# Victoria Legal Aid 2019–20 Quarter two report 1 October–31 December 2019

**Victoria Legal Aid’s COVID-19 response**At the time of publishing, we acknowledge the impact that COVID-19 is having on individuals, families, organisations and communities. Like many of our partners in the justice sector, we are looking at how we continue to deliver services while ensuring the health and safety of the community, our partners and our staff. We anticipate this may impact our service and financial performance for the remainder of the year which will be reflected in future reports.

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

## Quarter two headlines

**October**—in partnership with the [African Australian Legal Network](https://www.linkedin.com/company/african-australian-legal-network/?originalSubdomain=au) (AALN), we launched a new clerkship program to provide practical and meaningful experience to the growing African Australian legal community.

**November**—as part of our ongoing engagement with the national inquiries into mental health, our CEO, Louise Glanville, appeared before the [Productivity Commission](https://www.pc.gov.au/inquiries/current/mental-health#report)'s inquiry into mental health in Australia. Louise spoke of the need for a 'cultural shift in the justice system' towards a greater use of diversion and therapeutic options. You can watch Louise's contribution to the inquiry on the webpage [Calling for a cultural shift – our CEO on mental health in Australia](https://www.legalaid.vic.gov.au/about-us/news/calling-for-cultural-shift-our-ceo-on-mental-health-in-australia). You can also read Louise's response to the interim report from the [Royal Commission into Victoria's Mental Health](https://rcvmhs.vic.gov.au/) on the webpage [Transformational change required in Victoria’s mental health system.](https://www.legalaid.vic.gov.au/about-us/news/transformational-change-required-in-victorias-mental-health-system)

**December**—Nicole Rich, Executive Director of Family, Youth and Children’s law, was published in [The Guardian](https://www.theguardian.com/commentisfree/2019/dec/27/the-legal-aid-crisis-is-real-and-its-families-who-are-in-the-firing-line) about the impacts the diminished Commonwealth funding is having on families, particularly for people who have experienced family violence.

Anoushka Jeronimus, our Manager of Youth Crime, spoke at Monash University for the 30th anniversary of the United Nations Convention on the Rights of the Child. We are the state’s largest defence practice for children facing criminal charges. Anoushka spoke about the realities of representing children as young as ten years old and made recommendations for improvements to the youth criminal justice system. Read about Anoushka’s experiences and her recommendations on the webpage [Anoushka Jeronimus’ speech on the 30th anniversary of universal child rights](https://www.legalaid.vic.gov.au/about-us/news/anoushka-jeronimus-speech-on-30th-anniversary-of-universal-child-rights).

## Snapshot of service delivery

Quarter two (Q2) has seen a slight drop in the number of unique clients and Legal Help services provided compared to Q2 in the 2018–19 financial year. Our preventative and early intervention services and duty lawyer services have also experienced slight drops. However, grants of legal assistance have slightly increased in Q2 and are projected to further increase.

The Legal Help telephone service is the major provider of our information and advice sessions. As these services have become increasingly complex to deliver, the average call duration has increased. This has reduced the number of calls that staff are able to take, therefore reducing the number of services provided. This has also impacted the number of unique clients, even as the number of grants of legal assistance continues to increase.

Clients snapshot

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Clients** | **Q2**  **2019** | **Q3**  **2019** | **Q2**  **2020** | **Q3 2020 projection** | **Year-end projection** |
| Unique clients[[1]](#footnote-2) | 24,171 | 19,746 | 23,298 | 20,000 | 97,000 | |
| Calls and web chats answered by our Legal Help service | 38,679 | 33,427 | 32,349 | 32,000 | 128,000 | |

Preventative and early intervention services snapshot

| **Preventative and early intervention services** | **Q2**  **2019** | **Q3**  **2019** | **Q2**  **2020** | **Q3 2020 projection** | **Year-end projection** |
| --- | --- | --- | --- | --- | --- |
| Calls and web chats made to our Legal Help service | 47,769 | 45,398 | 45,022 | 50,500 | 205,000 |
| Information and community legal education services | 33,240 | 30,205 | 28,605 | 30,500 | 118,900 |
| Sessions on our website | 598,649 | 692,211 | 646,457 | 760,300 | 2,593,000 |

Duty lawyer services snapshot

| **Duty lawyer services** | **Q2**  **2019** | **Q3**  **2019** | **Q2**  **2020** | **Q3 2020 projection** | **Year-end projection** |
| --- | --- | --- | --- | --- | --- |
| In-house and private practitioners | 24,267 | 24,394 | 23,485 | 23,800 | 91,700 |

Grants of legal assistance snapshot

| **Grants of legal assistance** | **Q2**  **2019** | **Q3**  **2019** | **Q2**  **2020** | **Q3 2020 projection** | **Year-end projection** |
| --- | --- | --- | --- | --- | --- |
| In-house, private practitioners and community legal centres | 10,928 | 11,469 | 11,516 | 11,700 | 47,200 |

## Outlook for remainder of 2019–20

The launch of our [Client-first strategy](https://www.legalaid.vic.gov.au/about-us/news/improving-how-we-listen-to-and-assist-people-with-legal-needs) in late February helps inform and support our staff and practice partners to improve the way people access and experience legal aid. The strategy will create more opportunities for clients to provide their feedback and input in the design of our future services. We will also continue to work with our [Disaster Legal Help Victoria](https://www.disasterlegalhelp.org.au/) partners to provide free legal help to those affected by the bushfires as they become aware of the legal problems that may arise. Disaster Legal Help will continue to provide free in-person legal help to bushfire affected communities.

Following on from the Access to Justice Review recommendation that we become the primary entry point for legal information in Victoria, we have commenced a redevelopment of our website to ensure it is responsive to our clients’ needs. We are improving access for clients as part of our [Digital Legal Aid](https://www.legalaid.vic.gov.au/about-us/our-organisation/how-we-are-improving-our-services/digital-legal-aid) project, and in 2020 we are starting the development of our new website making it easier for our most vulnerable clients to access the services they need.

As part of our ongoing [financial sustainability](https://www.legalaid.vic.gov.au/about-us/our-organisation/public-accountability/financial-sustainability) measures, we will continue to focus on our priority clients whilst preparing for the difficult decisions involved with the saving measures that are being considered. We will continue to consult with our delivery partners on the implementation of these changes.

## Services we provide **Our clients**

We provide free legal services 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 Q2 we assisted 23,298 unique clients, a 32.2 per cent decrease from Q1 2019–20. The decline in unique clients from Q1 to Q2 is an annual trend as the number of unique clients tends to drop as the year progresses, due to the fact that we only count unique clients once even though we might assist them multiple times throughout the year.

There has been a 3.6 per cent decrease of unique clients compared to Q2 2018–19. We anticipate that we will have a small decrease (three per cent) overall in the number of unique clients by the year-end. This three per cent drop is due the lower number of advice and information sessions we are able to provide through our Legal Help service.

Unique clients to date

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Unique clients as at** | **Q1**  **2019** | **Q2**  **2019** | **Q3**  **2019** | **Q4**  **2019** | **Q1**  **2020** | **Q2**  **2020** | **Q3 2020 projection** | **Year-end projection** |
| Unique clients | 36,230 | 24,171 | 19,746 | 19,914 | 34,351 | 23,298 | 20,000 | 97,000 |
| **Year to date** | 36,230 | **60,401** | 80,147 | 100,061 | 34,351 | **57,649** | 77,649 | **97,000** |

### 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.

Compared to the same time last year, our total grants of legal assistance have increased by 5.4 per cent. Grants of legal assistance in Criminal Law have increased the most by seven per cent, primarily in the adult Indictable Crime area. This is due to a combination of increased police numbers, expanded police investigation powers and increased population growth. Grants within the Civil Law area have decreased by 6.5 per cent as a result of fewer migration related grants.

Grants in Family, Youth and Children’s Law have been steadily increasing, across several program areas, over the last financial year and the first two quarters of 2019–20. We have seen a consistent increase in child protection matters as recruitment of additional child protection workers, increased policing responses to family violence and an expansion of the categories mandated to report child protection incidences have increased the number of reports that are investigated, which has had a flow on effect on our services.

We predict that grants will increase further in Q3, with a year-end total 4.5 per cent higher than 2018–19. Grants related to family violence maters are moderately above expectations causing the slight increase to our year-end projection.

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 projection** | **Year-end projection** |
| Crime | 7,188 | 6,630 | 7,162 | 7,111 | 7,344 | 7,091 | 7,300 | 29,300 |
| Family and Children | 3,905 | 4,112 | 4,120 | 4,215 | 4,385 | 4,252 | 4,200 | 17,200 |
| Civil | 191 | 185 | 186 | 175 | 170 | 173 | 200 | 700 |
| **Totals** | 11,284 | 10,927 | 11,468 | 11,499 | 11,899 | 11,516 | 11,700 | 47,200 |
| **Year to date** | 11,284 | **22,211** | 33,679 | 45,180 | 11,899 | **23,415** | 35,1115 | **47,200** |

### Who delivers our grants?

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 predict that this will not change in Q3 or in the remainder of the year.

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 projection** | **Year-end projection** |
| In-house | 2,580  (23%) | 2,432  (22%) | 2,545  (22%) | 2,474  (21%) | 2,587  (22%) | 2,402  (21%) | 2,571  (22%) | 10,160  (22%) |
| Panel practitioner | 8,704  (77%) | 8,495  (78%) | 8,923  (78%) | 9,027  (79%) | 9,312  (78%) | 9,112  (79%) | 9,262  (78%) | 37,040 (78%) |
| **Totals** | 11,284 | **10,927** | 11,468 | 11,499 | 11,899 | **11,514** | 11,833 | **47,200** |

### 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. Duty lawyer services decreased by 2.8 per cent from Q1 which may be due to the decreased number of police initiations. The demand for our duty lawyer services is anticipated to increase slightly in Q3 due to high demand in remand duty lawyer services. Our year-end total number of services is anticipated to be 4.8 per cent below the total number of services provided in 2018–19 as the number of services provided in Q1 and Q2 of this financial year were lower.

Duty lawyer services to date

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Duty lawyer services as at** | **Q1**  **2019** | **Q2**  **2019** | **Q3**  **2019** | **Q4**  **2019** | **Q1**  **2020** | **Q2**  **2020** | **Q3 2020 projection** | **Year-end projection** |
| Duty lawyer services | 24,661 | 24,627 | 24,394 | 23,215 | 21,887 | 21,275 | 23,800 | 91,700 |
| **Year to date** | 24,661 | **48,928** | 73,322 | 96,537 | 21,887 | **45,372** | 69,172 | **91,700** |

### 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, avoiding the need to go to court.

There was very little change in the number of legal advice and minor assistance sessions provided from Q1 to Q2. However, the number of sessions has decreased by 18.5 per cent compared to Q2 2018–19. This decrease is a result of a focus on reforming our services in Legal Help to enable us to better target our high priority clients. As these services are more complex and take longer to deliver, it reduces the availability of staff to answer other calls and produces a lower number of services provided.

Legal advice and minor assistance to date

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Legal advice and minor assistance as at** | **Q1**  **2019** | **Q2**  **2019** | **Q3**  **2019** | **Q4**  **2019** | **Q1**  **2020** | **Q2**  **2020** | **Q3 2020 projection** | **Year-end projection** |
| Legal advice and minor assistance | 12,541 | 12,722 | 11,768 | 10,407 | 10,172 | 10,067 | 10,200 | 41,700 |
| **Year to date** | 12,524 | **25,196** | 36,410 | 47,438 | 10,172 | **20,239** | 30,439 | **41,700** |

### Legal Help service

In Q2, 72 per cent of the total calls and web chats we received were answered. This is an increase of five per cent compared to Q1. The average wait time for calls to our Legal Help service has also decreased when compared to Q1, down to 13.57 mins. This is a result of the completion of the backfilling and training of Legal Help staff, increasing our ability to answer calls. It is predicted that this will further decrease in Q3 to 12 mins.

Legal Help service to date

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Legal Help service as at** | **Q1**  **2019** | **Q2**  **2019** | **Q3**  **2019** | **Q4**  **2019** | **Q1**  **2020** | **Q2**  **2020** | **Q3 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 | 50,500 | **205,000** |
| **Year to date** | 45,551 | **93,320** | 138,718 | 192,322 | 47,666 | **92,688** | 143,188 | **205,000** |
| Calls and web chats answered | 35,572 | 38,679 | 33,427 | 29,770 | 31,931 | 32,349 | 32,000 | 128,000 |
| **Year to date** | 35,572 | **74,251** | 107,678 | 140,224 | 31,931 | **64,280** | 96,280 | **128,000** |
| Average call duration | 18.28 mins | **18.33 mins** | 19.06 mins | 18.46 mins | 18.42  mins | **19.40**  **mins** | N/A | N/A |
| Average wait time | 7.5 mins | **7.5 mins** | 8.5 mins | 10.2 mins | 14.54  mins | **13.57 mins** | 12 mins | 12 mins |

## Financial summary

Our operating result for the period 1 July to December 31 2019 was a $4.7 million surplus. However, this is $0.7 million lower than expected compared to the budget. This lower surplus is mainly driven by higher than expected payments on legally aided cases, primarily relating to increased service demand for Criminal Law and Family, Youth and Children’s Law matters. We are facing higher than forecast case expenditure for the year-end and have seen a four per cent increase over the last six months.

Whilst the current surplus reflects the timing of case expenditure incurred during the year, we are anticipating a full year deficit of approximately $4 million–$5 million for 2019–20, primarily due to unfunded cost pressures relating to Expensive Commonwealth Criminal Case matters (ECCCF).

The Criminal Law program continues to be our largest program in terms of services and expenditure, and an increase in expenditure in our Summary Crime Law program relates to the growth in grants of legal assistance approvals to private practitioners in response to demand driven by legislative and policy changes.

Expenditure in our Family, Youth and Children’s Law program area has also increased in 2019–20. This growth is attributable to increased demand for child protection and parenting dispute matters, grant approvals and subsequent payments on legally aided cases, as well as family violence legal services and the roll out of new specialist family violence courts across Victoria.

One of the most significant financial impacts is the Commonwealth’s decision to cap funding for ECCCF matters. We have previously been fully reimbursed from the Commonwealth for the costs associated with ECCCF matters. However, the Commonwealth has recently changed this to a contributory model rather than a reimbursement model. We have committed to fund representation for accused in 19 ECCCF matters. The contribution provided to VLA from the Commonwealth will be insufficient to fund the expected costs this year.

We will continue to work with the Commonwealth Government to ensure we receive reimbursement for these matters.

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

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Revenue** | **Q2 2019** | **Q2 2020** | **Q3 2020 projection** | **Year-end projection** |
| Commonwealth – grants | 15,698 | 16,196 | 16,294 | 64,979 |
| ECCCF income | 1,842 | 583 | 600 | 2,440 |
| State – grants | 33,720 | 37,093 | 37,739 | 149,549 |
| Public Purpose Fund | 7,690 | 7,885 | 7,885 | 31,539 |
| Case revenue | 1,190 | 1,678 | 1,088 | 5,330 |
| Other income | 270 | 200 | 161 | 787 |
| **Operating revenue** | **60,410** | **63,635** | **63,767** | **254,624** |
| Digital Legal Aid income | n/a | 1,166 | 0 | 3,500 |
| **Total revenue** | **60,410** | **64,801** | **63,767** | **258,124** |

### Total expenditure breakdown ($,000)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Expenditure** | **Q2 2019** | **Q2 2020** | **Q3 2020 projection** | **Year-end projection** |
| Case expenditure (including ECCCF) | 26,987 | 27,949 | 30908 | 117,164 |
| Community legal centre payments | 7,773 | 8,262 | 9,272 | 35,171 |
| Staff costs | 20,075 | 21,178 | 21,213 | 82,246 |
| Administration | 4,626 | 4,986 | 5,091 | 21,323 |
| Projects | 402 | 70 | 71 | 228 |
| **Total expenditure (Excl Dep. & Revaluation)** | **59,863** | **62,445** | **66,555** | **256,132** |
| Depreciation & Revaluation | 726 | 614 | 614 | 2,454 |
| **Total Expenditure** | **60,589** | **63,059** | **67,169** | **258,586** |

## Performance against Victorian Government service targets

Our results against quarterly targets for VLA’s output measures under Budget Paper No. 3

The projected year-end outcome is lower than the year-end targets in some of the output measures due to our continued focus on more complex services. The new projected year-end totals are a more accurate reflection of our current service levels.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Output measure** | **Q2 Target** | **Q2 Actual** | **% growth** | **Year-end target** | **Projected year end outcome** |
| Community legal education and information services (ex-family violence related services) | 58,165–63,165 | 46,219 | (24.0) | 105,000–115,000 | 94,000 –104,000 |
| Community legal education and information services (family violence related services) | 12,385–13,385 | 11,391 | (12.0) | 26,000–28,000 | 21,700–23,700 |
| Duty lawyer services (ex-family violence related services) | 33,038–34,038 | 31,345 | (7.0) | 69,000–71,000 | 69,000–71,000 |
| Grants of legal assistance (ex-family violence related services) | 16,253 | 16,810 | 2.0 | 32,900 | 32,900 |
| Legal advice and minor assistance (ex-family violence related services) | 20,984–21,987 | 16,810 | (22.0) | 40,000–42,000 | 34,100–36,100 |
| Family violence legal services | 22,255 | 24,540 | 10.0 | 45,000 | 46,300 |
| Number of unique clients | 62,748 | 57,649 | (8.0) | 105,000 | 97,000 |
| Client satisfaction with services provided by Victoria Legal Aid | n/a | n/a | n/a | 80% | 80% |
| Average call wait time to the Legal Help phone line | <10 | 13.57 | (35.7) | <10 | 14-15 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)