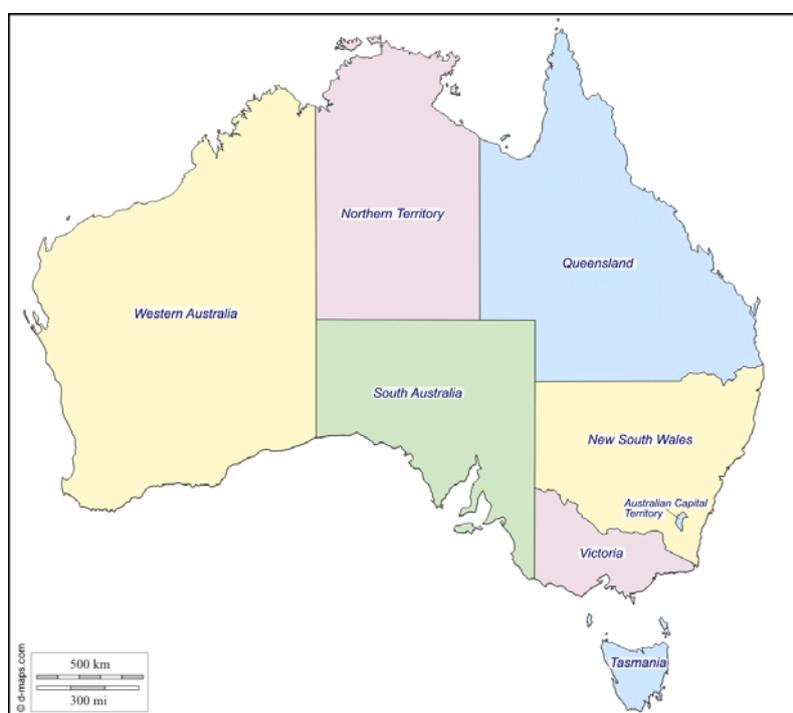




National Legal Aid

Country Report Australia



International Legal Aid Group Conference 2017

Johannesburg, South Africa

1. ABOUT LEGAL AID IN AUSTRALIA

1.1 Australia is a federation

Australia is a federation. It has a geographically, culturally and economically diverse population of 24.2 million¹ spread across six States and two Territories:

- New South Wales
- Queensland
- South Australia
- Tasmania
- Victoria
- Western Australia
- Australian Capital Territory
- Northern Territory

The federal government (also referred to as “the Commonwealth”) has Constitutional responsibility for specific national issues. Each State and Territory has its own government that is responsible for all other issues.

Commonwealth legislation mainly governs family law upon the breakdown of a relationship (including issues about with whom children should live and the division of property), social security, immigration, employment, consumer protection and certain types of criminal law, such as crimes in relation to national security.

State legislation governs all other criminal law, child protection, family violence and some civil law types such as mental health.

1.2 The Australian legal assistance landscape

Legal assistance in Australia is provided by four main groups of providers, each of which receives funding from either or both of the Commonwealth and respective State or Territory governments. The four main funded providers are:

- Legal aid commissions (LACs)
- Aboriginal and Torres Strait Islander Legal Services (ATSILS)
- Family Violence Prevention Legal Services (FVPLS)
- Community legal centres (CLCs).

“While all four providers offer a mix of services from legal education to casework for individuals and groups of clients, the targets for their services differ, as do their size. ...All

¹ Australian Bureau of Statistics
<http://www.abs.gov.au/ausstats/abs%40.nsf/94713ad445ff1425ca25682000192af2/1647509ef7e25faaca2568a900154b63?OpenDocument> 31-5-2017.

four employ mixed service delivery models,² with a focus on holistic services.”³ Various schemes of pro bono assistance and volunteering also exist.

Legal need and legal assistance service provision in Australia have recently been the subject of a number of significant reports:

1. The Australian Government Productivity Commission Inquiry Report, *Access to Justice Arrangements*, 2014 (hereinafter referred to as the Productivity Commission report) <http://www.pc.gov.au/inquiries/completed/access-justice>
2. The Allen Consulting Group, *Review of the National Partnership Agreement on Legal Assistance Services*, 2014 <http://www.acilallen.com.au/projects/23/justice/126/review-of-the-national-partnership-agreement-on-legal-assistance-services>
3. Law and Justice Foundation of NSW, *Legal Australia-Wide Survey: Legal Need in Australia*, 2012 <http://www.lawfoundation.net.au/ljf/app/6DDF12F188975AC9CA257A910006089D.html>

Attachment 'A' to this report is a table “The four government funded legal assistance providers 2015-2016.”⁴ It sets out information about each of the providers, their roles and funding. These figures indicate funding per head of population for 2015-16 at around \$35.00 (R342⁵) per head.

1.3 Relationships between legal assistance providers

Good relationships and co-operative arrangements exist between legal assistance service providers. These relationships and arrangements ensure that services are stretched as far as possible, and that issues such as legal conflict are addressed. They also ensure that people receive the service most appropriate to their individual need.

Nationally, relationships and co-operation are supported by the Australian Legal Assistance Forum (ALAF) constituted by representatives of the peak bodies for all legal assistance providers.

<http://www.nationallegalaid.org/home/australian-legal-assistance-forum-alaf/>

Locally, providers also meet regularly for jurisdictional service planning purposes and to ensure that referral networks, including in relation to non-legal support for clients, are strong.

² I.e. use of both in-house lawyers and private practitioners to deliver legal aid services.

³ Productivity Commission 2014, *Access to Justice Arrangements*, Inquiry Report No. 72, Canberra, p 665.

⁴ Source: based on Productivity Commission data, *Access to Justice Arrangements* and populated with 2015-2016 figures.

⁵ <http://www.xe.com/currencyconverter/convert/?Amount=18400000&From=AUD&To=ZAR> 31-5-17

1.4 Legal aid commissions and National Legal Aid

There are eight independent legal aid commissions (LACs) in Australia, one in each of the States and Territories. Each LAC is set up by statute to provide legal assistance to disadvantaged people. The LACs are the main providers of legal assistance services in Australia, “receive the majority of government funding and service most Australians who receive publicly funded legal assistance”.⁶

The directors of the LACs combine at a national level to form National Legal Aid (NLA). One of the directors chairs NLA on an annual basis. The purpose of NLA is to lead and encourage a national system of legal aid which allows economically disadvantaged people to obtain access to justice, and to provide a forum for engagement at a national level with government/s, stakeholders, community and each other about best practice of legal aid and related issues.

The current Chair of NLA is Dr Graham Hill, Director of the Legal Aid Commission of Tasmania. The balance of this report focusses on LACs.

Attachment ‘B’ to this report contains statistics about population, and LAC funding and service delivery.

2. LEGAL AID COMMISSION SERVICES

In 2015-2016 LACs provided in excess of 2.2 million services comprised by the following:

- Representation services in cases before courts/tribunals
- Family dispute resolution services
- Duty lawyer services at family law courts including non-legal support services for people affected by family violence
- Duty lawyer services at criminal law courts and some civil law courts and tribunals
- Legal advice, task assistance⁷ and information services face to face, by telephone, and online
- Community legal education, including publications, information sessions and workshops, also via web and social media.

Grants of legal assistance to either an in-house LAC lawyer or to the private legal profession must be made for representation and family dispute resolution, and are subject to a contribution payable by the applicant.

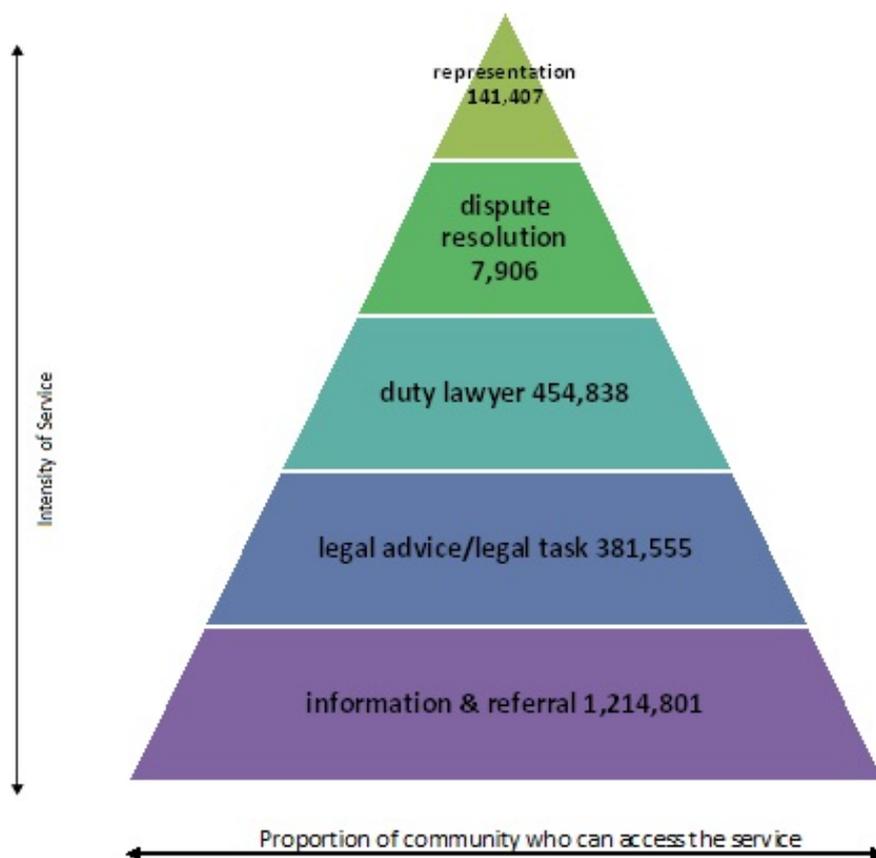
Family dispute resolution is conference based. Conferences are chaired by Family Dispute Resolution Practitioners who are accredited pursuant to family law legislation. At least one

⁶ Productivity Commission 2014, *Access to Justice Arrangements*, Inquiry Report No. 72, Canberra, p 667

⁷ For example letter writing, advocating on someone’s behalf and assistance with drafting documents.

of the parties to the dispute must be in receipt of a grant of aid and the legally aided party will be legally represented. Non-legally aided parties may be legally represented or choose to self-represent.

Other legal aid services do not rely on a grant of legal assistance first being made and are generally provided free of charge.



All LACs adopt this model of service delivery. Figures reflect legal assistance services delivered in 2015-16.

3. FUNDING ARRANGEMENTS

3.1 Legal aid commission funding

The LACs are individually funded from three main sources. In 2015-2016 they received total funding of \$671.2m AUD (R6.6b), made up of:

- \$215.2m AUD (R2b) from the Commonwealth of Australia
- \$345.9m AUD (R3.3b) from State or Territory governments
- \$82.1m AUD (R793.6m) from public purpose/statutory interest on trust funds
- \$27.9m AUD (R269.7m) other income.

Further information about funding to LACs can be accessed from the finance page on the NLA website <http://www.nationallegalaid.org/home/finance/>.

For information about funding to all legal assistance service providers see Attachment A to this report.

3.2 Funding allocation models

The Commonwealth's financial contribution to legal assistance is allocated between the States and Territories using Commonwealth funding allocation models. These funding allocation models take account of a range of factors, such as population, but are applied to fixed and limited sums of money.

LAC funding arrangements are also affected by what is known as the "Commonwealth-State divide" which requires that Commonwealth funding be used on Commonwealth law types. This divide was applied to the LACs in 1997 and underpinned a reduction in then Commonwealth funding to the LACs. Previously the use of Commonwealth funding had not been restricted in this way.

3.3 Funding agreements

The divide was relaxed in July 2010 when the first [National Partnership Agreement on Legal Assistance Services 2010-2015](#) (NPA) between the Commonwealth and all States and Territories was introduced. The first NPA applied only to the LACs. Signatories to the NPA were the Prime Minister and the Premiers of the States and Chief Ministers of the Territories. Other legal assistance providers were funded outside the first NPA.

The relaxation of the Commonwealth-State divide enabled LACs to spend Commonwealth funds on "preventative and early intervention legal education, information, advice, assistance, and advocacy services" even where based in State/Territory law, and "state/[territory] law matters in which an applicant or child's safety is at risk and there are "other connected family law priorities"⁸ (Commonwealth).

The States/Territories continued, as they had done before the NPA, to provide funding direct to LACs in amounts determined by respective budget processes.

The [National Partnership Agreement on Legal Assistance Services 2015-2020](#) was then entered into by the Commonwealth and States and Territories. The second NPA is markedly different to the first by reason of the following features:

⁸ National Partnership Agreement on Legal Assistance Services 2010-15, A-13.

- It applies to the CLCs as well as the LACs, although the Commonwealth-State divide has not been imposed on the CLCs.
- The State/Territory determines the amount of money each CLC is to receive out of the total Commonwealth CLC funding allocation provided to the State/Territory. This determination is made on the basis of the individual State/Territory assessment of need and service planning.⁹
- Payments to service providers are tied to the meeting of benchmarks:
 - “(a) for legal aid commissions, 95% or more of representation services are delivered to people experiencing financial disadvantage – to be achieved by each State in each six month period from 1 July 2015 onwards;
 - (b) for community legal centres, 85% or more of total representation services are delivered to people experiencing financial disadvantage – to be achieved by each State in aggregate across all community legal centres in each six month period between 1 July 2015 and 30 June 2017; and
 - (c) for community legal centres, 90% or more of total representation services are delivered to people experiencing financial disadvantage – to be achieved by each State in aggregate across all community legal centres in each six month period from 1 July 2017 onwards”.¹⁰
- A requirement for the application of client survey each year, alternating between LAC survey, and CLC survey, and incorporating 5 prescribed questions.

Attachment ‘C’ to this report are the 5 prescribed questions.¹¹

The Commonwealth has constitutional responsibility for Aboriginal and Torres Strait Islander peoples pursuant to the race power, and accordingly it funds the ATSILS and the FVPLS. The Commonwealth-State divide therefore does not affect service delivery by them. The ATSILS and FVPLS are funded outside the NPA.

3.4 Funding shortfall

The Productivity Commission report identified that “an interim funding injection¹² in the order of \$200m [R1.9b¹³] - from the Australian and State and Territory governments – is required per year”¹⁴ to address the more pressing gaps in services. The Productivity Commission specified that this funding should be provided as follows:

⁹ Previously the Commonwealth had not applied a funding allocation model to the CLCs and it, rather than the State or Territory, determined the amount of funding to be paid to each CLC on the basis of historical consistency.

¹⁰ National Partnership Agreement on Legal Assistance Services 2015-2020, cl. 18.

¹¹ Colmar Brunton, May 2016, Attorney-General’s Department Legal Assistance Surveys, p 5.

¹² Until sufficient data can be collected to better inform funding of legal assistance services - Productivity Commission 2014, *Access to Justice Arrangements* Inquiry Report No. 72, Canberra, p 738.

¹³ <http://www.xe.com/currencyconverter/convert/?Amount=215200000&From=AUD&To=ZAR> 31-5-2017

¹⁴ Productivity Commission 2014, *Access to Justice Arrangements* Inquiry Report No. 72, Canberra, Recommendation 21.4 Overview p 63 and Appendix H, p 1026.

- \$11.4m per year (R111m) to maintain existing frontline services¹⁵
- around \$57m per year (R559m) to relax the means tests for LACs
- around \$124m per year (R1.2b) to provide additional grants of aid in civil matters.”¹⁶

“Based on the present principle used under the current National Partnership Agreement – that ‘Commonwealth money should be attached to Commonwealth matters’ – the Commission estimates that around 60% of the cost [\$200m] associated with recommendation 21.4 should be borne by the Commonwealth”.¹⁷

The Productivity Commission also recommended that governments should “agree on priorities for legal assistance services and should provide adequate funding so that these priorities can be broadly realised. Such funding should be stable enough to allow for longer term planning and flexible enough to accommodate the anticipated reduction in other sources of funding (particularly Public Purpose Funds or equivalents) in coming years. On an annual basis, the Australian, State, and Territory Governments should publically report on the extent of any failure to meet agreed coverage and priorities”.¹⁸

3.5 Recent funding announcements

Responding to domestic violence has become a main priority of all governments in Australia. As a result of this prioritisation, further funding has become available for legal assistance services with some of it being tied to specific use. For example the Commonwealth has provided;

- October 2016 - \$18.5m (R179.8m) over 3 years (\$6m/R58.4m per year) to establish an NLA initiative known as the Family Advocacy and Support Service (FASS). “Through this measure, legal aid commissions will work alongside specialist domestic violence services to assist families navigate the complexities of moving between state and federal court systems.”¹⁹
- September 2015 - \$15m (R145.8m) over 3 years (\$5m/R48.7m per year) to establish pilot Specialist Domestic Violence Unit and Health Justice Partnership models.
- October 2016 - \$5m (R48.7m) to enable extension of these pilots by a further year to “allow the 11 community legal centres and two legal aid commissions conducting the pilots to continue to build these innovative, integrated specialist domestic violence units and health justice partnerships.”²⁰

¹⁵ Following funding cuts in the 2013-14 Mid-Year Economic and Fiscal Outlook (MYEFO) and 2014-15 Budget, funding to all four legal assistance providers was reduced by around \$43m over 4 years.

¹⁶ Productivity Commission 2014, *Access to Justice Arrangements* Inquiry Report No. 72, Canberra, Appendix H p 1026.

¹⁷ Ibid p 1027.

¹⁸ Ibid p 64.

¹⁹ Commonwealth Attorney-General, ‘Third Action Plan to Reduce Family Violence’ (Media Release, 28 October 2016).

²⁰ Ibid.

- May 2017 - \$3.4m (R33m) over 2 years (\$1.7m/R16.6m per year) “to expand the domestic violence unit pilot” established September 2015, by “up to six new domestic violence units that deliver integrated specialist legal and social support to women experiencing, or at risk of, domestic and family violence”.²¹

The above funding has been made available through Project Agreements outside the NPA. Initiatives are to be evaluated.

- May 2017 - \$39m (R380m) for the CLCs over 3 years (\$13m/R126.8m per year) and \$16.7m (R162m) for the ATSILS over 3 years (\$5.5m/R53.5 per year). The money to the CLCs is tied to the delivery of family violence services and it is understood amendments will be made to the NPA so that this funding continues into the future. It is understood that the money to the ATSILS will also continue to be reflected in any funding agreement affecting them into the future.

The above funding measures have been very much welcomed by the legal assistance sector. The following particular concerns remain:

- Without funding for the relaxation of the means test, as recommended by the Productivity Commission, some of the most financially disadvantaged people who need legal representation because they are involved in family law litigation, including where there is family violence, are unable to get that help. At the same time there are concerns generally about the levels of self representation in the family law courts and the impact this is having on the litigants involved and the efficiencies of the courts.
- The need for further grants of aid in civil law continues.

4 GRANTS OF LEGAL ASSISTANCE

4.1 Mixed model of service delivery

Grants of legal assistance are made by the grants divisions of the LACs to either in-house LAC lawyers or to members of the private profession. This arrangement is known as the mixed model of service delivery.

The Productivity Commission report identified the following benefits to the mixed model:

- Harnessing private sector expertise
- LACs in-house lawyers specialising where the private sector is unable or unwilling to provide services
- Flexibility
- Choice of provider while avoiding issues of quality and information asymmetry (between lawyer and consumer)

²¹ Commonwealth Attorney-General, ‘Transforming the Family Law System’ (Media Release, 5 May 2017).

- Conflict of interest situations can be managed
- Creation of competition between public and private lawyers, and costs control.²²

4.2 Financial eligibility

Financial eligibility for grants of legal assistance is assessed by LACs according to means testing which is underpinned by national principles.

The means test takes into account the income and assets of the applicant and any financially associated persons.

“In general, the means test is satisfied where:

- A person receives the maximum rate of an income support payment or benefit administered by Centrelink (social security) as their total income; or
- Income, with deductions in relation to the objectively referred cost of housing and support for dependents, falls below a nationally standardised threshold; and
- Assets, excluding allowable exemptions such as equity in principle place of residence, a used car and furniture, do not exceed a nationally standardised threshold (box 21.3) or an individual cannot reasonably be expected to borrow against assets.

A person not otherwise eligible but unable to afford private representation may still receive assistance provided they make a contribution towards legal costs, based on a sliding scale that takes into account the likely cost of the matter. (ACG 2014d, p.108)^[23]

Despite efforts to standardise means tests, the different resources available to jurisdictions means that in practice they vary.”²⁴

Attachment ‘D’ is “Box 21.3 National means tests thresholds” from the Productivity Commission report.

The Productivity Commission found that there are more people living in poverty (14%) than are eligible for legal aid (8%).²⁵ “While the LACs’ income and assets tests are based on the national means tests thresholds, the reality of fixed budgets means that LACs have not been able to keep updating the thresholds to keep pace with inflation”,²⁶ and that “Client profile data from LACs confirms the welfarisation of legal aid”.²⁷

²² Productivity Commission 2014, *Access to Justice Arrangements*, Inquiry Report No. 72, Canberra, 724-5.

²³ ACG (Allen Consulting Group) 2014d, *Review of the National Partnership Agreement on Legal Assistance Services: Legal Aid Commissions*, ACIL Allen Consulting.

²⁴ Productivity Commission 2014, *Access to Justice Arrangements*, Inquiry Report No. 72, Canberra, p 714.

²⁵ Ibid p 1021-22.

²⁶ Ibid p 716.

²⁷ Ibid p 717.

The Productivity Commission concluded that as an interim measure \$57m annually, to “better align the means test used by LACs with other measures of disadvantage” was required.²⁸

4.3 Other eligibility tests

In addition to passing the means test, a successful applicant for legal assistance must also have met merit and matter type tests in an environment of competing priorities and limited funds.

Each LAC is statutorily required to issue funding guidelines including in relation to matter type. Every effort is made to keep these consistent across the country taking account of local conditions and in particular respective funding situations. To this end NLA maintains a set of “guidelines”, known as the “Commonwealth Legal Aid Guidelines”, which subject to means, merits, and competing priorities and limited funds, are a reference point for individual commissions in developing their respective guidelines about Commonwealth based laws.

LACs must however prioritise those matters where a person’s safety and/or liberty is at risk, and given limited funds, even if a matter falls within the guidelines and has merit, a grant of legal assistance might not be made.

Less intensive work types are however capable of being delivered more widely including across non-family civil law.

Attachment ‘B’ to this report contains statistics for 2015-2016 in relation to grants of legal assistance and other LAC services.

5. WHAT NEXT?

The Australian Law Reform Commission (ALRC) “is a federal agency that reviews Australia’s laws to ensure they provide improved access to justice for all Australians by making laws and related processes more equitable, modern, fair and efficient”.²⁹

The ALRC is/to be tasked with three inquiries relevant to legal assistance service delivery:

- An inquiry into the framework of the family law system. It is understood that the ALRC will be directed to conduct a “comprehensive review with a view to making the necessary reforms to ensure the family law system meets the contemporary needs of families and effectively addresses family violence and child abuse”.³⁰

²⁸ Ibid p 741.

²⁹ Australian Law Reform Commission <https://www.alrc.gov.au/>

³⁰ Commonwealth Attorney-General, ‘Transforming the Family Law System’ (Media Release, 9 May 2017).

- Inquiry into the *Incarceration Rate of Aboriginal and Torres Strait Islander peoples*
- Inquiry into *Protecting the Rights of Older Australians from Abuse*

A Commonwealth parliamentary inquiry into *A Better Family Law System to protect those affected by family violence* is also underway.³¹

6. CONCLUSION

Pressing gaps in legal assistance service delivery remain, and without increased funding are likely to widen.

Legal assistance service providers try to remain optimistic that the evidenced legal need will be more widely recognised, that the new inquiries will further highlight legal need and that funding will be forthcoming so that providers can extend help to the most disadvantaged people in Australia.

7. MORE INFORMATION

More information about National Legal Aid and links to each State/Territory LAC are available at <http://www.nationallegalaid.org/> or please contact Ms Louise Smith louise.smith@leglaid.tas.gov.au

End.

³¹ Standing Committee on Social Policy and Legal Affairs <http://www.aph.gov.au/fvlawreform>

The four government funded legal assistance providers 2015-16

	Legal aid commissions (LACs)	Community legal centres (CLCs)	Aboriginal & Torres Strait Islander legal services (ATSILS)	Family violence prevention legal services (FVPLS)
Where are they located?	<p>8 LACs</p> <ul style="list-style-type: none"> In all states and territories Metropolitan, regional and remote services including regional offices. 	<p>190 CLCs</p> <ul style="list-style-type: none"> In all states and territories Mainly in metropolitan and regional areas. 	<p>8 ATSILS</p> <ul style="list-style-type: none"> One in each state, two in the NT; ACT serviced by NSW Majority of outlets in regional and remote areas. 	<p>14 FVPLS</p> <ul style="list-style-type: none"> In all states and territories except ACT and Tasmania Service 31 high need regional, rural and remote areas.
What are their objectives?	<ul style="list-style-type: none"> Provide access to assistance for the vulnerable and disadvantaged Provide the community with improved access to justice and legal remedies. 	<p>Contribute to access to legal assistance services for vulnerable and disadvantaged members of the community and/or those whose interests should be protected as a matter of public interest.</p>	<p>Deliver legal assistance and related services to Aboriginal and Torres Strait Islander people.</p>	<p>Provide legal services and assistance to Aboriginal and Torres Strait Islander victims of family violence and sexual assault.</p>
Who do they target?	<ul style="list-style-type: none"> State and territory communities Focus on vulnerable and disadvantaged people. 	<ul style="list-style-type: none"> Local communities (with outreach), except specialist CLCs who service their state/territory community Those who do not qualify for legal aid focusing on the vulnerable and disadvantaged. 	<p>Aboriginal and Torres Strait Islander people or a partner or carer of an Aboriginal or Torres Strait Islander person.</p>	<p>Aboriginal and Torres Strait Islander people or a partner or carer of an Aboriginal or Torres Strait Islander person, who is a victim of family violence or a child at risk of family violence and in need of protection.</p>
What are their funding arrangements?				
Commonwealth	\$215.2 million	E. \$40.02 million	\$72.39 million	\$23.2 million
State & territory	\$345.9 million	E. \$39.34 million ¹	-	NK ²
Other	\$110.1 million	NK ³	-	NK ²
	National Partnership Agreement (NPA) 2015-2020 and funding administered by the state and territory governments.	National Partnership Agreement (NPA) 2015-2020 and funding administered by the state & territory governments. ⁴	Funding administered by the Australian Government.	Funding administered by the Australian Government under the Indigenous Advancement Strategy. Some FVPLSs have secured funding from state & territory governments and other sources.

Source: Based on Productivity Commission data, Access to Justice Arrangements. Figures update as at 31 May 2017.

¹ This is likely to be less than total funding coming from state & territory governments to CLCs as there is a diversity of complex funding streams that are not designated as CLC funding.

² In 2012-13 nil.

³ Information not readily available as CLCs are community based organisations which may receive funding from multiple sources.

⁴ In some states the LACs administer funding on behalf of the state/territory.

2015-2016 Australian statistics at a glance									
	NSW	VIC	QLD	SA	WA	TAS	ACT	NT	TOTAL for Australia
Population ('000)	7,757.8	6,100.9	4,860.4	1,710.8	2,623.2	519.8	398.3	245.7	24,216.9
Funding (\$m)									
Commonwealth	\$66.812	\$48.616	\$42.208	\$16.149	\$24.413	\$6.012	\$4.815	\$6.199	\$215.224
State	\$145.715	\$75.552	\$47.255	\$21.423	\$38.489	\$6.417	\$5.790	\$5.290	\$345.931
Other	\$37.064	\$34.566	\$23.947	\$5.615	\$5.214	\$1.026	\$1.428	\$1.227	\$110.087
Total	\$249.591	\$158.734	\$113.410	\$43.187	\$68.116	\$13.455	\$12.033	\$12.716	\$671.242
Grants - received									
Family	17,953	15,931	13,661	4,783	5,049	2,222	1,805	846	62,250
Crime	26,359	23,862	24,093	14,634	6,731	3,438	1,350	1,856	102,323
Civil	1,941	1,434	640	172	484	194	405	164	5,434
Total	46,253	41,227	38,394	19,589	12,264	5,854	3,560	2,866	170,007
Grants - approved									
Family	14,103	14,233	8,385	3,622	4,290	1,787	1365	700	48,485
Crime	22,028	22,634	20,403	12,894	5,574	2,942	1,119	1,733	89,327
Civil	1,206	1,206	399	19	306	163	181	115	3,595
Total	37,337	38,073	29,187	16,535	10,170	4,892	2,665	2,548	141,407
Duty lawyer									
Family	10,618	16,007	2,064	1,932	2,279	425	1163	218	34,706
Crime	171,681	64,217	85,928	14,627	50,804	3,306	1,849	3,377	395,789
Civil	15,224	6,938	1698	168	62	11	46	196	24,343
Total	197,523	87,162	89,690	16,727	53,145	3,742	3,058	3,791	454,838
Dispute resolution	2,811	1,097	1,962	822	528	347	241	98	7,906
Legal advice/legal task	139,552	40,770	43,194	94,998	26,360	24,004	6,709	5,968	381,555
Information/referral	662,545	145,846	224,026	37,958	86,605	28,171	14,640	15,010	1,214,801

As at 31-5-2017

2.3. Detailed specification of the five recommended questions

Table 1: Recommended questions fully specified

Domain	Question (Would you agree or disagree that ...)	Response Options
Access: 'facilitate the resolution of those problems in a timely manner before they escalate'	Q1: It was easy to contact the legal service when you first needed help.	<ol style="list-style-type: none"> 1. Strongly agree 2. Agree 3. Disagree 4. Strongly disagree
Delivery: Legal assistance services are appropriate, proportionate and tailored to people's legal needs	Q2: The service provider listened to your legal problem.	<ol style="list-style-type: none"> 1. Strongly agree 2. Agree 3. Disagree 4. Strongly disagree
Delivery: Legal assistance services help people to identify their legal problems	Q3: The service provider helped you understand how to deal with your legal problem.	<ol style="list-style-type: none"> 1. Strongly agree 2. Agree 3. Disagree 4. Strongly disagree
Empowerment: Legal assistance services help empower people	Q4: You know where to get help if you have another legal problem in the future.	<ol style="list-style-type: none"> 1. Strongly agree 2. Agree 3. Disagree 4. Strongly disagree
Delivery: Legal assistance services are appropriate	Q5: Did you have any personal or cultural needs that the service provider needed to consider? (Like a disability or need for an interpreter)? (a)...the service provider met those specific needs	<ol style="list-style-type: none"> 1. Yes 2. No <ol style="list-style-type: none"> 1. Strongly agree 2. Agree 3. Disagree 4. Strongly disagree
Overall question	Overall. You would recommend this legal service to other people.	<ol style="list-style-type: none"> 1. Strongly agree 2. Agree 3. Disagree 4. Strongly disagree

Box 21.3 National means test thresholds

In the mid-1990s, a working party comprised of representatives from all the LACs, developed a National Means Test to ensure that eligibility for grants of legal aid were determined with regard to the same factors and took account of an individual's capacity to pay. The income test starts with the applicant's total gross income and then subtracts allowable deductions (including income tax, housing costs, dependant allowances, child care costs and child support paid) up to allowed thresholds. The test then compares the balance with an amount considered reasonable for other living expenses. This amount is based on the Henderson Poverty Line (HPL). Any income above the poverty line is regarded as 'discretionary' income, which is available to pay for legal costs. The income test also sets a limit at which an applicant is eligible for aid with no contribution or with only a minimal contribution.

The asset test takes account of all assets other than 'excluded' assets. Assets such as home equity or motor vehicle equity are excluded up to a threshold. Ordinary household effects and tools of trade are excluded to a 'reasonable' level. Lump sum compensation payments may be excluded as assets, but assessed as deemed income.

While the actual dollar value varies across the LACs, the thresholds for allowable deductions and excluded assets are based on particular benchmarks, which are standardised nationally.

Source of national means test thresholds

<i>Threshold</i>	<i>Source</i>
Housing costs	Median rental of a two bedroom flat, from local real estate institute
Childcare costs	Rate of benefit payable for a child in care 50 hours per week, from Department of Human Services
Dependant allowance (first)	Difference between the HPL figures for 'Head in workforce, cost other than housing, single person,' and 'Head in workforce, cost other than housing, single person plus 1'
Dependant allowance (second and subsequent)	Difference between HPL figures for 'Head in workforce, cost other than housing, single person plus 1' and 'Head in workforce, cost other than housing, single person plus 2'
Child support allowance	As for dependant allowance
Home equity	Median price of established home in capital city, from local real estate institute
Motor vehicle equity	Average price of a five year old six cylinder car, from local automobile association
Farm or business equity	Current allowance applied by Centrelink
Non-contributory income level	100 per cent of HPL, 'Head in workforce, cost other than housing, single person'.

Source: Legal Aid NSW (pers. comm., 21 March 2014).