

# Dividing Walls

An examination of unmet legal needs in family law, family violence and child protection: women (and their accompanying children) who are homeless or at risk of homelessness

2012



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## Disclaimer

This report has been prepared by the PILCH Homeless Persons' Legal Clinic with the use of information provided by the individuals and organisations listed, together with other publicly available information which has been collated from various print and electronic sources. Some of the information in this report – particularly that which relates to services provided by various legal service providers – is likely to change from time to time. While the PILCH Homeless Persons' Legal Clinic believes the information contained in this report to be correct as at the date of writing, some of the information may no longer be current at the date of publication of this report. The PILCH Homeless Persons' Legal Clinic intends the data provided in this report for use as an information resource only.

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# I Executive summary

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## 1.1 The Families Project – background

In 2007 the PILCH Homeless Persons' Legal Clinic (**HPLC**) undertook a research project to assess the legal needs of women at risk of homelessness escaping family violence. The final report stated:

“As part of its direct casework and law reform activities, the [HPLC] has identified women and children escaping family violence as potentially having unmet legal needs in the homelessness sector. Presently the [HPLC] does not provide any targeted services to this vulnerable group”.

The 2007 report categorised women's legal needs as either:

- ▶ Crisis legal needs: generally involve issues that arise directly from the act of violence and the break-up of a relationship, namely intervention orders, criminal law, child protection and custody and family law disputes; or
- ▶ Post-crisis legal needs: includes credit and debt, victim compensation, immigration, discrimination, fines, criminal law, tenancy and mortgage issues.

The 2007 project concluded that the HPLC was well placed to offer support for women's post-crisis legal needs, which led to the establishment in 2009 of a specialist women's clinic hosted by St Kilda Crisis Contact Centre.

Through its outreach-based casework services, the HPLC has continued to see women who are homeless or at risk of homelessness requiring assistance in family law, family violence and child protection matters (services which the HPLC does not provide).

On this basis, the HPLC, through the HPLC Families Project, undertook to examine the current legal services being provided to women (and their accompanying children) who are experiencing or at risk of homelessness, to determine whether the existing services were adequate and accessible to this vulnerable group.

## 1.2 Purpose, research and consultation

The purpose of the Families Project was to identify and evaluate the unmet crisis legal needs in Victoria of women (and their accompanying children) who are homeless or at risk of homelessness, in the areas of family law, family violence and child protection (**Project areas**).

The Families Project sought to:

- ▶ assess the prevalence of, and the levels of crisis associated with, legal issues encountered by the target group in the areas of family law, family violence and child protection;
- ▶ examine the nature and extent of the legal services currently being provided across Victoria;
- ▶ identify and analyse:
  - ▶ gaps in available crisis legal services;
  - ▶ barriers to accessing crisis legal services for the target group; and

- ▶ ongoing support needs of the target group; and
- ▶ identify options to overcome access barriers and make recommendations about additional crisis legal services.

The Families Project involved the collection of both qualitative and quantitative data through a number of research and consultative processes. This included consultation with representatives from community legal centres (CLCs), Victoria Legal Aid (VLA), private practice, non-legal support agencies and courts, as well as with consumers and academics.

By way of summary, CLCs that practice in one or more of the Project areas were invited to contribute to the Project by completing online surveys and/or 'service summaries' about the nature and extent of their services in family law, family violence and child protection. VLA practitioners and private practitioners listed on VLA's relevant panels also contributed to the Project through completion of an online survey. In addition, VLA also provided information to the Project about its breakdown of client work during the 2009–2010 financial year, including total numbers of people provided with legal advice, duty lawyer services and ongoing case work services in the Project areas.

The ability of practitioners within CLCs, VLA and private practice to contribute to the consultation is limited by resources and capacity. In light of this, this report cannot represent the views of every lawyer working in the Project areas.

The Families Project also had the benefit of input from a Steering Committee made up of representatives from four key stakeholders: the HPLC, Women's Legal Service, Victoria Legal Aid and Domestic Violence Victoria.

### 1.3 Key findings of the Project

The key findings of the Families Project are summarised below.

#### Existing legal services practising in the Project areas

- ▶ As at the date of writing, there were 30 CLCs operating across Victoria that provide legal assistance (i.e. one or more of advice, representation and ongoing casework services) in the areas of family law, family violence and/or child protection.
- ▶ Of the 30 surveyed service providers, 26 are generalist CLCs and 4 are specialist CLCs. Some of the CLCs operate out of more than one office, and there are 47 offices between the 30 CLCs that practice in the Project areas. A further geographical breakdown of the offices revealed that 31 are located in the Melbourne metropolitan region and 16 are located in non-metropolitan Victoria.
- ▶ There are 15 Legal Aid offices throughout Victoria. Of those 15, 7 are located in the Melbourne metropolitan region and 8 are located in non-metropolitan Victoria. All VLA offices assist to some extent in family law, family violence and/or child protection matters.
- ▶ There are 92 panellists listed as members of the Children's Court (Family Division) panel and 181 panellists listed as members of the Family Law panel. Of the total 273, 68 are listed on both panels.

## Prevalence of legal issues and levels of crisis

Surveyed practitioners identified that the most prevalent legal issues clients are presenting with across the Project areas are child contact and residency, financial support, separation, family violence intervention orders and child protection. Of those areas, all except separation were indicated by survey participants as involving a high level of crisis for women who are homeless or at risk of homelessness encountering the issue.

## Gaps in legal services

- ▶ Telephone advice – Available telephone advice across family law, family violence and child protection is limited. Just over one third of surveyed CLCs advertise a telephone advice service and only two specialist services provide telephone advice after hours. Women’s Legal Service Victoria is the only CLC providing after hours telephone advice in relation to family law and family violence, and this after hours service is limited to 4 hours per week. Victoria Legal Aid’s phone advice services do not operate after hours. No services offer weekend or emergency telephone legal advice.
- ▶ Difficulty resourcing ongoing casework – There is limited resourcing and capacity across the legal sector to assist with ongoing casework in family law, family violence and child protection. One third of CLCs practising in the Project areas identified limited resourcing and capacity as a determining factor in their ability to provide ongoing casework in the Project areas. Private practitioners that undertake legally aided casework for the target group identified resources, and the limited grant amount, as factors influencing their ability and willingness to undertake legally aided casework.
- ▶ Limited outreach services – Outreach, particularly targeted outreach to women experiencing or at risk of homelessness is limited. Of the CLCs and VLA offices practising in the Project areas, a total of 26 service providers undertake outreach work: 20 generalist CLCs, 1 specialist CLC and 5 VLA offices. Of the 21 CLCs and 5 VLA offices undertaking outreach work, only 1 office conducts outreach to a specialist homelessness service. Legal practitioners and support services indicated that the most common reason for service inaccessibility for women who are homeless or at risk of homelessness was that services rely on the client to come to them.
- ▶ Limited capacity to assist with certain legal issues
  - ▶ Limited assistance is provided by CLCs in contested family law matters, property settlements and child support. While almost all CLCs provide information and advice in relation to family law issues, over one third of services do not generally assist with contested family law matters or property settlements. Child support is also commonly excluded from practice by CLCs.
  - ▶ CLCs are able to provide only limited assistance in ongoing family violence matters and contested intervention order hearings. Of the 30 surveyed CLCs, 29 provide information and advice in relation to family violence matters, but only 10 provide ongoing casework in family violence matters.
  - ▶ There is limited access to legal services provided by CLCs in child protection and, in particular, ongoing casework in this area. There are 47 CLC offices in Victoria that provide services in family law, family violence and/or child protection (some CLCs have more than one office). Of those 47 offices, 29 provide services in child protection (compared to 45 in

relation to family law). Only 5 surveyed CLCs indicated that they provide ongoing case work in child protection.

- ▶ Shortage of duty lawyer services – There is a shortage of CLCs operating duty lawyer services in the Family Court and Federal Magistrates’ Court, particularly at circuit listings in regional areas. While Peninsula CLC, Monash Oakleigh Legal Service and Women’s Legal Service Victoria (through the Family Law Legal Service) operate duty lawyer services at the Family Court / Federal Magistrates’ Court, there are no CLC operated duty lawyer services in rural areas where the Family Court and Federal Magistrates’ Court provide circuit listings.
- ▶ Few services practice across all Project areas – There is a lack of training and educational support for non-specialist lawyers providing legal services across family law, family violence and child protection. As the work in this area is complex and spans across State and Federal jurisdictions and numerous courts, it is uncommon for generalist community lawyers to have a comprehensive understanding of family law, family violence and child protection. Because family violence, family law and child protection matters are commonly interrelated, clients are often required to seek assistance from a number of services to pursue legal avenues arising from a single factual circumstance or incident.
- ▶ Other barriers to accessing justice
  - ▶ There are inconsistencies in services and outcomes between specialist family violence divisions of the Magistrates’ Court and non-specialist Magistrates’ Courts.
  - ▶ The most common barrier to the target group accessing the available legal services was identified as a lack of information and knowledge about the existence, location and extent of available legal services (50% of survey participants identified this gap, as did the support sector).
  - ▶ There are geographical gaps in access to services, in particular in rural, regional and remote areas.
  - ▶ There is a lack of access to quality interpreters for women from culturally and linguistically diverse (CALD) backgrounds, with the waiting list being up to 6–8 weeks in some areas.
  - ▶ There are weak referral systems and working relationships between legal, point of entry and non-legal support sectors. Surveyed legal practitioners and support sector workers identified a gap in referral systems and working relationships between the legal and non-legal support sector and recommended improved support to the target group through integrated services and more collaboration.

## Recommendations

Informed by the Project’s research and consultation, this report presents 22 recommendations aimed at addressing some of the gaps and barriers to accessing legal services for women experiencing or at risk of homelessness in the areas of family law, family violence and child protection sectors.

These recommendations are set out in Part 9.

## 2 About PILCH and the HPLC

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The Public Interest Law Clearing House (Vic) Inc (**PILCH**) is a leading Victorian, not-for-profit organisation. It is committed to furthering the public interest, improving access to justice and protecting human rights by facilitating the provision of pro bono legal services and undertaking law reform, policy work and legal education. In carrying out its work, PILCH seeks to:

- ▶ address disadvantage and marginalisation in the community;
- ▶ effect structural change to address injustice;
- ▶ foster a strong pro bono culture in Victoria; and
- ▶ increase the pro bono capacity of the legal profession.

The HPLC is a project of PILCH and was established in 2001 in response to the unmet need for targeted legal services for people experiencing homelessness.<sup>1</sup> The HPLC works to address the causes and effects of homelessness in the Victorian community through:

- ▶ legal casework – assisting individuals;
- ▶ advocacy – reforming systems and structures; and
- ▶ capacity building – training and awareness raising.

Free legal services are offered by the HPLC on a weekly basis at nine outreach locations that are already accessed by people experiencing homelessness, including crisis accommodation centres and social and family services.

The HPLC's host agencies are Melbourne Citymission, The Big Issue, Ozanam House, Flagstaff Crisis Accommodation, Hanover Welfare Services, Victorian Association for the Care and Resettlement of Offenders (VACRO), HomeGround Housing Services, Northside Geelong and Salvation Army St Kilda Crisis Contact Centre. The HPLC collaborates with corporate law firms to provide pro bono legal assistance. Volunteer lawyers from the following firms provide services at the host agencies: Allens Linklaters, Clayton Utz, Corrs Chambers Westgarth, DLA Piper, Herbert Smith Freehills, King & Wood Mallesons, Minter Ellison and Harwood Andrews.

Since its establishment, the HPLC has assisted over 5000 people experiencing or at risk of homelessness in Victoria.

In 2005, the HPLC received the national Human Rights Law Award conferred by the Human Rights and Equal Opportunity Commission in recognition of its contribution to social justice and human rights. In 2009 it received a Melbourne Award for contribution to community in the City of Melbourne.

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<sup>1</sup> See PILCH Homeless Persons' Legal Clinic <http://www.pilch.org.au/hplc>.



## 3 Context - Unmet legal needs and the HPLC Women's Project

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### 3.1 Data on unmet legal needs in Australia

#### Inquiry into Legal Aid and access to Justice

During its 2003-2004 inquiry into Legal Aid and access to justice,<sup>2</sup> the Senate Legal and Constitutional Affairs References Committee found that in order to assess the state of access to justice in Australia, there needed to be a better understanding of the level of demand and unmet need for legal assistance throughout Australia.<sup>3</sup> Consequently, the committee recommended that:<sup>4</sup>

“The Commonwealth Government should fund a national survey of demand and unmet need for legal services, to be undertaken in cooperation with state legal aid commissions and community legal centres. The objectives of the survey should be to ascertain the demand and unmet need for legal services across the country and to identify obstacles to the delivery of such services, particular to the economically and socially disadvantaged.”

#### National Legal Needs Survey

In 2007, the Law and Justice Foundation of NSW (**Foundation**) was commissioned by National Legal Aid to undertake a national legal needs survey (**Legal Australia-Wide Survey**).<sup>5</sup> It interviewed 20,716 people across all states and territories about the legal problems they experience, the actions they take, where they go for advice and the outcomes they achieve. The results of the Legal Australia-Wide Survey were released in October 2012 in the report, *Legal Australia-Wide Survey: Legal Need in Australia*, which included data on the:<sup>6</sup>

- ▶ prevalence of legal problems;
- ▶ nature of legal problems;
- ▶ strategies used in response to legal problems;
- ▶ use of legal and non-legal advisers;
- ▶ finalisation of legal problems; and
- ▶ outcome of legal problems.

The timing of the release of the survey results meant that it was not possible to include detailed consideration of those results within this report. It should be noted, however, that the Foundation's report contains important findings relevant to family law, family violence and child protection. In particular, survey results indicated that:

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<sup>2</sup> Senate Legal and Constitutional References Committee, *Legal aid and access to justice* (June 2004).

<sup>3</sup> Ibid at p. 39.

<sup>4</sup> Senate Legal and Constitutional References Committee, *Legal aid and access to justice* (June 2004) Recommendation 11, p. xxiv. cited in Senate Legal and Constitutional References Committee, *Access to Justice* (December 2009) p. 9.

<sup>5</sup> National Legal Aid, *Strategic Plan 2011-2013* (March 2011) p. 5. Available at: <http://www.nla.aust.net.au/res/File/Strat%20Plan-30-03-11.pdf>

<sup>6</sup> Law and Justice Foundation of New South Wales, *Legal Australia-Wide Survey: Legal Need in Australia* (August 2012). Available at: [www.lawfoundation.net.au](http://www.lawfoundation.net.au).

- ▶ relationship breakdown is associated with 10% of all legal problems; and
- ▶ legal problems relating to family issues had the most adverse consequences for survey respondents, including stress-related illness, physical ill health, relationship breakdown, moving home and income loss or financial strain.<sup>7</sup>

### 3.2 HPLC model and the Women's Project (2007)

The HPLC model services the legal needs of people experiencing homelessness, and those at risk, through targeted outreach to host agencies already accessed by this group.<sup>8</sup> The clinic provides legal information, advice, representation and ongoing casework across a number of areas of law,<sup>9</sup> primarily civil in nature. However, the HPLC does not provide any substantial legal assistance in relation to family law, family violence or child protection.<sup>10</sup>

In 2007, the HPLC undertook a research project to assess the legal needs of women at risk of homelessness escaping family violence (**Women's Project**). The final report of the Women's Project noted that:<sup>11</sup>

“Family violence is a major contributing factor to homelessness in Australia, particularly for women. As part of its direct casework and law reform activities, the Clinic has identified women and children escaping family violence as potentially having unmet legal needs in the homelessness sector. Presently the Clinic does not provide any targeted services to this vulnerable group.”

The final report categorised women's legal needs as either:

- ▶ **Crisis legal needs:** generally involve issues that arise directly from an act of violence and the break-up of a relationship, namely intervention orders, criminal law, child protection and custody and family law disputes; or
- ▶ **Post-crisis legal needs:** includes credit and debt, victim compensation, immigration, discrimination, fines, criminal law, tenancy and mortgage issues.

The Women's Project concluded that the Clinic was well placed to offer support for women's post-crisis legal needs (leading to the establishment of a specialist HPLC clinic hosted by St Kilda Crisis Contact Centre, which is coordinated and staffed on a pro bono basis by the firm Herbert Smith Freehills). The report also concluded that there were existing legal services that were available to assist clients with their crisis legal needs, including Victoria Legal Aid, local community legal centres or Women's Legal Service Victoria (together the **Crisis Legal Services**), but referral to these Crisis Legal Services depends largely on a woman accessing (non-legal) crisis services.

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<sup>7</sup> Ibid at p. 83-87. An overview of findings for Australia is available at [http://www.lawfoundation.net.au/ljf/site/templates/LAW\\_AUS/\\$file/LAW\\_Survey\\_Summary\\_FINAL.pdf](http://www.lawfoundation.net.au/ljf/site/templates/LAW_AUS/$file/LAW_Survey_Summary_FINAL.pdf).

<sup>8</sup> See page 5 for a full list of host agencies utilised by the HPLC.

<sup>9</sup> See further details of the service provided by the HPLC at <http://www.pilch.org.au/Page.aspx?ID=60>.

<sup>10</sup> See <http://www.homelesslaw.org.au/practice-areas/844/family-law>.

<sup>11</sup> HPLC, *Outside Glass Houses: Mapping the Legal Needs of Women at Risk of Homelessness Escaping Family Violence* (September 2007). Available at [http://www.pilch.org.au/Assets/Files/Outside\\_Glass\\_Houses\\_Report\\_to\\_the\\_Vic\\_Law\\_Foundation\\_2007.pdf](http://www.pilch.org.au/Assets/Files/Outside_Glass_Houses_Report_to_the_Vic_Law_Foundation_2007.pdf).

Following the establishment of the HPLC St Kilda clinic, and notwithstanding the conclusions of the Women's Project, the HPLC has continued to see women who are homeless or at risk of homelessness presenting at HPLC clinics requiring assistance in family law, family violence and child protection matters.

The HPLC was concerned that there is a significant unmet need for women (and their accompanying children) at risk of, or experiencing, homelessness, with crisis legal needs, and that there was the potential for the HPLC, or other more appropriate organisations, to assist in meeting these needs by harnessing pro bono resources and specialist expertise.

In particular, the HPLC identified the following concerns:

- ▶ existing Crisis Legal Services are severely under-resourced;<sup>12</sup>
- ▶ engagement with existing Crisis Legal Services relies on referrals from existing family violence networks (i.e. there is a need for more outreach for vulnerable women);<sup>13</sup>
- ▶ there is a lack of services that can advise clients on child protection issues, which is a significant concern for many women entering, or at risk of, homelessness;<sup>14</sup>
- ▶ clients presenting at the HPLC often present with crisis legal needs (with or without concurrent post-crisis legal issues) that the clinic is unable to service;
- ▶ the HPLC does not provide assistance in family and criminal matters;
- ▶ legal aid is not available for certain family law matters, despite significant need; and
- ▶ more women and children are entering homelessness.<sup>15</sup>

On this basis, the HPLC, through the HPLC Families Project, launched an examination into the current legal services being provided to women (and their accompanying children) who are experiencing homelessness or are at risk, to determine whether the existing services were adequate and accessible to this vulnerable group.

### **3.3 One woman's story - Snapshot of key family law, family violence and child protection related issues in the homelessness context**

Extracts below and throughout this report illustrate the nature of the challenges which were faced by one woman experiencing homelessness, and her encounters with the family law, family violence and child protection sectors.

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<sup>12</sup> See eg Women's Legal Service Victoria, *Submission: Access to Justice in the Federal Civil Justice System* (November 2009). Available at <https://senate.aph.gov.au/submissions/comitees/viewdocument.aspx?id=914b3cd6-b20d-44b9-822c-f93c4599930e>.

<sup>13</sup> HPLC, above note 11, p. 8-9.

<sup>14</sup> See further Legal Service Board, *Case Study: Fitzroy Legal Service - Empowering vulnerable women, A pilot legal service* (2008). Available at [http://www.lsb.vic.gov.au/documents/LSB\\_FLS.pdf](http://www.lsb.vic.gov.au/documents/LSB_FLS.pdf).

<sup>15</sup> See eg Australian Institute of Health and Welfare, *Specialist Homelessness Services Collection: March quarter 2012*. Available at <http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=10737422983>.

## Lack of stability

***"I have troubles with a lot of things because of my situation, being classed as being homeless and not having stability. Nothing is yours. Nothing is stable. Nothing is normal. You feel like no one takes you seriously."***

## Housing support

***"I went to a housing support service, I went there a few times, I told them my situation, they refused to help until I was homeless. They told me I had to be homeless and in my car and I did that. Since then my life has deteriorated."***

## Financial crisis

***"When I was 24, I was pregnant with my first son and I found out my husband was having affairs so I just walked out the door. I had five dollars to my name. We were both working and we were on a pretty good income. My husband had control of the money most of the time and I was paying for quite a few things but I was really naïve. Basically I had no control over the money so I never had any savings or anything like that. I don't know how I ended up walking out with five dollars to my name."***

## Dignity and respect for human rights

***"I think it's sad how you get treated when you are in a more vulnerable situation, when it comes to the law. How you don't really have rights, and no one wants to help you."***

## 4 Assessment of crisis legal needs

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### 4.1 What is a 'crisis'?

A 'crisis situation' can be described as one:

- ▶ involving a significant/life-changing event;
- ▶ having the potential for long-term or permanent damaging impact;
- ▶ which is time limited, critical or urgent in nature; and
- ▶ where safety or welfare are at risk.<sup>16</sup>

This Project considers women's crisis legal needs in the context of family law, family violence and child protection matters. Legal issues arising from relationship breakdown and family violence are considered to be 'crisis legal needs' of women who are at risk of or experiencing homelessness. It is worth noting that the level of crisis associated with different legal issues and the prevalence of identified legal issues varies.

### 4.2 Level of crisis associated with identified legal issues

Surveyed legal practitioners<sup>17</sup> were presented with the following list of legal issues which arise in family law, family violence and child protection, and asked to rate the level of crisis experienced by clients who are homeless or at risk of homelessness encountering each issue: child contact and residency;<sup>18</sup> other child related matters;<sup>19</sup> financial support;<sup>20</sup> property;<sup>21</sup> separation;<sup>22</sup> divorce; family violence intervention orders and child protection.<sup>23</sup> While the participants' views on these questions are subjective, they are formed through constant exposure to clients encountering those legal issues. The participants' views are therefore significant in analysing the degree of crisis experienced by clients in various legal scenarios.

The majority of survey participants identified the following legal issues as involving a 'high' level of crisis experienced by clients in the target group encountering the issue (listed in descending order from the 'highest' level of crisis):

1. Family violence intervention orders
2. Financial support
3. Child contact and residency
4. Child protection

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<sup>16</sup> Citizen Advocacy South Australia, *Crisis Advocates: Responding Quickly to the Needs of Vulnerable People with Intellectual Disability*. Available at: <http://www.citizenadvocacysa.com.au/attachments/Crisis-Advocate-Information-Pack-10.pdf?PHPSESSID=5e9ce39fbc64352840f7599c68f75f18>; Victoria Legal Aid, *Handbook for Lawyers: Commonwealth Child Support and Family Law Guidelines – Guideline 1.1*. Available at: <http://www.legalaid.vic.gov.au/handbook/150.htm>.

<sup>17</sup> Legal practitioners includes lawyers who work for community legal centres, Victoria Legal Aid and private practitioners who participated in the consultation process.

<sup>18</sup> Examples include parenting plans / orders, contravention, recovery and abduction.

<sup>19</sup> Examples include name change, parentage, medical procedures.

<sup>20</sup> Examples include spousal maintenance, child support / maintenance, social security.

<sup>21</sup> Examples include issues resulting from relationship breakdown.

<sup>22</sup> Examples include relationship breakdown.

<sup>23</sup> Examples included guardianship / care / accommodation orders.

The legal issues, which were identified by the majority of survey participants as involving a 'moderate' level of crisis experienced by clients in the target group encountering the issue, were:

1. Separation
2. Property
3. Child contact and residency<sup>24</sup>

The legal issues which were identified by the majority of survey participants as involving a 'low' level of crisis experienced by clients in the target group encountering the issue, with equal preferences, were other child related matters and divorce.

### 4.3 Prevalence of legal issues

Using the identified legal issues listed above, survey participants were asked to give each of the legal needs of the target group a rating<sup>25</sup> according to the prevalence of each issue. The following legal issues were identified by the participants as being more prevalent (listed in descending order of frequency of total assistances):

1. Family violence intervention orders
2. Separation
3. Child contact and residency
4. Financial support<sup>26</sup>
5. Child protection

HPLC clinic data collected over a 12 month period indicates that the top 3 issues in the areas of family law, family violence and child protection that female clients presented with were:

1. Family violence intervention orders
2. Child contact and residency
3. Property settlement

As part of their funding arrangement within the Community Legal Services Program, CLCs are required to record data about their clients, their legal matters, and the advice and casework services provided, as well as any projects undertaken. Data is recorded in the Community Legal Service Information System (**CLSIS**). The Victorian Federation of Community Legal Centres (**FCLC**) is able to generate aggregated reports of data entered into CLSIS by all CLCs across Victoria. For the purposes of the Project, FCLC generated a CLSIS report spanning over a 4 year period from 2006/2007 to 2009/2010 capturing the total 'info', 'advice'

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<sup>24</sup> An equal amount of participants indicated a high level of crisis as a moderate level of crisis.

<sup>25</sup> The rating scale included the following labels: almost never, rare, sometimes, often, very often and almost always. For analysis purposes, the responses have been grouped into two categories. Category 1 includes responses indicating almost never, rare or sometimes (less prevalent). Category 2 includes responses indicating sometimes, often or very often (more prevalent). The totals of the ratings for each category has been calculated to indicate those legal issues which are more prevalent and those which are less prevalent, according to survey participants.

<sup>26</sup> Category 1 and 2 totals for financial support revealed equal numbers of preferences by survey participants. However, financial support has been classified as being 'more prevalent' on the basis that the rating which received the highest number of responses was 'very often'.

and 'casework' carried out broken down by legal issue.<sup>27</sup> That report identifies the following legal issues as most assisted across the CLC sector for the period:<sup>28</sup>

1. Family/domestic violence
2. Contact and residency
3. Divorce and separation
4. Property

Within the category of family law, the lowest level of assistance (by far) was provided for child protection matters, followed closely by child/spousal maintenance. Child support, on the other hand, had a reasonably high score for total types of assistance (and was almost equal to that of 'other family law').

Although this data is indicative of work undertaken by CLCs across family law, family violence and child protection, it does not identify gaps in the provision of assistance where issues are not currently being serviced by the relevant CLC. What this data does indicate is that the least amount of assistance was provided in relation to child protection, followed by child/spousal maintenance and child support.

Further discussion in relation to the nature of legal assistance provided by the legal sector is detailed in the following chapter.

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<sup>27</sup> The categories of relevant legal issues used by the Federation of Community Legal Centres for reporting purposes include: child support, child/spousal maintenance, contact and residency, divorce and separation, family/domestic violence, property, child protection and other family law.

<sup>28</sup> Note, however, that if a report is generated for the period 2006/2007 and 2007/2008, contact and residency actually had a greater total of 'info', 'advice' and 'casework' than family violence.

## 5 Map of available crisis legal services

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### 5.1 Legal service providers

#### Community Legal Centres

There are 30 CLCs operating across Victoria that provide some form of legal assistance (i.e. one or more of advice, representation and ongoing casework services) in the areas of family law, family violence and/or child protection.<sup>29</sup> Table C1 in Annexure C indicates which CLCs provide some form of legal assistance across each of the three areas of law.

Of the 30 service providers, 26 are generalist CLCs and 4 are specialist CLCs.<sup>30</sup> Some of the CLCs operate out of more than one office, and there are 47 offices between the 30 CLCs. A further geographical breakdown of the *offices* revealed that 31 are located in the Melbourne metropolitan region and 16 are located in non-metropolitan Victoria.

Almost two thirds<sup>31</sup> of the metropolitan offices are concentrated in the North West metropolitan region; the remaining third of the offices are spread across the Southern metropolitan region, with only 3 offices situated in the Eastern metropolitan region.

Of the non-metropolitan Victorian regions, the highest number of CLC offices are located in the Loddon Mallee region (5). There are 4 offices in the Gippsland region, 3 offices in the Barwon South West region, and only 2 offices in each of the Grampians and Hume regions.

#### Victoria Legal Aid

There are 15 Legal Aid offices throughout Victoria. Of those 15, 7 are located in the Melbourne metropolitan region<sup>32</sup> and 8 are located in non-metropolitan Victoria.<sup>33</sup> All VLA offices assist to some extent in family law, family violence and/or child protection matters.

The highest number of offices per region are located in the North West metropolitan region (4). There is only a single office located in the Eastern metropolitan region and two in the Southern region.

Of the non-metropolitan Victorian regions, there are two offices each in the Barwon South West, Grampians and Gippsland regions, while only a single office each in the Loddon Mallee and Hume regions.

VLA also funds three secondee family lawyers who do family law, family violence and child protection work at the Victorian Aboriginal Legal Service, the Aboriginal Family Violence Prevention and Legal Service and the Hume Riverina Legal Service.

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<sup>29</sup> Consultation has not been undertaken with CLCs which do not practice in one of the relevant Project areas.

<sup>30</sup> Generalist and specialist CLCs as categorised by the Federation of Community Legal Centres Victoria. The specialist CLCs are the Aboriginal Family Violence Prevention and Legal Service, Mental Health Legal Centre, Victorian Aboriginal Legal Service and Women's Legal Service Victoria.

<sup>31</sup> 18 of 31 metropolitan offices.

<sup>32</sup> Melbourne metropolitan offices include: Broadmeadows, Dandenong, Frankston, Melbourne, Preston, Ringwood and Sunshine.

<sup>33</sup> Non-metropolitan Victorian offices include: Ballarat, Bairnsdale, Bendigo, Geelong, Horsham, Morwell, Shepparton and Warrnambool.



## Private Practitioners

There are 92 panellists listed as members of the Children's Court (Family Division) panel<sup>34</sup> and 181 panellists listed as members of the Family Law panel.<sup>35</sup> Of the total 273, 68 are listed on both panels.

The total number of Family Law panellists located in the Melbourne metropolitan region is 81, compared with 100 located in non-metropolitan Victoria. Of the Children's Court (Family Division) panellists, 24 are located in Melbourne Metropolitan region and 68 are located in non-metropolitan Victoria.

## 5.2 Geographic overview of legal service providers

### Metropolitan Melbourne

The map below shows the geographical placement of CLCs and Victoria Legal Aid offices in Melbourne Metropolitan regions.<sup>36</sup> Between Victoria Legal Aid and CLCs, there are 22 legal service providers in Melbourne's North West Metropolitan Region, 4 in Melbourne's Eastern Metropolitan Region and 12 in Melbourne's Southern Metropolitan Region. Annexure D to this report contains a list of CLC and VLA legal service providers in metropolitan Melbourne, as well as a map of the Melbourne Metropolitan Regions.

FIGURE 5.2A - Map of Melbourne metropolitan regions showing office locations<sup>37</sup>



<sup>34</sup> Access to VLA Children's Court (Family Division) panel available at: <http://www.legalaid.vic.gov.au/2542.htm>.

<sup>35</sup> Access to VLA Family Law panel available at: <http://www.legalaid.vic.gov.au/2559.htm>.

<sup>36</sup> Panellists have not been included in the geographical breakdown.

<sup>37</sup> Map pins indicate the town or suburb in which the legal service is located, rather than the office address.

## Non-metropolitan Victoria

The map below shows the geographical placement of CLCs and VLA offices in Non-metropolitan Victorian regions.<sup>38</sup> There are 5 offices in the Barwon South West Region, 4 offices on the Grampians Region, 6 offices in the Loddon Mallee Region, 3 offices in the Hume Region and 6 offices in the Gippsland Region. Annexure D to this report contains list of these service providers as well as a map of Non-metropolitan Victoria.

FIGURE 5.2B - Map of Non-metropolitan Victorian regions showing office locations<sup>39</sup>



## Geographical coverage by region

The maps at Figures 5.2A and 5.2B above show a lack of presence of community legal services and VLA offices in the outer eastern and south eastern metropolitan regions, and across the north east and central to north west of Victoria. Although the catchment for these offices spans further than the immediate municipality in which the office is located, distance required to travel to access services can quickly become a barrier to access for disadvantaged members of society, and in particular, those experiencing homelessness. In order to provide adequate and accessible legal services throughout Victoria in the areas of family law, family violence and child protection (and other legal services, for that matter) these geographical gaps need to be reduced. One way that services have approached bridging the geographical

<sup>38</sup> Panellists have not been included in the geographical breakdown.

<sup>39</sup> Map pins indicate the town or suburb in which the legal service is located, rather than the office address. Note that Figure 5.2B contains an additional marker for South West Community Legal Centre in Warrnambool, however at the time of publication all services at South West Community Legal Centre had been suspended indefinitely. Quantitative data gathered from South West Community Legal Centre has therefore not been included in this report.

service gaps is through outreaching to more remote areas, however, there is a lack of targeted outreach services across the State.<sup>40</sup>

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<sup>40</sup> Further details of outreach provided by the Community Legal Sector and VLA are in Annexure C at Tables C9, C10 and C11.

## 6 Nature of available legal services

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### 6.1 Overview

As outlined above, research indicates that the most prevalent legal issues clients are presenting with across the areas of family law, family violence and child protection are family violence intervention orders, separation, child contact and residency, financial support and child protection. Of those areas, all except separation were indicated by survey participants as involving a high level of crisis for women who are homeless or at risk of homelessness encountering the issue.

There are 47 CLC offices which operate throughout Victoria and service family law, family violence and/or child protection. Of those 47 offices, 45 practice in family law, 46 in family violence and 29 in child protection to some extent. The number of offices practising in family law and family violence is almost double in the Melbourne metropolitan areas than the non-metropolitan areas. However, there is very little difference in the number of offices practising in child protection broken down by metropolitan and non-metropolitan regions. Over half of the offices practising in family law and family violence in non-metropolitan areas are run by two specialist Aboriginal and Torres Strait Islander dedicated services.

[Submissions to the Senate Legal and Constitutional References Committee's Access to Justice report on access to legal representation](#)

The inter-relationship between legal assistance service providers has been identified as a key factor affecting disadvantaged people's ability to obtain access to legal representation.<sup>41</sup>

In its submission to the Senate Legal and Constitutional References Committee's Access to Justice report, the National Association of Community Legal Centres (**NACLC**) described to the committee how legal aid funding impacts on CLCs:<sup>42</sup>

"Many CLC submissions and reviews in the past have documented the increasing demand on CLC services when legal aid is cut, in real or effective terms, and, for that matter, when legal aid policy or resource allocation is changed. The inadequacy of legal aid funding, especially in the Australian Government's failure over the last decade or more to match State funding, has had a significantly deleterious effect not only on the legal aid bodies themselves, but on CLCs and, of course, on their clients and would be clients."

The NACLC indicated that unless the entire legal aid system were effectively resourced, then the inability of one service provider to deliver services would result in that responsibility being shifted to another service provider who might similarly be pressed for adequate resources.<sup>43</sup>

"Increasing funding to CLCs to address the effective reduction in funding over the past decade or more will help CLCs to be able to meet the client demand of that time. But if other services in their areas are not available and/or are not properly resourced, then the CLC will experience much higher client demand and they will still be forced to turn away many people who should have access to legal assistance."

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<sup>41</sup> Senate Legal and Constitutional References Committee, *Access to Justice* (December 2009) p. 6. Available at: [http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate\\_Committees?url=legcon\\_ctte/completed\\_inquiries/2008-10/access\\_to\\_justice/report/index.htm](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=legcon_ctte/completed_inquiries/2008-10/access_to_justice/report/index.htm).

<sup>42</sup> *Ibid.*, p. 7.

<sup>43</sup> National Association of Community Legal Centres, *Submission 1*, p. 9; and Combined Community Legal Centres' Group NSW (Inc), *Submission 44*, p.8, cited in Senate Legal and Constitutional References Committee, above note 41, p. 7.

Evidence presented to the Senate Legal and Constitutional References Committee Access to Justice report indicated the priority areas in need of legal aid funding in general as being civil law and family law matters.<sup>44</sup>

Submissions to the inquiry by the Family Court of Australia and the Federal Magistrates' Court stated that legal aid funding is crucial for people attempting to access the family law courts.<sup>45</sup> In addition, National Legal Aid advised that low funding levels are significantly and adversely affecting the Legal Aid Commission's family law core service delivery.<sup>46</sup>

The Women's Legal Centre<sup>47</sup> told the Senate Legal and Constitutional References Committee that the means test restrictions significantly affect access to justice for the most disadvantaged people in Australian society:

“Australians who are financially disadvantaged but do not qualify for Legal Aid and cannot afford a lawyer, often go without legal assistance. Such individuals have little or no meaningful access to our legal system. Australians in this situation are often not aware of their rights and entitlements, and have extremely limited capacity when it comes to enforcing them. The effect of this access-to-justice barrier is particularly significant because Australians who are unable to afford to pay for legal services are often Australia's most disadvantaged citizens – Indigenous people, poor migrants and refugees, women – particularly after relationship breakdown, mentally ill people and disabled people.”<sup>48</sup>

## 6.2 Telephone advice

### Telephone advice services offered by CLCs

Table C2 in Annexure C lists telephone advice services operated by CLCs and VLA. As that table indicates, just over one third of CLCs advertise a telephone advice service. Of the remaining CLCs, one third do not provide any telephone advice and just under one third do not provide details either way. Of the 11 CLC services providing telephone advice, only two specialist services provide telephone advice after hours (Mental Health Legal Service and Women's Legal Service Victoria). As Mental Health Legal Service is only relevant for the purposes of child protection, and does not provide assistance in relation to family law or family violence, Women's Legal Service Victoria is the only CLC providing after hours telephone advice of this nature, and this after hours service is limited to 4 hours per week.

During consultation with CLCs there was discussion about the high demand on existing phone advice services. CLCs agreed that any additional telephone advice service should be housed within a legal service that provides assistance across family law, family violence and child protection law, and that establishing such a service would have significant resourcing and training implications. CLCs also agreed that if such a service were to be established, it would be important to consider the pathways by which women in crisis would access the service, and also the way in which women would exit the phone advice service into other services. Importantly, when clients obtain legal advice they should be able to understand whether or not this might lead to assistance or connection with other services.

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<sup>44</sup> Senate Legal and Constitutional References Committee, above note 41, p. 44.

<sup>45</sup> Chief Justice Diana Bryant, Family Court of Australia & Chief Federal Magistrate John Pascoe, *Committee Hansard*, Melbourne, 15 July 2009, p. 2. cited in Senate Legal and Constitutional References Committee, above note 41, p. 45.

<sup>46</sup> National Legal Aid, *Submission 34*, p. 18. cited in Senate Legal and Constitutional References Committee, above note 41, p. 45.

<sup>47</sup> ACT and Region.

<sup>48</sup> Women's Legal Centre (ACT and Region), *Submission 51*, p. 4. cited in Senate Legal and Constitutional References Committee, above note 41, p. 62.

## Telephone advice service offered by VLA

Victoria Legal Aid provides free general legal information over the phone as part of its 'Legal Help' service. In some circumstances, legal advice can also be provided by phone. The Melbourne VLA office provides phone advice daily during office hours; however, this service is a call back service and does not operate after hours. The Bendigo and Dandenong Legal Aid offices can also provide legal advice by telephone to some extent. No services offer weekend or emergency telephone legal advice.

### **Recommendation 1:**

**Additional funding to expand the current telephone advice services provided by Victoria Legal Aid and Women's Legal Service Victoria to include daily assistance during office hours, plus additional after hours assistance.**

### **Recommendation 2:**

**Additional funding to investigate the current availability of phone advice for women in crisis and consider whether there is need for an emergency legal advice hot line be established to operate after hours, on weekends and public holidays to service the 'urgent' legal advice needs of women in crisis.**

## 6.3 Face-to-face services

Detailed lists of all face-to-face services are in Annexure C in tables C3 (VLA offices) and C4 (CLCs). Of the CLCs and VLA offices working in one or more of the Project areas, at least 44 service providers operate face-to-face advice services (15 VLA offices and 29 CLC offices).<sup>49</sup>

Of the 29 CLCs, at least 23 provide some service or services by appointment, at least 11 provide some service or services on drop in basis, and at least 7 CLCs provide services both by appointment and on a drop in basis (6 CLCs provide at least one service not specified as either 'drop in' or by appointment). The drop in services are quite evenly split between daytime services and evening services.<sup>50</sup>

Victoria Legal Aid also conducts face-to-face legal advice services from each metropolitan and non-metropolitan office location. VLA advice services are largely drop in,<sup>51</sup> operate during office hours and vary in frequency from 1 to 3 services per week depending on the office. Appointments are also available outside normal service times.<sup>52</sup>

## 6.4 Assistance at Family Relationship Centres

At least 16 CLCs provide some form of advice, information or mediation assistance either at a Family Relationship Centre or by referral from a Family Relationship Centre.<sup>53</sup> The following CLCs also provide assistance with Legally Assisted Family Dispute Resolution: Women's Legal Service Victoria (acting in the capacity of its sibling service, the Family Law Legal Service), Casey Cardinia Community Legal Service, Brimbank Melton Community Legal Centre, Eastern Community Legal Centre, Footscray Community Legal Centre, Gippsland Community Legal Service and Hume Riverina Community Legal Service.

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<sup>49</sup> One CLC did not specify as to whether it provided face-to-face services. See Annexure C Table C4.

<sup>50</sup> Annexure C, Table C4.

<sup>51</sup> Only two VLA offices provide an appointment based clinic service: Geelong and Ballarat. However, most other VLA offices will see clients at times outside scheduled clinic times by appointment. See Annexure C, Table C3

<sup>52</sup> See Annexure C, Table C3.

<sup>53</sup> See Annexure C, Table C5.

In addition, the following VLA offices provide information services, advice and legally assisted Family Dispute Resolution services at Family Relationship Centres: Ringwood, Preston, Dandenong, Morwell, Frankston and Geelong.

## 6.5 Nature of legal assistance provided

The nature of assistance provided by CLCs in the Project areas has been broken down into four categories for the purposes of the Project:

1. Information and advice – includes phone and face-to-face information and ‘one off’ advice services but does not include ongoing advice;
2. Duty lawyer service – includes duty lawyer services provided at the Magistrates’ Court, Family Court / Federal Magistrates’ Court and Children’s Court (whether advice and/or representation is provided);
3. Other representation – includes court representation for family law, family violence and child protection related matters, but excludes duty lawyer services;
4. Casework – includes all non-court file work for family law, family violence and child protection matters but excludes ‘one off’ information and advice and all court representation.

### Legal assistance in Family Law

The following is a breakdown of the nature of work provided by CLCs in family law:

	<b>Nature of assistance</b>	<b>Total CLCs</b>
▶	Information and advice	29
▶	Duty lawyer service	3
▶	Other representation	12
▶	Casework	22

Table C6 in Annexure C indicates the nature of assistance provided by each CLC in family law.

Over half of the offices practising in family law in non-metropolitan areas are run by two specialist Aboriginal and Torres Strait Islander dedicated services.

Almost all CLCs provide information and advice in relation to family law issues. The type of family law issues varies depending on a number of factors including expertise of the service. Over one third of services do not assist with contested family law matters or property settlements as a rule. Child support is another area which is commonly excluded from practice in the community legal sector. As was noted by CLCs during consultation, CLC casework guidelines would need to be reviewed if these CLCs expanded their services to include contested family law matters, property settlements and child support.

Although just over two thirds of CLCs indicate that they can undertake some form of casework in family law, the reality is that 18 of the 21 services have restrictive conditions in place, which significantly limit their ability to practically assist clients with ongoing casework. Some restrictions include: resourcing and capacity, merits, experience, discretion, access to other legal services, resolution outside court only, eligibility for legal aid and legal subject matter restrictions.<sup>54</sup>

<sup>54</sup> See Table C6 in Annexure C and accompanying footnotes.

### Recommendation 3:

**Additional funding in order to expand the existing service provided by community legal centres to assist clients with contested family law matters, property settlements and child support, especially in circumstances where the client is not eligible for a grant of legal aid assistance.**

There is also a significant shortage of CLCs operating duty lawyer services in the Family Court and Federal Magistrates' Courts. While Peninsula CLC, Monash Oakleigh Legal Service and Women's Legal Service Victoria (through the Family Law Legal Service) operate duty lawyer services at the Family Court / Federal Magistrates' Court, there are no CLC-operated duty lawyer services in rural areas where the Family Court and Federal Magistrates' Court provide circuit listings. In consultation CLCs described a significant disparity in access to duty lawyers between clients in metropolitan centres and clients in regional areas, as well as highly variable access to duty lawyer services within certain regions.

### Recommendation 4:

**Additional funding to enable the community legal sector to develop and operate additional duty lawyer services at regional circuit courts in the Family Court and Federal Magistrates' Court listings, including funding to train more duty lawyers.**

Victoria Legal Aid classifies its work slightly differently with the following categories of work type: legal advice<sup>55</sup>, duty lawyer, minor work and case approvals. The following is a breakdown of client interactions with VLA<sup>56</sup> in family law during the 2009-2010 financial year.<sup>57</sup>

	<b>Nature of assistance</b>	<b>Total interactions</b>	<b>Metro</b>	<b>Non-metro</b>
▶	Legal advice	12,253	8,518	3,735
▶	Duty lawyer	2,172	1,730	442
▶	Minor work	1,395	637	758
▶	Case approvals <sup>58</sup>	1,768	1,394	374

The nature and extent of casework undertaken by VLA is largely determined by the VLA Guidelines.

The total number of family law case approvals undertaken over the same period by VLA panellists was 4,819. This casework was pretty evenly undertaken by panellists whose location is split between metropolitan and non-metropolitan areas, with only a marginally higher number being undertaken in metro regions.<sup>59</sup>

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<sup>55</sup> Legal advice also includes advice leading to minor work.

<sup>56</sup> Interactions include those which occurred with VLA at the Neighbourhood Justice Centre in Collingwood and the Moorabbin Justice Centre.

<sup>57</sup> Data provided directly by Victoria Legal Aid Business Information Services for the purposes of this Project.

<sup>58</sup> These totals are for in-house case approvals only, it does not include casework undertaken by VLA panellists.

<sup>59</sup> Interestingly, during 2009-2010 the number of female clients interacting with VLA in family law is 50-60% more than the number of male clients accessing the legal advice, minor work and casework services. For VLA duty lawyer services, however, the number of male clients is much closer to the number of female clients: 930 female and 882 male. Unfortunately, statistical information on the gender of clients accessing CLC family law services was not available.



The series of quotes below (and throughout this report) provide an indication of the numerous legal issues that can be associated with women who leave violent relationships, the barriers they face to accessing legal services and the impact of these issues on the lives of women and their children.

#### **Divorce**

*“I don’t want anything to do with my ex. I wish I could just go into the court and have the judge just say to me, okay, it’s done. I haven’t been able to divorce him because of that reason. I’ve seen somebody from Legal Aid, I did the forms and then she gave them back to me. She said to me that I might be able to do it without him being present, or something. With all this stuff that’s going on, it’s really not fair. It’s not fair cause it hasn’t allowed me to let go and be able to divorce him, which should have been my number one priority. I should have divorced him a long time ago and it’s not fair because I broke that [family violence] cycle a long time ago, and it should have been done already. But with all this other stuff, it still hasn’t allowed me to divorce him.”*

#### **Child contact arrangements**

*“[He] was able to somehow get me in debt at Centrelink... he had the kids on the weekends and half the school holidays, but he didn’t always have that. And then he’s had them on days where he wasn’t supposed to have them. I actually had the kids removed by Federal Police... at one point. He wouldn’t return the kids when he was supposed to, and he wrote down the dates as having the kids. Somehow he was able to convince Centrelink that he’s had access... So I was in debt to Centrelink for \$6,000 or something. I ended up paying that all to them.”*

*“He’s in their lives and he’s not in their lives. He hasn’t had them now for a few weeks; he’s not supposed to have them because he lives in a hostel. He has had them there; he’s not supposed to have them there. I rang up and I’ve complained, nothing gets done about it, so even by the law, I do the right thing, he doesn’t do the right thing and you know what, nothing gets done. So what do you do? I even rang up. Wherever I go, wherever I complain, whatever I do and even to do the right thing by the children and for the children’s safety, nothing gets done. I go to the police when my son gets hit. They tell me that I don’t have any rights, there’s nothing I can do about it. I try and get legal advice, I try and do this so what can I do?”*

*“When I left my husband the kids went with me and when I gave him access to the kids I was worried that he was going to take them overseas. Because of his background... I was worried, I was worried because lots had happened. Apparently he made a threat to a friend and I’ve always been paranoid of that, I don’t know, like I said I’ve always been scared of him.*

*...after the Family Court... he wasn’t allowed to take them overseas. They don’t have passports, but he wasn’t allowed to take them overseas. Now I’m just a full-time parent. He doesn’t have any access at all. But I was told that I would have to go to court again to get it, like to get custody of the kids. Even though I’m a full-time carer, apparently he can still take them.”*

## Legal assistance in Family Violence

The following is a breakdown of the nature of work provided by CLCs in family violence:

	<b>Nature of assistance</b>	<b>Total CLCs</b>
▶	Information and advice	29
▶	Duty lawyer service	17
▶	Other representation	11
▶	Casework	10

Table C7 in Annexure C indicates the nature of assistance provided by each CLC in family violence.

Of the 30 CLCs surveyed, 29 provide information and advice, 17 provide a duty lawyer service, 11 provide representation, and 10 provide ongoing casework in family violence matters. Therefore, based on this breakdown, the primary gap in available services in relation to family violence is for ongoing casework and representation in the community legal sector. Although the services seem to allocate significant resources to information, advice and (comparatively) duty lawyer services, fewer than half of the services provide any other representation and/or ongoing casework in relation to family violence matters.<sup>60</sup> In particular, assistance with contested Intervention Order (**IVO**) hearings is commonly excluded and CLCs do not commonly provide representation/casework outside initial information.

### *The cycle of violence*

*“I was very lonely, very lonely. Mum ended up talking me into going back to my ex... I did end up going back to him. He was very controlling, he had control of everything, he controlled me in every way. I didn’t have a social life and that’s just how it was... He had a life, he did everything, I didn’t know anything about what he did, besides where he was working... He was very, very secretive and I was scared of him, very scared of him.... He would go and come at different times. He would manipulate me a lot. He’d play a lot of mind games. I don’t know how I didn’t end up in a mental institution. So I was another few years there and then by that time, I had my second son, I knew I was going to leave him... by the time he was 8 months old I ended up leaving him.”*

*“I did have relapses and I was lonely, I was very, very lonely. So the only person I’d turn to was my ex because he’s the only one that wanted me. He was the only one, and this is how I figured out why women are always in domestic violence and never break the cycle. I was able to figure out why that cycle keeps going around through my own experiences. I kept relapsing, that’s why I ended up in 3 refuges.*

<sup>60</sup> 8 of the CLCs did not specify whether they provide representation or casework services in relation to family violence. See Table C7 in Annexure C.

### *Intervention orders*

*“I rang the police, I thought, oh my God, he’s got my son, he took my son... The police came; they asked me to go back to the station for a statement... I went and did a statement and they tell me that the police went to his house and my son’s alright. Mind you, they didn’t even take him back; they left my son there in his care. They didn’t take his gun away, didn’t take him in, didn’t do anything about it. So I went and got an intervention order against him. I went to the court on the Monday by myself... what happens in court, is they suspended his gun licence for 6 months. So that’s what happened to him... I was really shocked that they actually left my son in his care.”*

The following is a breakdown of client interactions with VLA<sup>61</sup> in family violence during the 2009-2010 financial year:<sup>62</sup>

<b>Nature of assistance</b>	<b>Total interactions</b>	<b>Metro</b>	<b>Non-metro</b>
▶ Legal advice	2,550	1,642	908
▶ Duty lawyer	9,540	7,131	2,409
▶ Minor work	518	160	358
▶ Case approvals <sup>63</sup>	451	370	81

The total number of family violence case approvals undertaken over the same period by VLA panellists was 2,032. This casework was almost double in the metro regions than in the non-metro regions.

The number of female and male clients interacting with VLA across the different types of service is broken down as follows:

<b>Nature of assistance</b>	<b>Interactions - Female</b>	<b>Interactions - Male</b>
▶ Legal advice	1,255	1,293
▶ Duty lawyer	3,122	6,418
▶ Minor work	209	309
▶ Case approvals <sup>64</sup>	1,404	1,063

Of particular significance here is that less than half the number of VLA duty lawyer interactions in family violence are with female clients. It can be inferred that a significant number of female clients are seeking legal assistance from other service providers, most likely CLCs and other pro bono legal assistance. This is consistent with the funding rationale for CLC duty lawyer services. These services were originally funded on

<sup>61</sup> Interactions include those which occurred with VLA at the Neighbourhood Justice Centre in Collingwood and the Moorabbin Justice Centre.

<sup>62</sup> Data provided directly by Victoria Legal Aid Business Information Services for the purposes of this Project.

<sup>63</sup> These totals are for in-house case approvals only, it does not include casework undertaken by VLA panellists.

<sup>64</sup> This figure includes all case approvals, including VLA panellists.

the basis that CLCs would mostly represent applicants and VLA would mostly represent respondents (with some exceptions, for example in cases of client conflict). Because of this general position, in most courts CLCs typically act for more women than men, and vice versa for VLA.

Police applications on behalf of women also impact upon the demand for CLC duty lawyer services. Where police are involved at a woman's point of entry to the courts, it depends on resources and sometimes on police attitudes, as to whether the woman is referred to a duty lawyer. Generally if the woman is referred, it is to a CLC (rather than VLA) duty lawyer.

During consultation sessions, representatives of CLCs that provide key services in family law, family violence and child protection described a marked increase in the number of clients seeking assistance with contested family violence matters, and that many women have difficulty accessing VLA services due to tight funding guidelines. Anecdotally, CLC representatives noted that client demand for duty lawyer services is extremely high in the areas of Dandenong and Morwell.

**Recommendation 5:**

**Additional funding to expand existing family violence law services to include assistance with contested Intervention Order hearings, improve access to duty lawyers and enable more ongoing client representation.**

Legal assistance in Child Protection

*Child Protection*

*“When I was in the refuge... I was in the refuge with a heroin addict and an alcoholic... and one of them had called [the Department of Human Services] and said that I was bashing my daughter or something. So two of them ended up coming over with a couple of police. It was insulting in a way cause I had to wake up my daughter at 11.30 at night and undress her for them to check her for bruises, and they did. Then they spoke to me and they went outside; they had to call their supervisor. When they came in they actually congratulated me and said you’ve done a great job, you’re doing a great job.”*

The following is a breakdown of the nature of work provided by CLCs in child protection:

Nature of assistance	Total CLCs
▶ Information and advice	17
▶ Duty lawyer service	0
▶ Other representation	3
▶ Casework	5

Table C8 in Annexure C indicates the nature of assistance provided by each CLC in child protection.

Two thirds of the offices practising in child protection in non-metropolitan areas are run by two specialist Aboriginal and Torres Strait Islander dedicated services. Considering the assistance provided in these areas

for non-Aboriginal and Torres Strait Islander individuals in isolation, there are only 3 non-metropolitan CLC offices providing services of any kind in child protection to this group.<sup>65</sup>

The majority of surveyed legal practitioners indicated that the level of crisis experienced by women who are homeless or at risk of homelessness and are encountering child protection issues is high, and almost 80% of participants indicated a crisis level of moderate or high. Considering the level of crisis experienced by those engaged with the child protection system and the prevalence of clients presenting with legal needs in the area, there is a distinct lack of legal assistance provided by CLCs in child protection.

The following is a breakdown of client interactions with VLA<sup>66</sup> in child protection during the 2009-2010 financial year:<sup>67</sup>

	<b>Nature of assistance</b>	<b>Total interactions</b>	<b>Metro</b>	<b>Non-metro</b>
▶	Legal advice	570	220	350
▶	Duty lawyer	2,158	1,432	726
▶	Minor work	174	34	140
▶	Case approvals <sup>68</sup>	623	377	246

The total number of child protection case approvals undertaken over the same period by VLA panellists was 5252. This equates to almost 90% of the casework undertaken with a grant of legal aid assistance being performed by VLA panellists. Panellists located in non-metropolitan Victoria undertook over 50% of this casework.

The number of female clients interacting with VLA across the different types of service is broken down as follows:

	<b>Nature of assistance</b>	<b>Interactions - Female</b>	<b>Interactions - Male</b>
▶	Legal advice	334	236
▶	Duty lawyer	1,307	851
▶	Minor work	107	67
▶	Case approvals <sup>69</sup>	3,427	2,379

Across all areas of assistance in child protection, VLA interacts with more female than male clients.

<sup>65</sup> Central Highlands Community Legal Centre, Loddon Campaspe Community Legal Centre and Murray Mallee Community Legal Service.

<sup>66</sup> Interactions include those which occurred with VLA at the Neighbourhood Justice Centre in Collingwood and the Moorabbin Justice Centre.

<sup>67</sup> Data provided directly by Victoria Legal Aid Business Information Services for the purposes of this Project.

<sup>68</sup> These totals are for in-house case approvals only, it does not include casework undertaken by VLA panellists.

<sup>69</sup> This figure includes all case approvals, including VLA panellists.

Victoria Legal Aid provides an extensive service in relation to child protection, in particular, in the nature of casework. The provision of aid is largely granted for the purposes of opposing existing proceedings and is only granted for the purposes of applying for variation or revocation of orders if there are compelling reasons. The rationale behind this funding arrangement is that VLA's priority is to act for the child in such matters, rather than his or her parents.

Many parties with family law and family violence matters also have child protection issues. The funding of CLCs to practice in child protection would ensure consistency of legal advice and representation by one lawyer for all these matters. During consultation sessions, representatives of CLCs noted the complexity of child protection matters and the need for adequate training and support for CLCs to expand their services in this area.

**Recommendation 6:**

**That additional funding be granted and directed to community legal centres in both metropolitan and non-metropolitan Victoria to provide services in child protection or, in the case of community legal centres currently practising in child protection, to expand their existing service to cover a broader catchment area. This would enable them to focus on cases where the Department of Human Services is involved but where proceedings in the Children's Court have not yet been issued.**

**Recommendation 7:**

**That additional funding be granted and directed to fund the up-skilling of family law and family violence practitioners to practice in child protection, both in metropolitan and non-metropolitan Victoria. It is recommended that up-skilling be implemented through activities such as site visits, secondments and observation periods.**

**Recommendation 8:**

**Additional funding for existing community legal centres that provide a state-wide service to broaden that service to include child protection assistance.**

**Recommendation 9:**

**Additional funding to expand the existing community legal services in child protection to include additional representation and ongoing casework. The community legal centre would be able to provide advice to parties, and advocacy, before proceedings have been issued. The client would have consistent legal care over a broad range of matters.**

## 7 Gaps in current services available

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### 7.1 Limited resourcing and capacity to assist with ongoing casework

Limited resourcing and capacity to assist a client with a matter was identified by one third of CLCs practising in the Project areas as a determining factor for limiting the provision of ongoing casework. It was also the third most common factor considered by CLCs when determining client eligibility for assistance, behind client means (income and ability to afford legal assistance) (2/3) and access to justice / other legal support (including eligibility for legal aid grant) (just over 1/3).

Where a client falls short of the first two considerations by not having the means to afford other legal assistance, but is also ineligible for a grant of assistance from VLA, the CLC sector and other pro bono/reduced rate legal assistance are key sources of legal assistance for the target group. Where these services do not have the resources and capacity to assist clients with ongoing casework, the client generally receives a series of 'one off' advice and ad hoc representation, often only at points of crisis. Surveyed legal practitioners indicated that limited resources, funding and too few services were key reasons for the inadequacy of legal services.

Similarly, private practitioners undertaking legally aided casework for the target group identified resourcing, in conjunction with the limited grant amount as a factor influencing the amount of this type of work undertaken, and their willingness/unwillingness to undertake legally aided work.

Consultations revealed that duty lawyer services are often under resourced and lawyers only have a limited time to assist each client. Due to the time constraints involved, this service is not always adequate for women who are experiencing crisis and can result in women being provided with limited advice and being unrepresented in court.

Often a strong sense of moral obligation is the key motivator for the private legal profession's acceptance of legally aided work. However, a study of the participation of private legal practitioners in the provision of legal aid services in Australia conducted by TNS Social Research commented on law firms' disengagement with the legal aid system:

"Remuneration matters including the low hourly rate, and issues with the number of hours allocated under the stage of matter payment structure were the key reasons for disengagement from legal aid among all firms. Red tape associated with processing a grant of legal aid was also seen as a key reason for disengagement. This was particularly evident among firms that used to provide legal aid but now do not."<sup>70</sup>

Some of the consequences of limited resourcing and capacity to assist with ongoing casework are:

- ▶ Clients lurch from crisis to crisis and have less capacity to seek early advice or effectively identify their legal needs pre-crisis.
- ▶ There is a risk of different services providing conflicting or incomplete advice at various points throughout the client's engagement with the legal system based on taking an 'incident by incident' approach rather than pursuing an ongoing strategy.

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<sup>70</sup> TNS Social Research, *Study of the Participation of Private Legal Practitioners in the Provision of Legal Aid Services in Australia* (December 2006) pp vi-vii. cited in Senate Legal and Constitutional References Committee, above note 41, p. 75.

- ▶ Lack of ongoing assistance with a single service requires clients to move from service to service to obtain the assistance they require, often needing to repeat their story (which can be stressful/traumatic) and can result in referral fatigue and disconnection from legal services.

*"It's rare that anybody even wants to listen to the full story or any side of it. They just pass it on to this person and that person and the amount of run-arounds that I got and different numbers that I've been given. 'Try that person.' 'No, we don't deal with that.' 'No, sorry, we don't deal with this.' 'No, you'll have to ring ...' 'Try this person, try that person.' 'No, we can't help'. 'No, sorry'."*

#### **Recommendation 10:**

**That additional funding be obtained for community legal centres to assist clients with ongoing casework in family law, family violence and child protection (especially in circumstances where the client is not eligible for a grant of legal aid and is otherwise unable to afford legal assistance).**

## **7.2 Scope of the legal assistance**

Consultation participants for the Project identified limitations in the scope of some legal services being provided across family law, family violence and child protection. In particular, the depth and breadth of a service can depend on how often the practitioner works in the area and their level of understanding of intersecting legal areas. As the work in this area is complex and spans across State and Federal jurisdictions and numerous courts, it is uncommon for a generalist community lawyer to have a comprehensive understanding of family law, family violence and child protection.

As is indicated by the data in Chapter 7, the nature and scope of the services differs across the CLCs practising in family violence, family law and child protection. Furthermore, less than a third of CLC legal staff practising in family law, family violence and/or child protection identified themselves as specialist lawyers in one or more of the 3 areas. Of those specialist lawyers, over half practise at one of three specialist legal services. The remaining 48.6% of specialist lawyers are spread across 14 generalist legal services.

Because family violence, family law and child protection matters are commonly interrelated, clients can often be required to seek assistance from a number of services to pursue legal avenues arising from a single factual situation or incident. For clients experiencing crisis, having to 'shop around' to meet all of their legal needs can be extremely burdensome and stressful. During consultation, CLCs that are key service providers in these areas agreed that clients should be able to attend a single, locally-based service with expertise to provide the necessary level of legal assistance in family violence, family law and child protection. This would require the development of broad and specialised legal services which would build on (rather than replicate or displace) existing CLC services. Ideally clients could access these services locally, face-to-face, and from CLCs that are well-connected with other local and regional service providers (and therefore well placed to make referrals to non-legal services on the basis of sound local knowledge).

#### **Recommendation 11:**

**That additional training and education be provided to non-specialist lawyers practising in family law, family violence and/or child protection by specialist practitioners/services to up skill lawyers in the complexities and intersection of various laws in this area.**



#### **Recommendation 12:**

**That non-specialist lawyers practising in family law, family violence and/or child protection have increased access to specialist practitioners for consultation on more complex matters through a formalised system of collaboration.**

#### **Recommendation 13:**

**Funding to establish a state-wide ‘centre of excellence’ to enhance and build specialist knowledge through modelling, training, mentoring and supporting workers across family law, family violence and child protection. The service would provide information/advice, limited casework (to inform best practice) and referrals. That the service be staffed by skilled practitioners who can provide ongoing assistance in all areas of family law, family violence and child protection.**

### **7.3 Specialist outreach services in family law, family violence and child protection are limited**

The concept of outreach can vary in its scope and meaning. For the purposes of this Project, ‘outreach’ was defined to include the provision of legal services at a venue which is already servicing a client base, and does not include the provision of legal services at an office location where the primary function of the office is the provision of those legal services. These venues were classed as alternative office locations rather than outreach locations.

Of the CLCs and VLA offices practising in family law, family violence or child protection, a total of 26 service providers undertake outreach work. This figure is comprised of:

- ▶ 20 Generalist CLCs;
- ▶ 1 Specialist CLC; and
- ▶ 5 VLA offices.

Many of these services provide more than one outreach service. A survey of the relevant VLA offices and CLCs identified a total of 68 outreach services, 7 of them operated by VLA and 61 operated by a CLC.<sup>71</sup>

It must be acknowledged that CLCs are embedded in their local communities and regularly engage in community legal education and community development as part of their core business. In addition, some CLCs engage in formal outreach where homeless clients and clients experiencing family violence will be assisted. For example, the Fitzroy and the St Kilda Legal Service both have Drug Lawyer Outreach programs at multiple sites.

While several CLCs<sup>72</sup> have developed, or are in the process of developing specific family violence projects that engage with their local communities and service providers, there is a need for additional outreach services run by CLCs which specialise in family law, family violence and/or child protection. Just over two thirds of CLCs practising in family law, family violence or child protection undertake some form of outreach work. However, of the 4 specialist legal services which operate state-wide and which practice in family law,

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<sup>71</sup> See Table C11 in Annexure C and accompanying footnotes for details of services operated by each CLC and VLA office.

<sup>72</sup> For example, the Aboriginal Family Violence Prevention and Legal Service, St Kilda Legal Service, Loddon Campaspe Community Legal Centre, Eastern Community Legal Centre and the North Melbourne Legal Service.

family violence and/or child protection, only one service runs any type of outreach program (this program allows for individual lawyers to attend a destination elected by the client in certain circumstances).

While two of the 4 specialist services have multiple office locations in rural and regional locations throughout Victoria, 100% of those services are available only to people of Aboriginal and Torres Strait Islander descent.

Victoria Legal Aid offices undertake very little outreach, as classified for the purposes of this Project. The visiting services, particularly in relation to those specialised areas such as the VLA Child Support Legal Service and VLA Youth Legal Service<sup>73</sup> undertake regular visits to other metropolitan and non-metropolitan legal aid offices. Although these 'specialty' services are visiting, this type of circuit based advice service has not been classified as outreach for the purposes of this Project.

#### Most common host agency for outreach

The primary host venues being used by the CLC sector and by VLA for outreach are community health centres (19 services), community information and support services (10 services), neighbourhood houses (6 services) and family resource/support centres (5 services).<sup>74</sup> Of the 21 CLCs and 5 VLA offices undertaking outreach work, only 1 office conducts outreach to a specialist homelessness service (Ozanam House).

#### Recommendation 14:

**That the HPLC and legal services for women in crisis work together to consider the needs of women who are homeless or at risk of homelessness. There is a need for both sectors to talk more, to share more good practice models and to consider ways in which to work together in order to increase access to services.**

#### Support

*"I rang up my worker and I was crying and I said to her, 'I'm reaching out to you and I am telling you that I am at my wits end, I am either going to end up in a mental institution or dead'. And I was serious. I said I need to put my kids in respite, I need to put my kids in with respite ASAP, I can't handle it..."*

*The worker said 'we'll see what we can do'. She rang back a bit later on and she said 'there's nothing we can do for you. I rang around, there's no respite, there's a month waiting list'. These women... are getting so neglected in so many areas due to the lack of knowledge of these workers and not knowing what to do."*

#### Frequency of outreach services

The outreach services being provided by CLCs vary in their frequency with one CLC outreach service operating daily, 13 services operating weekly, 10 services operating fortnightly, 20 services operating monthly and 17 services which are either operating on an occasional basis, or did not specify the frequency of the service.<sup>75</sup>

<sup>73</sup> VLA Youth Legal Service includes child protection.

<sup>74</sup> A list of types of host agencies and the number of outreach services hosted by each is in Table C9 in Annexure C.

<sup>75</sup> Where a CLC or VLA office provides an outreach service at more than one location, each location has been counted as a separate outreach service. The frequency of each outreach service is listed in Annexure C, Table C11.

The time allocated for the outreach also spans between 1 hour and a full day. However, on average the outreach is conducted for ½ day, by either drop in or appointment. Outreach by VLA offices is performed largely either fortnightly or monthly, with only one outreach service operating weekly. The allocated time for outreach by VLA is less, with periods spanning from 1 to 5 hours in duration.

**Recommendation 15:**

**That the frequency of outreaching to the target group be increased to weekly or fortnightly by those services providing monthly outreach only.**

Legal practitioners and support services indicated that the most common reason for service inaccessibility for women who are homeless or at risk of homelessness was that services rely on the client to come to them. This gives rise to issues of making and keeping connection/engagement with the services. It was recommended that additional support be provided in the form of more available venues for outreach and better targeted outreach.

The consultations identified a level of disadvantage for women who are homeless or at risk of homelessness in engaging with the court system due to the complexity, expense, time, process based requirements (e.g. address for service), lack of engagement etc. On this basis, it is estimated that the rate of engagement with voluntary court processes in particular is low for the target group; however, no data is captured in relation to homelessness by the courts.

## **7.4 Specialist and non-specialist Magistrates' Court divide**

Specialist family violence courts have been introduced both in Australia and elsewhere, to assist in making the court process less intimidating, more accessible and responsive to those who have experienced family violence.<sup>76</sup> The specialist courts form part of an integrated response to family violence which extends beyond legal remedies to referrals to agencies dealing with housing, employment and health matters.<sup>77</sup>

In general, feedback received during consultations indicated that the introduction of the *Family Violence Protection Act 2008* (Vic) has assisted in keeping women who are at risk of homelessness due to family violence, in the home.

However, concerns were raised about inconsistencies in how effective this legislation is in non-specialist Magistrates' courts and in rural, regional and remote areas. Feedback indicated that exclusion orders are not standard practice in non-specialist Magistrates' courts and, in particular, in non-metro Victoria. Anecdotally, there seems to be quite a lot of variance in the outcome of family violence intervention order proceedings between non-specialist Magistrates' courts.

It was also indicated that exclusion orders are less readily granted in rural Victoria due to other property considerations (e.g. where the exclusion would be from a farm / business).

It is evident that Family Violence Court Divisions and Specialist Family Violence Services operating in Victorian Magistrates' Courts are better equipped than non-specialist Magistrates' courts to meet the legal and non-legal support needs of clients engaging in the intervention order process through access to the following resources:

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<sup>76</sup> The Australian (2 May 2002) cited in AHURI, Homelessness prevention for women and children who have experienced domestic and family violence: innovations in policy and practice (June 2011) at p.27.

<sup>77</sup> AHURI, Homelessness prevention for women and children who have experienced domestic and family violence: innovations in policy and practice (June 2011) at p.27.

- ▶ specially assigned Magistrates;
- ▶ trained applicant support workers;
- ▶ family violence outreach workers;
- ▶ additional legal services from Victoria Legal Aid and CLCs;
- ▶ dedicated prosecutors and additional security officers; and
- ▶ a dedicated Family Violence Court Registrar to coordinate these services at the Court.

In addition, the Magistrates, family violence registrars, police prosecutors, applicant support workers, outreach workers and lawyers have special training and knowledge in family violence matters.<sup>78</sup>

In particular, consultation participants observed the following issues arising in family violence matters in the Magistrates' Court:<sup>79</sup>

- ▶ Police are often taking a more active role in the identification of support needs of women experiencing family violence and notification of women's support services to assist women through the court process. However, this process relies solely on the point of entry contact person successfully identifying this need. Anecdotally, it was noted during consultation with the community legal sector that often police applying for an intervention order on behalf of a woman do not identify other support service needs of the woman. In circumstances where the police are not involved at this point of entry, and a woman has applied for a family violence intervention order on her own, or the need is not identified by the point of entry contact, women are not always being made aware of what services are available to them and do not always receive the assistance they need through this process.
- ▶ The volume of applications received in some non-specialist Magistrates' Courts combined with less legal resourcing at court leads to a greater incidence of unrepresented litigants and applicants being unable to receive advice at court due to conflicts of interest. Whilst VLA and CLCs attend and provide duty services at Magistrates' Courts across Victoria (subject to the limitations on duty lawyer services identified elsewhere in this report), where clients are conflicted out by a legal service, there are very limited options for that person to receive advice on the day in court. The options which do exist are often ad hoc arrangements which depend heavily on the workload and capacity of the assisting solicitor.
- ▶ Court staff are increasingly encouraging applicants during their initial interview to seek legal advice prior to returning to court to reduce the risk that services will be conflicted out of assisting. This risk arises because of common reports that violent partners may deliberately seek assistance from a number of legal services to prevent their partner accessing these same services. While this system does seem to catch some people and increase their access to advice and assistance, not everyone who is advised to, actually seeks legal advice in advance. Consultations also indicated that referral to telephone advice services is limited.

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<sup>78</sup> Further information available at: <http://www.magistratescourt.vic.gov.au/jurisdictions/intervention-orders/family-violence-court-programs>.

<sup>79</sup> These observations were made by individual consultation participants and are not intended to represent the views of the majority of the consultation participants. However, the PILCH HPLC considers this input an important contribution to the Project.

- ▶ Both the Specialist Family Violence Service and the Family Violence Court Division aim to simplify access to the justice system and increase safety for affected family members and children. This is done through the introduction of measures such as the use of remote facilities and separate waiting areas. These measures are not standard practice in non-specialist Magistrates' Courts.
- ▶ Women attending non-specialist Magistrates' Courts are largely supported by community support organisations which attend the court on certain hearing days. This is a limited service and during busy periods, the amount of time that the worker can provide to each individual is brief and may not provide the one-on-one contact to ensure that women feel supported enough to complete the process. There are difficulties with resourcing this support service due to the fluctuating numbers of people needing assistance on each court day.
- ▶ On busy court days duty lawyers can be dealing with numerous cases and the amount of time available to advise each client during these times is extremely limited. However, feedback in relation to the efforts of duty lawyers was consistently positive, particularly in the context of the high pressure, time limited and under resourced environment in which they are working.

**Recommendation 16:**

**That government fund and implement education and training programs across the court sector, including non-specialist Magistrates' Courts, in crisis issues commonly experienced by clients who are engaging with the family violence sector, and in particular, those experiencing homelessness or at risk, to ensure the most appropriate outcomes are achieved for this group.**

**Recommendation 17:**

**That government fund and make available additional support services in non-specialist family violence courts to assist clients with non-legal support when engaging with the court system.**

**Recommendation 18:**

**That government fund and make available additional duty lawyer services at non-specialist family violence courts to assist clients who are unable to obtain advice due to multiple conflicts of interest.**

## 8 Barriers to access to target group

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### 8.1 Lack of affordability of private legal representation

For women experiencing, or at risk of, homelessness, engaging a private legal practitioner is rarely an option due to extremely limited financial resources or access to cash flow (where a woman may otherwise have assets which exclude her from accessing legal aid assistance). Without the financial capacity to engage a private legal practitioner, women can be prevented from accessing legal representation and prevented from resolving complicated issues that can have a major impact on their lives and the lives of their children. This can result in disengagement with the justice system, either from the outset or in subsequent stages in the legal process.<sup>80</sup>

For this reason, additional community legal and legal aid services are needed to ensure that vulnerable women and their children don't slip through the cracks.

### 8.2 Geographical access – Rural, Regional and Remote areas

There are a number of barriers to accessing legal services for people living in rural, regional and remote (RRR) areas, which are distinct to this group:<sup>81</sup>

“Gaps in the legal aid system are greatly magnified in RRR areas. Overwhelmingly, the evidence suggests that the current arrangements throughout RRR areas of Australia are inconsistent and inadequate, and generally fall well below acceptable standards for achieving geographic equity and uniform access to justice. In fact, it appears as though there is a growing crisis in effective legal aid service delivery in RRR areas.”

There are a number of contributory causes to the inability of people in RRR areas to access legal representation, including:<sup>82</sup>

- ▶ there are fewer legal aid offices, CLCs and Aboriginal legal services;
- ▶ there are fewer legal practitioners, including those participating in pro bono work;
- ▶ the cost of travel to access or provide legal services can be prohibitive;
- ▶ due to the smaller number of legal practitioners, there is a greater likelihood that a legal practitioner or legal service provider will have a conflict of interest; and
- ▶ resource allocations do not include adequate consideration of the additional costs of delivering services, including outreach programs.

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<sup>80</sup> NSW Young Lawyers, Human Rights Committee, *Submission 28*, p.6; and Mr Mark Woods, Law Council of Australia, *Committee Hansard*, Canberra, 27 October 2009, p.26; Australian Lawyers Alliance, *Submission 49*, pp7-8; PILCH, *Submission 33*, p.18; NSW Young Lawyers, Human Rights Committee, *Submission 28*, p. 5, cited in Senate Legal and Constitutional References Committee, above note 41, p.16.

<sup>81</sup> Attorney-General's Department, *Legal Services Directions 2005*, Appendix F, para 4. cited in Senate Legal and Constitutional References Committee, above note 41, p. 24.

<sup>82</sup> PILCH, *Submission 33*, pp 20-21; NSW Young Lawyers, Human Rights Committee, *Submission 28*, p. 7; Women's Legal Service (SA) Inc., *Submission 59*, p. 19; and Mr Mark Woods, Law Council of Australia, *Committee Hansard*, Canberra, 27 October 2009, p. 28. cited in Senate Legal and Constitutional References Committee, above note 41, p. 25.

### 8.3 Lack of awareness of available legal services

The most common barrier to the target group accessing the available legal services was identified by the consultation process as a lack of information and knowledge about the existence, location and extent of available legal services (50% of survey participants identified this gap, as did the support sector). Women are not always informed about what services are available to them when they are engaging with various support services.

### 8.4 Lack of understanding of legal options

A lack of access to information can become a significant barrier to access to justice for women experiencing, or at risk of homelessness. Without access to information, these women do not know what their legal rights and responsibilities are, which creates difficulties when it comes to asserting or defending those legal rights.<sup>83</sup>

How a lack of understanding of legal options can impact on persons involved in family law litigation was described by the Hunter Community Legal Centre Inc.:<sup>84</sup>

“Many matters which end up at the Family Court are matters in which either one or both parties have not had either the opportunity or the resources to obtain legal advice and representation before they make their application or before they turn up at court on the day of their hearing. What that means is that both parties have no understanding of their legal rights or their legal responsibilities under the Family Law Act. If they have no understanding of their rights and responsibilities, they are not able to enter into negotiations for settlement of the matter and they are not able to understand the basis on which the court might make orders against them or in their favour.”

Accurate identification of a legal problem is largely dependent on access to information about legal rights and responsibilities, without which, people may be unable to recognise when they have a legal issue which needs addressing.<sup>85</sup>

Women are not always aware of the legal options available to them following an incident. For example, this arises in relation to family violence, where the perpetrator has been issued with a safety notice and removed from the property pending the first return date at court. Often the parties will attend court without having accessed any legal advice prior to their court attendance. These incidents often occur on weekends when there is no legal assistance available.

### 8.5 Language

The United Nations Human Rights Committee considers access to interpreter services to be an essential measure to achieve justice. This need was recognised and endorsed by the High Court of Australia over a

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<sup>83</sup> For example, Care Inc. Financial Counselling Services and Consumer Law Centre of the ACT, *Submission 9*, p. 4. cited in Senate Legal and Constitutional References Committee, above note 41, p. 30.

<sup>84</sup> In its submission into the Senate Legal and Constitutional References Committee's Access to Justice Inquiry, Ms Liz Pinnock, Hunter Community Legal Centre Inc., *Committee Hansard*, Canberra, 27 October 2009, p. 7. cited in Senate Legal and Constitutional References Committee, above note 41, p. 30.

<sup>85</sup> West Heidelberg Community Legal Services, *Submission 37*, p. 4; and NSW Young Lawyers, Human Rights Committee, *Submission 28*, p. 7. cited in Senate Legal and Constitutional References Committee, above note 41, p. 31.

decade ago.<sup>86</sup> The high cost of interpreters and translators can be a barrier to their engagement by some resource poor legal assistance service providers.<sup>87</sup>

Issues surrounding language were identified as a key barrier to members of the target group effectively participating in the legal system. In particular, concerns were raised about a lack of services for women from culturally and linguistically diverse backgrounds and limited access to 'good' interpreters, especially in less common languages. Access to interpreters when private practitioners are assisting clients was also identified as being limited. CLC representatives also noted during consultation that access to interpreters is very limited in regional areas, with waiting periods of up to 6-8 weeks in some areas, and little or no access in other areas.

**Recommendation 19:**

**That increased and improved access to qualified and experienced interpreters is available at times when legal services are being provided to clients from CALD backgrounds (including at courts and during after hours services).**

## **8.6 The need for integration of point of entry, legal and non-legal support services**

Surveyed legal practitioners and support sector workers identified a gap in the adequacy of referral systems and working relationships between the legal and non-legal support sectors and recommended improved support to the target group through integrated services and more collaboration.

A holistic approach, or co-location of legal and non-legal service providers, would benefit persons most likely to experience multifaceted and complex problems (e.g. the people experiencing homelessness, sole parents, persons suffering chronic illness and disability, and indigenous peoples).<sup>88</sup> Research in the area has revealed that:<sup>89</sup>

“there is a significant association between a person's experience of a justiciable problem and their health status; most people do not seek or receive legal advice for their justiciable problems; non-legal services are most often the first point of contact; and people rarely seek assistance from more than one source for each legal issue.”

It has been suggested that the following approach is required to achieve an integrated service delivery approach:<sup>90</sup>

- ▶ appropriate support in policy development and resource allocation;

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<sup>86</sup> *Ebatarinja v Deland* [1998] 194 CLR 444 per Gaudron, McHugh, Gummow, Hayne and Callinan JJ at 26; and National Pro Bono Resource Centre, *Submission 49*, p. 12. cited in Senate Legal and Constitutional References Committee, above note 41, p. 149.

<sup>87</sup> National Pro Bono Resource Centre, *Submission 49*, p. 12. cited in Senate Legal and Constitutional References Committee, above note 41, p. 150.

<sup>88</sup> Evidence was submitted on this point in the submissions to the Senate Legal and Constitutional References Committee's Access to Justice Inquiry, for example, Aboriginal Family Violence Prevention & Legal Service Victoria, *Answers to Questions on Notice* (22 July 2009) pp 3 & 7; and Gilbert & Tobin, *Submission 45*, pp 7-8. cited in Senate Legal and Constitutional References Committee, above note 41, p. 100.

<sup>89</sup> Assoc. Prof. Mary Anne Noone & Ms Kate Digney, *Submission 7*, pp 2-4; and Central Queensland Community Legal Centre Inc., *Submission 47*, p. 3. cited in Senate Legal and Constitutional References Committee, above note 41, p. 100.

<sup>90</sup> Ms Mary Anne Noone, *Committee Hansard*, Melbourne, 15 July 2009, p. 94. cited in Senate Legal and Constitutional References Committee, above note 41, p. 100.



- ▶ a shared purpose, high level of trust, good communication, leadership and mutual responsibility at the organisational level; and
- ▶ integration of professional practices.

It has also been argued that “in areas of high disadvantage, community services need to employ a collaborative approach to service delivery: No individual service alone can target the multi-levelled problems that exist for people who live in areas of high disadvantage. A holistic approach between all services, both social and legal, and both Commonwealth and State funded, needs to be established.”<sup>91</sup>

The second most common barrier to accessing available legal services was identified as fear. This concept involves an extremely broad range of fears including: facing a violence perpetrator; intimidation; being outcast by community; violence; being located; giving evidence; for children and of removal of children; of Department of Human Services (DHS) involvement; and other broader consequences of engaging with the legal system.

These fears can often be exacerbated by a lack of knowledge across the non-legal sector about the legal process and what is involved in engaging with the legal sector, and similarly, a lack of knowledge across the legal sector about the non-legal crisis issues facing the client. In particular, a lack of confidence / low self esteem including emotional instability, trauma associated with crisis, indecisiveness and feelings of helplessness were identified as common barriers to accessing available services for the target group.

*“At the end of the day, there are women out there that are going through situations like this and they’re driven into insanity and had their children taken off them... and then the courts get involved... all this sort of stuff can get avoided if the right support is out there... things like this can be avoided... I really believe that they need to look into new training ways... there’d be less files...there would actually be less violence, there’d be less crime, there’d be less everything if there was proper support.”*

**Recommendation 20:**

That the non-legal support sector take a more active role in educating and training the legal sector in crisis issues commonly experienced by clients who are engaging with the family law, family violence and child protection support sectors to better equip lawyers in supporting and understanding their client’s needs throughout the legal process.

**Recommendation 21:**

That the legal sector take a more active role in educating and training the non-legal support sector in what is involved in the legal process so that non-legal support workers are better equipped to support and understand their client’s needs throughout this process.

**Recommendation 22:**

Education and training of the support sector and first point of contact services should also include education focused on the early identification of potential legal issues in the areas of family law, family violence and child protection so that increased access to early advice and information can be provided through a supported early referral system.

<sup>91</sup> Central Queensland Community Legal Centre Inc., *Submission 47*, pp 3-4. cited in Senate Legal and Constitutional References Committee, above note 41, p. 101.

## 9 Recommendations

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The following recommendations aim to address some of the gaps and barriers to accessing legal services for women experiencing or at risk of homelessness in the areas of family law, family violence and child protection.

Clearly, many of the recommendations would only be feasible if supported by significant funding increases. Some of the recommendations relate to the services delivered by Community Legal Centres and these recommendations could not be implemented without first addressing the chronic under-resourcing of that sector, which persists despite the sector's fundamental importance in enabling access to justice for disadvantaged and vulnerable members of the community. To varying extents, this overarching difficulty informs the following observations and recommendations:

### **Recommendation 1:**

**Additional funding to expand the current telephone advice services provided by Victoria Legal Aid and Women's Legal Service Victoria to include daily assistance during office hours, plus additional after hours assistance.**

### **Recommendation 2:**

**Additional funding to investigate the current availability of phone advice for women in crisis and consider whether there is need for an emergency legal advice hot line be established to operate after hours, on weekends and public holidays to service the 'urgent' legal advice needs of women in crisis.**

### **Recommendation 3:**

**Additional funding in order to expand the existing service provided by community legal centres to assist clients with contested family law matters, property settlements and child support, especially in circumstances where the client is not eligible for a grant of legal aid assistance.**

### **Recommendation 4:**

**Additional funding to enable the community legal sector to develop and operate additional duty lawyer services at regional circuit courts in the Family Court and Federal Magistrates' Court listings, including funding to train more duty lawyers.**

### **Recommendation 5:**

**Additional funding to expand existing family violence law services to include assistance with contested Intervention Order hearings, improve access to duty lawyers and enable more ongoing client representation.**

### **Recommendation 6:**

**That additional funding be granted and directed to community legal centres in both metropolitan and non-metropolitan Victoria to provide services in child protection or, in the case of community legal centres currently practising in child protection, to expand their existing service to cover a broader catchment area. This would enable them to focus on cases where the Department of Human Services is involved but where proceedings in the Children's Court have not yet been issued.**

### **Recommendation 7:**

**That additional funding be granted and directed to fund the up-skilling of family law and family violence practitioners to practice in child protection, both in metropolitan and non-**

metropolitan Victoria. It is recommended that up-skilling be implemented through activities such as site visits, secondments and observation periods.

**Recommendation 8:**

Additional funding for existing community legal centres that provide a state-wide service to broaden that service to include child protection assistance.

**Recommendation 9:**

Additional funding to expand the existing community legal services in child protection to include additional representation and ongoing casework. The community legal centre would be able to provide advice to parties, and advocacy, before proceedings have been issued. The client would have consistent legal care over a broad range of matters.

**Recommendation 10:**

That additional funding be obtained for community legal centres to assist clients with ongoing casework in family law, family violence and child protection (especially in circumstances where the client is not eligible for a grant of legal aid and is otherwise unable to afford legal assistance).

**Recommendation 11:**

That additional training and education be provided to non-specialist lawyers practising in family law, family violence and/or child protection by specialist practitioners/services to up skill lawyers in the complexities and intersection of various laws in this area.

**Recommendation 12:**

That non-specialist lawyers practising in family law, family violence and/or child protection have increased access to specialist practitioners for consultation on more complex matters through a formalised system of collaboration.

**Recommendation 13:**

Funding to establish a state-wide 'centre of excellence' to enhance and build specialist knowledge through modelling, training, mentoring and supporting workers across family law, family violence and child protection. The service would provide information/advice, limited casework (to inform best practice) and referrals. That the service be staffed by skilled practitioners who can provide ongoing assistance in all areas of family law, family violence and child protection.

**Recommendation 14:**

That the HPLC and legal services for women in crisis work together to consider the needs of women who are homeless or at risk of homelessness. There is a need for both sectors to talk more, to share more good practice models and to consider ways in which to work together in order to increase access to services.

**Recommendation 15:**

That the frequency of outreaching to the target group be increased to weekly or fortnightly by those services providing monthly outreach only.

**Recommendation 16:**

That government fund and implement education and training programs across the court sector, including non-specialist Magistrates' Courts, in crisis issues commonly experienced by clients who are engaging with the family violence sector, and in particular, those

experiencing homelessness or at risk, to ensure the most appropriate outcomes are achieved for this group regardless of the specialty of the court.

**Recommendation 17:**

That government fund and make available additional support services in non-specialist family violence courts to assist clients with non-legal support when engaging with the court system.

**Recommendation 18:**

That government fund and make available additional duty lawyer services at non-specialist family violence courts to assist clients who are unable to obtain advice due to multiple conflicts of interest.

**Recommendation 19:**

That increased and improved access to qualified and experienced interpreters is available at times when legal services are being provided to clients from CALD backgrounds (including at courts and during after hours services).

**Recommendation 20:**

That the non-legal support sector take a more active role in educating and training the legal sector in crisis issues commonly experienced by clients who are engaging with the family law, family violence and child protection support sectors to better equip lawyers in supporting and understanding their client's needs throughout the legal process.

**Recommendation 21:**

That the legal sector take a more active role in educating and training the non-legal support sector in what is involved in the legal process so that non-legal support workers are better equipped to support and understand their client's needs throughout this process.

**Recommendation 22:**

Education and training of the support sector and first point of contact services should also include education focused on the early identification of potential legal issues in the areas of family law, family violence and child protection so that increased access to early advice and information can be provided through a supported early referral system.

## Annexure A – Definitions

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*Barwon South West region* means the 9 municipalities of Colac Otway, Corangamite, Glenelg, Greater Geelong, Moyne, Queenscliffe, Southern Grampians, Surf Coast and Warrnambool.

*CLC* means Community Legal Centre

*Community Legal Sector* means Community Legal Centres and Services in Victoria, but excludes VLA.

*Gippsland region* means the 6 municipalities of Bass Coast, Baw Baw, East Gippsland, Latrobe, South Gippsland and Wellington.

*Grampians region* means the 11 municipalities of Ararat, Ballarat, Golden Plains, Hepburn, Hindmarsh, Horsham, Moorabool, Northern Grampians, Pyrenees, West Wimmera and Yarriambiack.

*Hume region* means the 12 municipalities of Alpine, Benalla, Indigo, Greater Shepparton, Mansfield, Mitchell, Moira, Murrindindi, Strathbogie, Towong, Wangaratta and Wodonga.

*Loddon Mallee region* means the 10 municipalities of Buloke, Campaspe, Central Goldfields, Gannawarra, Greater Bendigo, Loddon, Macedon Ranges, Mildura, Mount Alexander and Swan Hill.

*Metropolitan*<sup>92</sup> (metro) means the 31 metropolitan municipalities that make up the Melbourne metropolitan region including Banyule, Bayside, Boroondara, Brimbank, Cardinia, Casey, Darebin, Frankston, Glen Eira, Greater Dandenong, Hobsons Bay, Hume, Kingston, Knox, Manningham, Maribyrnong, Maroondah, Melbourne, Melton, Monash, Moonee Valley, Moreland, Mornington Peninsula, Nillumbik, Port Philip, Stonnington, Whitehorse, Whittlesea, Wyndham, Yarra, Yarra Ranges.

*Non-metropolitan* (non-metro) means the 48 Victorian municipalities that make up the Barwon South West, Grampians, Loddon Mallee, Hume and Gippsland regions.

*Project* means the HPLC Families Project.

*Specialist CLC* means a specialist community legal centre which focuses on particular group/s of people or particular area/s of the law.<sup>93</sup> For the purposes of this report, relevant specialist CLCs (that is, CLCs currently providing services in one or more of the areas of family Law, family violence or child protection) include Aboriginal Family Violence Prevention and Legal Service, Mental Health Legal Centre, Victorian Aboriginal Legal Service and Women's Legal Service Victoria.

*Target Group* means women (and their accompanying children) who are experiencing homelessness, or are at risk of homelessness in Victoria.

*VLA* means Victoria Legal Aid.

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<sup>92</sup> Maps defining the metropolitan and non-metropolitan regions of Victoria are included at Annexure D.

<sup>93</sup> This definition is adopted from the Victorian Federation of Community Legal Services. See [http://www.communitylaw.org.au/find\\_a\\_clc.php](http://www.communitylaw.org.au/find_a_clc.php).

## Annexure B – Scope of the Families Project

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### Aim

In January 2011, the HPLC commenced work on the Families Project. The purpose of the Families Project was to identify and evaluate the unmet crisis legal needs in Victoria of women (and their accompanying children) who are homeless or at risk of homelessness, in the areas of family law, family violence and child protection through the examination of the current available legal services.

In summary, the Project aimed to:

- ▶ review the availability and accessibility of existing crisis legal services across the Project areas;
- ▶ consider the ability of the HPLC (or other more appropriate service providers) to service any identified unmet needs, including any additional resources that may be required; and
- ▶ if appropriate, develop an implementation strategy for the HPLC (or other service delivery model) to ensure legal needs for this client group are met.

### Methodology

In summary, the Families Project involved the collection of both qualitative and quantitative data through a number of research and consultative measures with a view to:

- ▶ Identifying the crisis legal needs of the target group (women and their accompanying children experiencing homelessness or at risk).
- ▶ Identifying the current crisis legal services / support available to the target group.
- ▶ Identifying and analysing:
  - ▶ gaps in available crisis legal services;
  - ▶ barriers to accessing crisis legal services for the target group; and
  - ▶ ongoing support needs of the target group.
- ▶ Identifying options to overcome access barriers (if any).
- ▶ Formulating options / models for additional crisis legal services and making recommendations.
- ▶ Designing implementation model/s (if required).

### Consultation

The Families Project involved consultation with representatives from the following stakeholders:

- ▶ Community Legal Centres
- ▶ Victoria Legal Aid
- ▶ Private practitioners

- ▶ Non-legal supports
- ▶ Courts
- ▶ Consumers
- ▶ Academics

### Community Legal Centres (CLCs)

CLCs practising in family law, family violence and/or child protection law were contacted by email and invited to participate in the following forms of consultation:

- ▶ Service Summary Review: CLCs were asked to review, confirm or amend a matrix summarising the nature and extent of the services provided by that CLC in family law, family violence and child protection. The matrix set out information on the organisation of the CLC, the areas of law in which it practiced, the nature of assistance provided, any relevant statistical data, any aid guidelines or limitations for accessing the service, the CLC's catchment area, any outreach services provided by the CLC, and any other comments. In some cases the Service Summary was confirmed by a follow-up telephone interview.
- ▶ Online survey: Lawyers at the CLC were invited to undertake an online survey about their experiences of working as a community lawyer.
- ▶ Case Study Request: Request for the provision of case studies relevant to family law, family violence and child protection.
- ▶ Consumer Referral Request: Request for consumer referral for consultations.

In addition to the above forms of consultation, the author undertook an observation period with a specialist legal service (Women's Legal Service Victoria).

During June 2012, Chris Atmore of the Federation of Community Legal Centres brought together the CLCs that are key service providers in family law, family violence and/or child protection to comment on a draft of this report, including its key recommendations and observations. The Federation of Community Legal Centres (**FCLC**) facilitated a roundtable discussion between representatives from Springvale Monash Legal Service, Gippsland Community Legal Service, Women's Legal Service Victoria, Peninsula Community Legal Centre and Domestic Violence Resource Centre. FCLC also facilitated separate discussions with other CLC representatives who were unable to attend the roundtable discussion, including from Eastern Community Legal Centre, St Kilda Legal Service, Aboriginal Family Violence Prevention and Legal Service and Loddon Campaspe Community Legal Centre. Detailed notes were taken of each of these discussions and key comments were then incorporated into the report. Where appropriate, recommendations were amended to reflect the qualitative input of CLCs in these discussions.

### Victoria Legal Aid (VLA)

As with CLCs, consultation with Victoria Legal Aid involved an online survey, case study request and consumer referral request, however no Service Summary Review was undertaken on the basis that the nature and extent of legal services provided by VLA are formally governed by the Guidelines for eligibility for

a grant of assistance.<sup>94</sup> The substantive questions contained in the online survey for VLA lawyers were the same as those put to the CLCs.<sup>95</sup> An Observation Period was undertaken with the Melbourne office, across the Family, Youth and Children's Law Division.

### Private Practitioners

Private practitioners listed on the Victoria Legal Aid Section 29A Panels for Family Law<sup>96</sup> and Children's Court (Family Division)<sup>97</sup> were invited to participate in the consultation process (**Panellists**).

Consultation with Panellists included a Survey, Case Study Request and Consumer Referral Request. The online survey undertaken by Panellists included the following additional questions, as distinct from the CLC and VLA surveys:

- ▶ Please specify the percentage of your total casework in family law, family violence and child protection that is Victoria Legal Aid funded (graded scale/comments).
- ▶ Would you be willing to undertake more Victoria Legal Aid funded casework (Yes/No/Why)?

### Non-legal Support Sector

Focus groups were held with members of the non-legal support sector who have had experience supporting the target group through their engagement with various legal services. Consultation also involved Case Study Requests and Consumer Referral Requests.

### Courts

Representatives from both specialist and non-specialist Magistrates' Courts, together with representatives from the Family Court of Australia and the Children's Court were interviewed as part of the consultation process. Assistance was also sought from Court representatives in referring consumers for consultation.

### Consumers

The format of the consumer consultation was a face-to-face interview. The consumer was provided with a factsheet about the HPLC, the Families Project and the nature of the consultation process, the intended use of the information collected from the consumer was explained in detail and written consent was obtained for use of the information by the HPLC.

### Academics

Various academics were consulted via telephone interview for discussion and input purposes.

### Project Steering Committee

The Families Project had the benefit of input from a Project Steering Committee (**the Committee**). The Committee was established by the HPLC to provide a consultative forum to discuss the progress and direction of the Project. The Committee was made up of 4 key stakeholders: HPLC, Women's Legal Service

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<sup>94</sup> A list of links to current Guidelines is available at: <http://www.legalaid.vic.gov.au/175.htm>.

<sup>95</sup> The only minor difference between the VLA and CLC surveys related to the selection options for 'office' which was tailored to the service providers.

<sup>96</sup> Victoria Legal Aid, *Section 29A Family Law Panel*. Available at: <http://www.legalaid.vic.gov.au/817.htm>.

<sup>97</sup> Victoria Legal Aid, *Section 29A Children's Court (Family Division) Panel*. Available at: <http://www.legalaid.vic.gov.au/814.htm>.



Victoria, Victoria Legal Aid and Domestic Violence Victoria, who met with HPLC project representatives on 4 occasions over the 6 month duration of the Project.

The functions of the Committee were to:

1. consider and provide feedback on the HPLC Families Project Plan (**HFPP**) to ensure that relevant and appropriate consultative measures have been included and to minimise duplication of research and data collection;
2. assist in connecting the author with key authorities on family law, family violence and child protection;
3. review preliminary findings and progress reports for the purpose of providing practical guidance on:
  - ▶ the relevance of case studies and data collected at each stage identified in the HFPP, and
  - ▶ the impacts / risks / benefits and broader suitability of options, service and implementation models, in the context of existing resources in the sector and specific vulnerabilities of the target group;
4. provide ongoing oversight and input into progress and direction of Project.

## Limitations

### Consumer involvement and case study data

Despite the HPLC's considerable efforts to engage with consumers in the areas of family law, family violence and child protection, there was limited uptake. A limited sample of case studies was obtained and only one consumer provided a qualitative response on their experiences of family law, family violence and child protection issues.

### Children

The target group for the Project is women (and their accompanying children) experiencing homelessness or at risk. The Project did not consider the legal needs of children in their own right, as separate and distinct from the needs of their mother across the Project areas. In particular, no consideration has been given to issues commonly related to family violence such as sexual assault.

### Expertise

The areas of law the subject of this Project are complex and involve the intersection of both State and Federal jurisdictions. As the HPLC does not practice in these areas of law, the research undertaken on this Project, whilst comprehensive, does not dig deeply into the more complex legislative issues which arise in this area.

### Participation of community lawyers and CLCs

While community lawyers and other practitioners in the field were encouraged to participate in the consultation process, not every practitioner responded and not every CLC was represented among the respondents. Some practitioners participated only to a limited extent (for example, by completing the Online Survey but not the Service Summary, or vice-versa). This is perhaps a reflection of the chronic under-resourcing of CLCs and the difficult workloads which community lawyers grapple with as a result. Therefore, the report cannot represent the views of every CLC and community lawyer working in family law, family violence and/or child protection law.

## Interpretation

There are a number of concepts on which this report and the broader Project were founded. A number of acronyms and key terms used throughout the report are defined in Annexure A. The concepts requiring further explanation and defining in the context of their use during the Families Project are set out below.

### Family Law

References to 'family law' as an area of law in which legal assistance is provided for the purposes of this Project includes, but is not limited to, issues arising from and related to the breakdown of a family relationship such as:

- ▶ Child contact and residency arrangements - including parenting plans / orders, contravention, recovery and abduction.
- ▶ Other child related matters - including name change, parentage and medical procedures.
- ▶ Financial support - including spousal maintenance, child support / maintenance and social security.
- ▶ Property - including all property issues resulting from relationship breakdown.
- ▶ Separation and divorce - including all issues resulting from a separation and/or divorce.

### Family Violence

Family violence is defined in the *Family Violence Protection Act 2008* (Vic)<sup>98</sup> as behaviour by a person towards a family member of that person if that behaviour is physically, sexually, emotionally, psychologically or economically abusive or is threatening, coercive or in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person. Family violence also includes behaviour by a person that causes a child to hear, witness or otherwise be exposed to the behaviour set out above.

The *Family Law Act 1975* (Cth) also contains a definition of 'family violence'<sup>99</sup> which includes conduct, whether actual or threatened, by a person towards, or towards the property of, a member of the person's family that causes that or any other member of the person's family reasonably to fear for, or reasonably to be apprehensive about, his or her personal wellbeing or safety.

For the purposes of this Project, 'family violence' is taken to include any act which falls within either of the definitions of family violence described above. Legal assistance provided in relation to 'family violence' includes issues arising from the incidence of family violence, but does not include sexual assault or victims of crime compensation.

### Child Protection

Issues which fall within the ambit of 'child protection' for the purposes of this Project include all issues falling within the jurisdiction of the Children's Court of Victoria (Family Division) as governed by the *Children, Youth and Families Act 2005* (Vic), but excludes issues within the jurisdiction of the Children's Court of Victoria (Criminal Division).

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<sup>98</sup> See section 5.

<sup>99</sup> See section 90MD.

## Homelessness

For the purposes of this Project, the definition of the concept of 'homelessness' developed by Chamberlain and McKenzie<sup>100</sup> has been used. This definition identifies three categories of homelessness: primary, secondary and tertiary.

- ▶ Primary homelessness - People without conventional accommodation, such as people living on the streets, sleeping in parks, squatting in derelict buildings, or using cars or railway carriages for temporary shelter.
- ▶ Secondary homelessness - People who move frequently from one form of temporary shelter to another. It includes people using emergency accommodation (such as hostels for the homeless or night shelters); teenagers staying in youth refuges; women and children escaping domestic violence (staying in women's refuges); people residing temporarily with other families (because they have no accommodation of their own); and those using boarding houses on an occasional or intermittent basis.
- ▶ Tertiary homelessness - People who live in boarding houses on a medium to long-term basis. Residents of private boarding houses do not have a separate bedroom and living room; they do not have kitchen and bathroom facilities of their own; their accommodation is not self-contained; they do not have security of tenure provided by a lease.<sup>101</sup>

It is noted, however, that the term 'homeless' is also defined in the *Supported Accommodation Assistance Act 1994* (Cth)<sup>102</sup> to include circumstances where a person has inadequate access to safe and secure housing.

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<sup>100</sup> Chris Chamberlain and David McKenzie, *Understanding Contemporary Homelessness: Issues of Definition and Meaning* (1992) 27 Australian Journal of Social Issues 274.

<sup>101</sup> Chris Chamberlain, *Counting the Homeless: Implications for Policy Development* (Australian Bureau of Statistics: Canberra, 1999) 1, 9-11, 13, 49 cited in Lynch, Philip; Stagoll, Bella, *Promoting Equality: Homelessness And Discrimination* [2002] DeakinLawRw 15; (2002) 7(2) Deakin Law Review 295. Available at: <http://www.austlii.edu.au/cgi-bin/sinodisp/au/journals/DeakinLawRw/2002/15.html?stem=0&synonyms=0&query=chamberlain%20and%20Mackenzie>.

<sup>102</sup> See section 4.

## Annexure C – Legal services data

**Table C1: Community legal services provided in family law, family violence and child protection law (breakdown by service provider)**

Service provider	Family Law	Family Violence	Child Protection
Aboriginal Family Violence Prevention and Legal Service	Y	Y	Y
Mental Health Legal Centre	-	-	Y
Victorian Aboriginal Legal Service	Y	Y	Y
Women's Legal Service Victoria	Y	Y	-
Barwon Community Legal Service	Y	Y	NS*
Brimbank Melton Community Legal Centre	Y	Y	Y
Broadmeadows Community Legal Service	Y	Y	-
Casey Cardinia Community Legal Service	Y	Y	-
Central Highlands Community Legal Centre	Y	Y	Y
Darebin Community Legal Centre	Y	Y	Y
Eastern Community Legal Centre	Y	Y	Y
Fitzroy Legal Service	Y	Y	Y
Flemington & Kensington Community Legal Centre	Y	Y	-
Footscray Community Legal Centre	Y	Y	Y
Gippsland Community Legal Service	Y	Y	-
Hume Riverina Community Legal Service	Y	Y	-
Loddon Campaspe Community Legal Centre	Y	Y	Y
Monash Oakleigh Legal Service	Y	Y	Y
Moonee Valley Legal Service	Y	Y	No demand
Moreland Community Legal Centre	Y	Y	NS
Murray Mallee Community Legal Service	Y	Y	Y
North Melbourne Legal Service	Y	Y	Y
Peninsula Community Legal Centre	Y	Y	NS
Southport Community Legal Service	Y	Y	-
Springvale Monash Legal Service	Y	Y	Y
St Kilda Legal Service	Y	Y	Y
West Heidelberg Community Legal Service	-	Y	NS
Western Suburbs Legal Service	Y	Y	Y
Whittlesea Community Legal Service	Y	Y	Y
Wyndham Legal Service	Y	Y	NS
<b>Total:</b>	<b>28</b>	<b>29</b>	<b>18**</b>

\* Not specified

\*\* This figure does not include those services which have not specified whether they practice in this area but does include where the CLC would practice in the area but does not currently service any demand in the catchment.

**Table C2: Telephone advice services operated by CLCs and VLA**

<b>Breakdown by service provider (VLA)</b>	<b>Day</b>	<b>Time</b>
Melbourne office	Mon-Fri	9am-5pm
Bendigo	Wed	2pm-4pm (by appt)
Dandenong	As required	As required
<b>Breakdown by service provider (CLCs):</b>	<b>Day</b>	<b>Time</b>
Aboriginal Family Violence Prevention and Legal Service	Not specified	Not specified
Mental Health Legal Centre	Tue/Thur	6.30-8.30pm
	Mon/Wed/Fri	3.00-5.00pm
Victorian Aboriginal Legal Service	Not specified	Not specified
Women's Legal Service Victoria	Mon	10.00am-1.00pm
	Tue/Thur	6.30-8.30pm
	Wed	2.00-5.00pm
Barwon Community Legal Service	Mon-Wed/Fri	9.30-11.30am
Brimbank Melton Community Legal Centre	Not specified	Not specified
Broadmeadows Community Legal Service	Not specified	Not specified
Casey Cardinia Community Legal Service	-	-
Central Highlands Community Legal Centre	Mon-Fri	9am-5pm
Darebin Community Legal Centre	-	-
Eastern Community Legal Centre	-	-
Fitzroy Legal Service	Not specified	Not specified
Flemington & Kensington Community Legal Centre	Not specified	Not specified
Footscray Community Legal Centre	-	-
Gippsland Community Legal Service	Mon-Fri	9am-5pm
Hume Riverina Community Legal Service	Mon	10am-1pm
	Wed	2pm-5pm
	Fri	10am-1pm
Loddon Campaspe Community Legal Centre	Mon	1pm-4pm
	Mon (Goulburn Valley)	2pm-4pm

<b>Breakdown by service provider (CLCs):</b>	<b>Day</b>	<b>Time</b>
	Thur	9.30am-12.30pm
	Thur (Goulburn Valley)	10.30am-2.30pm
Monash Oakleigh Legal Service	-	-
Moonee Valley Legal Service	Not specified	Not specified
Moreland Community Legal Centre	-	-
Murray Mallee Community Legal Service	Y – No detail	Y – No detail
North Melbourne Legal Service	Not specified	Not specified
Peninsula Community Legal Centre	Tue (child support)	1.30-4.30pm
Southport Community Legal Service	Not specified	Not specified
Springvale Monash Legal Service	Mon (Child Support)	10am-12:30pm
St Kilda Legal Service	Mon-Fri	Office hours <sup>103</sup>
West Heidelberg Community Legal Service	-	-
Western Suburbs Legal Service	-	-
Whittlesea Community Legal Service	-	-
Wyndham Legal Service	-	-
<b>Total number of service providers operating telephone services:</b>	<b>14 (9 'not specified' and 10 nil)</b>	

**Table C3: Breakdown of face-to-face services by service provider (VLA)**

<b>VLA office</b>	<b>Day</b>	<b>Time</b>	<b>Drop in / Appointment</b>
Bairnsdale	Mon	9.30am-12.30pm	Drop in
Ballarat	Thur	10am-12pm	Drop in
	Thur	1.45pm-3.45pm <sup>104</sup>	Appointment
Bendigo	Wed	2pm-4pm	Drop in
Broadmeadows	Wed	1.30pm-4pm	Drop in
Dandenong	Wed	2pm-4pm	Drop in
Frankston	Mon/Thur	9.30-11.30	Drop in
	Mon/Thur	2pm-4pm	Drop in

<sup>103</sup> Limited advice only available by telephone during the day.

<sup>104</sup> Family law service.

<b>VLA office</b>	<b>Day</b>	<b>Time</b>	<b>Drop in / Appointment</b>
Geelong	Tue/Wed/Thur	10-12pm	Appointment
	Tue/Wed/Thur	2pm-4.30pm	Appointment
Horsham	Thur	10am-1pm	Drop in
	Thur	2pm-4pm	Drop in
Melbourne	Mon/Tue	9.30-12.30pm	Drop in
	Thur	2pm-4pm	Drop in
Morwell	Thur	2pm-4pm	Drop in
Preston	Wed	9.30-11.30am	Drop in
Ringwood	Tue	2pm-4pm	Drop in
	Thur	10am-12pm	Drop in
Shepparton	Wed	9.30am-12.30pm	Drop in
Sunshine	Tue/Thur	10am-1pm	Drop in
	Tue/Thur	2-4.30pm	Drop in
Warrnambool	Thur	2pm-4pm	Drop in

**Table C4: Breakdown of face-to-face services by service provider (CLCs)**

<b>CLC</b>	<b>Day</b>	<b>Time</b>	<b>Drop in / Appointment</b>
Aboriginal Family Violence Prevention and Legal Service	Mon-Fri	9am-5pm	Appointment <sup>105</sup>
Mental Health Legal Centre	Mon-Fri	9am-5pm	Appointment
Victorian Aboriginal Legal Service	Not specified	Not specified	Not specified
Women's Legal Service Victoria	Thur	9.30am-12pm	Drop in
Barwon Community Legal Service	Mon-Wed/Fri	9.30-11.30am	Drop in
	Mon-Wed/Fri	2.00-3.00pm	Appointment
	Tue	Evening	Appointment
Brimbank Melton Community Legal Centre	Tue (St Albans)	10am-12pm	Not specified
	Thur (monthly)	5pm-7pm	Not specified
Broadmeadows Community Legal Service	Wed	6.15pm-8pm	Appointment
Casey Cardinia Community Legal Service	Thur	6pm	Appointment

<sup>105</sup> Drop in allowed during office hours but is more common in regional areas.

<b>CLC</b>	<b>Day</b>	<b>Time</b>	<b>Drop in / Appointment</b>
Central Highlands Community Legal Centre	Mon-Fri	9am-5pm	Appointment
	Wed	5.00-7.30pm	Appointment
Darebin Community Legal Centre	Tue	7pm onwards	Drop in
	Wed	Evening	Appointment
Eastern Community Legal Centre	Not specified	Evening	Appointment
Fitzroy Legal Service	Mon-Fri	6.30pm-9pm	Drop in
	Thur (family law)	6.30pm-9pm	Appointment
	Mon-Fri	9am-5pm	Appointment
Flemington & Kensington Community Legal Centre	Mon	6pm-7pm	Appointment
Footscray Community Legal Centre	Mon-Fri	9.30am-1pm	Appointment
	Mon-Fri	2pm-5pm	Appointment
	Tue/Thur	7pm onwards	Drop in
Gippsland Community Legal Service	Mon-Fri	9am-5pm	Appointment
Hume Riverina Community Legal Service	Tue	Evening	Not specified
Loddon Campaspe Community Legal Centre	Fri <sup>106</sup>	10am-12pm	Drop in
	Wed (Bendigo)	6pm-8pm	Appointment
	Tue (Goulburn Valley / Shepparton)	6pm-8pm	Appointment
	Thur (Bendigo) <sup>107</sup>	1pm-4pm	Appointment
	Tue/Wed (Shepparton)	Where required	Appointment
Monash Oakleigh Legal Service	Mon	1.30pm, 2.15pm, 3pm	Appointment
	Tue	9.30am, 10.15am, 11am	Appointment
	Wed	6.30pm and 7.15pm	Appointment
	Thur	2pm, 2.45pm, 3.30pm	Appointment
Moonee Valley Legal Service	Mon-Fri	9am-5pm	Appointment

<sup>106</sup> Excluding the first Friday each month. Homeless Persons' Program.

<sup>107</sup> If unable to attend the night service.



CLC	Day	Time	Drop in / Appointment
	Mon	6.30pm-8pm	Drop in
Moreland Community Legal Centre	Mon	6.30pm-7.30pm	Appointment
	Mon-Fri (limited <sup>108</sup> )	9am-5pm	Appointment
Murray Mallee Community Legal Service	Wed	5pm-7pm	Appointment
North Melbourne Legal Service	Tue	6.30pm onwards	Drop in
	Fri	1pm-2pm	Drop in
Peninsula Community Legal Centre	Thur (child support)	9.30am	Drop in
	Mon-Fri (family)	9am-5pm	Appointment
	Mon-Thur	Night service	Not specified
Southport Community Legal Service	Tue	7pm-9pm	Appointment
	Wed	7pm-9pm	Appointment
	Tue <sup>109</sup>	9am-5pm	Appointment
Springvale Monash Legal Service	Mon-Wed/Fri	9.30am-12.30pm	Drop in
	Mon	6pm-7.30pm	Drop in
	Tue-Thur	7pm-8.30pm	Drop in
	Fri	1.30pm-3.30pm	Drop in
St Kilda Legal Service	Mon/Wed-Thur	7.15pm-8.30pm	Appointment
	Mon-Wed/Fri <sup>110</sup>	9.30am-1pm	Appointment
		2pm-5pm	Appointment
	Thur	1pm-5pm	Appointment
West Heidelberg Community Legal Service	Tue/Thur	Afternoon	Appointment
Western Suburbs Legal Service	Mon-Thur	9.30am-1pm	Appointment
		2pm-5pm	Appointment
	Mon	6.30pm-8pm	Appointment
Whittlesea Community Legal Service	Mon-Fri	9am-5pm	Not specified
	Mon	6.30pm-8.30pm	Drop in
Wyndham Legal Service	Wed (Youthlaw)	3.30pm-6pm	Appointment
	Mon (general)	6pm-8pm	Not specified
	Family clinic	Not specified	Not specified

<sup>108</sup> Limited appointments available for clients who cannot access the night service.

<sup>109</sup> Daytime appointments may be possible for clients who cannot attend the evening advice service.

<sup>110</sup> Limited service available for emergencies and people who have special needs or difficulties attending at night.

**Table C5: Breakdown of CLCs that provide assistance at a Family Relationship Centre**

<b>CLC</b>	<b>Day</b>	<b>Time</b>	<b>Location</b>
Women's Legal Service Victoria (acting in the capacity of the Family Law Legal Service)	Monday and Wednesday	By appointment	Melbourne
Barwon Community Legal Service	Tuesday (legal advice)	By appointment	Geelong
	Tuesday (information sessions)	Fortnightly, by appointment	Geelong
Brimbank Melton Community Legal Centre**	Tuesday and Friday (information and advice)	Weekly, by appointment Tuesday 1pm-5pm or Friday 9am-1pm	Sunshine
Broadmeadows Community Legal Service*	Wednesday (information sessions)	Mornings	Broadmeadows
	Wednesday (legal advice)	By appointment 2pm-5pm	Broadmeadows
Casey Cardinia Community Legal Service	Monday (legal advice)	By appointment <sup>111</sup>	Berwick
Central Highlands Community Legal Centre	Wednesday (information sessions)	Hours vary	Ballarat
Eastern Community Legal Centre	Friday	Hours vary	Ringwood
Hume Riverina Community Legal Service	Tuesday (legal advice)	Weekly by appointment 10.30am-12.30pm <sup>112</sup>	Wodonga
	Wednesday (information session)	Fortnightly at 6pm	Wodonga
	Thursday (information session)	Fortnightly at 1pm	Wodonga

<sup>111</sup> Legal advice provided for 1 hour. Matters must involve children. No assistance with property matters.

<sup>112</sup> Appointments outside of these hours available if needed.

<b>CLC</b>	<b>Day</b>	<b>Time</b>	<b>Location</b>
Footscray Community Legal Centre**	Tuesday and Friday	By appointment Tuesday morning and Friday afternoon	Sunshine
Gippsland Community Legal Service	Three times a month, days vary (information sessions)	Hours vary	Traralgon
Loddon Campaspe Community Legal Centre	Tuesday (information sessions)	By appointment 1.30/2pm-4pm	Shepparton
	Tuesday (legal advice)	1pm	Shepparton
	Thursday (information sessions)	10am/ 3pm	Bendigo
	Friday (legal advice)	Fortnightly, by appointment 9.30am-12pm	Bendigo
Monash Oakleigh Legal Service	Wednesday (information sessions) <sup>113</sup>	Fortnightly 9.30am-10am	Chadstone
Moonee Valley Legal Service*	Wednesday (information sessions)	Four sessions a month, hours vary	Broadmeadows
	By appointment (legal advice)	By appointment	Broadmeadows
Murray Mallee Community Legal Service	Wednesday (information sessions)	Every three weeks, hours vary	Mildura
	Monday and Wednesday (legal advice)	By appointment	Mildura
Peninsula Community Legal Centre <sup>114</sup>	Monday (legal advice)	By appointment	Frankston

<sup>113</sup> Monash Oakleigh Legal Service does not provide legal advice at Chadstone FRC, however Chadstone FRC refers clients to Monash Oakleigh Legal Service who require legal advice and those clients are seen by appointment.

<sup>114</sup> Peninsula Community Legal Centre does not provide legal advice provided at Frankston FRC, however Frankston FRC refers clients to Peninsula Community Legal Centre who require legal advice and those clients are seen by appointment.

CLC	Day	Time	Location
Whittlesea Community Legal Service	Tuesday and Thursday (information sessions)	Hours vary	Greensborough
	By appointment (legal advice)	By appointment	Greensborough
<b>Total CLCs providing assistance at Family Relationship Centres:</b>			<b>16</b>

\* Services provided jointly by Broadmeadows Community Legal Service and Moonee Valley Legal Service

\*\* Services provided jointly by Brimbank Melton Community Legal Centre and Footscray Community Legal Centre.

**Table C6: Nature of assistance provided by CLCs in Family Law**

CLC	Info/advice	Duty lawyer service	Representation	Casework
Aboriginal Family Violence Prevention and Legal Service	Y <sup>115</sup>	-	Y	Y
Mental Health Legal Centre	-	-	-	-
Victorian Aboriginal Legal Service	Y <sup>116</sup>	-	Y	Y
Women's Legal Service Victoria	Y <sup>117</sup>	Y <sup>118</sup>	Y <sup>119</sup>	Y <sup>120</sup>
Barwon Community Legal Service	Y <sup>121</sup>	-	-	-
Brimbank Melton Community Legal Centre	Y <sup>122</sup>	-	Y <sup>123</sup>	Y <sup>124</sup>
Broadmeadows Community Legal Service	Y <sup>125</sup>	-	-	Y <sup>126</sup>

<sup>115</sup> Assistance with child contact and residency following separation/divorce/property division, parenting orders, property disputes, divorce and child support.

<sup>116</sup> Parenting matters and divorce. Do not assist with property matters.

<sup>117</sup> Assistance provided in relation to child contact / orders, property (marriage / de facto), child residency, divorce and separation, however no assistance with child support matters.

<sup>118</sup> Duty lawyer service provided by Women's Legal Service Victoria's in its capacity as the Family Law Legal Service, at the Federal Magistrates' Court and Federal Court of Australia on weekdays.

<sup>119</sup> Limited representation provided in family law matters outside the duty service, largely briefed to pro bono lawyers.

<sup>120</sup> Provision of assistance is subject to resourcing capacity and some non-urgent matters are waitlisted (e.g. property matters).

<sup>121</sup> Assistance provided with all family law matters, with specialisation in welfare rights and child support.

<sup>122</sup> Assistance provided in relation to divorce, child contact matters, change of name orders (by consent), airport watchlist orders, property and child support.

<sup>123</sup> Brimbank Melton Community Legal Centre will represent clients in divorce applications where client meets guidelines, however the CLC does not normally represent clients in court matters.

<sup>124</sup> Limited casework undertaken depending on the merits of the case, in-house experience and resources in relation to divorce, child contact matters, change of name orders (by consent) and airport watchlist orders.

<sup>125</sup> Assistance provided in matters related to or arising from Intervention Orders (e.g. child contact and residency). Broadmeadows Community Legal Service will only prepare divorce papers for clients who are 'culturally and linguistically diverse' (CALD), but do not otherwise assist with Family Court applications.

<sup>126</sup> Assistance provided only in relation to family law matters arising from Intervention Orders.

CLC	Info/advice	Duty lawyer service	Representation	Casework
Casey Cardinia Community Legal Service	Y <sup>127</sup>	-	-	Y
Central Highlands Community Legal Centre	Y <sup>128</sup>	-	-	Y <sup>129</sup>
Darebin Community Legal Centre	Y <sup>130</sup>	-	Y <sup>131</sup>	Y <sup>132</sup>
Eastern Community Legal Centre	Y <sup>133</sup>	-	NS	Y <sup>134</sup>
Fitzroy Legal Service	Y <sup>135</sup>	-	Y <sup>136</sup>	Y <sup>137</sup>
Flemington & Kensington Community Legal Centre	Y <sup>138</sup>	-	-	-
Footscray Community Legal Centre	Y <sup>139</sup>	-	Y <sup>140</sup>	-
Gippsland Community Legal Service	Y <sup>141</sup>	-	-	Y <sup>142</sup>
Hume Riverina Community Legal Service	Y <sup>143</sup>	-	Y <sup>144</sup>	Y <sup>145</sup>
Loddon Campaspe Community Legal	Y <sup>146</sup>	-	-	Y <sup>147</sup>

<sup>127</sup> Assistance provided with all family law matters (including separation, divorce, parenting and property matters), excluding pre-nuptial matters, child support and contested family law matters (e.g. those concerning property).

<sup>128</sup> Assistance provided in relation to divorce, child contact, property, child support, and all areas of family law, however currently no assistance provided with consent orders due to resourcing difficulties.

<sup>129</sup> Casework is discretionary depending on the individual lawyer and the Centre's capacity to assist with casework is also limited by resourcing difficulties.

<sup>130</sup> Assistance provided in relation to contact / residence, child support / maintenance, divorce, property settlement, recovery and international child abduction, however no assistance provided with contested family law matters.

<sup>131</sup> Darebin Community legal Centre will undertake limited court appearances for family law matters in exceptional circumstances only.

<sup>132</sup> Undertake ongoing casework subject to resourcing.

<sup>133</sup> Assistance provided in relation to divorce, name change and birth records, child contact (including orders), child residency, maintenance agreements, grandparent issues, abduction, property settlements (often referred), separation and recovery.

<sup>134</sup> Casework is offered to people who are disadvantaged, ineligible for legal aid or where the client does not have the expertise or capacity to deal with the matter.

<sup>135</sup> Assistance provided in relation to divorce, child custody, property to the extent that it relates to custody.

<sup>136</sup> Representation can be provided in family law and divorce proceedings. If the matter is in the Neighbourhood Justice Centre, will represent clients who fall outside of VLA guidelines.

<sup>137</sup> Fitzroy Legal Service make referrals where appropriate or if there is no capacity to take on a matter.

<sup>138</sup> Limited general advice in family law only. No assistance provided with divorce, children's matter or property.

<sup>139</sup> Assistance provided in relation to divorce. No assistance provided with contested family law matters or property settlement.

<sup>140</sup> Representation only in divorce proceedings to clients in the centre's target demographic (e.g. very low income, refugee etc).

<sup>141</sup> Assistance provided with separation, divorce, property settlement, child contact and residency.

<sup>142</sup> Primarily advice based service. Casework is undertaken on very limited basis to try and resolve matters outside court only.

<sup>143</sup> Assistance provided in relation to child contact and residency, paternity, issues associated with taking a child overseas/interstate, property in marriage/de facto relationships (advice only), separation and name change/birth records. The service does not assist with contested family law matters (except in children's matters where the client is eligible for legal aid) or property settlements.

<sup>144</sup> Lawyers will represent individuals throughout a family law matter if granted legal aid. Other family law casework assistance is provided without legal aid grant, but no representation is provided.

<sup>145</sup> Family Law Legal Aid is available for clients who qualify for legal aid grant. Assistance is also provided for those without legal aid grant but no representation is provided.

CLC	Info/advice	Duty lawyer service	Representation	Casework
Centre				
Monash Oakleigh Legal Service	Y <sup>148</sup>	Y <sup>149</sup>	-	NS
Moonee Valley Legal Service	Y <sup>150</sup>	-	Y <sup>151</sup>	Y <sup>152</sup>
Moreland Community Legal Centre	Y <sup>153</sup>	-	Y <sup>154</sup>	NS
Murray Mallee Community Legal Service	Y <sup>155</sup>	-	NS	Y <sup>156</sup>
North Melbourne Legal Service	Y <sup>157</sup>	-	NS	NS
Peninsula Community Legal Centre	Y <sup>158</sup>	Y <sup>159</sup>	NS	Y <sup>160</sup>
Southport Community Legal Service	Y <sup>161</sup>	-	-	-
Springvale Monash Legal Service	Y <sup>162</sup>	-	- <sup>163</sup>	Y <sup>164</sup>

<sup>146</sup> Assistance provided in relation to child contact/residency, consent orders, divorce, child support and minor property matters. Contested family law matters are generally referred.

<sup>147</sup> Some ongoing casework is undertaken but is limited to where other assistance not available.

<sup>148</sup> Assistance provided in relation to divorce, division of property held in marriage, child contact and residency and/or consent orders, child support, and other areas of family law, with the exception of contested family law matters, and division of property in de facto relationships.

<sup>149</sup> Family Law Assistance Program operates from the Dandenong Registry of the Family Court. Self representing clients can receive advice and assistance but no representation is provided.

<sup>150</sup> Assistance provided with name changes, passports, overseas travel applications, divorce, court documentation for self represented litigants, litigation for super splitting orders (where party has no funds or assets), and other matters on case by case basis. No assistance provided with contested family law matters.

<sup>151</sup> Assistance is discretionary and depends on workloads, the client's finances and their ability to represent themselves.

<sup>152</sup> Clients with contested family law matters are referred to Victoria Legal Aid. Assistance with litigation and casework is generally only provided to those who are disadvantaged and do not qualify for legal aid (but this will depend on workload).

<sup>153</sup> Assistance provided in relation to divorce, separation, and child access and residency matters. The Centre does not assist with child support and property settlement.

<sup>154</sup> Representation in divorce for low income clients who are unable to speak or read English.

<sup>155</sup> Assistance provided with divorce, separation and related issues, child support, child contact (appeals/declarations), paternity, departure applications, parenting plans, child abduction, relocation, parenting agreements, and adoption (advice only). The Service does not assist with property matters unless Victoria Legal Aid cannot assist.

<sup>156</sup> The service provided is largely advice and information, with some limited casework assistance.

<sup>157</sup> Assistance provided with divorce, child residency and contact (negotiation and consent orders) and child support.

<sup>158</sup> Assistance provided with divorce, separation, child support (including proof of parentage, child support assessments and decisions, child support payments and enforcement procedures), child custody, child residency and contact, property in marriage, contravention applications, and enforcements.

<sup>159</sup> Duty lawyer service at Dandenong Family Court of Australia / Federal Magistrates' Court.

<sup>160</sup> Ongoing assistance is dependent on 3 factors: high chance of success; client must be ineligible for VLA and unable to afford a private lawyer; and the centre must have the resources available to provide assistance.

<sup>161</sup> General family law advice only (property settlement, child contact and residency, child support).

<sup>162</sup> Advice provided in relation to process, divorce applications, parenting arrangements, mediation, passports, child support (including appealing decisions), paternity and departure orders. No assistance with property matters or contested family law matters.

<sup>163</sup> Assist with 'briefing out' representation work where a client receives a grant of legal aid or pays for a barrister. Limited support from staff.

<sup>164</sup> Ongoing assistance may be offered to low income earners and health care card holders or people experiencing problems with access to the law (for example, language difficulties). Ongoing casework is undertaken by one of two family lawyers.

CLC	Info/advice	Duty lawyer service	Representation	Casework
St Kilda Legal Service	Y <sup>165</sup>	-	Y <sup>166</sup>	Y <sup>167</sup>
West Heidelberg Community Legal Service	NS	-	NS	NS
Western Suburbs Legal Service	Y <sup>168</sup>	-	Y <sup>169</sup>	Y <sup>170</sup>
Whittlesea Community Legal Service	Y <sup>171</sup>	-	NS	Y <sup>172</sup>
Wyndham Legal Service	Y <sup>173</sup>	-	-	Y <sup>174</sup>
<b>Total:</b>	<b>28</b>	<b>3</b>	<b>12</b>	<b>21</b>

Y = service provided; NS = not specified whether service provided.

**Table C7: Nature of assistance provided by CLCs in family violence**

CLC	Info/advice	Duty lawyer	Representation	Casework
Aboriginal Family Violence Prevention and Legal Service	Y	-	Y	Y
Mental Health Legal Centre	-	-	-	-
Victorian Aboriginal Legal Service	Y	-	Y <sup>175</sup>	Y <sup>176</sup>
Women's Legal Service Victoria	Y	Y	-	Y <sup>177</sup>

<sup>165</sup> Assistance with child contact orders, residency, and other aspects of family law including in relation to same sex couples. No assistance with property settlements. Generally only advice is provided. It is unusual for St Kilda Legal Service to undertake casework in this area and this will only occur in simple property matters.

<sup>166</sup> Assistance and representation is provided in all areas of law including family law.

<sup>167</sup> Ongoing casework provided in family law to disadvantaged clients and clients with limited access to other legal assistance. Matters beyond the expertise of the service are referred out.

<sup>168</sup> Assistance with divorce, property settlements, consent orders, parenting plans, contravention of court orders, separation and child passports.

<sup>169</sup> Assistance includes court representation.

<sup>170</sup> Ongoing assistance may include drafting legal documents, negotiating with other parties, sending letters of demand, preparing and lodging legal documents and representation in court.

<sup>171</sup> Assistance with separation, division of property and child support.

<sup>172</sup> Some assistance with ongoing casework where the case involves issues of social justice, the client can't afford to pay for a private solicitor, or the client is unable to access legal aid.

<sup>173</sup> Separation/divorce; child contact and residency; child/spouse maintenance; child support; property settlements.

<sup>174</sup> Wyndham Legal Service can assist with advice, casework, letters, negotiation and filling out forms. The Service also assists with legal aid applications and briefs to barristers for reduced rate or pro bono assistance. Wyndham Legal Service may assist clients to institute their own proceedings in the Federal Magistrates' Court or Family Court if ineligible for legal aid and cannot afford solicitor.

<sup>175</sup> Excluding Intervention Order contests.

<sup>176</sup> Excluding Intervention Order contests.

<sup>177</sup> Excluding Intervention Order contests.

CLC	Info/advice	Duty lawyer	Representation	Casework
Barwon Community Legal Service	Y	Y <sup>178</sup>	NS <sup>179</sup>	NS
Brimbank Melton Community Legal Centre	Y	-	-	-
Broadmeadows Community Legal Service	Y	Y	-	NS <sup>180</sup>
Casey Cardinia Community Legal Service	Y	Y	-	Y <sup>181</sup>
Central Highlands Community Legal Centre	Y	Y	-	-
Darebin Community Legal Centre	Y	Y	-	NS
Eastern Community Legal Centre	Y	Y	NS	NS <sup>182</sup>
Fitzroy Legal Service	Y	-	Y <sup>183</sup>	NS
Flemington & Kensington Community Legal Centre	Y	-	Y <sup>184</sup>	Y <sup>185</sup>
Footscray Community Legal Centre	Y	Y	Y <sup>186</sup>	-
Gippsland Community Legal Service	Y	Y	-	Y <sup>187</sup>
Hume Riverina Community Legal Service	Y	Y	Y <sup>188</sup>	Y
Loddon Campaspe Community Legal Centre	Y	Y	-	-
Monash Oakleigh Legal Service	Y	Y <sup>189</sup>	-	-
Moonee Valley Legal Service	Y	-	Y <sup>190</sup>	Y <sup>191</sup>
Moreland Community Legal Centre	Y	-	Y <sup>192</sup>	-
Murray Mallee Community Legal Service	Y	Y	-	-

<sup>178</sup> Duty lawyer service at Geelong Magistrates' Court Tuesday, Wednesday and Friday. Outreach duty service at Colac Magistrates' Court on Monday mornings.

<sup>179</sup> Not specified.

<sup>180</sup> Only take on casework in areas of Victims Of Crime Assistance Tribunal (VOCAT) / family law where related to matters arising from Intervention Orders (IVO's). Not specified whether ongoing casework in relation to IVO matters is undertaken. VOCAT has not been canvassed as part of this project.

<sup>181</sup> Excluding Intervention Order contests.

<sup>182</sup> Intervention orders listed as one of the most common types of legal problems assisted with in ongoing casework. Not specified whether 'ongoing casework' in this context includes or excludes duty lawyer service.

<sup>183</sup> Representation provided for matters in the Neighbourhood Justice Centre where client is not eligible for Legal Aid grant.

<sup>184</sup> Will only provide representation in family violence matters where client demonstrates a special need.

<sup>185</sup> Limited ongoing casework where legal aid grant is obtained.

<sup>186</sup> Duty lawyer can elect to assist client at contested IVO hearing but this is uncommon.

<sup>187</sup> Primarily advice based service, casework undertaken on very limited basis (assistance to resolve matters outside of court).

<sup>188</sup> Court representation is only provided where client is granted legal aid (Family Law Legal Aid).

<sup>189</sup> This duty service is restricted to advice only, no representation is provided as the service is staffed by students.

<sup>190</sup> Excluding Intervention Order contests. Considered on a case by case basis, will depend on client's finances and ability to represent themselves.

<sup>191</sup> Excluding Intervention Order contests. Will provide assistance for final hearing by arranging a direct brief and undertake negotiations.

<sup>192</sup> Representation for low income people can be provided intervention orders, however there is very little demand for family violence assistance.



CLC	Info/advice	Duty lawyer	Representation	Casework
North Melbourne Legal Service	Y	-	NS	NS
Peninsula Community Legal Centre	Y	Y	NS	NS
Southport Community Legal Service	Y	-	-	-
Springvale Monash Legal Service	Y	Y	Y <sup>193</sup>	Y <sup>194</sup>
St Kilda Legal Service	Y	Y	Y <sup>195</sup>	Y
West Heidelberg Community Legal Service	Y	NS	NS	NS
Western Suburbs Legal Service	Y	-	Y <sup>196</sup>	-
Whittlesea Community Legal Service	Y	-	NS	NS
Wyndham Legal Service	Y	Y	NS	NS
<b>Total:</b>	<b>29</b>	<b>17</b>	<b>11</b>	<b>10</b>

Y = service provided; NS = not specified whether service provided.

**Table C8: Nature of assistance provided by CLCs in child protection**

CLC	Info/advice	Duty lawyer	Representation	Casework
Aboriginal Family Violence Prevention and Legal Service	Y	-	Y	Y
Mental Health Legal Centre	Y	-	Y	Y
Victorian Aboriginal Legal Service	Y	-	Y	Y
Women's Legal Service Victoria	-	-	-	-
Barwon Community Legal Service	NS	NS	NS	NS
Brimbank Melton Community Legal Centre	Y	-	-	-
Broadmeadows Community Legal Service	-	-	-	-
Casey Cardinia Community Legal Service	-	-	-	-
Central Highlands Community Legal Centre	Y	-	-	NS <sup>197</sup>
Darebin Community Legal Centre	Y	-	-	-
Eastern Community Legal Centre	Y	NS	NS	NS
Fitzroy Legal Service	Y	-	-	-
Flemington & Kensington Community Legal Centre	-	-	-	-

<sup>193</sup> Occasionally assist with directions hearings where needed within duty list.

<sup>194</sup> May brief barrister if required. Limited support from staff.

<sup>195</sup> Will generally assist with directions hearings and follow up.

<sup>196</sup> Court representation can only be provided at times.

<sup>197</sup> Casework is discretionary depending on the individual lawyer. Not specified whether casework undertaken in child protection.

CLC	Info/advice	Duty lawyer	Representation	Casework
Footscray Community Legal Centre	Y	-	-	-
Gippsland Community Legal Service	-	-	-	-
Hume Riverina Community Legal Service	-	-	-	-
Loddon Campaspe Community Legal Centre	Y	-	-	Y <sup>198</sup>
Monash Oakleigh Legal Service	Y	-	-	-
Moonee Valley Legal Service	No demand	-	-	-
Moreland Community Legal Centre	NS	NS	NS	NS
Murray Mallee Community Legal Service	Y	-	-	Y <sup>199</sup>
North Melbourne Legal Service	Y	-	NS	NS
Peninsula Community Legal Centre	NS	NS	NS	NS
Southport Community Legal Service	-	-	-	-
Springvale Monash Legal Service	Y	-	-	- <sup>200</sup>
St Kilda Legal Service	Y <sup>201</sup>	-	-	-
West Heidelberg Community Legal Service	NS	NS	NS	NS
Western Suburbs Legal Service	Y	-	-	-
Whittlesea Community Legal Service	Y	-	-	-
Wyndham Legal Service	NS	NS	NS	NS
<b>Total:</b>	<b>17</b>	<b>0</b>	<b>3</b>	<b>5</b>

Y = service provided; NS = not specified whether service provided.

**Table C9: Most common types of host agency for outreach services**

Host agency type	No. of clinics
Community Health Centre	19
Community Information and Support Service	10
Neighbourhood House	6
Family Resource/Support Centre	5
Location elected by client	3
Uniting Care	3
Prison	3

<sup>198</sup> Ongoing casework limited to where other assistance not available. VLA likely to be available in relation to child protection matters.

<sup>199</sup> Largely advice only, some limited casework. No further specification regarding child protection.

<sup>200</sup> Support in preliminary stages; refer to private lawyers for representation.

<sup>201</sup> Do not assist with child protection matters often, refer to VLA.

Church	3
Youth Resource Centre	2
Vietnamese Women's Association	2
Brotherhood of St Laurence	1
Maya Healing Centre (Indigenous)	1
Council Shop (in shopping centre)	1
Neighbourhood Justice Centre	1
Community Education Centre	1
Public Library	1
Hospital	1
Specialist homeless service	1
Women's Service	1
Caravan Park	1
Shire office	1
Other office	1

**Table C10: Breakdown of each outreach service provider by host agency type**

<b>Host Agency</b>	<b>Service provider (number of services)</b>
Community Health Centre	Barwon Community Legal Service (1)
	Broadmeadows Community Legal Service (1)
	Central Highlands Community Legal Centre (2)
	Darebin Community Legal Centre (1)
	Eastern Community Legal Centre (5)
	Fitzroy Legal Service (1)
	Hume Riverina Community Legal Service (1)
	Loddon Campaspe Community Legal Centre (2)
	Moreland Community Legal Centre (3)
	VLA Ballarat (1)
	VLA Warrnambool (1)
Community Information and Support Service	Casey Cardinia Community Legal Service (2)
	Footscray Community Legal Centre (2)
	Moonee Valley Legal Service (1)
	Peninsula Community Legal Centre (2)
	Whittlesea Community Legal Service (1)

<b>Host Agency</b>	<b>Service provider (number of services)</b>
	VLA Frankston (2)
Neighbourhood House	Footscray Community Legal Centre (1) Hume Riverina Community Legal Service (2) Peninsula Community Legal Centre (1) Springvale Monash Legal Service (1) VLA Ballarat (1)
Family Resource/Support Centre	Gippsland Community Legal Service (1) Hume Riverina Community Legal Service (1) Murray Mallee Community Legal Service (2) Peninsula Community Legal Centre (1)
Location elected by client	Aboriginal Family Violence Prevention and Legal Service (1) West Heidelberg Community Legal Service (1) Wyndham Legal Service (1)
Church	Footscray Community Legal Centre (2) Eastern Community Legal Centre (1)
Uniting Care	Loddon Campaspe Community Legal Centre (1) Whittlesea Community Legal Service (1) VLA Preston (1)
Youth Resource Centre	Wyndham Legal Service (2)
Brotherhood of St Laurence	Broadmeadows Community Legal Service (1)
Prison	Darebin Community Legal Centre (1) Central Highlands Community Legal Centre (2)
Maya Healing Centre (Indigenous outreach)	Darebin Community Legal Centre (1)
Council shop (located in shopping centre)	Eastern Community Legal Centre (1)
Neighbourhood Justice Centre	Fitzroy Legal Service (1)
Vietnamese Women's Association	Footscray Community Legal Centre (2)
Community Education Centre	Hume Riverina Community Legal Service (1)
Public Library	Loddon Campaspe Community Legal Centre (1)
Hospital	North Melbourne Legal Service (1)
Specialist homeless service (Ozanam House)	North Melbourne Legal Service (1)
Women's Service (Queen Victoria Women's Centre)	North Melbourne Legal Service (1)
Caravan park	Western Suburbs Legal Service (1)
Shire office	VLA Shepparton (1)

Host Agency	Service provider (number of services)
Other office	Loddon Campaspe Community Legal Centre (1)

**Table C11: Frequency of outreach services**

Service provider	Daily	Weekly	Fortnightly	Monthly	Occasional service
<b>VLA offices</b>					
Ballarat	-	Y <sup>202</sup>	Y <sup>203</sup>	-	-
Preston	-	-	-	Y <sup>204</sup>	-
Frankston	-	-	Y (2) <sup>205</sup>	-	-
Shepparton	-	-	Y <sup>206</sup>	-	-
Warrnambool	-	-	-	Y <sup>207</sup>	-
Total outreach locations (VLA)	0	1	4	2	0

#### **CLCs**

Aboriginal Family Violence Prevention and Legal Service	-	-	-	-	Y <sup>208</sup>
Mental Health Legal Centre	-	-	-	-	-
Victorian Aboriginal Legal Service	-	-	-	-	- <sup>209</sup>
Women's Legal Service Victoria	-	-	-	-	-
Barwon Community Legal Service	-	Y <sup>210</sup>	-	-	-
Brimbank Melton Community Legal Centre	-	-	-	-	-
Broadmeadows Community Legal Service	-	Y (2) <sup>211</sup>	-	-	-
Casey Cardinia Community Legal Service	-	Y (2) <sup>212</sup>	-	-	-

<sup>202</sup> Appointments at Maryborough Community Health Centre weekly on Thursdays (9.30am-12pm). This service alternates week to week between general law and family law.

<sup>203</sup> Appointments at Daylesford Neighbourhood Centre fortnightly on Fridays (9.30am-12pm).

<sup>204</sup> Appointments at Kildonan Child and Family Services (Uniting Care) monthly on Friday (9.30am-12pm).

<sup>205</sup> Appointments at Mornington Community Information and Support Centre and Rosebud Community Support and Information Centre fortnightly on Wednesday (12pm-5pm). No interpreter available for either of these services.

<sup>206</sup> Appointments at Moira Shire Office fortnightly on Wednesday (2.30-3.30pm).

<sup>207</sup> Appointments at Manifold Place Community Health Centre monthly on a Thursday (1.30-3.30pm).

<sup>208</sup> Will travel to outreach location at or near where client lives to meet with client (number of options in most towns).

<sup>209</sup> Victorian Aboriginal Legal Service solicitors are based in Fitzroy and client services officers are based in Bairnsdale, Ballarat, Heywood, Melbourne, Mildura, Morwell, Shepparton and Swan Hill. We have assumed that these services are office based and do not constitute outreach.

<sup>210</sup> Appointments at Colac Area Health Centre on Monday afternoons (general law, will include family law).

<sup>211</sup> Appointments at Sunbury Community Health Centre (1/2 day) on Tuesdays and at Craigieburn Brotherhood of St Laurence (1/2 day) on Mondays.

Service provider	Daily	Weekly	Fortnightly	Monthly	Occasional service
Central Highlands Community Legal Centre	-	-	-	Y (4) <sup>213</sup>	-
Darebin Community Legal Centre	-	-	-	Y (2) <sup>214</sup>	Y <sup>215</sup>
Eastern Community Legal Centre	-	- <sup>216</sup>	Y <sup>217</sup>	Y (6) <sup>218</sup>	-
Fitzroy Legal Service	Y <sup>219</sup>	Y <sup>220</sup>	-	-	-
Flemington & Kensington Community Legal Centre	-	-	-	-	-
Footscray Community Legal Centre	-	Y (3) <sup>221</sup>	-	Y <sup>222</sup>	Y (3) <sup>223</sup>
Gippsland Community Legal Service	-	-	Y <sup>224</sup>	-	-
Hume Riverina Community Legal Service	-	-	Y <sup>225</sup>	Y (4) <sup>226</sup>	-
Loddon Campaspe Community Legal Centre	-	Y <sup>227</sup>	Y (4) <sup>228</sup>	-	-
Monash Oakleigh Legal Service	NS	NS	NS	NS	NS
Moonee Valley Legal Service	-	Y <sup>229</sup>	-	-	-
Moreland Community Legal Centre	-	-	Y <sup>230</sup>	-	Y (2) <sup>231</sup>

<sup>212</sup> Appointments at Casey North Community Information and Support Service (Fountain Gate) Tuesday 10am-3pm and Friday 10am-1pm (depending on demand); appointments at Community Information Cardinia (Pakenham) Wednesday 10am-1pm.

<sup>213</sup> Appointments one day per month at Ararat Community Health Centre; Grampians Community Health Centre, Stawell; Langi Kal Kal Prison and Hopkins Correctional Centre.

<sup>214</sup> Indigenous organisations – Maya Healing Centre (mixed 1<sup>st</sup> Tuesday of month) (women's day 2<sup>nd</sup> Wednesday of month), Darebin Community Health East Reservoir (Kookaburra Club 1<sup>st</sup> club each month – drop in 11-1pm).

<sup>215</sup> Outreach to prison service for women and men in the Victorian prison system.

<sup>216</sup> Once a week at Yarra Glen Recovery Centre – assumed closed and bushfire legal assistance unrelated to family law / family violence / child protection.

<sup>217</sup> Craig Community Health Centre, Ashburton.

<sup>218</sup> Ranges Community Health Service, Lilydale; Knox Council shop (Stud Park Shopping Centre), Rowville; Eastern Access Community Health, Yarra Junction; Yarra Valley Community Health, Healesville; Inner East Community Health Service, Hawthorn; Bulleen Baptist Church, Bulleen.

<sup>219</sup> Two full time lawyers are based at the Neighbourhood Justice Centre, Collingwood.

<sup>220</sup> North Richmond Community Health Centre (Wednesday evenings by appointment).

<sup>221</sup> Women's group weekly at Pickett Street Sudanese Church (African Australian Centre – Sudanese Community Development Project); Vietnamese Women's Association in Footscray and Richmond.

<sup>222</sup> Legal education for newly arrived refugees at Maidstone Community Centre (every 3<sup>rd</sup> Tuesday).

<sup>223</sup> 2-3 days per week, solicitor and financial counsellor appointments at Braybrook Community Centre and Braybrook Neighbourhood House; each Wednesday and Friday community education at Westgate Baptist Church, Yarraville.

<sup>224</sup> Appointments at Wonthaggi Family Resource Centre (Davey House).

<sup>225</sup> Upper Murray Family Care, Wangaratta.

<sup>226</sup> Corryong Community Neighbourhood House; The Hub, Tallangatta Community Education Centre; Mt Beauty Neighbourhood Centre; Myrtleford Community Health Centre.

<sup>227</sup> Shepparton (opposite Uniting Care Cutting Edge (Tues evenings). This is dedicated CLC office (no host agency).

<sup>228</sup> Echuca Public Library (every 2<sup>nd</sup> Tuesday); Cobaw Community Health Centre, Kyneton (every 2<sup>nd</sup> Monday); Maryborough Community Health (every 2<sup>nd</sup> Tuesday); Uniting Care: Cutting Edge, Cobram (every 2<sup>nd</sup> Wednesday).

<sup>229</sup> Niddrie Community Hub (Wednesday mornings).

<sup>230</sup> Fawkner Community Health Service (fortnightly on Wednesday morning by appointment).

Service provider	Daily	Weekly	Fortnightly	Monthly	Occasional service
Murray Mallee Community Legal Service	-	-	-	Y (2) <sup>232</sup>	- <sup>233</sup>
North Melbourne Legal Service	-	Y (2) <sup>234</sup>	-	-	Y <sup>235</sup>
Peninsula Community Legal Centre	-	-	-	-	Y (4) <sup>236</sup>
Southport Community Legal Service	-	-	-	-	-
Springvale Monash Legal Service	-	-	Y <sup>237</sup>	-	-
St Kilda Legal Service	-	-	-	-	- <sup>238</sup>
West Heidelberg Community Legal Service	-	-	-	-	Y <sup>239</sup>
Western Suburbs Legal Service	-	-	-	Y <sup>240</sup>	-
Whittlesea Community Legal Service	-	-	-	-	Y (2) <sup>241</sup>
Wyndham Legal Service	-	-	Y <sup>242</sup>	-	Y (2) <sup>243</sup>
Total outreach locations (CLCs)	1	13	10	20	17
<b>Total outreach locations (CLCs and VLA):</b>	<b>1</b>	<b>14</b>	<b>14</b>	<b>22</b>	<b>17</b>

Y = service provided; NS = not specified whether service provided.

<sup>231</sup> Outreach to Merri Community Health Centres, Fawkner and Glenroy – no further details as to frequency.

<sup>232</sup> Robinvale Resource Centre (Monday 11am-3pm), Mallee Family Care, Wentworth (Thursday 10am-12pm).

<sup>233</sup> Outreach operated at Mallee Family Care in Swan Hill only offers phone advice so has not been classified as outreach for the purposes of this report.

<sup>234</sup> Royal Women's Hospital, Parkville (Tuesday evenings); Queen Victoria Women's Centre, Melbourne (Friday lunch).

<sup>235</sup> Ozanam Community Centre, Melbourne – no further details provided as to frequency.

<sup>236</sup> Chelsea Information and Support Service; Good Shepherd Youth and Family Service, Hastings; Bentons Square Community Centre, Mornington; Living & Learning in Cardinia, Pakenham – no additional detail provided as to frequency of service.

<sup>237</sup> Fortnightly visit to Hampton Park in conjunction with Community House.

<sup>238</sup> Outreach only in relation to drug and alcohol service and therefore not counted for purposes of this report.

<sup>239</sup> Off site appointments and home visits are arranged as required.

<sup>240</sup> Half Moon Caravan Park, Brooklyn (1<sup>st</sup> Tuesday of month 12pm-1pm).

<sup>241</sup> Kildonan Child and Family Services (Uniting Care), Epping; Mill Park Community House – no further details as to frequency.

<sup>242</sup> Youth Resource Centre, Hoppers Crossing (Thursday afternoon fortnightly).

<sup>243</sup> Youth drop in centre, The Garage, Werribee – no further details provided as to frequency. In extenuating circumstances, lawyers can make visits to a client's home, aged care facilities, hospitals etc.

## Annexure D – Metropolitan and Non-metropolitan maps<sup>244</sup> and List of Legal Service Providers

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Office groupings by Melbourne metropolitan sub region



### **North West Metropolitan Region (22 offices)**

- ▶ Aboriginal Family Violence Prevention and Legal Service - Collingwood
- ▶ Brimbank Melton Community Legal Centre - Melton
- ▶ Brimbank Melton Community Legal Centre - St Albans
- ▶ Broadmeadows Community Legal Service - Broadmeadows
- ▶ Darebin Community Legal Centre - Preston
- ▶ Fitzroy Legal Service - Fitzroy
- ▶ Flemington & Kensington Community Legal Centre - Kensington
- ▶ Footscray Community Legal Centre - Footscray
- ▶ Mental Health Legal Service - Melbourne

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<sup>244</sup> State Government Victoria, Department of Planning and Community Development, Metropolitan and Regional Local Government Areas. Available at: <http://www.dpcd.vic.gov.au/home/publications-and-research/urban-and-regional-research/demographic-research/socio-economic-indices-for-areas-seifa-maps#regional> (accessed 20 June 2011).



- ▶ Moonee Valley Legal Service - Ascot Vale
- ▶ Moreland Community Legal Centre - Coburg
- ▶ North Melbourne Legal Service - North Melbourne
- ▶ Victorian Aboriginal Legal Service - Fitzroy
- ▶ VLA Broadmeadows
- ▶ VLA Melbourne
- ▶ VLA Preston
- ▶ VLA Sunshine
- ▶ West Heidelberg Community Legal Service - West Heidelberg
- ▶ Western Suburbs Legal Service - Newport
- ▶ Whittlesea Community Legal Service - Epping
- ▶ Women's Legal Service Victoria - Melbourne
- ▶ Wyndham Legal Service - Werribee

**Eastern Metropolitan Region (4 offices)**

- ▶ Eastern Community Legal Centre - Boronia
- ▶ Eastern Community Legal Centre - Box Hill
- ▶ Monash Oakleigh Legal Service - Clayton
- ▶ VLA Ringwood

**Southern Metropolitan Region (12 offices)**

- ▶ Casey Cardinia Community Legal Service - Dandenong
- ▶ Peninsula Community Legal Centre - Cranbourne
- ▶ Peninsula Community Legal Centre - East Bentleigh
- ▶ Peninsula Community Legal Centre - Frankston
- ▶ Peninsula Community Legal Centre - Frankston North
- ▶ Peninsula Community Legal Centre - Rosebud
- ▶ Southport Community Legal Service - Port Melbourne
- ▶ Southport Community Legal Service - South Melbourne

- ▶ Springvale Monash Legal Service - Springvale
- ▶ St Kilda Legal Service - St Kilda
- ▶ VLA Dandenong
- ▶ VLA Frankston

#### Office groupings by non-metropolitan Victorian regions



#### **Barwon South West Region (5 offices)**

- ▶ Aboriginal Family Violence Prevention and Legal Service - Warrnambool
- ▶ Barwon Community Legal Service - Geelong West
- ▶ Victorian Aboriginal Legal Service - Heywood
- ▶ VLA Geelong
- ▶ VLA Warrnambool

#### **Grampians Region (4 offices)**

- ▶ Central Highlands Community Legal Centre - Ballarat
- ▶ Victorian Aboriginal Legal Service - Ballarat
- ▶ VLA Ballarat
- ▶ VLA Horsham

#### **Loddon Mallee Region (6 offices)**

- ▶ Aboriginal Family Violence Prevention and Legal Service - Mildura

- ▶ Loddon Campaspe Community Legal Centre - Bendigo
- ▶ Murray Mallee Community Legal Service - Mildura
- ▶ Victorian Aboriginal Legal Service - Mildura
- ▶ Victorian Aboriginal Legal Service - Swan Hill
- ▶ VLA Bendigo

**Hume Region (3 offices)**

- ▶ Hume Riverina Community Legal Service - Wodonga
- ▶ Victorian Aboriginal Legal Service - Shepparton
- ▶ VLA Shepparton

**Gippsland Region (6 offices)**

- ▶ Aboriginal Family Violence Prevention and Legal Service - Bairnsdale
- ▶ Gippsland Community Legal Service - Morwell
- ▶ Victorian Aboriginal Legal Service - Bairnsdale
- ▶ Victorian Aboriginal Legal Service - Morwell
- ▶ VLA Bairnsdale
- ▶ VLA Morwell