



FEDERATION
OF COMMUNITY LEGAL CENTRES VIC

**NURTURING COMMUNITY
LEGAL SUPPORT SYSTEMS
FOR VICTIM SURVIVORS**

**VICTORIAN FAMILY VIOLENCE
BUDGET SUBMISSION 2022**

ABOUT THE FEDERATION

The Federation is the peak body for Victoria's 46 Community Legal Centres. 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 nearly 50 years, Community Legal Centres 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 pursue our vision of a fair, inclusive, thriving community through challenging injustice, defending rights and building the power of our members and communities. As an influential advocate, our voice is distinct and courageous: we are not afraid to challenge government, big business, or other powerful actors to ensure equality and fairness for all.

Read our strategic plan online fclc.org.au/about

WE WANT A COMMUNITY THAT IS FAIR, INCLUSIVE AND THRIVING: WHERE EVERY PERSON BELONGS AND CAN LEARN, GROW, HEAL, PARTICIPATE AND BE HEARD.

The Federation:

- ▼ Enables a strong collective voice for justice and equality;
- ▼ Mobilises and leads Community Legal Centres in strategic, well-coordinated advocacy and campaigns;
- ▼ Works with members to continuously improve the impact of community legal services;
- ▼ Drives creativity and excellence in the delivery of legal services to communities;
- ▼ Helps make justice more accessible.

Our members lead collaboration and advocacy via several Working Groups, providing guidance and direction for the Federation's work, as well as opportunities for joint advocacy.

Together with our members and communities, we work to dismantle unjust systems that perpetuate racism, sexism, homophobia, ableism, economic injustice and other inequalities. Our priority is to be fully accountable to the communities we represent.

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**This Budget Bid should be read in conjunction with the Federation of Community Legal Centres General Budget Submission 2022.*



ACKNOWLEDGEMENT 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 justice 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.

EXECUTIVE SUMMARY

Now, more than ever, victim survivors of family violence need access to community services to help them to remain safe and reduce the risk of ongoing violence. An integrated family violence response is essential in keeping women and children safe from family violence and increasing perpetrator accountability. Community legal services form a critical part of that family violence support system.

The COVID-19 pandemic has had an acute impact on women and children experiencing family violence and has led to rising rates across Victoria. In addition, there is a significant backlog of family violence matters in Magistrates' Courts across Victoria arising from the pandemic. As a result, demand for legal assistance for victim survivors of family violence continues to rise.

Without further investment, Community Legal Centres will struggle to meet the need. Many victim survivors will be unable to access critical legal support or representation in court. This will have a devastating impact on the safety and wellbeing of victim survivors, who will be left to navigate high risk situations alone.

The impact of unresolved, escalating family violence-related legal issues on individuals, the community and the government are significant, but can be avoided by ensuring adequate access to Community Legal Centres.

This year, we repeat our call on the Victorian Government to provide a significant investment in funding for Community Legal Centres in Victoria to meet existing need for legal assistance for victim survivors of family violence and to address the continued rise in demand brought about by the COVID-19 pandemic and the significant court backlog.

We also seek funding to:

- ▼ Improve the integration of legal services in the family violence system by embedding legal services in The Orange Door network across Victoria.
- ▼ Extend and expand investment in the Early Resolution Service/Pre-Court Engagement model at Magistrates' Courts in Victoria.
- ▼ Expand access to legal services at the new Specialist Family Violence Courts.

Investing in Community Legal Centres to provide family violence related legal assistance is vital in creating a safer Victoria, where every person is protected and can live free from violence.

OUR ASKS

We are seeking an additional boost of funding over four years to increase the capacity of Community Legal Centres to provide legal assistance to victim survivors of family violence, particularly given the significant court backlog.



We are seeking the continuation of the lapsing funding under the CLC Family Violence and Assistance Fund at the same level over four years.



We are seeking additional investment to expand the Legal Services in The Orange Door pilot to ensure it can occur in both regional and metropolitan locations, and to embed community legal services in The Orange Door network.



We are seeking a continuation of, and increase in, funding in the Early Resolution Service/Pre-Court Engagement model at Magistrate's Courts in Victoria.



We are seeking additional resourcing for Community Legal Centres to provide legal assistance at the new Specialist Family Violence Courts.



SECTION 1:

MEETING DEMAND FOR FAMILY VIOLENCE LEGAL SERVICES



In the wake of the pandemic, victim survivors of family violence are in critical need of access to community legal services to help them remain safe and to reduce the risk of ongoing violence. Community Legal Centres play a pivotal role in providing legal assistance to families and children experiencing family violence. Data from 31 Victorian Community Legal Centres over the past year¹ shows that 70 per cent of clients were victim survivors of family violence.

Victim survivors of family violence are 10 times more likely to face legal problems compared with the general population,² and often face multiple and compounding legal issues. A study from 2019 shows that victim survivors experience on average 20 different legal problems compared with an average of two legal problems experienced by the general population.³ These legal issues are often complex, distressing and have profound implications for the individual, their children and the wider family.

Community Legal Centres provide the legal support needed to protect victim survivors from violent and abusive situations. This includes help securing family violence intervention orders (FVIOs) and resolving parenting disputes to put in place safe arrangements for children. Community Legal Centres also assist with a range of related (and often compounding) legal issues, including helping families when child protection authorities intervene, migration assistance for women on temporary visas, criminal law, housing and debt issues.

In addition, Community Legal Centres support victim survivors to restore their financial safety and independence, helping them recover from often long periods of economic abuse. Community Legal Centres also have specialist services to support elderly people experiencing abuse and financial exploitation from family members and carers. The assistance Community Legal Centres provide is essential in restoring safety and helping victim survivors recover from family violence.

INCREASING LEGAL NEED IN FAMILY VIOLENCE

The Family Violence Reform Implementation Monitor 2020 (FVRIM) recognised that family violence was a significant and growing area of work for legal services, courts and police and that funding does not meet demand. The FVRIM observed that this has led to increased waiting lists and challenges in accessing services.⁴

While demand for legal services for family violence related matters was already high, the COVID-19 pandemic has exacerbated the number and intensity of family violence incidents. Crime Statistics Agency data⁵ indicates that family violence incidents in Victoria increased by 18 per cent from 78,608 in 2016 to 92,521 in 2020. Half of this increase occurred in 2020, during the pandemic.⁶ Recognising that many women and children were unsafe at home and had limited options to leave their home or seek assistance during lockdowns, the actual increase in incidents is likely to be higher.

In addition, the pandemic has led to a significant backlog of family violence matters in Magistrates' Courts across Victoria. As of October 2020, case pending matters in family violence had increased by approximately 45 per cent as a result of the pandemic and will take time to recover.⁷ Community Legal Centres assisted with 52 per cent more FVIO matters in 2020–2021 compared with the previous year, up from 17,059 to 25,982. This means that Community Legal Centres assisted with an additional 8,000 FVIOs in 2020–2021 compared with the previous year.



CLC ASSISTANCE IN FAMILY VIOLENCE INTERVENTION ORDERS WENT UP AN ADDITIONAL +8,000

2020–2021

IMNA – SUPPORTING VICTIM SURVIVORS OF FAMILY VIOLENCE

Imna lives with her children and partner. Imna's partner, Jo, is very controlling and subjects Imna to financial and psychological abuse, limiting the people she can see and accruing debts in the utilities, car and phone bills in her name. Jo tells Imna she can never leave him because she is in Australia on a partner visa. 

 Jo loses his job when his employer is forced to close under the COVID-19 restrictions. Jo lashes out at Imna when he receives this news, pushing and knocking her head into a wall.

Imna waits until Jo has left, and looks up how to get an intervention order online. Following the online information, she attends the Magistrates' Court. Imna is worried about the IVO given her visa status. 

There is a CLC duty lawyer at the Court. They reassure Imna that she has rights under her visa, obtain an urgent IVO and refer Imna to the CLC's immigration law team.

Imna is really worried about her visa, and once she gets to Court, decides not to apply for the IVO. Imna returns home.

Early intervention

The CLC has a funded partnership with a family violence service, and the CLC team includes an in-house financial counsellor.

The CLC's immigration lawyer provides advice to Imna about her rights under her visa and the implications of the IVO for her visa status. 

The CLC's partner family violence support service assists Imna through sourcing **refuge accommodation and counselling support**. 

The CLC lawyer works with the CLC's in-house financial counsellor to assist Imna to clear the debts from her name and restore her credit rating and financial independence, enabling her to find new rental accommodation. 

The CLC lawyer provides family law assistance to ensure that Imna's children are placed in her custody and remain safe.

The CLC has limited capacity to support Imna further, but provides her with the details of a local family violence service.

Late intervention

Imna goes to the service and is provided with **crisis accommodation and counselling support**. Imna and her children eventually find secure **public housing**. 

Imna receives phone calls from various companies stating that she owes money for infringements, phone bills, car fines and utilities for her old house. Imna doesn't know what to do about the calls and ignores them.

Imna moves her children to a new school and applies for social security support. Imna is served notice of a family law proceeding by Jo, claiming the right to see his children. Imna is also summonsed to the Magistrate's Court about fines in her name. Imna can't cope and ignores both summons, which begin to escalate through the justice system.

Eventually, Imna calls the CLC who assisted her originally. Her legal problems are now very complex and the CLC is only able to provide limited advice. Imna cannot afford private representation.

No access

Jo returns and apologises. However, over the following weeks, he starts to control Imna's behaviour even more as he is now home rather than at work and can surveil her more closely. On two occasions, he hits Imna, once causing her to fall over and break her arm, needing **hospitalisation**. 

Imna remains in an abusive relationship with Jo for several years. Jo uses Imna's car on toll roads without paying, running up thousands of dollars of infringements. Eventually, Imna gets summonsed to **Court** about the infringements. She is fined and sentenced to **community work**.

After this occasion, Jo seriously beats Imna. Neighbours overhear and call the police, who attend, call an **ambulance** for Imna and get an urgent intervention order against Jo. Imna is hospitalised for her injuries. Imna is eventually referred to a **family violence support service**, which assists her to find accommodation for herself and her children. 

THE NEED FOR INCREASED INVESTMENT

Community Legal Centres are not sufficiently resourced to meet the sharp rise in legal need in family violence matters, particularly given the significant court backlog in FVIO matters. Without increased capacity, many victim survivors will not be able to access critical legal support. This will have a profound impact on the safety and wellbeing of victim survivors, who will be left to navigate high risk situations alone.

Increased funding will also help ensure greater legal assistance for children and young people involved in family violence matters. A key priority of the Family Violence Reform Rolling Action Plan 2020–2023 (RAP) is to better support access to legal assistance for young people, including children, in relation to family violence. Additional investment in community legal services will assist with early referrals for legal advice and support for young people with family violence matters, in particular young people who use violence in the home, who are often victims of family violence themselves and experience high levels of vulnerability and trauma.⁸ This can be an indicator of significant complexity within the family and underscores the importance of connecting these children and young people to early legal and therapeutic support.⁹

Research shows that disability (in combination with other factors such as age) impact on young people's capacity to comprehend or comply with an FVIO.¹⁰ This underscores the importance of early legal advice to ensure children understand legal proceedings and can make informed decisions about their options.

The impact of unresolved, escalating family violence legal issues on individuals, the community and the government are significant – but can be avoided through increasing access to community legal services in family violence matters.

RENEWING LAPSING FUNDING – CLC FAMILY VIOLENCE ASSISTANCE FUND

The CLC Family Violence and Assistance Fund is due to lapse on 30 June 2022. If this funding is not renewed, Community Legal Centres will have reduced capacity to provide duty lawyer services for family violence matters at court and to deliver family violence related youth projects.

Our ask: We are seeking an additional boost of funding over four years to increase the capacity of Community Legal Centres to provide legal assistance to victim survivors of family violence, particularly given the significant court backlog 

Our ask: We are seeking the continuation of the lapsing funding under the CLC Family Violence and Assistance Fund at the same level over four years. 



SECTION 2:

INTEGRATING LEGAL SERVICES INTO SUPPORT SYSTEMS



Read more about the work of integrated services and partnership programs to better support Victorians who are most at risk of injustice here.

An integrated family violence response is essential for keeping women and children safe from family violence and increasing perpetrator accountability. Community legal services form a critical part of the family violence support system. It is only through a whole of system approach that the various challenges faced by victim survivors can be addressed, including through access to safety planning, secure housing, counselling, financial support, legal assistance and help resolving parenting disputes to put in place safe arrangements for children.

The RAP recognises the integral role of legal assistance in responding to family violence and enhancing the safety of women and children. The RAP recommends embedding legal services within health, community and education settings and increasing early access to legal support.¹¹

As recognised in the Access to Justice Review, the Victorian community legal sector is at the forefront of delivering integrated legal services, including health justice partnerships, to the community.¹² Community Legal Centres have developed long-standing partnerships with local organisations to provide early intervention and wrap-around support to victim survivors of family violence. With increased investment, community legal services can be better integrated into existing family violence support systems.

EMBEDDING LEGAL SERVICES WITHIN THE ORANGE DOOR NETWORK

As part of creating a more integrated system, it is critical that Community Legal Centres are supported to provide legal advice and casework to people accessing The Orange Door hubs.

We welcome the Government's funding for a pilot to deliver legal services in The Orange Door in the 2021–2022 budget. This funding will provide an important opportunity to design and deliver legal services at a pilot site. However, more funding is needed to ensure we can expand the delivery of legal services in The Orange Door network to more areas. This is a key priority of the RAP which recommends embedding legal services state-wide across The Orange Door network. Given the pilot funding is likely to cover just a single Orange Door site, additional funding will ensure that services can be trialled in both Melbourne metropolitan and regional Victorian sites.

The integration of legal services in The Orange Door network provides an important opportunity for clients to access legal assistance early. Early legal intervention for victim survivors is not only key from a safety perspective, but it can also have a positive impact on legal outcomes and victim survivors' overall social and emotional wellbeing. Early access to legal services can have a preventative effect in terms of reducing compounding harms for victim survivors and can reduce pressures on other parts of the service systems down the track, including mental health, child protection and the criminal justice system.

Our ask: We are seeking additional investment to expand the legal services in The Orange Door pilot to ensure it can occur in both regional and metropolitan locations and embed community legal services in The Orange Door network.



SECTION 3:

EXPANDING FAMILY VIOLENCE LEGAL ASSISTANCE AT COURT

PRE-COURT ENGAGEMENT AND EARLY RESOLUTION MODEL

Following the successful pre-court engagement pilot at Frankston Magistrates' Court in April 2020, the Victorian Government provided \$7.75 million for 2020-2021 via the Justice Recovery Plan to expand the pre-court engagement and early resolution service (ERS/PCE) model for FVIO matters. The Federation, Community Legal Centres, Victoria Legal Aid, Victoria Police and the Magistrates' Court of Victoria, have worked together to implement the ERS/PCE model at seven Magistrates' Court locations across Victoria.

The ERS/PCE model is a key development in streamlining court processes to address the pending caseload in Victoria's courts and provide more support in family violence matters at an earlier stage. In the ERS/PCE model, parties can access legal advice and are assisted with negotiating and resolving family violence matters (where possible and safe to do so) prior to their court hearing. This adopts a more client-centered approach as it gives parties more time to understand the FVIO process and their legal options, as well as identifying opportunities to safely resolve matters prior to their hearing. This can reduce distress and trauma and enhances safety for victim survivors.

INCREASING DEMAND AND RESOURCING CONSTRAINTS

Consistent with the experiences of Community Legal Centres, early data shows a high and growing demand for legal assistance through the ERS/PCE process that has outstripped available resources. This reflects the growing gap between the community's needs and the justice sector's ability to meet these needs. The Interim Evaluation of the ERS/PCE Project recognises that resourcing is a key challenge for services. Victim survivors requiring legal advice and representation may be turned away if there is no increase in resourcing.

NEW SPECIALIST FAMILY VIOLENCE COURTS

The Royal Commission into Family Violence (RCFV) recommended establishing Specialist Family Violence Courts (SFVCs) which adopt a more therapeutic and specialist approach to family violence. The SFVC model supports victim survivors through the system and promotes compliance with FVIOs.

The first five SFVCs at Shepparton, Frankston, Heidelberg, Ballarat and Moorabbin are operational. Legal services at these SFVCs were funded to deliver specialist and client centred services which are accessible, safe to access and integrated with the family violence support system.

We welcome the Victorian Government's expansion of the network of SFVCs to include Broadmeadows, Dandenong, Geelong, Latrobe Valley, Melbourne, Ringwood and Sunshine. It is imperative that legal services are funded to provide specialist legal assistance in family violence matters at these new SFVCs to fully realise the vision and purpose of the SFVCs. This is important in improving the court process for clients and embedding client-centred, trauma-informed and culturally sensitive approaches to help Victorians who have been affected by family violence.

Our ask: We are seeking additional resourcing for legal services to provide legal assistance at the new Specialist Family Violence Courts. 

Our ask: We are seeking a continuation of, and increase in, funding in the Early Resolution Service/Pre-Court Engagement model at Magistrates' Courts in Victoria. 

REFERENCES

- 1 There are 46 Community Legal Centres in Victoria. This statistic comes from the 31 Community Legal Centres that report using the CLASS system.
- 2 Coumarelos, Christine (2019). 'Quantifying the legal and broader life impacts of domestic and family violence' in Justice Issues, Paper 32, The Law and Justice Foundation NSW June 2019.
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- 4 Family Violence Reform Implementation Monitor, Report of the Family Violence Reform Implementation Monitor 2020, https://content.vic.gov.au/sites/default/files/2021-05/Report%20of%20the%20Family%20Violence%20Reform%20Implementation%20Monitor%20-%20as%20at%201%20November%202020_1.pdf
- 5 Crime Statistics Agency data ending 30 December 2020 – available at <https://files.crimestatistics.vic.gov.au/2021-07/Crime%20Statistics%20Victoria%20Website%20content%20year%20ending%20December%202020.pdf>
- 6 Ibid
- 7 Magistrates Court of Victoria (November 2020). Magistrates' Court of Victoria (MCV) COVID-19 Response. <https://www.mcv.vic.gov.au/sites/default/files/2020-11/MCV%20COVID%20recovery%20plan%20November%202020.pdf>. See also: Magistrates Court of Victoria (April 2021). Magistrates' Court of Victoria (MCV) COVID-19 Response. https://www.mcv.vic.gov.au/sites/default/files/2021-04/MCV%20COVID%20recovery%20plan%20April%202021_0.pdf
- 8 The PIPA project: Positive interventions for perpetrators of adolescent violence in the home (AVITH) (Research report) / Campbell et al. Sydney: ANROWS, 2020
- 9 Ibid, p.175
- 10 Ibid, p.13 and 94
- 11 Family Violence Reform Rolling Action Plan 2020-2023 – Legal Assistance Priorities, available at <https://www.vic.gov.au/family-violence-reform-rolling-action-plan-2020-2023/priorities-for-2020-2023/legal-assistance>
- 12 Department of Justice and Regulation Victoria, Access to Justice Review, 2016, p.188



WE APPRECIATE AND CELEBRATE DIVERSITY IN ALL ITS FORMS.
WE BELIEVE DIVERSITY OF ALL KINDS MAKES OUR TEAMS, SERVICES
AND ORGANISATIONS STRONGER AND MORE EFFECTIVE.

**Federation of Community
Legal Centres Victoria**

Location: Level 3, 225 Bourke St,
Melbourne Victoria 3000

Phone: 03 9652 1500

Email: administration@fclc.org.au

Social: @CommunityLawVic

ABN 30 036 539 902

REGISTRATION A0013713H

*Community Legal Centres are
the heart of a movement for justice.*

