

# Scoping the development of specialised and trauma-informed legal services for victims and survivors of sexual assault

We welcome the Australian Government's commitment to improving the experiences of victim survivors of sexual assault through the provision of specialist and trauma-informed legal services. We have set out our feedback to the Attorney-General's Department (**AGD**) national consultation to inform the development of the legal services model of the three pilot sites. We recognise that our suggestions will have funding implications and we would welcome an opportunity to set up a time to discuss this further with the AGD.

We support the development of an integrated practice model which provides an end-to-end service (including, ongoing casework and legal representation in court) to victim survivors of sexual assault. The model should involve a multidisciplinary team of lawyers and community service professionals to assist victim survivors with their legal issues and support needs.

Victim survivors often present with multiple legal issues and it is important for this to be recognised in the design of the pilots. The legal service should be funded to provide legal advice and assistance to victim survivors with reporting sexual offences to the police, key aspects of the prosecution process and options for restorative justice. It is also important that legal services are resourced to provide assistance with related legal areas that commonly arise for victim survivors of sexual assault, including family violence, family law, victims compensation schemes, tenancy law and migration law.

The community legal sector is uniquely placed to deliver the pilots given the sector's expertise in providing trauma-informed legal services to victim survivors in integrated practice models and health justice partnerships. A pilot site should be based in Victoria given the depth of experience of Victorian community legal centres (**CLCs**) in supporting victim survivors of family violence and sexual assault through integrated and holistic practice models, coupled with the Victorian Government's robust reform agenda to better support victim survivors. The Victorian Government is a leader of innovative reforms to improve justice responses to victim survivors following the Royal Commission into Family Violence and the Victorian Law Reform Commission's (**VLRC**) report on *Improving the Justice System Response to Sexual Offences*.

We have focused on the consultation questions relating to stakeholders and have not provided a response to the questions in the discussion paper directed to victim survivors and their supporters. We recognise the importance of elevating the voices of people with lived experience of sexual assault and family violence, particularly in the design and implementation of the pilots. We highlight the importance of ongoing consultation with lived experience advisors in the design, delivery and evaluation of the pilots.

## About the Federation

The Federation is the peak body for Victoria's 47 CLCs and Aboriginal Legal Services. Our members are at the forefront of helping those facing economic, cultural or social disadvantage and whose life circumstances are severely affected by their legal problem.

For 50 years CLCs have been part of a powerful movement for social change, reshaping how people access justice, creating stronger more equitable laws, and more accountable government and democracy. We want a community that is fair, inclusive and thriving: where every person belongs and can learn, grow, heal, participate and be heard.

The community legal sector plays an integral role in promoting the safety of victim survivors through the provision of legal assistance at court and within Victorian community. CLCs work with local partners and communities in supporting victim survivors of family violence and deliver a range of innovative programs, including early intervention initiatives and justice partnerships with the community, health and social sectors.

## **Acknowledgment of Country**

The Federation acknowledges the Traditional Custodians of the lands across Victoria and note that this document was developed on the lands of the Wurundjeri people of the Kulin Nations.

We recognise that the over-representation of Aboriginal and Torres Strait Islander families and children in the legal system, many of whom have experienced family violence, is in part a devastating consequence of colonisation, intergenerational trauma and ongoing experiences of systemic racism.

We pay our respects to the strength and resilience of Aboriginal and Torres Strait Islander peoples and cultures and to all Elders past, present and emerging and recognise their unceded sovereignty.

## **Terminology**

Throughout our submission, we use the term 'victim survivor' to refer to people who have been the victim of sexual offences. While acknowledging that anyone can experience sexual violence, research indicates that sexual violence is predominantly perpetrated by men against women. This is reflected throughout this submission and in our use of gendered language.

## Summary of recommendations

Set out below are a summary of our recommendations:

- **Recommendation 1:** There is ongoing consultation with people with lived experience of sexual assault to ensure their views inform the design, delivery, and evaluation of the pilots.
- **Recommendation 2:** The model provides an integrated and holistic response consisting of a multidisciplinary team of lawyers and community service professionals (such as, social workers, counsellors, case managers or advocates) with experience working with victim survivors.
- **Recommendation 3:** There is an end-to-end service (including, ongoing casework and legal representation in court) which prioritises continuity of service and reduces the need for victim survivors to engage with multiple legal services.
- **Recommendation 4:** The model adopts a flexible service provision approach to maximise victim survivors' choice and control over the process, which is reflected in any key performance indicators (KPIs) and targets.
- **Recommendation 5:** There is ongoing training for lawyers and other staff on working with victim survivors in a trauma-informed way and other wellbeing strategies (such as, clinical supervision and debriefing sessions) which are funded under the pilots.
- **Recommendation 6:** Culturally safe practices are prioritised and funded within the model and should include access to cultural support workers and ongoing capacity building and training in cultural safety for staff.
- **Recommendation 7:** An evaluation framework measuring impact should be resourced by government and designed at an early stage of the project in consultation with the service providers and in line with their existing data capability.
- **Recommendation 8:** The community legal sector is uniquely placed to deliver the pilots as the sector has considerable expertise delivering integrated legal services to victim survivors in a trauma-informed and culturally safe way and have strong foundations and existing relationships in place to build upon.
- **Recommendation 9:** Victoria should be part of the pilot as Victorian CLCs implement best practice integrated legal services for victim survivors and other marginalised groups, coupled with Victoria's robust reform agenda to improve justice responses for victim survivors of family violence and sexual assault.

## Response to consultation questions

### Models for effective integrated and trauma-informed legal services

*Question 8: How can we best ensure legal services are trauma-informed, victim- and survivor-centric, culturally safe and accessible for victims and survivors and service providers?*

It is critical that the model is trauma-informed, accessible, victim-centric and culturally safe and that it is designed and resourced in a way that reduces the risk of retraumatisation of victim survivors.

We consider that the following elements are essential in ensuring that legal services are trauma-informed, accessible, victim-centric and culturally safe:

- The model provides an integrated and holistic response consisting of a multidisciplinary team of lawyers and community service professionals (such as, social workers, counsellors, case managers or advocates) with experience working with victim survivors.
- There is an end-to-end service which prioritises continuity of service and reduces the need for victim survivors to engage with multiple legal services.
- Victim survivors who are most in need and who are least likely to be able to access alternate legal options should be prioritised.
- The model adopts a flexible service provision approach to maximise victim survivors' choice and control over the legal process.
- There is ongoing training for lawyers and other staff on working with victim survivors in a trauma-informed way, as well as implementation of wellbeing strategies (such as, clinical supervision and debriefing sessions).
- Culturally safe practices are prioritised and funded, including access to cultural support workers, as well as ongoing capacity building and training in cultural safety.

To ensure that the pilots are trauma-informed, accessible, victim centric and culturally safe, we highlight the importance of involvement of people with lived experience of sexual assault in the design, delivery and implementation of pilots.

**Recommendation 1:** There is ongoing consultation with people with lived experience of sexual assault to ensure their views inform the design, delivery, and evaluation of the pilots.

### Integrated practice model

The model should be designed to provide an integrated and holistic response to victim survivors which addresses both their legal and other support needs. This recognises that victim survivors often present with multiple complex legal issues and support needs that require an integrated and cohesive response. It can be overwhelming and confronting for victim survivors to engage with legal processes. A holistic response ensures that victim survivors have access to ongoing support to enable continued engagement in legal processes.

The model should be designed as an integrated practice with a multidisciplinary team of lawyers and community service professionals (such as, social workers, counsellors, case

managers or advocates) with experience supporting victim survivors. The integration of different practitioners' skills and knowledge across disciplines can lead to a more holistic response.<sup>1</sup> This means that victim survivors have an opportunity to receive assistance with their legal issues, alongside other social, emotional and financial issues which can compound their legal problems.<sup>2</sup> An integrated approach allows for a more tailored response to the needs of the victim survivor, can be easier to access, especially for victim survivors that experience barriers accessing services, and promotes legal assistance at an earlier stage before legal problems escalate.<sup>3</sup>

There are a range of integrated service models, such as:

- multidisciplinary team within a legal service consisting of lawyers and community service professionals
- legal services partnering with external organisations to provide an integrated response (which could involve co-location with a service or as part of a hub).

The appropriate integrated service model will depend on the pilot site and the legal service provider's existing partnerships within their community that have developed over time and reflect the needs of their community. In Victoria, many CLCs embed integrated practice within their service by employing in-house community service professionals. This allows the legal team to work closely with community service professionals to support clients accessing the CLC. This can allow for a high level of integration between the legal team and community service professionals to support clients with their legal issues and other social, financial and wellbeing needs.

Legal services should also be resourced to develop links with other services that work with victim survivors, such as sexual assault services, family violence services and health services, which will enhance accessibility. This could involve co-location with another service (or services in a hub) that work with victim survivors either on a full-time or part-time basis or regular outreach. If a co-location or partnership model is adopted, it is important that the services are not siloed as this may undermine an integrated and cohesive response and increases the risk of victim survivors having to repeat deeply personal and distressing information multiple times to different service providers.

Some victim survivors who have had negative past experiences with police or child protection services or distrust authorities may not feel comfortable engaging with a legal service which is co-located with police or child protection authorities at a hub. If these agencies are part of a hub where a legal service is planning to co-locate, it is important to ensure that legal services are seen as independent and that there are alternate avenues to access the legal service.

**Recommendation 2:** The model provides an integrated and holistic response consisting of a multidisciplinary team of lawyers and community service professionals (such as, social workers, counsellors, case managers or advocates) with experience working with victim survivors.

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<sup>1</sup> Eastern Community Legal Centre, *Integrated Practice – Better Practice Principles*, available at: <https://eclc.org.au/wp-content/uploads/ECLC-Better-Practice-Principles-Integrated-Practice-Report.pdf>

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

## End-to-end service

Recognising that victim survivors often have multiple, complex and intersecting legal issues, it is important that the model is designed to provide continuity of service to victim survivors. The Centre for Innovative Justice's review identified that victims of crime often had a wide range of unmet legal needs beyond the criminal legal process, which can snowball if not addressed.<sup>4</sup> This can include advice on the criminal legal process, family violence, child protection, family law and options for compensation and redress.<sup>5</sup>

Legal services should be resourced to provide an end-to-end service to victim survivors in legal areas that commonly arise for victim survivors. We recognise the barriers victim survivors face engaging with police and the high levels of distress and trauma that victim survivors experience during the prosecution of sexual offences. Legal services should be resourced to provide legal advice and assistance with the police reporting and criminal legal process, as well as any restorative justice options. It is also important that legal services are resourced to provide legal advice and representation in other related legal areas that commonly arise for victim survivors, including family violence, family law, victims' compensation schemes, tenancy and migration. Given the high rate of sexual assault that occurs in a family violence context, it is particularly important that the legal service has experience in assisting victim survivors of family violence in a trauma-informed way.

We recognise that legal services may not have expertise in all areas that arise for victim survivors, particularly in specialist legal areas, such as social security, personal injury claims and migration. Where a legal service does not have the relevant expertise in a particular area, there should be a warm referral process in place to link victim survivors in with the relevant legal assistance.

Victim survivors should be able to engage at any stage of the process. For example, there should not be any requirement that the victim survivor is engaged with the police or contemplating reporting the sexual offence to police to be eligible for legal assistance. Victim survivors who are most in need and who are least likely to be able to access alternate legal options should be prioritised.

We do not consider that a legal helpline model which only allows for the provision of legal advice and referrals for ongoing legal assistance would be a trauma-informed or victim-centric model. Similarly, we do not support a model where the legal service is only funded to provide legal assistance in a single legal area (such as, advice with engaging with the criminal legal system), resulting in referrals to other legal services for related legal matters that commonly arise for victim survivors. It can take a long time for victim survivors to develop trust and rapport with a service and feel safe enough to disclose deeply personal information. Victim survivors are more likely to be re-traumatised and disengage from the legal process where they are given multiple referrals to different legal services to address each legal issue, are bounced among different legal services, are left to self-represent in court or required to retell deeply personal and distressing information to multiple professionals.

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<sup>4</sup> Centre for Innovative Justice, *Strengthening Victoria's Victim Support System: Victim Services Review*, Final Report, November 2020, p.17.

<sup>5</sup> Ibid, p.149.

**Recommendation 3:** There is an end-to-end service (including, ongoing casework and legal representation in court) which prioritises continuity of service and reduces the need for victim survivors to engage with multiple legal services.

**Example of an integrated legal practice delivering an end-to-end service<sup>6</sup>**

Mary had experienced violence, including sexual assault, from her partner, John, who she recently left. Mary is from Zimbabwe and is on a partner visa and has two young children with John. It was no longer safe for Mary and her children to stay in the family home due to threats from John and Mary could no longer afford the rent now that John was no longer contributing financially. Mary and her children were staying at friend's house in one of their children's rooms, but she needed to find another place as both families were crammed into a small space and the friend's house was a long distance from the children's day care and Mary's work.

John was continuing to threaten Mary and told her that when he finds her, he would take the children with him as she is mentally unstable. He also threatened that if she didn't return with the children immediately, he would take her to family court and get full custody and would report her to the Immigration Department and get her deported.

Mary hadn't made a report to the police as she was scared that the police would contact John and tell him where she was and make her return to him with the children. She was also scared that the police would speak to the Immigration Department. She was not aware of her victim's compensation options.

In an integrated model at a Community Legal Centre, the legal team could assist with representing Mary in court with a full no-contact family violence intervention order application to keep her and her children safe. They could assist with family dispute resolution to set up safe parenting arrangements and if this was not successful given the high level of family violence, then represent her in court. The legal team could link Mary in with their migration lawyer who could assist her to stay in Australia on her partner visa by relying on the family violence provisions. The legal team could advise Mary about the role of the police and her options with making a report and initiating prosecution for the sexual offences and assaults. They could also provide her with legal advice about her option for an application to a victim compensation scheme to assist her to obtain immediate counselling and financial assistance.

An in-house social worker at the Community Legal Centre could assist with finding Mary and her children urgent accommodation and link her into a housing service to secure longer-term housing. The in-house social worker could undertake safety planning with Mary and link her into ongoing counselling with a family violence service which specialises in assisting migrant women with whom they have an established partnership. The social worker could support Mary during the family law process, such as applying for child contact centres to ensure John only has supervised time with the children. If Mary decided to make a report to the police, the social worker could support her to engage with the police, such as attending the police station with Mary, and assisting her with gathering supporting material for an application to a victim's compensation scheme.

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<sup>6</sup> Note: this example sets out common CLC client experiences and is not based on a specific case study.



To support Mary with her multiple legal issues and other pressing needs in a holistic way, this involves the legal team working closely with community service professionals at each step. This level of support from the legal team and community service professionals would only be available where there is sufficient funding.

### **Flexible service delivery**

It is important that the service model is flexible so that victim survivors have more choice and control over the process which will maximise their engagement. This includes:

- practitioners having time to build trust and rapport with a victim survivor so they feel safe enough to work with the lawyer and share deeply personal material.
- working at the victim survivor's pace (which may be gradual and require breaks) so the victim survivor feels heard and to reduce the risk of re-traumatisation and disengagement.
- providing victim survivors with multiple opportunities to engage (particularly, where they are unable to engage with a legal service on a sustained basis due to trauma and complex life circumstances).
- ensuring that legal practitioners have an appropriate level of autonomy, within the scope of their service, to respond flexibly to the needs of victim survivors.
- providing an opportunity for legal practitioners or community service professionals to link victim survivors into other services for ongoing support or counselling or work with existing support workers.

The model should be resourced in a way that recognises the additional time and flexibility required when working with victim survivors who have experienced trauma and this should be reflected in any KPIs or targets.

To ensure accessibility, there should be multiple ways that victim survivors can engage with the legal service in line with the option that the victim survivor is most comfortable with and what is practical for them. This includes in-person appointments at the legal service's office or another service they are already linked into (where possible), phone appointments or video conferencing. There should also be flexibility with the timing of appointments recognising that many people accessing this service are primary carers and working full time.

**Recommendation 4:** The model adopts a flexible service provision approach to maximise victim survivors' choice and control over the process, which is reflected in any KPIs and targets.

### **Ongoing training and institutional support**

It is essential that all staff involved in the service have an understanding of the profound and enduring impacts of trauma on victim survivors' lives to drive responses that are trauma informed.<sup>7</sup> It is imperative that the model includes resourcing for regular and in-depth training on working with victim survivors in a trauma-informed way.

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<sup>7</sup> Knowmore Legal Service, Submission to the Legal Affairs and Safety Committee, *Inquiry into support provided to victims of crime*, April 2023, p.9.



There is significant risk of burn-out that can occur for professionals working in distressing areas. The risk is particularly high for staff working with victim survivors who have experienced sexual violence. The model should ensure that there is access to appropriate training on vicarious trauma, as well as other wellbeing strategies, such as counselling sessions, debriefing and clinical supervision.

High caseloads and lack of diversity in the type of work can contribute to burn-out and lead to poor staff retention. These factors need to be reflected in the resourcing for this model. For example, there should be flexibility for the funding to be allocated across a team of lawyers (rather than for dedicated legal positions only) to allow for greater diversity of work. Lawyers should not be expected to take on high caseloads to meet project targets and KPIs.

To manage vicarious trauma and burn-out, it is important that trauma-informed practice is embedded institutionally within the structure of the legal service. This includes having robust legal supervision structures in place so lawyers are not dealing with distressing and complex matters alone. This should also be set up for any community service professionals employed by the legal service. It is important that the pilot appropriately resources supervision structures within the funding model.

**Recommendation 5:** There is ongoing training for lawyers and other staff on working with victim survivors in a trauma-informed way and other wellbeing strategies (such as, clinical supervision and debriefing sessions) which are funded under the pilots.

### **Culturally safety**

Culturally safe practices must be prioritised and embedded within any service design model. Cultural safety extends beyond cultural awareness and is about creating an environment that is socially, emotionally and physically safe.<sup>8</sup> This is important for victim survivors who experience higher rates of discrimination and access barriers, including people from migrant and refugee communities, Aboriginal and Torres Strait Islander people and LGBTIQ+ communities. The pilot sites should be resourced to develop relationships with specialist services which provide tailored support to diverse groups. There also needs to be ongoing capacity building and training in cultural safety and associated resourcing as part of the pilot.

It is imperative that the pilots are designed in consultation with victim survivors and stakeholders from diverse backgrounds to ensure that they can be delivered in a way that is culturally safe and can reach victim survivors who are particularly isolated or vulnerable. Any service model must also take into account the time and resources needed to build trust with diverse groups.<sup>9</sup>

Victim survivors from Aboriginal and Torres Strait Islander communities can face additional barriers to reporting sexual violence due to the fear of not being believed, systemic discrimination and intergenerational trauma.<sup>10</sup> The design and delivery of the pilot to Aboriginal and Torres Strait Islander victim survivors should be led by Aboriginal community controlled organisations. Aboriginal and Torres Strait Islander victim survivors should have

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<sup>8</sup> Australia's National Research Organisation for Women's Safety, *Culturally and Linguistically Diverse Project with Action Research initiative: Cultural safety principles and guidelines*, 2018, p. 2.

<sup>9</sup> Australia's National Research Organisation for Women's Safety, [Best practice for working with culturally and linguistically diverse communities in addressing violence against women](#).

<sup>10</sup> Djirra's *Submission to the Victorian Law Reform Commission's Inquiry Improving the Response of the Justice System to Sexual Offences*, December 2020, p. 7.

access to Aboriginal Community Controlled legal services and/or Aboriginal support workers as part of the pilot.

Services working with migrant and refugee women have reported a high incidence of sexual violence particularly in the family violence context. For example, Northern Community Legal Centre's *Indian Family Violence Project* identified that over half of the 164 clients reported being sexually assaulted.<sup>11</sup> The experience of sexual violence and family violence can differ for women from migrant and refugee communities and there can be additional complexity due to a women's temporary visa status.<sup>12</sup> In different communities, sexual violence may not be well understood, and victim survivors may not be aware that certain conduct constitutes sexual violence, particularly where it is perpetrated within a marriage. This underscores the importance of migrant and refugee women having access to migration assistance, bilingual workers and interpreters and specialist cultural support as part of the pilot. For example, some of the client facing roles could be delivered by women from culturally and linguistically diverse backgrounds who understand cultural nuances and barriers to ensure that victim survivors feel safe and comfortable disclosing sexual violence.

**Recommendation 6:** Culturally safe practices are prioritised and funded within the model and should include access to cultural support workers and ongoing capacity building and training in cultural safety for staff.

### Prioritising integrated practice models and end-to-end service

*Question 9: What legal service delivery approaches or models should the pilot explore as a priority? Some examples of potential models include:*

- *legal services co-located with other support services (like health or social services)*
- *multi-disciplinary centres incorporating specialist legal services*
- *funding for civil proceedings*
- *end-to-end legal service support, including in-court legal advocacy*
- *expanded access to choice and control over how and when victims and survivors report to police, submit to forensic examination, provide other evidence, and engage with prosecutors and the court*
- *restorative justice.*

We consider that an integrated practice model and end-to-end legal service support (including in-court legal advocacy) should be explored as a priority. For the reasons highlighted above, we support the development of an integrated practice model which enables lawyers and community service professionals (such as, social workers, counsellors, case managers or advocates) to work closely to address victim survivors' legal issues and support needs. This could involve resourcing legal services to employ community service professionals who have experience working with victim survivors. Legal services should also be resourced to establish links with services that work with victim survivors, such as sexual assault services, family violence services and health services.

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<sup>11</sup> Northern Community Legal Centre, *Indian Women's Family Violence Project: Findings and Recommendations*, March 2021, p.10, available at: <https://www.northernclc.org.au/indian-womens-fv>.

<sup>12</sup> Ibid, p.1.

As noted above, we consider that establishing an end-to-end service, including ongoing casework and legal representation in court, for victim survivors should be a priority to reduce the need for victim survivors to be referred to multiple services or self-represent in court. The model should enable victim survivors to obtain legal advice and assistance with reporting the sexual offence, the criminal prosecution process and options for restorative justice. We recognise that restorative justice processes are at different stages of development nationally and there will likely be increasing need for legal advice to victim survivors who are considering engaging in a restorative justice process. It is important that the model also resources legal assistance with related legal areas that commonly arise for victim survivors, including family violence, family law, victim's compensation schemes and migration law.

## Service gaps and barriers

*Question 10: What legal service gaps and barriers should the pilot prioritise addressing?*

There is an overall gap in funded integrated, holistic and end-to-end services for victim survivors of sexual assault. For the reasons highlighted above, we consider that addressing this gap should be a priority for the pilots. We recognise that this will have funding implications and welcome an opportunity to discuss this aspect further.

We highlight that independent legal representation for victim survivors of sexual assault to navigate the criminal legal system is an area of unmet legal need. Victim survivors generally do not have access to independent legal representation during the police reporting or prosecution process.<sup>13</sup> Independent legal representation for victim survivors to navigate the criminal legal system is important in protecting the rights and interests of victim survivors and minimising associated distress and trauma. As part of an end-to-end service, it is important that the pilots resource trauma-informed legal assistance in these areas.<sup>14</sup>

We suggest that independent legal representation cover key aspects of the police reporting and criminal legal process, including:

- making informed decisions about whether to report the sexual assault to the police and support with engaging with police and prosecution, including being consulted about prosecutorial decisions
- evidentiary rights and privileges (such as, alternative arrangements and special protections, the confidential communication privilege and access to intermediaries)
- confidentiality and rights of provisions in relation to disclosures of personal information (such as, information about their sexual history, the nature of cross-examination, suppression orders and disclosure of identifying information)
- the right to make a victim impact statement
- compensation options (such as, victims of crime compensation, and civil or other compensation schemes)

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<sup>13</sup> Women's Legal Service Australia, Submission to the *Inquiry into Current and Proposed Sexual Consent Laws in Australia*, 16 March 2023, p.9.

<sup>14</sup> Victorian Law Reform Commission, *Improving the Justice System Response to Sexual Offences*, September 2021, p.265.

- the implications of involvement in restorative justice processes.<sup>15</sup>

While we have highlighted independent legal representation during the police reporting and criminal legal process as a specific gap, we emphasise the importance of legal services being resourced to also assist with related legal areas that commonly arise for victim survivors.

## Measuring impact

*Question 11: How should we measure the success and impact of the legal service pilot? What data do we need to collect?*

We suggest that a monitoring, evaluation, research and learning (MERL) framework is designed and implemented in consultation with the pilot sites at the outset of the project. This framework should be embedded in the program design to assess the effectiveness of the pilot and encourage reflective practice.<sup>16</sup> We consider that the learning element is important to include to ensure continued reflection, adaption and improvement during the life of the pilot.

We suggest that the evaluation examines the effectiveness of the pilots in delivering a trauma-informed, accessible, victim-centric and culturally safe services. The evaluation should include a focus on the implementation of integrated models of practice. The evaluation should collect qualitative and/or quantitative data not only on the legal outcomes flowing from the pilot, but also the social, emotional, and financial wellbeing outcomes for victim survivors. We would welcome an opportunity to provide further input on the evaluation framework and data collection processes once the proposed model has been developed.

Data reporting can take significant administrative resources, particularly where it is not compatible with a legal service provider's data collection system. It is therefore important that evaluation framework and reporting requirements are developed in close consultation with the pilot sites. The reporting requirements should align with the existing data capabilities of the selected legal service providers to minimise complexity and additional administrative burden. Recognising the additional administrative resources required for reporting for new projects, there should be resourcing for this component.

**Recommendation 7:** An evaluation framework measuring impact should be resourced by government and designed at an early stage of the project in consultation with the service providers and in line with their existing data capability.

## The community legal sector is uniquely placed to deliver the pilots

*Question 12: Are there any other issues that should be considered in the development of the legal services pilot? You might like to think about:*

- *The appropriate role of the proposed legal service, based on the needs and gaps identified by those with lived experiences who have engaged in the criminal justice system.*

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<sup>15</sup> Ibid, Recommendation 46, p.268.

<sup>16</sup> Eastern Community Legal Centre, *Integrated Practice – Better Practice Principles*, p.5, available at: <https://eclc.org.au/wp-content/uploads/ECLC-Better-Practice-Principles-Integrated-Practice-Report.pdf>

- *The type(s) of service providers that should be considered for this pilot?*
- *Recommendations for particular locations for this pilot. Factors to consider include: the ability for clients to access services, the location's demand for services and the availability of complementary support services.*
- *How to structure services to respond to victims' and survivors' unique and individual needs.*
- *How services should be offered, for example, in person and through technology-enabled systems to enhance accessibility.*
- *How victims' and survivors' legal rights, preferences and wellbeing can be better protected in the courtroom process.*
- *Whether this service should provide advice other than in criminal law, such as advice on civil law claims or compensation claims. Are there resourcing and other impacts of including multiple fields of law in the one service that should be considered?*

The community legal sector is uniquely placed to deliver the pilots to victim survivors for the following key reasons:

- The sector has considerable expertise providing legal services to victim survivors in a trauma-informed and culturally safe way.
- CLCs are leaders in providing integrated service delivery models and health justice partnerships.
- CLCs are embedded in their local communities and possess an in-depth understanding of the needs of their local communities.
- CLCs are best placed to reach the most marginalised communities and are linked in with their local network of support services.
- CLCs have existing expertise, infrastructure and partnerships in place to provide quality wrap-around legal support to victim survivors.

CLCs assist people with complex issues and overlapping causes of hardship, such as family violence, family law, housing insecurity and visa issues. CLCs are part of a strong state-wide network in each jurisdiction (such as, 47 CLCs in Victoria), and nearly 180 CLCs nationally, which means that the relationships and learning exchanges are already in place across the sector.

Many CLCs have integrated legal practice models consisting of lawyers and community service professionals within their legal organisation. CLCs also operate in partnership with a range of community organisations that assist victim survivors, such as sexual assault services, family violence services, health centres, schools and community hubs.<sup>17</sup> This helps people to understand and identify their legal need earlier, reach people before their legal issues escalate and provide more wrap-around support. The focus on early intervention has a preventative effect in terms of reducing compounding harms for vulnerable groups

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<sup>17</sup> Federation of Community Legal Centres, *Meeting People Where They Are: Delivering Integrated Community Legal Services*, June 2020, p 10.

and can reduce pressures on the justice system and other parts of the service systems down the track, including mental health, child protection and the criminal justice system.<sup>18</sup>

CLCs have long-standing relationships with their local community organisations. These existing partnerships have developed organically over time in response to the particular needs of the community. The benefit of capitalising on these relationships is that they are based on strong principles of collaboration, mutual respect and trust to ensure that multiple organisations can work together effectively to deliver best practice services to victim survivors. These partnerships also ensure that victim survivors are connected with legal services wherever they seek help, including at schools, hospitals, maternal health clinics, youth centres, alcohol and drug programs and family violence services. This multi-disciplinary support model reduces the need for victim survivors to re-tell their stories to multiple service providers, reducing the risk of re-traumatisation.

We strongly recommend that Victoria is part of this pilot. Victorian CLCs are experienced in providing holistic and trauma-informed integrated legal services to victim survivors, and have been at the forefront of developing best practice integrated legal models.<sup>19</sup> The Victorian community legal sector has developed a strong evidence base which demonstrates the effectiveness of their integrated legal practice models for victim survivors and other marginalised groups. Please refer to the attached list of evaluations of Victorian integrated services for further detail.

The depth of experience of Victorian CLCs in this area is coupled with the Victorian Government's robust reform agenda to improve justice responses for victim survivors of family violence and sexual assault. Victoria has introduced important reforms to improve responses for victim survivors following the Royal Commission into Family Violence and the VLRC's Report on Improving the Response of the Justice System to Sexual Offences.<sup>20</sup> This makes Victoria a valuable jurisdiction to implement a pilot given the expertise of the Victorian community legal sector and focus on best practice service delivery in Victoria.

**Recommendation 8:** The community legal sector is uniquely placed to deliver the pilots as the sector has considerable expertise delivering integrated legal services to victim survivors in a trauma-informed and culturally safe way and have strong foundations and existing relationships in place to build upon.

**Recommendation 9:** Victoria should be part of the pilot as Victorian CLCs implement best practice integrated legal services for victim survivors and other marginalised groups, coupled with Victoria's robust reform agenda to improve justice responses for victim survivors of family violence and sexual assault.

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<sup>18</sup> The Centre for Innovative Justice, *Strengthening Victoria's Victim Support System: Victim Services Review*, November 2020, p. 149; Department of Justice and Regulation Victoria, *Access to Justice Review*, 2016, p.7.

<sup>19</sup> See, for example, Eastern Community Legal Centre, *Integrated Practice: Better Practice Principles*.

<sup>20</sup> Victorian Law Reform Commission, *Improving the Justice System Response to Sexual Offences*, December 2021.