



# Executive Summary of the *National Census of Community Legal Centres 2013 Report*

## Background

In 2013, the National Association of Community Legal Centres ('NACLC') commenced planning and scoping for a national Census of the community legal centre ('CLC') sector, as a systematic method for consultation amongst the sector and NACLC and the state and territory associations.

We are now pleased to present the national results of this Census,<sup>1</sup> which will provide an important evidence base for NACLC and state and territory association policy, sector sustainability and advocacy activities.

Responses were fielded from 30 October 2013 to 20 December 2013. CLCs were asked to provide responses to questions, where relevant, based on the 2012/13 financial year. Of the 186 CLCs invited to participate in the Census, 154 CLCs completed the survey, resulting in an 82.8% response rate.

Census respondents included Family Violence Prevention Legal Services ('FVPLS') and one Aboriginal and Torres Strait Islander Legal Service ('ATSILS'), but for ease of reference, the report uses the terms "CLC" and "centre" for all member legal services that responded to the Census, unless otherwise stated.

The full report can be downloaded from the NACLC website ([http://www.nacalc.org.au/cb\\_pages/reports\\_and\\_resources.php](http://www.nacalc.org.au/cb_pages/reports_and_resources.php)). You can order hard copies from NACLC by contacting the office on 02 9264 9595 or [nacalc@clc.net.au](mailto:nacalc@clc.net.au).

**Note:** When reading and quoting the summary of key findings or any findings detailed elsewhere in this report, it is important to note that these percentages and numbers only refer to the centres that responded to the Census.

As considerable diversity exists among the CLC sector in terms of services provided; client groups; form, size and resources of organisations; operating contexts and geographic area, we ask that you refer to any numbers contained in this report with this explanation and qualification.

All percentages in this summary have been rounded to one decimal point. Where an asterisk (\*) has been used in the summary below, this means CLCs were able to select more than one option from a selection of tick boxes, and many did so.

<sup>1</sup> NACLC is currently preparing reports for the state and territory associations, which will include responses to the jurisdiction-specific questions.

## Summary of results

### CLC profile

- 154 CLCs (82.8% of the 186 invited) completed the survey<sup>2</sup>
- The state and territory breakdown was as follows: 5 CLCs responded from the Australian Capital Territory, 5 from the Northern Territory, 7 from Tasmania, 9 from South Australia, 20 from Western Australia, 31 from Queensland, 34 from New South Wales and 41 from Victoria.
- 96.0% identified as CLCs, 3.3% as FVPLS and 0.7% as an ATSILS.
- 40.3% (62 CLCs) classified themselves as offering a specialist service, 25.3% (39 CLCs) as a generalist service and 34.4% (53 CLCs) as a generalist service with specialist programs.
- Domestic/family violence, family law and tenancy were the 3 main specialist programs offered.
- 40.5% (62 CLCs) reported that their CLC had a branch office, in addition to their main office location.
- 76.3% (116 CLCs) reported offering legal outreach at a location or locations other than their main or branch offices.
- 29.2% (45 CLCs) reported having a formal arrangement with a university to provide clinical legal education.

### Staffing

- 147 CLC respondents reported employing a total of 1,675 staff.
- 48.6% (814 people) of those staff were employed full-time.
- 43.0% (721 people) of those staff were employed part-time.
- 8.4% (140 people) of those staff were employed on a casual basis.
- The majority were female (79.5%), with 20.5% of staff being male.
- The biggest group of CLC staff were lawyers (43.4% or 598.7 people).<sup>3</sup>
- The most common basis of employment in CLCs is by Award (46.5% or 66 CLCs), followed by Individual Agreements (18.3% or 26 CLCs) and Multi-Enterprise Agreements (15.5% or 28 CLCs). The remaining 19.7% (28 CLCs) reported employing by other methods such as paying above Awards.
- The average turnover per centre in the 2012/13 financial year was 24.8%, although the median was slightly lower at 18.0%.
- Most of the respondents provided staff with a role statement (98.0% or 146 CLCs), an induction program about key systems (98.0% or 146 CLCs), opportunities for training (97.3% or 145 CLCs), copies of policies and other

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<sup>2</sup> Not all 154 CLCs responded to every single question. To check the number of people that responded to each question, please refer to the n number in the relevant section of this report.

<sup>3</sup> This figure includes staff identified as lawyers (33.1% or 455.9 people) and the 10.3% of staff (142.8 people) who were employed as principal lawyers and who either managed or did not manage centres.

relevant documents (95.3% or 142 CLCs), and access to resources that staff need to start the job (98.7% or 147 CLCs).\*

- 68.2% (101 CLCs) offered exit interviews to departing staff.
- Some of the main reported reasons why staff left the CLC sector were pay and conditions, funding cuts, low salaries and job insecurity.

### *Volunteers and pro bono partnerships*

Volunteers and pro bono partnerships<sup>4</sup> increase the capacity of CLCs to provide a legal safety net for disadvantaged people.

- Of the 149 CLCs who responded to a question about having volunteers, 87.9% (131 CLCs) reported utilising the skills and expertise of volunteers.
- Across these 131 CLCs, 4,588 volunteers contributed a total of 24,113 hours per week.
- The 3 main categories of volunteers were:
  - lawyers (2,558 volunteers contributed 7,563 hours per week to CLCs)
  - law students (1,492 contributed 13,311 hours per week), and
  - administrative assistants (227 contributed 1,418 hours per week).
- The 3 main types of work undertaken by volunteers\* were:
  - direct legal service delivery (80.6% or 104 CLCs)
  - administrative support (67.4% or 87 CLCs)
  - community legal education (49.6% or 64 CLCs).
- Of the 148 CLCs that responded to a question about working with pro bono partners, 60.2% (92 CLCs) reported having a pro bono partnership.
- 50,859 hours of pro bono assistance was provided to these centres and their clients over the 2012/13 financial year including 41,459 hours from lawyers for direct service delivery to clients.

### *Governance*

Most CLCs are an incorporated association or a company, however some are a program of an auspicing organisation. Management Committees ('MCs') or Boards are responsible for meeting governance responsibilities of CLCs.

- The average (and median<sup>5</sup>) number of MC/Board members is 8, with 53.4% (78 CLCs) having between 7-9 members on their MC/Board.

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<sup>4</sup> In the Census, NACLC defined a volunteer as: a person who has, as an individual, made a personal choice and commitment to provide their skills and experience to a CLC or, more commonly, to the CLC's clients, free of charge and from their own personal time. A pro bono partner was defined as: a professional or firm that, as a business, has formally committed to allocating resources and making a contribution to a CLC and/or its clients, free of charge.

<sup>5</sup> The median result falls in the middle of all results when sorted in order of size.

- 37.4% (52 CLCs) conducted a skills audit of their MC/Board during the 2012/13 financial year, with 81.3% (39 CLCs) of those CLCs using the skills audit to inform recruitment of new members.
- The main 3 skills or areas of expertise MC/Board members possessed\* were:
  - understanding the role of the MC (87.8% or 129 CLCs)
  - legal skills (78.9% or 116 CLCs), and
  - strategic/operational planning (77.6% or 114 CLCs).

### *Turnaways*

NACLC has consistently received anecdotal reports from centres that CLCs have had to turnaway some disadvantaged people because of a lack of resources or other reasons. This was confirmed by the Australian Council of Social Service ('ACOSS') community sector survey for 2011/12. The Census sought to verify this by asking questions around the number and reasons for CLCs turning away people seeking legal assistance.<sup>6</sup>

- The 90 CLCs that responded to a question about recording turnaways, reported that they had turned away a total of 47,678 people in the 2012/13 financial year because they could not assist them or provide them with a suitable referral.
- 14 (15.5) of these CLCs turned away in excess of 1,000 people each.
- 21 (16.5%) of these CLCs reported that no viable referral option existed for some or all of the clients turned away.
- CLCs that reported having turnaways were asked to identify the reasons why they turned people away. The 3 most prevalent reasons\* were:
  - a conflict of interest existed with a previous client or other party (74.0% or 94 CLCs)
  - the person's legal problem was outside the legal service's focus (72.4% or 92 CLCs)
  - the CLC had insufficient resources (61.4% 78 CLCs).

### *Engagement with Aboriginal and Torres Strait Islander peoples*

CLCs actively seek to engage with Aboriginal and Torres Strait Islander peoples through having identified positions, participating in community events, ensuring staff undertake cultural awareness/safety training, and developing Reconciliation Action Plans ('RAPs').

- The average proportion of CLC clients identifying as an Aboriginal and/or Torres Strait Islander person was 13.3%, while the median<sup>7</sup> result was only 4%. (The

<sup>6</sup> For the purposes of the Census, a "turnaway" by a CLC was defined: a person the CLC had to send away because the organisation was unable to assist them or provide a suitable referral.

<sup>7</sup> The median result falls in the middle of all results when sorted in order of size.

percentage of Aboriginal and Torres Strait Islander peoples in the total Australian population is less than this at 2.5%).<sup>8</sup>

- 19.7% (29 CLCs) have at least one Aboriginal and Torres Strait Islander identified position.
- CLCs participate in a variety of events with Aboriginal and Torres Strait Islander communities including NAIDOC Week and Reconciliation Week.
- 52.1% (76 CLCs) require staff to undertake cultural awareness training.
- 61.4% (89 CLCs) are aware that NACLC has a RAP.
- The majority of CLCs (68.5% or 100 CLCs) consider having a RAP as either “somewhat important” or “very important”.

### **Policy and law reform**

CLCs have a long and successful history of bringing about systemic change to benefit clients and communities through policy and law reform.

- 86.6% (127 CLCs) reported undertaking policy and law reform activities, with such activities including preparing submissions, letter writing, advocating in face-to-face and appearing before Senate Committees and other inquiries.
- The main 3 forms of policy and law reform activities\* were:
  - preparing submissions to inquiries (88.1% or 111 CLCs)
  - writing letters to politicians (77.0% or 97 CLCs), and
  - promoting policy and law reform through face-to-face meetings with politicians and/or their staff (75.4% or 95 CLCs).

### **Technology**

CLCs are constantly striving to deliver legal assistance and community legal education in an efficient and cost effective manner that reaches the maximum number of people. To achieve this end, CLCs are increasingly utilising technology.

- 87.6% (85 CLCs) reported providing legal assistance via websites, followed by Facebook (35.1% or 34 CLCs) and Skype (27.8% or 27 CLCs). CLCs also reported using these platforms to deliver community legal education.

### **Accreditation**

The National Accreditation Scheme (‘NAS’) for CLCs – focused on quality assurance and continuous organisational development – was launched in 2010 as a joint initiative of NACLC and the state and territory associations.

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<sup>8</sup> Australian Bureau of Statistics 2011, *Census of Population and Housing – Counts of Aboriginal and Torres Strait Islander Australians*, <<http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/2075.0main+features32011>>.

- The 3 main reported benefits of undergoing the accreditation process\* were:
  - an opportunity to update out-of-date policies and procedures (84.7% or 122 CLCs)
  - confirming HR policies and procedures (68.1% or 98 CLCs), and
  - helping to manage risk (64.6% or 93 CLCs).
- Difficulties in the accreditation process identified by respondents related to the amount of time the process has taken, the drain on resources and the lack of capacity within centres to do all the work needed without additional staff.
- The majority of respondents (81.5% or 110 CLCs) rated assistance from the Accreditation Coordinators ('ACs') as "very good" or "good".
- The main priority, should additional resources for Accreditation become available, was one-on-one practical assistance for less resourced CLCs as nominated by 54.8% of respondents (74 CLCs).

### **NACLC feedback**

A number of questions were included in the Census to provide feedback to NACLC, and assist in informing NACLC's future planning.

- The 3 most highly ranked NACLC services by those CLCs that use them are Public Indemnity Insurance ('PII') and other discounted insurances, the National CLCs Conference and the LexisNexis online resources.
- The 3 main sector development priorities over the next 12 months\* were:
  - innovative use of technology (54.2% or 77 CLCs)
  - assistance with effective evaluation (45.1% or 64 CLCs), and
  - strategic service delivery planning (43.7% or 62 CLCs).
- Meanwhile, the 3 main law and policy reform priorities\* were:
  - protection of human rights (59.0% or 85 CLCs)
  - protection of the rights of individuals and organisations to criticise government (53.5% or 77 CLCs), and
  - support for legal profession regulation that 'fits' CLCs and their clients (36.8% or 53 CLCs)
- The majority of respondents (79.0% or 113 CLCs) rated NACLC's communication with individual CLCs as "very good" or "good".
- Email newsletters and updates are strongly preferred for communication from NACLC, although some CLCs preferred the FirstClass BBS Noticeboard.<sup>9</sup>
- 22.6% (33 CLCs) reported using FirstClass BSS, an additional 30.8% (45 CLCs) reported using it sometimes, and 46.6% (68 CLCs) reported not using it at all.
- For those CLCs using FirstClass BBS, the most used feature is Email.
- CLCs that used the NACLC website rated the Members' section and social media (e.g., the Twitter stream) most highly.

<sup>9</sup> The FirstClass BBS Noticeboard is an online discussion forum where NACLC and members of the CLC sector can communicate with each other.