accountability to the 4Rs</b></p> <p>The geographic dimensions of access to justice in Australia should be fully visible in the NLAP and NLAP should promote contextually responsive, place-aware service availability. NLAP should reflect and apply principles of accountability to groups and communities in the 4Rs. This should be carried out in the operation of the NLAP and monitoring and evaluation of the NLAP.</p>	Geographic inclusion was a strong theme, but rest not, although recs in the Review can be built on.	Address.
10	<p><b>Implement Needs based funding</b></p> <p>The current historical-distribution funding model should be replaced with a needs-based funding model, which is the most fundamental and critical improvement required for adequate access to legal assistance, and intended positive outcomes, in the 4Rs.</p>	Unsuitability of the current model a core Review finding. Replacement as outlined appears to be agreed by	Needs-based funding model for required service area insufficiently clear

		the Review (esp. Rec 14 & 17).	especially for 4Rs areas. <sup>34</sup>
	Funding for 4Rs legal assistance should immediately be doubled due to the nature and extent of gaps in availability of legal assistance.	Not addressed directly recs are however in this direction.	Implement doubling.
	In relation to the 4Rs costings for needs-based funding should be based on locally costed service delivery plans which reflect the estimated actual costs of service provision.	Appears to be supported.	Implement in rebasing phase.
	Overheads in the 4Rs such as travel and related costs for service provision in 4Rs areas should be funded without this impinging on service provision.	NLAP Report Rec 17 appears to reflect i.e. rebasing based on actual costs. Further Rec 2 refers to ‘agreed costs’ to be included in ‘step’ funding.	Full funding for 4Rs service provision should occur as a high priority during rebasing to reduce delay and needlessly deferring to the ‘step’ phase.
	Needs-based funding should also be implemented for 4Rs disaster resilience legal assistance, to include baseline and surge funding and funding for research for 4Rs disaster legal research and 4Rs legal capacity building local, regionally and nationally.	Funding is addressed by NLAP Report Rec 6 but remains to be seen if this will achieve ‘needs-based’.	Address needs-based aspect.

<sup>34</sup> The first part of Rec 17 reads: ‘Rec 17. Rebasing community service providers The Reviewer recommends that the levels of funding for each community sector provider be reset to reflect the true costs of operating sustainable organisations.’ However, coverage by services of their service regions is not sufficiently expressed. For example, Cape York which is part of the service regions of: Queensland Aboriginal and Torres Strait Islander Legal Service, Queensland Indigenous Family Violence Legal Service, First Nations Women’s Legal Service Qld, North Queensland Women’s Legal Service, Cairns Community Legal Service, statewide community-based legal services including Basic Rights Queensland and national community-based legal services including ArtsLaw, Knowmore and Youth Law Australia.

### I.III Summary of 4Rs Network response to NLAP numbered recommendations

This table summarises the response to the 39 NLAP Review Report recommendations (full response by Rec. number is at [Attachment 1.](#))

<b>Chapter, Rec. number and name</b>		<b>Summary of 4Rs Network response</b>
		<p>Re all NLAP Report recs. should properly reflect and respond to legal assistance needs and costs of service provision in 4Rs areas and ensure mechanisms for accountability to and inclusion of 4Rs areas.</p> <ul style="list-style-type: none"> <li>• National 4Rs Access to Justice Strategy and Action Plan needed</li> <li>• National 4Rs Legal Workforce Plan needed.</li> <li>• Accountability to 4Rs areas needed and all NLAP priority groups in 4Rs areas</li> </ul>
<b>Ch 1: Introduction</b>		
<b>Ch 2: National Legal Assistance Partnership</b>		
<b>Ch 3 Legal Assistance Landscape</b>		
<b>Ch 4: Legal Need</b>		
1	Legal needs survey	<ul style="list-style-type: none"> <li>• Supported. Should approach concept of legal needs holistically, be First Nations proficient/suitable and 4Rs proficient / suitable</li> </ul>
2	Addressing unmet geographic need	<ul style="list-style-type: none"> <li>• Support base, step, trend &amp; pass-through concept but rebasing is urgent and should be completed before the start of the next NLAP.</li> <li>• Unmet legal needs relating to geographic areas, should be addressed in time for the start of the next NLAP with proper funding for service area coverage.</li> <li>• Principles should be established for addressing service gaps in 4Rs areas. These should implement Closing the Gap priorities and reflect all priority groups. The principles should emphasise 4Rs client and community empowerment, accountability to 4Rs communities, valuing community-based sector attributes (ATSILS, FVPLS and CLCs), full geographic coverage, sustainability and effectiveness, and principled processes for ‘new’ services.</li> <li>• Rejects preferencing LACs over CLCs re addressing geographic gaps as a matter of policy or practice.</li> </ul>
3	Complete FVPLS coverage	<ul style="list-style-type: none"> <li>• Supported which requires increasing funding to enable FVPLS to fully service their existing service areas and address all geographic gaps in access to FVPLS services.</li> <li>• Supports scaling up funding for FNAAFV as the sector peak reflecting increased demands as the FVPLS program expands.</li> </ul>

		<ul style="list-style-type: none"> <li>The reference in Rec. 3 to ‘potentially the conversion of some existing ACCOs into FVPLS’ does not reflect input from the services concerned. Self-determination of these and all ACCO legal services should be respected and fully supported.</li> </ul>
4	Legal Assist Impact Assessment for administrative law	<ul style="list-style-type: none"> <li>Supported but this should not delay urgent funding for unmet legal needs in federal areas of law e.g. social security and NDIS, including in 4Rs areas (funding for ACCO legal services and CLCs particularly) and migration and veterans including 4Rs areas (CLC’s particularly)</li> </ul>
5	Civil law	<ul style="list-style-type: none"> <li>Support substantially increased access to civil law legal assistance services applying Closing the Gap priorities and addressing civil law legal needs in 4Rs areas. The latter applying a principled approach which commits to community-based and place-based legal assistance in 4Rs areas provided by ACCOs and CLCs.</li> <li>Support increased access to civil law grants of aid, especially in 4Rs areas, but private lawyer locations are a limiting factor, plus issues with the grant of aid model in light of Closing the Gap, needs of clients with complex needs, and value for money.</li> <li>Supports review of the grant of aid model. Also see response to Rec. 18.</li> </ul>
6	Disaster legal assistance	<ul style="list-style-type: none"> <li>Supported should also align with Closing the Gap</li> <li>Funding for disaster legal assistance should be addressed during rebasing before start of the next NLAP.</li> </ul>
7	Women’s peak funding	<ul style="list-style-type: none"> <li>Supported including sufficient funding for work by the peak in relation to 4Rs areas.</li> <li>Support for rebasing women’s legal services and ACCO Women’s Legal Services reflecting service costs, unmet needs and service areas.</li> <li>Support for funding for the Aboriginal Women’s Network or similar.</li> <li>That the proposal to establish women’s legal assistance forums is best responded to by the peaks concerned.</li> </ul>
8	Priority client groups	<ul style="list-style-type: none"> <li>Supported but the priority regarding ‘rural and remote’ should be <i>regional, rural, remote and very remote</i>.</li> </ul>
<b>Ch 5: Closing the Gap</b>		
9	A2JP must address Closing the Gap Priority Reforms	<ul style="list-style-type: none"> <li>Supported – and the general principle that funding for legal assistance must be sufficient to help achieve all Closing the Gap targets is strongly supported. We note that this includes all geographic areas of Australia including 4Rs and</li> </ul>

		Northern Australia.
10	All Commonwealth legal assistance provided by ACCOs to be funded through A2JP	<ul style="list-style-type: none"> <li>• For ACCOs to respond</li> </ul>
11	Self-determination in existing services	<ul style="list-style-type: none"> <li>• Consistent with Closing the Gap priority reforms ATSILS, FVPLS and ACCO CLCs must be fully funded for geographic coverage, the range of services and supports to be provided, and related objectives.</li> <li>• Governments should rebase funding to ATSILS, FVPLS and ACCO CLCs to reflect this, including achieving parity of pay and conditions with Legal Aid Commissions.</li> <li>• Priority for funding to be with the relevant ACCO is supported. Advance reasons for locally nuanced responses which also support access by First Nations people to non-ACCO CLCs.</li> <li>• First Nations Legal Assistance Funding Principles should be established to facilitate adjustments including local place-based collaborative adjustments which maintain and increase services and avoid instability including increased staffing issues and other risks.</li> </ul>
12	Self-determination in new services	<ul style="list-style-type: none"> <li>• Supported and urges a nuanced approach to supporting / implementing First Nations self-determination in new services rather than an inflexible, one-size-fits-all-approach e.g timing and arrangements are likely to vary between locations.</li> </ul>
13	Aboriginal interpreters	<ul style="list-style-type: none"> <li>• Supported and should be framed in terms of the human rights of First Nations people, should apply broadly to all interactions with legal assistance services not only as a client.</li> <li>• New funding arrangements should be based on free access for users and to reduce the cost of the funding models.</li> </ul>
<b>Ch 6: Funding facts</b>		
<b>Ch 7: Funding models</b>		
14	NLAP funding model to be abandoned	<ul style="list-style-type: none"> <li>• Supported current model doesn't work to deliver necessary resources.</li> <li>• Effective model needed relating to each legal assistance sector, including ACCOs, CLCs and geographic access to legal assistance.</li> </ul>



29 Aug 24 draft 4Rs Backgrounder to 4Rs Legal Assistance Report Card

15	Reduction in fragmentation	<ul style="list-style-type: none"> <li>Supported but moving funds into baselines should be accompanied by ways of continuing to identify funding amounts for specific programs and activities where needed, to be able to monitor and continue to assess the adequacy of the funding (e.g. funding for social security legal help including in 4Rs areas).</li> <li>Programs should be rebased whether being moved into baselines or not, recurrent and non-recurrent funding should be rebased to reflect actual costs, including in 4Rs areas.</li> <li>ATSILS, FVPLS and CLCs should have the opportunity to participate in all relevant funding programs (including those listed on Table 7.1 in the NLAP Review Report), including these services in 4Rs areas.</li> </ul>
16	Reduce competitive tendering for legal assistance	<ul style="list-style-type: none"> <li>Supported and the alternative commissioning arrangements should be properly articulated, with guidelines which address Closing the Gap principles as well as geographic access to assistance in 4Rs areas.</li> <li>Principles should emphasise funding existing community-based legal services in 4Rs areas to enable full servicing of their service areas and expansion to address gaps (e.g. where there is no existing service area contracted for generalist CLC assistance in a 4Rs such as most of the NT).</li> </ul>
17	Rebasing community service providers	<ul style="list-style-type: none"> <li>Supported, should occur before start of the next NLAP, fully reflect needs in 4Rs and costs of safe, sustainable service provision across whole service area/s.</li> <li>Comments on many cost factors for inclusion in rebasing of community-based services in 4Rs areas. Support for key programs remaining identifiable. Support for expansion of the Indigenous Women’s Program, True Justice: Deep Listening and Health Justice Partnerships involving community-based legal assistance services in 4Rs areas.</li> <li>Support for funding to community-based legal services to ensure access to legal assistance in all key areas of law in 4Rs areas.</li> </ul>
18	Rates of grants of legal aid	<ul style="list-style-type: none"> <li>Supported but urges that questions about suitability of the grant of aid model be addressed.</li> <li>Issues include how the model operates in light of: (i) location of private legal practitioners, (ii) clients with complex needs including First Nations (iii) value for money of the grant of aid model. Outlined need for better alternatives especially in 4Rs areas.</li> </ul>
19	Rates of grants for Independent Children’s Lawyers	<ul style="list-style-type: none"> <li>Supported ICL needs-based funding, but with similar questions for 4Rs areas to those for Rec. 18, plus same issues regarding coverage of Child Repts under State/Territory law.</li> <li>Raised concerns about alignment with Closing the Gap, rights of First Nations children and families. Outlined why</li> </ul>

		<p>arrangements centering on LACs for ICL and Child Rep appointments should be reviewed.</p> <ul style="list-style-type: none"> <li>• Called for data reporting, analysis and accountability re ICL and ICR appointments for effectiveness for First Nations children and geographic effectiveness.</li> </ul>
20	Step	<ul style="list-style-type: none"> <li>• Support for concept of ‘Step’ but main focus should be on urgent rebasing of all community-based legal assistance sectors before and in time for the next NLAP including in and for 4Rs areas.</li> <li>• Response expanded on the list of successful pilots and gaps to be addressed during ‘step’ – especially in 4Rs areas - compared to the list in the NLAP report</li> </ul>
21	Indexation	<ul style="list-style-type: none"> <li>• Support for responsive indexation for all legal assistance services and indexation arrangements which reflect proper and equitable provision for 4Rs areas.</li> </ul>
22	Legal Assistance Impact Assessment (‘LAIA’)	<ul style="list-style-type: none"> <li>• Supported but should apply to all government changes which could affect legal assistance needs and differentiate impacts which negatively and positively increase legal needs (e.g. new redress measures).</li> <li>• Human rights and substantive equality. Principles and processes for LAIA should include promoting: Closing the Gap; geographic inclusion and non-discrimination against people and groups based on 4Rs location; safety from violence and abuse; gender equality; rights and inclusion of people with disability and all NLAP priority groups; intersectionality, and education and awareness raising.</li> </ul>
<b>Ch 8: Same job, same pay</b>		
23	Portability of entitlements	<ul style="list-style-type: none"> <li>• Supported development of an entitlements portability scheme relating to legal assistance sectors, including LACs.</li> <li>• Highlighted that effects on 4Rs workforce should be modelled, any negative effects should be addressed, and any additional costs to services as employers should receive financial supplementation.</li> </ul>
24	Workforce Strategy	<ul style="list-style-type: none"> <li>• Establishing a National Legal Workforce Strategy supported but a National 4Rs Access to Justice Strategy and Action Plan are needed.</li> <li>• Specific workforce strategies are needed: <ul style="list-style-type: none"> <li>○ National 4Rs Legal Assistance Workforce Strategy</li> <li>○ National First Nations Legal Assistance Workforce Strategy</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ workforce strategies addressing requirements for areas of law and for priority client groups</li> <li>○ plus: <ul style="list-style-type: none"> <li>▪ State and Territory 4Rs legal assistance workforce strategies and</li> <li>▪ Northern Australia legal assistance workforce strategy.</li> </ul> </li> <li>● Outlined areas of focus for 4Rs strategies</li> <li>● Supported funding to ACCO legal sector peaks and ACCO legal services for workforce planning and similarly for CLCA and state and territory CLC peaks.</li> <li>● Called for 4Rs inclusion and specific focus on development of 4Rs strategies.</li> <li>● Outlined numerous measures in support of First Nations legal assistance workforce development, Closing the Gap objectives, and structural measures and initiatives to overcome 4Rs legal assistance recruitment and retention issues e.g. all workforce measures in support of the rural health workforce should be paralleled for the 4Rs legal assistance workforce. This includes initiatives relating to legal education, law schools, placements (called for domestic equivalent of the New Colombo Scheme in law focused on 4Rs areas in Australia). Proposed ways to address workforce shortages in areas of law including social security law.</li> </ul>
25	Remuneration of community legal assistance workers	<ul style="list-style-type: none"> <li>● Supported, urgent increase in funding for remuneration of community base legal sectors to LAC levels, especially in 4Rs which are likely the lowest paid compared to LACs.</li> <li>● The Cth should provide a tool which is reflective of issues and costs in 4Rs areas for services to prepare estimates.</li> <li>● Funding to equalise remuneration to LACs should be achieved urgently, at the latest in time for the next NLAP due to start on 1 July 2025.</li> <li>● Commonwealth should share the best estimates of the remuneration disparities, including in 4Rs areas, and estimates of the projected impact of the May 24 federal budget injection of \$27.2 mill. for the pay increase for CLCs, ATSILS and FVPLS including in 4Rs areas.</li> </ul>
26	HECS-HELP Forgiveness Scheme	<ul style="list-style-type: none"> <li>● Supported but fine tuning needed. Should include all community-based legal assistance workers in and for 4Rs, and all HECS-HELP debts, not only law due to 4Rs legal workforce needs.</li> <li>● Also supports fee-free VET and tertiary qualifications for First Nations people.</li> </ul>

<b>Ch 9: Delivering legal assistance</b>		
27	Use of baseline funding	<ul style="list-style-type: none"> <li>• Support reducing restrictions on use of baseline funding, but funding for particular purposes must remain identifiable when needed (non-repetition of problems when social security legal help funding went into baselines).</li> <li>• Also suggests defining ‘baseline’ to help maximise recurrent funding, reduce administrative burdens, and achieve objectives about funding conditions including the identifiability and adequacy of funding amounts related to certain purposes.</li> </ul>
28	Advocacy and law reform	<ul style="list-style-type: none"> <li>• Support commitment to the importance of advocacy and law reform work by all legal assistance sectors.</li> <li>• Highlights adequate funding for advocacy and law reform work by all legal assistance sectors, including ATSILS, FVPLS and CLC sectors and national and state peaks and networks should be in place.</li> <li>• Highlights need for funding support for First Nations Women’s Legal Services and the Aboriginal Women’s Network or similar.</li> <li>• Also highlights need for funding for advocacy and collaboration relating to gaps and other issues in 4Rs areas.</li> </ul>
29	Technology funding	<ul style="list-style-type: none"> <li>• Support for funding for technology initiatives, supports additional funding, and principles in support of First Nations leadership on technology issues affecting First Nations people.</li> <li>• Calls for principles related to 4Rs involvement and effectiveness for 4Rs areas.</li> </ul>
<b>Ch 10: Administration and cost sharing</b>		
30	Term of A2JP	<ul style="list-style-type: none"> <li>• Longer term supported for service continuity.</li> <li>• Provided the next NLAP reflects the base, step, trend and pass through proposal in the NLAP Review Report, the funding context should be substantially more responsive and realistic with positive adjustments over the period.</li> </ul>
31	Better coordination and reporting of legal assistance funding by the Commonwealth	<ul style="list-style-type: none"> <li>• Supports better coordination and reporting by the Commonwealth, proposes further investigation of how to best achieve the outcomes of better grant administration, grant data and reporting, arrangements should align with Closing the Gap priorities and advance access to legal assistance in 4Rs areas.</li> <li>• Raises questions about impact of proposed centralization on portfolio area funding responsibilities and access to program specific expertise in grant administration (e.g. knowledge of 4Rs areas)</li> </ul>

32	Improved Commonwealth involvement	<ul style="list-style-type: none"> <li>Supported and called for expertise and resources of the Cth, State and Territory processes to fully reflect and support Closing the Gap priorities, and all priorities under NLAP. Latter includes all priority groups, policy and programs in 4Rs areas.</li> <li>The revised arrangements should demonstrate accountability to 4Rs communities and regions, including maximising responsiveness to 4Rs contexts.</li> <li>This reiterates a theme in the 4Rs submission to the NLAP Review that NLAP has not delivered horizontal accountability to 4Rs, it has instead mainly focused on vertical lines between levels of government.</li> </ul>
33	LACs not to administer funding	<ul style="list-style-type: none"> <li>Supported.</li> <li>As for response to Rec. 32, the new admin should be effective for all NLAP and legal assistance priorities and objectives including addressing 4Rs legal needs</li> </ul>
34	<i>Commonwealth money for Commonwealth matters</i>	<ul style="list-style-type: none"> <li>Supports overcoming negative effects of demarcations by achieving proper funding, including for legal needs in 4Rs. Also see response to Rec. 35.</li> </ul>
35	<i>Sharing the funding task</i>	<ul style="list-style-type: none"> <li>Supports principled approach to funding to be reflected in agreements which do not leave gaps. The agreements should specify safety nets and responsibilities to address gaps.</li> <li>This includes 4Rs legal assistance needs.</li> </ul>
<b>Ch 11: Outcomes and data</b>		
36	<i>Outcomes framework</i>	<ul style="list-style-type: none"> <li>Supported should be accountable to all priority groups including 4Rs</li> </ul>
37	<i>Performance indicators and Data Standards Manual</i>	<ul style="list-style-type: none"> <li>Supported and noted increased data needed re 4Rs</li> </ul>
38	<i>Data Systems</i>	<ul style="list-style-type: none"> <li>Supported with special support re 4Rs services and areas where needed.</li> </ul>
<b>Ch 12: Implementation</b>		
39	Temporary indexation	<ul style="list-style-type: none"> <li>Supports early rebasing to reduce the need for the temporary indexation proposed in Rec. 39.</li> <li>If temporary indexation is required it should be equitable for community-based legal assistance services in or for 4Rs areas.</li> </ul>

## II Principles in the NLAP Report and 4Rs inclusion

### II.I NLAP Review Report – underpinning principles

The NLAP Report outlined principles underpinning the Review’s recommendations.<sup>35</sup>

These principles are quoted in the left-hand column of the table below, with the 4Rs Network response to the right.

**Table 5: 4Rs Response to principles underpinning the NLAP Report**

“The following principles underpin this Review’s recommendations:	<b>4Rs Network response</b>
— <b>Genuine partnership rather than just a service agreement</b> – A2JP should involve collective commitment from both levels of government to support delivery of the overarching objective, and to ensure legal assistance services meet community needs.	As outlined in the 4Rs NLAP Review submission, the partnership should be tripartite with visibility and accountability to NLAP priority groups including First Nations and 4Rs.
— <b>Evidence informed</b> – A2JP must improve the focus on outcomes, and appropriate data capture, to ensure decisions on funding levels, distribution and approach are appropriately targeted to positive community impacts.	Agreed. Must be fully inclusive of 4Rs.
— <b>Sustainable organisations, rather than individual service funding</b> – A2JP’s design should embed a focus on funding sustainable service providers, rather than services, to ensure organisations have the capacity to deliver the outcomes required, now and into the future.	Sustainable organisations reflecting self-determination of ACCOs (ATSILS, FVPLS and ACCO CLCs) the accountabilities of CLCs and the statutory responsibilities of LACs - to maximise access to legal assistance, especially in 4Rs areas - is supported. Achieving and sustaining full coverage of each organisation’s 4Rs service areas is supported.
— <b>Whole of client perspective</b> – A2JP must avoid fragmentation in both funding and service delivery to ensure clients can be supported end-to-end, minimising risks of traumatisation and inefficiencies.	Whole client perspective starts with the availability of assistance required by the client. A2JP must avoid obscuring Cth, State and/or Territory Government responsibility if there are funding shortfalls relating to their areas of responsibility e.g. Cth. responsibility for ensuring resources for access to social security legal assistance. Avoiding fragmentation must not impede identification, monitoring and evaluation of whether funding provided is sufficient e.g. if funding provided to increase access to legal assistance by

<sup>35</sup> NLAP Review Report, p. 11.

	certain priority client groups and/or areas of law is sufficient.
— <b>Collaborative culture</b> – barriers to collaboration, such as competitive tendering, must be removed to ensure the sector leverages the natural strengths in working together to meet the needs of disadvantaged Australians.	Agreed. Principles for collaboration should be developed, to include principles for increasing access to legal assistance in 4Rs areas. The latter include the importance of locally embedded, accountable and accessible community-based legal assistance services.
— <b>Efficiency</b> – better regulatory design and investment in people, systems and premises will lead to higher levels of productivity.	Agreed.
— <b>Closing the Gap</b> – A2JP must clearly address, through funding and other mechanisms, both relevant targets and processes of self-determination articulated in the Priority Reforms.”	Agreed. Strongly supported.

## II.II Principles relating to rights and inclusion of people in 4Rs areas

1. The NLAP Review included substantial visibility for geographic access to legal assistance but did not articulate principles relating to access to legal assistance in 4Rs areas. However, principles are needed. The 4Rs Network submission to the NLAP review recommended the following principles, which should be deliberated by Governments and all stakeholders with a view to finalisation and adoption:

“Principles in support of the provision of 4Rs legal assistance should be developed and reflect basic requirements for effectiveness in the 4Rs.

These principles would include promoting Closing the Gap and the central role of First Nations legal services in service provision for First Nations people, groups, and communities in the 4Rs.

The following are examples of possible principles relating to provision of 4Rs legal assistance:

- **Disadvantaged individuals, groups, and communities in the 4Rs should have timely, responsive, and effective access to the legal assistance they need.**
- Access by individuals, groups, and communities in the 4Rs to legal assistance **reflect the rights of these groups and aims to contribute to multi-dimensional efforts to increase agency, inclusion and wellbeing and reduce disadvantage.**
- Service provision to 4Rs communities **should be accountable to 4Rs communities.**
- **The central role of First Nations legal services in service provision for First Nations people, groups and communities is recognised, supported and facilitated in the 4Rs** aligned with:
  - human rights, self-determination, cultural safety, and empowerment, and

- principles and priorities under Closing the Gap.
- **In-person legal assistance** should be available in the 4Rs where required for accessibility, cultural safety and effectiveness for the clients, groups and communities concerned.
- Legal services in the 4Rs should be as **relevant and local as possible** to maximise accessibility, responsiveness, and accountability.
- Legal services in the 4Rs should be as **receptive as possible to local needs** in relation to their service provision and their overall operations.
- Legal services delivering in the 4Rs should aim to **achieve and maintain local trust and support** and **work in with the flow of community needs, priorities and activities**.
- Legal services in the 4Rs should **aim to employ from the local area** as much as possible and should **contribute to local skills development** and to **the local economy**.
- **Legal services in 4Rs areas should recruit and facilitate service provision by additional services** where relevant, e.g., metro services which are willing to contribute or provide expertise in specialist areas of law. Appropriate protocols should be established to maintain community trust and effectiveness.
- Legal services looking to expand into or within the 4Rs **should consult with existing services to maximise benefits**.
- **Funding bodies, and all stakeholders, should be mindful of these principles** and ensure that new initiatives do not impact negatively on continuing, effective, 4Rs service provision.

## II.III 4Rs proficient collaboration and connectivity

1. Numerous factors, including federal policy and decisions by actors in many sectors, have positive and negative impacts in 4Rs areas. 4Rs proficient collaboration and connectivity involves external actors recognising, and being concerned to understand, their impacts on 4Rs areas. This involves *recognising how decisions can impact*, seeking to avoid negative impacts and supporting the rights, wellbeing and inclusion of those in 4Rs areas.
2. More effective collaboration and connectivity between 4Rs areas and urban/metro areas is needed, including cross-jurisdictional and multi-jurisdictional efforts. For these reasons the following statement in the NLAP Review Report is too narrow:

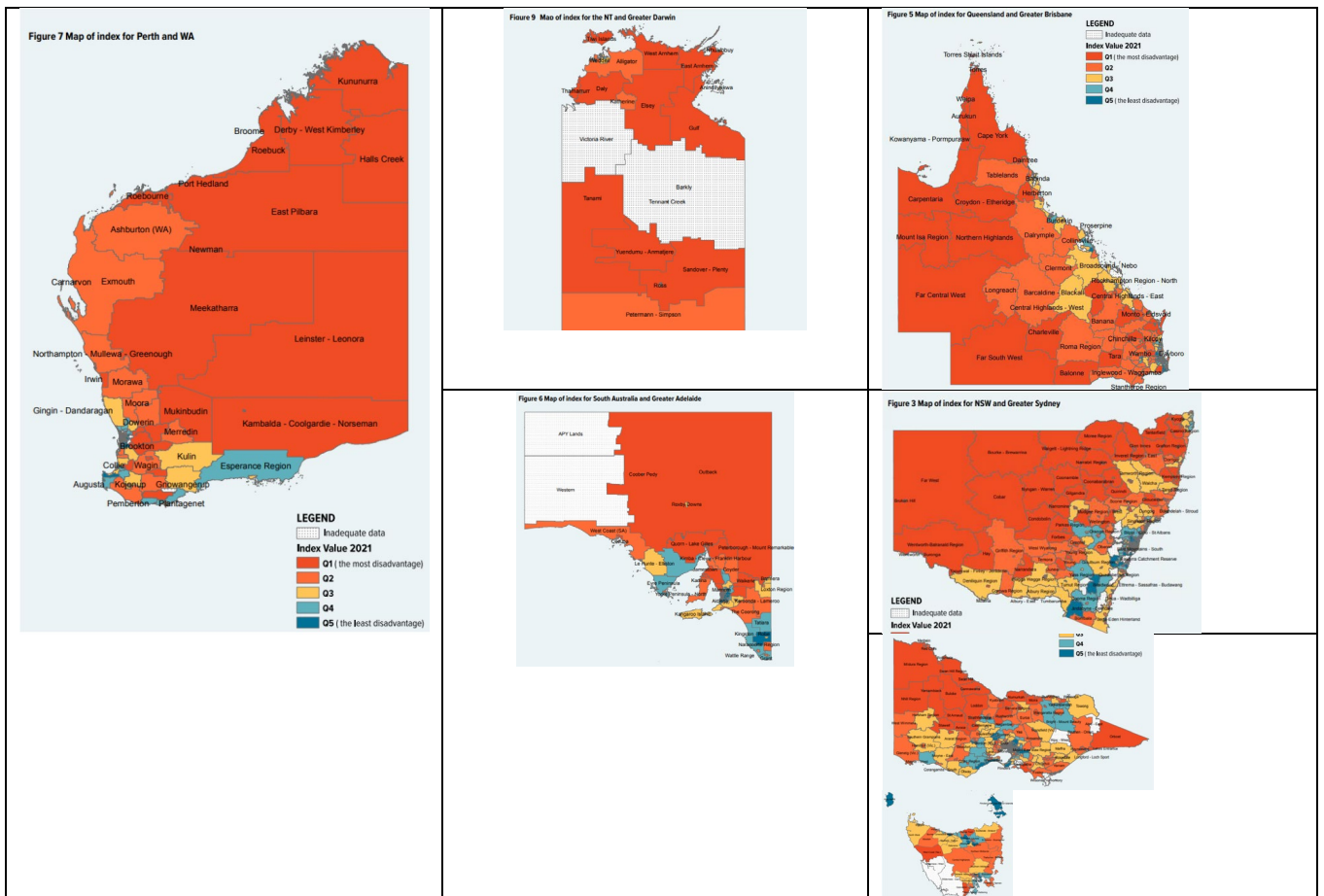


*‘All Australians experiencing disadvantage are the joint responsibility of the Commonwealth and the government of the jurisdiction in which they live.’<sup>36</sup>*

3. The maps below help illustrate why questions of joint responsibility, in relation to people experiencing disadvantage, are broader than the Commonwealth plus the government (state and territory) of the jurisdiction where they live.

- The first two examples (the map of areas of disadvantage and the map of Northern Australia) reflect the likelihood of interconnected issues, causes, themes and opportunities for collective impacts.
- The next four examples (maps of the tri-state area of the NPY Women’s Council, South Australia’s Far North, Local Government Areas, and the Murray Family Care tri-state area) illustrate some multi-jurisdictional and sub-jurisdictional perspectives, to which many more could be added.

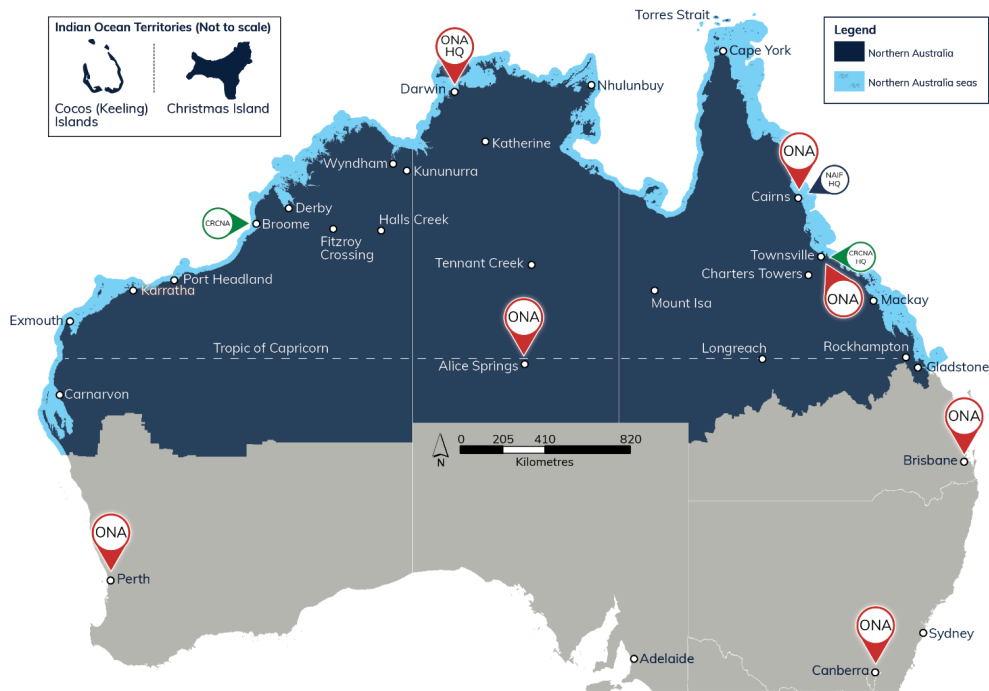
**Figure 1: Areas of disadvantage in Australia** (red = most disadvantaged, white = inadequate data)<sup>37</sup>



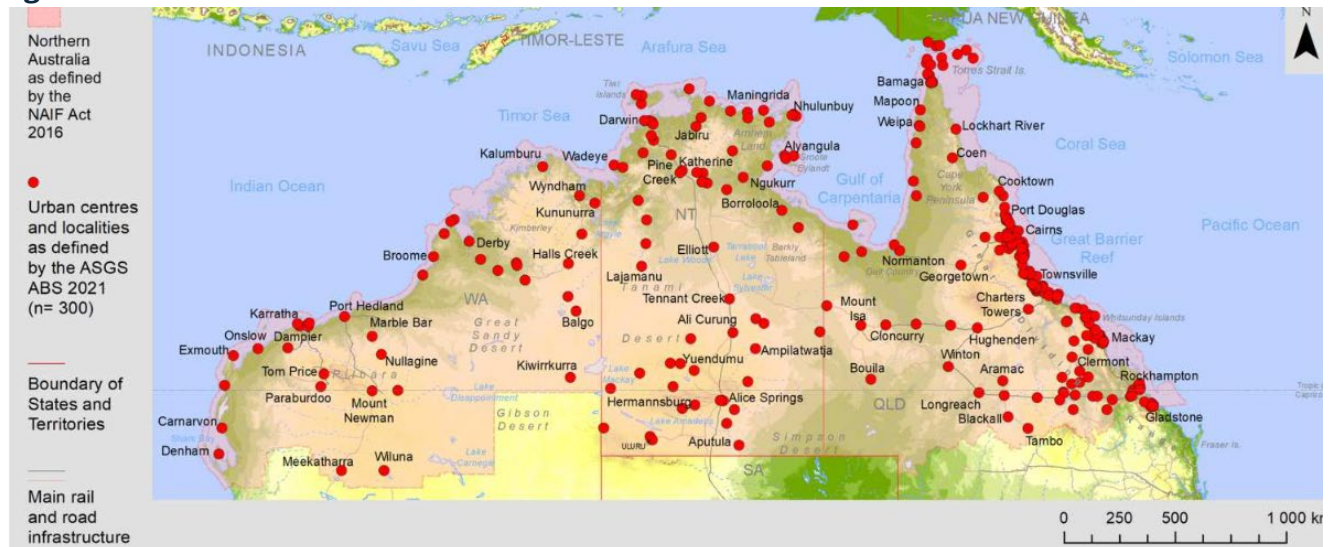
<sup>36</sup> NLAP Review Report p. 207.

<sup>37</sup> Robert Tanton, Lain Dare, Riyana Miranti, Yogi Vidyattama, Andrew Yule and Marita McCabe, *Dropping Off the Edge 2021: Persistent and multilayered disadvantage in Australia* (2021, Jesuit Social Services) maps: NSW p. 68, Victoria, p. 89, Queensland, p. 109, South Australia, p. 127, Western Australia, p. 142, Tasmania, p. 158 and Northern Territory, p. 172.

**Figure 2: Northern Australia**<sup>38</sup>

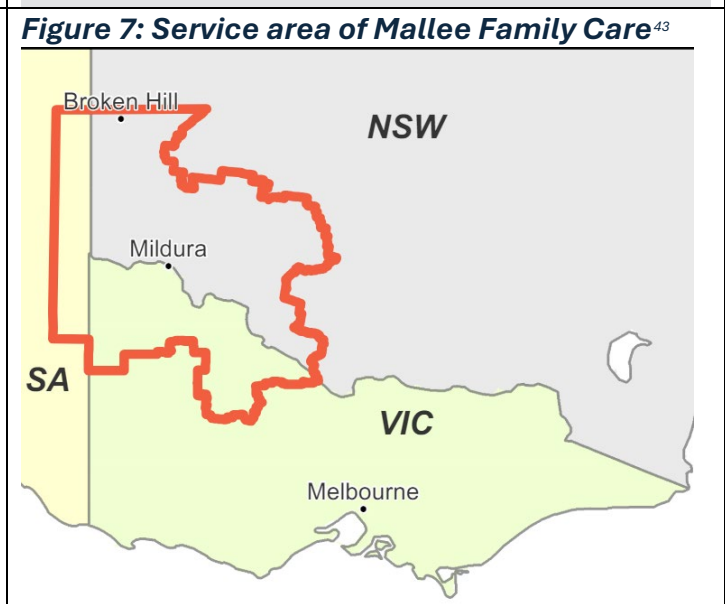
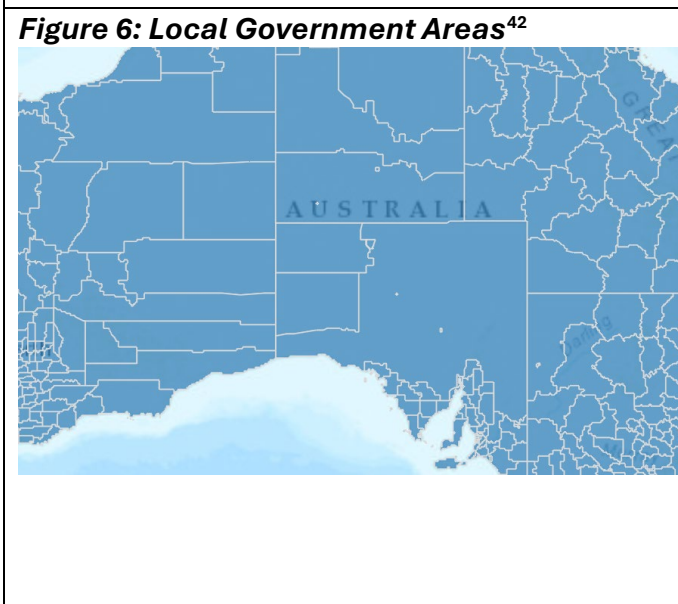
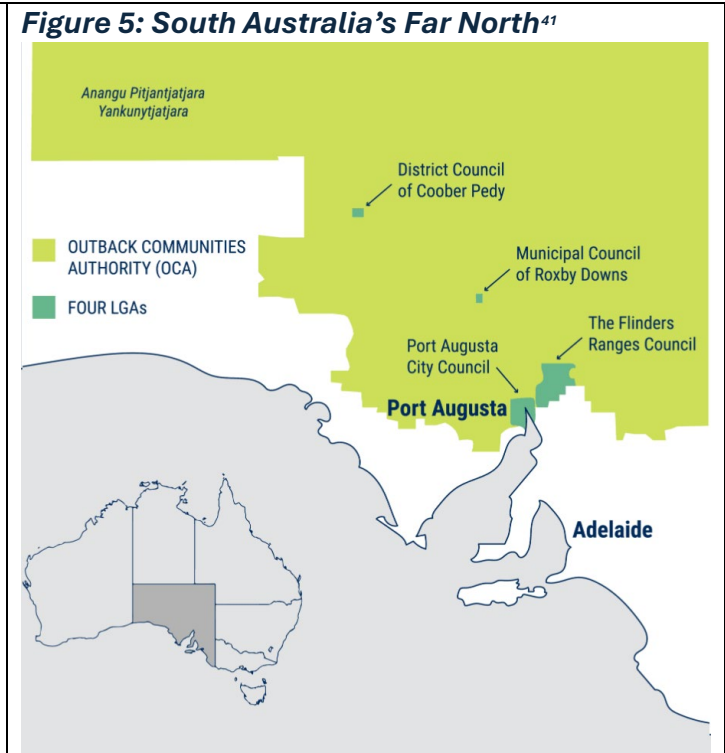
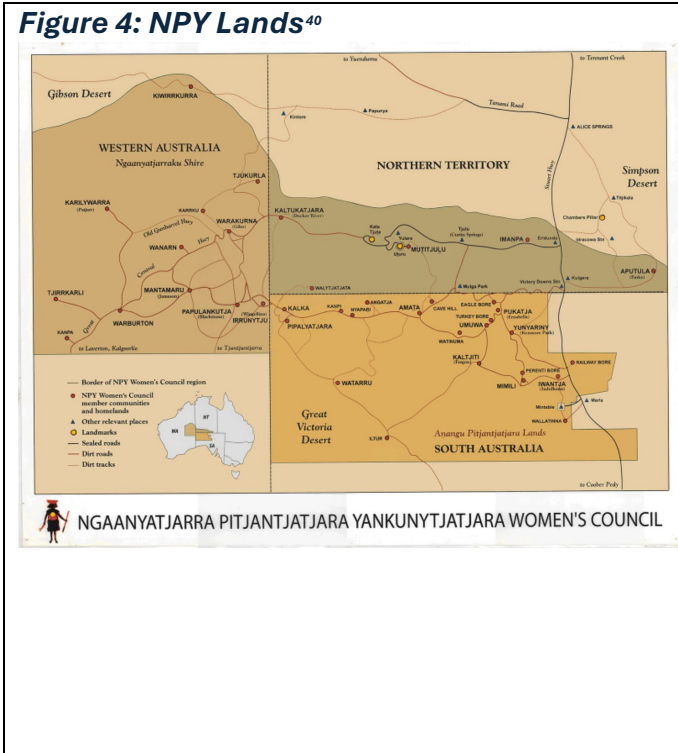


**Figure 3: Urban centres and localities in Northern Australia in 2021**<sup>39</sup>



<sup>38</sup> Northern Australia is defined in s.5 of the Northern Australia Infrastructure Facility Act 2016 (Cth) in summary ‘...includes all of the [NT], and those parts of [QLD and WA] above and directly below or intersecting with the Tropic of Capricorn. It also includes the regional centres of Gladstone, the Gladstone Hinterland, Carnarvon and Exmouth, as well as the Local Government Areas of Meekatharra and Wiluna and the Shire of Ngaanyatjarraku in Western Australia, and the Indian Ocean Territories communities of Christmas Island and the Cocos (Keeling) Islands...’: North Australia Infrastructure Facility, *NAIF Act and Investment Mandate* (NAIF, [Web Page](#)); map: [Office of Northern Australia](#) web site.

<sup>39</sup> Dávid Karácsonyi & Andrew Taylor, Long-Term Hierarchic Changes in Settlement Systems at Geographic ‘Edges’, (2024) *Australian Geographer*, ([Open Access](#)) 1-21 at 8; ‘localities’ have c. 200-999 people ([ABS](#))



<sup>40</sup> NPY Women's Council, NPY Map, NPY Women's Council ([Web Site](#)); The Cross Border Justice Scheme applies in the NPY Lands, NT Government, 'Cross Border Justice Scheme' ([Web Site](#)):

<sup>41</sup> Regional Development Australia Far North, South Australia's Far North (image), RDAFN Web Site: <https://rdafn.com.au/> which notes that South Australia's Far North is 80% of area of the state and has a population of about 28,670.

<sup>42</sup> Digital Atlas of Australia, 2021 Local Government Areas (LGA) from the Australian Statistical Geography Standard (ASGS) Edition 3 ([Online](#)).

<sup>43</sup> Mallee Family Care, [Catchment Map](#) (Online), Mallee Family Care (head office in Mildura) provides the Mallee Family Care Community Legal Service and is auspicing the Far West CLC based in Broken Hill.

Collaboration by all jurisdictions can open more opportunities and solutions for 4Rs areas. This includes less obvious opportunities which do not relate to ‘the jurisdiction in which [people] live’ (NLAP Report quote above).

## II.IV Support for 4Rs place-based approaches

Place-based approaches (compared to place-neutral approaches), relate to local and geographic contexts, and respect forms of continuity and association which are locally relevant and locally invested.<sup>44</sup> Principles include:

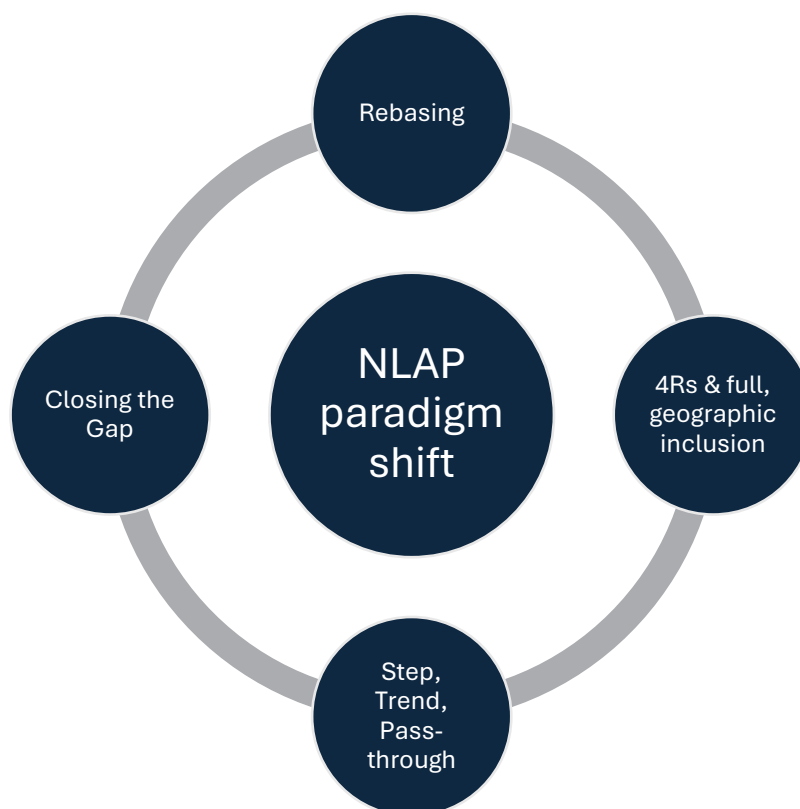
- Recognising, respecting and enhancing diverse capabilities within locations and building forward on this basis.
- Appreciating and nurturing the many positive and often remarkable attributes demonstrated in establishing and sustaining local services.
- Accepting and not arguing or scheming against the needs among diverse communities in 4Rs areas for in-person, face-to-face assistance.
- Ensuring flexible co-designed pathways for local people based on real, place-based journey maps and rejecting the purported ‘entitlement’ of external systems to be dismissive of the needs and diversity of people in 4Rs areas.
- Ensuring 4Rs service areas can be fully and effectively serviced, with adequate resources to ensure sufficient time, relevant staff and flexibility.

## III Synthesis of the paradigm shift and 4 key 4Rs issues

In summary, the ways forward for access to legal assistance and justice, rights and wellbeing, inclusive of 4Rs areas requires **an NLAP paradigm shift, priority to *Closing the Gap***, commitment to the further and related priority of ***4Rs, and full geographic inclusion*** with a **two-part process** based on the NLAP Review recommendations. Namely: ***Rebasing*** (urgent, before the next NLAP) and ***Step, Trend and Pass-through*** (during the next NLAP).

---

<sup>44</sup> For example Fabrizio Barca, Philip McCann and Andres Rodríguez-Pose, ‘The Case for Regional Development Intervention: Place-Based Versus Place-Neutral Approaches,’ (2012) (52) *Journal of Regional Science* 134 ([Open Access](#)).



*Figure 8: Synthesis of NLAP paradigm shift*

### III.I NLAP paradigm shift

**Background:** The NLAP Review Report proposes what would be a paradigm shift involving a deep and wide-ranging response to lack of access to legal assistance. The Review Report emphasised that geographic coverage is inadequate, that funding levels for community-based legal assistance services in 4Rs areas are not reflective of costs of service provision and that the rebasing of these, and all legal assistance services, is required.

- ***The paradigm shift proposed by the NLAP Review Report must be taken seriously by Governments and stakeholders, for the major opportunity it presents*** for a reset which moves the entire collaboration forward more purposefully, reasonably and responsibly.
- ***The paradigm shift involves changing the parameters, especially addressing insufficient access to resources***, which are impeding rights, inclusion and empowerment especially in 4Rs areas.

### III.II Closing the Gap

**Background:** The NLAP Review Report provides strong guidance about requirements for ACCO legal assistance services, including ACCO CLCs, to be funded and facilitated in accordance with Closing the Gap priority reforms to ensure First Nations people can utilise full benefits through these services. This requires a landmark change in approach, including funding levels and accepting leadership by these services in legal assistance for First Nations people.

- ***Directions to lift ACCO funding to fully address needs, achieve geographic coverage and respect ACCO leadership are fully supported*** – this includes supporting ACCO facilitation by all legal assistance sectors including and non-ACCO community-based legal assistance services in and for 4Rs areas.
- ***Principles should be developed to guide preferencing ACCOs and ensuring First Nations access to non-ACCO legal assistance services*** – principles should
  - Facilitate governments, non-ACCO legal services and other stakeholders collaborating with ACCO legal services, and
  - Provide a framework for funding requirements in relation to access by First Nations people to legal assistance services.
- ***Responsibilities of non-ACCO community-based legal services in and for 4Rs areas to ensure their services are fully accessible to First Nations people are fully supported*** – this includes support for relevant funding levels for access and initiatives in support where relevant.

### III.III Principled and structural approach to 4Rs inclusion

**Background:** Overall, the NLAP Review did not consider principles or structural approaches to access to legal assistance by people and communities in 4Rs areas. Discussion and recommendations in the NLAP Review Report relating to geographic coverage are very welcome but the Review did not address principles and structural approaches to 4Rs inclusion raised in the 4Rs Network submission.

- ***Principles of recognising, valuing and strongly supporting community and place-based empowerment of individuals, groups and communities in 4Rs areas are needed.*** This complements Closing the Gap and all relevant policy priorities about reducing, and ultimately overcoming, disadvantage in 4Rs areas. This should include Principles relating to 4Rs rights and inclusion (discussed at II.II above).

- **Structural measures are also required to increase drivers and maintain momentum regarding access to legal assistance and access to justice in the 4Rs.** For example, reflecting on the following and actioning positive responses:
  - How the next NLAP can make accountabilities to people and communities in 4Rs areas more visible and effective to ensure geographic inclusion.
  - How the next NLAP can structure in requirements for consultation with, and responsiveness to, 4Rs community-based legal assistance services and 4Rs community stakeholders.
  - Why a National 4Rs Access to Justice Strategy and Action Plan is needed.
  - Why a National 4Rs Legal Assistance Workforce Strategy and Action Plan are needed.
  - Why resources are needed to strengthen 4Rs related focus especially through:
    - existing community-based legal assistance sector peaks (NATSILS, FNAAFV, CLCA and CLC State and Territory peaks) and by National Legal Aid and the Australian Legal Assistance Forum.
    - service affinity peaks (e.g. Women’s Legal Services Australia, Economic Justice Australia, the National Association of Renters’ Organisations and others)
    - the Aboriginal and Torres Strait Islander Women’s Network,<sup>45</sup> and
    - the National 4Rs Community Legal Services Network.

### III.IV Rebasing of community-based legal services in and for 4Rs areas

**Background:** The NLAP Report proposes Base, Step, Trend and Pass-through in response to findings about chronic levels of underfunding compared to operating/input costs, especially in 4Rs areas. The Review proposes that rebasing should begin as soon as possible, with priority to ATSILS and FVPLS. Further, that rebasing of CLCs should be underway or advanced before the start of the next NLAP and that an ameliorating uplift of 10% p.a. on top of existing funding should apply to any service still awaiting rebasing

---

<sup>45</sup> Outlined below in Attachment 1 at 7.5 Aboriginal and Torres Strait Islander Women’s Network.

at the start of the next NLAP until rebasing is completed. Geographic gaps would be addressed during the Step phase.

- **Responsive rebasing before the start of the next NLAP:** The proposal to rebase is supported but the *timetable proposed* in the NLAP Review is not realistic to the nature and extent of the funding crisis facing community-based legal assistance service in 4Rs areas and will cause substantial additional problems.
  - **Rebasing must occur before the start of the next NLAP**, it must be undertaken for all community-based legal sectors and all regions, at the same time. Delay will have adverse effects and proceeding piecemeal risks destabilising sector-specific and place-based effects. Unless staff salaries and conditions are increased concurrently across sectors, increased staff movements are likely affecting service continuity and service levels.
  - **Consequently, a realistic and responsive approach must be taken to costings and funding for rebasing.**
    - This should include providing a tool which services can use to develop and provide their costings and service plans.
    - Rebasing should relate to each service's whole geographic service area/s unless there are good reasons to the contrary.
    - The 4Rs Network continues to call for a minimum of doubling of funding for community-based legal assistance services in or for 4Rs areas.
- Responsive Rebasing as just described will change the paradigm by:
  - Responding to the crisis of underfunding and stabilising and strengthening legal assistance service provision especially in 4Rs areas.
  - Consolidating and increasing service area coverage by existing community-based legal services so reducing geographic gaps to be addressed during the step phase.

### III.V Step, Trend and Pass-through

**Background:** The recommendation by the NLAP Review to apply Step, Trend and Pass-through in designing and implementing the next NLAP would substantially increase coherence, effectiveness, program efficiency and focus.



- **Step, Trend and Pass-through should be included in the next NLAP agreement** and each should be framed by principles which include geographic access to legal assistance especially in 4Rs areas and the cost of delivering services in and for 4Rs areas.
- Rebasing (as noted above) should be completed before or in time for the start of the next NLAP achieving **a clean start for Step, Trend and Pass-through from the start of the next NLAP.**

## IV Response to numbered NLAP Report Recs: Attachment 1

1. The response to the numbered recommendations in the NLAP Review Report are in Attachment 1. This is in addition to the following above:

- I NLAP Review Report compared to 4Rs submission
- II Principles in the NLAP Report and 4Rs inclusion
- III Synthesis of the paradigm shift and 4 key 4Rs issues

A copy of this Backgrounder with Attachment 1 can also be downloaded from:  
**National Regional, Rural, Remote and Very Remote Community Legal Network**  
<https://clcs.org.au/4rs-network/>