



# **Strategic Plan 2008-2009**

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**1 July 2008**

# **Preamble – National Legal Aid**

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## ***About National Legal Aid***

There are eight independent Legal Aid Commissions, one in each of the States and Territories. The Directors of the Commissions combine at a national level to form National Legal Aid (NLA) and one of their number is, on a rotation basis, elected as Chair. The current Chair of NLA is Mr Hamish Gilmore, Director of the Legal Services Commission South Australia.

The Commissions are funded by the Commonwealth and the respective State or Territory Governments.

## ***Secretariat of National Legal Aid***

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## ***Focus of this Plan for 2008-2009***

This strategic plan was developed by NLA through a workshop involving Directors and the Executive Officer. It represents a realistic but challenging range of initiatives for the Directors, the Working Groups and the Executive Officer.

The six key result areas (KRAs) are:

1. National Issues and Resources
2. Education and Research
3. Learning, Sharing and Supporting
4. Partnering with the Commonwealth
5. Profile with the States
6. Relationships

## ***Vision for National Legal Aid***

A just society in which people have equitable access to appropriate means of meeting their legal needs.

## ***Mission of National Legal Aid***

To promote leadership and management of a national system of legal aid through the coordinated efforts of Commissions by sharing resources, knowledge and systems which enhance best practice and value for money in the delivery of legal aid to clients across eight States and Territories.

## ***Strategic Goals***

- To ensure the independent provision of legal aid services.
  - To address access to justice issues co-operatively.
  - To ensure the provision of high quality legal aid services.
  - To facilitate the development of innovative and effective legal aid services.
  - To promote a national legal aid partnership with the Commonwealth, States and Territories.
  - To anticipate and respond to changing legal needs.
  - To develop clearly identifiable policies with regard to funding and service delivery.
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# Key Result Areas for 2008 - 2009

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## ***KRA No 1: National Issues & Resources***

### **1.1 Promoting our Vision**

**Outcome:**

Promotion of NLA's Vision and New National Policy for Legal Aid in Australia.

**Action:**

(i) Directors NLA/delegation to meet with representatives of the Commonwealth Government and the Attorney-General's Department as appropriate.

**January '08**

### **1.2 Legal Aid Commissions integral to the new family law system**

**Outcome:**

Recognition of Legal Aid Commissions as integral to the effective operation of the new family law system.

**Actions:**

(i) Director FLWG and NLA Executive Officer to prepare a scoping paper identifying information, data and further research required to demonstrate that Legal Aid Commissions are integral to the effective operation of the new family law system.

**January '08**

(ii) NLA Directors to identify project officer/ researcher/s to work with the NLA EO to co-ordinate project &/ conduct research required by the scoping paper.

**January '08**

(iii) Working Group Representatives to provide information requested by the NLA EO/project officer/researchers as a matter of priority.

**When requested**

(iv) The Family Law Working Group to continue to monitor and report to Directors on developments within the changing family law system, including providing Directors with briefings about any issues (including possible costs impacts) arising.

**Ongoing**

(v) The Family Law Working Group in consultation with the Dispute Resolution Working Group to produce the high level MOU between FRC and Legal Aid Commissions agreed at the Best Practice Conference 2007.

**March 2008**

(vi) The Family Law Working Group in consultation with the Community Legal Education Working Group to ensure effective referral pathways and the provision of education about Legal Aid Commission family law services to other family law service providers such as the Courts etc.

**Ongoing**

### **1.3 A role for Legal Aid Commissions in the national development of dispute resolution**

**Outcome:**

A national approach to dispute resolution in Legal Aid Commissions.

**Actions:**

(i) Dispute Resolution Working Group to work with the Family Law Working Group towards achieving KRA 1.2.Action (v).

**March '08**

(ii) Dispute Resolution Working Group to continue to participate in and monitor the evaluation of Commission Dispute Resolution Programs, and to brief Directors accordingly.

**As appropriate**

(iii) Dispute Resolution Working Group to utilise its access and equity survey to develop a plan to improve equity of access in those "target" areas to be agreed by the Group.

**October '08**

(iv) Dispute Resolution Working Group to monitor research relating to dispute resolution including in relation to interprofessional relationships, legally assisted models of dispute resolution, collaborative law and practice and arbitration.

**Ongoing**

### **1.4 A Nationally Fair Means Test**

**Outcome:**

A Nationally Fair Means Test which maximises equity of access and increases access to legal aid services.

**Action:**

(i) Grants Working Group to monitor and respond to the Means Test Review and to brief Directors accordingly.

### **1.5 Management of Professional Conflict**

**Outcome:** To reduce the potential for actual & perceived conflict within each Commission.

**Action:**

(i) The Legal Practice Working Group to await outcomes of the conflict projects in NSW and Victoria and to respond accordingly, including briefing Directors as appropriate.

**As appropriate**

## **1.6 Pro-active in Law and Order Debate and Legislative and Administrative Changes**

**Outcomes:**

(i) Full participation in legal policy and law reform debates

(ii) Increased awareness by policy and law makers of costs impacts, including downstream costs impacts, on the Legal Aid Commissions.

**Action:**

(i) All Working Groups to identify possible opportunities for engagement in relation to national and State/Territory policy and law reform and to participate as appropriate.

**Ongoing**

## **1.7 Enhanced Community Engagement and Expectations**

**Outcome:**

Enhanced awareness of the importance of legal aid, its scope of practice and increased public support for the rule of law.

**Action:**

(i) The Community Legal Education Working Group to develop strategies for enhancing community engagement and expectations for 2008-2009.

**September '08**

## **1.8 Civil Law to be part of Legal Aid**

**Outcome:**

Expansion of civil law as core business of LACs.

**Action:**

(i) Each NLA Director to report developments in, and expansion of, civil law services to an NLA meeting at least once per year.

**November '08 &  
November '09**

## **1.9 Pro Bono not to mask the under funding of legal aid**

### **Outcome:**

Improved understanding of the amount and type of pro bono activities and the extent to which pro bono might be masking the under funding of legal aid.

### **Actions:**

(i) That the Executive Officer monitor the National Pro bono Resource Centre's survey of the pro bono output of the legal profession and brief Directors accordingly.

**As appropriate.**

(ii) That the Executive Officer undertake a survey of Commissions to identify Commission pro bono policies, Commission involvement in pro bono work and Commission contact with pro bono organisations including private firms that have pro bono programs.

**October '08**

## ***KRA No 2: Education and Research***

### **2.1 Initiating Research on Australia's need for legal aid services**

#### **Outcome:**

A co-ordinated approach to identifying research priorities and obtaining funding for the purpose.

#### **Actions:**

(i) NLA Directors to continue to work with the Law and Justice Foundation NSW in relation to the Legal Needs Survey being undertaken by NLA and to respond as required in relation to the findings of the Survey.

**Ongoing**

(ii) Commission Policy Representatives to monitor legal aid related research currently being undertaken, including within Commissions, and to brief Directors as appropriate.

**September '08**

(iii) Researchers/Project Officers external to the Commissions to be engaged as appropriate in relation to required research and monitoring of legal aid related research.

**As required**

### **2.2 Impact of changing demographics on legal aid services**

#### **Outcome:**

An improved understanding of the impact that changing demographics are having and are likely to continue to have on demand for legal aid services and resources.

**Actions:**

(i) The IT Group in consultation with the National Statistics Working Party to provide an outline of the state of readiness of each Commission to provide the data required for the NLA Statistics.

**March '08**

(ii) The IT Group in consultation with the National Statistics Working Party to undertake an analysis and design process for the new NLA data warehouse including data transfer mechanism and design and implementation of the NLA Statistics for the NLA website.

**March '08**

(iii) The IT Group in consultation with the National Statistics Working Party to manage the development and implementation of the data warehouse and NLA Statistics for the NLA website.

**June '08**

## **2.3 Enhanced International Focus**

**Outcomes:**

(i) Increased involvement in activities that encourage international awareness of National Legal Aid and Legal Aid Commissions.

(ii) Increased knowledge about and awareness of legal aid services internationally that adds value across the Commissions and contributes to world best practice.

**Actions:**

(i) Each Director and Working Group representative to provide feedback to the Executive Officer and colleagues about his/her involvement in international legal aid activity.

**Ongoing**

(iii) The Executive Officer to initiate contact with international legal aid organisations as appropriate.

**Ongoing**

## ***KRA No 3: Learning Sharing and Supporting***

### **3.1 Enhancing Staff Professional Development**

**Outcome:**

Enhanced professionalism and opportunities for professional development through:

- Networking across NLA and participation in NLA Working Group activity
- Sharing of materials, ideas and practice knowledge

**Action:**

All Working Groups to present Directors with strategies to enhance staff professional development and to report against implementation.

### **3.2 Enhancing our Human Resource Management Approach**

**Outcome:**

Enhanced management of staff and enhanced careers and training by

- Liaison with education and training providers to promote appropriate training courses for staff
- Mentoring programs
- Succession planning across Commissions
- Appropriate policies in relation to work place equity

**Actions:**

(i) The Human Resources Working Group to produce an induction package for Commissions based on an audit of competencies required in delivery of legal aid.

(ii) The Human Resources Working Group to identify and document generic competencies for the development of a manager development package.

(iii) Each Human Resources Working Group representative to share developments in relation to recruitment and retention strategies and practices.

(iv) The Human Resources Working Group to compare policies on work place issues, like anti-discrimination, harrasment and bullying and work towards a best practice policy template.

### **3.3 Enhancing attractive and safe workplaces**

**Outcome:**

Enhanced level of positive response by all staff to the physical workspace.

**Actions:**

(i) Human Resources Working Group will maintain contact and prepare data in relation to workplace risks, and benchmark solutions in response to risk

(ii) Human Resources Working Group will monitor developments and benchmark solutions in relation to the arrangement of work space.

### **3.4 Focus on Best Practice through Benchmarking**

**Outcomes:**

(i) Maintain an ongoing approach to benchmarking our legal aid practices to optimise continual improvements.

(ii) To explore the options and optimise quality within legal aid workplaces.

**Actions:**

(i) All Working Groups to develop and implement at least one new initiative for 2008-2009.

**December '09**

(ii) Plan and conduct a Best Practice Conference in mid 2009

**August '09**

### **3.5 Communications Strategy**

**Outcome:**

An integrated communication strategy for National Legal Aid.

**Action:**

(i) Community Legal Education Working Group and the Executive Officer to draft a communications strategy consistent with the operations of the NLA Secretariat and Working Group processes and protocols.

**December '08**

### ***KRA No 4: Relationship with the Commonwealth***

#### **4.1 Gaining Agreement with the Commonwealth**

**Outcome:**

A relationship based on partnership with the Commonwealth Government which facilitates effective liaison and negotiation, recognises the different roles of the Commonwealth as funder and the Legal Aid Commissions as service providers and initiators, and respects the important contribution made by Commissions to community well-being. The current focus of Commissions is on gaining agreement on key matters such as flexibility within the guidelines, increased resources, specific projects & /or proposals for new business, and initiatives for innovation in legal aid systems and practices.

**Actions:**

(i) In the context of the negotiations for the next funding agreement, work with the Commonwealth to ensure that the new structures for National Partnership programmes reflect the needs and priorities of Commissions, consistently with Commonwealth objectives.

(ii) Continue the pattern of regular meetings with the Commonwealth at the highest possible levels, including meetings with the Attorney-General at least once a year.

### ***KRA NO. 5 Relationship with the States***

**Outcome:**

Raise the profile of legal aid issues with the States

**Action:**

(i) NLA Directors to regularly provide information to respective Attorneys-General and to share that information with other Directors as appropriate.

## **KRA No 6: Relationships**

### **6.1 Alliance with Law Council**

**Outcome:**

Enhance the ongoing alliance with the Law Council on matters of National and State significance that achieves mutual benefits such as:

- Availability of more private practitioners
- Increased fee levels for doing legal aid work
- Advocacy and support on issues of common concern about provision of legal aid

**Actions:**

(i) The Executive Officer to schedule at least one meeting a year between the NLA Directors and the Law Council's Access to Justice Committee. The Executive Officer of NLA to liaise with the Executive Officer for the Access to Justice Committee for the purpose of setting the meeting agenda and settling supporting papers including position statements.

**December '09**

(ii) NLA Directors, Working Group representatives and Executive Officer to meet & liaise with Law Council representatives about issues of common concern as appropriate. (Eg Family Law Section representatives).

**Ongoing**

### **6.2 Support for ATSILS**

**Outcome:** Support ATSILS as the main providers of legal services to indigenous people through:  
A) ensuring adequate funding is provided to ATSILS directly by State and Commonwealth governments  
B) ensuring comparative salaries between ATSILS and Commission staff  
C) working cooperatively with ATSILS to ensure the legal needs of indigenous clients are met

**Actions:**

(i) The National Statistics Working Party to collect data relating to the use of Legal Aid Commission services by indigenous people, and to provide Directors with an analysis of the data gathered, including estimates of cost and the impact of costs shifting. To the extent it is possible the analysis should reflect trends from 2000, and future projections. Where it is not possible to collect data the reasons for this should be expressed together with any limitations or qualifications related to the data, analysis &/projections presented.

(ii) The Legal Practice Working Group to meet with ATSILS to develop best practice standards to support and work cooperatively with ATSILS to meet the legal needs of indigenous clients

**February '08**

### **6.3 Working Closely with the Family Court of Australia & the Federal Magistrates Court**

**Outcome:**

Maintain a relationship with the Family Court of Australia and the Federal Magistrates Court which will assist in the improvement of systems, processes and working arrangements to the benefit of people seeking legal assistance.

**Action:**

(i) Directors and Family Law Working Group to initiate agreed priority strategies for 2008-2009.

**May '08**

### **6.4 Relationship with New Zealand**

**Outcome:**

A relationship with the Legal Services Agency of New Zealand which reflects the strong alliance and similarities between Australia and New Zealand and facilitates mutual sharing of information, showcasing of initiatives and contributes to the development of best practice.

**Actions:**

(i) Confirm the Director of the Legal Services Agency of New Zealand as an attendee at regular NLA meetings.

(ii) NLA Directors to note the International Legal Aid Group Conference to be held in New Zealand in 2009.

### **6.5 Working with the Private Practitioners and Other Key Groups**

**Outcome:**

Ongoing dialogue and partnering relationships with private practitioners and other stakeholders to promote awareness and agreement about issues of common concern.

**Actions:**

(i) The Executive Officer to arrange activities and/or meetings for maintaining ongoing dialogue, understanding and joint initiatives with appropriate stakeholders such as Community Legal Centres, DPP's, ATSILS and others.

**Ongoing**

(ii) All Working Groups to initiate dialogue and joint activities as appropriate to their role.

**Ongoing**

(iii) Directors to maintain a process of encouraging staff to participate in State/local activities within the professional networks.

**Ongoing**

## **7. Protocols and Processes of Working Together**

NLA is committed to underpinning the Strategic Action Plan with the following Protocols and Processes:

### **7.1 Collegiate System for Management of National Legal Aid**

Directors acknowledge that the success of NLA depends on the shared commitment of the eight Directors to work on a collegiate model which has the following features:

- Unity amongst Directors is vital in dealing with critical stakeholders such as the Commonwealth, but difference is respected at the State or Territory level
- Agreement should be obtained if at all possible on all policy positions in the administration and operations of National Legal Aid but diversity on social justice issues is welcomed and must be supported by the Directors – there can be issues of debate and awareness rather than one view prevails on all occasions
- NLA has a role in raising awareness and encouraging debate on government and community positions on legal aid, rather than being exclusively prescriptive on direction
- The chair is “one amongst equals” but does have the agreed right to take leadership initiative on behalf of NLA in arenas and representations and speak on behalf of NLA in accordance with known policy or NLA positions as best interpreted from time to time
- NLA does not require unanimous agreement by all Directors on all matters to establish an NLA position, however the Directors believe in collaborative processes and debate in striving for unanimous agreement as the preferred approach
- NLA will not speak on matters relating solely to one jurisdiction unless there is the consent of the local Director

### **7.2 Directors of Commissions – Sharing the Leadership and Coordination of NLA Activities**

Directors acknowledge the need to share the leadership accountability for NLA, both with regard to establishing direction and the coordination of the operational work. Key initiatives will include:

- Each Director to hold a portfolio position which will include a Working Group.
- Each Director to volunteer for taking leadership on matters not allocated to the Executive Officer or a Working Group when appropriate.
- Often the unique skills or knowledge of a Director will be aligned to matters on the NLA agenda – it is respected that the Director/s will take initiative to lead and manage on these occasions.

### **7.3 NLA Directors' meetings**

Directors acknowledge that the NLA meetings are the primary forum for collegiate discussion and decision making on the direction and actions of the national legal aid strategy. The success of meetings must be supported by the following principles:

- Directors to appoint a representative to the meeting when the Director is unable to attend – the representative to have full rights and accountabilities
- The emphasis at meetings is on
  - strategic matters of policy and practice” rather than the “detail of legal aid practice”
  - building, relationships and national alignment on legal aid issues
  - Encouraging the Working Groups to develop legal aid practices

Format for NLA meetings should be

- an agenda reflecting the issues related to the Strategic Plan; agenda format to include the Strategic Plan headings
- reports and recommendations from Working Groups;
- meetings and briefings with Stakeholders
- showcasing from the host commission and reports and presentations on new initiatives from all Directors
- Executive Officer to present concise papers/ to the NLA meeting to assist in efficient debate and gaining agreement on strategic matters
- minutes to reflect key points and outcomes identifying who has responsibility for actions and the timeframes for completion.

## **7.4 Secretariat Support**

Directors acknowledge that the leadership and support of the Secretariat is critical to initiating and managing the work of the NLA. Principles underpinning the operations of the Secretariat are:

- Executive Officer to work to the Chair of National Legal Aid, and to seek direction from the Chair when conflicting priorities present
- Executive Officer to focus on the strategic issues for NLA as identified in the Strategic Plan
- Administrative support is to be provided to the Executive Officer for up to 3 days per week

## **7.5 Working Groups**

Directors acknowledge the success of, and important work conducted through, the Working Group system of NLA. Key aspects should include:

- Support for Working Groups is a high priority
- Encourage Working Groups to review terms of reference, roles and annual priorities – set key actions on an annual basis in accord with the NLA Strategic Plan
- Working Groups to regularly report to the NLA meetings, and representatives may wish to attend

## **7.6 National Legal Aid Website**

Directors acknowledge the increasing need for shared access to information about NLA and the demand for an excellent website. Key initiatives should include:

- Upgrade the information on & capabilities of the website
- Add information about NLA meetings or positions on matters of Legal Aid

- Working Groups to use the web site for making information available
- Investigate upgrade of the website for gaining direct input into NLA by site users

- END -