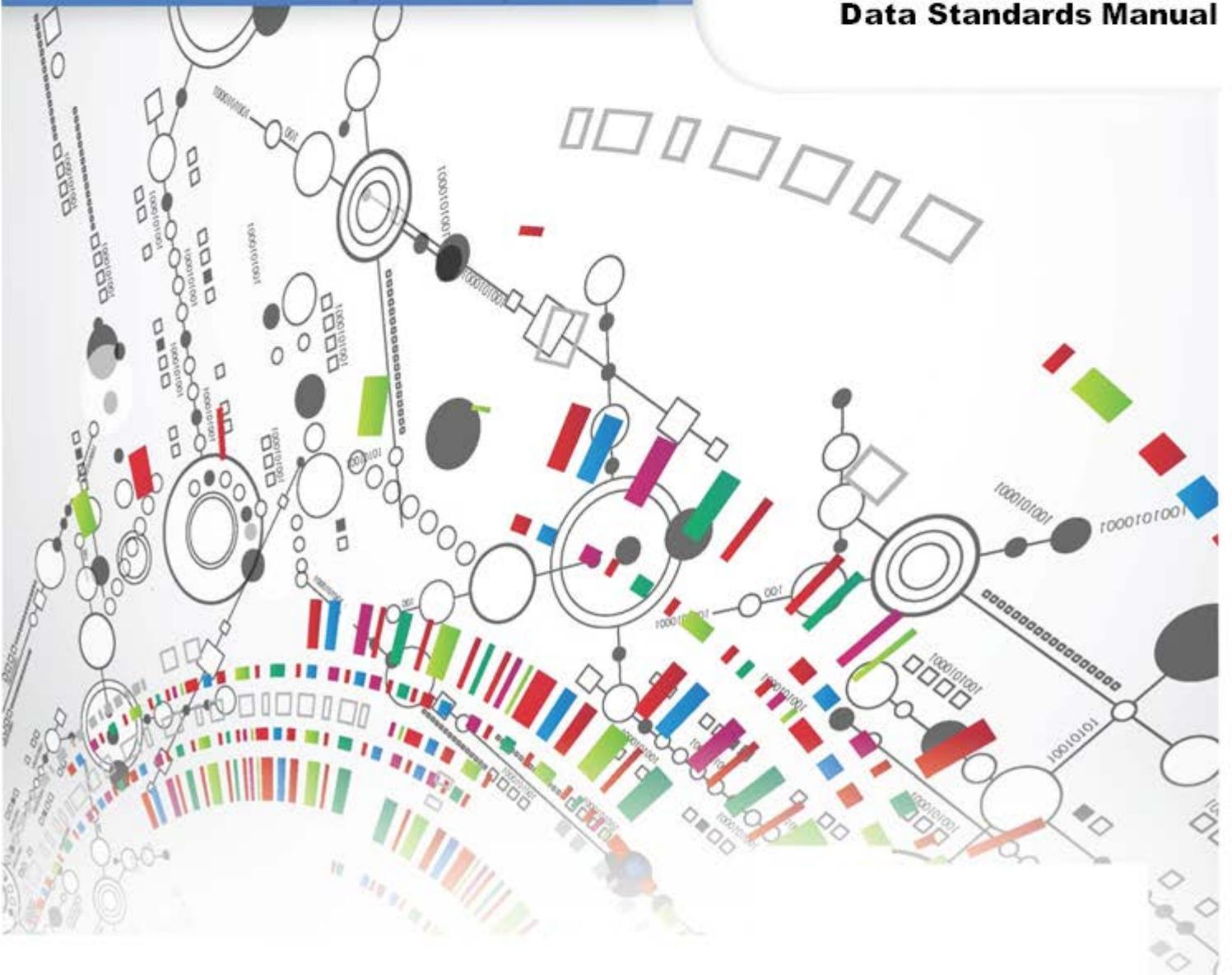




Australian Government
Attorney-General's Department

National Legal Assistance Data Standards Manual



Contents

PURPOSE.....	1
INTRODUCTION.....	1
PRINCIPLES	1
OVERVIEW OF THE MANUAL.....	2
PART 1 – SERVICE DEFINITIONS AND COUNTING RULES.....	4
Discrete Assistance	4
Information Services	4
Referral	5
Legal Advice Services	6
Non-Legal Support Services	6
Legal Task.....	7
Facilitated Resolution Processes	8
Duty Lawyer Services.....	9
Representation Services	10
Dispute Resolution Service	10
Court/Tribunal Service.....	11
Other Representation Services	12
Community Legal Education	13
Community Legal Education Resources.....	13
Community Legal Education Activities.....	14
Community Education	14
Law and Legal Service Reform	15
Stakeholder Engagement	16
PART 2 – DATA COLLECTION	17
Data for services provided to communities.....	19
PART 3 – DATA DEFINITIONS.....	20
Data for all services	20
Service Provider Details	20
Date of Service	20
Data for services provided to individuals	21
Service Type.....	21
Data for services provided to communities.....	37
Service Type.....	37

Purpose

The National Legal Assistance Data Standards Manual gives best practice guidance to legal assistance service providers to facilitate the collection of consistent and comparable data.¹ It is acknowledged that the transition to the collection of consistent and comparable data collection is an iterative process.

This manual is relevant for all Commonwealth, state and territory government funded legal assistance service providers, including legal aid commissions, community legal centres, Indigenous legal assistance providers and family violence prevention legal services. It applies to data collected through regular service provision across all services and law types, as well as data collected through snapshot surveys and other mechanisms.

The manual was developed by the Commonwealth Attorney-General's Department, in close consultation with the legal assistance sector, to facilitate best practice in data collection and recording. It is not a representation of the data required by the Australian Government as part of reporting requirements. The Australian Government only requires a small subset of the data for reporting purposes, which will be outlined in funding agreements. The manual may be amended from time to time.

Introduction

To achieve a national, integrated system of legal assistance, service providers must work together to improve access to justice, address disadvantage and maximise service delivery within the resources available.

Consistent and comparable data collection provides the foundation for a strong, reliable evidence base that informs legal assistance policy and supports planning and resource allocation decisions to ensure that limited resources are directed to areas where services will have the greatest benefit. A reliable evidence base also provides a comprehensive overview of legal assistance services delivered and the people and organisations accessing those services, and helps service providers respond to current and emerging legal need. Finally, reliable evidence demonstrates how effectively the legal assistance system, and the justice system more broadly, is functioning in Australia.

This manual recognises the differences in the way legal assistance providers deliver services to all those who access their service. It is also recognised that laws, process and practices differ between States and Territories and in different legal jurisdictions. These differences will be acknowledged when the Attorney-General's Department analyse any data provided by the jurisdictions, pursuant to the definitions in this manual.

Principles

The collection of legal assistance data is guided by five principles:

Principle 1

In collecting data, Service Providers should note the overarching principles from the National Strategic Framework for Legal Assistance 2015-20:

- legal assistance services focus on, and are accessible to people facing disadvantage

¹ This is consistent with the recommendations in independent reports, including: Productivity Commission, 2014, *Access to Justice Arrangements*, Inquiry Report No. 72, Canberra and the Allen Consulting Group, 2014, *Review of the National Partnership Agreement on Legal Assistance Services*, Canberra.

- legal assistance services are appropriate, proportionate and tailored to people’s legal needs and capabilities
- legal assistance services, government services and other services collaborate to provide joined-up services to address people’s legal and other problems
- legal problems are identified and resolved in a timely manner before they escalate, and
- people are empowered to understand and assert their legal rights and responsibilities and to address, or prevent, legal problems.

Principle 2

Service Providers will spend more time helping people and less time collecting and recording data. In practice, this will mean collecting fewer data items to reduce the burden on Service Providers and ensuring that the data collected is meaningful and useful.

Principle 3

Data collection will be consistent over time to establish a strong evidence base and allow for comparisons to be made across the legal assistance sector.

Principle 4

When analysing legal assistance data, data users will take into account the different operational contexts in which Service Providers operate to ensure that appropriate and accurate conclusions are made.

Principle 5

Data will be collected, stored and disseminated in accordance with Australian Privacy Principles or the equivalent state or territory privacy law, as well as the relevant legislative and professional requirements.

Overview of the manual

The manual is divided into three parts:

- Part 1 defines types of categories and services, and provides guidance on how services are to be counted, facilitating consistency across the legal assistance sector.
- Part 2 provides best practice guidance on what data items may be collected for each service type to establish a strong evidence base for the sector.
- Part 3 defines data items to improve the consistency of data collected by Service Providers.

It is helpful to define the common terms used in the manual, including:

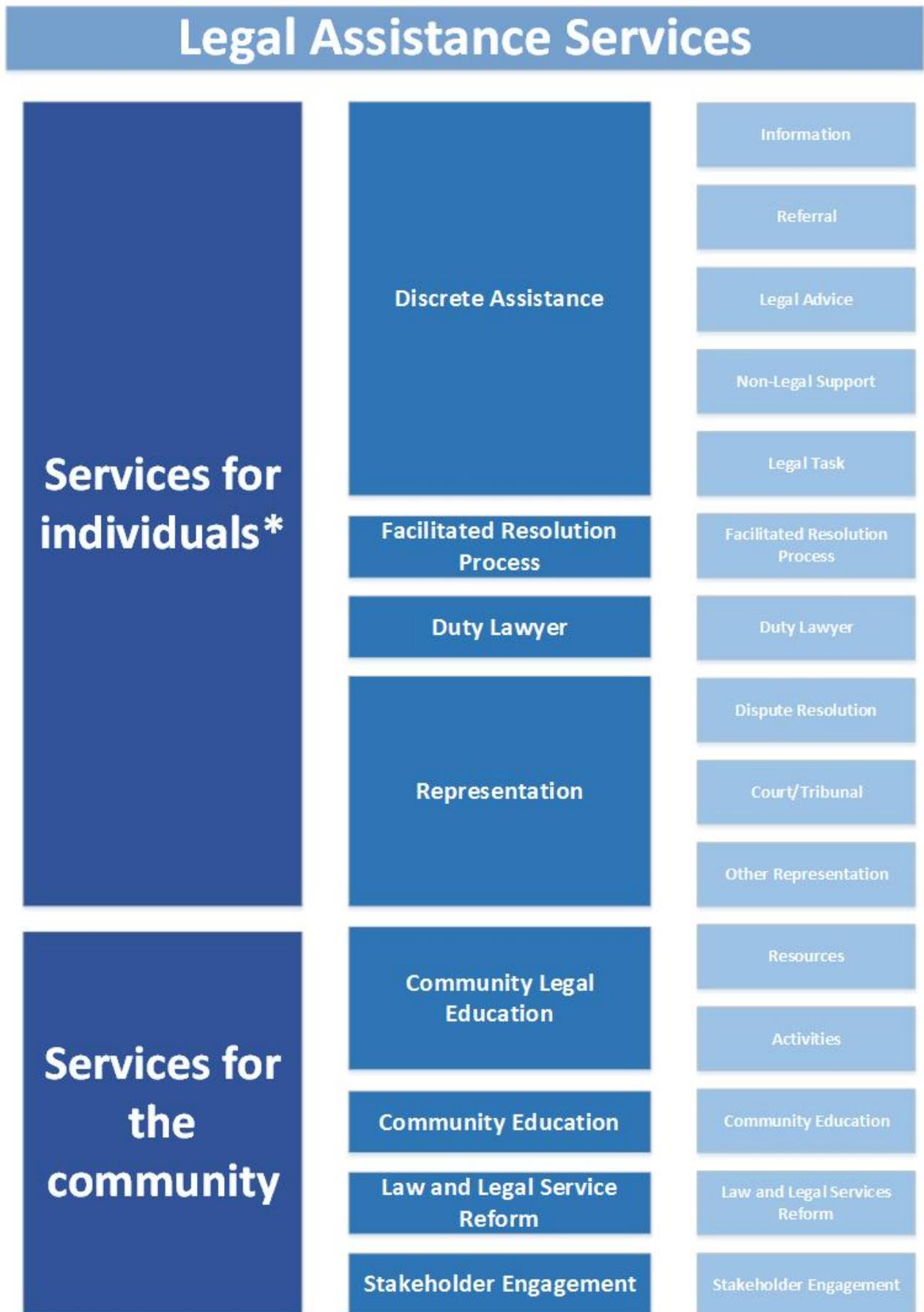
Service Provider: This is a legal assistance service provider, or an individual acting on behalf of the legal assistance service provider, that delivers a service to a Service User.

Service User: This is an individual, group or organisation that receives a service from a Service Provider.

Service Category: These are broad categories that group together similar Service Types (for example, Representation). The Service Categories and Service Types are set out in Figure 1 below.

Service Type: This is a particular type of service (for example Dispute Resolution).

Figure 1: Legal assistance services



* This includes services for individuals, groups and organisations.

Part 1 – Service definitions and counting rules

Part 1, defines Service Categories and Service Types, providing best practice guidance on how services are to be counted.

This section does not aim to create homogeneity of services within the legal assistance sector. Instead, it seeks to cluster similar services together under common headings to facilitate analysis of data to inform business planning, service planning and delivery, legal assistance policy and evaluation.

The demand for a variety of service delivery methods to meet the diverse needs of Service Users is acknowledged and respected.

Discrete Assistance

Discrete Assistance is the provision of unbundled, discrete, legal and non-legal services to Service Users.

These intermittent services differ from Representation Services, where a Service Provider takes carriage of a matter in an ongoing, representative capacity.

Discrete Assistance may be provided at any location (for example, in a Service Provider's office or in an outreach location).

They may also be delivered in a range of modes:

- in person
- telephone
- letter
- email, mail or fax
- video conference
- online chat.

Information Services

Definition

An Information Service is the provision of information to a Service User in response to an enquiry about:

- the law, legal systems and processes,
- legal and other support services to assist in the resolution of legal and related problems.

The information provided is of general application.

An Information Service involves a direct communication and/or a provision of material by a Service Provider to a Service User. Information Services do not include administrative tasks such as booking appointments for legal advice sessions.

Counting rules

Where information is provided about one or more problems at the same time, it is counted as one Information Service. Different problem types may be recorded in the service characteristics.

Where the same information is provided to a Service User by more than one method at the same time (for example by telephone, followed by mailing a Community Legal Education resource), it is counted as one Information Service.

Where information is provided to a Service User in the course of providing another service, it should **not** be counted as an Information Service and is subsumed by the other service. For example, information provided in the course of a Legal Advice Service is **not** counted separately as an Information Service, but as a Legal Advice Service. Similarly, information provided by a duty lawyer to a Service User in a court or tribunal is **not** counted as an Information Service, but as a Duty Lawyer Service.

Case study 1

Peter calls Legal Aid to ask for basic information on a tenancy tribunal matter he has coming up. Legal Aid has a web link with useful information to assist Peter to represent himself at the tribunal. Legal Aid sends Peter a follow up email with the link to the relevant webpage. Legal Aid's provision of this information is counted as one 'Information Service'.

Referral

Definition

A Referral is when a Service Provider determines that a Service User can be assisted by another individual or organisation and provides the User with the contact details to that service.

A Referral may be recorded as either a Simple Referral or a Facilitated Referral. These types of referrals are defined in Table 18 in Part 3 of this manual.

Counting rules

Referrals to an external individual or organisation are counted except in representation services when they are subsumed. Internal referrals, where a Service Provider refers a Service User to another individual or section within the same organisation, are not counted as a referral.

Incoming referrals, where an external individual or organisation refers a Service User to the Service Provider, are not counted as a referral.

Case study 2a

Zoe is referred by a criminal lawyer at the Aboriginal Legal Service to a civil lawyer at the same Aboriginal Legal Service, as she has ongoing employment issues that need to be addressed at the same time as her criminal matter relating to fraud. As she is referred internally, this does not count as a 'Referral'.

Case study 2b

Carmel visits a community legal centre (CLC) to seek assistance with her family violence matter. She is referred by the CLC lawyer to a financial counselling service which is co-located. As the financial counselling service is a separate service to, and independent of the CLC, and it is up to the Service User to make contact with that Service Provider, this can be counted as a 'Simple Referral'.

Legal Advice Services

Definition

A Legal Advice Service is the provision of fact-specific legal advice to a Service User in response to a request for assistance to resolve specific legal problems.

Counting rules

If a Service User receives advice for more than one problem from the same lawyer, it is counted as one Legal Advice Service. Different problem types may be recorded in the service characteristics. If two lawyers are required to provide advice, it is counted as two Legal Advice Services.

Where the same advice is provided to a Service User by more than one method (for example where advice provided in person is confirmed by letter the following day), it is not counted separately. Where a Service User makes subsequent contact with a Service Provider and new advice is provided, it is counted as a separate Legal Advice Service. This is the case whether it is in relation to the same problem for which advice was initially sought or a different problem.

Where information is provided in the same session as a Legal Advice Service, it should **not** be counted as an Information Service and is subsumed as part of the Legal Advice Service. Legal advice provided by a duty lawyer to a Service User at a court or tribunal is **not** counted as a Legal Advice Service but as a Duty Lawyer Service.

Case study 3

Fiona has recently separated from her husband. She has bad debts due to putting her name on a personal loan her ex-husband took out. These debts are incurring interest that she cannot pay. A lawyer provides advice both in person and in writing in relation to both problems. Although she has both a family and civil law matter, only one 'Legal Advice Service' is recorded.

Non-Legal Support Services

Definition

A Non-Legal Support Service is provided by an appropriately qualified or experienced person (either through an internal or external appointment) to a Service User in response to a request for assistance to resolve specific, non-legal problems. Examples include general counselling, financial counselling, trauma-informed counselling, Aboriginal and Torres Strait Islander community liaison, and mental health assessments and support.

Non-Legal Support Services can either be a discrete or an ongoing service, and should be recorded as either discrete or ongoing as applicable. These types of services are defined in Table 20 in Part 3 of this manual.

Counting rules

Where a Service User receives non-legal support from a Service Provider, an individual or an organisation, it is counted as one Non-Legal Support Service. This includes where a Service User receives Ongoing Non-Legal Support.

Where the same support is provided to a Service User by more than one method at the same time (for example by telephone, followed by mailing a letter), it is counted as one Non-Legal Support Service.

Where non-legal support is provided to a Service User in the course of providing another service, it is counted as a Non-Legal Support Service and is **not** subsumed by the other service.

Case study 4a

During the course of receiving legal advice in relation to parenting arrangements with her children's father, Fleur is referred by her lawyer to the trauma counselling team. It is determined that she requires ongoing trauma counselling provided by social workers employed by the service provider. Both the legal advice and non-legal support services provided are counted separately. As Fleur receives ongoing trauma counselling this is counted as one ongoing non-legal support service. The internal referral is not counted.

Case study 4b

Fleur is receiving representation by a service provider for the sole custody of her children following a recent split with her children's abusive father. As the court proceedings are prolonged and confronting, it is recommended that Fleur get trauma counselling provided by a social worker employed by the same service provider. Fleur continues to visit counselling sessions for a few weeks whilst the Family Law Court decides what is in the best interests of the children. The internal referral is not counted, as it is subsumed by the representation service being provided by the same service provider, however, the ongoing non-legal support service is counted as one non-legal support service and not subsumed by the representation service.

Case study 4c

During the course of receiving legal advice in relation to parenting arrangements with her children's father, Fleur is referred by her lawyer to someone located in the general counselling team who helps her on one occasion with strategies to cope better at work. At the same time, Fleur is referred to someone else in the financial counselling team who provides one-off separate advice in relation to her mortgage and other financial commitments. As two separate counsellors are providing two separate services, this is counted as two discrete Non-Legal Support Services.

Legal Task

Definition

A Legal Task is where a Service Provider completes a discrete piece of legal work to assist a Service User to resolve a problem or a particular stage of a problem. Examples of a Legal Task include:

- preparation or assistance with the drafting of documents (such as a will)
- writing a letter to another party asking them to do something or stop doing something, or
- advocating on behalf of a Service User without taking ongoing carriage of the matter.

If a Service Provider takes carriage of a matter in an ongoing, representative capacity, including representing a Service User in court or tribunal proceedings, this is no longer a Legal Task but a Representation Service.

Counting rules

Where a Service User receives assistance with a Legal Task(s) to resolve a matter, it is to be counted as one Legal Task. For example, if a Service Provider assists a Service User by drafting a letter and making a phone call, this is counted as one Legal Task.

Where there is subsequent contact with the Service User and assistance with a Legal Task(s) is provided again, whether in relation to the same matter for which assistance was initially sought or a different matter, it is counted as a separate Legal Task.

Where information is provided in the same session as a Legal Task, it should **not** be counted as an Information Service and is subsumed as part of the Legal Task.

Assistance with Legal Tasks provided by a duty lawyer to a Service User at a court or tribunal is **not** counted as a Legal Task but as Duty Lawyer Service.

Case study 5

Jason receives written legal advice on an employment matter. This counts as one 'Legal Advice Service'. Jason makes further contact one month later in relation to the same employment matter. It is determined that further advice on the matter is required and is provided in writing again. This counts as a second 'Legal Advice Service'. A letter is also written on Jason's behalf to his employer. This letter is counted as a separate 'Legal Task'.

Facilitated Resolution Processes

Facilitated Resolution Processes include specific processes that are aimed at resolving disputes without going to court. This category is relevant for the process only. The actual representation of a Service User within a Facilitated Resolution Process is defined as a Dispute Resolution Service.

Definition

A Facilitated Resolution Process is where a Service Provider conducts an activity (for example a conference) to assist the parties to resolve or narrow issues in dispute. Generally, a facilitated resolution process will involve a screening process and the provision of an independent, suitably qualified professional to facilitate resolution of the issues in dispute.

A Facilitated Resolution Process may be provided:

- in person at any location
- by telephone or videoconference.

There are a number of Activity Types within this Service Category, including:

- screening
- arbitration
- conferences
- mediation.

Counting rules

A Service Provider should count all Activity Types undertaken as part of one matter, as one Facilitated Resolution Process. For example, if a Service Provider conducts two screening processes (one for each party) and a conference for the same matter, this is counted as one Facilitated Resolution Process.

If the Service Provider is representing a party attending a Facilitated Resolution Process, this is counted separately as a Dispute Resolution Service and is not categorised as a Facilitated Resolution Process. For example, if a Service Provider conducts a conference and also provides representation for two parties attending the conference, this is counted as one Facilitated Resolution Process and two Dispute Resolution Services.

If a Facilitated Resolution Process is organised but not conducted (for example where a screening process is undertaken and it is determined that it is not appropriate for a Facilitated Resolution Process to be continued), it is counted as a Facilitated Resolution Process.

Service Providers should record the results of the Facilitated Resolution Process, in accordance with the options specified in Table 12 in Part 3 of this manual.

Case study 6

Two screening processes and a conference are held to facilitate dispute resolution between Fiona and Michael in relation to their recent separation. Fiona and Michael cannot agree to the terms of a parenting arrangement. Legal aid provides representation for both parties at the conference. This is therefore counted as one 'Facilitated Resolution Process' and two 'Dispute Resolution Services'.

Duty Lawyer Services

Definition

Duty Lawyer Services are legal services provided by a duty lawyer to a Service User at a court or tribunal.

There are a number of duty lawyer activity types—these are defined in Table 13 in Part 3 of this manual.

Counting rules

Where a Service User receives a Duty Lawyer Service, it is counted as one Duty Lawyer Service.

Where a Service User makes subsequent contact with a Service Provider and duty lawyer assistance is again provided, it is counted as a separate Duty Lawyer Service. This is the case whether the subsequent Duty Lawyer Service is about the same legal problem for which advice was initially sought or a different legal problem.

Where a Service User receives a Duty Lawyer Service and the Service Provider subsequently takes carriage of the matter in an ongoing, representative capacity, this is counted as two separate services. The first service is counted as one Duty Lawyer Service and the subsequent service is counted as a Representation Service.

Case study 7a

Christopher attends court without legal representation in relation to a charge for drink driving. Before entering the court, Christopher seeks advice from the duty lawyer but the duty lawyer does not represent him during court proceedings. Christopher is subsequently convicted, ordered to pay a substantial fine, and loses his licence. Following court proceedings, Christopher returns to the same duty lawyer for legal advice in

relation to the penalty imposed. As the same duty lawyer is engaged and provides advice on the same legal matter, this is counted as one 'Duty Lawyer Service'.

Case study 7b

Christopher attends court without legal representation in relation to a charge for drink driving. Before entering the court, Christopher seeks advice from the duty lawyer but the duty lawyer does not represent him during court proceedings. Christopher is subsequently convicted, ordered to pay a substantial fine, and loses his licence. This is counted as one 'Duty Lawyer Services'. Two days later, following the court proceedings, Christopher returns to the duty lawyer for additional legal advice. Although the same duty lawyer is engaged and provides advice on the same legal matter, this is counted as a further 'Duty Lawyer Services'.

Case study 7c

Christopher attends court without legal representation in relation to a charge for drink driving. Before entering the court, Christopher seeks advice from the duty lawyer but the duty lawyer does not represent him during court proceedings. Christopher is subsequently convicted, leaves the Court and is immediately arrested and taken into custody for a 2:15pm same-day court appearance in relation to breaching bail in connection with burglary charges. The duty lawyer advises Christopher prior to this court appearance. Although the same duty lawyer is engaged, this is counted as two 'Duty Lawyer Services' as the subsequent occasion of service relates to different legal problems.

Representation Services

Representation Services are where a Service Provider takes carriage of a matter in an ongoing, representative capacity.

There are three service types within this service category.

Dispute Resolution Service

Definition

This service is the legal representation of a Service User in a Facilitated Resolution Process, or an alternative dispute resolution process. This service type does not include court/tribunal based alternative dispute resolution, which is incorporated in the definition of Court /Tribunal Services.

A Dispute Resolution Service includes preparation for, and representation at, a Facilitated Resolution Process. It also includes the work involved in recording agreement following a Facilitated Resolution Process.

Assistance provided to self-representing parties preparing to attend Facilitated Resolution Processes should be categorised as Legal Task or Duty Lawyer Service as relevant.

Counting rules

If a Service User is represented by a Service Provider in an ongoing matter, all services provided in relation to the matter are counted together as one Dispute Resolution Service. For example, information, legal advice, internal and external referrals and assistance with legal tasks are considered to be part of, and subsumed by, the Dispute Resolution Service and are **not** counted separately.

One Dispute Resolution Service can involve multiple problem types that arise in the same matter. The different problem types are recorded as service characteristics.

Case study 8a

Sunila is in dispute with her former partner over relationship related debt and the custody of her three children following a recent separation. Sunila receives assistance to participate in a Dispute Resolution. Information and a number of legal advices are provided to her in preparation for a dispute resolution conference. Although information about facilitated dispute resolution and going to court, as well as legal advice for both the debt and parenting orders are provided, this is not counted separately. One 'Dispute Resolution Service' is recorded, with Sunila's different problem types being recorded as service characteristics.

Case study 8b

Sunila is in dispute with her former partner over relationship related debt and the custody of her three children following a recent separation. Sunila receives assistance, in the form of information and legal advice, to participate in a Dispute Resolution process. One 'Dispute Resolution Service' is recorded. In the course of providing these services, Sunila seeks advice on a separate tenancy issue unrelated to her former partner. As this matter has no direct link to her participation in the Dispute Resolution process, nor to the former partner, this further legal advice is counted separately.

Court/Tribunal Service

Definition

A Court/Tribunal Service relates to any ongoing representation for any matter before a court, tribunal or inquiry, where a Service Provider provides legal representation to a Service User, and takes carriage of a matter in an ongoing, representative capacity. This includes court/tribunal based alternative dispute resolution.

A Court/Tribunal Service does not include services provided by a duty lawyer or assistance to self-representing parties where a Service Provider does not take carriage of a matter in an ongoing, representative capacity. This type of service is counted as a Legal Task, Legal Advice or Duty Lawyer Service, as appropriate.

Counting rules

All services provided to progress the determination of the Service User's legal proceedings are counted together as one Court/Tribunal Service. For example, information, legal advice, referrals and assistance with legal tasks are considered to be part of, and subsumed, by the Court/Tribunal Service and are not counted separately.

One Court/Tribunal Service can involve multiple problem types which can be recorded as a service characteristic.

If a Service User is represented in legal proceedings in a Court/Tribunal by a service provider in an ongoing capacity then all services provided are counted together as one Court/Tribunal Service irrespective of the number of problem types involved in that litigation process.

For criminal cases, the number of charges which are related in subject, time and/or can be finalised in the same court proceedings should be recorded as one Court/Tribunal service. The number of charges involved, as well as criminal cases and hearing type, may be counted as a service characteristic. If a new request for representation services by a Service User is unrelated by subject or time to an existing court/tribunal service, and cannot be finalised in the same court proceedings, then a separate Court/Tribunal Service count is recorded. For example, where the initial representation is for summary criminal charges and a further request for representation on an indictable criminal charge is sought.

A new request for assistance by a Service User about the same matter on appeal should be counted as a new Court/Tribunal service, as it is proceeding in a different court and being disposed of at a separate point in time.

Any court/tribunal based alternative dispute resolution undertaken in relation to a Court/Tribunal Service is considered to be part of, and subsumed by, the Court/Tribunal Service and is not counted separately. For example, a court-ordered mediation process.

Case study 9a

Adam has six charges against him. The first three – unlawful use of a motor vehicle, driving whilst unlicensed, and driving an unregistered vehicle – occurred on the 13 June 2016. The other three charges - committing a public nuisance, and obstructing and assaulting a police officer occurred on the 28 June 2016. All of Adam’s charges were finalised together on the 29 June 2016 by way of pleas of guilty. As they were finalised together, it should be counted as one ‘Court/Tribunal Service’ – comprised (as a sub-set) of six ‘Charges’.

Case study 9b

Monique receives a Notice of Hearing for a tenancy issue that has arisen with her landlord. Firstly, Monique calls legal aid for legal advice on what this means and what will happen next. Given Monique has little means to seek legal representation, legal aid suggests she formally applies for a grant of legal aid. Pending the outcome of her legal aid application, the one-off legal advice is counted as one ‘Legal Advice Service’. Two weeks later, Monique is awarded a grant of legal aid one week before her hearing at the Tribunal on 17 April 2016. On 17 April 2016, Monique is represented by the lawyer and the Tribunal finds in favour of Monique. This is then counted as one ‘Court/Tribunal Service’.

Other Representation Services

Definition

Other Representation Services relates to any matter where the Service Provider:

- takes carriage of a matter in an ongoing, representative capacity, but due to the nature of the matter it does not proceed to a court, tribunal or inquiry, or
- is not required to appear before a court, tribunal or inquiry.

Other Representation Services do not include assistance to self-representing parties where a Service Provider does not take carriage of a matter in an ongoing, representative capacity. This type of service is counted as a Legal Task, Legal Advice or Duty Lawyer Service, as appropriate.

Counting rules

All services provided in relation to a matter are counted together as one Other Representation Service. For example, Information, Legal Advice, Referrals and assistance with Legal Tasks are considered to be part of, and subsumed, by the Other Representation Service and are **not** counted separately.

One Other Representation Service can involve multiple problem types. The different problem types may be recorded as service characteristics.

If a Service User is represented by a Service Provider in more than one ongoing matter, each ongoing matter is counted as a separate Other Representation Service. Again, the different problem types may be recorded as service characteristics, if appropriate.

Case study 10

Stuart's lawyer takes carriage of an ongoing dispute he has with his landlord in regards to making minor alterations to the property which he rents. The lawyer provides multiple letters to the landlord, referencing both the rental agreement and NSW law. After providing four letters on Stuart's behalf, an agreement is reached, preventing Stuart and his lawyer from taking the matter to the Tribunal. Although Stuart's lawyer has provided ongoing assistance, it has only been in relation to one tenancy issue and is therefore recorded as one 'Other Representation Service'.

Community Legal Education

Community Legal Education (CLE) is provided to the general community, community services, community groups, organisations or schools. These services inform and build individual and community resilience by enhancing:

- awareness and understanding about the law and how to identify, prevent and deal with problems
- awareness of the help available from legal and support services.

There are two service types within this service category.

Community Legal Education Resources

Definition

CLE Resources involve the development or substantial amendment of publications and resources that provide:

- information about the law and legal system
- information about legal and support services
- guidance for identifying, preventing or dealing with particular legal problems.

Examples of CLE Resources include:

- booklets
- pamphlets
- self-help kits
- legal information websites
- development of CLE Activities (for example, modules, workshops or presentations).

CLE Resources may be developed to be delivered via a variety of media including:

- printed/hard copy
- audio products
- DVD/video
- web based
- workshops or presentations.

Counting rules

Each CLE Resource developed and/or published is counted as one CLE Resource, regardless of the number of copies that may be printed or published. For example, if a DVD is produced about juvenile crime and 1000

copies of the DVD are made, then this is counted as one CLE Resource **not** 1000 resources. The number of copies distributed may be recorded as a service characteristic, where applicable.

A resource that has been translated or amended substantially to meet the needs of different client groups is regarded as a separate CLE Resource. A resource is substantially amended if more than 40% of the content has changed from the original version. A resource that is produced in significantly different formats, for example as a pamphlet and a DVD, is regarded as two CLE Resources.

Case study 11a

A legal aid commission has produced a pamphlet on family law proceedings. Originally written in English, the resource is translated into Vietnamese and Mandarin. Translating the pamphlet into a further two languages, means that three different 'CLE Resources' can be counted.

Case study 11b

Victoria passes amendments to a key piece of legislation, including changing the name of the Act. As a result, a particular service provider updates three webpages to properly reference this amended Act. Although three pages are changed, these changes are not substantial in nature and are therefore not counted as new 'CLE Resources'.

Community Legal Education Activities

Definition

CLE Activities are delivered to raise awareness and educate other service providers, community groups, organisations, schools, or the general community about the law and how to recognise, prevent and deal with legal problems.

CLE Activities may be delivered through a variety of formats, including:

- workshops, presentations and meetings in person
- web-based and electronic media.

Counting rules

Each time an activity is delivered, it is counted as one CLE Activity. The target audience, problem type(s) and the number of people in attendance at each session may be recorded as service characteristics.

The development of a CLE Activity is counted as a CLE Resource.

Case study 12

An information session on 'Working in Australia' is designed to educate the community on their rights at work. The first presentation attracts more than 80 attendees. The second presentation attracts 50 attendees. This is counted as two CLE activities. The number of attendees at each presentation is recorded as a service characteristic under 'number or persons accessing a CLE or CE activity', separately.

Community Education

Community Education (CE) aims to resolve non-legal associated issues, social welfare, learning outcomes and personal development of people involved in the legal process and experiencing disadvantage. The focus is on addressing related non-legal problems that directly impact upon a person's ability to access or participate in

the justice system, to prevent legal matters escalating. These programmes and sessions are often facilitated by non-lawyers such as client support officers.

Definition

CE promotes learning and social development work with groups in the general community using a range of formal and informal methods. A common crucial feature is that programmes and activities are developed in discussion with communities and participants. The purpose of community education and development is to help build the capacity of people and groups of all ages and the community through their actions by improving quality of life and control over personal circumstances. Central to this is a person's ability to participate in the justice processes and become aware of their individual rights and responsibilities.

There are a range of skills and approaches for engaging local communities/groups and in particular disadvantaged people. These include less formal educational methods, community activities and group skills. Community development enables community members to be better informed and to have an active voice in seeking solutions for the issues affecting their circumstances/lives.

Examples of CE include:

- managing finances
- self-esteem and healthy relationships sessions
- behavioural programmes
- empowerment/leadership programmes
- access to services; housing, social services, support programmes
- parenting programmes
- group therapy.

Counting Rules

Each time a CE activity (for example a workshop) is delivered, it is counted as one CE activity. The target audience and the number of people in attendance at each session could be recorded as service characteristics.

CE that has been translated or amended substantially to meet the needs of different groups is regarded as a separate CE activity. A resource is substantially amended if more than 40% of the content has changed from the original version. Each revised CE activity should be counted as a separate CE activity.

CE delivered to an individual is counted as a Non-Legal Support Service.

Case study 13

A FVPLS service provider hosts a 'Healthy Relationships' session for young Indigenous women. The aim is to increase awareness and education amongst Indigenous women, in order to prevent future incidents of family and domestic violence. The session is attended by 25 women, but it is only counted as one 'Community Education Resource.' The number of attendees can be reflected in service characteristics, under 'number of persons accessing a CLE or CE activity'.

Law and Legal Service Reform

Law and Legal Service Reform include activities undertaken to change the law and legal process, or to improve the provision of legal assistance services. These activities often seek to improve equitable access to, and the

effectiveness of, the justice system for the benefit of particular disadvantaged groups within the community and the Australian community as a whole.

Definition

Law and Legal Service Reform activities may include:

- participation in research, analysis and evaluation activities (including programme evaluation)
- developing papers about legal assistance services and systems
- developing submissions to government, parliamentary body or other inquiry to provide factual information and/or advice
- strategic advocacy, such as law reform work.

Law and Legal Service Reform activities focus upon resolving systemic issues affecting the ability of people facing economic, social and other disadvantage to access or receive justice. While in some cases, this involves services delivered to a disadvantaged client, these services focus upon maximising benefits for the wider community or a vulnerable group within the community.

Counting rules

Each relevant project undertaken is counted as one Law and Legal Reform activity.

Case study 14

A CLC provides a submission to the Senate Standing Committee on Finance and Public Administration on access to legal assistance services. This submission can be counted as one 'Law and Legal Service Reform' activity.

Stakeholder Engagement

Definition

Stakeholder Engagement activities may include the following activities:

- participating in national, state, territory and local forums to improve the co-ordination and delivery of legal assistance services
- participating in national, state, territory and local bodies to represent the interests of the legal assistance providers and Service Users
- making and implementing collaborative arrangements with other legal and non-legal service providers to integrate and improve coordination across the legal assistance system.

Counting rules

Each relevant activity is counted as one Stakeholder Engagement Activity. For example, a Service Provider may prepare for and attend two successive state/territory jurisdictional forums. This would be counted as two Stakeholder Engagement activities. The number of people in attendance at each Stakeholder Engagement Activity could be recorded as a service characteristic.

Case study 15

A legal assistance service provider sends two participants to a jurisdictional forum in NSW. The following week, the same two participants attend a roundtable discussion on family violence prevention protections in NSW. The service provider can count this as two 'Stakeholder Engagement Activities'.

Part 2 – Data collection

Part 2 provides best practice guidance to the sector on the collection of data for each service.

The data collected by Service Providers has been split in to two types:

1. **National legal assistance data set** – It is optimal that all Service Providers collect this data consistently to establish a reliable evidence base to inform business planning, service delivery, legal assistance policy and evaluation.
2. **Additional data** – Service Providers may choose to collect this additional data. The additional data has been included so that where a Service Provider does collect this data, it is collected in a consistent manner across the sector. This category reflects the fact that Services Providers may require additional data for internal operational requirements.

Table 1: Key

Collection category	Key
Data not collected for service types	✓
National legal assistance data set	✓
Additional data	✓

Tables 2, 3 and 4 provide a checklist of the data that **may** be collected for each service, broken down into data for all services, services provided to individuals and for services provided to the community.

Data for all services

Case management systems automatically collect a range of data items.

Table 2: Data for all services

Data	Collection category
Service Provider Details	✓
Date(s) of Service	✓

Data for services provided to individuals

Table 3: Data for services provided to individuals

Data	Information	Referrals	Legal Advice, Non-Legal Support, Legal Task	Facilitated Resolution Processes	Duty Lawyer ²	Dispute Resolution, Court/Tribunal, Other Representation
Service Type	✓	✓	✓	✓	✓	✓
Service User Basic Data			✓		✓	✓
Service User Detailed Data			✓		✓	✓
Basic Service Characteristics			✓	✓	✓	✓
Detailed Service Characteristics			✓	✓	✓	✓
Service Results			✓	✓		✓
Activity Type				✓	✓	
Other Party Type			✓	✓		✓
Charge Count						✓
Criminal Cases						✓
Problem Type			✓	✓	✓	✓
Hearing Type						✓
Court/Tribunal Type					✓	✓
Referral Data		✓				

² The optimal data is to be collected in duty lawyer services conducted by in-house duty lawyers only. Private practitioners are encouraged to collect this data, where practicable.

Data for services provided to communities

Table 4: Data for services provided to communities

Data	CLE Resources and Activities	Law and Legal Service Reform	Stakeholder Engagement
Service Type	✓	✓	✓
Primary Law Type	✓	✓	✓
Problem Type	✓	✓	✓
Service location	✓	✓	✓
Target audience for service	✓	✓	✓
Number of persons accessing CLE/CE activities	✓		
Number of CLE/CE activities delivered	✓		
Number of CLE/CE copies of each publication distributed	✓		
Law and Legal Services Reform Activities undertaken		✓	
Nature of Stakeholder Engagement activity			✓
Collaborative arrangement	✓	✓	✓
Interpreter/ translator required	✓		✓
Website access (where applicable)	✓		
Resources applied	✓	✓	✓
Estimate of time spent	✓	✓	✓

Part 3 – Data definitions

Part 3 defines the data items that Service Providers will collect for each service. This part seeks to improve data consistency by ensuring that when Service Providers collect data, that data is collected in the same way. This will help the legal assistance sector develop a strong, consistent and reliable evidence base.

This part is broken down into three sections:

- data for all services
- data for services provided to individuals (including organisations and groups), and
- data for services provided to communities.

Data for all services

Service Provider Details

The following information is to be collected about a Service Provider.

Table 5: Service Provider details

Data item	Information to be recorded	Definition/comments
Service Provider name	<i>Complete field:</i> <ul style="list-style-type: none"> • (organisation name) 	
Suburb	<i>Complete field:</i> <ul style="list-style-type: none"> • (suburb) • (postcode) 	'Postcode' to be collected in addition to 'Suburb'.

Date of Service

Table 6: Date of service

Data item	Information to be recorded	Definition/comments
Date	<i>Complete field:</i> <ul style="list-style-type: none"> • dd/mm/yyyy 	This is the date on which a service was provided.
Date (for ongoing services including Representation Services and services for the community)	<i>Complete fields:</i> Matter open date <ul style="list-style-type: none"> • dd/mm/yyyy Matter closed date <ul style="list-style-type: none"> • dd/mm/yyyy 	The matter open date is the date on which the Service User first receives assistance/service to the community commences. The matter closed date is the date on which the matter file is closed/service to the community is finalised. If a date is unknown, it is preferable to enter the default 01/01/1900.

Data for services provided to individuals

Service Type

Service type data provides information about which legal assistance services are being used.

Table 7: Service Type

Data item	Information to be recorded	Definition/comments
Service Type	<p><i>Select one:</i></p> <ul style="list-style-type: none"> • Information Service • Referral • Legal Advice Service • Non-Legal Support Service • Legal Task • Facilitated Resolution Process • Duty Lawyer Service • Dispute Resolution Service • Court/Tribunal Service • Other Representation Service • Community Legal Education Resource • Community Legal Education Activity • Community Education • Law and Legal Service Reform • Stakeholder Engagement. 	These services are defined in Part 1 of the manual.

Service User Basic Data

This data provides basic information about the Service Users receiving legal assistance. In accordance with this manual, it is best practice to collect this data for services identified in Part 2.

The basic information that should be collected about a Service User includes:

Table 8: Service User basic data

Data item	Information to be recorded	Definition/comments
Unique Client Identifier	<p><i>Complete field:</i></p> <ul style="list-style-type: none"> • ID number 	This is an automatically generated number given to each Service User and is collected to identify repeat users of legal assistance services and to map pathways through the legal assistance system.

Data item	Information to be recorded	Definition/comments
		This item does not need to be collected for Information Services, Referral, Legal Advice Services delivered over the telephone.
Name	<p><i>Complete fields:</i></p> <ul style="list-style-type: none"> • First name • Last name • Other names 	This information does not need to be collected for Legal Advice Services delivered over the telephone.
Location of Service User	<p><i>Complete field:</i></p> <ul style="list-style-type: none"> • Suburb • Postcode 	Service Providers may prefer to collect the Service Users full address.
Age	<p><i>Complete appropriate field:</i></p> <ul style="list-style-type: none"> • Date of birth • Unknown • Not stated • Estimate of year of birth 	<p>An estimate of the year of birth should be entered where possible.</p> <p>For unknown age, it is preferable to enter the default as 01/01/1900.</p>
Gender	<p><i>Select one</i></p> <ul style="list-style-type: none"> • Male • Female • X not male or female • Transgender • Intersex or indeterminate • Other • Unknown 	
Aboriginal and Torres Strait Islander status	<p><i>Select one or more:</i></p> <ul style="list-style-type: none"> • No • Yes, Aboriginal • Yes, Torres Strait Islander • Not stated / inadequately described 	<p>ABS Indigenous Standard (cat. no. 1200.0.55.008).</p> <p>For persons of both Aboriginal and Torres Strait Islander origin, mark both 'yes' boxes.</p> <p>The 'not stated / inadequately defined' category should not be provided to Service Users as a response option. This field is used where an answer is refused, where the question was not able to be asked because a Service User was unable to communicate, or where data has been imported/entered from another data source that does not contain 'mappable' data.</p>

Data item	Information to be recorded	Definition/comments
Requires Interpreter/Translator	<p>Select one or more: (If yes, select from drop down menu)</p> <ul style="list-style-type: none"> • Yes (spoken language other than English) [drop down menu of language] • Yes (non-spoken communication) • No 	<p>Service Providers may determine the relevant list of languages. Where a list is provided, the languages used should correspond to an entry in the Australian Standard Classification of Languages, 2011 (cat. no. 1267.0).</p> <p>This includes Auslan interpreting services.</p>

Service User Detailed Data

This data provides additional information about the Service Users receiving legal assistance. In accordance with this manual, this is additional data that may be collected for services identified in Part 2.

Table 9: Service User detailed data

Data item	Information to be recorded	Definition/comments
Country of birth	<p>Select one: (If applicable, specify country)</p> <ul style="list-style-type: none"> • Australia • Other country: [specify] • Inadequately described 	<p>Standard Australian Classification of Countries (cat. no. 1269.0).</p>
Main language spoken at home	<p>Select one: (If applicable, select from drop down menu)</p> <ul style="list-style-type: none"> • English • A language other than English: [drop down menu] • Inadequately described 	<p>Service Providers may determine relevant list of languages. Where a list is provided, the languages used should correspond to an entry in the Australian Standard Classification of Languages, 2011 (cat. no. 1267.0).</p> <p>This includes Auslan interpreting services.</p>
Proficiency in English - spoken	<p>Select one:</p> <ul style="list-style-type: none"> • Very well • Well • Not well • Not at all • Not stated/inadequately described 	<p>Service User self-identifies level of spoken proficiency in English.</p> <p>ABS Language Standards, 2012 (cat. no. 1200.0.55.005)</p>
Proficiency in English - written	<p>Select one:</p> <ul style="list-style-type: none"> • Very well • Well • Not well • Not at all • Not stated/inadequately described 	<p>Service User self-identifies level of written proficiency in English.</p>

Relationship status	<p>Select one:</p> <ul style="list-style-type: none"> • Never married • Widowed • Divorced • Separated • Married (registered and de facto) • Not stated/inadequately described 	Australian Institute of Health and Welfare 'Person – marital status, code N.'
Number of children	Record number of dependent children	The National Legal Assistance Data Standards Manual considers that a dependent child is aged 18 years and below.

Basic Service Characteristics

This data provides information about basic characteristics that are service or matter specific. In accordance with this manual, it is best practice to collect this data for services identified in Part 2.

Table 10: Basic service characteristics

Data item	Information to be recorded	Definition/comments
Family violence indicator	<p>Select one:</p> <ul style="list-style-type: none"> • Yes • No • At risk of • Unknown 	<p>Service User self-identifies family violence status.</p> <p>For reference, section 4AB of the <i>Family Law Act 1975</i> defines family violence as: violent, threatening or other behaviour by a person that coerces or controls a member of the person's family (the family member), or causes the family member to be fearful.</p> <p>Examples of behaviour that may constitute family violence include, but are not limited to:</p> <ol style="list-style-type: none"> an assault; or a sexual assault or other sexually abusive behaviour; or stalking; or repeated derogatory taunts; or intentionally damaging or destroying property; or intentionally causing death or injury to an animal; or unreasonably denying the family member the financial autonomy that he or she would otherwise have had; or

Data item	Information to be recorded	Definition/comments
		<p>h) unreasonably withholding financial support needed to meet the reasonable living expenses of the family member, or his or her child, at a time when the family member is entirely or predominantly dependent on the person for financial support; or</p> <p>i) preventing the family member from making or keeping connections with his or her family, friends or culture; or</p> <p>j) unlawfully depriving the family member, or any member of the family member's family, of his or her liberty.</p>
Disability status	<p>Select one: (If yes, select all that apply from drop down menu)</p> <ul style="list-style-type: none"> • Yes [Drop down menu] <ul style="list-style-type: none"> ○ Sensory/speech ○ Intellectual ○ Physical ○ Psychological ○ Head injury, stroke or brain damage ○ Other • No • Unknown 	<p>Service User self-identifies disability status.</p> <p><i>ABS definition</i></p> <p>Disabilities can be broadly grouped depending on whether they relate to functioning of the mind or the senses, to anatomy or physiology. A person may be classified to one or more of the following five disability groups:</p> <ul style="list-style-type: none"> • Sensory or speech (loss of sight, hearing or speech difficulties) • Intellectual (difficulty with learning, or understanding things) • Physical (breathing difficulties, blackouts, fits, chronic or recurrent pain, incomplete use of arms, finger, feet or legs, restriction in physical activities or in doing physical work, disfigurement) • Psychological (nervous or emotional condition, mental illness) • Head injury, stroke or brain damage (with long-term effects that restrict everyday activities) • Other
Financial disadvantage indicator	<p>Select one: (If yes, select all that apply from the drop down menu)</p> <ul style="list-style-type: none"> • Yes [Drop down menu] <p>Service User:</p> <ul style="list-style-type: none"> ○ Centrelink benefit ○ Legal aid commission means test ○ Exempt from legal aid 	<p>Under the National Partnership Agreement on Legal Assistance Services (2015-2020), <i>financial disadvantage</i> means:</p> <p>a person who does not have the means to pay for their legal representation without incurring serious financial difficulty, including a person who:</p> <p>a) is in receipt of Centrelink benefits as their main source of income; or</p>

Data item	Information to be recorded	Definition/comments
	<p>commission means test</p> <ul style="list-style-type: none"> ○ Henderson Poverty Line ○ Cannot access finances temporarily <ul style="list-style-type: none"> • No • Unknown 	<ul style="list-style-type: none"> b) satisfies a means test applied by a legal aid commission; or c) is exempt from the legal aid means test, such as people seeking merits review of decisions about eligibility for Commonwealth military entitlements or military compensation payments and children; or d) has an income equal to or below the Henderson Poverty Line³; or e) cannot access finances temporarily due to circumstances outside of their control. For example, people experiencing, or at risk of, family violence who cannot access finances without risk to their personal safety or the safety of others.
Primary law type	<p>[Conditional list, select from each list]</p> <p><i>Select one:</i></p> <ul style="list-style-type: none"> • Commonwealth law • state/territory law <p><i>Select one:</i></p> <ul style="list-style-type: none"> • Family • Civil • Criminal 	<p>Primary law type data provides information about the problem that is having the most substantial impact on a Service User.</p>
Service location	<p><i>Complete field:</i></p> <ul style="list-style-type: none"> • Suburb 	<p>Suburb of the physical location at which the service is delivered. This allows mapping of the physical location of service points.</p> <p>Where a service is delivered at an outreach location, the outreach suburb should be recorded.</p> <p>Where a service is delivered by videoconference or telephone, the location is the Service Provider's office from which the telephone or videoconference call is made.</p> <p>'Postcode' can be collected in addition to 'Suburb'.</p>

³ Melbourne Institute of Applied Economic and Social Research, The University of Melbourne. 2015, *Henderson Poverty Line*, <http://www.melbourneinstitute.com/miaesr/publications/indicators/poverty-lines-australia.html>.

Data item	Information to be recorded	Definition/comments
Category of location at which a service is provided	<p><i>Select one:</i></p> <ul style="list-style-type: none"> • Service Provider office • Court/tribunal • Prison/detention centre/hospital locked ward • Occasional community clinic • Home visit • Other 	<p>This field is designed to capture information about outreach locations.</p> <p>Note this data item does not need to be recorded for telephone services.</p>
Mode of service delivery	<p><i>Select one or more:</i></p> <ul style="list-style-type: none"> • In person • Telephone • Letter, fax, email • Online chat • Videoconference • Other 	

Detailed Service Characteristics

This data provides additional information about characteristics that are service or matter specific. In accordance with this manual, this is additional data that may be collected for services identified in Part 2.

Table 11: Detailed service characteristics

Data item	Information to be recorded	Definition/comments
Estimate of time spent	<p><i>Enter the time spent</i></p> <p>Or</p> <p><i>Select one:</i></p> <ul style="list-style-type: none"> • Less than 15 minutes • Between 15 – 30 minutes • 30 – 60 minutes • 1 – 5 hours • 6 – 20 hours • 20 – 50 hours • more than 50 hours 	<p>Estimate the amount of time spent providing the whole service.</p> <p>For grants of aid, the time estimate can be the notional number of hours allowed on the grant.</p>
Interpreter/Translator used	<ul style="list-style-type: none"> • Yes (NAATI accredited) • Yes (NAATI recognised) • Yes (other) • No, not required • No, interpreter/translator required but unavailable • 	<p>National Accreditation Authority for Translators and Interpreters (NAATI) recognition will be recorded for all interpreters/translators used.</p> <p>NAATI offers accreditation testing in over 60 languages and recognises experience as a translator and/or interpreter for emerging or languages with very low community demand.</p>

Data item	Information to be recorded	Definition/comments
Homelessness status	<p><i>Select one:</i></p> <ul style="list-style-type: none"> • At risk of • Yes • No • Unknown 	Service User self-identifies homelessness status.
Employment status	<p><i>Select one:</i></p> <ul style="list-style-type: none"> • Employed • Unemployed • Other • Unknown 	<p>For reference, to be classified as unemployed, a person needs to meet the following three criteria:</p> <ul style="list-style-type: none"> • not working more than one hour in the reference week • actively looking for work in previous four weeks, and • be available to start work in the reference week. <p>ABS Australian Labor Market Statistics (cat. no. 6202.0).</p>
Centrelink status	<p><i>Select one: (If yes, select all that apply from drop down menu)</i></p> <ul style="list-style-type: none"> • Yes <p>[drop down menu]</p> <ul style="list-style-type: none"> ○ Age pension ○ Disability support ○ Newstart allowance ○ Parenting payment ○ Veterans benefit ○ Youth allowance ○ Abstudy ○ Other [open field] <ul style="list-style-type: none"> • No • Unknown 	<p>Service User self-identifies Centrelink status.</p> <p>ABS Australian standards for income variables 2010 (cat. no. 1287).</p>
Individual income level ⁴	<p><i>Enter individual income</i></p> <p><i>Or</i></p> <p><i>Select one: Weekly personal income (or annual)</i></p> <ul style="list-style-type: none"> • Negative income • Nil income • \$1-199 (\$1-\$10 399) • \$200-299 (\$10 400-\$15 599) • \$300-399 (\$15 600-\$20 799) 	ABS 2011 Census, personal income ranges

⁴ As at 30 June 2015, CLSIS records income as low, medium and high to mean low < \$26 000, medium > \$26 000 and < \$52 000, and high as > \$52 000.

Data item	Information to be recorded	Definition/comments
	<ul style="list-style-type: none"> • \$400-599 (\$20 800-\$31 199) • \$600-799 (\$31 200-\$41 599) • \$800-999 (\$41 600-\$51 999) • \$1000-\$1249 (\$52 000-\$64 999) • \$1250-\$1499 (\$65 000-\$77 999) • \$1500-\$1999 (\$78 000-\$103 999) • \$2000 or more (\$104 000 or more) 	
In custody status	<p><i>Select one: (If yes, select all that apply from the drop down menu)</i></p> <p>[drop down menu]</p> <ul style="list-style-type: none"> • In custody – uncharged • In custody – charged • In custody – remand/unsentenced • In custody- sentenced • On bail • In custody on parole warrant, pending determination of breach of parole • In custody first instance warrant (nonappearance) or warrant of arrest on suspicion of an offence • In custody disposition under Part8A CLC Act –detained after finding of unfitness to plead or mental incompetence • In custody detained under Mental Health or Guardianship legislation • In custody breach of Family Law Court order • Not in custody but subject to summons to appear in court • In custody, subject to detention under Public Intoxication Act • In custody on extradition 	<p>Note that custody status should be recorded at the time of application for legal assistance, as it may change during the course of the service.</p>

Data item	Information to be recorded	Definition/comments
	warrant <ul style="list-style-type: none"> Breach bail 	

Service Results

Table 12: Service results

Data item	Information to be recorded	Definition/comments
Service Results (Facilitated Resolution Processes only)	<i>Select one:</i> <ul style="list-style-type: none"> Fully settled Partially settled Not held Not resolved 	

Activity Type

Table 13: Activity type

Data item	Information to be recorded	Definition/comments
Activity Type (for Facilitated Resolution Processes only)	<i>Select one:</i> <ul style="list-style-type: none"> Screening Arbitration Conferences Mediation 	
Activity Type (for Duty Lawyer Services only)	<i>Select one:</i> <p><i>Criminal law matters</i></p> <ul style="list-style-type: none"> Advice only Minor appearance: adjournment; uncontested bail application; mention Contested application Plea and submissions: a plea of guilty is entered and sentence submissions are made. <p><i>Civil and family law matters</i></p> <ul style="list-style-type: none"> Advice only Minor appearance: adjournment or procedural orders only Legal assistance: advice and 	Service Providers should identify the primary type of work undertaken in each Duty Lawyer Service. The type of work selected should be that which best reflects the substance of the work done (for example if advice is provided prior to a court appearance, it is recorded as an appearance). For ease of identification, the activity types have been divided into law type.

	<p>drafting court documents, and/or negotiating with the other party on behalf of the Service User; may include appearance for adjournment</p> <ul style="list-style-type: none"> • Appearance: submissions made, including interim applications; court-based conferences. 	
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Other Party Type

Table 14: Other party type

Data item	Information to be recorded	Definition/comments
Other Party Type	<p>Select one:</p> <ul style="list-style-type: none"> • An individual • An organisation, or • A government body or agency. 	

Charge Count

The number of charges associated with each criminal representation service should be recorded.

Table 15: Charge Count

Data item	Information to be recorded	Definition/comments
Charge Count	<p><i>Record number of criminal charges</i></p>	<p>The number of offences a person has been charged with.</p>

Criminal Cases

Table16: Criminal Cases

Data item	Information to be recorded	Definition/comments
Criminal Cases	<p>Number of criminal 'cases' dealt with in the course of one court/tribunal service.</p>	<p>A 'case' is determined by reference to groups of charges that arise out of one course of conduct and are able to be tried together. In some jurisdictions, those charges will be laid together on one court or police file.</p>

Problem Type

The table below provides guidance on the problem types that commonly fall under each law type. This distribution may differ between jurisdictions. This list is not exhaustive.

Table 17: Problem type

Law type	Information to be recorded	Definition/comments
Family Law	<p><i>Select one or more:</i></p> <ul style="list-style-type: none"> • Abduction • Child support • Child representation /Independent Children’s Lawyer • Divorce, de-facto separations and/or annulment • Family law property • Parenting arrangements • Surrogacy • Spouse maintenance • Other family law problem type [drop down menu] 	<p>Problems for resolution under the <i>Family Law Act 1975 (Cth)</i>.</p> <p>Under each law type, record the problem type.</p>
Civil Law	<p><i>Select one or more:</i></p> <ul style="list-style-type: none"> • Child protection • Consumer • Consumer credit • Credit and debt • Discrimination • Domestic violence protection orders • Employment • Environment • Guardianship for adults • Health • Housing • Immigration law • Injury compensation • Mental health law • Neighbourhood disputes • Other services for victims of violence • Proceeds of crime • Social Security 	<p>Problems under State or Federal Civil laws other than Family Law.</p> <p>Under each law type, record the problem type.</p>

Law type	Information to be recorded	Definition/comments
	<ul style="list-style-type: none"> • Veterans entitlements • Victim compensation • Wills and estates • Other civil law problem type [drop down menu] 	
<i>Criminal Law</i>	<p><i>Select one or more:</i></p> <ul style="list-style-type: none"> • Abduction, harassment and other offences against the person • Acts intended to cause injury • Dangerous or negligent acts endangering persons • Domestic/Family violence • Drug importation • Environmental pollution • Fraud, deception and related offences • Homicide and related offences • Illicit drug offences • Miscellaneous offences • Motor vehicle property damage • National Security offences • Offences against government procedures, government security and government operations • People smuggling • Prohibited and regulated weapons and explosives offences • Property damage • Public order offences • Robbery, extortion and related offences • Sexual assault and related offences • Theft and related offences • Traffic and vehicle regulatory offences • Unlawful entry with intent/burglary, break and 	<p>Problems where a Service User is charged with, or at risk of being charged with, an offence under Federal or State Criminal Law.</p> <p>Under each law type, record the problem type.</p>

Law type	Information to be recorded	Definition/comments
	enter <ul style="list-style-type: none"> • Other criminal law problem type [drop down menu] 	
Legal System and Legal Help (for services for the community)	<i>Select one or more:</i> <ul style="list-style-type: none"> • Australian legal system • Legal services/getting legal help • Other 	

Hearing Type

Table 18: Hearing type

Data item	Information to be recorded	Definition/comments
Hearing Type	<i>Select one:</i> <ul style="list-style-type: none"> • Appeal • Inquest • Interim • Summary • Trial • Inquiry • Royal Commission • Other 	

Court/Tribunal Type

Table 19: Court/Tribunal type

Data item	Information to be recorded	Definition/comments
Court/Tribunal Type	<i>Select one:</i> <ul style="list-style-type: none"> • Magistrates Court • District Court • Federal Circuit Court • Family Court • Federal Court • High Court • Supreme Court • Children's Court • Coroner's Court • Indigenous Court • Family Violence Court • Drug Court 	

	<ul style="list-style-type: none"> • Mental Health Court • Tribunal • Royal Commission • Other 	
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Referral data

Table 20: Referral data

Data item	Information to be recorded	Definition/comments
Referral type	<p><i>Select one:</i></p> <ul style="list-style-type: none"> • Simple referral • Facilitated referral 	<p>A Simple Referral is when the contact details of an individual or organisation (whether legal or non-legal) are provided and it is up to a Service User to make contact with that Service Provider.</p> <p>A Facilitated Referral is when a Service User is directly assisted to make contact with another individual or organisation (whether legal or non-legal). A Facilitated Referral may include one or all of the following:</p> <ul style="list-style-type: none"> • making an appointment on behalf of a Service User • contacting the target service to check a Service User's eligibility and the availability of service within the appropriate timeframes • attending the target service with a Service User providing (with the Service User's approval) background information or a professional assessment relevant to the provision of the target service. • Internal referrals (within the same organisation) either simple or facilitated are not counted.
Service Provider category and type (for Facilitated Referrals only)	<p><i>Select one or more: Legal assistance service provider</i></p> <ul style="list-style-type: none"> • Indigenous legal assistance service • Community legal service provider • Family violence prevention 	

	<p>legal service</p> <ul style="list-style-type: none"> • Legal aid commission • Pro bono service • Fee paying service • Not known • Court/Tribunal • Family relationship centre • Family dispute resolution service • Domestic violence support service • Family support service • Financial counselling service • Health Service • Housing Service • Mental Health Service • Other 	
Reasons for Referral	<p><i>Select one:</i></p> <p>The Service Provider:</p> <ul style="list-style-type: none"> • does not offer the service required • does not have capacity to deliver the service • offers the service, but another provider is more appropriate for the particular Service User, or • offers the service, but the Service User is not able to access the service because of: <ul style="list-style-type: none"> ○ conflict; ○ Service User's eligibility to access services; or ○ Service User's breach of conditions of assistance. 	

Non-Legal Support Services

Table 21: Non-Legal Support Services

Data item	Information to be recorded	Definition/comments
Non-Legal Support Services	<p>Select one:</p> <ul style="list-style-type: none"> Discrete Non-Legal Support Service Ongoing Non-Legal Support Service 	<p>A Discrete Non-Legal Support Service is when a service is provided to a Service User once only.</p> <p>An Ongoing Non-Legal Support Service is when a service is provided to a Service User in an ongoing capacity.</p>

Data for services provided to communities

Service Type

Table 22: Service type

Data item	Information to be recorded	Definition/comments
Service Type	<p>Select one:</p> <ul style="list-style-type: none"> CLE Resource CLE Activity Law and Legal Service Reform Stakeholder Engagement. 	

Service Characteristics

The service-specific information that may be collected about services provided to communities includes:

Table 23: Service characteristics

Service characteristic	Information	Definition/comments
Primary law type	<p>[Conditional list, please select from each list]</p> <p>Select one:</p> <ul style="list-style-type: none"> Commonwealth law Tasmanian law Victorian law New South Wales law Queensland law Northern Territory law Western Australian law 	<p>This is the primary law type about which the CLE material is being developed.</p>

Service characteristic	Information	Definition/comments
	<ul style="list-style-type: none"> • South Australian law <p><i>Select one:</i></p> <ul style="list-style-type: none"> • Family • Civil • Criminal • Legal system and legal help 	
Problem type	<i>As above</i>	The information that may be collected about problem types is set out in Table 15 above.
Service location	<p><i>Complete field:</i></p> <ul style="list-style-type: none"> • Suburb • Postcode 	<p>Suburb of the physical location at which the service is delivered. This allows mapping of the physical location of service points.</p> <p>Where service is delivered at an outreach location, the outreach suburb should be recorded. Where a service is delivered by videoconference or telephone, the location is the Service Provider's office from which the telephone or videoconference call is made.</p> <p>'Postcode' can also be collected.</p>
Target audience for the service	<p><i>Select one:</i></p> <ul style="list-style-type: none"> • Community group • Particular demographic group (including geographic) • Other legal service providers • Non-legal service providers • Other stakeholders • Commonwealth Government agency or state/territory government agency 	
Number of persons accessing a CLE or CE activity	<p><i>Enter the approximate number of persons</i></p> <p><i>Or</i></p> <p><i>Select one:</i></p> <ul style="list-style-type: none"> • Less than 30 • Between 31-100 • More than 100 • Unknown • Not applicable 	Estimate the number of people accessing a particular CLE or CE Activity, within the reporting period.
Number of CLE or CE activities delivered	<i>Enter the approximate number of CLE or CE activities</i>	Estimate the number of CLE or CE Activities delivered on a particular topic.
Number of copies of	<i>Enter the number of CLE or CE</i>	Estimate the number of education resources

Service characteristic	Information	Definition/comments
each CLE or CE resource distributed	<i>resources</i>	distributed.
Law and Legal Services Reform activities undertaken	<p><i>Select one:</i></p> <ul style="list-style-type: none"> • Participation in research, analysis and evaluation activities • Papers about legal assistance services and systems • Submissions to government, parliamentary body or other inquiry to provide factual information and/or advice • Strategic advocacy, such as law reform work and engagement with stakeholders 	Indicate which activities were undertaken as part of the service.
Nature of Stakeholder Engagement activity	<p><i>Select one:</i></p> <ul style="list-style-type: none"> • Participation in national, state and local forums to improve the coordination and delivery of legal assistance services • Participation in national, state and local bodies to represent the interests of the legal assistance providers and the users of legal assistance services • Collaborative arrangements made and implemented with other legal and non-legal service providers to integrate and improve coordination across the system 	Indicate the nature of the service.

Service characteristic	Information	Definition/comments
Collaborative arrangement	<p><i>Select one:</i></p> <ul style="list-style-type: none"> • Community group • Commonwealth Government agency • State/territory government agency • Court/Tribunal • Legal service provider • Non-legal service provider • Not applicable 	Indicate who the service was undertaken in collaboration with.
Interpretation / Translation	<p><i>Select one:</i></p> <ul style="list-style-type: none"> • Yes (spoken language other than English) [drop down menu of languages] • Yes (non-spoken communication) • No • No, interpreter/translator not available 	<p>Extent to which services have been translated. Written resources are to be counted if more than 50% of their content has been translated. Service Providers may determine relevant list of languages. Where a list is provided, the languages used should correspond to an entry in the Australian Standard Classification of Languages, 2011 (cat. no. 1267.0).</p> <p>This includes Auslan interpreting services.</p>
Resources applied	<p><i>Complete fields:</i></p> <ul style="list-style-type: none"> • Total staff hours [open field] • Estimated direct cost [open field] 	Extent of resources applied to all services provided in the twelve month period.
Estimate of time spent	<i>Enter the time spent</i>	Estimate the amount of time spent providing the service.