

**A sustainable, modern, safe and  
client-centered approach to addressing the  
legal needs of women.**

Independent Review of the National Legal Assistance Partnership

**27 October 2023**

## Acknowledgement

We acknowledge the Traditional Owners of Country, recognise their continuing connection to land, water, and community, and pay respect to Elders past and present.

We acknowledge the victim-survivors of domestic, family, and sexual violence with whom we work and whose voices inform our advocacy to increase access to justice, equality, and safety for women.

## About Women's Legal Services Australia (WLSA)

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 by:

- Providing a national voice for Women's Legal Services to advocate for reform;
- Leading excellence and innovation in the design and delivery of gender-specialist, integrated legal services for women; and
- Creating collaborative, shared spaces for Women's Legal Services to learn from each other and grow.

We work with Women's Legal Services to ensure that:

- Women's Legal Services are recognised as experts in women's legal issues and have an influential, collective national voice on policy and law reform;
- Women's Legal Services have enhanced capacity and provide a best practice model for delivering gender-specialist, integrated legal services for women that are tailored to the specific needs of women, and enable women to know, exercise, and grow their legal rights; and
- Women's Legal Services Australia is a strong and sustainable peak body for Women's Legal Services.

## About Women's Legal Services

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.

Women's Legal Services include:

- Women's Legal Service Victoria
- Women's Legal Service Tasmania
- Women's Legal Service NSW
- Women's Legal Service WA
- Women's Legal Service SA
- Women's Legal Service Queensland
- North Queensland Women's Legal Service
- First Nations Women's Legal Service Queensland
- Women's Legal Centre ACT
- Wirringa Baiya Aboriginal Women's Legal Centre (NSW)
- Top End Women's Legal Service
- Central Australian Women's Legal Service
- Katherine Women's Information and Legal Service

Women's Legal Services have specialist expertise in assisting victim-survivors of gender-based violence and abuse. We provide holistic and trauma-informed assistance, including access to social workers, financial counsellors, and trauma counsellors to enhance women's safety.

## Contact us

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## Executive Summary

For more than 40 years, it has been recognised that women will often experience unique legal issues throughout their lifetime due to gender inequality, gender-based violence, and systemic gendered discrimination. To address this, Women's Legal Services have been developed specifically to meet women's legal needs and provide women with access to legal assistance services that are delivered in a safe, trauma-informed, and supported way. Women's Legal Services are a distinct sector within the legal assistance system, with aligned strategic priorities, service delivery models, and specialist communities of practice.

A strong, sustainable Women's Legal sector can significantly enhance gender equality, increase access to justice, and ensure women and children have the legal assistance and support they need to live safely and free from domestic, family, and sexual violence. Women's Legal Services are the only community legal centres with a uniquely dedicated focus on gender equality and contributing to structural change to improve outcomes for women. Well-resourced Women's Legal Services also have a significant impact on the communities in which they work, leading to healthier, safer, and more equitable communities, and intervene early to reduce reliance on non-legal supports, which ultimately results in a significant reduction in government expenditure.

The role of specialist legal assistance for women was recognised in the allocation of funds through the 'vulnerable women' funding stream of the National Legal Assistance Partnership ('NLAP') in the 2021-22 Federal Budget. The administration of these funds was handled by the states and territories and as a result only 46.5 per cent of this funding was received by Women's Legal Services. This means in most jurisdictions across Australia, there has not been a significant uplift in specialist services available to women. The funding allocated has not been sufficient to meet the significant levels of unmet and hidden legal need of women in the community.

Women's Legal Services are forced to turn away thousands of women each year who would be eligible for their services and are otherwise unable to reach many women who need their services, many of whom are experiencing domestic, family, and sexual violence and would uniquely benefit from specialist, gender-led assistance. New data collected by the 13 Women's Legal Services nationally has found that 1,018 attempts to receive assistance were turned away during a 5-day period, which means we can estimate that more than 52,000 will be turned away by Women's Legal Services per year.

Women's Legal Services continue to struggle with significant resourcing and capacity issues, including difficulties with recruitment and retention of staff, difficulties in responding to significant consultation demands from government and stakeholders on policy and law reform initiatives, lack of infrastructure to support a modern, safe, effective and efficient workplace, limits on the measures that can be implemented to enhance staff wellbeing, and limits on the support services that can be provided to give women access to integrated, client-centred, and trauma-informed services that would best meet their needs.

The NLAP is the key source of funding for Women's Legal Services. It is vitally important that this Independent Review considers the unique value of trauma-informed and gender-led services for women, particularly victim-survivors of domestic, family, and sexual violence, and recommends that Women's Legal Services are provided with significant additional and sustainable funding.

Women's Legal Services are on the frontline assisting women who are deeply traumatised, and many of the women assisted by our services are at risk of extreme violence or death. Through this Review, recommendations for additional funding for Women's Legal Services so that we can increase capacity to assist more women will save lives.

It is a key priority for Women's Legal Services to have strong national leadership through Women's Legal Services Australia ('WLSA'). WLSA provides a dedicated national voice in the legal assistance sector on policy, law reform, and structural change to achieve gender equality and women's safety and justice.

WLSA also provides support and coordination for Women's Legal Services to work collaboratively as a national network and to collectively build capacity to enhance services. Additional funding is needed for WLSA to continue to support and coordinate the Women's Legal sector and to strengthen the collective impact of services nationally.

We make the following recommendations for the Independent Review to ensure that the NLAP prioritises women and ensures that more women can access legal assistance; provides a framework for government funding arrangements that enable Women's Legal Services to best meet the needs of women; provides significant and sustainable funding for Women's Legal Services to increase their impact, create better outcomes for women, and further promote gender equality; and supports a strong and sustainable peak body for Women's Legal Services to have a national voice and build capacity.

## Recommendations

1. **Prioritise gender equality and ending violence against women and children:**
  - a. Recognise women as a national priority client group.
  - b. A dedicated funding stream for Women's Legal Services to ensure funding for women reaches its intended recipients, victim-survivors of gendered violence have access to specialist, client-centred, integrated and trauma-informed services, and there is a strong and sustainable Women's Legal sector dedicated to enhancing gender equality and ending gendered violence.
2. **Create a modern framework for efficient and effective government funding arrangements for Women's Legal Services, including:**
  - a. Increased direction from the Commonwealth Government about allocation and administration of funding to meet Commonwealth budget commitments.
  - b. Stronger accountability measures to ensure funding must be allocated and administered in a timely and efficient manner.
  - c. Information-sharing obligations between the Commonwealth Government and state and territory governments about allocation and administration of funding to facilitate greater transparency.
  - d. Autonomy and flexibility for funding recipients to tailor service delivery to the specific needs of women and to achieve better outcomes for women.
  - e. Reduction in the administrative burden on services through streamlined reporting.
  - f. Review of funding arrangements for the Family Advocacy Support Service and expansion of the Domestic Violence Unit/Health Justice Partnership program.
3. **Deliver additional and sustainable funding for Women's Legal Services to ensure:**
  - a. Women's Legal Services can meet an increased proportion of unmet legal need and hidden legal need.
  - b. Women's Legal Services can expand areas of legal practice to meet emerging needs in innovative ways.
  - c. Women's Legal Services can continue providing integrated, client-centred, and trauma-informed services that meet the legal and support needs of women.
  - d. Women's Legal Services have the infrastructure and operations for modern, client-centred, and trauma-informed workplaces.
  - e. Women's Legal Services have a strong and sustainable workforce.
  - f. Women's Legal Services can increase access for women in regional, remote, and rural areas.
  - g. Women's Legal Services have capacity to inform and influence policy and law reform work to enhance women's equality, justice and safety, and have capacity to contribute to WLSA's national policy and law reform work.
4. **Dedicate funding for Women's Legal Services Australia to operate a strong and sustainable national peak body for Women's Legal Services.**

## Prioritising women and ending violence

The Commonwealth Government and state and territory governments across Australia have made commitments in recent years to prioritise gender equality and take action to end violence against women and children. Through the National Plan to End Violence Against Women and Children 2022-2032 ('The National Plan') the Albanese Government has promised to make Australia a world leader on gender equality and to end violence against women and children in a generation. State and territory governments have committed to various gender equality strategies, targeted investment in early intervention, prevention, and responses to domestic, family, and sexual violence, and implemented law and policy reforms to improve responses to violence against women.

Joint commitments have also been made under the National Plan, and through the Standing Council of Attorneys-General, to improve responses to coercive control, and to improve experiences and outcomes for victim-survivors of sexual assault in the criminal justice system.

The Commonwealth Government and state and territory governments have a responsibility to ensure that women are not trapped in violent and abusive relationships because they are unable to afford or access legal assistance that meets their needs. Unfortunately, despite the commitments made to respond to gender equality and violence against women, we have not seen a commensurate investment in Women's Legal Services, or in the legal assistance sector more generally.

### Making women a national priority client group

The Independent Review of the NLAP is an important opportunity to review funding arrangements for legal assistance services which are an integral part of the response to violence against women and children, and vital to enhancing gender equality. The community legal sector is a predominantly female workforce, and many generalist and specialist community legal centres assist with legal responses to domestic and family violence, which has a disproportionately high impact on women.

Given the deep connections between increased access to legal assistance, enhanced gender equality, and ending violence against women, the NLAP should clearly recognise **women are a national priority client group**. This means the NLAP should ensure women have increased access to legal assistance services tailored to meet their needs in a gender-led and trauma-informed way and can assist with the range of legal issues most likely to be experienced by women.

Most Legal Assistance Strategies and Action Plans in the states and territories already list women as a priority client group. The NLAP should be consistent with this.

### A dedicated funding stream for Women's Legal Services

In the 2021-22 Federal Budget announced on 11 May 2021, Women's Legal Services were promised an additional \$129 million over four years by the Morrison Government. Unfortunately, only \$60 million or 46.5 per cent of this funding was received by Women's Legal Services – this equates to only \$15 million per year across 13 organisations. The remaining 53.5 per cent of funding was provided to Legal Aid Commissions and community legal centres that provide services to both men and women, including perpetrators of violence against women and their children. These decisions have led to there being no way to measure, and no oversight or visibility of, the impact of this significant investment on women's access to legal assistance.

Dedicated funding for Women's Legal Services would provide **accountability** and ensure that funding goes directly to services providing assistance and supports **specifically tailored** to the unique needs of women. Dedicated funding would also provide Women's Legal Services with funding **certainty** to ensure these services can build capacity, enhance their infrastructure, provide modern and safe workplaces for staff, plan

for the future, and grow sustainably, to enhance the assistance available to women in the medium to long term.

Women's Legal Services have a **unique approach to service delivery** that is client-centered, trauma-informed and integrated, and with a singular focus on women's safety. This results in Women's Legal Services having a distinct role within the legal assistance sector. With additional funding, all 13 Women's Legal Services aspire to have a consistent, best-practice service delivery model.

The **unique focus** of the Women's Legal sector on women and gender equality, including the distinct experiences of women who are victim-survivors of domestic, family, and sexual violence, means it is uniquely placed to contribute to **policy, law reform, and structural change** to improve women's justice, safety and equality. Our collective efforts at a national level and within each state and territory are solely focused on women. This singular focus, supported by decades of experience, necessarily leads to greater clarity, efficiency, and better outcomes for women. We are uniquely positioned to provide the legal assistance sector (and government) with national leadership on gender equality.

Due to the specialist focus of Women's Legal Services on gender equality, we are also able to engage in **system-wide reform** through education, training, stakeholder engagement, and collaborative efforts that are specifically targeted at increasing awareness and understanding of gendered violence, addressing women's issues, creating structural change, and preventing violence against women and children. Women's Legal Services work in local communities and with governments, justice agencies, and support services, to enhance understanding of gender equality and to improve responses to gendered violence, as well as to increase understanding of women's legal issues and access to legal assistance services for women.

Women's Legal Services are also uniquely well-placed to engage in specific **projects, research, and data collection** to better understand the drivers of gender inequality and violence against women and children, the legal issues women face, and how to improve responses to women's safety and barriers to accessing justice. Increasingly, Women's Legal Services are also engaging in projects to prevent gendered violence from occurring within the justice and legal sector and are providing leadership on changing the culture within the legal and justice systems. This leadership role is made possible due to the specialisation of Women's Legal Services and unique expertise in gendered violence. This expertise is recognised within the community sector and in our communities in which we all work across the country. It results in us being invited to collaborate with other gender specialists on panel discussions, national conferences, and other community events.

A dedicated funding stream creates a secure foundation in the NLAP for the Women's Legal sector to build capacity, grow, expand its impact, and to create better outcomes for women and children. It also creates a clear pathway for WLSA to have a direct relationship with the Commonwealth Government where needed in relation to funding decisions, for example to provide national data or to contribute to discussions on best practice service design, and to ensure WLSA can promote **national consistency**, support collaboration, and foster clear communication between services and government.

While the majority of community legal centre clients and staff are women, representation alone is not sufficient to meet the strategic goals of achieving women's equality. It is vitally important the NLAP reflect the unique value of Women's Legal Services as specialist services dedicated to enhancing gender equality and ending violence against women and children.



### **Recommendation 1: Prioritising women and ending violence**

Prioritise gender equality and ending violence against women and children:

- a) Recognise women as a national priority client group.
- b) A dedicated funding stream for Women's Legal Services to ensure funding for women reaches its intended recipients, victim-survivors of gendered violence have access to specialist, client-centred, integrated and trauma-informed services, and there is a strong and sustainable Women's Legal sector dedicated to enhancing gender equality and ending gendered violence.

## **A modern NLAP framework**

### **Decisions about funding allocation**

The Commonwealth Government must be able to make decisions nationally about where legal assistance funding should be directed to ensure it:

- best meets the needs of people across Australia, including in response to emerging legal issues,
- overcomes unique barriers to accessing justice that specific cohorts of people face including people in regional, rural, and remote areas,
- recognises the amount of legal need in each jurisdiction is not only linked to population size, and
- recognises the unique, and increasingly complex, needs of specific demographics or cohorts, such as women, and particularly women who are victim-survivors of gendered violence.

In recent years, we have seen the Commonwealth Government make decisions to allocate additional funding under the NLAP to specific cohorts, such as vulnerable women, women who have been sexually harassed, and people with mental health issues. We support this focus at a national level on the legal needs of specific cohorts, however we note the continual addition of multiple different types of funding creates an additional administrative burden for services and funding administrators.

In relation to the 'vulnerable women' funding stream under the NLAP, the Commonwealth Government made a decision to prioritise women and provided \$129 million in the 2021-22 Budget as being specifically for 'women's legal centres'. Women's Legal Services and Women's Legal Centres only actually received 46.5 per cent of this funding. The Morrison Government's commitments in the budget papers raised the expectations of Women's Legal Services, and women in the community, that they would receive the full amount of funding. This is an example of where the Commonwealth Government ought to have directed state and territory governments to make decisions about the allocation of funding consistent with public messaging in relation to the purpose and intended direction of the funding. There is a clear public interest in accountability and transparency in relation to significant Commonwealth expenditure.

In future, additional direction from the Commonwealth Government is needed in relation to NLAP funding to ensure that state and territory governments make decisions about allocation of funding that reflect national priorities, public expectations, and best meet the needs of people across Australia. There should also be additional accountability mechanisms to ensure state and territory governments cannot make decisions that are inconsistent with commitments made by the Commonwealth Government.

### **Responsibility for sector coordination and improvement**

The current administrative arrangements under the NLAP involve state and territory governments, and Legal Aid Commissions, having differing levels of responsibility to administer funding in each state and territory. It is unclear whether the Commonwealth Government has responsibility for coordinating legal assistance services nationally, and approaches are fragmented across the country. The sector has not been provided with clear leadership from government nationally, and there has also been a lack of accountability on

governments at all levels to ensure the legal assistance sector is being supported to enhance service delivery, collaborate, build capacity, work towards improving outcomes, and overall to better meet the needs of people in the community.

It is important that the capacity of funding administrators (or legal assistance sector coordinators) to engage in system-wide planning is improved. Funding administrators should be appropriately resourced to better perform this role and to provide stronger leadership for sector coordination and improvement.

At the state and territory level, the legal assistance strategies and action plans that must be developed under Schedule C of the NLAP have not been particularly relevant to the work of Women's Legal Services across Australia. This is primarily due to limited, if any, funding to achieve the intended outcomes. Similarly, the collaborative service planning requirements under Schedule B have been beneficial in some jurisdictions, but overall have not consistently led to better coordination of services to maximise efficiency and effectiveness or minimise system and service gaps.

The misallocation of the 'vulnerable women' funding is an example of state and territory governments not recognising the efficiency and effectiveness that could have been achieved through having a consistently strong Women's Legal sector across Australia. These decisions lead to sector fragmentation instead of better coordination.

A significant benefit of having WLSA as a national peak body is its role in supporting Women's Legal Services to; better coordinate their work across Australia, engage in strategic planning, identify opportunities for services to share expertise, and to reduce duplication of effort. WLSA has also played a key role in identifying service gaps that Women's Legal Services could fill, for example engaging in research and working with stakeholders to identify the unmet legal needs of victim-survivors of sexual assault. Having a well-resourced peak body would enable WLSA and Women's Legal Services to better support funding administrators to coordinate legal assistance services nationally and reduce fragmentation.

## **Responsibility for administration of funding**

While Women's Legal Services appreciate there are benefits to the Commonwealth Government taking a greater leadership role in administering funding and coordinating the legal assistance sector nationally, we recognise this would be a significant departure from the current approach. We also recognise many state and territory governments fund services directly and separately from the NLAP and we are keen to minimise having multiple reporting obligations due to the administrative burden on services.

The NLAP framework should clearly establish which level of government is responsible for enhancing the legal assistance sector overall, and there should be enhanced accountability mechanisms to support this.

## **Timely and efficient administration of funding**

Additional direction from the Commonwealth Government is needed to ensure state and territory governments are administering funding in a timely and efficient manner. There are examples of state and territory governments taking years to enter into funding agreements with Women's Legal Services, despite funding being allocated in the Budget, which has prevented services from being available on the ground to women who need them.

In the Northern Territory, legal assistance services (including three Women's Legal Services) were advised of the outcome of NLAP mental health funding in September 2023, despite the funding stream being announced in the 2021-22 Federal Budget and proposals due to the Northern Territory Government by November 2021. Funding contracts are yet to be finalised which means services will likely have only 18 months to expend 42 months of funding.

In Tasmania, legal assistance services (including Women's Legal Service Tasmania) were provided with an NLAP deed in September 2023, despite this funding being announced in the 2021-22 Federal Budget. The deeds remain under consideration and negotiation.

## **Information-sharing across levels of government**

There is an apparent lack of communication between the Commonwealth Government and state and territory governments about allocation and administration of funding, which creates inefficiencies and increases the administrative burden on services.

For example, WLSA collected information from all 13 Women's Legal Services to determine how much of the \$129 million allocated to the 'vulnerable women' funding stream under NLAP went to Women's Legal Services and provided this information to the Commonwealth Government, which otherwise would not have had access to this information.

The lack of information-sharing between the Commonwealth Government and state and territory governments needs to be addressed. Requiring specific information to be shared would create an additional accountability measure that would benefit legal assistance services.

## **Autonomy and flexible funding arrangements**

The current funding arrangements under the NLAP are restrictive, particularly the use of multiple funding streams with specific requirements for each, and do not allow services to determine the best allocation of their resources to meet existing and emerging legal needs in the community.

The NLAP framework should provide services with autonomy and flexibility to determine how they allocate resources. Women's Legal Services require flexibility to tailor services to the specific and unique needs of women.

In practice, while new funding streams added to the NLAP through the bilateral schedules have brought additional funding to Women's Legal Services, these can be restrictive. It would be preferable to have the additional funding incorporated into core funding for Women's Legal Services, along with flexibility to determine how it is allocated to meet the needs of specific cohorts of people, and how it will achieve the most impact.

Further detail is provided below regarding the need for Women's Legal Services to have flexible funding to build appropriate infrastructure for modern and client-centred services, and to employ community services, operational, HR, policy and law reform staff, and other roles that are necessary to achieving our objectives of justice, safety, and equality for all women.

## **Streamlined reporting requirements**

The multiple funding streams under the NLAP, particularly the bilateral schedules, along with separate funding sources, mean Women's Legal Services can have more than 10 different sets of reporting obligations each year. This is a significant administrative burden and expends resources that could be more efficiently allocated to supporting service delivery.

As detailed above, flexible funding arrangements should be established under the NLAP so services are provided with a sum of funding, and have autonomy to determine how to allocate funding to best meet the needs of the community or a target cohort. This should be supported by a streamlined reporting process involving services reporting once per year on their NLAP funding.

## **Outcome measurement**

There is increasing recognition that shared outcomes are vital to drive a unified vision for the wellbeing of all people and communities in Australia. An Outcomes Framework is necessary to orient our focus to the outcome, rather than the output; and to the person, rather than to the program.

We know outcomes will be better for women with unmet legal needs if they have access to specialist legal services and social supports that are client centred, culturally secure, trauma informed, holistic and integrated, and this will flow to stronger families and communities.

At a strategic level, a shared Framework for evaluating legal assistance outcomes is imperative to inform sector investment and facilitate a more consistent and principled whole-of-government and whole-of-sector approach. In other words, when we start the commissioning of services from an outcomes premise, the purchasing of services becomes clearer.

Currently there are significant differences in the way in which the language of outcomes is used across governments and the legal assistance sector. We need to design and implement an Outcomes Framework that provides the architecture to support an outcomes focus across our shared service delivery.

As part of this, a program logic, premised on a theory of change, can be developed to demonstrate the trajectory between inputs, activities, outputs, and outcomes, including those at an individual, sector, community, and population level. The use of consistent outcomes across diverse services can be achieved through the establishment of 'banks' of indicators to select from in procurement and reporting.

Examples relevant to legal assistance include:

- People have timely and direct access to coordinated services that can respond to their socio-legal needs
- Risks to victim-survivors are better managed and their safety is enhanced
- People have increased awareness of where to get legal help
- People have more knowledge of their legal issues and rights
- Improved relevant inter-agency referral pathways and partnerships
- Enhanced capabilities of frontline service providers
- Enhanced coordination and integration in socio-legal systems responses

Using the same indicators to measure outcomes will enable an overarching picture of how legal assistance services fit together and create impact. This will also provide a mechanism for the legal assistance sector to better understand and articulate our role in the community. The collation of these results will, in turn, show how the sector contributes to overall wellbeing in other domains, such as health, social and emotional well-being, education, employment and housing, as well as legal, and assist in reduced costs across the system in the future.

## **Recognising the distinct role of First Nations services**

Women's Legal Services recognise and support the distinct role of First Nations community-controlled legal services, as well as the vital importance of increased efforts to achieving Closing the Gap targets. These should be prioritised in the NLAP framework.

The NLAP framework should also recognise Women's Legal Services are an important part of the service system for First Nations women. Two Women's Legal Services are First Nations community-controlled: First Nations Women's Legal Service Queensland and Wirringa Baiya Aboriginal Women's Legal Centre (NSW). Both services are members of WLSA.

All Women's Legal Services have First Nations clients. There are six Women's Legal Services that receive funding from the National Indigenous Australians Agency (NIAA) to provide specific First Nations services. The three Women's Legal Services in the Northern Territory also have a significantly high proportion of First Nations clients.

Consistent with self-determination principles and the disproportionate rates of domestic, family, and sexual violence experienced by First Nations women, it is vital Women's Legal Services are available to provide gender-specific and specialist services. We provide the following reasons:

- Many legal problems will result in multiple parties to a dispute requiring separate legal assistance services, such as family law and child protection matters which can involve many different family members. This is especially true for matters involving family, domestic, and sexual violence where the perpetrator is often a member of the victim-survivor's First Nation's family or community.
- Most other First Nations community-controlled legal services are not gender specific, which will mean a First Nations woman cannot always access a First Nations legal service if her former male partner or family member has accessed that service (i.e., women are often 'conflicted out').
- We also respect a First Nations woman's choice to access a non-First Nations legal service. The reasons for doing so are myriad, but it should always be her choice. These reasons might include kinship, family, or other relationships with staff at a particular service.

Additional funding is needed to ensure Women's Legal Services can provide place-based services to First Nations women in locations where they are not currently able to do so due to limited funding. NIAA funding for Women's Legal Services should also be transferred to the NLAP because these funding contracts end on the same date as the current NLAP, it would increase funding certainty and it would remove duplicate reporting requirements.

## **Review of additional NLAP-funded mechanisms**

Women's Legal Services have consistently advocated for review of two additional NLAP-funded mechanisms, the Family Advocacy Support Services ('FASS') program and Domestic Violence Unit/Health Justice Partnership program.

The FASS is currently a quarantined funding stream for the Legal Aid Commissions intended to provide duty lawyer and social support services to people with a family law problem who are affected by family violence or mental health issues. Nationally, FASS is delivered in differing configurations, including Women's Legal Services being funded as the service provider. The FASS program should be reviewed to determine whether alternative funding arrangements would be more appropriate, including whether Women's Legal Services should be funded directly to provide the FASS.

In 2019, Social Compass completed an evaluation on the Domestic Violence Unit/Health Justice Partnership program which was overwhelmingly positive. The evaluation found the pilot sites were successful, with recommendations to expand the capacity of current sites. WLSA recommends the expansion of the Domestic Violence Unit/Health Justice Partnership program so it is provided by all 13 Women's Legal Services across Australia.

## Recommendation 2: A modern NLAP framework

Create a modern framework for efficient and effective government funding arrangements for Women's Legal Services, including:

- a) Increased direction from the Commonwealth Government about allocation and administration of funding to meet Commonwealth budget commitments.
- b) Stronger accountability measures to ensure that funding must be allocated and administered in a timely and efficient manner.
- c) Information-sharing obligations between the Commonwealth Government and state and territory governments about allocation and administration of funding to facilitate greater transparency.
- d) Autonomy and flexibility for funding recipients to tailor service delivery to the specific needs of women and to achieve better outcomes for women.
- e) Reduction in the administrative burden on services through streamlined reporting.
- f) Review of funding arrangements for the Family Advocacy Support Service and expansion of the Domestic Violence Unit/Health Justice Partnership program.

## Additional and sustainable funding

### Lack of adequate funding

Without additional funding, Women's Legal Services will continue to be forced to turn away thousands of women at risk of violence each year and will not be able to provide women with the support they need to be safe and recover from violence. New data collected by the 13 Women's Legal Services nationally has found 1,018 attempts to receive assistance were turned away during a 5-day period, which means we can estimate more than 52,000 will be turned away per year. Women's Legal Services are deeply concerned about their lack of capacity to meet demand, which will continue to increase in the years ahead as victim-survivors of domestic, family, and sexual violence have increasingly complex needs.

An economic analysis conducted by the Australia Institute in September 2020 demonstrated at least an additional \$25 million was required annually to ensure financially disadvantaged and marginalised women at risk of violence had access to specialised legal assistance from Women's Legal Services. This amount was calculated based on the service delivery model in existence at the time. Since September 2020, Women's Legal Services received an additional \$15 million per year (\$60 million total over four years) under the 'vulnerable women' NLAP funding stream, as well as some Women's Legal Services receiving other streams within the bilateral schedules. However it is clear this amount is well below what is needed to meet demand from financially disadvantaged and marginalised women at risk of violence.

Additional funding is needed to create the modern, client-centered, and trauma-informed services women really need and to provide safer workplaces for our staff. The need to address vicarious trauma as an occupational health and safety matter is ever present when we deal with highly traumatised client cohorts. Also, the majority of additional funding already allocated under the 'vulnerable women' stream went to the Women's Legal Services in Victoria and Queensland, which means the services in other jurisdictions have not seen much of an increase.

### National impact of Women's Legal Services

Women's Legal Services provided legal assistance to **25,157 women** in the 2022-23 FY and 21,479 women in the 2021-22 FY across Australia. This is a **17% increase**.

We know the majority of women assisted by Women’s Legal Services have experienced, or are currently experiencing, domestic or family violence. Often women do not disclose this when they first meet with staff and therefore it is not recorded consistently in our data.

However, according to the national data that has been collected, in the 2022-23 FY, **68 per cent** of women assisted indicated they had experienced, or were currently experiencing, domestic or family violence. In the 2021-22 FY, **73 per cent** of women assisted indicated they had experienced, or were currently experiencing, domestic or family violence. Women’s Legal Services prioritise women affected by domestic and family violence for ongoing representation services which means the percentage of those clients affected by domestic and family violence will be higher.

A few statistics of Women’s Legal Service client demographics nationally are provided in the figure below.

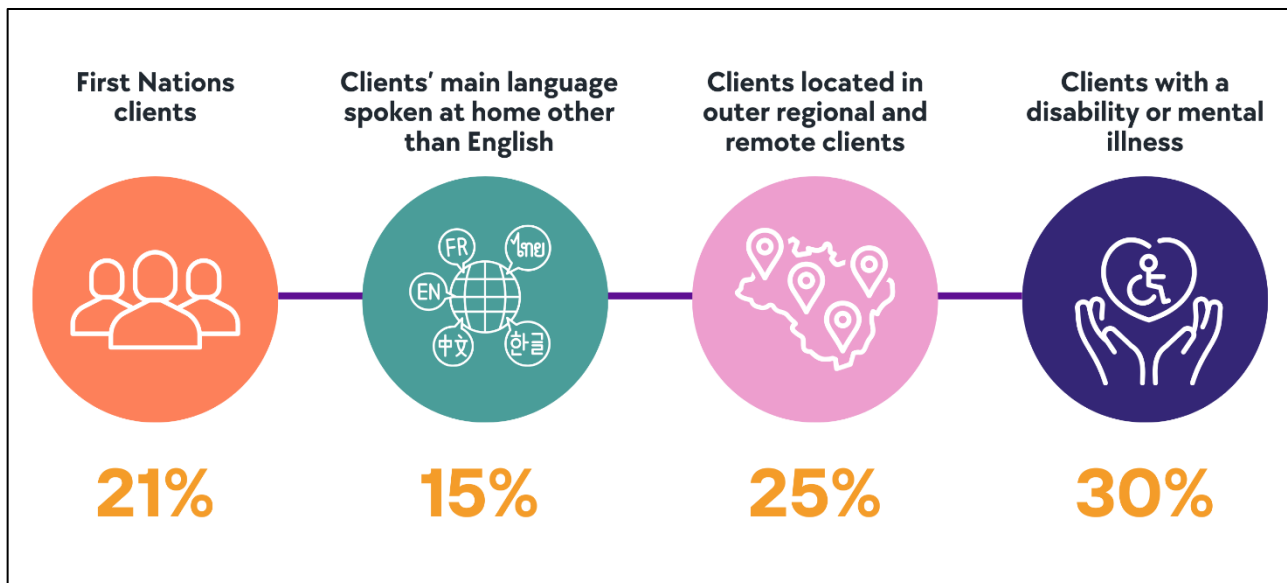


Figure: WLSA national client demographics for FY 2022-23

In 2022-23 FY, Women’s Legal Services collectively provided **51,590 discrete services** in total across Australia (noting many clients will receive multiple services, consistent with legal needs research and intersections with experiences of domestic, family, and sexual violence, such as the Law and Justice Foundation NSW). This includes providing legal advice, engaging in legal tasks, information, non-legal support services, duty lawyer services, and referrals.

A breakdown of the discrete services provided nationally by Women’s Legal Services in 2022-23 FY is in the table below.

Total discrete services nationally provided by Women’s Legal Services in 2022-23 FY	
Service Type	Number of Services Provided
Legal advice	27,568
Non-legal support	6,165
Information	5,747
Duty lawyer	5,297
Legal task	4,822
Referral	1,991

Note that Women’s Legal Services also provide representation in courts and tribunals, dispute resolution, and other representation, in multiple areas of legal practice (for further details, see below ‘current areas of legal practice’), however this is not included in the number of discrete services.

### **Family law assistance**

In 2022-23 FY, Women’s Legal Services collectively opened 3,179, and closed 7,001, files to provide representation services (including court/tribunal, dispute resolution, and other representation) to women engaged in the family law system across Australia. Women’s Legal Services collectively provided **4,911 family law representation services** in total across Australia.

A breakdown of the family law representation services provided nationally by Women’s Legal Services in 2022-23 FY is in the table below.

<b>Total family law representation services nationally provided by Women’s Legal Services in 2022-23 FY</b>	
<b>Service Type</b>	<b>Number of Services Provided</b>
Court/Tribunal (Family Law)	3,548
Other representation (Family Law)	1,155
Dispute resolution (Family Law)	208

## **Unmet and hidden legal needs of women**

The law affects women’s lives in a range of different ways, from their financial situation and living arrangements, to their employment arrangements or their visa, the care arrangements for their children, to their everyday safety from domestic, family, or sexual violence. There is considerable legal need among women – particularly women who are vulnerable or disadvantaged and have multiple, intersecting or complex legal needs, or who face additional barriers to accessing the justice system or legal assistance.

Demand for assistance from Women’s Legal Services can be measured in a number of different ways. For the purpose of this submission, we have looked at:

- Unmet legal demand: where women have sought assistance from our services but we were unable to assist; and
- Hidden legal need: relevant statistics indicate the amount of legal need women in Australia experience, particularly women who have experienced or are experiencing domestic, family, or sexual violence, or have a lower socio-economic status.

### **Unmet legal demand**

New data collected by Women’s Legal Services demonstrates **1,018** women were turned away by Women’s Legal Services during a 5-day period (9 – 13 October 2023). Based on this, we estimate approximately **52,936** women per year will seek assistance from Women’s Legal Services but are not provided with support (i.e. more than 110 per cent of the total number of clients assisted by Women’s Legal Services in 2022-23 FY).

Women's Legal Services undertook this data snapshot to understand the identified legal need that services were unable to assist with (turnaway data). Data was collected about the number of women that made contact and were unable to be assisted due to a range of factors, including:

- Matters unable to be assisted due to lack of capacity (including urgent matters), conflicts or being outside areas of practice and referred elsewhere, such as to another CLC or a pro bono lawyer
- Missed calls or calls returned and not answered
- Walk-ins who cannot be assisted
- Email queries that cannot be responded to

We acknowledge turnaway data is an indicator of women who have self-identified a legal need and have the capability to reach out to a service. This is likely to be a very small proportion of the overall legal need, which is better understood by understanding hidden legal need.



Appendix 1 includes the full turnaway data collected by Women’s Legal Services for 5 days from 9 – 13 October 2023.

### **Hidden legal need**

A range of publicly accessible data sources can be utilised to develop an estimate of the number of women across Australia with legal need. Relevant statistics for determining the number of women across Australia who should be provided with assistance by Women’s Legal Services include:

- The number of women within the predominant client age
- The number of women who experience domestic, family and sexual violence
- The number of women who are single parents and experience subsequent financial disadvantage
- The number of women with a lower socio-economic status and low levels of financial literacy
- The number of women who are welfare recipients

### Age

Women’s Legal Services predominantly assist women aged between 20 and 59 years. According to 2021 Census data, there were 13,480,783 million people aged between 20 and 59 years during that period. The female population was 50.7 per cent, which means **6,834,756 women** across Australia were the predominant client age for Women’s Legal Services.

### Domestic, family, and sexual violence

We know certain groups are more likely to experience legal need resulting from domestic, family, and sexual violence. These cohorts include:

- Women<sup>1</sup>
- Unemployed women and those with a disability<sup>2</sup>
- Those who identify as LGBTIQ+<sup>3</sup>
- Those born overseas<sup>4</sup>
- Aboriginal and Torres Strait Islander people<sup>5</sup>

Australian Bureau of Statistics (‘ABS’) data indicates **27 per cent (2.7 million)** of women have experienced intimate partner violence or violence from a family member, and **22 per cent (2.2 million)** of women have experienced sexual violence.<sup>6</sup> There has also been a **statistically significant increase** in the prevalence of sexual violence for women from 2012 to 2021-2022.<sup>7</sup> ABS data also indicates in a single year (2021-2022) **1.9 per cent of women** aged 18 or older have experienced sexual violence. This equates to **over 193,000 women**

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<sup>1</sup> Victorian Agency for Health Information 2020, *Family violence in Victoria: findings from the Victorian Population Health Survey 2017*, State of Victoria, Melbourne.

<sup>2</sup> Australian Bureau of Statistics (2021-2022) *Sexual Harassment* [<https://www.abs.gov.au/statistics/people/crime-and-justice/sexual-harassment/2021-22>] Accessed 12/10/2023

<sup>3</sup> Victorian Agency for Health Information 2020, *Family violence in Victoria: findings from the Victorian Population Health Survey 2017*, State of Victoria, Melbourne.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Australian Bureau of Statistics (2021-2022) *Personal Safety, Australia* [<https://www.abs.gov.au/statistics/people/crime-and-justice/personal-safety-australia/latest-release#key-statistics>] Accessed 12/10/2023

<sup>7</sup> Ibid.

**per year.**<sup>8</sup> Dr Anne Summers' report, 'The Choice: Violence or Poverty', tells us in 2016 an estimated **275,000 Australian women** suffered physical and/or sexual violence from their current partner.<sup>9</sup>

Estimates from the Victorian Population Health Survey also suggest a fifth of Victorian women do not know where to go to get help or support with family violence.<sup>10</sup> If generalised to the rest of Australia, this would equate to **over 1.3 million women** aged 20-59. Lack of access to legal assistance contributes to women not knowing where they can go to receive help or support.

#### Single parents and financial disadvantage

Data from the *Household, Income and Labour Dynamics in Australia* (HILDA) survey suggests that single parent households are more likely to experience financial distress;<sup>11</sup> **25 per cent** of single parent households (which would equate to approximately **250,000 single parents**) experience financial distress.

Those experiencing financial distress or lower socio-economic status (such as single parents) are also more likely to experience domestic, family, and sexual violence and sexual harassment.<sup>12</sup> Unfortunately, women are over-represented in this cohort.<sup>13</sup> Dr Anne Summers' report, 'The Choice: Violence or Poverty', tells us almost **60 per cent** of single mothers with children under the age of 18 have experienced physical or sexual violence by a previous partner. Her report found that **185,700** women had experienced intimate partner violence out of an estimated population of 311,000 single mothers.

#### Lower socio-economic status and financial literacy

Women also contend with the ever-persistent gender pay gap, earning **22.8 per cent** less than men, meaning that for every dollar men earn, women earn approximately 77 cents.<sup>14</sup> A 2014 study found that **33 per cent** of women have a low personal income.<sup>15</sup>

Not only is lower socio-economic status a driver for increased legal need alone, but also co-occurs with increased instances of domestic, family, and sexual violence. Over-representation of women demonstrates the increased legal need that arises from being a woman. ABS data suggests that the poverty rate for households with women as the main income earner is twice as high as households with men as the main income earner (19.2% compared to 10.2%).<sup>16</sup>

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<sup>8</sup> Ibid.

<sup>9</sup> Dr Anne Summers (2022). *The Choice: Violence or Poverty*. University of Technology Sydney. [<https://doi.org/10.26195/3s1r-4977>].

<sup>10</sup> Victorian Agency for Health Information 2020, *Family violence in Victoria: findings from the Victorian Population Health Survey 2017*, State of Victoria, Melbourne.

<sup>11</sup> Roger Wilkins, Esperanza Vera-Toscano, Ferdi Botha, Mark Wooden and Trong-Anh Trinh (2022) *The Household, Income and Labour Dynamics in Australia Survey: Selected Findings from Waves 1 to 20*. Melbourne Institute: Applied Economic & Social Research, University of Melbourne.

<sup>12</sup> Ibid.

<sup>13</sup> Poverty and Inequality. *Rate of poverty by gender* [<https://povertyandinequality.acoss.org.au/poverty/rate-of-poverty-by-gender-of-men-and-women/>] Accessed 12/10/2023

<sup>14</sup> Workplace Gender Equality Agency (2022) *Gender pay gap data* [<https://www.wgea.gov.au/pay-and-gender/gender-pay-gap-data>] Accessed 16/10/2023

<sup>15</sup> Jennifer Baxter, *Measuring the socio-economic status of women across the life course* (2014) [[https://aifs.gov.au/sites/default/files/fm95g\\_0.pdf](https://aifs.gov.au/sites/default/files/fm95g_0.pdf)] Accessed 27/10/2023.

<sup>16</sup> Poverty and Inequality. *Rate of poverty by gender* [<https://povertyandinequality.acoss.org.au/poverty/rate-of-poverty-by-gender-of-men-and-women/>] Accessed 12/10/2023.

Alongside the financial challenges of single parenting, data from the HILDA survey indicates that women, Aboriginal and Torres Strait Islander people, and culturally and linguistically diverse people are also less financially literate than other cohorts.<sup>17</sup>

### Welfare recipients

**32.5 per cent** of those engaged in the HILDA survey (approximately **325,000 people** if generalising beyond the survey) rely on welfare payments.<sup>18</sup> ABS data indicates that there are over **230,000** recipients of the single parenting payment and there are approximately **85,000** single principal carers receiving job seeker or youth allowance payments.<sup>19</sup>

## Geographical reach of our services

Women's Legal Services have a strong geographical reach across every state and territory in Australia. Women's Legal Services aim to provide full national coverage for women across Australia, however this is dependent on resourcing.

Appendix 2 includes maps demonstrating the locations of Women's Legal Service offices and outreach locations, as well as a 'heat map' demonstrating the locations of Women's Legal Service clients across Australia (based on SA2 data).

## Avoided costs to government from investing in Women's Legal Services

In its Inquiry into Access to Justice Arrangements, the Productivity Commission found 'the costs of unresolved problems are often shifted to other areas of government spending' – this has been supported by a range of other reviews and studies. The consequences of unmet and escalating legal need can entrench and exacerbate other problems people face, increasing their reliance on social support services, including healthcare, mental health support, social and public housing, and social security benefits. Access to legal assistance prevents a range of problems from escalating and reduces engagement with multiple parts of the service system.

While Women's Legal Services often assist women who are in crisis, have already experienced significant trauma, or have multiple and complex legal needs – our services also aim to focus on intervening early and avoid the escalation of legal problems. For example, we provide community legal education to support women to make informed and empowered choices about their legal options at an early stage. We know intervening early through the provision of legal assistance can have a number of powerful benefits for the women we assist, including enabling women to remain safety in their home, retain their employment, access the finances they need to avoid poverty or homelessness, or continue to care for their children.

Significant avoided costs for government would flow from improved access to Women's Legal Services due to an increased capacity to meet demand and provide services to women early, before a legal problem escalates.

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<sup>17</sup> Roger Wilkins, Esperanza Vera-Toscano, Ferdi Botha, Mark Wooden and Trong-Anh Trinh (2022) *The Household, Income and Labour Dynamics in Australia Survey: Selected Findings from Waves 1 to 20*. Melbourne Institute: Applied Economic & Social Research, University of Melbourne.

<sup>18</sup> Ibid.

<sup>19</sup> Michael Klapdor and Matthew Thomas, *Expanding eligibility for Parenting Payment Single and ending ParentsNext*, Parliament of Australia, 2023.

# How we would spend additional funding

## Preferred service delivery model

A sustainable, modern, safe, and client-centered approach to specialist legal services for women

With additional funding, Women’s Legal Services would seek to employ a full complement of staff necessary to deliver a sustainable, modern, safe, and client-centered legal assistance service for women. The larger Women’s Legal Services in Victoria and Queensland have most of these roles, but the smaller Women’s Legal Services do not.

A fully-funded Women’s Legal Service would include the following roles:

- CEO, Executive support
- Director of Legal Practice or Principal Lawyer, Senior Lawyers, Lawyers, Graduate Lawyers, Paralegals,
- Director of Integrated Services, Social workers, Financial Counsellors, Cultural Safety Workers,
- Director of Operations or Corporate Services, Human Resources, Finance and Administration, Intake and triage, Evaluation, Data and Reporting,
- Policy and Law Reform, Communications, Community & Professional Legal Education and Training, and Research

The infographic below demonstrates the positions all Women’s Legal Services would seek to employ if provided with additional funding.



Figure: Roles in a fully-funded Women’s Legal Service

## Providing best-practice, client-centered services

A core part of the Women’s Legal Service operating model is the use of integrated services, where we offer multidisciplinary services – legal, social work, and financial counselling – to provide wraparound, holistic and trauma-informed support for clients. Women’s Legal Services employ community services staff in-house to provide a ‘one-stop shop’ model of service provision.

Women's Legal Services also have formal partnership with other service providers, for example Health Justice Partnerships, involving lawyers co-located in hospitals and other settings, so health and legal staff can work together to ensure a patient's health and legal needs are met at the same time.

With additional funding, Women's Legal Services would employ the following additional community services staff:

- Social workers
- Specialist sexual assault counsellors
- Financial counsellors
- Cultural safety workers

These staff would all be located in-house to provide integrated, wraparound support.

We note community and support services are referred to as 'non-legal' staff in the NLAP. We recommend changing this language to remove the implication that there is a hierarchy between legal and community and support service workers. Within the Women's Legal Service integrated service model, all staff are an equally important part of providing best-practice, client-centered services.

### **Integrated practice**

Women's Legal Services across Australia are committed to providing an exemplary socio-legal service to women who are unable to access a service elsewhere. A multidisciplinary approach allows us to take into consideration the complexity of our client's social needs that intersect with their legal matters. By having social workers and financial counsellors working together under one roof, we can provide a wraparound service that effectively supports our clients' complex needs and resolves their legal issues more efficiently.

Integrated practice is also a protective factor against the effects of vicarious trauma to our staff because it ensures we are better able to resolve more of our clients' legal matters. Lawyers also feel more supported when supporting the complex needs of women who are experiencing violence. By supporting the wellness of our staff, we are also supporting competence and increased ability to maintain ethical responsibilities and compliance.

An integrated practice supports Women's Legal Services to provide:

- A **client centred approach** that understands all the intersecting challenges a client might be facing alongside her legal matter.
- A **trauma-informed legal service** that understands the prevalence of trauma in our clients lives and how this can have ongoing effects and how we can provide a service that does not cause more harm (through for example, repetition of events) but promotes trust and healing.
- A **specialist domestic and family violence lens** that can support women experiencing gender-based violence and provide the necessary understanding and safety planning needed around litigation to leave a violent relationship.
- A responsive and effective service where women's trust in the service sector is supported and people do not fall between the gaps.
- An appropriate and tailored risk mitigation strategy.
- Supports for staff to better manage vicarious trauma.

An effective integrated practice is supported by:

- A ratio of at least 1 community support worker to every 3 solicitors. A community support person could be a social worker, financial counsellor, disability liaison worker, cultural support person, or other professional.
- The principal of a "Partnership of Equals" whereby the professional expertise of the community support person is upheld at the same level as the legal expertise.

- Reflective Practice to continually consider how the integrated collaboration is working well and how it can be improved.
- Strong ties and referral pathways to and from the local community services network who we provide regular Community Legal Education to and share service information.
- Cultural supervision for First Nations staff.

### **Infrastructure and operations**

With additional funding, Women’s Legal Services would prioritise the following operational roles:

- Chief Executive Officer as a separate role to Principal Lawyer
- Executive support to the CEO
- Chief Operations Officer or Corporate Services Director
- Human Resources
- Finance
- Administration, intake and triage
- Reception
- Data and reporting
- Communications

Based on the experience of Women’s Legal Service Queensland and Women’s Legal Service Victoria in establishing larger organisations with 60+ staff, these roles are necessary to ensure the organisation has appropriate infrastructure and operations for a modern workplace and can achieve its obligations under the NLAP. These roles are separate from the frontline roles (lawyers, paralegals, social workers, and financial counsellors).

In addition to staffing, Women’s Legal Services would utilise additional funding to otherwise enhance their infrastructure, including office premises, security measures, and technological systems, databases, HRIS and other IT systems that enable efficient and effective modern workplaces.

### **Expanding into new areas of legal practice**

Women’s Legal Services have identified a range of legal services and non-legal support services that would be prioritised with additional funding to meet the existing and emerging needs of women in our communities.

The infographic below demonstrates the core areas of legal practice for Women’s Legal Services currently, and the expanded areas of legal practice some Women’s Legal Services are currently funded to engage in, and all Women’s Legal Services would engage in with additional funding.

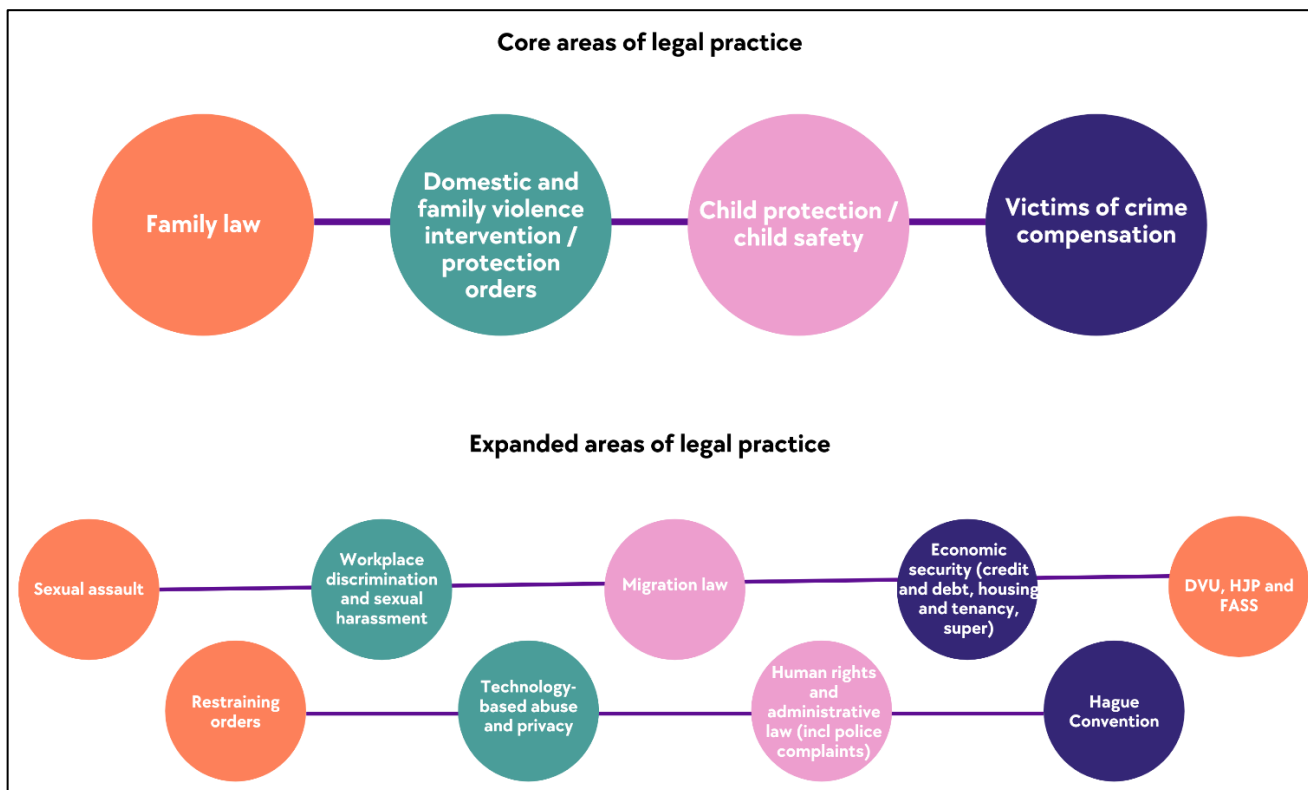


Figure: WLSA’s core and expanded areas of legal practice.

### Current areas of legal practice

All Women’s Legal Services assist with the following areas of law:

- **Family law**
- **Domestic or family violence intervention orders** (also referred to as ‘protection orders’)
- **Child protection** (also referred to as ‘child safety’ or ‘care and protection’)
- **Victims of crime compensation** (this is the majority of casework for some services, other services refer the majority of these matters to private law firms for pro bono assistance). Women’s Legal Service Victoria is a partner of the Victims Legal Service in Victoria which provides legal assistance and representation for victims of crime compensation and restitution and compensation orders.

Some Women’s Legal Services assist with the following areas of law:

- **Sexual assault** (Women’s Legal Centre ACT and Women’s Legal Service WA will be funded by the Attorney-General’s Department to provide trauma-informed legal assistance services to victim-survivors of sexual assault. Women’s Legal Service Victoria will also be funded to partner with Victoria Legal Aid and DJIRRA to provide this assistance through an expansion of the Victims Legal Service. Wurringa Baiya Aboriginal Women’s Legal Centre also has a large sexual assault practice – it is an integral part of the work they do)
- **Sexual assault communications privilege** (Women’s Legal Service Queensland is funded by the Queensland Government to provide the Counselling Notes Protect service, and Women’s Legal Service NSW provides advice and refers to NSW Legal Aid for representation)
- **Employment law and discrimination law** (there are 6 Women’s Legal Services that received funding to assist with sexual harassment through the Federal Government’s implementation of Recommendation 53 of the Respect @ Work Report).
- **Migration law** (there are 7 Women’s Legal Services funded by the Department of Social Services through the Temporary Visa Holders Experiencing Violence Pilot).

- **Other.** Some Women’s Legal Services also provide minor and/or representation assistance with a range of criminal law, civil law, and administrative law matters, including human rights law, housing and tenancy, credit and debt, superannuation, police complaints, and freedom of information.

### ***New areas of legal practice***

With additional funding, Women’s Legal Services would increase the number of women assisted with existing areas of practice, including family law, family violence, child protection, and victims of crime compensation.

With additional funding, Women’s Legal Services would also prioritise expanding the assistance provided in the following areas:

- Trauma-informed legal assistance services for victim-survivors of sexual assault to navigate the criminal justice system and access alternative avenues for redress and recovery
- Employment and discrimination law assistance for victim-survivors of sexual harassment and other gendered workplace issues – including establishing Working Women’s Centres at Women’s Legal Services in all jurisdictions that do not currently have a Working Women’s Centre
- Migration law assistance for women on temporary visas experiencing violence – including establishing migration law practices at all 13 Women’s Legal Services
- Economic security – including credit and debt, housing and tenancy, superannuation
- Restraining orders
- Technology-based abuse and privacy
- Human rights and administrative law (including police complaints)
- Legal assistance with Hague Convention cases for women experiencing family and domestic violence – establishing a national practice to assist with these matters
- Domestic Violence Units (DVUs) and Health Justice Partnerships (HJPs) at all 13 Women’s Legal Services
- Family Advocacy and Support Services (FASS) at all 13 Women’s Legal Services

### **Strong and sustainable workforce**

With additional funding, Women’s Legal Services would be able to address significant recruitment and retention issues and have a strong and sustainable workforce.

This would include:

- Providing career pathways for staff through secondments to other Women’s Legal Services across the country and opportunities to work across the legal assistance sector
- Providing pay equity for staff by increasing salaries to the same level as equivalent roles at legal aid commissions
- Establishing graduate roles within Women’s Legal Services to provide a pathway for law graduates into legal roles in our sector

Women’s Legal Services have a predominantly female workforce and therefore the underpaid and undervalued nature of this work is a particularly gendered issue.

Alongside additional funding, the Commonwealth Government and state and territory governments should provide incentives to encourage people to work in the community legal sector, particularly in regional, rural remote, and very remote areas. This could include, for example, reducing study and training loans (i.e. HECS-HELP debt), covering or reimbursing the costs of Practical Legal Training (alongside better supporting community legal centres to hire supervisor roles to oversee graduate/trainee lawyer roles), or reducing the requirement on community legal sector staff to pay income tax.



## Increasing geographical reach

With additional funding, Women's Legal Services would establish new offices and outreach locations, as well as increase staff travel, to ensure women across Australia can access specialist, gender-led legal assistance services in place-based settings. Women's Legal Services would also further invest in technology to enhance their geographical reach remotely.

## Policy and law reform

With additional funding, Women's Legal Services would be better placed to contribute to policy and law reform processes to ensure the experiences of women assisted by our services can be communicated clearly and effectively to decision-makers. Advocacy work based on the lived experience of our clients should inform government decisions about allocation of funding and systemic reform to overcome barriers to access to justice for women, achieve gender equality and end violence against women and children.

## Community legal education and training

Women's Legal Services would expand community legal education offerings to women and increase access to self-help resources. This would be led by Women's Legal Services Australia to prepare resources and materials that can be shared with, and adapted by, the services in each State and Territory to ensure relevance to local communities.

Women's Legal Services would develop training programs for legal professionals, social workers, health workers and other professionals engaged with victim-survivors of domestic, family, and sexual violence, to improve identification of legal problems, build understanding of barriers to justice and legal issues, and increase pathways into legal assistance services. This model already exists at Women's Legal Service Victoria and could be adopted by other Women's Legal Services with additional resourcing.

### **Recommendation 3: Additional and sustainable funding**

Deliver additional and sustainable funding for Women's Legal Services to ensure:

- a) Women's Legal Services can meet an increased proportion of unmet legal need and hidden legal need.
- b) Women's Legal Services can expand areas of legal practice to meet emerging needs in innovative ways.
- c) Women's Legal Services can continue providing integrated, client-centred, and trauma-informed services that meet the legal and support needs of women.
- d) Women's Legal Services have the infrastructure and operations for modern, client-centred, and trauma-informed workplaces.
- e) Women's Legal Services have a strong and sustainable workforce.
- f) Women's Legal Services can increase access for women in regional, remote, and rural areas.
- g) Women's Legal Services have capacity to inform and influence policy and law reform work to enhance women's equality, justice and safety, and have capacity to contribute to WLSA's national policy and law reform work.

## A national peak body for Women's Legal Services

WLSA is the national peak body for the 13 Women's Legal Services across Australia. Investment in WLSA through the NLAP would provide sector leadership, facilitate collaboration, coordinate a national voice on gender equality, and build capacity of Women's Legal Services to enhance their impact and create better outcomes for women and children.

WLSA currently focuses on:

- Providing a national voice for Women's Legal Services to contribute to policy and law reform and structural change to end gendered violence and achieve gender equality;
- Building the capacity of Women's Legal Services to deliver gender-specialist, integrated legal services for women that are tailored to the specific needs of women; and
- Creating shared spaces for Women's Legal Services to collaborate nationally, share resources, and increase efficiency and effectiveness.

WLSA plays an important role in strengthening Women's Legal Services to operate as a coordinated Women's Legal sector that has a singular focus on achieving gender equality, and has aligned strategic priorities, service delivery models, and specialist communities of practice. In the past year, WLSA has developed a strategic plan to guide the future direction of Women's Legal Services, established policy committees and committees of practice to create spaces for shared collaboration and to maximise impact at a national level, and contributed over 30 submissions to national consultations on policy and law reform.

WLSA provides the enabling environment and framework for Women's Legal Services to engage in collective efforts at a national level to contribute to policy, law reform, and structural change to improve women's justice, safety, and equality. WLSA also provides national leadership on gender equality for the legal assistance sector more broadly and facilitates relationships between the Women's Legal sector and government and key stakeholders.

WLSA contributes to creating a more integrated and collaborative legal assistance sector by providing a central point of contact for community legal centres and legal aid commissions to engage with Women's Legal Services on national issues. While supporting Women's Legal Services to enhance their specialist focus and their collective impact as a national sector, WLSA also bridges gaps with other services and provide a pathway for sharing knowledge, resources, and expertise.

Without dedicated funding, there is no sustainable voice for the specialist women's sector within the Attorney-General's portfolio, noting that WLSA is currently funded through contributions by all member Women's Legal Services. WLSA has limited capacity to contribute to federal reviews in relation to sector development or policy, law reform and structural change. A significant proportion of WLSA's work is undertaken by CEOs and legal staff within individual services who would otherwise be focused on delivering services to women.

### **WLSA provides value for government**

Women's Legal Services are individual organisations with distinct processes for engaging in service delivery, recording information, collecting and storing data and documenting the experiences of clients. It is an onerous task for government to contact each individual service separately to seek specific types of information, and, given the lack of resources within each service, it is often difficult for individual services to comply with these requests.

WLSA aims to improve efficiency, enhance information-sharing, and strengthen the connection between Women's Legal Services and government. WLSA also aims to strengthen connections with stakeholders who are interested in working collaboratively with Women's Legal Services to address issues impacting our

common clients, which leads to enhanced impact across the sector.

WLSA can ensure governments have an accurate picture of the services provided by Women’s Legal Services, the issues faced by services, particularly funding issues and barriers to providing best practice service delivery, as well as the experiences of women who access these services.

WLSA also brings together the collective expertise of lawyers, social workers and financial counsellors working in Women’s Legal Services across Australia, as well as the lived expertise of clients, to inform government reforms, including legislative reform and policy development, that impacts women and gender equality.

In future, and with additional funding, WLSA could work towards providing significant value to government by facilitating centralised or shared services across Australia, for example through external legal supervision arrangements, shared data and IT systems, training programs, community legal education resource development, human resources support, policies and key governance documents and practices, client intake and triage, and consistent service design.

### **WLSA creates forums for Women’s Legal Services to collaborate and share expertise**

WLSA has recently established new policy committees and working groups which ensure that the legal experts within all 13 Women’s Legal Services can contribute efficiently to WLSA’s policy, advocacy and law reform work. WLSA provides strategic direction, policy and law reform advice and upskilling, oversight and monitoring, and undertakes overall coordination of the policy committees to ensure that they function effectively.

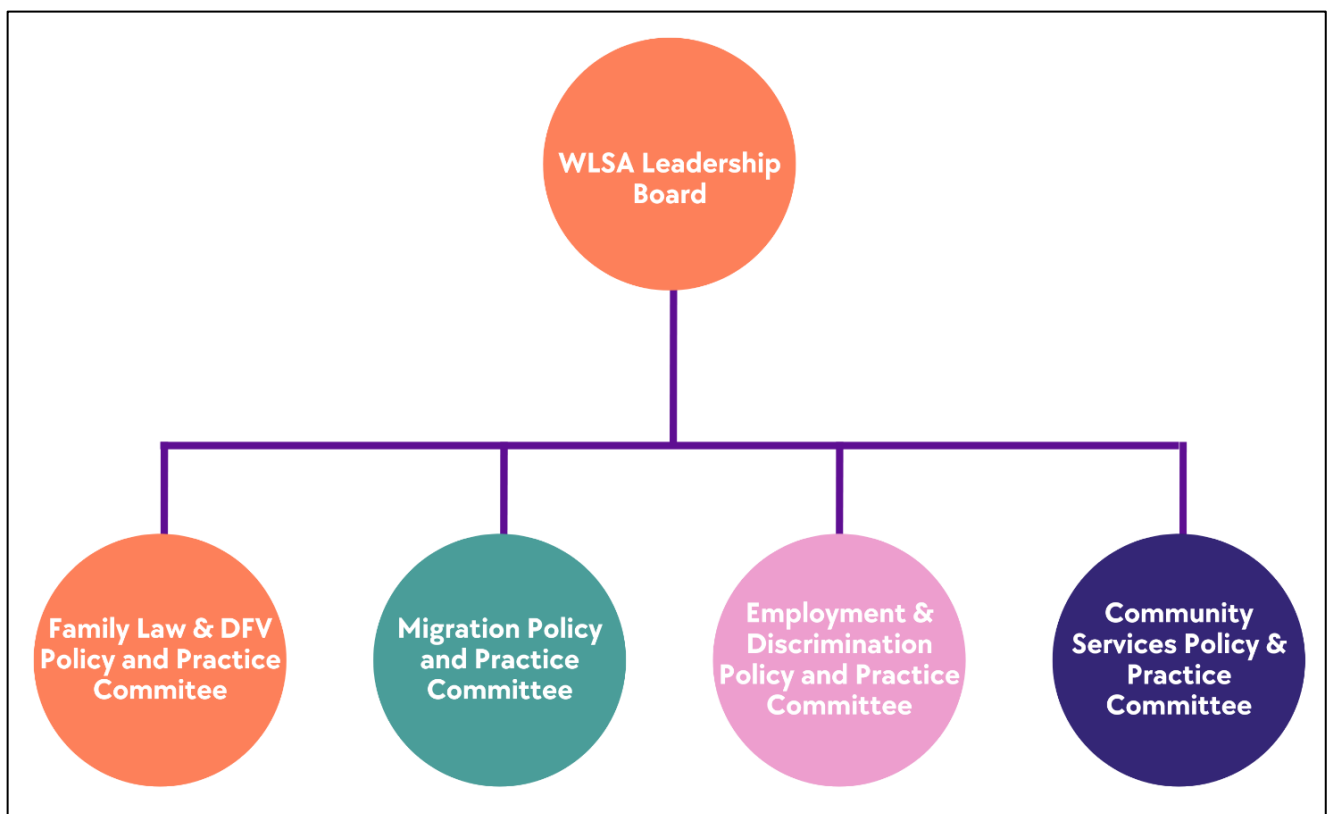


Figure: WLSA’s current national structure.

## **WLSA provides a national voice for Women's Legal Services to contribute to government reforms**

Since employing an Executive Officer in October 2022, WLSA has significantly increased the contribution of Women's Legal Services to federal government consultations and reforms.

WLSA providing input to national consultation processes and inquiries, instead of each individual Women's Legal Service preparing their own submissions, creates efficiencies, maximises limited resources, highlights consistencies across the sector, and makes the expertise of Women's Legal Services across Australia more visible to government, stakeholders, and the community.

In the past 12 months, WLSA has prepared over 30 submissions to consultations, including:

- Exposure Draft of the Family Law Amendment (Information Sharing) Bill 2022 – October 2022
- Consultation Draft of National Principles to Address Coercive Control – November 2022
- Position Paper for the Minister for Immigration on Ministerial Direction 90 and Family Violence Considerations – November 2022
- Exposure Draft of the Administrative Appeals Tribunal Migration and Refugee Division Practice Direction – December 2022
- Financial Counselling Industry Funding Model – December 2022
- Review of Australia's Migration System, A Migration System for Australia's Future – December 2022
- Senate Inquiry into Missing and Murdered First Nations Women and Children – December 2022
- Pre-Budget Submission for the 2023-24 Federal Budget – January 2023
- Working Women's Centres consultation – January 2023
- Family Law Arbitration Reforms – Property and Financial Matters – February 2023
- Exposure Draft of the Family Law Amendment Bill 2023 – February 2023
- Senate Inquiry into Current and Proposed Sexual Consent Laws in Australia – March 2023
- Terms of Reference of the Multicultural Framework Review – March 2023
- Senate Inquiry into the Role of Permanent Migration in Nation Building – March 2023
- Review into an Appropriate Cost Model for Commonwealth Anti-Discrimination Laws – April 2023
- National Strategy to Achieve Gender Equality – April 2023
- Response to the Administrative Review Reform Issues Paper – May 2023
- Specialised and trauma-informed legal services pilot for victims and survivors of sexual assault – May 2023
- Inquiry into the Family Law Amendment (Information-Sharing) Bill – May 2023
- Inquiry into the Family Law Amendment Bill – May 2023
- Youth Justice and Child Wellbeing Reform Across Australia – June 2023
- Additional feedback to the Working Women's Centres consultation – June 2023
- Confidential consultation regarding criminal justice responses to sexual violence
- Continuing Professional Development for legal practitioners on coercive control – July 2023
- Confidential consultation regarding family violence and migration regulations – July 2023
- Confidential consultation regarding sexual consent policy – July 2023
- Inquiry into the Worsening Rental Crisis in Australia – August 2023
- Multicultural Framework Review – October 2023
- Confidential consultation regarding family law and information-sharing – October 2023
- Independent Review of the National Legal Assistance Partnership – October 2023

WLSA has also appeared at public hearings and roundtables, participated in expert advisory groups and stakeholder forums, prepared numerous funding proposals, grant applications, briefing papers, correspondence, and provided expert briefings to stakeholders. WLSA has also contributed its expertise to

numerous submissions to consultations prepared by organisations across the legal, family violence and community services sectors, and WLSA representatives have attended many workshops, roundtables, and forums to provide verbal input to consultations.

## **WLSA plays a key coordination role**

WLSA provides forums for the CEOs of the 13 individual Women’s Legal Services to join together and make decisions collectively about their services, and to work towards best practice in service delivery by sharing information and expertise. This includes monthly virtual WLSA Leadership Board meetings, bi-annual in-person meetings, daily updates on issues impacting services and opportunities to collaborate, and information about policy and law reform advocacy and funding opportunities.

The Executive Officer of WLSA provides a coordination function for Women’s Legal Services to be able to have a national voice and make a significant contribution to federal policy development and law reform, as well as have strong relationships across the sector to share our expertise and find opportunities to collaborate.

## **Additional funding required**

Women’s Legal Services strongly believe that having a national peak body has significantly benefited services, increased national impact and influence, and has maximized efficiencies and effectiveness through collaboration and shared resourcing. That is why Women’s Legal Services have contributed funds to employing an Executive Officer. Women’s Legal Services provided **\$67,727** to fund WLSA from 17 October 2022 to 30 June 2023 (through a membership fee). This covered the cost of 1 part-time Executive Officer working 2 days per week. The membership fee has increased for the 2023-24 FY and the Executive Officer is currently employed 3 days per week. The National Chair role is unfunded.

The work performed by WLSA in the past 12 months, including contributing to the 30 federal consultations listed above, has required the equivalent of at least 2 full-time staff. This means a significant proportion of WLSA’s work is performed by senior staff employed by Women’s Legal Services who would otherwise be managing their legal service, engaging in service delivery, or contributing to policy and law reform work within their State or Territory. Most Women’s Legal Services do not have enough funding to employ staff to contribute to national policy and law reform work, therefore they rely on WLSA to coordinate and lead this work.

An example of a comparable national peak body in the community legal sector is the National Family Violence Prevention Legal Services (FVPLS) Forum. Both WLSA and the National FVPLS Forum have similar functions to undertake national advocacy work and support capacity building. Both WLSA and National FVPLS Forum have a similar number of member organisations (13 and 15 respectively).<sup>20</sup> The October 2022 Federal Budget committed to \$3 million over three years for the National Family Violence Prevention Legal Services Forum, which the Forum has said is ‘essential funding to enable the organisation to undertake its national advocacy work in raising awareness and informing policy responses to the issue of family violence affecting First Nations people, and so that the National Forum can support the capacity of the FVPLS sector’.<sup>21</sup>

We also note the Commonwealth and state government-funded revenue of other comparable national peak bodies in the community legal sector for 2021-22 FY (as per ACNC financial reports):

- Economic Justice Australia – \$250,000 (Government grants)

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<sup>20</sup> ‘FVPLS services around Australia’, National Family Violence Prevention Legal Services Forum website, <<https://nationalfvpls.org/fvpls-services/>> accessed 27 October 2023.

<sup>21</sup> ‘Funding the National Forum’, National Family Violence Prevention Legal Services Forum website, <<https://nationalfvpls.org/contact-us-get-involved/>> accessed 27 October 2023.

- Community Legal Centres Australia – \$353,901 (Grants - Commonwealth Government)
- Community Legal Centres Queensland - \$676,601 (Queensland Department of Justice and Attorney-General)

**Direct NLAP funding of \$595,000** would allow WLSA to expand to become an appropriately resourced national peak body for Women’s Legal Services to provide a strong national voice and support capacity building across the Women’s Legal sector. This would provide for a full-time Executive Officer, one full-time and one part-time Law Reform, Policy and Communications Officers, a part-time Capacity Building Officer, and a part-time Data and Administration Officer.

Women’s Legal Services would also continue to pay a membership fee and provide in-kind support to WLSA through the national committee structure, including CEOs, Principal Lawyers and frontline staff.

**Detailed costs for WLSA to become an appropriately resourced national peak body**

<b>Salary Expenses</b>		
Executive Officer	\$167,133	1 FTE
Law Reform, Policy and Communications Officer	\$178,835	1.5 FTE
Capacity Building Officer	\$71,534	0.6 FTE
Data and Administration Officer	\$49,500	0.6 FTE
Finance Officer	\$16,500	0.1 FTE
IT, phone, website etc.	\$15,000	
Travel	\$20,000	
<b>Total salary costs</b>	<b>\$518,501</b>	
Admin and Management (15%)	\$77,775	
<b>Total Annual Commitment</b>	<b>\$596,276</b> (plus 4% indexation annually)	

**Recommendation 4: A national peak body for Women’s Legal Services**

Dedicate funding for Women’s Legal Services Australia to operate a strong and sustainable national peak body for Women’s Legal Services.

# Appendix 1

## Women’s Legal Services – National Turnaway Data

Data collection period: 9<sup>th</sup> – 13<sup>th</sup> October (except where noted otherwise)

Total national turnaway figure: 1,018 people

### Women’s Legal Service Victoria

#### **TOTAL TURNAWAY AT FIRST POINT OF CONTACT**

**RAW FIGURE: 49**

#### **PERCENTAGE BREAKDOWN:**

Timing – Client didn’t want to wait for appointment (too long)	27%
Upcoming court date	20%
Ineligible (means/assets)	16%
Conflict	14%
Need other service/not legal	12%
Unable to contact back	8%
Has a current lawyer	2%

#### **TOTAL TURNAWAY AT INTAKE**

**RAW FIGURE: 40**

#### **PERCENTAGE BREAKDOWN:**

Capacity Issues	55%
Other	18%
Ineligible (means/assets)	11%
Conflict	11%
Timing – Client didn’t want to wait for appointment (too long)	8%
No response	3%

<b>TOTAL TURNAWAY <u>(FIRST CONTACT + INTAKE)</u> – RAW FIGURE</b>	<b>89 (OUT OF 133)</b>
<b>TOTAL TURNAWAY <u>(FIRST CONTACT + INTAKE)</u> – PERCENTAGE</b>	<b>67%</b>

### Central Australian Women’s Legal Service

Calls returned (messages) and not answered	16
Emails and phone call carried over from day before not answered	30
Referred Elsewhere (e.g. CLC, pro bono lawyer including simple/facilitated referrals)	4
Urgent matters or matters outside areas of practice (criminal)	13
Next available appointment is too far away	5
Supportlink – non contactable	21
Supportlink – not suitable	1
<b>TOTAL TURNAWAYS</b>	<b>90</b>

### North Queensland Women's Legal Service

\*Note: Data collected 9 – 16 October as staff in training for one (1) day

Query/referral outside our areas of practice	12
Other	106
<b>TOTAL TURNAWAYS</b>	<b>118</b>

### Wirringa Baiya Aboriginal Women's Legal Centre NSW

<b>TOTAL TURNAWAYS</b>	<b>12</b>
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### Women's Legal Service NSW

Missed Call	29
Voicemail incoherent or did not answer when called back	8
Urgent matters - not enough time to assist	11
Query/referral outside our areas of practice	10
Specialist service available	3
Email query incoherent or inappropriate	2
Other	4
<b>TOTAL TURNAWAYS</b>	<b>67</b>

### Women's Legal Service Queensland

Unanswered/abandoned calls - unreturned	142
Clients turned away: no appointment availability	44
Conflicts (for matters within WLSQ scope of advice)	10
Information and Referral calls for matters outside of area of practice	75
<b>TOTAL TURNAWAYS</b>	<b>271</b>

### Women's Legal Service South Australia

\*Note: Data collection only from 9 – 11 October as office closed on 12 and 13 October

Missed call not returned or answered	183
Urgent matters - not enough time to assist	1
Query/referral outside our areas of practice	9
Email query not followed up	10
<b>TOTAL TURNAWAYS</b>	<b>203</b>

### Women's Legal Service Tasmania

Missed calls or calls returned and not answered	3
Referred elsewhere	18
Urgent matters or matters outside our area of practice	1
1800 & Triage calls – no answer	3
1800 & Triage calls – centre does not have capacity to deliver ongoing Service	3
<b>TOTAL TURNAWAYS</b>	<b>28*</b>

It is to be noted that the data was collected during the school holiday period in Tasmania, where service demands historically decrease.



### Women's Legal Service WA

Missed calls - not returned or answered	7
Urgent matters– no time to assist	5
Query/referral outside areas of practice	17
Client did not want to wait for next available appointment	7
Other	7
<b>TOTAL TURNAWAYS</b>	<b>43</b>

### Top End Women's Legal Service

Nil Capacity	15
Query/referral outside areas of practice	2
Urgent queries– no time to assist	3
No longer wishes to access services/support	4
<b>TOTAL TURNAWAYS</b>	<b>24</b>

### Women's Legal Centre ACT

Missed call not returned or answered	3
Outside catchment area (eg in Victoria, NSW)	4
Seeking second opinion (ie already engaged with lawyer - private or Legal Aid)	2
Query/referral outside WLC area of practice (eg criminal, housing)	5
Client not eligible for financial reasons	2
<b>TOTAL TURNAWAYS</b>	<b>16</b>

### Katherine Women's Information & Legal Service

\*Note: Books closed prior to the data collection period due to short staffing and usual referral pathways (such as Supportlink and Duty Law Service) suspended during data collection period.

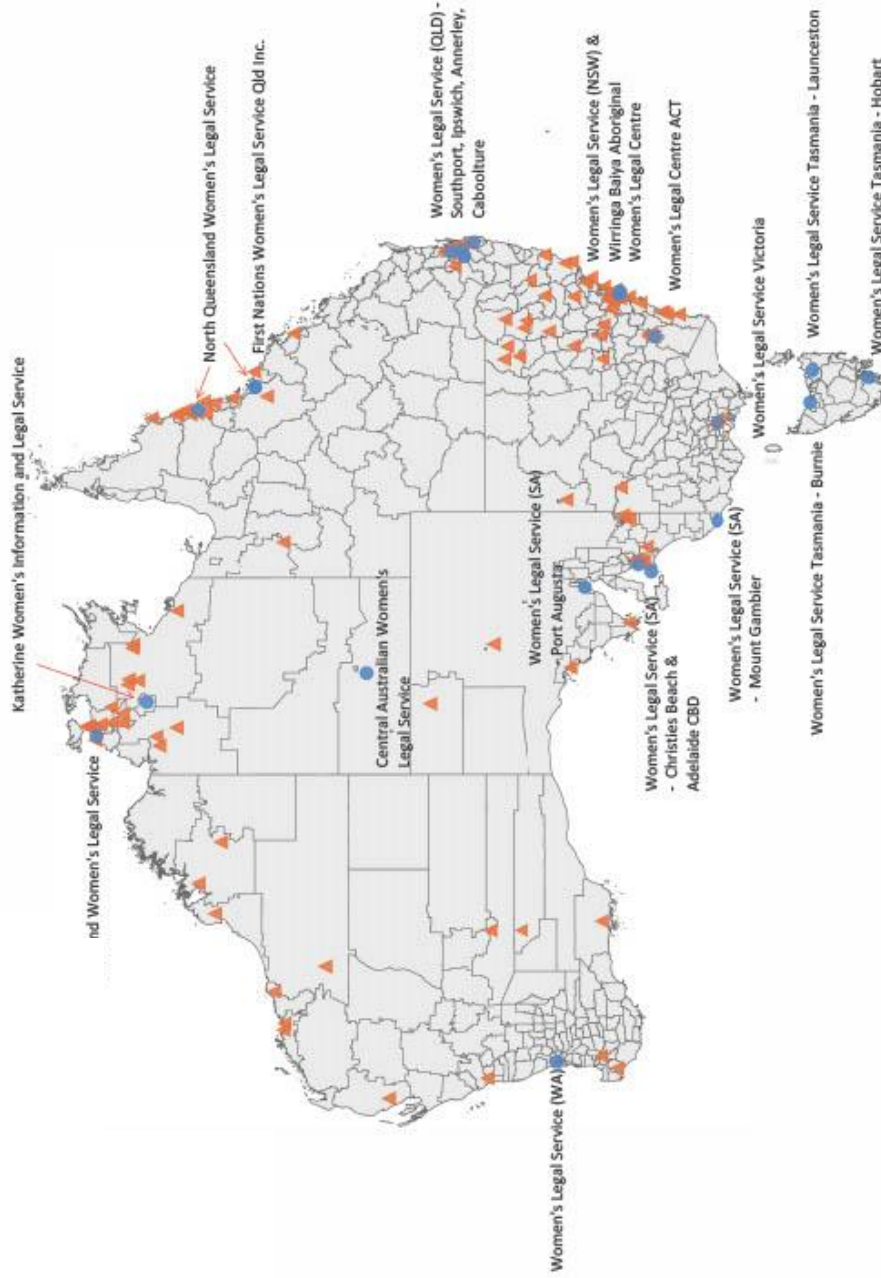
Nil Capacity	13
<b>TOTAL TURNAWAYS</b>	<b>13</b>

### First Nations Women's Legal Service Queensland

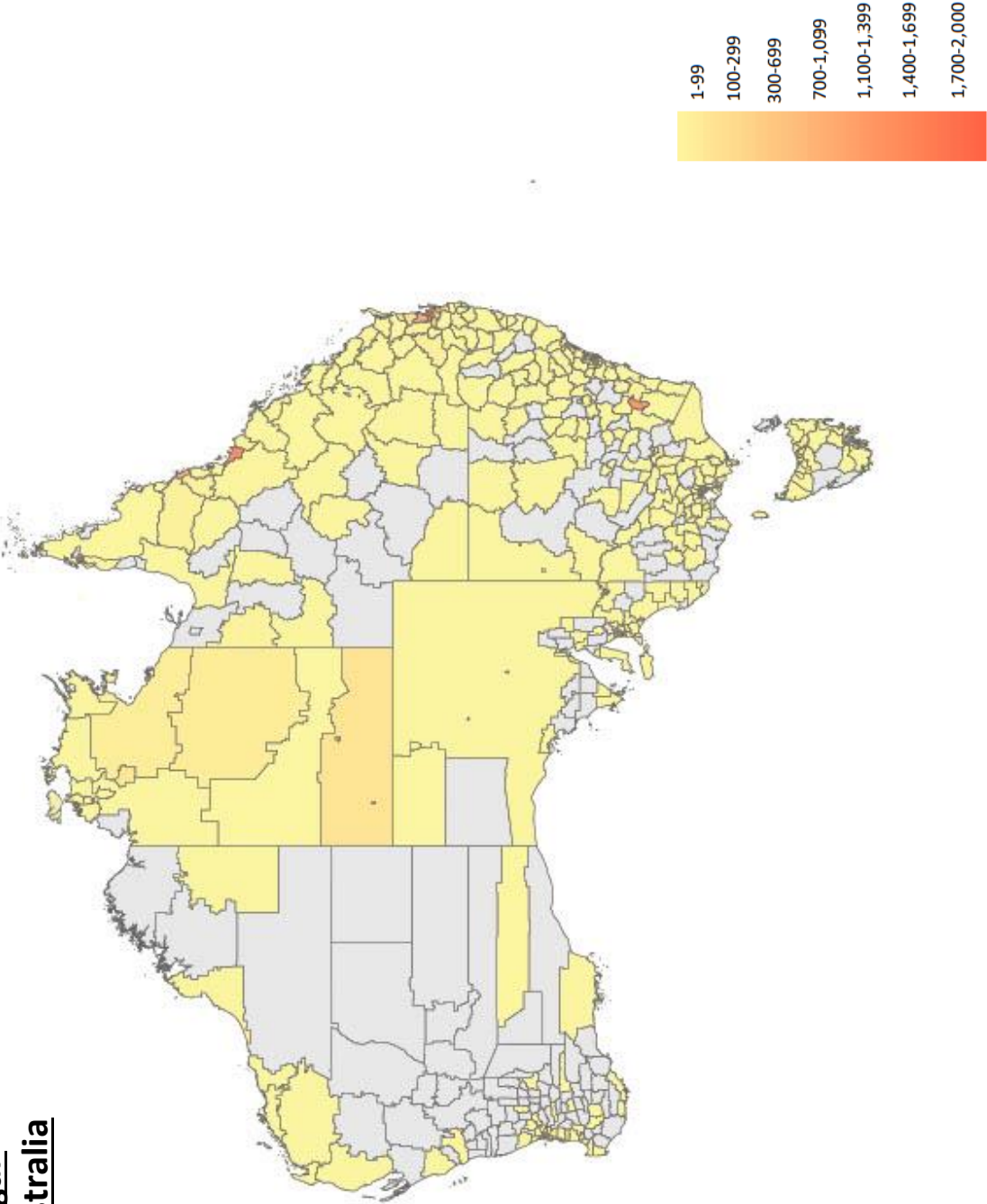
Missed call not returned or answered	31
Referral elsewhere, such as to another CLC or a pro bono lawyer including simple/facilitated referrals	10
Query/referral outside WLC area of practice (eg criminal, housing)	2
Unable to assist due to conflict	1
<b>TOTAL TURNAWAYS</b>	<b>44</b>

# Appendix 2

## Women's Legal Service offices and outreach locations across Australia



**Locations of Women's Legal  
Service clients across Australia**



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

