



15 October 2020

The Hon. Andrew Wallace MP  
Chair, Standing Committee on Social Policy and Legal Affairs  
PO Box 60210  
Parliament House  
CANBERRA ACT 2600  
**Via email:** family.violence.reps@aph.gov.au

Dear Chair,

**Re: Inquiry into family, domestic and sexual violence – response to questions on notice**

We would like to thank the Standing Committee on Social Policy and Legal Affairs for providing us with the opportunity to respond to questions on notice arising out of our appearance on the 8 September 2020.

Specialist women's legal services are chronically underfunded and are struggling to meet the complex legal, financial and social needs of vulnerable and disadvantaged Australian women experiencing relationship breakdown and family violence.

After a rapid increase in inquiries since March from women experiencing family violence, Women's Legal Services Australia (WLSA) and Jim Stanford, Director of the Centre for Future Work at the Australia Institute, have together developed a National Costing Model which demonstrates that the current level of unmet need for family law and family and domestic violence assistance is around 40% of all women who present to our services.

On the basis of the National Costing Model, WLSA has called for an additional \$25 million per annum to specialist women's legal services in the upcoming federal budget to resource our services so that we can meet current demand levels. This model does not take into account the anticipated and predicted need as the full effects of the COVID-19 pandemic unfold.

***Background: A specialist socio-legal approach responding to the complex needs of women experiencing family violence***

In Australia, Women's Legal Services are the only service providers of comprehensive, connected, multi-disciplinary services, across family law, family violence and child protection. Many Women's Legal Services also successfully manage and operate Domestic Violence Units – funded by the Federal Government, which provide a holistic integrated service to women who have experienced or are experiencing family violence. We work closely and collaboratively with other professionals to prioritise safety planning and risk management and deliver an integrated, trauma-informed service. Ongoing integrated case management empowers women to make safe decisions and to manage the relationship breakdown by enabling them to understand complex legal and financial rights.

Despite the success of this model, specialist women's legal services are chronically underfunded. Our members are often reliant on ad hoc one-off grants and are unable to offer the security needed to retain experienced, highly skilled and trauma-informed staff.

The restrictions imposed because of COVID-19 have increased the danger for at-risk women by confining many in their homes with potentially violent partners and increasing the opportunities for coercive control, as well as creating significant financial stress. This has placed even greater pressure on already strained specialist legal services.

For women experiencing family violence, access to legal services is a critical aspect of their survival and recovery. If left unaddressed, legal problems lead to immediate safety risks and long-term adverse impacts for victims. They also create significant downstream costs to other publicly funded services such as health, housing and financial support.

We submit that the Committee recommend that the Federal Government immediately increase annual funding of specialist women's legal centres and commit to review the need for further funding as the full effects of the COVID-19 pandemic unfold.

### ***Distribution of Federal funding to Community Legal Centres***

In May 2020, the Australian Government announced an additional \$63.3 million injection for frontline legal services to support people impacted by COVID-19. The funding was specifically directed to Legal Aid Commissions, Community Legal Centres, Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention Legal Services. Forty percent of the funding was earmarked for domestic and family violence legal services.

Each State and Territory was responsible for administering the funding to each of the sub-sectors. The approaches to the distribution of these funds varied, however in each State and Territory, specialist women's legal services did not receive an appropriate proportion of the domestic violence funding. Significant funds were directed to services that provide representation to predominantly male offenders, perpetrators and respondents in domestic violence related matters. Distribution on a per capita basis also adversely impacted specialist women's services located in remote and regional settings which face additional challenges in reaching vulnerable women.

To ensure future legal funding reaches those who need it most, it is imperative that the Commonwealth Government stipulates an appropriate proportion of funds targeted at domestic and family violence are allocated to specialist women's legal services.

### **Service for remote communities**

The Committee requested further information in relation to the funding gap for remote service provision referred to by the Central Australian Women's Legal Service (CAWLS) representatives.

Vulnerable women in remote communities do not receive the same level of service provision as women located in central areas. Specialist women's legal services are generally not funded to attend remote court sittings. In the Northern Territory, some legal service providers such as the Northern Territory Legal Aid Commission ('NTLAC') and Northern Australian Justice Aboriginal Agency ('NAAJA') are funded to attend and provide criminal advice to defendants. No legal service is funded to attend remote sittings to provide legal and socio-legal support to victims of family and domestic violence.

If specialist women's legal services were funded to attend, they would be in a position to explain the nature of the domestic violence order and the terms of the order to the woman impacted and ensure that the victim's wishes are communicated to the court in relation to both criminal and DVO matters. For example, a specialist women's legal service would communicate the victim's wishes in relation to the terms of the DVO and how the proposed terms might impact her and her children, whether she would encourage the court to consider mandating the respondent engage in a Men's Behaviour Change program and, in criminal matters, the impact the offending has had on the woman through a victim impact statement.

The physical presence of a specialist women's legal service would also allow the victim to receive advice and support in relation to the interconnected legal issues that often arise in cases of family and domestic violence relating to housing, child protection and family law. As noted above, without access to this integrated socio-legal response, legal problems will lead to immediate safety risks and long-term adverse impacts for victims.

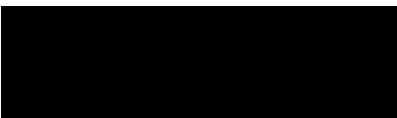
Specialist women's legal services, such as CAWLS, do seek opportunities to collaborate with other service providers in order to gain access to remote communities. For example, CAWLS has previously partnered with Ngaanyatjarra Pitjantjatjara Yankanytjara Womens Council ('NPY') to join remote community visits to provide legal and socio-legal services to victims of family and domestic violence. Unfortunately, these visits do not always coincide with remote court sessions and current funding and staffing levels mean that even collaborative visits are limited in their frequency and duration.

Women in remote Australia, predominantly Aboriginal women, do not have equal access to justice. We submit that the Committee should recommend that specialist women's legal services are funded to attend remote court sittings to provide advice and support to victims in the same way that other legal services are funded to attend and provide advice to defendants and respondents.

We further submit that the Committee should recommend additional funding be made available to allow specialist women's legal services to visit communities to provide community legal education in order to enhance access to justice and the safety of women and children.

Thank you once again for the opportunity to contribute to this inquiry.

Yours faithfully,

A solid black rectangular box used to redact the signature of Janet Taylor.

Janet Taylor  
Managing Principal Solicitor, Central Australian Women's Legal Service