**2020-21 Pre-Budget Submission to the Australian Treasury**

The National Children’s and Youth Law Centre t/a Youth Law Australia (YLA) is Australia’s national Community Legal Centre (CLC) for young people. YLA can be contacted by young people and adults on their behalf 24/7 and aims to respond to any Australian young person, anywhere, with any legal problem.

In 2019-20, YLA received grants of $345,300 from the Australian Attorney-General’s Department to provide CLC services. YLA has been financially supported by the Department since November 1995, and since that time YLA’s recurrent funding has remained essentially the same in real terms.

YLA’s proposal is to fix the problem of states and territories diverting Australian taxpayer money away from children’s legal assistance; to lend support to bushfire affected communities; to save governments potentially in the order of $5 to $10 million dollars in doing so; and to ensure that YLA is able to sustain its operations into the future for the benefit of Australia’s children.

**Our proposal - YLA will double children’s legal assistance: 4,300 additional clients p.a.**

* Over a five-year period, YLA will build capacity across the CLC sector with the aim of doubling children’s access to National Legal Assistance Partnership (NLAP) funded CLCs by 2025-26 **-** an additional 3,500 children receiving frontline services p.a**.** (In 2018-19, only 3,526 children were served by 150 CLCs across Australia, representing only 1.8% of CLC clients and demonstrating that these CLCs need support to better serve children. With children being 23% of the Australian community and over 900,000 of them having a civil law problem each year, this performance is not good enough).
* Capacity building will take the form of training (both online and via workshops), the development of referral pathways and support resources, connecting and directly visiting with CLCs, clients and community services in each state and territory including in rural and remote areas, and continuing our work in leading the Australian Youth Advocacy Network of CLC lawyers with an interest in children’s law. In particular, YLA will engage CLCs in the joint delivery of community legal education to schools and community services tobetter promote CLCs to children, parents, carers and the professionals working alongside them in CLCs’ own local communities.
* YLA will also increase its own frontline services, allowing YLA to address the approximately 800 child clients we currently have to turn away each year due to insufficient recurrent funding**.** This figure has been growing in recent years due to increasing demand. In the future, should YLA again experience an excess of demand over capacity, with more CLCs being competent to take on more matters for children as a result of our capacity building with them (above), YLA will be able to confidently refer those children on to those CLCs for their much needed legal assistance – creating a virtuous cycle.

**YLA’s bush fire disaster relief strategy**

YLA will prioritise:

* Supporting CLCs in fire impacted areas by, amongst other things, taking referrals from them for their young clients. This has the potential to free up approximately 11% capacity for these CLCs to redirect to pressing disaster relief work for their local clients and communities.

**Significant returns on the Australian Government’s investment**

* This proposal supports a more fit-for-purpose and equitable NLAP, better able to facilitate legal services to a priority client group that is currently neglected – children and young people. YLA will also demonstrate the efficacy of national approaches that build capacity of the broader CLC sector to reach hard to access groups. Once demonstrated, this approach can be replicated for other hard to reach groups.
* As evidenced below, YLA can demonstrate substantial potential cost savings for Commonwealth, state and territory governments in the order of 5 to 10 million dollars for its work combatting violence alone.Other work, e.g. to intervene early in potential homelessness, unemployment, exclusion from school, university or training, forced marriages and parental abductions etc. clearly support substantial cost savings to governments (but is difficult to quantify monetarily).
* A modest additional investment in YLA will have a high impact on Australian children’s access to community legal assistance – doubling it with 4,300 additional children served p.a**.** The proposed cost to the Commonwealth is $658,461 + GST p.a. over 5 years. This funding will allow YLA to increase personnel from 2.4 FTE currently to 4.6 FTE in 2020-21 and will ensure YLA’s sustainability into the future.
* **To provide even greater value for money, YLA’s proposal could be further leveraged under the Mid-Year Economic and Fiscal Outlook’s proposals for the NLAP in which** approximately $5 million dollars per year of new Commonwealth funding is earmarked for frontline legal services when funding is matched by a state or territory government. Should the Commonwealth wish to drive state and territory performance even beyond that proposed herein, it could seek to negotiate with the states and territories or some of them for matched funding. YLA has previously called this our proposed “hub and spoke” model in which Commonwealth funding would provide sustainable but bare core funding of the hub (based in NSW) and individual states and/or territories enhance that funding to allow YLA to employ a dedicated staff member in their jurisdiction (the spoke) to drive even more frontline service delivery in that jurisdiction.

“Thanks so much for getting back to me, it really is appreciated. Your advice has also been super helpful so thank you for taking the time to send it” – *Feedback from an adult on behalf of a child experiencing bullying*

* YLA is cost-conscious when it comes to taxpayer money so funding will go directly to help vulnerable children and young people. To achieve this, YLA accesses a range of donated and pro bono contributions, which has a multiplier effect on existing Government funding. This also allows YLA’s non-human resource expenses to comprise only less than a fifth of the total Government investment. This ensures value for money for Government and that funding directly supports the NLAP's priority client group of children and young people.

**States and territories are failing Australia’s children under the National Partnership**

* The NLAP, formerly the National Partnership Agreement on Legal Assistance Services was established in 2010 to maximise the delivery of legal assistance to vulnerable clients. Under the NLAP, the Australian Government funds the states and territories to plan and deliver this legal assistance.
* Children and young people are a “priority client group” under the NLAP. However, data (below) indicates that consecutive state and territory governments have failed to address children’s legal needs under the NLAP.

**Children and young people’s legal needs are substantial**

* Children and young people (under 25) make up approximately one third of the Australian population.[[1]](#endnote-1) Critically, children (under 18) make up approximately a quarter of the Australian population, approximately 5,217,565 children. [[2]](#endnote-2)
* Over half of young people (18-24) experience at least one legal problem each year.[[3]](#endnote-3) YLA estimates that nearly a quarter[[4]](#endnote-4) of children (under 18) or approximately 1,239,172 children experience a legal problem each year.

“You really helped in giving me precise information…I was worried about my personal problem and looked for websites which would target me personally. Glad to know I found one 😊” – *feedback from a 14-year-old who asked if her parents could force her to leave school in order to work*

* Legal aid commissions across the country provide legal assistance to children experiencing criminal and child protection issues, however, most are unable to provide civil law services.
* Research suggests that 75% of children’s legal problems are predominantly civil[[5]](#endnote-5) and are therefore not able to be dealt with by legal aid commissions. There are therefore approximately 929,379 children potentially in need of civil legal assistance each year.

**Children’s legal needs are not prioritised by the states and territories under the NLAP**

* In 2018-19, only 3,526 children were served by 150 CLCs across Australia, representing an average of only 1.8% of CLC clients (with six jurisdictions falling well below that mark)[[6]](#endnote-6), and demonstrating that these CLCs need support to better serve children. With children being 23% of the Australian community, this performance is not good enough.
* This failure of service planning under the NLAP is replicated across each Australian state and territory for both children and young people.

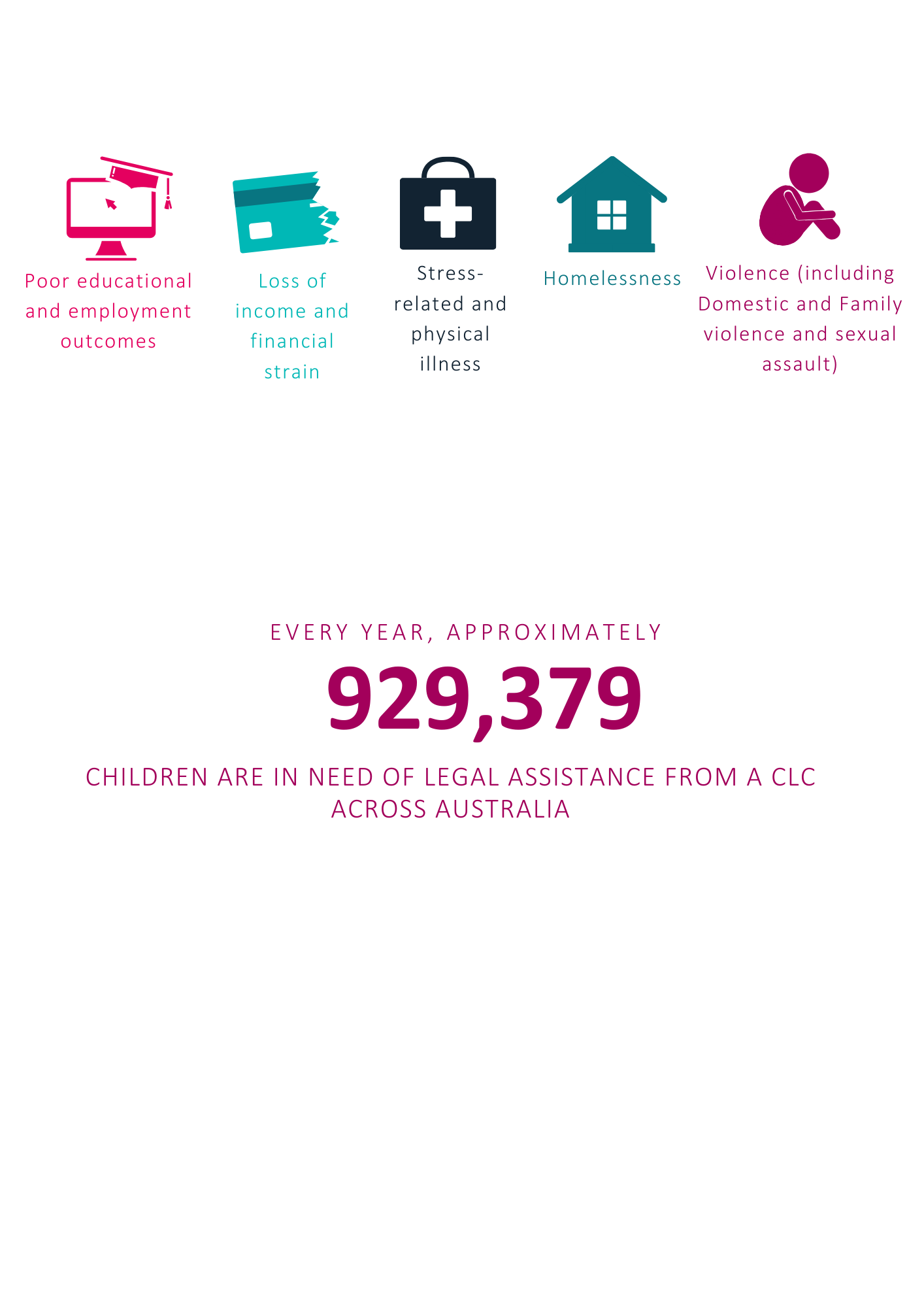
|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| State/Territory | Total CLC clients | Clients aged 0-17 | Percentage of total CLC clients | Clients aged 18-24 | Percentage of total CLC clients |
| NSW | 52,050 | 650 | 1.2% | 5,105 | 9.8% |
| WA | 22,754 | 328 | 1.4% | 1,708 | 7.5% |
| VIC | 51,008 | 1,094 | 2.1% | 5,485 | 10.8% |
| QLD | 51,919 | 1,267 | 2.4% | 3,952 | 7.6% |
| SA | 10,256 | 68 | 0.7% | 617 | 6% |
| TAS | 5,798 | 39 | 0.7% | 467 | 8% |
| NT | 2,943 | 37 | 1.3% | 261 | 8.9% |
| ACT | 3,480 | 43 | 1.2% | 323 | 9.3% |
| TOTAL | **200,208** | **3,526** | **1.8%** | **17,918** | **8.9%** |

*Table 1: Data collected from 150 CLCs in 2018-19 provided by the National Association of CLCs.*

* The above data does not include YLA who alone helped an additional 948 children (18 and under) with their legal matters in 2018-19. NB: YLA is not funded under the NLAP but directly by the Department.

**The cost of failing to plan for children’s legal problems is extensive**

* The cost burden of this failure to plan for children is vast**,** not only to the children themselves but to the economy.
* Children and young people whose legal issues are left unaddressed are more likely to experience: [[7]](#endnote-7)



* The impact of this also results in a significant cost burden on government services. For example, the total annual financial cost of violence against children and young people in Australia is estimated to be $11.2 billion dollars**. [[8]](#endnote-8)** In 2018-19, YLA provided legal assistance on 250 matters involving violence which potentially could result in a cost saving of over $5 million dollars to commonwealth and state governments.[[9]](#endnote-9)

**Why YLA? Why now?**

* In 2018-19, YLA alone provided legal advice to 1,433 Australian children and young people (under 25) and had over 1.8 million page views on the YLA website. YLA’s child clients (18 and under) numbered 948. This figure represents an additional 26.9% on the national total at Table 1 and is more than all CLCs achieved in NT, Tasmania, ACT, South Australia and Western Australia combined. YLA is the best at accessing children nationally and we wish to share our knowledge, capabilities and infrastructure with the broader CLC and legal assistance sector.
* It is urgent that this modest proposal be funded to ensure that the next NLAP, commencing on 1 July 2020, better promotes children’s access to legal assistance.
* The Australian Government can demonstrate its commitment to children’s human rights and access to justice to the international community by making a voluntary commitment or pledge, in the context of Australia’s Human Rights Council membership and imminent Universal Periodic Review, to fund this proposal and in doing so to fund YLA sustainably for the benefit of the nation’s children. YLA is accredited to the UN Economic and Social Council and has previously been the subject of positive comment by the UN Committee on the Rights of the Child in their Concluding Observations on Australia’s implementation of the Convention.

“Dear YLA, Thank you so much for the card….Having this card would make me feel better as [name] is a person that would surely make me go without treatment…Thank you once more, you are doing a great job for people like me.” – *Feedback from a 17 year old who asked about the right to receive life-saving medical treatment against the wishes of a religious elder*

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1. ABS Census data 2016 - <https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/036?opendocument> [↑](#endnote-ref-1)
2. ABS Census 2016, readjusted to exclude 18-19 year olds [↑](#endnote-ref-2)
3. 54.9% - Law and Justice Foundation, Australia- Wide Survey Legal Need in Australia, 2012 <http://www.lawfoundation.net.au/ljf/site/templates/LAW_AUS/$file/LAW_Survey_Australia.pdf> p67 [↑](#endnote-ref-3)
4. Approximately 23.75% - Data extrapolated from Law and Justice Foundation, Australia- Wide Survey Legal Need in Australia, 2012 <http://www.lawfoundation.net.au/ljf/site/templates/LAW_AUS/$file/LAW_Survey_Australia.pdf> p67 [↑](#endnote-ref-4)
5. Data extrapolated from Law and Justice Foundation, Australia- Wide Survey Legal Need in Australia, 2012 <http://www.lawfoundation.net.au/ljf/site/templates/LAW_AUS/$file/LAW_Survey_Australia.pdf> p67 [↑](#endnote-ref-5)
6. Data collected from 150 CLCs across Australia in the 2018-19 FY provided by the National Association of CLCs. [↑](#endnote-ref-6)
7. Deborah Macourt, Youth and the law: the impact of legal problems on young people, Law and Justice Foundation 2014; Deborah Macourt, Youth and the law: it’s not all about juvenile justice and child welfare, Law and Justice Foundation, 2013. [↑](#endnote-ref-7)
8. Deloitte Access Economics, The economic cost of violence against children and young people, Advocate for Children and Young People, June 2019. [↑](#endnote-ref-8)
9. Estimated from total cases and estimated cost in Deloitte Access Economics, The economic cost of violence against children and young people, Advocate for Children and Young People, June 2019. Page 18. [↑](#endnote-ref-9)