

# NATIONAL LEGAL ASSISTANCE PARTNERSHIP

An agreement between

- the **Commonwealth of Australia** and
- the **States and Territories**, being:
  - ◆ New South Wales
  - ◆ Victoria
  - ◆ Queensland
  - ◆ Western Australia
  - ◆ South Australia
  - ◆ Tasmania
  - ◆ the Australian Capital Territory
  - ◆ the Northern Territory

This agreement will support the *National Strategic Framework for Legal Assistance*, by contributing to integrated, efficient, effective and appropriate legal assistance services which are focussed on improving outcomes and keeping the justice system within reach for vulnerable people facing disadvantage.

# National Legal Assistance Partnership

## OVERVIEW

1. The National Legal Assistance Partnership (NLAP) is created subject to the provisions of the Intergovernmental Agreement on Federal Financial Relations (IGA FFR) and should be read in conjunction with that Agreement and its Schedules, which provide information in relation to performance reporting and payment arrangements under the IGA FFR. For the purposes of the IGA FFR, the NLAP is categorised as a National Partnership.

### Purpose

2. In entering the NLAP, the Commonwealth and the States and Territories (the States) recognise that they have a mutual interest and responsibility in the provision of legal assistance services which help vulnerable people facing disadvantage, who are unable to afford private legal services, to engage effectively with the justice system in order to address their legal problems. The Commonwealth and the States recognise the need to work together to further the *National Strategic Framework for Legal Assistance* and its objective and principles.
3. The NLAP will support the *National Strategic Framework for Legal Assistance*, by contributing to integrated, efficient, effective and appropriate legal assistance services which are focussed on improving outcomes and keeping the justice system within reach for vulnerable people facing disadvantage, within available resources.

### Reporting Arrangements

4. The States will report against the agreed outputs and performance indicators during the operation of the NLAP, as set out in Part 4 – Performance Monitoring and Reporting.

### Financial Arrangements

5. The Commonwealth will provide an estimated total financial contribution to the States of **\$2.0 billion over five years** (GST exclusive) in respect of this multilateral agreement of the NLAP, as set out in Part 5 – Financial Arrangements. The Commonwealth may also include additional funding in respect of the Bilateral Schedules of the NLAP; this is at the discretion of the Commonwealth and not required by this agreement.

## PRELIMINARIES

6. The *National Strategic Framework for Legal Assistance* (the National Strategic Framework) provides the overarching objective and principles for all government funded legal assistance services, delivered by Legal Aid Commissions, Aboriginal and Torres Strait Islander Legal Services, Community Legal Centres and Family Violence Prevention Legal Services.
7. The National Strategic Framework was agreed by Attorneys-General from the Commonwealth and the States, through the Council of Attorneys-General.

8. The NLAP provides quarantined Commonwealth funding for legal assistance and sets out arrangements for the delivery of Commonwealth funded legal assistance services. The NLAP also provides separate Commonwealth funding to support the States in administering the NLAP. The NLAP outlines a framework to guide the legal assistance sector, including providers which may not be funded under the NLAP.
9. The NLAP supports the objective of the National Strategic Framework and the Parties will ensure that the delivery of legal assistance services are consistent with its principles.
10. The NLAP consists of this multilateral agreement and Bilateral Schedules between the Commonwealth and each State. Within this structure, there are arrangements for:
  - (a) mainstream and specialist legal assistance; and
  - (b) Aboriginal and Torres Strait Islander specific legal assistance.

## **PART 1 – FORMALITIES**

### **Parties to this Agreement**

11. The NLAP is between the Commonwealth of Australia (the Commonwealth) and the States and Territories (the States).

### **Term of the Agreement**

12. The NLAP will commence on 1 July 2020 and will expire on 30 June 2025, or on completion of the final performance reporting and processing of final payments. The NLAP may be terminated earlier or extended as agreed in writing by the Parties.

## **PART 2 – OBJECTIVES, OUTCOMES AND OUTPUTS**

### **Objectives**

13. The objective of the NLAP is to contribute to integrated, efficient, effective and appropriate legal assistance services which are focussed on improving outcomes and keeping the justice system within reach for vulnerable people facing disadvantage, within available resources.

### **Outcomes**

14. The NLAP will facilitate achievement of the following outcomes, outlined within the National Strategic Framework:
  - (a) legal assistance services are focused on, and are accessible to, people facing disadvantage;
  - (b) legal assistance services are delivered in a client-centric manner in order to better consider people's legal needs and capabilities;
  - (c) legal assistance and other service providers and governments collaborate to provide integrated, client-centric services to address people's legal and other problems;
  - (d) legal assistance services are provided at an appropriate time, which best addresses an individual's legal needs, including preventative action when appropriate;
  - (e) legal assistance services empower people and communities to understand and assert their legal rights and responsibilities and to address, or prevent, legal problems; and

- (f) legal assistance providers are supported to build the capacity of their organisations and staff, to ensure they can effectively respond to evolving service demand.
15. The NLAP will also support the delivery of Aboriginal and Torres Strait Islander specific legal assistance services, consistent with self-determination as defined under the NLAP, in order to facilitate achievement of the following outcomes:
- (a) enable and empower Aboriginal and Torres Strait Islander people in addressing their legal needs; and
  - (b) improve access to justice outcomes for Aboriginal and Torres Strait Islander people.
16. Achieving the outcomes of the NLAP are a shared responsibility of the Commonwealth and the States.

## Outputs

17. The objectives and outcomes of the NLAP will be achieved through:
- (a) the delivery of efficient, effective and appropriate mainstream and specialist legal assistance services within each State;
  - (b) the delivery of efficient, effective and culturally appropriate Aboriginal and Torres Strait Islander specific legal assistance services within each State;
  - (c) participation and engagement in collaborative service planning by the Commonwealth, States and the legal assistance sector, with guidance provided in Schedule B; and
  - (d) sharing of information and resources which support the delivery of mainstream, specialist and Aboriginal and Torres Strait Islander specific legal assistance services.
18. The States will facilitate the provision of the final year of Social and Community Sector (SACS) supplementation funding, provided by the Commonwealth, to eligible service providers, as applicable. The SACS supplementation is intended to cover increased wage costs arising from Fair Work Australia's 2012 Equal Remuneration Order.
19. From 1 July 2022, in order to receive funding under the NLAP, each State will be required to produce a publically available Legal Assistance Strategy as set out in Schedule C.
20. From 30 September 2022, in order to receive funding under the NLAP, each State will be required to produce a publically available Legal Assistance Action Plan as set out in Schedule C.

## PART 3 – ROLES AND RESPONSIBILITIES OF EACH PARTY

21. To realise the objectives and commitments in the NLAP, each Party has specific roles and responsibilities, as outlined below.

### Role of the Commonwealth

22. The Commonwealth agrees to be responsible for:

#### Policy and strategic guidance

- (a) facilitating information sharing at the national level with the States and the legal assistance sector;

- (b) organising, facilitating and participating in forums at the national level with the States and the legal assistance sector;

### Provision of funding

- (c) providing a financial contribution to the States for the delivery of mainstream, specialist and Aboriginal and Torres Strait Islander specific legal assistance services in accordance with the NLAP;
- (d) providing a financial contribution to support the States in administering the NLAP;

### Sector planning and development

- (e) leading, conducting and participating in national collaborative service planning (Schedule B);
- (f) providing specific guidance and support to the States on the requirements and implementation of collaborative service planning;
- (g) sharing resources at the national level which support the ongoing development and capacity of the legal assistance sector within available funding;

### Performance monitoring

- (h) monitoring and assessing performance under the NLAP to ensure that outputs are delivered and outcomes are achieved; and
  - (i) facilitating improvements to the collection of nationally consistent data and the *National Legal Assistance Data Standards Manual*.
23. Separate to the NLAP, the Commonwealth provides funding for national legal centres, national legal assistance peak bodies and other Commonwealth legal assistance programs.
24. National legal centres provide legal assistance services on a national level within each State. The Commonwealth's provision of funding to national centres is not intended to limit the State's ability to also allocate funding, provided under the NLAP, to national legal centres.
25. The Commonwealth may provide guidance to the States and the legal assistance sector, on operationalising and implementing the requirements outlined in the NLAP.

### Role of the States and Territories

26. The States agree to be responsible for:

### Policy and strategic guidance

- (a) facilitating information sharing at the jurisdictional level with the Commonwealth and the legal assistance sector;
- (b) organising, facilitating and participating in jurisdictional legal assistance forums with the Parties and the legal assistance sector;
- (c) providing, on an annual basis, State funding information for legal assistance services to the Commonwealth, in a manner and format established by the Legal Assistance Services Inter Governmental Committee (Part 6 – Governance Arrangements);
- (d) facilitating the provision of Legal Assistance Service Data in accordance with Schedule D;

### Allocation and administration of funding

- (e) allocating or distributing, as applicable, and administering quarantined Commonwealth funding for the delivery of mainstream, specialist and Aboriginal and Torres Strait Islander specific legal assistance services, in accordance with the NLAP;
- (f) allocating or distributing, as applicable, and administering quarantined SACS supplementation until 30 June 2021 to eligible service providers through a fair and transparent process;

### Sector planning and development

- (g) leading, conducting and participating in jurisdictional and local collaborative service planning (Schedule B);
- (h) supporting the ongoing development and capacity of the legal assistance sector within available funding;

### Performance monitoring

- (i) reporting on the delivery of outcomes and outputs as set out in Part 4 – Performance Monitoring and Reporting;
  - (j) monitoring and assessing the delivery of legal assistance services under the NLAP;
  - (k) ensuring that Community Legal Centres funded under the NLAP either:
    - i. collect and report data using the Community Legal Assistance Services System; or
    - ii. collect data using a system that interacts with and migrates data to the Community Legal Assistance Services System for reporting purposes; and
  - (l) ensuring Legal Assistance Service Data is collected and reported consistent with the *National Legal Assistance Data Standards Manual*.
27. The States may choose to delegate to a legal assistance provider, in consultation with that legal assistance provider and the legal assistance sector in that jurisdiction, all or part of their roles and responsibilities relating to:
- (a) all aspects of the administration of Commonwealth funding for Community Legal Centres, except for funding allocation decisions to individual Community Legal Centres which will remain the role of the State;
  - (b) the leading and conducting of jurisdictional collaborative service planning;
  - (c) the leading and conducting of local collaborative service planning; and/or
  - (d) the organising and facilitating jurisdictional legal assistance forums.
28. The States will not delegate its roles and responsibilities relating to any aspect of the administration of funding for Aboriginal and Torres Strait Islander specific legal assistance.

29. The Commonwealth's preference is that the States' roles and responsibilities not be delegated to a legal assistance provider. If a State chooses to delegate its roles and responsibilities to a legal assistance provider, in accordance with Clause 27, the State must:
- (a) ensure the fair and equal participation of the legal assistance sector within their jurisdiction with respect to all activities required under the NLAP;
  - (b) ensure there are appropriate communication channels between the State and individual legal assistance providers;
  - (c) take reasonable steps to prevent any perceived or actual conflicts of interest with respect to jurisdictional and local collaborative service planning, jurisdictional legal assistance forums and other relevant activities required under the NLAP; and
  - (d) include information on the nature and extent of the roles and responsibilities the State has delegated to a legal assistance provider within their Legal Assistance Strategy (Schedule C) and Jurisdictional Performance Report (Part 4 – Performance Monitoring and Reporting).

### Shared roles and responsibilities

30. The Commonwealth and the States agree to be jointly responsible for:
- (a) participating in consultations with the legal assistance sector as appropriate regarding the implementation of the NLAP;
  - (b) meeting biannually on a bilateral basis to discuss the operation of the NLAP;
  - (c) ensuring the ongoing collection and transparent reporting of agreed nationally consistent data and working collaboratively to improve the collection of Legal Assistance Service Data and the *National Legal Assistance Data Standards Manual*;
  - (d) working with the legal assistance sector to increase the scope and number of fields for Legal Assistance Service Data to be provided at unit-level from 1 July 2025;
  - (e) developing an outcomes-based framework for legal assistance services for potential implementation from 1 July 2025; and
  - (f) funding, conducting, participating in and managing the Independent Review of the NLAP in accordance with Part 6 – Governance Arrangements.
31. All Parties agree, subject to meeting relevant legislative obligations (such as those relating to privacy, retention or distribution of information and data), to:
- (a) collect and share data relevant to legal assistance and for delivering improved outcomes under the NLAP;
  - (b) ensure collected data is communicated to the legal assistance sector and provides meaningful insight and analysis to inform legal assistance service delivery; and
  - (c) provide reasonable access to research and administrative data sets.
32. The Parties will meet the requirements of Schedule E, Clause 26 of the IGA FFR, by ensuring that prior agreement is reached on the nature and content of any events, announcements, promotional material or publicity relating to activities or outputs under the NLAP, and that the roles of both Parties will be acknowledged and recognised appropriately.

## PART 4 – PERFORMANCE MONITORING AND REPORTING

### National performance indicators

33. Achievement of the objectives and outcomes in the NLAP will be informed with reference to the following national performance indicators:
- (a) total number of clients receiving legal assistance services (provided to individuals) separately identifying funding category and legal assistance provider type and the number and percentage of total clients who are national priority clients, disaggregated by the specific national priority client groups in Clauses A3(a) - A3(d) and A3(g) - A3(i);
  - (b) number of legal representation services and the percentage of those services in which the clients were financially disadvantaged;
  - (c) number and percentage of legal assistance services (provided to individuals), separately identifying funding category, legal assistance provider type and service type and, where applicable, disaggregated by:
    - i. primary law type or law type and problem type; and
    - ii. specific national priority client groups (Clauses A3(a) - A3(d) and A3(g) - A3(i));
  - (d) total number of Information and Referral services by legal assistance providers, separately identifying service type and legal assistance provider type;
  - (e) total number of legal assistance services (provided to the community), separately identifying legal assistance provider type, disaggregated by:
    - i. number of community legal education and/or community education activities undertaken;
    - ii. number of community legal education and/or community education resources developed;
    - iii. number of stakeholder engagement activities; and
    - iv. number of law and legal services reform activities undertaken;
34. For the purposes of Clause 33, the following is not required in the reporting of national performance indicators:
- (a) all data relating to Information and Referral services except as required under Clause 33(d);
  - (b) all data relating to the following national priority client groups:
    - i. single parents (single parent indicator);
    - ii. people with low education levels (education level indicator);
    - iii. people in custody and/or prisoners (in-custody status); and
    - iv. people experiencing, or at risk of, homelessness (homelessness status);
  - (c) primary law type or law type and problem type for Non-legal Support services.



35. For the purposes of Clause 33, where existing systems do not facilitate the provision of reporting 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 reporting is able to be provided as a matter of priority.

## National performance benchmarks

36. National performance benchmarks may be agreed by the Parties and in consultation with National Legal Assistance Advisory Group (Part 6 – Governance Arrangements), from time to time, and set out in a Schedule for that purpose.

## Reporting arrangements

37. Each State will provide to the Commonwealth a Statement of Services and Funding and a Jurisdictional Performance Report, as per the dates outlined in Table 1.

**Table 1: Reporting milestones each financial year**

Reporting requirement	Due date
Statement of Services and Funding	30 September or the next business day
Jurisdictional Performance Report	11 March or the next business day

## Statement of Services and Funding

38. The first Statement of Services and Funding, due on 30 September 2020, will include:
- (a) projected Commonwealth funding under the NLAP, disaggregated to separately identify funding category and individual legal assistance providers for the current financial year;
  - (b) projected Commonwealth funding under the NLAP for Community Legal Centres, aggregated at a jurisdictional level and separately identifying funding not provided directly to individual Community Legal Centres;
  - (c) the final report required under Clause 23 of the *National Partnership Agreement for Legal Assistance Services 2015-20*; and
  - (d) a statement on the approach to be taken on the allocation and administration of Commonwealth funding for mainstream, specialist and Aboriginal and Torres Strait Islander specific legal assistance services.
39. The second Statement of Services and Funding, due on 30 September 2021, will include:
- (a) projected Commonwealth funding under the NLAP, disaggregated to separately identify funding category and individual legal assistance providers for the current financial year;
  - (b) projected Commonwealth funding under the NLAP for Community Legal Centres, aggregated at a jurisdictional level and separately identifying funding not provided directly to individual Community Legal Centres;
  - (c) reporting reflecting the following transitional performance indicators for the second six months of the financial year (1 January 2021 to 30 June 2021):
    - i. the proportion of legal representation services delivered to the national priority client groups in Clauses A3(a) - A3(d) and Clauses A3(g) - A3(i);
    - ii. the number of legal representation services and, the percentage of those services where clients were financially disadvantaged;

- iii. the number of legal assistance services (provided to individuals) and disaggregated by service type and primary law type or law type;
  - iv. the number of Facilitated Resolution Processes and the percentage of processes that result in a held conference reaching full or partial settlement of matters; and
  - v. the number of legal assistance services (provided to individuals), excluding Information, Referral, Non-legal Support, and Facilitated Resolution Processes, in which the client is experiencing or at risk of family violence.
- (d) any further reporting reflected in the Bilateral Schedules or other Schedules as agreed by the Parties, in accordance with guidance issued by the Commonwealth.
40. From 30 September 2022 onwards, Statements of Services and Funding will include:
- (a) projected Commonwealth funding under the NLAP, disaggregated to separately identify funding category and individual legal assistance providers for the current financial year;
  - (b) projected Commonwealth funding under the NLAP for Community Legal Centres, aggregated at a jurisdictional level and separately identifying funding not provided directly to individual Community Legal Centres;
  - (c) reporting reflecting the national performance indicators at Clause 33 for the second six months of the financial year (1 January to 30 June); and
  - (d) any further reporting reflected in the Bilateral Schedules or other Schedules as agreed by the Parties, in accordance with guidance issued by the Commonwealth.
41. The Statement of Services and Funding will take the form of official correspondence between the relevant State and the Commonwealth (or delegated officials from the relevant agencies).
42. Statements may be made publically available on a relevant website by the Commonwealth or the States, subject to the agreement of the relevant Parties to the NLAP and ensuring an appropriate level of de-identification.

### **Jurisdictional Performance Report**

43. The first Jurisdictional Performance Report, due on 11 March 2021, will include:
- (a) actual Commonwealth funding under the NLAP, disaggregated to separately identify funding category and individual legal assistance providers, for the current financial year;
  - (b) actual Commonwealth funding under the NLAP for Community Legal Centres, aggregated at a jurisdictional level and separately identifying funding not provided directly to individual Community Legal Centres;
  - (c) projected Commonwealth funding under the NLAP, disaggregated to separately identify funding category and individual legal assistance providers, for the next financial year;
  - (d) an update on progress made on the development of the State's Legal Assistance Strategy and Legal Assistance Action Plan;
  - (e) if applicable, information on the nature and extent of the roles and responsibilities the State has delegated to a legal assistance provider as per Clause 27;

- (f) reporting reflecting the following transitional performance indicators for the first six months of the financial year (1 July 2020 to 31 December 2020);
  - i. the proportion of legal representation services delivered to the national priority client groups in Clauses A3(a) - A3(d) and Clauses A3(g) - A3(i);
  - ii. the number of legal representation services and, the percentage of those services in which the clients were financially disadvantaged;
  - iii. the number of legal assistance services (provided to individuals) and disaggregated by service type and primary law type or law type;
  - iv. the number of Facilitated Resolution Processes and the percentage of processes that result in a held conference reaching full or partial settlement of matters; and
  - v. the number of legal assistance services (provided to individuals), excluding Information, Referral, Non-legal Support, and Facilitated Resolution Processes, in which the client is experiencing or at risk of family violence.
- (g) two case studies, in accordance with guidance issued by the Commonwealth, which cover service delivery models and triage practices; and
- (h) any further reporting reflected in the Bilateral Schedules or other Schedules as agreed by the Parties, in accordance with guidance issued by the Commonwealth.

44. From 11 March 2022 onwards, Jurisdictional Performance Reports will include:

- (a) actual Commonwealth funding under the NLAP, disaggregated to separately identify funding category and individual legal assistance providers, for the current financial year;
- (b) actual Commonwealth funding under the NLAP for Community Legal Centres, aggregated at a jurisdictional level and separately identifying funding not provided directly to individual Community Legal Centres;
- (c) projected Commonwealth funding under the NLAP, disaggregated to separately identify funding category and individual legal assistance providers, for the next financial year;
- (d) progress made against the State's Legal Assistance Strategy and Legal Assistance Action Plan (once these have been finalised), including relevant targets;
- (e) if applicable, information on the nature and extent of the roles and responsibilities the State has delegated to a legal assistance provider as per Clause 27;
- (f) reporting reflecting the national performance indicators at Clause 33 for the first six months of the financial year (1 July to 31 December);
- (g) two case studies, in accordance with guidance issued by the Commonwealth, which covers service delivery models and triage practices;
- (h) the estimated mean, median, mode, minimum and maximum time spent on the delivery of legal assistance services, as measured over one representative sample in the relevant reporting period, and in accordance with a methodological, operationalisation and sampling approach developed by the Legal Assistance Services Inter-Governmental Committee and National Legal Assistance Advisory Group (Part 6 – Governance Arrangements);

- (i) results of biennial surveys of legal assistance provider's clients, based, at a minimum, on pre-existing questions developed by the Parties and in accordance with guidance issued by the Commonwealth; and
  - (j) any further reporting reflected in the Bilateral Schedules or other Schedules as agreed by the Parties, in accordance with guidance issued by the Commonwealth.
45. The Jurisdictional Performance Report will take the form of official correspondence between the relevant State and Commonwealth (or delegated officials from the relevant agencies).
46. Jurisdictional Performance Reports may be made publically available on a relevant website by the Commonwealth or the States, subject to the agreement of the relevant Parties to the NLAP and ensuring an appropriate level of de-identification.

### Legal Assistance: National Services Summary

47. Subject to each State fulfilling its relevant roles and responsibilities in respect to the NLAP, the Commonwealth, in collaboration with the States and the National Legal Assistance Advisory Group, will produce a Legal Assistance: National Service Summary annually.
48. The Legal Assistance: National Service Summary will include information and analysis on the delivery of legal assistance services and the use of government funding. The Legal Assistance: National Service Summary will, subject to the agreement of the relevant Parties to the NLAP, also contain information provided in each State's Jurisdictional Performance Report.

## PART 5 – FINANCIAL ARRANGEMENTS

49. The NLAP is intended to be a single mechanism for Commonwealth funding for legal assistance services. Subject to consideration of appropriateness and the agreement of the Parties, the Commonwealth may seek to include other Commonwealth legal assistance funding streams over the course of the NLAP.
50. The Commonwealth will provide an estimated total financial contribution to the States of **\$2.0 billion over five years** in respect to this multilateral agreement. All payments are exclusive of GST.
51. The Commonwealth may provide additional financial contributions, in support of the objective and outcomes of the NLAP, through Bilateral Schedules.
52. The Commonwealth's financial contribution will not be reduced where the States or legal assistance providers secure funding from other activity partners.
53. The States' own financial contributions to legal assistance will not reduce as a result of the Commonwealth contributions under the NLAP.
54. Commonwealth financial contributions provided under the NLAP do not inhibit legal assistance providers, including national legal centres, from accessing and receiving other Commonwealth, State, philanthropic or other funding provided or generated outside of the NLAP.

**Table 2: Estimated Commonwealth financial contributions to legal assistance**

(\$ million)	2020-21	2021-22	2022-23	2023-24	2024-25	Total
<b>Estimated</b> NLAP payment (1) = (2) + (3)	<b>398.329</b>	<b>404.531</b>	<b>400.624</b>	<b>407.032</b>	<b>413.540</b>	<b>2,024.057</b>
<b>Estimated</b> NLAP – multilateral payment (2) = (6) + (7)	384.499	390.491	396.567	402.912	409.358	<b>1,983.827</b>
NLAP multilateral payment – mainstream and specialist legal assistance services (6)	299.192	303.808	308.365	313.300	318.312	<b>1,542.977</b>
NLAP multilateral payment – Aboriginal and Torres Strait Islander specific legal assistance services (7)	85.307	86.683	88.202	89.612	91.046	<b>440.850</b>
<b>Estimated</b> NLAP – bilateral payment (3)	<b>13.830</b>	<b>14.040</b>	<b>4.057</b>	<b>4.120</b>	<b>4.182</b>	<b>40.230</b>

(a) The **Estimated NLAP – bilateral payment (3)** includes funding for the Family Advocacy and Support Services and administrative funding which is provided through Bilateral Schedules.

**Table 3: Estimated NLAP financial contributions - multilateral**

(\$ million)	2020-21	2021-22	2022-23	2023-24	2024-25	Total
<b>Estimated</b> NLAP – mainstream and specialist legal assistance services (6)	<b>299.192</b>	<b>303.808</b>	<b>308.365</b>	<b>313.300</b>	<b>318.312</b>	<b>1,542.977</b>
<i>LAC - Baseline</i>	234.320	237.843	241.418	245.281	249.205	<b>1,208.067</b>
<i>CLC - Baseline</i>	33.421	40.605	41.216	41.875	42.545	<b>199.662</b>
<i>CLC - Baseline: Family Law and/or Family Violence</i>	15.051	15.279	15.509	15.758	16.010	<b>77.607</b>
<i>CLC - SACS supplementation</i>	6.478	-	-	-	-	<b>6.478</b>
<i>Domestic Violence Units / Health Justice Partnerships</i>	9.922	10.081	10.222	10.386	10.552	<b>51.163</b>
<b>Estimated</b> NLAP payment – Aboriginal and Torres Strait Islander specific legal assistance services (7)	<b>85.307</b>	<b>86.683</b>	<b>88.202</b>	<b>89.612</b>	<b>91.046</b>	<b>440.850</b>
<i>ATSILS - Baseline</i>	79.479	86.683	88.202	89.612	91.046	<b>435.022</b>
<i>ATSILS - SACS supplementation</i>	5.828	-	-	-	-	<b>5.828</b>

(a) Only three ATSILS are eligible for SACS supplementation, located in Victoria, Queensland, and Northern Territory.

(b) SACS supplementation will cease on 30 June 2021, as per section 10 of the *Social and Community Services Pay Equity Act 2012*. The Commonwealth has increased baseline funding from 1 July 2021 to ensure there is no overall reduction in Commonwealth legal assistance funding.

**Table 4: Estimated NLAP financial contributions to the State - multilateral**

(\$ million)	2020-21	2021-22	2022-23	2023-24	2024-25	Total
<b>Estimated total NLAP – multilateral payment</b>	<b>384.499</b>	<b>390.491</b>	<b>396.567</b>	<b>402.912</b>	<b>409.358</b>	<b>1,983.827</b>
<b>New South Wales</b>	<b>105.758</b>	<b>107.512</b>	<b>109.297</b>	<b>111.153</b>	<b>113.041</b>	<b>546.761</b>
<i>LAC - Baseline</i>	70.459	71.491	72.538	73.670	74.820	362.978
<i>CLC - Baseline</i>	10.006	11.226	11.419	11.627	11.839	56.117
<i>CLC - Baseline: Family Law and/or Family Violence</i>	3.975	4.046	4.119	4.196	4.275	20.611
<i>CLC - SACS supplementation</i>	0.997	-	-	-	-	0.997
<i>Domestic Violence Units / Health Justice Partnerships</i>	1.444	1.467	1.491	1.515	1.539	7.456
<i>ATSILS - Baseline</i>	18.877	19.282	19.730	20.145	20.568	98.602
<b>Victoria</b>	<b>73.528</b>	<b>74.685</b>	<b>75.824</b>	<b>77.057</b>	<b>78.312</b>	<b>379.406</b>
<i>LAC - Baseline</i>	53.898	54.726	55.567	56.475	57.398	278.064
<i>CLC - Baseline</i>	7.573	9.205	9.343	9.491	9.642	45.254
<i>CLC - Baseline: Family Law and/or Family Violence</i>	3.570	3.620	3.670	3.724	3.780	18.364
<i>CLC - SACS supplementation</i>	1.473	-	-	-	-	1.473
<i>Domestic Violence Units / Health Justice Partnerships</i>	1.576	1.602	1.608	1.634	1.661	8.081
<i>ATSILS - Baseline</i>	4.766	5.532	5.636	5.733	5.831	27.498
<i>ATSILS - SACS supplementation</i>	0.672	-	-	-	-	0.672
<b>Queensland</b>	<b>84.725</b>	<b>86.093</b>	<b>87.492</b>	<b>88.941</b>	<b>90.413</b>	<b>437.664</b>
<i>LAC - Baseline</i>	47.593	48.353	49.124	49.958	50.806	245.834
<i>CLC - Baseline</i>	6.406	8.232	8.359	8.497	8.636	40.130
<i>CLC - Baseline: Family Law and/or Family Violence</i>	2.736	2.785	2.834	2.887	2.941	14.183
<i>CLC - SACS supplementation</i>	1.680	-	-	-	-	1.680
<i>Domestic Violence Units / Health Justice Partnerships</i>	2.370	2.408	2.446	2.485	2.525	12.234
<i>ATSILS - Baseline</i>	20.078	24.315	24.729	25.114	25.505	119.741
<i>ATSILS - SACS supplementation</i>	3.862	-	-	-	-	3.862
<b>Western Australia</b>	<b>48.829</b>	<b>49.462</b>	<b>50.107</b>	<b>50.774</b>	<b>51.451</b>	<b>250.623</b>
<i>LAC - Baseline</i>	26.961	27.311	27.666	28.049	28.439	138.426
<i>CLC - Baseline</i>	3.907	5.132	5.191	5.254	5.318	24.802
<i>CLC - Baseline: Family Law and/or Family Violence</i>	1.966	1.987	2.009	2.032	2.056	10.050
<i>CLC - SACS supplementation</i>	1.157	-	-	-	-	1.157
<i>Domestic Violence Units / Health Justice Partnerships</i>	1.525	1.550	1.574	1.600	1.625	7.874
<i>ATSILS - Baseline</i>	13.313	13.482	13.667	13.839	14.013	68.314

**Table 4: Estimated NLAP financial contributions to the State - multilateral**

(\$ million)	2020-21	2021-22	2022-23	2023-24	2024-25	Total
<b>South Australia</b>	<b>28.270</b>	<b>28.708</b>	<b>29.150</b>	<b>29.613</b>	<b>30.084</b>	<b>145.825</b>
<i>LAC - Baseline</i>	17.445	17.719	17.997	18.297	18.601	90.059
<i>CLC - Baseline</i>	2.654	3.266	3.313	3.363	3.415	16.011
<i>CLC - Baseline: Family Law and/or Family Violence</i>	1.405	1.423	1.440	1.460	1.479	7.207
<i>CLC - SACS supplementation</i>	0.557	-	-	-	-	0.557
<i>Domestic Violence Units / Health Justice Partnerships</i>	1.017	1.033	1.050	1.066	1.083	5.249
<i>ATSILS - Baseline</i>	5.192	5.267	5.350	5.427	5.506	26.742
<b>Tasmania</b>	<b>11.490</b>	<b>11.721</b>	<b>11.953</b>	<b>12.196</b>	<b>12.441</b>	<b>59.801</b>
<i>LAC - Baseline</i>	6.482	6.615	6.747	6.890	7.036	33.770
<i>CLC - Baseline</i>	1.051	1.293	1.316	1.341	1.366	6.367
<i>CLC - Baseline: Family Law and/or Family Violence</i>	0.538	0.548	0.557	0.568	0.578	2.789
<i>CLC - SACS supplementation</i>	0.216	-	-	-	-	0.216
<i>Domestic Violence Units / Health Justice Partnerships</i>	0.515	0.523	0.531	0.540	0.548	2.657
<i>ATSILS - Baseline</i>	2.688	2.742	2.802	2.857	2.913	14.002
<b>Australian Capital Territory</b>	<b>7.688</b>	<b>7.787</b>	<b>7.888</b>	<b>7.996</b>	<b>8.104</b>	<b>39.463</b>
<i>LAC - Baseline</i>	5.199	5.260	5.323	5.391	5.459	26.632
<i>CLC - Baseline</i>	0.752	0.945	0.955	0.967	0.978	4.597
<i>CLC - Baseline: Family Law and/or Family Violence</i>	0.332	0.335	0.339	0.343	0.347	1.696
<i>CLC - SACS supplementation</i>	0.181	-	-	-	-	0.181
<i>Domestic Violence Units / Health Justice Partnerships</i>	0.458	0.465	0.472	0.480	0.488	2.363
<i>ATSILS - Baseline</i>	0.766	0.782	0.799	0.815	0.832	3.994
<b>Northern Territory</b>	<b>24.211</b>	<b>24.523</b>	<b>24.856</b>	<b>25.182</b>	<b>25.512</b>	<b>124.284</b>
<i>LAC - Baseline</i>	6.283	6.368	6.456	6.551	6.646	32.304
<i>CLC - Baseline</i>	1.072	1.306	1.320	1.335	1.351	6.384
<i>CLC - Baseline: Family Law and/or Family Violence</i>	0.529	0.535	0.541	0.548	0.554	2.707
<i>CLC - SACS supplementation</i>	0.217	-	-	-	-	0.217
<i>Domestic Violence Units / Health Justice Partnerships</i>	1.017	1.033	1.050	1.066	1.083	5.249
<i>ATSILS - Baseline</i>	13.799	15.281	15.489	15.682	15.878	76.129
<i>ATSILS - SACS supplementation</i>	1.294	-	-	-	-	1.294

## Use of Commonwealth funding

55. Commonwealth funding provided under the NLAP must be prioritised for the delivery of frontline legal assistance services, which includes operational costs that support this delivery, or to directly enable the legal assistance sector, funded under the NLAP, to undertake activities required by the NLAP.
56. Commonwealth funding provided under the NLAP must not be used by the States to administer the NLAP, unless a separate Commonwealth funding stream is specifically provided for this purpose under the NLAP or it is agreed in writing by the Commonwealth.
57. Commonwealth funding provided under the NLAP will be quarantined and cannot be used to cross subsidise other funding streams or legal assistance providers. This does not inhibit legal assistance providers from establishing subcontracting or similar arrangements with other legal assistance providers.
58. Given the Parties preference for maximising funding certainty for legal assistance providers, the States will administer, as appropriate, Commonwealth funding under the NLAP:
  - (a) for Aboriginal and Torres Strait Islander Legal Services through a five year funding agreement; and
  - (b) for all other legal assistance providers through either a:
    - i. preferred single funding agreement that covers the full five years of the NLAP; or
    - ii. combination of no more than two funding agreements that cover the five year duration of the NLAP.

Limited exceptions to this requirement may be agreed between the Parties, in writing, on a case-by-case basis.

59. The Commonwealth and the States will make best endeavours to ensure that, within the duration of funding agreements outlined in Clause 58, legal assistance providers receive ideally twelve months advance notice of any potential future Commonwealth and State funding distributions, where applicable and appropriate.
60. The delivery of legal assistance services with Commonwealth funding provided under the NLAP should be informed by and in accordance with:
  - (a) the States' respective Legal Assistance Strategy and Legal Assistance Action Plan (Schedule C), once these are finalised;
  - (b) the outcomes of collaborative service planning (Schedule B); and
  - (c) the Commonwealth priorities under the NLAP (Schedule A).

## Mainstream and specialist legal assistance services

### Baseline funding

61. Under the NLAP, the States will allocate and administer quarantined Commonwealth baseline funding to Legal Aid Commissions and Community Legal Centres.
62. The Commonwealth's financial contributions to baseline funding for Legal Aid Commissions and Community Legal Centres will be distributed between the States using evidence based funding distribution models.



63. Commonwealth baseline funding for Legal Aid Commissions will be used for Commonwealth law matters only, except:
  - (a) where State law matters relating to the safety or welfare of a child are connected with family law proceedings;
  - (b) where State law matters relating to person's safety are connected with family law proceedings; or
  - (c) in discrete assistance and/or community legal education, regardless of whether the matter relates to Commonwealth or State laws.
64. The Commonwealth's financial contributions to baseline funding for Legal Aid Commissions includes \$8.6 million over five years that must be used for the delivery of legal assistance services related to family law and/or family violence related matters.
65. Commonwealth baseline funding for Community Legal Centres consists of:
  - (a) Baseline funding; and
  - (b) Baseline funding: Family Law and/or Family Violence.
66. Baseline funding: Family Law and/or Family Violence for Community Legal Centres will be used for family law and/or family violence related matters.

### **Domestic violence units and/or health justice partnerships**

67. Under the NLAP, the States will allocate Commonwealth funding to all currently funded legal assistance providers, for the delivery of existing domestic violence units and/or health justice partnerships.
68. Domestic violence units and/or health justice partnerships provide legal assistance and other forms of support, including financial support services such as financial counselling, to women experiencing or at risk of domestic violence.
69. The States will be able to reallocate Commonwealth funding for domestic violence units and/or health justice partnerships to another legal assistance provider, if there:
  - (a) are issues relating to performance of the currently funded legal assistance provider;
  - (b) is a demonstrated shift in legal need within the State; or
  - (c) is a more appropriate, qualified legal assistance provider for the delivery of domestic violence units and/or health justice partnerships.

## **Aboriginal and Torres Strait Islander specific legal assistance services**

### **Baseline funding**

70. Under the NLAP, the States will allocate and administer quarantined Commonwealth baseline funding to Aboriginal and Torres Strait Islander Legal Services for the delivery of culturally appropriate services in a manner consistent with self-determination, as defined under the NLAP, and the *Partnership Agreement on Closing the Gap* and the Closing the Gap framework.
71. The Commonwealth's financial contributions to baseline funding for Aboriginal and Torres Strait Islander Legal Services will be distributed between the States using evidence based funding distribution models.

72. The States will allocate Commonwealth baseline funding to all existing and currently funded Aboriginal and Torres Strait Islander Legal Services for the duration of the NLAP.
73. The States may reallocate Commonwealth baseline funding for the funded Aboriginal and Torres Strait Islander Legal Services to another Aboriginal and Torres Strait Islander Legal Service where the relevant State can demonstrate there:
  - (a) are serious and objective issues relating to performance of the currently funded Aboriginal and Torres Strait Islander Legal Service that are detrimental to their present and/or potential clients which have not been rectified following the States working with the relevant Aboriginal and Torres Strait Islander Legal Service to address these issues over a reasonable period of time; and/or
  - (b) is a more appropriate Aboriginal and Torres Strait Islander Legal Service operating within the relevant State which can clearly demonstrate it has the capability and capacity to provide more effective, culturally appropriate legal assistance services to Aboriginal and Torres Strait Islander people or better address legal need within the relevant State, which results in better outcomes for current and/or potential clients.
74. If the State intends to make a reallocation of funding under Clause 73, the State must:
  - (a) prior to making a decision to reallocate funding, consult with the Commonwealth, National Aboriginal and Torres Strait Islander Legal Services and the relevant Aboriginal and Torres Strait Islander Legal Service; and
  - (b) inform the Commonwealth, National Aboriginal and Torres Strait Islander Legal Services and the relevant Aboriginal and Torres Strait Islander Legal Service in writing, of:
    - i. the proposed reallocation of funding to another Aboriginal and Torres Strait Islander Legal Service; and
    - ii. how the conditions established under Clause 73 have been met.
75. The Commonwealth's financial contributions to baseline funding for Aboriginal and Torres Strait Islander Legal Services includes \$8.6 million over five years that must be used for the delivery of legal assistance services related to family law and/or family violence related matters.

## Payment

76. Subject to the States meeting the requirements set out in the NLAP, the Commonwealth contributions will be paid in accordance with the schedule outlined in Table 5, unless otherwise stated in the Bilateral Schedules.

**Table 5: Estimated payment schedule for each financial year**

Payment amount	Payment condition	Estimated payment date
50% of total	<ul style="list-style-type: none"> <li>Continued delivery of frontline legal assistance services.</li> </ul>	7 July
30% of total	<ul style="list-style-type: none"> <li>Continued delivery of frontline legal assistance services.</li> <li>Provision of the Statement of Services and Funding in accordance with the timeframes in Table 1.</li> <li>From 1 July 2022, the State has a Legal Assistance Strategy in place and is publically available in accordance with Schedule C.</li> <li>From 30 September 2022, the State has a Legal Assistance Action Plan in place and is publically available in accordance with Schedule C.</li> </ul>	7 November
20% of total	<ul style="list-style-type: none"> <li>Continued delivery of frontline legal assistance services.</li> <li>Provision of the Jurisdictional Performance Report in accordance with the timeframes in Table 1.</li> <li>From 1 July 2022, the State has a Legal Assistance Strategy in place and is publically available in accordance with Schedule C.</li> <li>From 30 September 2022, the State has a Legal Assistance Action Plan in place and is publically available in accordance with Schedule C.</li> </ul>	7 April

## Financial risk management

77. Having regard to the agreed estimated costs of services and outputs under the NLAP, States will not be required to pay a refund to the Commonwealth if the actual cost is less than the agreed estimated cost, although Commonwealth funding should be used for, and in line with, its original purpose. Similarly, the States bear all risk should the costs exceed the agreed estimated costs. The Parties acknowledge that this arrangement provides the maximum incentive for the States to deliver services and outputs cost effectively and efficiently.

## PART 6 – GOVERNANCE ARRANGEMENTS

78. The NLAP will be supported by the Legal Assistance Services Inter Governmental Committee consisting of officials from the Parties. This Committee is supported by a National Legal Assistance Advisory Group, consisting of representatives from the national legal assistance sector, research bodies and other national bodies related to legal assistance.
79. Officials from the Commonwealth will, within each jurisdiction and on a tripartite basis, meet annually with officials from the State and delegates representing each type of legal assistance provider individually to discuss issues relating to the NLAP.

## Enforceability of the Agreement

80. The Parties do not intend any of the provisions of the NLAP to be legally enforceable. However, this does not lessen the Parties' commitment to the NLAP.

## Review of the Agreement

81. In accordance with Clause E23 of the IGA FFR, the NLAP is time limited. To assess the degree to which the agreed objectives and outcomes and/or outputs have been achieved, and inform decisions regarding the appropriate treatment following its expiry, an Independent Review of the NLAP will be scheduled to be completed approximately 18 months prior to its expiry.
82. The NLAP is intended to provide funding for the delivery of legal assistance services which help vulnerable people facing disadvantage, who are unable to afford private legal services, to engage effectively with the justice system in order to address their legal problems. The Independent Review of the NLAP should, at a minimum, consider:
- (a) progress towards achieving the overall objectives and outcomes of the NLAP;
  - (b) the appropriateness of the NLAP in achieving its objective and outcomes and delivering its outputs; and
  - (c) whether mainstream, specialist and Aboriginal and Torres Strait Islander specific legal assistance services funded under the NLAP have been delivered in an effective, efficient and appropriate manner.
83. The Independent Review will be conducted by an appropriately skilled and qualified independent third party, including that the third party will be able to conduct a review in a culturally appropriate manner, or be able to work with, sub-contract or partner with another entity that has this capability.
84. The terms of reference for the Independent Review will be jointly developed by the Parties, in consultation with the National Legal Assistance Advisory Group.
85. The Commonwealth will lead the management of the Independent Review, with key decisions to be made jointly by the Parties and in consultation with the National Legal Assistance Advisory Group.
86. The final report for the Independent Review must be made publically available by the Commonwealth within three months on completion of the Independent Review, unless it is not reasonable, appropriate or practical to do so at the time.
87. The costs of the Independent Review will be shared by the Parties, with 50% of the cost to be covered by the Commonwealth and 50% to be collectively covered by the States. The States' share of the costs for the Independent Review will be based on their respective proportion of Commonwealth funding for legal assistance services received under the NLAP.
88. With consideration of the outcomes of the Independent Review, the Parties will consider future arrangements for ongoing, quarantined Commonwealth funding for mainstream, specialist and Aboriginal and Torres Strait Islander specific legal assistance services beyond the term of the NLAP. The Parties will consider future arrangements when framing their budgets, noting that this would be subject to the outcomes of relevant government processes at both the Commonwealth and State level.

## Variation of the Agreement

89. The NLAP may be amended at any time by agreement in writing by all the Parties.
90. An individual Party to the NLAP may terminate their participation in the NLAP at any time by notifying, in writing, all the other Parties and all relevant legal assistance providers funded under the NLAP.

## Delegations

91. The Commonwealth Attorney-General or the relevant Commonwealth Minister is authorised to agree and amend Schedules to the NLAP on behalf of the Commonwealth and to certify that relevant conditions specified under the NLAP have been achieved, so that payments may be made.
92. Respective State Attorneys-General or the relevant State Ministers with portfolio responsibility for legal assistance are authorised to agree and amend Schedules to the NLAP.
93. The Commonwealth Attorney-General may delegate the issuing of guidance, assessment of reporting and performance monitoring requirements, determining exceptions to the duration of funding agreements for legal assistance providers and the authorisation of related payments to senior Commonwealth officials, having regard to the financial and policy risks associated with those payments.
94. Respective State Attorneys-General or the relevant State Ministers with portfolio responsibility for legal assistance may delegate functions relevant to performance monitoring and reporting, requesting exceptions to the duration of funding agreements for legal assistance providers and the Independent Review to senior State officials.

## Dispute resolution

95. Any Party may give notice to other Parties of a dispute under the NLAP.
96. Officials of relevant Parties will attempt to resolve any dispute in the first instance.
97. If a dispute cannot be resolved by officials, it may be escalated to Attorneys-General, and if necessary, the Council of Attorneys-General.

## Interpretation

98. For the purposes of the NLAP:
  - (a) specific terminology and definitions relating to data types and types of legal assistance services is defined in the *National Legal Assistance Data Standards Manual*.
  - (b) *Aboriginal and Torres Strait Islander Legal Service* refers to an Aboriginal and/or Torres Strait Islander community entity that is:
    - i. incorporated under the *Corporations Act 2001* (Cth), the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) or relevant State legislation;
    - ii. governed by a body, such as a board of directors, that is controlled by Aboriginal and/or Torres Strait Islander people who ordinarily reside within the entity's service boundaries; and
    - iii. recognised as a provider of culturally appropriate legal assistance services to Aboriginal and Torres Strait Islander people.

- (c) *Aboriginal and Torres Strait Islander specific legal assistance services* refers to legal assistance services delivered by Aboriginal and Torres Strait Islander Legal Services or Family Violence Prevention Legal Services;
- (d) *age brackets* refers to:
- |       |                                       |       |   |
|-------|---------------------------------------|-------|---|
| i.    | less than or equal to 9 years of age; | x.    | 45 - 49 years of age;                     |
| ii.   | 10 - 14 years of age;                 | xi.   | 50 - 54 years of age;                     |
| iii.  | 15 - 17 years of age;                 | xii.  | 55 - 59 years of age;                     |
| iv.   | 18 - 19 years of age;                 | xiii. | 60 - 64 years of age;                     |
| v.    | 20-24 years of age;                   | xiv.  | 65 - 69 years of age;                     |
| vi.   | 25 - 29 years of age;                 | xv.   | 70 - 74 years of age;                     |
| vii.  | 30 - 34 years of age;                 | xvi.  | 75 - 79 years of age; and                 |
| viii. | 35 - 39 years of age;                 | xvii. | greater than or equal to 80 years of age. |
| ix.   | 40 - 44 years of age;                 |       |   |
- (e) *domestic violence units* refers to specialist units within existing legal assistance providers that deliver wrap-around services to women experiencing or at risk of domestic violence;
- (f) *estimated time spent* refers to the approximate amount of time spent providing the service and for:
- i. grants of aid can refer to the notional number of hours allowed on the grant;
  - ii. representation services which are closed during the sample period refers to the approximate amount of time spent for the whole matter in which the service is provided; and
  - iii. representation services which remains ongoing during the sample period refers to the approximate amount of time spent for service up until the end of the sample period.
- (g) *family law and/or family violence related matters* refers to the delivery of legal assistance services to assist a client(s) to address issues related to family law, and/or address issues arising from or connected with family violence, as defined in s 4AB, *Family Law Act 1975 (Cth)*. This includes, but is not limited to, intervention orders, child protection, housing, credit and/or debt, social security, mental health and employment. For the purposes of the NLAP, there is no distinction between family violence and domestic violence.

- (h) *financially disadvantaged* refers to a person who does not have the means to pay for private legal services without incurring serious financial difficulty, including a person who:
- i. is in receipt of Centrelink benefits as their main source of income;
  - ii. satisfies a means test applied by a legal assistance provider;
  - iii. is exempt from a legal assistance provider's means test; such as a child or a person seeking merits review of decisions about eligibility for Commonwealth military entitlements or military compensation payments;
  - iv. has an income equal to or below the Henderson Poverty Line; or
  - v. cannot access finances temporarily due to circumstances outside of their control. For example, a person at risk of family violence who cannot access finances without risk to their personal safety or safety of others.
- (i) *funding category* refers to specific Commonwealth funding streams provided under the NLAP (for example, Baseline, Domestic Violence Units and/or Health Justice Partnerships, and Family Advocacy and Support Services) and does not include sub-components of these funding streams (for example, Baseline, Baseline: Family Law and/or Family Violence and SACS funding are considered a single funding stream) and does not include State funding streams;
- (j) *health justice partnerships* refers to collaborations to embed legal assistance providers in healthcare services in order to assist women experiencing or at risk of domestic violence and train health professionals to identify and respond to domestic violence;
- (k) *legal assistance peak bodies* refers to an organisation, group or association which represents or advocates for legal assistance providers;
- (l) *legal assistance provider* refers to individual Legal Aid Commissions, Community Legal Centres or Aboriginal and Torres Strait Islander Legal Services that operate within a jurisdiction;
- (m) *legal assistance sector* refers collectively to legal assistance providers, Family Violence Prevention and Legal Services and legal assistance peak bodies that may operate within a jurisdiction;
- (n) *lobbying* refers to:
- i. any oral, written or electronic communication with a government representative in an effort to unduly influence Commonwealth decision making in relation to the awarding of a government contract or grant, or unduly influence a Commonwealth administrative, legislative or policy decision; or
  - ii. undertaking political campaigns or campaigns designed to garner public support for or against an administrative, legislative or policy decision;
- (o) *mainstream and specialist legal assistance services* refers to legal assistance services delivered by Legal Aid Commissions and Community Legal Centres;
- (p) *national legal assistance sector peak bodies* refers to Community Legal Centres Australia, National Aboriginal and Torres Strait Islander Legal Services, National Family Violence Prevention Legal Services Forum and National Legal Aid;
- (q) *national pro bono peak body* refers to the Australian Pro Bono Centre;

- (r) *pro bono services* refers, for the purposes of the *National Legal Assistance Data Standards Manual*, to:
- i. giving legal assistance for free or at a substantially reduced fee to:
    - a. individuals who can demonstrate a need for legal assistance but cannot obtain legal aid or otherwise access the legal system without incurring significant financial hardship;
    - b. individuals or organisations whose matter raises an issue of public interest which would not otherwise be pursued;
    - c. charities, other not-for-profit organisations or social enterprises, in each case where their sole or primary purpose is to work in the interests of low income or disadvantaged members of the community, or for the public good;
  - ii. participating in the provision of free community legal education on issues affecting low income or disadvantaged members of the community or on issues of public interest; or
  - iii. providing a lawyer on secondment at a community organisation (including a community legal organisation) or at a referral service provider;
- (s) *self-determination* refers to principles which ensures that Aboriginal and Torres Strait Islander people have the right to preserve their culture and identity, the opportunity to meaningfully participate in decision making, exercise meaningful control over their affairs, being free to pursue their economic, social and cultural development and have a meaningful choice in addressing their legal needs. With regard to the delivery of culturally appropriate legal assistance services to Aboriginal and Torres Strait Islander people, self-determination is where:
- i. Aboriginal and Torres Strait Islander specific legal assistance service providers are the preferred providers of culturally appropriate legal assistance services while acknowledging that Aboriginal and Torres Strait Islander people have a meaningful choice in which legal assistance services they access;
  - ii. Aboriginal and Torres Strait Islander specific legal assistance service providers have the discretion to determine their service priorities and locations based on community need and this would be done in collaboration and partnership with governments and the broader legal assistance sector; and
  - iii. Aboriginal and Torres Strait Islander specific legal assistance service providers are involved in the development and implementation of legal assistance policies and programs that affect Aboriginal and Torres Strait Islander people;
- (t) *service agreements* refers to individual contracts, grant agreements, or other funding arrangements with legal assistance providers;
- (u) *Statistical Areas Level 2* refers to the Australian Bureau of Statistics Structure, defined in the Australian Statistical Geography Standard, which are designed to reflect functional areas that represent a community that interacts together socially and economically, each consisting of population range of 3,000 to 25,000 persons;



(v) *time brackets* refer to:

- |      |                                   |       |                                     |
|------|-----------------------------------|-------|-------------------------------------|
| i.   | less than or equal to 14 minutes; | vii.  | 10 - 19 hours;                      |
| ii.  | 15 - 29 minutes;                  | viii. | 20 - 34 hours;                      |
| iii. | 30 - 59 minutes;                  | ix.   | 35 - 49 hours;                      |
| iv.  | 1 - 2 hours;                      | x.    | 50 - 99 hours; and                  |
| v.   | 3 - 5 hours;                      | xi.   | greater than or equal to 100 hours. |
| vi.  | 6 - 9 hours;                      |       |                                     |

*unique client identifier* refers to a de-identified code which is linked a specific client but prevents the identification of a client and, for the purposes of the NLAP, does not need to be the client identifier used by individual legal assistance providers.

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

**Signed** *for and on behalf of the Commonwealth of Australia by*

---

**The Honourable Scott Morrison MP**  
Prime Minister of the Commonwealth of Australia  
[Day] [Month] [Year]

**Signed** *for and on behalf of the State of New South Wales by*

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**The Honourable Gladys Berejiklian MP**  
Premier of the State of New South Wales  
[Day] [Month] [Year]

**Signed** *for and on behalf of the State of Victoria by*

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**The Honourable Daniel Andrews MLA**  
Premier of the State of Victoria  
[Day] [Month] [Year]

**Signed** *for and on behalf of the State of Queensland by*

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**The Honourable Anastacia Palaszczuk MP**  
Premier of the State of Queensland  
[Day] [Month] [Year]

**Signed** *for and on behalf of the State of Western Australia by*

---

**The Honourable Mark McGowan MLA**  
Premier of the State of Western Australia  
[Day] [Month] [Year]

**Signed** *for and on behalf of the State of South Australia by*

---

**The Honourable Steven Marshall MP**  
Premier of the State of South Australia  
[Day] [Month] [Year]

**Signed** *for and on behalf of the State of Tasmania by*

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**The Honourable Peter Gutwein MP**  
Premier of the State of Tasmania  
[Day] [Month] [Year]

**Signed** *for and on behalf of the Australian Capital Territory by*

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**Andrew Barr MLA**  
Chief Minister of the Australian Capital Territory  
[Day] [Month] [Year]

**Signed** *for and on behalf of the Northern Territory by*

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**The Honourable Michael Gunner MLA**  
Chief Minister of the Northern Territory of Australia  
[Day] [Month] [Year]