

# Law and Advocacy Centre for Women Ltd

Submission to the  
National Legal Assistance Partnership Review

October 2023



*LACW acknowledges that we operate on First Nations land, and that our office is located on the unceded lands of the Wurundjeri people of the Kulin Nation. We pay our respects to Elders past and present.*

## About Us

The Law and Advocacy Centre for Women (LACW) is a community legal centre located in Carlton and operating across Victoria, including all metropolitan and a number of regional courts. It is the only legal service in Victoria whose primary focus is to provide a gender-specific approach to assisting women who are in, or at risk of entering, the criminal justice system. LACW was established in 2016, specifically in response to the rising rates of imprisonment and criminalisation for women. Its mandate is to combat these trends by providing a holistic approach to women in the justice system, providing a wraparound service that combines legal advice and representation alongside integrated case management support to address the underlying causes of women's criminalisation and imprisonment.

## About this Submission

As a member of the Federation of Community Legal Centres Victoria (FCLC) and of Community Legal Centres Australia (CLCA), LACW has been involved in various consultations regarding the present National Legal Assistance Partnership Review (NLAP Review). We acknowledge the substantial work that has gone into the submissions prepared and submitted by both FCLC and CLCA, and are broadly supportive of the issues raised in those submissions.

LACW's submission does not seek to traverse these issues separately nor re-agitate issues that have been agreed as a sector position. Nor do we seek to address all the matters set out in the NLAP Review Issues Paper.

Rather, this submission briefly outlines our experience as an independent community legal centre that was established without government support or funding, but that has identified and is now meeting a previously unmet legal need that is growing and becoming more widely recognised as a result of our work.

We are a centre that receives no baseline NLAP funding, but has recently been awarded funding under NALP's Vulnerable Women funding stream. Our funding otherwise comes from Victoria Legal Aid (VLA) panel grants, Victorian State government grants and philanthropy.

Ultimately, the purpose of this submission is to agitate for:

1. The ability for centres who do not receive baseline funding under NLAP to be included in NLAP funding should they wish to be.
2. The extension of NLAP funding to cover non-legal services delivered by CLCs, such as Social Work and Case Management support.
3. Recognition within funding models of the additional expenses incurred by specialist legal services that provide State-wide coverage, which is not currently recognized by a system that categorises centres as either metropolitan or remote, regional and rural (RRR).
4. Sufficient funding for CLCs that supports pay and conditions for staff that are commensurate with legal aid commissions and other government agencies.

## Background

### Our vision and values

LACW's vision is that all women in Victoria can access pathways out of the justice system through exceptional legal representation and support.

We are committed to being the leading provider of specialist, gender-responsive legal and case management services to women throughout Victoria, delivering a holistic response with a focus on criminal defence.

### Our history

LACW is led by co-founders Jill Prior (Principal Legal Officer) and Elena Pappas (CEO). Jill is an accredited criminal law specialist with close to 20 years' experience working with clients in relation to criminal matters, including through Principal lawyer roles with the Victorian Aboriginal Legal Service and Djirra. In June 2021 Jill was awarded a Medal of the Order of Australia in recognition of her service to the law. Elena is LACW's CEO, and in addition is the Co-Convener of Smart Justice for Women (a coalition of legal and community services working together to end women's criminalisation), and a Board member of the Federation of Community Legal Centres.

In 2014 Jill and Elena, through their work with the Victorian Aboriginal Legal Service, identified the need for a specialist legal service to assist women who were facing criminal charges and associated legal issues. They undertook extensive research into the unmet legal need for women interacting with the justice system, and consulted on how to establish an effective model that would not only address this unmet need, but provide support to criminalised women to address the underlying issues driving their contact with the justice system.

Following the development of a business plan and funding model, they approached several potential funders, including the person responsible for administering NLAP funding through Victoria Legal Aid, but were told that there was no unmet need and that women were already provided for through Women's Legal Services (which do not do any criminal law matters).

So, in February 2016 they opened the doors with no government funding.

From a team of just two people in 2016, LACW has now grown to a team of 20 employees including 10 lawyers and 3 case managers. LACW's two Managing Lawyers are accredited specialists in criminal law and children's law respectively, and its case management team includes a qualified Social Worker and case managers with significant experience working with criminalised women, in addition to qualifications in AOD and family violence support.

Since opening, LACW has assisted over 1800 women, trans and gender-diverse clients in relation to over 6800 legal matters. It has also provided 530 episodes of case management support.

In this time, the number of new clients receiving support from LACW has grown by an average of 30% year on year. LACW services all jurisdictions – including the Magistrates', County and Supreme Courts – in all metropolitan and regional locations throughout Victoria.

LACW has clearly identified and answered an unmet need for specialist legal and wrap-around support services to be provided to criminalised women.

### 1. The need for baseline funding

Despite this rapid growth and clear evidence of meeting a previously unmet legal need, LACW receives no baseline funding under NLAP. Furthermore, there is no ability to apply for this under the

current NLAP agreement. We have recently received funding under NLAP's specialist grants for Vulnerable Women, and have received CLSP funding through the Victorian Government's CLC Family Violence and Assistance Scheme. However, the absence of baseline funding and a reliance on project and grant funding creates uncertainty, leading to workforce instability and difficulties in meeting costs that are not directly related to service provision. These include overheads, management and administration costs. They also include costs associated with data collection, monitoring and evaluation – which are vital to ongoing service improvement. In addition, this limits our scope to engage in community legal education and policy work that are so central to the work of community legal centres.

Accordingly, we recommend that:

- **There be a mechanism through which CLCs that do not currently receive funding (baseline or otherwise) through NLAP be entitled to apply for funding through a process that is governed by transparent principles having regard to legal need and the capacity to meet legal need.**
- **No accredited Community Legal Centre should be precluded from eligibility to apply for NLAP and non-NLAP Commonwealth funding by reason of not currently being in receipt of any such funding, or by reason of having one or more alternate sources of funding.**
- **Should adherence to these principles give rise to enhanced access to eligibility for Commonwealth funding by a larger number of CLCs in each jurisdiction, as appears likely, we also support and recommend that no CLC should receive less Commonwealth funding from a jurisdiction in real terms than they currently receive to ensure continuity of service delivery, address unmet legal need, and to underpin the sustainability of those centres.**

## 2. Funding for non-legal support

There is growing recognition amongst the sector that a holistic approach to legal needs – which combines wrap-around non-legal support with legal advice and assistance – is essential in addressing the drivers of legal need and preventing legal needs from recurring.

In the case of our client cohort, the support needs of criminalised women are interrelated and complex. Many of the support needs with which criminalised women present are gender specific. There is often a direct relationship between women's trauma and personal relationships and their contact with the justice system; between complex health needs - including mental health and chronic illness – and criminalisation; and between substance abuse, past trauma and victimisation.

Criminalised women are more likely than men to have experienced childhood victimisation (in particular sexual abuse), as well as subsequent victimisation as adolescents and adults, including sexual assault and family violence.<sup>1</sup> Evidence suggests that between 77 per cent to 90 per cent of incarcerated women have been exposed to traumatic events.<sup>2</sup> A 2004 Australian Institute of

---

<sup>1</sup> Stathopoulos, Mary and Antonia Quadara, *Women as offenders, women as victims: The role of Corrections in supporting women with histories of sexual abuse* (Report for the Women's Advisory Council of Corrective Services NSW, 2014) 25-26.

<sup>2</sup> Green, Bonnie, Jeanne, Miranda, Daroowalla, Anahita and Juned Siddique, 'Trauma exposure, mental health functioning and program needs of women in jail' (2005) 51 (1) *Crime & Delinquency* 133-151, 134.

Criminology study found that 87 per cent of women in custody were victims of sexual, physical or emotional abuse.<sup>3</sup>

These support needs in turn drive ongoing involvement in the justice system. Left unaddressed, women will continue to cycle in and out of the justice and prison systems, which will create ongoing costs for governments and place pressure on legal and other services.

Central to LACW's service model has always been the provision of integrated, wrap-around support. Our integrated support model provides targeted, specialist case-management to connect women with the services they need to address the underlying causes of their criminalisation and imprisonment, including housing, family violence support, drug and alcohol treatment and mental health needs. We support clients to sustain their engagement and ensure these underlying issues are addressed in a trauma-informed, gender-responsive way. We break down the barriers that often prevent criminalised women accessing and maintaining their engagement with mainstream services, ensuring successful, long-term engagement and positive therapeutic relationships.

A particular focus of our Integrated Social Work and case management program has been supporting women applying for bail by coordinating support services in the community and providing ongoing case management to ensure long-term engagement with these services. This helps women stay out of prison while their matters progress through the courts and makes it less likely that they will ultimately receive a custodial term. This is particularly important in light of the findings that in 2017, 66 per cent of women were released from prison without having served any time under sentence, a four-fold increase since 2011.<sup>4</sup>

However, without longer-term funding this service cannot be sustained.

There will be multiple examples amongst the sector of the benefits of integrating in integrated, wrap-around services within CLCs that reduce down stream costs on government and address the underlying drivers of legal need. In this regard, we refer to section 4.8 of the FCLC's submission to the NLAP Review.

**In line with the recommendation of FCLC, we recommend that NLAP baseline funding supports the delivery of integrated legal services and partnerships by CLCs, allowing CLCs to employ community service professionals and to use the funding on other operational aspects, such as partnership development, project management, training and professional development, lived experience engagement and evaluation.**

### 3. The cost of delivering a State-wide service

There is, appropriately, strong support for the existence of both place-based CLCs – with direct connection to their local communities – and specialist CLCs – with specialist expertise in a particular area of law or client cohort – to work alongside each other in addressing the legal needs of vulnerable people.

A large number of specialist CLCs provide their services across a large geographical area that transcends local government boundaries and, in our case, covers the whole of metropolitan Melbourne and regional Victoria. The costs associated with this large geographical coverage are

---

<sup>3</sup> Johnson, Holly, 'Drugs and crime: A study of incarcerated female offenders' (Australian Institute of Criminology: Research and public policy series, 2004) xiv.

<sup>4</sup> DJCS, *Women in the Victorian Prison System* (2019), p. 13.

significant. In their submission to this review, the FCLC (at section 4.5) addresses the high costs of travel for RRR centres amongst other challenges faced by centres located in RRR areas.

While statewide services that are located in Melbourne may not face the workforce challenges that RRR centres face, they do face similar cost pressures in terms of travel. From our perspective, we have to factor in the cost of travelling to metropolitan courts that are located away from the CBD, as well as the costs of travelling to regional courts. Costing models for travel rarely take into consideration the time involved for staff to travel, instead focussing on the cost of accommodation and transport.

**Accordingly, we recommend that funding for specialist services that cover large geographic distances, including statewide services, be adequate to cover the cost and time of travel for staff.**

#### 4. Adequate funding for staff

In their submission, the FCLC has provided an extensive analysis of the labour market challenges facing the CLC sector in section 4.13.

We endorse the recommendations made by FCLC, and seek to highlight in particular the current wage inequality between the public service and legal aid commissions on the one hand, and CLCs on the other.

The work that we do as a specialist CLC is complex and challenging. The clients we assist have often been turned away from other services, are difficult to engage and can present as distressed and complex. Assisting these clients while at the same time dealing with the pressures of working in a face-past court environment requires a high degree of skill, experience, patience and empathy. Yet the current discrepancy between salaries and conditions of staff and Victoria Legal Aid and staff at CLCs serves to de-value the very important work that CLCs like ours do.

While these discrepancies are evident from entry-level positions, they are even more pronounced for senior practitioners. The salaries on offer in government jobs and at Victoria Legal Aid for senior lawyers are completely outside the realm of what is possible in the CLC sector. This – along with short-term funding leading to fixed term contracts – makes attracting and retaining senior staff extremely challenging. Add to this the burn-out that can be experienced when working in an under-resourced sector that has limited ability to invest in employee wellbeing measures, and the CLC sector becomes a very difficult landscape within which to provide pay and working conditions that will enable lawyers to make a career out of community law.

This has to change if the sector is to continue to provide the huge benefit to the community that it currently does.

**Accordingly, we join with the FCLC in recommending that commonwealth, state and territory governments invest in increasing salaries and benefits for CLCs to address wage inequity between the public service/legal aid commissions and CLCs.**

*For more information or to discuss this submission, please contact Elena Pappas, CEO, at [eappas@lacw.org.au](mailto:eappas@lacw.org.au).*