

ACCESS TO JUSTICE IN THE LODDON CAMPASPE REGION

... demonstrating the need for a Loddon
Campaspe community legal centre ...

MAY 2004



Report of the Access to Justice in the Loddon Campaspe Region Project

Implemented in partnership by the Advocacy and Rights Centre Limited,
EASE (Emergency Accommodation and Support Enterprise) and
Loddon Campaspe Centre Against Sexual Assault
and with the support of the project reference group

This report has been produced by the *Access to Justice in the Loddon Campaspe Region Project*. The purpose of the report is threefold:

- First, to demonstrate to the Commonwealth and State governments and to Victoria Legal Aid that there is a need for a Loddon Campaspe community legal centre and that recurrent funding should be provided as a matter of priority.
- Second, to inform the Loddon Campaspe general community about community legal centres, local legal need and work done to date by the Access to Justice Project. The report will be used as a basis to generate local community discussion about justice issues and community legal centres. Community feedback on the report and how a community legal centre should service their local area will be incorporated into further work in establishing a Loddon Campaspe community legal centre.
- Third, to report back to the many people and organisations that have participated and supported the project so far. Many people gave their time to share their stories and insights into legal needs, issues and opportunities. The report is underpinned by these contributions.

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Enquires and feedback about this report can be directed to:

Sally Smith, Project Worker
Loddon Campaspe Community Legal Centre Project
Advocacy and Rights Centre Limited
PO Box 654 , Bendigo, Victoria
T 03 5444 4364 F 03 5441 1033 E sally.arc@infoxchange.net.au

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LIST OF ABBREVIATIONS

ABS	Australia Bureau of Statistics
ARC	Advocacy and Rights Centre Limited
CASA	Centre Against Sexual Assault (Loddon Campaspe)
CLC	Community Legal Centre
DHS	Department of Human Services
EASE	Emergency Accommodation and Support Enterprise
LGA	Local Government Area
VLA	Victoria Legal Aid

EXECUTIVE SUMMARY

LODDON CAMPASPE: WITHOUT A COMMUNITY LEGAL CENTRE

The Loddon Campaspe Region covers a large area in northwest Victoria including six local government areas: Macedon Ranges, Mount Alexander, Central Goldfields, Greater Bendigo, Loddon and Campaspe. The region has an estimated population of 205,825 – approximately one sixth of regional Victoria’s total population. While there are over 45 community legal centres in Victoria and eight in regional Victoria, currently there is not a community legal centre in Loddon Campaspe. Community legal centres are independent, community based organisations that provide free legal advice and assistance, community legal education, community development and law reform work to the most disadvantaged and vulnerable members of their communities.

While our legal system is built on the principle of equality before the law, without pro-active initiatives the most disadvantaged and vulnerable community members face significant barriers to justice. Community legal centres are one of the key components in Australia’s mixed legal aid system that work towards justice for all. In the Loddon Campaspe region, with significant disadvantage, diverse legal needs and relative isolation, the absence of a community legal centre is felt harshly by communities. Local community members have a long history of advocating for a community legal centre in this region and have come together again to renew their efforts.

Both the Victorian and Commonwealth governments have articulated their support for establishing community legal centres in areas of need:

- “The Bracks government is committed to targeting legal service to those most in need in our communities. After all, access to justice is fundamental to the legal system.” (Victorian Attorney-General Hon. Rob Hulls, 16 May 2003, media release).
- “[We acknowledge] the valuable contribution that community legal centres provide to the community. They should be supported in that work and encouraged to expand to areas of need.” (previous Commonwealth Attorney-General under current Howard government, Hon. Daryl Williams).

It is time for the Commonwealth and State governments to prioritise funding for a Loddon Campaspe community legal centre.

DEMONSTRATING LEGAL NEED

Socio-economic Profile

Socio-economic disadvantage is an indicator of legal need and lack of access to justice. A socio-economic analysis of the Loddon Campaspe region reveals a high level of disadvantage in communities across the region.

Jesuit Social Services has undertaken two reports which identify a high level of socio-economic disadvantage entrenched in local geographic communities in the Loddon Campaspe region. *Unequal in Life* (1999) identified 16 postcodes in the Loddon Campaspe region ranked in the top 100 for social disadvantage. *Community Adversity and Resilience* (2004) identified that 50% of postcodes in the Loddon Campaspe region ranked in the bottom 5 quintiles for disadvantage. Many of these disadvantaged postcodes are clustered: for example, all postcode areas in the Central Goldfields Local Government Area ranked in the bottom 5 quintiles for disadvantage. The level of disadvantage is reinforced by the ABS Index of Relative Socio-economic Disadvantage (1996), which identified Central Goldfields Local Government Area as the most disadvantaged Local Government Area in country Victoria.

An analysis of individual socio-economic indicators shows the Loddon Campaspe region has communities experiencing multiple disadvantages: low household income; high unemployment; low education levels; high percentage of families with children that are single parent families; significant family violence, sexual assault and child abuse issues; high youth suicide rate; high psychiatric treatment rate; high proportion of people living with a disability; shortage of transitional, public and private rental housing; and a constant flow of criminal offences and court work.

Legal Needs Research

A survey of legal need in the Loddon Campaspe region found that 100% of community agencies surveyed would refer clients to a Loddon Campaspe community legal centre; they estimated that in total they would refer over 4000 clients each year. More than half of the agencies said that they currently see clients for whom there is no appropriate referral. Agencies see clients with a large range of legal issues over the course of a year, with family violence being the most prevalent issue, followed by debt and credit, consumer and tenancy, family law, intervention orders and disability/mental health.

Agencies highlighted the barriers to justice experienced by their clients: unjust laws; complex and disadvantaged needs; financial barriers; legal aid restrictions; low education and confidence levels; conflict of interest; need for specialist legal knowledge; concern about confidentiality; need for community understanding of complex and disadvantaged needs; limited legal assistance available from local community agencies; distance/transport; border issues. These barriers to justice were highlighted by case studies provided by agencies based on their clients' experiences.

More than three-quarters of community agencies also identified a need for community legal education initiatives; professional training and support; and justice advocacy and law reform. Agencies demonstrated community concern about justice issues by identifying a broad range of issues of relevance to local communities. In particular, poverty and access to basic social, economic and legal rights were raised as significant issues.

Legal Services Audit

A Loddon Campaspe community legal centre stands apart from other legal service providers because of its focus on prevention and early intervention strategies; its community development approach; and its expertise in community law. While existing service providers – Victoria Legal Aid (Bendigo), private lawyers, community agencies with a semi-legal focus and statewide community legal centres – provide valued services, they do not fulfil the role of a community legal centre.

A Loddon Campaspe community legal centre will provide complementary and integrated services that meet the needs of people currently unable to access justice:

- community legal education, law reform, professional training and support and community development to meet local needs. Currently the only services of these types available are community legal education workshops run by Victoria Legal Aid.
- legal advice services for people with complex and disadvantaged needs who are currently unable to access other services for a range of reasons. This includes people who:
 - are ineligible for legal aid because they do not meet the limited guidelines, the strict means or merits test or they have reached the funding cap;
 - are unable to access a private lawyer because they cannot afford the fees, the lawyer does not do legally aided work, or there is a conflict of interest;
 - are referred by local community agencies because of the complexity of the legal issues in areas such as consumer, tenancy and financial matters; or

- have complex and disadvantaged needs and develop entangled and difficult legal issues and require a high level of support and assistance; or
- have a legal issue in a specialist area and need to access specialist legal advice from a statewide service with assistance and support.

WHAT WILL A COMMUNITY LEGAL CENTRE DO?

Community Involvement

In establishing a community legal centre, a community development approach will be adopted enabling local communities to shape the community legal centre around their needs. Local community justice strategies will be developed with local communities to identify local needs, issues and opportunities, bring together relevant partners and set priorities for community legal service provision. Existing local networks and groups will be utilised to inform local projects. Representatives will be sought from each local government area to participate in the management of the centre. Where possible local people will be employed or contracted to service local areas. In this way local communities will have input into the establishment and operation of the community legal centre.

Targeting Services to Communities in Need

Services will be targeted to the legal needs of the most disadvantaged communities in the region. Services will also focus on early intervention and prevention strategies that seek broad, long term and systemic changes to access to justice in disadvantaged communities.

Legal Services Provided

Legal Advice

A Loddon Campaspe community legal centre will provide free legal advice throughout the region and will develop expertise in legal issues affecting disadvantaged communities: including discrimination, social security, consumer and tenancy and disability/mental health. It is anticipated that legal need will exceed available resources, and therefore guidelines will be developed to target legal advice to disadvantaged people without resources to access assistance elsewhere. Legal advice will be provided by telephone (via a 1800 number), email and face-to-face interview. Non-legal issues will be identified and appropriate referrals made.

Community Legal Education

Community legal education programs will be developed to meet the needs of local communities and will incorporate workshops, forums, publications, displays, newspaper articles etc. A Loddon Campaspe community legal centre will also advocate on social justice issues to educate the broader community and change community attitudes.

Professional Training and Support

A Loddon Campaspe community legal centre will provide community agency workers with professional training and support (including secondary consultations) on legal issues affecting their clients.

Law Reform

A Loddon Campaspe community legal centre will facilitate community participation in law and policy reform to ensure that the perspective of disadvantaged communities is heard.

Community Development

A Loddon Campaspe community legal centre will work with existing community networks towards broader community goals and will contribute a justice perspective.

Organisational Structure

Legal Entity

Community legal centres are generally established as independent organisations with a community development approach. In addition, many centres have chosen to either be operated by or colocate with another community organisation where there is shared commitment to social justice and complementary program areas with clear benefits in terms of shared facilities, resources and infrastructure. The project partners (EASE, CASE and ARC) support the Advocacy and Rights Centre operating the Loddon Campaspe community legal centre because of the benefits of pooling resources and the compatibility of vision and program areas. The Advocacy and Rights Centre has already made a substantial commitment to the Loddon Campaspe Community Legal Centre by auspicing the Access to Justice in the Loddon Campaspe Region Project.

Membership and Management Committee

Membership of the community legal centre will be open to all community members with board membership being made up from the membership. Participation as members and on the board will be encouraged from across the region.

Volunteers

A Loddon Campaspe community legal centre will encourage the involvement of volunteers: lawyers, students and community members. Clear guidelines and ongoing training, supervision will be implemented. The volunteer program will be based in Bendigo due to the concentration there of private lawyers and law students, however opportunities will also be explored in other towns in the region.

Clinical Legal Education

A Clinical Legal Education program will be developed with Latrobe University Bendigo Law School, with law students participating in a legal advice clinic in Bendigo.

Community Service Integration and Co-operation

Networks will be further developed with relevant local justice and community agencies and with community legal centres.

ACCESS TO JUSTICE IN THE LODDON CAMPASPE REGION PROJECT

The Access to Justice in the Loddon Campaspe Region Project was developed by a number of community agencies to secure community, legal sector and government support for a Loddon Campaspe community legal centre. Funding was obtained from the Reichstein Foundation for the nine-month project, which commenced in September 2003 and culminated in the production of this report.

The project was auspiced by the Advocacy and Rights Centre Limited, a community agency undertaking public housing advocacy, research and community development projects and social justice advocacy in the Loddon/Campaspe/Mallee region in Victoria.

PART 1: COMMUNITY LEGAL CENTRES AND THE LODDON CAMPASPE REGION

1. INTRODUCTION

COMMUNITY LEGAL CENTRES

Community legal centres are independent, community based organisations that provide free legal advice and assistance, community legal education, community development and law reform work to their local communities. Centres assist people who would otherwise be unable to access justice – people on low incomes or social security benefits; people from culturally and linguistically diverse backgrounds; people with complex and disadvantaged needs.

The first community legal centres were established in the early 1970s by local communities concerned about access to justice issues and legal needs of the poor. These communities campaigned for government funding to establish local community legal centres. Governments recognised the legitimacy of the community needs and provided recurrent funding for these community legal centres. The number of community legal centres has continued to grow in much the same way, with local communities identifying legal needs and campaigning for funding, and governments providing recurrent funding to those communities.

While community legal centres respond to local community needs and are thus diverse in character, they share a common commitment to access to justice and to the following principles:

- being accessible to clients – in terms of affordability, location, opening hours, language and atmosphere;
- adopting a holistic approach to service provision, and providing an integrated range of services;
- emphasising a preventative approach, including through placing a high priority on community legal education;
- involving clients and community groups in defining and resolving their legal problems;
- transferring skills on an individual and group level, and building the capacity of the communities in which they work to effectively address their legal needs;
- tackling the structural causes of legal needs and problems, rather than simply treating the symptoms; and
- giving community members the opportunity to participate in the management of the centres, and implementing a variety of mechanisms to ensure they are accountable to their communities.¹

There are 47 community legal centres across Victoria, with 36 being funded through the Victoria Legal Aid Community Legal Centre Funding Program and the remainder mainly funded directly through government departments.² There are both generalist and specialist centres: generalist centres provide a range of services to people in their local geographic region, and specialist centres provide services to particular client groups with special needs (including women, indigenous people, young people) or on particular areas of law (including mental health, employment, consumer and tenancy).

¹ National Association of Community Legal Centres, *Doing Justice: Acting together to make a difference*, August 2003

² see page 45 for further information about government funding for community legal centres.

Community legal centres provide free legal advice and assistance in family, crime, civil and administrative areas of law in matters affecting people in their everyday life – family breakdown, domestic violence, housing, credit and debt, fines, neighbourhood disputes, motor vehicle matters, social security problems etc. Centres seek to empower clients in defining and resolving their legal problems.

Community legal centres have a focus on early intervention and prevention strategies and run community legal education programs, facilitate law reform activities and undertake community development work. Thus they seek systemic changes to increase access to justice.

Local communities are involved in community legal centres on a number of levels: on committees of management; as volunteers in centres; through partnerships and networks with community groups and agencies.

LODDON CAMPASPE REGION



The Loddon Campaspe region covers a large area in North Central Victoria and includes the following Local Government Areas and major towns: Campaspe (Echuca), Central Goldfields (Maryborough), Greater Bendigo (Bendigo), Loddon (Inglewood, Wedderburn), Macedon Ranges (Kyneton), and Mount Alexander (Castlemaine). The region covers 19,022 sq kms and is bounded by the Great Dividing Range in the south and the Murray River in the north. It includes the traditional country of the Jaara Jaara, Yorta Yorta and Wurundjeri Indigenous peoples.

While there are eight community legal centres covering regional Victoria, currently there is no community legal centre in the Loddon Campaspe. The closest community legal centres to Bendigo are in Ballarat (120 kms), Broadmeadows (140 kms), Albury/Wodonga (300 kms) and Mildura (410 kms). While these centres assist some people from the Loddon Campaspe region (for example Broadmeadows assists people from Sunbury / Gisborne and Ballarat assists people from Maryborough) their work is limited by resource constraints and a focus on their own catchment area. The lack of a Loddon Campaspe community legal centre means that for many people with complex and disadvantaged needs in this region there is no access to justice.

For many years local community members and professionals have been concerned about the lack of access to a community legal centre. In the early 1980s a working group of local solicitors, police, local governments, social service agencies and politicians established the Bendigo Legal Advice Centre Inc and provided free legal advice one night a week in Bendigo. This working group sought funding for a community legal centre in 1983, 1984, 1985 and 1986. However at that stage there were no non-metropolitan community legal centres in Victoria and funding was not forthcoming. Without funding the Bendigo Legal Advice Centre Inc was unable to continue. Yet local people continued to talk about the need for a local community legal centre and in 2003 came together to undertake the Access to Justice in the Loddon Campaspe Region Project.

ACCESS TO JUSTICE IN THE LODDON CAMPASPE REGION

A reference group of community and justice agencies brought together to discuss police responses to family violence in Bendigo, identified the lack of legal support for women experiencing family violence and the need for a local community legal centre. The group decided to seek funding to build support for a Loddon Campaspe community legal centre.

The Access to Justice in the Loddon Campaspe Region Project was developed in partnership by three agencies: Advocacy and Rights Centre Limited (ARC), Emergency Accommodation and Support Enterprise (EASE) and Loddon Campaspe Centre Against Sexual Assault (CASA). Funding was obtained from the Reichstein Foundation and the nine month project commenced in September 2003, under the auspice of the Advocacy and Rights Centre.

The project aims to secure community, legal sector AND government support for establishing a community legal centre in the Loddon Campaspe region. The project objectives are to:

- assist the community to clarify what role a community legal centre would play in the community;
- start making the relevant links and networks necessary for the successful establishment and operations of the centre;
- review other rural/regional models of community legal centres including service and outreach models, management models, funding levels etc;
- research and document unmet legal need in the community;
- develop an appropriate model for a community legal centre in the Loddon Campaspe region; and

- produce a report that can assist the community to seek funding to establish a community legal centre.

The project involves a reference group comprising a broad cross section of community and justice agencies: EASE, Loddon Campaspe CASA, Community Corrections, Magistrates' Court – Bendigo, Victoria Police, Bendigo Law Council, La Trobe University School of Law, Victoria Legal Aid Bendigo, Bendigo Community Health, Child Protection – DHS, Loddon Mallee Women's Health, Male Assistance Network Against Violence and La Trobe University Department of Social Work, and ARC.

PROJECT PARTNERS

Advocacy and Rights Centre

The Advocacy and Rights Centre Limited (ARC) is a community based organisation committed to human rights and social justice in the Loddon Mallee region. As the name suggests, the focus is on advocacy and human rights. It currently incorporates the following programs:

- Public tenants advocacy service;
- Housing research and community development program; and
- Loddon Campaspe community legal centre project.

ARC currently has a principal office in Bendigo and branch offices in Mildura, Swan Hill and Echuca. Outreach services are provided throughout the region, including to Loddon and Bendigo prisons. ARC was formerly known as Tenancy Support and Consultancy Services Limited and changed its name in early 2004 to better reflect its focus and activities.

EASE (Emergency Accommodation and Support Enterprise)

EASE (Emergency Accommodation and Support Enterprise) is a community managed organisation located in Bendigo and providing services to the Loddon Campaspe sub-region. EASE provides:

- support and accommodation for women and children experiencing domestic violence; for single young women between the ages of 15 and 25 years who have children or are pregnant; and for women with drug and alcohol issues;
- recovery programs for women and children who have experienced domestic violence; and
- violence prevention programs for school-aged children and their parents and the wider community.

Centre Against Sexual Assault (Loddon Campaspe)

The Loddon Campaspe CASA responds to the needs of recent and past survivors of sexual assault, as well as advocating for change to social, economic, medical, political, and legal systems. CASA provides:

- counselling;
- crisis support, medical assistance and legal information;
- after hours counselling and emergency support; and
- support groups.

PART 2: DEMONSTRATING LEGAL NEED

2. REGIONAL SOCIO-ECONOMIC PROFILE

INTRODUCTION

The socio-economic profile developed in this chapter demonstrates the disadvantage that exists in the Loddon Campaspe region. In turn this socio-economic disadvantage indicates a high level of legal need and lack of access to justice. The socio-economic profile also identifies those disadvantaged communities that a community legal centre would target in its service provision. All statistics are derived from the 2001 ABS Census unless otherwise described.

POPULATION

Population Statistics

The 2002 estimated population of the Loddon Campaspe region was 205,825 – approximately one sixth of regional Victoria's total population.

Average annual growth varies widely across the region. Macedon Ranges, Greater Bendigo and Campaspe have experienced high annual growth rates, while Loddon and Central Goldfields have had very low or negative growth. The median ages of the populations in Central Goldfields, Loddon and Mount Alexander were significantly higher than that of the whole of Victoria. The remaining Local Government Areas had the same median age as Victoria.

Table 1: Population statistics

LGA	Estimated pop 2002*	% regional total	Growth 1996-2001#	Median Age*
Campaspe	36,737	17.8%	0.9%	38.1
Central Goldfields	13,131	6.4%	0.2%	42.6
Greater Bendigo	91,831	44.6%	1.4%	36.1
Loddon	8,574	4.2%	-1.1%	43.1
Macedon Ranges	38,384	18.7%	2.1%	36.6
Mount Alexander	17,168	8.3%	0.5%	42.0
Loddon Campaspe Total	205,825	100.00%		

*Source: Regional Population Growth, Australia & New Zealand, 2001-02 (ABS cat. no.10.3218.0) and Population Age & Sex Victoria (ABS cat. no. 3235.2.55.001).

Source: Regional Population Growth 1991 to 2001 (ABS cat. no. 3218.0).

Rural and Regional Populations

The Loddon Campaspe region is a rural and regional area with a significant population of farming communities that are suffering financial hardship and family stress due to ongoing drought and agricultural restructuring. Services and infrastructure in rural areas remains inadequate and public transport is limited. People in these communities are experiencing a range of legal issues with which a community legal centre would be able to assist, from family law issues to debt, credit and social security problems.

Cultural Diversity

A total of 1,731 people within the region were recorded as Indigenous persons. Aboriginal community organisations consider this to be an under-representation by up to 30% due to low

participation rate in the census and non-identification for personal/family reasons. On this estimation the true number of Indigenous people is closer to 2,250. Bendigo and Echuca are major centres for Aboriginal people in the region.

Table 2: Indigenous persons

LGA	Indigenous persons 2001	Percentage of regional total
Campaspe	560	32.4%
Central Goldfields	69	3.9%
Greater Bendigo	836	48.3%
Loddon	60	3.5%
Macedon Ranges	118	6.8%
Mount Alexander	88	5.1%
Regional Total	1,731	100.0%

Source: ABS 2001 Census of Population & Housing BO1.

Hon. Rob Hulls, Victorian Attorney-General, acknowledged in the foreword to the Victoria Aboriginal Justice Agreement:³ "Indigenous Victorians should have access to the same rights and experience the same justice outcomes as other Victorians; but this is not the case." The Aboriginal Justice Agreement identified a need for increased access to legal services. The Loddon Mallee Regional Aboriginal Justice Advisory Council, in its Social Justice Action Plan,⁴ has identified improving outcomes for those Indigenous people within the justice system as a key objective. While not replacing the need for local Indigenous-specific justice services, a Loddon Campaspe community legal centre would offer another option for Indigenous people to access legal advice and assistance.

The Loddon Campaspe region has a relatively small and isolated culturally and linguistically diverse community: 23% of all people in Victoria were born overseas, compared to between 4.5% and 12% of people in the Loddon Campaspe region. As the case study of Ralf and Marita on page 30 demonstrates, cultural barriers and misunderstandings can give rise to legal issues and problems in accessing justice. Given government proposals to increase migration to rural and regional areas, a Loddon Campaspe community legal centre would play an important role in educating and assisting migrants to understand and access the justice system in Australia.

Table 3: Cultural and linguistically diverse communities

LGA	% pop. born overseas 2001	Number people born overseas 2001
Campaspe	5.7%	1,957
Central Goldfields	7.1%	866
Greater Bendigo	6.1%	5,151
Loddon	7.1%	572
Macedon Ranges	12.2%	4,357
Mount Alexander	8.8%	1,422
Victoria	23.4%	

Source: Regional Victoria in Fact 2001

³ Victorian Aboriginal Justice Agreement 1999 between Department of Justice, Department of Human Services, Aboriginal and Torres Strait Island Commission and the Victoria Aboriginal Justice Advisory Committee.

⁴ Loddon Mallee Regional Aboriginal Justice Advisory Committee, *Social Justice Action Plan 2003-2005*, Department of Justice, September 2003.

SOCIAL DISADVANTAGE

Social disadvantage research provides an overview of disadvantage by geographical location using multiple key indicators. It is therefore useful in identifying disadvantaged communities and indicating a high level of legal need. As can be seen from the research below, the Loddon Campaspe region has significant disadvantage that warrants the establishment of a Loddon Campaspe community legal centre.

Jesuit Social Disadvantage Research

In 1999, Jesuit Social Services produced *Unequal in Life*,⁵ a research report that provides a postcode map of disadvantage in Victoria and New South Wales. The report used the following indicators to rank postcodes from highest to lowest disadvantage: unemployment rate, low income, low birth weight, child abuse, leaving school before 15 years, emergency assistance, psychiatric hospital admissions, defendants before courts, unskilled workers, child injuries. The Loddon Campaspe region has 16 postcode areas ranked in the top 100 for social disadvantage out of 622 postcodes in Victoria, indicating a significant level of social disadvantage in the region.

Table 4: Socio-economic disadvantage – Jesuit Social Services Report 1999

Postcode	Town	LGA	Population	Rank
3556	Eaglehawk	Greater Bendigo	9,704	15
3475	Bealiba	Central Goldfields	286	16
3520	Korong Vale	Loddon	243	18
3450	Castlemaine	Mount Alexander	6,683	47
3465	Maryborough	Central Goldfields	9,647	49
3451	Gower district	Mount Alexander	2,469	54
3371	Talbot	Central Goldfields	917	55
3555	Kangaroo Flat	Greater Bendigo	11,526	56
3563	Lockington	Campaspe	362	58
3523	Heathcote	Greater Bendigo	3,008	60
3447	Taradale	Mount Alexander	184	66
3472	Dunolly	Loddon	1,476	70
3517	Inglewood	Loddon	1,388	76
3518	Wedderburn	Loddon	1,358	78
3550	Bendigo	Greater Bendigo	40,587	82
3558	Elmore	Greater Bendigo	1,126	93

In March 2004, Jesuit Social Services released a second report, *Community Adversity and Resilience*,⁶ which again looks at social disadvantage by ABS postcode in Victoria and NSW. This report ranked postcodes by quintiles in terms of disadvantage (1st quintile = highest disadvantage; 20th quintile = lowest disadvantage). The report used the same indicators as the 1999 report, plus a number of additional indicators: mortality, sickness and disability support, imprisonment and early school leaving. In essence the 2004 report enables us to compare disadvantaged areas in 1999 and 2004 and to see patterns of entrenched disadvantage in local communities.

In the Loddon Campaspe region 27 out of 54 postcodes (50%) are ranked in the bottom five quintiles for disadvantage. In Central Goldfields LGA all postcode areas are ranked in the bottom five quintiles for disadvantage. Loddon, Campaspe, Greater Bendigo and Mount Alexander also have significant pockets of disadvantage. This is illustrated by Table 5, which lists all the Loddon Campaspe postcodes by Local Government Area in order of descending quintile for disadvantage.

⁵ Tony Vinson, *Unequal in Life*, The Ignatius Centre for social policy and research, Jesuit Social Services, August 1999.

⁶ Tony Vinson, *Community Adversity and Resilience: the distribution of social disadvantage in Victoria and New South Wales and the mediating role of social cohesion*, The Ignatius Centre, Jesuit Social Services, March 2004.

Comparing the 1999 and 2004 Jesuit reports, of the 16 postcodes ranked in the top 100 for disadvantage in 1999, 75% of them are ranked in the bottom 5 quintiles for disadvantage in 2004. This demonstrates that in the Loddon Campaspe region poverty is geographically entrenched within certain neighbourhoods. This finding is supported by anecdotal reports from court staff and community agencies that a significant percentage of defendants/clients present from these same disadvantaged neighbourhoods.

It should be noted that while Macedon Ranges Local Government Area overall has relatively low levels of disadvantage, pockets of disadvantage do exist in Malmsbury (ranked in the 1st quintile) and in Kyneton. Kyneton is an example of a relatively disadvantaged area grouped together with more advantaged areas in one postcode. Thus, while the Kyneton postcode is ranked in the 10th quintile, Kyneton itself has a significant population of highly disadvantaged people.

Table 5: Socio-economic disadvantage – Jesuit Social Services Report 2004

LGA	Locality	Postcode⁷	Quintile	Population	
Campaspe	Lockington⁸	3563	1 st	133	
	Rushworth , Cornella, Gobarup, Harston, Moora, Redcastle, Wanalta, Waranga, Whroo	3612	1 st	698	
	Patho	3562	2 nd	130	
	Gunbower	3566	3 rd	297	
	Tongala , Ky Valley, Yambuna	3621	4 th	902	
	Girgarre	3624	4 th	318	
	Stanhope	3623	6 th	480	
	Colbinabbin	3559	7 th	40	
	Echuca , Bamawm Extension, Campaspe West, Echuca East, Echuca Village, Echuca West, Kanyapella, Kotta, Koyuga, McEvoy, Torrumbarry, Wharparilla	3564	8 th	6157	
	Kyabram , Gillieston, Ky West, Lancaster, Mount Scobie, Wyuna East	3620	9 th	3248	
	Echuca South , Simmie, Strathallan	3622	9 th	280	
	Rochester , Ballendella, Bamawm, Bonn, Diggora, Fairy Dell, Nanneella, Rochester West, The Settlement, Timmering	3561	9 th	1950	
	Central Goldfields	Milloo , Calivil, Diggora West, Pine Grove, Pine Grove East, Roslynmead, Tennyson	3572	15 th	413
Dunolly , Bet Bet, Betley, Bromley, Dunluce, Flagstaff, Havelock, Mt Hooghly, Simson, Timor, Timor West		3472	1 st	524	
Bealiba , Archdale, Burkes Flat, Cochranes Creek, Goldsborough, Inkerman, McIntyre, Moliagul		3475	1 st	151	
Talbot , Amherst, Bung Bong, Burnbank, Caralulup, Evansford, Lexton, Lillicur, Mt Cameron, Red Lion		3371	1 st	407	
Carisbrook		3464	2 nd	283	
Maryborough , Adelaide Lead, Alma, Bowenvale, Cotswold, Craigie, Daisy Hill, Majorca, Moonlight, Natte Yallock, Rathscar, Rathscar West, Strathlea, Wareek		3465	3 rd	3015	
Greater Bendigo		Heathcote , Argyle, Costerfield, Derrinal, Redcastle	3523	1 st	788
		Marong	3515	2 nd	90

⁷ Where a postcode crosses LGA boundaries, it is listed under the LGA which has the majority of the postcode area.

⁸ Towns have been highlighted in bold to provide an identifying town in each postcode area.

Table 5: Socio-economic disadvantage – Jesuit Social Services Report 2004 (continued)

LGA	Locality	Postcode	Quintile	Population
Greater Bendigo	Elmore , Burnewang, Corop, Drummartin, Hunter, Kamarooka, Kamarooka East, Runnymede	3558	2 nd	425
	Eaglehawk, Long Gully , California Gully, Myers Flat, Sailors Gully	3556	3 rd	3807
	Raywood , Leichardt Neilborough, Sebastian, Summerfield, Woodvale	3570	4 th	385
	Kangaroo Flat , Big Hill, Golden Gully, Golden Square, West Bendigo	3555	8 th	6306
	Goornong , Avonmore, Fosterville, Minto	3557	8 th	324
	Huntly , Arnold, Ascot, Axe Creek, Axedale, Bagshot, Bagshot North, Barnadown, Creek View, Eaglehawk North, Eppalock, Epsom, Huntly North, Jackass Flat, Junortoun, Kimbolton, Knowsley, Laanecoorie, Ladys Pass, Lake Eppalock, Llanelly, Lockwood, Lockwood South, Longlea, Leyell, Maiden Gully, Mandurang, Murphys Creek, Muskerry, Myola, Myola East, Myrtle Creek, Newbridge, Painswick, Ravenswood South, Strathdale, Strathfieldsaye, Tarnagulla, Toolleen, Waanyarra, Wellsford, Whipstick, Wilson Reef, Wilson Hill, Woodstock	3551	13 th	8122
	Bendigo , East Bendigo, Flora Hill, Ironbark Kennington, North Bendigo, Quarry Hill, Spring Gully, White Hills	3550	14 th	15,483
Loddon	Wedderburn , Berrimal, Borung, Brenanah, Coonooer Bridge, Fentons Creek, Fernihurst, Glenalbyn, Gowar East, Kurraca, Kurraca West, Kurting, Logan, Mysia, Nine Mile, Richmond Plains, Wedderburn Junction, Wehla, Woolshed Flat	3518	1 st	449
	Korong Vale	3520	1 st	20
	Bridgewater , Bridgewater North, Bridgewater on Loddon, Campbells Forest, Derby, Yarraberb	3516	2 nd	337
	Mitiamo	3573	2 nd	24
	Pyramid Hill , Durham Ox, Gladfield, Jungaburra, Mincha, Mologa, Sylvaterre, Terrick Terrick, Yarrowalla, Yarrowalla South	3575	3 rd	460
	Inglewood , Arnold West, Auchmore, Bears Lagoon, Fiery Flat, Jarklin, Kingower, Kinyapanial South, Pompapiel, Powlett Plains, Rheola, Salisbury West, Serpentine, Tandarra	3517	3 rd	560
	Dingee , Kamarooka North, Prairie	3671	11 th	164
	Boort , Appin South, Barraport, Barraport West, Canary Island, Catumnal, Gredgwin, Leaghur, Loddon Vale, Minmindie, Terrappee, Yando	3537	12 th	554
Macedon Ranges	Malmsbury	3446	4 th	211
	Kyneton , Baldhill, Barfold, Baynton, Baynton East, Benlock, Carlsruhe, Edgecombe, Fernhill, Glenhope, Green Hill, Heathcote South, Kyneton South, Langley, Metcalfe, Metcalfe East, Mimia, Pastoria, Pastoria East, Pipers Creek, Redesdale, Sidonia, Spring Plains	3444	10 th	3605
	Lancefield , Goldie, Rochford, Tantaraboo	3435	12 th	934

Table 5: Socio-economic disadvantage – Jesuit Social Services Report 2004 (continued)

LGA	Locality	Postcode	Quintile	Population
	Monegetta , Kerrie	3433	13 th	175
	Romsey , Bylands, Chintin, Springfield	3434	13 th	1588
	Bolinda , Darraweit Guim	3430	13 th	306
	Woodend , Ashbourne, Cadello, Cobaw, Hesket, Newham, Trentham East, Woodend North	3442	16 th	2726
	New Gisborne	3438	17 th	510
	Macedon	3440	17 th	865
	Riddells Creek , Cherokee	3431	18 th	1503
	Mount Macedon	3441	18 th	842
	Gisborne , Bullengarook, Gisborne South, Toolern Vale	3437	18 th	3509
Mount Alexander	Newstead , Joyces Creek, Welshmans Reef	3462	1 st	305
	Elphinstone	3448	1 st	262
	Taradale	3447	4 th	79
	Gowar , Baringhup, Baringhup West, Bradford, Eastville, Eddinton, Maldon, McKenzie Hill, Moolort, Muckleford, Neereman, Nuggetty, Porcupine Flat, Shelbourn, Tarrengower	3463	5 th	943
	Campbells Creek , Chewton, Chewton Bushlands, Drummond North, Faraday, Fryerstown, Glenluce, Golden Point, Green Gully, Guildford, Muckleford South, Vaughan, Yapeen	3451	7 th	1258
	Castlemaine , Moonlight Flat	3450	8 th	2315
	Barkers Creek , Emu Creek, Harcourt, Harcourt North, Mandurang South, Sedgwick, Walmer	3453	11 th	938

Relative Socio-economic Indicators for Areas (SEIFA)

The ABS Index of Relative Socio-economic Disadvantage describes the socio-economic character of an area. It is derived from census information on attributes such as low income, low educational attainment, high unemployment and jobs in relatively unskilled occupations. Based on 1996 census information, three of the six Local Government Areas in Loddon Campaspe were in the bottom 40% of all Local Government Areas in country Victoria in terms of relative socio-economic indicators. Central Goldfields was recorded as the most disadvantaged Local Government Area in rural and regional Victoria.⁹ This accords with the Jesuit report that there is significant disadvantage in the Loddon Campaspe region.

INDIVIDUAL INDICATORS OF SOCIAL DISADVANTAGE

Individual indicators of social disadvantage support the findings of the Jesuit reports and the 1996 SEIFA data regarding the areas of significant disadvantage in the Loddon Campaspe region. For example, the Central Goldfields LGA is ranked as significantly disadvantaged in the Jesuit reports and in the 1996 SEIFA index, and also appears as significantly disadvantaged on individual indicators: high percentage of households on low incomes, high unemployment, low Year 12 completion rate, high percentage of families with children that are single parent families, high level of involvement of Child Protection; poor public transport and rural isolation. These individual indicators further demonstrate the need for a Loddon Campaspe community legal centre.

⁹ Summary data from SEIFA is extracted from the *Victorian Rural Human Services Strategy – The Rural Context*, Victorian Government Publishing Service, 2002.

EMPLOYMENT AND EDUCATION

Income Levels

All local government areas, other than for Mount Macedon, had a greater proportion of households with low weekly incomes than the Victorian average. In particular, Central Goldfields, Loddon and Mount Alexander had a significantly high percentage of households on low incomes – well above both the Victorian and regional Victorian averages. A community legal centre would be financially accessible to people on low incomes otherwise unable to access justice.

Table 6: Income levels

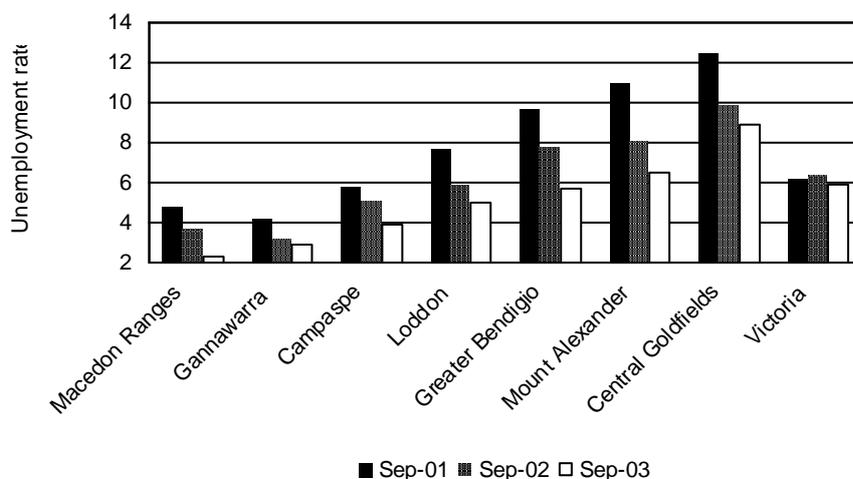
LGA	Below \$300 pw	Below \$500 pw
Campaspe	13.8%	33.2%
Central Goldfields	19.8%	47.4%
Greater Bendigo	14.4%	34.4%
Loddon	19.6%	44.6%
Macedon Ranges	9.6%	23.0%
Mount Alexander	19.4%	42.8%
Victoria	11.8%	27.4%
Regional Victoria	14.7%	34.6%

Source: Regional Victoria in Fact 2001

Unemployment

Central Goldfields, Mount Alexander, Greater Bendigo and Loddon have experienced high unemployment levels over the past few years. While ABS unemployment levels have dropped across the region, they remain significantly higher than the Victorian average in the Central Goldfields. However, ABS employment figures only tell part of the story as they do not take account of the large number of people who have simply given up looking for work or those who would work longer hours if they could. To be classified as employed by the ABS a person only need work one hour a week. The rate of labour under-utilisation is a more accurate measure incorporating hidden unemployment and under employment as well as unemployment, and is estimated by economists to be double the ABS unemployment rates.¹⁰

Table 7: Unemployment rates, Selected LGAs and Victoria, September 2001, 2002 and 2003



¹⁰ Professor of Economics at University of Newcastle, Bill Mitchell, and Macquarie Bank senior economist, Brian Redican, interviewed by Ian Henderson on ABC Radio PM, Wednesday 10 July 2002.

Workforce

Employment by industry sector varies across the region. In Campaspe and Loddon, the main employment sector is 'agriculture, forestry and fishing', in Central Goldfields, Mount Alexander and Macedon Ranges, it is 'manufacturing' and in Greater Bendigo it is 'retail'.

Education Levels

Of the population 15 years and over, 38.9% have completed Year 12 for the whole of Victoria, compared with only 27.5% in country Victoria. Education levels across Loddon Campaspe are low, with Central Goldfields, Loddon and Campaspe recording significantly lower proportions completing Year 12 than in the whole of Victoria. Low education levels often mean that people lack information about the legal system and their rights and need legal assistance and support to access justice.

Table 8: Education levels

LGA	% pop. over 15 years completed year 12
Campaspe	21.4%
Central Goldfields	19.3%
Greater Bendigo	28.9%
Loddon	20.0%
Macedon Ranges	35.2%
Mount Alexander	30.8%

Source: ABS 2001 Census of Population and Housing

FAMILY

Single Parent Families

Central Goldfields, Mount Alexander and Greater Bendigo have a very high percentage of families with children, that are single parent families, when compared with the Victorian average of 23.3%. Research shows that significant proportions of single parent families face serious disadvantage including long term welfare dependency. Many single parent families face financial and family legal issues and would be assisted by a local community legal centre.

Table 9: Families with children, that are single parent families

LGA	% of families with children that are single parent families
Campaspe	21.8%
Central Goldfields	30.0%
Greater Bendigo	28.7%
Loddon	20.6%
Macedon Ranges	18.1%
Mount Alexander	29.6%
Victoria	23.3%

Source: ABS 2001 Census of Population and Housing, B17 Family Type

Family Violence

Family violence is of major concern in the Loddon Campaspe region, as it is in all communities. While specific data on family violence in Loddon Campaspe is limited, an indication of the size of the problem can be extrapolated from whole of Victoria data and agency information.

Thirty-eight percent of women in Australia reported in the 1996 ABS survey Women's Safety Australia that they had experienced violence. The survey covered physical and sexual violence as

well as emotional abuse. Extrapolating from this data, it is likely that over 45,000 women over the age of seventeen have experienced violence or abuse in the Loddon Campaspe region. This confirms anecdotal evidence from domestic violence agencies in the Loddon Campaspe region that domestic violence is widespread.

Examination of EASE¹¹ data further indicates that family violence is widespread. In 2001-2002, there were 409 women escaping domestic violence who had case management with EASE, a further 1164 who had one-off contacts and another 278 who accessed short-term accommodation. These women comprise only a small proportion of those that actually experienced violence, as research indicates that 80% of women who experience violence from a partner do not seek help from any service.

The EASE report *Through Women's Eyes*¹² presents an analysis of interviews with women about responses by Victoria Police in the Bendigo region to family violence. The report specifically recommends the establishment of a community legal centre in Bendigo. This recommendation is based on a finding that many women in family violence situations face barriers (such as poverty and low self-esteem) to traditional legal services and that the likelihood of a positive outcome for women approaching the justice system is reduced if they do not have appropriate and sympathetic legal advice.

Sexual Assault

Sexual assault is also of major concern with Centre Against Sexual Assault (Loddon Campaspe) providing the following services in 2002/03:

- 878 clients received counselling services with 486 being newly registered.
- 5876 face to face and telephone client contacts taking 3,572 hours.
- after hours crisis response provided to 46 women with 41 children.
- 19 sexual assault crisis care responses.

A community legal centre would provide invaluable legal assistance and support to survivors of sexual assault.

Child Protection

The level of involvement of Child Protection is comparatively high in Loddon Campaspe and is strongly related to family income and family type. Of families investigated for suspected child abuse and neglect in 2001-02 in Victoria, more than 75% were on low incomes and/or were single parent families. This is borne out by the notification rates in Loddon Campaspe. Two of the lower socio-economic LGAs, Central Goldfields and Greater Bendigo, had extremely high rates of notifications (74.95 and 68.27 per 1000 children), while Macedon Ranges, a far more wealthy LGA, had a comparatively low rate of notifications (28.64 per 1000 children). Substantiation levels have been between 18% and 22% of notifications in Loddon Mallee between 1997-1998 and 2001-2002. A community legal centre would work with these communities on family and children's legal issues.

¹¹ Emergency Accommodation and Support Enterprise – community managed organisation providing domestic violence accommodation and support services in Loddon Campaspe region.

¹² *EASE Through Women's Eyes: Police & Family Violence*, Bendigo, 2003.

HEALTH

National data on youth suicide in rural Australia has revealed that rural areas have a higher incidence of suicide when compared to urban areas.¹³ The youth suicide rate in the Loddon Mallee Region is more than double that of the whole of Victoria (50.1 compared to 23.0 per 100,000).

Psychiatric treatments are also higher in the Loddon Mallee than for the whole of Victoria (1202.8 compared to 730.3 per 100,000).¹⁴

It is estimated that 15.5% of people in Victoria had a disability in 1998. Rural regions have a higher proportion of people living with a disability than the state average, with the Loddon Mallee region having the highest proportion at 19.8%. A breakdown for the subregion of Loddon Campaspe is not available, but is likely to reflect the same high proportions.¹⁵

A community legal centre would work specifically with young people, people with mental health issues and people living with a disability and would develop expertise in issues affecting them.

HOUSING

Parallel to trends across Victoria, according to Office of Housing data, affordable rental properties have declined across the Loddon Campaspe region, with Loddon, Macedon Ranges and Greater Bendigo recording the lowest proportions. These figures are based on the number of properties that are within 30% of income (including rent assistance) for low-income households that will not be overcrowded.¹⁶ Residential vacancy rates are extremely low, particularly in Greater Bendigo and Loddon, supporting anecdotal evidence from housing workers and clients about the shortage of rental accommodation.¹⁷ The number of people on public housing waiting lists¹⁸ far exceeds the supply of public housing accommodation.

Median house prices have increased across the region between 1992 and 2001: Castlemaine 62%, Bendigo 56%, Echuca 56%, Gisborne 54%, Kyneton 48%, Maryborough 26%.¹⁹ Annual safety net wage increases have been between \$8 and \$15 per week for this period.²⁰

An inability to access affordable and appropriate housing is a significant cause of homelessness. Homelessness impacts on people's health and well being, on their ability to participate in employment, education and training as well as in the social life of the community. Homelessness also creates and compounds legal issues for disadvantaged people. A community legal centre would work with these people to increase access to justice.

¹³ Glenn Bond (2000), *I'd sooner talk to someone ...* Improving young men's access to health and welfare services. Coburg, Victoria, p. 24.

¹⁴ Louise Simm (1999), *Promoting the Health of Young Rural Males: Peer Group Workshop Program*. Bendigo Health Care Group.

¹⁵ *Victorian Rural Human Service Strategy – The context for change*, 2002, p. 10. Note that estimates are calculated from the population of people living in private dwellings only. This excludes people (about 1% of the population) who live in residential establishments, including nursing homes and hostels, and therefore underestimates the proportion of the community with a disability.

¹⁶ Rental Reports (Office of Housing).

¹⁷ Real Estate Institute of Victoria (REIV) survey, December quarter 2002.

¹⁸ Office of Housing.

¹⁹ Department of Natural Resources and Environment (2002) *A Guide to property values*.

²⁰ Communication with Australian Services Union, 29 April 2004.

JUSTICE

Criminal Offences

Victoria Police 2002/2003 Provisional Crime Statistics show the number of criminal offences committed, by LGA. Greater Bendigo recorded the highest rate of criminal offences, followed by Campaspe, Central Goldfields and Mount Alexander. While the Loddon Campaspe region rate of offences was overall lower than the state average, a breakdown of these figures shows that offences against the person were higher than the state average in Mount Alexander, Central Goldfields, and Bendigo. This correlates with anecdotal evidence that assault and sexual assault are issues in these communities.

Table 10: Criminal offences 2002/03

LGA	Offences	% regional offences	Rate per 100,000 pop.
Campaspe	2,518	18.2	6,854
Central Goldfields	879	6.4	6,694
Greater Bendigo	6,511	47.1	7,090
Loddon	503	3.6	5,867
Macedon Ranges	1,869	13.5	4,869
Mount Alexander	1,055	7.6	6,145
Regional Total	13,335		
Victoria			8,521

Source: Statistical Services Division, Victoria Police, *Summary Offences Recorded in Region 3*.

Court Matters

Magistrates' Court

The Magistrates' Court sits permanently in Bendigo. In the Loddon Campaspe region, Echuca and Maryborough are serviced by the Bendigo Magistrates' Court and Castlemaine and Kyneton by the Broadmeadows Magistrates' Court.

Family Court and Federal Magistrates Court

There has been a contraction of court services for family law matters to the Bendigo region over the past 10 years. Until 1991, the Family Court of Australia had a sub-registry office in Bendigo. That registry had a full time receptionist who could file divorce applications, and two counsellors who provided free confidential counselling between parents in children's disputes, as well as locally provided court family reports. A Family Court judge visited on circuit up to four times a year for 2-week circuits and regular conciliation conferences.

When that registry closed local practitioners fought for the Court to remain visiting on circuit. Since the Federal Magistrates Court was established in 2000, the Family Court has ceased visiting Bendigo on circuit. Instead the Federal Magistrates Court sits in either Bendigo or Castlemaine for four circuits of one week each. The Federal Magistrates Court only has jurisdiction in children's matters where the hearing is likely to take less than two days. If the case is a longer one, it is necessary for it to be heard in Melbourne.

When the Family Court registry closed, the Family Court had counsellors visiting Bendigo fortnightly to provide confidential family law counselling/mediation. Since about 2000, the Family Court has contracted out all of its confidential counselling. In this region Centacare provides this service, though the clients must make a contribution towards the fee.

There have been constant difficulties in retaining the Federal Magistrates Court circuit to Bendigo. As recently as this year, the local courthouse found difficulty in accommodating the Court and the January circuit was cancelled. Matters heard in the Federal Magistrates Court in Bendigo on circuit usually have a much quicker time to final resolution than if the cases were heard in the FMC in Melbourne. The time between issuing an application and its first court date is usually about the same or less for matters heard on circuit.

The state Magistrates' Court has jurisdiction to hear interim family law matters, and is often utilised for applications for urgent orders, with the matter then transferred to the Family Court or Federal Magistrates Court. The courts in Bendigo, Echuca, Castlemaine, Kyneton, Kerang and Maryborough can deal with family law matters on this basis.

People in Prison

The Loddon Campaspe has four correctional facilities:

- Tarrengower – low security women's prison (Maldon)
- Loddon – medium/high security men's prison (Castlemaine)
- Bendigo – drug and alcohol rehabilitation men's prison (Bendigo)
- Malmsbury Juvenile Justice Centre – young people (Malmsbury)

Prisoners have a range of legal issues for which they may need legal advice and assistance: criminal matters, family issues, debt, fines, general civil issues. These issues can impact significantly on the prisoners and their families and children, particularly where legal assistance is not available. A Loddon Campaspe community legal centre would work with existing service providers, such as Victoria Legal Aid, to provide complementary and integrated services to prisoners.

3. LEGAL NEEDS RESEARCH

INTRODUCTION

While the socio-economic research provides an indication of the level of unmet legal need across the region, the project also sought to undertake specific legal needs research. The aim of this research was to identify substantive and procedural legal issues facing disadvantaged communities and to tell the stories of people unable to access justice.

RESEARCH METHOD

The project conducted a legal needs survey of 124 program areas/community agencies throughout the Loddon Campaspe region; 50% of the surveys were completed and returned. A copy of the survey is attached as Appendix A. Consultations were also held with more than 30 workers from community agencies to gain further information about legal needs and case studies. It was decided to conduct the research with community agencies because of their established relationships with people from disadvantaged communities across the region and their ability to provide insights into needs and issues gained from their experience working with many individuals.

LEGAL NEEDS

Legal Issues

Agencies/program areas were asked to identify legal issues that clients commonly present with. Survey results show that clients presented with a large range of legal issues across all agencies. Family violence was the most prevalent legal issue, followed by debt and credit issues, consumer and tenancy, family law, intervention orders and disability/mental health. As can be seen from the table below, community agencies commonly see clients with a wide range of legal issues.

Table 11: Legal issues presented by clients at community agencies

Legal issue	% of agencies reporting issue
Family violence	81%
Debt & credit issues	76%
Consumer & tenancy issues	76%
Family law	74%
Intervention Orders	73%
Disability / mental health	69%
Child Protection	66%
Centrelink	66%
Police issues	60%
Criminal law	50%
Youth issues	45%
Employment	40%
Discrimination	37%
Neighbour disputes	35%
Fines	34%
Personal injury	24%
Wills/powers of attorney/guardianship	21%
Other	6%

Legal referrals

Agencies referred clients to Victoria Legal Aid (79%), private lawyers (47%), and other community organisations (37%) for legal assistance; 14.5% of agencies referred clients to specialist community legal centres. More than half (53%) of agencies said they saw clients for whom there was currently no appropriate legal referral. Of those agencies that were able to find referrals for clients, many noted that they were less than confident that all referrals would lead to appropriate legal assistance.

Of the agencies surveyed, 100% said they would refer clients to a Loddon Campaspe community legal centre. In total they estimated that they would refer over 4,000 people per year.²¹ While this figure is an estimate and would include some duplication of clients between agencies, it still indicates a very high level of legal need in the Loddon Campaspe region.

BARRIERS TO JUSTICE

People with complex and disadvantaged needs confront significant barriers to justice. Unable to access appropriate legal assistance, existing complex and disadvantaged needs are escalated and compounded. As can be seen from the case studies,²² the impacts are far reaching.

Unjust laws

In many cases substantive law has unjust outcomes for disadvantaged people. For example, the law concerning domestic violence often results in women and children who have been subjected to violence being displaced from the home because of the inability of the law to guarantee their safety. A breach of an intervention order is a criminal offence and must be proven beyond doubt. This evidence requirement means the police are generally unwilling to rely on victims statements alone without supporting evidence. Often there is no supporting evidence.

A community legal centre would work with disadvantaged people to identify injustices in the legal system and advocate for law reform.

Zarah and Ben lived together for several years and had a child, Chrystal. Ben began to be violent towards Zarah during her pregnancy and the situation deteriorated after Chrystal's birth. Zarah summoned the strength to remove Ben from the home and apply for an intervention order. Ben breached the intervention order twice and as a consequence Zarah and Chrystal were accommodated at a women's refuge. Legal proceedings in relation to the breach went ahead but Zarah's evidence was not corroborated and the charges were dismissed. As a result Ben stayed in the family home while Zarah and Chrystal were forced to move to transitional housing in a new area away from neighbourhood networks and supports.

Unfortunately, under the current legal system, many women and their children are forced to move into transitional housing while their violent male partner is allowed to stay in the family home.

Case study 1:

²¹ Self-estimation based on each agency's clients in 2003.

²² All case-studies are based on the experiences of community agencies in the Loddon Campaspe region. Names and other identifying details have been changed.

Complex Needs and Disadvantage

People with complex and disadvantaged needs experience multiple and cascading disadvantage: low income, poverty, mental health, disability, drug and alcohol use, family breakdown and violence, unemployment, low educational levels, illiteracy, discrimination. These complex and disadvantaged needs act as a significant barrier to justice, with clients needing support, education and advocacy to access the legal system.

Complex and disadvantaged needs of clients also mean that legal issues are entangled within a web of other issues and that matters can be protracted.

A Loddon Campaspe community legal centre would provide targeted, responsive and ongoing legal assistance to support people with complex and disadvantaged needs in accessing justice.

Financial barriers

While many private law firms offer a first appointment free and flexible payment schemes, costs are still prohibitive for many low income people, particularly in family law, civil and administrative law matters. Even the cost of a phone call or bus ticket can be prohibitive.

A Loddon Campaspe community legal centre would provide free legal advice and assistance for disadvantaged people, assist people to navigate the legal system, and advocate for reform to address the high costs and inaccessibility of justice for people living on low incomes.

Case study 2:

Jacob had an accident at work some years ago and received a Workcover compensation payment. With this he bought a small house in an isolated town for \$15,000, and had enough money left over to live on for some time. The Workcover compensation payment included a condition precluding Jacob for applying for social security benefits for 18 years.

Jacob became very ill from the work injury and lost the use of one leg and one arm. He also developed a heart condition and mental health issues. Medical expenses associated with open heart surgery exhausted his Workcover compensation money. Jacob had no money, however he was precluded from applying for social security benefits for another 10 years.

With the help of a local social worker, Jacob applied to AAT for the preclusion period to be reduced so that he could apply for a Centrelink benefit. At hearing AAT decided to reduce the preclusion period to 18 months. Shortly after this decision Jacob was diagnosed with bowel cancer. He cannot afford medical treatment and is now applying again to AAT for a reduction in the preclusion period because of his changed circumstances. The local social worker continues to assist Jacob with his case, despite its legal complexity, because there is no legal assistance available.

Case studies 3 & 4:

A Bendigo agency reported that many of their clients are forced to seek food parcels and emergency relief money because they have legal expenses that they are endeavouring to pay. The same agency reported having to spend resources to assist people to travel to Melbourne for court cases.

A Campaspe agency reported that one of their clients had gone bankrupt because of the overwhelming nature of legal expenses related to a family law matter.

Legal aid restrictions

Increasingly people who cannot afford a private solicitor are unable to access legal aid due to the unrealistically tight means and merits tests or restrictive legal aid guidelines that limit the types of legal matters for which legal aid is available.

In family law matters, a Loddon Campaspe community legal centre would advocate for a higher funding cap and greater flexibility in the application of legal aid guidelines. In civil law matters, a Loddon Campaspe community legal centre would provide legal advice and assistance in areas of law specifically affecting people with complex and disadvantaged needs for which legal aid is very limited.

Case study 5:

Lisa and Toby had three children, Nicholas (9 years), Andrew (6 years) and Rachael (3 years). After many years of domestic violence Lisa and the children left Toby. Following the separation, the children made clear disclosures of sexual assault by their father. DHS and the police become involved; they interviewed the children and, although evidence was insufficient to lay charges against Toby, they were satisfied that the sexual assault had occurred.

Lisa sought residency orders in the Family Court. Both Lisa and Toby were on social security benefits and received a grant of legal aid. Family Court proceedings were protracted, with Toby seeking contact with the children. The Family Court made interim orders for an increasing contact schedule starting with two hours supervised contact and progressing to weekend contact. Contact proceeded and the children began to have overnight contact with Toby. Distressed by the situation, Lisa contacted DHS, who became a party to proceedings.

Lisa ran out of legal aid funding prior to the final hearing. At the final hearing Lisa nervously represented herself while Toby and DHS were represented by barristers. A child representative was also party to the hearing. Toby denied allegations of sexual assault and his barrister led evidence that Lisa had a history of sexual abuse as a child and had been manipulating her children to concoct the allegations of abuse against their father. The Court dismissed all evidence of sexual assault presented by Lisa and DHS. In the end the Court acted on evidence from the psychologist that the youngest girl's behaviour was so sexualised that it strongly indicated sexual assault. While it did not find that Toby was responsible for the sexual assault, the Court stopped all contact.

The cap on legal aid had left Lisa unrepresented at the final hearing of a very complex family law case and facing serious allegations against her by Toby. Without the evidence of the psychologist, Toby would have received weekend contact with the children despite a history of sexual abuse and family violence.

Low education and confidence levels

Many disadvantaged people lack knowledge about the legal process and their rights, and therefore carry injustices personally rather than seeking legal assistance. Even where a person understands their rights, systemic disadvantage and discrimination may mean that they are unable to assert their rights or lack any confidence in the justice system to seek resolution.

A Loddon Campaspe community legal centre would educate disadvantaged people about the law and their legal rights, as well as supporting disadvantaged people to assert those rights.

Case study 6:

A man in his thirties has spent many years in and out of hospital due to mental illness. He has not been working due to the mental health issues and has suffered many personal and relationship setbacks. In recent years he has obtained stable housing and has had longer and longer periods of stability with regard to the mental illness. He is now at a stage in his recovery where he feels he can contribute to the community.

Acknowledging that his lack of employment history and low self-confidence are barriers to paid employment at this stage, he decides he would like to begin some voluntary work, in conjunction with the development of skills in other settings such as a Psychiatric Disability Support Service, Neighbourhood House and adult education. He applies for voluntary work with a community organisation but is refused. There is no offer to provide some training or future opportunity.

Taking the step toward voluntary work and being a part of the community has been an enormous step. The impact on this man's confidence in himself, and in the community and its institutions, is devastating. His hope of some day entering the workforce is dashed and he enters a period of hopelessness, impacting on his mental health.

Conflict of interest

Many towns have only one or two law firms, creating very real conflict of interest problems. Clients also report that the Bendigo Legal Aid office may be unable to represent them because the other party is already a client.

A Loddon Campaspe community legal centre would work with Victoria Legal Aid and private lawyers to review systems and reduce the occurrence of conflict of interest.

Case study 7:

Caroline needs legal advice about a family law matter. She lives in Castlemaine, where there is only one main law firm. She is unable to attend this firm because her ex-husband is already a client there. She therefore travels to Bendigo to access legal advice.

Specialist legal knowledge

Legal problems confronting disadvantaged people often require specialist legal knowledge in areas often not taught at university or part of a profitable legal practice, for example social security, discrimination, youth issues.

A community legal centre would establish links and partnerships with specialist community legal centres and develop expertise in these areas of law.

Case study 8:

Ralf and Marita migrated to Australia from Germany and settled in a rural farming community in the Loddon Campaspe region. Ralf received a part pension from the airforce and a part pension from Centrelink. Ralf was also the primary carer for Marita, who had cancer. Ralf received a letter from Centrelink stating that any changes in the airforce pension would affect the amount of his Centrelink pension. From his experience in Germany, Ralf interpreted this as meaning that Centrelink would be contacted by the airforce if his airforce pension was increased.

Ralf's airforce pension was increased. He assumed Centrelink had been notified by the airforce. Centrelink discovered the increase two years later and sent Ralf a bill for \$2000 in overpayments. At this stage Marita was very sick and Ralf and Marita were unable to repay the \$2000 because of the financial strain of medical expenses. As very conscientious citizens, Ralf and Marita were extremely upset by the mistake. This placed them under severe stress that compounded Marita's health problems.

Ralf contacted a local social worker who liaised with the Welfare Rights Unit in Melbourne and assisted Ralf to appeal to the Social Security Appeals Tribunal. This involved considerable additional work on the part of the social worker, outside her normal role. The Tribunal decided that there had been a genuine cultural misunderstanding and that Ralf did not have to repay the \$2000. Marita died shortly after the Tribunal decision.

Confidentiality

Clients are concerned about maintaining confidentiality, particularly in small towns.

A Loddon Campaspe community legal centre would provide confidential and accessible legal services in local communities throughout the Loddon Campaspe region.

Case study 9:

Linda is a single parent with two children, Rowan (3 years) and Matthew (18 months). She travels from Maryborough to Bendigo with her two children to access legal assistance. Despite taking four hours and causing her considerable stress with her young children, she makes the trip because she is concerned about the lack of anonymity in a small town like Maryborough.

Community Understanding of Complex and Disadvantaged Needs

The community and justice institutions need to have an understanding of the issues facing people with complex and disadvantaged needs. A lack of understanding may result in unfair and discriminatory treatment and a failure to recognise basic legal and human rights.

A Loddon Campaspe community legal centre would specialise in assisting people with complex and disadvantaged needs and develop a strong understanding of issues facing clients. Legal advice and assistance would take account of social, health and economic issues facing clients. A community legal centre would work with justice agencies to increase access to justice for people with complex and disadvantaged needs.

Case studies 10 & 11:

Sandy has been living with her violent partner for two years. After her partner threatens to kill her she builds up the strength to attend the police station and seek help. However, when the police find that Sandy has outstanding charges for shoplifting, the domestic violence issues are dropped while these charges are pursued. Sandy loses confidence in the justice system and is left unaware that she has any legal rights. She returns to her partner and the violence escalates in response to her failed attempts to seek assistance.

Megan, 17 years, experiences schizophrenia. During a psychotic episode she becomes very distressed, enters a shop and “pretends” to hold up the shop. In her psychotic state she lacks the insight and judgement to see that her actions may be misinterpreted. Her actions are viewed as threatening and the police arrive on the scene after being alerted by shop staff. Megan is apprehended and charged. She has limited access to legal advice and there is a long wait before the court hearing is scheduled, increasing the stress and pressure that she experiences and further impacting on her mental health.

Community services

Local community agencies assisting people with complex and disadvantaged needs with semi-legal matters need to be able to refer matters that become legally complex.

Community services such as the Consumer & Tenancy Service, Victims of Crime, Centre Against Sexual Assault, Financial Counsellors and EASE would be able to obtain legal advice and refer more complex legal matters to a Loddon Campaspe community legal centre.

Helen wants to buy a new car to enable her to travel to work in a regional centre 40 minutes from her home. She arranges finance and goes to Melbourne, where she finds the car she wants for \$18,000. She signs the contract of sale, pays a substantial deposit and drives out of the caryard. Three hundred metres down the road she sees the identical car cheaper. Thinking that there is a cooling off period on new vehicles as well as second hand vehicles, she drives in, signs a contract for the second car and drives out. She tries to cancel the contract for the first car but is told by the caryard that she can't.

She contacts the Bendigo consumer and tenancy advice service and is told that she is legally obliged to purchase both cars as there is no cooling off period for new vehicles. The service tries to negotiate with both caryards, but to no avail.

Case study 12:

Distance/Transport

Many people have to travel to Bendigo or Melbourne to access legal services because of a lack of legal services in country towns. Travelling to access legal assistance can be difficult: many people do not have private transport, and public transport is very limited in country areas. The inflexible nature of public transport is highlighted by case studies 13, 14 & 15. The result is that vulnerable people may have an insufficient amount of time in Bendigo, may be required to stay overnight in Bendigo, or may spend long days in Bendigo returning home after dark. For vulnerable people – people with a disability, young children, health issues, or financial constraints - these issues are significant.

A Loddon Campaspe community legal centre would provide legal services throughout the region.

Border issues

Although Moama is essentially a suburb of Echuca, because it is in New South Wales residents have instead to access many services in Deniliquin, 80kms away.

A community legal centre would be flexible in its service delivery to ensure towns like Moama have access to services. A community legal centre would also participate in finding a policy solution to border issues.

Case studies 13, 14 & 15:

Serpentine is about one hour by car to Bendigo. While on Tuesday it is possible to travel to Bendigo return in one day, on all other weekdays there is one bus to Bendigo arriving at 5.20pm with a return bus not leaving for Bendigo until the next day, requiring accommodation in Bendigo for the night.

Wedderburn is one hour by car from Bendigo. There is only one bus to Bendigo return each day. On Monday, Tuesday and Thursday the bus arrives in Bendigo at 11.05am and leaves at 2.40pm, allowing only two and half hours in Bendigo. On Wednesday and Friday the bus arrives at 9.20am but doesn't leave Bendigo until 7.45pm, arriving in Wedderburn at 8.46pm, making it a very long (over ten hours) and late day.

Maryborough is 50 minutes by car from Bendigo. The round trip takes 2.5 to 3 hours by bus and train (via Castlemaine), with the only bus leaving in the morning at 10.35am and returning at 5.35pm.

Case study 16:

A young man attempts a drug overdose in Moama. He is taken to the Echuca hospital five minutes drive from his home and treated by the drug and alcohol team there. He is then discharged to Deniliquin and is only authorised to access services in Deniliquin, despite being 80kms from Moama and more limited than those services in Echuca. As a result he does not access those services and continues to misuse substances.

PREVENTION & EARLY INTERVENTION STRATEGIES

Community Legal Education

Seventy-nine per cent of agencies thought their clients would be interested in legal education sessions on areas of law or legal process affecting them. Many agencies commented on the importance of education and prevention programs in increasing access to justice for the disadvantaged.

A Loddon Campaspe community legal centre would provide community legal education throughout the Loddon Campaspe region, targeted to the needs of local communities.

Some suggested areas of community legal education:

family law, housing/tenants' rights, drug use and the law, employment, young people's rights, parent/children rights, the court system, wills, powers of attorney, child protection, carers issues/elder abuse, neighbourhood disputes/mediation, family violence, intervention orders, young people and the implications of breaking the law, debt/bankruptcy, court process, sentencing, representing oneself in court, dealing with the police, mental health, guardianship/trustee services, young women and sexual assault, victims of crime, school issues (expulsions, withholding reports, fees, zoning, rights of students/parents), preparing to visit a lawyer, community safety.

Professional Development

Seventy-seven per cent of agencies were interested in legal education sessions for workers. In consultations many workers expressed a need for legal education given their relative isolation and need to deal with a wide range of issues. Workers were also keen to access secondary consultations on legal issues.

Some suggested areas for professional development:

young people and the law; family law; mediation/dispute resolution; discrimination; responsibilities as a housing provider; social security; consumer rights; duty of care around issues of suicide and self harm; alcohol and drug laws; intervention orders/family violence; juvenile justice; older people's rights; employment/education for the disadvantaged; police assistance; mental health; child protection; guardianship; giving evidence in court; wills for people with disabilities; legal aid.

Law Reform and Social Justice Issues

Agencies raised a number of social justice/law reform issues that impact on their clients or the local community in an unfair way. Many agencies raised poverty and access to basic social, economic and legal rights as key social justice issues. The breadth of issues raised shows concern about legal/social justice issues in the community.

A Loddon Campaspe community legal centre would advocate on social justice issues in local communities, thus raising community discussion and understanding of these issues and increasing community input into policy and law reform processes.

*Some social justice issues identified by community agencies:
access to appropriate legal support and information; penalties for drug use; access to intervention orders (applicants often feel threatened by both the perpetrator and the legal system); lack of affordable housing; poverty; family violence; neighbourhood disputes; disability discrimination; access to medical services; cross border issues; transport; over policing of young people; young people and the criminal legal process; access to private rental accommodation; Centrelink appeals; sexual offences; police response to family violence and sexual assault; public housing (public tenants living in areas of extreme violence/drug issues); access to contact centres including centres for older children and parents; lack of criminal prosecutions for family violence matters; lack of enforcement of intervention orders where breached; limited access to services (police, transport, doctor, housing); lack of treatment options for illicit substance users.*

4. LEGAL SERVICES AUDIT

INTRODUCTION

A Loddon Campaspe community legal centre would stand apart from other legal service providers because of a combination of factors: its focus on prevention and early intervention strategies, its community development approach and its expertise in community law. For people with complex and disadvantaged needs who are unable to access advice and assistance elsewhere, a community legal centre often provides an essential safety net.

In particular, Victoria Legal Aid and community legal centres provide distinct functions within Australia's mixed legal aid system. Victoria Legal Aid primarily provides in-court legal services whereas community legal centres primarily provide out-of-court early intervention and prevention services. Thus Victoria Legal Aid offices and community legal centres are often located in the same region because they provide distinct but complementary services.

The Access to Justice Project conducted an audit of existing legal service providers to clarify the need for a Loddon Campaspe community legal centre. This audit provides an overview of legal service needs.

EXISTING SERVICES

Victoria Legal Aid

Victoria Legal Aid (VLA) has a regional office based in Bendigo which services the Loddon Campaspe region. The office is staffed by four general lawyers, two family lawyers and a part-time para-legal officer. VLA provides free legal advice appointments on all matters at the Bendigo Office, and at outreach centres such as Maryborough, Echuca, Swan Hill, Kerang, Heathcote, St Arnaud and Castlemaine, as well as at the Alexander Bayne Centre (psychic support service) and a number of prisons in the region including Bendigo, Loddon, Malmsbury and Tarrengower.

In relation to criminal law and children's matters, VLA provides or facilitates a duty lawyer scheme across the region. Private lawyers, legal aid and courts report that this scheme works very well for criminal law and children's matters. VLA receives grants of legal assistance to represent clients where they meet VLA guidelines. Grants of assistance are also available to private practitioners to represent clients in the same circumstances.

In relation to family law matters, VLA provides generalist advice services to clients, and grants of legal assistance where clients meet legal aid guidelines. Assistance is limited due to guideline restrictions. Only a small number of private lawyers are willing to do legally-aided family law matters because of low fees and high administrative costs. VLA provides a duty lawyer service for Children's Court Family Division matters and Intervention order applications. VLA also provides self-represented litigant workshops in Melbourne (with plans to extend the service to Bendigo) and a visiting specialist Child Support legal advice and assistance service in Bendigo once a month.

In relation to civil/administrative law, VLA provides 20 minute advice sessions by appointment, plus one-hour follow up minor file work. Assistance is very limited due to legal aid guideline restrictions.

VLA runs community legal education sessions on a range of legal areas, such as Introduction to Family Law; Falling on Hard Times, Power of Attorney, PERIN Court, Legal Wills, and do-it-yourself Divorce Classes, both at the Bendigo office and at centres across the Loddon-Campaspe region. VLA also has a range of free publications on various legal issues.

Private Lawyers

The majority of lawyers in the Loddon Campaspe region are located in Bendigo, with the remainder located in regional centres. For example, while Bendigo has 23 listed legal offices, Echuca has eight, Maryborough six, Kyneton three and Inglewood nil. Of these listed centres, only some undertake legally aided work.

In small towns with a very small number of private lawyers, conflict of interest and concern about anonymity are significant issues that result in many people travelling to Bendigo to access a private lawyer.

For people with complex and disadvantaged needs, cost remains a significant barrier to accessing private legal advice. While some private law firms will arrange payment schemes, undertake work on a contingency fee basis and give some advice pro bono, this still only touches the surface of the need for legal assistance.

Community Agencies

A number of community agencies undertake work of a legal or semi-legal nature: Consumer & Tenancy Service (consumer and tenancy), Financial Counsellors (debt, credit and fines), Victims of Crime (crime), Centre Against Sexual Assault (sexual assault), and Emergency Accommodation and Support Enterprise (family violence). However, these agencies report that while they can provide legal information and initial advice, if matters become more complex, as they often do, they must refer to a legal agency. Unfortunately, for many of these matters legal aid is extremely limited and private lawyers are beyond the financial reach of many clients.

Statewide Services

A number of statewide services provide legal assistance, including specialist community legal centres, e.g. Welfare Rights, JobWatch, Young Peoples Legal Rights Centre, Women's Legal Service, Domestic Violence and Incest Resource Centre, Mental Health Legal Service, Tenants Union of Victoria, Disability Discrimination Legal Service. Specialist legal centres generally provide legal advice over the phone, as well as providing training and education programs in rural areas. Local community legal centres play an important role in assisting clients access specialist centres and in working with specialist centres to deliver specialist legal programs in local communities.

ROLE FOR A LODDON CAMPASPE COMMUNITY LEGAL CENTRE

The legal services audit highlights the need for a community legal centre in Loddon Campaspe to provide complementary and integrated services that meet the needs of people currently unable to access justice.

In terms of community legal education, law reform, professional training and support and community development, a Loddon Campaspe community legal centre would provide a strategic and responsive program of prevention and early intervention strategies. While Victoria Legal Aid runs legal information workshops there remains significant unmet legal need in this area.

In terms of legal advice services a Loddon Campaspe community legal centre would provide legal advice and assistance about the law and legal process for people with complex and disadvantaged needs who are currently unable to access other services for a range of reasons. This includes people who:

- are ineligible for legal aid because they do not meet the limited guidelines, or the strict means or merits test, or they have reached the funding cap;

- are unable to access a private lawyer because they cannot afford the fees, the lawyer will not do legally aided work, or there is a conflict of interest;
- are referred by local community agencies because of the complexity of the legal issues in areas such as consumer, tenancy and financial matters; or
- have complex and disadvantaged needs, develop entangled and difficult legal issues and require a high level of support and assistance; or
- have a legal issue in a specialist area and need to access specialist legal advice from a statewide service with assistance and support.

PART 3: ESTABLISHING A LODDON CAMPASPE COMMUNITY LEGAL CENTRE

5. DEVELOPING A DRAFT MODEL

ESTABLISHING A RURAL AND REGIONAL SERVICE

Establishing a rural and regional centre raises particular challenges. The Loddon Campaspe region is a very large area covering six local government areas and 19,022 sq kms. The majority of government, community and business services are centralised in Bendigo. While organisations provide outreach services throughout the region, many people in surrounding towns report that outreach is inadequate and resent the centralisation of resources and activities in Bendigo. Communities often feel that they are not consulted about the type of service provision required in their town.

The Access to Justice in the Loddon Campaspe Region Project has sought to adopt a regional focus and consult with people and agencies throughout the region. In this way we hope to begin as we wish to continue. A Loddon Campaspe community legal centre would implement a number of strategies intended to ensure that the centre effectively services the Loddon Campaspe region.

In establishing a community legal centre, a community development approach would be adopted enabling local communities to shape the community legal centre around their needs. Local community justice strategies would be developed by: facilitating local communities to identify local needs, issues and opportunities; bringing relevant partners together; and setting priorities for community legal service provision. Existing local networks and groups would be utilised to inform local projects. Representatives would be sought from each local government area to participate in the management of the centre. Where possible local people would be employed or contracted to service local areas. In this way local communities would have input into the establishment and operation of the community legal centre.

Initial community consultations have begun to paint a picture of local needs, issues and opportunities. While further consultation is still required, the case-studies below start to illustrate the diversity of needs and issues across the region and the different strategies required by a community legal centre in different towns. Strategies developed in one community may be replicated in other communities depending on local need.

Bendigo

Bendigo is the major regional centre for the Loddon Campaspe region, with 42% of the region's population and areas of high socio-economic disadvantage, particularly in public housing/low cost housing areas such as Long Gully and Eaglehawk. There is a concentration of community agencies and private lawyers in Bendigo, as well as a new law school at Latrobe University. There are a number of initiatives working with disadvantaged people on social justice issues, including a neighbourhood renewal project based in Long Gully/Eaglehawk and an intervention order court support program for women experiencing family violence.

Based on initial consultations, a community legal centre would focus on establishing a free legal advice clinic one or more evenings a week and developing a volunteer program of local private lawyers, a clinical legal education program with law students from Latrobe University and links with the Latrobe University social work department. A community legal centre would take into consideration initiatives being undertaken by other community agencies and networks such as though the Long Gully/Eaglehawk Neighbourhood Renewal Project and the intervention order court support program.

Maryborough

Maryborough is the regional centre in the Central Goldfields region and services a large number of rural communities. It has areas of significant disadvantage with high unemployment and relatively high levels of sexual assault and child abuse. Community agencies have expressed frustration at the centralisation of services in Bendigo. There are a number of innovative community capacity building projects that are working with local agencies and communities to address disadvantage.

Based on initial consultations, a community legal centre would focus on prevention and early intervention strategies in Maryborough. The centre would concentrate on building networks, partnerships and profile in the local community and thus a level of trust and confidence. In particular, connections would be made with St Lukes Capacity Building Project, Family Access to Community Education and Support (FACES) – a child protection early intervention initiative - and local initiatives addressing family violence and sexual assault. Where access to justice issues are identified the community legal centre would facilitate the relevant players to come together to find a solution. Face to face legal advice services would also be offered on a weekly basis and would build a picture of specific legal issues in the local community.

Loddon LGA

The Loddon LGA is a large dispersed farming region with multiple small towns rather than a single regional centre. Housing is relatively cheap, but transport and services are very limited. Many people on farms are experiencing financial and family stress associated with the continuing drought and restructuring in agricultural industries.

Based on initial consultations, a community legal centre would focus on professional training and support and community legal education services in the Loddon region. Services would be targeted to the rural community and to people experiencing complex and disadvantaged needs (mental health, post prison-release support needs, etc). Legal advice services would be primarily by telephone and email, due to the dispersed and isolated nature of the population, and would be promoted through local community agencies and community legal education. Face-to-face advice would be provided on an as-needs basis, with lawyers travelling to the local community.

Castlemaine

Castlemaine is the regional centre of the Mount Alexander Shire, with a population of 17,000 people. The shire has a number of major employers, including Castle Bacon, Mt Alexander Hospital, woollen mills and retail outlets, as well as a active complement of community groups. The shire also has a high proportion of unemployed, homeless and disadvantaged people, with the resources for housing, welfare relief and other allied services unable to cater fully for the needs of the community. A local firm of lawyers and the community health centre have established a youth clinic on Mondays in Castlemaine. Young people are able to access free legal, medical and mental health services at one venue in the centre of town. As part of this service the local law firm has talked with school groups about the service and the role of law in their lives.

Based on initial consultations, a Loddon Campaspe community legal centre would seek to work with and build on the current youth initiative and explore options of servicing other community groups.

TARGETING DISADVANTAGED COMMUNITIES

Given the high level of socio-economic disadvantage and legal need, large geographic region and finite funding, legal services would be targeted to the legal needs of the most disadvantaged communities in the region. Services would also focus on early intervention and prevention strategies that seek broad, long term and systemic changes to access to justice in disadvantaged communities.

LEGAL SERVICES

Legal Advice

A Loddon Campaspe community legal centre would provide free legal advice throughout the Loddon Campaspe region. Guidelines would be developed to target legal advice to disadvantaged people without resources to access assistance elsewhere. The centre would develop expertise in legal issues affecting disadvantaged communities: discrimination, social security, consumer and tenancy, disability/mental health, family violence, debt and credit, and fines. Where a local community justice strategy identifies a particular legal issue, the centre would develop a legal advice session focused on that issue – for example, a women’s clinic focused on family law/family violence.

Legal advice would be provided by telephone (via a 1800 number) and email throughout the region. The possibility of video-conferencing through Latrobe University and the Bendigo Court would also be explored. For rural and isolated communities telephone and email communication can make legal advice more accessible. Legal advice would also be provided by face-to-face interview, with particular attention given to people with complex and disadvantaged needs who require face-to-face assistance to talk through their legal and other issues.

Where non-legal issues are identified clients would be provided with information about relevant services. The centre would maintain a detailed referral manual. Referral protocols and pathways would be developed with community agencies to or from which a high number of clients are referred. Legal information would be distributed widely through local communities: in community agencies, health centres, primary schools, etc.

Community Legal Education

A Loddon Campaspe community legal centre would provide community legal education as a key prevention and early intervention tool to increase access to justice. Lack of education about the law and legal process is a significant barrier to many disadvantaged people asserting their legal rights, complying with the law or navigating their way through the justice system.

Community legal education programs would be developed to meet the needs of the local community justice strategies and would incorporate workshops, forums, publications, displays, newspaper articles etc. For example in consultations a community agency in Echuca raised the need for a community legal education program for people living with mental health issues. A Loddon Campaspe community legal centre, in conjunction with the Mental Health Legal Centre and local community agency, would run a series of workshops covering general and specific legal issues affecting people with mental health issues: including guardianship, Mental Health Review Board procedures, discrimination in the community, and social security issues. Once developed, this program could be rolled out to other areas and agencies as appropriate.

Another example that has been raised in consultations is the need for a community legal education program targeting at risk young people. Run through schools and youth programs, these sessions would focus on issues and case studies most relevant for young people: harassment and discrimination, police powers, employment rights, navigating the legal system, etc.

A Loddon Campaspe community legal centre would also advocate on social justice issues within local communities, with a view to educating the broader community and changing community attitudes. Issues such as discrimination and family violence need to be tackled at the community and institutional level, rather than just at an individual level.

Professional Training & Support

A Loddon Campaspe community legal centre would provide community agency workers with professional training and support on legal issues affecting their clients. Professional training would enable workers to identify legal issues, provide information about the law and legal process, and refer clients to an appropriate legal justice agency for further assistance. Community agency workers would also be able to access secondary consultations in relation to legal issues. Both professional development and secondary consultations would facilitate disadvantaged people accessing initial legal information and assistance from a familiar and local agency. This is particularly important for isolated clients.

Law Reform

A Loddon Campaspe community legal centre would facilitate community participation in law and policy reform. Without a facilitator such as a community legal centre, the perspective of disadvantaged communities is often not heard in the development and reform of the law. Community legal centres play a critical role in ensuring that disadvantaged communities are heard and that the law applies fairly to all sections of the community.

A community legal centre would facilitate community participation in law reform in a number of ways:

- identifying justice issues in local communities and facilitating community discussion about how things could be better;
- advocating for reform to laws, policies and procedures;
- undertaking research to record the experience of a community in relation to a particular legal issue;
- undertaking community campaigns on local justice issues; and
- informing communities about the reform agendas of the government or justice agencies and facilitating community participation in these agendas.

For example, a community legal centre, together with EASE, would be ideally placed to facilitate community input into the current Victoria Law Reform Commission review of the Crimes Family Violence Act.

Community Development

A Loddon Campaspe community legal centre would work with existing community networks to keep up-to-date with services and programs and to work towards broader community goals. In particular, a community legal centre would bring a justice perspective, legal knowledge and advocacy skills to community networks and collaborative projects.

ORGANISATIONAL STRUCTURE

Legal entity

The organisational structure of the Loddon Campaspe community legal centre must be developed to protect and promote the key objectives and activities of the organisation. In particular, community legal centres are generally established to:

- be independent from government, business and institutions – to ensure that the centre is able to fully advocate on behalf of people with complex and disadvantaged needs; and

- embrace a community development approach – with the local communities represented on the committee of management; community members able to participate in the running of the centre as volunteers; and a community up approach to service delivery.

In addition, many community legal centres, particularly those in rural and regional areas, have chosen to either be operated by or colocate with another community organisation where there is a shared commitment to social justice and complementary program areas. The benefits of these arrangements are proven: shared office space, vehicles, reception, financial and management resources and infrastructure.

The project partners of the Access to Justice in the Loddon Campaspe Region Project support the Advocacy and Rights Centre operating the Loddon Campaspe community legal centre because of the benefits of pooling resources and the compatibility of vision and program areas. The Advocacy and Rights Centre has already made a substantial commitment to the Loddon Campaspe Community Legal Centre by auspicing the Access to Justice in the Loddon Campaspe Region Project.

Membership and Management Committee

Membership of the Loddon Campaspe community legal centre would be open to all community members. A management committee would be made up from the membership and annual general meetings held each year. Participation on the committee of management would be encouraged from across the region. It is anticipated that through the development of local community justice strategies a representative from each local government region would be appointed to the board.

Volunteers

Community legal centres have a strong tradition of involving volunteers, including lawyers, law students, social work students, ex-clients and community members. Private lawyers have a professional ethic of undertaking pro-bono work and many community legal centres run legal advice clinics staffed by a roster of volunteer private lawyers. For private lawyers, it is an opportunity to give back to the community, to develop networks with other lawyers, law students and community members and to practise in poverty law. For students, it is an opportunity to gain experience in a legal practice and to network with lawyers and others. For ex-clients and community members, it is an opportunity to give back to the community, to gain work experience and to see the law at work.

The involvement of volunteers in a centre requires the development of clear guidelines and policies and ongoing training, supervision and administration. The ability to establish a volunteer program depends on the availability of private lawyers, tertiary education students and interested community members. In some towns with few lawyers or students, volunteer programs may be limited.

In the Loddon Campaspe region, Bendigo is the most feasible place to develop a volunteer program because of the concentration of private lawyers and tertiary students. It is proposed that a legal advice clinic be established in Bendigo with a roster of volunteer private lawyers, tertiary students and community members. Opportunities to establish volunteer programs in other locations in the region would then be investigated.

Clinical Legal Education

Latrobe University has established a new law school in Bendigo. The school is keen to develop a clinical legal education program with the Loddon Campaspe Community Legal Centre. Clinical legal education has become an expected part of law courses in Australia and in many cases

involves a partnership between the university and a community legal centre. Thus students are given the opportunity to develop ethical, analytical and practical legal skills in a community legal centre environment.

Initially the Bendigo Law School would establish an informal program whereby students would be encouraged to volunteer at the community legal centre legal advice clinic and would be provided with training and regular debriefing. The School would work with the community legal centre to develop clear guidelines for the students. Students would take instructions from clients, collect all the necessary statistical data, brief lawyers and observe while lawyers advise clients. Students would also be involved in projects such as compiling a local community referral guide, assisting with community legal education programs and undertaking research for submissions to law reform reviews.

The benefits of a clinical legal education program are significant all round: building a solid and long term volunteer base at the community legal centre; building relationships between students and local private lawyers; and educating students in community law and social justice issues.

Community Service Integration and Co-operation

A Loddon Campaspe community legal centre would work with relevant justice and community agencies to ensure integrated and co-operative service delivery. Already the Access to Justice Project has formed strong relationships with key agencies through the project reference group.

A Loddon Campaspe community legal centre would also seek membership of the Federation of Community Legal Centres (Vic) and actively participate in sector development and law reform issues. The Access to Justice Project has already developed relationships with neighbouring community legal centres and the Victorian network of rural and regional community legal centres.

6. GOVERNMENT'S ROLE

GOVERNMENT POLICY

Government policy statements at both Commonwealth and State levels clearly articulate a commitment to access to justice and community legal centres.

Victorian Government Policy

Growing Victoria Together: Innovative State, Caring Communities

The Victorian government has clearly indicated its commitment to access to justice and community services in rural and regional areas. This is illustrated by *Growing Victoria Together*²³, which sets the government's priorities for the next decade:

"Promoting rights and respecting diversity

- *Improve awareness of rights and promote equal opportunity.*
- *Improve access to courts, legal aid, victim support and alternative dispute resolution procedures.*
- *Increase racial and religious tolerance.*
- *Promote reconciliation between indigenous and non-indigenous Victorians and move to redress the dispossession of Aboriginal land and culture.*
- *Improve access to services for culturally and linguistically diverse Victorians.*
- *Increase the diversity of representation on decision making boards and in local government.*

Growing and linking all of Victoria

- *The need to rebuild Victoria's social infrastructure – schools, hospitals, community services, recreational and cultural resources, which are the basic building blocks of prosperous and sustainable communities.*

High quality, accessible health and community services

- *Improve local access to essential health, aged care and community services, particularly in rural and regional communities.*
- *Early intervention and prevention to keep people of all ages and abilities living healthy and active lives in the community and to break the cycles of inequality, poverty and crime."*

Victorian Attorney-General

The State Attorney-General, Hon. Rob Hulls, has demonstrated strong support for access to justice and community legal centres and has delivered much needed funding increases to metropolitan and rural and regional community legal centres.

"The Bracks Government is committed to targeting legal services to those most in need in our communities. After all, access to justice is fundamental to the legal system. If people cannot get access to justice to enforce their legal rights they might as well not have rights at all." (Media release, 16 May 2003)

"Bracks government demonstrated their commitment to regional Victoria by announcing a second funding boost in two years to community legal centres in Warrnambool and Ballarat." (Media release, 16 May 2003)

²³ Victorian State Government, *Growing Victoria Together: Innovative State, Caring Communities*, November 2001

Rural and Regional Victoria

Under the current Victorian Government, neglect of rural and regional areas has been reduced and there is now government and community recognition of the need for capacity building strategies to reinvigorate depressed rural and regional communities. Many community agencies and local government departments are undertaking innovative local projects which seek to address some of the fundamental issues facing local communities. Additional funding provided to community legal centres in rural and regional areas acknowledges the legal need in these areas.

Commonwealth Government

Commonwealth Attorney-General's Department

The Commonwealth government has articulated its support for community legal centres, with the previous Attorney-General, Hon. Daryl Williams, acknowledging "the valuable contribution that community legal centres provide to the community. They should be supported in that work and encouraged to expand to areas of need."²⁴

The Commonwealth support for community legal centres, particularly in rural and regional Victoria, is demonstrated by the funding of new community legal centres in the Murray Mallee, Albury Wodonga and Gippsland regions in the past ten years. These new centres have filled significant gaps in access to justice services for rural and regional Victorians.

FUNDING OF COMMUNITY LEGAL CENTRES

Both Commonwealth and State governments contribute funding for community legal centres, with funds being administered by the Victoria Legal Aid CLC Funding Program. It therefore falls on the Commonwealth and State governments and Victoria Legal Aid to prioritise the funding of a Loddon Campaspe community legal centre.

For community legal centres in rural and regional Victoria, current government funding levels are between \$200,000 and \$240,000.

Table 12: Rural and regional community legal centres – CLC Program Funding

Funding commenced	Centre name	Total CLC Program Funding 2003/04	State funding	Commonwealth funding
1986	Geelong	421,789*	100,575	321,215*
1987	The Legal Centre	200,869	18,266	165,596
1992	Central Highlands	200,734	43,938	156,795
1995/96	Murray Mallee	239,875	-	239,875
1999	Albury Wodonga	218,030	-	218,030
2000	Gippsland	216,471	-	216,471

* Includes child support funding

However, there are real questions about the adequacy of this funding level for rural and regional community legal centres. The Victorian Parliamentary Review Committee noted the high costs involved in providing outreach legal services to large rural and regional areas. They recommended that funding bodies recognise additional costs involved in operating community legal centres in rural and regional areas, and that rural and regional centres receive a rural loading which

²⁴ Media Release: Attorney General, The Hon. Daryl Williams, 1 June 2001.

acknowledges this additional cost as well as financial incentives to assist with the recruitment of staff.²⁵

The Federation of Community Legal Centres and the National Association of Community Legal Centres are also concerned about the levels of community legal centre funding. They are advocating for an increase in centre baseline funding to 5 EFT, and wage parity with Victoria Legal Aid and the Commonwealth Attorney-General's Department.

The funding of a Loddon Campaspe community legal centre needs to take account of the new baseline funding levels currently being discussed by key players.

GOVERNMENT RESPONSIBILITY

Justice is a foundation stone of our democratic society. Our legal system is built on the principle of equality before the law. Yet without positive initiatives, the most disadvantaged and vulnerable in our communities face significant barriers to justice. Community legal centres are one of the key components of Australia's mixed legal aid system that work towards justice for all. In the Loddon Campaspe region, where there is significant disadvantage, diverse legal needs and relative isolation, the absence of a community legal centre is felt harshly by communities.

Communities across the Loddon Campaspe region have come together, told their stories and expressed their concerns about the lack of justice in the region and the need for a community legal centre. Socio-economic disadvantage and legal need in the Loddon Campaspe region has been established by this report. The community is committed to campaigning for a local community legal centre. In many ways the Loddon Campaspe community is following in the footsteps of other communities that have identified legal need and successfully campaigned for a local community legal centre. It is now time for the State and Commonwealth governments to provide recurrent funding for a Loddon Campaspe community legal centre.

²⁵ *Review of Legal Services in Rural and Regional Victoria*, Victorian Parliament Law Reform Committee, May 2001, pp. 107–34.

APPENDIX A: LEGAL NEEDS SURVEY OF LODDON CAMPASPE COMMUNITY AGENCIES

ACCESS TO JUSTICE IN THE LODDON CAMPASPE REGION PROJECT: survey of community organisations

GENERAL INFORMATION

Name of organisation/program area: _____

Contact person: _____ Phone: _____ Email: _____

No. workers: _____

Service provided:

Client target group (i.e. main issues presented, age, gender, socio-eco, cultural issues)

Service catchment area:

NOTE: Please complete this survey based on your experience in the Loddon Campaspe region only.

LEGAL ADVICE AND ASSISTANCE

What legal issues do your clients commonly present with?:

- | | |
|--|--|
| <input type="checkbox"/> family law | <input type="checkbox"/> discrimination |
| <input type="checkbox"/> family violence | <input type="checkbox"/> employment |
| <input type="checkbox"/> intervention orders | <input type="checkbox"/> centrelink issues |
| <input type="checkbox"/> child protection | <input type="checkbox"/> disability/mental health issues |
| <input type="checkbox"/> criminal law | <input type="checkbox"/> wills/powers of attorney/
guardianship |
| <input type="checkbox"/> police issues | <input type="checkbox"/> neighbour disputes |
| <input type="checkbox"/> fines (including PERIN) | <input type="checkbox"/> youth issues |
| <input type="checkbox"/> debt and credit issues | <input type="checkbox"/> other: _____ |
| <input type="checkbox"/> consumer & tenancy | |
| <input type="checkbox"/> personal injury | |

Do you see clients with legal issues for which there is currently no appropriate referral?

YES / NO

When you are able to make a referral, where do you refer clients with legal issues?:

- private lawyer
- Victoria Legal Aid
- specialist community legal centre
- other community organisation
- legal or government body e.g. Ombudsman, Court, Law Institute
- other: _____

What issues does your organisation face in trying to find legal assistance for your clients?

What issues do your clients face in trying to access legal assistance?

What issues do your clients face if unable to access appropriate legal assistance?

Would you refer clients to a community legal centre if one was established in the Loddon Campaspe region? YES / NO

Based on your clients in 2003, estimate how many clients you would refer to a community legal centre per year if one was established in the Loddon Campaspe region?

Number: _____

COMMUNITY LEGAL EDUCATION

Would your clients be interested in community legal education sessions on areas of law or legal process affecting them? YES / NO

If so, what legal education topics might your clients be interested in?

LAW REFORM

Are there any social justice/legal issues that are currently impacting on your clients or the local community in an unfair way and that could be addressed by law or policy reform?
YES / NO

Briefly describe the main social justice/legal issues:

PROFESSION LEGAL EDUCATION

Would your organisation be interested in legal education sessions on any areas of law that interact with your areas of service? YES / NO

Briefly describe these areas of law:

COMMENTS

We are interested in any other comments you may have ...

PLEASE RETURN YOUR SURVEY TO:
SALLY SMITH, ACCESS TO JUSTICE PROJECT, TENANCY SUPPORT,
P.O. BOX 432, BENDIGO VIC 3552 – IF POSSIBLE BY 19 DECEMBER 2003.

If you have any questions please contact Sally Smith, project worker on the Access to Justice in the Loddon Campaspe Region Project by phone (5444 4364) or email: legaltscs@infoxchange.net.au

THANK YOU

APPENDIX B: COMMUNITY AGENCIES THAT RESPONDED TO THE LEGAL NEEDS SURVEY

Agency	Agency program
St Luke's Anglicare	SAAP
St Luke's Anglicare	Disability Support Service
St Luke's Anglicare	Children & Family Services
St Luke's Anglicare	Consumer & Tenancy
DHS	CHSD
DHS	Child Protection
Community Correctional Services	
Salvation Army	
CASA	
Jude Baldacchino	Psychology Practice
Alexander Bayne Centre	
ARC	PHAP
Bendigo Access Employment	
The Smith Family	
LMHS	SAAP
Kangaroo Flat Community Group	
EASE	Alcohol & Drug Support
EASE	Young Women Support
EASE	Domestic Violence Support
St Luke's Anglicare	Community Capacity Building Unit
Corrections Victoria	Bendigo & Loddon Prisons
Bendigo Uniting Care Outreach	
Annie North	
Bendigo Community Health	Family Services
Bendigo Community Health	Healthy Communities
Bendigo Community Health	Alcohol & Drug Rehab, SAAP
Bendigo Community Health	Youth Services
Bendigo Community Health	Podiatry
Bendigo Community Health	Medical Practice
Bendigo Community Health	Alcohol & Drug Counselling - Forensic
Bendigo Community Health	Gamblers help
Bendigo Community Health	Victims Assistance
Loddon Mallee Womens Health	
Long Gully Neighbourhood House	
Echuca Neighbourhood House	
Echuca Regional Health	Primary Care
Njernda Aboriginal Co-op	
St Luke's Anglicare	Recovery Forward - Mental Health Service
Shire of Campaspe	Aged & Disability Services
St Vincent de Paul	
LMHS	SAAP
Mt Alexander Hospital	
Castlemaine District Community Health Centre	
Mt Alexander Community Information Centre	
CADARG	SAAP

Maldon Neighbourhood House	
Maryborough Community Health Service	
Maryborough District Accommodation Service	SAAP
St Vincent de Paul – Maryborough	
Maryborough Community Information Centre	
Maryborough Community House	
St Luke's Anglicare	
Gannawarra Neighbourhood House Cohuna	
Pyramid Hill Neighbourhood House	
Loddon Neighbourhood House	
Inglewood & District Health Service	Social Work/Counselling Team
Cobaw Community Health Service	
Shire of Macedon Ranges	Community Services