

NATIONAL ACCESS TO JUSTICE 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,
and
 - ◆ 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 accessible for people experiencing vulnerability and financial disadvantage.

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National Access to Justice Partnership

OVERVIEW

1. The National Access to Justice Partnership (NAJP) is created subject to the provisions of the Intergovernmental Agreement on Federal Financial Relations (IGA FFR) and should be read in conjunction with the IGA FFR 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 NAJP is categorised as a National Agreement.

Purpose

2. In entering the NAJP, the Commonwealth of Australia (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 to help people experiencing vulnerability and financial disadvantage, who are unable to afford private legal services.
3. The NAJP will support the *National Strategic Framework for Legal Assistance* (the National Strategic Framework), by contributing to integrated, efficient, effective and appropriate legal assistance services which are focussed on improving outcomes and keeping the justice system accessible for people experiencing vulnerability and financial disadvantage, within available resources.

Reporting Arrangements

4. The States will report against the agreed outputs and performance indicators during the operation of the NAJP, as set out in Part 4.

Financial Arrangements

5. The Commonwealth will provide an estimated total financial contribution to the States of **\$3.9 billion over five years** (GST exclusive) in respect of this multilateral agreement of the NAJP, as set out in Part 5. The Commonwealth may also include additional funding through Bilateral Schedules agreed under the NAJP; noting this is at the discretion of the Commonwealth and not required by this Agreement.

PARTIES

6. The Parties to this Agreement (the Parties) are:
 - (a) The Commonwealth, and
 - (b) The States and Territories, being:
 - i. the State of New South Wales;
 - ii. the State of Victoria;
 - iii. the State of Queensland;
 - iv. the State of Western Australia;
 - v. the State of South Australia;
 - vi. the State of Tasmania;
 - vii. the Australian Capital Territory; and
 - viii. the Northern Territory.
7. States and Territories are referred to in the NAJP collectively as States.

PRELIMINARIES

8. 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, Women's Legal Services, and Family Violence Prevention and Legal Services.
9. The NAJP provides quarantined Commonwealth funding for legal assistance and sets out arrangements for the delivery of Commonwealth funded legal assistance services. The NAJP also provides separate Commonwealth funding to support the States in administering the NAJP. The NAJP outlines a framework to guide the legal assistance sector, including legal assistance providers which may not be funded under the NAJP.
10. The NAJP consists of this multilateral agreement and, where needed, will include Bilateral Schedules between the Commonwealth and individual States.
11. The Commonwealth and all States have signed the National Agreement on Closing the Gap and are committed to implementing the Closing the Gap Priority Reforms, and achieving the Outcomes and Targets. Where possible, Parties commit to undertake actions under the NAJP to prioritise and support progress towards National Agreement on Closing the Gap Priority Reforms and relevant targets and outcomes (particularly 10, 11, 12 and 13).

PART 1 – TERMS OF THE AGREEMENT

12. The NAJP will commence on 1 July 2025, or when the Commonwealth and one other State signs it, whichever is later.
13. The NAJP will expire on 30 June 2030, or on completion of the final performance reporting and processing of final payments. The NAJP may be terminated earlier or extended as agreed in writing by the Parties.

PART 2 – OBJECTIVES, OUTCOMES AND OUTPUTS

Objectives

14. The objective of the NAJP is to contribute to integrated, efficient, effective and appropriate legal assistance services which are focussed on improving outcomes and keeping the justice system accessible for people experiencing vulnerability and financial disadvantage, within available resources.
15. The NAJP will support the objectives of the National Strategic Framework and the Parties will ensure that legal assistance services are delivered consistent with its principles.
16. States will administer Commonwealth funding provided under the NAJP in accordance with Commonwealth priorities, which are:
 - (a) family law matters;
 - (b) combating gender-based violence against women and children, particularly Aboriginal and Torres Strait Islander women and children;
 - (c) alleviating cost of living pressures such as employment, welfare, housing and financial disputes; and
 - (d) Closing the Gap and reducing incarceration rates for Aboriginal and Torres Strait Islander adults and youth.

Schedule A provides further guidance on the prioritisation of services.

17. The NAJP will guide long-term reforms to the legal assistance sector to work towards a sustainable workforce to provide quality legal assistance services, and a sector that is equipped to use legal assistance data to enhance service delivery.
18. The NAJP will also prioritise and support the National Agreement on Closing the Gap Priority Reforms and targets and outcomes, recognising the fundamental importance of Aboriginal and Torres Strait Islander Community-Controlled Organisations and the rights, strengths, lived experience and expertise of Aboriginal and Torres Strait Islander people.

Outcomes

19. The NAJP 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 experiencing 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 people'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.
20. The NAJP will also support Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention and Legal Services to deliver legal assistance services, consistent with self-determination as stipulated in the National Agreement on Closing the Gap, in order to achieve the following outcomes:
- (a) empower Aboriginal and Torres Strait Islander peoples self-determined access to justice, including addressing legal and non-legal wraparound support needs to facilitate legal outcomes;
 - (b) improve access to justice outcomes for Aboriginal and Torres Strait Islander peoples; and
 - (c) drive progress on National Agreement on Closing the Gap Priority Reforms, outcomes and targets.
21. The NAJP will continue to enhance data capability in the sector by maintaining and improving the quality of the Legal Assistance Service Data publication described in Schedule D and supporting the development and operation of a new National Legal Assistance Data Strategy. It will also enable the development of an outcomes-based framework and a National Legal Assistance Workforce Strategy.

Outputs

22. The objectives and outcomes of the NAJP will be achieved through:
- (a) the delivery of integrated, efficient, effective and appropriate legal assistance services within each State, which may be informed by a Legal Assistance Strategy and Action Plan where applicable;
 - (b) the delivery of efficient, effective and culturally safe legal assistance services to Aboriginal and Torres Strait Islander people within each State;
 - (c) sharing of service data, information and resources which support the delivery of legal assistance services, and progressing Priority Reform Four under the National Agreement on Closing the Gap, where appropriate;
 - (d) the delivery of a Closing the Gap Schedule, as outlined in Part 6;
 - (e) the delivery of the long-term reform priorities, as outlined in Part 7 and Attachment A; and
 - (f) participation and engagement in collaborative service planning by the Commonwealth, States and the legal assistance sector, with guidance provided in Schedule C.

PART 3 – ROLES AND RESPONSIBILITIES OF EACH PARTY

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

Role of the Commonwealth

24. The Commonwealth agrees to be responsible for:

Policy and strategic guidance

- (a) facilitating information sharing at the national level with the States, the national legal assistance sector peak bodies and national legal centres;
- (b) organising, facilitating and participating in forums at the national level with the States, the national legal assistance sector peak bodies and national legal centres;

Provision of funding

- (c) providing a financial contribution to the States for the delivery of legal assistance services in accordance with the NAJP;
- (d) providing a financial contribution to support the States in administering the NAJP;

Sector planning and development

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

Performance monitoring

- (h) monitoring and assessing performance under the NAJP to ensure outputs are delivered and outcomes are achieved;
 - (i) facilitating improvements to the collection of nationally consistent data and the *National Legal Assistance Data Standards Manual*;
 - (j) providing a financial contribution to the Legal Assistance Service Data publication;
 - (k) developing a new data repository for Community Legal Centres, Women's Legal Services, and any other legal assistance provider as applicable; and
 - (l) taking direct action, in consultation with the relevant State, in Exceptional Circumstances to prevent disruptions to service delivery (as outlined in Schedule B).
25. The Commonwealth may provide guidance, to the States and the legal assistance sector, on operationalising and implementing the requirements outlined in the NAJP.

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, disaggregated to separately identify each legal assistance subsector, to the Commonwealth in a manner and format established by the Legal Assistance Services Inter Governmental Committee;
- (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 legal assistance services, in accordance with the NAJP;

Sector planning and development

- (f) participate in national collaborative service planning in accordance with Schedule C;
- (g) leading, conducting and participating in jurisdictional and local collaborative service planning in accordance with Schedule C;
- (h) supporting the ongoing development and capacity of the legal assistance sector within available funding;
- (i) ensuring legal assistance providers uphold accountability as publicly funded organisations in accordance with Schedule B;
- (j) distributing funding provided by the Commonwealth for the purpose of reducing pay disparity between employees of Legal Aid Commissions and employees within Aboriginal and Torres Strait Islander Legal Services, Community Legal Centres, Women's Legal Services and Family Violence Prevention and Legal Services;
- (k) where applicable, reviewing, updating or implementing a jurisdictional Legal Assistance Strategy and Action Plan;

Performance monitoring

- (l) reporting on the delivery of outcomes and outputs as set out in Part 4;
- (m) monitoring and assessing the delivery of legal assistance services under the NAJP;
- (n) requiring that providers funded under the NAJP collect data, using a case management system that records relevant information and interacts with a centralised data system

where applicable, for reporting purposes in accordance with reporting obligations under the NAJP; and

- (o) requiring that legal assistance data and information is collected and reported consistent with the *National Legal Assistance Data Standards Manual*.
27. The Commonwealth's preference is that the States' roles and responsibilities not be delegated to a legal assistance provider. However, 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, Women's Legal Services and Family Violence Prevention and Legal Services, except for decisions to allocate funding to legal assistance providers which will remain the role of the State;
 - (b) the leading and conducting of jurisdictional and local collaborative service planning; and
 - (c) the organising and facilitating of jurisdictional legal assistance forums.
28. 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 NAJP;
 - (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 any of the delegated roles and responsibilities listed under Clause 27, and other relevant activities required under the NAJP;
 - (d) include information on the nature and extent of the roles and responsibilities the State has delegated to a legal assistance provider and information on how States manage their obligations under subclauses (a), (b) and (c) within their Performance Report (Part 4); and
 - (e) at the request of the Commonwealth, provide information on how States manage their obligations under subclauses (a), (b) and (c) at bilateral meetings required under Clause 31(c)
29. If a State delegates all or part of its roles or responsibilities under the NAJP to a legal assistance provider, it is permissible for the relevant State, with written agreement from the Commonwealth, to allocate administration funding pursuant to Clause 69 to administer the delegation arrangement.
30. The States will not delegate all or part of its roles and responsibilities relating to any aspect of the administration of funding for Aboriginal and Torres Strait Islander Legal Services.

Shared roles and responsibilities

31. The Commonwealth and the States agree to be jointly responsible for:
- (a) achieving the outcomes of the NAJP;
 - (b) participating in consultations with the legal assistance sector as appropriate regarding the implementation of the NAJP;

- (c) meeting twice a year on a bilateral basis to discuss the operation of the NAJP;
 - (d) requiring the ongoing collection and transparent reporting of agreed nationally consistent data and working collaboratively to improve the collection of Legal Assistance Service Data;
 - (e) progressing National Agreement on Closing the Gap Priority Reforms, targets and outcomes, and initiatives outlined in Part 6;
 - (f) progressing long-term policy priorities outlined in Part 7; and
 - (g) funding, participating in and managing the Independent Review of the NAJP in accordance with Part 8.
32. 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 services for administrative purposes and for delivering improved outcomes under the NAJP;
 - (b) ensure collected data is communicated to the legal assistance sector and other government agencies where required, to provide meaningful insights and analysis to inform legal assistance service delivery; and
 - (c) provide reasonable access to research and administrative data sets.
33. 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 NAJP, and that the roles of all relevant Parties will be acknowledged and recognised appropriately.

PART 4 – PERFORMANCE MONITORING AND REPORTING

National performance indicators

34. Achievement of the objectives and outcomes in the NAJP are informed by national performance indicators.
35. The following are the national performance indicators:
- (a) total number of clients receiving legal assistance services (provided to individuals) and, separately identifying funding category (where applicable), 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 set out in A3(a), A3(b), A3(d), A3(f), A3(i), A3(j) and A3(l) of Schedule A;
 - (b) total number of clients receiving legal assistance services (provided to individuals) separately identifying where the service was delivered through each of the following:
 - i. Domestic Violence Units;
 - ii. Health Justice Partnerships;
 - iii. Family Advocacy and Support Services; and
 - iv. Specialist Elder Abuse Units.

- (c) number of legal representation services and the percentage of those services in which the clients were financially disadvantaged;
- (d) 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;
 - ii. problem type; and
 - iii. specific national priority client groups A3(a), A3(b), A3(d), A3(f), A3(i), A3(j) and A3(l) of Schedule A;
- (e) total number of information and referral services by legal assistance providers, separately identifying service type, and legal assistance provider type;
- (f) 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;
- (g) for Custody Notification Services, only the following:
 - i. number of notifications received from police;
 - ii. number of missed notifications received from police;
 - iii. number of notifications by gender;
 - iv. number of notifications by age (age brackets);
 - v. number of checks on wellbeing; and
 - vi. if applicable, number of discrete legal assistance services, separately identifying service type.
- (h) for legal assistance services relating to coronial inquiries, only the following:
 - i. the number of individual family members of deceased Aboriginal and Torres Strait Islander individuals that received assistance to participate in coronial inquiries; and
 - ii. for each coronial inquiry supported during the reporting period, information on whether the matter is new, ongoing or closed.

36. The national performance indicators at Clause 35 may be reviewed throughout the NAJP including in the context of the development of the National Legal Assistance Data Strategy and the outcomes-based framework. Changes to the national performance indicators must be agreed by the Parties, in consultation with the National Legal Assistance Advisory Group.
37. For the purposes of Clause 35, the following may not be required in the reporting of national performance indicators:
 - (a) all data relating to information and referral services except as required under Clause 35(e);
 - (b) all data relating to the following national priority client groups:
 - i. LGBTIQ+ people;
 - ii. people affected by natural disasters;
 - iii. people experiencing, or at risk of, homelessness (homelessness status);
 - iv. people in custody and/or prisoners (in-custody status);
 - v. people residing in outer regional and remote areas;
 - vi. people with low education levels (education level indicator);
 - vii. vulnerable migrants, asylum seekers and refugees; and
 - viii. single parents (single parent indicator);
 - (c) primary law type and problem type for non-legal support services.
38. For the purposes of Clause 35, where existing systems do not facilitate the provision of reporting as required under the NAJP, the relevant Parties may agree for proxies to be used and set out in the Guidance Notes. The relevant Parties will work together to ensure the required reporting is provided within an agreed reasonable time.
39. It is not compulsory for the States to report on Clause 35(b) where the requirements are new and/or additional to the requirements legal assistance providers were subject to in service agreements prior to the NAJP, until the reporting arrangements as prescribed in Clause 35 are reviewed under the National Legal Assistance Data Strategy.

Reporting arrangements

40. Each State must report to the Commonwealth as per the dates outlined in Table 1.

Table 1: Reporting milestones

Reporting requirement	Due date
Projected Commonwealth funding under Clause 43	1 July 2025 for 2025-26 and 31 March or the next business day each year after
Performance report under Clause 44 for the 1 January to 30 June period of the relevant year	30 September or the next business day each year
Financial report under Clause 45 for the relevant financial year	
Performance report under Clause 44 for the 1 July to 31 December period of the relevant year	31 March or the next business day each year
Other reports under Clauses 46 and 47 for the relevant financial year	

41. Reporting under the NAJP will take the form of official correspondence between the relevant State the Commonwealth (or delegated officials from the relevant agencies).
42. The Parties agree to perform their obligations under this agreement subject to the limits of their legal powers and comply with relevant Commonwealth and State privacy and secrecy legislation and principles.

Projected Commonwealth funding report

43. Upon commencement of the NAJP and from 31 March 2026 onwards, the States will provide an annual projected funding report to the Commonwealth, including:
- (a) projected Commonwealth funding provided under the NAJP for the relevant financial year, disaggregated to separately identify funding category and individual legal assistance providers; and
 - (b) projected Commonwealth funding provided under the NAJP for the relevant financial year, for Legal Aid Commissions, Aboriginal and Torres Strait Islander Legal Services, Community Legal Centres, Women's Legal Services and Family Violence Prevention and Legal Services aggregated at a jurisdictional level and separately identifying funding not provided directly to individual legal assistance providers.

Performance report

44. From 31 March 2026, the States will provide a performance report to the Commonwealth, including:
- (a) the national performance indicators at Clause 35 for the relevant six-month period in accordance with Guidance Notes issued by the Commonwealth; and
 - (b) any further reporting required in the Bilateral Schedules, other Schedules or ad hoc reporting as agreed by the Parties, in accordance with Guidance Notes issued by the Commonwealth.

Financial report

45. From 30 September 2026, the States will provide an annual financial report to the Commonwealth, including:
- (a) actual Commonwealth funding provided under the NAJP, disaggregated to separately identify funding category and individual legal assistance providers, for the relevant financial year;
 - (b) actual Commonwealth funding provided under the NAJP for Legal Aid Commissions, Aboriginal and Torres Strait Islander Legal Services, Community Legal Centres, Women's Legal Services and Family Violence Prevention and Legal Services, aggregated at a jurisdictional level and separately identifying funding not provided directly to individual legal assistance providers, for the relevant financial year; and
 - (c) any further reporting required in the Bilateral Schedules, other Schedules or ad hoc reporting as agreed by the Parties, in accordance with Guidance Notes issued by the Commonwealth.

Other reports

46. From 31 March 2026, the States will provide the following to the Commonwealth:
- (a) 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;
 - (b) 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 Notes issued by the Commonwealth; and
 - (c) any further reporting required in the Bilateral Schedules, other Schedules or ad hoc reporting as agreed by the Parties, in accordance with Guidance Notes issued by the Commonwealth.
47. The 31 March 2026 report will also include a statement outlining the methodology for allocating Commonwealth funding to reduce pay disparity for Aboriginal and Torres Strait Islander Legal Services, Community Legal Centres, Family Violence Prevention and Legal Services and Women's Legal Services.

PART 5 – FINANCIAL ARRANGEMENTS

48. The Commonwealth will provide an estimated total financial contribution to the States of \$3.9 billion over five years, including annual indexation by Wage Cost Index 1, in respect to this multilateral agreement. All payments are exclusive of GST.
49. Subject to consideration of appropriateness and the agreement of the Parties, the Commonwealth may provide additional financial contributions or include other Commonwealth legal assistance programs in support of the objective and outcomes of the NAJP through Bilateral Schedules, noting this is at the discretion of the Commonwealth and not required by this Agreement.
50. The Commonwealth will maintain its level of effort and investment in legal assistance services, in real terms over the life of the Agreement, for each subsector of the legal assistance sector.
51. The States will maintain their level of effort and investment in legal assistance services, in real terms over the life of the Agreement, for each subsector of the legal assistance sector.

52. Commonwealth financial contributions provided under the NAJP 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 NAJP.
53. Separate to the NAJP, the Commonwealth also provides funding for national legal centres, national legal assistance sector peak bodies and other Commonwealth legal assistance programs.
54. The Commonwealth's provision of funding to national legal centres is not intended to limit the State's ability to also allocate funding, provided under the NAJP, to national legal centres.

Table 2: Estimated NAJP financial contributions to legal assistance – National

(\$ million)	2025-26	2026-27	2027-28	2028-29	2029-30	Total
Total estimated NAJP payment	737.740	758.424	773.604	789.109	804.913	3,863.790
Legal Aid Commissions	341.413	350.240	357.248	364.401	371.695	1,784.997
Community Legal Centres	104.505	109.933	112.122	114.378	116.665	557.603
Women's Legal Services	52.871	54.041	55.138	56.255	57.393	275.698
Aboriginal and Torres Strait Islander Legal Services	160.737	164.273	167.558	170.920	174.326	837.814
Family Violence Prevention and Legal Services	70.366	71.915	73.356	74.810	76.319	366.766
Administration	7.848	8.022	8.182	8.345	8.515	40.912

Table 3: Estimated NAJP financial contributions to legal assistance – By State*

(\$ million)	2025-26	2026-27	2027-28	2028-29	2029-30	Total
<i>New South Wales</i>	193.243	198.702	202.681	206.740	210.879	1,012.245
Legal Aid Commissions	106.800	109.924	112.127	114.375	116.668	559.894
Community Legal Centres	27.429	28.465	29.034	29.615	30.207	144.750
Women's Legal Services	6.700	6.847	6.985	7.124	7.266	34.922
Aboriginal and Torres Strait Islander Legal Services	38.065	38.902	39.680	40.485	41.283	198.415
Family Violence Prevention and Legal Services	13.070	13.358	13.625	13.886	14.175	68.114
Administration	1.179	1.206	1.230	1.255	1.280	6.150
<i>Victoria</i>	128.991	133.144	135.812	138.532	141.308	677.787
Legal Aid Commissions	74.717	76.361	77.888	79.446	81.034	389.446
Community Legal Centres	26.563	28.460	29.030	29.611	30.203	143.867
Women's Legal Services	10.337	10.567	10.782	11.003	11.227	53.916
Aboriginal and Torres Strait Islander Legal Services	11.829	12.088	12.331	12.577	12.829	61.654
Family Violence Prevention and Legal Services	4.365	4.462	4.551	4.641	4.735	22.754
Administration	1.180	1.206	1.230	1.254	1.280	6.150

Table 3: Estimated NAJP financial contributions to legal assistance – By State*

(\$ million)	2025-26	2026-27	2027-28	2028-29	2029-30	Total
<i>Queensland</i>	158.455	162.437	165.690	169.008	172.392	827.982
Legal Aid Commissions	68.856	70.371	71.778	73.214	74.679	358.898
Community Legal Centres	17.775	18.660	19.033	19.414	19.802	94.684
Women's Legal Services	16.285	16.645	16.984	17.326	17.678	84.918
Aboriginal and Torres Strait Islander Legal Services	39.173	40.035	40.836	41.652	42.484	204.180
Family Violence Prevention and Legal Services	15.186	15.520	15.830	16.147	16.469	79.152
Administration	1.180	1.206	1.229	1.255	1.280	6.150
<i>Western Australia</i>	98.417	101.105	103.129	105.193	107.298	515.142
Legal Aid Commissions	35.786	36.572	37.304	38.050	38.812	186.524
Community Legal Centres	16.527	17.414	17.763	18.120	18.483	88.307
Women's Legal Services	2.089	2.135	2.177	2.221	2.265	10.887
Aboriginal and Torres Strait Islander Legal Services	25.422	25.982	26.502	27.032	27.572	132.510
Family Violence Prevention and Legal Services	17.413	17.796	18.153	18.516	18.886	90.764
Administration	1.180	1.206	1.230	1.254	1.280	6.150
<i>South Australia</i>	58.228	59.876	61.075	62.299	63.546	305.024
Legal Aid Commissions	25.508	26.069	26.590	27.122	27.665	132.954
Community Legal Centres	9.601	10.179	10.382	10.590	10.802	51.554
Women's Legal Services	5.217	5.333	5.441	5.551	5.663	27.205
Aboriginal and Torres Strait Islander Legal Services	12.161	12.429	12.677	12.931	13.189	63.387
Family Violence Prevention and Legal Services	4.838	4.944	5.044	5.145	5.248	25.219
Administration	0.903	0.922	0.941	0.960	0.979	4.705
<i>Tasmania</i>	23.947	25.018	25.509	26.032	26.554	127.060
Legal Aid Commissions	11.054	11.840	12.076	12.319	12.564	59.853
Community Legal Centres	3.056	3.123	3.175	3.249	3.314	15.917
Women's Legal Services	3.171	3.242	3.308	3.376	3.445	16.542
Aboriginal and Torres Strait Islander Legal Services	5.018	5.129	5.231	5.336	5.443	26.157
Family Violence Prevention and Legal Services	1.045	1.068	1.090	1.111	1.134	5.448
Administration	0.603	0.616	0.629	0.641	0.654	3.143

Table 3: Estimated NAJP financial contributions to legal assistance – By State*

(\$ million)	2025-26	2026-27	2027-28	2028-29	2029-30	Total
<i>Australian Capital Territory</i>	14.538	14.859	15.157	15.462	15.773	75.790
Legal Aid Commissions	7.981	8.156	8.319	8.486	8.656	41.598
Community Legal Centres	1.459	1.491	1.521	1.551	1.582	7.604
Women's Legal Services	2.687	2.747	2.804	2.862	2.920	14.020
Aboriginal and Torres Strait Islander Legal Services	1.325	1.354	1.380	1.408	1.437	6.904
Family Violence Prevention and Legal Services	0.489	0.500	0.510	0.520	0.531	2.550
Administration	0.597	0.611	0.623	0.635	0.648	3.114
<i>Northern Territory</i>	61.921	63.283	64.551	65.843	67.162	322.760
Legal Aid Commissions	10.711	10.947	11.166	11.389	11.617	55.830
Community Legal Centres	2.095	2.141	2.184	2.228	2.272	10.920
Women's Legal Services	6.385	6.525	6.657	6.792	6.929	33.288
Aboriginal and Torres Strait Islander Legal Services	27.744	28.354	28.921	29.499	30.089	144.607
Family Violence Prevention and Legal Services	13.960	14.267	14.553	14.844	15.141	72.765
Administration	1.026	1.049	1.070	1.091	1.114	5.350

*The funding amounts in Table 3 are indexed at Wage Cost Index 1.

Use of Commonwealth funding

Commonwealth funding provided under the NAJP is to be prioritised for the delivery of frontline legal assistance services

55. Commonwealth funding provided under the NAJP must be prioritised for the delivery of frontline legal assistance services, which includes legal assistance providers' reasonable operational costs that support service delivery, or to directly enable NAJP funded legal assistance providers to undertake activities required by the NAJP.
56. The Parties acknowledge that people experiencing vulnerability and financial disadvantage may require wraparound legal and non-legal support services to effectively address their legal problems.
 - (a) Where a wraparound non-legal support service is not part of a legal assistance provider's existing service delivery model, legal assistance providers are encouraged to explore collaborative service options with non-legal service providers to facilitate the provision of wraparound legal and non-legal support services to legal assistance clients. Examples of existing service delivery models include Health Justice Partnerships, Domestic Violence Units and Specialist Elder Abuse Units.
 - (b) Subject to Clause 56(a), legal assistance providers may use Commonwealth funding provided under the NAJP to deliver wraparound non-legal support services directly related to the resolution of the legal assistance client's relevant legal problem(s).
 - (c) Commonwealth funding provided under the NAJP does not replace funding for wraparound non-legal support services received through other sources.

57. The delivery of legal assistance services under the NAJP should be informed by and delivered in accordance with:
- (a) the principles of the National Strategic Framework;
 - (b) the National Agreement on Closing the Gap;
 - (c) the Commonwealth priorities under the NAJP (Schedule A);
 - (d) the outcomes of collaborative service planning (Schedule C); and
 - (e) where applicable, a State's Legal Assistance Strategy and Action Plan.
58. States should use Commonwealth funding provided under the NAJP for, where relevant:
- (a) the delivery of legal assistance services by Domestic Violence Units, Health Justice Partnerships and Specialist Elder Abuse Units;
 - (b) the delivery of Family Advocacy and Support Services;
 - (c) the delivery of Custody Notification Services;
 - (d) Aboriginal and Torres Strait Islander Legal Services providing legal assistance services to family members in coronial inquiries, and supporting expensive and complex cases;
 - (e) legal assistance services to support people with mental health conditions to access the justice system;
 - (f) legal assistance services for people experiencing workplace sexual harassment or discrimination;
 - (g) legal assistance services for temporary visa holders experiencing family and domestic violence; and
 - (h) legal assistance services in family law matters per the Family Law Program under the National Legal Assistance Partnership 2020-2025, delivered by Community Legal Centres and Aboriginal and Torres Strait Islander Legal Services.

Providing funding certainty to legal assistance providers

59. The States will distribute and administer quarantined Commonwealth funding provided under the NAJP to Legal Aid Commissions, Aboriginal and Torres Strait Islander Legal Services, Community Legal Centres, Women's Legal Services, and Family Violence Prevention and Legal Services to deliver legal assistance services.
60. The States may only redistribute quarantined Commonwealth funding provided under the NAJP from one legal assistance subsector to another legal assistance subsector:
- (a) in accordance with Schedule B; or
 - (b) if, following consultation with the relevant peak bodies and the legal assistance providers affected and receiving agreement in writing from the Commonwealth, the State can demonstrate one of the following situations exists:
 - i. there are serious and objective issues relating to performance of the currently funded legal assistance provider that are detrimental to their present and/or potential clients

which have not been rectified following the State working with the relevant legal assistance provider to address these issues over a reasonable period of time;

- ii. there is a more appropriate legal assistance provider operating within the relevant State that has the capability and capacity to deliver better outcomes for current and/or potential clients and the State receives agreement from the affected legal assistance providers; or
- iii. where a legal assistance provider has unused Commonwealth funding under the NAJP at the end of a financial year, and there is another legal assistance provider operating within the relevant State that can demonstrate it has greater capability and capacity to use the relevant unused funding to address legal need within the relevant State; and

(c) in relation to subclause (b), the State must:

- i. inform the relevant peak bodies and the affected legal assistance providers in writing of the redistribution of funding to another legal assistance subsector, including the evidence established to meet the conditions for redistribution; and
- ii. demonstrate there is no appropriate alternative Aboriginal and Torres Strait Islander Community-Controlled Organisation if the funding is being redistributed from an Aboriginal and Torres Strait Islander Community-Controlled Organisation.

- 61. Legal assistance providers are not prevented from establishing subcontracting or similar arrangements with other service providers.
- 62. Given the Parties preference for maximising funding certainty for legal assistance providers, the States will administer, as appropriate, Commonwealth funding under the NAJP:
 - (a) for Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention and 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 NAJP; or
 - ii. combination of no more than two funding agreements that cover the five-year duration of the NAJP.
- 63. Limited exceptions to the requirements in Clause 62 may be agreed between the Parties, in writing, on a case-by-case basis.
- 64. The Commonwealth and the States will use best endeavours to ensure that legal assistance providers receive twelve months advance notice of any proposed future Commonwealth and State funding distributions, where applicable and appropriate.

Programs transitioned to the NAJP

- 65. Commonwealth funding includes funding for services that were previously delivered through programs funded by the Commonwealth directly. The funding transitioning into the NAJP includes:
 - (a) from 1 July 2025, Family Violence Prevention and Legal Services, Indigenous Women's Program, Supplementary Legal Assistance Program, Custody Notification Services, and Legal Assistance for Temporary Visa Holders Experiencing Family and Domestic Violence; and

- (b) from 1 July 2026, Specialist Elder Abuse Services (Specialist Elder Abuse Units and Health Justice Partnerships).

- 66. Schedule E sets out interim arrangements for Family Violence Prevention and Legal Services under the NAJP.

Reduce pay disparity

- 67. Commonwealth funding outlined in Tables 2 and 3 includes funding to reduce pay disparity between Legal Aid Commissions employees and employees within Aboriginal and Torres Strait Islander Legal Services, Community Legal Centres, Family Violence Prevention and Legal Services and Women's Legal Services.
- 68. The States are to distribute this funding to Aboriginal and Torres Strait Islander Legal Services, Community Legal Centres, Family Violence Prevention and Legal Services and Women's Legal Services in an equitable manner.

Administration funding

- 69. The States may use Commonwealth administration funding provided under the NAJP to conduct their roles and responsibilities. If it is agreed in writing by the Commonwealth, the States may use funding from other Commonwealth funding categories for this purpose. This agreement can occur at any time during the term of the NAJP.

Payment

- 70. The Commonwealth will provide financial contributions to each State in accordance with the payment schedule and conditions outlined in Table 4, unless otherwise stated in the Bilateral Schedules.

Table 4: Estimated payment schedule for each financial year

Payment amount	Payment condition	Estimated payment date
50% of total annual funding	- For July 2025 payment, Commonwealth acceptance of projected Commonwealth funding report under Clause 43 provided in accordance with the relevant timeframe to meet the payment deadline. - Continued delivery of legal assistance services as evidenced by relevant reporting provided under the National Legal Assistance Partnership 2020-2025.	7 July
	- For July 2026 payment and onwards, Commonwealth acceptance of projected Commonwealth funding report under Clause 43. - Commonwealth acceptance of the performance report for the 1 July to 31 December period of the relevant year under Clause 44. - Commonwealth acceptance of the Other reports for the relevant year under Clause 46 and 47. - Continued delivery of legal assistance services as evidenced by the reporting and provided in accordance with the timeframes in Table 1.	
50% of total annual funding	- For January 2026 payment, Commonwealth acceptance of the relevant reporting requirements in accordance with Clauses 26(c) and 40 of the National Legal Assistance Partnership 2020-2025. - Continued delivery of legal assistance services as evidenced by the reporting and provided in accordance with the relevant timeframe to meet the payment deadline.	7 January
	- For January 2027 payment and onwards, Commonwealth acceptance of the performance report for the 1 January to 30 June period of the relevant year under Clause 44. - Continued delivery of legal assistance services as evidenced by the reporting and provided in accordance with the timeframes in Table 1.	

Financial risk management

71. Having regard to the Commonwealth's estimated total financial contribution to the States, States will not be required to pay a refund to the Commonwealth if the actual cost of delivering legal assistance services and outputs under the NAJP is less than the estimated total financial contribution, although Commonwealth funding must be used for, and in line with, legal assistance purposes or specified wraparound non-legal support services. Similarly, the States bear all risk should the costs exceed the estimated total financial contribution. The Parties acknowledge that this arrangement provides the maximum incentive for the States to deliver legal assistance services and outputs cost effectively and efficiently.
72. Where applicable, Clause 71 applies to unused Commonwealth funding under the National Legal Assistance Partnership 2020-25 and the National Partnership Agreement on Legal Assistance Services 2015-2020.

PART 6 – CLOSING THE GAP

73. The Parties acknowledge that Aboriginal and Torres Strait Islander Community-Control is an act of self-determination, as stipulated in the National Agreement on Closing the Gap. The Parties also acknowledge that mainstream national partnership agreements such as the NAJP are a critical funding mechanism that can be utilised to achieve the transformational intent of the National Agreement on Closing the Gap.
74. The Parties acknowledge that, as stipulated under Clause 43 of the National Agreement on Closing the Gap, Aboriginal and Torres Strait Islander Community-Controlled Services are better for Aboriginal and Torres Strait Islander people, achieve better results, employ more Aboriginal and Torres Strait Islander people and are often preferred over mainstream services.
75. All Parties acknowledge their responsibility to collaborate under the NAJP and agree to utilise the NAJP to progress the National Agreement on Closing the Gap Priority Reforms, and targets and outcomes (particularly 10, 11, 12 and 13).
76. All parties acknowledge that there are existing and established governance arrangements in place under the National Agreement on Closing the Gap. Parties intend to leverage these existing mechanisms where relevant.

Implementation

77. The Parties commit to developing a Closing the Gap Schedule in the first two years of the NAJP, in partnership with the Aboriginal and Torres Strait Islander Community-Controlled Legal Assistance Sector through the Closing the Gap Engagement Forum.
78. The Closing the Gap Schedule will include actions to prioritise and support progress towards the National Agreement on Closing the Gap Priority Reforms and relevant targets and outcomes. This will include, but not be limited to, considerations relating to:
 - (a) *Priority Reform One – Formal partnerships and shared decision-making*: formal partnership arrangements with Aboriginal and Torres Strait Islander representative organisations in each jurisdiction, with reference to the 'strong partnership elements' in Clause 32 of the National Agreement on Closing the Gap and the justice partnership work being undertaken by the Justice Policy Partnership;
 - (b) *Priority Reform Two – Building the Community-controlled Sector*: the 'strong Community-Controlled Sector elements' in Clause 45 of the National Agreement on Closing the Gap, including consideration of Clause 55(b), and considering alignment with the work on the National Justice Sector Strengthening Plan being undertaken by the Justice Policy Partnership in accordance with Priority Reform Two under the National Agreement on Closing the Gap;
 - (c) *Priority Reform Three – Transforming-Government Organisations*: the 'transformation elements' in Clause 59 of the National Agreement on Closing the Gap, recognising that all governments and the services they fund are accountable for outcomes under the National Agreement on Closing the Gap, including culturally safe service provision;
 - (d) *Priority Reform Four – Shared Access to Data and Information at a Regional Level*: culturally-informed collection, access to and use of data supporting Indigenous Data Sovereignty and Indigenous Data Governance in accordance with Priority Reform Four under the National Agreement on Closing the Gap and the 'data and information-sharing elements' in Clause 71 of the National Agreement on Closing the Gap; and

- (e) Arrangements to monitor the progress of the Closing the Gap Schedule, which may include a mechanism/s to monitor the operation and impact of the NAJP on Aboriginal and Torres Strait Islander people to ensure that Aboriginal and Torres Strait Islander people are benefiting from funding given to all parts of the legal assistance sector.
79. The Closing the Gap Engagement Forum includes representatives from peak bodies representing Aboriginal and Torres Strait Islander Community-Controlled legal and non-legal (where appropriate) organisations that provide services under the NAJP, and other stakeholders as determined by the Closing the Gap Engagement Forum. This governance structure may be amended through development of the Closing the Gap Schedule.

PART 7 – PRIORITISING LONG-TERM REFORM

80. To support the objectives and outcomes of the NAJP, the Parties commit to delivering on long-term policy priorities, including:
- (a) developing a Closing the Gap Schedule, including actions to prioritise and support progress towards National Agreement on Closing the Gap Priority Reforms, and targets and outcomes (particularly 10, 11, 12 and 13);
 - (b) developing an outcomes-based framework;
 - (c) developing a National Legal Assistance Data Strategy; and
 - (d) developing a National Legal Assistance Workforce Strategy.
81. These initiatives support long-term reform outcomes to the legal assistance sector outlined in Attachment A, in line with the National Strategic Framework.
82. The Parties agree to monitor and consider annual updates on long-term reforms through the Standing Council of Attorneys-General (or equivalent).

Data, Measurement and Outcomes

Objectives

83. The NAJP will aim to shift the legal assistance data landscape from input and activity-based metrics to outcome-oriented collection methods that measure the effectiveness of programs, support evidence-based policy development and resource allocation, and deliver a shared strategic approach between the Parties in relation to continuous improvement and accountability.
84. The NAJP will guide reforms to ensure the legal assistance sector has a shared understanding of data and evidence, and is equipped to use legal assistance data and national performance indicators to enhance service delivery.

Implementation arrangements

85. In partnership with the sector, Parties will develop a high-level outcomes-based framework with the primary purpose of enabling a coordinated and collaborative approach by all Parties towards achieving agreed outcomes. The outcomes-based framework will draw broadly across existing data information.

The outcomes-based framework may inform the development of other long-term reform initiatives including a National Legal Assistance Workforce Strategy.

86. The NAJP will continue to enhance data capability in the sector, including working towards the transition to client management systems and the development of a new data repository for Community Legal Centres, Women's Legal Services and any other legal assistance provider as applicable.
87. The Commonwealth will develop a new National Legal Assistance Data Strategy, in collaboration with the National Legal Assistance Advisory Group, the Legal Assistance Services Inter Governmental Committee, the Closing the Gap Engagement Forum and other relevant sector stakeholders, before 30 June 2026. The new National Legal Assistance Data Strategy will be made publicly available.

Workforce

Objectives

88. The NAJP will guide reforms to support a more sustainable workforce to deliver quality legal assistance services and enhance service delivery.

Implementation arrangements

89. In consultation with the sector, the Parties commit to develop a National Legal Assistance Workforce Strategy (Workforce Strategy) by 30 June 2027. The Workforce Strategy will provide guidance on how to build a sustainable and appropriately governed legal assistance workforce. This will involve developing a broad and strategic approach that acknowledges the broader policy context at both the sector level and the provider level in relation to:
 - (a) recruitment and retention actions, particularly in regional and remote areas;
 - (b) the extent of pay disparity within the legal assistance sector, the reduction in pay disparity over time and the effect on supply and demand for a skilled, legal assistance workforce;
 - (c) supporting sustainable organisational growth and capacity in response to existing and changing needs of the communities they serve, including strengthening the Aboriginal and Torres Strait Islander Community-Controlled sector in consideration of the National Agreement on Closing the Gap; and
 - (d) distribution of the legal assistance workforce and provision of intersectional, high-quality inclusive and culturally safe services with an appropriately skilled and supported workforce.
90. The Workforce Strategy should align with other relevant workforce development strategies and initiatives, including but not limited to the National Justice Sector Strengthening Plan being developed by the Justice Policy Partnership.
91. The Workforce Strategy will be informed by, but not contingent upon, existing information and strategic planning, and legal assistance data to enhance service delivery. It will also be informed by any other relevant workforce development strategies and initiatives.

PART 8 – GOVERNANCE ARRANGEMENTS

92. The NAJP 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.

93. Officials from the Commonwealth will, within each State and on a tripartite basis, meet annually with officials from the relevant State and delegates representing each type of legal assistance provider individually to discuss issues relating to the NAJP.

Enforceability of the Agreement

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

Review of the Agreement

95. An Independent Review of the NAJP will be scheduled to be completed approximately 18 to 24 months prior to its expiry.
96. The Independent Review of the NAJP should primarily:
- (a) assess progress towards achieving the overall objectives and outcomes and delivering the outputs of the NAJP;
 - (b) assess the appropriateness of the NAJP in achieving its objective and outcomes and delivering its outputs;
 - (c) assess whether legal assistance services funded under the NAJP have been delivered in an effective, efficient and culturally safe manner; and
 - (d) consider appropriate action following the expiry of the NAJP.
97. The Independent Review will be conducted by an appropriately skilled and qualified independent third party that is able to conduct a review in a culturally safe manner, or be able to work with, sub contract or partner with another entity that has this capability.
98. The terms of reference for the Independent Review will be jointly developed by the Parties, in consultation with the National Legal Assistance Advisory Group.
99. 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.
100. The final report for the Independent Review must be made publicly available by the Commonwealth within three months of completion of the Independent Review, unless it is not reasonable, appropriate or practical to do so at the time.
101. 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 NAJP.
102. With consideration of the outcomes of the Independent Review, the Parties will consider future arrangements for funding for legal assistance services beyond the term of the NAJP. 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 levels.

Variation of the Agreement

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

Delegations

105. The Commonwealth Attorney-General or the relevant Commonwealth Minister is authorised to agree and amend Schedules to the NAJP on behalf of the Commonwealth and to certify that relevant conditions specified under the NAJP have been achieved, so that payments may be made.
106. Respective State Attorneys-General or the relevant State Ministers with portfolio responsibility for legal assistance services are authorised to agree and amend Schedules to the NAJP.
107. The Commonwealth Attorney-General may delegate to senior Commonwealth officials:
 - (a) the issuing of guidance;
 - (b) the assessment of reporting and performance monitoring requirements;
 - (c) the task of determining exceptions to the duration of funding agreements for legal assistance providers; and
 - (d) the authorisation of related payments, having regard to the financial and policy risks associated with those payments.
108. Respective State Attorneys-General or the relevant State Ministers with portfolio responsibility for legal assistance services may delegate functions, relevant to the following matters, to senior State officials:
 - (a) performance monitoring and reporting;
 - (b) requesting exceptions to the duration of funding agreements for legal assistance providers; and
 - (c) the Independent Review.

Dispute resolution

109. Any Party may give notice to other Parties of a dispute under the NAJP.
110. Officials of relevant Parties will attempt to resolve any dispute in the first instance.
111. If a dispute cannot be resolved by officials, it may be escalated to relevant Attorneys-General, or equivalent.

Interpretation

112. For the purposes of the NAJP:
 - i. specific terminology and definitions relating to data types and types of legal assistance services are defined in the *National Legal Assistance Data Standards Manual*.

- ii. *Aboriginal and Torres Strait Islander Legal Service* refers to an Aboriginal and Torres Strait Islander community entity that is:
 - a. incorporated under the *Corporations Act 2001* (Cth), the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) or relevant State legislation;
 - b. governed by a body, such as a board of directors, that is controlled by Aboriginal and Torres Strait Islander people who ordinarily reside within the entity's service boundaries; and
 - c. recognised as a provider of culturally safe legal assistance services to Aboriginal and Torres Strait Islander people.
- iii. *age brackets* refers to:

a. less than or equal to 9 years of age; b. 10 - 14 years of age; c. 15 - 17 years of age; d. 18 - 19 years of age; e. 20-24 years of age; f. 25 - 29 years of age; g. 30 - 34 years of age; h. 35 - 39 years of age; i. 40 - 44 years of age;	j. 45 - 49 years of age; k. 50 - 54 years of age; l. 55 - 59 years of age; m. 60 - 64 years of age; n. 65 - 69 years of age; o. 70 - 74 years of age; p. 75 - 79 years of age; and q. greater than or equal to 80 years of age.
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- iv. *Closing the Gap Engagement Forum* means the Forum described in Clause 79 of the NAJP;
- v. *Community Legal Centres* refers to an independent community-based and community-embedded provider of legal assistance (and can include non-legal support services) to people and communities in need, with a particular focus on those that are socially and/or economically disadvantaged and cannot afford a private lawyer. Community Legal Centres are accredited under Community Legal Centres Australia's National Accreditation Scheme. The requirement for accreditation under the National Accreditation Scheme does not exclude providers who previously received Community Legal Centre program funding under the National Legal Assistance Partnership 2020-2025. For funding and reporting purposes under the NAJP, Women's Legal Services, Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention and Legal Services are not considered to be Community Legal Centres.
- vi. *Custody Notification Services* refers to a service that includes an independent and culturally safe check on wellbeing and may include the provision of discrete legal assistance, provided by Aboriginal and Torres Strait Islander Legal Services and Aboriginal and Torres Strait Islander Community-Controlled Organisations, to any Aboriginal and Torres Strait Islander person entering and in police custody. The specific Custody Notification Service model in each State is to be determined in partnership with the relevant Aboriginal and Torres Strait Islander Legal Service in that State.

- vii. *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, family and sexual violence.
- viii. *Family Advocacy and Support Services* refers to integrated legal assistance services and social support services offered to people with family law matters who have been affected by family, domestic and sexual violence, primarily based in family law court registries. Family Advocacy and Support Services provides legal assistance services and social support to individuals who have experienced, or are alleged to have used family violence, as well as other family members. Services can include assistance with family law, children protection or family violence intervention orders.
- ix. *Family Violence Prevention and Legal Service* refers to a provider that:
 - a. delivers culturally safe wraparound legal assistance and non-legal support services to Aboriginal and Torres Strait Islander victims and survivors experiencing, at risk of and/or recovering from family, domestic and sexual violence, and their families and relevant kinship;
 - b. is incorporated under the *Corporations Act 2001* (Cth), the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) or relevant State legislation; and
 - c. is governed by a body, such as a board of directors, that is controlled by Aboriginal and Torres Strait Islander people where ideally the majority of board members originate from or reside within the entity's service boundaries.

For funding and reporting purposes under the NAJP, Family Violence Prevention and Legal Services are not considered to be Aboriginal and Torres Strait Islander Legal Services, Community Legal Centres or Women's Legal Services.

- x. *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:
 - a. is in receipt of Centrelink benefits as their main source of income;
 - b. satisfies a means test applied by a legal assistance provider;
 - c. 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;
 - d. has an income equal to or below the Henderson Poverty Line; or
 - e. 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.
- xi. *frontline legal assistance services* are legal assistance services that are provided to individuals, and include legal advice services, duty lawyer services, representation services, legal task services, non-legal support services, ongoing legal support services and facilitated resolution processes.
- xii. *funding category* refers to specific Commonwealth funding streams provided under the NAJP (for example, Legal Aid Commission funding, Aboriginal and Torres Strait Islander Legal Service funding or Administration funding) or Bilateral schedules to the NAJP.

- xiii. *Guidance Notes* are guidance material developed and agreed to by the Legal Assistance Services Inter Governmental Committee, including the use of proxies as per Clause 38.
- xiv. *Health Justice Partnership* refers to collaborations to embed legal assistance providers into services that support people's health and wellbeing, including services delivered to people experiencing or at risk of family, domestic and sexual violence and people experiencing or at risk of elder abuse.
- xv. *Indigenous Women's Program* refers to a previous Commonwealth grant program that supplemented funding provided through the National Legal Assistance Partnership 2020-2025 to seven Community Legal Centres to provide additional capacity to meet the needs of Aboriginal and Torres Strait Islander women. As per clause 65(a), funding provided under this program is included in Commonwealth funding under the NAJP from 1 July 2025.
- xvi. *Justice Policy Partnership* is the policy partnership established under Priority Reform One of the National Agreement on Closing the Gap focused on providing a national joined up approach to improving Outcomes 10 and 11 of the National Agreement on Closing the Gap.
- xvii. *Legal Aid Commissions* are independent statutory bodies that provide legal assistance services to the public, with a particular focus on the needs of people who are economically and/or socially disadvantaged.
- xviii. *Legal assistance for temporary visa holders experiencing family and domestic violence* refers to legal assistance services on migration matters, and related issues such as family law, criminal law, or civil law to support women on temporary visas escaping violent family and domestic relationships.
- xix. *Legal Assistance Service Data* is data on legal assistance services and the clients who received these services, collected and reported to the Commonwealth for the purpose of contributing to the legal assistance evidence base and data publication.
- xx. *Legal Assistance Services Inter Governmental Committee* means the committee described in Clause 92 of the NAJP.
- xxi. *legal assistance provider* refers to individual Legal Aid Commissions, Aboriginal and Torres Strait Islander Legal Services, Community Legal Centres, Women's Legal Services, and Family Violence Prevention and Legal Services.
- xxii. *legal assistance sector* refers collectively to legal assistance providers and legal assistance peak bodies.
- xxiii. *Legal Assistance Strategy and Action Plans* are, where applicable, developed by a State, and identify areas of priority and focus for services within the State, levels of need and the strategy to deliver these services.
- xxiv. *legal assistance subsector(s)* refers to, for the purposes of the NAJP, Aboriginal and Torres Strait Islander Legal Services, Community Legal Centres, Family Violence Prevention and Legal Services, Legal Aid Commissions and Women's Legal Services.
- xxv. *National Legal Assistance Advisory Group* means the advisory group described in Clause 92 of the NAJP.
- xxvi. *national legal assistance sector peak bodies* refers to peak bodies including National Legal Aid, National Aboriginal and Torres Strait Islander Legal Services, Community Legal Centres Australia, Women's Legal Services Australia and First Nations Advocates Against Family Violence.

- xxvii. *national legal centres* refers to legal assistance providers that deliver legal assistance services nationally.
- xxviii. *National Justice Sector Strengthening Plan* refers to the national plan to grow the Aboriginal and Torres Strait Islander Community-Controlled law and justice sector under the Justice Policy Partnership's Strategic Framework.
- xxix. *non-legal support services* refers to non-legal services provided by appropriately qualified or experienced people (either through an internal or external appointment) in response to a request for assistance to resolve specific, non-legal problems. Examples include general counselling, financial counselling, trauma-informed counselling, Aboriginal and Torres Strait Islander community liaison, and mental health assessments and support.
- xxx. *pro bono services* refers, for the purposes of the *National Legal Assistance Data Standards Manual*, to:
 - a. giving legal assistance for free or at a substantially reduced fee to:
 - i. 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;
 - ii. individuals or organisations whose matter raises an issue of public interest which would not otherwise be pursued; or
 - iii. 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.
 - b. 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
 - c. providing a lawyer on secondment at a community organisation (including a community legal organisation) or at a referral service provider.
- xxxi. *quarantined Commonwealth funding* refers to Commonwealth funding that has been allocated for a specific purpose (for example, Administration funding) or to a specific legal assistance subsector (for example, for Legal Aid Commissions or Community Legal Centres).
- xxxii. *service agreements* refer to individual contracts, grant agreements, or other funding arrangements with legal assistance providers.
- xxxiii. *Specialist Elder Abuse Units* refers to units that comprise lawyers, social workers and other specialist and support staff who work side by side with clients to respond to the individual needs of clients, recognising the way that legal and social needs are interconnected for people at risk of experiencing elder abuse, and may include the provision of legal assistance services and/or referral and support to access other non-legal support services, such as mediation or counselling.
- xxxiv. *Supplementary Legal Assistance* refers to a previous Commonwealth grant program that supplemented funding provided through the National Legal Assistance Partnership 2020-2025 to five legal assistance providers in the Northern Territory to meet additional demand for legal services for Aboriginal and Torres Strait Islander peoples. As per clause 65(a), funding provided under this program is included in Commonwealth funding under the NAJP from 1 July 2025.

- xxxv. *Wage Cost Index 1* comprises a wage cost component (Wage Price Index of the previous year to December, weighted by 75%, less 1.2 percentage point productivity offset) and a non-wage cost component (Consumer Price Index of the previous year to December, weighted by 25%). Estimated growth in the Wage Cost Index 1 over the forward estimates is outlined in the Commonwealth Budget Paper 3 each year.
- xxxvi. *Women's Legal Services* are providers that specialise in legal assistance and non-legal support services for women, including legal representation, support and advocacy, and are listed below. Individual Women's Legal Services are accredited Community Legal Centres, however for the purpose of funding and reporting under the NAJP they are considered distinct and separate from Community Legal Centres.

Table 5: Defined Women's Legal Services

Women's Legal Services
New South Wales
Women's Legal Service NSW
Wirringa Baiya Aboriginal Women's Legal Centre
Victoria
Women's Legal Service Victoria
Emma House
Law & Advocacy Centre for Women
inTouch
Queensland
First Nations Women's Legal Service NQ Inc.
North Queensland Women's Legal Service
Women's Legal Service Queensland
Western Australia
Women's Legal Service WA
South Australia
Women's Legal Service SA
Tasmania
Women's Legal Service Tasmania
Australian Capital Territory
Women's Legal Centre ACT
Northern Territory
Central Australian Women's Legal Service
Katherine Women's Information and Legal Service
Top End Women's Legal Service

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

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

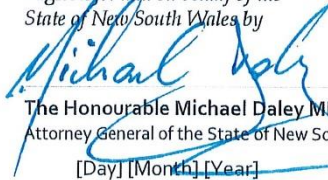
Signed for and on behalf of the Commonwealth
of Australia by



The Honourable Mark Dreyfus KC MP
Attorney-General

[Day] [Month] [Year]
22 November 2024

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



The Honourable Michael Daley MP
Attorney-General of the State of New South Wales

[Day] [Month] [Year]
22 November 2024

Signed for and on behalf of the
State of Queensland by

The Honourable Deborah Frecklington MP
Attorney-General of the State of Queensland

[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]
22 November 2024

Signed for and on behalf of the Australian
Capital Territory by



Tara Cheyne MLA
Attorney-General of the Australian Capital Territory

[Day] [Month] [Year]
22 November 2024

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]
22 November 2024

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]
22 November 2024

Signed for and on behalf of the
State of Tasmania by

The Honourable Guy Barnett MP
Attorney-General of the State of Tasmania

[Day] [Month] [Year]

Signed for and on behalf of the Northern
Territory by

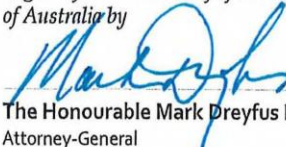


The Honourable Marie-Clare Boothby MLA
Attorney-General of the Northern Territory of
Australia

[Day] [Month] [Year]
25 November 2024

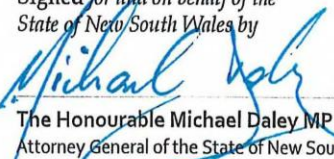
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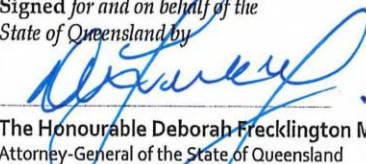
[Day] [Month] [Year]
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22 November 2024

Signed for and on behalf of the
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The Honourable Deborah Frecklington MP
Attorney-General of the State of Queensland

[Day] [Month] [Year]

27 November 2024

Signed for and on behalf of the
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The Honourable Kyam Maher MLC
Attorney-General of the State of South Australia

[Day] [Month] [Year]
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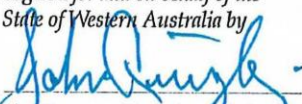
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The Honourable Guy Barnett MP
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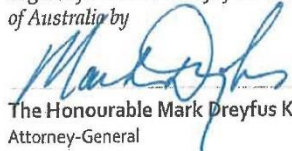
Signed for and on behalf of the Northern
Territory by

The Honourable Marie-Claire Boothby MLA
Attorney-General of the Northern Territory of
Australia

[Day] [Month] [Year]

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

Signed for and on behalf of the Commonwealth
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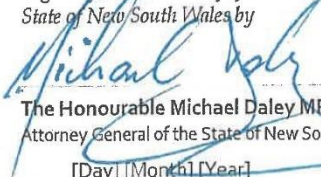


The Honourable Mark Dreyfus KC MP
Attorney-General

[Day] [Month] [Year]

22 November 2024

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[Day] [Month] [Year]

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Signed for and on behalf of the
State of Queensland by

The Honourable Deborah Frecklington MP
Attorney-General of the State of Queensland

[Day] [Month] [Year]

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State of South Australia by



The Honourable Kyam Maher MLC
Attorney-General of the State of South Australia

[Day] [Month] [Year]

22 November 2024

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Capital Territory by



Tara Cheyne MLA
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[Day] [Month] [Year]

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[Day] [Month] [Year]

22 November 2024

Signed for and on behalf of the
State of Tasmania by



The Honourable Guy Barnett MP
Attorney-General of the State of Tasmania

[Day] [Month] [Year]

28/11/24

Signed for and on behalf of the Northern
Territory by

The Honourable Marie-Claire Boothby MLA
Attorney-General of the Northern Territory of
Australia

[Day] [Month] [Year]

ATTACHMENT A: LONG-TERM REFORM FOR A STRONG, SUSTAINABLE AND COLLABORATIVE LEGAL ASSISTANCE SECTOR

Objectives of Long-Term Reform		
SECTOR PLANNING	WORKFORCE	DATA
1. Contribute to integrated, efficient, effective and appropriate legal assistance services which are focussed on improving outcomes and keeping the justice system within reach for people experiencing vulnerability and financial disadvantage, within available resources. 2. Support the National Agreement on Closing the Gap Priority Reforms, targets and outcomes, recognising the fundamental importance of Aboriginal and Torres Strait Islander Community-Controlled Organisations and the rights, strengths, lived experience and expertise of Aboriginal and Torres Strait Islander people.	1. Develop a sustainable workforce to provide quality legal assistance services. 2. A sector that is equipped to use legal assistance data to enhance service delivery. 3. Strong Aboriginal and Torres Strait Islander Community-Controlled legal assistance sector and a culturally safe mainstream sector, to provide Aboriginal and Torres Strait Islander clients a real choice of provider.	1. Enhance data capability in the sector by maintaining investment in the Legal Assistance Service Data publication, delivering a new data repository for Community Legal Centres, Women’s Legal Services and any other legal assistance provider as applicable and supporting the development and implementation of a new Legal Assistance Data Strategy. 2. Create an outcomes-based framework that will create a shared understanding of how data collected through both Legal Assistance Service Data and National Performance Indicators provides an understanding of the impact and outcomes of NAJP.

	Phase 1 Groundwork		Phase 2 Strengthening and Transitioning		Phase 3 Implementation and Future Planning	
	Short-Term: 1-2 Years		Medium-Term: 2-5 Years		Long-Term: 5-10 Years	
	Outcomes	Outputs	Outcomes	Outputs	Outcomes	Outputs
SECTOR PLANNING	Governments provide legal assistance providers appropriate forums for information sharing and capacity building opportunities.	Develop, in partnership, a schedule to reflect National Agreement on Closing the Gap Priority Reforms and targets and outcomes in national legal assistance funding arrangements within the first 24 months of NAJP.	Culturally safe legal assistance services are accessible to Aboriginal and Torres Strait Islander people and people from culturally and linguistically diverse communities and are appropriate to their respective legal needs. Legal assistance services focus on identified areas of legal need, including through collaborative service planning.	Implementation of strategy to reflect National Agreement on Closing the Gap Priority Reforms and targets and outcomes. Enhance consultation with Aboriginal and Torres Strait Islander Community-Controlled Organisations on the distribution of funding for services for Aboriginal and Torres Strait Islander peoples.	Legal assistance peak or representative bodies support legal assistance providers by undertaking a range of activities, including capability and capacity building, strengthening governance, strategic policy and law reform.	Ongoing evaluation of sector engagement and reflection of National Agreement on Closing the Gap Priority Reforms and targets and outcomes.
WORKFORCE	Legal assistance services are high quality, relevant, delivered respectfully and focused upon improving people’s circumstances. Sector that is equipped to use legal assistance data to enhance service delivery.	Supporting the transition of Family Violence Prevention and Legal Services under NAJP. Develop a workforce strategy and an action plan within first 24 months of NAJP.	Service models deliver a mix of legal assistance services and are tailored to meet people’s legal needs and capabilities. Culturally safe legal assistance services are accessible to Aboriginal and Torres Strait Islander people and people from culturally and linguistically diverse communities and are appropriate to their respective legal needs.	Delivery of the NAJP workforce strategy action plan, including actions to improve the recruitment and retention of qualified staff for the legal assistance sector (particularly in rural, regional and remote communities) and the sustainability and quality of the sector’s workforce.	Legal assistance services are sustainably structured and operate to deliver appropriate, proportionate and tailored client-centred services. All legal assistance providers are proficient to deliver culturally safe services to clients.	Ongoing evaluation of workforce outcomes.
DATA AND OUTCOMES-BASED FRAMEWORK	Increased and more meaningful understanding of the clients receiving, and services delivered by, the legal assistance sector is achieved. Increased planning and creating a shared vision for all stakeholders to work towards enhancing data capability in the sector.	Develop a high-level outcomes-based framework within first 24 months of NAJP. Develop and implement a National Legal Assistance Data Strategy (considering collection of non-legal services, client group information, states funding, and with a focus on an outcomes-based framework, improvements to the <i>National Legal Assistance Data Standards Manual</i> and IT systems) within first 12 months of NAJP. Without making them contingent upon it, the Strategy will inform a Workforce Strategy and Closing the Gap Schedule. Develop a new data repository for Community Legal Centres, Women’s Legal Services and any other legal assistance provider as applicable, data and work towards transitioning from Community Legal Assistance Services System. Continue progressing the Legal Assistance Service Data publication including improvements.	Sector planning and service delivery are evidence-based and informed by accurate, reliable and consistent data from relevant sources including legal need, service delivery and demographic data.	Ongoing improvements to the Legal Assistance Service Data including consideration of Indigenous Data Sovereignty. Implement an outcomes-based framework.	Appropriate monitoring and evaluating mechanisms are in place to identify and learn effective strategies and best practice which improve legal assistance services. Services complete reporting and performance monitoring requirements to a high standard using accurate and appropriate data.	Ongoing evaluation of data collection processes. Develop reporting requirements in line with the outcomes-based framework, ahead of the agreement which will commence from 2030.

Schedule A – Commonwealth Priorities

NATIONAL ACCESS TO JUSTICE PARTNERSHIP

PRELIMINARIES

A1 This Schedule provides guidance on the prioritisation of legal assistance services.

NATIONAL PRIORITY CLIENT GROUPS

A2 The States will require that legal assistance services are focussed on people experiencing financial disadvantage.

A3 People who fall within one or more of the following groups are national priority client groups (in alphabetical order):

- (a) Aboriginal and Torres Strait Islander people;
- (b) children and young people (up to 24 years);
- (c) LGBTIQ+ people;
- (d) older people (aged over 65 years or Aboriginal and Torres Strait Islander people aged over 50 years);
- (e) people affected by natural disasters;
- (f) people experiencing, or at risk of, family, domestic and sexual violence;
- (g) people experiencing, or at risk of, homelessness;
- (h) people in custody and/or prisoners;
- (i) people residing in outer regional and remote areas;
- (j) people with a disability or mental illness;
- (k) people with low education levels;
- (l) people who are culturally and linguistically diverse;
- (m) single parents; and
- (n) vulnerable migrants, including asylum seekers and refugees.

A4 The list of national priority client groups recognises that certain cohorts of people experiencing vulnerability and 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.

A5 The legal assistance sector is not excluded from assisting clients that fall outside these groups.

STATE-SPECIFIC PRIORITY CLIENT GROUPS

- A6 In addition to the national priority client groups, States may identify other priority client groups that may be specific to their respective jurisdiction. Where applicable, the relevant State will ensure the relevant legal assistance sector plan targets their services to these additional client groups.
- A7 If a State identifies additional priority client groups, these should be listed in the State's Legal Assistance Strategy, where applicable.

COMMONWEALTH SERVICE PRIORITIES

General principles

- A8 Commonwealth funding must be prioritised:
 - (a) for the delivery of frontline legal assistance services and focused on meeting the legal needs of individuals, with a specific focus on priority clients; and
 - (b) to directly enable legal assistance providers to undertake activities required by the NAJP.
- A9 Legal assistance services must be delivered in a manner consistent with the National Strategic Framework.
- A10 Family or civil law disputes should be resolved through alternative dispute resolution processes rather than through litigation, where appropriate.
- A11 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

- A12 The legal assistance sector should endeavour to ensure the continued delivery of legal assistance services during national or jurisdictional emergencies, taking into consideration:
 - (a) the safety of individuals who will be responsible for the delivery of legal assistance services;
 - (b) the safety of those in receipt of legal assistance services; and
 - (c) the appropriateness of continuing to deliver legal assistance services during a national or jurisdictional emergency.

Family law priorities

- A13 Legal assistance services related to family law should focus on:
 - (a) matters where the safety or welfare of children are at risk;
 - (b) matters involving allegations of family violence;
 - (c) matters involving complex issues about the living arrangements, relationships and financial support of children; and
 - (d) assisting people with property settlement matters if they are experiencing financial disadvantage or are at risk of homelessness.

- A14 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

- A15 Legal assistance services related to Commonwealth civil law should focus on matters relating to:

- (a) family, domestic or sexual violence;
- (b) bankruptcy;
- (c) consumer law;
- (d) employment;
- (e) extradition;
- (f) human rights and anti-discrimination;
- (g) insurance law;
- (h) migration; and
- (i) social security law (including matters relating to military entitlements and military compensation claims).

- A16 The list of Commonwealth civil law areas at A15 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

- A17 Legal assistance services related to Commonwealth criminal law should focus on matters which are:

- (a) not supported by the Expensive Commonwealth Criminal Cases Fund and;
- (b) are matters;
 - i. where the defendant is a child;
 - ii. 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
 - iii. assisting persons being detained in custody.

Lobbying activities

- A18 The NAJP does not prohibit legal assistance providers from engaging in lobbying activities.

- A19 Legal assistance providers funded under the NAJP must prioritise the use of Commonwealth funding for the delivery of frontline legal assistance services and/or undertaking activities required under the NAJP.

Schedule B – Principles to Improve Governance Standards and Arrangements

NATIONAL ACCESS TO JUSTICE PARTNERSHIP

- B1 The Parties agree to implement the principles outlined in Clauses B4 – B12 (Principles) to improve governance and the outcomes delivered under the NAJP, to support sector sustainability and service delivery.
- B2 States will reflect the intent of these Principles in their service agreements with NAJP funded legal assistance providers to ensure enforceability.
- B3 In the event a State is prohibited by a State law, from which an exemption cannot be provided, to give effect to Clause B2 as it applies to Principle 2, the relevant State will notify the Commonwealth of the prohibition and must provide details of the relevant law and its application to their service agreements. In these circumstances, the State is not required to comply to the extent that it is prohibited from doing so.

PRINCIPLE 1: ACCOUNTABILITY FOR NAJP FUNDED LEGAL ASSISTANCE PROVIDERS AND WORKING TOWARDS BEST PRACTICE

- B4 The Parties agree that NAJP funded legal assistance providers should uphold governance standards appropriate to a publicly funded organisation and work towards best practice to support sector sustainability and improve service delivery. States will:
 - (a) ensure their service agreements require that NAJP funded legal assistance providers work towards implementing best practice governance standards; and
 - (b) take appropriate steps to work with NAJP funded legal assistance providers over the life of the NAJP to build and/or maintain best practice governance, including using best endeavours to ensure legal assistance providers work towards maintaining:
 - i. appropriate and effective governance which may include but not be limited to using best endeavours to become incorporated under the *Corporations Act 2001* or *Corporations (Aboriginal and Torres Strait Islander) Act 2006*, or equivalent State legislation, during the term of the service agreement.
 - ii. effective and appropriately skilled boards and governance practices, over the life of the NAJP, which can include but are not limited to:
 - a. professional, appropriately qualified directors and/or board members being appointed with relevant skills, which may include skills in governance, risk, legal compliance, finance, accounting and audit;
 - b. appropriately investing in organisational overheads such as IT, client management, staff training, and infrastructure to ensure the sustainability

and efficiency of the organisation. States may prescribe expected reasonable expenditure on organisational overheads; and

- c. where appropriate, a review of each organisation's constitution during the term of the service agreement, to ensure it reflects current best practice.

Note: The list set out at B4(b) is non-exhaustive.

PRINCIPLE 2: GOVERNMENTS WILL WORK TOGETHER TO MANAGE HIGH RISK SERVICE DELIVERY

- B5 The Parties will work together to manage serious governance issues and/or high-risk service delivery issues to ensure the continuance of critical legal assistance services.
- B6 An Exceptional Circumstance arises where:
- (a) a NAJP funded organisation fails to uphold governance standards appropriate to a publicly funded organisation, including but not limited to:
 - i. diverting money to purposes not permitted under the service agreement;
 - ii. failure of the board or senior officers to disclose serious conflicts of interest; or
 - iii. being grossly negligent with finances and/or financial reporting; or
 - (b) the legal assistance provider's governance and/or operational failure poses a significant risk to the delivery of NAJP funded legal assistance services.
- B7 The Commonwealth or relevant State will notify the other as soon as practicable after forming a reasonable belief that an Exceptional Circumstance has arisen, together with the reasons why that belief is held and the proposed action to resolve the Exceptional Circumstance.
- B8 The Commonwealth or relevant State will respond to a notification issued under B7 within 30 days of receipt confirming whether or not there is agreement with the matters included in the notice under B7 and reasons for the position.
- B9 Following the response provided in accordance with B8 and after notifying the relevant State, the Commonwealth may, in consultation with the relevant State, issue a notice to the relevant legal assistance provider and relevant national and/or jurisdictional peak, advising that it considers that an Exceptional Circumstance has arisen, in which case B10 applies.
- B10 Where the Commonwealth issues a notice to the relevant legal assistance provider under B9, the Commonwealth may, in consultation with the relevant State:
- (a) direct the State to, where possible, retract Commonwealth funding already paid to the legal assistance provider to whom the notice has been provided;
 - (b) direct the State to withdraw Commonwealth funding allocated but not yet paid to the legal assistance provider to whom the notice has been provided; and
 - (c) direct the State to appoint a grant funding controller (or equivalent) and/or an independent auditor (or equivalent) to:
 - i. support the administration of Commonwealth funding by the legal assistance provider; and/or

- ii. investigate and make findings and/or recommendations in relation to the administration of Commonwealth funding by the legal assistance provider.

- B11 Following the retraction or withdrawal of funding pursuant to B10, and at the State's discretion after agreement with the Commonwealth, States may either:
- (a) return the retracted funding or allocate the withdrawn funding to the same provider if the issues of concern are adequately rectified; or
 - (b) reallocate the funding to one or more suitable legal assistance providers, including a legal assistance provider in another quarantined stream, in accordance with Clause 60 of the agreement.
- B12 The cost of engaging a grant funding controller (or equivalent) and/or an independent auditor (or equivalent) to perform the functions contemplated in B10(c) is the responsibility of the Commonwealth where the Commonwealth has agreed to the appointment and the terms of the appointment. Payments to States made under the NAJP will not be reduced to cover these costs.

Schedule C – Collaborative Service Planning

NATIONAL ACCESS TO JUSTICE PARTNERSHIP

PRELIMINARIES

- C1 This Schedule outlines the specific requirement and guidance for the Parties in the conduct of collaborative service planning.
- C2 Under the NAJP, the Parties will work together with the legal assistance sector to coordinate and maximise the reach of legal assistance services and ensure they are focussed on where they are most needed.

PURPOSE

- C3 Collaborative service planning is an ongoing, iterative process where the Parties and the legal assistance sector will:
 - (a) develop collaborative partnerships to deliver holistic services which address a range of legal and other social needs;
 - (b) inform legal assistance policy development, program design or service delivery; and
 - (c) better coordinate existing services to maximise efficiency and effectiveness and minimise system and service gaps.
- C4 Collaborative service planning processes will not be responsible for making funding distribution decisions to legal assistance providers. These processes may be used to support the States to inform allocative decisions for any new or additional funding that may be provided over the life of the NAJP.

ACTIVITIES

- C5 Under the NAJP, collaborative service planning should focus on:
 - (a) consideration of all services provided by the legal assistance sector to inform decisions about ongoing service delivery and identify service gaps;
 - (b) consideration of an appropriate evidence base for legal need;
 - (c) supporting the development of any jurisdictional Legal Assistance Strategy and Action Plan, where applicable;
 - (d) understanding of existing and emerging legal and other needs;
 - (e) consideration of strategies to streamline services, reduce any unnecessary duplication and target services to areas of greatest need;

- (f) coordination between legal and other service providers in the planning and delivery of services as well as referral pathways and opportunities for partnerships; and
 - (g) information sharing between governments, the legal assistance sector and other service providers and justice agencies.
- C6 The Parties will ensure that collaborative service planning supports the National Strategic Framework and is conducted in a manner that is inclusive, consultative and culturally safe.

TIERED COLLABORATIVE SERVICE PLANNING

- C7 Under the NAJP, collaborative service planning will be implemented through national, jurisdictional and locally based planning. Each of these tiers of collaborative service planning will be mutually reinforcing.
- C8 Each tier of collaborative service planning will:
- (a) have clear and formalised roles, responsibilities and membership;
 - (b) be supported by relevant forums and meetings;
 - (c) consider issues which intersect or interact with other tiers of collaborative service planning, including but not limited to:
 - i. efficient and effective ways of using available resources;
 - ii. reallocating, consolidating or sharing resources;
 - iii. changing service delivery approaches;
 - iv. adjusting triage practices;
 - v. collaborating or co-locating with other service providers; and
 - vi. merging administrative functions.
 - (d) consider issues relating to the delivery of relevant specialist services, jurisdictionally and nationally based services, cross border services and pro bono services as they relate to legal assistance services; and
 - (e) support capacity building and training across the legal assistance and related sectors.

National Collaborative Service Planning

- C9 National collaborative service planning will be coordinated and supported by the Commonwealth, through the Legal Assistance Services Inter Governmental Committee.
- C10 National collaborative service planning will:
- (a) provide guidance and support to collaborative service planning at the jurisdictional and local tiers;
 - (b) incorporate the outcomes of jurisdictional and local collaborative service planning processes;
 - (c) provide a forum for sharing best practice and promoting innovation; and

- (d) identify national level justice and socio-demographic issues which may affect legal assistance services.
- C11 The Commonwealth will lead and conduct at least two national collaborative service planning meetings each financial year.
- C12 For national collaborative service planning meetings, the Commonwealth will invite:
 - (a) officials from each State;
 - (b) representatives from the National Legal Assistance Advisory Group;
 - (c) other stakeholders on an ad-hoc basis, including:
 - i. relevant agencies and departments within the Commonwealth;
 - ii. the Federal Courts;
 - iii. other national bodies, agencies, relevant unions and service sectors;
 - iv. representatives nominated by the States and the National Legal Assistance Advisory Group; and
 - v. Closing the Gap Engagement Forum.

Jurisdictional Collaborative Service Planning

- C13 Jurisdictional collaborative service planning will be coordinated by the relevant State (unless otherwise delegated) and supported by a jurisdictional wide group.
- C14 The States will lead and conduct (unless otherwise delegated) and participate in jurisdictional collaborative service planning meeting(s). The frequency, nature and focus of these meetings would be determined by the relevant State.
- C15 Jurisdictional collaborative service planning should cover a range of issues which may include:
 - (a) identifying trends in the presentation of legal need in the State;
 - (b) building partnership across the State's legal assistance sector and with other relevant stakeholders, including national legal centres;
 - (c) considering opportunities for improved coordination and targeting of services within the legal assistance sector and across other service providers;
 - (d) considering and reporting on the outcomes of local collaborative service planning where appropriate;
 - (e) incorporating the outcomes of local collaborative service planning processes;
 - (f) providing a forum for sharing best practice and promoting innovation; and
 - (g) providing guidance and oversight of local collaborative service planning.
- C16 For jurisdictional collaborative service planning meetings, the State will invite:
 - (a) officials from the Commonwealth; and
 - (b) representatives from the jurisdictional legal assistance sector and relevant peak bodies, including cross-border providers.

- C17 For jurisdictional collaborative service planning meetings, the State may also choose to invite:
- (a) representatives from any research bodies relevant to legal assistance;
 - (b) representatives from any national legal centres based within the State;
 - (c) representatives from the legal profession, jurisdictional pro-bono sector, and other relevant services sectors;
 - (d) representatives from any State entities, including the police and other government bodies, and the Courts; and
 - (e) other relevant bodies identified by the State.

Local Collaborative Service Planning

- C18 Local collaborative service planning may be coordinated by the relevant State or delegated to a legal assistance provider.
- C19 Local collaborative service planning will be implemented flexibly and in a manner that best meets the needs of the jurisdiction and region, as identified by the relevant State. Local collaborative service planning could cover a range of issues, including:
- (a) identifying the level of legal need in the relevant geographic locale;
 - (b) identifying local level systemic issues that affect legal assistance in addressing legal and other social needs;
 - (c) developing an approach to service delivery in the local area and monitoring progress;
 - (d) building partnership across relevant stakeholders operating within the relevant locale; and
 - (e) considering opportunities for improved coordination and targeting of services within the legal assistance sector and across other service providers.
- C20 For local collaborative service planning meetings, the State will invite representatives from the local legal assistance sector and may choose to invite:
- (a) representatives from the legal profession, pro-bono sector (which could be done in consultation with the national pro bono peak body), and other relevant services sectors operating within the region;
 - (b) representatives from any State justice entities, including the police and other government bodies, and the Courts; and
 - (c) other relevant local bodies.
- C21 Local collaborative service planning may be combined with jurisdictional collaborative service planning for smaller States.

Schedule D – Legal Assistance Service Data

NATIONAL ACCESS TO JUSTICE PARTNERSHIP

PRELIMINARIES

- D1 The Parties agree that meaningful, accurate and accessible legal assistance data is essential for governments, the sector and the general public.
- D2 This Schedule outlines the specific requirements for the States facilitating the provision of Legal Assistance Service Data, as per Clause 26(d).
- D3 The Australian Bureau of Statistics has established a national evidence base using data outlined in Schedule D of the National Legal Assistance Partnership 2020-2025. The data was collected and published in accordance with the provisions of the *Census and Statistics Act 1905*.
- D4 The Commonwealth will work with the States to ensure necessary guidance and support is given to legal assistance providers to operationalise the data reporting requirements outlined in this Schedule.
- D5 The States must ensure, to the extent possible, that all service agreements with legal assistance providers enable the provision and publication of Legal Assistance Service Data in accordance with this Schedule and the operational guidance developed under D4.
- D6 This Schedule aims to support Priority Reform Four of the National Agreement on Closing the Gap and Indigenous Data Sovereignty. The Commonwealth and the States will seek to work in partnership with Aboriginal and Torres Strait Islander peoples in the way Legal Assistance Service Data is collected and used.
- D7 For the purposes of Schedule D, where existing systems do not facilitate the provision of data as required under the NAJP, the relevant Parties to the NAJP may agree, in writing, for the use of proxies, on the condition that the relevant Parties work together to ensure the required data is able to be provided as a matter of priority.
- D8 If any party to the NAJP contends there is a privacy issue in the provision of Legal Assistance Service Data, the relevant Parties to the NAJP will work together, as a matter of priority, to develop a mutually acceptable resolution which resolves the privacy issue and enables the provision of Legal Assistance Service Data.

DATA PROTECTION AND USE

- D9 The provision of Legal Assistance Service Data is intended to:
 - (a) support the provision of meaningful analysis and insight which supports legal assistance service delivery; and
 - (b) facilitate a greater understanding of the delivery of legal assistance services.

- D10 Legal Assistance Service Data will only be used for policy, analysis, research, and statistical purposes and will not be used for compliance, regulatory, national security or law enforcement purposes.
- D11 The Commonwealth will, where appropriate, facilitate access to datasets and derived analysis with regard given to administrative arrangements, data security and privacy, and in accordance with legislative requirements.

DATA REQUIREMENTS

- D12 The States must ensure that all service agreements with legal assistance providers enable the provision of Legal Assistance Service Data annually in accordance with the timeframes outlined in Table D1.

Table D1: Required timeframes for Legal Assistance Service Data

Data provision period	Submission date
1 July to 30 June of the relevant year	30 September each year

- D13 For the provision of Legal Assistance Service Data, due annually, the States must ensure that all service agreements with legal assistance providers include the requirement to provide unit-level data for legal assistance services (provided to individuals), separately identifying legal assistance provider type and financial year, in accordance with Table D2.
- D14 For the purposes of D13, data fields relating to Client Demographic Information do not need to be provided for individual services only if its collection would reasonably be considered to be inappropriate or result in the alienation of clients. If Client Demographic Information cannot be collected in these circumstances the relevant data fields will be recorded as a blank, or other agreed value.
- D15 The scope of Legal Assistance Service Data includes data held by Legal Aid Commissions, Aboriginal and Torres Strait Islander Legal Services, Community Legal Centres, Women's Legal Services and Family Violence Prevention and Legal Services, for legal assistance services delivered with NAJP funding and State funding, as defined in the Guidance Notes.

Table D2: Requirements for the provision of Legal Assistance Service Data

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

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

D16 The Commonwealth and the States must work together to ensure ongoing improvements to the national evidence base and Legal Assistance Service Data publication.

D17 To enable ongoing analysis and development work on the national evidence base and Legal Assistance Service Data publication, additional data items or detail to that specified in Table D2 may, on occasion, be requested from legal assistance providers. The States must ensure that all service agreements with legal assistance providers include the requirement to work productively with the Commonwealth to increase the usefulness and relevance of the Legal Assistance Service Data publication. Any additional data collected will only be published in accordance with D18.

D18 Throughout the NAJP, amendments to the data fields outlined in Table D2 are permissible, by agreement of the Legal Assistance Services Inter Governmental Committee and in consultation with the National Legal Assistance Advisory Group. Any amendments will be recorded in an attachment to this schedule.

Schedule E – Interim arrangements for Family Violence Prevention and Legal Services under the National Access to Justice Partnership

NATIONAL ACCESS TO JUSTICE PARTNERSHIP

PRELIMINARIES

- E1 This Schedule outlines interim arrangements for the Family Violence Prevention and Legal Services program to transition from the Indigenous Advancement Strategy to the NAJP.
- E2 Prior to transitioning under the NAJP, Family Violence Prevention and Legal Services were administered by the National Indigenous Australians Agency. The Parties acknowledge that current administrative arrangements for Family Violence Prevention and Legal Services may be different to the arrangements under the NAJP and a transition period is required, however the integrity of the service delivery model is to be maintained for the term of the NAJP.
- E3 This Schedule provides interim arrangements to assist Family Violence Prevention and Legal Services as new providers under the NAJP during the transition period. The Parties will agree final administrative arrangements for Family Violence Prevention and Legal Services under the NAJP during the transition period.
- E4 The transition period will commence on the same day the NAJP commences, pursuant to Clause 12, and ends on 30 June 2027, unless agreed otherwise by the Parties.

INTERIM ARRANGEMENTS

Family Violence Prevention and Legal Services transitioning under the NAJP

- E5 The specific Family Violence Prevention and Legal Services that are transitioning under the NAJP, as at date of signing, include:

Table E1: Specific Family Violence Prevention and Legal Services that are transitioning under the NAJP

Family Violence Prevention and Legal Service provider (legal name)	Family Violence Prevention and Legal Service unit	Jurisdiction/s
Aboriginal and Torres Strait Islander Corporation Family Violence Prevention and Legal Service (Victoria)	Djirra Family Violence Prevention and Legal Service	Victoria
Aboriginal Corporation of Tasmania Legal Services	Support Information Strength Tasmania Family Violence Prevention and Legal Service	Tasmania
Aboriginal Family Legal Service Queensland (Maruma-Li-Mari) Indigenous Corporation	Aboriginal Family Legal Service Queensland Family Violence Prevention and Legal Service	Queensland
	Warra Warra Legal Service	New South Wales
Aboriginal Legal Service (NSW/ACT) Limited	Family Violence Prevention Legal Unit Canberra	Australian Capital Territory
	Family Violence Prevention Legal Unit Nowra	New South Wales
Central Australian Aboriginal Family Legal Unit Aboriginal Corporation	Central Australian Aboriginal Family Legal Unit Family Violence Prevention and Legal Service	Northern Territory
Family Violence Legal Service Aboriginal Corporation (SA)	Family Violence Legal Service Aboriginal Corporation SA	South Australia
Gurehlgam Corporation Limited	Many Rivers Family Violence Prevention and Legal Service	New South Wales
Marninwarntikura Women's Resource Centre (Aboriginal Corporation)	Marninwarntikura Family Violence Prevention and Legal Service	Western Australia
Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council Aboriginal Corporation	Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council Family Violence Prevention and Legal Service	NPY Lands (WA, NT and SA tri-state area)
North Australian Aboriginal Family Violence Legal Service	North Australian Aboriginal Family Violence Legal Service Family Violence Prevention and Legal Service	Northern Territory
Queensland Indigenous Family Violence Legal Service (QIFVLS) Aboriginal Corporation	Queensland Indigenous Family Violence Legal Service Family Violence Prevention and Legal Service	Queensland

Family Violence Prevention and Legal Service provider (legal name)	Family Violence Prevention and Legal Service unit	Jurisdiction/s
Southern Aboriginal Corporation	Southern Aboriginal Corporation Family Violence Prevention and Legal Service	Western Australia
Thiyama-Li Family Violence Service Indigenous Corporation	Thiyama-Li Family Violence Prevention and Legal Service	New South Wales
Western Australian Family Violence Prevention and Legal Service Aboriginal Corporation	Aboriginal Family Legal Service Family Violence Prevention and Legal Service	Western Australia
Yoorana Gunya Family Healing Centre Aboriginal Corporation.	Binaal Billa Family Violence Prevention and Legal Service	New South Wales

Definition of Family Violence Prevention and Legal Services

- E6 A definition of Family Violence Prevention and Legal Service is outlined at Clause 112(ix) of the NAJP.
- E7 If required, the Parties will settle an agreed definition in consultation with First Nations Advocates Against Family Violence and the providers set out in E6 during the transition period.

Reporting

- E8 During the transition period set out in this Schedule, the States will work with individual Family Violence Prevention and Legal Services to transition from current reporting requirements to the reporting requirements consistent with other legal assistance providers under the NAJP. The States will work with Family Violence Prevention and Legal Services to ensure they are collecting and reporting data in accordance with the *National Legal Assistance Data Standards Manual*.
- E9 The Commonwealth and States will work in partnership with the Family Violence Prevention and Legal Services sector to identify appropriate data for collection for non-legal support services provided to Aboriginal and Torres Strait Islander people.
- E10 From 31 March 2026, in accordance with the reporting requirements outlined in Table 1, the States will provide a performance report to the Commonwealth that includes:
- (a) the national performance indicators at Clause 35 for the relevant six-month period, in accordance with Guidance Notes issued by the Commonwealth; and
 - (b) information outlining how the State is progressing the requirements described in Clause E8.
- E11 During the transition period, where Family Violence Prevention and Legal Services cannot collect or report data and information, the relevant Parties may agree for proxies to be used and set out in the Guidance Notes or the relevant data fields may be recorded as a blank.
- E12 Family Violence Prevention and Legal Services are exempt from providing, but are still encouraged to provide, Legal Assistance Service Data under Schedule D of the NAJP during the transition period.

Governance

- E13 A Commonwealth-led Working Group will be established to resolve issues outlined in this Schedule and any other transitional issues identified by the Parties or the legal assistance sector. The Working Group will include representatives from the Parties, National Indigenous Australians Agency, First Nations Advocates Against Family Violence and other relevant representatives from the legal assistance sector.
- E14 A specific Sub-Working Group will be established to oversee cross-border arrangements and address cross-border challenges identified throughout the transition period, including the delivery of services by Family Violence Prevention and Legal Services in the Ngaanyatjarra Pitjantjatjara Yankunytjatjara Lands and Jervis Bay Territory.

Subsequent amendment to the NAJP

- E15 The Parties will develop and agree any amendments to the NAJP required to finalise the administration arrangements for Family Violence Prevention and Legal Services under NAJP prior to this Schedule ceasing.