



Australian Government
Attorney-General's Department
Social Inclusion Division

**COMMONWEALTH
COMMUNITY LEGAL SERVICES
PROGRAM
GUIDELINES**

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About the CCLSP Guidelines

These Guidelines provide information to all stakeholders of the Commonwealth Community Legal Services Program (CCLSP). They set out the essential principles and obligations governing the management of the program and the delivery of services.

Stakeholders in the CCLSP include funded community legal service providers, the National Association of Community Legal Centres (NACLC), and State-based Program Managers - the legal aid commissions in New South Wales, Victoria, Queensland, Western Australia and Tasmania and the Attorney-General's Department of South Australia.

The objective of the CCLSP is to contribute to the provision of access to legal assistance services for disadvantaged members of the community and those with special needs and/or those whose interests should be protected as a matter of public interest through the provision of funding to community-based organisations.

Most States also provide funding for community legal services. Under a collaborative arrangement between the Commonwealth and the State funding bodies, the CCLSP and the State community legal services programs operate under a single service agreement with community legal service providers, with common accountability and administrative requirements. Where applicable, additional guidelines, specific to State funded programs, are included as an attachment to these Guidelines.

In accordance with its *Strategic Framework for Access to Justice in the Federal Civil Justice System* the Australian Government aims to maximise the level of integration between the various elements of the justice system. The Australian Government also aims to work collaboratively with CCLSP stakeholders to ensure the delivery of services in accordance with the Access to Justice Principles of accessibility, appropriateness, equity, efficiency and effectiveness. These Principles have been endorsed by all State/Territory governments.

1. The Commonwealth Community Legal Services Program - Introduction

- 1.1 About the Program
 - 1.2 Community Legal Centres
 - 1.3 The National Partnership Agreement
 - 1.4 Program Objective
 - 1.5 Program Outcome and Outputs
-

1. The Commonwealth Community Legal Services Program - Introduction

1.1 About the Program

The Commonwealth Community Legal Services Program ('the Program') is a dedicated program within the Attorney-General's Department which supports and funds community legal services as part of the Commonwealth's contribution to the maintenance of effective systems of justice and legal assistance. The Program provides funding for generalist as well as specialist community legal services. Specialist sub-programs include services for women (including indigenous and rural) and youth as well as child support, disability discrimination matters, welfare rights, and environmental issues.

Services delivered by community based organisations form a vital part of the Commonwealth's multi-layered approach to addressing the legal needs of disadvantaged members of the community. Addressing legal needs early and effectively plays a critical role in enhancing social inclusion, a key priority of the Australian Government.

A socially inclusive society is one in which all members feel valued and have the opportunity and capability to learn, work, engage and have a voice. The Australian Government has adopted a set of principles developed by the [Australian Social Inclusion Board](#) to help promote social inclusion. These are set out below

Aspirational principles

- reducing disadvantage
- increasing social, civic and economic participation, and
- developing a greater voice, combined with greater responsibility

Principles of approach

- building on individual and community strengths
- building partnerships with key stakeholders
- developing tailored services
- giving high priority to early intervention and prevention
- building joined-up services and whole of government(s) solutions
- using evidence and integrated data to inform policy
- using locational approaches, and
- planning for sustainability

Community legal centres play an important role in enhancing social inclusion by working collaboratively with other services to help clients resolve legal issues early and address underlying problems that can lead to entrenched disadvantage.

1.2 Community Legal Centres

Community legal centres (CLCs) are community-based, independent not-for-profit organisations that provide a range of legal and related assistance services to people who are disadvantaged, those with special needs and/or those whose interests should be protected in the public interest. CLCs are a key component of Australia's legal aid system and provide a distinctive form of service that complements services provided by legal aid commissions (LACs), Indigenous legal assistance service providers and the private legal profession. For the purposes of these Guidelines, the term CLCs includes all organisations funded under the Program.

1.3 The National Partnership Agreement on Legal Assistance Services

The National Partnership Agreement on Legal Assistance Services has been created in accordance with the provisions of the *Intergovernmental Agreement on Federal Financial Relations*. The parties to the Agreement are committed to finding better ways to help people resolve their legal problems. The Agreement builds on long-standing arrangements for the effective delivery of legal services to disadvantaged Australians and the wider community. A commitment to addressing the priorities of social inclusion, including overcoming Indigenous disadvantage, and adopting a more holistic approach to resolving people's legal problems is embodied in the objectives and outcomes of the Agreement. Achieving the objective and outcomes of the Agreement will improve the way services are provided to disadvantaged and vulnerable Australians.

The objective of the National Partnership Agreement on Legal Assistance Services is a national system of legal assistance that is integrated, efficient and cost-effective, and focused on providing services for disadvantaged Australians in accordance with access to justice principles of accessibility, appropriateness, equity, efficiency and effectiveness. Consistent with that objective, this Agreement will contribute to greater collaboration and cooperation between legal assistance providers themselves and with other service providers to ensure clients receive 'joined up' service provision to address legal and other problems.

1.4 Program Objective

The objective of the Program is to contribute to the provision of access to legal assistance services for disadvantaged members of the community and those with special needs and/or those whose interests should be protected as a matter of public interest through the provision of funding to community-based organisations.

The Program objective emphasises that community legal services are one component of an effective justice and legal assistance system. Accordingly, the Program should provide services which are coordinated with other available services within a cooperative service delivery framework.

The Program objective should be viewed in the context of the Australian Government's broader *Strategic Framework for Access to Justice in the Federal Civil Justice System*. The Strategic Framework is based on five key principles of accessibility, appropriateness, equity, efficiency and effectiveness and supports a justice system that aims to:

- allocate resources more efficiently
- promote fair outcomes
- encourage the early resolution of problems and disputes
- enable matters to be directed to the most appropriate method for resolution

- identify broader issues which may cause specific legal problems, and
- empower individuals, where possible, to resolve their own disputes.

The aims outlined in the Strategic Framework reinforce many of the requirements of CLCs detailed later in these guidelines, such as the requirement to assist clients and communities to access responsive, respectful, understandable and useful services in relation to legal issues and work collaboratively and cooperatively with other service providers.

1.5 Program Outcome and Outputs

As a Commonwealth agency, the Attorney-General's Department uses an accrual based outcomes and outputs framework for managing resources and ensuring effective service delivery. Central to this approach is the articulation of an outcome statement for the Program.

The outcome statement for the Program is:

Equitable access to legal assistance services for disadvantaged members of the Australian community and those with special needs and/or those whose interests should be protected as a matter of public interest.

This outcome underpins the specific outputs of the Program that comprise the core service activities delivered by CLCs. Core service activities include the provision of information and referrals, advice and casework on legal or related matters, and undertaking of community legal education and law reform activities.

CLCs funded under the Program are required to provide a range of reports and data so that the Department can monitor, manage and account for output delivery and the achievement of the Program objective.

2. Program Administration

2.1 Program Arrangements

2.2 Roles and Responsibilities

2.3 Relationship with Stakeholders

Program Administration

2.1 Program Arrangements

The Attorney-General within the Australian Government has portfolio responsibility for the Program. The Social Inclusion Division of the Attorney-General's Department is responsible for the management of the Program and is accountable to the Attorney-General and to Parliament for the operation and expenditure of the Program.

Program funding is provided through a service agreement with each funded organisation. The service agreement defines the obligations of each party and provides an accountability framework for the expenditure of public funds.

The Commonwealth purchases services from the legal aid commissions in New South Wales, Victoria, Queensland, Western Australia and Tasmania and from the Attorney-General's Department of South Australia to assist in the management of the Program in each State under a cooperative working relationship. State Program Managers (SPMs) are responsible for the day-to-day administration of the Program in these States. The Commonwealth directly manages the Program in the Australian Capital Territory and the Northern Territory.

2.2 Roles and Responsibilities

The Commonwealth has the following roles and responsibilities:

- develop and implement national policy and provide strategic direction for the Program
- manage and administer the Program nationally, and
- maintain the Program website and the Community Legal Services Information System (CLSIS) for use by organisations funded under the joint CLSP and SPMs.

The State Program Managers in New South Wales, Victoria, Queensland, Western Australia and Tasmania and South Australia and the Commonwealth when exercising SPM functions in the Australian Capital Territory and the Northern Territory have the following defined roles and responsibilities within their respective States or Territories:

- manage the day-to-day operations of the Program
- monitor compliance with the terms and conditions of the Service Agreement by each CLC funded under the Program
- undertake Service Standards audits on the basis agreed with the Commonwealth, and
- take a lead role in coordinating Program related activities within the state/territory.

Funded CLCs have the following roles and responsibilities:

- to assist clients and communities to access responsive, respectful, understandable and useful services in relation to legal issues
- to provide core service activities in accordance with the needs of their target client groups
- to comply with the terms and conditions of the Service Agreement including compliance with accountability and reporting requirements, performance against activity targets and quality assurance measures, and
- to collect and provide to the Commonwealth data about client demographics and service provision.

CLC clients have the right to expect:

- all information provided to a CLC is kept confidential and client legal privilege is protected
- to be treated with courtesy and consideration, and
- to be provided with appropriate referral information and assistance.

2.3 Relationship with Stakeholders

The Commonwealth recognises the special skills and expertise within the community legal services sector which contributes to the Program meeting community needs. The Commonwealth aims to build on this expertise by working cooperatively with the sector to ensure that the Program meets its objective. To that end, the Commonwealth may, from time to time, establish consultative committees and working groups with Program stakeholders for particular projects or Program issues.

The Commonwealth liaises regularly with the NACLC and generally seeks sector input into Program issues through NACLC representatives.

An SPM Agreement sets out the arrangements for provision of SPM services. The Commonwealth liaises with SPMs through both regular and specific purpose meetings.

3. Funding

- 3.1 Commonwealth Funding
 - 3.2 State Funding
 - 3.3 Funding from Other Sources
 - 3.4 Service Generated Income
 - 3.5 Client Contributions
 - 3.6 Recovery of Surplus Funding
 - 3.7 Allocation of New and Additional Funding
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3. Funding

3.1 Commonwealth Funding

Commonwealth funding under the Program is dependent upon the appropriation amount approved by Parliament in each Commonwealth budgetary cycle. New funding for the Program requires Ministerial and Federal Cabinet approval, and passage through Parliament as part of the Federal Budget process.

Program funding is usually provided to CLCs on a recurrent basis, subject to satisfactory performance under the terms and conditions of the service agreement. Each community legal centre is expected to operate within the limits of its allocated funding, the exact amount of which is set out in each individual service agreement. The expenditure of Program funds must be fully accounted for, in accordance with the requirements of the service agreement.

In addition to funding for general legal service delivery, funding may be provided under one or more or sub-programs. The full range of current sub-programs is listed in *Section 7 – Specialist and Generalist Funding*.

3.2 State Funding

State funding is subject to State parliamentary and budgetary processes. Where a State operates a State-based community legal services program, this funding may be provided on a recurrent or one-off basis.

State funding provided under the service agreement may be provided for a specific State sub-program. From time to time, funding may also be allocated by the State for special projects.

3.3 Funding from other Sources

CLCs may independently obtain further funding from other sources including other government programs, fundraising activities and private donations. Where CLCs receive funding from other sources, details of the source and amount of those funds must be reported in accordance with the requirements of the service agreement.

3.4 Service Generated Income

Funding received under the service agreement may result in the generation of service income (bank interest, fees for community legal education activities, client contributions, and costs recovered and retained). These funds are considered to constitute part of Program funding and are to be disclosed and treated as described in the service agreement and used to support service delivery.

3.5 Client Contributions

CLCs may seek client contributions for certain services. However, clients are not to be excluded from assistance on the basis of their inability to make a financial contribution. It is fundamental to the Program that services are accessible to economically disadvantaged members of the community and those with special needs.

In seeking contributions for services funded by the Program, CLCs must ensure that any such policy is in keeping with these Guidelines and individual service agreements.

3.6 Recovery of Unspent Funding

For a range of reasons CLCs may not spend all of their Program funding in a particular financial year. In such cases the Commonwealth and/or State is entitled to recover its proportion of the excess surplus funds in accordance with the terms of the service agreement. CLCs may carry over into the next financial year, up to 15% of their annual Commonwealth and State Program funding without seeking approval, but must seek approval to retain or carry over any excess funds over that amount. CLCs with such an excess may submit a proposal for the expenditure of that excess through the SPM. The Commonwealth will consider all proposals relating to surplus Commonwealth funds in the context of national funding priorities at the time.

3.7 Allocation of New and Additional Funding

The Australian Government may provide funding to support new community legal services or enhance existing services when additional funding is provided under the Federal Budget or when an existing service ceases to operate. In the case of a service ceasing to operate, the Australian Government may either fund a new service in the same geographical location or reallocate the funding to an area of greater need within the Program. In making decisions about allocation of funding, the Australian Government considers the demand for services, the capacity of existing service providers and the amount of funding available.

The selection of a new service provider within the Program is managed by the Social Inclusion Division, typically through a competitive selection process which is advertised in local and national newspapers.

If one-off funding becomes available within the Program, the Australian Government may apply such funds to either discrete projects or the enhancement of existing services.

4. Accountability

4.1 Reporting Requirements

4.2 Data Collection

4.3 Performance Monitoring

4.4 Quality Assurance

4. Accountability

4.1 Reporting Requirements

The Commonwealth Attorney-General's Department must comply with a range of laws and policies in administering the program. One of the most important is the *Financial Management and Accountability Act 1997* (Cth) ('the FMA Act'). This Act lays down the regulatory financial framework for Commonwealth departments and agencies. The FMA Act requires proper evaluation of performance to be undertaken and acted upon. Its aim is to ensure that taxpayers receive value for money in the management of public resources and the use of public property.

The Commonwealth Grant Guidelines (CGGs) establish the grants policy and reporting framework for all departments and agencies subject to the FMA Act. The CGGs are issued by the Minister for Finance and Deregulation (Finance Minister) under Regulation 7A of the *Financial Management and Accountability Regulations 1997* ('the FMA Regulations'). The fundamental objective of grants administration is to establish the means to efficiently, effectively and ethically administer Australian Government funding to approved recipients in accordance with government policy outcomes.

CLCs operating within the Program are required to demonstrate appropriate expenditure of public funds. Funds provided for specific purposes must be expended on those activities and must further the objectives of the Program.

Each CLC must comply with certain reporting requirements as set out in the service agreement to enable the Commonwealth and State Program Managers to monitor and review their progress and performance and to ensure the accountability of the Program.

4.2 Data Collection

Under the service agreement, all CLCs are required to collect, and then record on CLSIS, certain data about client demographics and service provision. All data provided to the Commonwealth in relation to individual clients is de-identified by the CLC to ensure that client privacy and client legal privilege is protected. This information is used by the Commonwealth, State governments and community legal service organisations to:

- describe what the Program is doing
- describe the characteristics of clients accessing services under the Program
- evaluate the performance of the Program in meeting its outcome and objectives
- evaluate the performance of individual service providers in meeting performance targets
- justify support for ongoing Program funding
- plan for future service provision, and
- support development of new policy initiatives.

From time to time, other people or organisations (such as students, local council authorities and/or community groups), request access to information about the Program for research or to support

funding proposals. Where data relating to a specific CLC is sought by another CLC or by a person or agency outside the Program, the Commonwealth will not release that data without first obtaining permission from the CLC in question. On occasions the Commonwealth may have to release information without the permission of a particular CLC, for example, when required by a Senate Committee, the Australian National Audit Office or in response to a Freedom of Information application.

4.3 Performance Monitoring

A performance monitoring framework is key to achieving the seven fundamental principles of the CGG. The performance of CLCs funded under the Program is monitored on an ongoing basis by SPMs. In order to enhance transparency and the Program's outcomes focus, CLCs are provided with feedback on their performance annually and, where necessary, requested to put in place measures to improve performance.

In accordance with the Australian Government's strategic approach to ensuring an effective justice system, feedback to CLCs will take into account feedback from other relevant service providers on issues such as the appropriateness and effectiveness of referrals, accessibility, responsiveness and collaboration.

The process for selecting the service providers who are to be asked to provide feedback, is that the SPM will:

- provide the CLC with a list of the organisations she or he proposes to consult, taking into account the nature and range of services provided by the individual CLC;
- provide the CLC with an opportunity to make any comments or suggestions on the appropriateness or utility of seeking feedback from the specified organisations, and to suggest any other appropriate organisations to be consulted; and
- take the CLC's submission into account when making the final determination as to which organisations are to be consulted.

CLCs will be given a reasonable opportunity to respond to any negative feedback obtained.

4.4 Quality Assurance

The Commonwealth and Program stakeholders have an agreed set of nine service standards which are used to establish a nationally consistent, foundational level of quality for service provision.

There is a corresponding service standard for each of the core service activities. Service standards are provided for:

- information
- advice
- casework
- community legal education
- law reform and legal policy
- accessibility

- organisational management
- management of information and data, and
- assessing client satisfaction and managing complaints.

All CLCs funded under the Program are required to be fully compliant with all applicable standards.

Where CLCs provide legal services, they are required to comply with the regulations governing legal practitioners in their State or Territory which reflect the unique professional relationship between lawyer and client. In summary, this relates to the way:

- the client problem is received, assessed, accepted or referred
- client confidentiality is established and protected
- the legal issues are identified and dealt with
- any additional specialist expertise is obtained
- the matter is managed
- information is sought from, and provided to, clients
- client files are established and maintained, and
- duties to the court and court requirements are explained to the client and complied with.

These requirements apply regardless of where a CLC operates or whether the legal service is provided by a volunteer or an employed staff member.

5. Service Management

5.1 Management Committee

5.2 Staff

5.3 Volunteers

5. Service Management

5.1 *Management Committee (or equivalent entity)*

To be eligible to receive, or continue to receive funding, an organisation must be a duly incorporated body under relevant Commonwealth, State or Territory law operating pursuant to its constitution. As part of incorporation, each organisation is required to have a management committee (or equivalent entity) as its governing body. The primary role of the management committee in regard to the Program is to consider and agree to the terms of the service agreement and ensure that the organisation complies with and meets its obligations under that agreement.

The management committee does not play an active role in day-to-day administrative issues unless required to by exceptional circumstances. Its focus should be on the provision of strategic direction and corporate governance and the development of broad policy and direction which is subsequently implemented by staff members of the CLC.

Ideally a management committee should have members with expertise in or knowledge of these areas of responsibility:

- legal
- financial
- personnel
- planning and policy, and
- reporting and accountability

The management committee should also have appropriate representation or input from its community and/or the target client group/s of the CLC. In determining the composition of the management committee, consideration must be given to minimising any real or perceived conflict of interest between potential and existing committee members (and their affiliations) and the activities of the CLC. Appropriate procedures need to be in place to deal with such conflicts should they arise.

5.2 *Staff*

The management committee (or equivalent entity) is the employer of all staff at a CLC and is therefore solely responsible for:

- ensuring all staff, whether employees or volunteers, are appropriately qualified and trained
- ensuring no conflict of interest exists, or is likely to arise, in the performance of the obligations under the service agreement by any of the centre's employees, agents or sub-contractors
- complying with all relevant legislative requirements, including in relation to employment and occupational health and safety, and
- providing adequate insurance for workers' compensation, public liability and professional indemnity for all paid and volunteer staff.

5.3 Volunteers

CLCs are encouraged to utilise volunteers to enhance their service delivery. Where volunteers are utilised in relation to Program funding and activities, such work needs to be in accordance with centres' individual service agreements and these Guidelines.

5.4 Allocation of Resources

Consistent with the service delivery model outlined in Section 6.1 below, CLCs are required to develop a service delivery plan to meet the legal service needs of their client communities in accordance with the Program priorities. Resources should be allocated in a manner consistent with that plan, and in a way which maximises the benefit to the CLC's clients and communities.

6. Service Delivery

- 6.1 Service Delivery Model
 - 6.2 Core Service Activities
 - 6.3 Links with Other Service Providers
 - 6.4 Alternative Dispute Resolution
 - 6.5 Family Dispute Resolution
 - 6.6 Eligibility Criteria
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6. Service Delivery

6.1 Service Delivery Model

An overarching service delivery model provides a client centred focus for the Program, requiring CLCs to:

- identify the legal service needs of their client communities
- develop a service delivery plan to meet those needs in accordance with the Program priorities
- deliver services in accordance with that plan, and
- evaluate the effectiveness of their service delivery.

6.2 Core Service Activities

CLCs are expected to meet the Program objective by assisting clients and communities to access responsive, respectful, understandable and useful services in relation to legal issues.

The core service activities are:

The Provision of Information: Information is provided without reference to the specific details of the client's case. Information activities do not include requests for general information such as directions, deliveries etc which form a normal part of any organisation's ongoing business.

The Provision of Advice: Advice is provided when a service provider assists a client to choose between options relevant to their problem. It includes but is not limited to counselling, advocacy, support, referral and/or legal advice. It can also involve assistance with the drafting of simple correspondence as well as phone calls made on the client's behalf during, or as soon as practicable, following the provision of advice.

An Advice is a discrete activity which occurs on an individual occasion. At the conclusion of an advice, there is no follow up action to be undertaken and there is no expectation that the client will have further contact with the service provider about the same problem.

Casework: Casework is an activity where a service provider provides ongoing assistance and/or acts on behalf of a client in respect of a problem.

Community Legal Education (CLE): CLE is the provision of information and education to members of the community on an individual or group basis about the law and legal processes and other mechanisms for protecting rights or resolving issues. It is also a process of increasing the community's ability to participate in legal processes and other mechanisms for problem solving or redress by utilising community development strategies.

Law Reform and Legal Policy (LRLP): LRLP is an activity where projects are undertaken which have the potential to influence and effect changes to the law, legal processes and ultimately service delivery. These endeavours enable the community's active participation in the legal system.

In addition, CLCs also undertake a range of community development and sector support activities in support of the Program's objectives.

6.3 *Links with Other Service Providers*

Consistent with the National Partnership Agreement on Legal Assistance and to ensure efficient and effective service provision, CLCs should build and maintain professional links with other organisations and agencies in their local area or area of specialisation. Collaboration and cooperation between all legal assistance providers and other relevant service providers helps to ensure clients receive “joined up” service provision to address legal and other problems at an early stage, consistent with the Australian Government’s social inclusion agenda.

In the family law system, clients can be assisted in the resolution of disputes through counselling and family dispute resolution services provided by approved community organisations funded under the Commonwealth Family Relationship Services Program, particularly Family Relationship Centres. Legal advice and assistance is a key step in resolving disputes appropriately. Family dispute resolution services, with access to legal assistance and support, are also available through legal aid commissions and some CLCs.

There are also a range of other family relationship support services that CLC clients may receive assistance from, including Parenting Orders Program, Supporting Children after Separation Program, Children’s Contact Services, and the Post Separation Cooperative Parenting Program. CLCs are encouraged to consider establishing partnerships or other collaborative working arrangements with these organisations to assist in ensuring joined- up service delivery.

In relation to clients who may be experiencing family or domestic violence, CLCs should ensure that appropriate risk assessment and management is conducted, including considering developing safety plans, and/or that appropriate referrals are made to other services and agencies.

6.4 *Alternative Dispute Resolution*

Alternative dispute resolution is an umbrella term for processes, other than judicial determination, in which an impartial person assists those in a dispute to resolve the issues between them. The term is also used to include approaches that enable parties to prevent or manage their own disputes without outside assistance.

The Australian Government’s Strategic Framework for Access to Justice places significant emphasis on informal justice and its importance in preventing disputes from occurring and escalating – including greater use of non-adversarial alternatives to legal justice, such as alternative dispute resolution. Consistent with the Access to Justice Framework, CLCs should aim to assist people to resolve disputes at the earliest opportunity. This requires continuing emphasis on providing people with the capacity to resolve legal problems without the need to resort to litigation.

6.5 *Family Dispute Resolution*

The Commonwealth is committed to increasing the awareness and provision of alternatives to litigation, especially for family law disputes. For many families, post-separation is a life crisis that requires a holistic approach from service providers.

Family dispute resolution (FDR) is the term used in Part II of the *Family Law Act 1975* to describe a process in which a family dispute resolution practitioner assists people affected, or likely to be affected, by separation or divorce to resolve some or all of their disputes with each other. Before filing an application in court for parenting orders, it is a requirement to attempt FDR in parenting

matters unless an exception applies eg. family violence or child abuse. FDR services are provided by a range of organisations and private practitioners. The Australian Government has provided funding for dispute resolution services in approved community-based organizations and legal aid commissions.

CLCs should aim to develop close links with FDR services within their local area in order to provide the most appropriate form of service delivery for persons engaged in family law disputes,

CLCs, should, however, always consider the safety of the client first in determining the most appropriate medium of dispute resolution. Accordingly, it is important that CLCs assess for indicators of family or domestic violence and identify whether there is any immediate safety risk. If there is a risk, then services should support the client to take appropriate measures, or to access services that will protect the client's safety, for instance, in assisting the client to apply for a protective order, or referring the client to emergency services such as a refuge.

6.6 Eligibility Criteria and Other Considerations in Relation to Ongoing Assistance

A CLC may determine its own eligibility criteria in relation to ongoing assistance and casework provided that its obligations, as set out under the service agreement, are met and that such eligibility criteria do not breach Commonwealth, State or Territory anti-discrimination legislation.

CLCs have a responsibility to ensure that resources funded under the Program are allocated to maximise the benefit to their clients. While there is no simple rule on how to allocate finite resources, decisions should be based on an assessment of individual situations. Factors which a service provider should consider include the:

- extent to which the person is facing some form of social or systemic barrier to accessing legal services
- extent to which the person meets any eligibility criteria set by the service provider
- vulnerability of the person should no assistance or no further assistance be provided
- potential for reaching a resolution at the earliest opportunity which achieves a just and satisfactory outcome for the client
- extent to which the service required by the person falls within the particular scope of services provided by the organisation
- extent to which the matter is in the public interest
- availability of more appropriate assistance through other service providers
- potential of the service provider to assist the person to achieve a desired outcome, and
- impact the provision of services to a particular person will have on the ability of the service provider to assist other clients and potential clients.

7. Services Provided

- 7.1 Generalist Services
 - 7.2 Child Support Services
 - 7.3 Disability Discrimination Legal Services
 - 7.4 Commonwealth Community Environmental Legal Program
 - 7.5 Welfare Rights Services
 - 7.6 Women's Legal Services
 - 7.7 Youth Legal Services
 - 7.8 Civil Litigation Project
 - 7.9 Clinical Legal Education Program
 - 7.10 Indigenous Women's Outreach Project
 - 7.11 Rural Women's Outreach Lawyer Services
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7. Generalist and Specialist Services

The Commonwealth funds generalist and specialist services under the Program.

7.1 Generalist Services

Generalist services involve delivery of core service activities across a broad range of legal matters. The services delivered should also reflect the needs of the local community. Specialist legal services such as child support, and child and youth legal services are also delivered through some generalist centres.

7.2 Child Support Scheme Legal Services Program (CSSLSP)

The CSSLSP is a national Commonwealth program designed to help disadvantaged parents who receive or who are seeking child support and parents who pay child support, understand their rights and responsibilities under the Child Support Scheme.

The objective of the CSSLSP is to provide information and legal advice to low income parents, particularly (but not exclusively) Centrelink beneficiaries, in relation to their rights and responsibilities under the scheme. Through providing this information, the CSSLSP aims to increase the level of financial support provided to the children of separated parents. Some services primarily assist parents receiving or seeking child support and some services primarily assist parents who pay child support.

To be eligible for services other than advice and associated minor assistance from organisations operating under the CSSLSP, clients must be either a person with a child support liability, or a person entitled to child support, and on a low income or receiving a Centrelink income support payment.

7.3 Disability Discrimination Legal Services

Disability Discrimination Legal Services (DDL services) are funded to address the needs of people experiencing discrimination because of a disability or a perceived disability or because a family member or friend has a disability. The core aim of DDL services is to achieve widespread understanding of the *Disability Discrimination Act 1992* and other relevant legislation and to educate CLC workers so that there is a resource of knowledgeable advocates available to assist with access to the complaints mechanism within the *Disability Discrimination Act 1992* and any other available avenues of recourse. Community legal education plays a vital role in assisting members of the community to be aware of their rights and responsibilities in this area.

DDL services provide advice and/or ongoing casework assistance to people who are pursuing remedies in the Australian Human Rights Commission, the Federal Magistrate's Court, the Federal Court and/or through Fair Work Australia, and/or in the state jurisdiction using the Anti-Discrimination Commissions and Tribunals. Wherever possible, they provide support and encourage people to conduct their own cases as well as assisting disability advocates to take up cases on behalf of clients. Service providers also undertake activities such as research projects and submissions to governments and other bodies. These services should be conducted in accordance with the objectives of the *Disability Discrimination Act 1992* but are not limited to matters pursued under that Act.

7.4 Commonwealth Community Environmental Legal Program (CCELP)

The CCELP is a national Commonwealth program which provides funding to Environmental Defender's Offices (EDOs) to provide legal services to clients on a broad range of issues concerning the quality of the clients' environment.

The aim of the CCELP is to ensure that public interest environmental law is effectively advocated through the provision of core service activities. This includes a focus on strategies such as; providing advice on environmental legal issues, developing community educational activities, developing resources for legal practitioners and staff of other environmental agencies and conducting law reform, legal research and policy work. EDOs are expected to target assistance toward matters that have broad environmental significance, or involve significant environmental law issues, rather than matters of more local concern.

7.5 Welfare Rights Services

Welfare Rights Centres provide core service activities for people experiencing difficulties with income support issues. They address the needs of clients with Centrelink and Family Assistance benefit issues and seek to provide independent assistance to people wishing to appeal against administrative decisions by Government agencies.

7.6 Women's Legal Services

Women's Legal Services provide core service activities to women, often providing state-wide services through telephone advice lines. They also undertake community legal education and law reform activities in relation to family law, violence against women and children, discrimination, and employment.

7.7 Youth Legal Services

Funding is provided for access to core service activities by children and young people and those working on their behalf.

7.8 Civil Litigation Project

Civil litigation project funding enables ongoing representation to be offered to people experiencing a civil legal problem whose dispute contains some element of social injustice but who are either ineligible for legal aid, unable to afford a private solicitor or unable to access a pro bono service. These projects provide legal representation, advice, negotiated settlements and advocacy before Courts and Tribunals. Advice on legal merit, court procedures and evidential requirements is provided to other community centres for particular cases.

7.9 Clinical Legal Education Program

The Clinical Legal Education program aims to forge closer links with Universities to help them promote public interest legal work with their students and improve the quality of and access to legal assistance for socially and economically disadvantaged members of the community.

7.10 Indigenous Women's Outreach Project

Funding is provided for Aboriginal and Torres Strait Islander Women's projects to address the particular legal service needs of Indigenous women.

7.11 Rural Women's Outreach Lawyer Services

Several generalist centres are funded to employ rural women's outreach lawyers for the provision of legal services to women in rural and remote areas, particularly where isolation is exacerbated by factors such as disability, age and domestic violence.