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Submission to the Review of the National Disability Advocacy Program

Introduction

ARC Justice welcomes the review by the Department of Social Services of the National Disability Advocacy Program (NDAP). ARC Justice¹ is a Bendigo based not-for-profit delivering legal, advocacy and support services to disadvantaged and vulnerable clients in Northern and Central Victoria through our key programs Loddon Campaspe Community Legal Centre, Goulburn Valley Community Legal Centre and Housing Justice. We deliver legal and housing advocacy services to people who are disadvantaged and vulnerable and not otherwise able to afford private representation. ARC Justice is not funded under the NDAP, although many of its clients identify as having a disability. Specialist disability advocacy services are delivered throughout this region by the Shepparton based Rights Information and Advocacy Centre.

Our submission to the review addresses key issues of concern to the Department:

1. Equitable access to disability advocacy support
2. Delivering efficient and effective service structures which minimise the opportunity for conflicts of interest
3. Improving access to advocacy supports
4. Improving the advocacy evidence base and coordination on systemic issues
5. Understanding and improving access to justice

1. Equitable access to disability advocacy support

ARC Justice recognises the difficulties facing the NDAP in supporting equitable access to disability advocacy services across the country. A similar issue has faced the legal assistance sector, including legal aid commissions, community legal centres, aboriginal legal services and aboriginal family violence prevention legal services. Because of this issue the sector is moving away from the “historical basis of funding”, which had created a patchwork of different services and funding levels

¹ <http://arcjustice.org.au/> Advocacy and Rights Centre Ltd trading as ARC Justice ABN 23 082 541 240 incorporates [Housing Justice](#), [Loddon Campaspe Community Legal Centre](#) and [Goulburn Valley Community Legal Centre](#)

across the nation, towards a needs based funding model and jurisdictional planning approach², matching funding to identify need. In our view the NDAP could undergo a similar process so that it can match services with need and defend this investment from a place of principled analysis.

2. Delivering efficient and effective service structures which minimise the opportunity for conflicts of interest

It is always challenging to deliver relatively small services efficiently and effectively. For this reason funders often look to large social service providers, where the efficiencies and risk management structures are often more robust. Again, this dynamic has been challenging for legal assistance services, specifically community legal centres.

In regional Victoria all CLCs but one, Central Highlands Community Legal Centre, is a program of or auspiced by a larger organisation. While ARC Justice is a medium sized not-for-profit, delivering multiple programs, it has remained focussed on delivering legal and advocacy related services. Doing so arguably creates greater philosophical alignment between programs when compared with other social services delivering an array of disparate programs. ARC Justice's model also enables it to promote specific local brands (e.g. Loddon Campaspe CLC and Goulburn Valley CLC), rather than a single homogenous brand across localities.

ARC Justice has been able to maximise service provision to clients and minimize conflicts of interest (between our programs or with other service providers). It has done this first, by creating information barriers within the organisation to carefully manage the flow of and access to personal and sensitive information between programs. This structure has been supported and guided by the National Association of Community Legal Centres Risk Management Guide. Second, ARC Justice has retained the delivery of housing advocacy programs, which might otherwise have been delivered by housing service providers in the region.

Where both housing service and housing advocacy programs are delivered by the one agency there is a heightened risk of conflicts of interest arising. Although such conflicts can be minimised we do not believe that it is ideal for any one agency to be offering both services and advocacy support, disability or otherwise. This is a real challenge facing the NDAP under NDIS, as funders explore how to balance efficiencies with ensuring philosophical alignment and minimal conflicts of interest. We agree that if organisations funded by the government to provide advocacy services wish to become registered providers of individualised supports under the NDIS, they should demonstrate that they have mechanisms in place to avoid potential conflict of interest and duplication of funding.

3. Improving access to advocacy supports

ARC Justice has had to wrestle with how to improve access to advocacy supports for its diverse clientele. It does through a range of strategies including service promotion, community education, outreach services, secondary consultation, and integrated service provision. Such strategies are critical, especially for our legal services, because recent research indicates that only 16% of the community ever access legal assistance to resolve their legal problems.³ Instead, many access trusted health and service providers to point them in the right direction. For this reason our LCCLC

² This approach has been supported by Collaborative Planning Resources produced by the NSW Law and Justice Foundation of New South Wales <http://www.lawfoundation.net.au/ljf/app/B6DC9E05711F044CCA257EF5000E995F.html>

³ Coumarelos, C, Macourt, D, People, J, MacDonald, HM, Wei, Z, Iriana, R & Ramsey, S 2012, Legal Australia-Wide Survey: legal need in Australia, Law and Justice Foundation of NSW, Sydney [http://www.lawfoundation.net.au/ljf/site/templates/LAW_AUS/\\$file/LAW_Survey_Summary_FINAL.pdf](http://www.lawfoundation.net.au/ljf/site/templates/LAW_AUS/$file/LAW_Survey_Summary_FINAL.pdf)

and GVCLC have initiated three new integrated services, two of which are described below, in collaboration with Bendigo Community Health Services, Primary Care Connect and Rumbalara Aboriginal Cooperative. We believe that our service structure and integrated service response pilots offer models of service provision for other NDAP agencies.

4. Improving the advocacy evidence base and coordination on systemic issues

ARC Justice strongly agrees that the information gathered by NDAP agencies and the information collected by other organisations interested in the rights of people with disability should be used to improve the lives of people with disability at a local and national level. In a similar manner Community Legal Centres should and do share their data with each other and other legal assistance providers.

While many CLCs are at the early stages of this process we believe that models of cooperative service delivery promoted by Legal Aid NSW⁴ and the Legal Assistance Forum model supported by Victoria Legal Aid offer insights to the disability advocacy sector. For example, the Disability Action Alliance⁵, forming under the auspices of VLA's VLAFA, has been monitoring the rollout of the DisabilityCare Pilot in that region.

Aside from these structures, which often provide points of access to related organisations with similar aims, peak bodies of the various state and territory community legal services (including the National Association of CLCs, Federation of CLCs (Vic), Combined CLCs NSW and Community Legal Centres Queensland) offer another mechanism through which agencies can collaborate to advance various policy interests.

5. Understanding and improving access to justice

In understanding and improving access to justice for people with disability ARC Justice wishes to:

- i. Highlight the important insights gained through the 2012 Legal Australia Wide Survey
- ii. Reflect on the needs of people with disability in our region
- iii. Identify examples of our legal and advocacy assistance for people with disability
- iv. Suggest some models of legal advocacy that we believe are most effective

i. Insights from the Legal Australia Wide Survey

The 2012 report by the Law and Justice Foundation of New South Wales, *Legal Australia-Wide Survey: Legal need in Australia*⁶ (the LAW Survey) conclusively demonstrates that people with disability do experience a disproportionately large number and range of legal problems. The LAW Survey is the most comprehensive quantitative assessment of legal needs ever conducted in Australia with over 20,000 people across all states and territories interviewed. Key findings included the following:

⁴ <http://www.legalaid.nsw.gov.au/what-we-do/community-partnerships/cooperative-legal-services-delivery-clsd-program>

⁵ <https://www.legalaid.vic.gov.au/about-us/news/alliance-monitors-disabilitycare>

⁶ Coumarelos, C, Macourt, D, People, J, MacDonald, HM, Wei, Z, Iriana, R & Ramsey, S 2012, *Legal Australia-Wide Survey: legal need in Australia*, Law and Justice Foundation of NSW, Sydney.

<http://www.lawfoundation.net.au/ljf/app/&id=FC6F890AA7D0835ACA257A90008300DB>

- Legal problems are widespread. Half of all respondents reported experiencing a legal problem in the 12 months prior to interview, with 22% experiencing three or more legal problems.
- The most common legal problems reported included consumer (21% of respondents), crime (14%), housing (12%) and government (11%) problems.
- Importantly, the LAW Survey shows a concentration of legal need, with some people appearing particularly vulnerable to legal problems—65% of legal problems were experienced by only 9% of respondents and 85% of problems were experienced by 22% of respondents.
- People with a disability and single parents were twice as likely to experience legal problems. The unemployed and people living in disadvantaged housing also had heightened vulnerability.
- Indigenous people were more likely to experience multiple legal problems including government, health and rights related problems.
- About one-quarter of the population experience a substantial legal problem each year. Financial strain was associated with 29% of problems, stress-related illness with 20%, physical ill health with 19%, relationship breakdown with 10% and having to move home with 5%. Legal problems related to family issues had the most adverse consequences.
- The LAW Survey highlights how Australians respond to their legal problems—while they sought advice for 51% of their legal problems, they handled 31% without advice and took no action for 18%. Although taking no action appeared to be appropriate in some cases, reasons for doing nothing were often related to stress (30%) cost (27%) or not knowing what to do (21%).
- Respondents consulted a wide variety of non-legal professionals to try to resolve their problems as well as friends and family. A legal professional was used for only a minority of problems—16% of all legal problems.
- People taking no action achieved the poorest outcomes.⁷

Overall, the LAW Survey shows there is considerable diversity in how people experience, handle and try to resolve legal problems. *“Some people experience many legal problems while others are more resilient. Some know what steps to take to address these problems, while others require considerable guidance and assistance.”* It calls for a ‘holistic’ approach to justice, comprising *“...multiple, integrated strategies, to cater for the different needs within the community, and suggests tailored, targeted intensive assistance for people with complex legal and non-legal needs.”*⁸

The NSW Law and Justice Foundation built on the LAW Survey results by specifically investigated the legal needs of people experiencing illness and disability.⁹ Its subsequent report in 2013 *“...confirmed the existence of strong links between the experience of legal problems and long-term illness/disability, that the link strengthens as severity of illness/disability increases and that the associations are particularly strong for mental impairment.”* Their findings provided *“...overwhelming support for the potential utility of integrated legal, health and broader human services.”*

In 2016 the Foundation produced a further report about how people solve legal problems.¹⁰ The findings from this report:

⁷ [http://www.lawfoundation.net.au/ljf/site/templates/LAW_AUS/\\$file/LAW_Survey_Summary_FINAL.pdf](http://www.lawfoundation.net.au/ljf/site/templates/LAW_AUS/$file/LAW_Survey_Summary_FINAL.pdf)

⁸ [http://www.lawfoundation.net.au/ljf/site/templates/LAW_AUS/\\$file/LAW_Survey_Summary_FINAL.pdf](http://www.lawfoundation.net.au/ljf/site/templates/LAW_AUS/$file/LAW_Survey_Summary_FINAL.pdf)

⁹ Coumarelos, C, Pleasence, P & Wei, Z 2013, *Law and disorders: illness/disability and the experience of everyday problems involving the law*, Justice issues paper 17, Law and Justice Foundation of NSW, Sydney.
[http://www.lawfoundation.net.au/ljf/site/templates/justiceissues/\\$file/JI17_LawAndDisorders_FINAL_web.pdf](http://www.lawfoundation.net.au/ljf/site/templates/justiceissues/$file/JI17_LawAndDisorders_FINAL_web.pdf)

¹⁰ McDonald, HM & Wei, Z 2015, *How people solve legal problems: level of disadvantage and legal capability*, Justice issues paper 23, Law and Justice Foundation of NSW, Sydney.

“...suggest that the most disadvantaged have lower legal capability, as indicated by their use of lower level legal problem-solving strategies. They are less aware of not-for-profit legal services and less likely to take action in response to their legal problems. When they do try to resolve their legal problems, they are less likely to use self-help, non-legal professionals and private lawyers as their highest-level strategy and are more reliant on not-for-profit legal services. These findings point to the most disadvantaged experiencing greater personal and systemic constraints on legal problem solving, and signal reduced personal capability to resolve legal problems without recourse to public legal assistance services”.

In the Foundation’s view these findings:

- clearly signal the vital role of not-for-profit legal services in extending access to justice to the most disadvantaged members of the Australian community; and
- point to collaboration between health and welfare advisers and public legal services as a key strategy to enhance access to justice for the most disadvantaged.¹¹

ii. Understanding the needs of people with disability in our region

Although people with disability comprise a significant proportion of its client base, ARC Justice does not believe that it sufficiently understands their legal or advocacy needs. In the course of preparing for this submission, and undertaking our own community needs analysis, we consulted with a limited number of agencies in the region about their perceptions of advocacy need for people with disability. This consultation focussed on understanding legal needs. Feedback was received from individual workers from the following agencies, albeit that their responses do not necessarily represent an agency perspective:

- Villa Maria and Rumbalara Aboriginal Cooperative in Shepparton/Mooroopna; and
- Loddon Mallee Interchange, Headspace, Access Australia, the City of Greater Bendigo, Loddon Mallee Multicultural Services and Amicus in Bendigo.

Questions contained in the NDAP Review informed our discussions with local stakeholders.

a. How do we improve access to services for people with a disability?

Participants reported that the challenge of improving access is twofold. Firstly clients with a disability and their service providers are often unaware of the service/s itself or the scope of services. For example some providers are aware of the Community Legal Centre but think it mainly assists clients with wills and power of attorney. Service providers suggest that raising the profile of service providers would assist clients. A secondary issue was the availability of information in appropriate formats that clients could understand. Legal information was often pitched at a high level, with inappropriate language used. A further concern was trust in the system, with some providers indicating that clients had experienced confidentiality issues both in the public and not-for-profit service systems. Clients often lacked the confidence or knowledge to access services and had experienced discrimination and harassment, and as a result many had accepted ‘their lot’.

b. What are the strategies or models that have worked? What are the strategies that do not work?

[http://www.lawfoundation.net.au/ljf/site/articleIDs/4752B67A5D6A030FCA257F6A0004C3C5/\\$file/JI23_Disadvantage_legal_capability.pdf](http://www.lawfoundation.net.au/ljf/site/articleIDs/4752B67A5D6A030FCA257F6A0004C3C5/$file/JI23_Disadvantage_legal_capability.pdf)

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[http://www.lawfoundation.net.au/ljf/site/articleIDs/4752B67A5D6A030FCA257F6A0004C3C5/\\$file/JI23_Disadvantage_legal_capability.pdf](http://www.lawfoundation.net.au/ljf/site/articleIDs/4752B67A5D6A030FCA257F6A0004C3C5/$file/JI23_Disadvantage_legal_capability.pdf)

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Getting referral pathways to a point where they are almost seamless is critical because experience suggests clients aren't good at 'jumping through hoops'. Clients require familiarity of surroundings and staff. Although it seems obvious, physical access to service providers is often overlooked by service providers. Agencies thought service provision would be enhanced by ARC Justice staff knowing how and when to use interpreters, being culturally competent and training provision in engaging and communicating with people with a disability. Codesign of services with people with disability was also recommended.

c. What policies and strategies do we need to protect the rights of people with disability?

Agencies gave numerous specific examples of people facing particular issues. For example:

- Elderly people experiencing disability who own farms but are not earning a significant income – “asset rich and income poor”. Typically the client with disability needs money to enter care but the families are often reluctant to sell a property, so the individual is left unattended without care or supervision. A further complication arises once the Family Assessment is conducted by Centrelink and the wider family became aware that it needs to make a financial contribution for the person to enter care, the family often disengage and there is no compulsion on Centrelink to follow up, leaving the client in limbo.
- A number of agencies were concerned with capacity assessments in relation to the Disability Support Pension. Experiences included high turnover of Centrelink staff, staff with low skills, clients complaining about long delays in assessment, personal information being lost requiring clients to be reassessed. If successful on reassessment, payments are not backdated to the original date. Additionally DSP is being refused or taken away because clients don't have enough points to demonstrate a certain level of incapacity.
- Centrelink featured heavily in discussions not only in relation to DSP but to payment changes due to a client's change in circumstances. Service providers expressed concern that these changes were not explained or not explained adequately to clients.

f. What barriers prevent people with disability from accessing justice?

Agencies reported a general ignorance about disability advocacy services (and other legal/advocacy services) among the client group; not knowing what is out there, not knowing what their rights are not knowing how to assert them. A reticence to raise 'private' or family disputes also inhibited accessing justice options. Some service providers spoke of clients being ostracised in the broader community as their circumstances became broadly known. Other providers indicated that a person with a disability can have multiple issues and they just don't feel capable or ready to put themselves through additional stress. Clients often find it intimidating to speak out without support being provided to that individual. There was a view, reportedly held by some people with disability, that problems were too hard to resolve and that “This is my lot”.

Physical access was still seen as a barrier. However it was clients' expectations in regard to outcomes that seemed the biggest inhibitor. Agencies reported that many clients expressed an attitude of why bother – as they perceived nothing would be done. Clients had low levels of trust in agencies not involved in their direct service provision, and some expressed concerns regarding privacy.

Services are often located in inconvenient location and many people with disabilities have mobility issues. If services could be located or colocated where clients are or go – for example community houses, this would assist, particularly if multiple services were there as a client could get assistance

without telling their stories multiple times and experiencing 'fatigue' which often leads them to disengaging.

g. What legal issues are unresolved or resolved unsatisfactorily for people with a disability?

It is clear people with a disability have large unmet legal needs. Financial, employment and housing issues were prevalent in conversation with each agency. Managing Centrelink disputes, including overpayments was frequently raised. Other financial stressors included bills, parking fines and debt collection.

Criminal records prevented some from securing employment. One example was an individual who applied for a cleaning job but was unsuccessful due to a minor criminal matter 20 years ago. A number of agencies indicated that clients were discriminated against (or certainly perceived they were) in relation to employment.

A number of agencies expressed concern at increased drug use and associated mental illness. They felt the linking of services could still be improved, that discrimination and harassment needed to be eliminated because some service providers, in some instances, were not supporting the needs of its clients.

h. What do you think we can do to assist, what additional services could be offered?

The organisations surveyed had a number of suggestions for additional services. Perhaps the most dominant theme to emerge from the discussions was that organisations were unsure or unclear of what Community Legal Centres do. Notwithstanding that the following are suggestions raised during the course of discussions.

If a client with disability is facing court it would be good to place a support person with the client to assist with information and assistance around the court process, the lead up, what to expect, support on the day, what the client needs to do, help to navigate the legal process including findings and orders.

The organisation may have a role with helping clients experiencing economic abuse, fraud and internet dating scams. It could also assist with identity fraud, as some clients data (which is available on Facebook – name and date of birth) is being used to set up utility connections.

Advocating on behalf of clients with Centrelink in relation to the points system – as many clients who are refused DSP are clearly not ready for the workforce.

LCCLC was encouraged to become part of the Council's Cultural Diversity Planning process and give education sessions regarding discrimination. Colocation of services was supported, as was bringing LCCLC services to where people are – in community centres, places that are visible, where people know the environment. A greater public presence was generally endorsed, educating other service providers regarding the range of services at the Community Legal Centres.

A number of housing specific advocacy needs were also identified, including:

- The need for housing advocacy for clients with disability given future market driven industry.
- Good physical accessibility of legal/advocacy services by locating them in accessible places with good public transport and visibility. Location is essential to ensure awareness of service and ability to access within public transport.
- The need for basic awareness raising of all client's rights issues.

- Specific capacity building concerning the NDIS and associated housing challenges (many clients have never been tenants). Skills development could include how to be a good tenant, neighbour, living skills, rights and responsibilities using accessible language.
- Advocacy work with private landlords / agents was also identified as a priority to mitigate against discrimination, support tenancies and obviate the need for onerous requirements including 100 point identification checks for rental applications.

iii. Examples of our legal and advocacy assistance for people with disability

ARC Justice delivers a range of programs and forms of assistance to people with disability. Through our Bendigo based Loddon Campaspe Community Legal Centre, Shepparton based Goulburn Valley Community Legal Centre and Bendigo based Housing Justice program our activities include:

- Direct client assistance (information, referral, advice and casework)
- Client and professional education
- Policy work

Housing Justice

Housing Justice has two key programs:

- The Social Housing Advocacy and Support Program (SHASP), funded by the Department of Human Services. This program provides case management support to public housing tenants in order to assist them to sustain their housing.
- Tenant Advice and Advocacy Program (TAAP). Funded through Consumer Affairs Victoria to assist vulnerable and disadvantaged tenants. Provision of information, advice in regards to their rights, responsibilities and the Residential Tenancies Act 1995 (RTA) and assistance with the Victorian Civil and Administrative Tribunal (VCAT).

In both Housing Justice programs we assist vulnerable and disadvantaged clients. It is not surprising that a significant proportion of these clients have either an intellectual, physical and/or mental illness disability.

SHASP

47% of SHASP clients in 2014/15 were receiving a disability pension. 11% of SHASP clients had a known mental illness although the actual number is thought to be higher but not disclosed at the initial time of assessment.

Disability is often a contributing factor in the need for support and advocacy on the client's behalf, although the referral for assistance may not be directly related. Support may include addressing barriers to the tenancy such as poor living skills, providing advice to address financial stresses and advocating on the client's behalf with the Office of Housing (now Client Residential Services) and other agencies.

SHASP provided a greater level of advocacy for public housing tenants up to 38% funding cuts and a change to the program guidelines in 2012. Since this time the capacity for current and former public housing tenants to receive advocacy has been significantly reduced. Some Community Legal Centres and the Tenant's Union of Victoria do provide advocacy, however this is geographically inconsistent and unlike SHASP previously not actively promoted to tenants.

TAAP

4% in 2014/15 and 8% (thus far) in 2015/16 of TAAP clients had physical or intellectual disability as the key reason for eligibility, This low recording may be that client's have a more significant wellbeing eligibility criteria and are unable to select two criteria for any client. When combined with clients who identified a mental illness as their key eligibility this increased to 28% in 2014/15 of all TAAP clients.

- 68% of all TAAP client's had an government pension as their income. It could be assumed that a significant proportion of these are on a disability support pension.

Disability specific advocacy

- Presently Housing Justice is not funded to assist with appeals to the Department of Health and Human Services's (DHHS) Client Residential Services (formerly called Office of Housing) regarding maintenance or modifications related to disability needs. Housing Justice's programs are also not funded to provide advocacy for clients living in a supported residential facility regarding their rights and responsibilities.
- Presently Rights Information and Advocacy Centre (RIAC) <http://www.riac.org.au/> are funded to provide advocacy for people with a disability including advocating to services on a person's behalf. This may include advocating to DHHS regarding home modification needs or residential issues. RIAC has a small office in Bendigo with a small EFT, their head office is based in Shepparton.

Community Legal Services

Both LCCLC and GVCLC routinely assist people with disability with a wide range of legal problems. This is across a wide range of programs including specialist family violence services, child protection services, a Health Justice Partnership and a Therapeutic Justice Partnership. Our most recent data from 2014/15 shows that LCCLC and GVCLC together assisted 1790 clients, of which 29% identified as having a disability. Key types of disability identified were:

Physical	44%	Specific learning	5%
Psychiatric	27%	Neurological	4%
Intellectual	6%	Hearing Sensory	3%

Data analysis from LCCLC in 2013-14, during which 34.22% of clients identified themselves as having a disability, there was no significant difference in the legal problem type distribution for clients who reported a disability and clients who did not. The issues that we provided casework assistance for persons with a disability with were most commonly:

Family violence	41%	Powers of Attorney	12%
Personal Safety		Credit and Deb	6%
Intervention Orders	14%	Consumer	8%
Criminal	13%	Family Law	5%
		Tenancy	3%

The Community Legal Services deliver two programs that are integrated with health services. The Bendigo based Health Justice Partnership, in collaboration with Bendigo Community Health Services (BCHS) and the Shepparton based Primary Care Connect (PCC).

Health Justice Partnership

In July 2013, LCCLC and BCHS launched a 3-year Health Justice Partnership project at BCHS's Kangaroo Flat site. As part of the Bendigo HJP, a lawyer is located at the Kangaroo Flat site of BCHS three days a week to provide on-site legal assistance which is easily accessed by clients and health workers. The lawyer has expertise in a number of different legal practice areas such as family violence, family law, child protection, fines, discrimination, consumer law, housing and criminal matters. The lawyer takes referrals from health workers, provides secondary consultations to BCHS staff and also offers legal education. Through being onsite at BCHS, the lawyer is able to build and maintain relationships with health workers and create a multidisciplinary service for clients when they come to their medical appointments.

LCCLC believes that by having its lawyers work alongside health professionals, it is better able to identify legal issues at an early stage and in turn assist health professionals to address the potential causes of health issues arising out of the stress and anxiety associated with previously unidentified and unresolved and legal issues.

In partnership with the Australian National University, Dr Liz Curran has led an action research evaluation which creates a 360 degree profile of the project by interviewing staff, clients and external stakeholders. It has been an embedded, longitudinal study enabling comparisons and contrasts over the life of the project, including three intensive snapshot periods. While the final evaluation will be completed and published in late 2016, we are able to offer some preliminary findings and case-studies regarding the effectiveness of the service.

Preliminary evaluation findings of the HJP¹² show:

1. Almost all clients interviewed would not have accessed legal help if it had not been for the HJP referral from the BCHS professional.
2. All clients interviewed experienced positive health and other outcomes following the HJP intervention, including reduced stress and reduced anxiety as a result of knowing their legal position.
3. BCHS professionals increased their knowledge, capacity and confidence to identify legal problems for the clients/patients. The building of trust and relationships with HJP lawyers over time them led BCHS professionals to refer their clients for assistance and access the service themselves for brief legal secondary consultations.

¹² This Summary has been provided by Dr Liz Curran, Australian National University in her [Summary of Overall Findings of the research evaluation of the Health Justice Partnership in Bendigo](#), June 2016.

4. Overall service effectiveness was greatly improved by having the opportunistic availability of the lawyer to be immediately responsive to need. The 'approachability', non-judgemental, and respectful attitude of the lawyers were critical factors to successful client and professional engagement, supporting a 'wrap around' and 'holistic' service to clients in need.
5. The HJP has significantly increased the engagement, capacity, and empowerment of client, professionals, counteracting siloed service provision and improving integrated service collaboration.
6. The three year pilot funding period enabled enough time to build trust and engagement and achieve service effectiveness.

Therapeutic Justice Partnership

In 2015 the GVCLC initiated a Therapeutic Justice Partnership (TJP) in collaboration with Primary Care Connect (a Shepparton based Community Health Service). The TJP has three major objectives:

- i. Clear referral pathways from both health staff at Primary Care Connect and the Shepparton Magistrates Court for intensive assessment and support for target clientele, specifically those with multiple and complex health needs including among others, alcohol and other drug addictions and mental impairment.
- ii. Integration of legal and health services through the delivery of legal services by GVCLC in partnership with Primary Care Connect services at Shepparton. This will drive mutual learning opportunities on interrelated subject matters for legal and health staff. Greater collaboration between all stakeholders will improve client engagement and maximise the opportunity for fair and effective legal outcomes.
- iii. Improved health and welfare outcomes for target clientele including measures of resilience, well-being, and engagement with support services and decreased contact with the criminal law system.

While it is still too early to tell, anecdotal data suggests a significant engagement with intersecting, health, disability and legal issues through the service.

Policy Initiatives by the Community Legal Services

LCCLC has recently contributed to two disability related policy initiatives in Victoria:

- Submission by Loddon Campaspe Community Legal Centre into the Inquiry into Access to and Interaction with the Justice System by People with an Intellectual Disability and their Families and Carers, 2012.¹³
- 'Rebuilding the Village: Supporting families where a parent has a disability' published by Victoria's Office of the Public Advocate, 2015.¹⁴

Both reports draw on the experiences of LCCLC in working with people with disability and demonstrate the type of constructive advocacy work that can flow by drawing on casework.

¹³ <http://lcllc.org.au/wp-content/uploads/2012/02/120528-Inquiry-into-Access-to-Justice-System-Intellectual-Disability.pdf>

¹⁴ <http://www.publicadvocate.vic.gov.au/our-services/publications-forms/241-rebuilding-the-village-supporting-families-where-a-parent-has-a-disability-report-2-child-protection-2015>

Conclusion

Again, ARC Justice welcomes the review by the Department of Social Services of the National Disability Advocacy Program. We believe that many of the challenges facing the program and its funded agencies are shared by those in the legal assistance sector. We urge the Department to look to the experience of the legal assistance sector, and bodies such as the Law and Justice Foundation of New South Wales, for useful insights or models for replication. In this respect we believe that ARC Justice has developed a unique and sustainable model for advocacy services in regional Australia, minimising conflicts of interest internally and externally, leveraging capacity and capability, and, promoting local brands to particular communities. We are happy to provide the Department with further information if that would be of assistance.

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