

31 October 2023

Dr Warren Mundy
The Independent Review of the NLAP

By email only: submissions@nlapreview.com.au

Dear Dr Mundy

The Independent Review of the National Legal Assistance Partnership

Circle Green Community Legal (**Circle Green**) welcomes the opportunity to contribute to the independent review of the National Legal Assistance Partnership (**NLAP**) (**Review**).

About Circle Green

Circle Green is a community legal centre in Western Australia providing state-wide specialist legal services in the areas of employment, tenancy, humanitarian, and family and domestic violence to the WA community. Within these specialist areas, Circle Green provides services including legal advice, casework, representation, duty lawyer services, outreach, community legal education, information, referrals, advocacy, and law reform. Our services are aimed at assisting people who face vulnerability or disadvantage in their access to justice. More information about Circle Green's services can be found on our website: <https://www.circlegreen.org.au/>.

Humanitarian Stream

Circle Green's Humanitarian service is focused on empowering vulnerable people by providing professional and accessible specialist immigration assistance, legal advice, legal representation, and education. Our Humanitarian service helps people new to Australia from culturally and linguistically diverse backgrounds, including humanitarian visa holders, asylum seekers, refugees, people experiencing violence who are otherwise disadvantaged in their access to legal services and are located in WA.

Tenancy Stream

Circle Green provides legal services to residential tenants across Western Australia including a state-wide telephone advice service, further assistance and casework, and a duty advocacy service at the Magistrates Court. As the Central Resource Unit of the Tenant Advice and Education Services program, Circle Green provides community legal education, professional development for advocates, and law reform advocacy on behalf of the Tenancy Network.

Workplace Stream

Circle Green is the only community legal centre in WA which has a specialist workplace law practice assisting vulnerable and disadvantaged non-unionised WA workers. Our workplace law

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services include legal advice, casework, representation, and education on state and federal employment and workplace discrimination laws.

NLAP funding

Circle Green receives NLAP funding across all three specialist service areas.

Consent

Circle Green consents to:

- (a) its submission being published on the Review website;
- (b) being identified in the report of the Review as having made a submission;
- (c) its submission being quoted with attribution in the report of the Review; and
- (d) its submission being quoted anonymously in the report of the Review.

Endorsement

Circle Green has contributed to and endorsed the **Submission by Specialist Refugee and Immigration Legal Centres to the National Legal Assistance Program Review**.

Please don't hesitate to contact me if you would like any further information on any of the contents of this submission.

Yours Sincerely



Celia Dufall
Chief Executive Officer

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1. Introduction

Circle Green¹ is considered a 'specialist' community legal centre but also provides some place-based services given central location to law courts and easy accessibility. Circle Green operates as part of the broader legal assistance system and aligns service provision based on consideration of eligible client's capacity and issue complexity.

Last year Circle Green had over 50,000 people access our website including online resources and received over 30,000 requests for assistance. Having services directed to provide information and low touch advice to clients with higher capacity is essential to maximise service delivery within available resources and is a key deliverable for 'specialist' centres.

Circle Green delivers statewide phone advice service for tenancy and workplace matters. As well as advice, ongoing support, and representation for clients across humanitarian, tenancy and workplace issues.

As part of the wider service system Circle Green also supports other community legal centres (CLCs) provide place-based responses for key client segments including:

- Providing education, training and support for advocates and lawyers in specialist areas when appropriate.
- Providing advice to, and working with, lawyers to provide support clients on more complex issues.
- Receiving referrals including warm referrals of clients that are unable to be supported locally. This may be due to the complexity of the legal matter, the lack of local knowledge in the area of law, or due to the difficulties in recruitment and retention of legal practitioners in remote, regional and rural (RRR) areas.²
- Sending referrals through to locally based CLCs when client capacity requires more intensive case management.
- Supervising tenant advocates in regional and remote locations when needed.
- Providing education and self-help resources for distribution and supporting in the co-ordination and delivery of CLE.

Circle Green also provides a key role working with other service providers to identify and communicate emerging issues and contribute to law reform, with 55 law reform initiatives last year.

2. To what extent has the NLAP achieved the overall objectives and intended outcomes?

We support the continuation of NLAPS's objective to contribute to integrated, efficient, effective and appropriate legal assistance services that are focussed on improving outcomes and keeping the justice system within the reach for vulnerable people facing disadvantage, within available resources.

¹ Circle Green is a merger of three specialist CLCs (Employment Law Centre, Tenancy WA, and The Humanitarian Group), and is currently the only CLC in Western Australia that provides workplace law and humanitarian / migration law services

² Law Council of Australia. Fact Sheet: Recruitment and retention of legal practitioners in rural, regional and remote (RRR) areas of Australia. <https://lawcouncil.au/publicassets/a4f6937a-df39-e711-93fb-005056be13b5/Fact%20Sheet%20-%20Recruitment%20and%20retention%20of%20legal%20practitioners%20in%20rrr%20areas%20of%20Australia.pdf>

In relation to achieving the objectives we note:

- a. We are seeing a growing need for legal support, and to support service provision we have had to implement strict eligibility criteria that aims to prioritise demand that comes from the most disadvantaged people in the community. This means that we are unable to meet legal need more broadly, particularly people who are still disadvantaged, but to a lesser extent. As a result there are currently a group of people who are missing out on free legal services and are also otherwise unable to access paid legal services due to intersecting issues, such as being a sole income earner for their family, having a disability, or being from a culturally and linguistically diverse background, and the current economic climate more broadly.
- b. Funding is provided through numerous Agreements and Grants which requires specific management and reporting, and which reduces the effectiveness of responding at a strategic, collective and collaborative level.
- c. We believe having adequately funded online resources, information provision and advice lines is a critical part of maximising impact and building a statewide service system. Additional clarity and focus on a systems approach including these three areas would be beneficial in achieving the intended outcomes.
- d. We would also raise the importance of investing in the co-ordination of the service system within each specialist area of law. We currently receive funding to co-ordinate a Network for tenancy advice services (outside of NLAP) which is highly effective.
- e. We support the need for multiple services including general, specialist and Aboriginal and Torres Strait Islander specific to enable an efficient and effective legal support system. We recognise that the most vulnerable clients are best placed to be supported by locally embedded and culturally aligned services.

3. To what extent does current legal assistance meet the overall scale and breadth of the legal needs of disadvantaged Australians?

There is currently significant need and unmet demand for legal assistance across all three of our specialist service areas.

Within our areas of law:

- a. With limited funding and significant need and unmet demand, support for refugees, asylum seekers and newly arrived migrants remains challenging.
- b. We are seeing increasing numbers of international students requiring support across employment and migration law.
- c. Financial disadvantage continues to be a barrier for accessing fee for service legal support. A broader definition, including the inability to pay for legal support if service provision is denied, should be considered.

Whilst we are progressing our ability to respond and measure unmet demand, given the volume of requests for support it is impossible for us to measure this without investing in technology and intake services. Last year we had over 30,000 requests for support and directly supported in close to 4,000 cases. Additionally, over 50,000 people accessed our website and online information and resources.

Whilst funding remains challenging, our merger delivered additional scale which increases our capacity to progress initiatives. This scale has enabled us to invest in a data and systems analyst to support better data capture, analysis and use.

4. To what extent does current legal assistance meet the overall scale and breadth of the legal needs of disadvantaged Australians?

Given the unmet need and unmet demand, we would recommend consideration of an investment in supporting the co-ordination of efficient and transparent services systems guided by client need (*Figure 1.0*) to maximise service delivery and impact.

This supports the need to invest in online resources, CLE, efficient mechanisms for service delivery such as information lines and advice lines to support clients able to self-advocate and re-direct demand away from more intensive in person service delivery.

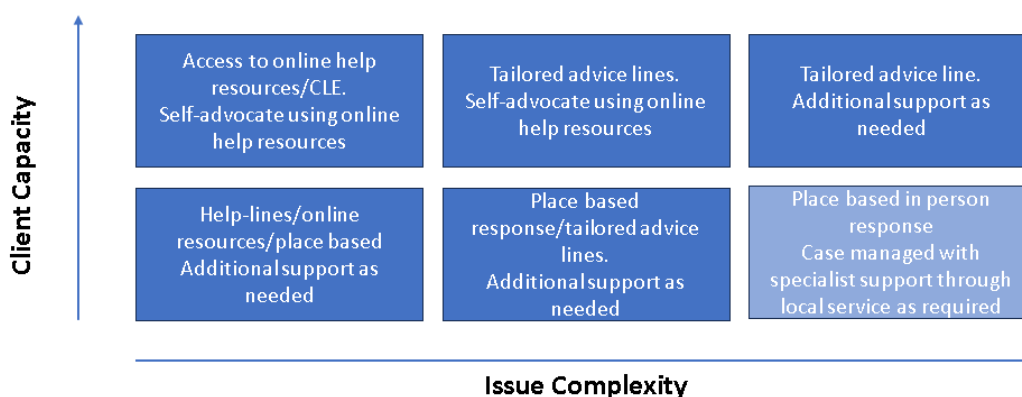


Figure 1.0 – Client matrix

A strong network of specialist centres, connected to other services across the state, would be able to support a systems approach. This could be further strengthened through Agreements and contractual requirements.

5. How should the challenges of service delivery in regional, rural and remote locations be addressed through future agreements?

Resourcing in regional, rural and remote locations is challenging, and we support the need to have funding reflect local costs including salary expectations, housing costs and travel and accommodation requirements given the vast geographic service areas.

Specialists centres have a role to support place based service delivery through a partnership approach, including:

- a. delivering capacity-building activities to support other CLCs by providing preliminary information and referrals to their clients, and/or empowering them to be able to provide preliminary advice to their clients. For example, Circle Green’s Workplace Stream conducted regional outreach trips through the WRP in 2022-23, and delivering training sessions on employment law to CLCs and other legal assistance service providers in RRR areas.

- b. providing people in RRR communities with a broader range of options about where to get legal assistance. This is particularly important in small communities where there may be a perceived lack of confidentiality. Through Circle Green's experience, clients have expressed their concerns about reaching out for legal assistance due to fear or discomfort that people in their community, including the other parties in their legal issues (e.g. previous employers, ex-partners), may easily find out that they sought legal assistance.
- c. freeing up the capacity of generalist CLCs so that they can assist more people within the communities they assist. For example, by establishing close referral and working relationships with specialist CLCs so that clients can be referred smoothly without unnecessary resources being used by generalist CLCs.

6. To what extent does the funding model support appropriate distribution and quantum of Commonwealth resources to meet current and future needs?

As stated in the issues paper, current funding is inadequate to meet existing legal need and existing service demand. To expand:

- a. There is insufficient consideration on the management of service demand (intake) and costs associated with managing this demand.
- b. Complexity of contacts and management of services to respond to contractual requirements is costly and can impact on system efficiency. For example, we need to manage carefully the services being supported through our employment advice line to ensure compliance and meeting of funding targets across Commonwealth and State jurisdictions. We would therefore support the evolution away from 'Commonwealth funding for Commonwealth matters'³.
- c. Specialist services, with the exception of our tenancy stream (see Appendix 1), do not currently received funding to co-ordinate and support a statewide systems approach to service delivery. Co-ordination and management of these requires and capacity and resources which are difficult to resource and therefore we are unable to achieve service synergies and benefits that a systems approach would achieve.
- d. When considering legal need and demand, gaps in funding exist for our Humanitarian service as well as for our Employment and Tenancy information and advice service. There is also a lack of investment in technology and systems to support service delivery.

³ The diversity of workplace laws in Western Australia, for example, make it difficult for a generalist CLC to advise clients on some workplace issues without a team of employment lawyers. Two systems of employment law operate concurrently, a feature unique to Western Australia, and identifying exactly which set of laws applies to a particular client can be challenging. Similarly, various discrimination laws can apply to a client in a given situation, and result in multiple potential claim options. For example, an employee in Western Australia who was dismissed from their employment without a fair process after experiencing discrimination in the workplace could have six potential claim options. If the employee has also experienced sexual harassment in the workplace, this number increases to nine potential claims. The employee may not make concurrent claims in multiple jurisdictions, and may only make certain claims concurrently in the same jurisdiction. It is therefore critical that they receive legal advice on, and understand, the exact claims available to them and the relative merits of each before proceeding.

7. How should legal assistance funding support activities that at an early stage reduce or prevent legal need, including activities not purely of a legal character?

We believe an integrated service system, incorporating preventative and early intervention services, is essential to broaden the impact of community legal services and to bring real longer-term reduction in the need for community legal support.

By accessing information and understanding rights, future costs associated with more intense legal support and associated outcomes including homelessness, unemployment and mental health are reduced and/or avoided.

Without a system of support, it is likely that people will access the support available and when that is more intensive/dedicated support it leads to an inefficient use of resources and can result in others missing out on the support they more urgently require.

Community legal education and self-help resources play a pivotal role in the ecosystem of support that Circle Green offers across the community. This includes:

- a. Our website resources, including information and self-help tools.
- b. Raising awareness of legal rights and responsibilities through presentations and speaking engagements, media, social media.
- c. Raising awareness of options and processes for self-advocacy and support.
- d. Training community workers on rights and obligations to be able to provide preliminary information and support to clients.
- e. Providing specialised legal education for other community legal centres to raise awareness of legal areas and improve understanding of referral pathways – including when to refer a client for more specialised support.
- f. Raising awareness of support available to target (vulnerable) cohorts.
- g. Identification of emerging issues and working with stakeholders to raise awareness of and address systemic issues and causes.

Some examples of our work over the last year:

- a. Across 2022/2023 over 50,000 people accessed our website, many of these accessing our information and self-help resources. The continued development of these is a key part of our CLE platform and reduces the need for individualised support.
- b. Our online resources are also used in the provision of information and advice given the limited capacity in the system for case managed support. Being able to provide advice and guidance, with links through to self-help supports, we are able to extend our impact. We also promote these resources for use by the broader CLC community.
- c. Provision of dedicated information sessions to CALD immigrants around family reunification with detailed information and resources to enable self-advocacy.
- d. Conducting a social media campaign to raise awareness of workplace sexual harassment.
- e. Development of a seminar series in conjunction with Consumer Protection for community support workers delivered across the state in conjunction with local community legal centres raising awareness of consumer protection issues and pathways for support.

Specialist services are well placed to deliver and collaborate with other services to support this approach. We do not believe there should be eligibility criteria for prevention and education, although focus areas should still be on the priority cohorts.

This is illustrated through the Workplace Respect Case Study in Appendix 2.

8. How should legal assistance funding be provided to legal assistance providers for advocacy and law reform activities.

As a specialist centre we engage in multiple law reform initiatives across our specialist areas and work with other service providers where appropriate. This resulted in 55 law reform initiatives last year. Most recently a submission co-ordinated and drafted with support of the Tenancy Network, including through contributions from Network members, was supported by 15 CLCs and the Peak.

The Tenancy Network also enables timely identification of emerging issues that can be communicated to key stakeholders for further action.

Identification of emerging issues and law reform is time intensive but can often lead to significant improvements that reduces future legal need. A recent example has been the co-ordinated approach to Make Renting Fair resulting in amendments to the tenancy legislation.

We would therefore support an allocation of funding to Specialist CLCs and the Peak to identify, co-ordinate, draft and otherwise respond to law reform initiatives.

9. To what extent are the current reporting processes sufficient to support monitoring, continuous improvement and achievement of objectives?

From our experience and understanding there is significant variability in the application of data standards. We have previously had limited opportunity to regularly review and analyse data, and without the internal expertise to support. Following the merger that formed Circle Green and with resulting economies of scale, we are investing in data systems, with implementation of Power BI and 3CX call centre functionality. Investment in technology and development of key staff capability is essential to improve data capture and analysis.

To be able to realistically capture, compare and use data there would need to be a broader scope to ensure data integrity across the service system. Such sharing of data (in a non-competitive environment) would allow for the identification of good practice and sharing of innovations. Whilst within the Tenancy Network we have had a number of providers voluntarily share data to use for law reform and advocacy, we feel there would need to be contractual requirements in place for this to expand across the complete service system.

10. What other changes to the NLAP would further improve service delivery and outcomes and maximise use of resources?

NLAP already recognises the need for a state-wide approach given funding focus. However more could be done to encourage collaboration and the building of a more efficient and effective service system. This could include:

- a. Adopting and clarifying a systems approach across each specialist law area.
- b. Recognising different models of service delivery and how they interact with each other.

- c. Reducing perceived competition between providers with long term funding security.
- d. Embracing and funding technology (including AI) as part of the service system.
- e. Considering how innovations can be shared across systems and states.
- f. Embedding value of preventative and early intervention services.

Appendix 1.

Tenancy Advice and Information Network

The TAES Network, designed on a 'Hub and Spoke' model with a centralised advice line supplemented by tenant advocates and lawyers embedded in CLCs providing more holistic support, is an exemplar of how the sector can collaborate to support a systems approach with:

- a. Training and development of tenant advocates and lawyers provided centrally by the Hub (Circle Green).
- b. Community education targeting vulnerable cohorts with Circle Green co-ordinating and presenting in conjunction with local service providers.
- c. Information and self-help tools developed centrally and available across the Network.
- d. Triage, information provision and advice provided by a central advice line with referrals to local providers when more holistic support is needed.
- e. Independent access to place based, integrated, local support via 'spokes (CLCs).
- f. Referrals to the Hub for more complex clients.
- g. Dedicated community sector hotline and access to Circle Green tenancy lawyers
- h. Support during resourcing gaps
- i. Regular communities of practice and newsletters
- j. Identification of emerging issues and collaborative advocacy

Feedback from Tenancy Network members:

'It's going great! Each time I feel like we are doing more and more in the network so that's credit to Circle Green – thank you! It was nice to hear from your new CEO.'

'I think it's great having the meetings and I have used the new directory several times now to organise referrals to my TAES peers so thanks!! It's awesome to get to know others who are in the same role and to learn from experts in the industry is invaluable. '

'The TAES co-ordinator is so inclusive and really lovely to talk to... every time I have emailed or called to ask about something or given my suggestions for change in how we do our meetings or run the network itself, I have felt that they have been so responsive, and we are seeing actual change now. I find the network meetings useful for my work. Love the e-newsletter – it is always a good read so keep it coming! Well done Circle Green!'

Appendix 2.

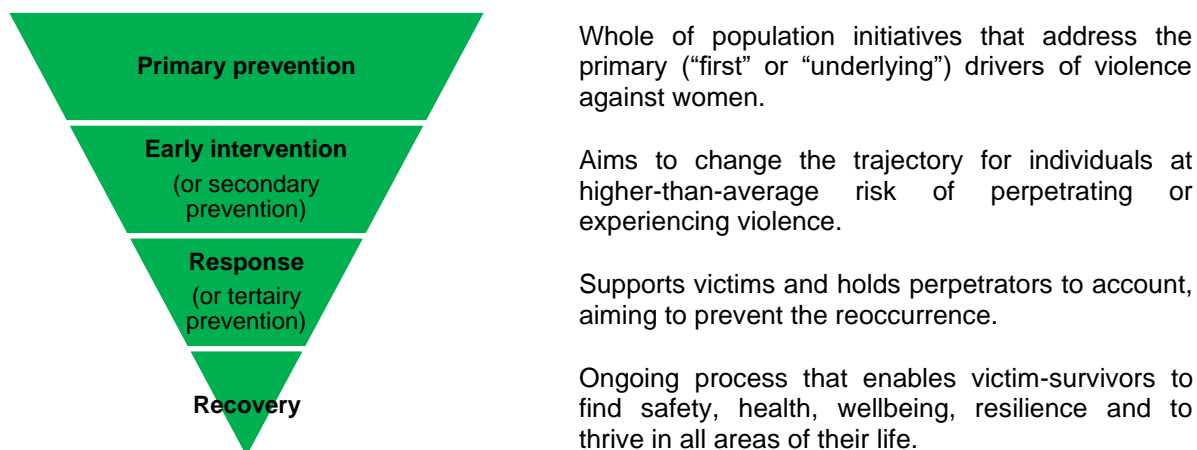
Workplace Respect Project

- 1.1 Circle Green Community Legal (**Circle Green**) is the lead agency delivering the Workplace Respect Project (**WRP**) in Western Australia as part of the Commonwealth Government's response to the Respect@Work Report, which identified the prevention of and response to workplace sexual harassment (**WSH**) as an urgent priority due to the widespread and pervasive nature of its occurrence in Australian workplaces.
- 1.2 Two of the key focuses of the WRP include facilitating capacity building, and promoting legal and cultural change:
 - (a) Facilitating capacity building – empowering people, professions, workplaces, and communities, to understand, respond to, and prevent workplace sexual harassment and discrimination.
 - (b) Promoting legal and cultural change – influencing legal and cultural change to ensure discrimination and workplace laws and policies protect workers and foster safe workplaces.
- 1.3 These areas of focus demonstrate the use of NLAP funding by the WRP to engage in prevention and early intervention (**issue 4.9** of NLAP Issues Paper), and advocacy and law reform (**issue 4.10** of NLAP Issues Paper), discussed in further detail below.
- 1.4 **Prevention (including early intervention) (4.9)**
 - 1.4.1 Circle Green considers that early intervention services should be funded:
 - (a) in a sustainable and strategic manner;
 - (b) particularly in relation to social issues with high prevalence, that are highly stigmatised and underreported; and
 - (c) particularly where the legal framework is shifting to promote preventative measures in relation to certain social issues.

Funding prevention activities (including early intervention) in a sustained and strategic manner

- 1.4.2 The National Plan to End Violence against Women and their Children 2022 – 2032, holds the different components of the justice system accountable for addressing violence against women and children, and identifies key progress indicators across prevention, recovery and healing, early intervention and response.
- 1.4.3 As demonstrated in Figure 1 below, addressing violence against women occurs across a spectrum. The term “prevention” is often used as a broader term including both primary prevention and early intervention. In this submission we are focusing on both primary prevention and early intervention, and therefore broadly use the term prevention.

Fig 1: Spectrum of prevention



1.4.4 Prevention activities addressing workplace sexual harassment should be funded because workplace sexual harassment is highly prevalent and pervasive, yet grossly underreported in Western Australia.⁴

1.4.5 Prevention of a social issue as prevalent and pervasive as workplace sexual harassment requires long-term, sustained commitment, because prevention of such conduct requires looking at the key underlying drivers of sexual harassment, such as:

- (a) gender inequality;
- (b) power imbalances inherent in male dominated industries; and
- (c) toxic or complacent workplace cultures that condone and accept sexual harassment and sex discrimination.

It also involves addressing the key structural barriers to accessing legal assistance.

1.4.6 Our Watch’s “Change the story” framework (Change the story) is a strong precedent for the planning and monitoring of prevention measures. Change the story is an evidence-based framework which guides the national approach to preventing violence against women.⁵ The prevention of workplace sexual harassment feeds into the national approach on preventing violence against women, as workplace sexual harassment is a form of gendered violence.

1.4.7 Change the story provides evidence and guidance on tracking progress in prevention measures, and calls for the necessity of increased and ongoing investment in evaluation frameworks and strategies for primary prevention efforts in various sectors involving issues that contribute to / are a form of violence against women.

1.4.8 It is prudent that prevention work is evaluated and strategically aligned with the National Plan to End Violence against Women, as well as Change the Story, to ensure that targets are being met and stakeholders are being held accountable in both the short and mid-term. Although the overall aim is to eliminate workplace sexual harassment, and violence against women more broadly, the long-term

⁴ Centre for Social Impact (University of Western Australia), June 2023 – Legal needs report: <https://circlegreen.org.au/workplace/understanding-workplace-sexual-harassment-trends-barriers-to-legal-assistance-consequences-and-legal-need/>; and Respect@Work Report.

⁵ <https://www.ourwatch.org.au/change-the-story/>.

strategy requires continued and sustainable funding (including the requirement for evaluation) to remain on-track.

- 1.4.9** Investing in prevention activities saves money. There is now a vast evidence base of the long-term cost saving benefits of a preventative approach to social issues, including in the prevention of violence against women and other public health issues.
- 1.4.10** A report published by Deloitte in 2019 shows that workplace sexual harassment cost the Australian economy \$3.5 billion in lost resources and revenue in 2018, with productivity loss contributing \$2.6 billion in lost revenue.⁶ It is clear that the economic and social burden of workplace sexual harassment is significant, and therefore sustained commitment to the prevention of workplace sexual harassment will be cost-saving in the long term.

Workplace sexual harassment as a highly prevalent social problem fraught with stigma, and vastly underreported

- 1.4.11** Through the WRP's regional outreach trips in 2022-23, it was found that most regional community legal centres (CLCs):
- (a) are not providing legal assistance regarding workplace sexual harassment and discrimination; and
 - (b) are receiving limited to no requests (i.e. demand), for legal assistance on workplace sexual harassment, despite the high community prevalence.
- 1.4.12** These findings demonstrate the lack of awareness of workplace sexual harassment, and demand that is inconsistent with what would be expected given the high prevalence.
- 1.4.13** Lack of awareness of workplace sexual harassment is, in itself, a barrier to accessing legal assistance and justice.
- 1.4.14** Therefore, more time investment is required in the first instance to raise awareness about what workplace sexual harassment is, what rights and supports persons targeted by the behaviour have access to, and exploring innovative strategies to encourage help-seeking behaviour.
- 1.4.15** Consequently, Circle Green has focused on stakeholder awareness, engagement, and education activities in local communities, as opposed to direct regional place-based legal service provision, to raise awareness about workplace sexual harassment and promote help-seeking behaviours in the community.
- 1.4.16** The lack of awareness and education on the issue in regional areas means that specialist CLCs such as Circle Green should be adequately and sustainably funded to be able to continue providing programs such as training on workplace sexual harassment, and active bystander training, as well as establishing warm referral pathways between Circle Green and regional CLCs.
- 1.4.17** Four years of funding is not an adequate commitment to the elimination of workplace sexual harassment, given its prevalence and pervasiveness; the barriers to expressing help-seeking behaviours; and the complexities to accessing justice, faced by persons targeted by workplace sexual harassment.

⁶ Deloitte . (2019). *The economic costs of sexual harassment in the workplace*.
<https://www.deloitte.com/au/en/services/economics/perspectives/economic-costs-sexual-harassment-workplace.html>

Preventative measures promoted by the legal framework

- 1.4.18** Prevention activities for workplace sexual harassment should be adequately funded especially where the legal framework is shifting to promote preventative measures.
- 1.4.19** For example, one of the key findings of the Respect@Work Report was that the current system for addressing workplace harassment is complex, and places the onus on the person targeted by workplace sexual harassment in making a complaint or report. To address this, one of the key recommendations in the Respect@Work Report was the introduction of a positive duty on organisations and businesses to eliminate, as far as possible, sexual harassment, sex-based harassment, and sex discrimination, in the workplace.
- 1.4.20** In line with the findings and recommendations of the Respect@Work Report, the WRP looks to develop and adopt a preventative approach that requires long-term, sustained commitment, including long-term funding.
- 1.4.21** CLCs, particularly specialist CLCs such as Circle Green, are well positioned to be conducting prevention work, due to the potential for a holistic provision of services.
- 1.4.22** For example, Circle Green's WRP delivers primary preventative, early intervention and response activities, including raising awareness about workplace sexual harassment and supports, providing training on workplace sexual harassment, and active bystander training, as well as providing legal advice, assistance, and representation services to persons who have experienced workplace sexual harassment.

1.5 Advocacy and law reform (4.10)

- 1.5.1** Circle Green considers that advocacy and law reform efforts should be funded generally, and in particular where a legal framework has undergone, and may continue to undergo, significant reform.
- 1.5.2** CLCs, such as Circle Green, which undertake advocacy and law reform in the area of workplace sexual harassment should be funded on an ongoing basis, especially where the legal framework has undergone, and will continue to undergo, significant reform.
- 1.5.3** Three years on from the Respect@Work Report being published, and since the Government committed to implementing all the recommendations in the report, legal reforms are still being implemented, for example:
- (a) the positive duty in the *Sex Discrimination Act 1984* (Cth) (**SDA**) was introduced in December 2022, and the Australian Human Rights Commission's new regulatory powers, including compliance powers, in relation to the positive duty will not commence until December 2023;
 - (b) the Fair Work Commission's new sexual harassment jurisdiction commenced 6 March 2023, but still remains a largely untested jurisdiction; and
 - (c) cost neutrality provisions were proposed in an earlier version of legal reforms, however later taken out as further consultation was sought, and is yet to be implemented.
- 1.5.4** Unintended consequences are a common teething problem after significant legal reform, and could have unfair impacts on certain groups, particularly marginalised groups, and therefore requires careful monitoring and advocacy to ensure that the intended measures are achieved.

1.5.5 For example, it is crucial that the Fair work Commission's new sexual harassment jurisdiction is a trauma-informed process and that the staff are well-equipped and educated, especially in relation to traumatised, vulnerable, and self-represented litigants. Further, the cost protection provisions are yet to be implemented, and continued advocacy is required to ensure that the remains accountable for following through with implementing promised recommendations.