



28 June 2024

Committee Secretary
Parliamentary Joint Committee on Corporations and Financial Services
PO Box 6100
Parliament House
Canberra ACT 2600

By email: corporations.joint@aph.gov.au

Dear Committee Secretary,

Submission to the inquiry into financial services regulatory framework in relation to financial abuse

Thank you for the opportunity to provide this submission to the Parliamentary Joint Committee on Corporations and Financial Services inquiry into the financial services regulatory framework in relation to financial abuse.

Redfern Legal Centre's (RLC) [Financial Abuse Service NSW \(FAS\)](#) leads the [Economic Abuse Reference Group \(EARG\)](#) and authored the group's submission, which responds to all terms of reference for this inquiry. The EARG submission and recommendations draw heavily from the expertise FAS has developed in providing assistance to victim survivors of financial abuse since our inception in 2019, and prior to this time, RLC's credit, debt and consumer law practice since 1977.

We provide this short supplementary submission to provide the Committee with an overview of the Financial Abuse Service NSW model in response to the following Terms of Reference:

- 1. The prevalence and impact of financial abuse; and*
- 6. The funding and operation of relevant advisory and advocacy bodies.*

We recommend adequate funding for specialist financial abuse services in every state and territory in Australia, as well as for the Economic Abuse Reference Group.

1. Redfern Legal Centre's Financial Abuse Service NSW

Founded in 1977, Redfern Legal Centre has remained at the forefront of legal service delivery, innovating and expanding to meet the needs of communities across NSW.

Established in 2019 with seed funding, FAS is the first state-wide multidisciplinary service established to address financial abuse in Australia. We run a state-wide multidisciplinary socio-legal service providing

trauma-informed expertise to victim survivors of financial abuse from an intimate partner who have complex, intersecting interdisciplinary needs in the areas of:

- credit, debt and consumer law;
- family law property settlements;
- immigration law;
- financial counselling; and
- social work.

We amplify our reach and impact through corporate volunteer partnerships and pro bono secondments. Our innovative approach to pro bono service delivery embeds lawyers from corporate firms and in-house legal teams (including from financial institutions) in our advice clinics. The lawyers undertake specialised financial abuse training at the start of their six-month fortnightly commitment, and are provided ongoing mentoring, supervision and debriefing with RLC solicitors throughout their placement. Participating in the Service strengthens the lawyers' client interviewing and legal skills and gives them first-hand insight into how financial services should be developed, implemented and regulated to assist in the prevention of domestic and family violence (DFV).

In addition to direct service delivery, FAS engages in policy, law reform and capacity building by working with Government and industry to improve responses to financial abuse. We have sole coordination responsibility for the EARG, a national network which brings together over 50 community organisations from across Australia to provide expert input to industry and Government to improve responses to the economic impacts of DFV. The EARG increases the capacity of community organisations to contribute their knowledge and experience to policy and law reform initiatives to address financial abuse.

FAS build capacity in the sector to identify and respond to the socio-legal needs of victims of survivors of financial abuse through delivery of community legal education sessions, reports and factsheets to industry, lawyers and community workers.

Our impact, as told by our clients

*"I am beyond grateful for [the lawyer] – her professionalism, guidance, support and knowledge has been everything I have needed and could have asked for in a time I was most vulnerable. Our safety and well-being have always been a priority to her. I have always been able to call on her for advice, direction, clarity and reassurance with complete confidence. **She has literally changed our lives.** Our future is going to be free from violence and control and that is something I will be forever grateful for."*

"[The lawyers] have been so wonderful, considerate, understanding, non-judgemental and generous with their time. My circumstances are very sensitive and highly emotional and triggering for me and they could not have communicated with me in a more compassionate and informative way. They have been and continue to be so tolerant and understanding."

*"I don't know how I can repay but honestly from the bottom of my heart thank you so much for what you've done for me. It's amazing knowing there are people out there with kindness that do so much for strangers, that I'm forever grateful. **It gives me hope for the future** and I'm so grateful it's behind me now."*

2. The prevalence of financial abuse

Financial abuse is a hidden epidemic in Australia. Every day our lawyers, financial counsellors and social workers see money being used as a powerful tool to isolate and control another person. There may be no physical bruises, but the scars of financial abuse are still clearly visible in a victim's bank statement, credit report and eroded financial confidence. This widespread form of abuse remains the hidden face of DFV, as

it is too often dismissed as an expression of love, outdated gender roles or a consequence of poor financial decision making.

[Research by Deloitte](#) found that 43 Australian women were subjected to financial abuse every hour in 2020.¹ No person is immune, regardless of age, gender, wealth and education level, but women are reported to be the most affected group, particularly migrant women and women with disabilities.²

Between 2019 and 2022, RLC's Financial Abuse Service NSW assisted over 550 victim survivors across NSW. In 2023, this increased to 302 victim survivors to whom we provided over 1500 services, comprising:

- 561 Legal Advices³
- 443 Legal Tasks⁴
- 72 Representation cases
- 43 Self representation cases⁵
- 417 Referrals to other support services⁶

Our data shows that credit, debt and consumer law problems were the most common problem type these victim survivors presented with. 95% of these clients were actively experiencing financial hardship, and 8% were experiencing homelessness. 36% of our representation files were for clients who speak English as a second language, and 9% were for First Nations clients.

3. The impact of financial abuse

In our experience, most victim survivors of financial abuse have complex and intersecting legal issues in areas such as credit, debt and consumer law, bankruptcy, family law, insurance, immigration, company law, tax, tenancy law, employment law, and victim's compensation. They may also have critical social and welfare needs, such as domestic violence counselling, safety planning, crisis accommodation, Centrelink payments, financial counselling and so on. The list is endless.

This accords with an [Australia-wide survey conducted by the Law and Justice Foundation](#)⁷ which found that people who had experienced DFV in the last 12 months were 10 times more likely to experience a legal problem. Further, the average number of legal problems of all types, including DFV victimisation, was 20 for people who had experienced DFV in the last 12 months, compared to 2.4 for the rest of the population. Not only do domestic and family violence survivors need help in multiple areas of law, the severity of the legal problems is also much greater. Of the respondents who had recently experienced DFV, 80.5% rated at least one of their legal problems as having a severe impact on their everyday lives, compared to only 23% of people who had not recently experienced DFV.

Financial abuse can manifest in many ways. Every FAS case is different. Some victims are controlled and isolated through the abuser restricting their access to money, for example, not allowing them to work or

¹ Commonwealth Bank of Australia, *The cost of financial abuse in Australia* (Report, 2022) <<https://www.commbank.com.au/content/dam/caas/newsroom/docs/Cost%20of%20financial%20abuse%20in%20Australia.pdf>>

² Ibid 6, 13.

³ There can be more than one legal issue advised on within one legal advice.

⁴ A Legal Task is an intensive piece of work for a client, for example drafting a letter, preparing an AFCA complaint, drafting a court document or communication with a third party etc.

⁵ A Self-Representation Case involves RLC providing ongoing legal support to empower the client to represent themselves, rather than RLC representing the client in their legal matter.

⁶ A Referral indicates an instance where we gave a client one or more referrals while providing a legal service (advice or task). The total number of referrals provided to our clients (and to people who contacted our service but were not eligible for advice) would be much higher, and we typically refer clients to multiple different services at the same time.

⁷ Owen Camilleri, Tanya Corrie, Shorna Moore, *Restoring Financial Safety: Legal Responses to Economic Abuse* (Report, 2015) <https://www.westjustice.org.au/cms_uploads/docs/westjustice-restoring-financial-safety-report.pdf>.

giving them a diminutive allowance that barely covers their basic living expenses. Conversely, other victim survivors are exploited and left with the full burden of what should be joint financial responsibilities, such as being made to pay for everything or forced to take out credit cards and loans that they do not get any benefit from. More victim survivors are presenting with business debts with related tax liabilities for companies they were made a puppet director for through coercion or fraud but did not have any actual knowledge or control over. Many victim survivors end up in protracted complex property settlement litigation if the couple have assets, but in many cases they only have debts so the Federal Circuit and Family Court of Australia (FCFCOA) does not have jurisdiction to make property settlement orders, leaving the victim survivor with the burden of these debts and legal issues, reducing their prospects of ever attaining financial independence and financial empowerment.

This financial sabotage and systems abuse can persist well beyond the end of a relationship if the abuser deliberately defaults on joint loans to damage the victim survivor's previously good credit history or drags out proceedings in the Federal Circuit and Family Court of Australia to increase legal fees. We also see systems abuse perpetrated through threats to a victim survivor's visa status. This is particularly significant for migrant women on partner visas who need to provide evidence of their DFV to sever that connected visa. These abusive behaviours are often subtle and corroding, and ultimately render the victim under the complete control of their abuser.

Financial abuse also has a significant impact on the safety and wellbeing of victim survivors. Financial abuse is a key reason why victim survivors experiencing family and domestic violence are [unable to gain financial independence and gain secure housing](#)⁸ and the [resulting financial insecurity is often a barrier to victim survivors leaving, or remaining out of, an abusive relationship](#).⁹ Social workers and financial counsellors, working alongside expert lawyers, are able to provide holistic client centred case management support. This includes safety planning, crisis accommodation, budgeting advice, financial assistance applications and coordinated supports from a range of services including long term counselling. They help victim survivors overcome barriers in engagement with government, DFV, police and court systems.

In our first year alone, we helped our clients waive \$600,000 of debt and recover \$240,000 in compensation after financially abusive relationships. Our clients report that our legal assistance has improved their safety, their knowledge of the law and legal system and their stress levels.

Case Study

Julie* was married for 9 years and has a 7-year-old child from that relationship and a teenager from a previous relationship. She experienced significant family violence including financial abuse throughout her relationship. RLC helped Julie with a safety plan to leave her husband and move into a safe rental. Her husband was charged with more than ten counts of family violence offences, including assault occasioning actual bodily harm, and is currently being sentenced.

When Julie escaped, her husband immediately stopped making payments on their mortgage and the bank was chasing Julie for the arrears, threatening to take possession of the house. Julie had no access to money and couldn't afford to make the repayments or pay the arrears. RLC's family law specialist commenced urgent proceedings in the Federal Circuit and Family Court of Australia, while RLC's credit and debt specialist negotiated with the bank to pause the enforcement of arrears and avoid foreclosure in the meantime.

As a result of the proceedings, Julie's husband is now making mortgage payments, the property is being prepared for sale, and Julie has received a significant amount of funds to live off until the property settlement is finalised.

⁸ Ibid.

⁹ Anne Summers, *The Choice Violence or Poverty: Domestic violence and its consequences in Australia today*, (Report, 2022) <https://assets.website-files.com/62b998c0c9af9f65bba26051/63228540ce74a60866ee4e98_TheChoice-violence-or-poverty-web.pdf>

Testimonial from Julie*

“The team at RLC have without a doubt been amazing in their support both legally and emotionally. Nothing has ever been a problem, they are always at the other end of the phone more than happy to explain anything I don’t understand, or to answer my many questions and worries. Their expert knowledge has made my experience in this difficult time of my life so much easier. I cannot thank them enough for everything they have done so far.”

** Name has been changed for client’s safety*

4. The funding and operation of specialist holistic financial abuse services

The new [National Plan](#) identifies financial abuse as one of six key areas of focus for addressing gender-based violence and highlights the need to adopt a holistic approach. Frontline services must be adequately funded to support victim survivors through their recovery and help resolve the legal repercussions of financial abuse.

Addressing financial abuse requires a national rollout of dedicated financial abuse services in each state and territory, co-located with an established community legal centre, to support victim survivors on their journey to financial independence and empowerment.

The report [Addressing Financial Abuse: A collaborative Service Model for Legal and Non-Legal Support¹⁰](#) (**the Report**) by Consulting & Implementation Services (CIS) released in 2022 by CommBank Next Chapter proposes a holistic collaborative legal and social service model which could be rolled out nationally.

4.1 The holistic financial abuse service model

The model proposes a state-based solution for New South Wales and aims to inform collaborative legal and non-legal service models for delivery in other states and territories. The report explains the proposed model in detail including team structure, resourcing to meet demand, client journey and evaluation.

The model is structured around two integrated pillars: client services and driving change. It draws upon an in-house team of legal and social support professionals, pro bono lawyers, well-established referral pathways and policy and capacity building expertise.

The Report found that victim survivors of financial abuse need:

- trauma-informed expertise that empowers them and gives them choices;
- the right support at the right time, which makes them feel safe and respected;
- legal expertise in a range of specialties; and
- non-legal social support from social workers and financial counsellors.

These needs are heightened for Aboriginal and Torres Strait Islander people, people from culturally and linguistically diverse backgrounds and people with disability, who can experience additional barriers to accessing support and justice. Having some roles filled by Aboriginal and Torres Strait Islander people is

¹⁰ Annexed to this submission. Consulting and Implementation Services, Addressing Financial Abuse: A collaborative model for legal and non legal support (Report, 2022) <<https://www.commbank.com.au/content/dam/commbank-assets/support/docs/addressing-financial-abuse.pdf>> 40.

critical for building trust with First Nations communities and providing a culturally safe service, which will result in better outcomes for clients.

4.2 Roll out of the holistic model in NSW

The Report recommended that RLC pilot the model by expanding FAS, which was the foundation for the model. We have now expanded our service to implement the holistic model.

Since April 2024, FAS now offers victim survivors an interdisciplinary team of social and legal supports in one place, including:

- A legal team of two credit, debt and consumer lawyers, two family lawyers, and access to additional specialties to address the unmet legal need of victim survivors with company and tax issues arising from financial abuse, as well as immigration, supported by a managing solicitor and a supervising solicitor;
- Social support professionals including two social workers, two financial counsellors and a legal support officer for client intake; and
- Two policy professionals to drive law and policy reform and build capacity among industry, government and the community to prevent and respond to financial abuse.

Organisations in other jurisdictions may need to adjust this staffing profile based on their identified needs. While the infrastructure and legal expertise of an established community legal centre is critical for success, services in other jurisdictions could form partnerships to provide the specialist support.

4.3 Funding specialist holistic financial abuse services

FAS has demonstrated the need to embed specialist financial abuse services within the DFV service system, and this has been acknowledged through the NSW Government's decision to fund the service for the next four years. This funding has allowed the service to continue its vital work and expand its support for victim survivors of financial abuse by implementing the recommendations and model from the Report.

In the five years the service has been operating, the team has grown significantly and is still unable to meet demand, especially for representation. The Addressing Financial Abuse Report states that '(t)he estimated FTE required per annum to provide legal services only is 252 FTE. This does not account for social service professionals nor for the people who choose not to report or seek support for financial abuse.'¹¹ This highlights the overwhelming need that simply cannot be met by even comparatively well-funded services.

Without adequate funding for specialist financial abuse services in *every* state and territory in Australia, victim survivors are missing out on critical support and being subjected to ongoing abuse, debt and poverty. Financial abuse is estimated to cost victim survivors and the Australian economy a combined total of \$10.9 billion per year.¹² As financial abuse occurs largely unreported, the true impacts of this widespread form of abuse are likely far greater. A comparatively small investment in specialist financial abuse services will have significant return in reducing these costs to victim survivors and the Australian economy.

The corporate and philanthropic sectors are not structured to provide the sustainable and consistent funding required to deliver legal services for victim survivors of financial abuse. We are of the view that this is the role of government, and funds should be committed to establishing financial abuse services in every state and territory. We recommend this be done through a tender process with subject matter and service

¹¹ Consulting and Implementation Services, Addressing Financial Abuse: A collaborative model for legal and non legal support (Report, 2022) < <https://www.commbank.com.au/content/dam/commbank-assets/support/docs/addressing-financial-abuse.pdf>> 40.

¹² Commonwealth Bank Australia (n1).

delivery experts on the panel to ensure the funds are provided to services with the requisite skills, experience and knowledge of their local communities.

5. Funding for the Economic Abuse Reference Group advisory work

The EARG is a significant Australia-wide collaboration and capacity building network which increases knowledge of financial abuse and creates systemic change to prevent and improve outcomes for victim survivors across Australia who have experienced financial abuse.

We refer to the EARG submission to this inquiry in relation to the critical advisory role they fulfil and recommend additional funding be provided to coordinate the National EARG, as well as EARG sub-groups in each state and territory following this inquiry.

6. Recommendations

1. Fund specialist financial abuse services in all states and territories.
2. Provide additional funding for the National Economic Abuse Reference Group, and state and territory groups to provide expertise to Government and industry.
3. Adopt and implement all the recommendations in the Economic Abuse Reference Group submission to this inquiry.

We look forward to appearing before the committee to further discuss our service.

Yours faithfully,



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Managing Solicitor, Financial Abuse Service NSW
REDFERN LEGAL CENTRE



Addressing Financial
Abuse: A Collaborative
Service Model for Legal
and Non-Legal Support

Final Report
March 2022



Consulting & Implementation Services (CIS)

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The willingness of the above named organisations and individuals to share and contribute towards the design of this collaborative service model for legal and non-legal support was humbling and appreciated. All generously provided their time and expertise to share valuable insights that informed recommendations and the proposed model. We thank all people who we worked with to help deliver this report.

This project has been developed as part of CommBank Next Chapter, a program that aims to address financial abuse for the Commonwealth Bank of Australia's customers and the community.

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Executive Summary

Redfern Legal Centre (RLC) has over three decades of experience working in the area of domestic and family violence in New South Wales and already operates a specialist service – Financial Abuse Service NSW - that provides holistic services to people who have experienced financial abuse. Staff have a comprehensive understanding of the legal and social support needed, and recognise that these supports must be more fully integrated to better meet the complex needs of people who have experienced financial abuse, and also expanded to better meet demand.

Financial abuse is a form of domestic and family violence ‘that negatively impacts a person financially and undermines their efforts to become economically independent.’¹ It is defined as a pattern of control, exploitation or sabotage of money and finances that affects an individual’s capacity to acquire, use and maintain financial resources thus threatening their financial security and self-sufficiency.² Financial abuse is a component of economic abuse involving similar patterns of abusive behaviours, but specifically in relation to money and finances and not economic resources more broadly.

In 2021, RLC engaged Consulting & Implementation Services (CIS) to design a best practice holistic model for people who have experienced financial abuse from an intimate partner, a project developed as part of CommBank Next Chapter. The model brings together legal and social service supports for people impacted by financial abuse. Whilst the model expands upon RLC’s existing service, the intention is that the model can be adapted by service providers in other Australian states or territories to provide holistic services to people living in their jurisdictions who have experienced financial abuse.

CIS conducted a desk-based review and consulted with RLC staff, community organisations, sector experts, researchers, and people with lived experience of financial abuse to identify key findings and inform the model and its recommendations.

Key findings revealed that a holistic model must consider the legal and non-legal needs of people who have experienced financial abuse; the optimal service delivery elements to achieve desired outcomes; the human resources; and the capacity building and reform work that aims to advocate for better outcomes for people who have experienced financial abuse and prevent financial abuse from the outset.

Findings revealed:

Legal and non-legal needs: trauma-informed and culturally appropriate services are essential to suitably engage and build trust with people who have experienced financial abuse and its associated trauma. Services must have the capacity and capability to address legal and social needs in a timely and flexible manner.

Service delivery: collaborations between legal and social services (socio-legal collaborations) must be built upon shared values and goals. They require: leadership that communicates the purpose of the socio-legal collaboration; empowerment whereby all staff and management have a voice and agency, are involved in decision making and know that their opinions are heard and valued; and respect between staff and management.

Human resources: must be valued and protected. Services must recruit specialist professionals with experience working in the financial abuse and domestic violence sector and provide staff with regular professional development.

Capacity building and reform: draws upon the learnings, research and cases delivered as part of the service to drive policy change and law reform to advocate for better outcomes. The service needs to work with partners and the broader community to raise awareness and understanding of the insidious nature of financial abuse, how to recognise it, and how to support someone experiencing it.

¹ Camileri, O., Corrie, T., Moore, S., Restoring Financial Safety: Legal Responses to Economic Abuse, Good Shepherd Australia New Zealand and Wyndham Legal Service, 2015.

² Gendered Violence Research Network, University of New South Wales (2020). Understanding Economic and Financial Abuse in Intimate Partner Relationships. <https://www.commbank.com.au/content/dam/commbank-assets/support/2020-11/unswh-report-1-financial-abuse-ipv.pdf>.

Recommendations for the four categories are provided in Appendix 1 and incorporated into the collaborative service model for legal and non-legal support.

The proposed **collaborative service model for legal and non-legal support** is structured around two integrated pillars: client services and driving change. It draws upon an in-house team of legal and social support professionals, pro bono lawyers, well-established referral pathways and policy and capacity building expertise. The proposed model builds upon RLC's existing Financial Abuse Service NSW which has been operating since 2019, and is designed for RLC to deliver socio-legal financial abuse services in NSW. The model can be adapted by other organisations wanting to deliver holistic services in their respective jurisdictions.

Given the time, commitment and expertise required to design an effective holistic model, it is recommended that implementation occur over three distinct phases. Phase One, spanning years one to three will lay the foundations via planning and establishment. Phase Two, spanning years four and five is about learning and innovating, building upon the experiences of Phase One. Phase Three focuses on growing and thriving, aiming to secure sustainable funding and to also support other organisations, including those in other states and territories, to implement holistic services.

By Year 3, Phase 1 of the rollout, RLC's inhouse expertise will increase to 11.6 FTEs. This is an increase from RLC's existing service – which has a current quota of 5.8 FTEs. Organisations in other jurisdictions may need to adjust this based on their identified needs and existing expertise. The proposed staffing of 11.6 FTE (including pro bono Solicitors) for Year 3, Phase 1 includes a Team Leader, specialist in-house Solicitors, Legal Support Officer, Social Workers (Case Workers), Financial Counsellor and a Policy & Capacity Building Officer. Specialist Solicitors will bring expertise in the areas of:

- Credit and debt problems e.g., credit rating/refusal, actual/possible bankruptcy, creditor's threats/actions.
- Consumer law, including contracts and unpaid bills;
- Family law financial matters;
- Company and business law;
- Immigration law;

The customer journey is designed to ensure the client:

- Receives trauma-informed and timely support that strengthens their capabilities to address financial abuse;
- Receives flexible and customised support and advice;
- Has a single coordination point (through their Case Worker) for non-legal referrals; and
- Receives referrals to complementary partners to ensure a holistic support.

Ongoing monitoring and evaluation will provide the insights to inform planning details for phases 2 and 3. It is recommended that the monitoring and evaluation plan for the RLC service builds upon the organisation's existing theory of change and uses a consultative approach to develop the monitoring and evaluation framework and plan.

Financial abuse imposes long lasting impacts on individuals and their families. The financial abuse holistic model has potential to make a significant difference to the lives of these people and addresses a gap in services currently available to support people.

RLC is well placed to deliver the collaborative service model for legal and non-legal support by advancing their existing Financial Abuse Service NSW. Once established, RLC will be suitably positioned to share learnings with the community sector wanting to provide holistic services to people living in other states and territories in Australia.

Introduction

Since 2015, the Commonwealth Bank of Australia (CommBank) has been working with community organisations and experts to address financial abuse and better support people impacted by domestic and family violence (DFV). In 2020, CommBank Next Chapter was launched to assist customers and members of the community impacted by financial abuse.

In 2020, CommBank and Good Shepherd co-launched the Financial Independence Hub, a free and personalised service supporting people impacted by financial abuse across Australia to build their financial independence and achieve their goals – regardless of who they bank with. The service provides free specialist one-on-one financial coaching and support to help people impacted by financial abuse build confidence and capability in managing their own finances, with referrals to support services and, in some cases, access to solutions like interest free loans.

RLC is a proud partner of CommBank Next Chapter and was a member of the Financial Independence Hub's Advisory Committee. CommBank is supporting RLC to deliver Phase 1, the "foundation model" of the collaborative service. Other foundation supporters for Phase 1 include: American Express, PwC Australia, Telstra, Ashurst and Commonwealth Government funding through the Community Legal Services Program which is administered by Legal Aid NSW.

RLC has a national reputation for delivering innovative services that address service gaps and drive systemic change. Ecstra Foundation have provided a grant to RLC's Financial Abuse Service NSW for this systemic change work. It is not unusual for RLC's services to combine socio-legal support to provide clients with holistic services. This approach aligns with their theory of change which identifies impact as: improved wellbeing for individuals and communities, along with equal access to justice, and a just and fair legal system.

Since 2019, RLC has provided legal advice and representation to NSW-based clients affected by financial abuse from an intimate partner, via its Financial Abuse Service NSW. Staff working in this service recognised the need to build upon RLC's state-wide model to meet unmet demand; to expand the legal and non-legal supports provided to clients to better address the complexities associated with financial abuse; and to continue the capacity-building and reform work to drive systemic change and prevent financial abuse.

Consequently, RLC initiated this report to investigate a holistic model for people who have experienced financial abuse from an intimate partner. They engaged Consulting & Implementation Services (CIS) to investigate and propose a holistic service model. RLC introduced CIS to their network of New South Wales and Victorian based community services, sector experts and researchers, and people with lived experience of financial abuse for inclusion in the project's consultation process. The recommended model, outlined in this report, has been informed by key findings from desk-based research and consultation with these sector experts and people with lived experience.

The report provides an overview of a collaborative service model for financial abuse, which aims to address the complex legal and non-legal issues that may confront an Australian affected by this insidious form of DFV. The model proposes a state-based solution, for NSW, delivered by RLC. The model can also inform collaborative legal and non-legal service models for delivery in other states and territories.

Background

About Redfern Legal Centre

RLC, which opened in 1977, was the first community legal centre in New South Wales and the second in Australia. It was formed in recognition of the scarcity of affordable legal services for disadvantaged and marginalised people and has established its reputation as a centre of excellence and innovation, providing thought leadership and cutting-edge law-reform for the benefit of the community.

RLC provides specialist legal expertise in: domestic violence; credit, debt and consumer complaints; tenancy and housing; police and government accountability; employment; discrimination and human rights; a health justice partnership and an advice clinic for international students. Additionally, it has initiated or been actively involved in projects which have led to the establishment of Welfare Rights Centre, Prisoners Legal Service, Accommodation Rights Service, Consumer Credit Legal Centre (now Financial Rights Legal Centre), Campbelltown Legal Service, Redfern Legal Centre Publishing and Streetwise Comics.

Over the past three decades, RLC has developed specialist expertise in domestic violence, receiving its first formal recognition for these services in 1996 when receiving a Special Award for dedication and commitment to the prevention of domestic violence from the NSW Minister for Community Services. The award recognised a scheme pioneered by RLC – the Women’s Domestic Violence Court Assistance Scheme - a holistic approach to the provision of services for women seeking legal protection from domestic violence which has since been extended throughout NSW by Government. The RLC scheme integrated the provision of legal and social welfare services in acknowledgement that the legal protection from domestic violence was more accessible if women received simultaneous assistance with other issues associated with the violence.

In 2014, RLC began providing financial abuse legal services through their credit, debt and consumer law practice. This was made possible through a small amount of funding from the Commonwealth Government (via Legal Aid NSW) for family violence specific work, which covered a Solicitor for up to two days per week. RLC identified that there was a need for a more specialised and state-wide service for people who were experiencing legal issues associated with DFV and financial abuse. As RLC gained more expertise in the area and started receiving referrals for clients outside of their catchment, the centre began scoping to see if there was something bigger that they could do in this space. Referrals were coming from a variety of sources, including Women’s Domestic Violence Court Assistance Schemes around the state. RLC’s service model typically leveraged expertise from partners, and also adopted a policy perspective as well as case work for clients. Consequently, their financial abuse Solicitor (who later became the team leader for the dedicated financial abuse service that exists today) applied this approach during the pre-emptive years of work in the financial abuse space.

The Financial Abuse Service NSW was launched in 2019, enabled through the support of corporate, philanthropic and Government funds. Relationship building between corporates and not-for-profits is challenging. However, RLC has a well-established reputation in New South Wales, having provided accessible legal advice to disadvantaged and marginalised people since 1977. Many lawyers who now work at corporate law firms know RLC from volunteering as a student and / or from providing pro bono work. The centre is conveniently located in Sydney near many companies’ head offices, which has made sourcing corporate funding somewhat easier than it otherwise could be.

RLC built strong relationships based on shared goals and values with like-minded corporates; an outstanding track record of delivering community legal services to vulnerable populations; and a history of working with volunteer legal students. It’s foundation supporters, which included Ashurst, King & Wood Mallesons, American Express and PwC Australia, enabled the state-wide financial abuse service to get off the ground in June 2019 with a single Solicitor and pro bono lawyers .

At the time, intake was also being provided by the single Solicitor. Given the sensitivity and complexity of the clients this was not something that could go through RLC's usual intake process. A dedicated volunteer law student was later appointed and continues to this day in a funded role. This was complemented with further administrative support from other volunteering law students.

Momentum and awareness of the financial abuse service grew and RLC was approached by Ecstra Foundation who provided a grant for policy, law reform and capacity building work. This allowed the service to expand to its full complement - case work and systemic change work.

By the end of 2019, the financial abuse service had three full time staff – a team leader (the original Solicitor), a replacement Solicitor and a policy and capacity building officer; plus, volunteer intake and admin support and pro bono legal expertise.

The service – Financial Abuse Service NSW – was formally launched in December 2019. It is Australia's first state-wide financial abuse service dedicated to addressing the interconnected legal issues at the heart of financial abuse. Between June 2019 and October 2020, the service supported people affected by financial abuse from an intimate partner to waive over \$630,000 in debt and facilitated the recovery of over \$260,000 enabling these clients to start to move forward with their lives.

The team recognised early on that clients often needed further legal expertise, including family law. They worked with pro bono lawyers to address these gaps by applying a 'co-advice' model. This meant that two Solicitors with different expertise would meet with the client and develop a strategy that achieved the best possible outcome for the client. It was an effective and efficient approach, and one that the service continues to use. Despite the pro bono support the service was still turning away a large number of clients it couldn't support due to lack of in-house family law expertise. As new funding became available, the service used it to provide an in-house family law Solicitor.

Since establishing the state-wide financial abuse service, RLC has secured more corporate funding from organisations including CommBank and Telstra, and is continuing discussions with other potential corporate partners. The Financial Abuse Service NSW is a proud partner of CommBank Next Chapter, a program designed to address financial abuse for CommBank's customers and communities.

Investment from corporate partners enabled RLC to build its team of specialised Solicitors to 2.4 FTEs, thereby servicing more clients and addressing their complex needs. Lawyers are highly experienced and bring specialist expertise in credit, debt and consumer law and family law. A dedicated team leader directs the team, and a Legal Support Officer (paralegal) is responsible for paralegal work, intake and triage. The team also has its dedicated Policy and Capability Building Officer. RLC has a well-established referral network of support services and legal practices, and provides their clients with warm referrals to these services as needed.

As of August 2021, the Financial Abuse Service NSW received 32 hours per week of pro bono legal support from corporate partners. Solicitors from Ashurst, American Express, PwC Australia and Telstra provided a total of 28 hours per week for credit, debt and consumer law matters, and Solicitors from Lander & Rogers volunteered 4 hours per week for family law matters. These lawyers require intense training, mentoring and supervision from RLC staff, especially where their area of expertise is outside of the DFV space.

Whilst RLC does not employ social service practitioners, it is not uncommon for their Solicitors to provide social support services to clients and / or to refer clients to partners that can provide these supports. The RLC Solicitors acknowledged that social support is essential for the client to progress and become confident and empowered to make their own decisions.

The legal service informs RLC's policy, law reform and capacity building work which aims to address systemic issues to improve outcomes for people who have experienced financial abuse. Further funding from Ecstra Foundation allowed RLC to establish a NSW chapter of the Economic Abuse Reference Group (EARG) in 2020 with: Care Financial Counselling Service & Consumer Law Centre (ACT), Centre for Women's Economic Safety, Domestic Violence NSW, Financial Counsellors' Association of NSW, Financial Rights Legal Centre (NSW), Good Shepherd Australia & New Zealand, Legal Aid NSW, Northern Rivers Community Legal Centre and Women's Legal Service NSW. Until 2020, RLC was an interstate member of the Victorian EARG group. The centre now coordinates the NSW chapter and has made a significant contribution to the national work of EARG.

Financial abuse in an intimate partner relationship

The term "sexually transmitted debt" was first used in 1990 by the Consumer Credit Legal Service (Victoria). At the time, this term was used to describe debt that was left with one partner, usually women, when a relationship came to an end. However, the term was later adopted internationally and throughout the Australian Law Reform Commission's 1994 enquiry 'Equality Before the Law: Justice for Women'. Today, all states and territories, with the exception of New South Wales, have definitions of 'financial abuse' in their family/domestic violence laws. Although, definitions of "financial abuse" still remain to be very inconsistent.³

Despite this early work there is still a limited understanding of the impacts of financial abuse. It is a relatively 'invisible' form of intimate partner violence despite its capacity to adversely affect an individual's economic and financial opportunities and limit their capacity to leave or remain separated from a partner who uses violence. Researchers have only recently begun to examine economic and financial abuse as separate from emotional and psychological abuse contributing to coercive control within an abusive relationship in distinct ways. Consequently, it is difficult to obtain statistics on the number of people who experience financial abuse in the context of an intimate partner relationship. A 2017 report titled "Economic abuse between intimate partners in Australia: prevalence, health status, disability and financial stress" found that 78% to 99% of women who present to family violence support services experienced financial abuse.⁴

"Financial abuse is a form of domestic and family violence that involves behaviours that constrain a person's ability to "acquire, use and maintain financial resources and threaten their financial security and self-sufficiency."

This report focuses on financial abuse, but occasionally, references are made to economic abuse, usually in the context of reporting key findings from experts in the field. Economic abuse is broader than financial abuse, and is defined as *"behaviour that is coercive, deceptive or unreasonably controls another without their consent and in a way that denies them economic or financial autonomy. It also includes situations where one person withholds or threatens to withhold financial support necessary to meet reasonable living expenses"*.⁵

Julie Kun, chief executive of Women's Information and Referral Exchange (WIRE) states that financial abuse has reached epidemic proportions in Australia, explaining it as *"an insidious form of family violence as it strips the victim of the resources to leave the relationship....when they do leave, they can spend a lifetime rebuilding the financial independence and financial decision-making confidence"*. Research conducted by WIRE, which involved over 200 women representing a diverse social, cultural and income spectrum, identified that almost half (44%) of the study's participants who had experienced DFV had a household income of less than \$40,000 post-separation, with one in five of those earning less than \$20,000. Financial hardship and an inability to gain financial independence is a key factor influencing a woman's decision or ability to leave,

³ https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/DowryAbuse/Report/c02

⁴ Jozica Kutin, Roslyn Russell, Mike Reid, 'Economic abuse between intimate partners in Australia: prevalence, health status, disability and financial stress' (2017) 41:3 Australian and New Zealand Journal of Public Health 269 at 269.

⁵ The Domestic and Family Violence Protection Act 2012 (Qld)

stay or return to an abusive relationship.⁶ The financial abuse means that many victims have little to no money or assets with which to act.

Financial abuse is a serious and widespread issue, that is often not well understood. Victims may not be aware that they are experiencing financial abuse due to its subtlety, and consequently, may not reach out for support. This invisibility is what makes it an especially insidious form of abuse, and often the victim-survivor only learns the full extent of financial abuse after seeking help for other forms of intimate partner violence such as physical and / or sexual abuse.

Recent initiatives to address financial abuse

With the growing awareness and understanding of financial abuse, new services are emerging, and systemic changes are being implemented, for example the Financial Independence Hub and other activities through CommBank Next Chapter and systemic advocacy through networks such as the Economic Abuse Reference Group.

CommBank Next Chapter

Since 2015, CommBank has committed to ongoing efforts to address financial abuse and to support their customers and members of the community impacted by DFV. In July 2020, the CommBank Next Chapter program was launched to take action in four areas:

- Leading the industry in providing care for customers impacted by DFV;
- Expanding support for long-term recovery through their partnership with Good Shepherd to deliver the Financial Independence Hub;
- Building the fact base and raising awareness of financial abuse; and
- Finding and fixing known issues with their own products, processes and services.

Further information about the program is available on the CommBank website:

<https://www.commbank.com.au/support/next-chapter.html>.

Economic Abuse Reference Group

The Economic Abuse Reference Group (EARG) is a network of 27 community organisations across Australia which seeks to influence government and industry responses to the financial impact of domestic and family violence. Members include family violence services, community legal services and financial counselling services.

The group was initially established to consider recommendations of the Royal Commission into Family Violence in Victoria. Since then, the EARG has input to national issues such as banking and insurance, and has expanded to include membership from organisations across Australia. In 2020, RLC established an EARG in NSW, to provide a unified voice on state issues, such as energy and fines, and to increase NSW input to national issues.

EARG's work is informed by the case work and experiences of member organisations. Not all members contribute on every issue. The group is agile and flexible to work in a way that best responds to the issue at hand, for example they may:

- Engage directly with a business to help them improve their practices
- Provide input into industry guidance documents
- Draft joint submissions to public consultations, and appear before inquiries
- Provide expertise in various consumer networks
- Share resources and training to build capacity

EARG has had input into a broad range of issues, which include:

⁶ Fiona Macdonald, 'Spotlight on Economic Abuse: a Literature and Policy Review' (Report, Good Shepherd Youth & Family Service and Kildonan Uniting Care, 2012).

- Insurance: Insurers are now required to have a DFV policy
- Banking: The Banking Code of Practice was updated to include reference to DFV and legislation was changed to confirm banks can open an account without the required 100 points in cases of DFV.
- Telecommunications: DFV industry guidance has been produced and the Telecommunications Industry Ombudsman published a DFV report and guide.
- Tolls: Transurban have introduced a number of measures to respond to DFV, including abuse by incurring charges and locking online accounts.
- Debt collection: ACCC/ASIC Debt Collection Guidelines now reference DFV.
- Vehicle Registration: VicRoads have introduced a DFV policy & processes.
- Energy & Water: the Essential Services Commission (VIC) amended the Energy Code to introduce enforceable provisions relating to energy providers obligations to customers experiencing DFV.

Project Methodology

This project was developed following the methodology outlined in *Figure 1*.

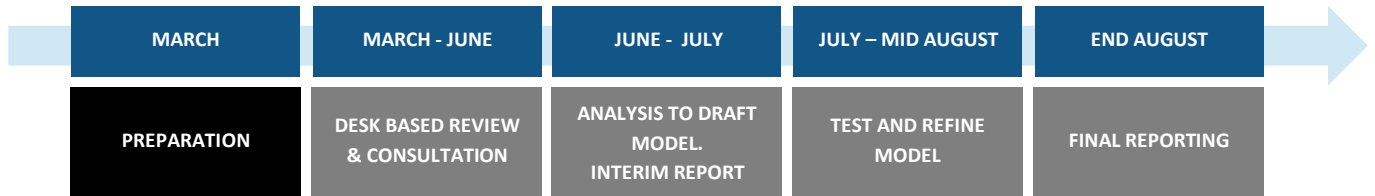


Figure 1 - Project Methodology

Further detail on the activities undertaken at each step are described in *Figure 2*.

Step	Key Activity
Preparation	<ul style="list-style-type: none"> • Planning meetings between RLC and CIS • Develop project plan and confirm key deliverables and timing • Collect literature • Develop consultation plan
Desk based review and consultation	<ul style="list-style-type: none"> • Review of desk-based resources • Analysis of RLC data metrics • Consultation with 14 community organisations: RLC, Domestic Violence NSW Service Management, Financial Counselling Association of NSW, Good Shepherd ANZ, Lifeline Central West, Legal Aid NSW, Northern Rivers CLC, South West Sydney Legal Centre, WEstjustice, Western NSW CLC, WIRE, Women’s Legal Service NSW, Mudgin-Gal Women’s Place, and Financial Rights Legal Centre • Consultation with 3 other stakeholders, researchers and peak bodies: Commonwealth Bank of Australia, Financial Counselling Foundation, University of Melbourne • Consultation with 6 people with lived experience of financial abuse including RLC clients and advocates from Domestic Violence NSW • Consultation with 8 RLC staff
Analysis of key findings to draft model	<ul style="list-style-type: none"> • Consolidation of data to identify key findings • Review draft key findings, principles, and model with RLC and identify areas for further investigation
Test and refine model	<ul style="list-style-type: none"> • Test and refine the financial abuse model and principles with RLC, CommBank and community organisations
Final reporting	<ul style="list-style-type: none"> • Draft a final report that outlines a collaborative service model for legal and non-legal support • RLC review and provide feedback • Finalise the report

Figure 2 - Key Project Activities

Key Findings and Recommendations

Key findings identified from consultations with RLC staff, community services, people with lived experience of financial abuse, other stakeholders, plus a desk-based review, all informed the design of a best practice collaborative service model for legal and non-legal support.

Key findings and recommendations are described under four categories:

1. The legal and non-legal needs of people who have experienced financial abuse;
2. Service delivery;
3. Human resources; and
4. Capability building, awareness raising and policy and law reform.

Legal and non-legal needs

Consultations with community services and people with lived experience unanimously identified that services needed greater capacity to meet the legal and non-legal needs of people who had experienced financial abuse. It was not uncommon for people to encounter long wait times for services, of up to several weeks to months. Furthermore, several people with lived experience noted that they weren't even aware that financial abuse legal services existed, whilst in and out of their relationship. Part of the reason for this latter point may be that services are reluctant to over promote when they are already struggling to meet demand.

There was also unanimous support from community services and people with lived experience, for services to meet legal and non-legal needs. Whilst the indicated preference was for services to be provided by a single entity or an integrated service, it was noted that warm referrals, when done well, could also provide quality services.

Sector experts and people with lived experience acknowledged that one of the major benefits of providing a holistic service was the increased likelihood of identifying the clients' needs, even if the client was not aware of it themselves. Often, people who came to seek help for an issue did not realise the extent of financial abuse they had experienced. For example, McAuley Community Services for Women (McAuley) provides an integrated socio-legal service. Their Social Worker meets with the client to identify issues to address. If legal and financial support is needed, the client is referred to WEstjustice for legal services and financial counselling. After conducting a credit check, it may be revealed that the client has multiple debts that they had no knowledge of. Once identified, the issues can be addressed.

The following section identifies further legal and non-legal needs of people who have experienced financial abuse. Recommendations are provided and incorporated into the final model.

Legal needs

Key Finding 1: Many people who have experienced financial abuse in an intimate partner relationship, have unmet legal needs and are falling through the gap.

People who have experienced financial abuse, may not be able to access specialist legal expertise to resolve their complex and intersecting legal problems if they do not have the means to pay for a private lawyer. This may be because there are no free or low cost services providing that specialist legal expertise and/or it may be that the person has an income or assets, which make them ineligible for Legal Aid or a pro bono service. This is the case even if they can't actually access the finances or assets in their name or the finances, income, or assets are not adequate to cover the Solicitor's fees as well as living expenses.

If the individual cannot access specialist legal expertise at their local community legal service they tend to fall through the gap, and must deal (or not deal) with the trauma and fall-out of their experience on their own.

This aligns with the experience from RLC's Financial Abuse Service NSW, for example, there are an increasing number of financial abuse cases which involve a person being made a "puppet" director of companies their partner controls, requiring expert legal assistance in corporations law, business law, corporate insolvency, tax law, family law and social security. Most CLC and Legal Aid eligibility criteria explicitly exclude company / business matters altogether or simply don't have the expertise in these areas so this advice is almost impossible to get for free.

There is an urgent need to fund more community legal services to meet the needs of people who have experienced financial abuse. Whilst data is limited, research has indicated that the lifetime prevalence of economic abuse in Australia was 11.5%, with women more likely to experience economic abuse (15.7%) compared to men (7.1%).⁷ Using the latest population numbers, this equates to two million women and just under one million men.

Key Finding 2: People who have experienced domestic violence are more likely to experience legal problems.

An Australia-wide survey conducted by the Law and Justice Foundation found that people who had experienced DFV in the last 12 months were 10 times more likely to experience a legal problem. The survey found that people with a recent experience of DFV were more likely to experience a broad range of legal problem types. At least half of DFV respondents surveyed had experienced:

- A family problem e.g., child custody, child support payments, fostering, adoption or guardianship;
- A consumer problem e.g., regarding phone, internet, television or utilities, professional or tradesperson services, faulty goods;
- A crime problem e.g., non-domestic assault, robbery, theft, property damage.

Additionally, at least three in ten DFV respondents had experienced:

- A government problem e.g., government payments or a fine;
- A housing problem e.g., neighbours, rented housing or home ownership;
- A rights problem e.g., child bullying/harassment, unfair treatment by police, discrimination;
- A credit/debt problem e.g., credit rating/refusal, actual/possible bankruptcy, creditors threats/actions.

The mean number of legal problems of all types, including DFV victimisation, was 20 for people who had experienced DFV in the last 12 months, compared to 2.4 for the rest of the population. The severity of the legal problems was also much greater. Of the respondents who had recently experienced DFV, 80.5% rated at least one of their legal problems as having a severe impact on their everyday lives, compared to only 23% of people who had not recently experienced DFV.⁸

The experience from RLC's Financial Abuse Service NSW is that often these legal problems intersect or cascade making them more complex and requiring multiple expert lawyers to carefully consider which cause of action or jurisdiction will provide the client with the best possible outcome. For example, a consumer credit lawyer may negotiate compensation from a consumer credit dispute for a joint loan that was approved in the context of financial abuse, but before the client can accept the settlement they need advice from other legal experts about how that compensation will impact their family law financial matter, social security benefits, child support payments and tax. Rarely is this specialist advice able to be provided by the same lawyer, or even within the same service.

⁷ KutinKitin, J., Russel, R., Reid, M., 2017, 'Economic abuse between intimate partners in Australia; prevalence, health status, disability and financial stress', Australian and New Zealand Journal of Public Health, vo 41, no. 3

⁸ Law and Justice Foundation of New South Wales (2019). Quantifying the Legal and Broader Life Impacts of Domestic and Family Violence. <http://www.lawfoundation.net.au/publications/dfv>

Key Finding 3: First Nations people may be less likely to seek support due to mistrust of authorities.

First Nations people may be less likely to seek assistance from the police and other agencies. Possible reasons for this reluctance might include a mistrust of authorities and cultural norms that prevent open discussions of finances.⁹ For these reasons, they may be more likely to ignore their debts, meaning that their debts will only get worse over time.

Mudgin-Gal, meaning 'Women's Place', is an Aboriginal organisation delivering support, referrals and community-based services to Aboriginal women and families in inner city Sydney since 1992. Mudgin-Gal made the important observation that having a First Nations person on staff and providing strategic input towards the organisation's planning and decision making, can make an enormous difference to building trust with First Nations people, and therefore increasing the likelihood that successful outcomes will be achieved. In addition, they discussed the issue that some of their First Nations clients face whereby they can't access a dedicated Aboriginal and Torres Strait Islander community legal service as their partner may also be accessing that same service, therefore creating a conflict of interest.

Key Finding 4: For First Nations people, financial abuse may often occur in a family context, rather than an intimate partner relationship.

This report focuses on financial abuse within intimate partner relationships. However, it is important to note that financial abuse can also occur within other family relationships.

First Nations people may experience financial abuse within intimate partner relationships, but may also be more vulnerable than non-Indigenous populations to experiencing financial abuse within the broader family system. Factors such as cultural norms around shared wealth and resources, and caregiving roles in families may increase the risk of economic and financial abuse.¹⁰

Community service representatives interviewed as part of this project gave various examples of financial abuse occurring in a family context. For example, Mudgin-Gal recalled an instance where a boy who had lost his mother and grandmother around the same time was being cared for by aunts who took his money for alcohol and drugs.

Key Finding 5: It is not uncommon for First Nations men to be victims of financial abuse, yet it can be harder for these men to be believed or to seek support for financial abuse matters.

Several service providers reported incidents where Aboriginal and Torres Strait Islander men sought help. For example, Mudgin-Gal revealed it was common to hear of Aboriginal and Torres Strait Islander men suffering from financial abuse from a non-Indigenous partner. Financial Rights Legal Centre reported Aboriginal and Torres Strait Islander men would ring banks, lenders and utilities and explain their situation only to not be believed.

Key Finding 6: Financial abuse often continues even after the relationship has ended and the legal system is often used as a way to continue this abuse.

Tactics of financial abuse that are often used by the perpetrator even after the relationship has ended include: withdrawing money and assets through joint bank accounts, refusing to pay child support, instigating vexatious legal proceedings in the Family Court relating to property settlement or child custody.¹¹

"My ex-husband is now using the family court as a form of abuse. It only dawned on me recently that it was abuse. I hired a lawyer as I wanted to do everything I could to protect my son. The lawyer fees have cost me \$10,000 already. The lawyers have said it will cost \$8,000 for the final hearing. It has cost him (ex-husband) nothing so far." (RLC client)

⁹ Breckenridge, J., 2021, "Understanding Economic and Financial Abuse in First Nations Communities, Key Findings", Gendered Violence Research Network.

¹⁰ Breckenridge, J., Singh, S., Lyons, G., Suchting, M., (2021) Understanding Economic and Financial Abuse Across Cultural Contexts. Sydney: Gendered Violence Research Network, UNSW Sydney.

¹¹ Gendered Violence Research Network, University of New South Wales (2020). Understanding Economic and Financial Abuse in Intimate Partner Relationships. <https://www.commbank.com.au/content/dam/commbank-assets/support/2020-11/uns-w-report-1-financial-abuse-ipv.pdf>

Key Finding 7: People from marginalised communities typically have more complex needs.

A survey, conducted by the Law and Justice Foundation, identified that people from culturally and linguistically diverse (CALD) communities who primarily speak a language other than English, were significantly more likely to ignore their legal problems. When they choose to address their legal problems, they were significantly less likely to seek advice from legal or non-legal professionals.

People from CALD communities living in Australia face greater challenges to access justice. Some of the reasons for this disadvantage in the legal system may include: a lack of English proficiency, a lack of understanding of the legal system, limited knowledge of legal service providers and where to access legal help, lack of availability of female interpreters, cultural and religious barriers that inhibit seeking help outside their community, shame associated with having a legal matter and an absence of a coordinated approach in access to justice for CALD communities.¹²

Key Finding 8: The impact of financial abuse lasts well beyond leaving a DFV situation and sometimes this is exacerbated by detrimental property settlements.

The University of New South Wales Gendered Violence Research Network reports that ‘loss of income after leaving a violent relationship is a near universal experience’, with both men and women affected.¹³ However, women who have experienced violence encounter worse outcomes from property settlements than those who have not, and 7 out of 10 women who left a DFV situation left property or assets behind. This means that the impact of financial abuse lasts well beyond departing from a DFV situation.

“We find that clients often don’t pursue property settlements given the cost and further impact on their wellbeing. We can’t start to address property settlement matters until we know all the details. Men often refuse to disclose therefore women have to litigate; men do this on purpose. The rules need to change around disclosure. Most CLCs give basic advice about property division but clients will still need to pay a private Solicitor. Often all that’s left after this is debt.”. (Women’s Legal Service NSW)

¹² Law and Justice Foundation of New South Wales (2015). Collaborative Planning: Resource – Service Planning. <http://www.lawfoundation.net.au/reports/aboutcpr>

¹³ Gendered Violence Research Network, University of New South Wales (2020). Understanding Economic and Financial Abuse in Intimate Partner Relationships. <https://www.commbank.com.au/content/dam/commbank-assets/support/2020-11/unsw-report-1-financial-abuse-ipv.pdf>

Non-legal needs

Key Finding 9: Economic (and other reasons) prevent victims of domestic violence from leaving the relationship sooner and from seeking support.

Financial hardship and inability to gain financial independence is a key factor influencing a woman's decision or ability to leave, stay or return to an abusive relationship.¹⁴

Other barriers may include psychological, emotional, and physical threats. For example:

Danger: This is one of the most important reasons women don't leave - and that fear is real. Research reveals a huge rise in the likelihood of violence after separation.

Isolation: victim-survivors typically have few, if any, family and friends they can turn to for support. Their partner may have forced them to sever ties with friends and family; may not allow them to build relationships with others; or the victim-survivor may feel shame and that they will not be believed.

Other barriers: shame, embarrassment, denial, trauma, low confidence; and practical reasons, such as not having the money to buy nappies for an infant; and not knowing where to go for support can continue to prevent a victim-survivor from seeking help even after they have left the relationship.

Key Finding 10: Accommodation is often the more pressing need for people who have recently left a DFV relationship. Without stable accommodation, people are not able to focus on other important matters, and putting these issues off can often make the matter worse.

Having made the decision to leave an abusive relationship places the victim-survivor in a vulnerable position, and likely at risk of homelessness. These more pressing needs must be addressed before the victim-survivor can address the financial abuse.

"Clients often try to call banks, debt collectors, council etc. but they got nowhere – so they give up." (Northern Rivers CLC)

"Our clients have a huge range of mental health, housing, drugs, debt, kids removed - social workers could help her with housing - making applications - this will free up Solicitors to do legal stuff - it helps provide better legal services." (Women's Legal Service NSW)

"My ex-partner had gone into my bank account. I had no money; my rent was in arrears. I tried to access my super, however it was not possible. If I could have accessed my super, I could have left the abusive situation sooner and have gone somewhere safer. I was homeless for six months, but I was lucky to have my job. For women who don't have a job, I don't know how they do it". (RLC client)

"It took almost 2 years for me to be connected to Redfern. The experience of reaching out for help was very intimidating. There are a lot of stereotypes, such as that it is the women's fault or it is your own problem. I had to be brave enough to seek help, and then find places that could help – this wasn't very obvious or easy to find. When I did finally reach out for help it took a big toll on my mental health." (RLC client)

"Having a home or long-term accommodation is the most important immediate need for someone coming out of a DV relationship – a secure accommodation, especially when they have children" (Victim-Survivor advocate)

"Addressing debts is not a priority since people have other pressing issues such as finding accommodation and managing kids." (Northern Rivers CLC)

¹⁴ Fiona Macdonald (2012), Spotlight on Economic Abuse: a Literature and Policy Review, Good Shepherd Youth & Family Service and Kildonan Uniting Care.

Key Finding 11: Case Workers provide valuable support services that are complementary to the legal services.

Community services and victim-survivors recognised the value a Case Worker provides within a holistic service. Currently, RLC Solicitors find themselves providing non-legal support to clients, which is necessary to help the person move forward and be able to deal with legal matters. Without this support, it is difficult to make progress. However, this means that there is less time available to spend on addressing legal issues.

Integrated and holistic services recognised the value that Case Workers provided for clients. The Case Workers were typically professionally

trained Social Workers. Their approach with clients is complementary to a Solicitor's approach, meaning that they may identify issues to address that the Solicitor didn't. Additionally, the Case Worker can focus on addressing non-legal issues, including basic needs such as housing, and allow the Solicitor to focus on legal issues.

"I felt terrified going to the first appointment at Redfern. I had never told my story to anyone before, apart from a counsellor at the university. My ex was the best person on earth to everyone else. I was so worried that I would be judged. What would have been helpful at the time was having a support person. I felt so terrified and alone. The situation was very layered and complex, it would have been difficult for the people around me to understand." (RLC client)

"I worked for over 30 years in the community as an interpreter, so I knew how to network and where to go for support. However, because of my situation and the trauma, I was unable to think clearly. Living under constant fear causes anxiety and post-traumatic stress, what would have been helpful would have been a Case Worker or someone to advocate on my behalf." (Survivor advocate)

Key Finding 12: Keep the language simple when describing services available.

First Nations people can feel bombarded with information, which can feel very overwhelming. There can be so much already going on. It is important to provide information in a simple way that avoids using complicated language or more words than necessary. Whilst this point was raised for First Nations people, it is likely relevant for all people who have experienced financial abuse.

Key Finding 13: Financial Counsellors can quickly address some financial issues and also do the 'leg work' for Solicitors.

Only ten of the forty Community Legal Centres (CLCs) in NSW have integrated Financial Counsellors. Financial Counsellors Association New South Wales, identified benefits from having an in-house Financial Counsellor as:

- Easier for the client as they don't need to go to another place, and, as services are integrated, it is more likely to lead to a better experience;
- Most likely a reduced wait to see a Financial Counsellor. It can be a two to four week wait at times to see a Financial Counsellor;
- Getting some 'quick wins' for the client by eliminating some debts and thereby reducing some of the stress that the client is experiencing; and
- Freeing up a Solicitor's time by doing some of the 'leg work' that Solicitors otherwise do, which would allow the Solicitor to spend more time helping other clients.

Key Finding 14: People on temporary visas need financial relief to help them move forward.

Many CLC's don't provide immigration law advice. This is a big challenge for Financial Counsellors who are then restricted in the services they can provide, for example, they cannot help people on temporary visas if the individual doesn't have access to Centrelink or other forms of emergency funds. The only thing a Financial Counsellor can really do for people without access to Centrelink is to call up creditors and explain the situation.

"It would be good to see a 6-month payment for people on temporary visas to get on their feet and help them to get a job, or to see more support for them to change their visa status." (South West Sydney Legal Centre)

"There is limited space for people on temporary visa in women's refuges. International students often have little understanding of the legal system. There is a need for case management support and more referral services as there are long waiting times for these services." (South West Sydney Legal Centre).

People need access to finances, yet many of the people on temporary visas have no access after leaving an abusive relationship.

Key Finding 15: People who have experienced trauma need counselling that gives them strategies to deal with everyday life.

People who have experienced and then left an abusive relationship need mental and emotional support. Fixing the legal issues may be just the tip of the iceberg. The entire experience affects an individual's self-image, confidence and wellbeing. Integrating counselling into a service may assist with this healing process, as otherwise the financial impost may prevent a victim-survivor from engaging with these services.

Interestingly, one victim-survivor who had seen several psychologists and then finally a PTSD-specialist counsellor, found the practical strategies provided by the counsellor more effective.

Key Finding 16: Some population groups do not have access to suitable services due to their geographic location. Some people may become ineligible for a service they have been working with if they move address.

Some geographic areas and population groups are not easily able to access services, as many community services cater to certain populations or geographies. If there are limited services available in a specific area, the services may not meet the needs or preferences of clients i.e. a preference for face-to-face services.

People may become ineligible for a service they have been working with if they relocate to another area therefore losing contact with a Case Worker or Financial Counsellor who is only funded for a particular geographic area. Movement is common for people who have unstable housing or people trying to evade their abusive partner. This is why having non-legal support within a state-wide service can offer continuity regardless of where they may be living.

Key Finding 17: Support services and resources may help when court hearings are required.

RLC and other CLCs aim to empower clients to self-represent themselves in court. It is a very stressful experience and often, given the shame and isolation, the victim-survivor is on their own. One victim-survivor recommended that a 'network' of lived experience volunteers could attend court with the victim-survivor to provide moral support.

Recommendations for legal and / or social service organisations:

Recommendation 1: Build partnerships with specialist services that cater to the complex needs of people from marginalised communities. It is important that these services can meet the clients' specific cultural and religious needs, for example they should address the need for more female interpreters to assist women from CALD communities. As the RLC model is focused on financial abuse within intimate partner relationships, the service should build strong referral pathways for First Nations people who have experienced financial abuse within a broader family context.

Recommendation 2: Provide clients access to legal advice and / or representation for the following legal areas:

- Apprehended Violence Orders (AVOs);
- Immigration law;
- Company and business law;
- Family law financial matters
- Child custody, child care and protection, child support payments;
- Consumer law including contracts and unpaid bills;
- Victim Support (other than AVOs) i.e. Victim Support Scheme Application;
- Government problems e.g., government payments or fines;
- Housing problems e.g., neighbours, rented housing (tenancy) or home ownership;
- Unfair treatment e.g. Police complaints, discrimination and human rights; child bullying/harassment;
- Credit and debt problems e.g., credit rating/refusal, actual/possible bankruptcy, creditor's threats/actions.¹⁵

Service Delivery

This section, begins with a broad overview of social-legal collaborations (not just confined to financial abuse services); and progresses to a more detailed overview of the types of coordinated service models within the financial abuse sector.

There is no one definition of collaborative, coordinated or integrated service models. Definitions, for the purposes of this report, are detailed in *Figure 3*. RLC's current Financial Abuse Service NSW aligns mostly with 'multi-disciplinary collaborations.' The service has well established partnerships with a variety of legal and non-legal organisations that share values and common goals to provide clients with holistic and integrated services.

RLC also delivers Coordinated Service models. For example, the Health Justice Partnership between RLC and Sydney Local Health District is a NSW-first model which provides access to justice to vulnerable patients. This innovative model brings legal support within the hospital walls (Royal Prince Alfred Hospital), Sydney Dental Hospital and at community outreaches including the Men's Cave and RedLink, to provide onsite legal support to patients who may not otherwise seek legal help. The service also trains health professionals to identify patients' legal needs. Other community organisations with similar integrated service delivery models may be able to effectively expand these approaches to deliver state-wide financial abuse services.

¹⁵ Law and Justice Foundation of New South Wales (2019). Quantifying the Legal and Broader Life Impacts of Domestic and Family Violence. <http://www.lawfoundation.net.au/publications/dfv>

Service delivery	Definition and example
Multi-disciplinary collaborations	Refers to a wide variety of collaborative models that typically include partnerships with other organisations. Regardless of the structure, organisations involved share the common goal of assisting those in need in a holistic and integrated way.
Socio-legal collaboration	An organisation that employs both legal and social support professionals to provide more holistic services to clients.
Coordinated services	<p>Coordinated service delivery between at least two organisations. The degree of service coordination varies.</p> <ul style="list-style-type: none"> • Coordinated services that provide clients with referrals (cold or warm) to a partner organisation can adequately support clients with fewer presenting needs. In this type of model, partnerships are not defined by formal agreements. • More complex client needs are better met by highly integrated coordinated services. Client needs increase in quantity and complexity, and the degree of trauma experienced by the client increases. Effective models to support increasingly complex client needs include: <ul style="list-style-type: none"> - Co-location and shared appointments with a partner; - Formal partnership agreements between a host organisation and partner/s that specify coordinated practices that address elements including data sharing, co-location and case management; - A single host organisation that provides a multidisciplinary service to cater for the highest degree of complex and inter-sectoral needs. For example, victim-survivors from CALD or Aboriginal and Torres Strait Islander communities, where a specialised understanding of the cohort’s complex, cumulative trauma may be required.

Figure 3 - Service Delivery Model Definitions

Key Finding 18: Multidisciplinary collaborations are encouraged to better service clients with high degrees of disadvantage, vulnerability and complexity.

Multidisciplinary collaborations have emerged as a preferred approach for assisting clients experiencing high degrees of disadvantage, vulnerability and complexity. The collaborative models are varied, but share the common goal of assisting those in need in a holistic and integrated way. Anecdotes report that such approaches achieve improved outcomes for clients and staff, yet there is no empirical research to identify a single best practice model.

Government guidelines for best practice social services, including those for DFV, encourage multidisciplinary collaborations. The Good Practice Guidelines for the Domestic and Family Violence Sector in NSW frames guidelines around ten principles with ‘collaboration’ being one of those.¹⁶ The ten principles are:

- Services & practitioners prioritise the physical, cultural & emotional safety of victim-survivors, their families & workers;
- Access and equity;
- Trauma-informed practice;
- Victim-survivor centred practice and empowerment;
- Non-judgemental support;
- Confidentiality and informed consent;
- Collaboration;
- Prevention and early intervention;
- Competency, accountability and continuous improvement; and
- Upholding, promoting & advocating for victim-survivor rights.

¹⁶ Domestic Violence New South Wales, 2020, “Good Practice Guidelines for the Domestic and Family Violence Sector in NSW”.

The Guidelines describe characteristics of best practice services as:

- Working collaboratively, with respect for difference and specialisations and in a coordinated way;
- Being part of community networks and not working in isolation;
- Regularly liaising and networking with other key agencies including health services, local police, legal services, court support, translation services, youth services, DFV networks and other interagency and homelessness services;
- Having mechanisms in place that delineate referral processes and pathways, and opportunities for staff to develop and maintain strong working relationships with other local agencies;
- Coordinating cases and co-case managing victim-survivors who present with complex issues (where appropriate);
- Sharing information and integrated thinking to enable comprehensive risk assessment and consideration of all matters pertaining to a victim-survivor's wellbeing;
- Professionals performing their role with reference to, and respect for, other roles - ensuring that the collective wisdom of a wide range of expertise is brought together to resolve a complex issue; and
- Articulating shared aims and understandings and processes for working productively in order to achieve the safety and wellbeing of victim survivors.

Key Finding 19: Socio-legal collaborations are needed to holistically address the legal and non-legal needs of people who have experienced financial abuse.

It is well established that people who have experienced financial abuse have complex and diverse legal and non-legal needs. It is not uncommon for these interconnected needs to span financial, legal, housing, employment, and health issues. The needs and complexity increase even more for people from diverse backgrounds and marginalised communities. Many people find themselves having to navigate a series of complex referral pathways on their own to access the support needed to progress on their recovery journey. The trauma experienced already can make this process too overwhelming, resulting in 'referral fatigue', and a high likelihood that the victim-survivor does not follow through.

The need for socio-legal collaborative services was unanimously supported across all consulted community services. Yet, due to funding constraints, there are very few socio-legal collaborations available for people who have experienced financial abuse and for services that do exist, the wait times can be extensive. Furthermore, some socio-legal collaboration services operate within defined geographies, meaning that people living in certain regions have no access to such services.

The CLCs and Legal Aid services consulted with had various degrees of socio-legal services, usually including combinations of Financial Counsellors and / or Social Workers. Both professions were identified as equally important in providing a holistic socio-legal service for financial abuse.

The Financial Independence Hub (FIH), delivered by Good Shepherd and part of CommBank Next Chapter, is a collaboration of social service professionals. This national service combines financial coaching, guidance, and an interest-free loan offering to empower participants towards achieving financial independence. It has completed its first 12-month pilot program and is now embarking on a three-year expansion phase. The FIH's partnerships with other service providers complement their services with expertise in, e.g., financial counselling. Preliminary FIH evaluations have identified that a significant number of their participants have a need for legal assistance and trauma counselling to assist them in achieving their financial independence goals.

Key Finding 20: Holistic services must be flexible to provide the right service at the right time.

People who had lived experience of financial abuse identified diverse financial, social and legal needs at different stages of their recovery and indicated a likelihood that needs were subject to change pending their personal situations. Such intersecting and changing needs require service flexibility to address clients' needs within the context of other complex issues.

Multidisciplinary services in the financial abuse sector, such as WEstjustice, demonstrate flexible approaches to ensure clients receive the right service at the right time. Clients appreciate having the ‘space and time’, and the support and encouragement, to address their challenges at the right time.

Key Finding 21: Social work is the most common form of social service practice found in socio-legal collaborations.

Jennifer Davidson, PhD Candidate, University of Melbourne, conducts research focused on how individuals and families can be supported to navigate and make decisions in complex service systems. Her work is centred around the contexts of social work, health, law and disability. Upon identifying a research gap on best practice socio-legal collaborations, she embarked upon an exploration of the organisational structure of socio-legal collaborations, with the aim to build upon this by then investigating client outcomes.

Social work accounted for approximately two-thirds of the social service professionals in organisations participating in Davidson’s research project. Other professions included Financial Counsellors, Nurses, Doctors, and Aboriginal Liaison Officers – especially in the Northern Territory and First Nations-led organisations.¹⁷

Consultations with socio-legal financial services for this report identified Social Workers and Financial Counsellors as the most typical social professions included in existing socio-legal collaborations. These organisations recognised the value of both social service professions in providing a holistic service for people who have experienced financial abuse.

Key Finding 22: Lawyers in socio-legal collaborations gain from socio-legal collaborations, especially with regard to providing trauma informed services.

Davidson’s research identified that the way lawyers’ work is more influenced by Social Workers than vice versa. Whilst lawyers report hesitancy and concern about the potential impact of the collaboration and the changes it may bring to their professional practice, they acknowledge, after working in a socio-legal collaboration, that it enhances their own legal practice. The true value was that Social Workers actively engaged in relationships with colleagues, seeking out and fostering those relationships, and also had a true understanding and ability to deliver trauma-informed practice.¹⁸ This finding was also identified in consultations with socio-legal services for this project.

Further explanations for the learning pathway is that Social Workers in Davidson’s research participant collaborations were typically more highly experienced (15 years plus of professional experience) compared to the lawyers who were relatively junior and less experienced.

Key Finding 23: Effective socio-legal collaborations are driven by relationships, not processes.

This means that it doesn’t matter, for example, whether processes include joint legal and non-legal meetings with clients, where people sit, or how data is shared. Relationships are the key drivers of whether a service is collaborative and successful collaborations are driven by:¹⁹

Leadership: leaders demonstrating the purpose of the socio-legal collaboration to the team and communicating why it is important;

Empowerment: people in the collaboration having a voice and agency, being involved in decisions about the best course for a client and knowing that their opinions were heard and valued; and

Respect: between staff and between management and staff. This included giving value to the expertise that professions bring and value to sharing this expertise.

¹⁷ Davidson, Jennifer, 2019, “Socio-legal collaborations in Australia - models of service provision and the influence on practice”.

¹⁸ Davidson, Jennifer, 2019, “Socio-legal collaborations in Australia - models of service provision and the influence on practice”.

¹⁹ Davidson, Jennifer, 2019, “Socio-legal collaborations in Australia - models of service provision and the influence on practice”.

Lastly, Davidson’s research identified a need for developing peak bodies and communities of practice around socio-legal collaborations. There is potential for conflict in professional practices and it isn’t easy to build effective collaborations. Having communities of practice would be a valuable development, beneficial to services across the country.

Davidson’s research project developed a Collaboration Health Check, as ‘both an articulation of current status and a negotiation tool, creating opportunity for discussion over differences between lawyers and Social Workers, staff and managers.’²⁰ Whilst this tool is not yet available for broader use, it or something similar, could be effective in monitoring and advancing effective socio-legal collaborations.

Key Finding 24: Navigating the legal implications of socio-legal collaborations is complex and untested.

Two issues that are commonly raised when contemplating if and how to integrate socio-legal services are legal professional privilege and mandatory reporting obligations.²¹ These issues can be particularly important in integrated practices, including when establishing and implementing policies and protocols for:

- Communicating with clients about different roles and obligations within integrated and collaborative practices;
- Meetings and correspondence with clients;
- File management practices;
- Making decisions about when a non-legal expert within an integrated practice might report child abuse or neglect; and
- Responding to requests for information or subpoenas, including in relation to family law, family violence, child protection or criminal proceedings.

Whilst consulted community services soundly supported socio-legal collaborations, there were different approaches for implementing integration with respect to legal professional privilege and mandatory reporting obligations. Furthermore, there was some concern at the lack of clarity and precedence.

However, first and foremost, successful integration is driven by a culture that values the integration of other services, lets client needs drive processes, and which do not impose unnecessary processes. Therefore, it is essential to consider and carefully plan issues such as client confidentiality, and legal professional privilege but also equally important to consider the benefits for clients, and addressing client needs, as part of designing risk management processes.

In planning to mitigate potential risks, the impact and likelihood of the risk must be considered. The greatest risk for many clients, especially those with complex needs, is that they will not receive the assistance they need.

Mandatory reporting obligations vary across jurisdictions, so services need to become familiar with those relevant to the area where they operate. For example, refer to Section 27 of Children and Young Persons (Care and Protection) Act 1998 (NSW). However, further judgement is required to assess how these obligations may apply to:

- Social Workers in a legal practice;
- Social Workers being called for evidence, or their notes being subpoenaed; and
- Solicitor supervisors of Social Workers.

A NSW-based practice that has recently integrated Social Workers into a legal practice recommend:

- Understanding and interpreting the potential implications of integrating Social Workers and other social services in providing social services to clients;

²⁰ Davidson, Jennifer, 2019, “Socio-legal collaborations in Australia - models of service provision and the influence on practice”.

²¹ Integrated Practice Toolkit, A guide to help understand privilege and mandatory reporting in integrated practices, September 2018, Federation of Community Legal Centres Victoria

- Gaining informed consent by clients about involving Social Workers and requesting the clients acknowledge that they understand the mandatory reporting obligations of the Social Worker; and
- Requesting that Social Workers do not take notes and to remove themselves from a meeting if sensitive content is being discussed.

Socio-legal services in the NSW community legal sector had formed the assumption that legal professional privilege would apply if the Social Worker is:

- Attending a meeting with a lawyer; and
- Keeping a social work file in the course of provision of legal services.

Key Finding 25: Integrated services are recommended as the best practice model for financial abuse services.

In the DFV context different collaborative service delivery models may be appropriate for meeting clients’ needs, depending on the presenting needs, level of trauma and complexity.²² SVA Consulting identified five co-ordinated service delivery models addressing victim-survivor needs with varying degrees of complexity as part of a project delivered under a partnership with CommBank Next Chapter. (Figure 4).

Model	Characteristics of clients who could benefit
Model 1: Referrals (cold) - Client provided with contact details to reach out to service/s	Those with fewer presenting needs and capacity to attend multiple locations and appointments.
Model 2: Referrals (warm) - Organisation contacts service/s to make appointment & provide client situation	Those with less complex issues and capacity to attend multiple locations and appointments.
Model 3: Co-location / Outreach - Services are co-located and main organisation may make appointments with partner on-site	Those with a greater degree of trauma; multiple presenting needs; limited capacity to wait for and attend separate appointments.
Model 4: Integrated / highly co-ordinated and collaborative - Client is co-case managed on behalf of both partners; governance arrangements in place e.g., data sharing	Those with a high degree of trauma, likely in crisis or immediate recovery and with multiple, complex and interconnected presenting needs.
Model 5: In-house - Services are vertically integrated in the single organisation	High degree of trauma and limited trust in service systems; with multiple complex needs; and specific intersectional needs e.g., refugee or migrant.

Figure 4 - SVA's Five Identified Co-ordinated Service Delivery Models

SVA’s report²³ focused on the fourth model - an integrated approach – as investigations identified it was best suited to victim-survivors with several complex presenting needs and requiring a holistic co-ordination to enable sustainable, whole of life outcomes. This typifies the profile of victim-survivors of DFV. Such services employ joint or shared case management; use secondary consultations to support victim-survivors’ varied needs; and establish appropriate sharing of client information and governance arrangements. It is an established way of working that the specialist DFV sector wants to see grow and develop.

While there are multiple collaborative practices (Figure 4) ranging from referrals between service providers through to organisations delivering multi-disciplinary in-house services across the broader system, the integrated model focuses on integrated and highly co-ordinated service delivery by non-government partner organisations who collaborate closely to provide holistic support to victim-survivors as they recover from DFV. It focuses on the preservation and integration of

²² SVA Consulting, 2021, Working together to support victim-survivors of domestic and family violence. Integrated Model.

²³ SVA Consulting, 2021, Working together to support victim-survivors of domestic and family violence. Integrated Model.

specialisation in the system, for example, where a specialist DFV worker collaborates closely with a family law Solicitor to support a victim-survivor.

Integrated services drive multiple benefits for victim-survivors, service providers and systems as detailed in *Figure 5*.

Victim-survivors	<ul style="list-style-type: none"> • Less time, effort, safety risk and stress in accessing services • Increased likelihood of engagement in other services • Increased likelihood of long-term recovery and independence
Service Providers	<ul style="list-style-type: none"> • More efficient and effective use of resources • Decrease in referral drop-out rates • Improved staff capability in providing holistic support • Improved staff focus on core competencies / specialisation and improved staff satisfaction
Systems	<ul style="list-style-type: none"> • Improved long-term recovery rates and lower rates of ‘churn’ in and out of the services system • Improvement in expertise across the system of how to provide holistic support • Decrease in long term overall system costs via savings due to better outcomes for victim survivors (e.g., reduced reliance on welfare, reduced long term unemployment)

Figure 5 - Benefits from Integrated Services

It is not feasible for a single organisation to provide a fully holistic service that meets all the legal and non-legal needs of people who have experienced financial abuse. Therefore, one or more partnerships are needed to provide a coordinated multi-agency response to benefit clients. Whilst many organisations work, or aspire to work, in an integrated way, it can be difficult to implement and sustain this approach in practice and there are system level barriers given the siloed and highly fragmented nature of services and funding sources.

To effectively plan, implement and sustain an integrated service delivery model poses challenges. It involves a committed working partnership between two or more organisations and requires significant investment in relationship-building, governance, ongoing management and coordination, organisational capabilities and operational infrastructure across the organisations. SVA identified several challenges of working together to deliver integrated services:

- Both organisations need to be ready to partner in the manner required and have the appropriate skills and enablers to facilitate the partnership;
- There needs to be adequate and sustained funding, resourcing or other investment from both organisations to develop, deliver and maintain the partnership;
- Partner organisations need to agree on shared goals and objectives for the overall betterment of their clients, level of commitment and contribution, approach to governance and ongoing management, roles and responsibilities and how they are going to approach communication, implementation and evolution of the partnership; and
- Operational elements of the partnership need to be implemented and coordinated including service standards, common risk assessment and compliance policies and procedures; data and common information sharing protocols, management and record keeping, infrastructure and supporting equipment, staff capabilities, supervision and support (including training and capacity building across teams), and ongoing monitoring, evaluation and learning.

The SVA Consulting report drew upon interviews and developed case studies with organisations that spanned models three, four and five. McAuley was identified as an established integrated service providing holistic support via three key partnerships WEstjustice, North Western Melbourne Primary Health Network and Bolton Clarke – to provide clients with legal, financial, mental health and health support. McAuley adopted a ‘test and learn’ approach to implementation of partnerships. This means building relationships with potential partner organisations before committing to formal partnership agreements.

Preparation steps include:

- Assess organisational readiness: this should occur before partnership discussions are undertaken to understand whether a particular organisation, either the lead or the partner, has the required organisational enablers in place for effective integrated service delivery;
- Identify integrated service goals and approach based on local needs; and
- Secure funding and resources.

Recommendations for legal and / or social service organisations:

Recommendation 3: Balance a socio-legal team with early career and experienced professionals.

Recommendation 4: Establish a socio-legal service within a host organisation that has the capacity and capability to implement and deliver multi-disciplinary services; and that is committed to achieving this through strong leadership, and empowerment and respect for all multidisciplinary professions.

Recommendation 5: Collaboratively develop an approach to integrate socio-legal services with legal and non-legal professionals, based on a solid understanding of clients' needs. Involve people from different cultures, e.g., CALD and IFirst Nations people, to ensure services, resources and promotion are culturally relevant.

Recommendation 6: Use a tool, such as Davidson's Collaboration Health Check, to both monitor and encourage conversations to drive a successful collaboration.

Recommendation 7: Leverage existing partnerships and build new partnerships as new needs and / or expanded capacity are identified.

Recommendation 8: Implement a service that allows clients to select options, progress at their pace, and exit and re-enter the service as needed.

Recommendation 9: Implement a phased approach towards establishing a socio-legal service that explores more integrated services in a considered way and based on monitoring and evaluation of the process and outcomes achieved.

Human Resources

There is some overlap in Human Resources with Service Delivery and Legal and Non-Legal needs. Therefore, this section focuses on staffing considerations not already addressed.

Key Finding 26: Choosing the right staff, who have appropriate community experience and trauma-informed training is necessary for a successful service.

Victim-survivors repeatedly identified the need for appropriately skilled people, noting that they could quickly establish whether to trust someone and whether that person understood them.

Key Finding 27: Given the complexity of financial abuse, legal expertise is essential to ensure clients receive legal advice that resolves their issues.

RLC and other CLCs identified that specialist legal expertise was critical to provide clients with adequate support that resolved the complex and multiple issues that a client may present with. Identified areas of expertise include:

- Apprehended Violence Orders (AVOs);
- Immigration law;
- Company and business law;
- Family law financial matters
- Child custody, child care and protection, child support payments;
- Consumer law including contracts and unpaid bills;

- Victim Support (other than AVOs) i.e. Victim Support Scheme Application;
- Government problems e.g., government payments or fines;
- Housing problems e.g., neighbours, rented housing (tenancy) or home ownership;
- Unfair treatment e.g. Police complaints, discrimination and human rights; child bullying/harassment;
- Credit and debt problems e.g., credit rating/refusal, actual/possible bankruptcy, creditor's threats/actions.²⁴

However, given the complexity of financial abuse, there may be further areas of law needed in some situations.

It can be difficult to find legal professionals with the required expertise. For example, RLC noted that they could spend up to eight months recruiting a suitably qualified lawyer with the combination of legal expertise and experience working with people who have experienced financial abuse. Yet, compromising on this would have detrimental impacts on achieving the best outcomes for clients.

Key Finding 28: Having at least one Aboriginal and Torres Strait Islander person as a point of contact within the service encourages First Nations people to access services and ensures services are more culturally appropriate.

First Nations people accessing services for financial abuse may also have experienced other trauma related to removal of children, other forms of violence, and discrimination. One service noted that they had to advocate through the police to have children returned to their families from care. Having a First Nations presence within the service would encourage Aboriginal and Torres Strait Islander clients to engage with the service, and would probably persuade them to stay engaged for longer, which would result in better outcomes. Whilst it is “very hard to find Indigenous Case Workers and other social support experts, it is worth it” (Mudgin-Gal).

Key Finding 29: Staff need flexible and supportive working environments to avoid burnout.

Working in the DFV space is intense and staff burnout is not uncommon. Most workplaces offer support services for staff and allow flexible working arrangements, such as part time work. For example, WEstjustice and RLC offer staff training on wellbeing, a psychologist for debriefing, and staff wellbeing days.

After the Royal Commission in Victoria, the Victorian Government recognised the issue of burn-out amongst Financial Counsellors working in DFV. In Victoria, staff rotate so that they don't work fulltime on DFV cases.

Key Finding 30: It is difficult to recruit staff with the required professional qualifications along with experience in trauma-informed practice and financial abuse.

Whilst the preference is to recruit staff that bring both the relevant professional qualifications and experience in providing trauma-informed services, it is recognised that staff are best supported with ongoing professional development in providing trauma informed practice; supporting people who have experienced financial abuse and DFV; assessing and managing risk in the service in a safe and consistent manner; and understanding needs of marginalised groups.

²⁴ Law and Justice Foundation of New South Wales (2019). Quantifying the Legal and Broader Life Impacts of Domestic and Family Violence. <http://www.lawfoundation.net.au/publications/dfv>

Recommendations for legal and / or social service organisations:

Recommendation 10: Aim to recruit people from diverse backgrounds to increase trust and to better meet language and cultural needs of clients.

Recommendation 11: Consult with organisations such as Knowmore and Financial Rights Legal Centre to get advice on how to integrate Aboriginal and Torres Strait Islander staff members into a holistic service. It is important that First Nations people have access to Aboriginal and Torres Strait Islander staff members, this could either be outsourced, or staff could be hired into the service. Once integrated ensure they are included in planning and decision making.

Recommendation 12: Aim to recruit at least one First Nations person in the team, either as a full time or part time role and involve this person in the strategic planning of the service to ensure services are delivered to First Nations people through their terms of reference.

Recommendation 13: Recruit a team with diverse professional experience, with a range of early career and late career members to help build the team's capacity and capability and offer career progression.

Recommendation 14: Recruit professional, trained and experienced Social Workers as Case Workers.

Recommendation 15: Recruit a Financial Counsellor, preferably with financial abuse experience.

Recommendation 16: Provide staff with support services and flexible working arrangements.

Recommendation 17: Draw upon a network of pro bono lawyers for enhanced capacity and capability. Look to have pro bono lawyers that can provide specialist legal advice and / or representation not provided in house; and provide additional capacity.

Recommendation 18: Provide staff with training during induction and throughout their employment that addresses socio-legal collaborations and how to most effectively support people who have experienced financial abuse.

Capacity building and reform

RLC's practice integrates law reform into its services and builds capacity in government, corporate and community services to drive change. Capacity building reflects a continuous improvement strategy toward the creation of a sustainable and effective ecosystem that strives to redress and prevent financial abuse.

Key Finding 31: Diverse collaborations are well placed to inform policy and drive reform by drawing upon case studies.

Much progress has been made in reform work, driven largely by the community sector, and has made a significant difference to the financial well-being of victim-survivors. There is now an increasing understanding that many businesses and government departments can have a positive impact on DFV including financial abuse. Examples of positive impacts on victim survivors include waiver of debts and fines, prevention of disconnection of utilities, access to industry hardship programs and better resolution of disputes regarding liability for joint debts.²⁵ RLC is already active and committed to leading reform and advocacy in the system and is doing this by:

- Building partnerships and coalitions, including coordinating the Economic Abuse Reference Group;
- Media and campaign work;
- Submissions;
- Strategic litigation and test cases; and
- Advising and consulting on law and policy reform.

²⁵ Submission to the Family Violence Reform Implementation Monitor: Monitoring the Family Violence Reforms, Economic Abuse Reference Group, Victoria, July 2020.

However, further work is needed, including embedding reforms into everyday practice and drawing upon case studies to monitor the effectiveness of industry reforms and the application of legal reforms.

Consultations revealed that socio-legal services provided a solid base for good policy and reform work. Furthermore, collaborations with other organisations added further value to reform and policy change, with a range of promising approaches and strategies to preventing and responding to economic and financial abuse emerging from the financial services, government, legal and education industry.²⁶

Collaborative services...“provide a solid base for good policy and reform work. We use case work to inform trends and policy and progress this through Victorian Law Reform avenues.”” (WEstjustice)

Key Finding 32: Capacity building in industry, government and community contributes to prevention and earlier recognition of financial abuse.

Community organisations and victim-survivors shared the view that capacity building contributes towards prevention and earlier identification of financial abuse. Community organisations further acknowledged that the only way they were able to have broader impact was by increasing societal awareness and understanding of financial abuse and building capacity of professionals across all sectors to respond to it.²⁷

Types of capacity building included:

- Training for industry, government (including emergency services) and community organisations;
- Developing legal publications, information and resources including those for victim-survivors e.g., guides to self-represent in court;
- Raising awareness and understanding in community, industry and government groups and through media engagement;
- Building effective legal volunteer programs; and
- Partnerships and community outreach.

Key Finding 33: The lack of awareness and understanding of financial abuse in the general community may contribute to victim-survivors’ inability to recognise what they are experiencing.

This is further exacerbated by the types of images portrayed of people experiencing DFV. One victim-survivor acknowledged that they did not recognise they were experiencing financial abuse, in part, because the images and media of people experiencing DFV did not resonate with them.

“I didn’t find my identity in what is advertised (as DFV). People expect you to look black and blue. Financial abuse is invisible.” (Victim-survivor)

Several victim-survivors highlighted the need for more education, awareness, and information about financial abuse in the broader community. Understanding what financial abuse is and how it can occur could prevent it from happening in the first place or result in victims leaving and reporting the abuse sooner. Whilst CommBank NextChapter and other service providers are currently working hard to raise awareness, this will take time and concerted effort.

Key Finding 34: Self-representation in court can be overwhelming and requires a skill set that not all people have.

Victim-survivors recognised the value in being empowered to self-represent and make decisions but found the experience could be overwhelming. One individual recommended a ‘library’ of affidavits to use as guides when preparing for court.

²⁶ Jan Breckenridge, 2020, Understanding Economic and Financial Abuse in Intimate Partner Relationships, The Gendered Violence Research Network, University of New South Wales, and prepared for the sole purpose of services provided to the Commonwealth Bank of Australia.

²⁷ Rebecca Glenn Churchill Fellow, 2019 Churchill Fellowship to study service responses to women experiencing or escaping domestic financial abuse USA, Canada, UK.

Recommendations for legal and / or social service organisations:

Recommendation 19: Work through partnerships to drive advocacy, reform, policy change and to build capacity in government, community and industry.

Recommendation 20: Build effective legal volunteer programs to not only grow legal capacity within financial abuse practices, but to also build it across the legal profession.

Recommendation 21: Explore, through partnerships, the potential for a socio-legal peak body to collect evidence of outcomes, best practice and to drive capacity building and reform work.

Recommendation 22: Provide media and information to raise general community awareness and understanding of financial abuse.

Recommendation 23: Develop a set of resources for victim-survivors to use when preparing for court and resolving disputes out of court.

The Proposed Collaborative Service Model for Legal and Non-Legal Support

The proposed collaborative service model for legal and non-legal support centres on the provision of socio-legal trauma informed and flexible services that address clients’ legal and non-legal needs as a consequence of their experience of financial abuse; combined with capability building and policy and law reforms to drive the prevention of financial abuse.

The model, which builds upon RLC’s existing Financial Abuse Service NSW, can be used as a guide for other states and territories also seeking to establish a state-wide service. Other jurisdictions will need to consider existing services to avoid duplication; identify a suitable host organisation and determine a suitable time frame to roll out the services.

Guiding principles

The model is framed around guiding principles (*Figure 6*) grouped into four categories – client needs, service delivery, human resources, and capacity building and reform – that collectively guide the holistic service to provide:

- Equal access to justice;
- A just and fair legal system; and
- Improved wellbeing for individuals and communities.

Category	Guiding Principles
Clients	<ul style="list-style-type: none"> • Receive trauma-informed expertise and options that empower and give choices. • Receive the right support at the right time. • Feel safe and respected.
Service delivery	<ul style="list-style-type: none"> • Recognises clients’ lived experience of financial abuse. • Are flexible enough to respond to individuals’ specific needs, recognising that victim-survivors have diverse backgrounds. • Provide options to clients, empowering them to make their own decisions. • Avoid duplication through a collaborative referral network based on partnerships with aligned objectives and shared values. • Harness legal expertise through pro bono services. • Include legal expertise that is not typically offered in other Community Legal Centres.
Human resources	<ul style="list-style-type: none"> • Handle client information with discretion and confidentiality. • Strive for the best outcome for clients. • Are supported to avoid burn out. • Are experts in their professional legal and social field and have a track record of working with people who have experienced financial abuse.
Capacity building and reform	<ul style="list-style-type: none"> • Draw upon evidence from client work to inform and guide work to influence government and industry responses to reduce the financial impact of domestic abuse from an intimate partner. • Builds capacity in government, corporate and community services to better identify signs of financial abuse and to better support people who have experienced financial abuse.

Figure 6 - Guiding Principles for a Holistic Financial Abuse Service

A collaborative service model for legal and non-legal support

The proposed model (*Figure 7*) is built around two integrated pillars: client services and driving change. It expands RLC’s existing Financial Abuse Service NSW which already has an in-house team of specialist Solicitors, access to pro bono lawyers that provide further legal expertise, well established referral pathways to legal and social support services, and raises awareness and understanding, builds capacity in the sector and undertakes policy and law reform work.

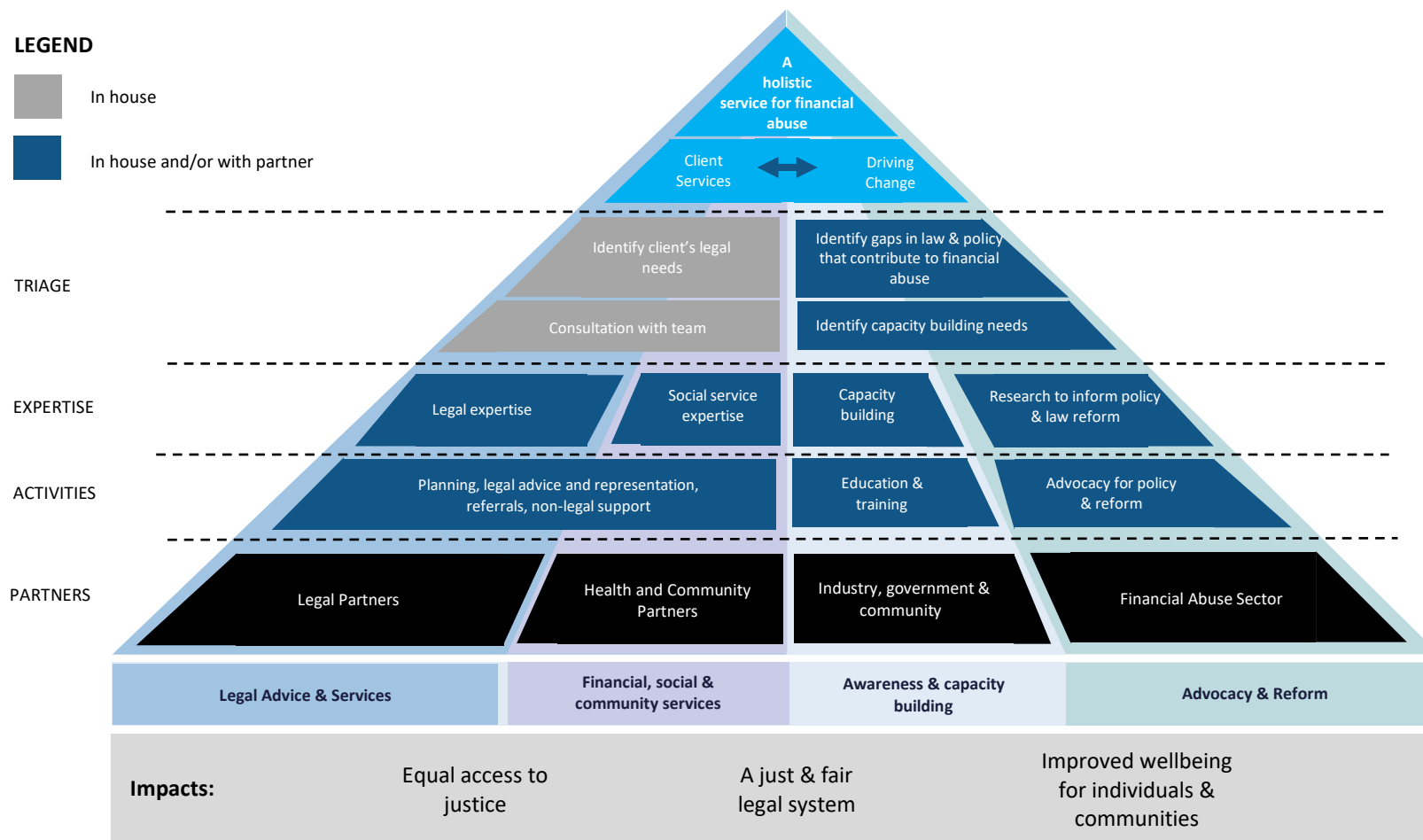


Figure 7 - Collaborative Service Model for Legal and Non-Legal Support

A Coordinated Service

The proposed model is a coordinated service that represents a blend of models four and five, described earlier in *Figure 4*. In summary, these models are:

- Model 4: An integrated and collaborative model where a client is co-case managed on behalf of more than one partner. This model is well suited to supporting people with a high degree of trauma, likely in crisis or immediate recovery and with multiple, complex and interconnected presenting needs.
- Model 5: An in-house approach where services are vertically integrated in the single organisation. This model is well suited to supporting people with a high degree of trauma and limited trust in service systems; with multiple complex needs; and specific intersectional needs.

The proposed model positions an organisation such as RLC as the host organisation, but the model could be applicable for legal, social or socio-legal collaborations working in the financial abuse space. Under the proposed model, clients are either case managed by the host organisation or by their existing Case Worker from a referring organisation. Vertically integrated socio-legal services are provided in-house, and complemented with partnerships to bring additional capacity and capability. In house socio-legal expertise includes specialist Lawyers, Social Workers, Financial Counsellors, capacity building and policy expertise and team leadership. Staff include an Indigenous appointment. Partnerships with community organisations experienced in supporting people living with disability, people from CALD communities and people from LGBTI are established / expanded.

This model is well placed to address the complex socio-legal needs of people who have experienced financial abuse in a holistic and seamless way. Cultural and other diverse and intersectional needs will be met through staff diversity and well-established partnerships with relevant community organisations.

Client Services and Driving Change

The two pillars – Client Services and Driving Change – are integrated and essential elements of the holistic model. The importance of the community sector in driving change was highlighted in the Victorian Government’s 2015 Royal Commission into Family Violence. The Royal Commission received many submissions by community organisations explaining the need for reform and capacity building. The final report included several recommendations which reflected these submissions from the community sector, and whilst recognising the work they were already doing in capability building and reform, acknowledged that more needed to be done. The EARG led this work in Victoria and has gone on to achieve change on national issues too. EARG has expanded to include a group in NSW and individual interstate members. Community services are ideally placed to conduct this work as they have the data that informs the need for change. For example, case work analysis will provide the evidence for reform and policy change; and will identify community, government and corporate services in need of capacity building.

Furthermore, it is expected that many of the partners supporting client services will be the same partners in awareness, capacity building, advocacy and reform work. This is already evident in the Financial Abuse Service NSW.

Client Services

Client services provide integrated socio-legal supports to clients including legal advice and representation; legal resources; and social services including case management.

Legal advice and representation:

The model proposes an expanded portfolio of legal expertise (based on existing expertise in the Financial Abuse Service NSW) to address the complex and unique needs of people who have experienced financial abuse. It recommends in-house

lawyers with expertise in family law including child custody and property settlement; civil law including consumer, credit and debt; immigration law and company and business law. Additional capacity and / or specialist expertise is harnessed from RLC's existing pro bono network and from partnering with Community Legal Centres and Legal Aid.

The legal issues faced by people who have experienced financial abuse are complex and specific to financial abuse. Therefore, specialist expertise is essential in a financial abuse service, as is the ability to bring different legal experts together to explore the options available. Ideally, the financial abuse service must have access to legal expertise in the following areas:

- Apprehended Violence Orders (AVOs);
- Immigration law;
- Company and business law;
- Family law financial matters;
- Child custody, child care and protection, child support payments;
- Consumer law including contracts and unpaid bills;
- Victim Support (other than AVOs) i.e. Victim Support Scheme Application;
- Government problems e.g., government payments or fines;
- Housing problems e.g., neighbours, rented housing (tenancy) or home ownership;
- Unfair treatment e.g. Police complaints, discrimination and human rights; child bullying/harassment;
- Credit and debt problems e.g., credit rating/refusal, actual/possible bankruptcy, creditor's threats/actions.²⁸

Planning meetings, as described below in the customer journey, should bring these legal experts together to explore options and identify the best approach for each client. Social service professionals should also be included in these meetings, when appropriate, to ensure a holistic service.

Host organisations will need to assess their existing legal expertise and identify the specialist areas most needed in the service offering.

Social services:

The Financial Abuse Service NSW adopts a holistic approach and has well established partnerships with many social service organisations. The holistic model proposed in this report recommends that the service includes in-house Social Workers (as Case Workers) and Financial Counsellors.

Consultation with people who had lived experience of financial abuse, and socio-legal services overwhelmingly recommended Financial Counsellors and case management (via Social Workers) for clients to ensure that social needs are met and to allow the Solicitors to focus on providing services in their area of expertise.

The model recommends that all clients have access to a Case Worker. If referred to the holistic service without an existing Case Worker, they should be offered case management. Their Case Worker will provide warm referrals to other social, financial and community services via the host organisation's partners to address diverse needs including mental and physical health, access to finance and related coaching, trauma counselling, housing, and other supports.

Implementation of the model will be staged across three phases (refer *Figure 8*), with potential for additional in-house services to be introduced depending upon need. This may include psychologists and trauma counsellors.

A co-advice approach:

²⁸ Law and Justice Foundation of New South Wales (2019). Quantifying the Legal and Broader Life Impacts of Domestic and Family Violence. <http://www.lawfoundation.net.au/publications/dfv>

The proposed model expands the current co-advice model already practised in RLC's Financial Abuse Service NSW whereby a family law expert and a consumer credit expert both meet with the client to determine the options and best approach to address a client's needs.

In this proposed holistic model, trauma-informed expert lawyers and social service professionals will have a deep understanding of lived experience and the contextual environment, combined with specialist legal and social knowledge in order to work with clients to identify needs, and develop and execute plans to address these needs. This will be delivered with the client, and collaboratively between the social service professionals, lawyer/s, and with referral partners as needed. Like RLC's approach, the model proposes a strength-based approach, empowering clients to make choices.

Driving Change

Driving change reflects the capacity building and reform work that aims to advocate for better outcomes for people who have experienced financial abuse and prevent financial abuse from the outset. Driving change will focus on:

- Building capacity in industry, government and emergency services and community and welfare services to raise awareness and understanding of financial abuse, and to implement strategies to prevent financial abuse through earlier recognition. This will include delivering education and training sessions and resources suitable for the targeted sectors.
- Using research, including from cases, to inform policy and law reform, and to drive advocacy work.

Driving change will be achieved by working in partnership with service delivery partners and relevant government departments, advocacy groups and peak bodies.

Partnerships

Partners provide referrals into client services, support services for clients referred out and partner on capacity building, policy and law reform work. RLC already has a well-established partner network and it is highly likely that suitable organisations in other states and territories will also have strong partner networks. These partnerships will be maintained during the implementation of the model, and will be essential in contributing towards a holistic service. However, as the model is established and resources increased, new partners may be needed to address increased demand and / or needs in both client services and driving change. The team will need to monitor the capacity of its partners through close partnering, and proactively address growing demand and unmet needs.

It is more common for people to access support for financial abuse well after separation - up to 18 to 24 months - when the legal, financial and emotional issues have compounded (and are much harder to resolve). This is because potential clients often do not know they can access support and may not even realise they have experienced financial abuse, or the extent of the abuse. Therefore, referring-in partners may need to be expanded to ensure the service is reaching the people that need the service and who may not otherwise be aware that such a service exists.

Types of partners include, but are not limited to:

- Legal Aid and Community Legal Centres;
- Private law firms and barristers;
- Community services supporting Aboriginal and Torres Strait Islanders, people from CALD communities, people living with disability; and LGBTI people to provide specialist expertise and to refer people into the service;
- Good Shepherd's FIH;
- Community organisations providing services in areas such as health, housing, financial literacy and counselling, and employment.

Recommendations for legal and / or social service organisations:

Recommendation 24: RLC to expand their existing Financial Abuse Service NSW to deliver the proposed collaborative service model for legal and non-legal support to support people living in NSW.

Recommendation 25: Other states and territories to support suitably experienced community organisations to design a similar holistic service by drawing upon the model proposed in this report, and by learning from RLC and other community organisations and researchers working in the sector. Consider existing expertise and resourcing within the proposed host organisation, along with their established referral pathways and partnerships to identify a model that leverages an existing track record of success.

Recommendation 26: Initially rely on existing partnerships. Develop a partnership strategy that tracks needs and capacity to deliver services. Identify new partners that also align with objectives of the holistic service.

A Phased Approach

Establishing a collaborative service takes time, commitment, and expertise. A phased approach enables the service to evolve in a way that is responsive to identified needs, challenges, and opportunities, with the aim of becoming a sustainable state-wide service.

Figure 8 outlines a suggested phased approach. The timing is designed for a service at a similar level of maturity as RLC’s Financial Abuse Service NSW. It is optimistic and relies on the ability to secure funding to enable expansion. It is recommended that timing be adjusted if needed as several factors have the potential to impact timing. For example, recruiting human resources with the expertise and experience can be time consuming and it may be better to delay recruitment until the ‘right’ person can be appointed to the role. Challenges related to funding may also slow down the expansion of services.

This report focuses on Phase 1, with Phase 2 and 3 developed further based on learnings and monitoring and evaluation of Phase 1. Less mature services may need to expand the Phase 1 timeframe.

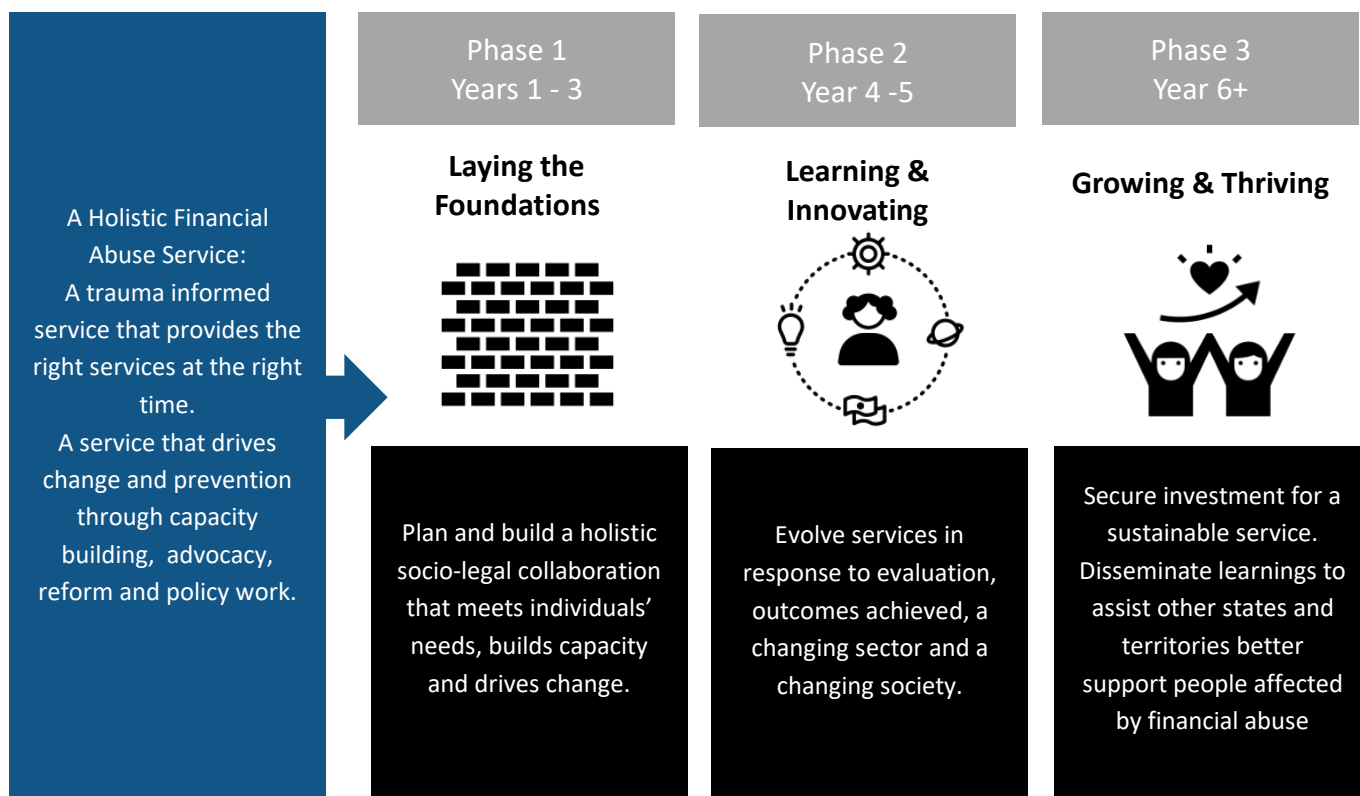


Figure 8 - A Phased Approach for Implementation

Phase 1 spans years one to three and focuses on building a strong organisational foundation. Throughout this phase the implementation team will:

- Work with legal and social service professionals to develop processes and procedures that enable all professionals to work effectively together, and which provide optimal outcomes for clients.
- Develop a culture that is conducive to an effective socio-legal collaboration.

Team Structure

Figure 9 provides a suggested team structure for Phase 1 (year 3).

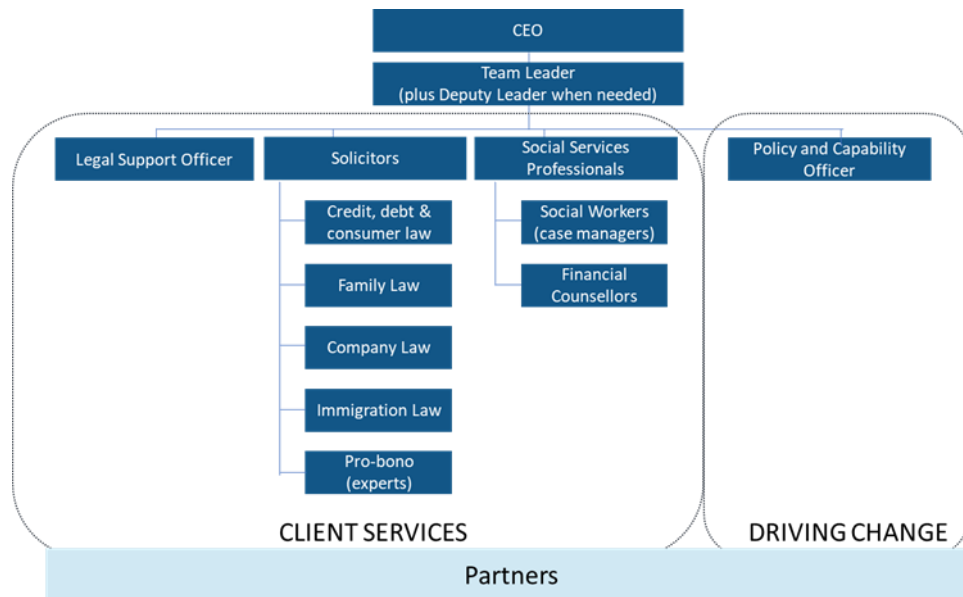


Figure 9 - Indicative Organisation Chart for a Collaborative Service Model

The Team Leader, with the support from the host organisation's executive, will be responsible for implementing the state-wide financial abuse holistic service and has overall responsibility to manage the team. RLC (and host organisations in other jurisdictions) need to annually assess the changing and evolving workload imposed on the Team Leader to determine when a deputy team leader is required.

The Team Leader will ensure that the service:

- Provides a seamless experience for clients.
- Integrates the Client Services and Driving Change pillars to optimise outcomes and impacts. This will include creating pathways between the two so that case work informs policy and legal reform; analysing casework data to identify capability building needs; and building partnerships with organisations that span both pillars.
- Has key performance indicators that drive collaboration and team work between the Client Services and Driving Change pillars.
- Has key performance indicators that drive effective integration of social and legal services and that data from these integrated services is used to inform capacity building, reform and policy change activities;
- Uses resources efficiently and effectively.
- Maintains existing partnerships and identifies and develops new partnerships to address unmet need, to expand capacity and to forge strong partnerships that will support capacity building and reform initiatives.
- Maintains existing partnerships with legal services and oversees the training programs and allocation of pro bono lawyers.
- Is scalable and flexible in its delivery approach, especially during restrictions that may be imposed during a pandemic;
- Contributes to leadership in the sector / community of practice, e.g., leading and establishing the Economic Abuse Reference Group (which RLC is currently doing).
- Maintains relationships with existing funders and builds new relationships as needed to ensure the service is sustainable.

It is essential the legal team has expertise required to address the complex needs of people who have experienced financial abuse. Of utmost importance is consumer, credit and debt expertise; and family law financial matters. Other legal expertise includes immigration, company and tax, tenancy, victim’s compensation, AVOs, and social security. Prioritising these expertise depends on funding and the existing capabilities of staff either within the service or through suitable referral partners. Social service professionals include Social Workers (as Case Workers) and Financial Counsellors. Trained professionals are essential to deal with the complexities presented.

Intake and paralegal work will be the responsibility of the Legal Support Officer. It is possible for this role to be filled by a Social Worker or other professional, as long as they are trained/or have experience identifying legal issues so that they can triage appointments and assist the lawyers with paralegal tasks. Currently RLC has an experienced paralegal in this role who is well placed to identify client needs.

The Client Services team will work closely with the Policy and Capability Building Officer, given the integration between the two streams. The Policy and Capability Building Officer, is responsible for working closely with the Team Leader to:

- Support the implementation of the collaborative service model for legal and non-legal support by taking a leadership role in partner engagement, raising awareness, capacity building in the sector and undertaking policy and law reform work;
- Work with partners to support and promote financial literacy and empowerment education courses and resources for people who have experienced economic abuse;
- Assess the systemic needs of the client group and design a community education program to address these needs, with support from the host organisations education officer;
- Work with the Client Services team to develop legal resources for the team and clients;
- Work with partners and stakeholders to drive policy change and law reform; and
- Work with the Team Leader and Client Services teams to analyse data to inform policy and law reform.

A suggested staffing profile is outlined in Figure 10 with further detail provided below. The starting resources are based on RLC’s existing team. Again, organisations in other jurisdictions may need to adjust this based on their identified needs and existing expertise.

The resources increase annually, with some roles increasing fractionally. RLC (and host organisations in other jurisdictions) need to consider the feasibility of fractional appointments and make decisions when to tweak the proposed resources. For example, a host organisation may decide to recruit an outstanding candidate at a higher fractional appointment than anticipated if this is important to the candidate and if they can defer another appointment to a later date and address the need for that expertise via pro bono services.

Role	Current staffing		Year 1 (FY 2021-22)		Year 2 (FY 2022-23)		Year 3 (FY 2023-24)	
	Weekly Hours	FTE	Weekly Hours	FTE	Weekly Hours	FTE	Weekly Hours	FTE
Proposed staffing – Solicitors								
Team Leader	35	1.0	35	1.0	35	1.0	35	1.0
Credit, debt and consumer law	63	1.8	63	1.8	70	2.0	105	3.0
Family law – Financial matters	21	0.6	21	0.6	35	1.0	56	1.6
Immigration law	-	0.0	-	0.0	-	0.0	7	0.2
Company law	-	0.0	-	0.0	14	0.4	21	0.6
Pro bono	28	0.8	28	0.8	28	0.8	35	1.0
FTE		4.20		4.20		5.20		7.40
Proposed staffing – Others								
Policy & Capacity Building Officer	35	1.0	35	1.0	35	1.0	35	1.0
Social worker (Case worker)	-	0.0	-	0.0	21	0.6	49	1.4
Financial counsellor	-	0.0	-	0.0	21	0.6	28	0.8
Legal Support Officer (Paralegal)	21	0.6	21	0.6	35	1.0	35	1.0
FTE		1.60		1.60		3.20		4.20
Total FTE		5.80		5.80		8.40		11.60

Figure 10 - Proposed Phase 1 Resourcing and Expertise

In the first year (Year 1):

- Focus on preparing to promote the services. Develop resources using simple language and culturally appropriate images to promote to different cohorts, aiming to reach a wider range of clients, and also regional and remote communities.
- Maintain current staffing levels but begin preparations to recruit for the increased staff for Year 2 and Year 3. As part of the recruitment plan, assess existing capabilities, consult with staff to understand preferred working arrangements and career aspirations, and identify transitional arrangements required for existing staff to integrate with the new expertise (legal and non-legal) in subsequent years. Ensure communication to existing staff is frequent and transparent and provides opportunities for questions and input into the model and organisational and service changes.
- The existing staffing of 5.80 FTE (including pro bono Solicitors) that is proposed to continue for Year 1 is:
 - FTE: Team Leader
 - Client Services:
 - 1.8 FTE: Solicitors (Credit, Debt and Consumer Law)
 - 0.6 FTE: Solicitor (Family Law – Financial matters)
 - 0.8 FTE: Solicitors (pro bono)
 - 0.6 FTE: Legal Support Officer (Paralegal)
 - Driving Change:
 - 1.0 FTE: Policy & Capacity Building Officer

Year 2 will see a slight increase in the existing capacity (either through increase in working hours of current staff or additional recruitment) and bring in new capabilities (through targeted recruitment).

- The proposed staffing of 8.40 FTE (including pro bono Solicitors) for Year 2 is:
 - 1.0 FTE: Team Leader
 - Client Services:
 - 2.0 FTE: Solicitors (Credit, Debt and Consumer Law)
 - 1.0 FTE: Solicitor (Family Law – Financial matters)
 - 0.4 FTE: Solicitor (Company and Business Law)
 - 0.8 FTE: Solicitors (Pro bono)
 - 1.0 FTE: Legal Support Officer (Paralegal)
 - 0.6 FTE: Social Worker (Case Worker)
 - 0.6 FTE: Financial Counsellor
 - Driving Change:
 - 1.0 FTE: Policy & Capacity Building Officer

Year 3 will be based on the evaluation of the service need towards the end of Year 2 and as required, there will be an increase in the existing capacity (either through increase in working hours of current staff or additional recruitment) with some new capabilities introduced (through targeted recruitment).

- The proposed staffing of 11.60 FTE (including pro bono Solicitors) for Year 3 is:
 - 1.0 FTE: Team Leader
 - Client Services:
 - 3.0 FTE: Solicitors (Credit, Debt and Consumer Law)
 - 1.6 FTE: Solicitor (Family Law – financial matters)
 - 0.6 FTE: Solicitor (Company and Business Law)
 - 0.2 FTE: Solicitor (Migration Law)
 - 1.0 FTE: Solicitors (Pro bono)

- 1.0 FTE: Legal Support Officer (Paralegal)
- 1.4 FTE: Social Worker (Case Worker)
- 0.8 FTE: Financial Counsellor
- Driving Change
 - 1.0 FTE: Policy & Capacity Building Officer

During Year 1 and 2 of Phase 1, introduce additional training for existing staff to harmonise working with the new legal and non-legal staff that will be recruited. Certain processes and systems may also need to be changed to permit and/or restrict flow of information. Areas that will need careful consideration include the practices, processes and information sharing to ensure appropriate risk management with regards to mandatory reporting and legal professional privilege, whilst balancing this with staff and client needs.

Recommendation for legal and / or social service organisations:

Recommendation 27: During year 1, explore the potential to have social service professionals meet with clients before they have seen a Solicitor. Whilst this approach is different to the approach recently implemented by Women’s Legal Service NSW, there is merit in exploring this approach to provide a service that addresses the needs expressed by clients during the consultation.

Begin piloting new socio-legal holistic services in year 2 by:

- Offering socio-legal collaborative services to clients and monitor process outcomes as well as outcomes on staff and clients.
- Consult regularly with staff and involve all professions in planning, monitoring and evaluation, to identify opportunities for improvement and develop clear plans for implementation of changes.
- Consult with other socio-legal services to share learnings and resources.
- Continue to recruit and train staff as required.

Planning for Phase 2:

- Assess key learnings, and monitoring and evaluation of process and outcomes and identify what is working well and what can be improved.
- Explore options for improvements, particularly with regards to options for service delivery that may provide better outcomes for clients, improved access to services and better support for people with the most complex needs.
- Develop a Phase 2 plan.

Resourcing to meet demand

The resourcing models detailed above are extremely conservative with respect to meeting demand and need for services. If funding was not an issue, these resources would be dramatically different. The model would propose satellite services across the state to meet the needs of the NSW community, catering to the cultural needs more common in certain locations.

Whilst it is difficult to estimate resources required to meet demand, some assumptions have been made to do this. The assumptions draw upon data pertaining to existing RLC FTE resources, services provided and clients supported; the estimated number of people reporting DFV in NSW; and the estimated number of this cohort that experience financial abuse.

The NSW Domestic Violence Quarterly Report,²⁹ provided by the NSW Bureau of Crime Statistics and Research, reports 31,947 incidents of domestic violence related assault. Others domestic violence offences are reported, however there is no transparency to the number of individuals reporting such incidents. So, if we assume:

- 31,947 people experienced a domestic violence assault in the 12-month period between April 2020 to March 2021;
- 88.5% of this cohort (28,273 people) would have experienced financial abuse in that same period;
- All people who experienced financial abuse would use legal services to address related issues if they had awareness of, and access to services;
- Based on RLC’s current services, each person would require an average of 19 hours per person, with a 15% efficiency due to economies of scale; and
- The estimated FTE required per annum to provide legal services only is 252 FTE.

This does not account for social service professionals nor for the people who choose not to report or seek support for financial abuse.

Client Journey – Phase 1

Figure 11 provides an overview of the client journey.

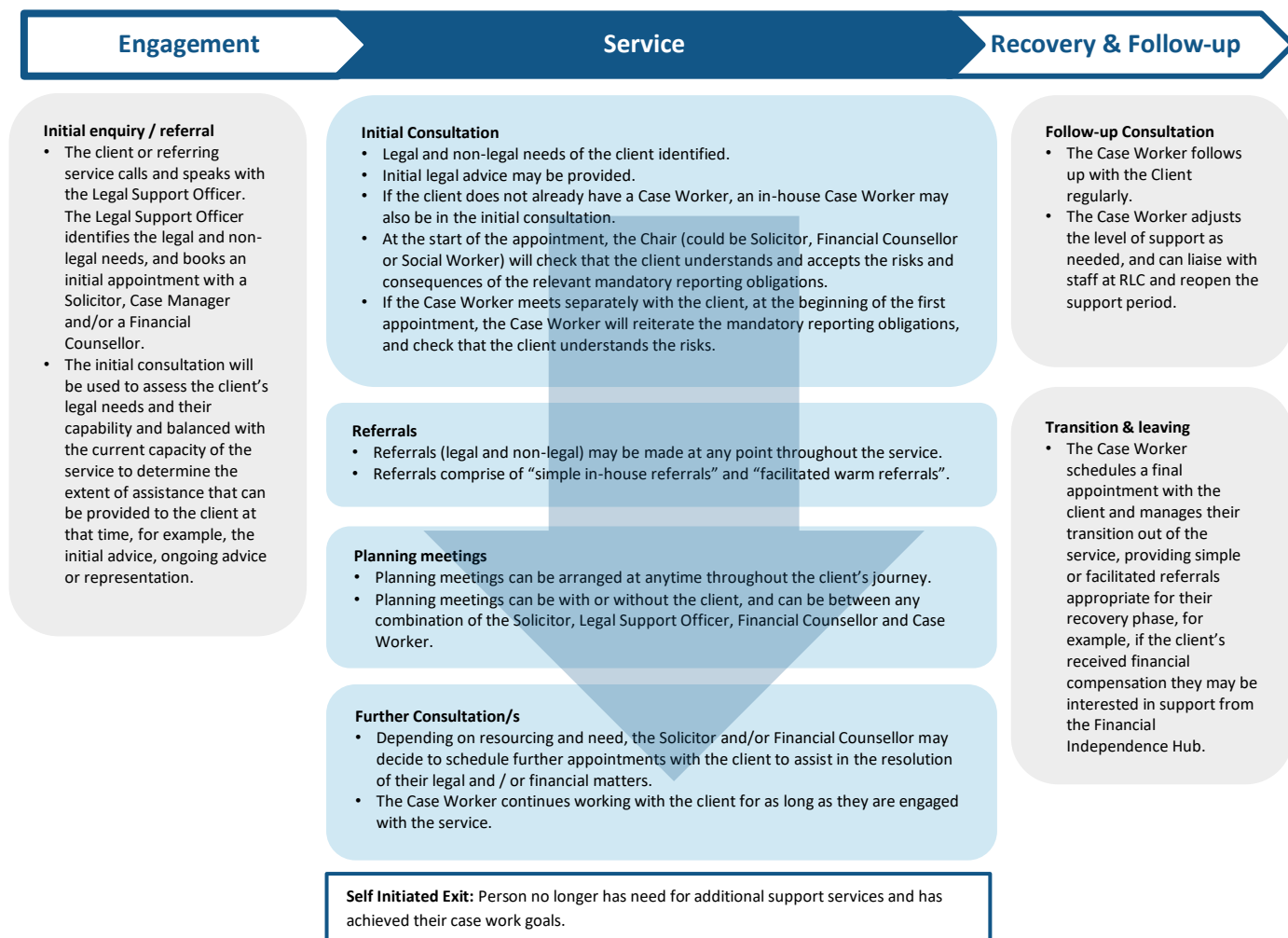


Figure 11 - The Client Journey

²⁹ NSW Recorded Crime Statistics April 2016 to March 2021.

The first step, Engagement, sees the client access the service either directly or through a referring partner. The model indicates that they will contact the Legal Support Officer as their first point of contact.

The Legal Support Officer will coordinate the initial consultation. Different co-advice combinations will be trialled and evaluated, with options including multiple Solicitors with specific expertise, Financial Counsellors and Social Workers.

It is expected that planning meetings will happen informally and formally, with potential for weekly meetings within the client services team to review all cases and identify needs, gain advice and plan next steps. During implementation of the holistic model, the client services team will monitor and evaluate different approaches to determine what delivers the best outcomes for clients.

The customer journey aims to ensure the client:

- Receives timely support that strengthens their ability to address financial abuse;
- Receives flexible and customised support and advice;
- Has a single coordination point, (through their Case Worker) for non-legal referrals; and
- Receives referrals to complementary partners to ensure holistic support.

Monitoring and Evaluation

The proposed model will play an important role in addressing the legal and non-legal needs of people who have experienced financial abuse. The service’s ability to make positive changes to people’s lives can be monitored and evaluated against a theory of change. *Figure 12* provides an example theory of change from Redfern Legal Centre.

Activities	Short-term Outcomes	Long-term outcomes	Measurement	Impact
The provision of advice and services to clients including: <ul style="list-style-type: none"> • Legal advice • Information • Referrals • Financial counselling • Holistic support, provided in house & facilitated via warm referrals 	<ul style="list-style-type: none"> • People are less financially stressed • People feel more able to leave & remain out of an abusive relationship • People feel safer and more in control of their finances • People feel more confident navigating the legal, financial and support service systems 	<ul style="list-style-type: none"> • Reduction in homelessness and poverty • People are more financially empowered • People are more financially independent • Families and children are safer and more financially secure 	<ul style="list-style-type: none"> • Case outcomes • Stakeholder survey • Client survey • Staff survey 	<ul style="list-style-type: none"> • Improved access to justice for people experiencing financial abuse
Engaging and building capacity in the community through: <ul style="list-style-type: none"> • A central location for resources & information • Community legal education • Seminars & referrals • Media engagement. 	<ul style="list-style-type: none"> • Increased community awareness about financial abuse • Increased knowledge & understanding about financial abuse within the financial services industry, govt & legal / non-legal support organisations 	<ul style="list-style-type: none"> • Increased capacity in the sector to identify financial abuse and make appropriate referrals • Stronger working relationships and recognition of financial abuse 	<ul style="list-style-type: none"> • Stakeholder survey • Media monitoring • Social media engagement 	<ul style="list-style-type: none"> • Greater capacity within the community services sector to prevent and respond to financial abuse
Leading reform by: <ul style="list-style-type: none"> • Establishing and running an Economic Abuse Reference Group (EARG) in NSW to work on law & policy reform • Law reform & policy initiatives & test cases for RLC, focusing on issues residual to the work of the EARG. 	<ul style="list-style-type: none"> • Stronger unified voice in NSW from community services working in financial abuse • Increased sharing of knowledge and expertise to industry and government to improve responses to financial abuse 	<ul style="list-style-type: none"> • Decision makers address injustices stemming from financial abuse and improve policies to address it 	<ul style="list-style-type: none"> • Stakeholder survey • Case studies 	<ul style="list-style-type: none"> • Financial abuse is recognised and addressed by government & industry • Improved outcomes for people affected by financial abuse • Prevention • Awareness

Figure 12 - Example Theory of Change from Redfern Legal Centre

Monitoring and evaluation (M&E) must provide a balanced representation of the diverse stakeholders and populations engaged with during establishment of the holistic service. Involving clients, staff, pro bono lawyers, referral partners and community experts in development of the M&E plan will build ownership, focus the team on working to achieve the intended outcomes and identify unintended outcomes, enable continuous improvement and guide more appropriate data collection, analysis and reporting. *Figure 13* provides an overview of the consultative approach to develop the M&E plan.

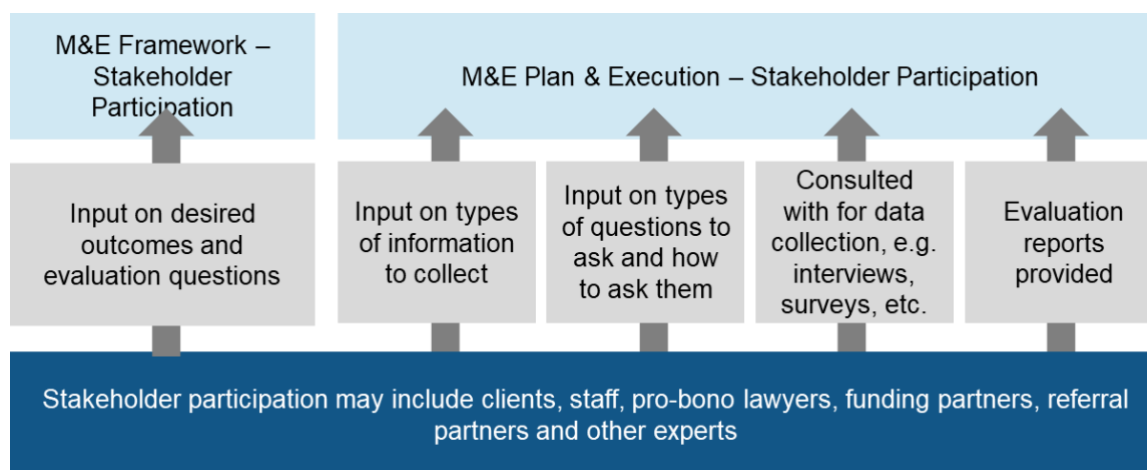


Figure 13 - Consultative Approach to Monitoring and Evaluation Planning

Given the holistic model will require organisational change and new policies and procedures, the M&E plan should include process-related domains, especially during Phase 1 and 2. *Figure 14* provides an illustrative M&E architecture, however, this should be developed as per the consultative process outlined in *Figure 13*.

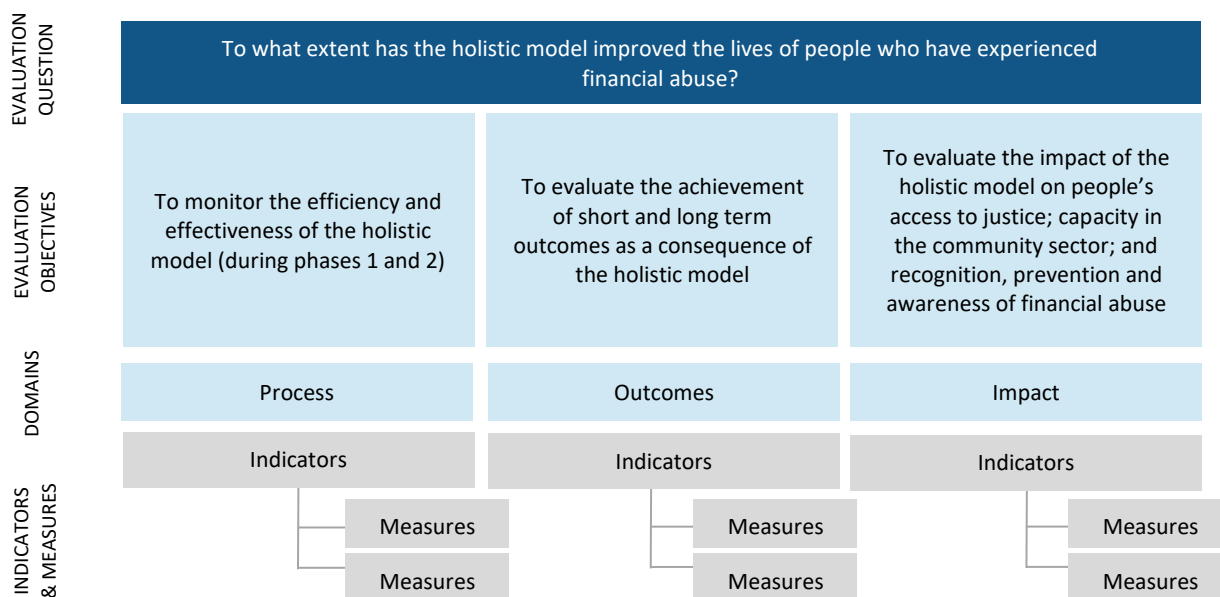


Figure 14 - Draft Monitoring and Evaluation Framework

Evaluation questions will be developed in consultation with stakeholders, and informed by the theory of change, however, illustrative questions for each domain may include:

Process: To what extent has the service been well-designed and implemented? Questions regarding the organisational change and alignment of staff and management can be drawn from Davidson’s socio-legal research.³⁰ For example, to what extent does the socio-legal collaboration value all professions? To what extent do you understand the expertise and role played by different professions in the service?

Outcomes: To what extent does the service have an impact on reducing the financial stress of clients? To what extent does the service contribute to advancing clients towards financial independence?

Impact: To what extent does the service improve access to justice for people experiencing financial abuse? To what extent does the service increase capacity within the community services sector to prevent and respond to financial abuse?

The M&E Framework needs to be flexible and staged and allow the model to develop in maturity, via an iterative process, as it progresses through the recommended phases.

Consequently, a three phased M&E implementation approach is recommended, with the timing outlined in *Figure 15*.

³⁰ Davidson, J.A. (2019), Socio-legal collaborations in Australia - models of service provision and the influence on practice.

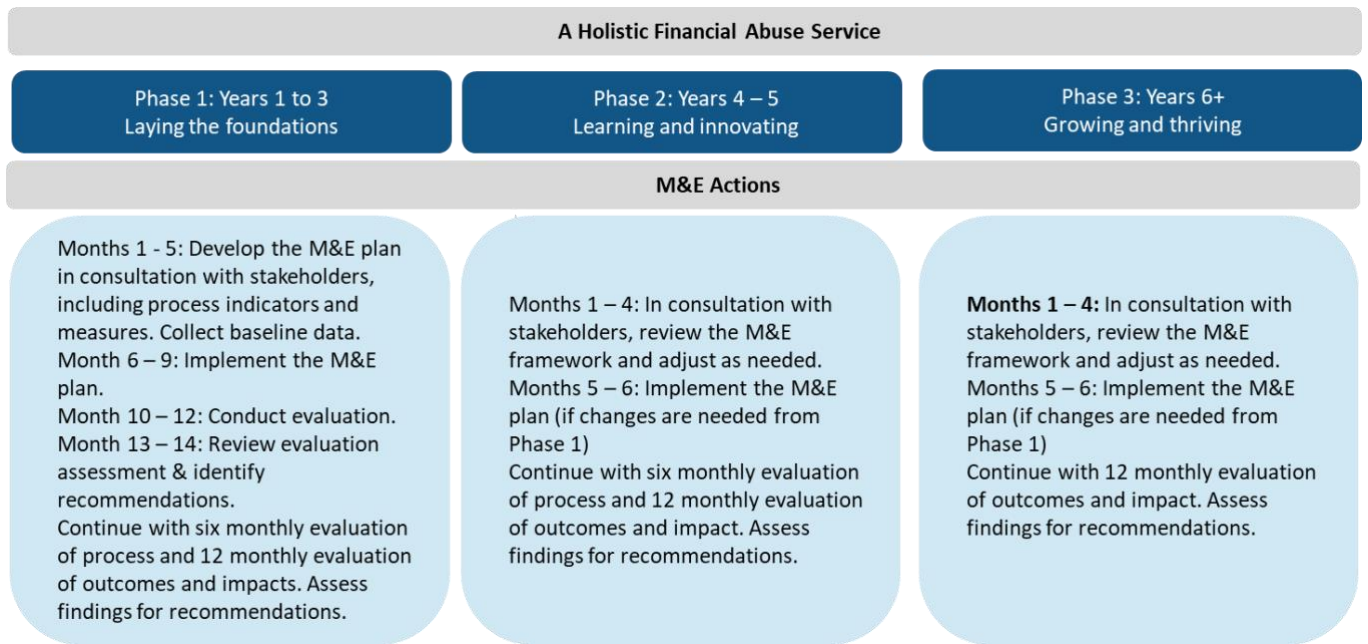


Figure 15 - Draft Timing for Implementation of Monitoring and Evaluation

Conclusion

Financial abuse has long lasting impacts on individuals and their families. The collaborative service model for financial abuse has the potential to make a significant difference to the lives of affected people and addresses a gap in services currently available to support people who have experienced financial abuse. Furthermore, it builds on work already being conducted in the sector, to drive systemic change and build capacity to prevent financial abuse.

Financial abuse in the context of DFV is a serious and widespread problem, affecting people in communities all across Australia. While a lot of work has already been done, it is clear that there is still a great deal of unmet need. The intent is that this model will be adopted by other organisations across Australia to expand their service offerings and provide a more holistic service to people who have experienced financial abuse. RLC is well placed to advance the Financial Abuse Service NSW and to share learnings with the community sector wanting to provide collaborative financial abuse services to people living in other Australian states and territories.

Appendix One – Recommendations for legal and / or social service organisations.

Legal and Non-Legal Needs

Recommendation 1: Build partnership with specialist services that cater to the complex needs of people from marginalised communities. It is important that these services can meet the clients' specific cultural and religious needs, for example they should address the need for more female interpreters to assist women from CALD communities. As the RLC model is focused on financial abuse within intimate partner relationships, the service should build strong referral pathways for Indigenous clients who have experienced financial abuse within a broader family context.

Recommendation 2: Provide clients access to legal advice and / or representation for the following legal areas:

- Apprehended Violence Orders (AVOs);
- Immigration law;
- Company law;
- Family law financial matters;
- Child custody, child care and protection, child support payments;
- Consumer law including contracts and unpaid bills;
- Victim Support (other than AVOs) i.e. Victim Support Scheme Application;
- Government problems e.g., government payments or fines;
- Housing problems e.g., neighbours, rented housing (tenancy) or home ownership;
- Unfair treatment e.g. Police complaints, discrimination and human rights; child bullying/harassment;
- Credit and debt problems e.g., credit rating/refusal, actual/possible bankruptcy, creditor's threats/actions.³¹

Service Delivery

Recommendation 3: Balance a socio-legal team with early career and experienced professionals.

Recommendation 4: Establish a socio-legal service within a host organisation that has the capacity and capability to implement and deliver multi-disciplinary services; and that is committed to achieving this through strong leadership, and empowerment and respect for all multidisciplinary professions.

Recommendation 5: Collaboratively develop an approach to integrate socio-legal services with legal and non-legal professionals, based on a solid understanding of clients' needs. Involve people from different cultures, e.g., CALD and First Nations people, to ensure services, resources and promotion are culturally relevant.

Recommendation 6: Use a tool, such as Davidson's Collaboration Health Check to both monitor and encourage conversations to drive a successful collaboration.

Recommendation 7: Leverage existing partnerships and build new partnerships as new needs and / or expanded capacity are identified.

Recommendation 8: Implement a service that allows clients to select options, progress at their pace, and exit and re-enter the service as needed.

³¹ Law and Justice Foundation of New South Wales (2019). Quantifying the Legal and Broader Life Impacts of Domestic and Family Violence. <http://www.lawfoundation.net.au/publications/dfv>

Recommendation 9: Implement a phased approach towards establishing a socio-legal service that explores more integrated services in a considered way and based on monitoring and evaluation of the process and outcomes achieved.

Human Resources

Recommendation 10: Aim to recruit people from diverse backgrounds to increase trust and to better meet language and cultural needs of clients.

Recommendation 11: Consult with organisations such as Knowmore and Financial Rights Legal Centre to get advice on how to integrate Indigenous staff members into a holistic service. Once integrated, ensure they are included in planning and decision making.

Recommendation 12: Aim to recruit at least one First Nations person in the team, either as a full time or part time role and involve this person in the strategic planning of the service to ensure services are delivered to First Nations people through their terms of reference .

Recommendation 13: Recruit a team with diverse professional experience, with a range of early career and late career members to help build the team's capacity and capability and offer career succession.

Recommendation 14: Recruit professionally trained and experienced Social Workers as Case Workers.

Recommendation 15: Recruit a Financial Counsellor, preferably with financial abuse experience.

Recommendation 16: Provide staff with support services and flexible working arrangements.

Recommendation 17: Draw upon a network of pro bono lawyers for enhanced capacity and capability. Look to have pro bono lawyers that can provide specialist legal advice and / or representation not provided in house; and provide additional capacity.

Recommendation 18: Provide staff with training during induction and throughout their employment that addresses socio-legal collaborations and how to most effectively support people who have experienced financial abuse.

Capacity Building and Reform

Recommendation 19: Work through partnerships to drive advocacy, reform, policy change and to build capacity in government, community and industry.

Recommendation 20: Build effective legal volunteer programs to not only grow legal capacity within financial abuse practices, but to also build it across the legal profession.

Recommendation 21: Explore, through partnerships, the potential for a socio-legal peak body to collect evidence of outcomes, best practice and to drive capacity building and reform work.

Recommendation 22: Provide media and information to raise general community awareness and understanding of financial abuse.

Recommendation 23: Develop a set of resources for victim-survivors to use when preparing for court and resolving disputes out of court.

The Proposed Collaborative Service Model for Legal and Non-Legal Support

Recommendation 24: RLC to expand their existing Financial Abuse Service NSW to deliver the proposed collaborative service model for legal and non-legal support to support people living in NSW.

Recommendation 25: Other states and territories to support suitably experienced community organisations to design a similar holistic service by drawing upon the model proposed in this report, and by learning from RLC and other community organisations and researchers working in the sector. Consider existing expertise and resourcing within the proposed host organisation, along with their established referral pathways and partnerships to identify a model that leverages an existing track record of success.

Recommendation 26: Initially rely on existing partnerships. Develop a partnership strategy that tracks needs and capacity to deliver services. Identify new partners that also align with objectives of the holistic service.

A Phased Approach

Recommendation 27: During year 1, explore the potential to have social service professionals meet with clients before they have seen a Solicitor. Whilst this approach is different to the approach recently implemented by Women's Legal Service NSW, there is merit in exploring this approach to provide a service that addresses the needs expressed by clients during the consultation.