

South Australia: Bilateral Schedule

NATIONAL LEGAL ASSISTANCE PARTNERSHIP

PART 1- FORMALITIES

- E5-1 This Bilateral Schedule to the National Legal Assistance Partnership (NLAP) is between the Commonwealth of Australia (Commonwealth) and the State of South Australia (South Australia). This Bilateral Schedule is consistent with the NLAP and should be read in conjunction with the NLAP's multilateral agreement and its Schedules.
- E5-2 This Bilateral Schedule 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, whichever is later. This Bilateral Schedule may be terminated earlier or extended as agreed in writing by the Parties.
- E5-3 This Bilateral Schedule may be amended at any time by agreement in writing by the Commonwealth and South Australia.

PART 2 – STATE SPECIFIC REPORTING AND MEASUREMENT

- E5-4 Reporting in respects to this Bilateral Schedule will be included within South Australia's Statement of Services and Funding and Jurisdictional Performance Report, as per the requirements of Part 4 – Performance Monitoring and Reporting of the multilateral agreement.

Family Advocacy and Support Services

- E5-5 In addition to Clause E5-4, South Australia will provide the following information relating to the Family Advocacy and Support Services:
- (a) update on the status of the Family Advocacy and Support Services, including the service approach and collaborative arrangements;
 - (b) update on the dedicated men's support worker, the nature of their work, utilisation and referrals made;
 - (c) from 11 March 2023, update on the dedicated mental health support, the nature of the work, utilisation and referrals made;
 - (d) number of dedicated men's support worker services delivered;
 - (e) from 11 March 2023, number of clients receiving legal assistance services (provided to individuals) that have a mental illness;
 - (f) number of non-legal support services (excluding dedicated men's support worker and mental health support services) delivered; and

- (g) a de-identified case study.

Domestic violence units and/or health justice partnerships

E5-6 In addition to Clause E5-4, South Australia will provide the following information relating to the domestic violence units and/or health justice partnerships:

- (a) update on the mental health support, the nature of the work, utilisation and referrals made;
- (b) update on the regional outreach funding, the nature of the work, utilisation and uptake;
- (c) number of clients receiving legal assistance services (provided to individuals) that have a mental illness; and
- (d) a de-identified case study.

E5-7 In addition to Clause E5-4, South Australia will provide by 30 November 2021 a progress report detailing projected allocation of this Commonwealth funding to individual legal assistance providers for the 2021-22 financial year. This additional funding stream will not be included in the Statement of Services and Funding to be provided under Clause 39.

Aboriginal and Torres Strait Islander Legal Service – Expensive complex cases and coronial inquiries

E5-8 From 30 September 2022 onwards, in addition to Clause E5-4, South Australia will provide the following information relating to the expensive complex cases and coronial inquiries:

- (a) if any in the reporting period, the number of individual family members of deceased Aboriginal and Torres Strait Islander individuals that received legal assistance services in coronial inquiries;
- (b) for each coronial inquiry supported during the reporting period, information on whether the matter is new, ongoing, or closed; and
- (c) if any in the reporting period, a de-identified case study on an expensive complex case supported.

Aboriginal and Torres Strait Islander Legal Service – Justice Policy Partnership data capability

E5-9 From 30 September 2022 to 30 June 2024, in addition to Clause E5-4, South Australia will provide information detailing how Commonwealth funding was used to increase the Aboriginal and Torres Strait Islander Legal Service's data capability and capacity to support the Justice Policy Partnership.

Aboriginal and Torres Strait Islander Legal Service – Coronial inquiries

E5-10 From 30 September 2023 onwards, in addition to Clause E5-4, South Australia will provide the following information relating to the coronial inquiries:

- (a) if any in the reporting period, the number of individual family members of deceased Aboriginal and Torres Strait Islander individuals that received assistance in coronial inquiries; and
- (b) for each coronial inquiry supported during the reporting period, information on whether the matter is new, ongoing, or closed.

Increased legal assistance for vulnerable women

E5-11 In addition to Clause E5-4, South Australia will provide by 30 November 2021 a progress report detailing projected allocation of this Commonwealth funding to individual legal assistance providers for the 2021-22 financial year. This additional funding stream will not be included in the Statement of Services and Funding to be provided under Clause 39.

E5-12 From 11 March 2022, in addition to Clause E5-4, reporting on the national performance indicator set out in Clause 33(a) will include disaggregation by gender.

Supporting people with mental health conditions to access the justice system

E5-13 In addition to Clause E5-4, South Australia will provide by 30 November 2021 a progress report detailing projected allocation of this Commonwealth funding to individual legal assistance providers for the 2021-22 financial year. This additional funding stream will not be included in the Statement of Services and Funding to be provided under Clause 39.

Front-line support to address workplace sexual harassment

E5-14 In addition to Clause E5-4, South Australia will provide by 30 November 2021 a progress report detailing projected allocation of this Commonwealth funding to individual legal assistance providers for the 2021-22 financial year. This additional funding stream will not be included in the Statement of Services and Funding to be provided under Clause 39.

Supporting increased child sexual abuse prosecutions

E5-15 In addition to Clause E5-4, South Australia will provide by 30 November 2021 a progress report detailing projected allocation of this Commonwealth funding to individual legal assistance providers for the 2021-22 financial year. This additional funding stream will not be included in the Statement of Services and Funding to be provided under Clause 39.

E5-16 From 11 March 2022, in addition to Clause E5-4, South Australia will provide the total number of representation services delivered to people accused of, or charged with, Commonwealth child sexual abuse offences.

Family law pilot program

E5-17 In addition to Clause E5-4, South Australia will provide the following information relating to the family law pilot program:

- (a) update on the innovative and collaborative approaches taken to the provision of dedicated legal assistance services in family law matters; and
- (b) update on the nature of the work, including any collaboration with family law services.

E5-18 South Australia will provide by 30 November 2021 a progress report detailing projected allocation of this Commonwealth funding to individual legal assistance providers for the 2021-22 financial year. This additional funding stream will not be included in the Statement of Services and Funding to be provided under Clause 39.

E5-19 The Commonwealth and South Australia will jointly undertake an independent review of the family law pilot program, as part of the Independent Review of the NLAP outlined in Clauses 81-88.

PART 3 – FINANCIAL ARRANGEMENTS

E5-20 The Commonwealth will provide an estimated total financial contribution to South Australia of **\$48.267 million over five years** in respect to this Bilateral Schedule. All payments are exclusive of GST.

Table 1: Estimated NLAP financial contributions - South Australia - bilateral

| (\$ million) | 2020-21 | 2021-22 | 2022-23 | 2023-24 | 2024-25 | Total |
|---------------------------------------------------------------------------------------------------------------------------------------------------|--------------|---------------|---------------|---------------|---------------|---------------|
| Estimated NLAP – Bilateral Schedule (1) = (2) + (3) + (4) + (5) | 1.306 | 10.011 | 11.402 | 12.761 | 12.787 | 48.267 |
| Estimated NLAP bilateral payment – mainstream and specialist legal assistance services (2) | 0.847 | 1.297 | 2.246 | 3.305 | 3.368 | 11.063 |
| <i>LAC - Baseline</i> | - | - | 0.669 | 1.697 | 1.728 | 4.094 |
| <i>Family Advocacy and Support Services</i> | 0.847 | 0.861 | 1.135 | 1.160 | 1.186 | 5.189 |
| <i>Domestic Violence Units/Health Justice Partnerships</i> | - | 0.436 | 0.442 | 0.448 | 0.454 | 1.780 |
| Estimated NLAP bilateral payment – Aboriginal and Torres Strait Islander specific legal assistance services (3) | - | 0.208 | 0.578 | 0.830 | 0.741 | 2.357 |
| <i>Justice Policy Partnership</i> | - | 0.090 | 0.091 | 0.092 | - | 0.273 |
| <i>Expensive and complex cases and coronial cases</i> | - | 0.118 | 0.240 | 0.244 | 0.247 | 0.849 |
| <i>Coronial inquiries</i> | - | - | 0.247 | 0.494 | 0.494 | 1.235 |
| Estimated NLAP bilateral payment – mainstream, specialist and Aboriginal and Torres Strait Islander specific legal assistance services (4) | - | 7.915 | 7.980 | 8.021 | 8.066 | 31.982 |
| <i>Increased legal assistance for vulnerable women</i> | - | 2.423 | 2.447 | 2.476 | 2.506 | 9.852 |
| <i>Supporting people with mental health conditions to access the justice system</i> | - | 1.018 | 1.055 | 1.055 | 1.055 | 4.183 |
| <i>Front-line support to address workplace sexual harassment</i> | - | 0.788 | 0.790 | 0.801 | 0.814 | 3.193 |
| <i>Supporting increased child sexual abuse prosecutions</i> | - | 0.116 | 0.118 | 0.119 | 0.121 | 0.474 |
| <i>Family law pilot program</i> | - | 3.570 | 3.570 | 3.570 | 3.570 | 14.280 |
| Estimated NLAP - Administrative funding (5) | 0.459 | 0.591 | 0.598 | 0.605 | 0.612 | 2.865 |

Payment

E5-21 Subject to South Australia continuing delivery of frontline legal assistance services, 50% of the 2021-22 Commonwealth contributions under the following funding streams will be paid on 7 September 2021, or on the next relevant payment date, following agreement to this amended Bilateral Schedule by both Parties:

- (a) Domestic Violence Units/Health Justice Partnerships;
- (b) Increased legal assistance for vulnerable women;

- (c) Supporting people with mental health conditions to access the justice system;
- (d) Front-line support to address workplace sexual harassment;
- (e) Supporting increased child sexual abuse prosecutions; and
- (f) Family law pilot program.

E5-22 Subject to South Australia continuing delivery of frontline legal assistance services, 80% of the 2021-22 Commonwealth's contribution under the Aboriginal and Torres Strait Islander specific legal assistance services funding stream will be paid on 7 February 2022, or on the next relevant payment date, following agreement to this amended Bilateral Schedule by both Parties:

- (a) Justice Policy Partnership; and
- (b) Expensive complex cases and coronial inquiries.

E5-23 Subject to South Australia continuing delivery of frontline legal assistance services, 100% of the 2022-23 Commonwealth contributions under the following funding streams as provided in this Bilateral Schedule will be paid on 7 May 2023, or on the next relevant payment date, following agreement to this amended Bilateral Schedule by both Parties:

- (a) LAC – Baseline; and
- (b) Coronial inquiries.

E5-24 Subsequent Commonwealth contributions will be paid in accordance with Clause 76.

Mainstream and specialist legal assistance services

E5-25 The Commonwealth may provide additional financial contributions, for mainstream and specialist legal assistance services, in respect to this Bilateral Schedule from time to time.

Family Advocacy and Support Services

E5-26 Under this Bilateral Schedule, South Australia will allocate and administer quarantined Commonwealth funding for the operation of Family Advocacy and Support Services in South Australia at the following agreed service locations:

- (a) Adelaide Family Law Courts Registry; and
- (b) Family Law Courts – Mount Gambier circuit.

E5-27 For the purposes of E5-26, if South Australia cannot provide Family Advocacy and Support Services at all of the agreed service locations, the Parties will work together, as a matter of priority, to develop a mutually acceptable solution which would enable clients in each location to access the integrated legal assistance services.

E5-28 South Australia will ensure that the Family Advocacy and Support Services provide integrated legal assistance services including:

- (a) legal support and advice for families affected by family violence with matters before the family law courts;
- (b) preparing notices of risk and applications to assist the court to make evidence-based and safe decisions;

- (c) trauma-informed and high quality social support services delivered by appropriately qualified personnel, so that clients' other issues, particularly where they elevate the risk of family violence, are identified and responded to alongside legal issues;
- (d) dedicated men's support workers who will work with male victims and alleged male perpetrators to access appropriate support services including parenting programs and men's behavioural change programs;
- (e) from 1 July 2022, dedicated mental health support workers who will work with clients to deliver appropriate mental health supports and avenues of referral to respond to mental health concerns of clients and reduce any negative mental health impact of engagement with the legal system and experiences of family violence;
- (f) assisting families to transition between, and manage matters across, the Commonwealth family law, state family violence and state child protection jurisdictions; and
- (g) unless it is not feasible, partnering with established providers of specialist domestic violence services, and specialist mental health services, to deliver the social support and mental health services.

Domestic violence units and/or health justice partnerships

E5-29 In addition to funding allocated under the NLAP, under this Bilateral Schedule, South Australia will allocate and administer additional Commonwealth funding to all currently funded legal assistance providers, for the delivery of enhanced domestic violence units and/or health justice partnerships.

E5-30 South Australia will ensure that each existing specialist domestic violence unit and/or health justice partnership receives additional funding to provide dedicated mental health support to clients accessing the service.

E5-31 South Australia will ensure that at least one existing specialist domestic violence unit and/or health justice partnership receives additional funding to provide increased outreach to women in regional and/or remote areas. This funding may be allocated to one or more providers, and its allocation should be determined based on the needs of South Australia and in consultation with providers.

Aboriginal and Torres Strait Islander specific legal assistance services

E5-32 The Commonwealth may provide additional financial contributions, for Aboriginal and Torres Strait Islander specific legal assistance services, in respect to this Bilateral Schedule from time to time.

Aboriginal and Torres Strait Islander Legal Service – Expensive complex cases and coronial inquiries

E5-33 Under this Bilateral Schedule, South Australia will allocate and administer quarantined Commonwealth funding to the Aboriginal and Torres Strait Islander Legal Service:

- (a) for the delivery of the following legal assistance services:
 - i. the provision of legal assistance to Aboriginal and Torres Strait Islander clients involved in expensive complex cases; and
 - ii. the provision of legal assistance to families of deceased Aboriginal and Torres Strait Islander individuals in coronial inquiries.

Aboriginal and Torres Strait Islander Legal Service – Justice Policy Partnership data capability

E5-34 Under this Bilateral Schedule, South Australia will allocate and administer quarantined Commonwealth funding to the Aboriginal and Torres Strait Islander Legal Service to increase its data capability and capacity to inform the Justice Policy Partnership.

Note: The Justice Policy Partnership is a commitment under Clause 38 of the National Agreement on Closing the Gap (National Agreement), which makes provisions for the establishment of policy partnerships under Priority Reform One: Formal Partnerships and Shared Decision-Making. A key objective of the Justice Policy Partnership is to establish a joined-up approach to Aboriginal and Torres Strait Islander justice policy between the Commonwealth, states and territories and Aboriginal and Torres Strait Islander representatives, and identify specific measures to reduce adult and youth incarceration.

Aboriginal and Torres Strait Islander Legal Service – Coronial inquiries

E5-35 Under this Bilateral Schedule, South Australia will allocate and administer quarantined Commonwealth funding for the delivery of legal assistance services to families of deceased Aboriginal and Torres Strait Islander individuals in coronial processes.

Mainstream, specialist and Aboriginal and Torres Strait Islander specific legal assistance services

E5-36 The Commonwealth may provide additional financial contributions, for mainstream, specialist and Aboriginal and Torres Strait Islander specific legal assistance services, in respect to this Bilateral Schedule from time to time.

Increased legal assistance for vulnerable women

E5-37 Under this Bilateral Schedule, and subject to Clauses E5-36 and E5-37, South Australia will allocate and administer quarantined Commonwealth funding to Community Legal Centres and/or the Legal Aid Commission and/or the Aboriginal and Torres Strait Islander Legal Service for the delivery of dedicated legal assistance services to women.

E5-38 The Commonwealth encourages South Australia to allocate this funding to legal assistance providers specialising in the delivery of dedicated legal assistance services to women, with a focus on women experiencing, or at risk of, family violence.

E5-39 South Australia will allocate some of this funding to a Community Legal Centre that specialises in the delivery of dedicated legal assistance services to women only, in each financial year of this Bilateral Schedule.

Supporting people with mental health conditions to access the justice system

E5-40 Under this Bilateral Schedule, South Australia will allocate and administer quarantined Commonwealth funding for the delivery of legal assistance services to people with mental health conditions.

E5-41 South Australia will allocate funding to Community Legal Centres, the Legal Aid Commission, and the Aboriginal and Torres Strait Islander Legal Service, in each financial year of this Bilateral Schedule.

E5-42 Clause 63 applies to this funding, as if it were Commonwealth baseline funding.

E5-43 South Australia will ensure that the services delivered with this funding are informed by the needs of people with mental health conditions, including by encouraging legal assistance providers to:

- (a) explore innovative and collaborative service models to deliver these services, such as health-justice partnership;
- (b) work collaboratively with providers of mental health services to build referral pathways and cross-sectoral capacity; and
- (c) build the capability of staff to deliver holistic and consumer-driven services to these clients.

Front-line support to address workplace sexual harassment

E5-44 Under this Bilateral Schedule, South Australia will allocate and administer quarantined Commonwealth funding to Community Legal Centres, the Legal Aid Commission and the Aboriginal and Torres Strait Islander Legal Service for the delivery of legal assistance services to people experiencing workplace sexual harassment or discrimination, in each financial year of this Bilateral Schedule.

Supporting increased child sexual abuse prosecutions

E5-45 Under this Bilateral Schedule, South Australia will allocate and administer quarantined Commonwealth funding for the delivery of legal assistance services to people accused of, or charged with, Commonwealth child sexual abuse offences.

E5-46 South Australia will allocate funding to the Legal Aid Commission and/or the Aboriginal and Torres Strait Islander Legal Service in each financial year of this Bilateral Schedule.

Family law pilot program

E5-47 Under this Bilateral Schedule, South Australia will allocate and administer quarantined Commonwealth funding for the delivery of legal assistance services in family law matters to Community Legal Centres and Aboriginal and Torres Strait Islander Legal Services, through a family law pilot program.

E5-48 South Australia will ensure that the services delivered with this family law pilot program funding are informed by need for legal assistance in family law matters, including by requiring legal assistance providers to:

- (a) explore innovative and collaborative service models to deliver these services, including integrating culturally appropriate social support services; and
- (b) where feasible, work collaboratively with providers of family law services to build referral pathways and cross-sectoral capacity.

Administrative funding

E5-49 The Commonwealth will also provide **\$2.865 million over five years** to support South Australia in conducting their roles and responsibilities under the NLAP.

PART 4 – OTHER CONDITIONS

E5-50 The Commonwealth Attorney-General is authorised to amend this Bilateral Schedule on behalf of the Commonwealth.

E5-51 The South Australian Attorney-General or the relevant South Australian Minister with portfolio responsibility for legal assistance is authorised to amend this Bilateral Schedule on behalf of South Australia.

E5-52 Other conditions may be agreed between the Parties from time to time.

Interpretation

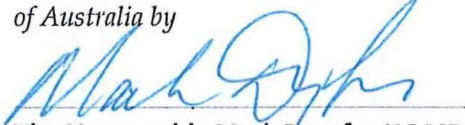
E5-53 For the purposes of the NLAP and this Bilateral Schedule:

- (a) *Family Advocacy and Support Services* refers to services based in family law court registries and integrate frontline legal assistance services with social support services, which, where possible, assist families to manage matters across the Commonwealth family law and State family violence jurisdictions, helping families who are traversing systems to have continuous support during a time of crisis.

PART 5 – SIGN OFF

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

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



The Honourable Mark Dreyfus KC MP
Attorney-General of the Commonwealth of Australia

[Day] [Month] [Year]

20th June 2023

*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]

7 July 2023