



Australian Government  
Attorney-General's Department

PROGRAMME  
GUIDELINES FOR  
**Community  
Legal Services  
Programme**

EFFECTIVE 1 JULY 2015—30 JUNE 2020



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# Purpose

The purpose of the Community Legal Services Programme (CLSP) is to contribute to achieving a national legal assistance sector that is integrated, efficient and effective, and is focused on improving access to justice for disadvantaged people and maximising service delivery within available resources.

The CLSP will support a range of initiatives to guide legal assistance policy development, service delivery and sector planning. To facilitate access to justice, legal assistance services should work with a range of organisations both in and outside of the sector, to pursue the development of an integrated system of legal assistance. It is expected that initiatives under the CLSP will contribute to achieving outcomes under the National Partnership Agreement on Legal Assistance Services (NPA).

From 1 July 2015, state and territory governments are responsible for the administration of the majority of Commonwealth funding for community legal centres. This funding is through the NPA. Under the NPA, a collaborative service planning process informs the distribution of both Commonwealth and state funding to community legal centres within each jurisdiction. After receiving a payment from the Commonwealth, States will enter into individual funding agreements with legal aid commissions and community legal centres to distribute Commonwealth and state funding.

The CLSP is a small nationally-focussed discretionary grants programme administered directly by the AttorneyGeneral's Department outside the NPA. These Guidelines, effective 1 July 2015, govern the CLSP.

# Programme objective

The objective of the CLSP is to support the provision of legal assistance to the community, including through community-based organisations, by funding national service delivery projects, innovative pilot programmes, and programme support activities that complement the delivery of community legal services by the states and territories. Projects carried out under the CLSP will be consistent with the National Strategic Framework for Legal Assistance.

# Funding

The total core funding available under the CLSP is approximately \$4.3 million in 2015-16 with future funding allocations to be appropriated by Government in the Budget context.

# Eligibility

Eligible organisations must:

- be a legal entity (excluding individual persons) with an Australian Business Number and registered for GST, and
- demonstrate sound governance and financial management (including necessary insurances).

Organisations funded under the CLSP may include:

- not-for-profit organisations,
- local governments, and
- universities and/or research bodies undertaking work that supports evidenced-based practice in the legal assistance sector and that meets the purpose and objectives of the CLSP.

The following are not eligible to apply:

- An individual
- A political organisation
- Any Australian Government or State or Territory department of state
- Organisations without an ABN.

Applicants are not required to have had a prior funding relationship with the department.

# Funding priorities

Applications and submissions for funding under the CLSP must fall into, at least, one of the three key funding priorities for the programme as follows:

1. **National**—projects that deliver and support national legal assistance activities.
2. **Innovative Service Delivery**—projects that deliver innovative ways to address service delivery challenges in the legal assistance sector.
3. **Programme Support and Development**—projects for programme support activities that complement the delivery of community legal services by the states and territories under the NPA.

# Selection criteria

1. The department will assess applications and submissions for funding that address the eligibility criteria, the funding priorities of the CLSP and the following selection criteria:
2. demonstrated need for the proposed activity,
3. proposed activity does not replicate existing programmes (in order to avoid duplication of effort),
4. demonstrated ability to undertake the proposed activity,
5. demonstrated ability to collect data and measure the success of the proposed activity in accordance with best practice research methods,
6. ability to manage risks associated with the proposed activity,
  - demonstrated value for money of the proposed activity, by taking into account the following:
    - considering and promoting efficient, effective, economical and ethical management of public resources,
    - the overall objective and outcomes to be achieved in providing the funding,
    - the relative cost of the proposal, and
    - the extent to which the recipient is contributing to government policy objectives.
7. demonstrated ability to manage funding.

The assessment of projects will be based on the following selection criteria and weighting of assessment scores:

WEIGHTING	ELIGIBILITY CRITERIA
Pass/Fail	<p>Must be a legal entity (excluding individual persons) with an Australian Business Number and registered for GST, and</p> <p>Must demonstrate sound governance and financial management (including necessary insurances)</p>
Pass/Fail	<p>1. National—projects that deliver and support national legal assistance activities <b>AND/OR</b></p> <p>2. Innovative Service Delivery—projects that deliver innovative ways to address service delivery challenges in the legal assistance sector <b>AND/OR</b></p> <p>3. Programme Support and Development—projects for programme support activities that complement the delivery of community legal services by the states and territories under the NPA.</p>

Applications that do not pass the eligibility criteria will not be assessed further.

WEIGHTING	SELECTION CRITERIA
25%	demonstrated need for the proposed activity, including evidence that activity does not replicate existing programmes
25%	demonstrated ability to undertake the proposed activity, including managing funding
25%	demonstrated value for money of the proposed activity
25%	ability to manage risks associated with the proposed activity and demonstrated ability to collect data and measure the success of the proposed activity in accordance with best practice research methods

# Examples of suitable activities

The examples below are intended to give applicants an indication of the types of projects that are considered appropriate for funding under the CLSP. This is not intended to be an exhaustive list.

## **National**

Under the National category, the project must have a national footprint and achieve outcomes nationwide. For example, CLSP funding may cover projects such as an online service that provides legal assistance and referrals to a particular target group across Australia.

## **Innovative Service Delivery**

This category may include pilot projects or other activities designed to introduce or test new practices, ideas or technologies in legal assistance. Priority is given to applicants that utilise technology to enhance service delivery and who can offer a robust programme design and evaluation framework as part of their application so that projects can be tested, adapted and scaled up if considered successful. Projects must contribute to evidence of legal assistance best practice and have clear strategies for improving front-line service delivery. Under this category, organisations are encouraged to consider partnerships, including with other legal or non-legal assistance providers, universities, research institutions, or the private sector.

## **Programme Support and Development**

Funds may be available to support projects that are complementary to the effective operation of the NPA. Activities may include training, evaluations, meetings, websites, strategic planning and advisory/support services. These are likely to be one-off grants that do not involve a planned selection process, but are designed to meet a specific need.

# Funding arrangements

The following approaches may be used by the department to determine funding under the CLSP:

- a closed, non-competitive selection process. For example, applicants may be invited by the department to submit applications for a particular activity. In this case, the applications or proposals are not assessed against other applicants' submissions but assessed individually against separate criteria that will be made available at the time of the process;
- targeted or restricted competitive funding rounds. These funding rounds would be open to a small number of potential grant recipients based on the specialised requirements of the granting activity or project under consideration; and
- an open, competitive funding round.

Multiple-year projects to achieve a sustainable outcome may be considered with appropriate milestones, including standalone outcome(s)/output(s) per financial year. Recurrent funding for ongoing activities may also be considered.

The department may accept, without obligation, an unsolicited proposal outside of any funding process for the CLSP. However, if the department considers that it would be appropriate to accept an unsolicited proposal, it will be assessed in accordance with the CLSP guidelines. Any decisions by the department covering the receipt, assessment or funding of unsolicited proposals will be final.

# Decision-making and assessment process

From time to time, as funds become available, the department may conduct a funding round using one of the approaches outlined above. Delegates have been appointed within the department to determine appropriate allocation of this funding under the Programme. The process is outlined below:

1. The department will call for applications under any of the relevant funding categories (National, Innovative Service Delivery or Programme Support and Development) via [www.ag.gov.au](http://www.ag.gov.au).
2. Details on how to apply for funding, including the online funding application, will be made available on the website at the time.
3. Individual applications for funding will be submitted to the department for consideration.
4. The department will assess and prioritise applications received (high/medium/low/ineligible) for funding in line with the CLSP eligibility and selection criteria, and provide its assessment to the departmental delegate for consideration.
5. The delegate will make the final decision on successful applications and the allocation of Australian Government funding.
6. If you disagree with a decision relating to your application, you can seek a review. More information is available at [www.ag.gov.au](http://www.ag.gov.au)
7. Successful applicants will be notified by the department in writing. The department will work with the successful applicants to develop funding agreements.
8. Unsuccessful applicants will be notified in writing. Feedback on unsuccessful applications can be provided on request by contacting the department at [CLCProgram@ag.gov.au](mailto:CLCProgram@ag.gov.au).
9. All grants approved for funding under the CLSP will be published, no later than within 14 days of funding agreements being executed, on the department's website at [www.ag.gov.au](http://www.ag.gov.au).

# Managing the project

Before any CLSP grant funding is paid, the recipient organisation is required to enter into a funding agreement with the Australian Government, setting out the terms and conditions under which the funding is to be provided. Organisations should not make any financial commitments based on receiving funding from the Australian Government until the funding agreement is executed.

The funding agreement is an agreement between the recipient organisation and the department, acting on behalf of the Australian Government. It will outline the terms, conditions and obligations of service delivery, performance, accountability and reporting requirements for both the department and recipient organisation.

Recipient organisations will be required to meet the performance and accountability requirements set out in the funding agreement, including periodic reporting of performance information and financial expenditure as well as acquittal of funding. In most cases, this will be required on a half-yearly basis.

- Performance Information—recipient organisations will be required to submit periodic performance reports. Providers will also be required to collect data to measure the impact of activities and the extent to which the purpose, objectives, and funding priorities of the CLSP are being met.
- Financial Reports—recipient organisations will be required to submit periodic financial reports on income and expenditure to account for funding provided. These will be used to monitor and assess how funding is being used and whether this is in line with the terms of the funding agreement.
- Acquittal Documentation—recipient organisations will be required to submit acquittal documentation at the end of each financial year for the term of the funding agreement.

The department will use the information submitted by recipient organisations to monitor their performance for efficiency, effectiveness and accountability.

The department may ask recipient organisations to draw on a range of quantitative and qualitative performance measurement tools (e.g. the use of key performance indicators, benchmarking, surveys, peer reviews and evaluations) to obtain a comprehensive “performance story” in relation to any projects funded under the CLSP. These requirements will be made clear under the funding agreement.

Additionally, the department may conduct performance audits and other external performance monitoring activities to assess recipient organisations’ compliance with their obligations.

Payment of funding to a recipient organisation will be made by the department in accordance with the funding agreement. Generally, payment of funds will be on a six-monthly basis.

# Conflict of interest

A 'conflict of interest' means any matter, circumstance, interest or activity involving or affecting the applicant, its personnel or a proposed subcontractor which may, or may appear to, impair the applicant's ability to perform the proposed project diligently, fairly and independently. In any Conflict of Interest Declaration, applicants will be required to list any potential or existing conflicts of interest for their agency/organisation and all related personnel.

Successful applicants will be required to ensure, having made reasonable inquiries at the date of signing a funding agreement with the department, that to the best of their knowledge the applicants have no conflict of interest and that no such conflicts are likely to arise in the applicants' performance of their funding agreements.

All departmental personnel involved in the assessment of applications are required to declare whether they have a conflict of interest. Where conflicts do arise they will be managed according to the Department's *Guidelines for Managing Conflicts of Interest*.

# Privacy

Recipients of CLSP funding are obliged under the terms of the funding agreement to meet the requirements of the Australian Privacy Principles contained in Schedule 1 of the *Privacy Act 1988*. These principles set out standards, rights and obligations for the handling, holding, accessing and correction of personal information.

Under these principles, the grant recipient must ensure that any personal information that is collected and held is accurate, relevant to the purpose for which it was collected, up to date and not misleading.

In most cases, personal information should not be used or disclosed to another person, body or agency without the individual's consent. Individuals have the right to access their personal information and to complain if they think their personal information has been mishandled.

Grant recipients must also comply with relevant state and territory privacy legislation.

Applicants should pay close attention to privacy legislation when developing project proposals. For example, personal information should be de-identified when presenting case study data. Personal information should not be included without an individual's explicit, informed and written consent.

Further information about privacy is available at [www.privacy.gov.au](http://www.privacy.gov.au).

# Taxation

Grant payments will be exclusive of GST unless otherwise indicated. Payments to states, territories and local government do not attract GST. The department does not provide advice on whether or how organisations pay GST. If required, grant applicants are advised to seek advice from a qualified professional or the Australian Taxation Office at [www.ato.gov.au](http://www.ato.gov.au). The applicant should be advised that the department will report details of all grant payments to the Australian Tax Office.

# Complaints mechanism

The department regards complaints as a way of both assessing and improving our performance. The department will endeavour, where possible, to ensure that complaints are resolved promptly, fairly, confidentially and satisfactorily and that our processes are improved as a result. Complaints regarding any aspect of the CLSP should be directed to the contact address below:

**Assistant Secretary  
Legal Assistance Branch  
Access to Justice Division  
Attorney-General's Department  
3-5 National Circuit  
BARTON ACT 2600**

# Enquiries

Enquiries regarding the CLSP should be emailed to [CLCProgram@ag.gov.au](mailto:CLCProgram@ag.gov.au).

Further information is available at: <http://www.ag.gov.au/LegalSystem/Legalaidprogrammes/LegalServicesProgram/Pages/default.aspx>