

Specialised and trauma-informed legal services pilot for victims and survivors of sexual assault

15 May 2023

Acknowledgement

We acknowledge the domestic, family and sexual violence victim-survivors with whom we work and whose voices and experiences inform our advocacy in the hope for positive change.

WLSA members operate from many different locations across Australia. Across these locations, we acknowledge the Traditional Owners of Country, recognise their continuing connection to land, water and community, and pay respect to Elders past and present.

Who we are

Women's Legal Services Australia (WLSA) is a national network of 13 specialist Women's Legal Services in each State and Territory across Australia, specifically designed to improve women's lives through gender-led and trauma-informed specialist legal representation, support, and advocacy.

What we do

WLSA members provide high quality free legal services, including legal advice, casework, representation and law reform activities, to support women's safety, access to rights and entitlements, and gender equality. We seek to promote a legal system that is safe, supportive, non-discriminatory, and responsive to the needs of women. Some of our services have operated for almost 40 years.

The principal areas of law that our members assist with are family law, family violence intervention orders, child protection, migration law, victims of crime compensation, employment law and discrimination law. Some of our members also assist with criminal law and civil law. Our members also deliver training programs and educational workshops to share our expertise regarding effective legal responses to violence and relationship breakdown.

The majority of our members' clients have experienced, or are still experiencing, family and domestic violence. WLSA members have specialist expertise in safety and risk management, maintaining a holistic and trauma-informed legal practice, and providing women additional multidisciplinary supports, including social workers, financial counsellors, and cultural safety workers, for long-term safety outcomes.

WLSA members approach the legal issues facing women and their experience of the legal system within a broader analysis of systemic gender inequality. We are committed to providing individual services whilst also working towards deeper legal and cultural change to redress power imbalances and address violence and gender inequality. We contribute to policy development and law reform to ensure that the law does not unfairly impact on women experiencing violence and relationship breakdown.

Terminology

The terms "victim," "survivor," and "victim-survivor" have been used interchangeably throughout this submission to refer to women, children and others who have experienced or are experiencing domestic, family, and sexual violence and abuse in any of its forms.

Coercive control is the underlying dynamic of domestic and family violence, not a form of domestic and family violence. As such the terms "domestic and family violence" and "coercive control" are used interchangeably throughout this submission.

While acknowledging that anyone can experience domestic, family, and sexual violence, the research and

the experiences of our members indicate that domestic, family, and sexual violence is predominantly perpetrated by men against women and children. This is reflected throughout this submission and in our use of gendered language.

Contact us

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Introduction

In the 2022-23 Federal Budget, the Government provided \$8.4 million over three years (from 2023-24 to 2025-26) to pilot a legal services model (or models), in three locations across Australia, with the aim to provide victims and survivors of sexual violence with greater access to specialised and trauma-informed legal services to support their recovery and safe participation in the criminal justice system.

Women's Legal Services Australia (WLSA) welcomes this commitment from Government, as well as the Attorney-General's Department's aim to select pilot service models that are trauma-informed, victim and survivor-centric, culturally safe, and integrated with existing services.

Women's Legal Services provide specialist legal assistance services for women that are trauma-informed, client centric, culturally safe, and integrated and holistic to ensure that a range of needs can be met alongside legal need. Most of our clients have experienced gendered violence and abuse, and we have specialist expertise in responding to family and domestic violence, and sexual violence that often occurs within this context. Women's Legal Services are uniquely placed to respond to sexual assault, as gender specialists leveraging our experience and expertise in responding to domestic, family and sexual violence.

Given that Women's Legal Services have specialist expertise in providing legal assistance to victim-survivors of gendered violence and abuse, our services are well placed to assist victims to navigate the criminal justice system, to pursue their rights and entitlements, to identify and pursue alternative avenues such as civil litigation, financial compensation, or restorative justice, and to address their intersecting legal problems. Women's Legal Services in most jurisdictions are already providing services to victim-survivors of sexual assault, particularly in relation to accessing financial compensation, however there is very limited funding to provide the services that are needed to properly support victim-survivors to uphold their rights and access their entitlements.

Supporting the rights and entitlements of victim-survivors

Traditionally, victim-survivors have not been recognised as participants in the criminal justice system, and victims have merely been treated as witnesses for the prosecution. However, this is slowly changing and there is increasing recognition in many jurisdictions that victims have rights and entitlements and a personal stake in the criminal justice process, for example through the introduction of Victims' Charters and additional legislative protections for victims. For example, the Victorian Law Reform Commission (VLRC) has acknowledged that victims have an 'inherent interest' in the criminal justice process and must be recognized as key participants.

As this is increasingly recognised, there are more opportunities for victim-survivors to pursue their rights and entitlements – and they should have access to legal assistance to do this. Specialist legal assistance must be available to victim-survivors to ensure that their substantive legal entitlements, such as rights to be consulted by police or the prosecution, rights to privacy, and rights to respectful and dignified treatment are upheld. Specialist legal assistance can also support victim-survivors to know, understand and pursue their chosen avenue for recourse among the range of options available (including non-criminal justice options).

Victim-survivors often need legal assistance to engage in the criminal justice process, for example they may require assistance with drafting special witness arrangements applications, applications for ground rule hearings, victim impact statements, or applications in relation to protecting confidential records. Victim-survivors may also seek assistance with understanding their options in relation to civil litigation, financial compensation, and restorative justice. Particularly given the barriers to reporting to police, and the difficulties with successfully prosecuting sex offences, legal representatives for victim-survivors can advocate for them throughout the process and ensure that it meets their needs.

For example, the VLRC has recommended Victorian Government fund legal advice and, where necessary, representation until the point of trial and in related hearings, to ensure victim survivors can exercise their rights and protect their interests, including their rights and privileges in relation to evidence (for example, the confidential communication privilege, alternative arrangements (pre-recorded) and special protections, access to intermediaries), their rights to privacy in relation to disclosures of personal information (for example, information about their sexual history, the nature of cross-examination, or suppression orders), their options for compensation, including under the *Sentencing Act 1991* (Vic), victims of crime compensation, and civil or other compensation schemes, and the implications of taking part in restorative justice and referrals to restorative justice when applying for compensation or restitution orders.

Addressing the unmet legal need of victim-survivors of sexual assault

The evidence of unmet legal need

There have been numerous reviews and consultations on the topic of barriers to accessing justice for victim-survivors of sexual violence.

We note a few key points:

- Approximately one in four women in Australia have experienced intimate partner violence (domestic and family violence). One in five Australian women has experienced sexual violence since the age of 15. This means that there is a large number of women who have unmet legal need in relation to domestic, family and sexual violence in Australia.
- Aboriginal and Torres Strait Islander women are disproportionately harmed by intimate partner violence and sexual violence in Australia. Three in five Aboriginal and Torres Strait Islander women have experienced intimate partner violence since the age of 15. Aboriginal and Torres Strait Islander women are three times more likely to experience sexual violence than non-Aboriginal and Torres Strait Islander women in Australia. Aboriginal and Torres Strait Islander women face additional barriers which exacerbate their unmet legal needs in relation to domestic, family and sexual violence in Australia. Specialist services that are culturally safe and trauma-informed, as well as gender specific and survivor centred, are essential to addressing these barriers.
- The intersection between sexual assault and domestic and family violence is well established. Sexual assault is frequently an element of a broader pattern of coercive control, relationship dependence, power imbalance, and violence. Domestic and family violence can create a climate of entrenched fear which makes it difficult to facilitate or negotiate consensual sexual activity. The majority of victim-survivors do not engage with the justice system due to a number of barriers, including a well-founded fear that the justice system will not provide a safe or effective response. Sexual violence perpetrated in the context of domestic and family violence is also often perceived as less believable.
- The majority of sexual violence offences go unreported. Sexual violence is particularly underreported in First Nations communities despite its prevalence. Women's Legal Service clients in the Northern Territory have reported experiences of being 'cut off' when reporting, often being turned away, a lack of interpreters and very few available female officers.
- There are numerous barriers to reporting sexual violence, including fear, self-blame, guilt, low self-esteem, shame, lack of appropriate supports, and potential adverse consequences.
- Victim-survivors will often prioritise their immediate safety needs over reporting or otherwise responding to the sexual abuse, or they may not report due to fear of adverse consequences from disclosing sexual abuse, including fear of the impact on children, parenting arrangements or child protection intervention.
- Women's Legal Services regularly see clients who have experienced sexual violence but do not

identify it is such, particularly where sexual abuse has been 'normalised' as an ongoing pattern of coercive and controlling behaviour over time, or due to traditional or cultural misunderstandings about sexual obligations within relationships.

- The number of people who withdraw from police engagement in relation to domestic, family, and sexual violence is high. Victim-survivors of sexual assault describe the criminal justice process as confusing, frightening, and traumatic, and often report that the trial process is more traumatic than the initial assault due partly to the difficulty of recounting their story and the tactics commonly employed by defence lawyers.
- Prosecution and conviction rates for sexual offences are low across Australia.

Unmet legal and non-legal support needs

Women experiencing gender-based violence, including life-threatening family violence and sexual assault, face myriad challenges when confronted by the justice system. They may be dealing with the trauma of assault, the stress and confusion of multiple related legal proceedings, the financial and emotional cost of separation, the complexities of a loved one facing imprisonment, and the frustration of an un-coordinated and bureaucratic reporting and justice system. It is important for victim-survivors of sexual assault to have access to legal assistance, as well as non-legal supports to overcome the many barriers to accessing justice.

A trauma-informed approach to legal service delivery must include access to integrated, wraparound support. It is vital for victim-survivors to have access to social work support or cultural support, alongside legal assistance, to ensure that victim-survivors can have a range of their needs met while they are accessing legal services. Both legal and non-legal services being delivered hand-in-hand has been demonstrated by Community Legal Centres across Australia, including Women's Legal Services, to lead to more positive outcomes for people experiencing trauma.

Women's Legal Services have a strong view that access to in-house social work support, including specialist sexual assault practitioners, is vital to enable women to continue to engage in legal assistance, and to pursue their rights and entitlements and achieve positive justice outcomes. In addition to in-house support services, it is also important for legal assistance services to have strong partnership arrangements with sexual assault specialist services, including through outreach services and co-location services, to meet the needs of victim-survivors. Women's Legal Services across Australia have strong partnerships with sexual assault services, family violence services, housing services, health services and other community organisations.

These relationships and collaborative working arrangements are developed and maintained through integrated justice partnerships, outreach services, community legal education programs, and strong warm referral pathways.

Unmet intersecting legal problems

There are four critical entry points in the legal system for women who are experiencing gender-based violence:

- Civil jurisdiction (family violence intervention orders or protection orders)
- Family law system
- Criminal justice system
- Child protection system

A woman affected by high-risk domestic and family violence and sexual assault may be engaged with one, two, three or all four areas of law. While there are services in place to support women in each of these engagements separately, there are limited services available to assist women to navigate them all collectively or to provide strategic and victim-survivor-centred coordination of these processes. This

increases stress and the risk to women's safety.

Women's Legal Services currently provide cross-jurisdictional legal assistance for women who have experienced gendered violence – including assistance with family violence intervention or protection orders, family law, child protection, and some engagement with the criminal justice system. This means that our services are already interacting with victim-survivors at critical entry points, and our services are already a core component of the sexual violence response. Legal practitioners who are able to safely discuss sexual violence, and support access to justice system recourse and assistance, is an intervention in itself.

The key issue is that while Women's Legal Services are best-placed to provide cross-jurisdictional, integrated and trauma-informed assistance, we do not currently have the funding to be able to provide a full service for victim-survivors of sexual violence that meets all of their needs.

Assistance sought by victim-survivors of sexual assault

Women's Legal Services are regularly contacted by women seeking advice on the following in relation to their rights and entitlements:

- to decide whether they should report incidents of domestic or family violence or sexual assault,
- whether they must give evidence at the criminal hearing,
- how to get police to take their complaint seriously,
- how to get information from prosecutors about their case,
- how their views can be heard in the criminal proceedings,
- to find out whether someone is getting bail,
- advice about how criminal proceedings affect family violence and family law proceedings,
- whether they are allowed their own lawyer, and
- distressed they are being sidelined by the criminal justice process.

Unfortunately, due to lack of funding Women's Legal Services are often unable to provide this assistance.

The unique service delivery model of Women's Legal Services

Specialist, integrated wrap-around and client-centred services

Women's Legal Services are in a unique position to provide integrated, wrap-around services to women who have experienced sexual violence, including access to legal assistance, financial counselling and social work support such as specialist sexual violence practitioners. These supports assist women to protect themselves and their children from violence and abuse, promote safety, and enable financial and emotional recovery. These supports also empower women by enabling women to make informed decisions and exercise their legal and financial rights, which in some cases can save lives.

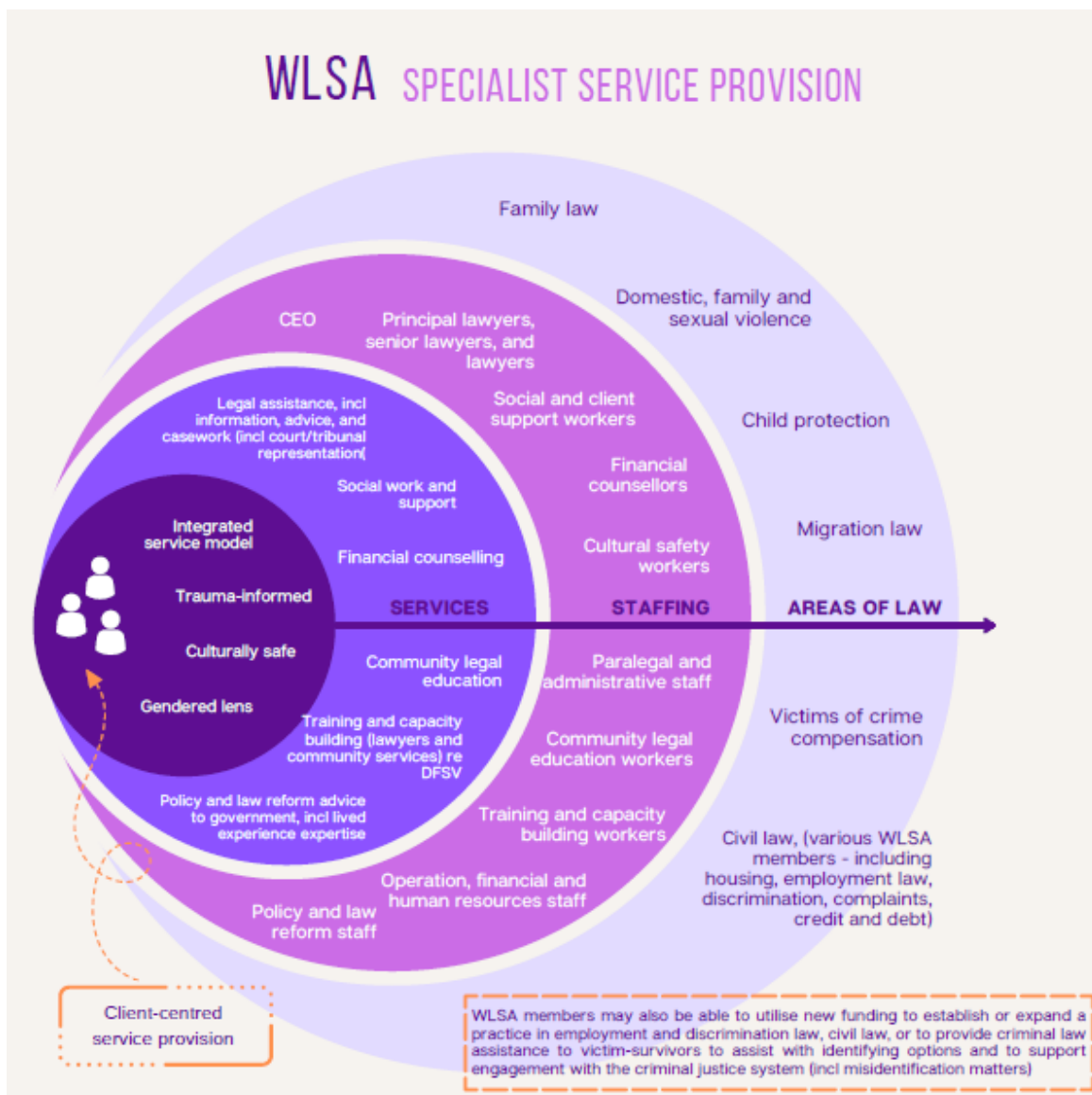
Women's Legal Services have a unique approach to service delivery which requires a tailored and flexible funding approach. Our integrated and holistic approach to service delivery means we provide wraparound support to women that addresses a range of legal and other support needs. We require funding that is flexible and enables us to provide access to in-house specialist sexual violence practitioners, social workers, financial counsellors, cultural safety staff and other community services through in-house staff and partnerships with other organisations, including Health Justice Partnerships.

Women’s Legal Services recognise the importance of having strong relationships and deep community connections with external organisations that are most likely to receive disclosures of sexual assault, and that can work in partnership with legal assistance services to provide wraparound supports. That is why Women’s Legal Services across Australia have strong partnerships with sexual assault services, family violence services, housing services, health services and other community organisations. For example, through our Health Justice Partnerships and partnerships with specialist sexual assault services, our legal practitioners can travel to, or be co-located in, hospitals and other locations within the community to provide onsite assistance.

An integrated model for legal and non-legal service delivery to victim-survivors of sexual violence would involve either:

- A Women’s Legal Service being funded to hire in-house specialist sexual violence practitioners to work alongside legal practitioners and other in-house support staff such as financial counsellors or cultural safety workers (our preference) in accordance, or
- A strong integrated partnership between a Women’s Legal Service and a specialist sexual assault service, health service, housing service, or other community organisation likely to receive disclosures of sexual assault.

An overview of the Women’s Legal Service approach to cross-jurisdictional and integrated service delivery is provided in the graphic below.



Trauma-informed services

Women's Legal Services provide services that are trauma-informed and meet best practice in responding to family violence. A model for delivering trauma-informed and best practice services to victim-survivors of sexual violence, should include:

- Training for all staff on trauma and the impact of trauma on clients,
- Clients have access to specialist services with expertise in working with trauma,
- Services are able to demonstrate how trauma is considered throughout service design and delivery,
- Feedback from clients indicates that the service provided is trauma-informed, and
- Staff feedback also indicates that the service is trauma-informed and meets their needs in working with trauma, including access to counselling and appropriate supervision and support.

Culturally safe

Women's Legal Services provide services that are culturally safe through access to cultural safety workers for clients, employing First Nations staff, and through partnerships with Aboriginal Community Controlled Organisations, including Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention Legal Services. Culturally safe services require an acknowledgement of the history and treatment of Aboriginal and Torres Strait Islander peoples in Australia, respect for their culture and beliefs, and freedom from discrimination. Aboriginal and Torres Strait Islander women must be genuinely listened to and feel heard. There are two Women's Legal Services that are Aboriginal Community Controlled Organisations – Wirringa Baiya Aboriginal Women's Legal Centre and First Nations Women's Legal Service Queensland.

Legal problems that Women's Legal Services can assist with

Services currently provided by Women's Legal Services to victim-survivors of sexual assault

Women's Legal Services across Australia already provide legal assistance services to victim-survivors of sexual assault to varying degrees and in varying ways.

Financial compensation

All Women's Legal Services assist clients with applications for financial compensation, or 'victims of crime compensation' or 'criminal injuries compensation', whether in-house or through partnership arrangements with law firms that provide pro bono assistance.

In Victoria, Women's Legal Service Victoria is a provider of the Victims Legal Service, in partnership with other Community Legal Centres and Victoria Legal Aid, and assists victims of crime with casework and representation in relation to applications for financial assistance and restitution and compensation orders.

Protecting confidential communications privilege and counselling notes

There are two Women's Legal Services that currently provide assistance to victim-survivors of sexual assault who are seeking to protect their confidential and sensitive documents from being accessed by the defendant – Women's Legal Service Queensland (WLSQ) and Women's Legal Service New South Wales.

In Queensland, WLSQ provides the Counselling Notes Protect (CNP) service in partnership with Legal Aid Queensland. The CNP service provides advice, minor assistance and court representation to victim-survivors whose counselling records are being sought by a party in a legal proceeding. This service enables victim-survivors to have standing in at least some part of the criminal proceeding. WLSQ have received

feedback from women that this service has changed their lives, enabled them to feel heard, assisted in their understanding of the criminal justice system, and has helped their ongoing healing.

Navigating the criminal justice system

There are a few Women's Legal Services that already provide assistance to victim-survivors of sexual assault to assist with navigating the criminal justice system, including Women's Legal Services in the Northern Territory, Women's Legal Service South Australia, and Wirringa Baiya Aboriginal Women's Legal Centre.

In New South Wales, Wirringa Baiya Aboriginal Women's Legal Centre provides the following services:

- Advice about police investigation of the sexual assault and court process,
- Supporting victims-survivors in meetings with the police and state prosecutions,
- Support with making statements to police,
- Assistance with the drafting of Sexual Assault Reporting Option Protocol questionnaire (NSW alternative to reporting sexual assault that is not a formal statement),
- Court support during court/trial process, and
- Complaints about inadequate police investigations of sexual assault.

This occurs alongside assistance that sits outside the criminal justice process, including:

- Advice about associated legal issues, especially where there are children involved, such as family law or child protection law,
- Assistance with Victims Support applications (criminal injuries compensation),
- Assistance with Escaping Violence Payment applications,
- Identifying counselling services and making warm referrals to counselling,
- Assistance with identifying and making warm referrals to other support services such as refuges, furniture assistance (if a victim-survivor needs to move house),
- Brokerage for urgent needs that cannot be provided by other services (budget permitting) such as: security measures, vouchers for essential items,
- Redress applications for child sexual assault in institutional settings,
- Preparing briefs and seeking advice from expert civil lawyers about common law/personal injury actions,
- Applications for information under the *Government Information (Public Access) Act 2009* (NSW) (freedom of information applications), including information held by the police or prosecutions, and
- Assistance with applications for victims to be registered with the Victims Register.

Attachment A includes case studies demonstrating how this service operates.

Responding to family and domestic violence

Women's Legal Services provide specialist, gender-led legal assistance for women experiencing family and domestic violence, including advice, minor assistance, casework, and representation in court. All Women's Legal Services have expertise in domestic and family violence intervention or protection orders, and family law, and many also have expertise in child protection and employment and discrimination law. We know that women experiencing family and domestic violence often experience a range of intersecting legal problems, often in relation to relationship breakdown and separation, and in relation to care of children. That is why our cross-jurisdictional model focuses on addressing the range of legal problems that women are likely to experience to ensure that they can be responded to holistically.

Women's Legal Services are acutely aware that the most common perpetrator of sexual violence against women is an intimate partner. Given that the majority of sexual violence occurs in the context of domestic and family violence, most women will require assistance with intersecting legal issues that Women's Legal Services already assist with. Victim-survivors of sexual violence are highly likely to require assistance with

family and domestic violence intervention or protection orders, parenting arrangements, or child protection intervention, in addition to assistance with navigating the criminal justice system or assistance with determining and deciding on other avenues for recourse.

Clients will often tell Women's Legal Services about their experiences of sexual violence in the first instance, often without knowing that what they experienced is sexual abuse. This might be because sexual abuse has been 'normalised' as an ongoing pattern of coercive and controlling behaviour over time, or due to traditional or cultural misunderstandings about sexual obligations within relationships. In these instances, Women's Legal Services are already providing legal assistance to the victim-survivor to respond to domestic or family violence and would be well-placed to assist with responding to the sexual violence as well.

Assistance that could be provided to victim-survivors of sexual assault with additional funding

If Women's Legal Services had additional funding, the following services could be provided to victim-survivors of sexual assault to address their unmet legal needs. Our pilot proposal would be to provide this assistance through our existing cross-jurisdictional and integrated service delivery model, in addition to the services that we currently provide, to enable victim-survivors of sexual assault to receive a holistic service.

In relation to 'criminal justice system navigation', this includes:

- Assistance with deciding whether to report to police and understanding options
- Advocacy to support engagement with police
- Advocacy to support engagement with prosecutors
- Assistance navigating the criminal justice system
- Advocacy to support compliance with Victims Charters and Human Rights legislation
- Assistance with special/vulnerable witness arrangements
- Assistance for victim-survivors as witnesses
- Protecting confidential counselling records
- Assistance with preparing Victim Impact Statements
- Representation in parole hearings
- Assisting with tracking progress of legal matters

In relation to ancillary legal assistance, this includes:

- Assistance with applying for financial compensation
- Supporting victim-survivors to navigate intersecting legal problems
- Supporting engagement with restorative justice
- Assistance with civil litigation, including common law and personal injury actions
- Assistance with Freedom of Information applications to access personal information
- Applications to be included on the Victims Register
- Redress applications for child sexual abuse in institutional settings
- Accessing financial counselling, including Escaping Violence Payments
- Accessing social work support, including brokerage, safety plans, and warm referrals to counselling and victims assistance programs
- Accessing support services, including partnerships (co-location and outreach)
- Law reform and advocacy
- Capacity building the response to sexual violence
- Community legal education

Assistance with deciding whether to report to police and understanding options

There are complex and significant consequences that follow on from reporting to police, and it is important for victim-survivors to understand the implications of reporting, deciding not to report, alternative avenues for pursuing recourse through the justice system, and the impacts of reporting or not reporting on concurrent or intersecting legal matters, such as family law proceedings.

There are a range of alternative avenues for pursuing recourse that victim-survivors should be made aware of about information about these is not readily accessible. This includes 'Alternative Reporting Option' processes in each State and Territory, restorative justice approaches, seeking financial assistance, or civil litigation.

Advocacy to support engagement with police

If we want to increase the number of victim-survivors that report sexual violence to police and reduce the numbers of complaints that are being withdrawn, we need to ensure that victim-survivors are supported to engage with both police and prosecutors.

We regularly hear from clients that they are fearful or have concerns about reporting to police due to:

- Not being taken seriously,
- Not being able to achieve positive outcomes through the criminal justice process, and
- Possible repercussions from the perpetrator.

Legal assistance services can support victim-survivors throughout their engagement with police, including explaining the process, assistance during police interviews, support with preparation of statements, advocacy on behalf of victim-survivors for any additional support needs to be met, and follow up with police after engagement to improve accountability and making enquiries about whether police are following appropriate processes for investigation.

Advocacy to support engagement with prosecutors

We also regularly hear from clients that they are not treated by the prosecution as a participant in the criminal justice process, or they did not understand that they would not be a party to the proceedings, and have concerns about the decisions that are made by the prosecution which are often not in their best interests.

There are numerous examples of prosecution decisions being made that are more likely to lead to a conviction, but will cause trauma to the victim, for example subjecting the victim to improper questioning during cross-examination by the defence or seeking access to a victim's confidential counselling records which can then be available to the defence.

Women's Legal Services can advocate on behalf of victim-survivors to support their engagement with prosecutors and monitor compliance with obligations in relation to victim-survivors' rights and entitlements.

Assistance navigating the criminal justice system

As Federal, State and Territory governments increasingly recognise barriers to justice for victim-survivors of sexual violence it is encouraging to see legislative reform to improve victim-survivors' ability to engage in the criminal justice system, and to be recognised by the prosecution and the courts as participants in the criminal justice process.

For example, Victims Charters are being amended to include additional rights, Victims of Crime Commissioners are being given additional powers and responsibilities, and in some jurisdictions there are now obligations on prosecutors to provide information to victims, consult them on decisions, and to provide reasons for prosecution decisions.

Women's Legal Services can assist victim-survivors to understand their rights and entitlements, and can advocate directly to prosecutors so that victims' needs are met and they are recognised as participants in the criminal justice process.

Women's Legal Services can help to protect the rights of victims as participants in the criminal justice process, including advocacy on behalf of the victim-survivor to police, prosecutors and the courts in relation to due process and whether victim-survivor needs are met in pre-trial procedures. For example, victim-survivors regularly report that they were not informed of their rights to be informed about decisions being made, or to be informed of the measures that could be implemented to support their engagement with the process such as vulnerable witness protections.

Women's Legal Services can advocate for victim-survivors' rights to be upheld, and their needs met to the extent that they are entitled to under relevant criminal procedure and evidence legislation and Victims Charters.

Advocacy to support compliance with Victims Charters and Human Rights legislation

Victim-survivors have a number of rights and entitlements under Victims Charters and Human Rights legislation in various State and Territory jurisdictions, and can make complaints where they are not followed. For example, in Victoria the *Victims' Charter Act 2006* (Vic) provides that agencies have obligations that should be met when interacting with persons adversely affected by crime, such as treating victims with courtesy, dignity and respect, and providing clear, timely and consistent information or referrals.

Women's Legal Services can support victim-survivors to understand their rights, to advocate on their behalf, and to support accessing complaint mechanisms for breaches. We regularly see victim-survivors who require support in relation to breaches of their right to privacy, entitlements to be consulted about decision-making in the criminal justice process, and rights to respectful and dignified treatment.

Assistance with special/vulnerable witness arrangements

Women's Legal Services can assist with drafting applications for witness arrangements, can ensure that victim-survivors are informed about the availability of special arrangements where the prosecution fails to do so, and can advocate on behalf of the victim-survivor to the prosecution, defence, the court and intermediaries for appropriate arrangements to be established through pre-trial procedures, including directions hearings or 'ground rule hearings'.

In some State and Territory jurisdictions, intermediaries can provide this assistance, however they are intended to be impartial, independent officers of the court. Women's Legal Services can work together with the intermediary to ensure that appropriate arrangements are put in place that best meet the needs of the victim-survivor.

Protecting confidential counselling records

Women's Legal Services can provide advice, minor assistance and court representation to victim-survivors whose counselling records are being sought by a party in a legal proceeding.

Assistance for victim-survivors as witnesses

While protections differ across jurisdictions, there are various protections for victim-survivors as witnesses being questioned about their sexual history and improper questioning during cross-examination. Women's Legal Services can advocate to prosecutors and the court for compliance with these protections.

Assistance with preparing Victim Impact Statements

Women's Legal Services can provide assistance to victim-survivors with drafting their Victim Impact Statements.

Assistance with complaints against police

Women's Legal Services can support victim-survivors to make complaints against police for failing to comply with their obligations under Victims Charters, or for engaging in misconduct or corruption.

Representation for victim-survivors in parole hearings

Women's Legal Services can represent victim-survivors in parole hearings.

Assistance with tracking progress of legal matters

Women's Legal Services can assist with tracking their client's case, particularly where there are proceedings in other jurisdictions, to ensure victim-survivors are informed and supported.

Supporting victim-survivors to navigate intersecting legal problems

Victim-survivors of sexual violence often have intersecting legal problems that occur concurrently with their criminal law matter.

This includes:

- Family law
- Child protection
- Family and domestic violence intervention orders / protection orders
- Victims of crime financial compensation
- Employment and discrimination law
- Defamation law
- Civil law
- Child sexual abuse compensation

As noted above, Women's Legal Services provide a cross-jurisdictional and integrated model of service delivery which aims to address a range of legal and non-legal problems in a holistic way. Most clients of Women's Legal Services are victim-survivors of domestic or family violence and require assistance with family violence intervention or protection orders to ensure that safety measures are put in place and for perpetrator accountability, and also require assistance with intersecting legal issues, such as family law issues due to relationship breakdown and separation, and child protection issues where the child is at risk due to the family or domestic violence.

Women's Legal Services can assist with the range of intersecting legal problems that victim-survivors of sexual violence are likely to experience, particularly where it has occurred in the context of family or domestic violence, or where it has occurred in a workplace (employment or discrimination law). In addition, most victim-survivors of sexual violence will have multiple avenues for recourse, including civil law avenues, financial assistance or compensation, which Women's Legal Services can also assist with.

The case studies at Attachment A also provide an example of how a cross-jurisdictional approach is adopted by a Women's Legal Service to address a range of legal issues.

Assistance with applying for financial compensation

Women's Legal Services can provide assistance to victim-survivors to seek financial assistance from victims of crime financial assistance schemes and provide casework and representation assistance.

Supporting engagement with restorative justice

Women's Legal Services can support victim-survivors to understand their options for taking part in restorative justice, and the likely implications of this in relation to seeking compensation, or other legal rights and entitlements.

Law reform and advocacy

Through first-hand experience in supporting victim-survivors to access justice, Women's Legal Services can advocate for law reform that will better support the needs of victim-survivors and ensure the views and

experiences of their clients are brought to the attention of government.

Capacity building the response to sexual violence

Through developing our expertise in legal assistance responses to sexual violence, Women's Legal Services can share this knowledge and contribute to capacity building the broader legal assistance sector (including other Community Legal Centres), health practitioners, family violence services, and community services, to respond to sexual violence. This can include ongoing training, education and support, particularly for partner organisations that form part of a pilot model.

Community legal education

Women's Legal Services can provide community legal education to women to increase understanding of the rights and entitlements of victim-survivors.

Attachment A: Case Studies from Wirringa Baiya Aboriginal Women's Legal Centre in NSW

Case study - Penny

Penny is a young Aboriginal woman who was sexually abused in her regional hometown. The abuse of Penny started when she was 13 and ended when she was 19 years old. Penny had reported the abuse to police. The offender was charged and there are strict bail conditions and a domestic violence order protecting Penny.

Penny has asked for support regarding the criminal proceedings. We liaised with the local police about the perpetrator's charges and bail conditions. We referred Penny to the local court support service for court support in relation to the order.

Given the seriousness of the charges Penny's matter is now being prosecuted by the state Director of Public Prosecutions (DPP). We supported Penny by liaising and attending meetings between her and her DPP solicitor.

Penny also wanted to know her civil law options for the abuse. We sought specialist advice on Penny's options and applied for her government records relevant to her matter.

We helped Penny apply for state based statutory support for financial assistance and counselling. We also helped her apply for the Escaping Violence Payment to move interstate.

We helped Penny apply for an exemption from her Centrelink mutual obligations and referred her for advice on related employment issues. Penny has now moved interstate and we continue to assist her with ongoing legal matters.

Case Study - Vanessa

Vanessa is an Aboriginal woman who was sexually assaulted when a young woman. Many years later Vanessa decided she wanted to report the assaults.

Initially Vanessa wanted to make an informal report with a Sexual Assault Reporting Option Questionnaire (SARO) and we assisted her in completing the SARO and lodging it with police. Vanessa then decided she wanted to make a formal statement to police as she felt she was emotionally ready and prepared for a formal investigation. We supported in her meetings with a detective to make this statement.

Vanessa was very anxious about her safety during the investigation, fearful the alleged offender would seek her out once interviewed by the police, so we provided help with brokerage to obtain security cameras and linked her to other support services as well. Unfortunately, after a long investigation it was decided there was not sufficient evidence to lay charges. Vanessa wanted to understand what evidence was obtained by police and we then assisted her to apply for records under state freedom of information law.

We also organised a warm referral for specialist legal advice for any civil law options she may have in relation to the alleged offender.

Case Study - Natasha

Natasha is an Aboriginal woman who was sexually assaulted as a child by a number of family members in

kinship placements after she was removed from the care of her mother.

Initially the Centre had assisted Natasha with a number of applications for assistance through the statutory criminal injuries support scheme for domestic violence she experienced. We also assisted her with two separate child protection issues concerning two of her children. Natasha had a history of drug use which led to her offending behaviour and time in custody. She later identified that her drug use was linked to her history of trauma.

After a number of years of working with Natasha she disclosed to us the child sexual assaults she had suffered. We assisted her to obtain her own child protection file. We then sought specialist advice from two different law firms about any civil law options she had, providing detailed briefs and a summary of Vanessa's large child protection file.

We then assisted her with an application for redress under the Commonwealth redress scheme and she was successful.