

including suitability to assess impacts in 4Rs regions, Northern Australia and local 4Rs areas.

Rec. 23 – Portability of entitlements

Recommendation 23 – Portability of entitlements

The Reviewer recommends that governments work with peaks and the relevant unions to develop a portable entitlement scheme for all workers in the legal assistance sector, including LACs. At a minimum this scheme should address long service leave but consideration should be given to including others, such as sick and parental leave, where appropriate and when the benefits of increased labour market mobility outweigh the incremental costs to the scheme.

23.1 Portability of entitlements: supported

1. Development of a portable entitlement scheme for all workers in the legal assistance sector, including LACs, is supported.
2. The effects of the scheme on staffing across legal assistance sectors in 4Rs areas should be modelled, to ensure that any potentially adverse effects on 4Rs areas are identified and addressed.

23.2 Cost of carry over entitlements

1. If the introduction of portability results in additional costs to legal assistance employers (such as the payment of entitlements which would otherwise be lost), the additional cost would require financial supplementation.

Rec 24 – Workforce Strategy

Recommendation 24 – Workforce Strategy

The Reviewer recommends that the Commonwealth Government, in collaboration with unions, state and territory governments and peak bodies, develop a national workforce development strategy for the legal assistance sector to attract and retain a skilled, well supported, and diverse workforce. This strategy should address:

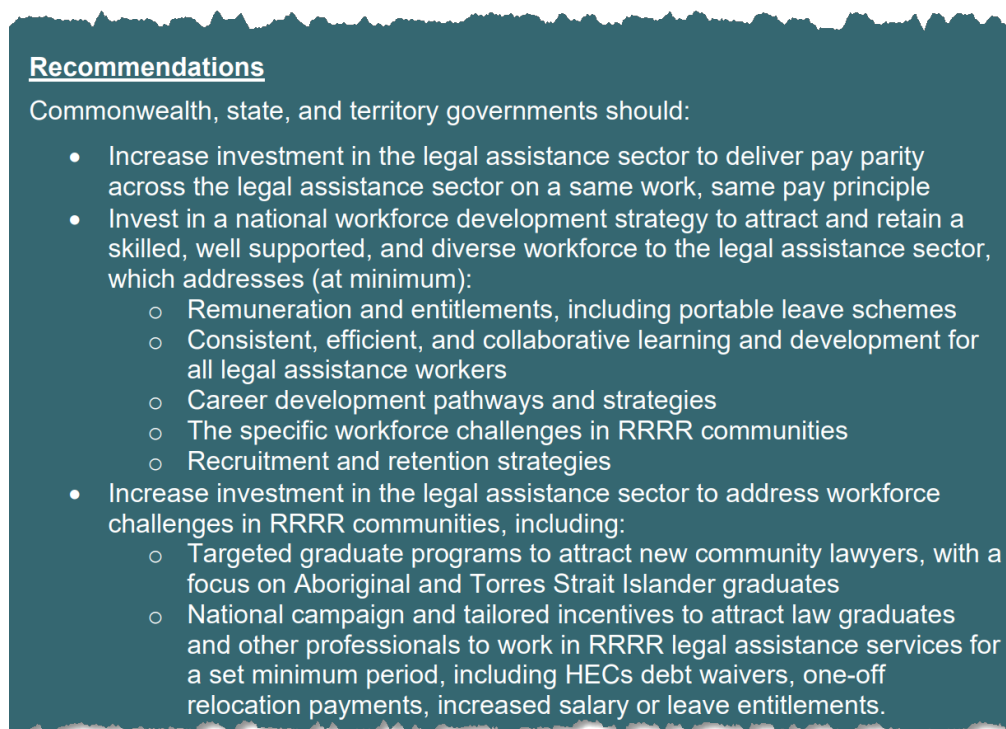
- development of a robust data set on the legal assistance workforce as part of the improved approach to data discussed in chapter 10
- attraction and retention strategies
- remuneration and entitlements, including portable entitlement schemes
- continuing professional development and supervision
- career pathways and progression.

It is recommended that \$5m be provided by the Commonwealth for these purposes in 2024-25 with a view that ongoing funding of the strategy be shared by the states and territories during the A2JP.

24.1 Development of National Legal Workforce Strategy supported

1. Background relating to Rec. 4 – Workforce Strategy, reflects substantial consensus among legal assistance sectors as expressed in the Australian Legal Assistance Forum Legal Workforce (‘ALAF’) Statement summarised by CLCA as follows:

Figure 17: ALAF Legal Workforce Statement summarised by CLCA²⁹⁸



2. Establishing a national workforce development strategy for the legal assistance sector (here referred to as a ‘National Legal Assistance Workforce Strategy’) which addresses the supply of workers, salaries and conditions, recruitment, retention, wellbeing, training and advancement - is supported.

24.2 National 4Rs Access to Justice Strategy and Action Plan

1. The 4Rs Network has continued to call for the establishment of a National 4Rs Access to Justice Strategy and Action Plan,²⁹⁹ however there was no reference to this or discussion in the NLAP Review Report.
2. This National Strategy and Action Plan should be put in place as soon as possible to increase and target efforts to address access to justice in 4Rs areas. This includes,

²⁹⁸ CLCA, [Submission to the NLAP Review, 27 Oct 2023](#), p. 56.

²⁹⁹ 4Rs Network, [Submission to the NLAP review, 27 Oct 2023](#), Rec. 1; 4Rs Network, [Federal Pre-Budget Submission 2023-4](#) dated 27 Jan 2023; 4Rs Network, [Federal Pre-Budget Submission 2024-5](#) dated 24 Jan 2024; the 4Rs Network [Submission to the Joint Standing Committee inquiry on the NDIS lived experience of the NDIS in regional, rural and remote areas](#) dated 8 March 2024 with [endorsement list](#).

informing development of the National Legal Assistance Workforce Strategy and all other missing legal workforce strategies, related efforts and initiatives.

24.3 Many legal workforce strategies are missing

1. The absence of a National Legal Assistance Workforce Strategy is *one of many* which are absent.
2. All the following are needed:
 - National 4Rs Legal Assistance Workforce Strategy
 - National First Nations Legal Assistance Workforce Strategy
 - National workforce strategies by and in relation to:
 - each legal assistance sector (LACs, CLCs, ATSILS, FVPLS)
 - pro bono, volunteer and related contributions to legal assistance services
 - areas of chronic undersupply e.g. experienced lawyers, experienced caseworkers
 - client groups including First Nations people and all priority groups
 - areas of law e.g. e.g. social security, tenancy, family law, child protection
 - Northern Australia Legal Assistance Workforce Strategy
 - State and Territory Legal Assistance Workforce Strategies

24.4 National 4Rs Legal Assistance Workforce Strategy

1. The National 4Rs Legal Assistance Workforce Strategy may be a component of the National Legal Assistance Workforce Strategy ('N-LAWS') or a standalone Strategy which informs, benefits from and coordinates with, the N-LAWS.
2. Some legal workforce strategies which have positive effects in 4Rs areas will arise from general or overarching approaches, and others will be 4Rs specific and/or specific to legal sectors in 4Rs regions and locations. For processes which develop general or overarching approaches, which will have impact in 4Rs areas, it will be important to ensure that these proposals consider 4Rs impacts and ensure these will be positive.

24.4.1 Short, medium & long term: resources for cross-sector involvement

1. The N-LAWS should be a cross-sector, inclusive and holistic plan which documents the nature and extent of the legal workforce challenges in the 4Rs, establishes baselines and directions for 4Rs legal workforce development, recruitment and retention, and focuses on the short, medium and long term.
2. The 4Rs Network and sector groups should be resourced to fully participate and contribute to the development, implementation, monitoring and evaluation of the N-LAWS.

24.4.2 Areas of emphasis for 4Rs Strategy

1. The N-LAWS should include:

Scope

- All legal assistance sectors.
- Short, mid and long-term.
- National, jurisdictional, regional and place-based initiatives.
- Sharing, deliberating and educating about systemic barriers, practical, resource and other barriers, to achieving and maintaining full staffing of legal assistance services in 4Rs areas.
- Engaging stakeholders including legal assistance services, legal profession, policy contributors, law schools, PLT programs and other areas across tertiary education relevant to the 4Rs legal assistance workforce.

Focus

- Workforce equity including salary and conditions, cultural safety, physical safety, wellbeing, supervision, training and advancement.
- Skills and qualifications relating to 4Rs legal assistance workforce including subject matter (such as areas of law or specialist support) and competencies for:
 - 4Rs contexts and particular service sectors
 - place-based legal assistance
 - client needs including complex needs
 - client-centred practice, client needs including complex needs
 - trauma-informed practice
 - wraparound service provision
 - sustainable services
 - casework models
 - advocacy models
 - models and approaches regarding systemic change
 - service and individual development
- Recruitment and retention:
 - First Nations people in and for 4Rs areas and broader workforce objectives
 - All workers and roles, and
 - Regarding underserved / high needs areas of:
 - Law, including specialist areas and levels of experience, and

- Assistance and support including non-legal casework, advocacy and wraparound service provision.

Specific issues

- Flexible models for effective legal assistance in 4Rs including non-legal caseworker and paralegal focused models.
- Local workforce development including local recruitment, school to employment continuum and retention of locally employed staff.
- Access by legal assistance services in or for 4Rs areas, to peer and specialist resources to develop, implement, monitor and support their workforce development plans.
- Achieving information collection, baselines, monitoring and analysis of 4Rs legal assistance workforce e.g. by establishing and coordinating regular national 4Rs legal assistance sector workforce surveys and analysis and reflection on patterns and trends.

24.5 First Nations legal workforce development: ACCOs and non-ACCOs

1. NATSILS, ATSILS, NFVPLSF, and FVPLSs should be funded to undertake and maintain holistic workforce planning which includes workforce development, training, recruitment and retention focusing on the short, medium and long term and liaising with other sectors.
2. ACCO legal assistance sector leadership should be resourced for development of the National First Nations Legal Workforce Plan and for protocols and processes regarding inclusion of First Nations in all legal sector workforce plans.
3. First Nations legal assistance workforce planning relating to recruitment and retention of First Nations people is likely to include:
 - All legal assistance service roles including administrative, non-legal roles (including community liaison, admin worker, caseworker (specialist and non-specialist), advocate, paralegal, social worker, financial counsellor), legal (including entry level to principal, generalist and specialist), other roles and leadership roles (team leader, management, executive and CEO).
 - Local, regional, statewide and national dimensions. This may include drawing on First Nations legal workforce planning and development in other sectors (e.g.

health and education), involving tertiary institutions and champions.

- Initiatives on a continuum from school leaver to tertiary qualifications, professional accreditation and career progression.
 - Strong and holistic financial, practical and peer supports.
 - Specific initiatives such as a First Nations Legal Services Placement Program, to increase visibility, coordinate and support student placements with First Nations legal assistance services (also referred to below at 24.9.4 – *Domestic 4Rs law equivalent to New Colombo needed*).
4. Funding should be allocated to implement initiatives, including ongoing programs and pilots, to increase First Nations recruitment and retention across all legal assistance sectors.

25.5.1 Promoting First Nations careers with legal assistance services

1. Efforts to increase First Nations career pathways in relation to ACCO and non-ACCO community-based legal services should include promoting, and where relevant strengthening programs (current and previous) by:
- ACCOs including ATSILS,³⁰⁰ Aurora,³⁰¹ First Nations lawyer's associations,³⁰² and,
 - LACS,³⁰³ CLCs,³⁰⁴ initiatives within Law Schools,³⁰⁵ in the private sector³⁰⁶ and others.

³⁰⁰ For example, the Bilata Legal Pathways Program developed by NAAJA and Charles Darwin University ([Online](#)).

³⁰¹ Aurora Foundation (WebPage) <https://aurorafoundation.com.au/>.

³⁰² For example, the Ngalaya Cadetship Program by the Ngalaya Indigenous Corporation, the peak body for First Nations lawyers and law students in NSW and the ACT ([Online](#)).

³⁰³ For example (i) the Victorian Legal Aid Commission First Nations careers pathway which includes First Nations Clerkship, Graduate law, Aboriginal community engagement officer and New Lawyers Program: VLA ([Web Page](#)); and (ii) NSW Legal Aid Commission Aboriginal Legal Career Pathways Program This '...invites Aboriginal and Torres Strait Islander people to study either a Certificate III or IV in Legal Services Administration or a Diploma in Paralegal Services at TAFE and establish a pathway into a law degree at Macquarie University while working in a legal support, client services, LawAccess NSW or grants officer role at Legal Aid NSW.' NSW Legal Aid Commission. [Annual Report 2022-3](#) (Online) 30.

³⁰⁴ For example, the Community Legal Centres NSW Law Access Program ([Online](#)) and the CLC NSW, *Aboriginal Cadetship Program* ([Online](#)): '...open to Aboriginal students in the final two years of a degree in law, social work, communications, or community development. Cadets gain practical experience that complements their study, and they participate in a range of professionally and socially meaningful work, as well as training and mentoring opportunities. The cadetship is for 90 days of paid work.'

³⁰⁵ For example, University of Western Australia, 'Indigenisation of the Juris Doctor', ([Online](#))

³⁰⁶ For example Allens First Nations Legal Internship Program ([Online](#)) and programs by Gilbert + Tobin, Herbert Smith Freehills, Arnold Bloch Leibler, Colin Biggers & Paisley (CBP) and McCabes Lawyers, see: Sam Mckeith, '[Law firms boost Indigenous talent with First Nations cadetships](#)' *Law Society Journal*, 24 January 2024.

24.5.2 Free university and vocational education for First Nations people

1. Fee free university and vocational education and training in law, and other fields of study which contribute to increasing the number of First Nations people working in roles in law, legal policy, justice and legal assistance sectors, is recommended by FNAAFV, and is strongly supported.
2. Strong affirmative action should be taken to address multi-faceted biases against First Nations people and promote opportunities for First Nations people across the legal workforce, including the legal assistance workforce in 4Rs areas.
3. Fee-free education as indicated should be accompanied by access to practical supports tailored to individual circumstances to overcome barriers due to associated costs including travel and accommodation.
4. A full range of programs should be identified and implemented for First Nations people to undertake work integrated learning and work experience across legal fields – including 4Rs legal assistance services.

24.6 Specific workers and contributors

24.6.1 Background

1. This section relates to specific workers and is in addition to 24.5 - *First Nations legal workforce development ACCOs and non-ACCOs*.

24.6.2 Experienced lawyers – urgent need in 4Rs legal assistance

1. Multiple measures are needed immediately to address the chronic shortage of *experienced lawyers* in 4Rs areas.
2. The recent advertisement by Wheatbelt Community Legal Service of their Principal Solicitor position,³⁰⁷ gives an indication of the kind of measures which require support. The package included:
 - Relocation support
 - Accommodation (2-bedroom unit or 3-bedroom house) for first 12 months then possibility of subsidies
 - Salary range pitched competitively for the sector
 - Permanency
 - Retention bonus after 12 months of positive service

³⁰⁷ Wheatbelt Community Legal Centre (Website), [advertised](#) on Ethical Jobs

3. The following should be urgently explored:

- **Salary and conditions supplementation funding:** access to funds which enables incentives to attract experienced lawyers to 4Rs community-based legal services facing substantial barriers to recruitment. Difficulty attracting experienced lawyers has flow on effects relating to recruitment and retention.
- **Housing access fund:** in addition to community-based legal services receiving equivalent access to LACs to government housing arrangements (in jurisdictions where this applies), a national fund which can be accessed by community-based legal services to alleviate unavailability of housing including:
 - Renting, buying and building, and
 - Subsidised rent.
- **Bonus payments:** structured in ways negotiated – for example, a bonus payment on 12 months successfully completed service.
- **Relocating to and from:** in addition to contributing to the cost of relocating to the 4Rs location for employment, building in a contribution to costs of relocation after successfully completing a specified period of service.
- **Collaborations by 4Rs community-based legal services** - with statewide and national legal assistance services and related programs to help recruit and support experienced lawyers for 4Rs legal assistance services including:
 - **Secondments** – secondment resources, ease of secondment, routines for sourcing / collaborating in secondments.
 - **Locum register/s** – including in-person and remote (work from different location), 4Rs locum preparation / support, one-off and repeat locum support to 4Rs legal assistance services.
- **LAC collaborations:** funding for optional 4Rs community-based legal service participation in a new program modelled on the previous WA Legal Aid Country Lawyers Program,³⁰⁸ whereby community-based legal services can choose to receive experienced lawyers on secondment via the program. We note that the

³⁰⁸ Jane Stewart, 'The WA Country Lawyers Program', Access to Justice Pro Bono Conference Sydney 14-15 November 2008 (Jane Stewart, Director, Legal Practice Development, Legal Aid WA); Legal Aid WA, [Annual Report 2011-12](#); Legal Aid WA, [Legal Aid Commission of Western Australia Response to the Productivity Commission Draft Report: Access to Justice Arrangements](#), May 2014, pp.8-10.

National Legal Aid submission to the NLAP Review also made recommendations about this program.³⁰⁹

24.6.3 Caseworker 4Rs training programs

1. Non-legal casework roles take many forms in 4Rs community-based legal assistance services. These roles may relate to specialist areas such as roles in relation to First Nations clients and clients with specific support needs. For example, areas of support may include safety in relation to domestic and family violence, intensive /preventative family support, prison throughcare, tenant advocacy and support, credit and debt related casework, disability advocacy, NDIS advocacy, seniors' rights advocacy; mental health related casework and advocacy.
2. While some workers have had previous relevant experience, and/or have undertaken vocational or tertiary training, while others learn on the job. Casework / caseworker training for different roles and contexts, is a specific need among community-based legal services in 4Rs areas.
3. The federal, state and territory government should facilitate consultation about community-based legal assistance casework and caseworker training needs in 4Rs areas, to develop options about ways of achieving the level of training support required for sector, jurisdiction, regional and place-based casework training. If the resulting plans require funding or other facilitation the Commonwealth, States and Territories should resource and facilitate this.

24.6.4 Paralegal, advocacy/casework and non-lawyer led models

1. The 2014 Productivity Commission Report on Access to Justice recommended review of regulatory issues relating to the legal workforce including the work reserved for lawyers, whether this was too broad, and if there was work which could be undertaken appropriately in other ways.³¹⁰
2. Non-lawyer roles, including paralegal roles are widespread among community-based legal assistance providers generally, including in 4Rs areas.
3. Aboriginal Legal Services have historically included strong integration of Field Officers, Aboriginal Liaison Officers, Client Service Officers, Court Officers (Western Australia) and other roles. Some ATSILS, staff and staff of other community-based legal assistance services learn on the job and/or undertake a vocational qualification,

³⁰⁹ National Legal Aid, [Submission to the NLAP Review](#), Oct 2023.

³¹⁰ Productivity Commission, Access to Justice Arrangements Report No. 72, Vol. 1 (2014) ([Online](#)) Recommendation 7.1. 'the nature of tasks that could appropriately be conducted by individuals who have completed each stage of education' and p. 21 and Section 7.4 – Limited Licences pp. 269-281.

including specialist and sector tailored training.³¹¹

4. Additionally, community-based legal services including Regional Alliance West ('RAW') based in Geraldton, in collaboration with some other CLCs in WA, have had substantial success with paralegal service models, which place greatest emphasis on paralegal and non-lawyer led advocacy and casework models. In the RAW example, staff interested in being trained to become paralegals are typically recruited locally. Currently, and in recent times, paralegal training has been provided in-house based on over twenty years' RAW experience.³¹² For a period in the past the model included VET qualifications, and senior staff became accredited trainers and assessors. Paralegals provide information and referrals in the office and via outreach and undertake defined types of casework, where necessary under solicitor supervision. Solicitors involve paralegals in work on the solicitor's matters however the paralegal service model aims to increase the volume of assistance by placing emphasis on solicitor supervision compared to solicitor casework.
5. Development, training and support for paralegal, and non-lawyer focused, service models is likely to be a substantial workforce development opportunity which is also applicable in 4Rs areas.
6. The Commonwealth, States and Territories should engage with the CLC sector, and ATSILS and FVPLS sectors if they wish, to identify and share information about these models. This should include funding and facilitation to extend effective models where this is sought by services, including in 4Rs areas.

24.6.5 Graduate intake programs and 4Rs legal assistance services

1. Graduate intake programs relating to community-based legal assistance sectors are currently operating in some jurisdictions.
2. These programs may target graduates pre-professional qualification or post-qualification, such as pre or post admission to legal practice. The Emerging Lawyers Program by the Victorian Women's Legal Service, discussed above at 20.3, is an example of the latter. If sufficiently resourced and targeted graduate intake programs have the potential to be facilitative for many 4Rs legal assistance services.
3. The recommendation by Community Legal Centres Australia for targeted graduate programs to be established or extended to attract new community lawyers is

³¹¹ Among ATSILS this may include the Diploma of Aboriginal and Torres Strait Islander Legal Advocacy (10861NAT) Detailed at: <https://training.gov.au/Training/Details/10861NAT>

³¹² Zane D'Mello, 'Profile of the Geraldton Resource Centre (2003) 5(23) Indigenous Law Bulletin 15

supported.³¹³ This should particularly focus on 4Rs areas. The recommendation by CLCA of strongly focusing on attracting Aboriginal and Torres Strait Islander graduates is also supported.

24.6.6 Incentive structure law graduates, paying PLT fees etc. for 4Rs

1. The NLAP Review report did not consider *incentive structures* to overcome barriers to law graduates taking up entry level positions in 4Rs areas. Rec. 26 about the HECS-HELP Forgiveness Scheme needs to be accompanied by more measures, including those to provide more immediate and specific incentives.
2. Community-based 4Rs legal services located in 4Rs areas, and those delivering in-person legal assistance in 4Rs areas from a non-4Rs base, should have access to additional funds to offer incentives for:
 - Paid law graduate positions to students undertaking practical legal training ('PLT') for admission to legal practice,
 - Scholarships, or similar, for payment of PLT course fees, and
 - Post admission employment as a lawyer.
3. This is like the incentive arrangement developed by the Legal Aid Western Australian (LAWA) as outlined in the NLA submission to the NLAP Review:

'Following a review of the regional graduate program in February 2023, LAWA introduced a range of strategies to encourage more graduates to take up positions in the regions. These include paying for Practical Legal Training introducing a permanency incentive after a two-year placement, and changing our relief model so that graduates are not used for that purpose. The paid Practical Legal Training initiative appears to have led to considerably more interest and uptake from high performing graduates. All LACs promote the job security and flexibility of their positions, however, this is currently challenging due to the insecure nature of the funding provided via short-term programs which has limited the capacity of LACs to offer permanent positions, instead being limited to temporary, fixed term contracts.'³¹⁴

4. LAWA experience indicates that funding certainty, which governments can facilitate, is also an important factor.

24.7 Volunteers

1. This section proposes directions in relation to volunteers especially related to community-based legal assistance services in 4Rs areas.

³¹³ CLCA, [Submission to the NLAP Review, 27 Oct 2023](#) p. 9

³¹⁴ National Legal Aid, [Submission to the NLAP Review](#), October 2023 p. 52-53

24.7.1 Patterns relating to volunteers in 4Rs areas

1. The 4Rs Network submission outlined that:

... many 4Rs locations .. [have] low access to lawyer volunteers, pro bono collaborations, law school collaborations and law student volunteers. Currently, volunteer leveraging, which is such a positive feature of many community-based legal services, is not achieved by many 4Rs legal services, for example where there are few or no private lawyers or law schools close by.³¹⁵

2. The NLAP Report reflected in a similar way but focused mainly on CLCs, and did not suggest any directions about volunteers, stating that:

The Reviewer notes CLCs rely significantly on volunteers for non-legal activities and pro-bono lawyers for legal assistance services. These roles are not accounted for in FTE estimates above. A survey of Victorian CLCs estimated the median number of volunteers was 22 per CLC. There is large variance in the number of volunteers engaged by CLCs. Larger CLCs, and those located nearer CBDs or regional hubs, tend to have larger volunteer bases. The Reviewer has heard of volunteer bases in mid-sized to large CLCs ranging from 50 to 600 volunteers. As an indication of overall scale, Victorian CLCs make up just over 25% of all CLCs in Australia and in 2022 an estimated 2,081 people volunteered with Victorian CLCs (Victoria Law Foundation, 2022).³¹⁶

3. The type of volunteering, the volume and the benefits to community-based legal assistance services can vary substantially. For example, as noted above (at 2.4.4), Refugee Legal, based in Victoria, estimated the value of the private practitioner pro bono contributions received at about \$20mill.³¹⁷ In celebrating 40 years of positive impact, Kingsford Legal Centre ('KLC') in Sydney, included recognition of the Herbert Smith Freehills Seconded Program with KLC operating for almost 30 years, worth conservatively over \$15mill to KLC and achieving benefits to secondees, including building legal skills.³¹⁸
4. For community-based non-profit legal services, volunteering is generally resonant with their roots, how they came to be established, and with their continuing altruism and mission. Volunteers often reflect the social purposes of these services and volunteering resonates with solidarity in struggles for justice, equality and rights. Volunteers may help in many ways, including increasing:
- direct assistance including legal and wrap around assistance
 - capacity for administrative tasks, projects, research and systemic advocacy

³¹⁵ 4Rs Network, [Submission to the NLAP review, 27 Oct 2023](#), p.54.

³¹⁶ NLAP Review Report, p.155.

³¹⁷ NLAP Review Report, p. 26.

³¹⁸ Kingsford Legal Centre, KLC 40 Years of Impact, 2021, UNSW ([Online](#)) p. 39.

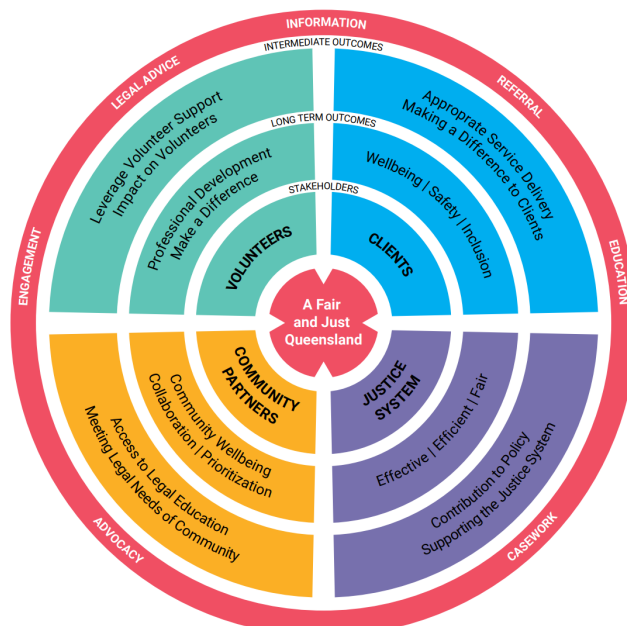
- access to additional knowledge, skills and in-kind assistance
- potential to address existing and future workforce needs, and
- potential for a range of additional positive impacts.

5. The *Theory of Change* developed by Community Legal Centres Queensland locates volunteers as one of the four key stakeholder groups (diagram below) with the objective that ‘we can leverage volunteer support and have a positive impact on the professional lives of volunteers.’³¹⁹ Research by the Victorian Federation of CLCs and the Victorian Law Foundation highlighted substantial synergies between law student participation, increased social justice awareness and career choices.³²⁰

Figure 18: Theory of Change and four key stakeholder groups³²¹

Theory of Change

Our theory of change helps us to better understand and measure the long-term change CLCs activities have on four key stakeholder groups.



6. That volunteers are widely involved in many CLCs is confirmed, for example, by the:

³¹⁹ Rosslyn Monro, James Farrell and Carly Hanson, *Measuring the impacts of community legal centres: A toolkit for CLC workers to measure your services' outcomes and impacts*, (2018, Community Legal Centres Queensland) ([Online](#)), 14.

³²⁰ Jozica Kutin, Hugh M. McDonald, Nigel J. Balmer with Tienielle Hagland, Clare Kennedy and Joe Okraglik, *Working in Community Legal Centres in Victoria: The role of legal education: Results from the Community Legal Centres Workforce Project* (Victoria Law Foundation, 2022) ([Online](#)).

³²¹ Community Legal Centres Queensland, *Theory of Change, CLCQ Impact Report 2023* ([Online](#)), p. 4.

- 2022-23 Community Legal Centres Australia *State of the Sector Survey* which reported that 86% of respondent centres involved volunteers of which 79% had law student volunteers, 22% had social work student volunteers and 55% had law graduate volunteers completing their practical legal training.³²²
- Oct 2020-Feb 2021 CLC surveys in Victoria – which indicated a head count ratio of over 1:2, that is for every 1 CLC employee there were 2 non-employee contributors being volunteers, students and board members (table below).³²³

Figure 19: Victorian CLCs workforce estimates (2021)

Table 4. Summary of community legal centres workforce estimates

	CLCs only	CLCs & Federation	FTE	CLCs & Federation & vacancies
Employees	1,195	1,211	1,021	1,274
Volunteers	2,081	2,081	–	2,115
Students	313	313	–	315
Board members	311	318	–	332
Total	3,900	3,923	–	4,036

7. While the figures do not indicate the type of volunteers (for example, the proportion of lawyers and non-lawyers) or geographic patterns - that many community-based legal assistance services in 4Rs areas face additional challenges in relation to volunteers, is well known among these services and tends to be apparent from information returns by CLCs with the Australian Charities and Non-Profit Commission ('ACNC') (see [Attachment 1A](#)). CLCs located in metropolitan areas, or regional hubs when there is a law school presence close by, tend to have more volunteers. For example:
 - The Top End Women's Legal Service ('TEWLS') and Darwin Community Legal Service ('DCLS') incorporate substantial volunteer contributions drawing especially on local lawyers and law students. About 40 lawyers volunteered with TEWLS in 2022-3.³²⁴ Volunteer lawyers and law students contributed 1160 hours towards DCLS's free After-Hours Legal Advice Service in 2022-3,

³²² CLCA, *State of the Sector Survey Report 2022-23: A Sector in Crisis Report* ([Online](#), March 2024), 18.

³²³ Surveys conducted between 30 Oct 2020 and 1 Feb 2021; Jozica Kutin with Hugh M. McDonald, Tenielle Hagland, Clare Kennedy and Nigel J. Balmer, *Working in Community Legal Centres in Victoria: Results from the Community Legal Centres Workforce Project* (Victoria Law Foundation, 2022) ([Online](#)) p. 15; Jozica Kutin, Hugh M. McDonald, Tenielle Hagland, Clare Kennedy and Nigel J. Balmer *Working in Community Legal Centres in Victoria: Technical report* (Victoria Law Foundation 2021) ([Online](#)).

³²⁴ TEWLS, *Annual Report 2022-3*, 31

and a further 1,225 hours was contributed by law student interns.³²⁵

- The figures at Attachment 1A, shows how this compares with other locations in the NT where there a far smaller local pool of potential volunteers. The figures also indicate lower involvement of volunteers can be seen in 4Rs WA, 4Rs South Australia, north-west Tasmania, and many 4Rs areas in NSW and non-coastal Queensland.
- Additionally, as can be seen from the figures at Attachment 1A, involvement of volunteers in metro headquartered community-legal assistance services varies. This includes variation among services (including statewide and other services) which include 4Rs service areas.

24.7.2 Patterns relating to pro bono and 4Rs – general

1. Prominent definitions of pro bono in Australia focus on lawyers and include the definition by the Australian Pro Bono Centre related to the National Pro Bono Target and National Law Firm Pro Bono Survey.³²⁶ However, the Pro Bono Centre also encourages law student pro bono where students assist without reward, including without academic course credit.³²⁷
2. The Australian Pro Bono Centre's submission to the NLAP Review, noted that 17,463 FTE lawyers around Australia are covered by the voluntary and aspirational National Pro Bono Target of at least 35 hours of pro bono legal services per lawyer per year and during 2021/2 signatories reported 645,509 hours of pro bono legal services, equivalent to 359 lawyers working full time for a year.³²⁸ The Centre also noted that government panel procurement often includes pro bono conditions.³²⁹
3. In relation to 4Rs areas, the Pro Bono Centre outlined that:

Much like other segments of the legal market, the pro bono sector has found it difficult to service regional, rural and remote clients. This is because the law firms operating in those areas are usually sole practitioners or very small partnerships, which are unable or unwilling to provide pro bono legal services. Most of the signatories to the National Pro Bono Target are located in capital cities around Australia. It is submitted, therefore, that pro bono legal services ought not be considered by the Review as a long-term way to meet the challenges of service

³²⁵ DCLS [Annual Report 2022-3](#), 23-24.

³²⁶ Australian Pro Bono Centre, NLAP Review Submission, Sept 2023.

³²⁷ Australian Pro Bono Centre, For Law Students, ([Web Site](#)).

³²⁸ Australian Pro Bono Centre, NLAP Review Submission, Sept 2023 ([Online](#)), p.6.

³²⁹ Australian Pro Bono Centre, 'Comparison of Government Pro Bono Provisions' ([Web Site](#)).

delivery in regional, rural and remote locations. The exception to this is that pro bono can have a role in disaster response in these areas, which is covered below.³³⁰

4. As there are also examples of successful pro bono collaborations with community-based legal assistance services in 4Rs areas, both in-person and by distance, there are conditions under which collaborations relating to 4Rs areas can be successful.
5. The Launceston based commercial firm of Rae and Partners pro bono collaboration with the Tasmanian Refugee Legal Service is an example. By undertaking several initial steps with clients, this collaboration has made a substantial contribution to increasing TRLS assistance in northern Tasmania.³³¹
6. There may be opportunities for pro bono coordination, referral, service and project initiatives to share good practice and increase focus in relation to 4Rs areas.³³² This includes state and territory pro bono initiatives such as Law Right Queensland,³³³ the Law Society of NSW Pro Bono Scheme,³³⁴ Justice Connect³³⁵ the Pro Bono Referral Service provided by the Tasmanian Law Society,³³⁶ JusticeNet South Australia,³³⁷ and LawAccess Western Australia.³³⁸
7. There are opportunities to increase awareness of successful pro bono collaborations in 4Rs areas, to help inspire more focus. A range of initiatives, including the following, could also be explored:
 - Mapping 4Rs pro bono through examples, case studies or surveys,
 - Researching the nuanced factors enabling successful 4Rs pro bono³³⁹
 - Adding 4Rs to pro bono indicators for planning, monitoring and evaluation
 - Adding 4Rs to pro bono targets
 - Adding 4Rs pro bono to government procurement criteria
 - Options to increase the visibility of 4Rs pro bono through special projects and forms of recognition.

³³⁰ Australian Pro Bono Centre, NLAP Review Submission, Sept 2023 ([Online](#)), p. 14.

³³¹ Tasmanian Refugee Legal Service, *Annual Report, 2022-3* ([Online](#)), pp. 21-23.

³³² For a list see the Australian Pro Bono Centre list of Pro Bono Referral Schemes and Organisations ([Online](#)).

³³³ LawRight Queensland (Web Page), LawRight 2022-23 Annual Report ([Online](#)).

³³⁴ Law Society of NSW, Pro Bono Scheme ([Web Page](#)).

³³⁵ Justice Connect ([Web Page](#)); Justice Connect Impact Report 2022/3 ([Online](#)).

³³⁶ Law Society of Tasmania Pro Bono Referral Service ([Web Page](#)).

³³⁷ JusticeNet ([Web Page](#)); JusticeNet 2022-3 Annual Report ([Online](#)).

³³⁸ Law Access Western Australia ([Web Page](#)); LawAccess WA Impact Report 2022/3 ([Online](#)).

³³⁹ For example, Fiona M. Kay and Robert Granfield, 'Altruism at Work: An Integrated Approach to Voluntary Service among Private Practice Lawyers', (2023) *Law & Social Inquiry*, 48(2) 593 ([Open Access](#)) relating to altruism, 'community' and other factors, without focusing on the dimension of geographic distance.

24.7.3 Funding to extend 4Rs volunteer and pro bono initiatives

1. Additional initiatives to overcome barriers to 4Rs community-based legal assistance services accessing incorporating and sustaining effective volunteer and pro bono contributions are needed. This should include:
 - **Community-based legal assistance services in 4Rs areas:** funding for Volunteer, Pro Bono and Placement Coordinator roles – based on the experience of services which have roles of this kind, funding should be provided where a case is made by community-based services in or for 4Rs areas, and/or by their statewide and national bodies and peaks. This should include resources to build the capacity of the service/s concerned, address barriers including provision of accommodation for volunteers and pro bono contributors where needed and offset travel and higher living costs in 4Rs areas where needed.
 - **National 4Rs Volunteer Program** – consulting with 4Rs legal assistance sectors, law schools, legal profession and other stakeholders with a view to developing and establishing a National 4Rs Legal Volunteer Program for students and pro bono lawyers to volunteer with 4Rs legal assistance service. The program should provide financial support for 4Rs legal assistance services and volunteers plus funding for facilitation / coordination by legal assistance sectors and key contributors (e.g. law schools and legal professional representative body).
 - **Legal professional representative bodies, law schools and law student associations** – additional ways for 4Rs community-based legal assistance services to increase the flow of volunteers and pro bono contributions relating to each of these should be developed and resourced.
 - **The Australia Pro Bono Resource Centre** - proposed additional funding to expand the pro bono ecosystem highlighting that it already has a multiplier effect of 500:1 compared to funding.³⁴⁰ Additional funding for the Pro Bono Resource Centre is strongly supported especially for initiatives to partner in increasing contributions, where sought by community-based legal assistance services in 4Rs areas.
 - **Communities of practice** – ways of increasing and effectively utilizing volunteer and pro bono contributions in and for 4Rs areas should be promoted through communities of practice. Where needed, these should be resourced.

³⁴⁰ Australian Pro Bono Centre, *NLAP Review Submission*, Sept 2023 ([Online](#)), 19-22.

24.8 Law students including course credit

1. While many of the measures just outlined at 24.7.3 will help to address barriers relating to law student contributing via 4Rs community-based legal assistance services there are also long-standing obstacles relating to 4Rs legal assistance services in accessing clinical legal education collaborations involving some law schools.

24.8.1 Establish funded 4Rs clinical collaborations

1. The examples of law schools which partnered historically in establishing and developing community legal centres, and those which collaborate in clinical programs (including law internships) and/or provide a community legal centre as part of the law school effort – mainly relate to metropolitan areas.
2. The synergies which can occur between legal education and community-based legal assistance are reflected, for example, in the mission of South-East Monash Legal Service, the purpose of Kingsford Legal Centre and the Aims and Objectives of the University of Newcastle Legal Centre, that is:

South-East Monash Legal Service is a CLC with the following mission: Working with vulnerable and disadvantaged community members, South-East Monash Legal Service contributes to a fair and just society by:

- Advising on legal rights and responsibilities;
- Advocating for systemic change;
- Collaborating with stakeholders &
- Educating law students as future advocates³⁴¹

Kingsford Legal Centre is a CLC with the following purpose:

‘Our Purpose

- > We work to increase access to justice for people experiencing disadvantage
- > We advocate around the values of social justice and human rights
- > We collaborate and work in partnership with our community
- > We deliver high quality legal services and community legal education
- > We argue for systemic change that increases fairness for disadvantaged people
- > We teach UNSW Law & Justice students by providing them with real world opportunities to improve the lives of people and communities’³⁴²

University of Newcastle Legal Centre is a CLC, with the following aims and objectives: ³⁴³

³⁴¹ SMLS, ‘About us’ ([Online](#))

³⁴² Kingsford Legal Service, *Annual Report 2022* ([Online](#)), p. 6.

³⁴³ [Legal Centre - School of Law and Justice - The University of Newcastle, Australia](#)



University of Newcastle Legal Centre (UNLC)

Aims and Objectives

Clinical Legal Education

To provide all law students with high quality clinical legal education. All students are guaranteed an intensive professional legal placement at the UNLC dealing with clients who are disadvantaged in dealing with the legal system.

Students to be engaged effectively in client casework engendering deep learning about the law, enhancing lawyering skills and promoting excellent lawyering values including inculcating an ethos of social justice.

Actively pursue applied research in dealing with systemic issues and problems with the law and facilitating access to the legal system.

Access to Justice and Service of the Community

To provide advice, assistance, advocacy and representation for persons who are marginalised and disadvantaged in dealing with the legal system.

To provide advice, assistance, advocacy and representation for older persons, their carers and families. To devise methods and strategies to combat elder abuse.

Developing a strong community and fostering mutual respect, social justice and a united voice between Aboriginal and Torres Strait Islander and non-Aboriginal Australians.

To undertake public interest advocacy where there has been a miscarriage of justice or other serious failure in the administration of justice or a serious wrong.

To promote access to justice for persons who are disadvantaged in dealing with the legal system by empowering persons with legal information, delivering community legal education seminars and making contributions to law reform and government inquiries.

To provide holistic services to the community including partnering with other community organisations, government departments and university disciplines.

4. Although they have developed somewhat differently, the rationales are strong and the funding received contributes to resilience and sustainability. These features can be seen for example with Kingsford Legal Centre ('KLC') with the University of NSW,³⁴⁴ Southern Communities Advocacy Legal and Education Service ('SCALES') integrated partnership with Murdoch University,³⁴⁵ and South-East Monash Legal Service ('SMLS')

³⁴⁴ In 2022 KLC provided over 2,300 legal assistance services and about 50 community legal education related activities and almost 60 law reform projects, additionally about 80 law students undertook clinical placement and KLC rostered over 80 experienced solicitor volunteers with free legal advice estimated to be valued at over \$1mill. In 2022 the total budget was about \$2.6mill, of which UNSW contributed about \$690,000 : Kingsford Legal Centre Annual Report 2022 (Calendar year), [Online](#).

³⁴⁵ For example, in 2021/2 SCALES assisted over 600 clients and had 54 law clinic students, plus lawyer, migration agent and Lawyers Practice Manual volunteers. SCALES annual budget was about \$1.5mill, of which Murdoch University contributed \$200,000, NLAP funds were about \$1.2mill. Murdoch additionally contributed in-kind support of a further \$284,603: SCALES Annual Report, 2021/2 ([Online](#)); SCALES constitution provides the framework for the education and community service objectives: SCALES Constitution ([Online](#))

which collaborates with Monash University.³⁴⁶

5. A survey undertaken in 2022 in Victoria found that most respondents with law degrees felt that their law degrees did not prepare them for community legal centre work, however clinical placements were often a central feature among the respondents who were positive and aspects of their studies which focused on the needs of clients and communities, particular subjects and inspirational staff were also strong contributors.³⁴⁷

6. Clinical Legal Education ('CLEd') is described as follows by SCALES:

CLEd is a methodology which brings together communities in need of legal assistance and law students wanting to develop their legal knowledge and their ethical and reflective practice skills. This produces a synergy that can simultaneously increase provision of legal services and improve the education of legal professionals. For the students, it offers an opportunity to explore legal practice and their role in it, while developing their skills and improving their knowledge.

*Favourable staff-student ratios and collaborative learning environments support a climate in which each student is motivated to improve and perform at their best. The personal responsibility of working with and being accountable to clients motivates students to perform to the best of their ability.*³⁴⁸

It does this through the delivery of legal services by, or with the involvement of, law students acting under professional supervision. In doing so, it can boost collaborating legal centres' capacity to provide legal services to their clients. CLEd has an important role to play in strengthening the legal profession and contributing to access to justice.³⁴⁹

7. Access to funding has been a major barrier for the development of community legal education collaborations in Australia,³⁵⁰ and more so for 4Rs community-based legal services.

³⁴⁶ SMLS, 'About us' ([Web Site](#)); Monash University legal clinic information ([Online](#)); SMLS provides client assistance and the full range of activities undertaken by CLCs and partners in clinical legal education programs (the first and largest site for clinical legal education in Australia with around 100 students a year) and practical legal education legal practice experience for admission to legal practice. SMLS (previously called the Springvale Monash Legal Service) has produced the Victorian Lawyer's Practice Manual for over 30 years. SMLS had income of about \$4.1mill in 2022/3 including about \$510,000 as a grant from Monash University: SMLS Annual Report 2022/3 ([Online](#)).

³⁴⁷ Jozica Kutin, Hugh M. McDonald, Nigel J. Balmer with Tenielle Hagland, Clare Kennedy and Joe Okraglik, *Working in Community Legal Centres in Victoria: The role of legal education: Results from the Community Legal Centres Workforce Project* (Victoria Law Foundation, 2022) ([Online](#)).

³⁴⁸ Adrian Evans, Anna Cody, Anna Copeland, Jeff Giddings, Mary Anne Noone, Simon Rice Best Practices, Australian Clinical Legal Education, September 2012 ([Online](#)), 4.

³⁴⁹ Submission by the 4Rs Network; Southern Communities Advocacy, Legal and Education Service ('SCALES'), [Submission to the NLAP Review, Oct. 2023](#) (Online).

³⁵⁰ Jeff Giddings, 'A Circle Game: Issues in Australian Clinical Legal Education' (1999) 10(1) Legal Education Review 33 ([Online](#)).

8. Although highlighted in the 4Rs Network submission, the Review Report did not discuss limited access by 4Rs legal services to Law School collaborations, compared to legal services in metro areas. Similarly, the recommendations by the 4Rs Network about clinical legal education,³⁵¹ and those by Monash Law Clinics³⁵² and SCALES,³⁵³ were not addressed. SCALES highlighted that while 10% of lawyers reside in and service 4Rs populations, that 30% of the population lives outside metropolitan areas.³⁵⁴ SCALES also gave the following example of a 4Rs clinical collaboration:³⁵⁵

Case study Aboriginal Family Legal Services WA (AFLS) and Murdoch Clinic

From 2019 -2021, AFLS and Murdoch collaborated on a clinical program to better support the regional and remotes offices of the AFLS. Murdoch law students worked on matters from AFLS's offices across the state, assisting solicitors in those locations to research and formulate advice, draft documents and access documents for evidentiary purposes.

This was done under the supervision of Perth based AFLS lawyers. Through this collaboration AFLS was able to increase capacity to deliver services to their clients, while Murdoch law students gained insight into the challenges and rewards of working in a practice that brings legal services to regional and remote indigenous women.

9. Three further examples are:

- Kimberley Community Legal Service -Australian National University collaboration which began in early 2017 as an in-kind back-office effort involving ANU law students in Canberra, matching KCLS's work hours in the Kimberley to provide paralegal and research backup to KCLS lawyers and other staff. This developed into a multi-faceted collaboration with students undertaking internships with KCLS in the Kimberley or by distance, and practical legal training placements. The initiative substantially increased KCLS success in recruitment and retention and had other positive impacts. The initiative was impacted by COVID and by lack of government funding support.

³⁵⁶

- Darwin Community Legal Service law reform collaborations with Monash Legal Clinic and the University of Western Sydney relating to different issues with students working off site from their university locations, supervised by

³⁵¹ 4Rs Network, [Submission to the NLAP review, 27 October 2023](#) pp. 34-35

³⁵² Monash University [Monash Law Clinics Submission to the NLAP Review 3 Nov 2023](#).

³⁵³ SCALES, [Submission to the NLAP Review](#), Oct 2023.

³⁵⁴ Ibid, p. 5.

³⁵⁵ Ibid.

³⁵⁶ KCLS, Annual Report 2016/7 ([Online](#)), Annual Report 2017/8 ([Online](#)), Annual Report 2018/9 ([Online](#)) Annual Report 2019/2020 ([Online](#)).

legal practitioner/academic staff and guided by DCLS staff in Darwin.

- North Australian Aboriginal Family Legal Service collaboration with Melbourne Law School related to the Northern Territory coronial inquiry into the deaths of four Aboriginal women.³⁵⁷

10. Clinical legal education has been operating in Australia for decades, mainly in metropolitan areas. However, there has been insufficient funding support for expansion especially in 4Rs areas. The 4Rs Network submission highlighted that the New Colombo Scheme, which makes it possible for many law students from Australia, with accompanying legal academics, to undertake law courses including clinical programs in participating countries in Asia and the Pacific has no domestic equivalent.³⁵⁸ This creates the anomaly that it can be more feasible for law students to undertake law courses, including clinical and experiential learning programs, overseas via the New Colombo Plan, compared to 4Rs Australia. This dynamic supports courses in New Colombo destinations overseas, at the same time that support is unavailable for similar courses in 4Rs areas in Australia. Consequently, the Network submission called for a domestic equivalent in law to the New Colombo Plan relating to 4Rs areas.

11. Rec. 20 by the NLAP Review proposed that Step funding be provided for initiatives which have been successfully piloted, including for uptake by other relevant services. Clinical legal education programs with community-based legal assistance services are squarely in this category.

12. A funding program should be established for 4Rs community-based legal services and law schools to collaborate to overcome the current chronic metro-normativity in clinical legal opportunities in Australia, in aid of the combined community service and legal education objectives these programs achieve. The program should include funding necessary for in-person and distance clinical legal options partnering with community-based legal assistance services in 4Rs areas, which wish to participate.

24.8.2 Facilitating PLT placements with 4Rs community-based legal services

1. The National Association of Community Legal Centres (now Community Legal Centres Australia) ran the successful Commonwealth funded RRR Practical Legal Training Project, with 55 4Rs services across CLCs, ATSILS and FVPLS.³⁵⁹ Piloting occurred

³⁵⁷ North Australian Aboriginal Family Legal Service, 'Thankyou Melbourne Law School Student Volunteers' (1 Nov 2023, Media Release) [Online](#).

³⁵⁸ 4Rs Network, *Submission to the NLAP review, 27 Oct 2023* p.34.

³⁵⁹ The RRRPLT information on the NACLC web site can be viewed via the WayBack Machine (3 Feb 2017, [Online](#)); PLT placement at Northern Rivers Community Legal Centre – Anne's Feedback (4 Oct 2016, [YouTube](#)); Monash University, Remote, Regional and Rural Lawyering, ([Web Site](#), c. 2013)

between September 2008 and October 2010 with the Legal Workshop at the Australian National University which contributed funds for student travel and accommodation.³⁶⁰ The program was then continued by NACLC with a National Coordinator, promotion and student and placement location support. Participating 4Rs services were assisted to frame and present opportunities, students applied, went through a selection process with the service, and where placement was offered this was facilitated and supported by the project.

2. The initiative received public support from the Law Council of Australia which also encouraged Commonwealth funding.³⁶¹
3. The 4Rs Network submission to the Review outlined the importance of addressing barriers Practical Legal Training placements³⁶² however, this was not discussed by the Review.
4. Commonwealth funding should be provided for national 4Rs PLT placement facilitation should be re-established. If not already addressed this should be a focus during development of the National Workforce Plan (NLAP Review Rec. 24).

24.8.3 Placement poverty and cost barriers: 4Rs legal assistance placements

1. Placement poverty most commonly refers to students undertaking mandatory placements in circumstances which cause them financial hardship. For example, placements which are lengthy and unpaid. Placements which involve high costs, such as high travel, accommodation and living costs can also cause hardship. Cost factors can deter students from undertaking placements which are too expensive having regard to their personal circumstances.
2. Placement poverty raises equity and workforce considerations. The cost to non-local students of undertaking placement in 4Rs areas is often a barrier, despite student interest and the importance for students and 4Rs communities of students accessing and undertaking placements in 4Rs areas.
3. These factors are highly prevalent in relation to law student and some other placements in 4Rs community-based legal services in 4Rs areas. The cost of travel, accommodation and living costs for the student are often prohibitive. Students sometimes nominate to economise on the length of placement, which is often highly

³⁶⁰ Liz O'Brien, Judy Harrison, Rachna Muddagouni, *A feasibility study for law graduate legal practice experience with Community Legal Centres in Regional, Rural and Remote Australia*, Presented: 20 Nov 2010, National Rural / Regional Law and Justice Conference, Warrnambool, Victoria, Australia.

³⁶¹ Law Council of Australia, Federal Budget Submission 2012-3 ([Online](#)).

³⁶² 4Rs Network, [Submission to the NLAP review, 27 Oct 2023](#) pp. 34-35

sub-optimal for the student and the service. The option of scaffolded placements during student programs ('same time next year') which can be very beneficial for the service and students, is rare in 4Rs areas.

4. Australian University Accord Report ³⁶³ discussed 'placement poverty' without referring to law, or to legal or other roles in legal assistance services, both generally or specifically in relation to 4Rs areas.³⁶⁴ While there has been a response by the federal government to placement poverty for certain professions, law is not included, and the amount has been criticised as being unrealistically low.³⁶⁵
5. Governments should work with community-based legal assistance sectors to implement measures to overcome financial barriers, and ensure proper financial support for student placements with 4Rs community-based legal assistance services.

24.9 Legal education, 4Rs access to justice, and workforce

1. This section outlines issues relating to law schools, legal education, legal training and 4Rs access to justice including legal workforce supply, which were not addressed by the NLAP Review Report. The discussion and recommendations relating to the following, also relate:
 - True Justice: Deep Listening which aims First Nations perspectives in legal education in Australia at outlined at 17.3.2
 - First Nations legal workforce development at 24.5 including fee free university and vocational education for First Nations people outlined at 24.5.2.
 - Volunteers at 24.7.
 - Law students including course credit at 24.8.

24.9.1 Background – lack of treatment of legal education

1. Although the Productivity Commission inquiry into Access to Justice completed in 2014 considered aspects relating to legal education, and made recommendations for review, the NLAP Review Report did not refer to this aspect of the Report or comment

³⁶³ Australian Government, Australian University Accord Final Report (Online, released 24 February 2024) <https://www.education.gov.au/australian-universities-accord/resources/final-report>

³⁶⁴ Ibid e.g. pp.14 and 100- focusing on addressing placement poverty in nursing, care and teaching professions. Jack Campbell, 'Is poverty a real threat for law students?' *Lawyers Weekly* 29 April 2024 (Online).

³⁶⁵ 'Combatting Placement Poverty', 17 Oct 2023, News and Analysis, Griffith University (Online); Evan Young and Maryanne Taouk 'Upcoming 'poverty placement payment' is 'a slap in the face' student groups say', 7 May 2024, ABC News (Online)

on the lack of progress.³⁶⁶

2. Kift and Nakan outline that unmet legal need and access to justice is one of the drivers in the changing professional context for legal services, however this has been ‘an enduring and wicked problem’.³⁶⁷
3. The facts and figures included in the NLAP Review Report about legal education did not reflect on the insufficiency of available data,³⁶⁸ including student numbers, factors effecting career intentions and destinations, and relationships between:
 - drivers and incentives affecting student programs and career choices, and
 - outcomes in addressing legal workforce needs, especially legal assistance workforce needs in 4Rs areas.
4. The Gippsland Community Legal Service submission to the NLAP Review encapsulated issues relating to legal education affecting many community-based legal services in 4Rs areas, by outlining that:

“There are no university campuses in Gippsland offering a law degree. A law student in Gippsland must decide to either study entirely online or move to a city, usually Melbourne. Law students then build a life in that city over the three to five years of their degree and remain there after completing their degree. Gippsland needs pathways for law students to remain in Gippsland. Temporary solutions and incentives are part of the solution, but they will never completely solve the problems created by low staffing pools in regions like Gippsland. The limited pool of law students is directly responsible for a limited pool of volunteers, which has the flow on effect of creating a limited pool of qualified lawyers for RRR CLCs to draw from.

GCLS emphasises the need for any RRR workforce proposals to prioritise pathways and incentives that encourage law students to remain in the RRR area they grew up in, benefit from the availability of volunteer opportunities in that area, and enter the legal profession with an understanding of the community legal sector that they do not currently receive through law degrees which complements their understanding of their community.”³⁶⁹

4. The NLAP Review Report noted that:

³⁶⁶ Productivity Commission, Access to Justice Arrangements Report No. 72, Vol. 1 (2014) ([Online](#)) Recommendation 7.1 which recommended a holistic review of the three stages of legal education namely university, practical training and continuing professional development (pp. 252-254). For an overview about lack of progress and numerous issues facing legal education see Sally Kift and s Kana Nakan, *Reimagining the Professional Regulation of Australian Legal Education*, Council of Australian Law Deans, 1 Dec 2021 ([Online](#)), pp. 33, 49, 131 etc. regarding Productivity Commission Rec. 7.1.

³⁶⁷ Sally Kift and Kana Nakan, *Reimagining the Professional Regulation of Australian Legal Education*, Council of Australian Law Deans, 1 Dec 2021 ([Online](#)), p. 54.

³⁶⁸ Ibid, Kift and Nakan pp. 88-91.

³⁶⁹ Gippsland Community Legal Service, *Submission to the NLAP Review*, ([Online](#)) p. 14.

As most law schools are located in capital cities, access and choice for regional students is limited. Many students in regional areas relocate to major cities to undertake their degrees, and once there they are unlikely to return.³⁷⁰

However, this was not accompanied by discussion about options and strategies related to law students from and/or in, regional areas, law students generally or law schools and legal education. For example, Rec. 24 about the need for a Workforce Strategy did not refer to legal education. Additionally, the discussion in the NLAP Report leading to Rec. 26 - *HECS-HELP Forgiveness Scheme*, focused on this from a specific employment incentive perspective. This did not consider whether orientation, content and/or culture of legal education is contributing to 4Rs legal workforce shortages or whether insufficient support for legal education – including policy, facilitation, resources and/or regulation - are contributing.

5. That is, the HECS-HELP Forgiveness Scheme recommendation by the NLAP Review Report, was not put as part of an engagement with law schools and practical legal training programs, the legal profession and governments - about aspects such as the following:

- The nature, extent, characteristics and effects of unmet legal needs and justice issues in 4Rs areas and the roles of legal education, law schools and universities.
- The chronic and systemic shortage in 4Rs legal workforce supply.
- Whether treatment of rights, justice and inclusion of people, groups and communities in 4Rs areas in law in law curriculum is sufficient, including sufficiently visible (discussed below at 24.9.2).
- Opportunities for law students in 4Rs areas during their studies, when preparing for admission to legal practice, post-admission and during their careers.
- Opportunities for law schools and universities to collaborate with stakeholders, including legal assistance services, to increase efforts in relation to all the above and related issues including scholarship and research.

24.9.2 University roles in relation to 4Rs legal workforce

1. Against a backdrop of numerous issues relating to the suitability of legal education in Australia,³⁷¹ there are currently no measures generally applicable to universities, legal education and law schools to incentivise, support, facilitate and/or require

³⁷⁰ Ibid, p.149

³⁷¹ For an overview of many of the issues facing legal education see Sally Kift and Kana Nakan, *Reimagining the Professional Regulation of Australian Legal Education*, Council of Australian Law Deans, 1 Dec 2021 ([Online](#)) and recommendation 7.1 by the Productivity Commission, *Access to Justice Arrangements Report No. 72, Vol. 1* (2014) ([Online](#)) for a holistic review of the three stages of legal education namely university, practical training and continuing professional development (pp. 252-254).

consideration of:

- justice, access to justice, rule of law, social and economic inclusion relating to 4Rs areas, and
 - legal workforce needs in 4Rs areas.
2. The 4Rs Network submission to the NLAP Review expressed concern about lack of visible inclusion of regional, rural, remote and very remote law and justice issues in law curriculum,³⁷² however this was not noted or discussed in the Review Report. There are few examples of 4Rs law curriculum inclusion and substantial indications of metro-normativity and that most law students lack familiarity with 4Rs legal career options.³⁷³ Despite calls for action by law schools by the Law Council in the 2018 Justice Project Report and in the 2020 RRR Strategic Plan - there are no indications of progress.³⁷⁴
 3. Momentum for legal curriculum reform from the 1990's relating to gender bias in law,³⁷⁵ and momentum especially in the last 15 years to address bias against First Nations people,³⁷⁶ has not been matched by reform in relation to treatment of law and justice

³⁷² 4Rs Network, [Submission to the NLAP review, 27 Oct 2023, p.23, Rec. 5 at p. 24, pp. 34-35 and 82.](#)

³⁷³ Jennifer Nielsen and Amanda Kennedy, 'Rethinking the law curriculum: strategies for rural and regional Australia', (2012) 37(2) *Alternative Law Journal* 134; Amanda Kennedy, Theresa Smith-Ruig, Richard Coverdale, Caroline Hart, 'Preparing Law Graduates for Rural and Regional Practice: A New Curriculum-based Approach' (2013), 93(3) *Procedia – Social and Behavioural Sciences* 317-321; Amanda Kennedy, Amanda, Richard Coverdale, Caroline Hart, Claire Macken, Reid Mortensen, Trish Mundy, Jennifer Nielsen and Theresa Smith-Ruig, *Rethinking Law Curriculum: Development Strategies to Prepare Law Graduates for Practice in Rural and Regional Australia* (Final Report, 2013) ([Online](#)); Amanda Kennedy, Trish Mundy and Jennifer Nielsen, 'Bush Law 101: realising place conscious pedagogy in the law curriculum' (2016) 13(1) *Journal of University Teaching & Learning Practice*, Article 6 ([Open Access](#)); Trish Mundy, 'Engendering 'Rural' Practice: Women's Lived Experience of Legal Practice in Regional, Rural and Remote Communities in Queensland' (2013) 22(2) *Griffith Law Review* 481; Trish Mundy, Amanda Kennedy and Jennifer Nielsen (eds.), *The Place of Practice: Lawyering in rural and regional Australia* (Federation Press, 2017). Further on metro-normativity see for example: Fiona McDonald and Christina Malatzky, 'Responding to Health Outcomes and Access to Health and Hospital Services in Rural, Regional and Remote New South Wales' (2023) 20(2) *Journal of Bioethical Inquiry* 191. For similar issues in the US, see for example Shaun Jamison and Hannah Catt, 'Law Schools Can Ease the Drought in Rural 'Legal Deserts'', *Bloomberg Law* (Online, 25 April 2023).

³⁷⁴ Law Council of Australia. The Justice Project Final Report, Part 1, Rural, Regional and Remote (RRR) Australians ([Online](#)), Aug 2018) 57; Law Council of Australia, [Regional, Rural and Remote National Strategic Plan](#) (Online, 18 Nov 2020), pp. 19-20.

³⁷⁵ Regina Graycar and Jenny Morgan, *The Hidden Gender of Law* 1st edition (Federation Press, 1990) and 2nd edition (Federation Press, 2002) ('The Hidden Gender of Law'); Australian Law Reform Commission, *Equality Before the Law: Women's Equality*, ALRC 69, Final Report Part II, Chapter 8 Legal Education ([Online access](#)) ('ALRC, Legal Education').

³⁷⁶ Marcelle Burns, 'Are We There Yet? Indigenous Cultural Competency in Legal Education', (2018) 28(2) *Legal Education Review* ([Open Access](#)); Marcelle Burns, Professor Anita Lee Hong and Professor Asmi Wood, [Indigenous Cultural Competency for Legal Academics Program, Final Report](#) to the Department of Education and Training (Online, 2019); Sally Kift and s Kana Nakan, *Reimagining the Professional Regulation of Australian Legal Education*, Council of Australian Law Deans, 1 Dec 2021 ([Online](#)), pp. 97-104; Council of

issues concerning 4Rs areas.³⁷⁷ Perversely, lack of focus on 4Rs areas also fails to engage with how biases and discrimination against women, First Nations people and other frequently discriminated groups, operate with biases related to 4Rs locations.³⁷⁸

4. Work from the early 2000's to address 4Rs deficiencies across law curriculum,³⁷⁹ was largely met with strong blockages which - without incentives, supports and regulatory requirements - continue to apply.
5. Additionally, legal workforce issues, including 4Rs legal workforce, were not addressed by the recent final report of the [Australian University Accord](#)³⁸⁰ the vision for which, in relation to higher education and vocational education and training, includes 'delivery of graduates with the creativity and technical skills to meet future workforce and societal need'.³⁸¹ The Accord Report discussed regions, especially in Chapter 7 'Serving the regions through tertiary education', without reference to law, access to justice, legal education, legal workforce needs or the like.
6. There is no indication that the review process for the Accord focused on legal education or accreditation relating to law and legal workforce needs. For example, there is no indication in the Report of consultation with federal, state and territory law and justice policy areas, the Australian Council of Law Deans,³⁸² the Australasian Professional Legal Education Community³⁸³ the Law Council of Australia,³⁸⁴ legal professional representative bodies³⁸⁵ or legal assistance sectors.³⁸⁶
7. For the reasons outlined, legal education should be a priority for legal assistance workforce strategies, and for government efforts in support of legal workforce recruitment and retention in 4Rs areas. This requires affirmative measures which includes policy directions, curriculum review, establishment of practical programs, and collaborations with sufficient funding supports.

Australian Law Deans, *First Nations Peoples Statement on Racism and Law Schools*, 31 January 2024 ([Online](#)).

³⁷⁷ References at n375 (Graycar & Morgan) etc. and n375 (Neilsen & Kennedy) etc.

³⁷⁸ Ibid.

³⁷⁹ Neilsen & Kennedy and related references about Australia at n373 above.

³⁸⁰ Australian Government, *Australian University Accord Final Report* (Online, released 24 February 2024) <https://www.education.gov.au/australian-universities-accord/resources/final-report>.

³⁸¹ Ibid p.16.

³⁸² Australian Council of Law Deans web site: <https://cald.asn.au/>.

³⁸³ Australasian Professional Legal Education Community web site: <https://aplec.asn.au/>.

³⁸⁴ Law Council of Australia web site: <https://lawcouncil.au/>.

³⁸⁵ Listed on the Law Council's web site at: <https://lawcouncil.au/about-us/our-constituent-bodies-and-directors>.

³⁸⁶ The sectors make up the Australian Legal Assistance Forum: <https://www.nationallegalaid.org/alaf/>

24.9.3 Addressing no equivalent in law UDRHs or Rural Clinical Schools

1. Despite the number of law schools in Australia, including the number of regional university law schools, there is no equivalent in legal education to rural health training infrastructure funded by the federal Department of Health and Aged Care through the Rural Health Multi-disciplinary Training Program.³⁸⁷ This includes the 19 University Departments of Rural Health ('UDRHs'), which are government supported centres based in rural and remote Australia focused on health education and research. These work in association with the 22 Rural Clinical Schools and their 19 Regional Training Hubs.³⁸⁸ Similarly, there is no equivalent in legal education to the Australian Rural Health Education Network ('ARHEN'), which is the national association for the 19 UDRH's.³⁸⁹

[ARHEN's] purpose is to promote the health and wellbeing of people in rural and remote Australia by delivering high-quality health education, research and advocacy.

Our member organisations, the UDRHs, are academic centres based in rural and remote Australia.

Each year, the UDRHs support more than 15,000 nursing, midwifery and allied health students to experience the rewards of living, studying and working as a health professional in rural and remote regions.

2. Similar infrastructure should be developed in law and legal education having regard to the nature and extent of the 4Rs legal workforce needs, and the inability of law schools and legal education training providers to manifest and sustain arrangements without government facilitation and support. The current absence of this government support is directly and negatively impacting legal assistance services in 4Rs Australia and impeding the ability of law schools and legal training providers to respond.

24.9.4 Domestic 4Rs law equivalent to New Colombo needed

1. Further to the discussion above at 24.8 – *Law students including course credit* and 24.9 – *Legal education, 4Rs access to justice and workforce* - as noted in the 4Rs NLAP Review submission the situation in total results in a perverse incentive for law students:
 - In relation to initiatives in support of 4Rs clinical legal, internship and practical placement programs a domestic equivalent to the New Colombo Plan (NCP)³⁹⁰ focusing on law should be developed to enable law students to undertake on-location experiential learning law courses in 4Rs Australia equivalent to those

³⁸⁷ Rural Health Multi-disciplinary Training Program ([Web Site](#)).

³⁸⁸ Australian Rural Health Education Network, About UDRHS, ([Web Site](#)); DoHAC, Rural Health Multi-disciplinary Training Program ([Web Site](#)) (list of the Rural Clinical Schools and UDRH's is also on this page).

³⁸⁹ Ibid. ARHEN is a member of the [National Rural Health Alliance](#) and collaborates with the [Federation of Rural Australian Medical Educators](#) ('FRAME') which works to support and improve rural medical education in Australia.

³⁹⁰ [New Colombo Plan](#) information on the Department of Foreign Affairs web site.

currently undertaken overseas under the NCP.

- The lack of a domestic equivalent to the NCP makes it more feasible for many Australian law students to participate internationally, while being unable to undertake the equivalent experiential learning in 4Rs Australia.³⁹¹

2. The table below outlines specific ways forward:

Table 5: Initiatives to boost law and related student awareness of and involvement with 4Rs legal assistance services

Focus ³⁹²	Exists	Next steps
Aurora	Yes	Aurora Foundation ³⁹³ - consult about options to expand 4Rs legal assistance sector placements across Aurora disciplines. Increased government funding if needed.
National First Nations Legal Service Placement Program (related to 24.5.1)	No	Facilitation for ACCOs and other key stakeholders to explore National First Nations Legal Service Placement Program. For learning, development and career related placements with ACCO and non-ACCO legal services, including 4Rs.
National 4Rs Volunteer Program (24.7.3)	No	Consult with all 4Rs legal assistance sectors, law schools, legal profession and other stakeholders with a view to developing and establishing a National 4Rs Legal Volunteer Program for students and pro bono lawyers to volunteer with 4Rs legal assistance service. The program should provide financial support for 4Rs legal assistance services and volunteers plus funding for facilitation / coordination by legal assistance sectors and key contributors (e.g. law schools and legal professional representative body).
National 4Rs Clinical Legal Education and Internship Program (24.8.1)	No	Consultation as above to develop this national for course credit 4Rs program. This should similarly include financial arrangements for legal assistance services in 4Rs areas, law students and law schools plus funding for facilitation / coordination by legal assistance sectors and law schools.
Facilitating 4Rs PLT Placements (24.8.2)	No	Re-establish the CLCA 4Rs PLT Placement Program or similar.

24.9.5 Areas of law – 4Rs legal assistance workforce

1. Legal workforce needs among community-based legal services in 4Rs areas include insufficient supply of staff trained in specialist areas of law. Social security law is an example, and others include safety from domestic and family violence, family law,

³⁹¹ 4Rs Network, [Submission to the NLAP review, 27 Oct 2023 p.34](#)

³⁹² References in brackets refer to the numbered section in this response.

³⁹³ Aurora Education Program, Internships (Web Site) <https://aurorafoundation.com.au/our-work/internship-program/>

disability law including NDIS, tenancy, credit and debt, consumer, employment law and human rights.

2. A common feature of these areas of law is that they are not among the *Prescribed Areas of Knowledge* published by the Law Admissions Consultative Committee which are adopted by Legal Profession Admission Rules as required for admission to legal practice.³⁹⁴ These areas ('the Priestly 11') are also reflected in admitting authorities' recognition of institutions to provide academic law courses, which satisfy academic requirements for admission.³⁹⁵ The Law Admission Consultative Committee (LACC) is chartered by the Australian Council of Chief Justices.³⁹⁶ However, the Charter does not expressly require the LACC to consider legal workforce needs, geographic dimensions, or access to justice and inclusion. The LACC charter specifies the membership, which does not include non-profit legal assistance representation.³⁹⁷
3. That the NLAP Review Report did not suggest directions in relation to legal education is noted at 24.9.1 above. Specific issues should be addressed through the development of the recommended Workforce Strategy (Rec. 24) and efforts relating to specific issues, including areas of law.

24.9.6 Social security legal assistance workforce – training example

1. Social security law and practice is an example of an area where education and training opportunities are chronically insufficient having regard to the nature and extent of the legal workforce needs, including in 4Rs areas. This is against the backdrop of levels of unmet social security legal need, the critical nature of access to social security income support, the power imbalances between the individual and the social security system, the complexities of social security law and review and appeals procedures.
2. Currently the main way proficiency in social security law and practice is developed is on-the job and through on-the-job communities of practice. However, the number of social security lawyer jobs is highly limited and largely depends on grant funding. The majority of social security lawyer roles which exist are in with specialist social security community legal services in metro areas. Lack of funding for collaboration models by and with these services, including hub and spoke, also limits access to training to build proficiency among the range the range of community-based legal services including other CLCs, ATSILS and FVPLS (which also lack funding to provide social security legal

³⁹⁴ For example, section 5 and Schedule 1 of the Legal Profession Uniform Admission Rules 2015.

³⁹⁵ For example, the Victorian Legal Admissions Board ([Web Site](#))

³⁹⁶ Legal Services Council, Charter Law Admissions Consultative Committee ([Online](#)).

³⁹⁷ [Law Admissions Consultative Committee \(LACC\) \(legalservicescouncil.org.au\)](#)

help) and with CLCs, ATSILS and FVPLS in 4Rs areas.³⁹⁸

3. There is no federal or other funding to support a national social security law and practice training program relating to social security legal assistance workforce needs, including in 4Rs areas. However, some or all specialist community-based social security legal service training may be suitable to be scaled up, if resources were available.³⁹⁹
4. There is no known class-taught / doctrinal social security law course by a law school in Australia (LLB, JD or LLM) and no federal initiatives or incentives to address this.
5. While experiential law courses (e.g. courses which include actual or simulated client matters) such as clinical law courses and law student placements, do or may contribute to exposure to social security law - this is not part of an identified or coherent social security workforce plan. The volume is insufficient compared to nature and extent of the workforce and legal assistance needs.
6. A table giving a sense of social security legal education and training relating to community-based social security legal assistance is at Attachment 1B.
7. The gaps in education and training in relation to community-based social security law and practice should be addressed by:
 - The federal government providing funding to Economic Justice Australia and ACCO nominated processes, to research, consult and develop recommendations for a national social security legal workforce plan, which includes 4Rs areas,
 - Ensuring input from the Australian Legal Assistance Forum,⁴⁰⁰ the Australian Council of Law Deans⁴⁰¹ and the Australasian Professional Legal Education Community,⁴⁰² and

³⁹⁸ For example, lack of funded models such as those in which regional community-based relating to tenancy legal assistance in Queensland and Western Australia, women's legal assistance in Victoria and regional legal assistance relating to the National Redress Scheme outlined at 2.4.3 (f) above),

³⁹⁹ For example, the training sessions offered by: Social Security Rights Victoria (Community worker [training schedule](#)), Welfare Rights Centre NSW ([Community Worker Training schedule](#)); Basic Rights Queensland ([Web Site](#)) offers online sessions to workers who support individuals with social security issues.

⁴⁰⁰ National Legal Assistance forum ([Web Site](#)).

⁴⁰¹ Australian Council of Law Deans ([Web Site](#)).

⁴⁰² Australasian Professional Legal Education Community ([Web Site](#)).

- Federal government support to implement the agreed plan – including providing recurrent funding. For example, for:
 - coordination and leadership by Economic Justice Australia and ACCO nominated processes, and
 - program delivery including community-based legal services and tertiary education providers which is available cross-institutionally, online and is targeted to relevant cohorts.
8. A similar approach should be applied to address workforce training needs in other specialist areas of law where there is insufficient workforce supply, including and especially in 4Rs areas.

Rec 25 – Remuneration of community legal assistance workers

Recommendation 25 – Remuneration of community legal assistance workers

The Reviewer recommends the Commonwealth Government should provide additional funding in last year of NLAP (2024-25) to increase the remuneration of both legal and non-legal staff working in CLCs, ATSILS and FVPLS to equivalent pay as that of the LAC in the respective jurisdiction. The estimated cost of this in 2024-25 is estimated to be \$66 million - \$35 million for CLCs, \$25 million for ATSILS and \$6 million for FVPLS. The estimated cost of this in 2025-26 is estimated to be \$69 million - \$36 million for CLCs, \$26 million for ATSILS and \$7 million for FVPLS.

To access this funding, which can be back dated to 1 July 2024, the relevant service providers must demonstrate employment conditions have been varied and approved through the relevant industrial processes. No funding is to be provided to service providers for 2024-25 who fail to have necessary workplace arrangements in place by 30 June 2025.

This funding should be embedded in the baseline funding moving forward.

25.1 Background

1. The NLAP Review Report noted that current wage discrepancies disadvantaging workers with FVPLS, ATSILS and CLCs are disproportionately affecting:

- women due to the feminised workforce,⁴⁰³ and
- First Nations people who make up a substantially higher proportion of workers in the ATSILS and FVPLS the two lowest paid legal assistance sectors.⁴⁰⁴

The Report also highlighted higher costs faced by services in 4Rs areas and levels of underfunding.

⁴⁰³ NLAP Review Report, p.156.

⁴⁰⁴ NLAP Review Report, p.156 and 159-164.