

Impact Report

2022

women's legal
service victoria



Women's Legal Service Victoria acknowledges the original custodians of Country and we pay our respects to Elders past, present and emerging. We recognise their continuing connection to land, water and community. Sovereignty was never ceded.

Contents

| | |
|---------------------------------|----|
| About Us | 3 |
| Our Impact | 4 |
| Chair Report | 5 |
| Our Impact - Free from Violence | 7 |
| Our Impact - Change | 9 |
| Our Impact - Women's Rights | 11 |
| Our Clients | 13 |
| Our Supporters | 14 |

About us

We exist to help build a gender equitable society.

Our unique contribution to this vision is to work alongside women to promote their right to live free from violence and make informed choices about their relationships.

We do this by:

- > Providing legal advice and representation to women experiencing disadvantage.
- > Advocating for laws and policies that respect and promote the rights of women.
- > Building the capacity of other professionals and the community to identify and respond appropriately to women's legal needs.

The Facts

Women who have experienced family violence are **10x more likely** to have legal problems



Victoria Police are called to a **family violence incident every 6 minutes**



Family violence is the leading cause of **homelessness** for women and children



1 in 3

migrant and refugee women living in Australia have experienced family violence



Our Impact



More than
2160
women benefited
from our **free**
legal help

We assisted
women in
41 regional
Local Government
Areas across
Victoria



1594
professionals
and community
members
trained



25%
increase in our
integrated **social**
work and financial
counselling services



We provided
962
duty lawyer
services for women
experiencing violence



More than
40
stakeholders
cited or adopted
our policy reform priorities



25%
of clients provided
with ongoing
casework services

We trained
259
financial
counsellors
across Australia



Chair Report

This year Women's Legal marked 40 years of working with and for women experiencing relationship breakdown or violence. From legal issues in relation to family violence, migration law, family law, child protection and victims of crime compensation – the support we provide continues to expand as we aim to improve women's safety and recovery from violence.

We continue to see the tangible benefits of offering wraparound, holistic and integrated support to women through our in-house social work and financial counselling practice. More than ever, our mission to improve women's lives must be guided by best practice and evidence of what works best for the women we work with.

This year our lawyers worked with women in 41 Local Government Areas across Victoria, including 425 women in regional Victoria. Our gendered and trauma-informed approach continues to support clients navigate their legal problems, often at the complex intersections of family violence, family law, child protection and migration law.

The impact of COVID-19

The COVID-19 pandemic continues to impact demand for our services. We have seen women lose their jobs at higher rates than men and women have carried higher carer loads throughout the pandemic. Family violence rates are increasing in Victoria too, with services struggling to meet demand. As a result, clients are presenting with increasingly complex needs, exacerbated by high levels of stress, trauma and anxiety. This has reaffirmed the necessity of our wraparound, integrated service that supports women through their legal and support needs. This year demand for our in-house social work and financial counselling increased by 25% as we support women through their relationship, family and financial issues.

Advocating for change to improve lives of women

Women's Legal continues to fight for systemic change in our justice system to promote the rights of women. We have successfully advocated for a new National Plan to End Violence Against Women and their Children that is robust and ambitious. Our advocacy has also influenced legislative change, for example in the *Justice Legislation Amendment (Sexual Offences and Other Matters) Bill 2022* (Vic), which saw the introduction of affirmative consent laws.

We launched our latest research into the state of gender inequality and sexism in Victoria's legal and justice sector; *Gender and Intersectional inequality: power and privilege in Victoria legal justice workforce* and are now working with sector partners to encourage action. In partnership with the Monash Gender and Family Violence Prevention Centre, Women's Legal shone a light on the lived experience of mothers seeking the return of their children to their care within Victoria's child protection system; *Stronger Together: Strengthening family functioning to improve outcomes for children*. We are proud of this work and put client's lived experience at the centre of our research.

Our Education and Engagement team continued to offer high quality and in-demand training. We trained 1594 professionals and community members this year – from youth workers to financial counsellors – to identify when a woman experiencing violence has legal issues and how to refer them for assistance.

Supporting our staff

Like many other workplaces, we too faced a shortage of workers due to illness and caring responsibilities during this period. The pandemic has changed the way we work and we continue to offer flexibility and a hybrid working model to support our employees do their best work.

I want to thank all staff for their incredible passion, resilience and commitment to working alongside women experiencing family violence. Our service could not operate as the professional and empowering service it is without each and every one of you.

Recognition that legal assistance is critical

Alongside all of this work, Women's Legal has also had an incredible year of growth and change. In the 2021-22 financial year, our income grew by 60 per cent due to a significant investment from the Federal Government. This growth has necessitated strategic thinking about how we can best use this funding and scale up our services to improve outcomes for women. We have been given an opportunity to ensure that Women's Legal is providing a best practice service delivery model that meets the needs of women, and that we are intervening earlier and reaching women sooner to prevent crisis.

As we approach 2023, we have a renewed sense of optimism that the time to act with, and for, women is now. We look forward to continuing to sound the alarm for gender equality and see more women safe and recovering from family violence.



Jane Welsh
Chair



Farewell to Serina McDuff

We want to acknowledge and thank Serina McDuff for leading Women's Legal Service Victoria as CEO.

Serina's passion and commitment towards delivering modern client-centred services was evident throughout all her time working together.

Serina worked tirelessly to carry our organisation through the challenging COVID period and at a time of great expansion. It was Serina who secured significant funding to allow us to expand our reach and impact, and in working to advance women's safety and recovery.

Serina brought together specialist women's legal services across the country to build a united voice to advocate for systemic change with the Federal Government. Serina's considered, inclusive and passionate way of collectively representing services will be missed. We wish her all the best.

Free From Violence

Disadvantaged women exercise their right to live free from violence and make informed choices about their relationships

Supporting women on temporary visas experiencing violence

We have long recognised the significant impact Australia's migration system and limited visa pathways have on our clients' ability to be safe and free from violence. In the last year, we have established our migration practice to assist women and their children to navigate the complex and often contradicting intersections of their family violence, family law, child protection and migration issues, under the Temporary Visa Holders Experiencing Violence pilot program administered by the Commonwealth Department of Social Services.

The women we work alongside face unique barriers to safety and recovery due to their visa status; often, a woman's right to stay in Australia depends on an abusive partner's visa or sponsorship and can limit work rights and access to mainstream support services such as Centrelink and Medicare. This means women on temporary visas experiencing violence face little support and impossible choices.

Our wrap-around legal assistance and social work and financial counselling services support women to make the best decisions for them and their families. Through our engagement with key stakeholders, including government, we are advocating for a fairer system that supports safety and recovery. We will continue to support women on temporary visas experiencing violence and fight for a safer future for all.

As a junior lawyer, I feel like I have learnt so much since the time the project started. I am really grateful for it.

Family Law Access CLC Lawyer

Strengthening the family law sector and improving access to family law services

Melbourne's western suburbs and Greater Geelong have some of Victoria's most complex and challenging social issues in an environment lacking the social, health and economic infrastructures to support many basic needs. Postcode poverty, family breakdowns and family violence are prevalent and heightens the need to protect families and provide targeted family law (and other) services.

The Family Law Access project is a collaboration between Women's Legal Service Victoria, Victoria Legal Aid and three community legal centres (Barwon community legal service, Brimbank Melton community legal centre and WEstJustice) to increase access to family law legal assistance and services in areas of high legal need.

Women's Legal developed and delivered this capacity building program to support the establishment of sustainable and holistic family law practices in the three community legal centres.

An independent mid-term evaluation showed that participating lawyers had become more capable of providing high quality, interdisciplinary family law representation, and are reaching clients who would otherwise fall through the cracks of the legal system.

Since taking part in the Family Law Access project the three community legal centres have grown their family law teams and now offer comprehensive, holistic family law services to their communities.

The project is funded by the Department of Justice and Community Safety (DJCS).



Anh's story

A woman regains her financial independence after years of economic and emotional abuse

Issues

Anh experienced physical, psychological, emotional, and economic abuse perpetrated by her husband, including him forcing her to sign multiple documents and loan contracts. He controlled the couple's finances, using her account and making significant financial transactions without her knowledge. He also sold the family home without her consent.

When Anh was referred to Women's, our lawyer identified significant debts had been incurred by her ex-husband in Anh's name and referred Anh to our financial counsellor. Anh had significant business and ATO debts, as well as an extensive number of outstanding fines in the Company's name where she was named director. Anh's ex-husband had also withdrawn over \$100,000 from her savings account, without her authorisation, depleting her life savings by using her card.

Resolution

Through our integrated financial counselling and legal assistance, we successfully advocated for the business, ATO and fine debts to be waived. The Ombudsman found that the Anh did not authorise the transactions in the context of family violence and found the bank had not taken prudent and diligent care in processing large amounts of cash over the counter without notice and further identity. The Ombudsman found the bank liable for the majority of the unauthorised withdrawals and they refunded over \$100,000 to Anh. From her experience of loss and poverty, she has actively engaged in further study with an ambition of improving her work opportunities and has inspiration to advocate for others.

** Name and image changed to protect our client's identity*

Change

Decision makers change laws and policies to promote women's rights

Helping women recover financially after separation

For several years we have been advocating for changes to the law to make it easier for separated women to know the value of their partners' superannuation so they can include it in family law property settlements. This issue came out of our *Small Claims, Big Battles* report in 2018 which showed that superannuation information was often withheld from victim-survivors of family violence, effectively a form of systems abuse.

In September 2021, amendments were made to the *Family Law Act 1975* and *Taxation Administration Act 1953* to create an information sharing mechanism to allow access through the family law courts to superannuation information held by the Commissioner of Taxation for the purpose of enabling family law property proceedings.

In line with our advocacy, this change in the law means that all parties, but importantly women denied this information by their former partners, will be able to include the funds in all their former partners' superannuation accounts in the pool of assets subject to property settlements and court property determinations.



We joined 83 committees and consultations to advocate for change

Improving responses to sexual abuse perpetrated in the context of family violence

Victim-survivors of sexual abuse perpetrated in the context of family violence face a multitude of barriers to seeking help, reporting and justice system recourse. They have often endured many years of sexual coercion and sexual assault, to the extent that the perpetrators' use of sexual violence has become "normalised". Fears about adverse consequences of reporting sexual abuse, or not wanting or having confidence in the criminal justice response, can also present barriers to seeking help.

Victim-survivors need justice system options that are trauma- and family violence-informed. While improving the criminal justice system is crucial, the criminal justice response to sexual assault does not meet the needs of women who do not want to or cannot pursue that route.

Victoria's civil justice system is the most common pathway for those impacted by family violence to seek help. The existing mainstream civil justice systems responding to family violence are often the only contact point for victim-survivors, particularly for women from marginalised and highly disadvantaged backgrounds.

Following a Victorian Law Reform Commission inquiry on improving justice system responses to sexual offences we have been advocating for the need to strengthen capacity in the mainstream civil justice workforce to respond to sexual violence. By strengthening workforce capacity to reach victim-survivors where they already engage with the justice system, we can play an important role as part of an integrated system and improve safety, wellbeing and legal outcomes by providing victim-survivors with appropriate and timely help.

Advocating for change to improve women's lives

Women's Legal continues to fight for systemic change and a justice system that supports gender equity. Some of the notable process, inquiries and advocacy wins include:

- › Advocated for commitment to transformational policy and legislative reforms in the National Plan to End Violence Against Women and Children, that address the cultural, systemic and structural barriers to safety from family violence and drivers of violence against women.
- › Successfully engaging and advocating to increase public opposition to *The Strengthening the Character Test Bill 2021*. Due to overwhelming community opposition the bill was not tabled for debate.
- › Influencing the design of the Department of Justice and Community Safety investigation on whether the pre-conditions for introduction of police-issued orders had not been adequately met, and agreed that police issued FVIOs should not be pursued at this time.
- › Contributing to the reviews done by the Family Violence Reform Implementation Monitor around accurate identification of the primary aggressor and family violence reform governance.
- › Reforms to the Victims of Crime Assistance Tribunal (VOCAT), which saw the State Government introducing laws that will stop perpetrators of family violence and sexual assault from attending, or being notified of, VOCAT hearings.

National Principles to address Coercive Control

As a member of the Advisory Committee to the Meeting of Attorneys General, on behalf of Women's Legal Services Australia, we provided extensive expert advice on achieving a shared national understanding of coercive control as the dynamic that underpins most family violence. Advocating a shift away from understanding family violence as isolated incidents and towards recognising patterns of abusive behaviours and tactics used by perpetrators to gain power and control over victim-survivors, to drive policy and system improvements nationally.

Victoria Police Code of Practice for the Investigation of Family Violence

As part of our ongoing advocacy for improved police responses to family violence, we contributed to the Family Violence Command at Victoria Police review of the Code of Practice for the Investigation of Family Violence. The Code outlines the responsibilities of police in responding to and investigating reports of family violence, and a significant focus of our input was the need to prevent police members' wrongfully identifying victim-survivors as the perpetrator of family violence and putting effective systems in place for misidentification to be rectified if it occurs.

Women's Rights

Institutions, service providers and the courts respond appropriately to women experiencing violence and respect their rights

Addressing power and privilege in legal and justice workplaces

Our *Starts with Us* project continues to drive positive change across the legal and justice workforce by addressing sexism and gender inequality in our sector. This year we released our latest research report *Gender and Intersectional Inequality: Power and Privilege in Victoria's Legal and Justice Workforce*.

The new research surveyed over 300 legal and justice professionals in early 2021 and the report paints a disturbing picture that needs urgent attention. The key findings reveal harmful discrimination, oppression and inadequate support in legal workplaces across community, public and private sectors.

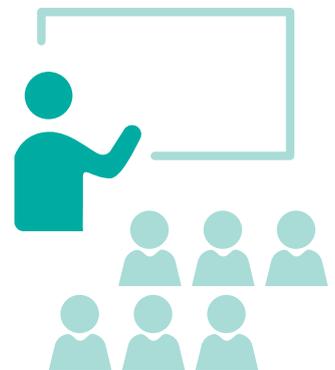
The findings will drive ongoing work in legal and justice workplaces to address intersectional gender inequality and create systemic and cultural change.

Starts with Us is funded by the Victorian Government's Free from Violence strategy and aims to support Victorian legal and justice organisations to take action to prevent violence against women.

I feel privileged to have had the opportunity to be include, it has provided aside from the information and content, a healing element about it. It has added to a combination of things for my recovery.

West Heidelberg Legal Literacy Participant

100%
of people who did our **Women and Law, Child protection training** could better identify child protection legal issues



Building the legal literacy of women in the community

Women experiencing family violence, are often told by the perpetrator of family violence that they do not have rights to housing, money or contact with their child. Unfortunately, this false information is pervasive and prevents many women from exercising their rights. This is compounded by the complexity of the intersecting laws at play in matters involving family violence, including complicated family law, child protection and intervention order systems.

The West Heidelberg Legal Literacy program aimed to build the legal literacy and capacity of women in West Heidelberg, to support other women in their community to connect with legal advice and representation at an earlier stage rather than at crisis point.

This peer education program was developed and delivered in partnership with local partners West Heidelberg Community Legal Centre (WHCLC), Banyule Community Health, Olympic Village Exodus Community and Olympic Adult Education. Women with strong links in the community and/or with lived experience of family violence were recruited to be part of the project.



Lina's Story

With our help, a woman is permanently living in Australia and recovering from family violence

Issues

Lina had applied for an offshore partner visa with her husband before travelling to Australia on a temporary visa. Not long after arriving she experienced significant family violence and fled to crisis accommodation. When Lina was first referred to us, there were no family violence provisions to allow for subclass 309/100 visa applicants to be granted a visa if they had experienced family violence in Australia. When Lina was referred to Women's a migration lawyer completed a visa assessment and due to her skill set, she was able to get a job offer and to be sponsored on a temporary skill shortage visa. Even though she felt hesitant to do this due to very uncomfortable interactions with her potential employer, she felt she had no other option.

Resolution

Not long after she had been granted a temporary skill shortage visa, Lina was informed by the Home Affairs Department that because her relationship had broken down, she no longer met the criteria of the visa, so they were looking to refuse it. While Lina's lawyer was working on their response, the government extended the family violence provisions to include subclass 309/100 visa applicants.

Lina's lawyer provided the Department with relevant information and evidence of family violence and was able to secure Lina a permanent residency visa on the basis of the family violence provisions. We also secured Lina a Final Intervention Order to help ensure her safety. Lina is now permanently living in Australia and is recovering from the family violence.

Our Clients

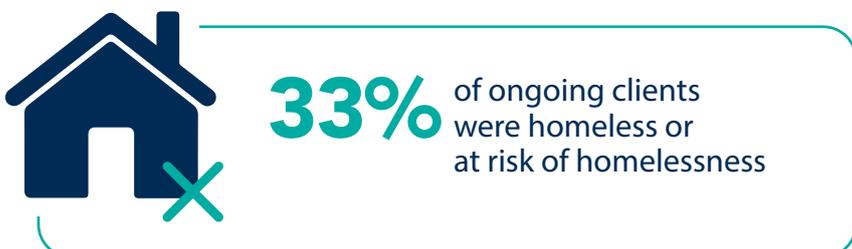
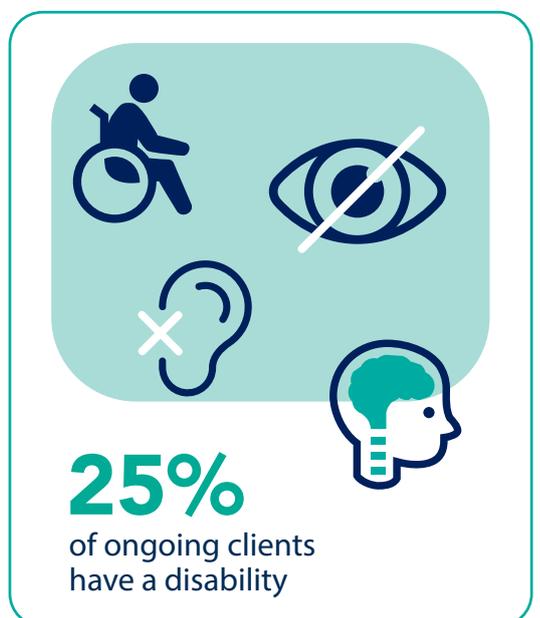
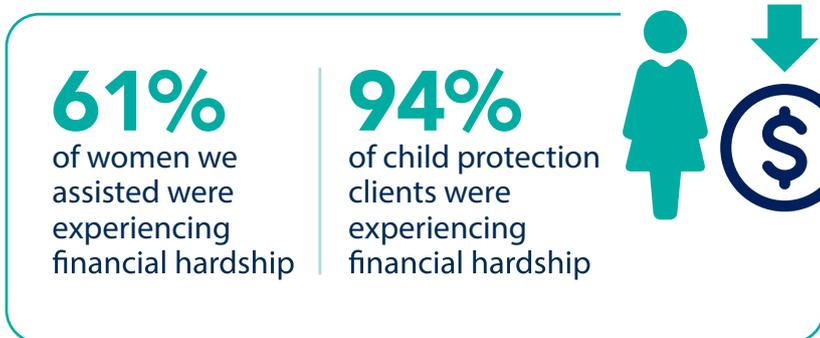
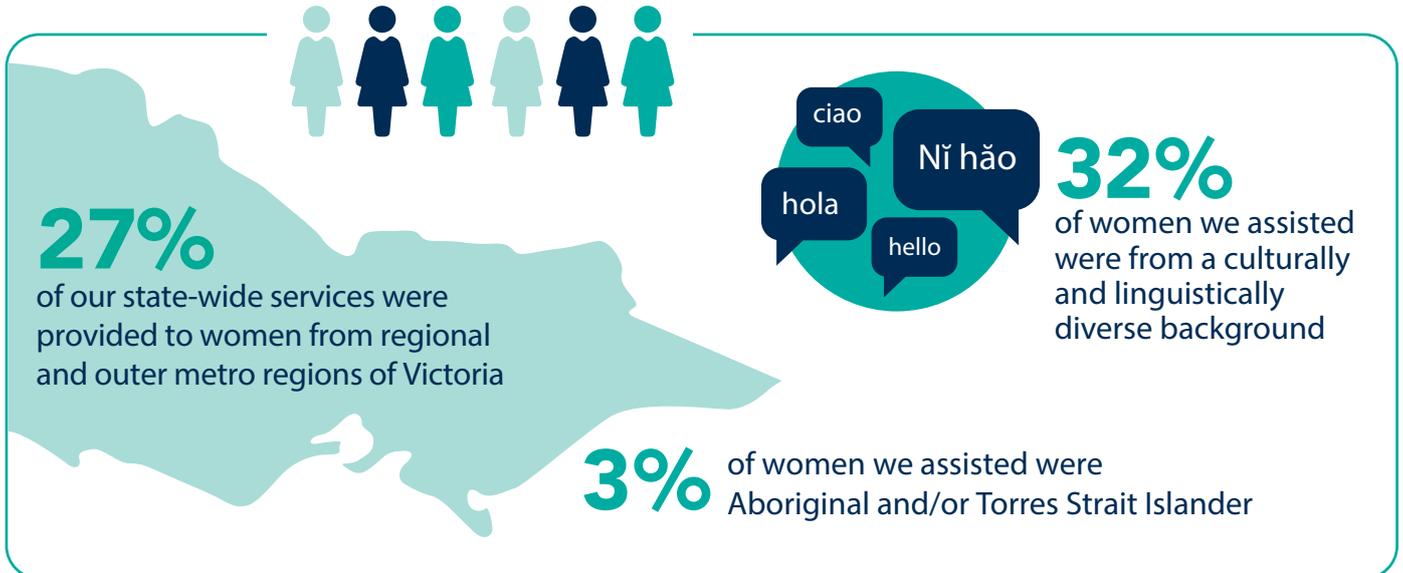
Women accessing our services are experiencing disadvantage at a greater rate than the Victorian population

The advice and care provided was generous, empathetic and accurate.

Women's Legal client

Lawyer was an absolutely outstanding help and very supportive.

Women's Legal client



Our Supporters

Funders

Women's Legal is funded by the Commonwealth Attorney General's Department and Victoria Legal Aid.

We also received project funding and in-kind support this year from Department of Social Services, Department of Justice and Community Safety, Department of Premier and Cabinet, Consumer Affairs Victoria, Department of Families, Fairness and Housing, Ecstra Foundation, Legal Services Board, Victoria Law Foundation, Financial Counselling Australia, Lord Mayors Fund and Federation of Community Legal Centres.

We rely on pro bono lawyers, barristers, donations and in-kind support to extend and enhance our services. Thank you to the many people and organisations who supported us and our clients this year. We also thank those who contributed their time and expertise to various committees and working groups to further action on gender equality and legal and justice system reform.

Transformational Partners

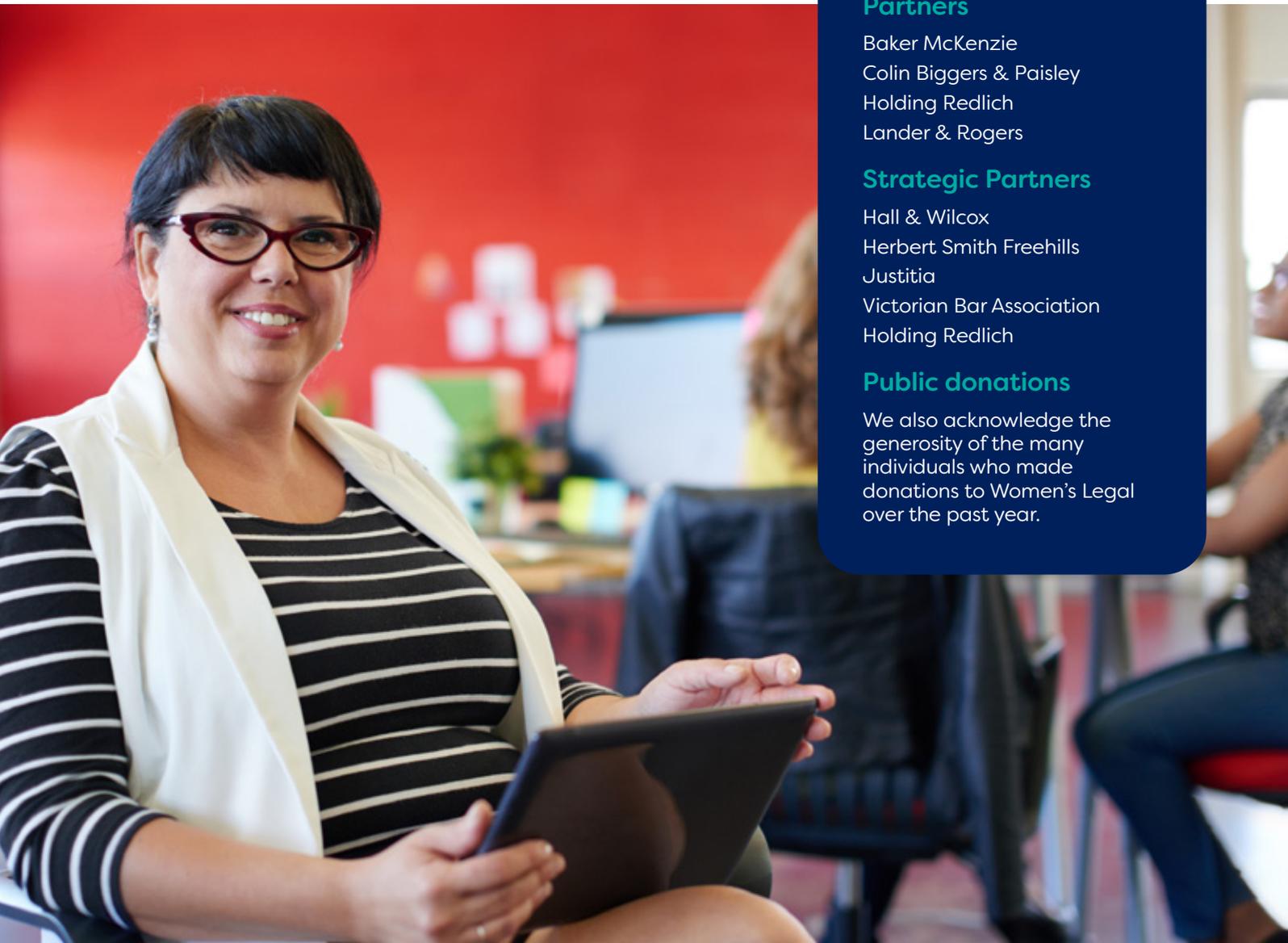
Baker McKenzie
Colin Biggers & Paisley
Holding Redlich
Lander & Rogers

Strategic Partners

Hall & Wilcox
Herbert Smith Freehills
Justitia
Victorian Bar Association
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Public donations

We also acknowledge the generosity of the many individuals who made donations to Women's Legal over the past year.



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