



Government of **Western Australia**
Department of **Justice**
Legal Assistance Branch

Legal Assistance Action Plan 2022-2025



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Acknowledgement of Country

The Department of Justice respectfully acknowledges Aboriginal people as the traditional custodians of the land on which we work. We embrace the vast Aboriginal and Torres Strait Islander cultural diversity, including their languages, traditions and historical experiences, and recognise their continuing connection to culture, country, water and sky.

We pay our respects to Elders past, present and emerging.

The Department of Justice acknowledges the over-representation of Aboriginal and Torres Strait Islander people in the Western Australian justice system. The Department is committed to respectfully partnering with our Aboriginal and Torres Strait Islander colleagues, clients, communities and organisations.

Introduction

The purpose of this Legal Assistance Action Plan (**Action Plan**) is to implement the [Legal Assistance Strategy 2022-2025 \(Strategy\)](#).

Whilst the development of the Strategy and the Action Plan are both requirements of the [National Legal Assistance Partnership 2020-2025 \(NLAP\)](#), this Action Plan seeks to go beyond the minimum requirements of the NLAP and in doing so build on the guidance that the NLAP objective and outcomes provide to the legal assistance sector.

The development of this Action Plan has been informed by consultation with the legal assistance sector, government agencies, Courts and Tribunals and other relevant stakeholders.

The Department of Justice has overall responsibility for the Action Plan. The specific steps taken to fulfil the actions foreshadowed in the Action Plan will also be informed by the consultation that has already taken place, as well as the ongoing consultation with the Collaborative Services Planning Group (**CSPG**) and the various Advisory Committees and Forums which report to the CSPG.

The Department of Justice will also lead a continuing cycle of implementation and review of progress in realising the objectives of the Legal Assistance Strategy and Action Plan, including a formal review every 12 months.

There will then be an evaluation at the end of the Strategy and Action Plan.

Legal Assistance Strategy

The Strategy sets out three focus areas:

- **Focus Area 1: Client-centred legal assistance for people experiencing vulnerability and disadvantage**

This focus area seeks to provide a strengths-based framework where a client's articulated needs are the starting point of determining what, how and where legal assistance services are provided.

- **Focus Area 2: A strong, sustainable and responsive legal assistance sector which delivers quality services**

This focus area seeks to provide the support, tools and environments to enable a well-equipped workforce.

- **Focus Area 3: State-wide access to appropriate, timely legal assistance for people experiencing vulnerability and disadvantage**

This focus area seeks to use a quantitative and qualitative evidence-based approach to inform service planning and funding decisions.

The Strategy sets out the specific objectives under each focus area at pp 8-9. The objectives under each focus area should be viewed through the lens of the Priority Client Groups and Priority Areas of Law sections of the Strategy at pp 10-12.

Actions

There are eight key actions that will be undertaken to implement the Strategy:

- **Working towards self-determination and the provision of culturally safe services for Aboriginal people**
- **Developing a Workforce Planning and Development Strategy and Implementation Plan**
- **Developing legal assistance service provider roles which reflect a sector wide minimum level and standard of service**
- **Developing a Legal Assistance Services Commissioning Strategy and Implementation Plan**
- **Growing the quantitative evidence base for legal need**
- **Growing the qualitative evidence base for legal need**
- **Fostering collaboration**
- **Legal Assistance Strategy and Action Plan monitoring and evaluation**

Following is further detail about the actions that will be undertaken, along with the primary relevant objectives that each action will address. It is noted that a number of the objectives overlap across a number of actions.

Action	Strategy Objectives
<p>Working towards self-determination and the provision of culturally safe services for Aboriginal people</p> <p>The Department of Justice will work with the sector to ensure that Aboriginal people have access to culturally safe services and that wherever possible, Aboriginal people have the option to choose to receive services from an Aboriginal Community Controlled Organisation.</p> <p>In doing so, the Department will also use the Legal Assistance Strategy as a lens to continue to work towards the deliverables and requirements of other relevant policies and strategies, including:</p> <ul style="list-style-type: none"> • State Commissioning Strategy for Community Services • Aboriginal Empowerment Strategy • Closing the Gap Implementation Plan • Aboriginal Family Safety Strategy • Reconciliation Action Plan • Aboriginal Procurement Policy (General Procurement Direction 2021/08) <p>Timeframe for completion:</p> <ul style="list-style-type: none"> • In line with Department of Justice and Government reporting requirements. 	<p>Focus Area 1:</p> <ul style="list-style-type: none"> • Aboriginal people are recognised as the First Peoples of this country. Their legal and non-legal needs flowing from their over-representation in the justice system, including as a result of historical policies disproportionately impacting Aboriginal communities, as well as the principle of self-determination are taken into account when making legal assistance service delivery decisions. • Legal assistance is appropriate and reflects clients’ vulnerabilities, circumstances and needs, with particular focus on individual Priority Client Groups and those living in rural, regional and remote areas. <p>Focus Area 3:</p> <ul style="list-style-type: none"> • Aboriginal people are recognised as the First Peoples of this country. Their legal and non-legal needs flowing from their over-representation in the justice system, including as a result of historical policies disproportionately impacting Aboriginal communities, as well as the principle of self-determination are taken into account when making legal assistance service delivery decisions.

Action	Strategy Objectives
<p>Developing a Workforce Planning and Development Strategy and Implementation Plan</p> <p>The Department of Justice will work with the sector to collaboratively develop a comprehensive, sector-wide Workforce Planning and Development Strategy to build the legal assistance sector’s capacity to attract and retain staff.</p> <p>In doing so, the Workforce Planning and Development Strategy will consider, among other things, training, equitable remuneration and professional development of staff working in the legal assistance sector, as well as mental health and wellbeing support structures.</p> <p>Timeframe for completion:</p> <ul style="list-style-type: none"> • March 2024: Workforce Planning and Development Strategy and Implementation Plan 	<p>Focus Area 2:</p> <ul style="list-style-type: none"> • The people with the right skill sets are in the right roles in the right locations at the right times. • Supported recruitment, training, remuneration and professional development of staff, particularly in relation to rural, regional and remote areas, to ensure high quality services for clients. • Mental health and wellbeing support structures are embedded. • Funding arrangements, including but not limited to longer terms, are implemented where possible, to support high quality service delivery, investment in development pathways and employment certainty within a sustainable sector. • Cohesive, sector-wide workforce planning is fostered.
<p>Developing legal assistance service provider roles which reflect a sector wide minimum level and standard of service</p> <p>The Department will work with the sector to collaboratively develop legal assistance service provider roles and sector wide minimum level and standard of service, taking into account:</p> <ul style="list-style-type: none"> • the Priority Client Groups • the Priority Areas of Law • geographic regions. 	<p>Focus Area 1:</p> <ul style="list-style-type: none"> • Aboriginal people are recognised as the First Peoples of this country. Their legal and non-legal needs flowing from their over-representation in the justice system, including as a result of historical policies disproportionately impacting Aboriginal communities, as well as the principle of self-determination are taken into account when making legal assistance service delivery decisions.

Action	Strategy Objectives
<p>It is acknowledged that an overlap of roles is necessary to accommodate potential conflicts of interest and to allow clients to have agency in accessing legal assistance. It is also acknowledged that flexibility is required to respond to changing and emerging legal needs over time.</p> <p>It is also recognised that legal assistance service providers go beyond direct service delivery, but also include contributing to the quantitative and qualitative evidence base for legal need, as well as contributing to policy development and law reform.</p> <p>The development of legal assistance service provider roles and a minimum level and standard of service will inform the development of the Legal Assistance Services Commissioning Strategy and Implementation Plan.</p> <p>The development of legal assistance service provider roles and a minimum level and standard of service will also support the sector to be in the best position to receive funding via future NLAP arrangements.</p> <p>Timeframe for completion:</p> <ul style="list-style-type: none"> • March 2024: legal assistance service provider roles • March 2024: minimum level and standard of service 	<ul style="list-style-type: none"> • People are supported and informed to understand and exercise their rights through both individual services for individual clients, as well as community-focused services, such as community legal education. • People have clear pathways which lead to equitable access to, and receipt of, efficient, effective, culturally safe and trauma-informed legal assistance that they need. • Legal assistance is appropriate and reflects clients' vulnerabilities, circumstances and needs, with particular focus on individual Priority Client Groups and those living in rural, regional and remote areas. • Legal assistance service providers provide, or otherwise facilitate access to, holistic and wraparound services, including by working with other (legal and non-legal) service providers. <p>Focus Area 3:</p> <ul style="list-style-type: none"> • Aboriginal people are recognised as the First Peoples of this country. Their legal and non-legal needs flowing from their over-representation in the justice system, including as a result of historical policies disproportionately impacting Aboriginal communities, as well as the principle of self-determination are taken into account when making legal assistance service delivery decisions. • Each legal assistance service provider has a clearly defined role, which reflects the strengths and expertise

Action	Strategy Objectives
	<p>of different legal assistance service providers, contributes to a joined-up system and is responsive to current and emerging legal needs over time.</p> <ul style="list-style-type: none"> • Priority Client Groups, Priority Areas of Law and geographic-based legal needs inform the development of legal assistance service provider roles and minimum level and standard of service. • The legal assistance sector is supported to deliver an appropriate mix of services which seeks to meet legal need in Western Australia in an effective, efficient and economic way, and legal assistance service providers are supported to deliver innovative services, including digital solutions, and to work collaboratively with legal and non-legal service providers. • Legal assistance services directed at communities play an integral prevention and early intervention role in the system to address legal need. • Legal assistance service providers contribute to policy development and law reform.
<p>Developing a Legal Assistance Services Commissioning Strategy and Implementation Plan</p> <p>The Department of Justice will work with the sector to collaboratively develop a Legal Assistance Services Commissioning Strategy and Implementation Plan.</p>	<p>Focus Area 1:</p> <ul style="list-style-type: none"> • Aboriginal people are recognised as the First Peoples of this country. Their legal and non-legal needs flowing from their over-representation in the justice system, including as a result of historical policies disproportionately impacting Aboriginal communities, as well as the principle of self-determination are taken into

Action	Strategy Objectives
<p>The Legal Assistance Services Commissioning Strategy and Implementation Plan will seek to:</p> <ul style="list-style-type: none"> • optimise the planning, purchasing, managing, monitoring and evaluating of legal assistance services within available resources; • consider how the legal assistance sector can work across Government agencies to meet complex and intersecting needs and it will seek to foster collaboration within the sector, as well as with related service providers and pro bono partners; • build on the foundation laid by the State Commissioning Strategy for Community Services 2022 and seek to connect objective and outcomes of the NLAP with the State-based perspective of commissioning services and measuring outcomes; and • highlight the need to recognise the true cost of delivering accessible services, particularly in relation to delivering services in rural, regional and remote areas, as well as delivering services that appropriately reflect clients' vulnerabilities, circumstances and needs. <p>Timeframe for completion:</p> <ul style="list-style-type: none"> • March 2024: Legal Assistance Services Commissioning Strategy • March 2024: Legal Assistance Services Commissioning Implementation Plan 	<p>account when making legal assistance service delivery decisions.</p> <ul style="list-style-type: none"> • Legal assistance is appropriate and reflects clients' vulnerabilities, circumstances and needs, with particular focus on individual Priority Client Groups and those living in rural, regional and remote areas. • Legal assistance service providers provide, or otherwise facilitate access to, holistic and wraparound services, including by working with other (legal and non-legal) service providers. <p>Focus Area 2:</p> <ul style="list-style-type: none"> • Funding arrangements, including but not limited to longer terms, are implemented where possible, to support high quality service delivery, investment in development pathways and employment certainty within a sustainable sector. <p>Focus Area 3:</p> <ul style="list-style-type: none"> • Aboriginal people are recognised as the First Peoples of this country. Their legal and non-legal needs flowing from their over-representation in the justice system, including as a result of historical policies disproportionately impacting Aboriginal communities, as well as the principle of self-determination are taken into account when making legal assistance service delivery decisions. • The legal assistance sector is supported to deliver an appropriate mix of services which seeks to meet legal

Action	Strategy Objectives
	<p>need in Western Australia in an effective, efficient and economic way, and legal assistance service providers are supported to deliver innovative services, including digital solutions, and to work collaboratively with legal and non-legal service providers.</p> <ul style="list-style-type: none"> • Legal assistance services directed at communities play an integral prevention and early intervention role in the system to address legal need. • The challenges of delivering legal assistance services in rural, regional and remote Western Australia are identified and addressed and the particular needs of rural, regional and remote clients inform state-wide access to services. • People with lived experience inform system and service design, planning, implementation and evaluation. • A qualitative and quantitative evidence base is used to demonstrate how legal need is met, as well as to identify unmet legal need. Collaborative service planning and funding decisions are informed by a qualitative and quantitative evidence base to ensure appropriate, timely legal assistance is delivered within available resources. • The legal assistance sector demonstrates its impact at both an individual service and a system level, and an impact evaluation culture is fostered.

Action	Strategy Objectives
<p>Growing the quantitative evidence base for legal need</p> <p>The Department of Justice will finalise the WA Legal Needs Report and Legal Needs Service Data Tool, which will be essential in establishing a robust quantitative evidence base in relation to legal need which informs collaborative service planning and funding decisions.</p> <p>It is also integral that the WA Legal Needs Report and Legal Needs Service Data Tool are not restricted to being a snapshot of the past. The Department will work with sector representatives to develop parameters which govern updating the data which informs the Tool, as well as sharing legal need data.</p> <p>Timeframe for completion:</p> <ul style="list-style-type: none"> • November 2022: WA Legal Needs Report is finalised • November 2022: WA Legal Needs Service Data Tool is finalised • July 2023: Parameters about updating and sharing legal need data finalised • Ongoing: the data which informs the Tool is updated regularly • Ongoing: legal need data informs collaborative service planning and funding decisions 	<p>Focus Area 3:</p> <ul style="list-style-type: none"> • A qualitative and quantitative evidence base is used to demonstrate how legal need is met, as well as to identify unmet legal need. Collaborative service planning and funding decisions are informed by a qualitative and quantitative evidence base to ensure appropriate, timely legal assistance is delivered within available resources.

Action	Strategy Objectives
<p>Growing the qualitative evidence base for legal need</p> <p>It is acknowledged that the quantitative evidence base for legal need only partially expresses the service delivery outcomes.</p> <p>The Department will consult with the legal assistance sector and other relevant stakeholders to obtain on-the-ground experiences which make up the qualitative evidence base for legal need and inform collaborative service planning and funding decisions.</p> <p>This includes utilising current forums, including the Collaborative Services Planning Group and its Advisory Committees, as well as establishing regional and specialist legal assistance forums to contribute their particular experience and expertise.</p> <p>The Legal Assistance Service Commissioning Strategy and Implementation Plan will support involvement of people with lived experience to inform the qualitative evidence base for legal need.</p> <p>Through the Legal Assistance Services Commissioning Strategy and Implementation Plan, the Department will also work towards outcome measurement which reflects State and Commonwealth requirements.</p> <p>Timeframe for completion:</p> <ul style="list-style-type: none"> July 2023: Regional and specialist legal assistance forums established 	<p>Focus Area 3:</p> <ul style="list-style-type: none"> A qualitative and quantitative evidence base is used to demonstrate how legal need is met, as well as to identify unmet legal need. Collaborative service planning and funding decisions are informed by a qualitative and quantitative evidence base to ensure appropriate, timely legal assistance is delivered within available resources. People with lived experience inform system and service design, planning, implementation and evaluation.

Action	Strategy Objectives
<ul style="list-style-type: none"> • March 2024: Legal Assistance Services Commissioning Strategy and Implementation Plan • Ongoing: consultation with the legal assistance sector and other relevant stakeholders 	
<p>Fostering collaboration</p> <p>The principle of collaboration underpins all the actions within the Action Plan.</p> <p>The Department of Justice will formally foster collaboration through the Collaborative Services Planning Group (CSPG), which includes representatives from the Aboriginal Legal Service WA, Community Legal WA, the Family Violence Prevention Legal Services, Law Access and Legal Aid WA.</p> <p>The CSPG is also informed by the following Advisory Committees which are made up of sector representatives:</p> <ul style="list-style-type: none"> • the Data Advisory Committee, which supports the collection of consistent and reliable legal assistance service data; • the Legislation and Policy Implementation Advisory Committee, which considers the potential and or actual impact of relevant legislation and policy on legal assistance service delivery; and • the Community Legal Education Advisory Committee, which facilitates a sector-wide approach to community legal education development and delivery. 	<p>Focus Area 3:</p> <ul style="list-style-type: none"> • The legal assistance sector is supported to deliver an appropriate mix of services which seeks to meet legal need in Western Australia in an effective, efficient and economic way, and legal assistance service providers are supported to deliver innovative services, including digital solutions, and to work collaboratively with legal and non-legal service providers. • Legal assistance service providers contribute to policy development and law reform. • A qualitative and quantitative evidence base is used to demonstrate how legal need is met, as well as to identify unmet legal need. Collaborative service planning and funding decisions are informed by a qualitative and quantitative evidence base to ensure appropriate, timely legal assistance is delivered within available resources.

Action	Strategy Objectives
<p>The Department of Justice will also formally foster collaboration by establishing regional and specialist legal assistance forums.</p> <p>It is also expected that other actions within the Legal Assistance Action Plan, such as the development of legal assistance service provider roles and the Legal Assistance Commissioning Strategy and the establishment of regional and specialist legal assistance forums, will also, by their very nature, foster collaboration.</p> <p>Timeframe for completion:</p> <ul style="list-style-type: none"> • July 2023: Regional and specialist legal assistance forums established • March 2024: legal assistance service provider roles • March 2024: Legal Assistance Services Commissioning Strategy and Implementation Plan • Ongoing: consultation with the legal assistance sector and other relevant stakeholders, including through the CSPG, the CSPG's Advisory Committees and the regional and specialist legal assistance forums 	
<p>Legal Assistance Strategy and Action Plan monitoring and evaluation</p> <p>The Department of Justice will lead a continuing cycle of implementation and review of progress in realising the objectives of the Legal Assistance Strategy and Action Plan, including a formal review every 12 months.</p>	

Action	Strategy Objectives
<p>There will then be an evaluation at the end of the Strategy and Action Plan.</p> <p>Timeframe for completion:</p> <ul style="list-style-type: none"> • Yearly: progress review • July 2025: Strategy and Action Plan evaluation 	