Legal Assistance Service Data

National LEGAL ASSISTANCE Partnership

# Preliminaries

1. This Schedule outlines the specific requirements for the States facilitating the provision of Legal Assistance Service Data.
2. The Commonwealth will provide specific guidance on operationalising the requirements outlined in this Schedule.
3. The State will provide Legal Assistance Service Data in accordance with this Schedule and the operational guidance issued by the Commonwealth.
4. 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.
5. 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

1. 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.
2. The provision of Legal Assistance Service Data under the NLAP is intended to:
   * 1. support the provision of meaningful analysis and insight which supports frontline service delivery; and
     2. facilitate a greater understanding of the delivery of legal assistance services.
3. Legal Assistance Service Data will only be used for policy, analysis, research, and statistical purposes and will notbe used for compliance, regulatory, national security or law enforcement purposes.
4. 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

1. 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.
2. The National Legal Assistance Data Strategy will outline:
   * 1. the strategic priorities and principles for the use of Legal Assistance Service Data;
     2. the focus of and outcomes of the provision of Legal Assistance Service Data;
     3. data handling and storage protocols;
     4. data use and access controls;
     5. governance arrangements; and
     6. publication and security practices.
3. 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.
4. 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).
5. 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

1. 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 January 2022 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 |

1. 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 and financial year, in accordance with Table 8.
2. 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.
3. For the purposes of Clause D16, estimated time spent will be collected and provided at unit‑level through at least one representative sample for every financial year in accordance with Table 9.

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 | All services except Discrete Assistance (legal advice and legal task), Facilitated Resolution Process and Duty Lawyer services |

**Note 1:** Included service types are those within the definition provided in the *National Legal Assistance Data Standards Manual*.

1. For the purposes of Clause D18, the provision of estimated time spent data is to be implemented in a phased approach that will be incrementally expanded by *service type* over the life of the NLAP, and in accordance with the guidance developed by the Legal Assistance Service Inter‑Governmental Committee and National Legal Assistance Advisory Group.

Table 9: Requirements for the provision of estimated time spent data

|  |  |  |
| --- | --- | --- |
| **Data provision period** | **Required ‘service type’ data items** | **Submission date** |
| 1 January 2022 to 30 June 2022 | Legal Advice and Legal Task | 30 September 2022 |
| 1 July 2022 to 30 June 2023 | Legal Advice, Legal Task and Duty Lawyer services | 30 September 2023 |
| 1 July 2023 to 30 June 2024 | Legal Advice, Legal Task, Duty Lawyer services and Facilitated Resolution Process | 30 September 2024 |
| 1 July 2024 to 30 June 2025 | Legal Advice, Legal Task, Duty Lawyer services and Facilitated Resolution Process | 30 September 2025 |

The Parties have confirmed their commitment to this Schedule as follows:

|  |  |  |
| --- | --- | --- |
| Signed for and on behalf of the Commonwealth of Australia by    Senator The Honourable Michaelia Cash  Attorney-General Minister for Industrial Relations  [Day] [Month] [Year] |  |  |
|  |  |  |
| Signed for and on behalf of the  State of New South Wales by    The Honourable Mark Speakman SC MP  Attorney-General of the State of New South Wales  [Day] [Month] [Year] |  | Signed for and on behalf of the State of Victoria by    The Honourable Jaclyn Symes MLC  Attorney-General of the State of Victoria  [Day] [Month] [Year] |
|  |  |  |
| Signed for and on behalf of the State of Queensland by    **The Honourable Shannon Fentiman MP**  Attorney-General of the State of Queensland  [Day] [Month] [Year] |  | Signed for and on behalf of the State of Western Australia by    The Honourable John Quigley MLA  Attorney-General of the State of Western Australia  [Day] [Month] [Year] |
|  |  |  |
| Signed for and on behalf of the State of South Australia by    The Honourable Joshua Teague MP  Attorney-General of the State of South Australia  [Day] [Month] [Year] |  | Signed for and on behalf of the State of Tasmania by    The Honourable Elise Archer MP  Attorney-General of the State of Tasmania  [Day] [Month] [Year] |
|  |  |  |
| Signed for and on behalf of the Australian Capital Territory by    The Honourable Shane Rattenbury  Attorney-General of the Australian Capital Territory  [Day] [Month] [Year] |  | Signed for and on behalf of the Northern Territory by    The Honourable Selena Uibo MLA  Attorney-General of the Northern Territory of Australia  [Day] [Month] [Year] |