

**Australian Law Reform Commission
Justice responses to sexual violence**

PO Box 209
Flinders Lane
Victoria 8009

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To whom it may concern

How health justice partnership can support victim survivors of sexual violence

[Health Justice Australia](http://healthjustice.org.au) is a national charity and centre of excellence supporting the effectiveness and expansion of health justice partnership. Health justice partnership (HJP) is an established and successful model of collaboration, integrating legal help into services that support people's health and wellbeing. HJPs support individuals and families that are not well served by existing service systems. HJP is one example of a collaborative, multi-disciplinary approach that improves service responses for victim survivors of sexual violence. HJPs are typically established between publicly funded legal services (community legal services, Aboriginal legal services, legal aid commissions) and health and social service settings including hospitals, community health services, alcohol and other drug services, child and family services, and Aboriginal community-controlled organisations.

We know from our work with HJP practitioners, that sexual violence is frequently part of the experience of domestic and family violence, and as such many HJPs already support victim survivors of sexual violence in this context with a holistic service model. We would like to offer insight on the needs of victim survivors to report their experience safely; in a way that empowers them and aids their recovery; as well as being able to obtain the necessary information to make an informed choice as to whether to participate in the criminal justice system.

The importance of partnership

The experience of domestic, family and sexual violence (DFSVM) can have a detrimental impact upon many aspects of a victim survivor's life, including their physical health, safety, mental health, housing, employment and financial stability.¹ When women experience violence, we know that they are most likely to reach out for advice and support from a DFSVM

¹ Forell, S and Nagy, M. (2021) [Health justice insights: Health justice partnership as a response to domestic and family violence](#), Health Justice Australia, Sydney, p.4

service, their GP, a hospital or community health service, or another health professional.² These ‘non-legal settings’ are often sites of ‘trusted’ help for people, particularly women who experience violence. At the same time, women who are victim survivors of sexual violence are turning up to health and social services with a range of complex health, social and legal needs. These legal needs might include family law, victim of crime proceedings, housing, immigration and money issues. However, these services may not have all the tools required to respond to the complex legal issues facing their patients or clients. As health, social and legal issues intersect and compound, victim survivors will require support and assistance from a range of practitioners including health practitioners, victim support workers, counsellors, financial counsellors, social workers, and lawyers.

By embedding lawyers in health and social services, HJP provide accessible, timely legal help to people, while supporting service capability to act as an effective pathway to support. It is a model that works especially well where people have complex and intersecting needs that undermine their health and wellbeing, such as in family, domestic and sexual violence. The relationship between the ‘non-legal’ and ‘legal’ practitioners, enables co-ordination of support for the range of intersecting issues affecting the health, safety and wellbeing of people experiencing violence. Lawyers provide information, advice, and representation in the trusted and supportive settings which victim survivors are accessing. At the same time, HJPs build the capability of health and social service practitioners, to identify health-harming legal issues affecting their clients.

HJP is an effective service approach already responding to the complex needs of victims and survivors of sexual assault. Of the 105 health justice services across Australia, almost half of them targeted such violence, and almost all of them reported responding to issues relating to family, domestic and sexual violence.³

HJP is an example of how to transform service system responses to better meet the needs of victim survivors of sexual violence. HJP is a model which offers a collaborative, person-centred service model that helps victim survivors navigate a complex service system, reducing the trauma of retelling their story and improving their access to the support they need. HJP also connect services together, building the legal capability and awareness of health and social services workers providing support to victim survivors.

Learning from the experience of the Integrated Services for Survivor Advocacy partnership

The Integrated Services for Survivor Advocacy (ISSA) is an HJP between South-East Monash Legal Service (SMLS) and the South Eastern Centre Against Sexual Assault and Family Violence (SECASA) in Victoria. Established in 1995, it is one of the longest running HJPs in Australia. SMLS solicitors work with SECASA counsellors to provide support to victim survivors of sexual assault navigating the justice system. In particular, the partnership

² See <https://www.aihw.gov.au/family-domestic-and-sexual-violence/responses-and-outcomes/how-do-people-respond-to-fdsv> (accessed 21 May 2024).

³ See <https://healthjustice.org.au/app/uploads/downloads/November-2022-Health-justice-landscape-report-4.pdf> (accessed 21 May 2024).

provides support and legal advice around victim's compensation and for a range of other legal issues such as fines.

By taking a trauma-informed approach to helping victim survivors, ISSA is an example of an HJP that supports people with intersecting health and legal issues. In a 2023 exploratory study of ISSA⁴, insights from clients, health and legal staff, and partner services, revealed that clients felt 'safe and supported, heard and believed, and that it gave them back control (and) agency'.⁵ Another feature of the partnership was the focus of the service and staff on 'client recovery' as the 'shared purpose' of both health and legal staff.⁶ The study also found that 'allowing clients to pursue their legal matters in their own time was an important part of supporting their control of the situation.'⁷ ISSA also demonstrates how established partnership enables women to seek help through a recovery approach that supports potential re-engagement with the criminal justice system if they choose. This is particularly important for women who have not had control in their lives and are often likely to be dealing with multiple other issues.

Ultimately, the study found that both lawyers and counsellors saw the 'primary value of their work in terms of recovery for clients who have experienced sexual abuse and domestic violence.'⁸ From our knowledge and experience working with existing HJP, the critical role of non-legal practitioners to the effectiveness of legal service intervention should be emphasised.

The ALRC inquiry is focused on reform that is needed to harmonise laws and better promote just outcomes for people who have experienced sexual violence, with recommendations aiming to 'ensure that people who have experienced sexual violence and their families are properly supported when they seek help, and that the justice response minimises the extent of any re-traumatisation'.

Evidence from the work of HJP demonstrates the need for investment in collaborative service approaches that bring legal assistance into holistic responses for victim survivors focused on their safety and recovery.

Thank you for the opportunity to be involved in this inquiry. Do not hesitate to get in touch should you require further information or wish to discuss anything raised in this letter.

Kind regards



Sheree Limbrick
Chief Executive Officer

⁴ See <https://healthjustice.org.au/app/uploads/2024/03/ISSA-Report-v4-accessible.pdf> (accessed 21 May 2024).

⁵ Scott & Forell (2024), p.5.

⁶ Ibid

⁷ Scott & Forell (2024), p.21

⁸ Scott & Forell (2024), p.16