Commonwealth Priorities

National LEGAL ASSISTANCE Partnership

# Preliminaries

* 1. This Schedule provides guidance on the prioritisation of mainstream, specialist and Aboriginal and Torres Strait Islander specific legal assistance services.

# National priority client groups

* 1. The States will ensure that legal assistance services are focussed on people experiencing financial disadvantage.
  2. The States will ensure that legal assistance services are planned and focussed to people who fall within one or more of the following national priority client groups (in alphabetical order):
     1. Aboriginal and Torres Strait Islander people;
     2. children and young people (up to 24 years);
     3. older people (aged over 65 years or Aboriginal and Torres Strait Islander people aged over 50 years);
     4. people experiencing, or at risk of, family violence;
     5. people experiencing, or at risk of, homelessness;
     6. people in custody and/or prisoners;
     7. people residing in rural or remote areas;
     8. people who are culturally and linguistically diverse;
     9. people with a disability or mental illness;
     10. people with low education levels; and
     11. single parents.
  3. The list of national priority client groups recognise that certain cohorts of vulnerable people facing disadvantage are more likely to experience legal problems, less likely to seek assistance and/or less able to access services for a range of reasons.
  4. The legal assistance sector is not excluded from assisting clients that fall outside these groups.

# State-specific priority client groups

* 1. In addition to the national priority client groups, States may identify other priority client groups that may be specific to their respective jurisdiction. The State will ensure the legal assistance sector plan and target their services to these additional client groups.
  2. If a State identifies additional priority client groups, these should be listed in its Legal Assistance Strategy (Schedule C).

# Commonwealth service priorities

## General principles

* 1. Commonwealth funding must be prioritised:
     1. for the delivery of frontline services and focused on meeting the legal needs of individuals, with a specific focus on priority clients; and
     2. to directly enable legal assistance providers to undertake activities required by the NLAP.
  2. Mainstream, specialist and Aboriginal and Torres Strait Islander specific legal assistance services must be delivered in a manner consistent with the National Strategic Framework.
  3. Family or civil law disputes should be resolved through alternative dispute resolution processes rather than through litigation, where appropriate.
  4. The legal assistance sector should consider whether other services (legal as well as non‑legal) may be relevant to a client’s needs and make referrals to these services where appropriate. Suitable collaborative arrangements should be established for this purpose.

## National and jurisdictional emergencies

* 1. The legal assistance sector should endeavour to ensure the continued delivery of legal assistance services during national or jurisdictional emergencies, taking into consideration:

1. the safety of individuals who will be responsible for the delivery of legal assistance services;
2. the safety of those in receipt of legal assistance services; and
3. the appropriateness of continuing to deliver legal assistance services during a national or jurisdictional emergency.

## Family law priorities

* 1. Legal assistance services related to family law should focus on:

1. matters where the safety or welfare of children are at risk;
2. matters involving allegations of family violence;
3. matters involving complex issues about the living arrangements, relationships and financial support of children; and
4. assisting people with property settlement matters if they are experiencing financial disadvantage or are at risk of homelessness.
   1. For Legal Aid Commissions, the representation of children in family law proceedings and family dispute resolution processes should also be a focus.

## Commonwealth civil law priorities

* 1. Legal assistance services related to Commonwealth civil law should focus on:
  2. bankruptcy matters;
  3. consumer law matters;
  4. employment matters;
  5. extradition matters;
  6. human rights and anti-discrimination matters;
  7. insurance law matters;
  8. migration matters; and
  9. social security law matters (including matters relating to military entitlements and military compensation claims).
  10. The list of Commonwealth civil law areas is for guidance only. The legal assistance sector should consider how to best meet civil law need collectively (arising from Commonwealth or State laws).

## Commonwealth criminal law priorities

* 1. Legal assistance services related to Commonwealth criminal law should focus on:
  2. matters where the defendant is a child;
  3. matters where the defendant is being charged with a criminal offence for which a sentence of imprisonment is likely to apply should the defendant be found guilty; and
  4. assisting persons being detained in custody.

## Lobbying activities

* 1. The NLAP does not prohibit legal assistance providers from engaging in lobbying activities.
  2. Legal assistance providers funded under the NLAP must prioritise the use of Commonwealth funding for the delivery of frontline legal assistance services and/or undertaking activities required under the NLAP.

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

|  |  |  |
| --- | --- | --- |
| Signed for and on behalf of the Commonwealth of Australia by    The Honourable Mark Dreyfus KC MP  Attorney-General  [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 Kyam Maher MLC  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    Shane Rattenbury MLA  Attorney-General of the Australian Capital Territory  [Day] [Month] [Year] |  | Signed for and on behalf of the Northern Territory by    The Honourable Chanston Paech MLA  Attorney-General of the Northern Territory of Australia  [Day] [Month] [Year] |