# Victoria Legal Aid 2022–23 Quarter Two Report October – December 2022

## Message from the Acting CEO

The number of services we delivered in quarter two 2022–23 reflects a similar pattern to the previous quarter, where we saw a general increase in services compared to the year before. As courts continue to increase the number of matters heard—both the backlog of existing cases and new matters—we are providing an increasing number of services. Our services, however, remain below the pre-COVID levels that informed our forecasts. This reflects a recovering justice system that is yet to return to pre-COVID operations.

The Coroners Court findings into the death of Veronica Nelson, a proud Gunditjmara, Dja Dja Wurrung, Wiradjuri and Yorta Yorta woman, demonstrate the [urgent need for widespread change](https://www.legalaid.vic.gov.au/urgent-short-term-and-transformative-change-required-criminal-justice-and-child-protection-systems) in our criminal justice system. Our experiences every day and night, in almost every court across Victoria, help us see that the criminal justice and child protection systems are failing First Nations communities. We express our sincere condolences to Aunty Donna Nelson, Uncle Percy Lovett and all of Ms Nelson’s family, friends and community. We acknowledge, and support, self-determination by First Nations Communities to address these issues.

Our Independent Mental Health Advocacy (IMHA) services continue to see strong demand. To support individuals experiencing mental health issues whilst navigating the National Disability Insurance Scheme (NDIS), we have developed a toolkit to provide information and skills to advocate for what they want under the NDIS. It was designed for, and with, people with a lived experience of the mental health system who use, or are eligible for, the NDIS. It can also be used by individuals and their supporters, such as carers, kin, friends, and support workers. The IMHA [NDIS mental health toolkit](https://www.imha.vic.gov.au/ndis-mental-health-toolkit) and can be found on our website.

Sexual harassment continues to be an unacceptably common feature of Australian workplaces. We received funding from the Australian Government to expand the services we provide to people seeking help to address the harassment they have experienced. Our Equality Law Program has been representing victim-survivors of sexual harassment for over a decade and has a trauma-informed practice with deep legal expertise.

We have recently launched our own internal, anonymous reporting tool that gives staff the opportunity to report inappropriate behaviours that they either experience or witness in the workplace. We are striving to provide a safe and supportive workplace for all our staff, and we know that staff describe inappropriate behaviour, such as bullying, harassment, discrimination and racism, more often in surveys than through official complaints. Providing staff with the choice to report anonymously is one of the ways we can break down barriers to reporting.

## Client Services

**Table 1.1 Unique client count**

|  |  |  |  |
| --- | --- | --- | --- |
| **Clients** | **Q1**  **2022-23** | **Q2**  **2022-23** | **Q3 2022-23**  **projection** |
| Unique clients[[1]](#footnote-2) | 29,742 | 21,195 | 20,900 |

In quarter two 2022–23 we saw 21,195 clients, a decrease of 28.7 per cent compared to quarter one. Clients are counted the first time they receive a legal assistance service in a financial year and are not counted again even if they receive ongoing or future services in the same financial year. Due to the way that clients are counted, the results for our unique client count are always highest in quarter one, and then decrease in the following quarters. There is, however, a 27 per cent increase compared with quarter two 2021–22 (16,729) which demonstrates an increase in demand for our services as courts have increased their activity.

Table 1.2 Legal Help phoneline and web chat

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Legal Help** | **Service Delivery type** | **Q1**  **2022-23** | **Q2**  **2022-23** | **Q3 2022-23**  **projection** |
| Requests for Legal Help assistance | Phoneline | 35,698 | 34,681 | 37,600 |
| Web chat | 10,580 | 9,246 | 10,300 |
| Number of Legal Help sessions delivered | Phoneline | 22,041 | 22,794 | 22,800 |
| Web chat | 10,359 | 9,165 | 9,800 |
| Average wait time (minutes) | Phoneline and web chat (consolidated) | 11.55 | 9:12 | 12:00 |

In quarter two 2022–23, we provided three per cent more phoneline Legal Help sessions than the previous quarter. Although we answered fewer webchats in this quarter, this was due to lower demand, and we answered 99 per cent of requests made via webchat compared to the 98 per cent of webchats answered in the previous quarter.

The combined average wait time for the phoneline was 9 minutes and 12 seconds, a two minute and 43 second improvement since the last quarter. These positive results for Legal Help services are a combination of targeted and timely recruitment, and the onboarding, training and operational improvements brought about by the introduction of our new contact centre platform Genesys.

Table 1.3 Early intervention and preventative services

|  |  |  |  |
| --- | --- | --- | --- |
| **Early Intervention and Preventative services** | **Q1**  **2022-23** | **Q2**  **2022-23** | **Q3 2022-23**  **projection** |
| Information sessions | 26,650 | 25,504 | 28,000 |
| Legal Advice sessions | 7,794 | 7,960 | 7,900 |
| Community Legal Education sessions | 45 | 54 | 50 |
| Website sessions | 599,920 | 576,220 | 600,000 |

There was a four per cent decrease in the number of information services provided in quarter two   
2022–23 compared to quarter one. Whilst there was an increase in the number of Legal Help phoneline sessions delivered this quarter, the Legal Help telephone line provides both legal advice and information. Legal advice is taking up an increasing proportion of the services delivered by the Legal Help telephone line. The Legal Help web chat service provides information only, and the fewer web chat services delivered are reflected in the lower quarter two results for information sessions. We are expecting to see an increasing number of legal information sessions thorough our Legal Help services as the benefits of the new Genesys platform continue to be realised.

There was a two per cent increase in legal advice sessions delivered in quarter two primarily driven by the increased number of Legal Help telephone sessions delivered. There was also a 20 per cent increase in community legal education sessions delivered as demand for these sessions returns to pre-pandemic levels.

Our redeveloped website continues to record lower traffic (-4 per cent) since its launch. Projections for the next quarter are still built on the traffic from our old website in previous years. There is not yet enough data to accurately project sessions for the new website. However, we do expect an upwards trend as people familiarise themselves with the new website and as it appears higher up in searches made on search engines.

### Table 1.4 Specialist resolution and advocacy services

| **Specialist resolution and advocacy services** | **Q1**  **2022-23** | **Q2**  **2022-23** | **Q3 2022-23**  **projection** |
| --- | --- | --- | --- |
| IMHA information and referral sessions | 6,744 | 6,837 | 6,000 |
| IMHA advocacy and self-advocacy | 4,168 | 3,778 | 3,500 |
| IFAS information and referral sessions | 392 | 448 | 500 |
| IFAS advocacy and self-advocacy | 351 | 610 | 800 |

We continue to see strong demand for our Independent Mental Health Advocacy (IMHA) services. There was a nine per cent decrease in the number of advocacy and self-advocacy services provided in quarter two compared to quarter one 2022–23. However, there was a 15 per cent increase in quarter two compared to quarter two of 2021–22 (3,293). The projection for quarter three is based on the funding from the Department of Health for this service and does not take into account the strong results delivered in 2022–23 so far. We anticipate that demand for this service will remain consistent.

Increased staffing within the Independent Family Advocacy and Support (IFAS) team saw an increase of 15 per cent in IFAS information and referral services, and an increase of 74 per cent of advocacy and self-advocacy services.

**Table 1.5 Court assistance services**

|  |  |  |  |
| --- | --- | --- | --- |
| **Court assistance Services** | **Q1**  **2022-23** | **Q2**  **2022-23** | **Q3 2022-23**  **projection** |
| Duty Lawyer Services | 17,537 | 22,560 | 20,200 |
| Grants of Legal Assistance | 9,560 | 10,150 | 10,400 |

As the courts continue to increase the number of matters heard we are providing an increased number of duty lawyer services. There was a 20 per cent increase in the number of duty lawyer services provided in quarter two compared to quarter one of 2022–23, and a 66 per cent increase when compared to quarter two 2021–22 (13,637).

The duty lawyer services count was not available for quarter one 2022–23 at the time that report was published. This was due to discovery work taking place at the time to ensure that our duty lawyer counts were accurate and reliable. This work has now been completed and we are able to retrospectively provide the result for quarter one. Work will continue our duty lawyer service levels as part of a review into our services. Whilst we have seen an increase of duty lawyer services compared to COVID affected years, they are not yet at the levels we had anticipated and forecast. The review into the impacts of a recovering justice system on our services will help inform our planning and forecasts for 2023–24.

There was an increase of six per cent in the number of grants of legal assistance provided in quarter two 2022–23 compared to quarter one. However, grants of legal assistance have not increased as expected this year which may be the result of factors in other parts of the system (e.g. court listings and backlogs). VLA continues to support the work of the courts in addressing the backlog of existing matters (recognised as approvals in previous financial years). This is reflected in the level of grant expenditure, which is predicted to exceed the COVID-19 related years.

## Financial Summary

Our operating position for quarter two 2022–23 was a small deficit of $1.5 million. The YTD deficit is lower due to the majority of grant revenue being received in the first two quarters of the year.

The increase in revenue from quarter one reflects the timing of project funding, the realisation of the consequential Commonwealth funding for the transition of the Federal Circuit and Family Court of Australia, and increased interest revenue. The case expenditure level in quarter one 2022–23, which has continued into quarter two, reflects the ramp up of court activities after COVID.

We are projecting a year-end deficit of approximately $14 million. This is lower than the planned deficit of $19 million, primarily due to the lower grants of legal assistance highlighted above. This deficit will be funded from VLA’s existing cash reserves, which arose in recent years due to a reduction in court activity from COVID-19. This is part of the State Government-approved approach to fund approximately $50 million of deficits across 2022–23 and 2023–24 from these reserves. However, VLA’s ongoing financial challenges remain, with additional funding required once these reserves are utilised. We will continue our work with government to secure sustainable long-term funding through our Legal Assistance Demand-based Funding Model. If additional funding is not received and services increase as expected, then service reduction measures will need to be introduced as early as 2024.

### **Total revenue breakdown ($’000**)

|  |  |  |  |
| --- | --- | --- | --- |
| **Revenue** | **Q1**  **2022-23** | **Q2**  **2022-23** | **Q3 2022-23**  **projection** |
| Commonwealth – grants | 22,958 | 24,002 | 24,645 |
| ECCCF income | 187 | 630 | 630 |
| State – grants | 42,805 | 43,165 | 40,740 |
| Public Purpose Fund | 5,772 | 5,772 | 6,365 |
| Case revenue | 1,273 | 643 | 1,381 |
| Other income | 638 | 1,078 | 720 |
| **Total revenue** | **73,633** | **75,292** | **74,480** |

### Total expenditure breakdown ($,000)

|  |  |  |  |
| --- | --- | --- | --- |
| **Expenditure** | **Q1**  **2022-23** | **Q2**  **2022-23** | **Q3 2022-23**  **projection** |
| Case expenditure (including ECCCF) | (29,597) | (29,141) | (27,974) |
| Community legal centre payments | (14,275) | (14,593) | (13,817) |
| Staff costs | (26,455) | (26,941) | (27,655) |
| Administration | (5,411) | (5,808) | (6,832) |
| **Total expenditure** | **(75,738)** | **(76,483)** | **(76,278)** |
| Depreciation and Revaluation | (587) | (357) | (464) |
| **Total Expenditure** | **(76,325)** | **(76,840)** | **(76,742)** |

1. A unique client is an individual who has accessed one or more of our legal services and a client lawyer relationship was formed. We count our unique clients the first time we see them in the year. This definition does not include those clients who received information over the phone or via our online web chat (Legal Help), from our website, in person at a court counter or those who attended one of our community legal education sessions. [↑](#footnote-ref-2)