



# Strategic Plan 2006-7

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March 2006

# Preamble – National Legal Aid

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## *About National Legal Aid*

There are eight independent Legal Aid Commissions, one in each of the States and Territories. The Directors of the Commissions combine at a national level to form National Legal Aid (NLA) and one of their number is, on a rotation basis, elected as Chair. The current Chair of NLA is Ms Suzan Cox QC, Director of the Northern Territory Legal Aid Commission.

The Commissions are funded by the Commonwealth and the respective State or Territory Governments.

## *Secretariat of National Legal Aid*

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## *Focus of this Plan for 2006*

This strategic plan was developed by NLA through a workshop involving Directors and the Executive Officer. It represents a realistic but challenging range of initiatives for the Directors, the Working Groups and the Executive Officer.

The six key result areas (KRAs) are:

1. National Issues and Resources
2. Education and Research
3. Learning, Sharing and Supporting
4. Partnering with the Commonwealth
5. Profile with the States
6. Relationships

## ***Vision for National Legal Aid***

A just society in which people have equitable access to appropriate means of meeting their legal needs.

## ***Mission of National Legal Aid***

To promote leadership and management of a national system of legal aid through the coordinated efforts of Commissions by sharing resources, knowledge and systems which enhance best practice and value for money in the delivery of legal aid to clients across eight States and Territories.

## ***Strategic Goals***

- To ensure the independent provision of legal aid services.
  - To address access to justice issues co-operatively.
  - To ensure the provision of high quality legal aid services.
  - To facilitate the development of innovative and effective legal aid services.
  - To promote a national legal aid partnership with the Commonwealth, States and Territories.
  - To anticipate and respond to changing legal needs.
  - To develop clearly identifiable policies with regard to funding and service delivery.
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# Key Result Areas for 2006

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## *KRA No 1: National Issues & Resources*

### 1.1 Legal Aid Commissions integral to the new family law system

**Outcome:**

Recognition of Legal Aid Commissions as integral to the effective operation of the new family law system.

**Actions:**

- (i) The Family Law Working Group to continue to monitor and report to Directors on developments within the changing family law system, including providing Directors with briefings about any issues (including possible costs impacts) arising. **Ongoing**
- (ii) The Family Law Working Group in consultation with the Primary Dispute Resolution Working Group to ensure effective referral pathways between Family Relationships Centres and Legal Aid Commissions. **July '06**
- (iii) The Family Law Working Group in consultation with the Community Legal Education Working Group to ensure effective referral pathways and the provision of education about Legal Aid Commission family law services to other family law service providers such as the Courts etc. **July '06**

### 1.2 A role for Legal Aid Commissions in the national development of primary dispute resolution

**Outcome:**

A national approach to primary dispute resolution in Legal Aid Commissions.

**Actions:**

- (i) Primary Dispute Resolution Working Group to prepare position statements and strategy papers including with regard to;
- qualifications and competencies standards,
  - equity of access to services,
  - extended family conferencing etc. **Ongoing**
- (ii) Primary Dispute Resolution Working Group to work with the Family Law Working Group towards achieving KRA 1.1.Action (ii). **July '06**

### 1.3 Management of Conflict

**Outcome:** To reduce the potential for actual & perceived conflict.

**Action:**

- (i) The LPWG to be asked to prepare a proposal for the best way of managing conflict, including addressing the possibility of legislative change. **September '06**

## **1.4 Pro-active in Law and Order Debate and Legislative and Administrative Changes**

**Outcomes:**

- (i) Increased awareness of the impact on legal aid of legislative and administrative changes in the justice sector.
- (ii) Effect a more moderate and reasonable tone to the law and order debate.

**Actions:**

- (i) The Community Legal Education Working Group to develop a policy supported by strategies to address the budgetary implications on legal aid commissions of changes to legislation, administration or government policy in the justice sector. **May '06**
- (ii) The Community Legal Education Working Group to present Directors with a paper about strategies available to Commissions at a national and local level to effect a more moderate and reasonable tone to the law and order debate. **May '06**

## **1.5 Enhanced Community Engagement and Expectations**

**Outcome:**

Enhanced awareness of the importance of legal aid, its scope of practice and increased public support for the rule of law.

**Actions:**

- (i) The Criminal Law Working Group to present Directors with the Action Plan the Group agreed at the Best Practice Conference 2005 for improving the image of Legal Aid Commissions. **September '06**
- (ii) The Community Legal Education Working Group to develop strategies for 2006. **May '06**
- (iii) The Executive Officer NLA and the Executive Officer LANSW to develop a position paper about a national Bill of Rights. **September '06**

## **1.6 Civil Law to be part of Legal Aid**

**Outcome:**

Expansion of civil law as core business of LACs.

**Actions:**

- (i) Australian Legal Assistance Forum Directors and the Executive Officer to work with other ALAF constituents to achieve the resolution of the Legal Aid Congress 2004 that ALAF develop a national civil legal aid scheme. **September '06**
- (ii) The Executive Officer to prepare a briefing paper for an NLA meeting. **September '06**

## 1.7 Pro Bono not to mask the under funding of legal aid

### Outcome:

Improved understanding of the amount and type of pro bono activities and the extent to which pro bono might be masking the under funding of legal aid.

### Actions:

- (i) The Executive Officer to monitor the progress of the National Pro bono Resource Centre's Mapping Project and Practitioner Survey and brief Directors on the results. **September '06**
- (ii) That the Executive Officer undertake a survey of Commissions to identify Commission pro bono policies, Commission involvement in pro bono work and Commission contact with pro bono organisations including private firms that have pro bono programs. **September '06**

## 1.8 Impact of Violence within the Legal Aid Workplace

### Outcome:

1. Measure incidences and impact of violence in legal aid workplaces and develop and promote strategies to reduce same.

### Actions:

- (i) The National Statistics Working Party to establish a process for collection of statistics about the incidences & circumstances of violence within legal aid workplaces (eg Commissions, Prisons, Courts etc) so as to inform further action. **April '06**
- (ii) The Legal Practice Working Group to develop strategies for workplace security & safe practice for staff. **May '06**

## *KRA No 2: Education and Research*

### 2.1 Changing demographics and legal aid services

#### Outcome:

An improved understanding of changing demographics and the impact that these will have on future demand for legal aid services and resources.

#### Actions:

- (i) The Director of the Legal Aid Commission of Tasmania to arrange for the scoping of a project to establish a system for an annual profile on key demographics, (including the number of unrepresented people going to prison), and the relationship between those demographics and legal aid, including funding implications, and to report to Directors in March '06. **March '06**
- (ii) The National Statistics Working Party to formulate a data set, definitions and format that all Commissions agree to provide to NLA as the basis for NLA statistical reporting. **April '06**

## 2.2 Initiating Research on Australia's need for legal aid services

### Outcome:

A co-ordinated approach to identifying research priorities and obtaining funding for the purpose.

### Actions:

- (i) Australian Legal Assistance Forum Directors and the Executive Officer to work with other ALAF constituents to achieve the resolution of the Legal Aid Congress 2004 that ALAF develop a set of national research priorities for the future of legal aid in Australia. **September '06**
- (ii) The Grants Working Group to monitor research currently being undertaken, including within Commissions, and to brief Directors as appropriate. **September '06**

## 2.3 Enhanced International Focus

### Outcomes:

- (i) Increased involvement in activities that encourage international awareness of National Legal Aid and Legal Aid Commissions.
- (ii) Increased knowledge about and awareness of legal aid services internationally that adds value across the Commissions and contributes to world best practice.

### Actions:

- (i) The Executive Officer to prepare an NLA fact sheet and background document for the NLA website. **December '06**
- (ii) Each Director and Working Group representative to provide feedback to the Executive Officer and colleagues about his/her involvement in international legal aid activity. **December '06**
- (iii) The Executive Officer to initiate contact with the Legal Aid Foundation in Indonesia. **March '06**

## *KRA No 3: Learning Sharing and Supporting*

### 3.1 Enhancing Staff Professional Development

#### Outcome:

Enhanced opportunities for professional development through:

- Networking across NLA and participation in NLA Working Group activity
- Sharing of materials, ideas and practice knowledge

#### Action:

The Criminal Law Working Group to present Directors with strategies to enhance staff professional development (as a result of its work leading up to and at the Best Practice Conference 2005).

**September '06**

## 3.2 Enhancing our Human Resource Management Approach

### Outcome:

Enhanced management of staff, careers and training by

- Training opportunities including audit of competencies required in delivery of legal aid
- Liaison with education and training providers to promote appropriate training courses for staff
- Mentoring programs
- Succession planning and training across Commissions

### Actions:

(i) The Director Legal Aid New South Wales and the Executive Officer to initiate a teleconference involving HR nominees from each Commission for the purpose of developing strategies to enhance our human resource management approach. **March '06**

(ii) A committee including the Director Legal Aid New South Wales, nominated Human Resource Managers and the Executive Officer to present Directors with a briefing paper addressing the merits of the proposal to establish a Human Resources Working Group. The briefing paper to identify existing NLA projects which are currently the responsibility of other working groups, but which might be better developed by a Human Resources Working Group so that Directors can consider whether to establish the new group. **April '06**

## 3.3 Focus on Best Practice through Benchmarking

### Outcomes:

- (i) Maintain an ongoing approach to benchmarking our legal aid practices to optimise continual improvements.
- (ii) To explore the options and optimise quality within legal aid workplaces.

### Actions:

- (i) All Working Groups to implement at least one new initiative for 2006. **December '06**
- (ii) Plan and conduct a Best Practice Conference in 18 months.
- (iii) The Legal Practice Working Group to develop a scoping paper about quality assurance in Commissions. **May '06**

## 3.4 Communications Strategy

### Outcome:

An integrated communication strategy for National Legal Aid.

### Action:

- (i) Community Legal Education Working Group and the Executive Officer to draft a communications strategy consistent with the operations of the NLA Secretariat and Working Group processes and protocols. **December '06**



## ***KRA No 4: Relationship with the Commonwealth***

### **4.1 Gaining Agreement with the Commonwealth**

**Outcome:**

A relationship based on partnership with the Commonwealth Government which facilitates effective liaison and negotiations in gaining agreement on key matters such as flexibility within the guidelines, increased resources, specific projects & /or proposals for new business, and initiatives for innovation in legal aid systems and practices.

**Action:**

(i) Chair of NLA to send a letter to the Deputy Secretary of the Attorney-General's Department proposing a meeting in February 2006 with an agenda for that meeting to be prepared by the Chair and the Executive Officer. **February '06**

## ***KRA NO. 5 Relationship with the States***

**Outcome:**

Raise the profile of legal aid issues with the States

**Action:**

(i) Director Legal Aid Commission of Tasmania and the Executive Officer to prepare a report on legal aid for the Standing Committee of Attorneys-General. **As appropriate**

## ***KRA No 6: Relationships***

### **6.1 Alliance with Law Council**

**Outcome:**

Enhance the ongoing alliance with the Law Council on matters of National and State significance that achieves mutual benefits such as:

- Availability of more private practitioners
- Increased fee levels for doing legal aid work
- Advocacy and support on issues of common concern about provision of legal aid

**Actions:**

(i) The Executive Officer to schedule at least one meeting a year between the NLA Directors and the Law Council's Access to Justice Committee. The Executive Officer of NLA to liaise with the Executive Officer for the Access to Justice Committee for the purpose of setting the meeting agenda and settling supporting papers including position statements. **December '06**

(ii) NLA Directors, Working Group representatives and Executive Officer to meet & liaise with Law Council representatives about issues of common concern as appropriate. (Eg Family Law Section representatives). **Ongoing**

## 6.2 Support for ATSILS

**Outcome:**

Support for adequate funding, especially "no cost shifting"

**Action:**

(l) The National Statistics Working Party to collect data relating to the use of Legal Aid Commission services by indigenous people, and to provide Directors with an analysis of the data gathered, including estimates of cost. To the extent it is possible the analysis should reflect trends from 2000, and future projections. Where it is not possible to collect data the reasons for this should be expressed together with any limitations or qualifications related to the data, analysis &/projections presented. **August '06**

## 6.3 Working Closely with the Family Court of Australia & the Federal Magistrates Court

**Outcome:**

Maintain a relationship with the Family Court of Australia and the Federal Magistrates Court which will assist in the improvement of systems, processes and working arrangements to the benefit of people seeking legal assistance.

**Action:**

(i) Family Law Working Group to initiate agreed priority strategies for 2006. **May '06**

## 6.4 Relationship with New Zealand

**Outcome:**

A relationship with the Legal Services Agency of New Zealand which reflects the strong alliance and similarities between Australia and New Zealand and facilitates mutual sharing of information, showcasing of initiatives and contributes to the development of best practice.

**Actions:**

- (i) Confirm the Director of the Legal Services Agency of New Zealand as an attendee at regular NLA meetings.
- (ii) The Directors to attend a Showcasing of the Legal Services Agency of New Zealand in Auckland in **March 2006**.

## 6.5 Working with the Private Practitioners and Other Key Groups

**Outcome:**

Ongoing dialogue and partnering relationships with private practitioners and other stakeholders to promote awareness and agreement about issues of common concern.

**Actions:**

- (i) The Grants Working Group to present Directors with a paper about managing relationships (follow up from the BPC 2005). **May '06**
- (ii) The Executive Officer to arrange activities and/or meetings for maintaining ongoing dialogue, understanding and joint initiatives with appropriate stakeholders such as Community Legal Centres, DPP's, ATSILS and others. **Ongoing**
- (iii) All Working Groups to initiate dialogue and joint activities as appropriate to their role. **Ongoing**
- (iv) Directors to maintain a process of encouraging staff to participate in State/local activities within the professional networks. **Ongoing**

## 7. Protocols and Processes of Working Together

NLA is committed to underpinning the Strategic Action Plan with the following Protocols and Processes:

### 7.1 Collegiate System for Management of National Legal Aid

Directors acknowledge that the success of NLA depends on the shared commitment of the eight Directors to work on a collegiate model which has the following features:

- Unity amongst Directors is vital in dealing with critical stakeholders such as the Commonwealth, but difference is respected at the State or Territory level
- Agreement should be obtained if at all possible on all policy positions in the administration and operations of National Legal Aid but diversity on social justice issues is welcomed and must be supported by the Directors – there can be issues of debate and awareness rather than one view prevails on all occasions
- NLA has a role in raising awareness and encouraging debate on government and community positions on legal aid, rather than being exclusively prescriptive on direction
- The chair is “one amongst equals” but does have the agreed right to take leadership initiative on behalf of NLA in arenas and representations and speak on behalf of NLA in accordance with known policy or NLA positions as best interpreted from time to time
- NLA does not require unanimous agreement by all Directors on all matters to establish an NLA position, however the Directors believe in collaborative processes and debate in striving for unanimous agreement as the preferred approach
- NLA will not speak on matters relating solely to one jurisdiction unless there is the consent of the local Director

### 7.2 Directors of Commissions – Sharing the Leadership and Coordination of NLA Activities

Directors acknowledge the need to share the leadership accountability for NLA, both with regard to establishing direction and the coordination of the operational work. Key initiatives will include:

- Each Director to hold a portfolio position which will include a Working Group.
- Each Director to volunteer for taking leadership on matters not allocated to the Executive Officer or a Working Group when appropriate.

- Often the unique skills or knowledge of a Director will be aligned to matters on the NLA agenda – it is respected that the Director/s will take initiative to lead and manage on these occasions.

### 7.3 NLA Directors' meetings

Directors acknowledge that the NLA meetings are the primary forum for collegiate discussion and decision making on the direction and actions of the national legal aid strategy. The success of meetings must be supported by the following principles:

- Directors to appoint a representative to the meeting when the Director is unable to attend – the representative to have full rights and accountabilities
- The emphasis at meetings is on
  - strategic matters of policy and practice” rather than the “detail of legal aid practice”
  - building, relationships and national alignment on legal aid issues
  - Encouraging the Working Groups to develop legal aid practices

Format for NLA meetings should be

- an agenda reflecting the issues related to the Strategic Plan; agenda format to include the Strategic Plan headings
- reports and recommendations from Working Groups;
- meetings and briefings with Stakeholders
- showcasing from the host commission and reports and presentations on new initiatives from all Directors
- Executive Officer to present concise papers/ to the NLA meeting to assist in efficient debate and gaining agreement on strategic matters
- minutes to reflect key points and outcomes identifying who has responsibility for actions and the timeframes for completion.

### 7.4 Secretariat Support

Directors acknowledge that the leadership and support of the Secretariat is critical to initiating and managing the work of the NLA. Principles underpinning the operations of the Secretariat are:

- Executive Officer to work to the Chair of National Legal Aid, and to seek direction from the Chair when conflicting priorities present
- Executive Officer to focus on the strategic issues for NLA as identified in the Strategic Plan
- Administrative support is to be provided to the Executive Officer for up to 3 days per week

### 7.5 Working Groups

Directors acknowledge the success of, and important work conducted through, the Working Group system of NLA. Key aspects should include:

- Support for Working Groups is a high priority
- Encourage Working Groups to review terms of reference, roles and annual priorities – set key actions on an annual basis in accord with the NLA Strategic Plan
- Working Groups to regularly report to the NLA meetings, and representatives may wish to attend

## **7.6 National Legal Aid Website**

Directors acknowledge the increasing need for shared access to information about NLA and the demand for an excellent website. Key initiatives should include:

- Upgrade the information on & capabilities of the website
- Add information about NLA meetings or positions on matters of Legal Aid
- Working Groups to use the web site for making information available
- Investigate upgrade of the website for gaining direct input into NLA by site users

- END -