

**Submission: To the Legislative Council's Select Committee Enquiry
about the options for Tasmanian Child and Family Centres**

From: The Legal Aid Commission of Tasmania

In relation to provision of integrated collaborative services

The Legal Aid Commission of Tasmania provides this submission not because there has been any difficulty communicating with Child and Family Centres in the past (and lawyers from the Legal Aid Commission of Tasmania have been able to participate in events and conferences for clients at Child and Family Centres previously) but because, with the commencement of expanded services for families, when we saw the advertised Terms of Reference it occurred to us that there may be the possibility of providing better-integrated, more holistic services and smooth referrals for families utilising the Centres, aimed at resolving legal issues before they become entrenched or lead to other legal *and* non-legal problems.

Anecdotally, there is a significant cross-over in clients between Child and Family Centres and the Legal Aid Commission of Tasmania.

Legal Aid currently provides services, including the following:

- Free, short legal advice about a wide range of legal issues on the Telephone Advice Line (1300 366 611) and in Clinic Sessions.
- Legal procedural information and some representation by Duty Lawyers (in the Magistrates Courts particularly concerning court procedure, bail applications, pleas and penalties; in the Federal Circuit Courts particularly concerning court procedure, negotiations and interim orders).
- Representation in criminal law matters, family law matters and child protection matters where the person has been granted aid.
- Representation of children as Independent Children's Lawyers in family law children's proceedings or as Separate Representative for the Child in matters under the *Children and Young Persons and their Families Act*.
- Family Dispute Resolution Conferencing in relation to children's matters.
- Community Legal Education for both groups of community members and for workers assisting clients on a variety of legal

topics, including to schools, community groups, professional associations or organisations throughout Tasmania.

- Assistance for victims of family violence with family violence matters under the Safe at Home whole-of-government response to family violence, including reporting to police and obtaining protective orders.
- Advice and representation for clients at Mental Health Tribunal and Guardianship Administration Board hearings.
- Assistance by a dedicated consumer credit lawyer for people with financial difficulties.

In addition Commonwealth funding has recently been announced for the Legal Aid Commission of Tasmania to provide services at the Family Law Courts for families affected by family violence: the Family Advocacy and Support Service. Attached is a document about the Family Advocacy and Support Services produced by the Commonwealth Attorney General's Department. It is likely that some families engaged in the Centres will have issues of family violence, and may end up before the Family Law Courts.

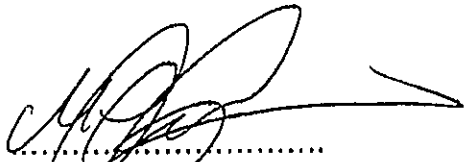
As the Committee will be considering under their Terms of Reference:

- (1) The benefits of the provision of an integrated collaborative health and service delivery model.
- (3) The role of Child and Family Centres in providing education and support to families and carers.
- (4) The broader assistance Child and Family Centres can provide to the communities; and
- (6) As an additional matter, may perhaps consider the State and Commonwealth Government commitments to assisting families affected by family violence to reduce the incidence and impacts of family violence in accordance with the third action plan of the *National Plan to Reduce Violence against Women and their Children 2010 to 2022*;

the occasion of this review appeared an opportune time to express the willingness of the Legal Aid Tasmania to work together with the Centres to provide joined-up service delivery, in particular to disadvantaged Tasmanians with legal needs.

We would suggest that, in addition to the Centres providing the valuable resources to families that they do, to further improve the value of the resource there be a focus on how best to approach integration and referrals into the wider system, and - if this should be recommended - we would invite contact

from Centres, as a whole or individually, to Margaret Chandler at the Legal Aid Commission of Tasmania to discuss how that integration and referral would occur.

A handwritten signature in black ink, appearing to be 'M. Chandler', with a long horizontal stroke extending to the right.

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Margaret Chandler
For the Director,
Legal Aid Commission of Tasmania

22nd March 2017



Family Advocacy and Support Services

About the initiative

The Australian Government is funding legal aid commissions to establish integrated duty lawyer and family violence support services in family law court registries and other locations across Australia.

The key components of this initiative are:

- 1) Increasing the capacity of existing duty lawyer services in family law court registries.
- 2) Introducing integrated family violence support services to help families affected by family violence with matters before the family law courts.

The Australian Government will provide \$18.5 million over three years from 2016-2019 for the Family Advocacy and Support Services. This funding is part of the Government's \$100 million funding package to support the Third Action Plan of the *National Plan to Reduce Violence against Women and their Children 2010-2022*.

The sorts of services that may be offered by the Family Advocacy and Support Services are summarised below.

Legal services

Legal services will focus on supporting clients and assisting the court to make evidence-based and safe decisions. Services may include:

- Screening and risk assessment for legally-assisted family dispute resolution in legal aid commission programs.
- Drafting urgent applications and representing in court for such matters, such as where there is a need for recovery of children, airport watch list orders to prevent children from being removed from Australia, and forced marriage matters.
- Gathering information and evidence about family violence, such as by issuing subpoenas or drafting applications for family and/or expert reports.
- Drafting notices of risk and supporting affidavit material where there are allegations of family violence.
- Drafting third party applications by grandparents or other family members where children are at ongoing risk of family violence and providing representation before the court where necessary.
- Drafting applications for the use of legislative provisions by the court for the protection of vulnerable witnesses giving evidence, and representing parties before the court where necessary.
- Providing advice and advocacy in relation to state family violence orders and state child protection orders, and their interaction with family law proceedings and family law orders.

Family violence support workers

Family violence support workers will provide trauma-informed and high quality social support services to families affected by family violence so that non-legal issues (that elevate the risk of family violence, such as drug and alcohol use, mental health, and homelessness) are identified and addressed alongside their legal issues.

Support workers will also conduct safety planning and coordinate and advocate for additional referrals and services. They will ideally be co-located at the courts in line with the specialist Family Violence Court Division model in the Victorian context, recognised as best practice by the Victorian Royal Commission into Family Violence.

Unless it is not possible, the Commonwealth expects legal aid commissions to partner with established providers of domestic violence services, including outsourcing the family violence support worker roles to these organisations (rather than employing these workers in-house). This may include organisations already providing domestic violence support services in state courts. The aim here is to provide continuity of support to families affected by family violence as they move between the state and territory courts and the family law system.

Joint roles

The lawyers and support workers will work together to provide services that help to bridge the gap between state and Commonwealth legal systems and processes, including Commonwealth family law, state domestic violence and state child protection jurisdictions.

Lawyers should have relevant experience across these various areas of law to provide advice and assistance to victims of family violence about child protection matters, as well as advocacy with police and private applications to obtain domestic violence orders in the state courts if needed.

Support workers will screen victims for diverse social needs and provide effective referrals to other specialist family violence, family support and services that can assist with child protection issues.

Third Action Plan

This initiative is linked to National Priority Area 3: Greater support and choice, under the Third Action Plan of the *National Plan to Reduce Violence against Women and their Children 2010-2022*. Specifically, this initiative will implement Action 3.10, which reads:

3.10: Enhance services in the family law system for families experiencing, or at risk of experiencing, violence.

3.10(a) Integrate legal and social support services to:

- assess risk and prepare safety plans
- deliver holistic services
- provide continuity of service for people moving between the state and federal systems
- better support groups that face additional barriers to accessing the family court system, such as Aboriginal and Torres Strait Islander women and women from culturally and linguistically diverse backgrounds.

Family Law Council Final Report

This initiative also aligns with recommendation 1 of the Family Law Council's Final Report to the Attorney-General on Families with Complex Needs and the Intersection of the Family Law and Child Protection Systems (June 2016).

Recommendation 1: Family safety services

The Australian Government consider ways of incorporating the expertise of specialist family violence services into the family law system to improve responses to families where there are issues of family violence or other safety concerns for children. This may include a combination of:

- 1) funding family violence services that provide embedded services in state and territory courts to continue to support clients with family violence issues when they move to the family law system to seek parenting or other orders;
- 2) embedding workers from specialist family violence services in the family courts and Family Relationship Centres;
- 3) creating a dedicated family safety service within the family law system.

Service locations

The Family Advocacy and Support Services will be based, and wherever possible, primarily delivered at Family Law Courts Registries, but also other locations such as the nearby offices of legal aid commissions or partner organisations. The table below sets out the locations where the Family Advocacy and Support Services will support court users.

Service locations	
NSW	Sydney Family Law Courts Registry Parramatta Family Law Courts Registry Newcastle Family Law Courts Registry Wollongong Family Law Courts Registry
Vic	Melbourne Family Law Courts Registry Dandenong Family Law Courts Registry
Qld	Brisbane Family Law Courts Registry Cairns Family Law Courts Registry Townsville Family Law Courts Registry
WA	Family Law Court of Western Australia, Perth Family Law Court of Western Australia – Albany, Broome, Bunbury, Geraldton and Kalgoorlie country circuits
SA	Adelaide Family Law Courts Registry Family Law Courts – Mount Gambler circuit
Tas	Hobart Family Law Courts Registry Launceston Family Law Courts Registry Family Law Courts – Burnie circuit
ACT	Canberra Family Law Courts Registry
NT	Northern Territory Local Court in Katherine and Darwin

The services in the Northern Territory will be primarily delivered at the Darwin Local Court and the Katherine Local Court due to demand for services at these locations. Establishing the services at the local courts will allow the Family Advocacy and Support Services to engage with victims and perpetrators of family violence at an earlier stage.

Implementation & Evaluation

The Commonwealth funding to support the Family Advocacy and Support Services is being provided through an intergovernmental agreement with the states and territories – the *Project Agreement for Family Advocacy and Support Services*.

The funding for the Family Advocacy and Support Services commences in 2016-17, meaning that legal aid commissions will be working to establish the new services as soon as practicable in 2017.

The Family Advocacy and Support Services will be independently evaluated to inform future Government decisions, prior to the expiry of the Project Agreement on 30 June 2019.

Enquiries

If you have any questions for the Attorney-General's Department about the Family Advocacy and Support Services, enquiries can be addressed to the department's Legal Assistance Branch at labcoord@ag.gov.au.