



FEDERATION
OF COMMUNITY LEGAL CENTRES VIC

MEETING HIGH LEGAL NEED IN VICTORIA

SUBMISSION TO THE 2024 VICTORIAN BUDGET

February 2024

ABOUT THE FEDERATION

The Federation is the peak body for Victoria's Community Legal Centres (CLCs). 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 over 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 pursue our vision of a fair, inclusive, thriving community through challenging injustice, defending rights and building the power of our members and communities.

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 CLCs 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.

Read our annual reports online at fclc.org.au/about

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ACKNOWLEDGEMENT OF COUNTRY



The Federation of Community Legal Centres acknowledges the Traditional Custodians of the lands across Victoria and notes 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.

SECTION 1: EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

Community Legal Centres provide a crucial safety net for the people in our community who need it most. The help that Community Legal Centres provide is critical to many aspects of Victorians' daily lives, including for those facing eviction and homelessness, incarceration, family breakdown and violence, crippling debts and fines, discrimination, exploitation at work and unfair dismissal. Community Legal Centres are uniquely placed to assist Victorians who are experiencing hardship with pressing legal issues, and often do this by providing tailored wrap-around support.

The high demand for legal assistance continues to significantly outstrip available resources. Each year, Community Legal Centres will turn away thousands of people who need their support. This unmet demand will continue to escalate as the impacts of disasters, rising living costs and widening inequality continue to be felt.

Community Legal Centres support those most in need of assistance, who cannot afford private lawyers and do not have access to legal aid. On average, up to 70 per cent of people who access Community Legal Centres have an income of less than \$32,000 per year.¹ Community Legal Centres assist people who face additional barriers accessing legal help and support due to their mental health, racial or cultural background, age, disability, LGBTIQ+ status, or geographical remoteness.

The impacts of unresolved, escalating legal problems on individuals, their communities and government are significant, but can be avoided through ensuring access to community legal assistance.

Significantly, the benefit of Community Legal Centres is not just felt by individuals, but rather, by families, communities, government, and Victorians as a whole. Cost benefit analysis has shown that Community Legal Centres have a cost benefit ratio of 1:18; that is, for every dollar spent by government on funding them, they return a benefit to society that is 18 times that cost.²

This year, we repeat our call for the Victorian Government to provide a significant investment in funding for Community Legal Centres in Victoria to meet existing need for legal assistance and to address the continued rise in demand brought about by disasters, rising costs and widening inequality.

We also seek funding to:

- ▼ Continue integrated legal services and partnerships with lapsing funding, invest in new integrated legal services, and scale up proven integrated service models.
- ▼ Expand assistance for Community Legal Centres to provide legal support to residents affected by the Victorian Government's recent Housing Statement and prevent homelessness.

¹ Statistics from 2020–2021 CLASS data from 31 Community Legal Centres.

² Storer, J., Stubbs, J., and Lux, C, *Economic Cost Benefit Analysis of Community Legal Centres*, National Association of Community Legal Centres Inc, 2012.

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- ▼ Enable specialist Community Legal Centres to provide critical legal assistance to people with disability in line with key recommendations of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (**Disability Royal Commission**).
- ▼ Embed community legal assistance as part of the roll-out of the Local Adult and Older Adult Mental Health and Wellbeing Services (**Local Services**).

Community legal services form a critical part of the family violence support system and are essential to an integrated response to keep women and children safe from family violence and increase perpetrator accountability. In Victoria, we continue to see high demand for legal assistance for victim survivors of family violence which Community Legal Centres cannot meet.

We commend the Victorian Government's commitment to reducing family violence and welcome the investment the government has made to address family violence. However, with further investment, Community Legal Centres will be resourced to meet the increase in legal need created as a result of initiatives that are protecting Victorians from family violence. Otherwise, many victim survivors will not be able to access critical legal support or representation before and at court. This will have a profound impact on the safety and wellbeing of victim survivors, who will be left to navigate high risk situations alone. The impacts of unresolved, escalating family violence-related legal issues on individuals, families, the community and government are significant, but can be avoided through ensuring access to Community Legal Centres.

This year, we repeat our call for the Victorian Government to provide significant investment in Community Legal Centres so they can meet the high demand for legal assistance for victim survivors of family violence. This includes increasing investment in legal services at the seven new Specialist Family Violence Courts and covering funding shortfalls in the pre-court engagement service. We also seek funding to expand the legal services in the Orange Door pilot to ensure it can occur in both regional and metropolitan locations, and to further embed community legal services in the Orange Door network.

MEETING HIGH DEMAND FOR COMMUNITY LEGAL ASSISTANCE

Unmet legal need is everywhere in Victoria

The demand for legal help from Community Legal Centres continues to remain high. The Victoria Law Foundation's Public Understanding of Law Survey (**PULS**)³ underscored the critical need to invest in community legal assistance to address significant unmet legal need in Victoria.

PULS found that legal problems in Victoria are widespread and interwoven into our lives. Forty-two per cent of survey respondents had legal problems. This equates to 6.4 million legal problems across the population of Victoria (excluding children).⁴ This is likely to be an underestimation.

Yet, for the vast majority of people with legal problems, their legal need went unmet. PULS found that where legal need existed, 78 per cent was unmet. This disproportionately impacted certain cohorts of the community and people with difficult life circumstances. This includes First Nations people, single parents, people not working due to health or caring duties, people with severe mental distress, people on the lowest incomes and people experiencing financial hardship.⁵ These are the people and communities with which Community Legal Centres work and maintain strong relationships. Unmet need was also particularly high in the legal areas that Community Legal Centres assist with, including family, employment and debt or money problems.⁶

“Unmet need was the norm not the exception.
Where legal need goes unmet, there is no access to justice”.⁷

People facing hardship have the highest levels of unmet legal need

PULS quantified what Community Legal Centres see firsthand every day in their frontline work. Legal problems do not occur in isolation but are part of wider social problems and are closely linked to disadvantage.⁸ Some sections of the community end up having longer and more intractable legal problems. This includes people with long-term illness or disability or those experiencing mental distress, people living in outer regional or remote areas and people experiencing financial hardship.⁹

³ Balmer, N., Pleasence, P., McDonald, H., and Sandefur, R., *Public Understanding of Law Survey: Volume 1 – Everyday Problems and Legal Need*, Victoria Law Foundation, 2023.

⁴ Victoria Law Foundation, PULS Volume 1 – summary and key findings, accessed on 8 December 2023 at <https://puls.victorialawfoundation.org.au/publications/everyday-problems-and-legal-need>

⁵ Ibid. The term 'financial hardship' denotes people who were unable to eat, heat or cool their home in the past year due to money shortages.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid. The term 'financial hardship' denotes people who were unable to eat, heat or cool their home in the past year due to money shortages.

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Legal problems tend to cascade and multiply, particularly for people experiencing disadvantage.¹⁰ For example, almost half (47 per cent) of those who were unable to eat, heat or cool their home in the last year because of money shortages reported five or more legal problems.¹¹ Recognising the extricable link between unmet legal need and disadvantage, availability of community legal assistance is essential.

Legal problems have a devastating impact on Victorians

Community Legal Centres witness the devastating impact of legal problems on people's lives, particularly for those who cannot get legal help, pushing them into more desperate circumstances. PULS found that legal problems were among the "most challenging and traumatic episodes" in people's lives.¹² They had a profound impact on individuals and significant flow-on costs for public services as legal issues do not occur in isolation but are part of broader social problems.¹³ PULS found that the majority of people with a legal problem were adversely impacted. This included experiences of stress (72 per cent), loss of confidence (38 per cent), damage to a family relationship, ill-health or injury and harassment, threats or assault (20 per cent), loss of employment (15 per cent) and having to move home (13 per cent).¹⁴

Community Legal Centres support people facing hardship and trauma

The community legal sector is a critical part of the social safety net for Victorians. Last year, Community Legal Centres provided more than 120,000 legal services to Victorians¹⁵ and more than 1.5 million people used online tools and self-help resources developed by our centres.¹⁶ Community Legal Centres focus on intervening early, avoiding the escalation of legal problems and providing holistic support in partnership with other community service professionals.

We know that helping people to resolve their legal problems early and effectively can reduce the devastating impact legal issues can have on a person's life. This not only improves individual wellbeing outcomes, but also avoids significant costs to government and pressure on other parts of the service system, such as health, child protection and criminal legal systems. For examples of avoided costs to the Victorian Government through early intervention by Community Legal Centres, see Appendix A.

Investing in the community legal sector

There is not enough community legal help available for Victorians

The gap between the community legal sector's capacity to meet the needs of the Victorian community and demand is significant and is likely to deepen. Unmet legal need is likely to continue to grow due to factors including accelerating population growth, increased risk resulting from disasters (which are

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ This is drawn from data from 36 out of 47 Community Legal Centres. The actual number for all 47 Community Legal Centres is significantly higher.

¹⁶ This data is drawn from three Community Legal Centres (out of 47 Community Legal Centres) so the actual figure is significantly higher.

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predicted to become more severe and frequent due to climate change), rising cost pressures and the housing affordability crisis.

While we welcome the small amount of guaranteed core funding the community legal sector receives from the Victorian and Commonwealth governments, the sector is predominantly dependent on limited, project-based and short-term funding grants. The uncertainty and short-term nature of this kind of funding constrains the sector's capacity to engage in important, long-term planning. It also leads to service disruption and loss of key staff, and reduces the critical reach of Community Legal Centres to their communities, resulting in Victorians being unable to rely on crucial services from year to year.

Sustainable and long-term funding

Through sustainable and long-term resourcing, we can ensure Victorians have access to the community legal assistance they need. This requires increased investment in communities in regional, rural, and peri-urban areas, recognising reduced access to key services and higher delivery costs in these areas. Sustainable, viable, long-term and properly indexed funding will allow for a strong and resilient community legal sector to serve the Victorian community into the future.

We are seeking an additional boost of funding over four years to strengthen the security of community legal sector funding in Victoria, and to enable the community legal sector to expand to meet high levels of unmet legal need.

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The value of integrated legal services

Victorian Community Legal Centres are experienced leaders in providing holistic and trauma-informed legal services and have spearheaded the development of best practice integrated legal models.¹⁷ Integrated practice models have become a key service delivery model for Community Legal Centres. Integrated service delivery can take different forms, such as co-location of a lawyer at another agency, regular outreach by a lawyer to a community service, and multidisciplinary teams consisting of lawyers and community service professionals (such as, social workers, health practitioners and financial counsellors) working together to support people's complex needs.

It is critical that there is continued investment in integrated legal services because they have proven to be effective. Their success has been demonstrated by many evaluation reports and reviews. A full list of evaluations is available in Appendix B.

“Community legal centres in Victoria have been at the forefront of finding new ways to provide legal help to people facing disadvantage, hardship, and discrimination.”¹⁸

Working with people in tough circumstances

Community Legal Centres assist people with complex issues and overlapping causes of hardship, such as family breakdown, incarceration, crippling debt problems and homelessness. Community Legal Centres work collaboratively with other community professionals, such as social workers, financial counsellors, school communities and health providers, to provide holistic support to people with complex life circumstances.¹⁹

Integrated practice models address the reality of the interconnected nature of legal with other social issues by linking clients with the support they need.²⁰

This is a critical part of trauma-informed and effective legal service delivery for people experiencing disadvantage, family violence and trauma. People are more likely to be re-traumatised and disengage from the legal process when they are bounced around different services, given multiple referrals, left to self-represent in court or required to retell deeply personal and distressing information to multiple

¹⁷ See, for example, Eastern Community Legal Centre, *Integrated Practice - Better Practice Principles*, 2021, p. 3.

¹⁸ Victorian Government, *Access to Justice Review - Volume 1 Report and Recommendations*, August 2016, p.188.

¹⁹ Goodrick, D., and Sampson, E., *Meeting People Where They Are: Delivering Integrated Community Legal Services*, Federation of Community Legal Centres, 2020, p.10.

²⁰ ARC Justice, *Maryborough Therapeutic Justice Partnership*, accessed on 6 October 2023 at <https://arcjustice.org.au/our-impact/partnerships/maryborough-therapeutic-justice-partnership/>

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professionals. Resourcing legal services to provide more holistic responses as early as possible is critical to promoting end-to-end service provision.

Law and Advocacy Centre for Women – Pathways out of the Justice System

The Law and Advocacy Centre for Women (**LACW**) operates the ‘Pathways out of the Justice System’ program for women in contact with the criminal legal system. This program addresses the complex circumstances experienced by these women. Women incarcerated in prison experience high rates of family violence and victimisation (70–90 per cent) and homelessness (only half of women in prison have their own secure accommodation). First Nations women are over-represented and imprisoned at 21 times the rate of non-First Nations women.

Recognising this complexity, lawyers from LACW work with an in-house social worker and case management service to target support needs most associated with the criminalisation of women, including housing and family violence support, drug and alcohol counselling and rehabilitation and material aid. On a systemic level, the project advocates for better legal and service system outcomes that will divert women out of the prison system. An evaluation in 2021 found that “LACW achieved significant positive legal outcomes for women”. Almost all clients surveyed reported that they received support that matched their needs; that helped them achieve a better outcome at court and that improved their quality of life.

Jane’s* story illustrates the positive impact of this integrated service. Jane was homeless, had an acquired brain injury and experienced mental health issues as a sexual assault survivor. The social worker put in place important supports for Jane which made her strong enough to engage with the legal process. As the court could see that there was a detailed support plan in place for Jane, she was allowed to continue to engage with support services, rather than being incarcerated. The integrated approach not only led to a successful legal outcome, but also enabled Jane to address the underlying causes of the offending.²¹

** Names used are not the clients’ real names*

Helping people before problems snowball

People cannot recover if they do not have the right support. Yet people who are experiencing disadvantage have the lowest rate of seeking legal assistance of any group and are more likely to speak to a health professional or other frontline service about legal problems than a legal service.²² This can result in legal issues not being identified or addressed.

PULS found that only 21 per cent of respondents who dealt with their legal problem obtained advice from a legal service.²³ In comparison, 29 per cent of respondents obtained advice from an independent

²¹ Goodrick, D., and Sampson, E., *Meeting People Where They Are: Delivering Integrated Community Legal Services*, Federation of Community Legal Centres, 2020, pp.26–27.

²² Ibid, p.10.

²³ Balmer, N., Pleasence, P., McDonald, H., and Sandefur, R., *Public Understanding of Law Survey: Volume 1 – Everyday Problems and Legal Need*, Victoria Law Foundation, 2023., pp.99, 102.

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source that was not a legal service;²⁴ and 16 per cent of respondents sought advice from broader professional, health and community services.²⁵

Integrated services and partnerships ensure that people are connected with legal services wherever they seek help, including at schools, hospitals, maternal health clinics, youth centres, alcohol and drug programs, settlement services, family violence services and more. This extends the reach of legal services to people who would otherwise not be able to access them or for people who do not realise that their problems have a legal dimension.²⁶ This helps people to understand and identify their legal problem earlier and to get help before their legal issues escalate, improving access to justice.

Adopting this integrated service delivery model is crucial in tackling widespread unmet legal need in Victoria which PULS found to be as high as 78 per cent.²⁷ This also ensures that people have access to pertinent informed advice, critical in times where other sources of information may not help with resolving the issue to achieve best outcomes.

It is well documented that integrated services' focus on early intervention has a preventative effect in terms of reducing compounding harms for vulnerable groups and can reduce pressures on the justice system and other parts of the service systems down the track. This includes mental health, child protection and the criminal legal system.²⁸ The early resolution of legal problems can also reduce the likelihood of matters escalating and leading to complex litigation, thereby potentially reducing the demand on legal assistance at the pointy end.

[Avoided cost modelling conducted by EY illustrates the benefits of early access to Community Legal Centres at an individual, community and system level, as well as the costs where community legal assistance is not available. Four persona journeys illustrating the different aspects of demand and avoided costs is set out at Appendix A.]

²⁴ Ibid.

²⁵ Ibid.

²⁶ For example, Victoria Kalapac notes that the healthcare system is an important avenue for the disclosure of family violence, and that evidence indicates health care professionals are a major group consulted by patients for legal advice on how to proceed in a family violence situation. Kalapac, V., *InLanguage. InCulture. InTouch: Integrated model of support for CaLD women experiencing family violence – Final evaluation report*, Jean Hailes for Women's Health, Melbourne, 2016, p.22.

²⁷ Victoria Law Foundation, PULS Volume 1 – summary and key findings, accessed on 8 December 2023 at <https://puls.victorialawfoundation.org.au/publications/everyday-problems-and-legal-need>

²⁸ The Centre for Innovative Justice, *Strengthening Victoria's Victim Support System: Victim Services Review – Final Report*, November 2020, p.149; Victorian Government, *Access to Justice Review - Volume 1 Report and Recommendations*, August 2016, p.7.

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South-East Monash Legal Service – Sporting Change

South-East Monash Legal Service (**SMLS**) identified that young people in the City of Casey were more disengaged when compared with Greater Melbourne. The team developed Sporting Change, to support young people from diverse backgrounds to engage constructively in the community by using sport to teach young people about the law, to minimise the risk of negative interaction with the criminal legal system and promote early access to legal assistance. The program also includes an integrated school lawyer.

Sporting Change has had immense success in its community. After participating in the program:

- ▼ 97 per cent of young people knew more about their legal rights and responsibilities.
- ▼ 94 per cent of young people reported that learning about the legal system had helped them feel more able to engage in their community and society.
- ▼ 90 per cent of young people reported Sporting Change had increased their knowledge of possible legal consequences if they or someone they knew got into trouble with the law.²⁹

Justice Connect – intervening earlier to prevent abuse for older Victorians

Justice Connect's Seniors Law has three health justice partnerships in Victoria focused on preventing and addressing financial elder abuse. These specialist health justice partnerships allow for greater reach to a particularly at-risk cohort, create better opportunities for preventative intervention and are cost effective (leveraging \$3.69 of value for every \$1 spent).

Through this program, Justice Connect provided:

- ▼ 4,348 tailored legal services to 863 older people facing abuse.
- ▼ 62 training sessions to 1,456 frontline workers.
- ▼ 2,459 secondary consultations to frontline workers.

The health justice partnership has seen enormous benefits, including:

- ▼ 100 per cent of clients surveyed agreed strongly that they knew more about their legal rights and options after using Justice Connect's service.
- ▼ 90 per cent of frontline health workers surveyed said that Justice Connect's training helped them better identify legal problems.

"Without Justice Connect, I don't think I would have got through the last few months. [The lawyer's] advice really eased me by knowing I've got support there." – Former client

"Justice Connect has made it easier for older people to make decisions about their finances and health care when they're in a vulnerable position in hospital." – Frontline health worker

²⁹ South-East Monash Legal Service, *Sporting Change: Empowering Young People Evaluation Report*, 2017–2018, p.12.

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"I have really seen how Justice Connect protected older people from exploitation within the family." – Frontline health worker

Building people's sense of wellbeing

There is evidence that integrated services have a positive impact on people's wellbeing.³⁰ In an international literature review, Health Justice Australia concluded that health justice partnerships are an effective model to tackle social issues that impact the health of marginalised groups.³¹ Integrated practices break down service silos,³² and focus on addressing the underlying causes of legal problems.³³ The Access to Justice Review concluded that integrated and collaborative forms of service delivery better targeted disadvantaged and vulnerable groups and had positive impact on their health.³⁴ Addressing the legal and social needs of clients through integrated practice can reduce stigma and build resilience, wellbeing and a level of social participation.³⁵

Integrated practice can also assist in keeping clients, particularly those who experience trauma, engaged in the legal process and with other core services thereby leading to better outcomes.³⁶ Improved linkages between services minimises trauma associated with people having to repeat deeply personal stories to multiple services.

Inner Melbourne Community Legal – positive outcomes through health justice partnerships

Inner Melbourne Community Legal (IMCL) has health justice partnerships at three hospitals. Through its partnership of over a decade with Royal Women's Hospital, IMCL assisted 1,000 patients at a critical time in their lives. IMCL reached at-risk communities who experienced systemic barriers to services, including financial disadvantage (87 per cent), family violence (62 per cent), physical and psychological disability (39 per cent), culturally and linguistically diverse backgrounds (25 per cent), and homelessness (18 per cent).

In delivering on-site legal advice at three hospitals, IMCL saw the positive outcomes for its clients. The health justice partnerships improved access to legal services. Over 80 per cent of clients said it was the first time they had seen a lawyer because they could not afford it, did not know where to find a lawyer, did not recognise they had a legal issue or feared retaliation for seeking legal assistance.³⁷ If it were not for the free on-site legal clinic at the

³⁰ See for example, Camilleri, M., Ollerenshaw, A., Corbett, J., Taylor, M., and Burrows, T., *Central Highlands Health Justice Partnership: Evaluation Report*, Centre for eResearch and Digital Innovation and Federation University Australia, 2018, p.49.

³¹ Health Justice Australia, *Annotated Bibliography - Resource for the review of the National Legal Assistance Partnership*, August 2023, p.13.

³² "When life gets complex, people rarely experience problems in discrete and neat ways. Yet this is what service structures suggest, creating specialised silos that approach problems as though they are isolated and distinct." Forell, S., *Working together for client wellbeing: an outcome of health justice partnership*, Health Justice Australia, Sydney, 2021, p.3.

³³ Law Council of Australia, *The Justice Project, Homeless Persons Consultation Paper*, August 2017, pp.36–41.

³⁴ Victorian Government, *Access to Justice Review - Volume 1 Report and Recommendations*, August 2016, p.150.

³⁵ Goodrick, D., and Sampson, E., *Meeting People Where They Are: Delivering Integrated Community Legal Services*, Federation of Community Legal Centres, 2020, p.12.

³⁶ Breckenridge, J., Rees, S., Valentine, K., and Murray, S., *Landscapes: Meta-evaluation of existing interagency partnerships, collaboration, coordination and/or integrated interventions and service responses to violence against women: State of knowledge paper*, ANROWS, Sydney, 2015, p.33.

³⁷ Inner Melbourne Community Legal, *Partners in Care: The benefits of community lawyers working in a hospital setting*, 2018, p.7.

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hospitals, 40 per cent of clients said they would not have seen a lawyer. Cost and accessibility were the main reasons provided.³⁸

Three quarters of patients (74 per cent) felt that their legal issues had an impact on their health and wellbeing. The legal assistance had a positive impact on patient's wellbeing, including:

- ▼ 92 per cent found the legal advice helpful. The most useful aspect was gaining knowledge and support required to make informed decisions.
- ▼ 69 per cent felt they were able to cope better with their legal issues, compared to before the legal consultation (43 per cent).
- ▼ 59 per cent felt that the legal advice would have a positive impact on their health and wellbeing.³⁹

Investing in integrated legal services

We welcome the Victorian Government's investment in the sector's integrated legal services and health justice partnerships. Funding for services funded through the Integrated Services Fund (including health justice partnerships) is lapsing this financial year. We are seeking that funding be renewed for a further four years to allow these services to continue their critical work.

Nearly one third of Victoria's Community Legal Centres are funded by the Victorian Government under the Integrated Services Fund. In addition, most Community Legal Centres deliver integrated legal services and health justice partnerships without any Victorian Government funding. For example, as at November 2022, Health Justice Australia mapped 42 health justice partnerships operating in Victoria, all of which involve Community Legal Centres.⁴⁰ Many Community Legal Centres rely on short-term, philanthropic or Commonwealth Government funding to run these programs. There is an opportunity to support these innovative and effective programs with long-term Victorian Government funding for integrated services.

We are seeking investment in five new integrated services or scaling up five existing integrated legal services which are proven to work.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Health Justice Australia, *Health justice partnerships across Australia*, accessed on 10 October 2023 at <https://healthjustice.org.au/health-justice-partnership/health-justice-partnerships-across-australia/>

RESPONDING TO THE HOUSING CRISIS AND PREVENTING HOMELESSNESS

Community Legal Centres play a crucial role in improving housing outcomes for Victorians experiencing family violence, disability, mental health and other risks of homelessness. We have identified three key areas where additional resourcing to the community legal sector is critical to ensure suitable and safe housing in alignment with the objectives of Victoria's Housing Statement 2024–2034 (the **Housing Statement**).

Legal support for residents in the transition from retired public housing

The Housing Statement announced that 44 of Melbourne's public housing estates will be retired by 2051, commencing with the retiring of public housing estates in Flemington, North Melbourne and Carlton.⁴¹ Residents transitioning under the retirement process will each have circumstances that impact them differently. Community Legal Centres will play an important role in supporting residents transition from public housing by providing clear, bespoke legal information, community legal education and advice about the process and residents' rights and options. The timely provision of legal information and advice will ensure a smooth public housing retirement process that drives safe and suitable housing outcomes, a key objective of the Housing Statement.

Funding legal staff for the community legal sector with expertise in tenancy is critical to meet increasing legal need arising from the retirement of public housing. Since the release of the Housing Statement, Community Legal Centres are already experiencing increased legal need from residents of public housing. There is not sufficient existing resourcing for the community legal sector to meet this ongoing increased legal need.

According to the Housing Statement, there are currently 10,000 people living across the 44 public housing towers that will need to effectively transition out of public housing estates under the retirement.⁴² Without additional funding, it is expected that there will be a significant gap in capacity of the community legal sector to effectively support residents as the retirement process commences.

To address the immediate legal need, we are seeking funding to provide surge capacity at the locations impacted by the retirement of public housing.

Additional community lawyers would be mobilised to provide legal advice, community legal education and assistance to impacted residents as the retirement of public housing estates is rolled out with lawyers rotating to the affected areas.

⁴¹ Department of Premier and Cabinet, [Victoria's Housing Statement - the decade ahead 2024-2034](#), Victoria Government, 2023, p.36.

⁴² Ibid.

SECTION 4: RESPONDING TO THE HOUSING CRISIS

Preventing homelessness

In the current housing and affordability crisis in Victoria, more people are at risk of homelessness and are unable to access critical legal services to prevent the loss of their home.⁴³ Victoria's homelessness and rough sleeping action plan (**Action Plan**) identifies tenancy eviction as the main driver for people recently experiencing homelessness or rough sleeping across Victoria. The Action Plan emphasises the importance of an effective and responsive service system to support Victorians maintain stable accommodation, including the prevention of eviction wherever possible.⁴⁴ Community Legal Centres play an essential role in supporting Victorians facing eviction and ensuring Victorians are informed and represented in responding to eviction notices in proceedings at the Victorian Civil and Administrative Tribunal (VCAT).

We are seeking additional resourcing for Community Legal Centres to provide legal assistance to people facing eviction. This would enable anyone notified of an eviction to access legal services and receive assistance with their matter, including advice and representation at any VCAT proceedings. This will ensure people facing eviction are better able to access legal advice, information and representation to prevent homelessness in alignment with the Action Plan.

Ensuring effective dispute resolution processes

The Housing Statement confirms the establishment of Rental Dispute Resolution Victoria – a one-stop shop for renters, agents and landlords to resolve tenancy disputes over rent, damages, repairs and bonds.⁴⁵

Based on this, we are seeking additional resourcing for a legal policy role from the community legal sector to support the government in the design and development of Rental Dispute Resolution Victoria and to provide ongoing education to the sector and support once it is established.

Resourcing legal policy expertise is important to inform the governance and structure of this body, the dispute resolution processes and any supporting legislative frameworks, ensuring they are fit for purpose. The community legal sector has considerable expertise providing legal assistance to tenants, many of whom experience high levels of disadvantage. By drawing on their frontline experience and elevating the voices and experiences of vulnerable tenants, the community legal sector is uniquely placed to inform the design and development of any dispute resolution processes.

The Housing Statement provides that Rental Dispute Resolution Victoria will: “establish clear pathways to settle issues in a faster, fairer and cheaper way – freeing up VCAT for more serious or complicated matters.”⁴⁶ It is important to invest in legal policy expertise at the front end to ensure that pathways for dispute resolution are effective, fair and complement options available through VCAT.

⁴³ Carmody, B., ‘Thousands of renters unable to access legal help to fight evictions and rent increases’, *The Age*, 5 November 2023, accessed on 15 December 2023 at <https://www.theage.com.au/politics/victoria/thousands-of-renters-unable-to-access-legal-help-to-fight-evictions-and-rent-increases-20231102-p5eh4g.html>.

⁴⁴ Department of Health and Human Services, *Victoria's Homelessness and Rough Sleeping Action Plan*, Victoria Government, January 2018.

⁴⁵ Department of Premier and Cabinet, *Victoria's Housing Statement - the decade ahead 2024-2034*, Victoria Government, 2023, p.27.

⁴⁶ Ibid.

RESPONDING TO THE DISABILITY ROYAL COMMISSION

Ensuring people with disability live with dignity, equality and respect

Transformative change for people with disability

People with disability, their families and support organisations shared their “aspirations for an inclusive Australia” as part of the Disability Royal Commission.⁴⁷ While these aspirations were diverse, they rested on a core foundation: a future where people with disability live free from violence, abuse and neglect; human rights are protected; people with disability are treated with dignity, equality and respect, and can fulfil their potential.⁴⁸ The Disability Royal Commission recognised that advocacy by people with disability and disability representative organisations will play a crucial role in ensuring the Royal Commission’s 222 recommendations are accepted and implemented, to bring about the “far-reaching changes in laws, policies and practices so badly needed”.⁴⁹

Engendering transformative change for people living with disability requires commitment from Commonwealth and state and territory governments to implement the Disability Royal Commission’s recommendations. The final report highlighted that people with disability require advocacy support for many issues that relate to service systems that are within the domain of state and territory governments. States and territories play a “critical role in funding advocacy services”.⁵⁰ This is echoed in the National Disability Advocacy Framework which emphasises the role of state and territory governments in ensuring effective advocacy.⁵¹ State and territory governments are key to ensuring on-the-ground compliance with human rights frameworks for people with disability to which Australia is a signatory, such as the United Nations Convention on the Rights of People with Disabilities.⁵²

The final report highlights the lack of available avenues for specialist assistance for people with disability. The Disability Royal Commission found that the lack of adequate or consistent funding is a major factor contributing to unmet demand.⁵³ Data indicates that half of the people with disability who need an advocate are turned away due to lack of available advocacy services.⁵⁴ The Disability Royal Commission emphasised the need for additional funding to improve informal supports and advocacy,

⁴⁷ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Final Report - Executive Summary: Our vision for an inclusive Australia and Recommendations*, Victoria, September 2023, p.1.

⁴⁸ Ibid.

⁴⁹ Ibid, p.ix.

⁵⁰ Ibid, p.76.

⁵¹ Australian Department of Social Services, *National Disability Advocacy Framework 2023–2025*, June 2023, p.3.

⁵² Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Final Report - Executive Summary: Our vision for an inclusive Australia and Recommendations*, Victoria, September 2023, p.61.

⁵³ Ibid, p.76.

⁵⁴ Disability Advocacy Network Australia, *Pre-budget submission - A strong, sustainable future: addressing capacity shortfalls for a strengthened disability advocacy sector*, 2023.

SECTION 5: RESPONDING TO THE DISABILITY ROYAL COMMISSION

recognising that the level and certainty of advocacy funding provided by states and territories has fluctuated over the past decade.⁵⁵

Upholding the rights of people with disability through specialist legal assistance

Access to specialist legal assistance is an essential part of realising the overarching aspiration of the Disability Royal Commission – to ensure people with disability live with dignity, equality and respect.⁵⁶ Specialist Community Legal Centres are an important part of the support system for people with disability and provide essential support to help people with disability navigate complex legal processes, ensuring they have equal access to justice. Well-resourced specialist Community Legal Centres enable people with disability to meaningfully participate in legal processes, make informed decisions impacting their lives and wellbeing, exercise their rights and to challenge unfair decisions. There are numerous types of disability including physical, intellectual, psychosocial neurological and communicative—this diversity underscores the need for tailored and client-led legal assistance that addresses complex needs.

Specialist Community Legal Centres ensure that the rights of people with disability are prioritised in their everyday lives. They enable people with disability to enforce their rights where they are discriminated against, denied essential support under the National Disability Insurance Scheme or are at risk of homelessness. They also seek to stop people with disability experiencing abuse, neglect or family violence or being subjected to inhumane treatment in criminal justice and correctional settings. The Disability Royal Commission identifies a need to improve advocacy, law and policy frameworks across all of these areas to ensure people with disability are prioritised.⁵⁷ Increased investment in specialist Community Legal Centres is required to ensure this occurs.

High unmet legal need

There is high unmet legal need for people with disability. PULS found that the prevalence of legal problems was high for people with long-term illness or disability (52 per cent) and legal problems tended to be longer, intractable and to multiply.⁵⁸ For example, for people with long-term illness or disability, 40 per cent of legal problems lasted three years and 38 per cent five years.⁵⁹ PULS found that people with disability had larger clusters of legal problems. 20 per cent of people with high levels of mental distress had five or more legal problems and this was 12 per cent for people with long-term illness or disability.⁶⁰ These findings are consistent with the Law and Justice Foundation of NSW's 2012 Australia-wide legal need survey. This survey indicated a higher prevalence of legal issues which were multiple and significant and negatively impacted the lives of people with disability, further entrenching their social exclusion.⁶¹

⁵⁵ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Final Report - Executive Summary: Our vision for an inclusive Australia and Recommendations*, Victoria, September 2023, p.76.

⁵⁶ Ibid.

⁵⁷ Ibid, pp.76, 115, 123-126,135,137, 165 and 180.

⁵⁸ Balmer, N., Pleasence, P., McDonald, H., and Sandefur, R., *Public Understanding of Law Survey: Volume 1 – Everyday Problems and Legal Need*, Victoria Law Foundation, 2023., pp.47, 51.

⁵⁹ Ibid, p.137.

⁶⁰ Ibid, p.79.

⁶¹ Coumarelos, C., et al, *Legal Australia-wide Survey: Legal need in Australia*, Law and Justice Foundation of NSW, August 2012.

SECTION 5: RESPONDING TO THE DISABILITY ROYAL COMMISSION

Like other disability services, specialist Community Legal Centres do not have sufficient resourcing to meet current unmet legal need for people with disability. For example, one specialist centre reports that its caseload has more than doubled in the past two years, whilst another receives funding for just three FTE to provide a statewide service.

Implementation of the Disability Royal Commission's recommendations will further increase legal need. The recommendations of the Disability Royal Commission will have flow on effects for specialist Community Legal Centres working with people with disability, including due to the development of new legislative frameworks and strengthening of existing laws. These reforms can only be transformative if there is associated funding for legal assistance services that enable people with disability to access and utilise these new frameworks. Without sufficient funding, people with disability will be left to navigate these new frameworks on their own, creating additional barriers and limitations contrary to the Disability Royal Commission's mandate.

Examples of reforms recommended by the Disability Royal Commission that will lead to an increase in legal need

The Disability Royal Commission recommended enacting a national Disability Rights Act (**DRA**) to translate international human rights of people with disability into Australian law.⁶² It also recommended that states and territories enact legislation to protect a consistent range of rights in the DRA.⁶³ Specialist Community Legal Centres will play a crucial role in enabling people with disability to utilise the DRA (and equivalent state/territory legislation) to enforce their rights under this legislation.

Additionally, the Disability Royal Commission recommended that the DRA recognise the right of people with disability to access and use advocacy services in decision-making and communicating their will.⁶⁴ Specialist Community Legal Centres have an important role assisting in informed decision-making for people with disability in a broad range of areas.

The Disability Royal Commission recommended strengthening the *Disability Discrimination Act 1992* (Cth) (**DDA**) to make it more accessible, more effective in promoting equality and to amplify existing protections and penalties for offences.⁶⁵ For people with disability to effectively utilise stronger disability discrimination protections, legal assistance will be essential to identify contraventions and enforce rights under the DDA and state equivalent legislation.

The Disability Royal Commission recommended that states and territories ensure appropriate legal frameworks are in place in disability, health, education and justice settings, which limit restrictive practices.⁶⁶ The Victorian Auditor-General's Office report on Correctional Services for People with a Disability or an Acquired Brain Injury spotlights the overrepresentation of people with cognitive disabilities in prisons.⁶⁷ This underscores the need for increased capacity to provide legal assistance to people with disability in prisons, an area where specialist

⁶² Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Final Report - Executive Summary: Our vision for an inclusive Australia and Recommendations*, Victoria, September 2023, Recommendation 4.6(b), p.57.

⁶³ Ibid, Recommendation 4.22.

⁶⁴ Ibid, Recommendation 4.6(b).

⁶⁵ Ibid, p.61 and Recommendations 4.23 to 4.34.

⁶⁶ Ibid, Recommendation 6.35.

⁶⁷ Victorian Auditor-General's Office, *Correctional Services for People with Intellectual Disability or Acquired Brain Injury*, Independent assurance report to Parliament 2022-2023, Parliament of Victoria, June 2023, p.6.

SECTION 5: RESPONDING TO THE DISABILITY ROYAL COMMISSION

Community Legal Centres are currently experiencing significant challenges in servicing unmet legal need.

The Royal Commission has made several other key recommendations that, if implemented, will significantly increase unmet legal need for our sector.

Expanding access to justice for people with disability

Specialist, trauma informed legal assistance

Investment is required to enable specialist Community Legal Centres to support people with disability, recognising current unmet legal need and increased demand arising from the Disability Royal Commission. **We are seeking additional resourcing to be shared across specialist Community Legal Centres in Victoria which provide tailored assistance to people with disability.**

The Victorian Legal Assistance Strategy 2022–2025 identifies people with disability as a priority group more likely to experience vulnerability, disadvantage and increased barriers to accessing legal assistance.⁶⁸ This investment aligns with the strategy and the Victorian Legal Assistance Action Plan which commits to prioritising people with disability when determining service gaps and allocating funding.⁶⁹ It is critical in meeting key objectives under the National Disability Agreement Framework to ensure that people with disability “have access to effective disability advocacy that promotes, protects and ensures their full and equal enjoyment of all human rights, enabling full community participation and inclusion,” as cited in the Disability Royal Commission’s final report.⁷⁰

Access to timely legal support for people with a disability can decrease pressures on other parts of the service system and reduce involvement with police, child protection and health services.

Elevating the voices of people with disability in law reform and policy development

Specialist Community Legal Centres have frontline experience assisting people with disability with varied experiences. These services provide legal assistance across a diverse and complex range of areas, making them uniquely placed to inform the development of legislation and policy flowing from the implementation of the Disability Royal Commission recommendations. This contribution is critical to ensuring laws and policies are relevant and appropriate for people with disability. A proportion of the funding requested will be directed towards expanding the capacity of specialist Community Legal Centres to ensure the interests of people with disability are prioritised across law reform and policy development.

Enabling specialist Community Legal Centres to contribute to policy and law reform will be particularly important in the development of new legislative frameworks recommended by the Disability Royal

⁶⁸ Department of Justice and Community Safety, Victoria Government, [Victorian Legal Assistance Strategy 2022–2025](#).

⁶⁹ Department of Justice and Community Safety, Victoria Government, [Victorian Legal Assistance Action Plan 2022–2025](#)

⁷⁰ Department of Social Services, Australian Government, [National Disability Advocacy Framework 2023–2025](#), June 2023, p 3.

SECTION 5: RESPONDING TO THE DISABILITY ROYAL COMMISSION

Commission. This includes the development of the DRA and state/territory equivalents, improving discrimination laws and strengthening state laws, strategies and plans (as highlighted above).⁷¹

The Disability Royal Commission specifies that a review of state strategies and plans regarding people with disability should be undertaken in partnership with representative organisations for people with disability.⁷² It also recommends state and territory governments improve data collection and reporting on met and unmet demand for disability advocacy, including collecting and publishing data on an annual basis.⁷³ It is important that specialist Community Legal Centres play a significant role in contributing to this review and collecting relevant data. A well-resourced community legal sector is essential to elevating the voices of people with disability in policy and law reform and sharing relevant data to ensure strong, equal and fair laws and policies are developed in Victoria.

⁷¹ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, [*Final Report - Executive Summary: Our vision for an inclusive Australia and Recommendations*](#), Victoria, September 2023, Recommendations 4.1, 4.22.

⁷² Ibid, Recommendation 5.3.

⁷³ Ibid, Recommendation 6.22.

SECTION 6: EMBEDDING LEGAL HELP IN THE MENTAL HEALTH LANDSCAPE

EMBEDDING LEGAL HELP IN THE NEW MENTAL HEALTH LANDSCAPE

High unmet legal need for people living with poor mental health

Widespread legal problems

Legal problems are widespread for people living with mental illness. Legal needs surveys have shown that psychological distress and mental illness are among the factors most powerfully associated with legal problems.⁷⁴ PULS found that the prevalence of legal problems was high for people with long-term illness or disability (52 per cent) and those experiencing high levels of mental distress (66 per cent).⁷⁵ People with long-term illness or disability and those experiencing mental distress reported multiple legal problems and large clusters of issues which were generally longer and more intractable.⁷⁶ For example, a significant proportion of people experiencing high levels of mental distress reported five or more legal problems (21 per cent)⁷⁷ and almost half of legal problems lasted five years (43 per cent).⁷⁸ The PULS findings are consistent with research which indicates that people with mental ill-health are more likely to experience legal problems and a broader range of challenges that impact on various areas of their lives.⁷⁹

Justice is essential to good mental health

Good mental health is not just the absence of illness, but involves the ability to fully and effectively participate in society.⁸⁰ As highlighted by the Royal Commission into Victoria's Mental Health System (the **Mental Health Royal Commission**), health is not the only priority in promoting good mental health and wellbeing, but among other factors, involves social services, such as housing, education and justice.⁸¹ It is essential that people living with mental illness have access to the legal support they need as part of a responsive and integrated system in Victoria.

Despite this, many people living with mental illness are not able to access the legal help they need. PULS found that people experiencing severe mental distress had the highest levels of unmet legal

⁷⁴ Balmer, N., Pleasence, P., McDonald, H., and Sandefur, R., *Public Understanding of Law Survey: Volume 1 – Everyday Problems and Legal Need*, Victoria Law Foundation, 2023, p.43.

⁷⁵ Ibid, p.47, 51.

⁷⁶ Victoria Law Foundation, PULS Volume 1 – summary and key findings, accessed on 8 December 2023 at <https://puls.victorialawfoundation.org.au/publications/everyday-problems-and-legal-need>

⁷⁷ Balmer, N., Pleasence, P., McDonald, H., and Sandefur, R., *Public Understanding of Law Survey: Volume 1 – Everyday Problems and Legal Need*, Victoria Law Foundation, 2023, p.77.

⁷⁸ Ibid, p.137.

⁷⁹ Hayes, L., McDonald, M., Hudson, L., and May, F., *Legally Minded: Understanding how legal intervention can improve the lives of people with mental ill-health. Final research report*, Mind Australia, Melbourne, March 2021, p.3.

⁸⁰ State of Victoria, Royal Commission into Victoria's Mental Health System, *Final Report - Summary and recommendations*, Parl Paper No. 202, Session 2018–21 (document 1 of 6).

⁸¹ Ibid.

SECTION 6: EMBEDDING LEGAL HELP IN THE MENTAL HEALTH LANDSCAPE

need.⁸² The escalation and compounding of legal issues without legal support results in further harm and distress and places downstream pressures on other parts of the service system.

Severe consequences of unmet legal need

Evidence shows that people living with mental illness will experience more significant consequences associated with the legal problem and higher levels of stress and stress-related illnesses.⁸³ An Australian study identified a strong causal connection between having legal issues and long-term mental illness, with a deepening of this association over time without any intervention.⁸⁴ PULS found that legal problems led to significant health issues, including stress (72 per cent of respondents), loss of confidence (38 per cent) and ill-health or injury (20 per cent).⁸⁵

The Mental Health Royal Commission found that people's interaction with the legal system often worsened, rather than improved, their mental health and wellbeing.⁸⁶ The Mental Health Royal Commission also recognised the importance of reducing the criminalisation of people living with mental illness. It is widely recognised that people experiencing mental health issues are overrepresented in the criminal legal system and in prisons, which do not have adequate mental health supports.

Embedding community legal help in the Local Services network

The Mental Health Royal Commission documented the challenges faced by people living with mental illness in accessing services which were disconnected and emphasised the need for a responsive and integrated system in communities.⁸⁷ The reforms flowing from the Mental Health Royal Commission provide a crucial opportunity to increase access to timely place-based legal assistance and holistic support to people living with mental illness. This can be achieved through investment to embed community legal services into Victoria's 50 new Local Services.

Health justice partnerships are proven to work

The systemic disadvantage facing people with mental health issues highlights the need to ensure health, equity and justice are better linked in our public systems.⁸⁸ Integrated practice models provide an opportunity to do this. As highlighted above, taking many different forms,⁸⁹ including health justice partnerships, these models provide holistic and multidisciplinary support in the community and places where consumers feel safe. Community Legal Centres have developed long-standing partnerships with local organisations to provide early intervention and wrap-around support to people in need. We have

⁸² Balmer, N., Pleasence, P., McDonald, H., and Sandefur, R., *Public Understanding of Law Survey: Volume 1 – Everyday Problems and Legal Need*, Victoria Law Foundation, 2023, p.155.

⁸³ Hayes, L., McDonald, M., Hudson, L., and May, F., *Legally Minded: Understanding how legal intervention can improve the lives of people with mental ill-health, Final research report*, Mind Australia, Melbourne, March 2021, p.3.

⁸⁴ Ibid.

⁸⁵ Balmer, N., Pleasence, P., McDonald, H., and Sandefur, R., *Public Understanding of Law Survey: Volume 1 – Everyday Problems and Legal Need*, Victoria Law Foundation, 2023, p.88.

⁸⁶ State of Victoria, Royal Commission into Victoria's Mental Health System, *Final Report - Summary and recommendations*, Parl Paper No. 202, Session 2018–21 (document 1 of 6).

⁸⁷ Ibid.

⁸⁸ Schram, A., et al, 'Advancing Action on Health Equity through a Sociolegal Model of Health' (2021) 0(0) *The Milbank Quarterly* 1.

⁸⁹ Goodrick, D., and Sampson, E., *Meeting People Where They Are: Delivering Integrated Community Legal Services*, Federation of Community Legal Centres, 2020.

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developed a strong evidence basis which demonstrates the effectiveness of integrated legal practice models in the health space and other areas. For further details, see Appendix B.

Integrated practice recognises that many people do not seek help with legal problems from legal professionals. As highlighted above, PULS found that 29 per cent of respondents sought advice from an independent source that was not a legal service.⁹⁰ A large proportion obtained advice from professional or health services (16 per cent), with doctors or health professionals being the most common within this group (8 per cent).⁹¹

The Legally Minded project – Northern Community Legal Centre and Mind Australia

The Legally Minded Project explored the impact of legal intervention on the lives of people with mental health issues. The study identified a number of important benefits, including:

- ▼ Legal intervention was associated with a marked reduction in psychological distress with clients reporting increased self-efficacy and confidence.
- ▼ There were positive consequences from the stress reduction, such as improved relationships.
- ▼ Clients experienced good connections to the legal service providers and mental health supports with effective co-ordination being an important element.
- ▼ Clients had increased legal knowledge and felt empowered regarding their legal rights, leading to a greater sense of hope in their lives and for the future.⁹²
- ▼ The study concluded that it is important that both legal and mental health staff work together to support clients to attain the best level of wellbeing.⁹³

Effective and scalable model

We have developed an integrated legal practice model that supports the government's Early Intervention Investment Model. It can be embedded in the roll-out of the Local Services across Victoria but is sufficiently flexible to be tailored to the local context. The model aims to deliver wrap-around, accessible, trauma-informed and respectful services that consumers want. It is a model that we developed *with* consumers, recognising the importance of consumer voices in service design.

The integrated practice model is underpinned by several core objectives, including:

- ▼ *Early support and intervention* – identifying legal issues as early as possible, saving consumers further distress from compounding legal problems, as well as easing pressures downstream on other parts of the service system and ultimately reducing costs to government.
- ▼ *Services that people want* – providing consumers with the legal services in a broad range of important areas and linking consumers into specialist Community Legal Centres where

⁹⁰ Balmer, N., Pleasence, P., McDonald, H., and Sandefur, R., [*Public Understanding of Law Survey: Volume 1 – Everyday Problems and Legal Need*](#), Victoria Law Foundation, 2023, pp.99, 102.

⁹¹ Ibid, p.16.

⁹² Hayes, L., McDonald, M., Hudson, L., and May, F., [*Legally Minded: Understanding how legal intervention can improve the lives of people with mental ill-health. Final research report*](#), Mind Australia, Melbourne, March 2021, p.13.

⁹³ Ibid, p.15.

SECTION 6: EMBEDDING LEGAL HELP IN THE MENTAL HEALTH LANDSCAPE

needed. This includes, housing, family violence, parenting disputes, criminal law, fines, debts, NDIS, employment and social security.

- ▼ *Providing flexible, respectful, trauma-informed, accessible, and holistic services* – working with health services and other community service professionals to provide a more holistic service to people with complex and interrelated needs.
- ▼ *Upskilling ourselves and the sector* – supporting health staff to identify legal issues, and training and development for lawyers on working with people who live with mental illness.
- ▼ *Clear independence and scope* - clear partnership principles between the Community Legal Centre and health partner to work effectively.
- ▼ *Ensuring consumer voice is front and centre* – involving consumers at each stage of design, implementation, and evaluation of the service.

Community lawyers would provide legal advice and assistance to consumers accessing the Local Services either on-site at the Local Service or at the legal service, depending on the wishes of the consumer and the nature of the partnership.

Inputs	Service Component	Consumer Experience	Short Term Outcomes	Medium Term Outcomes	Impacts
Staffing: multidisciplinary (legal, health, support)	Individual legal and non-legal services (e.g. social work, case management)	Services acknowledge and respond to my trauma	Legal services are trusted to provide assistance that is trauma-informed and culturally safe	Consumers can make informed decisions about their legal issues and can take action	Power is shifted so that it is more equally shared between consumers and services to achieve a fairer system
Long-term and sustainable funding	Early intervention (advice, information referrals) and prevention (community legal education)	Services are available, inclusive and accessible to me	Consumers can access legal services	Consumers have access to legal services before issues escalate, reducing the impact on mental health and wellbeing	Community Legal Centres and other community workers support advocacy for non-criminal law responses to mental health crises
Policies and procedures (service models, client engagement and instruction, complaints and feedback)	Systemic advocacy (developed with consumers)	I feel like my lawyer is "on my side"	Staff understand the intersection between health and justice by learning from consumer experience and knowledge	Consumer experiences inform policy priorities and consumers are equal decision makers in strategic advocacy	Contribute to a broader understanding (from government, community, mental health services and legal services) of the socio-legal determinants of mental health
Formalised MOU: lived experience reps, legal service, mental health service	Secondary consults and training (two-way), including with lived experience workforce	I am confident that the legal service will meet my needs	Consumers feel listened to, respected and cared for	Consumers experience greater control in their relationship with mental health services	Reduced associated costs of prolonged legal issues and mental health admissions
Training and professional development: mental health law, consumer perspectives, trauma-informed approaches	Warm referrals (note: priority given to servicing in-house)	My mental health and wellbeing have improved along with my legal problem	Consumers have greater knowledge about their rights and options	Mental health services see the benefits of early identification and response to legal problems, leading to more referrals	Legal and mental health services work effectively together to support consumers
Technological capability and resources	Services are accessible, trauma-informed, respectful, holistic, culturally safe and rights-based		Consumers recognise legal problems	Legal services staff collaborate to identify areas for strategic advocacy	Improved mental health and wellbeing of consumers
Community of practice and staff supports (incl peer supports)			Mental health services can identify legal issues and make appropriate and timely referrals		Consumers achieve fair legal outcomes
			Staff have a forum to share key learnings and opportunities		

Logic model

Resourcing

We are seeking investment to embed community legal help in the roll-out of the Local Services.

MEETING DEMAND IN FAMILY VIOLENCE

Legal support to improve victim survivors' safety and wellbeing

Victim survivors of family violence are in critical need of access to community legal services to support them to remain safe and reduce the risk of ongoing violence. Community legal services play a pivotal role in providing legal assistance to families and children experiencing family violence.

Family violence leads to significant legal problems

The vast majority of Community Legal Centres provide legal assistance with family violence matters, often to Victorians who experience compounding layers of disadvantage across metro, regional and rural areas in Victoria. Community Legal Centres provided over 120,000 legal services to Victorians last year⁹⁴ and 38 per cent of people accessing Community Legal Centres for assistance during 2022–2023 were experiencing or at risk of family violence.⁹⁵ We believe that the proportion of victim survivors of family violence assisted by Community Legal Centres is likely to be higher as this only reflects data from three quarters of the sector.

Victim survivors of family violence have been found to be 10 times more likely to face legal problems compared with the general population.⁹⁶ Family violence is a key driver of legal need and can result in victim survivors having multiple and compounding legal issues. A study shows that victim survivors experience on average 20 different legal problems compared with an average of two legal problems experienced by the general population.⁹⁷ These legal issues are often complex, distressing and have profound implications for the affected individual, their children and family.

Community legal help is crucial for victim survivors

Community Legal Centres provide the legal support needed by victim survivors to protect themselves from violent and abusive situations. This includes assistance in securing family violence intervention orders (**FVIOs**) and, in the family law context, helping to resolve 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 assisting families where 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 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 to recover from family violence.

⁹⁴ This statistic is from data from 36 out of 47 Community Legal Centres. The actual figure is likely much higher.

⁹⁵ This statistic is from data from 35 out of 47 Community Legal Centres. The actual percentage may differ when accounting for all 47 Community Legal Centres.

⁹⁶ Coumarelos, C. (2019). 'Quantifying the legal and broader life impacts of domestic and family violence' in *Justice Issues*, Paper 32, The Law and Justice Foundation of New South Wales.

⁹⁷ Ibid.

SECTION 8: INTEGRATE LEGAL SERVICES IN THE FV SUPPORT SYSTEMS

The demand for assistance from community legal services in family violence matters continues to be high. This needs to be seen in the context of a significant increase in recorded family violence incidents and applications for FVIOs over the last decade. For example, over the last several years, family violence incidents recorded by Victoria Police increased by 22 per cent⁹⁸ and final FVIOs almost doubled.⁹⁹

On the ground, this has translated into family violence matters remaining in court for a longer duration and significantly higher volumes of family violence matters in court lists, increasing demand pressures on services. Community Legal Centres continue to assist with and increased number of FVIO matters year on year.¹⁰⁰ Despite the focus on addressing the pending caseload of family violence matters at court, volume remains high with Community Legal Centres seeing a 4.61 per cent increase in the number of FVIO matters for 2022–23 compared to the previous year.¹⁰¹

Victim survivors need more legal support

Community Legal Centres are not sufficiently resourced to meet the high levels of legal need in family violence. Without increased capacity, many victim survivors of family violence will not be able to access critical legal support with their family violence matters and related legal issues. This will have a profound 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 legal issues on individuals, the community and government is significant, but can be avoided through increasing access to community legal services in family violence matters.

We are seeking an additional boost of funding to increase the capacity of Community Legal Centres to provide legal assistance to victim survivors of family violence.

Improving responses at Specialist Family Violence Courts

Uplift in funding at Specialist Family Violence Courts

The Royal Commission into Family Violence recommended the establishment of Specialist Family Violence Courts at all major courts in Victoria with the overarching aim of improving safety outcomes and strengthening perpetrator accountability. To date, five Specialist Family Violence Courts have been established, with the roll-out of a further seven Specialist Family Violence Courts in late 2022. We welcome the funding provided to legal services at the new seven Specialist Family Violence Courts in the last budget. However, the funding fell short of the level required to provide a more intensive, specialist and therapeutic service to give effect to the Royal Commission's recommendation.

Many legal services have been forced to place caps on the number of clients they can assist through their duty legal services at the new Specialist Family Violence Courts due to insufficient resourcing. This means that victim survivors of family violence are missing out on essential legal support at court.

⁹⁸ Crime Statistics Agency Data on Victoria Police, accessed in November 2022 at <https://www.crimestatistics.vic.gov.au/family-violence-data-portal/family-violence-data-dashboard/victoria-police>. This statistic is from the time period 2016/17 to 2020/21.

⁹⁹ Sentencing Advisory Council, *Sentencing Breaches of Family Violence Intervention Orders and Safety Notices: Third Monitoring Report*, State of Victoria, May 2022. This statistic is from the time period 2011 to 2019.

¹⁰⁰ Sector data from each year is available in the Federation's annual reports, available at https://www.fclc.org.au/annual_reports.

¹⁰¹ This data is based on data from 35 of 47 Community Legal Centres and is reflective of about three quarters of the sector.

SECTION 8: INTEGRATE LEGAL SERVICES IN THE FV SUPPORT SYSTEMS

Additional resourcing is critical in improving the court process for victim survivors and embedding trauma-informed and culturally sensitive approaches to help Victorians who have been affected by family violence.

We are seeking additional community lawyers at each of the seven new Specialist Family Violence Court locations.

Addressing funding gaps in the pre-court engagement model

The pre-court engagement model was rolled out in 2020 across a number of Magistrates' Courts in Victoria. The purpose of the model is to provide more support in family violence matters at an earlier stage of court proceedings to enable earlier risk assessments, increase safety for victim survivors and streamline court processes to better meet demand. Under this model, victim survivors and respondents can access legal advice and are assisted with negotiating and resolving family violence matters (where possible and safe to do so) at an earlier stage of the court process. This adopts a more victim survivor-centred approach as it allows more time to understand the court process and available options, as well as identifying opportunities to safely resolve matters prior to the court hearing. This can reduce distress and trauma associated with the court process and enhances safety for victim survivors.

Assisting at an earlier stage can also assist in identifying where victim survivors have been misidentified as the perpetrators of family violence and rectifying misidentification which, if remains unresolved, can have devastating consequences. Without adequate protection, this places victim survivors at higher risk of ongoing violence and can lead to far-reaching consequences, such as separation from children, reduced access to family violence services, criminalisation, and homelessness.¹⁰²

The evaluation of the pre-court engagement program found that there was high demand for this service and that the model was delivering significant benefits. However, it was also recognised that the current resourcing is insufficient to meet high demand. While we welcome the ongoing funding for the pre-court engagement model in the last budget, there was a funding shortfall. Recognising that demand already exceeds capacity for this service, the shortfall will lead to staffing cuts, intensifying demand pressures, and leading to more victim survivors of family violence missing out on critical legal support before court.

We are seeking the gap of funding in the pre-court engagement model to be covered in this budget.

INTEGRATE LEGAL SERVICES IN THE **FAMILY VIOLENCE SUPPORT SYSTEM**

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 the

¹⁰² Family Violence Reform Implementation Monitor, [*Monitoring Victoria's family violence reforms: Accurate identification of the predominant aggressor*](#), Melbourne, December 2021, p.11.

SECTION 8: INTEGRATE LEGAL SERVICES IN THE FV SUPPORT SYSTEMS

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 Family Violence Reform Rolling Action Plan (**FVRAP**) recognises the integral role of legal assistance in responding to family violence and enhancing the safety of women and children. The FVRAP recommends embedding legal services within health, community and education settings and increasing early access to legal support.¹⁰³ With increased investment, the integration of community legal services within the family violence support system can be achieved.

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 has provided an important opportunity to design and deliver legal services at the pilot site in Frankston. Alongside this initial funding, we seek increased investment to expand the delivery of legal services in the Orange Door network to three more hubs. This is a key priority of the FVRAP to embed legal services state-wide across the Orange Door network. This is also supported by the Access to Justice Review which recommended legal support be available in the hubs to allow for triage and for victim survivors to get the legal help they urgently need.¹⁰⁴ Given the pilot funding only covers the Orange Door site at Frankston, additional funding will ensure that services in both Melbourne metropolitan and regional Victorian sites can be implemented.

The integration of legal services in the Orange Door hubs provides an important opportunity for victim survivors to access legal assistance at an early stage. Early legal intervention for victim survivors is not only key from a safety perspective, but 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 the justice system and other parts of the service system.

We are seeking additional investment to expand the legal services in the Orange Door pilot to ensure it can occur at three more locations, including a mix of regional and metropolitan areas.

¹⁰³ Family Violence Reform Rolling Action Plan 2020-2023 – Legal assistance priorities, accessed on 15 December 2023 at <https://www.vic.gov.au/family-violence-reform-rolling-action-plan-2020-2023/priorities-for-2020-2023/legal-assistance>

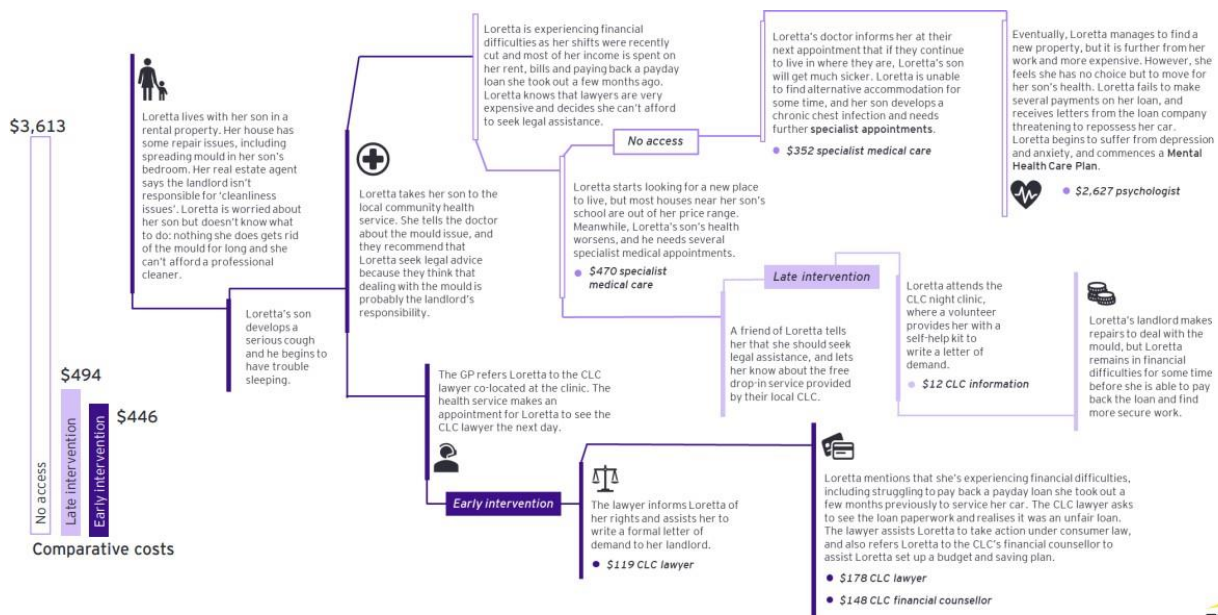
¹⁰⁴ Ibid.

APPENDIX A

Avoided cost modelling – journey mapping

The following four models were developed by EY and documented in EY's 2020 report *Meeting demand for community legal assistance*. Note that financial figures are from 2020.

LORETTA

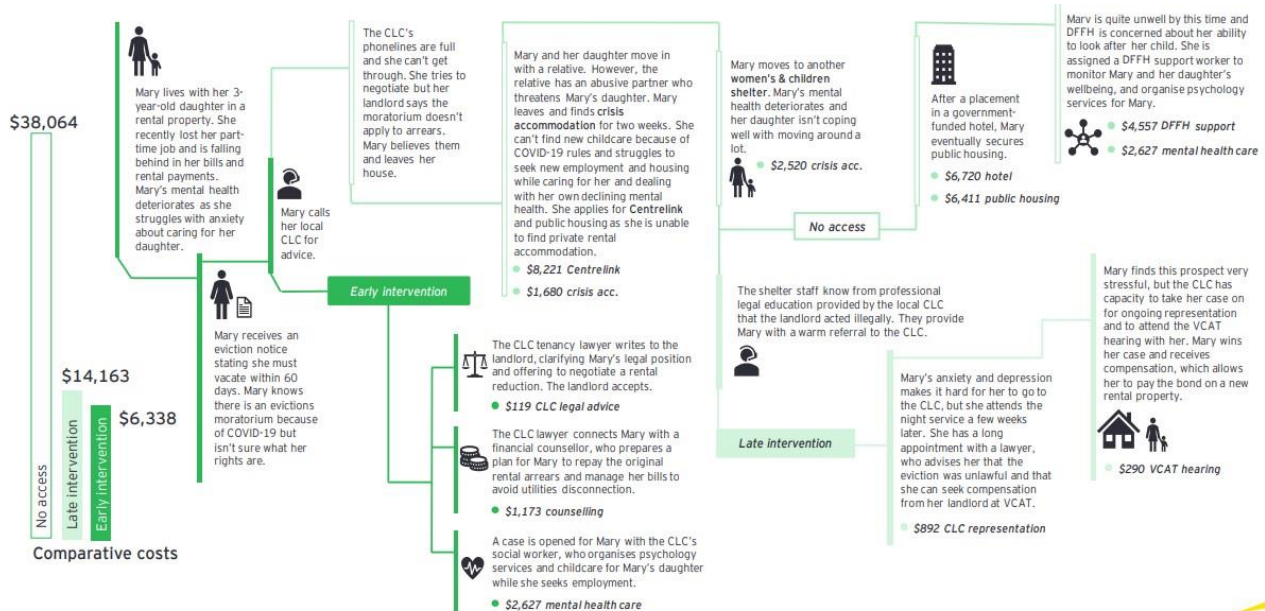


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APPENDIX A: AVOIDED COST MODELLING

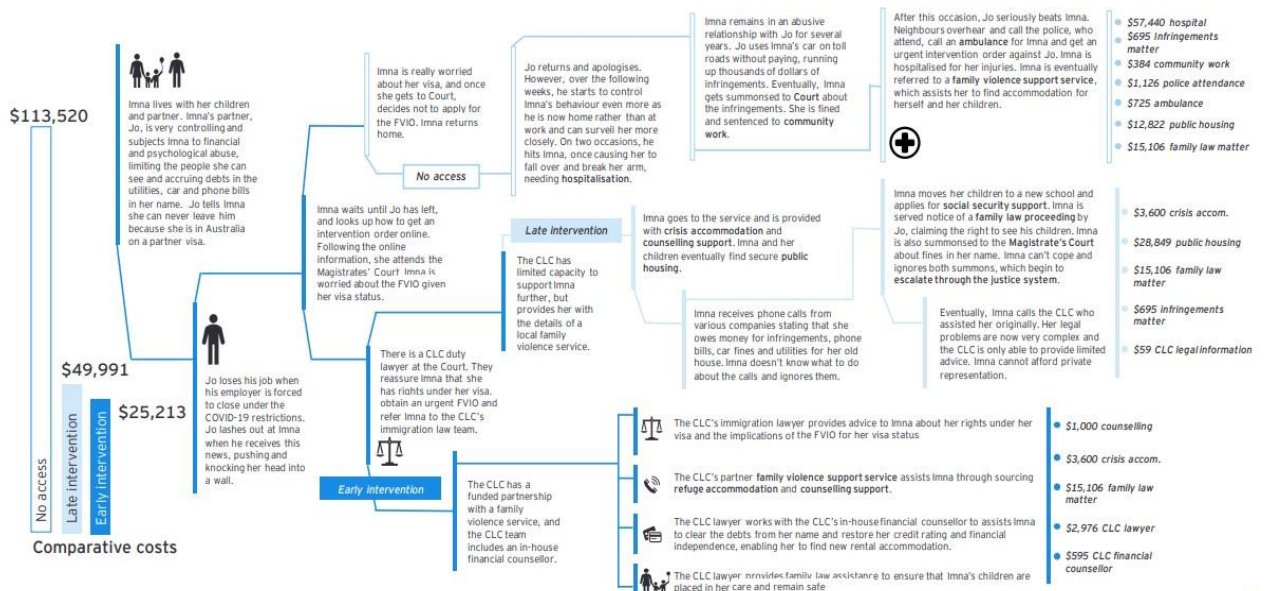
MARY



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IMNA

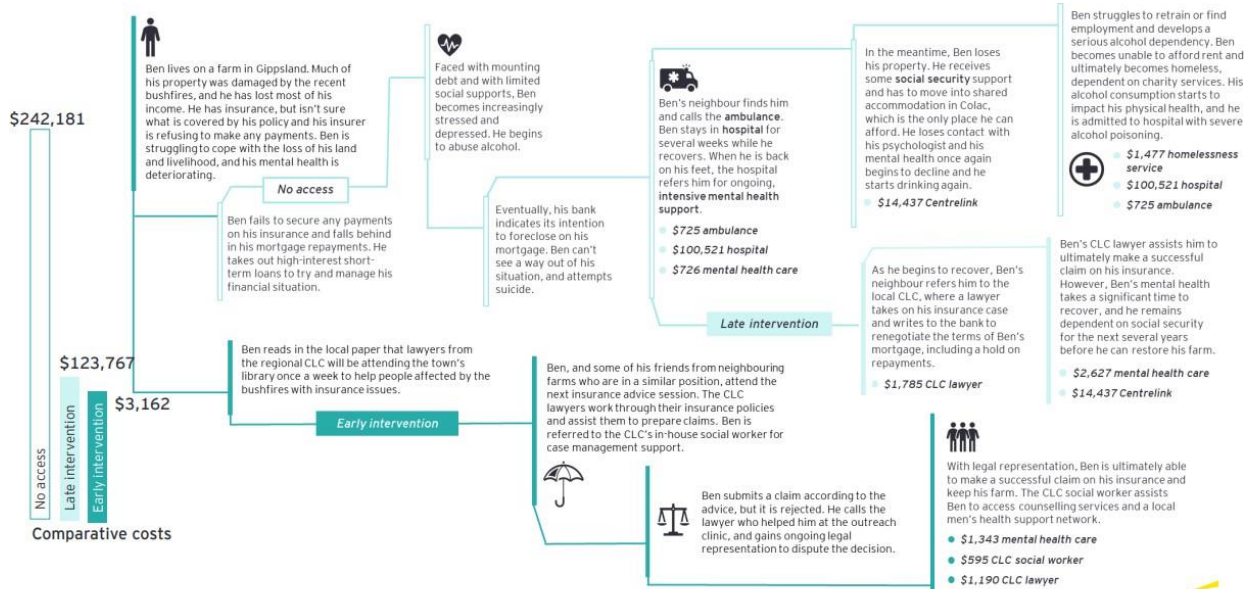


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APPENDIX A: AVOIDED COST MODELLING

BEN



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APPENDIX B

Evaluations of integrated legal services and partnerships delivered by Community Legal Centres

For a copy of the reports that are not publicly available, please request access from the individual Community Legal Centre.

Report Title	Publicly available
Sector-Wide	
<u>Meeting People Where They Are, Delivering Integrated Legal Community Services. Federation of Community Legal Centres (funded by the Department of Justice and Community Safety).</u> D Goodrick and E Sampson (2020).	Yes
<u>"It's Hard to Open Up to Strangers" Improving Access to Justice: The key features of an integrated legal services delivery model. La Trobe University</u> M Noone and K Digney (2010).	Yes
<u>Integrated Practice – Better Practice Principles</u> Eastern Community Legal Centre (2019)	Yes
Health	
<u>Partners in Care: The Benefits of Community Lawyers in a Hospital Setting.</u> Inner Melbourne Community Legal and University of Melbourne (2018).	Yes
<u>Health justice partnerships: a promising model for increasing access to justice in health services. Australian Health Review.</u> V Lewis, L Adamson, and F Hawthorne (2018).	Yes
<u>Health Justice Partnership Legal Clinics in the Hospital Evaluation Report.</u> Inner Melbourne Community Legal and University of Melbourne (2018).	Yes
<u>A Research and Evaluation Report for the Bendigo Health-Justice Partnership: A partnership between Loddon Campaspe Community Legal Centre and Bendigo Community Health Services. Australian National University.</u> E Curran (2016).	Yes
Mabels Changes Everything: How a Health Justice Partnership is quietly transforming legal and family violence support in Maternal and Child Health Services, Final Evaluation Report, Effective Change. Eastern Community Legal Centre (2018).	No
<u>It Couldn't Have Come At A Better Time: Early Intervention Family Violence Legal Assistance.</u> Eastern Community Legal Centre (2018).	Yes

APPENDIX B: EVALUATIONS

Report Title	Publicly available
Maryborough Therapeutic Justice Project. Loddon Campaspe Community Legal Centre and Maryborough District Health Service (2020).	Yes
Central Highlands Health Justice Partnership: Evaluation Report. Federation University. M Camilleri, A Ollerenshaw, J Corbett, M Taylor and T Burrows (2018).	Yes
Women's Legal Service of Victoria – Together from the Start: a health justice partnership with Monash Health. Interim evaluation and progress report to funder (VLSB). Unpublished. H Barclay, K Neophytou and A Garcia Negron (2021).	No
Improving housing and health outcomes: understanding and addressing barriers to VCAT attendance. West Heidelberg Community Legal Service and Banyule Community Health. S Price and B Millard (2018).	Yes
Equity, Health & Wellbeing Project Evaluation Report Model Summary and Implementation Lessons. West Heidelberg Community Legal Service.	No
Health Agency to Court, Tackling the Fines System Evaluation Report 2018-2019 WEstJustice (2020).	Yes
Mental Health, Alcohol and Other Drugs	
Legally Minded: Understanding how legal intervention can improve the lives of people with mental ill-health, final research report. Mind Australia and Northern Community Legal Centre. L Hayes, M McDonald, L Hudson and F May (2021).	Yes
Health outcomes and service use patterns associated with co-located outpatient mental health and alcohol and other drug specialist treatment: a systematic review. University of Melbourne, In press. First Step Legal (2021).	Request full text here
HeaL program evaluation report E Pritchard Consulting and Eastern Community Legal Centre (2022)	No
Drug Outreach Lawyer Program – Darebin E Pritchard Consulting and Fitzroy Legal Service (2019).	No
Final Evaluation First Step Legal (2017).	Yes
Family Violence	
Evaluation of the Pre-court Support for Adolescents using violence in the home (AVITH) Pilot Centre for Innovative Justice (2022) (Youthlaw)	Yes
The PIPA project: Positive Interventions for Perpetrators of Adolescent violence in the home (AVITH) by Elena Campbell, Jessica Richter, Jo Howard and Dr Helen Cockburn Centre for Innovative Justice (2020) (Youthlaw)	Yes
Acting on the Warning Signs Evaluation – Final Report. University of Melbourne and Inner Melbourne Community Legal (2014).	Yes

APPENDIX B: EVALUATIONS

Report Title	Publicly available
Progress Report for SAGE Program: Domestic Violence Unit Eastern CLC, 1 July 2019–31 December 2019. Eastern Community Legal Centre (2020).	No
<u>It Couldn't Have Come At A Better Time: Early Intervention Family Violence Legal Assistance, Mabels Program.</u> Eastern Community Legal Centre (2018).	Yes
<u>inLanguage, inCulture, inTouch: Integrated model of support for CaLD women experiencing family violence. Final Evaluation Report. Jean Hailes for Women's Health.</u> V Kalapac (2016).	Yes
<u>Evaluation of the pilot program of specialist domestic violence units and health justice partnerships established under the women's safety package. (Prepared for the Attorney-General's Department).</u> Social Compass (2019).	Yes
Women's Legal Service Victoria LINK Community Domestic Violence Unit (DVU) Project. Mid-term review: Unpublished. E Pritchard (2021).	No
<u>Indian Women's Family Violence Project – Findings and Recommendations, March 2021</u> Northern Community Legal Centre (2021).	Yes
Evaluation of the expanded Mabels health justice partnership: interim report Effective Change and Eastern Community Legal Centre (2023).	No
<u>Restoring Financial Safety: The Transforming Financial Security Project</u> WestJustice (2021).	Yes
Family law and social security	
Evaluation of the Community Legal Centre Children and Family Law Pilot. The Incus Group (2017).	No
Specialist social security lawyers and financial counsellors working together to improve client outcomes – Evaluation. Social Security Rights Victoria (2020).	Yes
Regional, remote and rural	
Hume Riverina Community Legal Service: Overcoming the Invisible Hurdles to Justice For Young People Australian National University (2020). Stage I, II and III reports available here.	Yes
Aboriginal and Torres Strait Islander	
Consumer Action Law Centre and Victorian Aboriginal <u>Legal Service (2019).</u> Mid-Year Report (2019).	Yes
<u>Consumer Issues in Victorian Aboriginal Communities Integrated Project Final Report 2020</u> Consumer Action Law Centre and Victorian Aboriginal Legal Services (2020).	Yes

APPENDIX B: EVALUATIONS

Report Title	Publicly available
<u>Consumer Issues in Victorian Aboriginal Communities during 2020 Integrated Practice Project Report June 2021</u> Consumer Action Lawe Centre and Victorian Aboriginal Legal Service (2021).	Yes
Youth	
<u>Sporting Change: Empowering Young People Evaluation Report 2017–2018.</u> South-East Monash Legal Service (2018)	Yes
<u>School Lawyer Program</u> WestJustice and SVA consulting	Yes
<u>Health justice partnerships: initial insights into the delivery of an integrated health and legal service for youth in regional Victoria. Rural and Remote Health 2017; 17: 3975.</u> A Ollerenshaw and M Camilleri (2017).	Yes
<u>Hume Riverina Community Legal Service: Overcoming the Invisible Hurdles to Justice For Young People.</u> Australian National University (2020).	Yes
<u>Ignorance is NOT bliss: The barriers to employment outcomes for young people in Melbourne’s West and how to overcome them</u> WestJustice Report of the Youth Employment Justice Project September (2021).	Yes
Homelessness and housing	
<u>Three Years of Embedding legal services to make justice accessible for homeless clients.</u> Justice Connect (2018).	Yes
<u>Improving housing and health outcomes: understanding and addressing barriers to VCAT attendance. West Heidelberg Community Legal and Banyule Community Health.</u> S Price and B Millard (2018).	Yes
<u>Keeping Women and Children Housed – Women’s Homelessness Prevention Project.</u> Justice Connect (2018).	Yes
Justice Connect’s Women’s Homelessness Prevention Project – Cost Benefit Analysis Pitcher Partners Corporate Finance Vic Pty Ltd (2019).	No
<u>Closing the Revolving Door: Scoping the holistic legal needs of Victorians exiting prison.</u> Justice Connect (2021).	Yes
<u>Under One Roof - Responsively addressing the increasing legal needs of Victorians experiencing homelessness.</u> Justice Connect (2023).	Yes
<u>International Student Housing Project Report</u> WEstJustice (2020)	Yes
Women	
LACW Integrated Case Management Program: Evaluation Report. Law & Advocacy Centre for Women	No

APPENDIX B: EVALUATIONS

Report Title	Publicly available
Institutional abuse	
Evaluation of Knowmore Legal Service. Knowmore Legal Service (2016).	Yes
Elder Abuse	
Final evaluation of Eastern Community Legal Centre's Elder Abuse Response Programs - ROSE and ELSA service trials La Trobe University, RMIT University and the National Ageing Research Institute (NARI) (2023).	Yes
Elder Abuse - Response Trial - Final evaluation summary Eastern Community Legal Centre, Eastern Health and Oonah Health & Community Services Aboriginal Corporation (2023).	Yes
Final Evaluation of the Elder Abuse Service Trials Final report. A report prepared by Inside Policy for the Attorney-General's Department (2023).	Yes
Refugee and Migrant	
Don't Settle for Less: The Settlement Justice Partnership and Fairer Outcomes for Refugees in Melbourne's West WEstJustice, Tess Matthews and Joseph Nunweek (2023)	No