

Victoria Legal Aid 2017–18 End year report

This report summarises our full year of operations in 2017-18.

Snapshot of service delivery

Demand for legal aid remained strong throughout 2017-18. We helped more people, providing more intensive assistance for increasingly complex and serious problems.

Clients	2017–18	2016–17	% Change
Unique clients	94,485	90,649	4
Calls answered by our Legal Help telephone service	135,193	125,512	8
Preventative services			
Calls to our Legal Help telephone service	196,177	191,030	3
Information and community legal education services	135,607	129,260	8
Sessions on our website	2,268,256	2,034,706	11
Early intervention services			
Legal advice and minor assistance and advocacy	41,680	41,725	0
Duty lawyer services			
In-house and private practitioners	93,564	93,697	0
Grants of legal assistance			
In-house, private practitioners and community legal centres	42,777	41,638	3

The number of vulnerable people requiring our services continues to grow. Increasingly, people are presenting with more complex problems. In 2017–18 our expenditure grew by \$16.7 million as we helped more people navigate family violence issues, summary crime and child protection. While the majority of this growth was supported by additional revenue from the State Government to support new and expanded services, the continued high level of service demand meant we went into deficit, spending \$5.3 million more than we received. Instead of restricting eligibility for our services, we drew on our cash reserves built up in previous years.

Grants of assistance, where a lawyer is paid to represent a client on an ongoing basis, grew by three per cent, reflecting our clients' need for more intensive assistance. The provision of duty lawyer services and early intervention and information sessions remained steady, but we recorded a sharp increase in the early support provided to victims of family violence. Our free telephone advice service Legal Help provided 58 per cent more advice sessions for family violence matters, and the number of calls it answered overall increased by eight per cent.

The broader justice system and community safety is served best if vulnerable people have early access to information and support services to help them address the behaviour that can contribute to interactions with the justice system. We will continue to be part of the public discussion about appropriate policy responses to ensure community safety through early investment in justice, diversionary and support services.

The welcome government investments we have received in recent years through the Victorian Budget reflect the overwhelming demand for our services and are dedicated to increase capacity in specific program areas. We are grateful for these investments, but they do not close the gap in demand stimulated by additional police, child protection officers, changes in the law and population growth.

We know that using our cash reserves to meet growing demand is not sustainable and our financial circumstances are tightening. While our efforts to attract revenue will not lessen, we must prepare for difficult decisions about how to contain expenditure growth. We will commence discussions with stakeholders in the next 12 months about the ongoing viability of our current service offerings, service priorities and how to transform the way we do our work. Developing innovative and client focused technology solutions and data capabilities is critical to ensure we use our limited funding in the most efficient and effective way.

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We will maintain our focus on ensuring our services are client centred, designed using evidence and data, and delivered with a strengthened spirit of trust and collaboration with the legal assistance sector. Our work plan will also reflect the decisions taken by government to confirm Victoria Legal Aid's role as a system co-ordinator for the legal assistance sector, and to strengthen transparency and reporting. We look forward to working with our sector partners to continue to improve the delivery of legal services.

Our clients

In 2017-18 we helped 94,485 unique clients¹.

Unique clients as at	2014-15	2015-16	2016-17	2017-18
Unique clients	85,007 ²	86,847	90,649	94,485
		2.2%	4.3%	4.2%

Growth

We are continuing to experience consistent growth in the number of vulnerable people requiring our help. Our clients are among the most marginalised people in Victoria, and we know many others are missing out on our help. We have seen steady increases in the level of disadvantage experienced by our clients, including:

Clients reporting **no income*** ↑7%

Clients who were experiencing **homelessness** ↑13%

Were **younger than 19** years of age ↑5%

Aboriginal or Torres Strait Islander clients ↑10%

Culturally and linguistically diverse** clients ↑7%

Of the clients we helped:



¹ A unique client is an individual who accessed one or more of our legal services. This does not include people for whom a client-lawyer relationship was not formed, who received information via the telephone, website or in-person at court or at a public counter, who participated in community legal education sessions, or clients from community legal centres.

² This does not include clients assisted by a private lawyer through VLA's private practitioner duty lawyer scheme.

* Examples include children and young people, people experiencing homelessness, people in custody and immigration detention, and psychiatric patients.

** This is based on the Australian Bureau of Statistics definition of people from culturally and linguistically diverse backgrounds. It includes people who speak a language other than English at home and people who were born in a non-English speaking country.

Spotlight – Family violence legal services

In line with community and government expectations we have increased our focus on providing family violence legal services. These services include matters where family violence may be a contributing factor, such as child protection or criminal offences.

We have significantly exceeded the targets set by the Victorian government for legal services and information. The 123 per cent jump in family violence related community legal education and information services can be attributed to our increased response to family violence matters, improved data capture and the establishment of the Family Advocacy and Support Services in Commonwealth family court registries funded by the Commonwealth government and launched in May 2017. This service combines legal advice, risk screening, safety planning, social support and referrals for families affected by family violence who are involved in family law proceedings. These results demonstrate our increased focus on improving early intervention services for people families affected by family violence. They also reflect increased community understanding and awareness of family violence, and the role Victoria Legal Aid can play in response.

We are working with Family Safety Victoria (FSV) and community legal centres on the design and implementation of The Orange Door support and safety hubs, including how legal advice will be provided within or connected with the hubs. We are also continuing to support a range of other reforms designed to improve community-wide responses to family violence.

Output measure	Annual Target	Actual	% Change
Community legal education and information services –family violence related services	11,500	25,595	123
Family violence legal services	32,000	39,086	22

Spotlight – Working smarter with data and technology

We are investigating new technologies and ways of working to ensure we use our limited resources to help as many people as possible in the most efficient and effective way. In conjunction with Code for Australia we have developed a new online referral and booking tool which is halving the time it takes for someone to access the service and support that is best suited to their circumstances.

Using the tool, VLA and participating community legal centres match people to relevant services, based on the type of legal issue, their location and eligibility for assistance. Importantly, staff can book clients directly into services during their first call or discussion, significantly reducing the time it takes for people to get help.

Between August 2017 and the end of June 2018 the tool supported over 7,000 clients. So far 11 community legal centres are using the tool and we look forward to making it available to many more centres across Victoria.

Operational changes have also helped our free telephone service, Legal Help, to assist more people, offer them more intensive support and reduce the call waiting time. The introduction of a two-stage intake and assessment model in December 2017 means we target our most intensive services to disadvantaged callers and tailor the right level of service to the needs of the caller. 61 per cent of callers in 2017-18 had priority factors that make them eligible for more intensive services from VLA. Callers who do not have any priority indicators are provided with legal information resources in an email which assists them to take further action to deal with their legal problems.

While our annual results show significant improvement in our services, the impact of our new operating model is most effectively demonstrated by comparing January to June 2018 to the same period in 2017.

There was a 50 per cent increase in advice sessions in the first six months of 2018, compared to the same period in 2017. Information sessions rose by 10 percent, and the number of calls answered was 11 per cent higher. Most importantly for clients there was a three minute or 32 per cent reduction in waiting times.



Program performance report

Access and Equity

We must design and provide services that are accessible and appropriate to need. Our work ranges from helping individual clients with information and advice in 24 different languages over the phone, or with the provision of information via our website, or through our delivery of community legal education (which aims to prevent problems from occurring). We also support the community legal sector.

Legal help

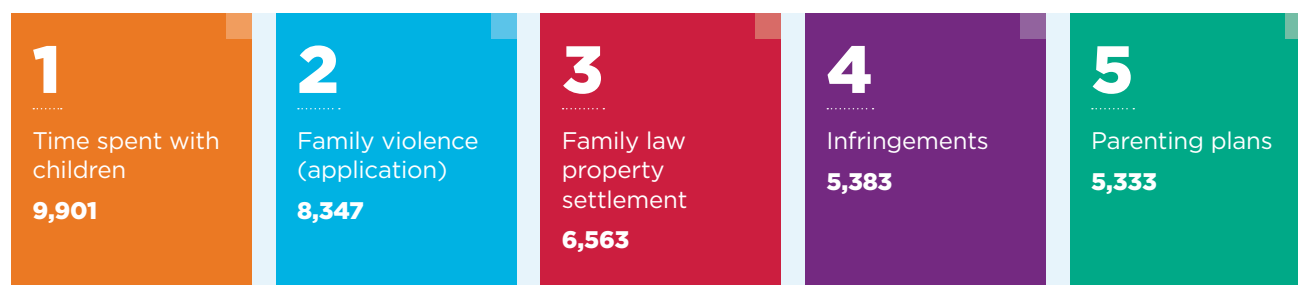
	2016-17	2017-18	% Change
Calls to the service	191,030	196,177	3
Calls answered	125,512	135,193	8

	2016-17	2017-18
Answer call wait time	8m 42s	8m 49s
Average call duration	9m 47s	16m 11s

Demand for legal help over the phone is continuing to increase. We are responding to this demand by providing the community with a modernised, easy to access service. Our Legal Help team answered eight per cent more calls this year and spoke to the people they were advising for longer, at an average of 16 minutes and 11 seconds. The longer call lengths can be attributed to the increase in more intensive matters, meaning our staff took the time to explain more complex and difficult issues.

While average call times were longer this year, wait times for Legal Help remained steady due to the operational changes introduced in December 2017 (refer above). Some callers choose not to wait for an answer, and we continue to offer a call-back system where people can leave a message, so they don't have to wait in the queue.

The top five matters dealt with by Legal Help in 2017-18 were:



Our assistance on family violence matters included a 58 per cent increase in advice sessions, compared to the previous year, providing 2773 sessions in 2017-18. We also continue to help thousands of Victorians with child-focused matters and other family law enquiries.

Community Legal Education

	2016–17	2017–18	% Change
Community legal education participants	14,222	14,854	4
Community legal education sessions	334	353	6
Publications	320,946	365,595	14

The total number of community legal education sessions we delivered increased by almost six per cent to 353 sessions. We reached 14,854 people, an increase of four per cent. Most sessions were delivered by staff in our 14 regional and suburban offices and many delivered in conjunction with community legal centres. We are focusing on providing education and training to intermediaries who interact with our priority audiences.

Young people remain a focus for our education programs and we collaborated with the Department of Education on the roll out of the Respectful Relationships curriculum training for 562 teachers in 11 regions to deliver preventative education about sexting, consent and age of consent. We also measured the impact of our Learning the law program for students with mild intellectual disabilities finding a sustainable change in students' understandings of legal issues associated with public transport and fines.

This year we distributed 365,595 publications, up by 14 per cent (44,649). We have a role in coordinating legal information across Victoria and increasingly we are distributing high quality material produced by other justice sector agencies. There was high demand for information about powers of attorney and advanced care directives, produced by the Office of the Public Advocate, making up 45 per cent of total distribution.

Community Legal Centres—funding that we distribute

We grant and administer funding to 37 community legal centres, including the Federal of Community Legal Centres as the sector's peak body, as part of our ongoing partnership with the legal assistance sector. We administered more than \$17.4 million in State Government funding to community legal centres in 2017–18.

	2016–17 (\$000)	2017–18 (\$000)	% Change
Community legal centres	15,844	16,557	5
Community legal centres, project funds	1,003	755	-25

This table does not include Commonwealth payments to community legal centres. The combined total State and Commonwealth funds to community legal centres administered by Victoria Legal Aid in 2017–18 amounts to \$28.2 million. The variance for the project funds can be attributed to the completion of the Innovation and Transformation Fund; a program we established in 2015 to stimulate new ways of working in the community legal sector. In each project we have worked with community legal centres to develop, test and evaluate new approaches to meeting legal needs.

Criminal Law Program

We assist people charged with criminal offences and endeavour to positively influence the criminal justice system to:

- provide timely justice, the fair hearing of charges and appropriate outcomes
- ensure people charged with offences are treated fairly and are well-informed about their options
- improve understanding of criminal justice and how to best address the causes of criminal offending and keep the community safe.

Clients numbers and service outcomes

	2016–17	2017–18	% Change
Unique clients	51,502	51,920	1
Legal advice, minor assistance and advocacy services	15,160	11,980	-21
Duty lawyer services	60,715	58,964	-3
Grants of legal assistance	25,302	26,100	3

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We have observed a very high pace of legislative and system change in the criminal justice sector in 2017-18. Tougher bail and sentencing laws, workload management initiatives in the Magistrates' Court and the introduction of Youth Control Orders are just some of the changes which are having an impact on the way we deliver criminal law services. Our staff, practice partners and clients have all felt the impact of the high pace of change to the criminal law system over the past year.

These reforms mean we are spending more time giving our clients more intensive help for more complex and serious problems. We are taking steps to ensure we continue to deliver high quality services to our clients, while we adapt to these systemic changes. Demand for our most intensive form of assistance, grants of legal aid continued to increase across 2017-18 reflecting the complexity and seriousness of the legal problems faced by our clients.

There continues to be steady demand for in-court duty lawyer services and we expect this to increase next year due to an increase in the number of clients on remand, and the implementation of bail review recommendations and sentencing reforms. We have also begun offering duty lawyer services at night at the Melbourne Magistrates' Court. We welcomed an extra \$37 million over four years, and the \$129 million investment into the Magistrates' Court of Victoria made by the Victorian government in the 2018 Budget, to help ease pressure in an increasingly crowded criminal law space.

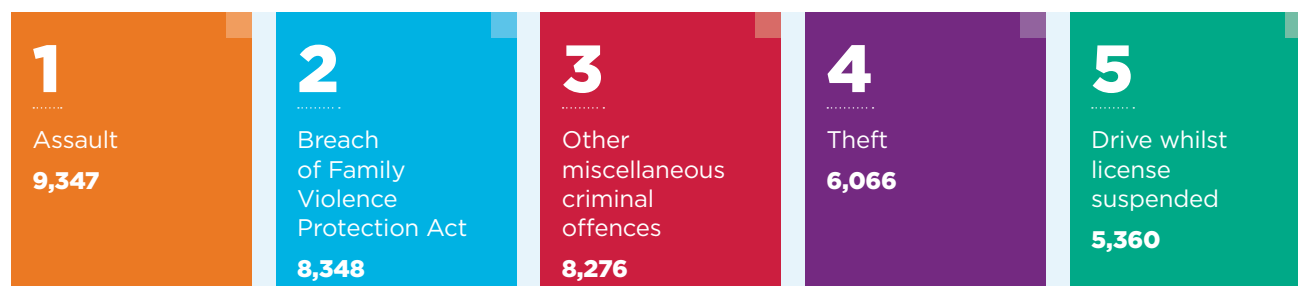
Criminal Law Program grants of legal assistance

	2016-17	2017-18	% Change
Summary Crime	16,442	16,965	3
Youth Crime	4,114	4,193	2
Indictable Crime (includes sexual offences)	3,539	3,706	5
Appellate Crime	1,167	1,236	6
Higher court appeals ³	116	100	-14
County Court appeals ⁴	1,015	1,136	12

Criminal Law Program operating expenditure

	Expenditure (\$ in 2016-17)	% of total expenditure in 2016-17	Expenditure (\$ in 2017-18)	% of total expenditure in 2017-18	Variance of expenditure
Summary Crime	40.9 million	24.2	46.9 million	24.6	6.0 million
Youth Crime	12.4 million	7.3	12.9 million	6.8	0.5 million
Indictable Crime (includes sexual offences)	26.9 million	15.9	31.8 million	16.7	4.9 million
Appellate Crime	4.1 million	2.4	4.7 million	2.4	0.6 million
Total	84.3 million	49.8	96.4 million	50.6	12.0 million

The top five matters dealt with by our Criminal Law Program in 2017-18 were:



² Approximately three per cent of indictable matters go on to receive a grant of aid for an appeal to the higher courts.

³ Approximately five per cent of summary and youth crime matters go on to receive a grant of aid for appeal to the County Court.

Family, Youth and Children’s Law Program

We assist people to resolve their family disputes to achieve safe, workable and child-focused parenting and care arrangements. We also assist parents to build their capacity to resolve future disputes without legal assistance. We contribute to the safety of adults and children impacted by family violence and assist in reducing the incidence of family violence by providing legal information, advice and representation to affected adults and children.

Clients numbers and service outcomes

	2016–17	2017–18	% Change
Unique clients	32,965	37,392	13
Family Dispute Resolution Conferences	1,044	1,009	-3
Legal advice, minor assistance and advocacy services	11,238	14,938	33
Duty lawyer services	17,336	18,783	8
Grants of legal assistance	15,178	15,658	3

The strong growth in our early intervention services of legal advice, minor assistance and advocacy services reflects the significant increase in early support provided for family violence and child protection related legal problems. See page 3 for more about our family violence legal services and our contribution to the reforms arising from the Royal Commission into Family Violence.

We are progressively implementing the actions identified in our Child Protection Legal Aid Services Review, released in September 2017. We are working to improve the provision of legal assistance and support to families at all stages of child protection involvement—not just at court. We are working with others, including people with experience of the child protection system, to implement the actions. Our vision is that the child protection system promotes the best interests of children.

We also made a submission to the first stage of the Australian Law Reform Commission’s inquiry into the family law system, setting out our vision for a system that is safe, accessible and inclusive, and offering an equivalent service, no matter where someone lives.

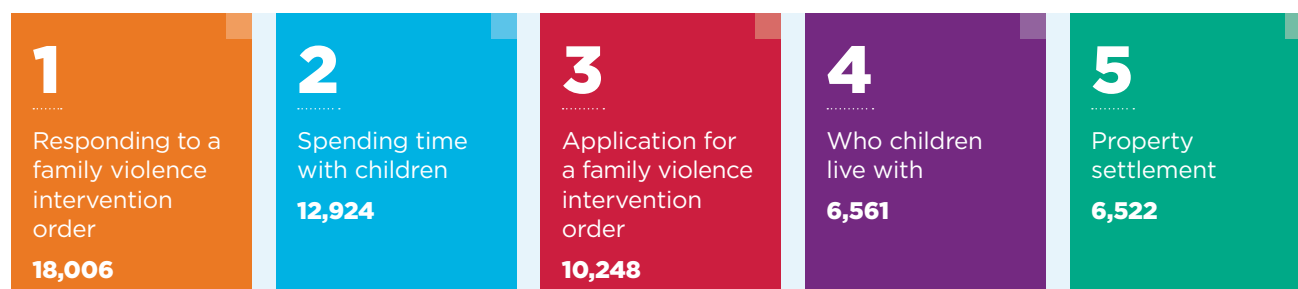
Family, Youth and Children’s Law Program grants of legal assistance

	2016–17	2017–18	% Change
Child Protection	8,172	8,829	8
Family Dispute Resolution	1,701	1,474	-13
Child Support	469	373	-21
Family Violence	1,819	1,977	9
Independent Children’s Lawyers	1,345	1,434	7
Parenting Disputes	1,529	1,571	3

Family, Youth and Children's Law Program operating expenditure

	Expenditure (\$ in 2016-17)	% of total expenditure in 2016-17	Expenditure (\$ in 2017-18)	% of total expenditure in 2017-18	Variance in expenditure
Child Protection	24.3 million	14.4	26.7 million	14.0	2.4 million
Family Dispute Resolution	13.4 million	7.9	12.8 million	6.7	-0.6 million
Child Support	1.9 million	1.1	2.0 million	1.0	0.1 million
Family Violence	3.4 million	2.0	5.2 million	2.7	1.8 million
Independent Children's Lawyers	11.5 million	6.8	14.2 million	7.4	2.7 million
Parenting Disputes	11.2 million	6.6	12.4 million	6.5	1.2 million
Total	65.8 million	38.8	73.3 million	38.5	7.6 million

The top five matters dealt with by our Family, Youth and Children's Law Program in 2017-18 were:



Civil Justice Program

Our work in civil law aims to contribute to a more inclusive and rights-respecting community. We help people with social security, mental health, guardianship and administration, infringements, immigration, tenancy, debt, discrimination, sexual harassment and victims of crime issues.

Clients numbers and service outcomes

	2016-17	2017-18	% Change
Unique clients	12,811	12,362	-4
Independent Mental Health Advocacy, high intensity occasions of service (advocacy and self-advocacy)	6,349	8,399	32
Independent Mental Health Advocacy, low intensity occasions of service (information and referral)	11,281	17,349	54
Referrals to external agencies	86,158	100,334	16
Legal advice, minor assistance and advocacy services	15,327	14,765	-4
Duty lawyer services	5,669	4,872	-14
Grants of legal assistance	1,158	1,019	-12

A significant amount of work in the Civil Justice program is done by our in-house staff through work onsite at Courts and Tribunals, and through phone advice and direct casework.

We combined our Commonwealth Entitlements and Social Inclusion sub-programs to create a new Economic and Social Rights sub-program to help resolve legal problems relating to social security, tenancy, the National Disability Insurance Scheme (NDIS) and significant fines debt. We brought together a range of stakeholders to discuss solutions to the increasing burden that toll road infringements have on communities, the courts and the justice system and campaigned to reduce reliance on the infringements system to enforce tolls. Changes to the infringements system reducing the need for help with fines has contributed to reduced demand for grants of legal assistance and duty lawyer services.

Our work in Migration continued its shift towards fewer, more targeted advice sessions, including in prisons, and an increase in legal challenges before courts, so that when helping individuals we are also clarifying new laws and procedures.

We use our experience working with individuals to reform systems so that they work in a fairer way for everybody. In 2017-18 we raised awareness of the need for an enforceable provider of last resort for NDIS participants. We advocated for fairer tenancy laws and safer housing and ran important test cases to clarify laws relating to the administration of electroconvulsive treatment against a person's will.

Our Independent Mental Health Advocacy program has delivered significantly more and better services in its second year of operation. Consumers who have used the IHMA service are now also encouraging other consumers to contact our service.

Civil Justice Program performance

Economic and Social Rights

	2016-17	2017-18	% Change
Grants of legal assistance	827	705	-15
Legal advice	7,451	7,161	-4
VCAT duty lawyer services	311	280	-10

Equality Law

	2016-17	2017-18	% Change
Unique clients	987	1,051	7
Legal advice	1,723	1,933	12

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Mental Health and Disability Advocacy

	2016-17	2017-18	% Change
Number of clients represented before the Mental Health Tribunal	1,087	1,046	-4
Legal advice	4,620	4,348	-6

Migration

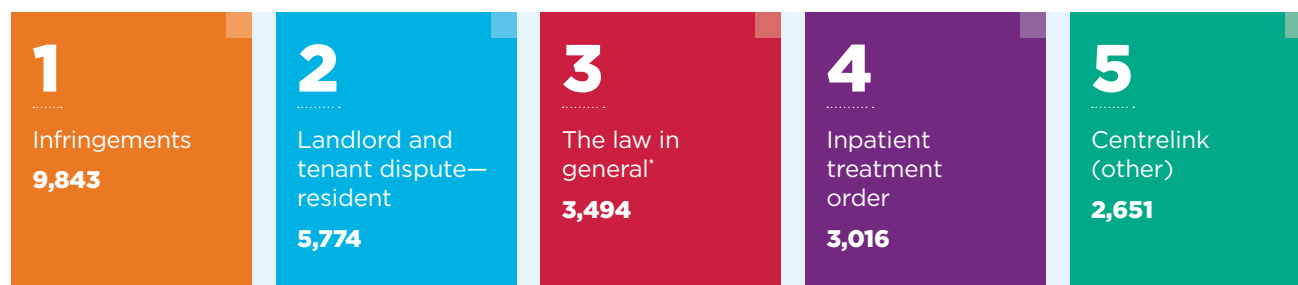
	2016-17	2017-18	% Change
Grants of legal assistance	83	113	36
Legal advice	1,654	1,320	-20

Civil Justice Program operating expenditure as at 31 December 2017

	Expenditure (\$) in 2016-17	% of total expenditure in 2016-17	Expenditure (\$) 2017-18	% of total expenditure 2017-18	Variance in expenditure
Economic and Social Rights	8.7 million	5.1	10.0 million	5.3	1.3 million
Equality	2.2 million	1.3	2.1 million	1.1	-0.1 million
Mental Health and Disability Advocacy	3.6 million	2.1	3.7 million	2.0	0.1 million
Migration	2.7 million	1.6	2.8 million	1.5	0.1 million
Independent Mental Health Advocacy	2.1 million	1.2	2.2 million	1.1	0.1 million
Total	19.3 million	11.4	20.8 million	10.9	1.5 million
Total	7.8 million	9.4	8.2 million	8.9	0.4 million

Note: Rounding errors do occur with the above costs.

The top five matters dealt with by our Civil Justice Program in 2017-18 were:



* The law in general includes issues around commercial law, wills and trusts—we do not fund representation for these matters but receive requests for information and advice about them.

Financial summary

In 2017-18 we increased our expenditure as planned to meet increasing demand for our services. We finished the year with a \$6.2 million deficit from transactions, our day-to-day business. This result is an improvement of \$3.8 million on our prior year deficit of \$9.9 million and reflects continued growth in operating expenditure which has resulted from increasing demand. The comprehensive deficit was \$5.3 million compared to a \$10.9 million deficit last year.

Case related payments which include payments to private practitioners, barristers, medical experts and interpreters, as well as to third parties for services provided for cases run by Victoria Legal Aid lawyers, increased by 15 per cent to or \$12.4 million to \$93 million. This growth can be attributed to increased demand relating to criminal, family and children's law. The growth in grants of assistance also reflects two per cent annual indexation of fees and payments made to the profession for work commenced in prior years.

Expenditure on staff grew by nine per cent to \$75.2 million in order to provide additional family violence and youth crime services, expand Legal Help, ease workloads across the state in summary crime and to support the expansion of the Assessment and Referral Court.

The combination of new laws with more serious consequences and increasing client complexity also means we are spending more time with clients and delivering more of our most intensive services. All these factors combined mean there is uneven pattern between expenditure and service growth.

Revenue

	2016-17 (\$'m)	2017-18 (\$'m)	% Change
Commonwealth grants	50,423	53,658	6
State grants	94,713	113,546	20
Public Purpose Fund	31,162	30,037	-4
Client contributions	2,609	2,420	-7
Other income	2,445	2,125	-13
Total income from transactions	181,352	201,786	11

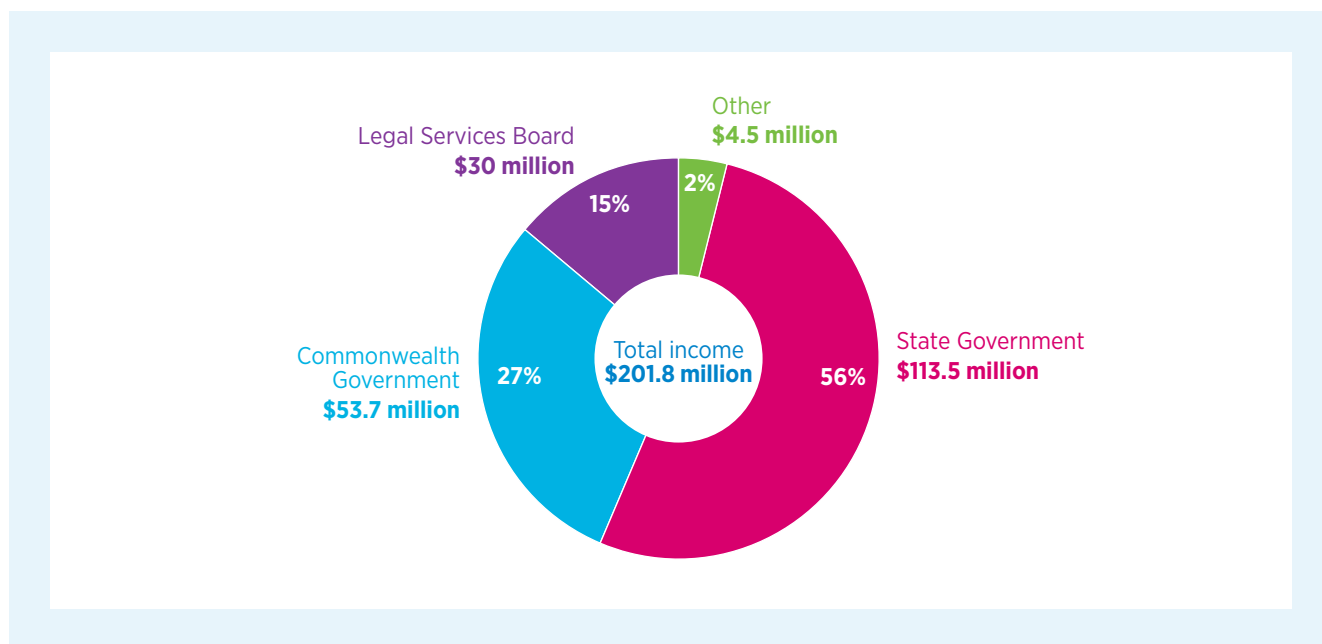
Expenditure

	2016-17 (\$'m)	2017-18 (\$'m)	% Change
Case-related payments	80,677	93,027	15
CLC payments	16,847	17,312	3
Employee benefits	68,781	75,182	9
Depreciation and amortisation	3,219	2,986	-7
Other expenditure	21,773	19,452	-11
Total expenses from transactions	191,297	207,959	9

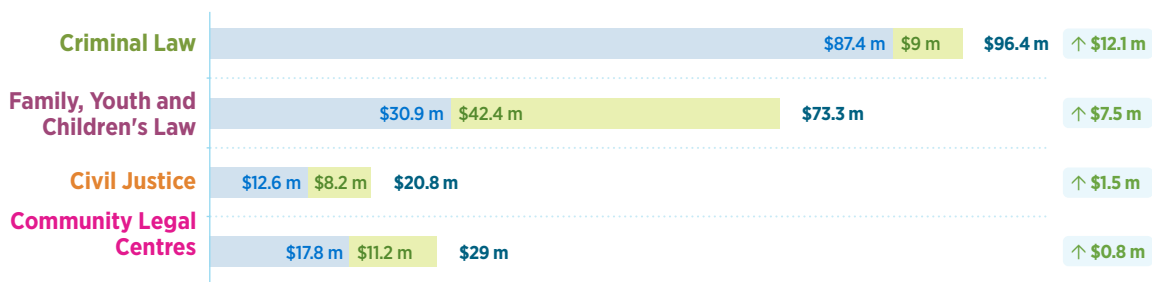
2017-18 Service and expenditure profile

The following information outlines full year service and expenditure details across Victoria Legal Aid and provides important context for our annual results. It shows where our funding comes from and how we allocated funds for the current financial year, in response to the different types of legal need in the community and our current eligibility guidelines. The data shows our criminal law program, the largest program in terms of services and expenditure, experienced the greatest growth this year due to unprecedented pressures on the criminal justice system.

2018 annual revenue by funding source



Expenditure by program area 2017-18 budget



Total expenditure is \$219.5 million.

This includes funds received from the Commonwealth for direct payment to community legal centres.

■ State funding (\$millions)
■ Commonwealth funding (\$millions)
↑ ↓ Variance from 2016-17 (\$millions)

The cost of delivering services under our Access and Equity program (Client Access, Community Legal Education and Legal Help) was \$10.7 million in 2017-18. These costs have been appropriately allocated to the relevant program area based on the type of service and legal issue.

Performance against Victorian Government service targets

The Victorian Budget sets a number of output performance measures and targets for departments and their agencies and statutory bodies in *Budget Paper 3*. The follow table depicts our results against targets up to 30 June 2018 for Victoria Legal Aid's output measures under Budget Paper 3.

Output measure	Annual Target	Actual	% Change on 2017–18 target
Community legal education and information services – excluding family violence related services	123,500 – 128,500	110,012	-11
Community legal education and information services – family violence related services	11,500	25,595	123
Duty lawyer services – excluding family violence related services	57,400 – 59,400	70,939	24
Grants of legal assistance – excluding family violence related grants of legal assistance	31,800	30,996	-3
Legal advice and minor assistance – excluding family violence related services	38,800	37,003	-5
Family violence legal services	32,000	39,086	22
Number of unique clients who accessed one or more of our legal services	84,000	94,485	12
Applications for legal aid processed within 15 days (VLA)	95 per cent	93 per cent	-2

We continue to experience demand for more intensive services, including duty lawyer services and grants of legal assistance. We expect this demand to increase in future. Our focus on providing at court services means we have shifted service delivery away from less intensive services, such as legal advice and minor assistance.

The 123 per cent jump in family violence related community legal education and information services can be attributed to an increased focus on family violence legal services and the rollout of Family Advocacy and Support Services. The increase can also be attributed to data we have not captured previously.