

7 November 2023

Community Sector Public Consultation
Community Cohesion Branch
Department of Social Services
GPO Box 9820
Canberra, ACT 2601

By email: CSAGSecretariat@dss.gov.au

Dear Secretariat

Feedback on the Issues Paper: A stronger, more diverse and independent community sector

1. Women's Legal Services Australia ('WLSA') thanks the Department of Social Services ('DSS') for the opportunity to provide feedback on the Issues Paper, A stronger, more diverse and independent community sector. We give permission for this submission to be made public.

About Women's Legal Services Australia

2. WLSA is the national peak body for 13 specialist Women's Legal Services in each state and territory across Australia, including two First Nations Women's Legal Services. We aim to end gender-based violence and abuse, and achieve justice, safety, and equality for women.
3. WLSA provides a national voice for Women's Legal Services to advocate for policy and law reform and systemic change and builds the capacity of Women's Legal Services to provide gender-based, integrated legal services for women. We seek to promote a legal system that is safe, supportive, non-discriminatory, and responsive to the needs of women.
4. WLSA's advocacy work aims to ensure that reforms to laws and policies do not entrench gender inequality or gender-based discrimination, or unfairly impact on women experiencing violence and relationship breakdown. Our feedback to this consultation is informed by a feminist framework that recognises the rights of women as central.

About Women's Legal Services

5. Women's Legal Services provide high quality free legal services for women, including legal advice and representation, support services and financial counselling, community legal education, training for professionals, and engage in advocacy for policy and law reform. Some Women's Legal Services have operated for more than 40 years.
6. Women's Legal Services 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, trauma counsellors, and cultural safety workers, to promote long-term safety outcomes.
7. Women's Legal Services are well recognised as trusted organisations with expertise in the legal and systemic barriers to justice, safety and equality experienced by women, particularly victim-survivors of domestic, family and sexual violence. Our services are also deeply embedded in their local communities.

Temporary Visa Holders Experiencing Violence Pilot

8. In 2021, 7 Women's Legal Services were identified as best-placed service providers for the Temporary Visa Holders Experiencing Violence Pilot funded by DSS ('the Pilot'). This Pilot provides wraparound and specialist legal and support services, including migration advice and representation, to women on temporary visas or no visa experiencing domestic and family violence.
9. Women's Legal Services funded to provide the Pilot include:
 - Women's Legal Centre ACT
 - North Queensland Women's Legal Service
 - Top End Women's Legal Service
 - Women's Legal Service South Australia
 - Women's Legal Service Queensland (in partnership with Refugee and Immigration Legal Service)
 - Women's Legal Service Tasmania
 - Women's Legal Service Victoria
10. Women's Legal Services are funded through the Pilot to provide specialist and concurrent legal advice and support on migration matters and interrelated issues such as family violence, family law and child protection to support women on temporary visas experiencing violence. The services provided include discrete assistance such as information and legal advice, ongoing legal support, representation at the Administrative Appeals Tribunal or in the Federal Circuit and Family Court of Australia, and referrals to other appropriate support services to help address clients' complex needs.
11. In the 2021-22 financial year, Women's Legal Services collectively assisted over 700 women nationally through the Pilot. Increased awareness of our migration service in the community and across the family violence and legal sectors has resulted in a steady increase in referrals services since the Pilot began.
12. The Pilot has had significant positive outcomes for women experiencing domestic and family violence, including many visas being granted (protection, partner or dependent child visas) to ensure women to remain in Australia and free from violence and improved outcomes in family violence, family law and child protection legal issues, as well as other civil law issues (such as housing).
13. Women's Legal Services have demonstrated that their model is an effective approach to providing wraparound and specialist legal and support services to women on temporary visas experiencing domestic and family violence. This model could be adopted by all 13 Women's Legal Services across Australia to ensure women in all jurisdictions can access gender-led, specialist legal assistance and support services.
14. Please see the Appendix for a map of the geographical reach of Women's Legal Services, including office locations and outreach locations, and the location of our clients across Australia in the 2022-23 financial year.
15. Investing in a consistent Women's Legal Services model across Australia would also enhance the ability of WLSA to provide a strong voice and a national picture of the issues impacting clients, barriers to accessing justice, and the reforms needed at a national level to improve outcomes for women experiencing violence.

Recommendation 1:

Adopt a consistent service model across Australia by expanding the Temporary Visa Holders Experiencing Violence Pilot model to all 13 Women's Legal Services across Australia.

Lack of adequate funding and certainty and impacts on services

16. We are pleased additional funding for the Pilot was announced in the 2023 Budget, however this is the third funding cycle for the Pilot, and we are concerned that this is only another very short-term funding extension. We note that by January 2025, the date to which the Pilot is currently anticipated to run until, the Pilot will have been operating in a pilot phase for 4 years.
17. The lack of certainty has significant negative consequences for our services and clients. Without a commitment to extend and index the program beyond the Pilot stage, we are unable to assist as many clients (for example, because their matters may take longer than the funded period) and will be unable to retain staff and will lose expertise.
18. The quantum of funding is also inadequate to provide a sustainable migration law practice. For example, the annual amount of funding provided to some Women's Legal Services has not been enough to hire a second full-time legal practitioner, which creates significant risk for service continuity and sustainability (for example, if the staff member goes on leave). For these services, including Women's Legal Centre ACT and the Top End Women's Legal Service, overflow monies have been used to fill the gap and enable the recruitment of a further legal practitioner.
19. Additionally, the quantum of funding has failed to recognise the complexity and depth of matters arising from the Pilot, as well as the steady increase in demand over time. With each Women's Legal Service currently leveraging off previously domestic and family violence expertise and reputation within our local communities, referrals into each of the Pilot sites only grows, with this quickly exceeding each respective service's capacity under current funding levels.

Recommendation 2:

Prioritise early decision-making about future investment and expansion of pilot programs with longer grant agreement terms to provide organisations with certainty about future funding arrangements.

Recognising the real cost of delivering integrated, wraparound support services

20. Women's Legal Services operate an integrated, wraparound practice model that is trauma-informed and tailored to the specific needs of women and have in-house social workers and financial counsellors. This integrated approach to providing legal and non-legal support to our clients increases the safety of women and children and creates more positive outcomes.
21. Because of this practice model, clients of the Pilot are also provided with access to holistic, wrap-around support – however, this is not funded directly by DSS. The Pilot funding is heavily subsidised by the core funding of Women's Legal Services which is funded by AGD and State and Territory Governments through the National Legal Assistance Partnership. This core funding is also inadequately indexed and under increasing pressure due to wage and price increases.
22. Clients of the Pilot are highly reliant on support from our team of social workers as they do not have access to case management services through the Red Cross or access to government support. Our

clients also often rely on our social workers to prepare and submit applications for assistance from Red Cross. Without this support to clients, we will be unable to address the complex intersections between a client's migration and other legal matter and there is a risk of poor legal and non-legal outcomes for clients, including increased risk to safety.

23. Clients of the Pilot would also benefit from additional cultural safety and support, however Women's Legal Services are not funded to employ cultural safety workers. With additional funding, Women's Legal Services could ensure all staff are well trained in cultural safety and employ dedicated cultural safety workers to support clients.

Recommendation 3:

Provide dedicated funding for both legal staff and social workers, financial counsellors, and cultural safety workers to recognise the real cost of integrated, wraparound support for women, particularly victim-survivors of domestic and family violence.

Recognising the value of cross-jurisdictional work and addressing multiple legal needs to enhance women's safety

24. Women's Legal Services take a cross-jurisdictional approach to providing services to women that address a range of legal needs concurrently.
25. Women's Legal Services primarily assist women with legal matters in the areas of family violence, family law, child protection, and victims of crime compensation, and some services also assist with migration law, sexual assault communications privilege, criminal law, employment and discrimination law, and general civil law. Most of our clients are victim-survivors of family, domestic and sexual violence who are likely to require assistance across multiple areas of law, alongside wraparound, holistic support, to achieve safety for themselves and their children.
26. Our expertise in a range of areas of law that impact on women and children experiencing domestic and family violence, means that we can increase safety by concurrently addressing multiple legal needs. Women on temporary visas who are experiencing violence are also likely to require assistance with family law, family violence intervention orders, or child protection matters. We have been able to provide all of this assistance for clients engaged with the Pilot in-house.
27. This means that women can have many of their legal issues resolved at the same time, which prevents legal problems and related issues from escalating (such as the risk of homelessness, poverty, separation from family, or forced migration) and reduces the need to tell their story multiple times and to multiple different legal practitioners or other services, which reduces the risk of increased trauma and mental health impacts.

Recommendation 4:

Ensure women have access to legal assistance with the range of legal issues most likely to impact women experiencing domestic and family violence, including the practice areas of family law, child protection, family violence intervention orders, and victims of crime compensation.

Missed opportunities for systemic change and reduced costs to government

28. Women on temporary visas often experience unique forms of domestic and family violence because their visa status is tied to the perpetrator of violence. Women's Legal Services assist women every day who have been subjected to domestic and family violence by perpetrators who use their visa status and the migration system to coerce, manipulate and control. Many perpetrators of domestic and family violence against women on temporary visas are Australian citizens.
29. WLSA and Women's Legal Services have consistently advocated for reforms to Australia's migration system to better support women on temporary visas who experience violence, and to ensure that they have options available to escape violence, recover, and to contribute to the Australian workforce.
30. The current migration framework operates as a significant barrier to assisting women on temporary visas who are experiencing family violence with their visa issues:
 - a. There are limited viable visa options for women experiencing family violence to remain in Australia, temporarily and permanently while they recover from family violence and rebuild their lives.
 - b. Visa conditions limit access to essential services needed for safety and recovery including Centrelink, Medicare, childcare support, work rights and housing.
 - c. There are significant costs associated with Australian visa processes including application fees, health and security checks, translation costs and appeal fees that temporary visa holders experiencing domestic and family violence are unable to afford and are relying on brokerage payments to cover these costs.
 - d. There are barriers to accessing to Status Resolution Support Services (SSRS) payments.
31. It would be cost effective for DSS to prioritise systemic change as well as service delivery, and to work with the Department of Home Affairs to change the migration system to make it better for women on temporary visa experiencing violence. A more flexible visa framework would lead to much better outcomes for our clients.

Recommendation 5:

Prioritise systemic change as well as service delivery to create better outcomes for women on temporary visas experiencing domestic and family violence.

If you require any further information, I can be contacted at lara@wlsa.org.au.

Yours faithfully,

Lara Freidin
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Women's Legal Services Australia



Women's Legal Service offices, outreach locations, and client locations

