# Victoria Legal Aid 2021–22 quarter two report

# September – December 2021

## Message from the acting CEO

In October we celebrated our [40th anniversary](https://www.legalaid.vic.gov.au/about-us/news/40-years-of-helping-people-who-need-it-most). This milestone gave us the opportunity to reflect on how we've grown. Opening our doors at 179 Queen Street in Melbourne in 1981, we began as the Legal Aid Commission and have since expanded from five offices to 15 across Victoria and seen a corresponding growth in the number of private practitioners and community legal centres, ensuring legal assistance can be accessed by Victorians across the state. We have evolved to deliver preventative and early intervention services, non-legal advocacy, and play a significant role in law reform and sector-wide improvements to increase access to justice. This means we are placing greater focus on preventing legal issues from occurring or escalating and advocating to change laws and systems, so they are fair for our clients.

Most recently, because of the global COVID-19 pandemic, we’ve undergone rapid change to deliver our services remotely. While our focus shifts to court backlog reduction and preparing for the return of in person services, we will continue to provide many of the remote services developed during the pandemic. People can now request [Help Before Court](https://www.legalaid.vic.gov.au/about-us/news/celebrating-first-year-of-help-before-court) by using the intake tool, calling, or using webchat to contact Legal Help or by directly contacting one of our regional offices. Since its launch in October 2020, we have provided Help Before Court services to over 10,000 clients. No matter which pathway, clients can get assistance and advice before their court day so they are better prepared or to see if we can resolve their matter before court. We remain concerned about the length of time many clients have spent on remand during the pandemic and are pleased to see the return of jury trials.

The appointment of 11 judicial officers and 42 registrars to the newly amalgamated Federal Circuit and Family Court of Australia and the creation of a new case management pathway are significant and important reforms. We have updated our guidelines and fees and continue our work with the federal government to ensure we receive adequate funding to continue to support the Court.

We have also launched our [Disability Action Plan](https://www.legalaid.vic.gov.au/about-us/news/our-new-disability-action-plan) (DAP), co-designed with people with disability, which will help us support our clients’ needs more holistically and reduce discrimination. Our organisation believes in equal participation by all people in our community. As a significant provider of legal services in Victoria we have a responsibility to address barriers and challenges that restrict the access of many Victorians to the justice system, including people with disability. This plan adds to the suite of plans under our new Inclusion Framework, such as our Cultural Diversity and Inclusion Strategy, our Anti-Racism Plan, our Reconciliation Action Plan 2 and our Gender Equality Action Plan. Our implementation of the commitments in the DAP will help us to create a safer and disability-positive culture that will benefit our staff and those who use our services.

## Client Services

The most recent Victorian lockdown, ending in late October 2021, has affected service results for quarter two 2021–22. Throughout the pandemic we adapted our services for multiple modes of delivery to ensure clients could continue to access legal and non-legal services.

The projected service figures for quarter three 2021–22 are contingent on the courts resuming full operations.

**Table 1.1 Clients snapshot**

|  |  |  |  |
| --- | --- | --- | --- |
| **Clients** | **Q1**  **2021-22** | **Q2**  **2021-22** | **Q3 2021-22**  **projection** |
| Unique clients[[1]](#footnote-2) | 26,092 | 16,729 | 19,577 |

Unique client numbers are lower in quarter two compared to quarter one 2021–22 (Table 1.1). The number of unique clients we see depends on the operation of courts, which continued to be affected by government restrictions. As these restrictions ease and more in-person court services resume we anticipate the number of unique clients per quarter will gradually return to pre-pandemic levels.

Table 1.2 Legal Help phoneline and web chat snapshot

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Legal Help** | **Service Delivery type** | **Q1**  **2021-22** | **Q2**  **2021-22** | **Q3 2021-22**  **projection** |
| Requests for Legal Help assistance | Phoneline | 36,145 | 33,698 | 36,663 |
| Web chat | 10,783 | 8,882 | 10,381 |
| Number of Legal Help sessions delivered | Phoneline | 21,602 | 21,880 | 15,643 |
| Web chat | 10,261 | 8,453 | 9,343 |
| Average wait time (minutes) | Phoneline and web chat (consolidated) | 11:42 | 9:42 | 12:20 |

Legal Help is the main provider of information and advice services at VLA. In quarter two there was a 4.8 per cent decrease in the total number of Legal Help sessions delivered (Table 1.2) compared to quarter one. This corresponds with a 9.3 per cent decrease in the total number of requests, which could be due to continuing restrictions at courts.

The average wait time for clients contacting the service has decreased for the quarter by two minutes compared to the previous quarter (Table 1.2). The establishment of priority phone lines and the expansion of webchat services has increased Legal Help’s capacity to respond to requests for assistance in a timely manner. However, we expect that there will continue to be pressure on wait times over coming months due to staff turnover and the impacts of the pandemic on unplanned absences. The increased complexity of issues experienced by clients seeking assistance and ongoing upgrades to the systems we use to understand and respond to client needs will also affect Legal Help’s ability to answer requests for assistance as demand increases.

Table 1.3 Early Intervention and Preventative services snapshot

|  |  |  |  |
| --- | --- | --- | --- |
| **Early Intervention and Preventative services** | **Q1**  **2021-22** | **Q2**  **2021-22** | **Q3 2021–22**  **projection** |
| Information sessions | 28,663 | 27,072 | 24,980 |
| Legal Advice sessions | 9,806 | 9,585 | 9,538 |
| Community Legal Education sessions | 16 | 27 | 3 |
| Website sessions | 695,306 | 669,983 | 629,881 |

Compared to the previous quarter, information sessions have decreased by five per cent (Table 1.3). Website sessions and legal advice sessions have also seen small decreases since the previous quarter. We have consistently seen lower levels of demand throughout the pandemic as matters have been deferred due to restrictions at court and expect that trend to continue into quarter three due to the most recent Omicron wave.

A number of community legal education (CLE) sessions were cancelled in quarter one and were rescheduled for quarter two due to ongoing restrictions. Several CLE sessions that were planned for quarter three have also been cancelled. The reduced quarter three projection reflects this and the historical trend of lower activity at the start of the calendar year due to seasonal closures of services and schools that are often the audiences for these sessions. Despite fewer overall sessions being delivered, remote delivery of CLE means that some remote sessions in quarter two were attended by hundreds of participants.

### Table 1.4 Specialist resolution and advocacy services

| **Specialist resolution and advocacy services** | **Q1**  **2021-22** | **Q2**  **2021-22** | **Q3 2021-22**  **projection** |
| --- | --- | --- | --- |
| IMHA information and referral sessions | 6,805 | 5,857 | n/a |
| IMHA advocacy and self-advocacy | 3,725 | 3,293 | n/a |
| IFAS information and referral sessions | 451 | 434 | n/a |
| IFAS advocacy and self-advocacy | 841 | 542 | n/a |

Specialist resolution and advocacy services have become a crucial part of the justice sector and its approach to early intervention and prevention, helping clients to resolve their issue before it gets worse or ends up at court. Our Independent Mental Health Advocacy (IMHA) service and the Independent Family Advocacy and Support (IFAS) service have both seen decreases in services figures this quarter compared to the previous quarter. As with our early intervention and preventative services, these services have been affected by restrictions at court and the recent impact of the Omicron wave on workforces.

**Table 1.5 Court assistance services snapshot**

|  |  |  |  |
| --- | --- | --- | --- |
| **Court assistance Services** | **Q1**  **2021-22** | **Q2**  **2021-22** | **Q3 2021-22**  **projection** |
| Duty Lawyer Services | 12,647 | 13,637 | 16,778 |
| Grants of Legal Assistance | 10,489 | 9,994 | 11,915 |

The state’s most recent lockdowns have meant that court operations have not been able to return to higher service levels as planned. This has affected the number of duty lawyer services and grants of legal assistance provided in quarter two. The projected increase of services in quarter three is dependent on the courts becoming fully operational.

## Financial Summary Our operating position in quarter two was a small deficit of $1.1 million. Overall, we are forecasting a budgeted deficit of approximately $15.9 million, which will be fully funded from prior year surpluses. These surpluses were primarily due to the impacts of COVID-19 on court processes in prior years and the timing of funding for one-off initiatives to address demand pressures now expected to be delivered in 2021–22.

Case related expenditure, our largest category of expenditure, increased slightly from quarter one to $29.9 million. Demand has fluctuated over quarter two as courts adjusted their services to restrictions. We anticipate expenditure will gradually return to pre-COVID levels as capacity returns within the court system.

Our financial future remains challenging, due to increasing demand for our services exceeding our base funding, as well as the reduction in funding from the Public Purpose Fund. Consideration of savings initiatives in 2022–23 will need to occur pending any outcomes from the State and Federal Budgets. We continue to work with the Victorian Department of Justice and Community Safety and the Federal Attorney-General’s Department to pursue sustainable funding solutions to meet these ongoing financial challenges.

## **Table 2.1 Total revenue breakdown ($’000**)

|  |  |  |  |
| --- | --- | --- | --- |
| **Revenue** | **Q1 2021-22** | **Q2 2021-22** | **Q3 2021-22 projection** |
| Commonwealth – grants | 18,289 | 18,535 | 19,252 |
| ECCCF income | 0 | 0 | 0 |
| State – grants | 44,322 | 43,348 | 45,174 |
| Public Purpose Fund | 6,472 | 6,139 | 5,139 |
| Case revenue | 1,391 | 1,108 | 1,378 |
| Other income | 72 | 77 | 57 |
| **Total revenue** | **70,546** | **69,206** | **71,000** |

### Table 2.2 Total expenditure breakdown ($,000)

|  |  |  |  |
| --- | --- | --- | --- |
| **Expenditure** | **Q1 2021-22** | **Q2 2021-22** | **Q3 2021-22 projection** |
| Case expenditure (including ECCCF) | (28,271) | (29,870) | (36,468) |
| Community legal centre payments | (10,418) | (10,643) | (10,687) |
| Staff costs | (24,272) | (23,990) | (23,991) |
| Administration | (4,651) | (5,209) | (6,901) |
| **Total expenditure (Excluding COVID and Bushfire)** | **(67,612)** | **(69,712)** | **(78,047)** |
| Depreciation and Revaluation | (468) | (590) | (637) |
| **Total Expenditure** | **(68,080)** | **(70,302)** | **(78,684)** |

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)