Tasmanian Legal Assistance Action Plan 2022-2023

Department of Justice

Tasmanian Government

The Tasmanian Government acknowledges and pays respect to the Tasmanian Aboriginal people as the traditional and original owners and continuing custodians of lutruwita/Tasmania. We honour Tasmanian Aboriginal elders, past and present as the first peoples of this Land and recognise the deep history and culture of this Island.

We recognise and value Aboriginal histories, knowledge and lived experiences and commit to being culturally inclusive and respectful in our working relationships with all Aboriginal people.

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Abbreviations

Abbreviation	Meaning
CLASS	Community Legal Assistance Service System
CLCs	Community Legal Centres
DSM	National Legal Assistance Data Standards Manual
LLT	Law Link Tasmania: The Tasmanian Legal Assistance Collaborative Planning Forum
NLAP	National Legal Assistance Partnership 2020-2025
TALS	Tasmania Aboriginal Legal Service
The Action Plan	Tasmanian Legal Assistance Action Plan 2022-2023
The Evaluation	Evaluation of the Tasmanian Legal Assistance Sector Final Report
The Framework	National Strategic Framework for Legal Assistance
The Sector	Legal assistance sector
The Strategy	Tasmanian Legal Assistance Strategy 2022-25

Background

On 1 July 2022, the Tasmanian Government released the *Tasmanian Legal Assistance Strategy 2022-2025*. The Strategy provides a framework and strategic direction for the Tasmania Government's approach to legal assistance policy development, service funding and Sector planning.

To support the implementation of the Strategy, Tasmania is required to develop and publish a Legal Assistance Action Plan under the *National Legal Assistance Partnership 2020-25*.

The *Tasmanian Legal Assistance Action Plan 2022-2023* outlines the activities, projects and initiatives that the Tasmanian Government will undertake in the period from 1 October 2022 to 31 December 2023 to meet the objectives and outcome of the NLAP and support the Strategy's four priority areas, being:

- Plan services around legal need;
- Build capability in the legal assistance sector;
- Enhance collaboration; and
- Support priority populations.

The Action Plan has been developed with collaboration and input from the Tasmanian legal assistance sector. Given the Strategy outlines the Tasmanian Government's strategic plan for the whole sector, both NLAP funded services and other Tasmanian services were invited to consult and provide feedback on the Action Plan. In progressing actions under the Action Plan, the Tasmanian Government is committed to continuing to work collaboratively with the Sector and supporting the outcomes of the Collaborative Planning Framework.

This Action Plan will be reviewed prior to the end of 2023, and a further action plan developed. Specific actions related to review and evaluation of this Action Plan are set out later in the document. It is anticipated that the outcomes of a range of actions under this Action Plan will inform the development of additional actions under the next action plan.

Summary of Actions

01 Reach a consensus regarding how to quantify and collect data on unmet and unexpressed demand for legal services.

02 Review Departmental processes for the allocation and distribution of funding

03 Identify and address funding barriers and shortfalls

04 Increase the consistency and comparability of NLAP data

05 Provide training and opportunities to encourage and maintain good corporate governance practices in the Tasmanian legal assistance sector

06 Support continuous improvement of legal assistance service delivery

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08 Build a shared understanding of the Tasmanian legal assistance sector

09 Support the delivery of services to Aboriginal communities in Tasmania

10 Support the provision of trauma informed services by the Sector

11 Address issues restricting the availability of legal services statewide

12 Review, report, and evaluate outcomes

13 Develop and publish the next Action Plan

Focus Area 1: Plan services around legal need

The Strategy's first Focus Area identifies the need to fill data gaps regarding the level and nature of unmet and unexpressed legal demand to inform service planning and funding arrangements. Quantifying and collecting data on unmet and unexpressed demand represents a significant challenge, and close collaboration with the Sector is required to make meaningful progress in this area.

As a first step, the Tasmanian Government will form one or more working group/s of representatives from the Sector and other relevant organisations (e.g. tribunals and courts) to determine what data needs to be collected, who needs to be collecting the data, and how to collect the data in a uniform and consistent manner. The working group/s will also consider how legal need will be defined and how the collection of data in respect of different areas of legal need should be prioritised. Any additional funding requirements to capture the data will also be considered by the working group/s and used to inform future requests for additional resources. It is expected that the work of the working group/s will also inform the data needs of other actions under other Focus Areas.

The Department of Justice provides policy advice to Government regarding the allocation and distribution of funding to the Sector, and is responsible for the practical matter of distributing funds, and preparing funding deeds. Many of the processes adopted in relation to the administration of funding have been in place for a long period of time and would benefit from review to ensure the processes are appropriate, improve the effectiveness and efficiency of services, reduce administrative burden and reflect appropriate transparency in decision making. The review will also investigate the timeframes for the preparation and execution of grant deeds and disseminating funding, where possible, to support high quality service delivery, investment in development pathways and employment certainty within a sustainable Sector.

The Strategy acknowledges the need to ensure that core legal assistance services are securely funded into the future to ensure that Tasmanians in need can continue to access free or low cost legal services. Securing and managing funding for legal assistance services can often be challenging due to a lack of access to available resources or restrictions on use of funding as prescribed by the funding agency. Actions under this focus will be targeted at improving the sustainability of funding arrangements and addressing funding barriers and shortfalls, including downstream effects of policy and legislation changes.

Actions:

01	Reach a consensus regarding how to quantify and collect data on unmet and unexpressed demand for legal services

Deliverables		**Timeline**	**Responsibility**
1.1	Establish terms of reference for a working group/s of representatives from the legal assistance Sector and other relevant organisations regarding how to quantify and collect data on unmet and unexpressed demand for legal services.	June 2023	Department of Justice (DoJ) / Sector
1.2	Establish working group/s and commence regular meetings.	July 2023	DoJ
1.3	Via the working group/s, develop a consensus position regarding: • A definition of 'legal need'; and • Priorities and focus areas of legal need;	Dec. 2023	DoJ / Sector
1.4	Via the working group/s, develop a consensus position regarding: • What constitutes unexpressed and unmet demand; • What data is needed to quantify unexpressed and unmet demand; • Who needs to be collecting the data to form a comprehensive picture of unexpressed and unmet demand in Tasmania; and • How to collect the data in a uniform and consistent manner.	Dec. 2023	DoJ / Sector

02	Review Departmental processes for the allocation and distribution of funding

Deliverables		**Timeline**	**Responsibility**
2.1	Commence a review of Department of Justice processes regarding the allocation of legal assistance grant funding, preparation of grant deeds and dissemination of funds.	April 2023	DoJ
2.2	Undertake consultation with the legal assistance sector regarding existing processes and areas for change or improvement.	April 2023	DoJ
2.3	Commence implementation of procedural changes and communication to the legal assistance Sector regarding the status/outcome of the review of processes.	July 2023	DoJ

03   Identify and address funding barriers and shortfalls

Deliverables		Timeline	Responsibility
3.1	Commence a project to identify sources of ongoing funding for core legal assistance Sector business funding from 2025-26 onwards.	July 2023	DoJ
3.2	Develop policy options for presentation to Government regarding how funding for core legal assistance service business can be provided in a sustainable way after the expiration of current funding commitments at the end of 2024-25, including: • Reducing or eliminating reliance on one-off grant funding for core services; and • Ensuring that funding takes into account inflation.	Dec. 2023	DoJ / Sector
3.3	Facilitate regular discussions and communication between the Department and the Sector regarding budget pressures and funding requirements.	Jan. 2023	DoJ
3.4	Facilitate regular discussions and communication between the Department and the Sector regarding policy and legislative changes that will affect the funding requirements of services and provide an opportunity for consultation with the Sector.	Jan. 2023	DoJ

Focus Area 2: Build capability in the legal assistance sector

Building capability in the Sector is about making sure that Tasmanian services have access to the right training and development opportunities to support the Sector in achieving positive client outcomes.

As set out in the Strategy, consistent, comparable and accurate data collection is required to effectively support government accountability and help assess the impact of legal assistance funding. Actions under this Focus Area will support the Sector in building the capacity required to effectively meet reporting requirements with high quality data.

Through this Focus Area, the Tasmanian Government will also explore a range of initiatives to improve data literacy and facilitate training on corporate governance and other areas for development.

The Tasmanian Government is committed to ensuring that Tasmanian services are equipped to follow modern principles of good corporate governance. The NLAP incorporates new governance requirements into the grant deeds with service providers, and actions under this Focus Area will facilitate collaboration with the Sector to develop a shared understanding of minimum governance requirements. These requirements may include encouraging the development and/or maintenance of a strategic and/or business plan and risk register, and will increase in complexity as the Sector becomes more accustomed to robust governance models.

Actions:

04	Increase the consistency and comparability of NLAP data		
Deliverables		**Timeline**	**Responsibility**
4.1	Facilitate an annual discussion with NLAP funded services on data collection and the National Data Standards Manual (DSM).	Oct. 2022	DoJ
4.2	Provide guidance to NLAP funded services on data collection to meet Tasmania's data obligations under the NLAP.	July 2023	DoJ

05	Provide training and opportunities to encourage and maintain good corporate governance practices in the Tasmanian legal assistance sector		
Deliverables		**Timeline**	**Responsibility**
5.1	Through Law Link Tasmania (LLT), facilitate training on options to attract and retain volunteer board members.	Dec. 2023	DoJ
5.2	Through LLT, facilitate opportunities to develop skills to support legal assistance providers and improve the collection, analysis and communication of data to enhance service outcomes.	Dec. 2023	DoJ
5.3	Through LLT, work with the Sector to develop a shared understanding of minimum governance requirements.	Dec. 2023	DoJ

Focus Area 3: Enhance collaboration

Evidence based, collaborative service planning can help legal assistance services focus on identified areas of legal need, maximising service delivery within existing resources.

The NLAP emphasises the importance of collaboration for both service providers and government. The Tasmanian Government is responsible, under the NLAP, for leading, conducting and participating in jurisdictional collaborative service planning, as well as supporting the Sector's ongoing development and capacity within available funding.

The Sector undertakes a range of collaborative service provision activities, as well as collaborating on Community Legal Education (CLE) activities via the Sector's CLE steering committee, which the Government acknowledges and encourages. Under this Focus Area, the Tasmanian Government will work to support the Sector, within existing resources, to enhance existing collaborations and establish new collaborative initiatives to deliver targeted and appropriate legal assistance for Tasmanians. This work will include building a shared understanding of the Tasmanian legal assistance sector.

In this context, a shared understanding of the Sector involves both ensuring that service providers have a clear understanding of the services offered by other providers   so that unnecessary duplication of services and opportunities for collaborative service provision can be identified   and ensuring that the Department understands and recognises the range of services provided by the Sector and the strategic priorities of service providers.

An output of this process will be a map of legal assistance services and programs, and related community and public sector organisations that support the work of the Sector. The map will be used for future discussions regarding legal assistance services in Tasmania to aid in improving referral pathways and reducing unnecessary duplication, along with improving communication about the delivery of CLE services. Given that CLE plays an important role as an early intervention tool, and disseminating legal information to a wider audience, the map is also intended to aid in coordination of the delivery of CLE.

In the context of this Focus Area, collaboration also involves the Department acting as an advocate for the Sector in discussions and negotiations with the Commonwealth to ensure the Sector has a voice in these processes. Under the NLAP, the Commonwealth, States and Territories are jointly responsible for developing an outcomes based framework (Outcomes Framework) for legal assistance services for potential implementation from 1 July 2025. Through this Focus Area, the Tasmanian Government will work with the Sector to provide input into this project

Actions:

06	Support continuous improvement of legal assistance service delivery		
Deliverables		**Timeline**	**Responsibility**
6.1	Continue to lead, conduct and participate in collaborative service planning through LLT.	Nov. 2022 and May/Nov. 2023	DoJ
6.2	Facilitate sector wide strategic planning opportunities with the legal assistance Sector.	Ongoing	DoJ
6.3	Facilitate the sharing of strategic plans and direction between service providers.	Ongoing	DoJ

07	Support and advocate for the legal assistance sector		
Deliverables		**Timeline**	**Responsibility**
7.1	Advocate for an outcomes-based reporting framework with the Commonwealth Government as part of future funding agreements.	Dec. 2022	DoJ
7.2	Advocate for the Tasmania legal assistance Sector in discussions and negotiations with the Commonwealth regarding existing and future funding agreements, and related reporting obligations.	Dec. 2022	DoJ

08	Build a shared understanding of the Tasmanian legal assistance sector		
Deliverables		**Timeline**	**Responsibility**
8.1	Facilitate sessions with LLT focused on building a shared understanding of the Tasmanian legal assistance Sector, including workshops focused on: • each organisation's priorities, vision and service offerings; • an agreed focus or lens to approach work; • organisational capacity for filling unexpressed and unmet legal need; • management processes; and • collaborative goals.	July 2023	DoJ / Sector
8.2	Commence work on a project to develop a map of legal assistance services and programs in Tasmania, and related services provided by community organisations.	July 2023	DoJ

Focus Area 4: Support priority populations

The Tasmanian Government is committed to funding legal assistance services that are planned around and focussed on people experiencing financial disadvantage and falling within one or more of the priority client groups identified in the Strategy. This Focus Area centres on supporting priority client groups, including culturally and linguistically diverse communities, and Aboriginal and Torres Strait Islander specific legal assistance services.

The Actions under this Focus Area will support all Tasmanian service providers to be able to provide assistance to priority populations, and ensure the continuing availability of specialist legal assistance for Aboriginal and Torres Strait Islander people, and women. The Actions under this Focus Area also recognise the geographic challenges in providing legal assistance services in North and North West Tasmania and the need to ensure that high quality services are available state wide.

Through consultation with the Sector, a significant risk has been identified in relation to the availability of legal practitioners in North and North West Tasmania. This is an issue for the Sector in terms of recruiting and retaining staff in those areas, but also affects the availability of services from members of the private profession, with the consequence that the burden to provide services falls disproportionately on the legal assistance sector in those areas of the State.

Efforts to attract and retain staff will also be informed by policy work identifying communities of need and prioritising initiatives to ensure that services are available to those populations and in those relevant geographic regions. This will be informed by the work under Action 01 to define and prioritise legal need, and under Action 08 to develop a map of available services and identify where there is a gap in services.

Actions:

| **09** | **Support the delivery of services to Aboriginal communities in Tasmania** |

Deliverables		**Timeline**	**Responsibility**
9.1	Work with TALS, the Sector and all Aboriginal communities in Tasmania, to develop priorities and areas of focus for the delivery of mainstream, specialist and Aboriginal and Torres Strait Islander Legal Services in Tasmania, and ensure that the principle of self-determination is taken into account when making legal assistance service delivery decisions	Dec. 2023	DoJ
9.2	Explore the delivery of Sector-wide cultural awareness training, to ensure that all legal assistance providers are proficient to deliver culturally appropriate services to their clients.	July 2023	DoJ

| **10** | **Support the provision of trauma informed services by the Sector** |

Deliverables		**Timeline**	**Responsibility**
10.1	Undertake a survey of existing trauma informed practices within the Sector and the training provided by individual service providers.	March 2023	DoJ
10.2	Investigate what training may be required or beneficial for service providers and identify what training is available.	July 2023	DoJ
10.3	Develop a business case for the centralised provision to the Sector of training in relation to providing trauma informed services.	August 2023	DoJ

| **11** | **Address issues restricting the availability of legal services statewide** |

Deliverables		**Timeline**	**Responsibility**
11.1	Work with the Sector to develop a Strategy for attracting and retaining staff in the North and North West.	July 2023	DoJ / Sector
11.2	Undertake a policy project, in consultation with the Sector, to identify communities of need based on geographic and demographic factors, to inform further policy work to address gaps in service in delivery.	July 2023	DoJ / Sector

Implementation, monitoring and evaluation

As noted in the introduction, this Action Plan is the first action plan to be developed under the Strategy, and the first Tasmanian Government action plan for the legal assistance sector. It is hoped that many of the actions under this plan will provide a springboard for a more ambitious agenda regarding the Sector in the future. A further action plan will be developed in late 2023, informed by the outcome of actions under this Action Plan, and with the benefit of an evaluation of the success of those actions. It is critical that the implementation and outcomes of the actions under this plan be reviewed and measured to ensure the success of future action plans.

For those reasons, in addition to the substantive actions under this Plan, the Department of Justice will undertake the actions set out below to review and assess the outcomes of this Action Plan and to develop the next action plan.

The Strategy, under which this Action Plan sits, is a living document that is intended to be responsive to ongoing developments in the Sector and the outcome of actions under this Action Plan. The review and evaluation process under this Action Plan will also include a review of the Strategy and consider whether the strategic direction under which the Action Plan sits requires updating or other revision.

Actions:

12	Review, report, and evaluate outcomes		
Deliverables		**Timeline**	**Responsibility**
12.1	Commence a review of the outcomes of this Action Plan.	Oct. 2023	DoJ
12.2	Complete a review report evaluating the success of this Action Plan for presentation to Government and distribution to the legal assistance Sector.	Dec. 2023	DoJ
12.3	Undertake a review of the Strategy and publish a revised Strategy if required.	Dec. 2023	DoJ

13	Develop and publish the next Action Plan		
Deliverables		**Timeline**	**Responsibility**
13.1	Commence development of and consultation on Tasmania's next Legal Assistance Action Plan	Oct. 2023	DoJ
13.2	Publish a new Action Plan.	Dec. 2023	DoJ