

Submission form for Family Law Legal Aid Services Review Consultation and Options Paper

This form has been prepared to assist you to respond to Victoria Legal Aid's Consultation and Options Paper on the Family Law Legal Aid Services Review.

You may use this form to make a submission. You do not have to make a submission on every proposal and question. The Consultation and Options Paper provides details about each of the options.

We are committed to a structured, transparent and accountable consultation that enables everyone to access the Consultation and Options Paper and the submissions in response.

Please email your submission to familylawreview@vla.vic.gov.au.

Publication of submissions

All submissions received will be published on the VLA website after the close of the submission period.

If you do not want your submission published, please contact us on the email address above to discuss further.

Submissions are due by **Monday 16 February 2015**.

Name/organisation: Murray Mallee Community Legal Service (MMCLS)
Contact details: Lisa-Maree Stevens, Director Community Services (Mallee Family Care) - Manager MMCLS
Date: 16/02/2015

Submission form

Overall comments

Response: As noted in VLA's own Research Brief Hot Spots of Legal Need (2015) Mildura is one of Victoria's only LGAs to feature in the top 20-40% of Australia's most disadvantaged, in terms of SEIFA measurements (p.23). This paper has some interesting points noted regarding our catchment area, the lack of Legal Help calls being attributed to lack of knowledge or advertising of VLA's services or isolation from VLA offices – Mildura has no VLA office, it is the largest town in MMCLS catchment which is more than 120,000km square. Legal Help calls, even after taking population into account, showed metro areas not regional areas used this service mostly. We would argue that regional people have different and a variety of help seeking behaviours and can at times prefer face to face advice rather than telephone only advice. In the paper Mildura and Wodonga are noted together and it is stated; "...these two areas should still be considered hotspots of legal need, because they are attracting the need for outreach and in-office clients if not the telephone based clients. The lack of telephone sessions from these areas may be attributable to lack of advertising, rather than a lack of legal need, and accordingly the areas should still be kept in mind as emerging hotspots of legal need" (p.23). The MMCLS is currently undertaking a Legal Needs Analysis of its own for its catchment area using the NACLC guide, met and unmet legal need compared with other data will be an important development for our service delivery planning.

In the 2013/2014 financial year MMCLS assisted with 863 general advice sessions, then another 111 family law advice sessions, 149 specific IOSS advices, 223 total case opens across legal areas and provided 473 legal information and referrals. Our service is very happy to provide responses to this submission as we are very concerned VLA do not have a presence overall here and may not know our area as well as we do. We would hope CLC's are seen as integral to the family law system in Victoria and that their community links and focus are acknowledged. The data in the paper noted above is only VLA's own data of which shows those people eligible for legal aid grants, there are many who are ineligible for legal aid grants and of whom fall out of the guidelines – these are the clients CLC's service. CLC's own contributions and that of Family Relationship Centres also need to be further taken into account in respect of family law services in Victoria.

*Refer to the submission from the Federation of Community Legal Centres for further information supported on overall comments and Victorian statistics of family law work of CLC's which has significantly increased with administrative pressures and with lack of resources compared to that of VLA itself.

The MMCLS has provided responses to options we consider we have experience in.

Access and Intake

Option 1: Better promote existing Legal Help and duty lawyer services and actively expand outreach.

Response: CLC's have years of experience in working within and living within the community they service – this extends to providing outreach services within Victoria in innovative and responsive ways. Our understanding of “outreach” is establishment of a program in a non-legal organization, which may be different from the sense in which it is used by VLA (e.g. VLA's Child Support Legal Service provides “outreach” into regional offices (page 16).)

As noted CLCs have experience in community outreach as this is a large part of their role, it would be worthwhile that VLA give consideration to funding CLCs to provide outreach at new/existing community locations. CLC's could refer clients who are eligible for Legal Aid via Legal Help, and deliver family law services to those clients who are in high need who are not eligible for Legal Aid, as they do at the moment. This could be developed as part of a “continuity of service” model (see response to Option 4 below).

In respect to the MMCLS we service a very large catchment area and have established links to community agencies and welfare organisations where we provide services from other sites. MMCLS is an auspiced CLC, the auspice agency being Mallee Family Care. Mallee Family Care (MFC) was established in 1979 after studies commissioned by the Victorian Government revealed the need for an agency dedicated to the care of children and families in north-west Victoria. As a consequence, Mallee Family Care's early services were directed to the needs of children at risk of removal from the care of their biological families. The Program has been in operation for the past 35 years.

Mallee Family Care sits as a major provider of services in both Victoria and New South Wales as we are a border community. Mildura is the main 'hub' for surrounding towns such as Robinvale, Ouyen, Gol Gol, Dareton, and Wentworth. Mallee Family Care supports over 68 Programs and a number of these programs are delivered across the service areas. It employs a professional staff of approximately 200 people and the staff are supported by a volunteer base of approximately 300. The Programs are delivered independently by Mallee Family Care, however, some are delivered in Partnership with other Agencies, it is through both modes of Service Delivery the Agency has built a relationship with each of the communities and it is seen as a major service provider by those communities, or as a gateway as a referral pathway to other Agencies.

The Agencies membership on groups such as the Northern Mallee Community Partnership, the Mallee Child Youth and Family Services Alliance and Emergency Relief Network demonstrates the Agencies commitment to and linkages with local stakeholders and families at all stages of support needs. The MMCLS is seen as an integral program for our community and benefits from the wider context in being an auspiced CLC.

Programs operated by Mallee Family Care, include Integrated Family Services, Stronger Families, Out of Home Care, Specialist Homelessness Services, Disability Support and Respite Services, Intensive Supported Playgroups, Community Mental Health Support Services, Early Intervention Services for families who care for a child with a disability, Indigenous Parenting Support Program, Safe Aboriginal Youth Services, Family Relationship Centre, Child Contact Service, Post Separation Cooperative Parenting Programs, Murray Mallee Community Legal Service, Financial

Counselling State and Commonwealth programs, Communities for Children, Settlement Services for recently arrived refugees and Reading Discovery, to name a few.

VLA does not have an office in Mildura, our area being the exception in North West Victoria – access to justice is a huge issue for our catchment due to both met and unmet legal need. Whilst VLA funds private solicitors to undertake legal aid work this can be difficult for clients to access due to conflict issues in a small rural community and access issues as our catchment is very large and there are remote pockets of areas that have limited or no access to a solicitor/firm. We agree that identifying unmet legal need is an important consideration of legal service providers. We would wonder how VLA expansion of outreach would therefore work for Mildura?

Option 2: Develop a family law screening tool for community and support workers.

Response: The service would support this option and would extend this to include wider legal issues rather than a family law only focus, as noted in a lot of research it is rare for clients to have one legal issue only. In the spirit of not reinventing wheels it would be important that exploration of existing tools be undertaken, for instance the National Health Check in Queensland has a very good resource and training tool at; legalhealthcheck.org.au.

There is significant value in using a legal health check as it asks workers to think more broadly of client issues with respect to linking to legal issues – the MMCLS will be delivering joint training on 25/3/15 with NSW Legal Aid on the ‘The Law Check-Up – Training for Community Workers’ package – this is a simple checklist to help community workers and case managers ‘diagnose’ a client’s legal needs that they then use to refer clients to the most appropriate service. Our service will then provide similar training to community workers in the Victorian side of our catchment in the near future as has been done in the past.

Option 3: Develop referral or other tools for lawyers to support better identification of relevant non-legal services for clients and better referral of clients to these services where appropriate.

Response: CLC’s work in close proximity to non-legal services in the communities they live in – referrals to these services are on a daily basis and undertaken with significant thought and research as CLC’s are linked in with the community they service by joint events, meetings, networks and the fact that communities prefer ‘relationship based’ linkages etc,. It would be useful for VLA to liaise more closely with CLC lawyers in this respect as there are significant ‘learning’s’ from the CLC sector that could assist in this option.

There is the DOORS screening tool in use which could be more widely accepted, this is in relation to the legal profession screening for family violence.

Option 4: Enhance intake opportunities at Magistrates’ Courts for clients with family law legal need.

Response: We agree that the Magistrates’ Court provides an opportunity to reach vulnerable clients at which to identify that they have a need for family law advice, and make a referral or an appointment for them to receive that family law advice. There is the issue of timing on issues, at FVIO the focus is to provide safety for the client, not to go into family law detail at the same time – we do note that these legal issues go hand in hand but wish to emphasise the vulnerability of FVIO

clients seeking assistance and that at times clients may feel pressure to agree to consent orders when seeking IVO's. We do not agree that IVO lawyers should always "provide initial family law advice on the day". It may be that the model provides a lawyer sitting at Court more regularly to provide advice in a drop in service capacity – this could also be a role for CLC's.

It must also be noted that the FRC/CLC Partnership, has been for our MMCLS, beneficial to family law clients in our area – the family lawyer provides advice appointments out of the FRC Mildura office and also provides the Your Family Law Options education workshop to all clients seeking CCS/FRC/Post Separation services from Mallee Family Care's DSS programs in the family law stream. In the 2013/2014 year the MMCLS family lawyer has provided 111 advices and has as a yearly target a minimum of 10 Legally Assisted Mediations. The FRC/CLC partnership, along with close links to the Hume Riverina CLC with their FRC as auspiced by Upper Murray Family Care, provide support to each others clients in this process and have strong referral pathways. Feedback from this LAFDR program has been very positive from clients as noted in the NACLCL conference presentation paper facilitated by both CLC's Principal Solicitors in 2014 titled; **'FRC/CLC Partnerships & Legally Assisted Mediation'**.

Vulnerable Clients

Option 5: Develop closer partnerships with the Victorian Aboriginal and Torres Strait Islander legal services to meet unmet demand for family law service in Aboriginal communities.

Response: The MMCLS catchment area has a high ATSI population and we would encourage this option and support this.

Option 6: Undertake a 'continuity of service delivery' pilot for high needs clients, in partnership with community legal centres.

Response: We agree with the principle of 'continuity of service delivery' pilot that would enable CLC's who undertake family law casework providing additional family law services for clients they assist with an FVIO matter. These high needs clients would be referred to the CLC from the FVIO matter for family law advice. CLC's have strong histories of working in the FVIO area in the Courts with applicants, this would need to continue with the option of then continuing with the family law matter. Funding to CLC's for this would be imperative.

It would worry the CLC sector greatly if VLA were thinking that they provide advice to applicants for FVIO's so that they could follow on with family law services, concerns due to the following; CLC's have expertise in providing advice to applicants in several models over significant time; applicants are not only referred to the Court, they are referred to FVIO from community workers of which CLC's are well connected to and have worked hard to develop these connections over years; in our experience eligibility for legal aid is difficult for a high proportion of applicants. CLC's pick up the 'gaps' from where legal aid is not an option for those still high needs clients who need support and advice.

We believe that CLCs are also well-placed to provide family law services to legally aidable clients, and can do so more effectively than private solicitors under grants of aid. CLCs are more accessible than private lawyers, who may be unwilling to take on indigent clients until they have applied for and been granted aid. This presents particular barriers to justice in RRR areas where there is a CLC but no VLA office for hundreds of kilometers. CLCs also have specialist expertise in

communicating with vulnerable clients who may have complex issues, such as co morbidity. And CLCs have skills and in policy development and strategic change, which can result in changes to laws and systems that make systems more effective.

Funding family lawyers to provide family law assistance to legally aidable clients would be a new arrangement and would require new capacity. CLCs would need to be funded for new positions to provide family law services to clients. Such funding would need to include funding for family law caseworkers to undertake casework at appropriate CLC salaries, with additional allowances made to ensure the CLC is also able to undertake family-law related outreach, CLE, and develop new relationships with relevant community agencies. The family lawyer would be able to deliver more legal services more efficiently if family lawyers were supported with adequate admin assistance (e.g. in Hume Riverina CLC the VLA-employed lawyer based at the CLC has a 0.8 EFT admin assistant). And as noted above, dedicated family lawyer positions would need access to appropriate resources, including access to induction, reference libraries, software to enable to efficient production of court documents, and specialized training (see Option 8).

We submit that dedicated family law positions in CLCs that are funded by VLA should be given a special exemption to the Panel requirements. We note that VLA family lawyers are not required to be Panel members, and the same principle should apply to VLA-funded family lawyers in CLCs. The administrative burden of applying for membership of a Panel is a disincentive to CLC lawyers to apply. CLCs lack of Panel membership then makes it impossible for them to seek grants of aid for disbursements, or appear at RDM.

For the MMCLS service where there is no VLA office we feel our CLC is best placed to work in this 'continuity of service pilot' area and would welcome liaison with VLA around these matters. Across CLC's it is reported a high proportion of applicants are not eligible for legal aid and so would not be eligible for family law assistance. As noted (in option 29) our service is already undertaking a FCC duty lawyer service pilot to ascertain need, matters we could assist with and liaison with our private family law practitioners.

Option 7: Expand the *Settled and Safe* program across the State.

Response: The Settled and Safe program has great merit for assisting CALD people to understand laws relating to family law and family violence. We would support the expansion of this service and were very interested in this model when the Information Session was held in Mildura in 2014 – the difficulty found in this was who would take on coordination of this program in our area.

Option 8: Deliver training on related areas of law to family law practitioners, so that they can better assist clients and to provide advice and referrals.

Response: We support the provision of this training to VLA lawyers and CLC lawyers. We request that these trainings be made available to CLCs in the form of a podcast or video, so that they can be uploaded to the Federation intranet and make them available to practitioners who are not able to attend face-to-face trainings because of other commitments or because they work in a RRR location. We understand these trainings are available in this form to VLA lawyers on their intranet, which is inaccessible to CLCs.

Early Intervention

Option 9: Develop and deliver an education program for non-legal support workers to assist clients to identify pathways for resolution of family law matters.

Response: Integrated service models are important to assist with timely pathways for clients in seeking assistance. The model noted in the paper is describing the Mallee Family Care co-located services where there are counsellors/mediators/child contact workers/community legal staff/financial counsellors all within the same Directorate of Mallee Family Care and who run a Central Intake model for all family relationship enquiries. We are very pleased that this model has been highlighted by the paper and are very happy to share our learning's from this model. Lisa-Maree Stevens is the Director of these 7 program areas (Community Services Directorate) that are very collaborative and complimentary services. The FRC Mildura provides training on Children's needs following separation/divorce as well as the Connecting For Your Kids workshop for all parents of the 7 programs and offers these sessions to the broader community agencies for their staff professional development.

Also as noted in the consultation paper the help seeking behaviours of clients ie only seek assistance at 'crisis point' is another part of educating our community. CLC's do this as a 'par for course' however strategic targeted CLE on how to identify legal needs for community workers has been delivered and needs to be continued to be delivered across the State. CLC's are well place to provide this training and train the trainer models. We would encourage VLA to explore the work of Women's Legal Service Vic on their model of this ID of pathways for clients in family violence.

The concept of early intervention is a difficult one – our service would welcome the expansion and use of IT for wider reach of legal information and education. In the Mallee there are some issues at times with internet access as some towns in our catchment have limited service at times. Our service is currently applying for the VLA Innovation and Transformation grant to explore what methods of service for clients are most appropriate ie use of skype/video conferencing/phone/face to face/online. The first part to this project is to actually engage with and ask the community questions around this issue.

Option 10: Expand and diversify the accessibility of family law legal information.

Response: We agree with this option and are ourselves already exploring online CLE options for our clients who cannot get into some of the workshops we do deliver in the larger towns. Alongside this of course we are strategically planning road shows of CLE for smaller communities around events. We feel a mixture of service delivery is important. CLC's are willing to hear and work with VLA on these matters. For our MMCLS service we are unsure who to work with as we have no VLA office for these closer connections, we have attempted recently to liaise closely as directed with the Bendigo VLA office for joint ideas for the Swan Hill area but have not had confirmation, this seems to be a one sided action.

Option 11: Provide more outreach services at points of early contact for clients.

Response: Please see response to option 1; CLC's are best placed to deliver these outreach services. Our MMCLS service provides place based delivery at the Mallee Domestic Violence

Service regularly and as requested which also incorporates education for both clients and domestic violence workers around the law. We feel our CLC has major advantages in this area being an auspiced CLC and would welcome further expansion as noted in this option.

Option 12: Re-introduce an advice and negotiation grant for limited matters.

Response:

Family Dispute Resolution

Option 13: Require parties to exchange a short summary of the issues in dispute prior to an Roundtable Dispute Management Conference.

Response: It has always been worrying that it seems practitioners only meet and discuss matters with their clients in RDM on the day. It would make sense to explore this option further. It has also been worrying that from feedback we have received that one party in RDM is often self represented – this is very concerning to us as an issue for justice and equity.

Our CLC would be interested in exploring use of RDM further as well as seeking clarification on how an inner metro specialist CLC has funding to undertake RDM on behalf of VLA? We understand this is under the Family Law Legal Service (FLLS) arrangement – how might our CLC be considered for this type of model where we have no VLA office, we are unsure how decisions are made in this way?

Option 14: Make payment of the preparation component of the family law dispute resolution grant contingent on proof of preparation.

Response:

Option 15: Conduct a thorough examination of the value of VLA trialling a new legal service at one or more Family Relationship Centres including an evaluation of previous pilots of legal assistance to clients of FRCs and review of current new service arrangements.

Response: Are there previous pilots? CLC's have strong relationships with their local FRC's where some partnerships are currently funded that are working well. The MMCLS has an effective FRC/CLC Partnership with the FRC Mildura office locally and hope this model can continue into the future in some capacity in our core funding. It must be remembered that there are many clients ineligible for legal aid and who are struggling to fund private cases – access to advice and some limited casework, CLE or support is paramount to justice and equity.

Option 16: Expand eligibility for Roundtable Dispute Management service to include:

- matters in which there has been or is a risk of family violence (i.e both victims and perpetrators could be eligible)
- where a party is not seeing their child.

Response: This option could assist with these difficult matters – we would want to see both clients have representation to ensure services are fair and equitable.

Option 17: Pilot an expanded duty lawyer (or Family Law Legal Service-type) scheme to represent clients at Roundtable Dispute Management (including clients currently eligible for a grant of aid) to determine if such a scheme is effective and economic, and enable greater numbers of clients to access RDM (and/or to free up legal aid resources to fund other options canvassed elsewhere in this paper).

Response: Who would provide this service? For our MMCLS service would you be thinking private solicitors or a CLC model such as at WLSV? As outlined in option 6 we would recommend that new funding for dedicated family lawyers based at CLC's be considered strongly, these lawyers could then provide representation of clients at RDM.

Option 18: Develop and implement a culturally responsive framework for family dispute resolution provision at Roundtable Dispute Management, in collaboration with community-based and academic partners.

Response: This makes sense, there has been considerable work done on this for FRC's.

Litigation

Option 19: Priority for litigation funding be given to matters where:

1. The client has a particular vulnerability, such as a mental health issue, cognitive impairment, language barrier, literacy issues, drug and alcohol issues, or an acquired brain injury;
2. The matter involves allegations of family violence and/or child abuse, where the outcome of the matter would significantly impact the relationship between a parent and the child/ren because one parent is likely to have limited or no time with the child/ren or there is likely to be a change of residence; and/or
3. The proposal or conduct of a party substantially prejudices the ability of a child to maintain a meaningful relationship with one or both parents.

Response: We strongly support option part 19.1, and see these clients as a priority for representation. We note that where matters involve allegations of family violence, mediation may not be appropriate and there may be power imbalances that result in poor outcomes if clients are not represented.

We do not support 19.2 or 19.3 as a priority for funding. CLCs feel that they have provided advice to women who are victims of family violence and have sought no-contact orders, who have then been ineligible for legal aid because they have failed a merits test. Meanwhile, the perpetrator of the family violence is eligible for legal aid. These options create a perverse incentive for victims of violence to agree to contact that they would otherwise oppose, for the sole purpose of ensuring that they are eligible for legal aid.

Option 20: Remove the guidelines restricting funding for representation at final hearing for clients otherwise eligible for litigation funding.

Response: We support this option. We note that in cases where there are allegations of family violence and/or child abuse the evidence needs to be tested to ensure children’s needs are met and the safety of the vulnerable parent and child are protected.

Option 21: Establish a reference group that includes private practitioners, community legal centres and VLA staff lawyers to review grant guidelines related to family law dispute resolution and litigation and make recommendations about:

1. Re-drafting the guidelines so that they are easier to understand and apply.
2. Re-drafting the guidelines to reflect the case management and hearing models of the Family Law Courts.
3. Developing checklists to assist practitioners in applying for grants of aid and assessment of merits of a matter.

This particular option is not about changing eligibility criteria but rather clarifying existing guidelines.

Response: We support this option. We note that if the Guidelines are easier to understand and apply, the referrals process will work more effectively—CLCs and others will be able to refer the client to VLA and to private lawyers who undertake legal aid work with more confidence in a predictable outcome. The MMCLS supports this option and would be willing to participate.

Option 22: Conduct a court ordered mediation pilot.

Response:

Option 23: Remove the funding requirement that respondents to a court application may only be granted aid to seek an adjournment.

Response:

Option 24: Amend the guideline removing eligibility for aid, so that it does exclude funding on the basis of breaches of Victorian family violence safety notices or intervention orders.

Response: We support this option. It is our understanding that one party may be excluded from Legal Aid eligibility because they have breached a FVIO in cases where both parties have sought FVIOs and the circumstances the breach are complicated and may involve “self-help” attempts to access children.

Option 25: Establish a working group including private practitioners, community legal centres and VLA staff lawyers to develop a suite of quality tools to assist practitioners in the preparation of matters for hearing.

Response: As noted above, CLCs lack access to a suite of tools to assist in preparation of matters for hearing. We support the involvement of CLCs in identifying quality tools, and note that CLCs may need additional funding to enable purchase of such tools. Costs could be reduced if contracts

with providers of tools could be provided through the Federation with multiple licences for CLCs. The MMCLS supports this option and would be willing to participate.

Option 26: Divide the current preparation fee into two components:

1. an evidence analysis, merits assessment and case strategy fee (\$534 being 3 hours at \$178) to cover work involved for a lawyer or barrister undertaking this assessment;
2. the remainder of the fee to be a general lump sum fee to cover the other general preparation undertaken by a lawyer.

Response:

Option 27: Introduce a certificate of readiness for final hearing.

Response:

Option 28: Establish a preferred list of barristers to be briefed in legally aided family law matters.

Response: We support this in principle, but only if the list is reviewed annually and there is participation in the review by CLCs.

Duty Lawyers

Option 29: Pilot a duty lawyer service modelled on the Legal Aid NSW Early Intervention Unit.

Response: The MMCLS is about to embark on a pilot project under our CLSP plan to deliver a 'duty lawyer service at the Federal Circuit Court' in 2015. We have long known there are gaps in services and some parties to court matters attend without representation or having had legal advice. We wish to scope this project; to be at court to provide urgent assistance in relation to family law matters, in the same line as Women's Legal Service Victoria does in Melbourne (our FRC/CLC lawyer has shadowed the court work of this service and we have developed our pilot model based on this model). The type of assistance our lawyers will provide at Court may include; advice and minor assistance, negotiating with the other party (or the other party's solicitors), preparation of minutes of consent orders (in some circumstances), assistance with preparing documents for Court (in some cases) and Court representation (in some cases). Of course a large part of this duty lawyer role would be to also refer clients out to private solicitors (who will apply for VLA funding if eligible) for ongoing assistance. Another part of this FCC goal is to provide legal education for self represented litigants in the future as well as other relevant topic areas.

Our questions to VLA on this model and below would be how does this fit for Mildura where there is no VLA office? Our service has moved to the above change due to issues locally as mentioned and with the model of offering more assistance at the FCC.

Option 30: Pilot an expanded duty lawyer service modelled on the QPILCH Self Representation Service (Courts) model.

Response: We support detailed consideration of both models contemplated in option 29 and 30, to establish which might work better in a Victorian context.

Option 31: Maintain the current duty lawyer service model, with the addition of Information and Referral Officers at Court to triage matters before the duty lawyer sees the client and/or made referrals for clients after seeing the duty lawyer.

Response: We are reluctant to support this role if it takes funding away from the provision of legal services. We suggest investigation of whether such a role could be resourced through other funding, e.g. from DHS or the Courts.

Self-Represented Litigants

Option 32: Review information and resources provided by VLA, other Legal Aid Commissions, community legal centres and the Family Law Courts to support self-represented litigants, to identify and address gaps.

Response: We support review of information and resources. We note, however, that such resources (including print and online videos) are only likely to assist the more capable self-represented litigants. There are many self-represented litigants who do not have the skills or capacity to self-represent, and the availability of information and resources will not address that lack of capacity.

Option 33: Pilot a QPLICH-type service model for providing additional discrete task assistance for self-represented litigants.

Response:

Option 34: Consider establishing a student clinic model for providing discrete task assistance to self-represented litigants.

Response: We support piloting of both of the models in options 33 and 34, to identify which model has the best outcomes

Child Support, Financial and Property Matter

Option 35: Re-introduce litigation grants for property matters when the dispute also involves children and where the only asset is superannuation.

Response:

Option 36: Re-introduce litigation grants for property matters when the dispute also involves children, where the parent is seeking to retain the family home and will receive no payment, and/or where the matter involves a superannuation spilt or a pool of equity less than \$50,000 (including superannuation).

Response: We support both options in 35 and 36. Some CLCs already undertake this work for clients. We see provision of legal advice and litigation assistance at this stage as an early intervention strategy that prevent a number of legal problems arising when single parents do not retain the family home, e.g. debt and tenancy issues.

We believe there is more scope for funding to provide legal assistance where there is family violence and there are debts that are a result of that family violence.

Option 37: Remove the current limited grant funding available for property matters at Roundtable Dispute Management.

Response:

Independent Children's Lawyers

Option 38: Introduce a limited grant for Independent Children's Lawyers to instruct in matters.

Response:

Option 39: Amend the current guideline to continue to allow for, but no longer require, Independent Children's Lawyer to appear at final hearing as solicitor advocates.

Response:

Option 40: Introduce a grant for disbursements for Independent Children's Lawyers seeking assessment reports, applicable where legally aided parties or self-represented litigants are unable to pay the cost of the report.

Response:

Any other matters or comments

Response: