

## Schedule D

# Legal Assistance Service Data

## NATIONAL LEGAL ASSISTANCE PARTNERSHIP

### PRELIMINARIES

- D1 This Schedule outlines the specific requirements for the States facilitating the provision of Legal Assistance Service Data.
- D2 The Commonwealth will provide specific guidance on operationalising the requirements outlined in this Schedule.
- D3 The State will provide Legal Assistance Service Data in accordance with this Schedule and the operational guidance issued by the Commonwealth.
- D4 For the purposes of Schedule D, where existing systems do not facilitate the provision of data as required under the NLAP, the relevant Parties to the NLAP may agree, in writing, for the use of proxies, on the condition that the relevant Parties work together to ensure the required data is able to be provided as a matter of priority.
- D5 If any party to the NLAP contends there is a privacy issue in the provision of Legal Assistance Service Data, the relevant Parties to the NLAP will work together, as a matter of priority, to develop a mutually acceptable resolution which resolves the privacy issue and enables the provision of Legal Assistance Service Data.

### DATA PROTECTION AND USE

- D6 The Parties agree to uphold the highest standards of security and privacy of service data, consistent with the *Australian Government Public Data Policy Statement*, the *Privacy Act 1998* (Cth) and any relevant state and territory legislation.
- D7 The provision of Legal Assistance Service Data under the NLAP is intended to:
  - (a) support the provision of meaningful analysis and insight which supports frontline service delivery; and
  - (b) facilitate a greater understanding of the delivery of legal assistance services.
- D8 Legal Assistance Service Data will only be used for policy, analysis, research, and statistical purposes and will not be used for compliance, regulatory, national security or law enforcement purposes.
- D9 The Commonwealth will, where appropriate, provide access to datasets and derived analysis with regard given to administrative arrangements, data security and privacy.

## NATIONAL LEGAL ASSISTANCE DATA STRATEGY

- D10 The Commonwealth will develop a publically available National Legal Assistance Data Strategy, in collaboration with the National Legal Assistance Advisory Group and the Legal Assistance Services Inter-Governmental Committee, before 30 June 2021. The National Legal Assistance Data Strategy will be made publically available.
- D11 The National Legal Assistance Data Strategy will outline:
- (a) the strategic priorities and principles for the use of Legal Assistance Service Data;
  - (b) the focus of and outcomes of the provision of Legal Assistance Service Data;
  - (c) data handling and storage protocols;
  - (d) data use and access controls;
  - (e) governance arrangements; and
  - (f) publication and security practices.
- D12 The Parties, through the Legal Assistance Services Inter-Governmental Committee, will provide an update report to the Council of Attorneys-General on the implementation of the data requirements outlined in this Schedule before 30 June 2021. This update will take into consideration the development of the National Legal Assistance Data Strategy.
- D13 Following the Council of Attorneys-General consideration of the update outlined at Clause D12, the Commonwealth Attorney-General may agree that, for Legal Assistance Service Data to be provided on 30 September 2022, the data provision period be changed to 1 January 2022 to 30 June 2022 (Table 7).
- D14 For the purposes of Clause D13, the Commonwealth Attorney-General will consider the change to the data provision period for a specific State, if the relevant State requests the change and outlines the reasons why the change is necessary, in writing.

## DATA REQUIREMENTS

- D15 The States must provide Legal Assistance Service Data in accordance with the timeframes outlined in Table 7.

**Table 7: Required timeframes for Legal Assistance Service Data**

Data provision period	Submission date	Relevant Clause
1 July 2021 to 30 June 2022	30 September 2022	Clause D16
1 July 2022 to 30 June 2023	30 September 2023	Clause D16
1 July 2023 to 30 June 2024	30 September 2024	Clause D16
1 July 2024 to 30 June 2025	30 September 2025	Clause D16

- D16 For the provision of Legal Assistance Service Data, due on 30 September 2022 onwards, the States must provide or facilitate the provision of unit-level data for legal assistance services (provided to individuals), separately identifying legal assistance provider type, funding category and financial year, in accordance with Table 8.
- D17 For the purposes of Clause D16, data fields relating to Client Demographic Information do not need to be provided for individual services only if its collection would reasonably be considered to be inappropriate or result in the alienation of clients. If Client Demographic Information cannot be collected in these circumstances the relevant data fields will be recorded as a blank value.
- D18 For the purposes of Clause D16, estimated time spent will be collected and provided at unit-level through one representative sample every six months, covering a two week period, for every financial year from 1 July 2021.

**Table 8: Requirements for the provision of Legal Assistance Service Data**

Required data field	Data field category	Excluded Service types
Unique client identifier	Client Demographic Information	Information and Referral services
Service user location provided as Statistical Areas Level 2		Information and Referral services
Age provided as age brackets		Information and Referral services
Gender		Information and Referral services
Interpreter/Translator required		Information and Referral services
Family violence indicator		Information and Referral services
Financial disadvantage indicator		All services except all Representation services
Aboriginal and Torres Strait Islander status		Information, Referral and Non-Legal Support services
Disability status		Information and Referral services
Main language spoken at home provided as either English or a language other than English		Information and Referral services
Service type	Service Information	Information and Referral services
Date of service		Information and Referral services
Primary law type		Information, Referral and Non-Legal Support services
Problem type		Information, Referral and Non-Legal Support services
Activity type		All services except Facilitated Resolution Process and Duty Lawyer services
Service results		All services except Facilitated Resolution Process
Hearing type		All services except Duty Lawyer, Representation: Dispute Resolution, and Representation: Court and Tribunal services
Court/Tribunal type		All services except Duty Lawyer, Representation: Dispute Resolution, and Representation: Court and Tribunal services
Estimated time spent provided as time brackets		Information and Referral services