# Victoria Legal Aid 2019–20 quarter three report

**1 January–31 March 2020**

## COVID-19

In March 2020 the Commonwealth and state governments implemented a shutdown of all non-essential activity across Victoria and Australia to combat the spread of COVID-19. Victoria Legal Aid (VLA) responded to COVID-19 in a way that enabled us to safeguard our staff and clients and continue to deliver essential legal services, while taking account of other responses across the justice system.

As part of our pandemic response, most of our staff in Melbourne and the regions are now working from home. Although this has caused some disruptions to our services, we have been adapting how we deliver much needed legal assistance while ensuring the safety and wellbeing of our staff, communities and clients. We are limiting the number of clients or visitors at our office reception areas by encouraging them to seek assistance on the phone or online. We continue to deliver information, advice, assistance and representation via phone, web chat or other online facilities. Where measures have been put in place to ensure the safety of our staff and clients, we are still attending court in person for some matters.

We have also been developing and publishing COVID-19 information for both the community and lawyers in the [Find legal answers](https://www.legalaid.vic.gov.au/find-legal-answers) section of our website and on [LawGuru](https://lawguru.vla.vic.gov.au/civil/natural-disasters/legal-info/covid-19-coronavirus). These resources are designed to assist those who may encounter legal problems due to the pandemic, and to help lawyers navigate the changing legal landscape. We have had over 88,000 unique page views to the Find legal answers resources since 1 March 2020.

Many disadvantaged groups may be disproportionately affected by the COVID-19 pandemic, and we are ensuring that we continue to target our services to help those most in need. This is particularly so as we see shifts in demand for our services, such as increases in information and advice related to family violence. Although the courts have adjourned most cases until the next financial year, we are still approving grants of legal aid in anticipation of the courts resuming more regular work practices. We have welcomed announcements by both state and Commonwealth governments about additional funding for front line legal services.

We are also aware of the impact being felt by our legal assistance partners and we have implemented several strategies to help support the private practitioners to deliver legally aided assistance. We will continue to engage and work with the private practitioners to ensure that our mixed model of legal assistance service delivery remains viable when this crisis eases.

For updates on our services and our full response to COVID-19, please visit our website: [www.legalaid.vic.gov.au/about-us/news/service-update-and-covid-19-response](http://www.legalaid.vic.gov.au/about-us/news/service-update-and-covid-19-response).

## Quarter three headlines

**January** – we continued to deliver [Disaster Legal Help](https://www.disasterlegalhelp.org.au/) services with our delivery partners; the Law Institute of Victoria, the Federation of Community Legal Centres, the Victorian Bar and Justice Connect. Hundreds of lawyers and legal practices have registered to donate their time and experience to help communities affected by the bushfires.

We lodged [submissions](https://www.legalaid.vic.gov.au/about-us/news/religious-discrimination-bill-must-strike-fair-balance) on the exposure drafts of the Federal Government’s [Religious Freedom Bill](https://www.ag.gov.au/Consultations/Pages/religious-freedom-bills-second-exposure-drafts.aspx#V) as we are concerned that the Bill in its current form winds back and overrides existing protections from discrimination, vilification and harassment.

**February** – we made a joint submission with the Victorian Aboriginal Legal Service to the [Victorian Parliamentary inquiry](https://www.parliament.vic.gov.au/lsic-la/inquiries/inquiry/982) into anti-vilification laws. In the first joint submission from two legal assistance organisations, we called for stronger protections against hate speech in Victoria and outlined the prevalence and impact of hate speech on Aboriginal and Torres Strait Islander peoples. We also outlined the gaps in protections.

We continued to assist those affected by the [bushfires](https://www.legalaid.vic.gov.au/about-us/news/local-legal-services-leading-bushfire-response). One of our local lawyers, Hetty de Crespigny, was working at the Bairnsdale recovery centre on a fortnightly basis prior to the COVID-19 pandemic changes to service. Legal assistance services provided by locals with regional knowledge and context is key to responding effectively to the legal problems caused by the fires.

**March** – as the impact of the global COVID-19 pandemic became clearer, we limited our in-person services and transitioned to a working from home model to help keep staff and our communities safe. Our services are still available, in-person and remotely, and we encourage clients and community members to contact us via the phone or online. We quickly provided COVID-19 related information on our website for clients, the community and our practitioner partners.

## Snapshot of service delivery

Quarter three (Q3) saw an overall drop in service levels from quarter two (Q2), except for grants of legal aid. The impact of COVID-19 began to be felt in late March, and this is reflected in some service numbers more than others.

Legal Help is the main driver of legal information and advice sessions at VLA. To accommodate a new working from home model, Legal Help has reduced its opening hours from 8 am–6 pm to 9 am–5 pm. This is a 20 per cent reduction in opening times, which may have impacted the lower than projected results for this quarter. Our year-end projections have been revised in line with our anticipated capacity due to the impact of COVID-19.

Changes to court processes to reduce in-person appearances have resulted in fewer court services being delivered by VLA, such as duty lawyers. However, we continue to receive, process and approve grants of legal aid.

Clients snapshot

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Clients** | **Q3****2019** | **Q4****2019** | **Q3** **2020**  | **Q4 2020 projection** | **Year-end projection** |
| Unique clients[[1]](#footnote-2) | 19,746 | 19,914 | 19,004 | 20,817 | 97,500 |
| Calls and web chats answered by our Legal Help service | 33,427 | 32,546 | 29,969 | 26,267 | 119,800 |

Preventative and early intervention services snapshot

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Preventative and early intervention services** | **Q3****2019** | **Q4****2019** | **Q3****2020**  | **Q4 2020 projection** | **Year-end projection** |
| Calls and web chats made to our Legal Help service | 45,398 | 52,604 | 47,926 | 38,986 | 179,600 |
| Information and community legal education services | 30,205 | 27,271 | 26,804 | 33,628 | 118,100 |
| Sessions on our website | 692,211 | 702,735 | 666,360 | 758,853 | 2,593,000 |

Duty lawyer services snapshot

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Duty lawyer services** | **Q3****2019** | **Q4****2019** | **Q3****2020** | **Q4 2020 projection** | **Year-end projection** |
| In-house and private practitioners | 24,394 | 23,215 | 21,070 | 21,606 | 89,700 |

Grants of legal assistance snapshot

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Grants of legal assistance** | **Q3****2019** | **Q4****2019** | **Q3****2020** | **Q4 2020 projection** | **Year-end projection** |
| In-house, private practitioners and community legal centres | 11,469 | 11,499 | 12,344 | 11,785 | 47,500 |

## Outlook for remainder of 2019–20

The unprecedented consequences of COVID-19 on the legal sector has significantly impacted our ability to forecast service demand for the remainder of 2019–20. However, we have seen a proportional increase in demand for family violence and family law related legal help through our phone and webchat service and expect increased demand for civil law issues related to employment, social security, and consumer and debt issues.

We are currently reviewing what we hope to deliver in Q4 2019–20 and over 2020–21, with a focus on client services. This may mean that we prioritise some initiatives, such as [Digital Legal Aid](https://www.legalaid.vic.gov.au/about-us/our-organisation/how-we-are-improving-our-services/digital-legal-aid), over others. Digital Legal Aid is working to digitise many of our processes to assist both a working from home environment for our staff, and an improved service for our delivery partners and stakeholders. It is aiming to make it easier for our most vulnerable clients to access the services they need by, for example, improving the website, developing a dedicated family violence phone line and improving processes so that clients can now upload their documents.

## Services we provide

### **Our clients**

We provide legal aid to some of the most vulnerable members of our community. We ensure that our services are carefully targeted to provide assistance and advice that is proportionate, tailored and appropriate.

In Q3 we assisted 19,004 unique clients, which is only slightly below the same time last financial year (a 3.75 per cent decrease from Q2 2018–19). As communities feel the impact of the COVID-19 outbreak, we anticipate that there will be a greater demand for information and advice services. We have increased our quarter four (Q4) projection by 9.54 per cent from Q3, and the year-end projection, reported as 97,400 in our [Q2 report](https://www.legalaid.vic.gov.au/about-us/our-organisation/public-accountability/quarterly-reports), to reflect a greater demand

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Unique clients as at** | **Q1****2019** | **Q2****2019** | **Q3****2019** | **Q4****2019** | **Q1** **2020** | **Q2****2020** | **Q3** **2020** | **Q4 2020 projection** | **Year-end projection** |
| Unique clients | 36,230 | 24,171 | 19,746 | 19,914 | 34,351 | 23,298 | 19,004 | 20,817 | 97,500 |
| **Year to date** | 36,230 | 60,401 | **80,147** | 100,061 | 34,351 | 57,649 | **76,653** | 97,500 | **97,500** |

### Grants of legal assistance

We provide grants of legal assistance to people who cannot afford a lawyer, are experiencing a significant legal problem that we can assist with and who meet our eligibility criteria. A grant of legal assistance is an amount of money that VLA pays for a lawyer to represent a client.

This is our highest intensity service and in Q3 we provided 12,344 grants of legal assistance, an increase of 7.2 per cent from Q2 of 2019­–20, and a 7.5 per cent increase from the same period in 2018–19. This increase is mainly due to growth in adult summary and adult indictable crime and may be driven by increased policing numbers that have led to increased crime detection and prosecution initiations. There may also be a continued impact from the changes to bail which have meant that a person is more likely to receive a custodial sentence, qualifying them for legal aid.

We continue to process and approve the requests for legal aid that we receive. However, as non-urgent matters that do not involve custody are adjourned by courts, we expect to have fewer requests for legal aid, and therefore to approve fewer grants. This is reflected in the slightly lower projection for Q4.

Grants of legal assistance to date

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Grants of legal assistance as at** | **Q1****2019** | **Q2****2019** | **Q3****2019** | **Q4****2019** | **Q1** **2020** | **Q2****2020** | **Q3****2020** | **Q4 2020 projection** | **Year-end projection** |
| Crime | 7,188 | 6,630 | 7,162 | 7,111 | 7,344 | 7,091 | 7,883 | 7,166 | 29,500 |
| Family and Children | 3,905 | 4,112 | 4,120 | 4,215 | 4,385 | 4,252 | 4,277 | 4,417 | 17,300 |
| Civil | 191 | 185 | 186 | 175 | 170 | 173 | 184 | 202 | 700 |
| **Totals** | 11,284 | 10,927 | 11,468 | 11,499 | 11,899 | 11,516 | 12,344 | 11,785 | 47,500 |
| **Year to date** | 11,284 | 22,211 | **33,679** | 45,180 | 11,899 | 23,415 | **35,759** | 47,500 | **47,500** |

### Who delivers our grants?

We use a mixed model of service delivery. Clients with a grant of legal assistance can be helped by a VLA lawyer or a lawyer on one of our panels, including private practitioners and lawyers from community legal centres.

We have seen the number of grants of legal assistance assigned to practitioners on our panels remain steady. We continue to work with the Victorian Bar and private practitioners to understand the implications of COVID-19.

Grants of legal assistance to date

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Grants of legal assistance as at** | **Q1****2019** | **Q2****2019** | **Q3****2019** | **Q4****2019** | **Q1 2020** | **Q2****2020** | **Q3****2020** | **Q4 2020 projection** | **Year-end projection** |
| In-house | 2,580(23%) | 2,432(22%) | 2,545(22%) | 2,474(21%) | 2,587(22%) | 2,402(21%) | 2,463(20%) | 2,704(23%) | 10,160(22%) |
| Panel practitioner | 8,704(77%) | 8,495(78%) | 8,923(78%) | 9,027(79%) | 9,312(78%) | 9,112(79%) | 9,881(80%) | 9,081(77%) | 37,040 (78%) |
| **Totals** | 11,284 | **10,927** | 11,468 | 11,499 | 11,899 | **11,517** | 12,344 | 11,785 | **47,500** |

### Duty lawyer services

Our lawyers are on ‘duty’ at many courts and tribunals across Victoria to help people who are at court for a hearing, but do not have their own lawyer. Some duty lists at court are now being conducted virtually, except for a very small number of matters that are under exceptional circumstances. The transition to remote service delivery has created some challenges in accessing clients, as we rely on courts making referrals and clients taking them up.

We continue to provide duty lawyer services and are working with Victoria Police and the courts to ensure that those required to appear at court, virtually or in-person, are still able to access a duty lawyer.

The Magistrates’ Court of Victoria has adjourned a range of non-urgent matters, except for those in custody applying for bail, new family violence intervention order (FVIO) applications, and urgent, new child protection by emergency care applications. VLA continues to provide duty lawyer services for FVIO matters at Magistrates’ Courts across the state every day. However, processes have been put in place to facilitate remote rather than face-to-face assistance where possible. We continue to work closely with the Magistrate’s Court on remote service delivery and are seeking to progress as many matters as we can to achieve resolutions for our clients and assist with minimising the backlog of matters.

The courts changed their practices in late March, as the impact of COVID-19 on the Q3 results was minimal and results were consistent with previous quarters in 2019–20. There is currently insufficient data to accurately predict the number of duty lawyer sessions for Q4, and the current prediction is based on pre-COVID-19 data. This Q4 actual will be impacted by the courts’ processes which have been disrupted due to the pandemic. As courts increase their capacity to conduct hearings and progress matters, we expect to see duty lawyer levels rise.

Duty lawyer services to date

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Duty lawyer services as at** | **Q1****2019** | **Q2****2019** | **Q3****2019** | **Q4****2019** | **Q1** **2020** | **Q2****2020** | **Q3****2020** | **Q4 2020 projection** | **Year-end projection** |
| Duty lawyer services | 24,661  | 24,627  | 24,394 | 23,215 | 21,887 | 21,275 | 21,070 | 21,606 | 89,700 |
| **Year to date** | 24,661 | 48,928 | **73,322** | 96,537 | 21,887 | 45,372 | **66,442** | 89,700 | **89,700** |

### Legal advice and minor assistance

Our lawyers provide legal advice and minor assistance to help people resolve their legal problems as early as possible and, in some circumstances, avoid the need to go to court.

All legal advice is being delivered by phone due to COVID-19. The reduced operating hours of Legal Help and the associated disruptions of implementing a new working from home model have resulted in a 4.4 per cent drop from Q2 2019-20. Like the previous two quarters in 2019-20, Q3 is 18 per cent below Q3 2018-19. We have been taking measures to better target our priority clients, who often have more complex legal needs. As a result, advice sessions take longer to deliver, and reduce the availability of staff to answer other calls. This has impacted the number of services we are able to deliver.

Legal advice and minor assistance to date

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Legal advice and minor assistance as at** | **Q1****2019** | **Q2****2019** | **Q3****2019** | **Q4****2019** | **Q1** **2020** | **Q2****2020** | **Q3****2020** | **Q4 2020 projection** | **Year-end projection** |
| Legal advice and minor assistance | 12,541 | 12,722 | 11,768 | 10,407 | 10,172 | 10,067 | 9,627 | 11,018 | 41,600 |
| **Year to date** | 12,524 | 25,196 | **36,410** | 47,438 | 10,172 | 20,239 | **29,866** | **41,600** | **41,600** |

### Legal Help service

Legal Help is our phone and webchat assistance service, providing legal information, legal advice and referrals to legal and non-legal services. To accommodate a new remote working model and promote the wellbeing of Legal Help staff, Legal Help’s opening hours have been reduced. This has impacted the Q4 and year-end projections, and we have reduced these projections accordingly.

The average call duration has increased by 15.4 per cent which has negatively impacted the number of calls answered and the average wait time. We have been promoting the use of our webchat service to redirect information sessions away from the phone line to be able to answer more calls and facilitate more advice sessions. We have seen an increase in the number of webchats made and anticipate that this will reduce the average call wait time from the current 17 minutes, to a 14-minute year-end average.

During the period 16 March to 24 April, the top five legal matters across information and advice services were landlord and tenancy issues (Civil Law) and Family Law matters including family violence (appellant and respondents) and custody arrangements. We expect this trend to continue as more of the community is affected by housing, family violence and shared custody issues.

Legal Help service to date

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Legal Help service as at** | **Q1****2019** | **Q2****2019** | **Q3****2019** | **Q4****2019** | **Q1****2020** | **Q2****2020** | **Q3****2020** | **Q4 2020 projection** | **Year-end projection** |
| Calls and web chats made to the service | 45,551 | 47,769 | 45,398 | 39,634 | 47,666 | 45,022 | 47,926 | 38,986 | **179,600** |
| **Year to date** | 45,551 | 93,320 | **138,718** | 192,322 | 47,666 | 92,688 | **137,404** | 179,600 | **179,600** |
| Calls and web chats answered | 35,572 | 38,679 | 33,427 | 29,770 | 31,931 | 32,349 | 29,969 | 30,296 | 119,800 |
| **Year to date** | 35,572 | 74,251 | **107,678** | 140,224 | 31,931 | 64,280 | **89,568** | 119,800 | **119,800** |
| Average call duration | 18.28 mins |  18.33 mins | **19.06 mins** |  18.46 mins | 18.42mins | 19.40mins | **22.39 mins** | N/A | N/A |
| Average wait time | 7.5 mins | 7.5 mins | **8.5 mins** | 10.2 mins | 14.54mins | 13.57 mins | **17.00 mins** | N/A | 14 mins |

## Financial summary

Our operating result for the period 1 January to 31 March 2020 was a $3.8 million surplus, however, this does not reflect our true financial situation. This is primarily due to the accounting treatment of the Digital Legal Aid project asset funding, which will be capitalised on VLA’s balance sheet.

Also contributing to the surplus is the deferral of case and trial expenditure as a result of changes in court practices in response to COVID-19. Some services have experienced temporary reductions in demand while courts adjourn proceedings as a result of these changed practices, which is causing a reduction in expenditure in 2019/20. Associated cost reductions are expected to largely be timing variances only as the underlying demand has remained largely consistent, meaning this expenditure will be incurred in future years, which will draw down on the 2019/20 surplus funds.

We welcome the extra funding announced by the state government to provide essential legal services in response to the COVID-19 pandemic which will be reflected in next quarters report.

However, our financial sustainability challenges remain and we will continue to advocate for additional base funding from the State Government to address growing legal need. The state budget has now been deferred until October 2020, although an exact date has not been determined. There is also uncertainty about our own expenditure over the next few months, given changes to demand for legal assistance and disruptions to the way the justice system is operating in response to COVID-19. This delay means we will continue to assess our savings initiatives and work towards a better understanding of our financial position moving forward.

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

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| --- | --- | --- | --- | --- |
| **Revenue** | **Q3 2019** | **Q3 2020** | **Q4 2020 projection** | **Year-end projection** |
| Commonwealth – grants | 18,050 | 16,000 | 16,611 | 64,971 |
| ECCCF income |  | 240 | 3,608 | 5,048 |
| State – grants | 31,100 | 37,920 | 27,630 | 149,550 |
| Public Purpose Fund | 8,380 | 7,880 | 7,889 | 31,539 |
| Case revenue | 1,460 | 1,140 | 1,009 | 5,329 |
| Other income | 270 | 230 | 86 | 786 |
| **Operating revenue** | **59,270** | **63,410** | **66,833** | **257,223** |
| Digital Legal Aid income | 0 | 0 | 152 | 3,500 |
| **Total revenue** | **59,270** | **63,410** | **66,985** | **260,723** |

### Total expenditure breakdown ($,000)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Expenditure** | **Q3 2019** | **Q3 2020** | **Q4 2020 projection** | **Year-end projection** |
| Case expenditure (including ECCCF) | 26,840 | 25,870 | 26,354 | 107,704 |
| Community legal centre payments | 7,800 | 9,280 | 9,361 | 35,171 |
| Staff costs | 19,982 | 19,443 | 20,256 | 80,746 |
| Administration | 4,128 | 4,616 | 7,133 | 22,360 |
| Projects | 450 | 0 | 242 | 232 |
| **Total expenditure (Excl Dep. & Revaluation)** | **59,200** | **59,209** | **63,346** | **246,213** |
| Depreciation & Revaluation | 601 | 690 | 1004 | 2,454 |
| Digital Legal Aid Expenditure | 79 | -309 | 27 | 1,018 |
| **Total Expenditure** | **59,880** | **59,590** | **64,377** | **249,685** |

## Performance against Victorian Government service targets

Our results for our output measures under the State government’s Budget Paper No. 3 are lower than the targets for quarter three, except for grants of legal assistance and family violence legal services.

COVID-19 has significantly impacted our ability to forecast service demand for the remainder of 2019–20 as there is currently not sufficient service data. It has also meant that we are not able to conduct a client satisfaction survey as planned. Methods to run a client satisfaction survey will be explored in the next financial year.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Output measure** | **Q3 Target** | **Q3 Actual** | **Year-end target** | **Projected year end outcome** |
| Community legal education and information services (ex-family violence related services) | 81,957–89,457  | 67,296 | 105,000–115,000 | 94,100 |
| Community legal education and information services (family violence related services) | 20,713–22,213  | 17,152 | 26,000–28,000 | 24,000 |
| Duty lawyer services (ex-family violence related services) | 49,616–51,116  | 46,990 | 69,000–71,000 | 61,900 |
| Grants of legal assistance (ex-family violence related services) | 24,253 | 25,352 | 32,900 | 33,500 |
| Legal advice and minor assistance (ex-family violence related services) | 30,665–31,165 | 24,621 | 40,000–42,000 | 33,700 |
| Family violence legal services | 33,146 | 37,272 | 45,000 | 49,500 |
| Number of unique clients | 84,102 | 76,653 | 105,000 | 97,500 |
| Client satisfaction with services provided by Victoria Legal Aid | 80% | 80% | 80% | N/A |
| Average call wait time to the Legal Help phone line | <10 | 17  | <10 | 14 mins |

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)