

18 August 2026

Victorian Law Reform Commission

GPO Box 4637

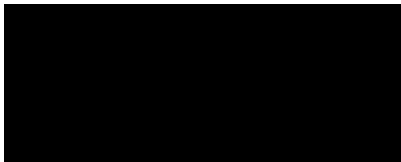
Melbourne VIC 3001

Via email: legal.privilege@lawreform.vic.gov.au

Thank you for the opportunity to provide a submission to the Victoria Law Reform Commission's *Inquiry into Legal Privilege and Legal Assistance Services*.

Please find attached a submission from Barwon Community Legal Service.

For further information, please contact:



Bryanna Connell

CEO, Barwon Community Legal Service



Legal Privilege and Integrated Legal Assistance Services Inquiry

18 August 2026

Dear Commissioners,

Thank you for the opportunity to provide a submission to the Victoria Law Reform Commission's *Inquiry into Legal Privilege and Legal Assistance Services*.

About Barwon Community Legal Service

BCLS is a generalist regional community legal centre providing legal assistance across a range of civil law, family violence and family law matters. We are deeply embedded in the communities we serve across Greater Geelong, the Surf Coast, Bellarine and Colac Otway and have been providing legal assistance in our region for forty years.

Our purpose is to be the bridge between our community and the law, to achieve our vision of *Accessible Justice. Stronger Communities*.

Many people in our region face significant barriers to accessing justice, and experience complex and intersecting problems that require holistic responses.

As legal need continues to grow, and the service system becomes more complex, working effectively with integrated legal assistance services is foundational to our ability to increase access to justice and deliver legal help where it is needed most in the Barwon Region.

Our priority cohorts include people affected by family violence, young people, First Nations peoples, people experiencing housing insecurity, older people, people with disability, LGBTQIA+ communities and people from culturally and linguistically diverse communities.

Many clients would not access legal help without integrated services. Integrated partnerships are particularly important in regional communities, where services can be limited and geographically dispersed, and communities complex and diverse. There are situations, for example, where we 'can't not' work with particular services without locking community out of access to free legal services, because they might be the only such service in the region. Providing outreach services is also critical for reaching people experiencing geographic barriers to access.

Our Integrated Partnerships

Integrated service delivery has been a feature of BCLS's work for many years and is now central and integral to how we provide legal assistance to our community. We currently have 16 integrated partnerships in place which fall along the continuum of loosely or closely integrated models described in the Consultation Paper (see **Table 1**).

Our most embedded and collaborative service models are our Health Justice Partnership, Youth Law/ School Lawyer Programs, and our in-house financial counselling service provided through the family violence Safe at Home pilot program. Our partnership with the Sexual Assault and Family Violence Centre also often involves close collaboration with case workers who support clients to engage with legal assistance. We have historically also had social workers embedded in-house.

By contrast, partnerships with services such as The Orange Door and our Deakin University Student Legal Service program are less integrated; while we may be co-located and share office space, legal practitioners are not embedded within multidisciplinary teams to the same extent.

*"All our clients are vulnerable and are typically engaged with other service providers – so the more we can offer a wrap- around service it's really important that we do." –
Financial Counsellor*

What Our Team Tells Us

Through our internal consultations for this inquiry, we heard the following themes from legal and non-legal staff members about how well the current settings are working, or not working so well, in their programs. Within our service we have a range of different views and experiences among legal and non-legal staff that highlights the complexity of this topic.

What Works Well for Clients

- Through holistic, wrap-around support, clients are better equipped to exercise their rights and achieve meaningful access to justice outcomes.
- For a client, having a trusted support person present can reduce stress and improve the client's capacity to engage with legal advice and processes. This is particularly the case for our most vulnerable cohorts and those with a significant trauma history and resultant trust issues.
- On a practical level, social or support workers assist clients gather and organise information relevant to their legal matters, complete forms and applications, obtain supporting documentation and support letters and attend legal appointments.

- For some clients, the ability to tell their own story in their own words to a lawyer and knowing the space is protected by confidentiality can be an empowering experience. In the Health Justice Partnership space, we will often receive disclosures that clients may not wish their support worker to hear. Further, confidentiality is of particular importance to young people, who can otherwise be subject to mandatory notifications with the resultant possible implications for their safety and security, and will therefore not be open and fully disclose all issues affecting them without that protection.

What Doesn't Work Well for Clients

- Clients may receive conflicting or incorrect advice from non-lawyers. In some instances, legal advice may be misinterpreted, incorrectly recalled, or supplemented with unintended commentary. Where clients rely on incorrect information, this can lead to detrimental legal outcomes and cause stress.
- “Too many voices and opinions” can create confusion for clients about whose advice to follow. Social work professionals can give their opinion on what a client should do in their situation based on what they think should happen, or what the client should do, without having a comprehensive understanding of relevant laws and processes.
- Clients may feel pressured to have a support worker with them in meetings with lawyers or not realise they have a choice not to.
- Clients may have to ‘choose’ between accessing a service and maintaining or waiving privilege. Clients may not fully understand privilege explanations and the differences between lawyer files which are protected, and social worker notes (which may be subject to subpoena), and potential implications.

What Works Well for Staff and Our Service

- As a service, effective partnerships with community services helps us to contribute to a more connected and effective legal help ecosystem, where people receive the support they need regardless of where they first seek assistance.
- Many people approach community services before engaging with a lawyer. If these entry points work more effectively together, as a service and as part of this ecosystem, we are able to better help people identify legal issues earlier than they otherwise may have and connect them to appropriate assistance before problems escalate.
- We have better reach and engagement with priority clients: without our integrated partnership we would not be able to reach many of our clients and keep them engaged throughout often lengthy legal proceedings.
- We are able to deliver more effective, trauma informed and contextualised advice.

- Social service workers provide valuable support needed to progress legal matters, such as logistical assistance and access to documentation and resources, including providing support letters when required.
- For young, traumatised clients in particular, a trusted support worker provides an avenue for engaging with lawyers who they would otherwise not engage with or disclose to.

What Doesn't Work Well for Staff

- The lack of guidance and information on how these risks are managed across our sector and other organisations makes it difficult to apply and maintain consistent risk management practices, both internally across programs and externally when collaborating on shared projects.
- We do not always have visibility about the information barriers in place within partner organisations, particularly some of the larger organisations which have multiple teams that might be engaging with a shared client, which can create risks and uncertainty.
- Staff report a constant tension between confidentiality and privilege obligations; depending on the program or matter, lawyers can be uncertain about the extent to which their communications and work are protected in integrated settings. Individual lawyers also have varying levels of risk tolerance and views on acceptable risk can also differ between lawyers and managing lawyers.
- The lack of private space in many settings severely limits lawyers' ability to provide confidential legal advice. Working in open offices, shared rooms, or public areas can restrict the nature and scope of legal work that can be undertaken, particularly when delivering outreach services. This can compromise confidentiality and reduce efficiency and productivity
- Legal staff working within some programs report experiencing pressure from staff at partner organisations to share information or allow support workers to attend client consultations. This can lead to tensions and mistrust where lawyers are required to maintain professional obligations regarding confidentiality and legal professional privilege. Situations in which a lawyer must ask a support worker not to attend a consultation or limit notetaking during discussions, can lead to misunderstandings, strained relationships, and a loss of trust between partner agencies.
- We also heard that lawyers can feel pressure to maintain collaborative relationships with partner organisations, particularly where those organisations may be the only service for a particular cohort in the region. Difficulties can arise when support workers request information about a matter that a client has not authorised the lawyer to disclose. In these circumstances, lawyers must balance their professional obligations against the expectations of partner agencies, creating ongoing tensions and increasing the complexity of case management.

- High staff turnover within some partner services results in a continual need to educate and re-educate workers about legal professional privilege, the role and obligations of legal practitioners, the limitations on support worker attendance at legal appointments, and differing confidentiality and information-sharing requirements. This can lead to inconsistency in practice and varying levels of understanding among social service professionals, requiring significant ongoing investment of time and resources by legal services.

Broader Concerns About Professional Obligations

Our staff also reported concerns about the impact of potential changes to legal privilege in integrated services settings on lawyers' broader ethical and professional obligations. Legal privilege is one part of a broader suite of ethical and legal obligations, including confidentiality, taking instructions from the client, fiduciary duties, and conflict rules. Concern was raised that changes to legal privilege can potentially impact other fundamental duties and compromise a lawyers' integrity and professional independence.

Through professional ethics training and consultations with the Law Institute of Victoria, we have received inconsistent information and guidance about the application of legal professional privilege and confidentiality in integrated service settings. At times, it has suggested that aspects of integrated practice may not adequately preserve privilege, creating uncertainty for practitioners and concern about compliance with their professional obligations. This can create tension between the views of ethics advisors and the practical realities of service delivery within a community legal organisation, leaving individual lawyers caught in the middle. This is despite our organisation taking a highly risk-averse approach and implementing safeguards to protect client confidentiality and legal professional privilege. The lack of clear, consistent guidance can undermine confidence in integrated legal service delivery and create tension within the organisation other among lawyers between lawyers and leadership.

"Legal professional privilege is fundamental to the profession. Legal professional privilege does not sit in isolation from the rest of the profession. Changing it is far bigger than changing a single rule." - Lawyer

The Need for Flexibility in Integrated Service Delivery

While some common themes emerged, our experience with different integrated partnerships shows that there is no ‘one size fits all’ approach. The effectiveness and appropriate design of an integrated partnership depend on a range of factors, including the client cohort, the nature and maturity of relationships between partner organisations, the risk tolerance of individual lawyers and managers, and the types of legal matters involved. In particular, some matters present greater risks and complexities in relation to legal professional privilege, confidentiality, and information sharing than others.

In particular, some matters present greater risks and complexities in relation to legal professional privilege, confidentiality, and information sharing than others. The success of integrated service delivery can also be influenced by the level of understanding of legal professional obligations within partner organisations. While leadership may be supportive of these obligations and make genuine efforts to communicate them, concepts such as legal professional privilege and confidentiality can be difficult to translate into day-to-day practice for frontline staff who are not legally trained. As a result, expectations and approaches to information sharing, record-keeping, and participation in legal consultations can vary across organisations, creating practical challenges for lawyers working in integrated settings.

We have provided three examples of our programs below which illustrate these complexities, and the need for flexibility when providing integrated legal assistance services.

Example1: Our Health Justice Partnership (HJP)– an effective balance

We are connected to every public health service in the Barwon, Bellarine and Colac Otway regions through our HJP, with most referrals coming from Barwon Health social workers.

Our partnerships are essential for reaching vulnerable clients, particularly in a regional area where geographical barriers can make accessing services difficult. For example, some people may need to travel up to 40 minutes to access a public hospital. Similar barriers can affect access to legal assistance. Outreach services and integrated partnerships help overcome these challenges by bringing legal support to places clients already attend and trust.

Effectiveness of current framework

Our experience is that the current framework strikes an effective balance between close collaboration and the protection of legal professional privilege for our HJP. This is due to clear communication about why information barriers are necessary, clear expectations set at the outset, a high level of trust built over time between lawyers and social workers, and proactive work to provide continued education about the program and parameters of legal help (including legal privilege) to social workers based within our partner health service organisations.

We adapt a stringent and risk averse approach when advising clients about the potential implications of waiving privilege and/or the involvement of non-lawyers in a legal consultation. The nature and level of risk vary depending on the types of matters. For example, wills and fines are examples of typically lower risk matters, while family law and family violence matters often carry greater risks, including the possibility that notes taken by support workers and other non-legal professionals could be subpoenaed in future proceedings.

If a client has significant vulnerabilities (e.g. clients in mental health settings), we continue to take a cautious and risk-averse approach to the involvement of non-lawyers in legal consultations and any potential waiver of privilege. However, decisions are made on a case-by-case basis considering the client's individual circumstances, the nature of their vulnerability, the type of legal matter, and the level of risk involved.

Our Perceptions of Client Experience

In our experience there are clients who value the opportunity to tell their story directly to a lawyer, in their own words and within a confidential legal relationship. In a hospital setting it is hard for clients to have a private space to speak confidentially. There are often multiple professionals, family members and service providers may be present or moving in and out of a client's room. Providing a private space for legal consultations can enable clients to speak freely and disclose issues such as family violence or elder abuse that may otherwise remain unidentified.

“For a client to be able tell their own story in their own words to a lawyer confidentially is an empowering experience for a lot of people. We need to act on the client’s instructions, not on how a social worker has interpreted the story. This is where we can get disclosures.” -Lawyer

Some clients prefer not to have a social worker present during appointments, particularly when discussing issues such as family violence, elder abuse or decision-making arrangements. Similarly, some clients may want to limit the information shared with their lawyer to matters relevant to the legal issue for which they are seeking advice. For example, a client connected to a social worker in relation to family violence may be seeking assistance for a fines matter and may not wish their broader circumstances to be discussed. For some clients, especially those whose capacity has been questioned in other contexts, such as healthcare settings, being recognised as having legal capacity and the right to make their own decisions, seek legal advice independently and assert their rights can be an empowering experience.

Challenges

We have, on occasions, experienced social workers unintentionally provide incorrect legal information or misunderstand or misinterpret legal advice. There can also be frustration when lawyers are unable to share information without client consent. While these challenges can create practical tensions within integrated service settings, our experience is that these challenges are manageable within the current framework through clear communication, role clarity, and a shared understanding of professional obligations

Recommendations for Reform: HJP Context

Based on our experience, we are concerned that reforms to privilege may have unintended consequences for engagement and collaboration with partner organisations in our HJP. Adapting to the distinct obligations that govern legal practice, particularly around confidentiality and information sharing, has already presented significant challenges for some services. Further changes to the way support workers operate may place additional strain on these relationships, increase the perceived complexity of working with legal services, and risk some organisations disengaging from legal partnerships altogether because they are viewed as overly difficult or burdensome to navigate.

This would have direct implications for clients. HJPs rely on trusted relationships between legal and non-legal professionals to identify legal issues early, facilitate referrals, and support clients to engage with legal services. If partner organisations become less willing to participate in integrated models, vulnerable clients may be less likely to access legal assistance, legal problems may go unidentified for longer, and opportunities for early intervention may be lost.

We would therefore support reforms that provide greater clarity and consistency regarding privilege and confidentiality obligations, while preserving the flexibility required for lawyers and support workers to work collaboratively in the best interests of clients. Any reform should be accompanied by practical guidance, training and resources for both legal and non-legal professionals.

Example 2: Youth Law Programs – Trusted Intermediaries are Essential

We have delivered integrated legal services and CLE through partnerships with schools, flexible learning centres and youth services in the Barwon region for over eight years, working closely with wellbeing staff, social workers and youth workers. These include a formal school lawyer program at Western Heights College (currently on hold), a closely integrated partnership with The Geelong Project and Meli to support young people at risk of homelessness and school disengagement, and a range of early intervention initiatives to provide legal assistance, youth engagement activities and co-located services.

Through these programs, we work alongside key partners: Meli, Saints College Geelong and Colac, Northern Bay College and local art and sporting organisations to reach young people who may not otherwise access legal support.

Our experience shows that close working relationships between our lawyers, social workers, school wellbeing staff and youth workers is immensely important for the cohort of young people our programs target. BCLS is the only service providing young people with access to free legal assistance in our region aside from Victoria Legal Aid; we know from the Public Understanding of Law Survey (PULS) that legal need among young people is high, and they face multiple barriers to accessing support. Being able to reach young people and intervene early can be life changing.

Supporting Vulnerable Young People Through Integrated Partnerships

Many of the young people we assist are disengaged from services and can be difficult to engage and maintain contact with. Our youth law programs focus primarily on early intervention and civil law matters affecting young people, including fines, housing and tenancy issues, family violence, child protection, education, discrimination and consumer issues. We do not currently provide criminal law services.

Youth workers and wellbeing team staff are often the reason young people access legal help in the first place. They build trust, re-engage young people who have disengaged, identify legal issues, refer to services, encourage young people to attend appointments and provide ongoing support throughout the legal process.

Young people often cannot recognise that the life issues they are experiencing are legal issues and youth workers are vital in assisting young people to identify legal issues, understand their options for assistance, motivating them to address the issues and connect with our service.

Building relationships and trust with young people takes considerable time and unless there is a trusted worker referring them to a lawyer, they are unlikely to seek support themselves. If the young person believes that their youth worker or support worker trusts us as a service, the young person will rely on that and is much more likely to engage. This is particularly true for young people with a strong trauma history who have experienced adverse outcomes from previous attempts at trusting unknown adults.

Our youth lawyers provide information about legal professional privilege, confidentiality and the potential implications of having a non-lawyer present during a legal consultation, enabling young people to make an informed choice about how they wish to engage with legal services.

Challenges

The vast majority of young people that we see in schools or youth services have a youth worker, school wellbeing staff member or social worker present. While this support is incredibly valuable, it can also create uncertainty about how confidentiality and privilege operate in practice. Social workers, school wellbeing staff and youth workers hold their clients closely and want to know information so they can support them holistically, but this can create challenges in the relationship between the lawyer and support workers.

Many professionals working with young people are subject to mandatory reporting and information-sharing obligations. This creates a unique tension in integrated youth services. Some young people value the confidentiality of a direct lawyer-client relationship and may be more willing to disclose sensitive information when meeting with a lawyer alone. Others may only engage with legal assistance with the support of a trusted youth worker or wellbeing practitioner. Any reform should recognise this complexity and preserve flexibility. Concerns about confidentiality, legal professional privilege and the involvement of support workers can significantly influence a young person's willingness to disclose information. Where young people do not feel safe or supported during the legal process, they may be less likely to share critical information, which can adversely affect our ability to identify, address and ultimately resolve their legal issues.

A particular concern in youth practice is the risk of conflict with parents or guardians who may object to a young person receiving legal advice. If disputes arise, the actions of both lawyers and support workers can come under scrutiny.

The risk that support workers will be subpoenaed may also be heightened in youth matters, as young people are often involved in, or affected by, family law, child protection or other court proceedings. In these contexts, information relating to their wellbeing, circumstances and support networks may be readily sought as part of the court process, increasing the potential for records, notes and communications held by support workers to be subject to disclosure.

“I’m nervous about it all the time but put up with it. My tolerance to risk is a lot higher than others and has to be to successfully do this work. It’s not a great situation but the bottom line is, I want to help the kids so I’m willing to take the risk.” - Youth Lawyer

The challenge is made harder by the environments in which legal services are delivered. In schools, private meeting spaces are often unavailable, with appointments potentially taking place in areas where staff and students regularly walk past. Similar issues arise in community service settings, where lawyers may be unable to access a dedicated office or private room for confidential discussions due to limited availability and room booking constraints. These arrangements can leave our lawyers feeling uneasy about whether they can adequately protect client confidentiality. Even the possibility that other young people may become aware that a young person has met with or is meeting with a lawyer can discourage them from seeking assistance.

While co-location with youth workers and school wellbeing teams improves engagement and generates valuable referrals, these benefits must be balanced against the practical constraints of legal practice. Maintaining client confidentiality in shared outreach spaces can limit lawyers' ability to undertake client work, access files, or take client calls, even where measures such as privacy screens and strategic seating arrangements are in place.

Differences between legal and non-legal service frameworks, particularly regarding confidentiality and information sharing, have presented challenges for some of our partner organisations. These differences can create uncertainty and frustration, resulting in reduced referrals and lower levels of engagement with legal services.

Our Perceptions of Client Experience

We are not confident that young people would have the confidence to see our lawyers without the support of a social worker or youth worker, including having them present during legal appointments. This is largely due to the trust these workers have established and the significant vulnerabilities many young people experience.

One concern we have is that young people are given information about legal privilege and whether they wish to waive it by having a support person present, but it is not always clear whether they fully understand what it means or the implications if issues later arise. Safety is their main priority, and having a trusted support worker in an appointment with a lawyer may override long term possible future implications for their legal privilege.

For some young people, the confidentiality of legal advice provides a unique opportunity to discuss issues they may be unwilling to raise with other support services, particularly where mandatory reporting obligations apply. This empowers young people to control their own narrative, assert their rights, and make informed decisions about their lives and circumstances. Legal assistance may be the first time young people have been able to make these kinds of decisions and have autonomy.

Recommendations for Reform – Youth Law Context

We need to be able to work closely with social workers and youth workers to be able to reach and provide holistic support to young people. However, our youth programs would benefit from clearer guidance about confidentiality, legal privilege and the role of social workers during legal appointments, along with ongoing training to address high staff turnover in the sector. There also needs to be clarification as to the intersection of legal privilege and the mandatory reporting requirements of support workers.

Example 3: Our Family Violence Integrated Partnerships – Flexibility Is Essential to Trauma-Informed Practice

Following the Royal Commission into Family Violence, the establishment and expansion of specialist family violence services has fundamentally shaped the pathway through which victim survivors access legal assistance. As a result, most family violence referrals to our service are made through community service organisations, with family violence practitioners often already engaged with clients before legal assistance is sought. These practitioners frequently provide support across a range of issues that intersect with legal need, including securing safe housing, engaging with police and child protection, navigating risk and safety planning, and supporting clients through family violence intervention order proceedings. Consequently, many clients are already supported by a trusted practitioner when they are referred to legal services, making integrated partnerships a critical component of effective service delivery in the family violence context.

We have three specialist integrated partnerships focused on providing legal assistance and non-legal support for people experiencing family violence:

- The Orange Door
- The Sexual Assault and Family Violence Centre (SAFVC)
- Safe at Home pilot - Meli

These three partnerships demonstrate that integrated service models operation along a flexible and continually evolving continuum, from loosely connected and highly integrated, with client need at the centre of how each partnerships operates.

Example 3a: A More Loosely Integrated Family Violence Partnership - The Orange Door

Partnership activities

- Referrals to and from The Orange Door.
- Delivery of on-site legal assistance, including legal information, legal advice through individual appointments, casework and secondary consultations.

Where does this sit on the integration continuum?

- More loosely integrated.
- Social workers are not usually present during legal appointments.
- The partnership is characterised by coordinated referrals and co-location of services, while maintaining clear separation between legal and non-legal interventions.

Our partnership with The Orange Door can be described as more of a ‘loosely integrated’ model. The Orange Door primarily functions as an integrated intake, assessment and referral service. In this setting, support workers play a critical role in identifying legal issues, engaging clients and facilitating access to legal assistance.

The focus is often on connecting clients with appropriate services and providing early legal advice rather than ongoing legal representation. As a result, the presence of a support worker during legal appointments may be less critical than in more intensive case management settings, although support workers remain an important pathway through which clients access legal assistance. There are however instances where a client may wish to have a support worker present so in these instances flexibility is required.

Support workers attending legal appointments may be employed by a range of partner agencies operating within The Orange Door network, adding complexity to our integrated partnership as practitioners from multiple organisations can be involved.

Any approach to legal professional privilege in this setting must account for these multi-agency arrangements and ensure workers understand the implications of confidentiality and privilege obligations when participating in legal appointments.

Example 3b: A More Closely Integrated Family Violence Partnership - The Sexual Assault & Family Violence Centre (SAFVC)

Partnership activities

- Referrals to and from SAFVC.
- Delivery of co-located, in-depth legal assistance to SAFVC clients as part of a holistic wraparound service at the Barwon Multi-Disciplinary Centre in Geelong.
- Provision of legal information, advice and casework for people experiencing family violence.
- Delivery of legal education and secondary consultations for SAFVC staff on legal issues affecting victim survivors of family violence.

Where does this sit on the integration continuum?

- More closely integrated.
- Social workers are often present during legal appointments at the client's request.
- Legal and non-legal professionals work closely together to support clients with intersecting legal and non-legal needs.
- The partnership involves higher levels of collaboration, coordination and information sharing than a referral-based model, while maintaining appropriate professional boundaries and client consent processes.

Clients engaged with our SAFVC integrated service are often among the most complex and vulnerable individuals we support, and we can often support these clients over many months if not years. In many instances, the presence of a SAFVC worker during legal appointments is essential to enable meaningful engagement with legal assistance. As a result, the nature of our collaboration can shift along the integration continuum, ranging from loosely integrated to closely integrated, depending on the client's needs and circumstances.

These appointments can deal with a range of matters, not just Family Law or Family Violence and are identified by the service as a legal need that is then referred on for legal advice. This demonstrates that clients are often already working with support workers prior to their engagement with us and they are an essential referral pathway for Family Violence service.

Maintaining flexibility is critical in the SAFVC setting, where fostering safety, trust, and effective client engagement is essential. This approach also helps reduce the risk of re-traumatisation by supporting appropriate information sharing between services and, wherever possible, minimising the need for clients to repeatedly recount their experiences to multiple practitioners.

Legal professional privilege should be assessed by reference to the dominant purpose and substance of the communication, rather than by the job title or professional classification of the people present. In integrated service settings, non-legal professionals often play a critical role in enabling clients to access and engage with legal assistance. Their involvement should not, of itself, undermine privilege where the communication remains directed towards obtaining or providing legal advice.

Example 3c: In-House, More Loosely Integrated Family Violence Partnership – Safe at Home

A partnership between BCLS Lawyers, our in-house Financial Counsellor and the Safe at Home team at Meli

Partnership activities

- Integrated support for clients experiencing family violence through legal and financial counselling services.
- Referrals from the Safe at Home team at Meli to BCLS lawyers and Financial Counsellor.
- Referrals between BCLS lawyers and Financial Counsellor where clients have intersecting legal and financial issues.
- Collaboration between BCLS, Meli and McAuley Community Services for Women as part of the broader Safe at Home program.
- Coordination of support for clients with intersecting legal, financial and safety concerns.

Where does this sit on the integration continuum?

- More loosely integrated.
- Information-sharing barriers are maintained between legal and financial counselling services.
- Joint appointments are generally not conducted.
- Legal professional privilege, confidentiality obligations and information-sharing arrangements are explained separately by both the lawyer and financial counsellor.
- Despite both services operating under the BCLS banner, clients can sometimes find these distinctions confusing, particularly where they are receiving support from both services simultaneously.
- This highlights that challenges relating to privilege, confidentiality and client understanding can arise even within an in-house integrated service model and require ongoing communication and role clarity.

We employ an in-house financial counsellor whose role is primarily funded through the Safe at Home pilot, supporting victim survivors of family violence to stay in their homes and communities.

The partnership operates within the highly complex Safe at Home model, which takes a whole-of-family approach. As part of this model, Meli supports victim survivors including children as well as people using violence, with the aim of increasing safety and preventing further violence, including by supporting people using violence to change their behaviour and, where appropriate, leave the family home rather than requiring victim survivors to do so. As a result, Meli may hold information relating to multiple family members and have visibility of issues affecting different parties within a family system.

In contrast, BCLS only provides legal assistance to victim survivors. These different roles require particularly careful management of confidentiality, information sharing and professional boundaries to ensure client safety, maintain trust, and protect the integrity of legal services.

During the development of the partnership, significant consideration was given to this nuance. BCLS explored a model involving joint initial appointments with a lawyer and financial counsellor; however, we did not adopt this approach due to our risk adverse approach to holding potential risks to legal privilege. The current approach is:

- very limited client information is shared by Meli to our Legal Intake team and lawyers.
- no information is shared between our lawyers and Financial Counsellor or between our lawyers and Meli.
- information may be shared between Financial Counselling and partner organisation Meli on an as needs basis to support service delivery.
- the Financial Counsellor and Meli Safe at Home social worker may conduct joint appointments where engagement with a client is challenging. They will provide each other with relevant updates where issues have implications for a client's financial circumstances, safety, or housing security.

This partnership illustrates both the benefits and practical challenges of integrated service delivery. While maintaining clear boundaries around legal advice protects clients' legal interests, it can also result in clients being required to provide the same information to multiple practitioners. For example, clients participating in both legal and financial counselling services currently complete separate intake processes, meaning some information is collected more than once.

As the Safe at Home pilot evolves, we recognise there are opportunities to review whether aspects of service delivery can be adjusted to better support Safe at Home clients, while continuing to appropriately protect legal professional privilege and client confidentiality. One such approach may be to extend legal professional privilege to our in-house financial counsellor where the purpose of their role is to support clients engaging with legal assistance,

Any such approach will need to carefully balance the benefits of reduced duplication and a more trauma-informed client experience against the risks associated with sharing information or conducting joint appointments involving legal practitioners.

This experience demonstrates that integrated partnerships require ongoing review and adaptation, and that different models may be appropriate as partnerships mature, staff develop experience, and a clearer understanding emerges of how legal and non-legal services can work together most effectively.

MARAM

MARAM also places significant emphasis on coordinated responses and information sharing by prescribed organisations. While family violence practitioners may, with client consent and where authorised, share information with legal services to support service delivery and risk assessment, legal practitioners remain subject to distinct confidentiality and legal professional privilege obligations. Navigating these different frameworks can be complex and requires ongoing training, clear role delineation and careful management in practice.

Based on our experience, any reforms that alter the way family violence practitioners engage with legal services in relation to legal professional privilege risk increasing this complexity, creating additional administrative and training burdens, and potentially discouraging collaboration between legal and non-legal services. This could undermine the integrated service responses that have become a key feature of the family violence system following the Royal Commission.

Recommendations for Reform – Family Violence Context

Family violence services are now a primary pathway to legal assistance. Any reforms affecting legal professional privilege must recognise that legal services increasingly operate within integrated service systems and that family violence practitioners play a critical role in identifying legal issues, facilitating referrals, and supporting client engagement.

Any approach to legal professional privilege in this setting should:

- Maintain flexibility, which is critical to ensuring a trauma-informed approach that promotes safety, trust, and effective client engagement. There is no “one-size-fits all” approach, particularly in the family violence context.
- Recognise that clients are often already engaged with family violence practitioners before they access legal services, and that these practitioners are an essential referral pathway. Reforms should account for multi-agency arrangements and ensure workers understand the implications of confidentiality and legal professional privilege obligations when participating in, supporting or facilitating access to legal appointments across a broad range of legal matters.
- Balance the benefits of reducing duplication and providing a more trauma-informed client experience against the risks associated with sharing information or conducting joint appointments involving legal practitioners.
- Recognise that integrated service models are diverse and continue to evolve over time, requiring ongoing review, adaptation and practical guidance.
- Provide clear, consistent guidance and training for both legal and non-legal professionals regarding confidentiality, privilege, information sharing and record-keeping in integrated service settings. Assess legal professional privilege by reference to the dominant purpose and substance of a communication, rather than by the job title or professional classification of the people present.

What Could Be Changed, Improved or Made Clear

We support reforms that:

1. Support effective collaboration between legal services and community partner organisations
2. Recognise that legal professional privilege is fundamental and should be protected wherever possible.
3. Supports clients to make informed choices.
4. Allow for flexibility and responsiveness to client vulnerability, the individual circumstances of clients, and different levels of legal risk.
5. Support a trauma-based approach to service provision, particularly for vulnerable cohorts, such as young people and people experiencing family violence.
6. Recognise lawyers' ethical and professional obligations, including the impact that uncertainty regarding privilege and confidentiality can have on legal practice, decision-making, risk management and staff wellbeing

Consideration could be given to:

1. whether legal privilege should extend to any social service professional working alongside lawyers within the same CLC.
2. Whether the application of legal professional privilege should be assessed by reference to the dominant purpose and substance of the communication, rather than by the job title or professional classification of the people present.

Our team would benefit from:

Our consultation process does not point to a clear preference for legislative reform. However, feedback indicates our team would benefit from greater practical guidance and support, including:

1. Clear practical guidance

Practical guidance that clearly defines the boundaries of legal professional privilege and confidentiality in integrated service settings, including what constitutes appropriate safeguards and risk mitigation measures.

A clearer articulation of the underlying risks would support a shared understanding across the sector and promote more consistent approaches, rather than requiring individual services and legal teams to develop their own interpretations and risk assessments.

2. Model Guidelines for Integrated Practice

Practical tools for legal practitioners and non-legal professionals / organisations working with joint clients. This could take the form of a set of practice based ‘Model Guidelines’, building on the FCLC [Integrated Practice Toolkit](#), that CLCs and partner organisation can adapt and use to manage risks. It could include, for example:

- a) Guiding principles about integrated legal partnerships and legal privilege
- b) Documentation of the steps for developing closely integrated partnerships, what the information barriers should look like, and a best practice model. This can avoid individual services having to replicate work.
- c) Standardised explanations for clients and partner organisations about legal professional privilege and confidentiality, tailored to different contexts, such as:
 - young people;
 - family violence and family law matters;
 - health justice partnerships;
 - clients with differing levels of decision-making capacity.

This would promote consistency and help clients better understand the implications of having a non-legal professional present during legal consultations.

- d) Ongoing professional development for current CLC lawyers and lawyers entering the community legal sector.
- e) Training resources for non-legal partner organisations on:
 - legal professional privilege;
 - confidentiality obligations;
 - information-sharing barriers;
 - note-taking practices;
 - joint appointments; and
 - the interaction between privilege and other obligations, including mandatory reporting, Child Safe Standards, MARAM and information-sharing schemes.
- f) Practical tools and checklists to support implementation, including:
 - responding to requests for privileged information;
 - minimum standards for private spaces used for legal consultations;
 - recommended responses where confidential meeting spaces are unavailable; and
 - risk-management considerations for outreach and co-located service settings.

Conclusions

Our experience suggests that integrated partnerships can operate effectively within the existing framework where there are clear professional boundaries, informed client consent, strong interagency relationships and a shared understanding of confidentiality and legal professional privilege obligations. Rather than fundamentally altering privilege protections, reform efforts should focus on improving guidance, training and practical resources for integrated service settings.

Client interests should remain the central consideration. Any reform should support client choice, autonomy and access to justice. While some clients prefer private legal consultations, others require the support of a trusted worker to engage effectively with legal services. Reforms should preserve sufficient flexibility to respond to these differing needs while maintaining appropriate protections for confidentiality and legal professional privilege.

Table 1: Integrated Partnership - BCLS

Partnership	Description	Who we work with
Sexual Assault and Family Violence Centre	We provide co-located in depth legal assistance to clients of SAFVC as part of a holistic wrap around, at the Barwon Multi-Disciplinary Centre (“MDC”) as well as delivering education to SAFVC workers on legal areas that impact those experiencing Family Violence	Social workers
The Orange Door	We provide referrals to ToD and vice versa. We provide onsite assistance one day per week, legal information, provision of legal advice via one on one appointments, casework, secondary consults.	Social workers
Safe at Home pilot	Pilot program to support Victim survivors of family violence to stay in their homes; BCLS employs a Financial Counsellor be trained in the delivery of Restoring Financial Safety, who works alongside lawyers to deliver the service to Victim survivors as part of the SAH response	Partnership between lawyers and in-house financial counsellor and
Wathaurong Aboriginal Cooperative	Fortnightly on side appointments, plus CLS and secondary consults	Wathaurong staff
Cultura Migrant and Settlement Services	Fortnightly on side appointments, plus CLS and secondary consults	Cultura staff
Our Place Integrated Partnership (Northern Bay College)	Our Place Northern Bay is located within the Korayn Birraleee Family Centre, Northern Bay College (P-8 Wexford campus). Our Place is a holistic place-based approach to supporting the education, health and development of all children and families by utilising the universal platform of a school. BCLS provides appointments, CLE Secondary consults fortnightly on Tuesdays	Staff from co-located services and Our place staff
Legally Assisted Family Dispute Resolution Service (with Catholicare Family Relationship Centre)	BCLS collaborates with the Family Relationship Centre to provide a supported FDR process to assist families to avoid Family Court proceedings.	Caseworkers and Mediators
Deakin Student Legal Service	BCLS provides direct legal services based on Geelong Waurn Ponds Campus one day per week, case work and community legal education sessions on campus.	Deakin University Student Association staff and wider Deakin University Staff

Partnership	Description	Who we work with
		Eastern Community Legal Centre
Law for Life Skills	We work with Meli, Saints College Geelong and Colac and Northern Bay Secondary as well as individual service providers in our region to deliver an early intervention youth program to address underlying civil law issues contributing to disengagement, homelessness, and contact with the youth justice system.	Youth workers, social workers, school wellbeing teams and individual advocates and/or service providers
Health Justice Partnership	Onsite appointments at Barwon Health, Colac Area Health, Norlane Child and Family Centre, Bellarine Community Health, Great Ocean Road Health, Hesse Rural Health	Social workers
School Lawyer Program	CLE and referrals from Western Heights College for one on one advices and casework	School social workers and wellbeing team