



Government of **Western Australia**  
Department of **Justice**  
Legal Assistance Branch

# Legal Assistance Services Commissioning Strategy and Implementation Plan

2024-2030



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## Acknowledgement of Country

The Department of Justice (the Department) respectfully acknowledges Aboriginal people as the traditional custodians of the land on which we work. We embrace the vast Aboriginal and Torres Strait Islander cultural diversity, including their languages, traditions and historical experiences, and recognise their continuing connection to culture, country, water and sky.

We pay our respects to Elders past, present and emerging.

The Department acknowledges the over-representation of Aboriginal and Torres Strait Islander people in the Western Australian justice system. The Department is committed to respectfully partnering with our Aboriginal and Torres Strait Islander colleagues, clients, communities and organisations.

## Mission

We work collaboratively towards a fair, just and safe community, where people experiencing vulnerability and disadvantage are supported to understand and assert their legal rights, and where they have access to culturally safe, trauma informed, client-centred and timely legal assistance to address or prevent legal problems.

The commissioning of legal assistance services is critical in the achievement of this mission and this strategy and implementation plan is focussed on ensuring that commissioning is undertaken in such a way as to fulfil this mission.

## Aim

To document the Department of Justice's commissioning process for legal assistance services in Western Australia which supports implementation of the three focus areas of the Legal Assistance Strategy 2022-2025 (the Strategy), being:

- Focus Area 1: Client-centred legal assistance for people experiencing vulnerability and disadvantage.
- Focus Area 2: A strong, sustainable and responsive legal assistance sector which delivers quality services.
- Focus Area 3: State-wide access to appropriate, timely legal assistance for people experiencing vulnerability and disadvantage.

## Acknowledgements and disclaimer

This Legal Assistance Services Commissioning Strategy and Implementation Plan 2024-2030 (Commissioning Strategy) was developed in consultation with the legal assistance sector, including a diverse group of service providers and peak bodies, and people with lived experience of accessing and receiving legal assistance. The Commissioning Strategy was also informed by findings from previous consultations undertaken to inform the Strategy and Legal Assistance Action Plan 2022–2025 (Action Plan), and a review of commissioning approaches in other jurisdictions and adjacent sectors, including the mental health and health sectors where commissioning approaches are well developed.

The Department engaged Nous Group (Nous), a management consulting firm, to support the consultation and drafting of this document.

The Department would like to thank all those who were engaged in the process for their time, expertise and sharing of their own stories and experiences.

## Executive summary

### **The legal assistance system promotes equitable access to justice**

Legal assistance services exist to ensure equitable access to justice for people experiencing financial or social disadvantage. As outlined in the Legal Assistance Strategy 2022-2025 (the Strategy),<sup>1</sup> some groups of people experiencing disadvantage are more likely to face legal problems and less able to access legal assistance.

In Western Australia (WA), legal assistance services are currently delivered by five key provider types. This includes Legal Aid WA (LAWA) and Community Legal Centres (CLCs), entities that provide Aboriginal specific services such as the Aboriginal Legal Service of WA (ALSWA) and Family Violence Prevention Legal Services (FVPLS), as well as pro bono referral services (such as Law Access) and pro bono lawyers.

### **The Commissioning Strategy sets a blueprint for future commissioning by the Department of Justice**

This Commissioning Strategy aims to ensure the legal assistance services funded by governments is working to achieve desired outcomes across the system. It aims to communicate a unified future direction and goals for the system, which includes service priorities and consistent expectations around minimum levels and standards of service. It also provides guidance to inform service providers roles going forward.

At its core, this Commissioning Strategy will play a role in supporting the sector to move towards its desired state of a fair, just, and safe community, where people experiencing vulnerability and disadvantage are supported to understand and assert their legal rights; and where they have access to culturally safe, trauma informed, client-centred and timely legal assistance to address or prevent legal problems.<sup>2</sup> Through the Commissioning Strategy, the Department can move toward a future service system that is able to better address client needs and achieve desired outcomes.

The Commissioning Strategy marks the first step in setting the direction for change. Implementing the Commissioning Strategy will be a gradual and consultative process that will aim to minimise disruptions to the sector, clients, and communities. Additional resources and consultations with the sector will be required to ensure effective implementation. The Department will monitor and evaluate the implementation of the Commissioning Strategy and its impacts and will make informed adjustments as needed.

### **It aims to respond to the existing and future needs of clients and communities**

Commissioning is a strategic approach to service delivery. It puts clients and community at the heart of the approach, looking beyond just procurement of services. The State Commissioning Strategy for Community Services 2022 (State Commissioning Strategy),<sup>3</sup> outlines the need to shift away from traditional approaches

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<sup>1</sup> Government of Western Australia, Department of Justice, Legal Assistance Branch (2022). Legal Assistance Strategy and Action Plan 2022-2025.

<sup>2</sup> Government of Western Australia, Department of Justice, Legal Assistance Branch (2022). Legal Assistance Strategy and Action Plan 2022-2025.

<sup>3</sup> Government of Western Australia, State Commissioning Strategy for Community Services 2022. Available at: <https://www.wa.gov.au/system/files/2022-08/State-Commissioning-Strategy-for-Community-Services-2022.pdf>

to purchase services, and toward a more holistic, proactive and sustainable approach, reflected as a 'commissioning cycle'.

Many people require legal assistance at some point in their lives. In some instances, the legal assistance required may be minor, such as the provision of readily available information; in other instances, the legal assistance (and whether it is provided) may have a lasting impact on clients' health, wellbeing, relationships and financial livelihood.

Clients and communities currently face challenges when interacting with the legal assistance sector (the sector), with identified service gaps, barriers to access and in some cases, poor service experiences. The current system is one that is skewed towards providing discrete assistance rather than ongoing and intensive assistance that may be needed to fully resolve clients' legal problems. There are limited resources directed toward services to the community, and limited collaboration between legal assistance service providers and other non-legal providers to deliver more holistic services to clients.

Service barriers and gaps can be exacerbated in regional, rural, and remote communities, and for certain client groups, including Aboriginal and Torres Strait Islander people.

### **There is a unique and distinct role for Aboriginal community-controlled organisations (ACCOs) in the legal assistance system, now and in the future**

This Commissioning Strategy recognises the unique and distinct role that ACCOs have in the legal assistance system, now and in the future. It is important to acknowledge this in the future system design, future roles and responsibilities and future procurement, contract management and monitoring undertaken.

The Department will ensure the future system design of the legal assistance sector addresses the legal needs of Aboriginal and Torres Strait Islander people, ensuring services delivered to individuals and communities are culturally safe and appropriate, accessible and co-designed with and led by Aboriginal and Torres Strait Islander people, communities and ACCOs.

ACCOs will be increasingly empowered to lead service provision to and for Aboriginal and Torres Strait Islander people.

Procurement approaches will align with commitments made under the National Agreement on Closing the Gap<sup>4</sup>, the Aboriginal Empowerment Strategy,<sup>5</sup> and the Aboriginal Procurement Policy.<sup>6</sup> This involves strengthening ALSWA and FVPLSs in the legal assistance sector by supporting them to build capacity and increasing the proportion of service delivery by them to Aboriginal and Torres Strait Islander people across all priority areas of law<sup>7</sup>.

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<sup>4</sup> Coalition of Aboriginal and Torres Strait Islander Peak Organisations and Australian Governments, National Agreement On Closing The Gap, 2020. Available at: [https://www.closingthegap.gov.au/sites/default/files/2022-09/ctg-national-agreement\\_apr-21-comm-infra-targets-updated-24-august-2022\\_0.pdf](https://www.closingthegap.gov.au/sites/default/files/2022-09/ctg-national-agreement_apr-21-comm-infra-targets-updated-24-august-2022_0.pdf)

<sup>5</sup> Government of Western Australia, The Aboriginal Empowerment Strategy 2021-2029, 2021. Available at: <https://www.wa.gov.au/government/publications/aboriginal-empowerment-strategy-western-australia-2021-2029>

<sup>6</sup> Government of Western Australia, General Procurement Direction 2021/08 - Aboriginal Procurement Policy. Available from: <https://www.wa.gov.au/government/publications/general-procurement-direction-202108-aboriginal-procurement-policy>

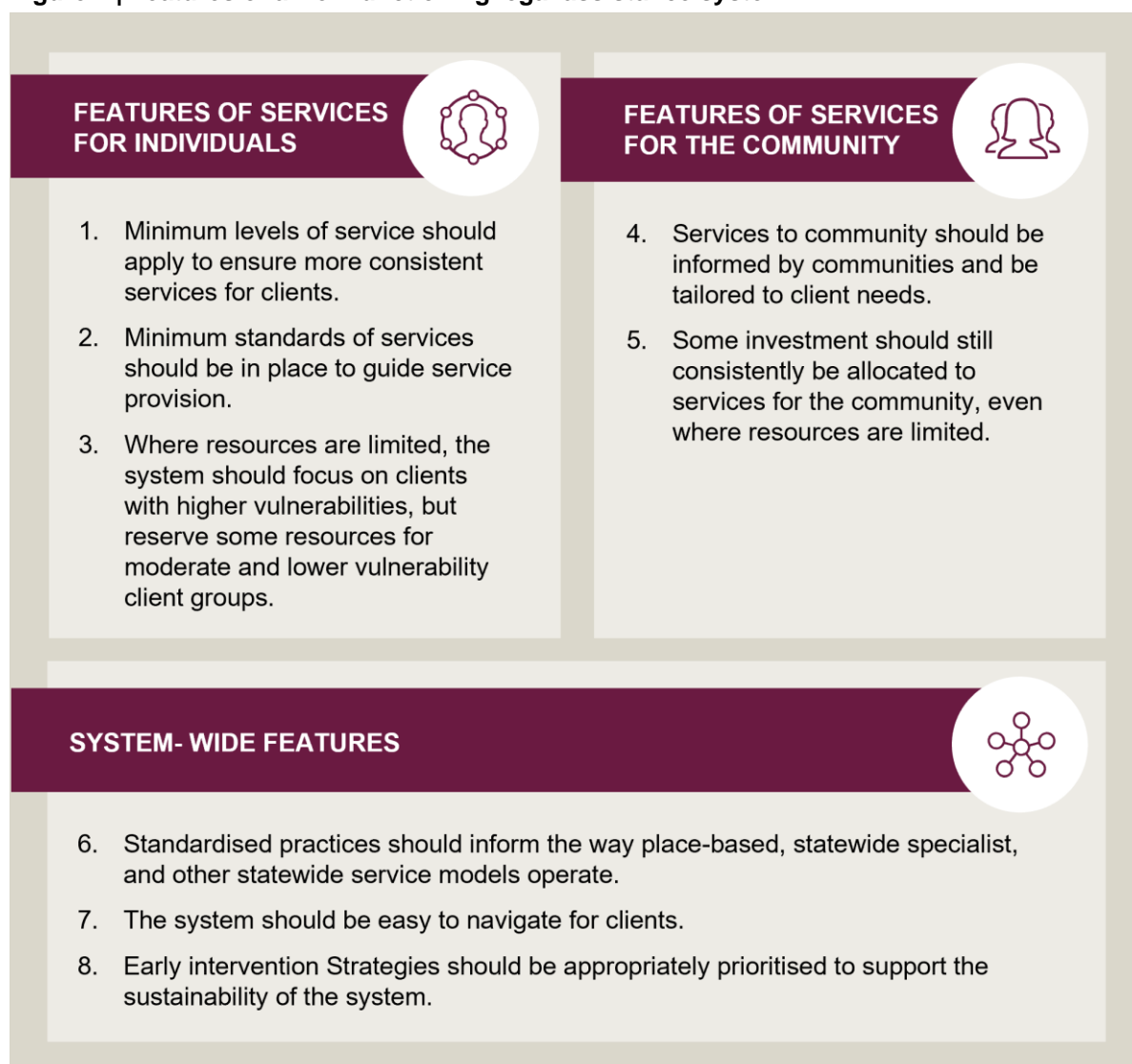
<sup>7</sup> The Legal Assistance Strategy 2022-2025 outlines 16 priority areas of law.

## A future system will need to address existing service gaps and barriers and aim to achieve desired outcomes for clients

The future legal assistance system will need to address existing service gaps and barriers to achieve desired outcomes for clients and the sector.

The Commissioning Strategy articulates the key features of a well-functioning legal assistance sector for WA. It includes features specific to parts of the system which deliver services for individuals; some features specific to services for communities, and some features which apply across the system (see Figure 1).

Figure 1 | Features of a well-functioning legal assistance system



## There will need to be clear roles and responsibilities to support a more collaborative and navigable sector

To support a well-functioning service system, there is a need to define services provided and recognise clearer roles and responsibilities across the sector, including between different service providers and other actors in the sector such as the pro bono sector, peak bodies, and the role of the Department itself. Understanding the different service models and roles of legal assistance service providers and other actors will help inform commissioning activities across the sector.



Building on the roles of service provider types, 'lead providers' and 'lead coordinators' will be established across some areas of law, problem types, and priority client groups to support more coordinated service delivery and greater clarity in the sector:

- ALSWA and FVPLSs should be lead providers for Aboriginal and Torres Strait Islander people across all priority areas of law.
- CLCs should be lead providers for most civil law matters for non-Aboriginal and Torres Strait Islander people.
- LAWA should be lead providers for criminal and family law matters for non-Aboriginal and Torres Strait Islander people.

The above lead providers across the areas of law will lead coordination efforts across WA, including for law reform, community legal education and other early intervention strategies and deliver some level of legal assistance services within the identified area of law.

To support these, there will be instances where the expected volume of services delivered by different service provider types will be higher, unchanged or lower than current volumes. This will depend on how the lead provider role is applied in practice, although it is expected that ALSWA and FVPLSs will deliver a greater volume of services to Aboriginal and Torres Strait Islander people in the future system.

Regarding other actors in the sector, it is recognised that:

- The Department will support the sustainability of the sector by driving collaboration, evidence-informed practice, efficiency and innovation.
- Pro bono lawyers, clinical legal education and practical legal training programs, and volunteers can complement the funded services provided by the legal assistance sector by helping to address some unmet need.
- Peak bodies will support collaboration and advocate for a strong, sustainable sector.
- Other actors (such as courts and tribunals, non-legal sectors and other government agencies) will play a role in a future system to enable appropriate service provision and client-centred services.

## **Procurement, contract management and monitoring will aim to nurture sector sustainability**

The Commissioning Strategy will guide the allocation of funds to legal assistance service providers, rather than set out specific procurement activities. It will help to ensure any procurement approaches going forward are aligned with broader Government strategies, policies and plans as well as the Strategy and Legal Assistance Action Plan 2022-2025 (Action Plan); and that approaches are system-focused, considering the whole legal assistance sector and informed by evidence and current capabilities and capacities of the sector.

Multiple policies and strategies guide the way the Department procures services. This includes the State Commissioning Strategy, the Department's Agency Commissioning Plan, the Delivering Community Services in Partnership (DCSP) Policy, the WA Aboriginal Procurement Policy, the National Agreement on Closing the Gap and other government requirements related to managing and accounting for use of public funds.

Building on existing strategies and policies, and in consultation with the sector, the Department has identified the following principles to inform its procurement, contract management and reporting approach with the legal assistance sector:

- Procurement should nurture sector sustainability and help the sector build capacity over the long term by minimising disruptions in communities, including for clients and other non-legal service providers.
- Procurement should build trust and support collaboration within the sector.
- The capacity of ALSWA and FVPLSs should be strengthened to deliver services to Aboriginal and Torres Strait Islander people across all law areas.
- Procurement decisions should be informed by the best available data and information related to the sector.
- Procurement should be responsive to client and community needs and where relevant, in line with priority law areas under the Strategy and arrangements that succeed it.
- Contract management should minimise administrative burden, promote accountability, support continuous improvement and take a relationship-based approach.
- Monitoring should involve regular assessment of system progress against outcomes.

### **The Department has developed a set of actions to support implementation of the Commissioning Strategy**

The Department recognises that a sizeable amount of work is needed to effectively implement this Commissioning Strategy over the coming years. The Department has developed a set of implementation actions to support change toward a future system design, services, roles and responsibilities, procurement, contract management and monitoring.

- To help ensure the Commissioning Strategy is set up for success, the Department recognises that several enabling factors must be accounted for. This includes:
  - Progressing the WA Legal Assistance Workforce Planning and Development Strategy and Implementation Plan 2024-2030 (Workforce Strategy).<sup>8</sup> Developing a sustainable workforce with the right capabilities is a significant challenge within the legal assistance sector currently and implementation of the Workforce Strategy will be critical for the success of the future system.
  - Maturing a quantitative and qualitative evidence base for legal need to inform service system planning and costing of service provision. This will play an important role in informing commissioning decisions moving forward.
  - Continuing to support the sector to engage people with lived experience to inform service system design and planning moving forward. People with lived experience should inform needs modelling, future service system design work and frameworks for monitoring and evaluation where possible.

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<sup>8</sup> At the time of writing, the Workforce Strategy was in final stages of development.



# 1 Purpose and background

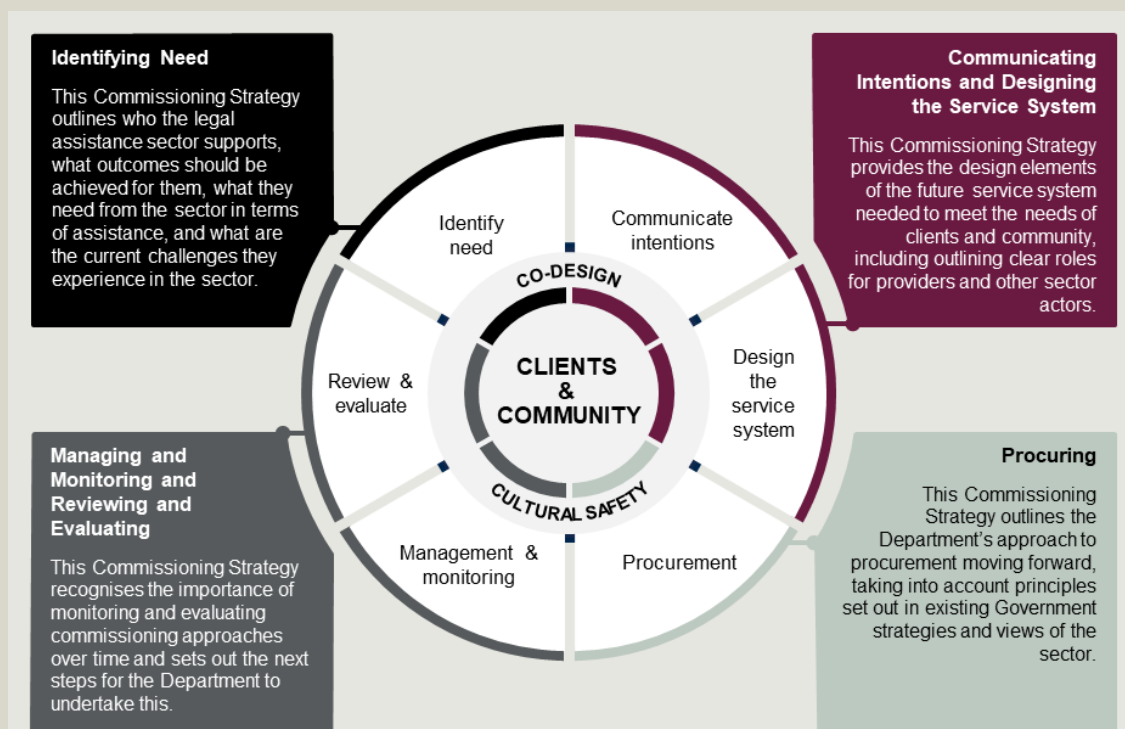
This Commissioning Strategy aims to ensure the legal assistance services funded by governments are working to achieve desired outcomes across the system (see Box 1). It aims to communicate a unified future direction and goals for the system, including priority services, and provider roles which reflect a sector-wide minimum level and standard of service. Anchored in the current understanding of existing and future needs of legal assistance sector clients, this Commissioning Strategy identifies outcomes which will be used to assess and monitor progress; it is intended to adapt over time in response to changing circumstances.

## Box 1 | Defining ‘Commissioning’ for the purposes of this commissioning strategy

There is no clear definition for what ‘commissioning’ is and it is sometimes mistaken to be focused on just the procurement of services by government. However, unlike procurement, which focuses primarily on the purchase of goods and services, commissioning involves a more comprehensive and strategic approach to achieve desired outcomes. It refers to all the activities involved leading up to procurement, and after services have been procured.<sup>9</sup>

Commissioning is a strategic approach to service delivery. It puts clients and community at the heart of the approach, looking beyond just procurement of services. The Commissioning Strategy outlines the need to shift away from traditional approaches to purchase services, and toward a more holistic, proactive and sustainable approach, reflected as a ‘commissioning cycle’.

This Commissioning Strategy outlines the changes and future state that the legal assistance sector is progressing towards. The figure below maps how this Commissioning Strategy is aligned to the commissioning cycle, and where and how the future will be different.



This Commissioning Strategy is intended to be a guiding document to inform the allocation of available funds to legal assistance service providers. Currently, the Department is responsible for administering and distributing available funds to legal assistance service providers, including funds received from the Commonwealth through

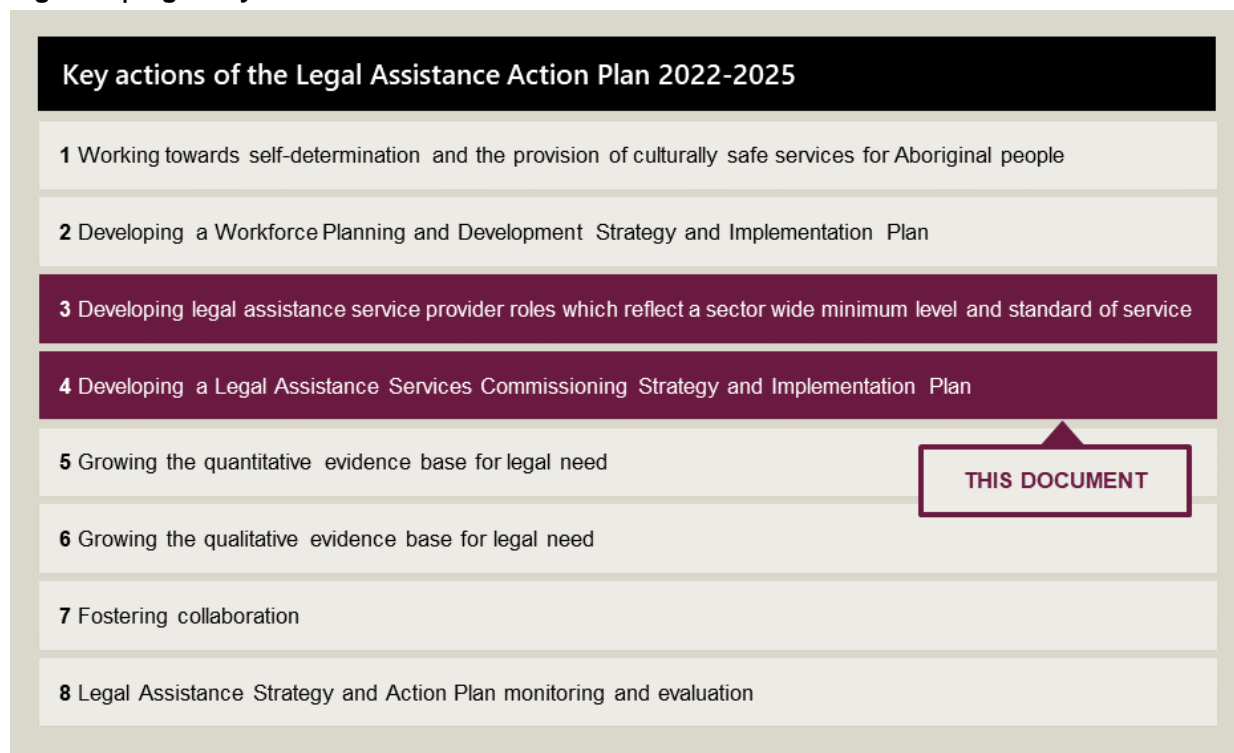
<sup>9</sup> O'Flynn, J and Sturgess, G.L, In 2030 and beyond: getting the work of government done, 2019

the *National Legal Assistance Partnership 2020–2025* (NLAP) and funds received from the State such as the State Baseline Funding (baseline), Boost allocations, and specific program funding. The Department became responsible for administering the funds and contracts with ALSWA in 2020, and the administration of CLC Grants and Contracts, previously under LAWA’s responsibility, was transferred to the Department on July 1, 2021.

This document is not intended to set out specific procurement activities. It will cover all funding allocated to the legal assistance sector which is managed by the Department, including, but not limited to, funds received from the Commonwealth Government and funds received from the WA Government. The WA legal assistance sector refers to all actors that deliver or support the delivery of legal assistance to Western Australians, including service providers, pro bono lawyers, peak bodies and the Department.

The Commissioning Strategy completes actions identified in the Action Plan. In 2022, the Strategy was developed in consultation with the sector to set out a practical, flexible and proactive roadmap to support the sector to deliver legal assistance in a way that responds to the needs of WA’s diverse and geographically vast community. From this, the Action Plan was developed to support implementation of the Strategy. The Department is responsible for the Action Plan including the eight key actions (see Figure 2).<sup>10</sup>

**Figure 2 | Eight key actions identified in the Action Plan**



<sup>10</sup> Government of Western Australia, Department of Justice, Legal Assistance Branch (2022). Legal Assistance Strategy and Action Plan 2022-2025.

This document is the output of Action 4: a Legal Assistance Services Commissioning Strategy and Implementation Plan, which aims to set a clear direction for the future of a sustainable legal assistance sector in WA. It is also an output of Action 3 as it outlines future system design principles, including minimum level and standards of service and clearer service provider roles. It aligns with the Department's Agency Commissioning Plan and with the expectations of the State Commissioning Strategy.<sup>11</sup> It also aligns with existing policies and strategies in the sector such as the National Strategic Framework for Legal Assistance,<sup>12</sup> the Strategy,<sup>13</sup> the WA Aboriginal Procurement Policy,<sup>14</sup> and the National Agreement on Closing the Gap.<sup>15</sup>

Strategic commissioning in the context of the legal assistance system is in its early development stages across Australia. Unlike other sectors such as health and mental health, resources have not been invested in developing commissioning processes in legal assistance to the same extent. Ongoing work will be required to ensure the Commissioning Strategy is implemented effectively.

**The Commissioning Strategy marks the first step in setting the direction for change. It is recognised that it will take time for the sector to move towards its desired state, and it will require additional resources and consultations with the sector to ensure effective implementation. Implementing the Commissioning Strategy will be a gradual and consultative process that aims to minimise disruptions to the sector, clients and communities. The Department will monitor and evaluate the implementation of the Commissioning Strategy and its impacts and will make informed adjustments as needed.**

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<sup>11</sup> Government of Western Australia, State Commissioning Strategy for Community Services 2022. Available at: <https://www.wa.gov.au/system/files/2022-08/State-Commissioning-Strategy-for-Community-Services-2022.pdf>

<sup>12</sup> Council of Attorneys-General, National Strategic Framework for Legal Assistance, 2019. Available at: <https://www.ag.gov.au/system/files/2020-06/National-Strategic-Framework-for-Legal-Assistance.pdf>

<sup>13</sup> Government of Western Australia, Department of Justice, Legal Assistance Branch, Legal Assistance Strategy and Action Plan 2022-2025, 2022.

<sup>14</sup> Government of Western Australia, Aboriginal Procurement Policy, 2023. Available at: <https://www.wagov.pipeline.preproduction.digital.wa.gov.au/government/publications/aboriginal-procurement-policy-guide-aboriginal-suppliers>

<sup>15</sup> Coalition of Aboriginal and Torres Strait Islander Peak Organisations and Australian Governments, National Agreement On Closing The Gap, 2020. Available at: [https://www.closingthegap.gov.au/sites/default/files/2022-09/ctg-national-agreement\\_apr-21-comm-infra-targets-updated-24-august-2022\\_0.pdf](https://www.closingthegap.gov.au/sites/default/files/2022-09/ctg-national-agreement_apr-21-comm-infra-targets-updated-24-august-2022_0.pdf)

## 2 The purpose of the legal assistance system

The legal assistance system in WA plays a vital role in supporting and advocating for some of the most vulnerable communities, both during and beyond their encounters with the legal system. The system provides free or low-cost legal assistance services to people experiencing financial or social disadvantage in WA. The system includes a broad spectrum of services, from information and advice services to services for people who need a lawyer to represent them. This includes services for individuals, as well as services for the community, such as community legal education.<sup>16</sup>

### 2.1 The legal assistance system promotes equitable access to justice

Legal assistance services exist to ensure equitable access to justice for people experiencing financial or social disadvantage. As outlined in the Strategy, some groups of people experiencing disadvantage are more likely to face legal problems and less able to access legal assistance. There are 16 Priority Client Groups that are cohorts of focus for the system (noting that legal assistance service providers are still able to assist clients who fall outside of these groups).<sup>17,18</sup>

Financial circumstances are a key consideration in determining eligibility for support from the legal assistance system. Legal assistance service providers may deliver services to members of the general public based on an assessment of a person's level of financial disadvantage and/or merit of their case. The necessity of the assessment may be determined by the type of service provided (for example LAWA's grant of aid) or determined through a funding agreement, such as the NLAP. The NLAP describes a financially disadvantaged person as one who does not have the means to pay for private legal services without incurring serious financial difficulty, including a person who:<sup>19</sup>

- Is in receipt of Centrelink benefits as their main source of income;
- Satisfies a means test applied by a legal assistance service provider;
- Is exempt from a legal assistance service provider's means test;
- Has an income equal to or below the Henderson Poverty Line; or
- Cannot access finances temporarily due to circumstance outside of their control.

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<sup>16</sup> Government of Western Australia, Department of Justice, Legal Assistance Branch (2022). Legal Assistance Strategy and Action Plan 2022-2025.

<sup>17</sup> Government of Western Australia, Department of Justice, Legal Assistance Branch (2022). Legal Assistance Strategy and Action Plan 2022-2025.

<sup>18</sup> Although some legal assistance services address legal need for broader target groups beyond the priority client groups identified in the WA Legal Assistance Strategy 2022–2025. These services aim to reduce the likelihood of people becoming vulnerable or disadvantaged, for example by helping them resolve tenancy issues to avoid unstable housing outcomes and risks of becoming homeless; and by helping them resolve credit-related matters that can reduce the risk of bankruptcy.

<sup>19</sup> National Legal Assistance Partnership Agreement 2020-25 cl 08(g).

## **2.2 The system provides legal assistance services for both individuals and communities**

Many people require legal assistance at some point in their lives. In some instances, the legal assistance required may be minor, such as the provision of readily available information; in other instances, the legal assistance (and whether it is provided) may have a lasting impact on clients' health, wellbeing, relationships and financial livelihood.

The legal assistance sector provides a range of services to assist both individuals (people, groups, or organisations) and services provided to communities as outlined in the National Data Standards Manual.<sup>20</sup>

- Services for an individual may include discrete assistance (such as legal advice, referrals, and non-legal support), duty lawyer services and representation.
- Services for communities may include activities, such as community legal education and law reform.

Support is provided for a range of different legal issues, including criminal, civil and family law matters. The Strategy identifies 22 priority areas of law as the focus of the system, noting that service providers are still able to assist clients seeking assistance outside of these areas of law.<sup>21</sup>

## **2.3 In WA, legal assistance services are currently delivered by five key provider types**

Legal assistance services are currently delivered by five key provider types. This includes Legal Aid WA (LAWA) and Community Legal Centres (CLCs), entities that provide Aboriginal specific services such as the Aboriginal Legal Service of WA (ALSWA) and Family Violence Prevention Legal Services (FVPLS), as well as pro bono referral services (such as Law Access) and pro bono lawyers. Table 1 outlines, at a high-level, the current roles of different providers in the sector.

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<sup>20</sup> Attorney-General's Department, National Legal Assistance Data Standards Manual – Version 3, Australian Government, 2021.

<sup>21</sup> See p.11-12 of [Legal Assistance Strategy and Action Plan 2022-2025](#)

**Table 1 | High-level roles of different providers in the sector**

<b>Provider type</b>	<b>High-level description of roles</b>
ALSWA	ALSWA is an Aboriginal community controlled not-for-profit organisation which provides specialist culturally safe legal assistance services in the areas of criminal, civil and family law to Aboriginal and Torres Strait Islander people. It provides both statewide specialist and a place-based services with several local offices across WA and a head office.
FVPLSs	FVPLSs are specialist Aboriginal community controlled, not-for-profit organisations which provide specialist culturally safe legal assistance services and other holistic, culturally safe and trauma informed services to Aboriginal and Torres Strait Islander people experiencing or at risk of family violence and sexual assault. FVPLSs provide both statewide specialist and place-based services with a combination of local offices across WA and head offices.
CLCs	CLCs are independent, not-for-profit organisations with expertise in areas of civil and family law (however this can be broader depending on the legal needs of the communities they serve). There are CLCs that provide statewide specialist services only, some that provide place-based services, and others that provide both statewide specialist and place-based services.
LAWA	LAWA is a statutory agency with expertise in areas of civil law, criminal law and family law. LAWA provides both statewide specialist and a place-based services with several local offices across WA and a head office.
Law Access	Law Access is a specialist, not-for-profit, pro bono referral service. It facilitates pro bono legal assistance in civil, criminal and family law matters for those who cannot access other legal services. Law Access provides statewide specialist services.

### **3 A blueprint for future commissioning**

At its core, this Commissioning Strategy will play a role in supporting the sector move towards its desired state, of a fair, just, and safe community, where people experiencing vulnerability and disadvantage are supported to understand and assert their legal rights; and where they have access to culturally safe, trauma informed, client-centred and timely legal assistance to address or prevent legal problems.<sup>22</sup> Through the Commissioning Strategy, the Department can move toward a future service system that is able to better address client needs and achieve desired outcomes.

Figure 3 outlines a system-level Logic Model which summarises how the legal assistance service system should be organised to achieve desired outcomes for clients. This Logic Model includes a set of outcomes that represent the collective goals for the system; describes key challenges and gaps in the current system; and articulates the features that a well-functioning system should have in order to achieve the desired outcomes. Each of these system features are discussed in more detail across the following pages, and more detailed Logic Models for different areas of law are outlined in 0.

<sup>22</sup> Government of Western Australia, Department of Justice, Legal Assistance Branch (2022). Legal Assistance Strategy and Action Plan 2022-2025.



Figure 3 | Logic model to understand the roadmap to inform future commissioning activity

Context What do we know about the context?	Current and future legal need in WA What is the nature of legal need and what are the problems that need to be solved?	Future system and roles and responsibilities What change do we want to see?	Future approach to procurement and contract management What change do we want to see for procurement and contract management?	Areas of Focus How will we contribute more broadly?	Future System Outcomes. How will we know we are creating impact?
<p>Many people, at some point throughout their lives, will require the assistance and support of legal services.</p> <p>For many, private legal support is financially inaccessible, and as such the States and Commonwealth Government agreed to fund the legal assistance sector to keep the legal system in reach for people facing disadvantage.</p>	<p>The current system as it is, and with the available State and Commonwealth funding, cannot meet the legal needs of vulnerable and disadvantaged people in WA. People with lived experience of accessing legal assistance shared that:</p> <ul style="list-style-type: none"> <li>• The experience of engaging with the legal assistance sector can be a 'lottery'.</li> <li>• Current processes can be re-traumatising for individuals.</li> <li>• Legal processes, including ways to access the sector, are confusing for people without a legal background.</li> <li>• People are expected to understand their legal rights when many do not.</li> <li>• There is a 'missing middle' group of clients that seek legal assistance but are unable to receive assistance.</li> </ul> <p>Service providers, the organisations delivering legal assistance services to vulnerable people, also recognise that there is improvement required across the sector. They recognise that:</p> <ul style="list-style-type: none"> <li>• The sector has a focus on delivering discrete services, over ongoing supports and representation which can provide better outcomes for people.</li> <li>• There is a focus on providing reactive services, often discrete as noted, over activities that would reduce the level of need for the sector. Providers outlined opportunities to intervene earlier to support clients and/or prevent legal problems from escalating which could be prioritised.</li> <li>• Services are often not holistic when they should be for clients with multiple legal and non-legal needs. The co-occurrence of legal need with other vulnerabilities and disadvantages means that many clients should be supported with non-legal supports at the same time – through the provider or with a partner organisation. There are also instances where clients have multiple legal matters but will need to access different services to address them.</li> </ul>	<p>The Department would like to implement a strategic commissioning approach that contributes to a high-performing and well-functioning legal assistance sector. At the heart of this approach should be the clients and communities that the legal assistance sector serves. The Department, through this Commissioning Strategy, hopes to improve individuals' lives, and contribute to broader public benefits to communities.</p> <p>The Commissioning Strategy outlines the vision of the <b>future system</b> where:</p> <ul style="list-style-type: none"> <li>• Minimum levels of service should apply to ensure more consistent services for clients (see Section 7.1).</li> <li>• Minimum standards of services should be in place to guide service provision (see Section 7.2).</li> <li>• Where resources are limited, the system should focus on clients with higher vulnerabilities, but reserve some resources for moderate and lower vulnerability client groups (see Section 7.3).</li> <li>• Legal services for the community should be adequately prioritised to support the sustainability of the system (see Section 7.4).</li> <li>• Resources should still consistently be directed toward the delivery of services for the community, even where they are limited (see Section 7.5)</li> <li>• Standardised practices should inform the way place-based, statewide specialist, and other statewide service models operate (See Section 7.6)</li> <li>• The legal assistance system should be easy to navigate for clients (see Section 7.7)</li> <li>• Early intervention strategies should be prioritised (see Section 7.8)</li> </ul> <p>It also outlines the intention for <b>future roles within the system</b>, where:</p> <ul style="list-style-type: none"> <li>• ALSWA and FVPLSs should be lead providers for Aboriginal and Torres Strait Islander people across all areas of law.</li> <li>• CLCs should be lead providers for most civil law matters for non-Aboriginal and Torres Strait Islander people.</li> <li>• LAWAs should be lead providers for criminal and family law matters for non-Aboriginal and Torres Strait Islander people.</li> <li>• The Department, as system steward, promotes collaboration, evidence-informed practice, efficiency and innovation.</li> </ul>	<p>Procurement with the legal assistance sector should:</p> <ul style="list-style-type: none"> <li>• Nurture sector sustainability and help the sector build capacity over the long term by minimising disruptions in communities, including for clients and other non-legal service providers.</li> <li>• Build trust and support collaboration within, and outside of, the sector.</li> <li>• Strengthen the capacity of ALSWA and FVPLSs to deliver services to Aboriginal and Torres Strait Islander people across all law areas.</li> <li>• Ensure procurement decisions are informed by the best available data and information related to the sector.</li> <li>• Be responsive to client and community needs and in line with priority law areas under the Strategy and arrangements that succeed it.</li> </ul> <p>When managing contracts with legal assistance service providers, the Department will ensure it:</p> <ul style="list-style-type: none"> <li>• Minimises administrative burden, promotes accountability, supports continuous improvement and takes a relationship-based approach.</li> <li>• Monitors contracts by involving regular assessment of system progress against key deliverables and outcomes.</li> </ul> <p>The Department will also ensure procurement approaches are aligned with commitments made under Closing the Gap, the Aboriginal Empowerment Strategy and the Aboriginal Procurement Policy. This involves strengthening ALSWA and FVPLSs in the legal assistance sector by increasing the proportion of service delivery by them to Aboriginal and Torres Strait Islander people across all priority areas of law and supporting them to build capacity.</p>	<p>The Department will focus on several actions to support change. This will involve progressing:</p> <ul style="list-style-type: none"> <li>• <b>System design actions</b>, which involve implementing the minimum service levels and standards, further develop and embed place-based and statewide service models, identify opportunities to ensure services are more accessible and navigable and prioritise investment in services for the community and early intervention initiatives.</li> <li>• <b>Roles and responsibility actions</b>, which involve determining, with the sector, how new roles can be implemented and what changes are required for the service system and strengthening the role of ALSWA and FVPLSs.</li> <li>• <b>Procurement, contract management and monitoring actions</b>, which involve reviewing existing contracts to ensure alignment with the procurement and contract management principles, incentivising collaboration and identifying ways to drive collaborative models and ways of working between service providers, explore opportunities for co-commissioning with other government agencies, build on the developed outcomes in this Commissioning Strategy to support more outcomes-focused monitoring, and develop an evaluation approach to assess progress against the Commissioning Strategy.</li> </ul> <p>To help ensure the Commissioning Strategy is set up for success, the Department will embed the following <b>system enablers</b>, including:</p> <ul style="list-style-type: none"> <li>• Ensuring appropriate governance and funding arrangements are in place.</li> <li>• Implementing the Workforce Strategy.</li> <li>• Continuing to develop the quantitative and qualitative evidence base.</li> <li>• Engaging people with lived experience to inform service system planning.</li> <li>• Ensuring appropriate monitoring and evaluation of the Commissioning Strategy is undertaken.</li> </ul>	<p>Impact will be measured and monitored both in terms of individual client outcomes and sector outcomes.</p> <p>At a high level, we will know that the system is creating impact when:</p> <ul style="list-style-type: none"> <li>• Individuals understand their legal rights, obligations and issues.</li> <li>• Individuals feel respected and safe.</li> <li>• Individuals can access affordable and timely legal assistance.</li> <li>• Individuals are supported with their non-legal needs.</li> <li>• The sector has the capability to respond appropriately to legal issues.</li> <li>• The sector is effective, efficient, and equitable.</li> <li>• The sector is integrated within a broader community service ecosystem.</li> <li>• The sector can innovate and meet future needs.</li> </ul>



## 4 Future system outcomes

This section outlines the outcomes that the legal assistance sector has agreed should be the focus for the system. There are desired outcomes for individuals (or clients of the legal assistance sector) and outcomes for the sector more broadly. Outcomes for individuals represent the end goals the sector should achieve for someone engaging with the legal assistance sector; and outcomes for the sector represent the end goals that should be achieved for actors in the sector (such as service providers and the workforce), and the sector more broadly.

The outcomes were developed to reflect views of the sector and people with lived experience, and to align with existing strategies and outcome frameworks that are relevant to the legal assistance sector, namely the National Strategic Framework for Legal Assistance (NSFLA) and the Community Services Outcomes Measurement Framework (CSOMF).

- Some outcomes align with the NSFLA and OMFSC; this alignment is highlighted in Figure 4 overleaf and 0.
- Some outcomes go beyond those outlined in existing strategies and outcome frameworks. These were identified by the sector and people with lived experience as important outcomes (see Figure 5).

These outcomes will enable the Department to monitor the progress of the Strategy and the performance of proposed system changes. The outcomes will also support the sector to transition towards outcome-focused monitoring moving forward, including development of co-designed outcome measures, that are mapped to, and align with, other existing outcome measures and data (see Section 9.7).

Figure 4 | Individual and sector outcomes that the system should aim to achieve

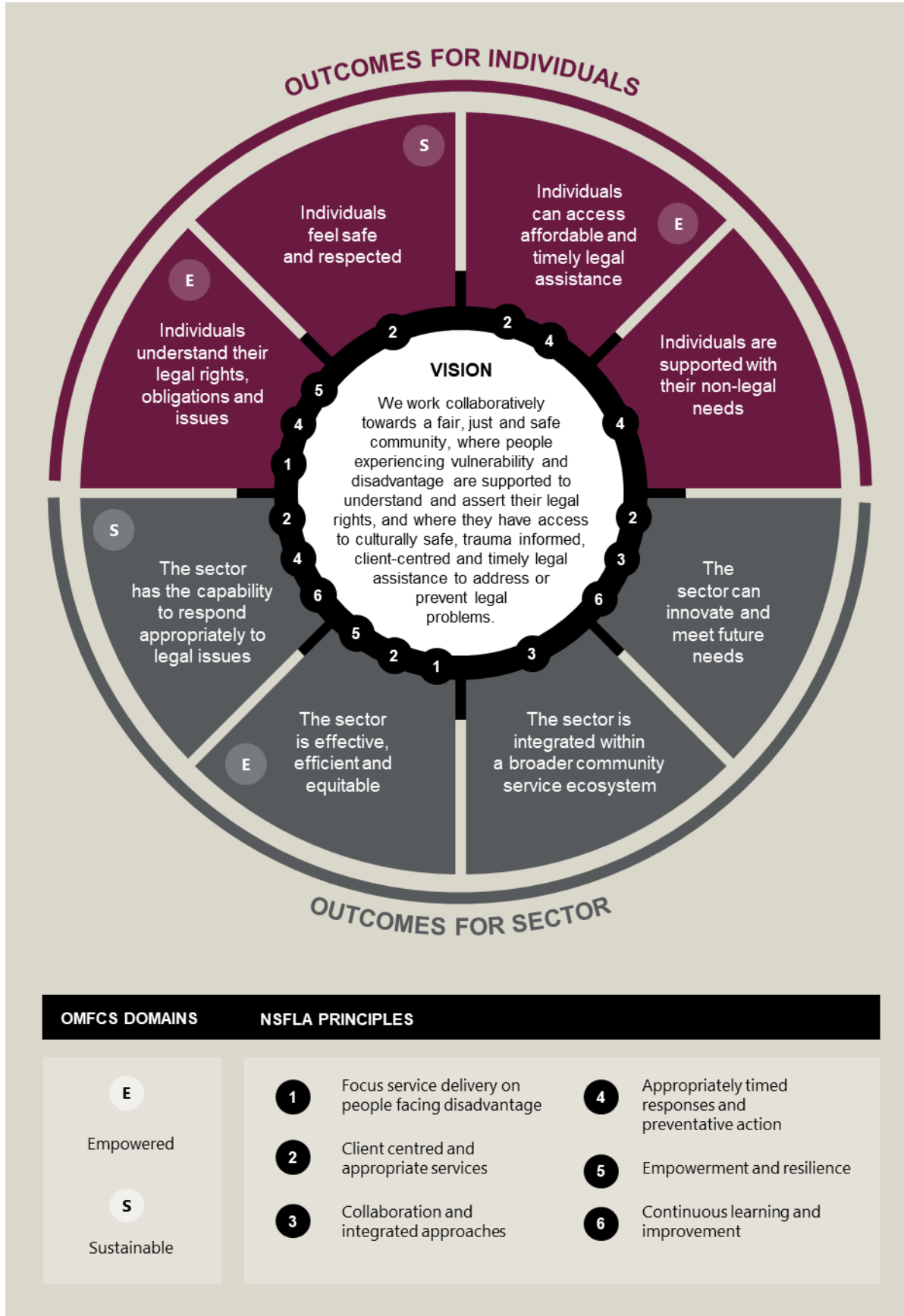


Figure 5 | Sub-outcomes for the individual and sector outcomes



## 5 Current and future legal need in WA

Problems which raise legal issues are not rare events and often people can experience multiple legal problems.<sup>23</sup> There is no widespread agreement on what the term ‘legal need’ means, but for the purposes of this Commissioning Strategy, it can be defined as the extent to which individuals require legal assistance to resolve legal problems they are experiencing.

Legal need (and unmet legal need) is difficult to measure. This is because the prevalence of legal problems does not necessarily equate to need. For example, some people can resolve legal problems on their own without legal assistance. Where legal assistance is obtained, service activity data alone is often not enough to estimate need and unmet need. For example, legal advice may be obtained but a matter may be unresolved as the level of assistance was inadequate.

Currently, there is limited quantitative data to understand clients’ legal needs in WA and whether they are being met. However, there is considerable qualitative evidence to illustrate that the system is not currently meeting the legal needs of Western Australians experiencing disadvantage. Consultations with people with lived experience, service providers and submissions to the Independent Review of the NLAP shared how service providers have had to turn away clients or refer them onwards due to widespread capacity constraints.<sup>24</sup>

### 5.1 Stakeholders provided perspectives on unmet need

While the Department’s quantitative understanding of legal need is still in development, it is clear there are service gaps and barriers faced by clients. People with lived experience have raised many challenges with the system that has affected their ability to achieve the outcomes they wanted. These challenges include:

- The experience of engaging with the legal assistance sector can be a ‘lottery’. For individuals engaging with the legal assistance sector, the level and standard of support they receive can vary greatly depending, not only on the legal assistance service provider, but the specific lawyer they engage with. Individuals have had experiences of lawyers missing their appointments and court dates, providing only a small amount of advice, not explaining reasons for their advice, or on occasions providing advice that people felt was going against their interests and wellbeing.
- Current processes can be re-traumatising for individuals. People with lived experience highlighted that many processes can re-traumatise vulnerable people. This includes multiple referrals and assessments that require an individual to retell their story, or legal practitioners that do not have experience in delivering trauma-informed practice.
- Legal processes, including ways to access the sector, are confusing for people without a legal background. Many people, when engaging with the legal system or legal assistance for the first time, were not aware of the processes and the options available to them. People who had engaged with the sector shared that even when they had some understanding of services provided by LAWA, they were not aware of other service provider options and that it was difficult to find the right information.

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<sup>23</sup> Balmer, N.J., Pleasence, P., McDonald, H.M. & Sandefur, R.L. (2023). The Public Understanding of Law Survey (PULS) Volume 1: Everyday Problems and Legal Need. Melbourne: Victoria Law Foundation

<sup>24</sup> The Independent Review of the National Legal Assistance Partnership will assess to what extent the NLAP has achieved its objectives and outcomes and/or outputs and will inform decisions regarding future funding agreements for legal assistance.

- People are expected to understand their legal rights when many do not. Many people do not know their rights and responsibilities when engaging with the legal system. This can lead to people listening and taking on-board advice without questioning if there are alternative options within their rights.
- There is a 'missing middle' group of clients that seek legal assistance but are unable to receive assistance. People with lived experience raised that the current approach to means testing, combined with the high level of demand for services is preventing people who cannot afford a private lawyer from accessing legal assistance. It was raised that the current approach does not consider the current cost of living and mortgage rates, and different costs associated with different regions of WA.

Service providers have raised several challenges that the sector faces as a whole and the cause or impact of these challenges. Key issues in the service system included:

The system is skewed towards providing discrete assistance, even in instances where clients require more intensive legal assistance. This is particularly the case for civil and family law and is less prevalent for criminal law (see Figure 6).

There are limited resources directed toward services for the community by the legal assistance sector that could lower the overall burden on the legal assistance sector, and support more sustainable outcomes for clients.

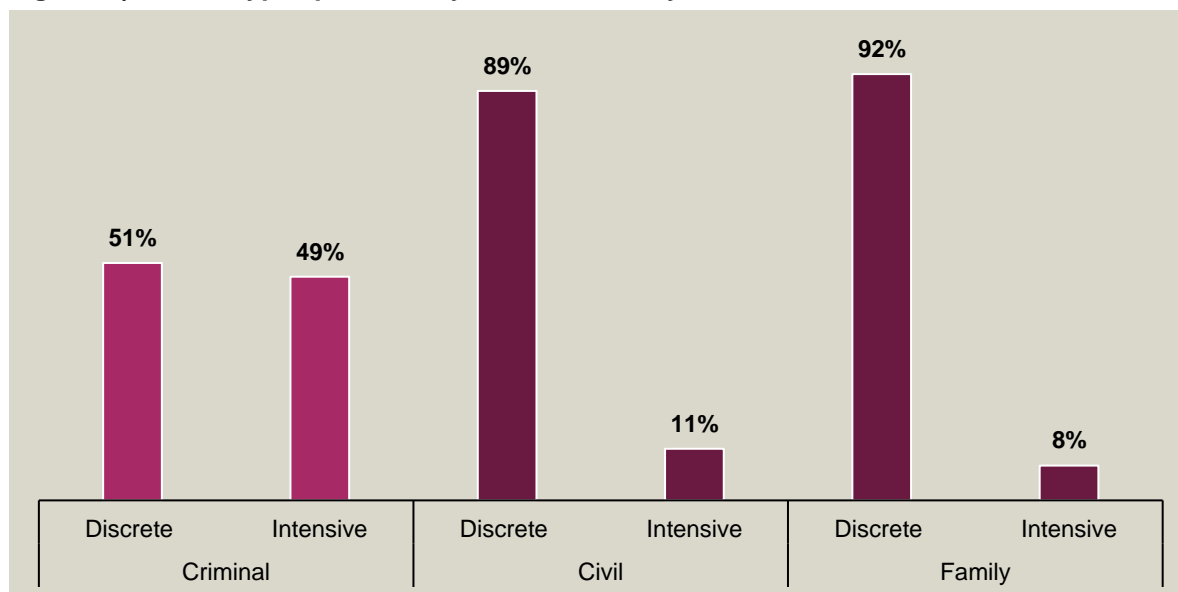
There is limited collaboration between legal assistance service providers and across community service sectors to provide integrated and wrap-around supports to highly vulnerable clients. Clients often have to access multiple services to receive the right assistance, particularly if they have multiple legal problems and/or non-legal needs.

Currently, clients may receive services for free from one provider and be charged by another provider for the same service, depending on what provider they access and where they live. While many legal assistance service providers do not charge eligible clients for services, there are some that will charge various fees including for advice and/or appointments.

Service gaps and barriers can be exacerbated for certain cohort groups and in regional, rural and remote areas across WA. For example, service providers emphasised that for Aboriginal and Torres Strait Islander people, legal assistance services may not always be culturally safe and that service providers lack in their ability to communicate and provide services in remote communities. Moreover, there are gaps in legal assistance that is focused on law reform and advocacy that fails to address the pervasive and ongoing systemic impacts of colonisation that can affect Aboriginal and Torres Strait Islander people.

In regional, rural, and remote communities, service providers outlined that service gaps are compounded by limited access to infrastructure and other support services, and limited access to specialist legal assistance services. Sector stakeholders also raised a range of challenges relating to specific areas of law (see the logic models for different areas of law in 0).

**Figure 6 | Service types provided by service intensity and law area, 2020-21<sup>2526</sup>**



## 5.2 The Department is working towards a quantitative assessment of legal need

In 2022, the Department engaged ACIL Allen (a consulting firm) to develop a WA Legal Needs Service Data Tool (Legal Needs Tool; see Box 2). The Department is currently progressing work to update and refine the Legal Needs Tool to improve the quantitative evidence base for need and unmet need in WA.

### Box 2 | Purpose of the legal needs tool

The Department's Legal Needs Tool was developed to support an evidence-based approach to commissioning and decision making. The Legal Needs Tool combined data and information from service providers (for all funding streams), population data from the ABS and additional justice-related data from government agencies (including Courts and WA Police).

The purpose of the Legal Needs Tool was multi-faceted, including:

- Informing service planning and funding decisions
- Estimating relative unmet need for legal assistance in WA
- Establishing a quantitative evidence base to assess the supply and demand for legal assistance services.

The current iteration of the Legal Needs Tool produced estimated ratios of relative sufficiency, ratios of services delivered across WA by provider type and comparative measures of service delivery against research-based legal needs indicators.

<sup>25</sup> The Department of Justice, Legal Needs Tool analysis, 2022. Discrete service includes information, referral, legal advice, non-legal support and legal tasks. These service types are defined in the National Legal Assistance Data Manual. Intensive services include all other services for individuals such as ongoing legal support services, facilitated resolution process, duty lawyer and representation.

<sup>26</sup> Note that the Department is currently in the process of incorporating updated service data from the most recent financial year. Analysis of this data could not be completed in time to inform the Commissioning Strategy.

The next steps to further progress the Legal Needs Tool are to:

- Improve the Legal Needs Tool's ability to identify different client groups that require legal assistance.
- Update the Legal Needs Tool with new service data from providers.
- Produce reports and dashboards for others including for other government agencies and services providers.

The Legal Needs Tool provided an estimated ratio for 'relative sufficiency of legal assistance', which is a proxy for the level of relative unmet legal need in WA. It compared the level of service provided to an estimated level of need (based on a subset of the population with pre-defined indicators).

- However, there were limitations to this approach:
  - The level of 'optimal' service delivery could not be estimated accurately. This is because there was no 'target' for the volume of services and a breakdown of the different types of services that client cohorts would need. The level of need for legal assistance was estimated using the Need for Legal Assistance Services (NLAS) data, which uses population-based demographic indicators that are strongly associated with those most likely to need and be eligible for legal assistance services.<sup>27</sup>
  - The current level of service delivery to compare against the 'optimal' level (to estimate unmet need) cannot be estimated accurately. This was because of significant data limitations, including low completion rates for data, and that the 2020-21 data was limited to service volumes only; there was limited reliable data to understand what services client groups access.<sup>28</sup>

The Department will undertake work to further progress the Legal Needs Tool to improve its understanding of unmet legal need.

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<sup>27</sup> Law and Justice Foundation of New South Wales, Need for Legal Assistance Services (NLAS) indicators – 2021 Census Update, Justice Issues, Paper 33, 2023.

<sup>28</sup> Additional caveats on the data and the methodology can be found in Acil Allen's Assessment on the Current Legal Needs in Western Australia. Currently the Legal Needs Tool can most reliably be used to compare the relative level of services provided in each area of law across WA.



## 6 Addressing legal needs of Aboriginal and Torres Strait Islander people and communities

Aboriginal and Torres Strait Islander people are recognised as a priority client group in the Strategy as they can often experience higher risk factors contributing to legal need and/or often face (and must overcome) systemic barriers in the legal system. For example, Aboriginal and Torres Strait Islander people in WA have the highest overrepresentation in imprisonment rates of any Aboriginal population<sup>29</sup> and WA Aboriginal children have the highest rate of overrepresentation for care and protection orders of all Australian jurisdictions.<sup>30</sup> Aboriginal people can distrust the legal system and government institutions that make up the legal system (such as police), and face barriers to accessing culturally appropriate services, particularly in regional, rural and remote areas.<sup>31</sup>

Aboriginal and Torres Strait Islander Legal Services delivered by ACCOs, such as ALSWA and FVPLSs, play a critical role in ensuring Aboriginal and Torres Strait Islander people can access culturally appropriate and safe legal assistance. The service delivery model of ACCOs often involve provision of legal assistance and wrap-around non-legal supports to Aboriginal and Torres Strait Islander people.

This Commissioning Strategy recognises the unique and distinct role that ACCOs have in the legal assistance system, now and in the future. It is important to acknowledge this in the future system design, future roles and responsibilities and future procurement, contract management and monitoring.

- Future system design: The Department will ensure the future system design of the legal assistance sector addresses the legal needs of Aboriginal and Torres Strait Islander people, ensuring services delivered to individuals and communities are culturally safe and appropriate, accessible and co-designed with and led by Aboriginal and Torres Strait Islander people, communities and ACCOs.
- Future roles and responsibilities: The Department will ensure that ACCOs are increasingly empowered to lead service provision to and for Aboriginal and Torres Strait Islander people, with transition plans to support ACCO service delivery as an option for all Aboriginal and Torres Strait Islander people with legal needs.
- Future procurement, contract management and monitoring: The Department will ensure its procurement approach is aligned with commitments made under Closing the Gap, the Aboriginal Empowerment Strategy and the Aboriginal Procurement Policy.<sup>32</sup> This involves strengthening ALSWA and FVPLSs in the legal assistance sector by supporting them to build capacity and increasing the proportion of service delivery to Aboriginal and Torres Strait Islander people by them across all across all priority areas of law.

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<sup>29</sup> Australian Bureau of Statistics (2022) Prisoners in Australia. Table 17: Imprisonment rate, selected characteristics by State/ Territory. WA overrepresentation ratio is 16.6, Northern Territory is 15.3.

<sup>30</sup> Australian Government, Australian Institute of Health and Welfare (2022). Child Protection Australia 2020-21 (latest release). Data Tables: [Child Protection in Australia 2020-21 Child protection Australia 2020-21, Data - Australian Institute of Health and Welfare \(aihw.gov.au\)](#). WA overrepresentation rate is 18.2 times, the NT overrepresentation rate is 12.9 times.

<sup>31</sup> ACIL Allen, Assessment on the Current Legal Needs in Western Australia Final Report, 2022.

<sup>32</sup> Government of Western Australia, General Procurement Direction 2021/08 - Aboriginal Procurement Policy. Available from: <https://www.wa.gov.au/government/publications/general-procurement-direction-202108-aboriginal-procurement-policy>

<sup>32</sup> The Legal Assistance Strategy 2022-2025 outlines 16 priority areas of law.

The distinct role of ACCOs is acknowledged throughout this Commissioning Strategy. This section summarises these considerations and future directions upfront given their importance. The following sections detail the future system, roles and responsibilities and procurement, contract management and monitoring requirements for the whole system, including considering Aboriginal and Torres Strait Islander people’s needs and the role of ACCOs.

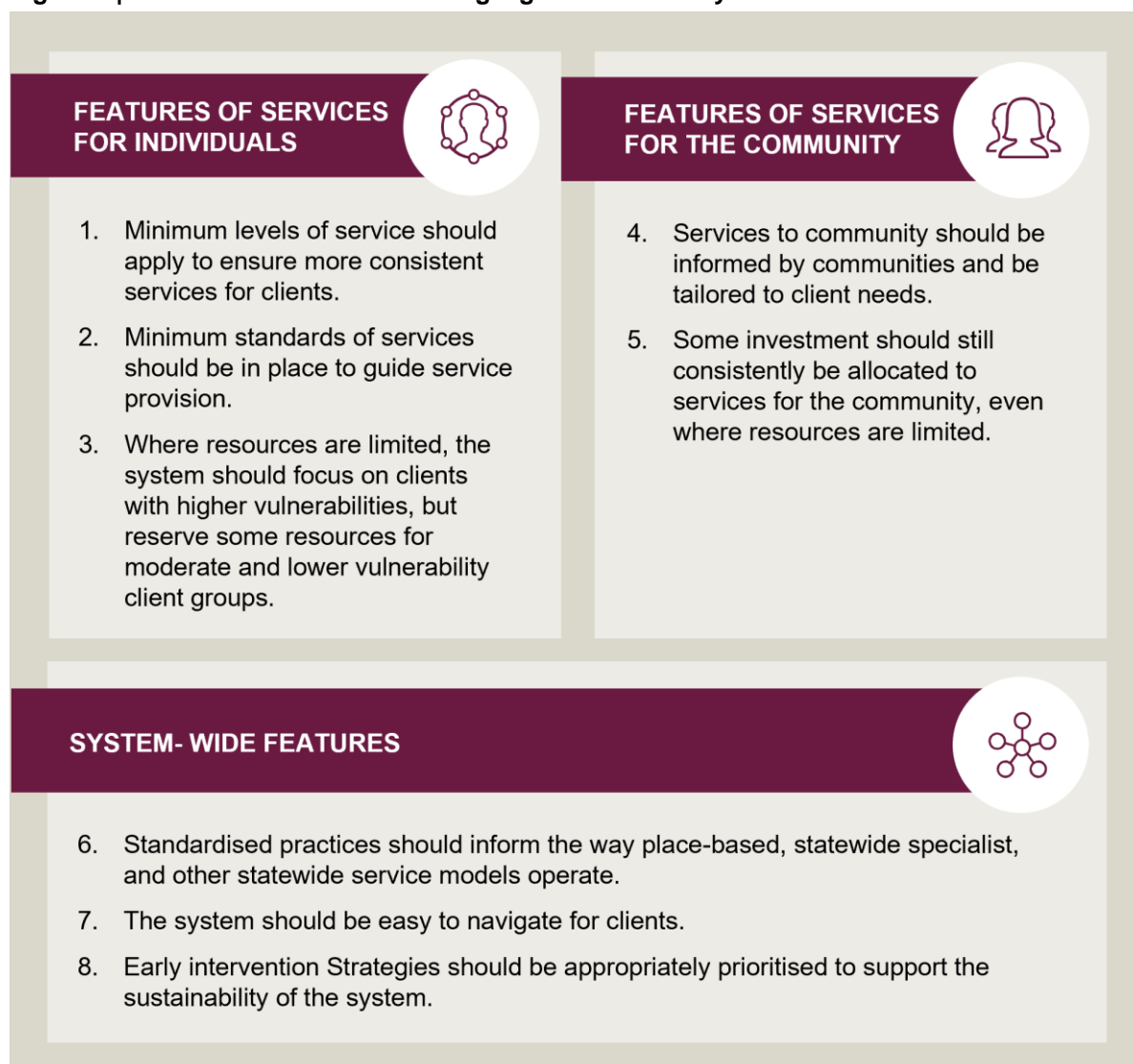
ACCOs will be lead providers for Aboriginal and Torres Strait Islander people (see Section 8). This acknowledges the right to self-determination. All system changes will need to be co-designed with ACCOs to ensure they are culturally appropriate.

## 7 Future system design

The future legal assistance system will need to address existing service gaps and barriers. It should also be designed intentionally to ensure individuals receive the right level of service, to the right standard and at the right time.

Figure 7 articulates the key features of a well-functioning legal assistance sector for WA. It includes features specific to parts of the system which deliver services for individuals, some features specific to services for communities, and some features which apply across the system.

**Figure 7 | Features of a well-functioning legal assistance system**



Each of these system requirements are discussed further in the following sections.

## 7.1 Minimum levels of service should apply to ensure more consistent services for clients

All individuals in Priority Client Groups should be able to access some level of service from the legal assistance system. The level of service they receive varies depending on the individual, their needs, and circumstances. Service system responses should be flexible to individual circumstances, but there also needs to be consistency in how the system responds to individuals to ensure fairness and predictability over time.

Minimum levels of service are a way to ensure consistency, whilst also allowing flexibility for individual circumstances. The minimum level and standard of services are intended to provide strategic guidance for the sector on the kinds of service which the system as a whole should be aiming to provide individuals with different legal needs, and with differing levels of vulnerability and complexity (see Box 3 below). They are intended to create a shared understanding and level of consistency across the system but should not prevent providers from delivering additional discretionary services to clients on a case-by-case basis.

### Box 3 | Defining vulnerability and complexity

There is no one definition of ‘vulnerability’, and vulnerability is not a static attribute: its presence or level of intensity can change over a person’s lifetime. For the purposes of this Commissioning Strategy, vulnerability is discussed in terms of ‘levels’ — a generalised term to reflect that different people have different needs dependent on their situation:

- People who have a high level of vulnerability are those experiencing multiple indicators of vulnerability and disadvantages (for example more than three indicators of vulnerability in line with the priority client groups in the Strategy has been flagged).
- People who have a moderate level of vulnerability and/or complexity might be experiencing some indicators of vulnerability and disadvantage (for example two or three indicators of vulnerability in line with the priority client groups in the Strategy has been flagged).
- People who have a lower level of vulnerability and/or complexity might be experiencing one or two indicators of vulnerability in line with the priority client groups in the Strategy.

For the purposes of this document, complexity refers to the number of different legal and non-legal issues a person has. One to two legal issues (and no non-legal issues) are considered as lower complexity, two to three legal issues (and some non-legal issues) as moderate, and three or more legal issues (and multiple non-legal issues) as higher complexity.

Other factors will impact the level of vulnerability of clients and complexity of legal matters and should be considered as well. This includes but is not limited to the complexity and merit of the legal matter, capacity of the client to self-advocate and the potential implications to the client and/or their families if their legal issue is not resolved.

Table 2 below summarises the minimum service levels agreed by the Department for different client cohort groups, each presenting with a different level of vulnerability

and/or complexity of legal need, and law matter. These minimum levels of service should apply consistently across all regions of WA, acknowledging that increased resources will likely be required to deliver them to the same standard to clients in regional, rural, and remote areas. The minimum levels of services should apply for all client groups, although some may need additional services including interpreter services. The way that the minimum level of services are delivered will likely differ depending on client groups, including Aboriginal and Torres Strait Islander people (this is discussed in Section 7.2)

**Table 2 | High-level summary of minimum service levels for the legal assistance system**

Law type	Minimum service level
<b>Civil law – excl Child Protection and Family Violence Restraining Order (FVRO) matters</b>	<ul style="list-style-type: none"> <li>• People with low vulnerability and/or complexity should receive some level of discrete assistance, including non-legal support (which could be provided by non-legal service partners and/or through integrated service models with partner agencies).</li> <li>• People with moderate vulnerability and/or complexity should receive a more resource intense level of service, including ongoing legal support.</li> <li>• People with high vulnerability and/or complexity should receive intensive levels of service, including facilitated resolution processes and representation.</li> </ul>
<b>Civil law – Child Protection and FVRO matters</b>	<ul style="list-style-type: none"> <li>• The minimum level of service for these law matters, across different client cohort groups should be higher compared with the other civil law matters.</li> <li>• People with lower vulnerability and/or complexity are unlikely to exist in practice.</li> <li>• People presenting with moderate vulnerability and/or complexity should receive discrete assistance, ongoing support, and assistance with facilitated resolution processes.</li> <li>• People presenting with high vulnerability and/or complexity should receive all of the above, plus duty lawyer services and representation, if needed.</li> </ul>
<b>Criminal law matters</b>	<ul style="list-style-type: none"> <li>• People with low vulnerability and/or complexity and a non-indictable matter should receive discrete services as well as a duty lawyer service if needed and access to community education (CE) and community legal education (CLE).</li> <li>• People with moderate vulnerability and/or complexity and a non-indictable matter should receive discrete services as well as a duty lawyer service if needed and access to CE and CLE. There may be additional instances where clients will require representation and non-legal support.</li> <li>• People with high vulnerability and/or complexity and a non-indictable matter should receive ongoing legal support, a duty lawyer service if needed and representation, in addition to the consideration of non-legal support.</li> <li>• People with an indictable matter should receive ongoing legal support, a duty lawyer service if needed and representation, in addition to the consideration of non-legal support.</li> </ul>
<b>Family law matters</b>	<ul style="list-style-type: none"> <li>• People with low vulnerability and/or complexity should receive discrete services and ongoing legal support and have access to CE and CLE and a duty lawyer service if needed.</li> <li>• People with moderate vulnerability and/or complexity should receive ongoing legal support services and a duty lawyer service if needed. Where required, they should receive representation services and support through a facilitated resolution process.</li> <li>• People with high vulnerability and/or complexity should receive an intensive level of service, including assistance for facilitated resolution processes, a duty lawyer service if needed and representation.</li> </ul>

In addition to client’s vulnerability and disadvantage, and the nature of their legal problem, several other factors will influence the minimum level of service that clients

should receive. The following considerations should also be considered and may require the minimum level of service to be 'dialled up' for some individuals:

- The capacity of the client to self-advocate and resolve their legal issue. This involves consideration of a client's ability to resolve their legal issue on their own or not. Often this can be influenced by the level of vulnerability and disadvantage a person faces, as well as the complexity of their legal matter.
- The implications to the client and their families if their legal issue is not resolved. This involves consideration of impacts on the client and/or their families if they are not able to resolve legal issues in a timely manner. For example, clients may be at risk of becoming imprisoned, or their safety compromised.
- Whether the client will require interpreter or translation services.
- The level of digital literacy clients have. Some clients will need support to access digital tools and platforms due to lower literacy levels and capabilities using digital tools and platforms.

## **7.2 Minimum standards of services should be in place to guide service provision**

Minimum standard of service refers to the way service types should be provided to ensure a minimum level of quality or standard is met. Minimum service standards should guide service provision across the sector for services for individuals and legal services for the community in terms of what is needed to deliver a high-quality service (see Figure 8). Descriptions and examples of these standards are provided in Appendix 0.

These minimum service standards should apply sector-wide, however, there will be instances where additional focus on some standards is needed, including in the context of legal assistance service providers providing services to Aboriginal and Torres Strait Islander people and people living in regional, rural and remote communities. For example, service design and delivery should be led by, and for, Aboriginal and Torres Strait Islander people to promote culturally safe responses and have greater representation; for non-Aboriginal service providers, there should be a meaningful understanding of Aboriginal culture, supported by relevant training, when delivering services to Aboriginal and Torres Strait Islander people and communities.

Figure 8 | Minimum service standards for the legal assistance sector



### 7.3 Where resources are limited, the system should focus on clients with higher vulnerabilities, but consistently reserve some resources for moderate and lower vulnerability groups

In circumstances where funding levels are insufficient to meet the minimum level and standards of service, the Department will need to make resource allocation decisions recognising the limited resources available. These decisions will consider the different client cohort groups accessing legal assistance and different areas of law.

Resources should be weighted towards helping higher vulnerability and/or complexity groups, but they should not be the sole focus of the system. That is, while the focus of resources should be on supporting client cohort groups with higher levels of



vulnerability and/or complexity, the system must still provide services to clients with lower and moderate levels of vulnerability and/or complexity (even where there may be unmet demand for higher needs clients). This is because often clients with lower levels of vulnerability and/or complexity can move to higher levels of vulnerability and/or complexity if their legal matters are left unresolved.

#### **7.4 Services for the community should be informed by communities and be tailored to client needs**

As outlined in the minimum standards for services for the community (see Section 7.2), there are several considerations to help ensure services for the community are designed and delivered effectively. This includes:

- Ensuring services are tailored to client cohort groups and are accessible to them. The design and delivery of services for the community should be targeted and tailored to certain cohort groups, including those who may be more vulnerable to experiencing legal problems to ensure they are reaching the right audiences. It should also be delivered in a way that is accessible to target audiences, including ensuring that materials are available in plain English and other languages.
- Ensuring services are informed by communities and learnings from service providers and people with lived experience. Co-designing services for the community with community stakeholders will help to ensure they are fit for purpose, tailored to client cohort groups, are designed in a way that is accessible to clients, and therefore likely to address community needs. This is important as often the types of services for the community, and how they are designed and delivered, will differ across regions, and client cohort groups.

While a more client-centred and place-based approach to delivering services for the community is needed, there are also instances where coordination across the sector is needed to ensure efforts are not duplicated and to ensure messaging is clear and consistent. That is, there should be some coordination at a statewide level (see Section 7.6).

#### **7.5 Resources should still consistently be directed toward services for the community, even where limited**

Adequate direction of resources toward services for the community (such as CLE and law and legal service reform) will play an important role in supporting the sustainability of the system.

It is widely agreed that resources should be weighted towards services for individuals to respond to immediate needs of clients, however it should not be the only services that the system provides. The system must still provide services for the community even where there may be unmet need for individual services. This will be important to rebalance the system towards one that empowers communities and helps individuals understand their legal rights, obligations and issues.

However, services for individuals will also play an important role as a form of early intervention as they can ensure clients are able to access services earlier before matters escalate.



## 7.6 Standards should inform the way place-based, statewide specialist, and other statewide service models operate

In addition to the service types provided as part of the minimum level of service, provision of different ‘service models’ will be important in a future system. There are three service models identified for the future system:

- Place-based service models, which provide services that are accessed by, or planned for, communities within a defined geographic location, through a physical site or sites in that location.
- Statewide specialist service models, which provide services that are accessed by, or planned for, the entire WA population, which require an additional level of expertise including in specific law areas and service types, and/or for a particular client cohort group.
- Other statewide service models, which provide services that are accessed by, or planned for, the entire WA population, but do not require an additional level of expertise.

Target descriptions and key features for each of these service models are outlined in Table 3. These features articulate how these services should be provided in future.

All legal assistance service providers may be able to deliver any of the three service models, and some providers may deliver multiple service models for different areas simultaneously. For example, ACCOs currently provide a mix of both place-based services and statewide specialist services (based on the features in Table 3) — this ‘hybrid’ example shows how different service models could be delivered by a provider in a future service system. A key requirement for a future system, is that clients will be able to access place-based, statewide specialist and/or other statewide services depending on their needs.

**Table 3 | Target features of place-based, statewide specialist and other statewide service models**

Service Model	Target Service Model Features
<b>Place-based service model</b>	<ul style="list-style-type: none"> <li>• Should be offering face-to-face (rather than through video conferencing or phone) service delivery, where possible.</li> <li>• Should be cultivating and maintaining deep connections to the place they operate in, so that they are fully cognisant of local need and service landscapes and using this to inform service delivery (including services for individuals and the community).</li> <li>• Should be offering a mix of services to meet the needs of their location (which may involve specialising in certain law areas where need is high, or client cohort groups based on local demographic requirements).</li> <li>• Should be working closely with statewide specialist services to cross-refer clients, jointly deliver services and inform the legal assistance they provide to clients.</li> <li>• Should be developing and maintaining partnerships with legal and non-legal services to support referrals and more integrated service models.</li> <li>• Should be informing strategies to build capacity of the sector including identifying where capacity gaps are within their local communities and working with statewide specialists to address gaps.</li> </ul>
<b>Statewide specialist</b>	<ul style="list-style-type: none"> <li>• Can be face-to-face, through videoconference or over the phone, depending on the client circumstances, capacity, and needs.</li> </ul>

<b>service model</b>	<ul style="list-style-type: none"> <li>• Should operate statewide to ensure the expertise and knowledge held by specialist services is accessible to all clients (supporting a more equitable system) and to all place-based providers (building capability across the sector).</li> <li>• Should support place-based services to deliver support to clients, drawing on their expertise, technical or cultural knowledge (including through a consultation-liaison role or joint service delivery).</li> <li>• Should build sector capability and capacity, leading initiatives such as Communities of Practice and sharing training materials and leading early intervention strategies in their specialist areas.</li> <li>• Should provide direct service provision to clients where clients fall within law types and/or cohort groups that are the focus for specialist services.</li> </ul>
<b>Other statewide service model</b>	<ul style="list-style-type: none"> <li>• Should provide more general legal assistance to address known unmet need across the State, where place-based services are unable to. For example, this could include providing temporary support to place-based services to help meet demand.</li> <li>• Are well-placed to lead coordination efforts where statewide collective action is required, for example working across WA and with different place-based providers to inform law reform, community legal education and other early intervention strategies.</li> <li>• Should provide support to place-based services for law matters that may not require specialist assistance but have large volumes and there are opportunities for economies of scale to be achieved.</li> </ul>

## 7.7 The legal assistance system should be easy to navigate for clients

A critical component of a well-functioning service system is the extent to which it can be easily accessed and navigated by clients. As described in Section 5.1, people may not understand the legal processes relevant to their matter and/or are unaware of the different service options available to them.

Currently, there are some legal assistance service providers that deliver a telephone information line to help clients with information and referrals to the right service. For example, LAWA offers two telephone Infolines (including one for Aboriginal and Torres Strait Islander callers); and some CLCs have dedicated Telephone Advice Lines which they use to provide clients with information including with referrals.

This leads to confusion among clients about what service options are available to them, and within the system about when and to who clients should be referred to.

Recognising this, the following high-level principles have been developed to guide decisions about where to refer clients:

- Clients should ultimately decide which provider supports them and wherever a client chooses to present first should be a factor in which service supports them. Service providers should ensure clients are provided the right information to make informed decisions about where they choose to seek assistance.
- Aboriginal and Torres Strait Islander people should have the option to be supported by ACCOs, unless they choose otherwise.
- Some providers may have a 'lead role' in certain areas of law or for some client cohort groups, where they have developed strengths and expertise in delivery of a service (see Section 8.1). This should be considered when determining who is best placed to support a client.

- Providers should practice a ‘no wrong door’ approach to service delivery to ensure a more client-focused and trauma-informed response. This means minimising cold referrals where possible in place of warm or facilitated referrals and/or providing clear pathways for clients to access the right services.

The Department recognises that further consultation is required to identify and implement solutions to help make the system easier to navigate for clients and service providers.

## **7.8 Early intervention and services for the community should be prioritised**

Prioritising early intervention and services for the community will help ensure the right balance of legal assistance services is provided and should be considered in all funding and resourcing decisions, even where resources are limited. Focusing on early intervention and services for the community may lead to better outcomes for clients.

The Department recognises that, to be effective, early intervention strategies and services for the community will need to be community informed, visible and accessible to target cohort groups, targeted and tailored to intended client cohort groups, developed in a coordinated way that is context specific and informed by learnings from previous service provision and voices of those with lived experience (see Section 7.4). What is effective will likely differ between regions, areas of law and client cohort groups.

Effective early intervention can be achieved through both services for the community, such as education and, through access to timely and appropriate services for individuals (for example, provision of the right legal information that can empower a client to resolve their legal matter, and facilitated resolution processes which can lead to clients resolving legal issues without going to court). Additionally, law and policy reform activities can lead to better outcomes for large groups of clients. The Department will ensure legal assistance service providers are supported to deliver several early intervention initiatives and services for the community, including but not limited to:

- Integrated models of care where legal assistance services are embedded with other non-legal services, which can improve access to legal assistance for clients who may not be aware that they are experiencing legal problems; and to support wraparound services that address non-legal needs that may be contributing to legal problems.
- Alternative dispute resolution, which can provide options for clients to resolve legal problems without having them escalate and without having to go to court.
- Community legal education, which can empower people and other non-legal services to identify legal needs and seek appropriate assistance early on.
- Law and policy reform, which can address systemic legal problems preventing them from arising for others in the future.
- Making decisions informed by data and evidence, which can help ensure early intervention strategies are effective and appropriate.
- Influencing initiatives in other non-legal sectors, which play a role in addressing some of the drivers of legal problems by working more collaboratively with other government agencies.

## 8 Future roles and responsibilities

To support a well-functioning service system, there is a need to define services provided and recognise clearer roles and responsibilities across the sector including between different service providers and other actors in the sector such as the pro bono sector, peak bodies, and the role of the Department itself. Understanding the different service models and roles of legal assistance service providers and other actors will help inform commissioning activities across the sector.

The Action Plan outlines that the Department should work with the sector to collaboratively develop legal assistance service provider roles. While it is acknowledged that an overlap of roles is necessary to accommodate potential conflicts of interest, it allows clients to have agency and choice and to ensure there are ACCOs available to support Aboriginal and Torres Strait Islander client cohorts. Greater role clarity across service provider types would support a more collaborative sector and easier navigation for clients.

### 8.1 Lead providers and lead coordinators will be introduced for some areas of law and priority client groups

Building on the roles of service provider types (see Section 2.3), 'lead providers' and 'lead coordinators' will be established across some areas of law and problem types, and priority client groups to support more coordinated service delivery and greater clarity in the sector (see Box 4).

Different areas of law and priority client groups have different needs in relation to service delivery, collaboration and coordination. In some cases, a lead provider or coordinator for some priority client groups and areas of law, would benefit the system as they will have a clearly defined role in relation to service delivery, collaboration and coordination.

#### Box 4 | Lead Providers and coordinators in the sector

A 'lead provider' does not mean only provider; A lead provider is a legal assistance provider which will:

- Play a role in delivering legal assistance services for a particular area of law or client group. This includes:
  - providing direct service provision to clients in relation to that particular area of law or client group; and
  - operating in such a way that ensures that their expertise and knowledge is accessible to all clients in WA, for example by way of a statewide service, or in complement to services delivered by other legal assistance service providers.

**and**

- Work collaboratively with other legal assistance service providers to help ensure client needs are being met and that there are no service gaps. This includes supporting other legal assistance service providers to deliver services to clients, drawing on their expertise, technical or cultural knowledge (a consultation-liaison role).

**and**

- Lead coordination activities to respond to the level of need for their area of law or client group of responsibility. This includes:
  - building sector capability and capacity, such as by leading initiatives like Communities of Practice and sharing training materials and leading initiatives in relation to their area of law or client group; and
  - being well-placed to lead coordination efforts where sector-wide collective action is required, for example working across WA and with different legal assistance service providers to inform law reform, community legal education and other initiatives.

For some priority client groups and areas of law where a lead provider is not identified as required for the system, there may still be benefit to the system in a lead coordinator role which would focus only on leading coordination activities (outlined above).

For this Commissioning Strategy, lead providers have been identified at the service provider type level rather than specific organisations. However, when implemented, the Department (through appropriate procurement approaches) will need to identify specific organisations to be the lead provider or lead coordinator (in line with the Commissioning Strategy) where identified as being of benefit to the system. Figure 9 summarises lead providers for some priority client groups and areas of law.

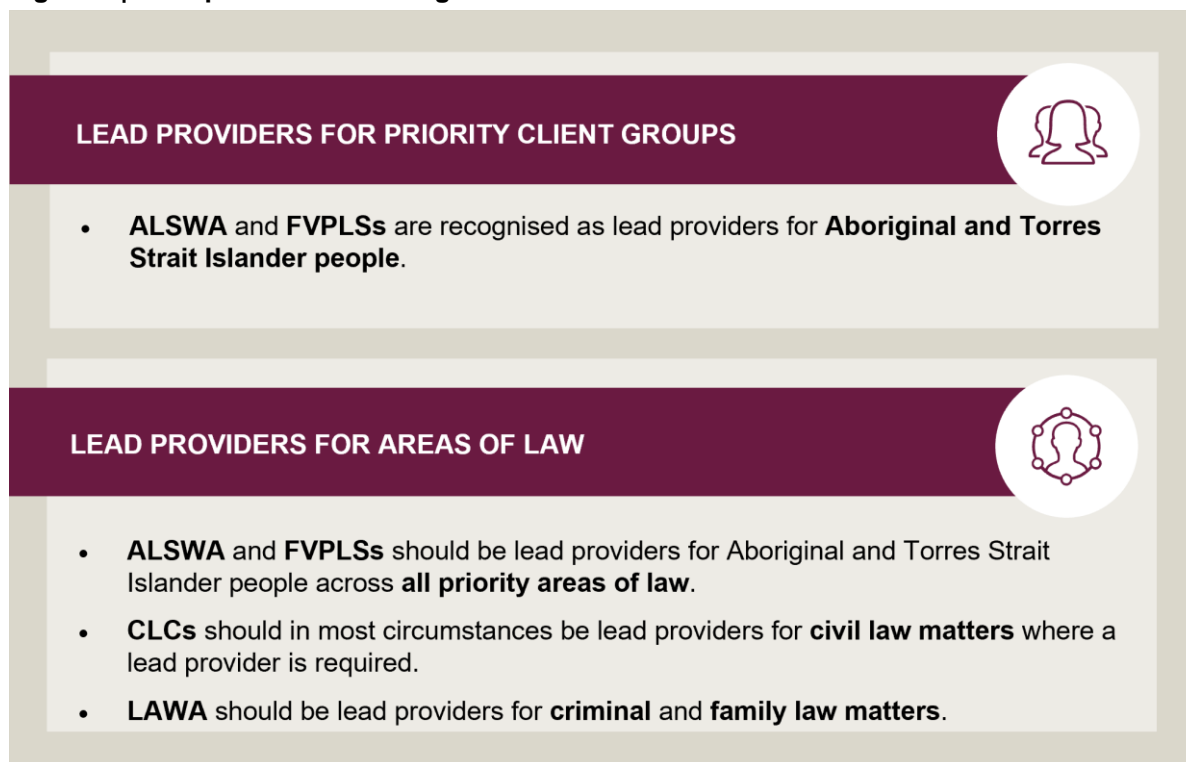
Not all law areas and priority client groups will require a lead provider or lead coordinator. However, this does not prevent a legal assistance service provider taking a lead in ad hoc circumstances. It also does not prevent the Department from identifying the need for a lead provider or lead coordinator role as new legal need emerges in the future.

For priority client groups, ALSWA and FVPLSs are recognised as lead providers for Aboriginal and Torres Strait Islander people.<sup>33</sup> There are some other priority client groups where there is likely to be need for a lead coordinator to support coordination at a sector level. The Department will undertake further analysis as part of specific commissioning processes from time to time to determine if a lead coordinator role is required and if it is, which service provider should deliver that service. (see Section 10.2).

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<sup>33</sup> Currently, LAWA provides a significant volume of legal assistance services to Aboriginal and Torres Strait Islander people. While this may continue moving forward, it should be recognised that ALSWA and FVPLSs are lead providers, not LAWA.

Figure 9 | Lead providers in the legal assistance sector



For areas of law, the following service provider types should be recognised as lead providers:

- ALSWA and FVPLSs should be lead providers for Aboriginal and Torres Strait Islander people across all priority areas of law.
- CLCs should in most circumstances be lead providers for civil law matters for non-Aboriginal and Torres Strait Islander people in instances where a lead provider or coordinator is required. Given the diversity of civil law matters, it is recognised that not all civil law matters will require a lead provider or coordinator.<sup>34</sup>
- LAWA should be lead providers for criminal and family law matters for non-Aboriginal and Torres Strait Islander people.

The expected volume of services delivered by different service providers will be impacted by the introduction of these roles and it is expected there will be instances where the volume of services delivered by a particular provider will be either increased or decreased as a result. This will depend on how the lead provider and lead coordinator roles are implemented, although it is expected that ALSWA and FVPLSs will deliver a greater volume of services for Aboriginal and Torres Strait Islander people in the future system.

As the Commissioning Strategy is implemented, the Department will engage with the sector to inform decisions on lead provider roles when specific commissioning activities arise. Part of the process will involve agreement on principles to guide decision making, which will differ depending on the situation. However, at a high level, some principles would include consideration of service delivery volumes, provider expertise and

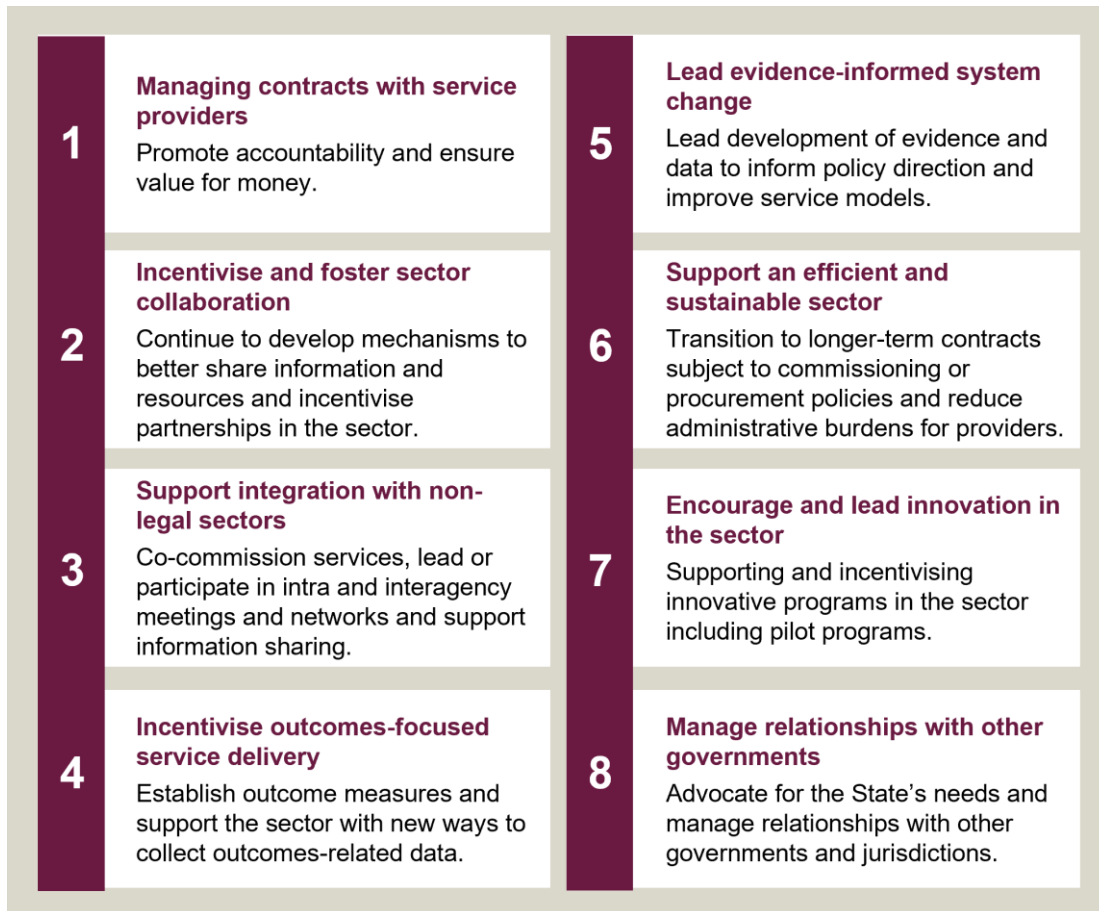
<sup>34</sup> For example, there will be instances where no lead provider is required or only a lead coordinator role is needed for certain problem types; there may also be instances where another service provider type is the lead provider or coordinator for some civil law matters. Further work will be undertaken by the Department, with the sector to identify these instances.

established community relationships among providers, as well as funding parameters, and the need to support sustainability of the sector.

## 8.2 The Department will drive collaboration, evidence-informed practice, efficiency and innovation in the sector

In addition to administering and distributing funding to legal assistance service providers, there are other important roles that the Department will play as the system steward (see Figure 10). The Department recognises its role is critical to the success of the legal assistance sector.

Figure 10 | Role of the Department



## 8.3 Pro bono lawyers, clinical legal education and practical legal training programs, and volunteers should help to address unmet need and service gaps in the sector

Pro bono lawyers, law schools, practical legal training providers, and volunteers have specific roles to play in the legal assistance sector.



Pro bono legal assistance can complement the funded services provided by the legal assistance sector by helping to address some unmet need.<sup>35</sup> This can include instances where other legal assistance service provider options have been exhausted. For example, pro bono lawyers can help address the needs of clients in the ‘missing middle’ (see Section 5.1) and in public interest matters.

There is a role for Law Access and other legal assistance service providers to work more closely with pro bono lawyers to provide specific training, guidance and support such as briefing of barristers. Similarly, pro bono legal assistance also includes providing pro bono training, guidance and support to legal assistance service providers to maximise the use of pro bono services.

While there are opportunities for pro bono lawyers to play a greater role in the legal assistance sector, there will need to be continued efforts to ensure they are providing services that meet the minimum level and standard of service as well. People with lived experience who were engaged outlined poor experiences with pro bono lawyers where they did not receive the level of legal assistance they needed and their legal problems were left unresolved. However, it is also acknowledged that in some circumstances, there can be limited legal remedies available, which do not always reflect a client’s desired outcomes.

It is also acknowledged that when providing pro bono assistance, pro bono lawyers with a background in commercial legal practice often assist clients that may be more vulnerable than their usual client base. Given legal assistance service providers’ specialist expertise in delivering client-centred, trauma-informed and culturally safe legal assistance services to people experiencing vulnerability and disadvantage, there is also a role for Law Access and other legal assistance service providers to support pro bono lawyers to develop these skills and enhance pro bono services.

Clinical legal education, practical legal training and volunteer programs may help legal assistance service providers address some of the unmet need and service gaps. Currently they provide pro bono services through students, graduates and volunteers as part of their service delivery models. Often volunteers and students assist lawyers with tasks including paralegal type tasks and supporting the development of CLE. Like the pro bono lawyers, these providers will need to ensure sufficient training is provided to students, graduates and volunteers to support service delivery that meets minimum service levels and standards, as well as ensuring that students, graduates and volunteers are adequately supervised in line with professional legal and other professional obligations.

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<sup>35</sup> As outlined in the Legal Assistance Strategy 2022-2025, pro bono lawyers are lawyers who provide pro bono legal services. The Australian Pro Bono Centre defines ‘pro bono legal services’ as follows:

1. Giving legal assistance for free or at a substantially reduced fee to:
  - a. individuals who can demonstrate a need for legal assistance but cannot obtain Legal Aid or otherwise access the legal system without incurring significant financial hardship; or
  - b. individuals or organisations whose matter raises an issue of public interest which would not otherwise be pursued; or
  - c. charities, other not-for-profit organisations or social enterprises, in each case where their sole or primary purpose is to work in the interests of low income or disadvantaged members of the community, or for the public good;
2. Conducting law reform and policy work on issues affecting low income or disadvantaged members of the community, or on issues of public interest
3. Participating in the provision of free community legal education on issues affecting low income or disadvantaged members of the community or on issues of public interest; or
4. Providing a lawyer on secondment at a community organisation (including a community legal organisation) or at a referral service provider such as a Public Interest Law Clearing House

## **8.4 Peak bodies should support collaboration and advocate for a strong, sustainable sector**

The Community Legal Centres Association (WA) Inc (CLWA) is a peak organisation representing CLCs in WA. CLWA provides membership services to its CLC members to advocate on their behalf and represent their views. It also aims to support collaboration and the development of a strong, sustainable CLC sector.

CLWA plays an important role in advocating on CLCs' behalf to government and other stakeholders in relation to administrative, legislative or policy decisions, including undertaking law reform and related activities. It also has important roles to support accreditation, research, data consistency and sharing within the CLC sector. Other peak bodies, including national peak bodies and peak bodies in non-legal sectors (such as Western Australian Council of Social Service and Financial Counsellors Association of WA), also play similarly important roles either directly or in collaboration with CLWA.

## **8.5 Other actors should play a role in a future system to enable appropriate service provision and client-centred services**

Other actors that sit outside the legal assistance sector will also be important for successful commissioning and outcomes for clients and the system.

The legal assistance sector operates in a broader legal system, including courts and tribunals, and WA Police. Processes and decisions made in courts and tribunals can have effects on the legal assistance sector and affect where resources are focused on. Recognising that these external factors exist and can heavily influence service provision in the legal assistance sector will be important for the Department.

The legal assistance sector operates in a broader ecosystem with a range of different service providers such as health, social support, housing, family and domestic violence and financial counselling services. The legal assistance sector's ability to deliver services that meet the minimum service levels and standards to achieve the desired outcomes for clients will be in part dependent on other service providers. This is particularly the case for client cohort groups requiring more holistic and wraparound services. Partnerships and integrated ways of working with these non-legal services will be critical.

## **9 Future procurement, contract management and monitoring**

The Commissioning Strategy will guide the allocation of funds to legal assistance service providers, rather than set out specific procurement activities. It will help to ensure any procurement approaches going forward are aligned with broader Government strategies, policies and plans as well as the Strategy and Action Plan; and that approaches are system-focused, considering the whole legal assistance sector and informed by evidence and current capabilities and capacities of the sector.

The Department's procurement approach will be informed by various factors including policy objectives and attributes of the service system. Multiple policies and strategies guide the way the Department procures services. This includes the State Commissioning Strategy, the Department's Agency Commissioning Plan, the Developing Community Services in Partnership (DCSP) Policy, the WA Aboriginal Procurement Policy, the National Agreement on Closing the Gap and other government requirements related to managing and accounting for use of public funds. Together, these policies and strategies articulate the need for:

- A collaborative approach to decision-making based on mutual trust and respect that fosters openness and transparency in procurement.
- A commitment to reduce the administrative burden associated with procurement.
- A commitment to prioritising Aboriginal wellbeing and increasing the number of services being delivered to Aboriginal and Torres Strait Islander people by ACCOs.
- An approach that prioritises outcomes for service users through community, person-centred and outcomes-focused commissioning.
- An approach that aims to drive continuous improvement of the system through strengthened monitoring, evaluation and review of services and outcomes.

Building on these strategies and policies, and in consultation with the sector, the Department has identified the following principles to inform its procurement, contract management and reporting approach with the legal assistance sector.

- Procurement should nurture sector sustainability and help the sector build capacity over the long term by minimising disruptions in communities, including for clients and other non-legal service providers.
- Procurement should build trust and support collaboration within the sector.
- The capacity of ALSWA and FVPLSs should be strengthened to deliver services to Aboriginal and Torres Strait Islander people across all law areas.
- Procurement decisions should be informed by the best available data and information related to the sector.
- Procurement should be responsive to client and community needs and in line with priority law areas under the current Legal Assistance Strategy 2022-2025 and arrangements that succeed it.
- Contract management should minimise administrative burden, promote accountability and support continuous improvement.
- Monitoring should involve regular assessment of system progress against outcomes.

These principles are described in greater detail below.

### **9.1 Procurement should nurture sector sustainability and help the sector build capacity over the long term**

In line with relevant policies and procedures (outlined above), procurement approaches should aim to nurture sector sustainability and help the sector to build capacity over the long term. This involves making procurement decisions that aim to minimise disruptions in communities, including for clients and other non-legal service providers.

The Department recognises that across the sector, and particularly in regional, rural and remote areas, trusting relationships have been established between legal assistance service providers and the communities they service. These relationships can take years to establish. Procurement approaches should consider this and aim to minimise any disruption to existing service landscapes where possible.

The Department recognises that often procurement approaches such as direct negotiation and preferred service provider options are more conducive to minimising possible disruptions to services and communities they support. As outlined in the

DCSP, these procurement approaches should generally be used when the legal assistance service providers are:

- continuing to meet identified need.
- meeting the agreed service specifications, outcomes, quality standards and contractual requirements.
- operating efficiently and effectively.
- actively engaged in continuously improving services, being responsive to service user and government agency needs and offering innovative solutions to provide the best possible service to the community.

As outlined in other relevant policies and procedures, there will be some instances where competitive procurement approaches will be appropriate, including where a new service is being piloted, when proposals offered by providers through a restricted process do not represent value for money and/or when a competitive tender process can potentially demonstrate better outcomes for service users and the community.

## **9.2 Procurement should build trust and support collaboration within, and outside of, the sector**

More integrated and collaborative ways of working are required within the legal assistance sector, and with non-legal sectors to ensure clients' needs are met. Often many clients accessing legal assistance will have multiple legal needs and/or other non-legal needs as well. The Strategy recognises the importance of holistic assistance and outlines the need for service providers to provide, or otherwise facilitate access to, holistic and wraparound services, including by working with other legal and non-legal service providers.

The Department, in its procurement approach, will aim to build trust and support collaboration within the sector.

This includes:

- Exploring opportunities for co-commissioning. Co-commissioning can mean different government agencies working together at any stage of the commissioning cycle. This can include working together to jointly identify needs of target client cohorts and communities, undertaking service system design work, and procuring and managing contracts.
- Encouraging service providers to develop partnerships with non-legal service providers. Strong partnerships can lead to more integrated care through a variety of ways, including options for more in-reach and outreach into other services, and clearer and warmer referral pathways between services.
- Supporting the establishment and ongoing use of formal networks and platforms either led by the Department, such as the current Collaborative Services Planning Group, or by other sector actors. Formal networks and platforms can support more collaboration within and across sectors, and in doing so, support more integrated care. They can provide a trusted forum for service providers to go to seek information about possible referral pathways, sharing of resources, and act as a community of practice.

### **9.3 ALSWA and FVPLSs should be supported to deliver services to Aboriginal and Torres Strait Islander people across all law areas**

The Department will ensure its procurement approach is aligned with commitments made under the National Agreement on Closing the Gap, the Aboriginal Empowerment Strategy and the Aboriginal Procurement Policy. This involves strengthening ACCOs, such as ALSWA and FVPLSs, in the legal assistance sector by increasing the proportion of services delivered by ACCOs to Aboriginal and Torres Strait Islander people across all priority areas of law and supporting them to build capacity.

In 2020-21, ALSWA and FVPLS collectively provided an estimated half of the legal assistance services to Aboriginal and Torres Strait Islander people, however these services were primarily for criminal law matters. There is scope for this proportion to increase over time across all areas of law, and opportunities for ALSWA and FVPLS to continue to strengthen their capacity. In regions where there is limited ACCO presence and/or ACCOs have limited capacity, there is scope to prioritise providers with genuine and strong partnerships with ACCOs, with transition plans to ACCO delivery.

### **9.4 Procurement decisions should be informed by the best available data and information related to the sector**

The Department will make informed decisions regarding procurement approaches based on service system data and information available. This should involve considering the service provider landscape. For example, where markets are 'thin' and there may be one legal assistance service provider operating, preferred service provider or direct negotiation approaches may be most appropriate. This is commonly the case in regional, rural and remote areas where there are fewer service providers.

There may also be instances where a clear preferred legal assistance service provider exists. For example, when a particular provider has demonstrated expertise in an area of law and/or with a certain cohort group. The Department should have an informed understanding of the different types of legal assistance service providers and their performance, expertise and strengths.

### **9.5 Procurement should be responsive to client and community needs**

The Department will support procurement approaches that are responsive to the needs of clients and communities. More broadly, and in line with the State Commissioning Strategy, the Department will ensure its commissioning and procurement approaches prioritise outcomes for clients and communities, ensuring social value is delivered at an individual and population level.

### **9.6 Contract management should minimise administrative burden, promote accountability, support continuous improvement and take a relationship-based approach**

The Department is committed to managing contracts in a way that balances the needs to incentivise continuous improvement, promote accountability and reduce administrative burden associated with collecting and reporting on data. This will require:

- Approaching contract management with an open intent to collaborate with legal assistance service providers, with a goal to build good relationships and partnerships with them.

- Providing clarity on what legal assistance service providers should aim to achieve in terms of service outcomes.
- Accounting for reasonable non-service delivery costs in the development of contracts (such as administrative or travel costs); and understanding the extent of non-service delivery costs across different regions.
- Ensuring there are clear processes set up for legal assistance service providers to raise and address any issues, concerns and/or innovative ideas and solutions with the Department.
- Coordinating and leading opportunities for the sector to collaborate, and ask questions related to contracts and data collection to share knowledge and information, such as through a Communities of Practice.
- Streamlining data reporting tools where possible to reduce administrative burden on legal assistance service providers.
- Building transparency around how data collected is used by the Department and provide feedback to legal assistance service providers based on analysis of data collected.
- Where the Department is the data custodian for contract management data, the Department will ensure data sovereignty is respected and upheld, where the development, stewardship, analysis and dissemination of data involves engagement with those that the data is about or involves.

## **9.7 Monitoring should involve regular assessment of system progress against outcomes**

Reviewing and evaluating the Department's commissioning approach will involve regular assessments of progress made against objectives and outcomes. This will be important as it provides a mechanism for continuous improvement, allowing the Department to identify what is working well and what areas require adjustment. This allows for timely interventions and adaptation. Over time, the Department expects that commissioning approaches will need to be refined to ensure it responds to and aligns with any changes, including evolving needs of the community and/or target cohorts, and changes in available resources. It will be important for the Department to share data analysis with the sector, to inform these changes, including key themes and trends at a system level.

While many legal assistance service staff are dedicated to improving outcomes for clients and communities, the service system itself does not have the right structures, resources, and processes in place to measure and track progress against desired outcomes for clients and communities (see Section 4). For example, like many other government agencies, current reporting arrangements with legal assistance service providers are focused on service activity rather than outcomes. Before this Commissioning Strategy, the sector had not discussed what sector-wide outcomes should look like to inform service system design. Other jurisdictions have developed, or are progressing work to develop, outcome frameworks for their legal assistance systems. The Department will progress work to develop an outcomes framework for the WA legal assistance system. This will need to align with other relevant outcomes-related work and guidance across the legal assistance sector more broadly including nationally.

A shift towards outcomes-focused monitoring and reporting will play an important role in informing future service system planning as it will help to track if the service system is

contributing to better outcomes for clients. It will also support the Department to review and evaluate its commissioning approach over time.



## **10 Next steps for implementation**

The Department recognises that a sizeable amount of work is needed to effectively implement this Commissioning Strategy over the coming years. This section outlines implementation actions the Department will focus on to support change toward a future system design, services, roles and responsibilities and procurement, contract management and monitoring.

### **10.1 System design implementation actions**

A well-functioning future system should be designed to ensure individuals receive the right level of service, to the right standard and at the right time. The Department will focus on the following implementation actions to drive change toward a future system design outlined in Section 7:

- Implement the minimum service levels and standards to guide service provision and inform resourcing decisions.
- Support the sector to further develop and embed place-based and statewide service models.
- Identify opportunities to ensure services are more accessible and navigable.
- Support the sector to prioritise services for the community and early intervention strategies.

### **10.2 Roles and responsibility implementation actions**

To support the future service system, there is a need to recognise clearer roles and responsibilities across the sector including between different service providers and other actors in the sector. The Department will focus on the following actions to implement future roles and responsibilities outlined in Section 8:

- Engage with the sector to determine how new roles can be implemented.
- Continue to support ACCOs to build capacity to provide services to an increased proportion of Aboriginal and Torres Strait Islander clients across all priority areas of law.
- Identify circumstances where lead providers or coordinators are required for other priority client groups and determine what service provider type should lead.
- Identify circumstances where a lead provider is not required and/or where only a lead coordinator is required for certain civil law matters in collaboration with the sector.

### **10.3 Procurement, contract management and monitoring implementation actions**

The Commissioning Strategy will help to ensure procurement approaches are aligned with broader Government strategies and the Strategy and Action Plan; and that approaches are system-focused, considering the whole legal assistance sector and informed by evidence and current capabilities and capacities of the sector. The Department will focus on the following implementation actions to support approaches to procurement, contract management and monitoring outlined in Section 9:

- Review existing contracts to identify changes that may be needed to align with the procurement and contract management principles in the Commissioning Strategy.

- Build on outcomes in Section 4 to support more outcomes-focused monitoring and reporting. This is expected to be a significant piece of work as it will be a large shift in current processes, data collection and it will need to align with other similar work undertaken at the national level.
- Develop an evaluation approach to assess progress against this Commissioning Strategy.

## 10.4 System enablers to support implementation

To help ensure the Commissioning Strategy is set up for success, the Department recognises that several enabling factors must be accounted for. This includes:

- Progressing the Workforce Strategy. Developing a sustainable workforce with the right capabilities is a significant challenge within the legal assistance sector currently. Work is underway to develop and implement a Workforce Planning and Development Strategy for the sector which will be critical for the success of the future system.
- Continuing to support collaboration within the sector, including through sector-wide platforms such as the Collaborative Services Planning Group and the various Advisory Committees and Forums which report to the Collaborative Services Planning Group.
- Maturing a quantitative and qualitative evidence base for legal need to inform service system planning and costing of service provision. This will play an important role in informing commissioning decisions moving forward.
- Continuing to support the sector to engage people with lived experience to inform service system design and planning moving forward. People with lived experience should inform needs modelling, future service system design work and frameworks for monitoring and evaluation where possible.

## Appendix A – Mapping outcomes to other existing frameworks and strategies

The development of the outcomes that should be achieved by the legal assistance system for clients and the sector were informed by input from people with lived experience, service providers and peak bodies. This represented a ‘bottom-up’ approach to developing the outcomes and sub-outcomes for individuals accessing the legal assistance sector, and for the sector itself.

It was also informed by a desktop review and mapping exercise of other existing frameworks and strategies to understand how the outcomes align with broader government and sector objectives.

The Department undertook an exercise to map where the outcomes and sub-outcomes outlined in this Commissioning Strategy align with other relevant outcome strategies and frameworks, namely the NSFLA and the OMFCS.

The tables overleaf present the mapping output against the NSFLA and the OMFCS:

- Table 4 illustrates the mapping of the legal assistance system outcomes with the six principles of the NSFLA. The number of sub-outcomes varies under each outcome, with 24 in total, and the Commissioning Strategy outcomes are mapped to specific sub-outcomes within the NSFLA.

- The OMFCS contains seven domains and a total of 31 community outcomes – with a large number of additional sub-outcomes. Given the OMFCSs focus on all community sectors, the mapping in Table 5 below focused only on those areas relevant to the individual and legal assistance sector outcomes ('Empowered' and 'Sustainable'). While it is not mapped in Table 5, the Department notes the legal assistance sector's strong contribution to other outcomes in the OMFCS.

**Table 4 | Mapping the legal assistance outcomes against the NSFLA**

		<b>National Strategic Framework for Legal Assistance</b>					
		1. Legal assistance services focus on, and are accessible to, people facing disadvantage	2. Legal assistance services are delivered in a client-centric manner in order to better consider people’s legal needs and capabilities	3. Legal assistance and other service providers and governments collaborate to provide integrated, client-centric services to address people’s legal and other problems	4. Legal assistance services are provided at an appropriate time, which best addresses an individual’s legal needs, including preventative action when appropriate	5. Legal assistance services empower people and communities to understand and assert their legal rights and responsibilities and to address, or prevent, legal problems	6. Legal assistance services providers are supported to build the capacity of their organisations and staff, to ensure they can effectively respond to evolving service demand
<b>Future system outcomes for the legal assistance sector (see Section 4)</b>	<b>1. Individuals understand their legal rights, obligations and issues</b>	✓			✓	✓	
	<b>2. Individuals feel respected and safe</b>	✓	✓				
	<b>3. Individuals can access affordable and timely legal assistance</b>	✓	✓		✓		
	<b>4. Individuals are supported with their non-legal needs</b>				✓		
	<b>5. The sector has the capability to respond appropriately to legal issues</b>		✓		✓		✓
	<b>6. The sector is effective, efficient and equitable</b>	✓	✓			✓	

National Strategic Framework for Legal Assistance							
		1. Legal assistance services focus on, and are accessible to, people facing disadvantage	2. Legal assistance services are delivered in a client-centric manner in order to better consider people's legal needs and capabilities	3. Legal assistance and other service providers and governments collaborate to provide integrated, client-centric services to address people's legal and other problems	4. Legal assistance services are provided at an appropriate time, which best addresses an individual's legal needs, including preventative action when appropriate	5. Legal assistance services empower people and communities to understand and assert their legal rights and responsibilities and to address, or prevent, legal problems	6. Legal assistance services providers are supported to build the capacity of their organisations and staff, to ensure they can effectively respond to evolving service demand
	<b>7. The sector is integrated with community services</b>		✓	✓			
	<b>8. The sector can innovate and meet future needs</b>		✓	✓			✓

**Table 5 | Mapping the legal assistance outcomes against and the OMFCS**

Community Services Outcomes Measurement Framework						
Empowered			Sustainable			
		We have access to legal services			A sustainable service delivery is supported	
		We understand our legal right, obligations and issues	We can access affordable and timely legal assistance	We have the capability to respond appropriately to legal issues	We drive safety, quality and value through transparency in funding and planning	Our service system capacity meets community needs
<b>Future system outcomes for the legal assistance sector</b>	<b>1. Individuals understand their legal rights, obligations and issues</b>	✓		✓		
	<b>2. Individuals feel respected and safe</b>				✓	

**Community Services Outcomes Measurement Framework**

**Empowered**

**Sustainable**

		We have access to legal services			A sustainable service delivery is supported	
		We understand our legal right, obligations and issues	We can access affordable and timely legal assistance	We have the capability to respond appropriately to legal issues	We drive safety, quality and value through transparency in funding and planning	Our service system capacity meets community needs
<b>(see Section 4)</b>	<b>3. Individuals can access affordable and timely legal assistance</b>		✓			
	<b>4. Individuals are supported with their non-legal needs</b>					
	<b>5. The sector has the capability to respond appropriately to legal issues</b>				✓	
	<b>7. The sector is effective, efficient and equitable</b>		✓			✓
	<b>8. The sector is integrated with community services</b>				✓	✓
	<b>9. The sector can innovate and meet future needs</b>				✓	

## Appendix B – Logic models by area of law and, services delivered in regional, rural and remote WA; and Aboriginal and Torres Strait Islander people

The logic models below build on the version for the overarching system. They outline the specific challenges, changes and actions that are needed within different contexts. This includes for different areas of law (civil, criminal and family) and for services delivered in regional, rural and remote WA; and services to delivered to Aboriginal and Torres Strait Islander people. For all of them, while the context, challenges, future system and required actions vary.

	Context What do we know about the context?	Current and future legal need in WA What is the nature of legal need and what are the problems that need to be solved?	Future system and roles and responsibilities What change do we want to see?	Future approach to procurement and contract management What change do we want to see for procurement and contract management?	Areas of focus How will we contribute more broadly
<b>Civil</b>	<p>Legal assistance can provide support to one or both parties in a civil dispute, to promote the accessibility of justice. The civil law area is broad, covering topics ranging from mental health law, to consumer debt, to family violence restraining orders.</p>	<p>Gaps and challenges relevant to civil law are summarised below informed by engagements with the sector, people with lived experience and the Assessment on Current Legal Needs in WA report:</p> <ul style="list-style-type: none"> <li>• There needs to be a better balance of resources allocated to early intervention initiatives, including services to community.</li> <li>• Unresolved civil law issues have greater potential to escalate to criminal issues – such as neighbourhood disputes and family violence restraining orders. Resolving civil law matters and addressing need can prevent issues becoming criminal matters.</li> <li>• There is a greater proportion of services delivered through discrete services; and there is limited capacity to support clients with more complex legal matters that may require ongoing support and representation.</li> <li>• Where legal assistance is provided to both parties in a civil suit – conflicts of interest can arise and prevent access to assistance for one party.</li> <li>• Varied types of legal problems within the civil law area has a corresponding array of non-legal causes and enablers that should also be addressed – but there are currently few non-legal partnerships.</li> <li>• There are limited resources to provide wraparound support for clients who may need it, including financial counselling; and there are few non-legal partnerships.</li> <li>• Services that are not trauma informed have a risk to re-traumatise people seeking help for domestic violence restraining orders (and others).</li> <li>• There are specific gaps in matters, including but not limited to discrimination, tenancy and housing, migration and child protection, victim compensation, and for family violence restraining order respondents.</li> </ul>	<p>In the future system the civil law area will be supported by minimum levels and standards of service to improve the consistency and quality of service. Broadly speaking, across the whole of the civil law area:</p> <ul style="list-style-type: none"> <li>• People with low vulnerability and/or complexity should receive some level of discrete assistance, including non-legal support.</li> <li>• People with moderate vulnerability and/or complexity should receive a more resource intense level of service, including ongoing legal support.</li> <li>• People with high vulnerability and/or complexity should receive intensive levels of service, including facilitated resolution processes and representation.</li> </ul> <p>In addition to this:</p> <ul style="list-style-type: none"> <li>• Some clients will require interpreter services; and additional support to access and use digital tools and platforms.</li> <li>• Some clients will need support to access digital tools and platforms due to lower literacy levels and capabilities using digital tools and platforms such as the eCourts Portal.</li> </ul> <p>Future roles and responsibilities will see:</p> <ul style="list-style-type: none"> <li>• ALSWA and FVPLSs be lead providers for Aboriginal and Torres Strait Islander people across all areas of law, including civil law.</li> <li>• CLCs be lead providers for most civil law matters for non-Aboriginal and Torres Strait Islander people.</li> </ul>	<p>Procurement with the legal assistance sector should:</p> <ul style="list-style-type: none"> <li>• Nurture sector sustainability and help the sector build capacity over the long term by minimising disruptions in communities, including for clients and other non-legal service providers.</li> <li>• Build trust and support collaboration within, and outside of, the sector.</li> <li>• Strengthen the capacity of ALSWA and FVPLSs to deliver services to Aboriginal and Torres Strait Islander people across all law areas.</li> <li>• Ensure procurement decisions are informed by the best available data and information related to the sector.</li> <li>• Be responsive to client and community needs and in line with priority law areas under the Strategy and arrangements that succeed it.</li> </ul> <p>When managing contracts with legal assistance service providers, the Department will ensure it:</p> <ul style="list-style-type: none"> <li>• Minimises administrative burden, promotes accountability, supports continuous improvement, and takes a relationship-based approach.</li> <li>• Monitors contracts by involving regular assessment of system progress against key deliverables and outcomes.</li> </ul> <p>The Department will also ensure procurement approaches are aligned with commitments made under Closing the Gap, the Aboriginal Empowerment Strategy and the upcoming ACCO Procurement Strategy. This involves strengthening ALSWA and FVPLSs</p>	<p>The Department will focus on several actions to support change. This will involve progressing:</p> <ul style="list-style-type: none"> <li>• <b>System design actions</b>, which involve implementing the minimum service levels and standards, further develop and embed place-based and statewide service models, identify opportunities to ensure services are more accessible and navigable and prioritise investment in services for the community and early intervention initiatives.</li> <li>• <b>Roles and responsibility actions</b>, which involve determining, with the sector, how new roles can be implemented and what changes are required for the service system and strengthening the role of ALSWA and FVPLSs.</li> <li>• <b>Procurement, contract management and monitoring actions</b>, which involve reviewing existing contracts to ensure alignment with the procurement and contract management principles, incentivising collaboration and identifying ways to drive collaborative models and ways of working between service</li> </ul>
<b>Criminal</b>	<p>Legal assistance provides support to defendants that are being prosecuted for a crime by the state or Commonwealth. Criminal law prosecutions can result in the loss of personal liberties, including through imprisonment.</p> <p>Service activity data shows the most commonly accessed service type is duty lawyer services.</p>	<p>Gaps and challenges relevant to criminal law are summarised below informed by engagements with the sector, people with lived experience and the Assessment on Current Legal Needs in WA report:</p> <ul style="list-style-type: none"> <li>• There is limited capacity to provide representation and duty lawyer services, leading to rushed services and resulting in missed meetings and court dates.</li> <li>• There is limited availability and access to grants of aid, including for clients who met the means test.</li> </ul>	<p>In the future system the criminal law area will be supported by minimum levels and standards of service to improve the consistency and quality of service. These are summarised below:</p> <ul style="list-style-type: none"> <li>• People with low vulnerability and/or complexity and a non-indictable matter should receive discrete services as well as duty lawyers and access to CE and CLE.</li> <li>• People with moderate vulnerability and/or complexity and a non-indictable matter should receive discrete services as well as duty lawyers and access to CE and CLE. There</li> </ul>	<p>When managing contracts with legal assistance service providers, the Department will ensure it:</p> <ul style="list-style-type: none"> <li>• Minimises administrative burden, promotes accountability, supports continuous improvement, and takes a relationship-based approach.</li> <li>• Monitors contracts by involving regular assessment of system progress against key deliverables and outcomes.</li> </ul> <p>The Department will also ensure procurement approaches are aligned with commitments made under Closing the Gap, the Aboriginal Empowerment Strategy and the upcoming ACCO Procurement Strategy. This involves strengthening ALSWA and FVPLSs</p>	<p>The Department will focus on several actions to support change. This will involve progressing:</p> <ul style="list-style-type: none"> <li>• <b>System design actions</b>, which involve implementing the minimum service levels and standards, further develop and embed place-based and statewide service models, identify opportunities to ensure services are more accessible and navigable and prioritise investment in services for the community and early intervention initiatives.</li> <li>• <b>Roles and responsibility actions</b>, which involve determining, with the sector, how new roles can be implemented and what changes are required for the service system and strengthening the role of ALSWA and FVPLSs.</li> <li>• <b>Procurement, contract management and monitoring actions</b>, which involve reviewing existing contracts to ensure alignment with the procurement and contract management principles, incentivising collaboration and identifying ways to drive collaborative models and ways of working between service</li> </ul>



Context What do we know about the context?	Current and future legal need in WA What is the nature of legal need and what are the problems that need to be solved?	Future system and roles and responsibilities What change do we want to see?	Future approach to procurement and contract management What change do we want to see for procurement and contract management?	Areas of focus How will we contribute more broadly
	<ul style="list-style-type: none"> <li>The full impacts of a criminal conviction are not always well understood by clients – such as the impact on employment prospects in the future.</li> <li>The lack of service capacity leads to services that are not timely and may not be delivered in a culturally appropriate way.</li> <li>There are gaps in receiving timely support due to client vulnerabilities, being unable to make bail, or remanded in custody.</li> <li>There are gaps in support for traffic infringement matters.</li> </ul>	<p>may be additional instance where client will require representation and non-legal support.</p> <ul style="list-style-type: none"> <li>People with high vulnerability and/or complexity and a non-indictable matter should receive ongoing legal support, duty lawyer services and representation, in addition to the consideration of non-legal support.</li> <li>People with an indictable matter should receive duty lawyer services, ongoing legal support, and representation, in addition to the consideration of non-legal support.</li> </ul> <p>In addition to this:</p> <ul style="list-style-type: none"> <li>Some clients will require interpreter services; and additional support to access and use digital tools and platforms.</li> <li>Some clients will need support to access digital tools and platforms due to lower literacy levels and capabilities using digital tools and platforms such as the eCourts Portal.</li> </ul> <p>Future roles and responsibilities will see:</p> <ul style="list-style-type: none"> <li>ALSWA and FVPLSs be lead providers for Aboriginal and Torres Strait Islander people across all areas of law, including criminal law.</li> <li>LAWA be lead providers for most criminal law matters for non-Aboriginal and Torres Strait Islander people.</li> </ul>	<p>in the legal assistance sector by increasing the proportion of service delivery by them and supporting them to build capacity.</p>	<p>providers, explore opportunities for co-commissioning with other government agencies, build on the developed outcomes in this Commissioning Strategy to support more outcomes-focused monitoring, and develop an evaluation approach to assess progress against the Commissioning Strategy.</p> <p>To help ensure the Commissioning Strategy is set up for success, the Department will embed the following <b>system enablers</b>, including:</p> <ul style="list-style-type: none"> <li>Ensuring appropriate governance and funding arrangements are in place.</li> <li>Implementing the Workforce Planning and Development Strategy.</li> <li>Continuing to develop the quantitative and qualitative evidence base.</li> <li>Engaging people with lived experience to inform service system planning.</li> <li>Ensuring there are frameworks and resources in place to support fit-for-purpose monitoring and evaluation.</li> </ul>
<p><b>Family</b></p>	<p>Family law matters encompass disputes and legal matters relating to familial relationships. Family law matters are often complex and can take years to resolve. Legal assistance can support one or both parties in a family law matter. Service activity data shows the most commonly accessed support is for parenting arrangements.</p>	<p>Gaps and challenges relevant to family law are summarised below informed by engagements with the sector, people with lived experience and the Assessment on Current Legal Needs in WA report:</p> <ul style="list-style-type: none"> <li>Case length and complexity can result in people not receiving the ongoing assistance or representation that they require. Discrete legal assistance services are often provided over ongoing support and representation, which leads to service gaps, as often family law matters are complex, and can take years to settle.</li> <li>The sector prioritises either highly vulnerable people or 'less risky' cases, leading to a missing cohort of people who are de-prioritised by the current system.</li> <li>Conflicts of interest can make finding a provider more difficult and result in not every party who requires assistance receiving it.</li> <li>Some lawyers are not taking grants of aid due to increasing complexities; and the legal assistance sector is not funded enough to meet the increasing demand.</li> </ul>	<p>In the future system the family law area will be supported by minimum levels and standards of service to improve the consistency and quality of service. These are summarised below:</p> <ul style="list-style-type: none"> <li>People with low vulnerability and/or complexity should receive discrete services and ongoing legal support and have access to CE and CLE and duty lawyer if needed.</li> <li>People with moderate vulnerability and/or complexity should receive ongoing legal support services and duty lawyer services. Where required, they should receive representation services and support through a facilitated resolution process.</li> <li>People with high vulnerability and/or complexity should receive an intensive level of service, including assistance for facilitated resolution processes, duty lawyer services and representation.</li> </ul> <p>In addition to this:</p> <ul style="list-style-type: none"> <li>Some clients will require interpreter services; and additional support to access and use digital tools and platforms.</li> <li>Some clients will need support to access digital tools and platforms due to lower literacy</li> </ul>	

Context What do we know about the context?	Current and future legal need in WA What is the nature of legal need and what are the problems that need to be solved?	Future system and roles and responsibilities What change do we want to see?	Future approach to procurement and contract management What change do we want to see for procurement and contract management?	Areas of focus How will we contribute more broadly
		<p>levels and capabilities using digital tools and platforms such as the eCourts Portal.</p> <p>Future roles and responsibilities will see:</p> <ul style="list-style-type: none"> <li>• ALSWA and FVPLSs be lead providers for Aboriginal and Torres Strait Islander people across all areas of law, including family law.</li> <li>• LAWA be lead providers for family law matters for non-Aboriginal and Torres Strait Islander people.</li> </ul>		
<p><b>Services delivered in regional, rural and remote (RRR) areas</b></p>	<p>WA is a vast state, with many dispersed communities outside of Perth, the major metropolitan region.</p> <p>To ensure that access to, and outcomes from, the legal system are equitable for all people in WA, the Department must acknowledge the differences required for service models to support people in RRR areas.</p>	<p>There are service gaps and challenges that are more relevant to people in RRR regions accessing legal assistance. The below summarises the core themes heard from the sector, people with lived experience and information from the Assessment on Current Legal Needs in WA report:</p> <ul style="list-style-type: none"> <li>• Living expenses and service delivery expenses can be higher in RRR areas of WA, limiting the volume of services that can be delivered within available resources compared with metropolitan areas. This has been particularly noted for outreach services.</li> <li>• Less general legal assistance capacity in RRR areas and less specialist services are available.</li> <li>• Less access to non-legal services and other supports.</li> <li>• Less access to infrastructure commonly available in metro areas such as reliable internet, limits a person's ability to engage with courts and/or legal assistance online.</li> <li>• Limited understanding of the importance of transport in RRR, impacting peoples' ability to engage with services and heightening the impact of traffic and licence matters.</li> </ul>	<p>People in WA, no matter their location, have equitable access to legal assistance services. For RRR this should mean that people get the same level and standard of service that would be delivered in a metro area – though the cost difference of delivery is acknowledged by the Department. The application of some standards of service should be different in an RRR context, these are summarised as:</p> <ul style="list-style-type: none"> <li>• Delivering services in a client-centred way should include a focus on face-to-face services to build trust.</li> <li>• Delivering integrated legal assistance that considers the need of a client holistically should acknowledge the accessibility issues of different RRR areas of WA.</li> <li>• Delivering legal assistance that is culturally safe and appropriate should be tailored to the needs and culture(s) of specific areas and communities.</li> </ul> <p>Future roles and responsibilities will see:</p> <ul style="list-style-type: none"> <li>• ALSWA and FVPLSs be lead providers for Aboriginal and Torres Strait Islander people across all areas of law in RRR areas.</li> <li>• CLCs be lead providers for most civil law matters for non-Aboriginal and Torres Strait Islander people in RRR areas.</li> <li>• LAWA be lead providers for most criminal and family law matters for non-Aboriginal and Torres Strait Islander people in RRR areas.</li> </ul>	
<p><b>Services for Aboriginal and Torres Strait Islander people</b></p>	<p>Aboriginal and Torres Strait Islander people are over-represented in the criminal law system and child protection systems, stemming from a history of policies disproportionately affecting Aboriginal and Torres Strait Islander people. They can also be under-represented in legal processes (including in civil and family law areas) which allow them to exercise their rights.</p>	<p>There are service gaps and challenges that affect Aboriginal and Torres Strait Islander people disproportionately. The below summarises the core themes heard from the sector, people with lived experience and information from the Assessment on Current Legal Needs in WA report:</p> <ul style="list-style-type: none"> <li>• Aboriginal and Torres Strait Islander people remain over-represented in the criminal law system and child protection systems.</li> <li>• Aboriginal and Torres Strait Islander people are under-represented in legal processes (including in civil and family law areas) which allow them to exercise their rights.</li> </ul>	<p>Services are delivered aligned to the overall service standards, and the additional noted standards designed for Aboriginal and Torres Strait Islander people, with ongoing involvement of ACCOs and Aboriginal and Torres Strait Islander people in service design. These standards include:</p> <ul style="list-style-type: none"> <li>• Delivering legal assistance in a client-centred way should prioritise in-person delivery where a client is most comfortable and emphasise continuity of service and support.</li> <li>• Delivering legal assistance that is culturally safe and appropriate should also include the</li> </ul>	

Context What do we know about the context?	Current and future legal need in WA What is the nature of legal need and what are the problems that need to be solved?	Future system and roles and responsibilities What change do we want to see?	Future approach to procurement and contract management What change do we want to see for procurement and contract management?	Areas of focus How will we contribute more broadly
<p>The National Legal Assistance Partnership outlines that the following outcomes are a shared responsibility of the Commonwealth and the state.</p> <ul style="list-style-type: none"> <li>• Enable and empower Aboriginal and Torres Strait Islander people in addressing their legal needs.</li> <li>• Improve access to justice outcomes for Aboriginal and Torres Strait Islander people.</li> </ul>	<ul style="list-style-type: none"> <li>• There is a lack of understanding of Aboriginal culture and Aboriginal family structures when services are designed and delivered.</li> <li>• There is limited reintegration support for Aboriginal and Torres Strait Islander people released from prison.</li> <li>• There is a lack of services for Aboriginal and Torres Strait Islander people living in remote communities.</li> </ul>	<p>designing of services with Aboriginal and Torres Strait Islander people – led by Aboriginal and Torres Strait Islander people. Non-Aboriginal service providers should have a meaningful understanding of Aboriginal culture cultures, peoples and communities.</p> <p>In addition to this, the Department will ensure that ACCOs are increasingly empowered to lead service provision to and for Aboriginal and Torres Strait Islander people, with transition plans to support ACCO service delivery as an option for all Aboriginal and Torres Strait Islander people with legal needs.</p> <p>Future roles and responsibilities will see ALSWA and FVPLSs be lead providers for Aboriginal and Torres Strait Islander people across all areas of law.</p>		

## Appendix C – Minimum level and standard of service

### C.1 Minimum level of service

To help guide the sector provide more tailored and consistent assistance in response to varying client needs, a minimum level of service has been developed in consultation with stakeholders in the sector. In doing this, client cohort groups with varying levels of vulnerability and/or case complexity were discussed, and the minimum level of service for each of them was developed with the sector. Stakeholders outlined that the minimum level of service would be higher for client cohort groups with higher vulnerability and/or complexity; and the level would be lower for those with lower vulnerability and/or complexity.

- **Clients with higher vulnerability and/or complexity:** This client cohort group could be experiencing multiple indicators of vulnerability such as financial disadvantage, severe mental health distress, and/or are at risk of homelessness. This client cohort group may also be seeking help with multiple legal matters and require support from a range of non-legal services. For this group, the minimum service levels are likely to be more intensive, ranging from discrete legal assistance including information, referral, advice and tasks, through to ongoing support, facilitated resolution process, duty lawyer and representation. This client group is likely to require more wraparound non-legal support.
- **Clients with moderate vulnerability and/or complexity:** This client cohort group could be experiencing some indicators of vulnerability such as financial disadvantage and mental illness. They may also have more than one legal matter that they need help with and may be receiving non-legal support from other services in parallel. For this group, the minimum service levels are likely to be less intensive, with the provision of discrete legal assistance including information, referral, advice and tasks, and ongoing support and facilitated resolution processes if needed. Duty lawyer and representation may be required in certain circumstances. This client group is likely to require some wraparound non-legal support.
- **Clients with lower vulnerability and/or complexity:** This client cohort group could be experiencing one or two indicators of vulnerability such as financial stress and unemployment. They may have one legal matter that they need help resolving. For this group, the minimum service level is likely to include discrete legal assistance including information, referral, advice and tasks. This client group may be able to resolve their legal problems with some assistance and could be empowered by service providers to achieve this. This client group is less likely to require wraparound non-legal support.

Services for the community, including CLE are also important, with many stakeholders outlining these as particularly important for clients with lower vulnerability and/or complexity. For example, CLE can help inform people and empower them to identify and address legal problems. CLE resources must be available to all client cohort groups to ensure they are informed and enabled to resolve their own legal problems, and self-advocate where possible.

The following sections summarise the Department's decision about the minimum level of service which should apply across different areas of law (civil, family and criminal). It outlines which service types had a majority support from the sector to be included as part of the minimum level of service.

In interpreting the subsequent sections, it is important to acknowledge the following:

- The overarching principle is that service provision is tailored to the individual and their needs, and that all individuals who seek legal assistance should receive some level of service.
- Client choice should inform the level of service provided to them. For example, if a client presents and requests access to CLE resources and legal information, rather than ongoing legal support services, this should be considered.
- There are some legal problems within certain law areas that may require a higher level of service than others. For example, in civil law matters (group 1), mental health related legal problems may require a higher level of service as it can include cases regarding orders for detaining individuals. This has been outlined in subsequent sections where stakeholders have highlighted these examples.
- Where a 'more intensive' type of service is included as part of the minimum level of service, it assumes clients should be provided with 'less intensive' service types if they choose as well. For example, if 'representation' is a service type that should be provided as part of the minimum level of service, this should not exclude clients from accessing discrete legal assistance if that is their preference.
- The following sections align with service types in the National Data Standards Manual and therefore do not capture triage related services which in practice can be time-consuming and require resources.

## Civil law matters (group 1)

Table 6 below summarises the minimum level of service for client cohort groups with varying levels of vulnerability and complexity, for the following civil law matters: Discrimination; Health; Mental Health Law; Social Security; Veterans Entitlements; Guardianship for Adults; Immigration Law; Employment; and Environment. It shows that client cohort groups with lower vulnerability and/or complexity should receive some level of discrete assistance; those with moderate vulnerability and/or complexity should also receive some level of ongoing support; and for those with high vulnerability and/or complexity should also receive assistance for facilitated resolution processes and representation if needed. Some problem types in this law area will require higher level of service, in particular: mental health related law matters and matters where there are unrepresented individuals attending the Administrative Appeals Tribunal (such as social security, immigration, and NDIS related matters).

**Table 6 | Civil law (group 1), summary of discussion on minimum level of services**

Service types	Lower vulnerability and/or complexity	Moderate vulnerability and/or complexity	Higher vulnerability and/or complexity
Discrete assistance			
Information			
Referrals			
Advice			
Tasks			
Non-legal			
Ongoing legal support services			
Facilitated Resolution Process			
Duty Lawyer			
Representation			
CLE and CE resources			

## Civil law matters (group 2)

Table 7 below summarises the minimum level of service for client cohort groups, for the following civil law matters: Consumer; Consumer Credit; Credit and Debt; Housing; Neighbourhood disputes; Injury Compensation; Other Services for Victims of Violence; Victim Compensation; Wills and Estates; Proceeds of Crime; and Other Civil Law Problem Types. Similarly to civil law matters (group 1), client cohort groups with lower vulnerability and/or complexity should receive some level of discrete assistance; those with moderate vulnerability and/or complexity should also receive some level of ongoing support; and for those with high vulnerability and/or complexity should also receive assistance for facilitated resolution processes and representation. Some problem types in this law area will require a higher level of service, including tenancy law matters (where clients may require access to duty lawyer services), and wills and estates related matters.

**Table 7 | Civil law (group 2), summary of discussion on minimum level of services**

Service types	Lower vulnerability and/or complexity	Moderate vulnerability and/or complexity	Higher vulnerability and/or complexity
Discrete assistance			
Information			
Referrals			
Advice			
Tasks			
Non-legal			
Ongoing legal support services			
Facilitated Resolution Process			
Duty Lawyer			
Representation			
CLE and CE resources			



### Civil law matters (group 3)

Table 8 below summarises the minimum level of service for client cohort groups, for the civil law matters of Child Protection and Family Violence Restraining Orders. The minimum level of service for these law matters, across different client cohort groups should be higher compared with the other civil law matter groups. For this group of civil law matters, a client cohort group with lower vulnerability and/or complexity is unlikely to exist in practice. The client cohort groups with moderate vulnerability and/or complexity should receive discrete assistance, ongoing support, and assistance with facilitated resolution processes; those with high vulnerability and/or complexity should also receive assistance for duty lawyer services and representation, if needed.

**Table 8 | Civil law (group 3), summary of discussion on minimum level of services**

Service types	Lower vulnerability and/or complexity	Moderate vulnerability and/or complexity	Higher vulnerability and/or complexity	
Discrete assistance	Stakeholders emphasised that often clients presenting with these law matters do not have a 'lower level' of need.			
Information				
Referrals				
Advice				
Tasks				
Non-legal				
Ongoing legal support services				
Facilitated Resolution Process				
Duty Lawyer				
Representation				
CLE and CE resources				

## Family law matters

Table 9 below summarises the minimum level of service for family law matter client cohort groups. Minimum level of service for these law matters, across different client cohort groups should be higher compared with some civil law matter groups. Client cohort groups with lower vulnerability and/or complexity should receive discrete assistance; those with moderate vulnerability and/or complexity should also receive ongoing support and duty lawyer services if needed; and those with high vulnerability and/or complexity should also receive assistance for facilitated resolution processes and representation, if needed.

**Table 9 | Family law, summary of discussion on minimum level of services**

Service types	Lower vulnerability and/or complexity	Moderate vulnerability and/or complexity	Higher vulnerability and/or complexity
Discrete assistance			
Information			
Referrals			
Advice			
Tasks			
Non-legal			
Ongoing legal support services			
Facilitated Resolution Process			
Duty Lawyer			
Representation			
CLE and CE resources			

## Criminal law matters

Table 10 below summarises the minimum level of service for criminal law matter client cohort groups. This distinguishes between client cohort groups presenting with non-indictable and indictable offences. For non-indictable offences, client cohort groups with lower vulnerability and/or complexity should receive discrete assistance; those with moderate vulnerability and/or complexity may also receive duty lawyer services and representation if needed; and those with higher vulnerability and/or complexity should also receive ongoing legal support and representation.

**Table 10 | Criminal law, summary of discussion on minimum level of services**

Service types	Non-indictable offence			Indictable offence
	Lower vulnerability and/or complexity	Moderate vulnerability and/or complexity	Higher vulnerability and/or complexity	All levels of vulnerability and complexity
Discrete assistance				
Information				
Referrals				
Advice				
Tasks				
Non-legal				
Ongoing legal support services				
Facilitated Resolution Process				
Duty Lawyer				
Representation				
CLE and CE resources				

## C.2 – Minimum standard of service

Minimum standard of service refers to the way service types should be provided to ensure a minimum level of quality or standard is met. Minimum service standards should guide service provision across the sector for services for individuals and for the community in terms of what is needed to deliver a high-quality service (see Table 11). These minimum service standards should apply sector-wide.

**Table 11 | Minimum service standards for the legal assistance sector**

Standard	Description and examples
<b>Standards for services for individuals</b>	
Providing legal assistance in a client-centred way	This involves understanding the needs of clients and providing assistance to meet those needs. Examples include delivering services in a way that is most accessible to the client, and connecting clients to other services they may benefit from.
Providing legal assistance that is timely and accessible	This involves working to reduce wait times for clients and providing more flexible models of service such as outreach services.
Providing legal assistance that is trauma-informed	This involves providing legal assistance services in a trauma-informed or strengths-based approach, recognising that clients may be affected by trauma, providing assistance in a way that does not re-traumatise or blame clients, and ensuring the person feels safe and comfortable at all times.
Providing joined up, integrated legal assistance that considers the needs of a client holistically	This involves providing legal assistance services considering the needs of clients holistically and supporting a more integrated and wraparound approach to service provision. This could include leveraging partnerships with non-legal service providers such as family and domestic violence and mental health services.
Providing legal assistance that is of high quality and provides the client with the opportunity to resolve the legal matter	This involves providing legal assistance services that provides the opportunity to help clients effectively resolve their legal matter/s and that is delivered in a way that makes the client feel like it is in their best interests.
Providing legal assistance that is culturally safe and appropriate	This involves providing legal assistance services that are culturally safe and appropriate. This could include legal assistance service providers ensuring staff receive cultural competence training, and that clients have access to interpreters. For Aboriginal and Torres Strait Islander clients, additional minimum standards should be considered (see Table 12).
Providing legal assistance that is respectful, sensitive and safe	This involves providing legal assistance services in a way that is respectful of the client, sensitive to their needs and ensuring their safety. This could include communicating in a way that is easiest for the client to understand, not dismissing their suggestions, and ensuring they feel safe in the service provision environment.
Providing legal assistance that empowers clients and enables choice	This involves providing legal assistance services that helps clients understand their legal problem, options to address them and how to resolve them. This could include sharing with clients the right information and resources, helping them make informed choices about the best way to resolve their legal problem.
Providing legal assistance that follows	This involves legal assistance service providers, particularly those who work with clients involved in family and domestic violence

Standard	Description and examples
a family and domestic violence informed practice	matters or may be experiencing family and domestic violence, being trained in family and domestic violence informed practice and working closely with other providers with the right expertise.
Providing legal assistance that also focuses on early intervention	This involves legal assistance service providers having a balanced focus on supporting clients who may have lower levels of need but may be at risk of their legal matters escalating if left unaddressed.
Providing end-to-end legal assistance to help individuals resolve their legal matters	This involves legal assistance service providers ensuring clients are provided with end-to-end legal assistance where needed, from when clients access assistance through to when their legal problem is resolved. This could include legal assistance service providers working with other legal assistance service providers to ensure legal problems are resolved.
Delivering a 'no wrong door' approach to assistance	This involves providing some level of assistance to all individuals in Priority Client Groups regardless of whether the service provider is in the right position to support the individual. As a minimum the service should help to identify the right service for the individual and refer them to it.
Providing legal assistance that is informed by communities and people with lived experience	This involves legal assistance service providers delivering services that meet the expectations of communities and people with lived experience. This could include legal assistance service providers developing strong relationships with their local communities and previous clients and work with them to inform service delivery.
<b>Standards for services for the community</b>	
Ensuring services are community informed	This involves approaches that are co-designed with community recognising that different approaches may be required for different communities and cohort groups.
Be visible and accessible to target cohort groups	This involves delivering services for the community that are visible to cohort groups that are the intended audience and are accessible for them. This could include materials being made available in plain English and in a diverse range of languages and delivered through the most effective communication channels.
Services should be targeted and tailored to intended client cohort groups	This involves services being targeted and tailored to certain cohort groups who may be more vulnerable to experiencing legal problems. This could include providing services in certain settings such as refuges, schools, aged care homes and/or health and mental health services. It can also include delivering services to other providers in adjacent sectors.
Services are developed in a coordinated way that is context specific	This involves services being developed in a coordinated way and shared across the sector, so efforts are not duplicated and to ensure messaging is clear and consistent. Coordination should be tailored to the specific context to ensure it is fit for purpose.
Services that are informed by learnings from previous service provision and client experiences	This involves services being informed by learnings from previous service provision and client experiences to improve current laws, policy, systems and processes.

### C.2.1 – Additional considerations for standards are needed for Aboriginal and Torres Strait Islander people accessing legal assistance

Consultations with ACCOs and other service providers emphasised that additional considerations in how minimum standards of service are applied are needed for Aboriginal and Torres Strait Islander people. This should deepen and build on some of the minimum standards outlined above, providing examples of how they should be embedded in services delivered and designed for Aboriginal and Torres Strait Islander people (see Table 12).

**Table 12 | Additional minimum service standards for Aboriginal and Torres Strait Islander individuals**

Standard	Examples
Providing legal assistance in a client-centred way	Client-centred service delivery should, where possible, prioritise in-person service delivery, and to meet the client where they are most comfortable. A client-centred approach should also emphasise a continuity of service and support, through both consistent outreach to RRR locations, and a continuous and stable service (including minimising switching providers or lawyers).
Providing legal assistance that is culturally safe and appropriate	The delivery and design of culturally informed services to Aboriginal and Torres Strait Islander people should, where possible, involve Aboriginal and Torres Strait Islander people themselves. Service design and delivery should be led by, and for, Aboriginal and Torres Strait Islander people to promote culturally safe responses and have greater representation. For other non-Aboriginal service providers, there should be a meaningful understanding of Aboriginal culture, supported by relevant training, when delivering services to Aboriginal and Torres Strait Islander people and communities.

### C.2.2 – Additional considerations for standards are needed for clients living in regional, rural and remote areas accessing legal assistance

Clients should receive the minimum standard of service regardless of where they live. However, there are additional considerations for delivering services in RRR areas that requires a greater allocation of resources or an alternative service model to meet clients’ needs. For example, particular understanding and application of some minimum standards will be critical to achieving desired outcomes for clients. These are highlighted in Table 13 below.

**Table 13 | Minimum service standards for clients and services in RRR areas**

Standard	Examples
Providing legal assistance in a client-centred way	A client-centred approach should focus on face-to-face service delivery. This was increasingly raised for people with moderate to high vulnerability and/or complexity, and also in instances where trust-building was important - such as outreach to rural and remote communities. Fundors should be cognisant of the additional costs associated with face-to-face delivery; to firstly account for the additional time requirement, and secondly for the additional safety requirements of sending multiple people to provide outreach services.
Providing integrated legal assistance that considers	As there are typically fewer services available in regional locations, and where they are available, they can be harder to



the needs of a client holistically	access, it is important for legal assistance services to provide an integrated service.
Providing legal assistance that is culturally safe and appropriate	Services that are culturally safe and appropriate should be built upon an understanding of the local community's needs and tailored to the culture (or cultures) within each community.

## Appendix D – Approach to developing the Commissioning Strategy

The Commissioning Strategy was informed by a range of different inputs and sources, including:

- research into best practice in commissioning approaches
- engagements with people with lived experience
- engagements with service providers and peak bodies in the sector
- engagements with other government agencies in the state
- engagements with government agencies responsible for legal assistance commissioning in their jurisdictions
- insights from consultations for the Strategy.

The Department engaged Nous, a management consulting firm, to support the engagements above. As part of this, Nous undertook:

- nine engagements (interviews and focus groups) with 15 people with lived experience
- fifteen engagements (workshops and focus groups) with 30 organisations (service providers and peak bodies)
- four engagements (workshops and briefing sessions) with eight state government agencies
- three engagements (interviews) with government agencies in other jurisdictions
- a survey distributed to the sector, with 22 responses.

A Project Reference Group which comprised of representatives from the Department, ALSWA, AFLS (representing all the family violence prevention legal services in WA), CLWA (representing all CLCs in WA), LAWA and Law Access were involved in the development process and finalisation of the Commissioning Strategy.

Table 14 below lists organisations, peak bodies and other government agencies engaged in the development of the Commissioning Strategy.

**Table 14 | List of organisations, peak bodies and other government agencies engaged**

Stakeholder group	Stakeholder	Method of engagement
Service provider	Great Southern Community Legal Services	A series of workshops and focus groups
Service provider	Citizens Advice Bureau	A series of workshops and focus groups
Service provider	Circle Green Community Legal Centre	A series of workshops and focus groups

<b>Stakeholder group</b>	<b>Stakeholder</b>	<b>Method of engagement</b>
Service provider	Consumer Credit Legal Service	A series of workshops and focus groups
Peak body	Community Legal WA	A series of workshops and focus groups
Service provider	Environmental Defenders Office	A series of workshops and focus groups
Service provider	Fremantle Community Legal Centre	A series of workshops and focus groups
Service provider	Gosnells Community Legal Centre	A series of workshops and focus groups
Service provider	Goldfields Community Legal Centre	A series of workshops and focus groups
Service provider	Midland Information Debt & Legal Advice Service	A series of workshops and focus groups
Service provider	Kimberley Community Legal Services	A series of workshops and focus groups
Service provider	Pilbara Community Legal Services	A series of workshops and focus groups
Service provider	Peel Community Legal Services	A series of workshops and focus groups
Service provider	Northern Suburbs Community Legal Centre	A series of workshops and focus groups
Service provider	Ruah Legal Services, t/a The Mental Health Law Centre	A series of workshops and focus groups
Service provider	Regional Alliance West	A series of workshops and focus groups
Service provider	Sussex St Community Law Service Inc	A series of workshops and focus groups
Service provider	Street Law Centre WA	A series of workshops and focus groups
Service provider	South West Community Legal Centre	A series of workshops and focus groups
Service provider	Southern Communities Advocacy Legal Education Service	A series of workshops and focus groups
Service provider	Welfare Rights & Advocacy Service	A series of workshops and focus groups
Service provider	Wheatbelt Community Legal Centre	A series of workshops and focus groups
Service provider	Women's Legal Service WA	A series of workshops and focus groups
Service provider	Youth Legal Service	A series of workshops and focus groups
Service provider	Aboriginal Legal Service of Western Australia	A series of workshops and focus groups

Stakeholder group	Stakeholder	Method of engagement
Service provider	Legal Aid Western Australia	A series of workshops and focus groups
Service provider	Aboriginal Family Legal Services	A series of workshops and focus groups
Service provider	Southern Aboriginal Corporation	A series of workshops and focus groups
Service provider	Marninwarntikura Women's Resource Centre	A series of workshops and focus groups
Service provider	Law Access	A series of workshops and focus groups
State government agency	Department of Communities	Workshops and briefing sessions
State government agency	Department of Energy, Mines, Industry Regulation and Safety	Workshops and briefing sessions
State government agency	Mental Health Commission	Workshops and briefing sessions
State government agency	Department of Biodiversity, Conservation and Attractions	Workshops and briefing sessions
State government agency	Department of Health	Workshops and briefing sessions
State government agency	Department of Finance	Workshops and briefing sessions
State government agency	Department of Water and Environmental Regulation	Workshops and briefing sessions
Other jurisdiction government agency	Department of Communities and Justice (NSW)	Interview
Other jurisdiction government agency	Legal Aid (NSW)	Interview
Other jurisdiction government agency	Department of Justice and Attorney-General (Queensland)	Interview
Other jurisdiction government agency	Attorney-General's Department (South Australia)	Interview

## Appendix E – Glossary of key terms

Table 15 | Glossary of key terms used in this Commissioning Strategy

Acronym or key term	Defined term
ACCOs	Aboriginal community-controlled organisations
Action Plan	Legal Assistance Action Plan 2022-2025
ALSWA	Aboriginal Legal Service of WA
CALD	culturally and linguistically diverse
CE	community education

CLCs	Community Legal Centres
CLE	community legal education
CLWA	Community Legal Centres Association (WA)
Commissioning Strategy	Legal Assistance Services Commissioning Strategy 2024-2030
DCSP	Delivering Community Services in Partnership Policy
FVPLSs	Family Violence Prevention Legal Services
FVRO	Family Violence Restraining Order
LAWA	Legal Aid WA
Legal Needs Tool	WA Legal Needs Service Data Tool
NLAP	National Legal Assistance Partnership
NLAS indicator	Need for Legal Assistance Services indicator
NSFLA	National Strategic Framework for Legal Assistance
CSOMF	Community Services Outcomes Measurement Framework
RRR	Regional, rural and remote
State Commissioning Strategy	State Commissioning Strategy for Community Services 2022
The Strategy	Legal Assistance Strategy 2022-2025