

Legal Assistance Strategy and Action Plan

South Australia
2022 - 2025



Foreword

The Government is committed to improving access to justice for South Australians.

This means ensuring that vulnerable members of our community have access to appropriate information, legal advice and legal representation services, when they need it most.

We must also address inequality in the legal system by removing the barriers that prevent access to critical legal assistance services.

We recognise the importance of having a sector that provides high quality services that are accessible to the community and delivered in a culturally safe and appropriate manner, particularly for Aboriginal people.

This strategy outlines four key priorities for this sector to support the legal needs of individuals, underpinned by a strong and reliable evidence base, to ensure that this vital sector performs to the highest standard.

- 1. Targeted services for vulnerable South Australians**
- 2. A modern legal assistance sector**
- 3. Client centred services**
- 4. A strong evidence base**

I look forward to working closely with our legal assistance sector to ensure we continue to provide high quality legal services for vulnerable South Australians.

The Hon Kyam Maher MLC

Minister for Aboriginal Affairs

Attorney-General

Minister for Industrial Relations and Public Sector



Acknowledgement of Country

We acknowledge and respect Aboriginal¹ people as the state's First Peoples and nations, and recognise Aboriginal people as Traditional Owners and occupants of lands and waters in South Australia (SA). We recognise:

- the spiritual, social, cultural and economic practices of Aboriginal people come from their connection to traditional lands and waters
- maintaining cultural and heritage beliefs, languages and laws are of ongoing importance to Aboriginal people today
- Aboriginal people have made and continue to make a unique and irreplaceable contribution to SA.

We acknowledge Aboriginal people have endured past injustice and dispossession of their traditional lands and waters and the effects of such injustice and dispossession are still felt today.

¹ In SA, Aboriginal is used to describe Aboriginal and Torres Strait Islander people

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Introduction

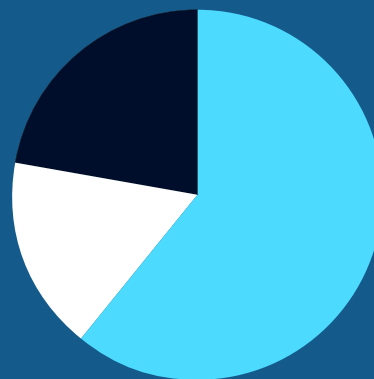
Vulnerable and disadvantaged people are more likely to experience legal problems, less likely to seek assistance, and can experience barriers to accessing legal services for a range of reasons. Legal assistance services support vulnerable people in our community to access the justice system and address their legal problems.

Commonwealth and state funding under the National Legal Assistance Partnership (NLAP) for the South Australian legal assistance sector totals \$308.8 million over five years.

Three different parts of the South Australian legal assistance sector receive the following share of Commonwealth NLAP funding:

- Aboriginal Legal Rights Movement (18% of total funding)
- Community Legal Centres (23% of total funding)
- Legal Services Commission (59% of total funding).

This strategy identifies legal need in South Australia and sets out the key priorities for our legal assistance sector, as it delivers services under the NLAP.



Aboriginal Legal Rights Movement
18%

Community Legal Centres
23%

Including:

- Community Justice Services
- Northern Community Legal Service
- Uniting Communities Law Centre
- Westside Community Lawyers
- Women's Legal Service SA

Legal Services Commission
59%

National Strategic Framework for Legal Assistance

The National Strategic Framework guides legal assistance services in Australia. It provides a set of core principles to ensure services are delivered in a high quality and culturally appropriate manner, supporting vulnerable community members in accessing justice.

Legal assistance services:

- focus on, and are accessible to, people facing disadvantage
- are delivered in a client-centric manner in order to better consider people's legal needs and capabilities
- collaborate with other service providers and governments to provide integrated, client-centric services to address people's legal and other problems
- are provided at an appropriate time, which best addresses an individual's legal needs, including preventative action when appropriate
- empower people and communities to understand and assert their legal rights and responsibilities and to address, or prevent, legal problems
- are supported to build the capacity of their organisations and staff, to ensure they can effectively respond to evolving service demand.

South Australia's legal assistance services

Under the NLAP, we fund the Aboriginal Legal Rights Movement (ALRM), Community Legal Centres (CLCs) and the Legal Services Commission (LSC) to deliver a range of legal services in South Australia, including:

- legal advice, representation, duty lawyer services and legal aid grants
- specialist services for particular client needs
- support for mediation and alternative dispute resolution
- community legal information.

There are a number of other providers in our sector who work alongside the NLAP funded providers. This includes pro bono legal assistance provider JusticeNet which coordinates pro bono support for South Australians who cannot afford a lawyer and are ineligible for assistance from other legal services. University legal clinics staffed by final year law students under the supervision of qualified solicitors also provide free legal advice and assistance across a range of locations.

There are other legal assistance services which provide free specialist legal assistance in South Australia, including:

- **Family Violence Legal Service Aboriginal Corporation (SA)** – assisting families and communities affected by family violence
- **Youth Law Australia** – legal information and assistance for young people under the age of 25
- **Environmental Defender's Office** – public interest environmental law matters
- **Refugee Advocacy Service of SA** – pro bono migration assistance to asylum seekers.

These services, and many others, have an important role in supporting vulnerable community members to seek appropriate legal solutions and to navigate the justice system.



Statewide legal assistance services

Aboriginal Legal Rights Movement

ALRM provides specialist, culturally appropriate legal and non-legal services to Aboriginal people in South Australia.

ALRM has offices in Adelaide, Port Augusta, Ceduna, and Port Lincoln, and provides outreach and duty solicitor services in metropolitan and regional courts.

Women's Legal Service SA

Women's Legal Service SA (WLSSA) is a CLC based in Adelaide providing specialist support to vulnerable women.

In collaboration with Community Justice Services SA, WLSSA delivers the InDIGO program, which assists victims of domestic and family violence in the southern suburbs of Adelaide.

Uniting Communities Law Centre

The Uniting Communities Law Centre delivers a number of statewide programs, including mediation services, welfare rights services, the Consumer Credit Law Centre, Elder Abuse Unit, and Disability Advocacy Service.

Working Women's Centre SA

The Working Women's Centre SA specialises in employment and industrial matters, providing free advice and confidential information, support and representation to victims of workplace sexual harassment and discrimination.

Legal Services Commission

The LSC provides legal assistance, including advice, duty lawyer services, family dispute resolution services, and representation to individuals, as well as legal information and education to the community.

The LSC assigns and acts on grants of legal aid and delivers a range of legal programs, including:

- the **Family Advocacy and Support Service** which employs duty lawyers and social workers in the Federal Circuit and Family Court of Australia and State Magistrates Court to assist families affected by family violence
- the **Domestic Violence Unit and Health Justice Partnership** which works closely with the Lyell McEwin Hospital and nearby health centres to provide wrap-around support to women affected by family and domestic violence in the northern Adelaide region
- the **Women's Domestic Violence Court Assistance Service** which provides in-court support to women affected by family and domestic violence
- the **Disability Information and Legal Assistance Unit** which provides specialised information and legal advice for South Australians with disability, as well as their supporters and advocates.

The LSC has a central office in Adelaide, along with five offices in metropolitan and regional SA. The LSC also provides duty lawyers at most Magistrates Court locations, the Youth Court and the Federal Circuit and Family Law Court of Australia.

Community Legal Centres by region

CLCs are independent, not-for-profit legal centres. In South Australia, CLCs provide legal assistance as part of a regional service model. Their work includes generalist and family law/family violence legal support. Many centres also provide duty lawyer services, and complementary non-legal support services.

CLCs develop strong partnerships with their local communities, contributing to better outcomes for clients, building community resilience, and improving access to justice.

Uniting Communities Law Centre

- 1 Adelaide Central and Hills

Community Justice Services SA

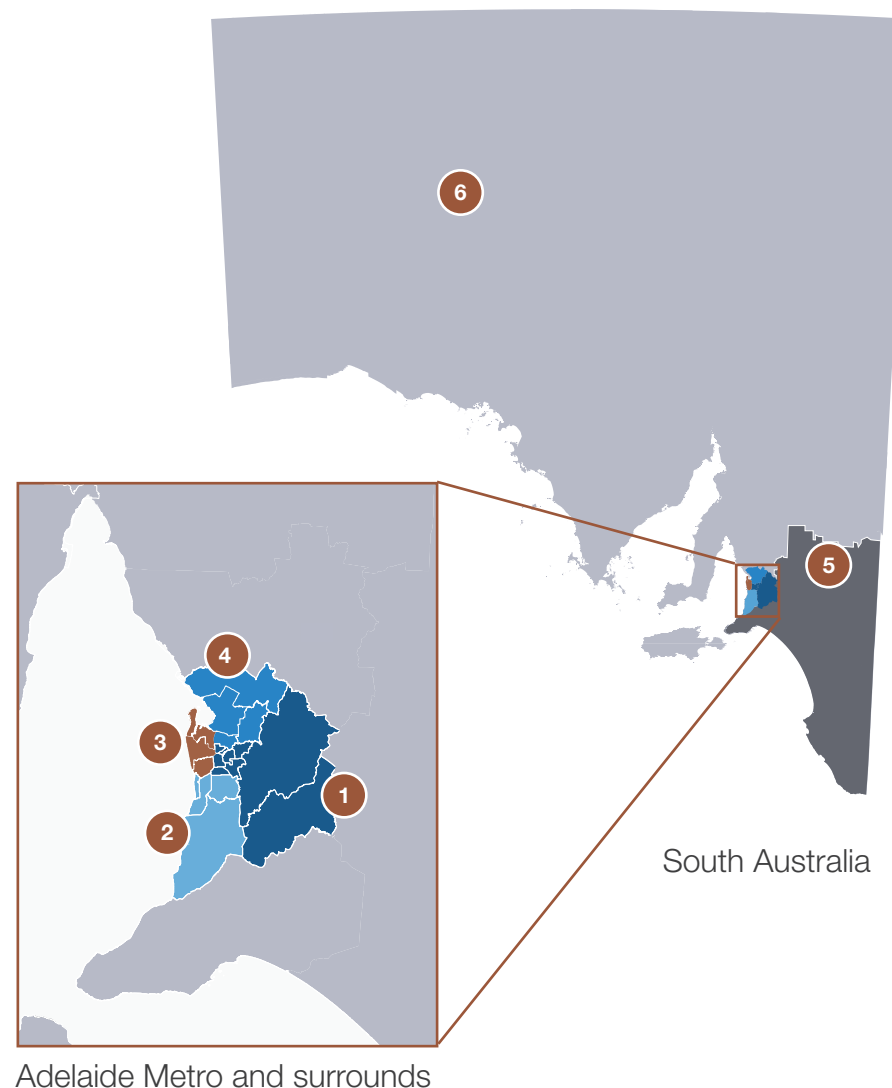
- 2 Adelaide South
- 5 South East

Northern Community Legal Service

- 4 Adelaide North

Westside Community Lawyers

- 3 Adelaide West
- 6 Barossa, Yorke, Mid North and Outback



Legal need in South Australia

Legal problems can arise from many aspects of our lives, including our access to education, employment, health, housing and family relationships.

We also know that people facing disadvantage more frequently come into contact with the justice system.

In turn, legal problems can have a significant impact on people's social and economic wellbeing, intersecting with non-legal problems.

Some sectors of the community are more vulnerable than others to legal problems and may need help in identifying legal problems and accessing legal help.

In South Australia, legal assistance services are targeted to the most vulnerable members of our community, including people experiencing financial disadvantage, and people within the priority client groups listed in the NLAP.

Priority client groups



Aboriginal and Torres Strait Islander people



Children and young people (up to 24 years)



Older people (aged over 65 years or Aboriginal people aged over 50 years)



People experiencing, or at risk of, family violence



People experiencing, or at risk of, homelessness



People in custody and/or prisoners



People residing in rural or remote areas



People who are culturally and linguistically diverse, and migrants



People experiencing workplace sexual harassment and discrimination



People with a disability or mental illness



People with low education levels



People who are single parents



LGBTQIA+ people

Priority client groups

Aboriginal and Torres Strait Islander people

45,461 Aboriginal people
in South Australia²

2.5% of the overall state
population

53.0% are children and young people, up to 24 years old

16.6% are people aged 50 years or older

1 in 4 prisoners are Aboriginal people³

1 in 5 victims of family and domestic violence assault
are Aboriginal people⁴

People in custody and/or prisoners

Approximately **3,120** people are in full-time custody on
an average day¹⁸

Of people in custody:

92.3% are male

24.5% are Aboriginal people

Children and young people

Young offenders aged **10** to **17** make up approximately **7.6%** of
all offenders⁵

1,318 Youth Court
defendants finalised⁶

36.0% are young
Aboriginal people

Of matters in the Youth Court:

24.4% were for theft offences

21.5% were for acts intended to cause injury offences

10.4% were for unlawful entry with intent offences

36 young people are in detention on an average night⁷

The rate of young Aboriginal people in detention was **21 times**
the non-Indigenous rate⁸

4,136 children were in out-of-home care⁹

36.7% were young Aboriginal people

68.4% were in out-of-home care for two years or more



Older people

328,164 South Australians are aged **65** years or over¹⁰ | **19.1%** of the overall state population

50.7% of people over 65 had a disability¹¹

16,208 South Australians live in permanent residential aged care¹²

Common issues identified in calls to the South Australian Elder Abuse Prevention Phone Line include¹³:

- Financial abuse (**42.7%**)
- Emotional/psychological abuse (**35.6%**)
- Neglect (**14.0%**)
- Physical abuse (**13.0%**)



People who are culturally and linguistically diverse

In South Australia **24.5%** of the population were born overseas¹⁹



People with low education levels

In 2020, **7.3%** of South Australians aged 15 and over had an education level of year 10 or below²⁰



People experiencing, or at risk of, family violence

In South Australia:

50.4% of all assault victimisations were family violence-related¹⁴

36.6% of all sexual assault victimisations were family violence-related¹⁴

89.5% of family and domestic violence defendants were male¹⁵

In 2020-21, **1,809** family violence-related intervention orders were issued by Courts¹⁶



People experiencing, or at risk of, homelessness

6,224 people are experiencing homelessness in South Australia¹⁷

Of this:

59.6% are male

15.0% are Aboriginal

38.5% are aged 24 or younger



People who are single parents

In 2021, there were **41,900 single parent families** with at least one child younger than 15 years²¹

Of single parent families:

63.0% had a parent employed in full time or part time work

28.6% had a parent not in the labour force

6.9% had a parent who was unemployed



People with disability or mental illness

1 in 5 South Australians live with disability²²

41,034 people access the National Disability Insurance Scheme²³

25.0% of all complaints to the South Australian Equal Opportunity Commission relate to discrimination on the grounds of disability²⁴

People with disability are **twice as likely** to experience legal problems compared to the general population²⁵

Each year in South Australia there are approximately **690,000** contacts made with community mental health services and approximately **20,700** people presenting to an emergency department with mental health issues²⁶



LGBTQIA + people

3.8% of Australians identify as LGBTQIA+²⁷

LGBTQIA+ people are **twice as likely** to experience discrimination



People experiencing workplace sexual harassment and discrimination

The Australian Human Rights Commission's Respect@Work Report²⁸ found that **39.0% of women** and **26.0% of men** who had been in the workplace said they had experienced workplace sexual harassment over the past five years.

Of all employment-related complaints to the South Australian Equal Opportunity Commission²⁹:

18.0% relate to sexual harassment

18.9% relate to discrimination on the grounds of disability

13.5% relate to discrimination on the grounds of sex

Key priorities

Now and for the future

The government is committed to ensuring modern and effective legal assistance services are available to the most vulnerable members of the South Australian community.

The following four priorities aim to position our sector to deliver these critical services to the highest standard.

1

Targeted services for vulnerable South Australians

Keeping the justice system within reach for vulnerable South Australians by delivering targeted and appropriate legal assistance services.

2

A modern legal assistance sector

Modernising legal assistance services in South Australia to reflect the contemporary needs of our community.

3

Client centred services

Supporting vulnerable South Australians experiencing complex legal and non-legal problems through integrated and collaborative legal assistance services.

4

A strong evidence base

Understanding the experiences of vulnerable people and being responsive to current and emerging issues.



1 Targeted services for vulnerable South Australians

Keeping the justice system within reach for vulnerable South Australians by delivering targeted and appropriate legal assistance services.

Delivering legal assistance services targeting our most vulnerable

The government prioritises legal assistance services to disadvantaged South Australians with complex and substantial legal problems. Services funded through the NLAP are provided free of charge to South Australians who meet the eligibility criteria. This ensures those who are most in need of legal assistance are able to receive advice and support.

Specialist services are also available to meet specific client needs, for example in 2020, ALRM was provided with COVID-19 legal assistance funding to deliver the 'Help a SISTA Out' program. Help a SISTA Out is a joint partnership between ALRM and Nunga Mi:Minar that supports the safety and legal needs of South Australian Aboriginal women and their children living with family and domestic violence.

Being responsive to new and emerging client groups and their needs

We respond to emerging issues and take an evidence-based approach to address changing needs in our community.

The government has prioritised services which target the 'missing middle' under a new Family Law Pilot program to be rolled out in 2021-22. This program will ensure that vulnerable people who do not currently meet the criteria for free legal assistance, but lack the resources to afford private legal services, can receive appropriate legal advice and supports in Family Law matters. This program seeks to address some of the findings of the Law Council of Australia position paper 'Addressing the Legal Needs of the Missing Middle' (November 2021) which highlighted inequality in the current system, exacerbating access to justice.



1 Targeted services for vulnerable South Australians

Delivering legal assistance services targeting our most vulnerable	2022-23	2023-24	2024-25
Provide increased funding for legal assistance for vulnerable women			
1.1 Core funding for Women's Domestic Violence Court Assistance Service restored to increase support for Aboriginal women and additional services for women in the Upper Spencer Gulf and Limestone Coast regions			
1.2 Women's Legal Service SA funded to provide face-to-face services in the Upper Spencer Gulf and the Limestone Coast regions			
Reduce over representation of Aboriginal people in the criminal justice system			
1.3 Investigation of reform opportunities to ensure Aboriginal people are supported through the criminal justice system and into alternatives to custody			
Provide frontline support for people experiencing workplace sexual harassment and discrimination			
1.4 Working Women's Centre SA funded to provide legal advice, representation and education to victims of workplace sexual harassment and discrimination			
Support service delivery in rural and remote communities			
1.5 Investigation of opportunities to improve service delivery in regional and remote areas, including through improved collaboration, access to infrastructure and recruitment and retention strategies			
Being responsive to new and emerging client groups and their needs	2022-23	2023-24	2024-25
Target resources and services to clients based on evidence of legal need			
1.6 Provide advice to the government on the scope and cost of an assessment of legal need. If progressed, the assessment would assist in determining where resourcing is best targeted to support vulnerable clients			
Explore the value of service provision for the 'missing middle' through the Family Law Pilot Program			
1.7 Evaluation of Family Law Pilot Program undertaken to determine impact and viability of broader rollout			

2 A modern legal assistance sector

Modernising legal assistance services in South Australia to reflect the contemporary needs of our community.

Maximising the use of technology

Modern legal assistance services in SA promote continuous improvements in the delivery of services and are responsive to changing client needs.

Services are flexible to ensure that vulnerable South Australians, no matter their circumstances or where they live, can access legal assistance.

The government continues to invest in the sector to increase technological capability and to support the delivery of remote and virtual services.

In partnership with National Legal Aid, the LSC developed AMICA, an online tool to support separating couples in Australia to resolve parenting arrangements and property settlements. AMICA is a low-cost, user-friendly tool designed for couples to resolve disputes between themselves, avoiding expensive court proceedings.

Innovation projects

We encourage legal assistance service providers to think differently about how they deliver services and explore new approaches to support modern and efficient practices.

Innovative approaches to service delivery assist clients to better access services and manage their own legal problems. This frees up limited resources to assist vulnerable South Australians with navigating the justice system.

Women's Legal Service SA delivered the 'ASK MARIA' project, developing a phone app which facilitates access to supports, referrals and legal information for women of culturally and linguistically diverse (CALD) backgrounds in regional South Australia experiencing family and domestic violence. ASK MARIA is an example of using innovative technological tools to empower and assist vulnerable women.



2 A modern legal assistance sector

Maximising the use of technology	2022-23	2023-24	2024-25
Improve the efficiency of service delivery through innovative technologies and projects			
2.1 Support use of self-help tools across the sector, including the 'Clerq' civil litigation assistance platform			
Innovation projects	2022-23	2023-24	2024-25
Explore innovative and collaborative service models to support the holistic needs of key cohorts			
2.2 Provide wrap-around legal and non-legal assistance to key client cohorts, including through Domestic Violence Units, healthjustice partnerships and appropriate supports for people with mental health conditions			
2.3 Partnerships and referral pathways with other legal and non-legal support services, including mental health services, established and enhanced to ensure clients receive holistic support			
Reducing red tape to support efficient service delivery			
2.4 Explore opportunities to collaborate across government to support more streamlined and efficient processes for the sector			

3 Client centred services

Supporting vulnerable South Australians experiencing complex legal and non-legal problems through integrated and collaborative legal assistance services.

Accessibility

Services are diverse and flexible to ensure vulnerable South Australians, no matter their circumstances or where they live, can access legal assistance.

In response to the COVID-19 pandemic, the legal assistance sector worked rapidly to scale-up remote service delivery and ensure the continuation of critical legal assistance services to vulnerable clients during the pandemic. For many centres, remote service delivery is increasingly available as an option for clients, complementing essential face-to-face service delivery in outreach and shopfront locations.

Coordination

The legal assistance sector operates collaboratively to support the legal needs of vulnerable South Australians and enhance service delivery.

Strong partnerships and referral pathways to other support services help vulnerable people to identify and address their non-legal needs.

The LSC operates a Health Justice Partnership at Lyell McEwin Hospital in the northern suburbs, creating an important connection between the legal sector and healthcare services which provides an alternate pathway to legal assistance where appropriate. This is yet another way that our legal assistance sector provides access to legal advice and information to those who need it most.

Education and awareness

Legal assistance services play an important role in educating the community by raising awareness of legal problems and how to access help.

After the devastating bushfires in early 2020, targeted legal services were established to provide much needed assistance to bushfire affected areas in South Australia. Specialist 'bushfire' lawyers have been on the ground in Cudlee Creek, Yorketown and Kangaroo Island delivering Community Legal Education sessions and face-to-face advice clinics, and have developed valuable community resources to support communities to identify legal issues and build resilience in response to bushfire disasters.

3 Client centred services

Accessibility	2022-23	2023-24	2024-25
Culturally appropriate legal assistance services are accessible to Aboriginal people and people from culturally and linguistically diverse communities			
3.1 All legal professionals employed by the sector have undertaken training in culturally sensitive service delivery			
3.2 All providers consider developing a Reconciliation Action Plan, cultural safety policy and/or Aboriginal recruitment and retention strategy to ensure cultural safety for Aboriginal staff and clients			
The specific needs of Aboriginal people are considered in planning and collaborative activities			
3.3 Service planning activities are informed by the needs of Aboriginal people			
3.4 Data is collected and used to inform service planning and collaborative activities for Aboriginal clients			
Improve the capacity and efficiency of the system			
3.5 Explore opportunities to ensure greater alignment between the legal assistance sector and pro bono services in South Australia			
Ensure services are accessible to key client groups and their individual needs and circumstances			
3.6 Remote capability continues to be utilised where appropriate to support individual client needs, including rural and remote clients, clients with disability and from other priority client groups			
3.7 Interpreting services for culturally and linguistically diverse and Aboriginal clients are utilised as required			

Coordination	2022-23	2023-24	2024-25
Facilitate regular, ongoing collaboration amongst South Australia's legal assistance sector to support information sharing, innovation and capacity building			
3.8 Attorney-General's Department of South Australia chairs two sector-wide collaborative service planning meetings per annum			
3.9 Legal Services Commission of South Australia chairs two South Australian Legal Assistance Forum meetings per annum			
Ensure equitable access across the sector to private legal professionals			
3.10 Panel of private barristers established for use in Family Law matters by Community Legal Centres and the Aboriginal Legal Rights Movement			
Collaborate across government to positively influence client outcomes			
3.11 Attorney-General's Department of South Australia to collaborate across government to create partnerships, foster collaboration and identify opportunities for improved service delivery			
Education and awareness	2022-23	2023-24	2024-25
Ensure clients can easily access information they need to seek support			
3.12 Provider websites are informative, user friendly and provide up-to-date, accurate information to support clients			
Build awareness of the legal system through community legal education			
3.13 Members of the public are supported to understand the legal system, seek support and self-help through the provisions of educational tools and resources			

4 A strong evidence base

Understanding the experiences of vulnerable people and being responsive to current and emerging issues.

The importance of data

We promote the collection of accurate and meaningful data, without compromising frontline service delivery.

Our decision-making is guided by data as an effective evidence base to make better use of resources and to improve outcomes for vulnerable South Australians.

The NLAP has a core focus on comprehensive and meaningful data to better inform policy and planning decisions in our sector. It aims to increase our understanding of the delivery of legal assistance services, and provide valuable insights that help us to target legal support where it's needed most. South Australian legal assistance providers have led the way in improving and enhancing data collection practices to ensure our data is of the highest standard.

Monitor and adjust to the broader context

The government is invested in providing appropriate support and systems to ensure vulnerable people have access to justice. We proactively address new and emerging issues, including those identified outside of the legal sector, to ensure services are relevant to changing community needs.

From 2022, our legal assistance sector will receive new funding to support the provision of specialist assistance to legal clients with mental health conditions. This will build capacity within each organisation and enhance the delivery of legal assistance services to vulnerable South Australians experiencing mental health issues.

4 A strong evidence base

The importance of data	2022-23	2023-24	2024-25
Continue to capture timely and accurate service delivery data to inform policy and planning decisions and target services where they are most needed			
4.1 Appropriate service delivery and demographic data are captured and reported regularly			
4.2 Considerations of expansion of the type of data fields collected and analysed to inform legal need			
Regular analysis of available data to inform policy and planning decisions and target services where they are most needed			
4.3 De-identified service delivery data analysed and shared with the sector to identify trends and areas of legal need			
Monitor and adjust to the broader context	2022-23	2023-24	2024-25
Ensure services are provided efficiently and effectively based on client need			
4.4 Funding is allocated based on evidence, data, collaborative planning, efficient service delivery models, client outcomes and the priority areas of the government of the day			
Improve the capacity of government funded legal assistance services to attract and retain quality law professionals, with a particular focus on regional locations			
4.5 Explore opportunities to promote the legal assistance sector as a sector of choice, including building relationships with universities to strengthen pathways into the sector			
Planning for the future			
4.6 Negotiation with the Commonwealth Government on future legal assistance funding is informed by collaborative planning, quality data and evidence-based assessment of legal need			

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