

SUBMISSION TO THE INDEPENDENT REVIEW OF THE NATIONAL LEGAL ASSISTANCE PARTNERSHIP

inTouch Multicultural Centre Against Family Violence

October 2023

Acknowledgement of Country

We acknowledge the Australian Aboriginal and Torres Strait Islander people as the first inhabitants of this nation and the Traditional Custodians of the land on which we work and live. We pay our respect to their Elders – past, present and emerging. We express our gratitude for the sharing of this land, our sorrow for the personal, spiritual and cultural costs of that sharing and hope that we may move forward together in harmony and in the spirit of healing.

Acknowledgement of Victim-Survivors

We also acknowledge the countless women who have experienced family violence, in particular women from migrant and refugee backgrounds. We recognise the courageous path they have travelled to rebuild their lives and honour their stories which continue to inspire and drive our work.

About inTouch

inTouch Multicultural Centre Against Family Violence (inTouch) has provided person-centred, integrated and culturally responsive family violence services to migrant and refugee communities in Victoria since 1984.

inTouch works across the family violence continuum, providing culturally-informed early intervention, case management, legal and migration assistance, perpetrator programs, post-crisis recovery and enhanced capacity-building across the sector and community through our learning and development and project management teams. We are proud to provide high-level leadership and guidance to all levels of government with our evidence-based policy and advocacy work.

Our services are informed by an integrated *inLanguage, inCulture* delivery model and supported by our diverse workforce, which is comprised primarily of people who are migrants and refugees themselves. Our team's unique understanding of culture and the migration journey allows inTouch to deliver expert, specialist case management to our clients in over 20 languages.

inTouch's services include:

- Case management that encompasses a first-hand understanding of the migration journey and unique cultural barriers women may face when seeking assistance for family violence.
- An integrated community legal centre (**inTouch Legal Centre**) working at the intersection of family and migration law - the first multidisciplinary practice in Australia to provide this inclusive service response.
- inSpire, a post-crisis recovery initiative for victim-survivors, focusing on economic independence, social connection and emotional wellbeing.
- A policy, advocacy and research unit that informs government legislation, service provision and media coverage and is informed by victim-survivors and our client services' team.
- Prevention and capacity-building projects and resource development for multicultural communities and the family violence sector.
- A specialised *inLanguage, inCulture* program, Motivation for Change, that works with men who use violence, focusing on trauma and the impacts of migration.
- A comprehensive suite of Learning and Development modules centred and informed by the experiences of victim-survivors and inTouch's specialist expertise working across the family violence continuum.
- NOOR Family Violence Survivor-Advocates, a group of migrant and refugee victim-survivors who influence policy, service provision and media reporting with lived experience.

For more information, visit www.intouch.org.au email admin@intouch.org.au or call [03 9413 6500](tel:0394136500)

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Required Information

Submission from:

inTouch Multicultural Centre Against Family Violence

Organisation type:

Community Legal Centre

Funding:

inTouch currently receives funding from the following streams:

- Commonwealth Baseline – General and Family Law and/or Family Violence sub-streams
- Commonwealth National Legal Assistance Partnership – Vulnerable Women
- Victorian State Community Legal Centre Family Violence and Assistance Fund, and
- Health Justice Partnership – Integrated Services Fund through the Department of Justice and Community Safety

Consents:

inTouch consents to this submission being published on the Review website, permitting recognition of our contribution in the Review's report and permitting citations, whether attributed or anonymously, as required.

Introduction

inTouch welcomes the opportunity to provide a submission to the Independent Review of the National Legal Assistance Partnership (NLAP) in response to the NLAP Review Issues Paper.

For nearly 40 years, inTouch has been steadfast in our mission to empower migrant and refugee women who have endured family violence, offering comprehensive case management services that acknowledge and address the unique cultural challenges these women often encounter when seeking assistance. The inTouch Legal Centre was established in 2012 and is an integral part of our organisation, that supports our multidisciplinary approach, ensuring that clients receive the comprehensive wrap around supports they need through our integrated service model.

Federation of Community Legal Centres (FCLC) Victoria Submission

inTouch lends its full support to the submission of the FCLC and endorses their recommendations. Within this submission, we aim to expand on the FCLC's recommendations in the context of the unique challenges encountered by the inTouch Legal Centre in delivering legal services.

Our focus remains on enhancing and strengthening the support systems for vulnerable women experiencing family violence within migrant and refugee communities. While this submission does not respond directly to the issues of early intervention (4.9), labour market (4.13) and data collection (4.14), inTouch strongly endorses the recommendations of the FCLC and notes the broad application of the challenges raised across the CLC sector for these areas.

inTouch recognises the NLAP has been instrumental in supporting legal service organisations across Australia. However, for organisations such as inTouch, who support clients with intersectional needs, it is evident that there are deficiencies with the current framework that need to be addressed. The NLAP's current structure does not adequately enable the delivery of flexible legal services to meet the needs of clients with complex needs and the current funding streams do not recognise the value and impact of our integrative service model. The annual planning and reporting requirements, coupled with in-sufficient funding for wrap around services (including interpreters), can significantly hinder the ability of organisations to provide comprehensive support to clients. Furthermore, the lack of long-term baseline funding poses a substantial challenge in ensuring sustained assistance for those who require it most.

A more flexible structure that allows for extended funding terms, greater consideration of baseline service costs and tailored support mechanisms to address the unique challenges faced by organisations supporting intersectional clients would ultimately enhance the capacity of legal service providers to deliver more holistic, culturally sensitive and linguistically appropriate services to those in need.

Through our recommendations to the Independent Review, inTouch seeks to demonstrate our vision for an effective and equitable integrative service that supports migrant and refugee women experiencing family violence to receive wrap around social, financial and well-being supports, enabled by effective legal assistance. inTouch is dedicated to utilising our unique understanding of culture, family violence, family law and immigration to support our clients and recognises the essential support the NLAP provides to enable this commitment.

inTouch Recommendations

Legal need

1. inTouch recommends that unmet legal need be considered within the context of intersectional need, recognising that clients often face multiple integrated legal and personal challenges that require a holistic approach to providing support.
2. inTouch recommends that consideration be given to the definition of legal need, with supports that enable clients to receive the right advice, at the right time (such as interpreters) factored into the cost of meeting legal need.
3. inTouch supports the establishment of an expert technical group to assess legal need and recommends ongoing legal needs assessments are funded through the NLAP to ensure consistency and continuity.

Disadvantaged groups

4. In considering priority cohorts, due to inequality, systemic barriers and discrimination, some groups of people experience compounding levels of disadvantage or significantly higher rates of violence. inTouch recommends that an intersectional approach is applied when considering the needs of these individuals as priority cohorts.
5. inTouch support the proposal to include LGBTIQ+ people and individuals and communities impacted by disasters, including climate change, to the priority groups considered under the NLAP.
6. inTouch supports the proposal of the FCLC that the current category of 'people who are culturally or linguistically diverse' be reframed into sub-groups. inTouch further recommends these sub-groups reflect the following categorisations:
 - a. people from migrant and refugee communities (including newly arrived/emerging) and people seeking asylum, particularly those of colour, and
 - b. temporary visa holders (including, but not limited to, migrant workers, international students, partner visa applicants and bridging visa holders).

Regional, rural and remote contexts

7. inTouch recommends consideration be given to funding partnership opportunities between specialist CLCs and CLCs in regional and rural areas to provide broader geographical support, particularly for highly disadvantaged and vulnerable people. inTouch strongly supports the FCLC proposal regarding these partnership opportunities.

Funding models

8. inTouch advocates that funding allocation is based on both legal need and the actual cost of delivering legal services, particularly considering the complexity and cost of providing services to clients with intersectional needs.
9. inTouch supports a funding model that provides a sustainable level of baseline funding that is adequate to maintain a viable legal centre, supporting vulnerable clients. This requires flexibility that supports meaningful and innovative delivery of services and does not limit an organisation's ability to undertake legal education and advocacy.
10. inTouch recommends that terminating funding should be rolled over into organisational baseline funding.

Wrap around services

11. inTouch advocates for increased flexibility in the baseline funding model that enables service providers to determine funding allocations across integrated service delivery models.
12. inTouch recommends that baseline funding enable partnership models, professional development and training that builds capacity and experience between community services and legal professionals to enhance the delivery of wrap around services.

Efficiency

13. inTouch recommends that baseline funding include support to enable organisations to efficiently manage planning and reporting requirements under the NLAP.
14. inTouch recommends the review of data processes consider how greater mutual benefit can be derived from data collection and reporting under the NLAP.

inTouch Legal Centre

Overview

The inTouch Legal Centre is a specialist Community Legal Centre (CLC) utilising an integrative practice model to provide legal advice and representation to clients who are already receiving support from inTouch case managers. Our Legal Centre was established following research funded by the Victoria Law Foundation in 2012, which identified that navigating the justice system is a particularly challenging process for migrant and refugee women who experience family violence.

Referral and intake process

Clients are referred to the Legal Centre through inTouch case management services, ensuring a unique, integrative and multidisciplinary support practice. The structured intake and case management services that precede referrals to the Legal Centre allow for a process that supports clients in their own language and cultural context, and encompasses risk management, safety planning and facilitates referrals to external providers for essential services such as housing, mental health support and financial counselling.

Legal services

As a CLC, the inTouch Legal Centre receives funding through the NLAP and State funding streams that supports delivery of legal and non-legal services.

inTouch extends its case management and legal services, which are tailored to address cultural and linguistic needs, to women and gender non-binary clients who consent to support from a women's service, are migrants and/or refugees, are aged 18 years and older, reside in Victoria and are currently or continually affected by family violence.¹

Given the need to triage and prioritise cases, all clients referred to the inTouch Legal Centre initially receive legal advice through Advice Clinics which include Weekly Advice Clinics, Victims of Crime Clinic, Divorce Clinics and outreach through our Health Justice Partnerships.

Unlike many CLCs, we also offer ongoing legal representation and regularly appear in the Federal Circuit and Family Court of Australia (FCFCOA) in parenting and property litigation matters.

Our expert team of lawyers and migration agent provide the following services:

- protection from family violence through intervention orders
- family law dispute resolution and representation in areas such as parenting, small property settlements, and spousal maintenance
- immigration and visa assistance
- support for Victims of Crime Assistance Tribunal (VOCAT) applications
- divorce clinics, and
- secondary consultations.

¹ The inTouch Legal Centre: Referrals and General Information and Service Guidelines set out the process for client and details on our operation. These documents can be accessed here: https://intouch.org.au/wp-content/uploads/2023/06/inTouch-Legal-centre-referral-guide_WEB.pdf and <https://mail.google.com/mail/u/0/#label/Consulting/FMfcgzGwHLMGKkVkgIhcmmHjPdmsQtsz?projector=1&messagePartId=0.1>

However, due to limited resources, the Centre is not in a position to provide legal representation at Family Violence Intervention Order (FVIO) Mentions and Direction Hearings. We have limited our services to preparing court documents such as Further and Better Particulars and legal representation at Contest hearings.

Due to the specific needs of our clients and the impacts of language barriers, in addition to providing legal advice and representation in court, our service dedicates significant time to assisting clients to navigate, and supporting them to comply with, court mandated courses, demonstrating the breadth and on-going nature of our current service offering.

Client profile

Our clients have highly complex and intersectional needs. On a daily basis, we have the privilege of seeing first-hand how our trauma informed, in-culture and in-language legal support enables our clients to navigate the justice system. This unique service delivery not only supports a more effective and efficient process, but also provides a strong foundation for our clients' healing and recovery, ensuring the best possible outcomes for our clients, their children and their communities.

During the 2022-23 financial year, the inTouch Legal Centre demonstrated its commitment to supporting vulnerable women, providing legal support to 701 women, offering the legal resources and assistance they urgently needed. Notably, this included 132 women who successfully obtained permanent residency as a result of family violence provisions. Emphasising our commitment to empower and educate communities, the Legal Centre organised 33 Community Legal Education activities and ran six Divorce Clinics. This is a significant achievement when considered in the context of the limited resources allocated to the Legal Centre with only six full time equivalent (FTE) staff.

While the impact of the Legal Centre on women's experiences in addressing family violence cannot be understated, the demographics of our clients underscores the unique challenges and barriers our service faces in delivering these vital supports. Among the women we assisted:

- 86 percent speak a language other than English as their first language, highlighting the importance of providing culturally sensitive and linguistically appropriate services.
- 36 percent reported living with a disability or mental illness, emphasising the need for wrap around supports that adequately take into account these circumstances.
- 44 percent were on temporary visas, demonstrating their vulnerability and lack of stability, driven by the uncertainty about their immigration status. Importantly, around 33% of inTouch clients overall have lived in Australia for less than 5 years, making it very difficult to navigate a legal system they have limited understanding of.
- 62 percent of our clients are either homeless or at risk of homelessness, underscoring the urgency of addressing housing and stability issues alongside and through legal assistance.
- 88 percent of clients are grappling with severe financial disadvantage and 24.3 percent of our clients had nil income at the point of engaging our service.

These statistics serve as a critical reminder of the role the inTouch Legal Centre plays in addressing the intersecting challenges faced by vulnerable women experiencing family violence within migrant and refugee communities.

Services delivered under our current NLAP funding

The services the inTouch Legal Centre delivers under the current NLAP funding are:

- *Discrete Services* – mainly Legal Advice in the areas of law we practice in and Non-Legal Support Service Discrete. The non-legal support refers to the migration assessment and advice our migration agent provides.
- *Ongoing Services* – we deliver Non-Legal Support Service-Ongoing, Dispute Resolution Representation Service, Court/Tribunal Representation Service, Other Representation Service and, Ongoing Legal Support Service. This reflects the large amount of ongoing family law litigation and representation we provide at the FCFCOA and VOCAT. The Non-Legal Support Service-Ongoing we provide refers to the migration and visa application representation to the Department of Home Affairs.
- *Community Projects* – Community Legal Education, Law and Legal Service Reform and Stakeholder Engagement. Despite our limited resources, we continue to deliver legal education, prepare law reform submissions and ensure that we participate in wide range of stakeholder engagement to ensure that our clients' stories are highlighted and utilised to effect systemic change. For instance, we are currently preparing a family law submission in relation to the proposed property law legislative changes to the *Family Law Act*.

The positive impact the inTouch Legal Centre has on our client's social, emotional and financial wellbeing is difficult to measure, but incredibly powerful.

The direct words of our clients can demonstrate this best:

"I'm sorry it took me a while to contact you again. I was head focused on my studies and finishing earlier than I was supposed to. I've managed to finish my certificate in 5 months instead of 12, while working. I went on to build my own business and I'm now working about 53 hours a week in providing services to NDIS and Aged Care participants...I make good money and making a good name for myself. I think of you often and wanted to let you know that you played a huge part in me getting back on my feet! I truly admire and love you and you will forever hold a very special part inside my heart, soul and mind."

Issues to Be Explored

4.2 Legal need

Recommendations:

1. inTouch recommends that unmet legal need be considered within the context of intersectional need, recognising that clients often face multiple integrated legal and personal challenges that require a holistic approach to providing support.
2. inTouch recommends that consideration be given to the definition of legal need, with supports that enable clients to receive the right advice and representation, at the right time (such as interpreters) factored into the cost of legal services.
3. inTouch supports the establishment of an expert technical group to assess legal need and recommends ongoing legal needs assessments are funded through the NLAP to ensure consistency and continuity.

Unmet legal needs, especially for migrant and refugee women, present a significant challenge influenced by a variety of factors. These can include economic disadvantage, social inequality, limited understanding and experience of the Australian justice system, lack of access to culturally and linguistically appropriate information and isolation in the community. For vulnerable populations, and particularly migrant and refugee women who are experiencing family violence, unmet legal needs are compounded by limited awareness of legal rights and multiple barriers to accessing legal services.

Drivers of unmet legal need

Despite the best efforts of legal assistance services, there remain extensive areas where legal needs are not adequately addressed. A primary driver of unmet legal need is the scale of demand and limited funding pools, with overall demand for services outstripping the capacity to deliver them effectively. Our full suite of services cannot be provided to all inTouch clients. Where inTouch Legal Centre is not in a position to provide direct legal casework to a client, a warm referral is provided. However, this means that lawyers are frequently in a position of having to refer out clients that would benefit from our integrated service due to lack of capacity.

For the vast majority of inTouch clients (86 percent speak a language other than English as their first language), language barriers prevent them accessing mainstream legal services, meaning without our Legal Centre they would miss out on legal representation altogether, with many trying to self-represent, affecting court time and resulting in poor individual outcomes. Where interpreters are available, the additional time required to explain legal proceedings and prepare court documentation via an interpreter often means sufficient time with lawyers is not accessible due to limited funding.

Another key driver of legal need is lack of understanding of the Australian legal system and other government agencies in general. Our clients often lack the basic understanding of how Victoria Police, Child Protection and Courts interact. As highlighted above, this is not surprising given that 33 percent of inTouch clients overall have lived in the country for less than 5 years.

This situation is further exacerbated by the inherent difficulties in quantifying unmet legal needs, not only due to limited data, but because legal need extends beyond simply receiving advice; it encompasses receiving the right advice, at the right time. For inTouch clients this is particularly critical due to their vulnerability and the intersectional nature of their needs which often include migration, parenting and property matters in addition to needing support with family violence, housing and mental health. When these multifaceted and intersectional needs are not adequately addressed, the implications and consequences can be profound and enduring.

It is important to highlight that **all clients** of the inTouch Legal Centre are women from migrant and refugee communities, who were dealing with financial disadvantage, family violence, and significantly, most required support across multiple legal needs.

In order to meet clients' legal needs, it is critical that the design and funding of legal assistance enables legal services to support clients in a holistic way that recognises not only their immediate legal need, but the breadth of support required, often over an extended period of time, and the need for these services to be delivered in conjunction with broader wraparound personal, social and wellbeing supports.

Complex legal needs are compounded for migrant and refugee women

For inTouch clients there is a critical demand for culturally and linguistically appropriate, trauma-informed and effective legal advice. However, this demand is exacerbated by the fact that the foundational cornerstones that enable delivery of such legal supports in-culture and in-language are not adequately recognised or funded under the current NLAP model.

Critically, for our clients, legal advice, court appearances and preparation of legal documentation requires the use of an interpreter and additional time for lawyers providing the advice. inTouch has tracked the hours required to prepare documentation for our clients appearing before the FCFCOA. Drafting an affidavit for clients where an interpreter is required usually takes an average of 12 to 15 hours to prepare. However, the complexity of our client's needs means that it is not unusual for up to 30 hours to be required to draft a single affidavit when accounting for appropriate legal support that responds to the cultural and linguistic needs of our clients.

For people experiencing family violence, language barriers can reinforce or entrench legal issues, compounding their unmet legal needs. As outlined in the inTouch Position Paper (February 2022)², women who are misidentified as perpetrators of family violence³ face a multitude of legal issues including intervention orders, criminal charges for breaching orders and assault charges. The ripple effect for migrant and refugee women, particularly those on temporary visas, is severe, including reduction in access to services, loss of access to children or implications to their visa status.

²The Causes and Consequences of Misidentification on Women from Migrant and Refugee Communities Experiencing Family Violence, Position paper 2022, inTouch, [inTouch-Position-Paper-Misidentification-February-2022.pdf](#)

³ Misidentification of the predominant aggressor occurs when police or other areas of the justice system identify a victim survivor of family violence as the perpetrator.

Due to demand for legal services and lack of culturally and linguistically appropriate legal representation, inTouch's clients often initially attend court without legal representation. This has dramatic implications in situations of misidentification where victim survivors may agree to terms of an order or not seek to have the misidentification corrected. These circumstances reflect the unmet legal need at the time of the client's appearance in court and result in complex legal cases requiring ongoing legal representation.

Because of the significant barriers our clients face, the highest demand for legal representation is observed in litigation cases. This particularly includes cases involving parenting and property law litigation before the FCFCOA, as well as FVIOs in the Magistrates' Court of Victoria. These proceedings often take 18 to 24 months to reach resolution. This has wide implications for clients with intersectional needs and their ability to receive consistent, trauma informed social service supports, that align and compliment effective and appropriate legal representation over such an extended period (see further detail in section 4.8 – Wrap around services).

The current service classifications under the NLAP can, particularly in the case of clients with highly complex and intersectional needs, have the effect of compounding or creating a situation where legal needs cannot be met due to an inability to fund their required legal supports. For instance, to manage capacity and demand, we have established Divorce Clinics with supporting information, including the Divorce Checklist, which has been translated into 8 different languages. Divorce, and these associated supports would be categorised as 'ongoing legal support' under the current NLAP, however a significant proportion of our clients require extensive support following our Divorce Clinics. Critically for inTouch clients, this includes providing support to attend FCFCOA hearings as the Court does not provide interpreters at divorce proceedings.

We have also seen the need for basic legal education and are attempting to address this need through our new project Legal Pathways to Recovery. Recently, we successfully obtained a grant from the Victorian Legal Services Board and Commissioner for funding to deliver this project over two-years. The project will start in 2024 and will aim to provide in-language legal education forums and specialised case work clinics to empower migrant and refugee women on their road to recovery and in their understanding of Australian laws and Courts.

Case study 1 demonstrates the complexity of inTouch's clients and the impact receiving appropriate legal support had on the outcomes for the safety and wellbeing of the client and her son. Case study 2 provides further insight into the complex nature and legal needs of our clients at inTouch.

Case study 1: Unmet legal need - impact of receiving advice that is not in-culture and in-language.

Our client was a newly arrived migrant to Australia with very limited English skills and the mother of a 5-year-old son who was born overseas. Following an application by the child's father for a family law watchlist order and parenting orders, our client had engaged a private lawyer from her community who spoke her language.

The initial lawyer represented the client in negotiations and the parties entered into final parenting orders by consent. The client later advised inTouch, that through this process she was given very limited advice on what to expect or how the system operated, and no documentation was prepared for her. The client agreed to the child spending alternate fortnights with the father. After an initial cash payment to the lawyer of \$1000, the lawyer withdrew from acting as the client could not afford to pay any further legal fees. Consequently, the client was self-represented at the second mention and costs were reserved in favour of the father as the client had not filed her responding court documents.

Following engagement with inTouch, the client was referred to our Legal Centre. Upon receiving case management and legal support, the client disclosed extensive family violence, significant risk to the child and his prior exposure to family violence. The client was fearful the father would kill her if he discovered she had further legal assistance and had revealed her experience of family violence.

inTouch assisted the client to apply for and obtain an interim FVIO and to re-litigate the parenting orders. As the original orders were by consent, the court process was challenging and required extensive and complex legal arguments. Ultimately with the support of inTouch, we negotiated final parenting orders, that were more reflective of the client's wishes and ensured the safety of her and her son.

This case study demonstrates the impact of a client's vulnerability, and the exceptional risks to safety for women and children where legal representation is not appropriate or adequate. This case demonstrates that while technically a legal need may appear fulfilled, for clients' with complex, intersectional and specific needs, receiving the right legal support, early in their journey is absolutely critical to ensuring there is no long-term implications and poor outcomes.

Case study 2: Unmet legal need - impact of receiving advice that is not in-culture and in-language.

Our client met her former husband in Thailand in 2000. They married in early 2003 and during the marriage our client and her daughter both suffered severe family violence from the husband. The parties separated on a final basis due to ongoing family violence on 1 March 2017.

On 1 June 2017 the husband filed an Application for Final Orders, Financial Statement and an Application in a Proceeding. On 21 September 2017, with the assistance of our legal centre, our client filed responding documents. The legal proceedings were obstructed by the husband who, on multiple occasions refused to participate in negotiations or file material. The husband's unwillingness to participate caused our client significant stress and further financial burden. During the proceedings it was necessary to refer our client to a private lawyer due of lack of capacity at the legal centre to assist with the ongoing matter following staff changes. We continued to assist our client and the private lawyers with providing interpreting services and other support to reduce the cost to our client. Our client still has a debt to the private lawyers of approximately \$20,000 due to these Court proceedings.

Despite agreeing to the Final Orders by consent in September 2019, the husband failed to comply with these Orders. With the assistance of our legal centre, in November 2022 our client made an application to have the Orders enforced. There have been five hearings in this enforcement matter to date. The husband's lawyer withdrew from the matter and the husband is now self-represented and a litigation guardian has not been able to be found.

On 4 August 2023, the former husband made an Intervention Order application making false allegations against our client. An Interim Intervention Order was made on 11 August 2023. This matter is ongoing.

At a Financial Enforcement Hearing on 27 September 2023 the former husband did not appear and no one appeared on his behalf. The matter has been listed for a Compliance and Readiness Hearing in November 2023 and is ongoing.

Our client has ongoing knee pain following her second knee replacement surgery in July 2022. Our client is reluctant to have recommended surgery as it will mean that she will have to take time off work. She has very limited financial resources. This case highlights the complex legal proceedings our client face and that she has been engaged in litigation for 6 years after separating from her husband.

Intersectional approach to legal needs

Recognising the breadth of legal issues and the continuum of support offered to the clients of organisations such as inTouch is critical to understanding the scope of unmet legal need. It is these holistic supports that ensure the best foundation for healing and recovery. Therefore, the definition and measurement of legal need should employ an intersectional approach⁴, considering an individual's full experience of the justice system as well as the demographic, socioeconomic and geographical factors that drive their legal needs. Considering legal need through this broad lens will enable funding to be directed to more tailored and effective legal assistance programs.

inTouch strongly supports the Review's proposal to establish an expert technical group to analyse and assess legal needs based on available data and the design of a periodic national legal need survey. We further advocate for the consideration of intersectional need within this data analysis and collection process and emphasise the critical need to recognise that clients often face multiple integrated legal and personal challenges that require a holistic approach to addressing their needs.

⁴ inTouch has developed extensive resources to support intersectional practice. For further information these can be accessed here:

[Tipsheet: Good practice for working with women on Temporary Visas in refuge accommodation](#)

[Tipsheet: Case management checklist for working with women on temporary visas staying in refuge](#)

[Tipsheet: Immigration Resource for working with women on temporary visas](#)

[Tipsheet: Intersectionality in Practice](#)

[Tipsheet: Working with interpreters by phone in a family violence setting](#)

[Tipsheet: Culturally responsive practice with men who use violence](#)

[Tipsheet: Women on temporary visas experiencing family violence](#)

4.4 Disadvantaged Groups

Recommendations:

4. In considering priority cohorts, due to inequality, systemic barriers and discrimination, some groups of people experience compounding levels of disadvantage or significantly higher rates of violence. inTouch recommends that an intersectional approach is applied when considering the needs of these individuals as priority cohorts
5. inTouch support the proposal to include LGBTIQ+ people and individuals and communities impacted by disasters, including climate change, to the priority groups considered under the NLAP.
6. inTouch supports the proposal of the FLC that the current category of 'people who are culturally or linguistically diverse' be reframed into sub-groups. inTouch further recommends these sub-groups reflect the following categorisations:
 - people from migrant and refugee communities (including newly arrived/emerging) and people seeking asylum, particularly those of colour and
 - temporary visa holders (including, but not limited to, migrant workers, international students, partner visa applicants and bridging visa holders).

Recognising intersectional priority needs

Under the current agreement, the NLAP requires States to ensure legal assistance services are focused on people experiencing financial disadvantage and people who fall within one or more of the national priority client groups.⁵

At inTouch, all our clients have experienced, or in many cases, are experiencing family violence. They are all culturally and linguistically diverse and experience financial disadvantage. For many of the women who receive support from the Legal Centre, they are also:

- experiencing or at risk of homelessness
- people with a disability or mental illness, and
- single parents.

It is essential to acknowledge the immense diversity across the client base of an organisation such as inTouch. In the last financial year, inTouch clients spoke 83 different languages and represented people from 100 different countries. A significant proportion of clients (33 per cent) have been in Australia for less than five years and 33 per cent face difficulties in speaking English. Importantly, 44 percent of our clients were on temporary visas.

Recognising this diversity and appropriately prioritising services for people with multiple vulnerabilities not only enables greater access to legal support, but also provides a basis for funding agreements to recognise and give weight to the intersectional needs of these clients. In order to truly take an intersectional approach a future agreement should require prioritisation and recognition where organisations are representing clients with intersectional needs and reflect this in funding allocations.

Critically, this should include acknowledgement that basic foundational needs must be met to enable the delivery of effective legal services for clients within these disadvantaged groups. For instance, the need for interpreters and additional time with clients should be factored into funding that is intended to support relevant migrant and refugee sub-groups. The need for additional wrap around services and a holistic approach that truly considers the full intersectional needs of our clients is explored further in section 4.8.

Expanding priority categories

inTouch endorses the expansion of priority groups under the NLAP to include LGBTIQ+ people and individuals and communities impacted by disasters, including climate change. This broader inclusion aligns with our service delivery experience of clients with complex and intersectional needs.

In recognition of the diverse needs of the migrant and refugee communities, inTouch support the proposal by the FCLC that the current group of 'culturally and linguistically diverse people' be reframed into sub-groups. inTouch proposes that these sub-groups include:

- people from *migrant and refugee communities* (including newly arrived/emerging) and people seeking asylum, particularly those of colour, and
- *temporary visa holders* (including, but not limited to, migrant workers, international students, partner visa applications and bridging visa holders).

This sub-grouping will enable more precise targeting and allocation of resources to allow the NLAP to best cater to the specific priority needs of each group, ensuring the complexity of their intersectional legal needs are appropriately identified and reflected in funding allocations.

Within inTouch, we further triage and prioritise clients based on the following criteria:

- clients who have limited financial means and resources
- clients who are in immediate danger or at risk of violence
- clients who are in immediate danger or at risk of losing their children
- clients whose children are in danger
- clients who are at risk of deportation or visa cancellation, and
- clients who are isolated and/or have limited supports in the community.

Recognising the internal processes and considerations organisations undertake when managing client intake emphasises the need to consider the intersectional needs of clients in determining priority cohorts and ensuring that those with multiple and complex needs are further prioritised at the point of determining funding allocations.

⁵ Commonwealth Attorney Generals Department, *National Legal Assistance Partnership, Schedule A, Commonwealth Priorities* (2020) p1.

4.5 Regional, rural and remote contexts

Recommendations:

7. inTouch recommends consideration be given to funding partnership opportunities between specialist CLCs and CLCs in regional and rural areas to provide broader geographical support, particularly for highly disadvantaged and vulnerable people. inTouch strongly supports the FCLC proposal regarding these partnership opportunities.

inTouch acknowledges that, due to funding limitations and staffing constraints, the geographic reach of the Legal Centre's support is primarily confined to clients from within the Greater Melbourne Metropolitan area. However, we support the recommendation put forth in the FCLC submission which highlights an opportunity for specialist organisations like inTouch to extend their support to regional, rural and remote areas, through enhanced resourcing for collaboration with local CLCs.

These partnerships offer an avenue to expand capacity in practice areas that require specialised subject matter expertise, which is particularly crucial for women from migrant and refugee communities. Enhanced resourcing to support partnership costs could enable sharing or sub-contracting full time equivalent (FTE) positions, creating shared resourcing and providing specialised training and supervision. Currently these partnerships are heavily reliant on individual relationships and the willingness of staff to commit additional time and workload within the scope of their existing positions.

This approach, as highlighted in the FCLC submission, represents a cost-effective means of ensuring specialist and technical support in rural, regional and remote areas. The value of these partnerships, as noted, is that they would enable the specialised support and expertise to be supplemented by the on-the-ground trust local CLCs and services are able to build within communities. As the FCLC submission states:

This is particularly important for people experiencing disadvantage who are less likely to trust and remain engaged with legal services based in metropolitan areas (for example, via a legal helpline model) that have little on-the-ground knowledge of the person's region or the local services available.⁶

inTouch supports the notion that enhancing resourcing for partnerships between specialist organisations and regional CLCs can serve as a bridge to extend critical legal assistance to disadvantaged individuals. This collaborative approach not only enhances the delivery of specialised services but also ensures legal support remains accessible and community-centred while upholding the immense value and technical expertise of specialist organisations. The service changes that have been implemented in response to COVID-19 create opportunities to explore new models of partnership, including the provision of highly specialist services in rural and regional areas.

As outlined in Case Study 3, inTouch has commenced initial work to establish a partnership model that, with appropriate funding, could be applied to collaborative work with rural or regional CLCs.

⁶ Federation of Community Legal Centres Vic, *National Legal Assistance Partnership Review – Response to Issues Paper: Issues to be Explored* (2023) p22.

Case study 3: inTouch Partnerships

The inTouch Legal Centre operates on a model providing family violence, migration and family law advice to people who are already receiving support from inTouch's case management. This model of inclusive and concurrent service response for a highly vulnerable population reduces the number of times a woman needs to tell her story and ensures she receives all the supports she needs through the period of her engagement with inTouch. For the client it is a holistic service response and enables the organisation to comprehensively support the client through a trauma informed structure.

Given our specialised expertise, the inTouch Legal Centre has developed a proposal that would enable us to partner with family violence services and CLCs in rural and remote areas to support victim survivors beyond our existing geographical reach.

Key elements of the model would be adapted to accommodate the needs and requirements of the relevant service, and would be dependent on appropriate funding, but could include:

1. **Support in the development of an integrated model of care, including legal support and case management.** This would require an analysis of current practice and period of intensive work with the relevant legal team, refuge workers and management to develop the capacity, resources and forms required to deliver an integrated model. A period of intensive engagement would taper off to an ongoing model of oversight and collaborative engagement.
2. **Support in servicing migrant and refugee clients, including those on temporary visas who have experienced family violence.** inTouch has developed a unique model of care – inLanguage, inCulture – that utilises a strength-based response to support clients from migrant, refugee and temporary visa backgrounds. Through a triage and referral service, working closely with the relevant family violence service and CLC, inTouch would support localised clients who are temporary visa holders and women in migrant and refugee communities to co-case manage these women and support their migration and legal needs – with this being an ongoing engagement between organisations.
3. **Support with the provision of legal advice and case work.** Through a model of sub-contracting, inTouch would provide legal assistance and advice, utilising capability and capacity from the inTouch Legal Centre to provide legal services to clients, via the local service's case management system. inTouch has the capacity to undertake direct client work remotely, supported by advice clinics and face-to-face support on an agreed periodic basis.

4.6 Funding models

Recommendations:

8. inTouch advocates that funding allocation is based on both legal need, and the actual cost of delivering legal services, particularly considering the complexity and cost of providing services to clients with intersectional needs.
9. inTouch supports a funding model that provides a sustainable level of baseline funding that is adequate to maintain a viable legal centre, supporting vulnerable clients. This requires flexibility that supports meaningful and innovative delivery of services and does not limit an organisation's ability to undertake legal education and advocacy.
10. inTouch recommends that terminating funding should be rolled over into organisational baseline funding.

The current funding model does not recognise the true cost of delivering legal services to clients with intersectional needs and a lack of clarity and inconsistency in baseline funding creates uncertainty and inhibits long-term planning for clients and service delivery. In addition, advice regarding extension of fixed term funding is often received very late in the financial year, creating uncertainty for organisations and staff about the ability to provide ongoing services and employment.

While funding received through the NLAP has, to a degree, been instrumental in securing longer-term employment contracts and stabilising our workforce, the inTouch Legal Centre works with highly complex and vulnerable clients. For organisations such as inTouch, an effective funding model must recognise not only the cost of delivering legal services, but also the additional associated supports and time required to ensure the provision of effective service.

inTouch operates at the intersection of family violence, migration and family law where family law litigation cases usually require at least 12-18 months, and frequently longer, to finalise. Our clients, victim-survivors of family violence from migrant and refugee backgrounds, require significant support to navigate and understand the Australian legal system, and need time to gain confidence and trust in their legal representation.

Services we deliver that are currently not funded

Key aspects of the services provided by inTouch are not funded specifically through our legal centre funding under the NLAP, notably immigration support and secondary consultations. The intersection of our work supporting migrant and refugee women with family violence and family law and providing case management to support the breadth of their needs, is central to the work we do, yet the current funding model creates a gap where such work is not captured. The impact of our immigration work and the extent of the legal need and client complexity is outlined in further detail in Case Study 4.⁷

As a specialised family violence legal service, we regularly offer secondary consultations to professionals within the family violence sector, that we are not funded for. Secondary consultations are valuable for enhancing the quality of support provided to clients with multifaceted needs, which applies across the spectrum of inTouch clients.

⁷ inTouch Multicultural Centre Against Family Violence, *Annual Report 2021-22* (2022) p7.

Similarly, in many instances funding does not include capacity to provide end-to-end representation for complex matters or is inconsistent in the range of legal supports that can be provided. For instance, grants may be allocated for a final contested hearing, but not an interim hearing. This means clients must rely on a duty lawyer for the interim hearing, leading to inconsistencies but also impacting the provision of a trauma informed, integrative response that does not place the burden on clients to manage shifting legal representation or repeatedly tell their stories.

Critically, the current NLAP funding model fails to take into account the integrative service model through which inTouch operates. Shifting away from funding discrete services by recognising and prioritising specialist services and enabling sufficient flexibility in the funding to facilitate service delivery models that encompass wrap around services and the varied forms of legal support, is key for the next iteration of the NLAP.

Adequate baseline funding is essential for effective operation of legal services

As the Issues Paper identifies, the current funding models 'do not determine what level of funding is required to address a specified level of legal need but rather, simply distributes an arbitrary level of baseline funding which is then supplemented in a non-systematic way...'⁸

Establishing a model that provides a sustainable foundation of baseline funding that is sufficient to maintain a viable legal centre that is supporting highly vulnerable clients, and provide continuity of services for clients and staff, is essential. To achieve this, funding must take into account the true cost of running an organisation to deliver legal services and retain sufficient flexibility so as to ensure meaningful and innovative delivery of services. The funding model should also not limit an organisation's ability to undertake legal education and advocacy.

The process to allocate baseline funding should be streamlined and transparent, with historic funding levels re-baselined. The current model results in organisations such as inTouch operating on much smaller funding allocations than organisations that have been established for longer, despite working on a higher load of casework, with clients that have similar levels of complexity and vulnerability. To support a consistent and sustainable baseline funding model, a known indexation formula would enable proactive forward planning and budgeting that supports effective recruitment and retention of staff.

Approach to terminating funding

The current approach to terminating funding affects organisational budget planning and has potential to significantly impact service delivery and maintaining a core group of experienced staff where it is or is not extended, usually with limited notice. As an example, inTouch was advised of our 2022/23 funding in a letter dated 30 June 2022. Had we followed standard financial practice, staff would have been given notice and finished contracts on 30 June, and we would have then had to commence a recruitment process to replace those staff.

inTouch supports the proposal that terminating funding be rolled into organisational baseline funding. This is consistent with the original purpose of the funding which was allocated to address areas of unmet demand for highly vulnerable client cohorts. This approach would also support greater transparency and consistency in funding allocations by removing competition between providers for short-term, limited grants and reducing the time consuming administrative burden of developing grant applications, often for very limited amount of funding.

⁸ National Legal Assistance Partnership Review: Issues Paper (2023) p22.

Ensuring funding meets the true cost of legal services for complex and vulnerable clients

Key to the Legal Centre's continuous and successful operation is the work of our Migration Agent, who continues to be a steady and effective advocate for our clients, and this year celebrates 26 years of service at inTouch. Our Migration Agent provides extensive advice and support on a range of visa conditions, but primarily specialises in providing support to victim-survivors of family violence who have arrived in Australia on a spousal visa and have subsequently experienced violence perpetrated by their sponsor. Alongside her case work, she provides guidance to sector workers through secondary consultations as well as training and professional development throughout the sector.

Case study 4

Taraji first met her husband, Nicholas, in 2007 and married him in 2013 in her hometown of Nairobi. Soon after this, Taraji's husband applied for a partner visa so she could join him in his home in Australia. As soon as Taraji arrived in Australia, Nicholas' behaviour changed — he became aggressive, jealous and verbally abusive. He worked long hours as a taxi driver and instructed Taraji to stay at home during his shifts, forbidding her from studying or leaving the house by herself.

While Nicholas provided food and paid their household bills, he did not allow Taraji access to any of the couple's finances. Taraji fell pregnant six months into their relationship. Nicholas refused to acknowledge that he was the father of Taraji's baby and became physically violent towards her.

Taraji was referred to inTouch by staff at the hospital and was allocated a case manager from the same cultural background. The case manager also identified numerous legal issues, including the need for immigration assistance and support with an intervention order. inTouch's migration agent, family lawyer and case manager worked with the client to help her understand her options, rights and the legal process.

The migration agent and family lawyer worked closely together to secure her immigration status and the status of her son. Because Nicholas was not willing to sign the child's birth certificate, the family lawyer ordered a DNA test through the courts to prove paternity. After confirming that the child was born to an Australian citizen, Taraji's child's immigration status was settled, and our agent was able to apply for permanent residency for Taraji through the special family violence provisions in the migrations law. inTouch's family lawyer also helped Taraji with parenting orders as well as a family violence intervention order to secure the ongoing safety and wellbeing of her and her son.

4.8 Wrap around services

Recommendations:

11. inTouch advocates for increased flexibility in the baseline funding model that enables service providers to determine funding allocations across integrated service delivery models.
12. inTouch recommends that baseline funding enable partnership models, professional development and training that builds capacity and experience between community services and legal professionals to enhance the delivery of wrap around services.

As a specialist family violence service, inTouch provides several essential services that fall outside the scope of the NLAP funding. As all clients referred to our Legal Centre are already receiving support from inTouch case managers, our Legal Centre model is dependent on the wrap around services provided to clients by other areas of the organisation.

Intersectionality serves as a framework to understand how systemic barriers are generated through the interplay of various forms of oppression. When multiple forms of oppression come together, they create a complex form of injustice that influences the nature of the services our clients require. As outlined in our submission, victim survivors of family violence from migrant and refugee backgrounds face systemic barriers to access supports that are compounded by their intersectional needs.

While the value of wrap around supports inherently lies in the positive impact it makes on clients' recovery and wellbeing long-term, for many people, addressing their legal issues is not possible until wrap around services support them to address their other social, wellbeing and health needs. Investing in wrap around supports and enabling flexible, integrated delivery of services creates a more efficient and effective overall service delivery model for the legal sector. Ensuring clients are equipped, ready and responsive to the requests of the court is far more efficient and cost-effective than investing in long-term legal representation and additional court resources.

Discrepancies exist between short-term funding for wrap around services and the need for long-term legal support

The breadth of services delivered by inTouch demonstrates scope of supports required to meaningfully support vulnerable women with intersecting needs. In 2021-22, inTouch supported 1483 clients through direct services. Of these clients, 314 were assisted by the Legal Centre with immigration matters and 132 obtained permanent residency, and 498 were assisted with general legal matters. Our case management support ensures direct referrals to assist with housing, therapeutic interventions, financial counselling and much more. However, there is a mismatch between how family violence wrap around and case management services are typically funded and the delivery of legal services. Family violence services are geared towards immediate crisis support which in most cases does not align with the extended timeframes required to address legal issues.

For instance, Specialist Family Violence Services are funded for brief, intermediate and intensive case management, typically encompassing approximately 10, 20 and 100 hours of case management respectively, while legal processes frequently extend over multiple years. This misalignment can result in clients being unable to access wrap around services when they need them during legal proceedings.

This discrepancy is particularly concerning for clients experiencing family violence as it can trigger or exacerbate their trauma when they do navigate court processes over an extended period. It also provides an avenue for perpetrators to exploit the court system to perpetuate family violence for years, making it essential to bridge the gap in support services to better assist these clients. This misalignment of access to services is particularly difficult for migrant and refugee women as they are often isolated and have no community networks or supports. It therefore falls on our lawyers to provide emotional support and referrals during lengthy litigation. This additional need of migrant and refugee women is another example of the requirement for our lawyers to spend more time with this client group – something which must be factored into funding allocations going forward, particularly as it takes time away from carrying out purely legal work.

Programs such as inSpire, developed by inTouch to support women and their children from migrant and refugee backgrounds post crisis do provide some longer-term models for ongoing, integrative supports. However inSpire is the only post-crisis recovery program in Australia embedded within a trusted specialist service provider, offering a bridge between family violence and migrant and multicultural communities.⁹ The program is designed to boost confidence, skills and connection, supporting women to build economic independence and social connections. Developing stronger connections between the provision of legal and support services at the time of crisis with ongoing programs that support healing and recovery is a critical component to consider when examining wrap around services.

Approach to wrap around funding

However, despite the gaps in multidisciplinary and intersectional supports, inTouch does not recommend that the NLAP directly divert funding from legal assistance to wrap around services, given the significant issue of unmet legal need and demand pressures. Instead, building flexibility into the baseline funding model and enabling service providers to determine funding allocations across integrated legal service delivery models would better support innovative approaches that are targeted to meet client needs.

Integrated legal services, underpinned by multidisciplinary practice, play a pivotal role in empowering individuals to gain an understanding of their legal requirements at an early stage, often preventing their legal needs from escalating. inTouch has been at the forefront of integrative practice, with the highly successful Health Justice Partnerships, a key example of how outreach, early intervention and alternative pathways to justice break down significant access barriers for people requiring legal support. The FLC submission provides strong data that demonstrates the significant number of people who seek legal advice through non-legal sources.¹⁰

⁹ inTouch Multicultural Centre Against Family Violence, *Annual Report 2021-22* (2022) p12.

¹⁰ Federation of Community Legal Centres Vic, *National Legal Assistance Partnership Review – Response to Issues Paper: Issues to be Explored* (2023) p44.

Creating flexibility in the way NLAP funding is utilised to not only deliver, but also expand the legal sector's ability to engage with wraparound supports is also critical. inTouch has led professional development for CLCs on the intersections between migration, intervention orders and family law, as well as community education for family violence recovery groups on family law and family violence. Similarly, the Legal Centre trains inTouch's Direct Services Team (who are family violence case managers) in intervention orders, family law and Victims of Crime Tribunal matters. Ensuring that funding is sufficient flexible to enable and support professional development between the family violence and the legal sector creates a stronger wrap around experience for clients, regardless of their point of entry to support services.

4.11 Efficiency

Recommendations:

13. inTouch recommends that baseline funding include support to enable organisations to efficiently manage planning and reporting requirements under the NLAP.
14. inTouch recommends the review of data processes consider how greater mutual benefit can be derived from data collection and reporting under the NLAP.

For smaller organisations like inTouch, the administrative burden associated with planning and reporting under the NLAP framework are substantial. This is especially true as the costs of administering and managing funding are not factored into the allocated funding.

One solution to reduce this burden is to shift from the current annual NLAP planning and reporting requirements to a more streamlined approach. Developing a 3 to 5-year NLAP plan with flexibility to make necessary adjustments during the plan's term could significantly alleviate the administrative demands of NLAP funding.

Furthermore, it is advisable to consider providing baseline funding that supports organisations in both administering the funding, but also establishing databases that align with reporting requirements. For instance, reporting on legal services by postcode, which is particularly relevant for statewide services like inTouch, currently necessitates manual data handling which is a time-consuming and inefficient process. As the current funding does not account for administrative processes, management of NLAP and all other financial reporting is led by the legal team, diverting resources away from service delivery and adding significant workload to already stretched resources.

Within the broader consideration of data collection processes, inTouch suggests exploring how reported data and information can be more effectively integrated to mutual benefit. This involves making the data collection and reporting processes advantageous not only for the oversight of the NLAP but also for organisations seeking to gain a better understanding of the needs and unmet demand of the client base. The FCLC submission explored this in detail and inTouch supports their recommendations.

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**If you are experiencing family violence and need immediate support,
please call 1800 RESPECT on 1800 737 328**