# Victoria Legal Aid 2022–23 Quarter One Report July – September 2022

## Message from the CEO

As the final Covid-19 pandemic restrictions have been lifted over the last few months we have seen the courts return to pre-pandemic capacity. As we support both new matters coming to court, and the backlog of matters adjourned due to the pandemic, we have seen a significant rise in the number of unique clients in the first quarter.

We welcomed the opportunity to support our former client, Madeleine Masterton, as a witness and to provide evidence as her lawyers in the original litigation before the Royal Commission into the [Robodebt Scheme](https://www.legalaid.vic.gov.au/royal-commission-robodebt-scheme-hear-witnesses). We are pleased the royal commission has focused on hearing firsthand from the people impacted by robodebt and look forward to sharing the experiences of our clients and ideas on how people can be provided effective rights to help build a stronger and fairer social security system.

Ensuring that our services are culturally safe and accessible remains a focus for VLA. We support the principle of self-determination and are committed to improving outcomes for Aboriginal and Torres Strait Islander peoples within the justice system. We will be developing our third Reconciliation Action Plan in 2022–23 and expanding our Aboriginal Community Engagement (ACE) Officer program. Our ACE officers, currently in Morwell, Shepparton and Mildura, are a vital and effective non-legal support that provides a connection between First Nations communities and VLA. We will be expanding this program to help support First Nations clients in Bendigo and Melbourne.

Our [Family Advocacy and Support Services](https://www.legalaid.vic.gov.au/family-advocacy-and-support-services) (FASS) were expanded in early October giving more Victorians access to wraparound supports to help them deal with family law issues including access to mental health supports. FASS services will be available at all seven Federal Circuit and Family Court of Australia locations across regional Victoria. FASS is designed to increase access to justice and address the often-complex needs of those impacted by family violence in the family law system. The addition of mental health supports recognises that family violence rarely occurs in isolation from other issues, and that dealing with family law proceedings can be an incredibly stressful experience.

The Royal Commission into Victoria’s Mental Health System recommended that Government enact a new [*Mental Health and Wellbeing Act*](https://www.health.vic.gov.au/mental-health-reform/a-new-mental-health-and-wellbeing-act-for-victoria)*,* which was passed by the Victorian parliament in September 2022. As the largest provider of legal and non-legal advocacy services for people with mental health issues in Victoria, we see the new Act as a first step towards a mental health and wellbeing system that is accountable, transparent and supports a consumer-driven approach. Since 2015, our [Independent Mental Health Advocacy](https://www.imha.vic.gov.au/)service has supported Victorians to have more say about their assessment, treatment and recovery options while receiving or being at risk of compulsory mental health treatment. We are working closely with the Department of Health and our partners regarding implementation of recommendation 56 of the final report of the Royal Commission, which recommended an opt-out model of access to non-legal advocacy services for consumers subject to or at risk of compulsory treatment (which is provided for in the new Act) and increased access to legal assistance for people facing compulsory treatment appearing in the Mental Health Tribunal.

## Client Services

Unique client numbers are 32 per cent higher in quarter one compared to quarter four 2021–22 (Table 1.1). This large increase is due of the beginning of the new financial year as clients are counted the first time we see them in a year. Client numbers are consistently higher in the first half of the year, however, the increase in courts capacity has meant that we have seen a 13 per cent increase in quarter one 2022–23 compared to quarter one 2021–22. The Q2 projection is less than the actual Q1 result due to services being providing to returned clients and lower demand expected due to public holidays.

**Table 1.1 Clients snapshot**

|  |  |  |  |
| --- | --- | --- | --- |
| **Clients** | **Q4****2021-22** | **Q1****2022-23** | **Q2 2022-23****projection** |
| Unique clients[[1]](#footnote-2) | 22,529 | 29,742 | 25,000 |

As part of our Digital Legal Aid program, we have transitioned our Legal Help services onto a new delivery platform, Genesys, to help deliver better quality services and long-term efficiencies. We anticipated that the transition to a new delivery platform would result in fewer services delivered in quarter one as staff would be unavailable to take as many calls or answer web chats. However, the transition to Genesys went smoothly and staff were able to deliver 12 per cent more phoneline sessions and 20 per cent more web chat sessions than the previous quarter.

The average wait time increased by 54 seconds, which is an increase of eight per cent. However, as more staff were available to take calls and chats than we anticipated, this is a better result than we had previously projected. The quarter two projections are based on full-year projections for 2022–23, which accounted for the rollout of Genesys to still be taking place.

Table 1.2 Legal Help phoneline and web chat snapshot

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Legal Help**  | **Service Delivery type** | **Q4****2021-22** | **Q1****2022-23** | **Q2 2022-23****projection** |
| Requests for Legal Help assistance | Phoneline | 32,153 | 35,698 | 34,000 |
| Web chat | 9,114 | 10,580 | 9,000 |
| Number of Legal Help sessions delivered | Phoneline | 19,681 | 22,041 | 19,500 |
| Web chat | 8,678 | 10,359 | 8,000 |
| Average wait time (minutes) | Phoneline and web chat (consolidated) | 11:01 | 11.55 | 13:20 |

In quarter one 2022–23, we provided 27 per cent more information sessions than quarter four 2021–22. The previous quarter four result was unusually low as there was lower than usual demand for Legal Help and high levels of unplanned leave during the winter cold and flu season. The quarter one 2022–23 result is more consistent with the number of information and advice sessions we provide in a quarter.

We delivered 45 community legal education sessions in quarter one, consistent with the 47 delivered in quarter four. As the final covid related restrictions are lifted we anticipate that we will deliver more education sessions in the next quarter. There was also a small decrease in the number of website sessions in quarter one 2022-21 compared to quarter four. This three per cent drop was anticipated due to changes in the new website platform resulting in a short-term disruption as older content was retired and our new pages are lower down the results from search engines.

Table 1.3 Early Intervention and Preventative services snapshot

|  |  |  |  |
| --- | --- | --- | --- |
| **Early Intervention and Preventative services** | **Q4****2021-22** | **Q1****2022-23** | **Q2 2022-23****projection** |
| Information sessions | 20,981 | 26,650 | 26000 |
| Legal Advice sessions | 7,555 | 7,794 | 8,000 |
| Community Legal Education sessions | 47 | 45 | 52 |
| Website sessions | 617,113 | 599,920 | 670,000 |

We are continuing to see high demand for our Independent Mental Health Advocacy (IHMA) service. In quarter one 2022–23 we provided 6,744 information and referral sessions, an increase of 23 per cent. We also saw a 25 per cent increase in advocacy and self-advocacy services IHMA services. In quarter one 2022-23 our Independent Family Advocacy and Support service (IFAS) was impacted by staff vacancies which resulted in fewer IFAS advocacy and self-advocacy services (-28 per cent). Capacity issues in the service providers who make referrals to us are also suspected to account for the lower information and referral result for this quarter (-65 per cent).

### Table 1.4 Specialist resolution and advocacy services

| **Specialist resolution and advocacy services** | **Q4****2021-22** | **Q1****2022-23** | **Q2 2022-23****projection** |
| --- | --- | --- | --- |
| IMHA information and referral sessions | 5,492 | 6,744 | 6,000 |
| IMHA advocacy and self-advocacy | 3,335 | 4,168 | 3,500 |
| IFAS information and referral sessions  | 545 | 392 | 500 |
| IFAS advocacy and self-advocacy | 1,003 | 351 | 800 |

We allocated fewer grants of legal assistance in quarter one 2022–23 compared to quarter four 2021–22, a decrease of eight per cent. In quarter one there was lower than expected number of applications for child protection grants as the Department of Families, Fairness and Housing continue to have issues recruiting new officers, impacting the number of new investigations. We are continuing to meet the previously committed demand for services within the courts as they address the backlog of matters. This is reflected in our case expenditure figures which remain higher than pre-covid levels (particularly in criminal law) which we expect to remain at these levels for the remainder of 2022–23.

Data for duty lawyer services is not available due to the implementation of our new case management system - Legal Aid Services Online (LASO). This will be updated in the Quarter 2 report.

**Table 1.5 Court assistance services snapshot**

|  |  |  |  |
| --- | --- | --- | --- |
| **Court assistance Services** | **Q4****2021-22** | **Q1****2022-23** | **Q2 2022-23****projection** |
| Duty Lawyer Services | 15,918 | - | 19,000 |
| Grants of Legal Assistance | 10,418 | 9,560 | 9,500 |

## Financial Summary

### Our operating position for quarter one 2022–23 was a small deficit of $2.7 million. The reduction in revenue reflects the timing of project funding in quarter four 2021–22 from both the State and Commonwealth Governments. The increased case expenditure experienced in quarter four 2021–22 has continued into quarter one 2022–23 as the courts continue to ramp up activities following the lifting of COVID-19 restrictions. Additional staff costs also reflect the commencement of several new Government funded initiatives in 2022–23.

### We are projecting a year-end deficit of approximately $18 million. 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 2024-25 from these reserves. However, VLA’s ongoing financial challenges remain, with additional funding required once these reserves are utilised. If additional funding is not received, then service reduction measures will need to be introduced as early as 2024.

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

|  |  |  |  |
| --- | --- | --- | --- |
| **Revenue** | **Q4****2021-22** | **Q1****2022-23** | **Q2 2022-23****projection** |
| Commonwealth – grants | 27,624 | 22,958 | 24,089 |
| ECCCF income | 0 | 187 | 630 |
| State – grants | 50,876 | 42,805 | 42,084 |
| Public Purpose Fund | 6,014 | 5,772 | 5,772 |
| Case revenue | 2,853 | 1,273 | 1,380 |
| Other income | 155 | 638 | 783 |
| **Total revenue** | **87,521** | **73,633** | **74,738** |

### Total expenditure breakdown ($,000)

|  |  |  |  |
| --- | --- | --- | --- |
| **Expenditure** | **Q4****2021-22** | **Q1****2022-23** | **Q2 2022-23****projection** |
| Case expenditure (including ECCCF) | (29,705) | (29,597) | (29,386) |
| Community legal centre payments | (21,068) | (14,275) | (12,851) |
| Staff costs | (25,548) | (26,455) | (26,408) |
| Administration | (8,296) | (5,411) | (6,868) |
| **Total expenditure (Excluding COVID and Bushfire)** | **(84,617)** | **(75,738)** | **(75,513)** |
| Depreciation and Revaluation | (3,449) | (587) | (502) |
| **Total Expenditure** | **(88,066)** | **(76,325)** | **(76,015)** |

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)