

Quarterly Report

Quarter 4, 2021/22 | April – June 2022

Legal
Aid For
Tasmanians

Director's Report

The end of the financial year provides an opportunity to reflect on the year that has been and to look forward to what is coming.

The Covid pandemic continues to have a significant impact on many aspects of our work. We expected a greater demand for services when Covid restrictions in Tasmania were eased in mid-2021. We increased the budget for grants of aid accordingly. This was fortunate, as the first half of the year saw a big increase in activity, with payments up each month from July 2021 to January 2022 on the previous year.

The opening of borders and the return of Covid resulted in a reversal in this trend. Trials were suspended for a period and have not returned to full capacity; and many cases were adjourned due to illness.

There has also been a reduction in applications for new grants of aid both in criminal law, reflecting the ongoing decline in initiations, and family law.

The slowdown in activity meant that total payments to private practitioners in 2021-22 were only slightly above the amount paid in the previous year.

The tight labour market and border restrictions made it difficult to recruit staff to fill roles. This, together with reduced case costs, are the major contributors to an overall surplus result in the range of \$900K or around 4% of the total budget.

Fees paid to practitioners were again increased by 2% from 1 July 2022, passing on indexation received by TLA. The Summary Crime Stage of Matter project has been progressing well, with strong support from practitioners for a move to a simpler, more certain structure. A draft structure will be provided for comment soon and it is expected that the new framework will be in place later this year. We will then commence a review of the fee structure for indictable cases.

During 2022-23 we will commence a review of the fee structure for family law cases. Again, the aim will be to



L-R: Honourable Chief Justice Alstergren; Director Family Law Kristen Wylie and Director Vincenzo Caltabiano.

make it easier to use and remove the requirement for multiple applications for extensions.

The launch of the ICL Practice Standards and Guidelines (see page 2) marks a significant milestone in our commitment to child focused services. Over the coming year there will be a series of training events that build on the Practice Standards and Guidelines. We are now reviewing the ICL Panel, with a focus on securing ICLs with the high-level skills required to deliver this specialist service.

As part our commitment to put clients at the heart of our organisation we have established a First Nations advisory group and a Family Violence Survivors group (see page 3) to help inform the design and delivery of our services. We are fortunate to have the benefit of committed people willing to share their experience and insight with us.

We look forward to working with our partners in the legal assistance sector in the year ahead to achieve our vision of a Tasmania where everyone is safe, respected and has their voices heard.

Vincenzo Caltabiano
TLA Director

Making Vulnerable Children Safer

TLA launches new ICL Practice Standards and Guidelines

TLA's new Practice Standards and Guidelines (PSG) were formally launched by the Chief Justice of the Federal Circuit Court and Family Court of Australia, the Honourable Chief Justice Alstergren on 20 June.

TLA Director Vincenzo Caltabiano said children are a primary focus in our Strategic Plan: "Children are the most vulnerable members of our community and often the most invisible participants in the legal system. This is all about putting children at the centre of our work and giving them a voice."

The guidelines are an Australian first and the most comprehensive resource for lawyers representing vulnerable children.

The Honourable Chief Justice Alstergren expressed strong support for the ICL Practice Standards and Guidelines and congratulated TLA and all involved for their work.

"ICLs play an incredibly important role in representing the best interests of children who are the subject of family law disputes," Justice Alstergren said.

"They provide children with meaningful opportunities to participate in decisions that are being made about them. In doing so, ICLs are instrumental in ensuring that Australia (through the Courts) meets its commitments as a signatory of United Nations Convention on the Rights of the Child (UNCROC).

"The ICL role is unique and distinctly different from the role of Court Child Experts, Regulation 7 Family Consultants, and other social science experts. However, all of these child-focused roles complement each other and have a profound impact on the safety and well-being of children.

"Congratulations to Tasmania Legal Aid and all others who have been involved in the development of these very comprehensive and practical guidelines."

Associate Director, Family Law Kristen Wylie said the guidelines respond to children's feedback about what they need: "Children want to be involved and heard in decisions that affect them. Lawyers need

the skills and tools to engage with the child, so the child feels understood, valued and believed."

Children's lawyers work with children who have been impacted by trauma including family violence. Lawyers need to be aware of these issues and able to respond appropriately. Done right, this supports the safety, dignity and wellbeing of the child.

TLA developed the guidelines over 18 months with input from child experts, the Federal Circuit and Family Court, the Commissioner for Children and Young People, the Child Advocate, the Law Society and the Family Law Practitioners Association of Tasmania, Tasmanian Aboriginal Centre, Tasmanian Aboriginal Legal Service, Australian Childhood Foundation, Migrant Resource Centre, Australian Institute of Family Studies, Departments of Education and Communities Tasmania.

"I want to thank all the contributors for helping create guidelines that ensure children receive high quality legal services," Mr Caltabiano said.



L-R: The Honourable Justice Terrence McGuire; Luke Rheinberger, Law Society Tasmania; Her Honour, Judge Sandra Taglieri and The Honourable Justice Victoria Bennett attended the launch.

Placing our clients' voices at the centre

Placing our clients at the centre of everything we do is a priority commitment in our Strategic Plan. The people who use our services understand better than anyone what works and doesn't and what needs to change. The only way for TLA to know if our services meet the needs of our clients is to ask them.

Since 2020, we have been engaging with clients in different ways to ensure their voices are heard, including establishing two key client advisory groups: the First Nations Advisory Group, and the Family Violence Reform Group (FVRG).

Established in April, the FVRG has seven members; all with experience of family violence and the family law system. The FVRG members helped identify aspects of the FDR process that were creating unforeseen stress and problems for women with real fear for the safety of their children and themselves.

Group members described their feelings about the FDR and made valuable suggestions about what could help them feel safer and have more confidence in the process.

As the FDR review progresses, the team will test with the FVRG safe ways to promote negotiated outcomes between parents where there is a significant power imbalance and coercive control.

As the Client Engagement Strategy is rolled out across TLA over the coming months, we all will play a role in supporting our clients to help us improve existing services, inform policies, and design new ones. Based on the work of the FVRG in the FDR review, it will be an exciting and richly rewarding process.

ICL and Sep Rep Conference

On Friday 24 June, TLA hosted a conference for Independent Children's Lawyers and Separate Representatives in Hobart, with 50 lawyers attending.

The Commissioner for Children and Young People Leanne McLean opened the conference and shared her reflections on the new [ICL Practice Standards and Guidelines](#) (PSG).

The conference training focused on child participation principles and trauma-informed practice from expert presenters from the Australian Childhood Foundation

TLA's evidence to the Disability Royal Commission

In April TLA gave evidence to the Disability Royal Commission. This stage of the hearings focused on women and girls with disability who experience family or sexual violence. The Royal Commission sought TLA's involvement to better understand the Tasmanian experience.

TLA's witness statement noted the high proportion (29%) of women and girls with disability assisted by our family violence team. While recognising the benefits of the state-wide Safe at Home Coordinated Response to people experiencing family violence, it was noted that women and girls with disability often face particular barriers to leaving violent relationships, including not being believed when they report their experience. They are also at higher risk of being misidentified as the perpetrator rather than the victim. This is a common issue here and elsewhere – for example a [Victoria Police review](#) found that in 12% of cases where women were identified as the perpetrator there had been an error and the woman was in fact the primary victim. Reviews by service providers suggests that the figure may be much higher.

We also noted that these issues, combined with the lack of alternative housing, have significant consequences for the safety of women with disability and their ongoing care of children. The witness statement concluded with recommendations to improve outcomes, including a specialist multidisciplinary disability legal service, further training for professionals across the justice system and increased housing options.

TLA's witness statement is available [here](#) and the transcript of the hearing is available [here](#).

and the Child Advocate. Matthew Verney, TLA Board Member and ICL, reflected on the PSG and its usefulness for current and future ICLs. The conference covered key concepts from the ICL PSG and supported lawyers to embed those skills into practice.

Attendees reported that they enjoyed the conference, especially the content and presenters. Participants said they engaged in rich and thought-provoking information and participated in interactive activities to enhance their practice skills.

Service Delivery Summary



New grants of aid	920
Grant extension requests processed	4,739
New grants assigned to private profession	58%
Private Practitioners Payments (ex. GST)	\$1.6m
Duty lawyer services	1,347
Family Dispute Resolution conferences held	67
New Mental Health Tribunal files	44
Face-to-face advice services	928
Website page views	146,160
Telephone services total	9,618

Financial Summary



Commonwealth Funding:	\$2,524,678
State Funding:	\$2,481,203
Other Income:	\$81,966
TOTAL INCOME:	\$5,087,847
TOTAL EXPENDITURE:	\$4,650,303

Note: these are management figures and have not been independently audited.

CLEI Program



Audience	Sessions	Participants
School students	47	1,854
Civil Law services	13	326
Family Law services	6	94
Other services	3	70
TOTAL	69	2,344

