



SUBMISSION

Prepared by South-East Monash Legal Service Inc.

And

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In relation to the

Victorian Law Reform Commission's Inquiry into Legal Privilege and Integrated Legal Assistance Services

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Acknowledgement of Country

SMLS acknowledges the Bunurong People and the Wurundjeri People, the traditional owners of the land where we work, and First Peoples language groups and communities across Victoria and Australia. We pay our respects to Elders past and present. We celebrate the people, traditions, culture and strength of Aboriginal and Torres Strait Islander peoples, and the fight for survival, justice and country that has taken place across Victoria and Australia.

We sincerely thank the Traditional Custodians for caring for Country for thousands of generations. SMLS recognises the ongoing impact of colonisation, dispossession and racism experienced by Aboriginal peoples. As a Community Legal Centre, we acknowledge the violence of Australian law and its ongoing role in processes of colonisation. We recognise that sovereignty was never ceded, and that this always was and always will be Aboriginal land.

Our Organisation

Established in 1973, South-East Monash Legal Service (**SMLS**) is a community legal centre that provides free legal advice, assistance, information, and education to people experiencing disadvantage in our community within the City of Greater Dandenong, the City of Casey and the Shire of Cardinia.

SMLS operates a duty lawyer service at various courts in Victoria, including Dandenong Magistrates Court, the Children's Court and provides legal representation at courts and tribunals such as the Victorian Civil and Administrative Tribunal, Fair Work Commission, and the Federal Circuit and Family Court.

SMLS has one of the oldest clinical legal education programs in Australia, in partnership with Monash University's Faculty of Law, whereby law students undertake a practical placement at the legal service as part of their undergraduate degree.

SMLS has an extensive community legal education program that is developed in response to feedback from the range of community engagement and community development activities that we are and have been involved in.

SMLS provides integrated, wrap around services through our Support Connect Integrated Program, where clients receive legal assistance, alongside support from social workers. These services are supported by an Advisory Panel comprising of experts from the social service sector and University researchers.

SMLS also has a significant policy, advocacy, and law reform program, contributing to reforms in family violence laws and practices, access to civil procedure reforms, employment law, sexual assault and victims of crime, youth law, and other legal topics relevant to our service delivery and the needs of our community.

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Scope of submission

SMLS makes this submission in response to the [Inquiry into Legal privilege and integrated legal assistance services](#). We have only provided comments where we were confident that our expertise was a valuable contribution to the subjects raised.

Terms of Reference

Matter initiated by the Commission pursuant to section 5(1)(b) of the Victorian Law Reform Commission Act 2000 (Vic) on 4 March 2026.

Legal privilege—known as legal professional privilege at common law and client privilege in legislation—is a fundamental legal right that protects confidential communications between a client and their lawyer, when those communications are made for the dominant purpose of obtaining legal advice or preparing for litigation. In the interests of upholding the administration of justice, legal privilege exists to ensure clients can communicate freely with their lawyers, without fear of disclosure.

Legal assistance services are free legal services provided to people facing disadvantage, including through community legal centres, legal aid commissions and pro bono programs run by private lawyers and law firms. ‘Integrated legal assistance services’ refers to the provision of tailored social support together with free legal support, such as when nurses work with lawyers to holistically address the needs of suspected family violence victims in hospitals. This approach enhances access to justice by efficiently and effectively addressing the complex and interconnected needs of clients, and freeing up the legal assistance sector to support more clients over the long term.

However, the provision of integrated legal assistance services may also weaken a client’s ability to rely on legal privilege. This is because the participation of the non-lawyer may make it harder for the client to demonstrate the communications were confidential and made for a dominant legal purpose. A failure to meet these requirements would leave the client’s information vulnerable to disclosure to an opposing party, prosecutor or investigative body.

Furthermore, if the communications are not privileged, the non-lawyer may be obliged to reveal the information provided by the client. A number of non-legal professionals are required by law to share and/or report information about family violence and child abuse. In addition, failing to tell the police about the sexual abuse of a child is a criminal offence, unless doing so would pose a risk to someone’s safety, or some other reasonable excuse applies.

Integrated legal assistance service providers have developed a variety of strategies to help staff and clients manage these complicated requirements. In accordance with the ‘choice

and consent model’ adopted by some providers, clients are asked to choose between accepting integrated services but jeopardising legal privilege on the one hand, and forgoing integrated services but retaining legal privilege on the other hand. Arguably, this imposes an unjustifiable constraint on clients already experiencing disadvantage, forcing them to choose comprehensive legal and social support, or the preservation of their fundamental legal rights.

The Victorian Law Reform Commission will examine whether the law and practice relating to legal privilege and integrated legal assistance services should be changed. In conducting this review, the Commission will have regard to:

- legal privilege under common and statutory law
- the benefits of integrated legal assistance services to clients and the justice system
- the impact of integrated legal assistance services on legal privilege, and vice versa
- strategies used by integrated legal assistance service providers to balance the needs of clients
- legal developments in other common law jurisdictions
- the broad legal and ethical implications of reform in this area and
- any other matter relevant to the topic of inquiry.

Although the Commission may consider the commercial provision of integrated legal services in formulating its views, the Commission’s recommendations are to be confined to the relationship between legal privilege and the provision of integrated services in the legal assistance sector, consistent with the scope of this inquiry.

Acronyms

CLC	Community Legal Centre
LPP	Legal Professional Privilege (used in this submission to refer to both Advice and Litigation Privilege)
MLH	Mothers’ Legal Help
SCIP	Support Connect Integrated Program
SMLS	South-East Monash Legal Service
VLRC	Victorian Law Reform Commission

Executive Summary

South-East Monash Legal Service (**SMLS**) welcomes the opportunity to contribute to the Victorian Law Reform's Commission's Inquiry into Legal Privilege and Integrated Legal Assistance Services.

Integrated legal assistance models already operate successfully across Australia and have become an essential component of the legal assistance sector, particularly within Community Legal Centres (**CLCs**).

Most CLCs do not function solely as a legal practice but take a multidisciplinary approach to access to justice. While lawyers and paralegals/law students comprise the largest workforce cohort, CLCs also rely on a diverse range of client service, community engagement, policy and operational staff to deliver effective services. A Victorian workforce study found that, in addition to legal roles, CLC workforces include client intake staff (9.8%), Community education, engagement, development and support (inc. client support & advocacy, outreach) (9.3%), reception staff (6.6%), policy and advocacy staff (7.6%), program managers (9.1%), social workers (1.7%), Aboriginal engagement officers (1.1%), financial counsellors (0.8%) and migration agents (0.6%).¹ Client service roles are particularly important in supporting vulnerable clients and enabling access to legal assistance. Intake, reception and community support staff are often the first point of contact for clients and play a critical role in identifying legal and non-legal needs, facilitating referrals and supporting engagement with legal services. Social workers, Aboriginal engagement officers, financial counsellors and other specialist practitioners contribute expertise that addresses the complex social, financial and cultural issues often intertwined with legal problems. The CLC sector has taken this approach as it understands an inherent tension within the legal system, whereby individuals are assumed to be able to rationally execute their legal rights or meet their legal obligations but due to context and circumstance they often require support and assistance to be the active participant the law requires. The expertise of lawyers is to demystify and negotiate pathways through the legal system so people can make informed choices. The holistic and integrated practice of CLCs however further recognises and provides the support that individuals need to take up those pathways and to participate effectively and meaningfully despite their context and circumstance.

SMLS is a CLC delivering a range of integrated legal and social support services across Melbourne's south-east and Victoria. Our services operate on the basis that legal problems rarely arise in isolation and are frequently connected to issues such as family violence, housing insecurity, migration status, mental health concerns, financial hardship, trauma and social disadvantage. This approach reflects both our practical experience and the findings of SMLS's research into

¹ Kutin, J. J., McDonald, H. M., Hagland, T., Kennedy, C., & Balmer, N. J. (2021). Working in community legal centres in Victoria. Results from the Community Legal Centres Workforce Project: Workforce profile. Melbourne, Australia: Victoria Law Foundation. Available at: <https://victorialawfoundation.org.au/research/research-reports/>

multidisciplinary legal practice within community legal centres², which found that for most clients, in order to make the most of their legal rights or meet their legal obligations, they required support and assistance in these non-legal areas. These social and legal issues are not just concerns running in parallel but so entwined that to focus on one without the other is to diminish the capacity of individuals to have their legal needs met at all. The diversity of roles within CLCs is relevant to considerations of legal professional privilege (**LPP**). Many client interactions occur with non-lawyer staff whose work is integral to the provision of legal assistance. Any reform of privilege should recognise the multidisciplinary nature of CLC service delivery and ensure that confidentiality protections support effective collaboration between lawyers and client-facing professionals working as part of integrated legal assistance teams.

The National Strategic Framework for Legal Assistance identifies Collaboration and Integrated Approaches as a core principle of effective legal assistance service delivery.³ The Framework recognises that people experiencing disadvantage often face multiple, interconnected legal and non-legal issues, which are most effectively addressed through coordinated, client-centred responses.

Under this principle, legal assistance providers, other service providers, and governments are encouraged to work collaboratively to deliver integrated services that respond holistically to people's legal and broader support needs. The Framework emphasises the importance of complementary and joined-up service delivery, collaboration across sectors to identify and respond to legal need, and coordinated efforts to address both individual legal problems and their underlying systemic causes.

The Framework outlines several key outcomes of this approach. These include the delivery of integrated, client-centred services; collaboration between legal and non-legal services to identify legal issues and facilitate appropriate referrals; a focus on areas of identified legal need through collaborative service planning; and the use of evidence-based decision-making informed by reliable legal need, service delivery, and demographic data. The Framework also emphasises the

² Springvale Monash Legal Service, Integrated Service Models: Research into Existing Multi-disciplinary Models of Lawyers and Social Workers (or Community Service Workers) in Community Legal Centres (Research Report, 2020).

Springvale Monash Legal Service, CLC Integrated Service Models - Queensland and N.S.W.: Addendum to Research Report Dated June 2020 for SMLS (Addendum Report, 2020).

Note: Springvale Monash Legal Service subsequently changed its name to South-East Monash Legal Service (SMLS). References to Springvale Monash Legal Service in this submission relate to the same organisation.

³ Attorney-General's Department (Cth), National Strategic Framework for Legal Assistance (Policy Framework, 29 November 2019, extended 30 June 2030) <<https://www.ag.gov.au/legal-system/legal-assistance-services/national-strategic-framework-legal-assistance>>

importance of information and data sharing between governments and legal assistance providers, where appropriate, to support effective service delivery and improve access to justice.⁴

Together, these outcomes reflect a commitment to holistic, coordinated, and evidence-based service delivery that improves outcomes for clients and supports a more accessible and responsive legal assistance system.

This approach is also consistent with the Commonwealth, state and territory governments' commitment to integrated service delivery under the National Access to Justice Partnership 2025-30 (NAJP). The NAJP's collaborative service planning framework emphasises the need to "*develop collaborative partnerships to deliver holistic services which address a range of legal and other social needs*", recognising that effective legal assistance frequently requires coordinated responses from multiple professions and service systems.⁵

SMLS strongly supports legislative reform to strengthen and clarify privilege protections within integrated legal assistance services, including expressly protecting social workers working in CLCs and law firms from liability or professional risk when adhering to legal professional privilege requirements in the course of supporting clients with their legal matters.

Our practical experience and research demonstrate that integrated legal assistance services deliver significant benefits to clients and that multidisciplinary practice is becoming increasingly common across the community legal sector. However, concerns regarding privilege and confidentiality remain a significant consideration for integrated practice. While existing interpretations of LPP and service delivery models have enabled services such as SMLS to operate effectively, some uncertainty remains regarding the application of privilege within integrated service provision, creating challenges for both clients and practitioners.

Such reform would better reflect contemporary legal service delivery, strengthen client trust, improve access to justice and ensure that vulnerable clients are not forced to choose between obtaining legal advice and accessing the social supports necessary to achieve meaningful legal outcomes.

⁴ Attorney-General's Department (Cth), National Strategic Framework for Legal Assistance (Policy Framework, 29 November 2019, extended 30 June 2030) <<https://www.ag.gov.au/legal-system/legal-assistance-services/national-strategic-framework-legal-assistance>>

⁵ National Access to Justice Partnership 2025-30, sch C cl C3(a) ('Collaborative Service Planning') <<https://federalfinancialrelations.gov.au/agreements/national-access-justice-partnership>>

Question 1

How easy or difficult is it to implement loosely integrated and closely integrated legal assistance service models in practice?

SMLS delivers a diverse range of programs that operate across different service models, including those described in the consultation paper as ‘independent’, ‘cooperative’, ‘loosely integrated’ and ‘closely integrated’ approaches. This diversity reflects the sector more broadly in which there is a variety of integrated structures currently delivering legal and social services.⁶ These structures are responsive to the reality that no single model is appropriate for all clients, communities or legal problems. Effective service design requires flexibility to respond to local needs, client circumstances and available partnerships, and research demonstrates that a range of integrated structures are best able to accommodate this diversity of need.⁷

Many SMLS programs are designed around a "no wrong door" approach, in order to be truly and holistically client centred. This design recognises that clients often present with a combination of legal, social, financial, health and other intersecting issues. Clients frequently do not distinguish between legal and non-legal problems and should not be expected to have this level of expertise in order to participate in the legal system. Effective assistance for these clients requires collaboration between lawyers and other professionals, allowing each aspect of the issues surrounding a client to be expertly attended and in turn legal rights and obligations to be effectively upheld.

Underpinning this comprehensive service delivery are trauma-informed practice principles, which recognise the importance of safety, trust, choice and holistic support. For many clients, particularly those experiencing family violence, homelessness, mental health issues or other forms of disadvantage, engagement with social workers, family support workers, financial counsellors and other community service professionals is an essential component of accessing and benefiting from legal assistance.

Any reform of LPP in the context of integrated legal assistance services, therefore, must recognise the diversity of service delivery models that exist across the legal assistance sector. Legal assistance providers must retain the flexibility to develop and adapt services in response to client need to ensure clients remain at the centre of service design and delivery. Reform should therefore be designed to support, rather than constrain, multidisciplinary and client-centred practice, ensuring that legal frameworks keep pace with contemporary models of service delivery.

For the purposes of this submission, we use the term **closely integrated model** to refer to services where lawyers and social service professionals are employed within the same organisation and

⁶ Davidson, J., Hall, G. and Rose, D. (2024) Social Workers in socio-legal collaborations – reasserting a pivotal role of influence and leadership. *British Journal of Social Work*, 54, 1, pp381–398

⁷ Donovan J (2020) *Sociolegal Collaborations in Australia: integrated services and their influence on practice*. PhD Thesis, University of Melbourne

work within a shared organisational structure, governance framework and service delivery model. We distinguish this from a **loosely integrated** or **partnership model**, where legal and social service practitioners work collaboratively but are employed by separate organisations and operate under different governance and management arrangements. We acknowledge that terminology in this area is not used consistently across the sector. Some community legal centres and other organisations describe partnership-based approaches as "closely integrated" where there are well-established referral pathways, co-location, joint case management or other strong collaborative practices. Accordingly, the terms used in this submission are intended as functional descriptions rather than sector-wide definitions, and different organisations may use the same terminology to describe different forms of integrated practice.

While in our experience, both closely and loosely integrated practices can be implemented effectively and produce significant benefits for clients, (see further discussion of each version below), concerns regarding confidentiality, privilege and professional obligations continue to create uncertainty across the sector.

Just as research exploring integrated services across the country and internationally has suggested that responses to legal professional privilege has been a key driver of service design⁸, SMLS's 2020 research into Victorian integrated practice models, also identified that concerns about confidentiality and legal professional privilege as the most commonly cited challenges to establishing and maintaining multidisciplinary services.⁹

The literature reviewed as part of that research identified similar concerns regarding the interaction between integrated service delivery, confidentiality obligations and legal professional privilege. As noted in the report:

"The major challenges for a multi-disciplinary program identified in the literature are concerns around confidentiality and client-lawyer privilege which could be compromised if lawyers work with social workers or community service workers in a multi-disciplinary setting. However, the researchers have made multiple suggestions on how to resolve and manage these concerns, including back-of-house communication protocols, documentation of mandatory reporting requirements, training of social workers in the importance of confidentiality and client-lawyer privilege, and measures to mitigate the risks of inadvertent disclosure."

The research found broad agreement that these challenges can be managed through appropriate organisational safeguards. Recommended measures included explaining confidentiality and

⁸ Davidson, J., Brown, J., Lee, B. and Hall, G. (2026) Evidencing integrated allied professional programs: a scoping review. Legal Aid New South Wales, Sydney; Donovan J (2020) Sociolegal Collaborations in Australia: integrated services and their influence on practice. PhD Thesis, University of Melbourne

⁹ Springvale Monash Legal Service, Integrated Service Models: Research into Existing Multi-disciplinary Models of Lawyers and Social Workers (or Community Service Workers) in Community Legal Centres (Research Report, 2020).

privilege at the commencement of client engagements, obtaining informed client consent regarding information sharing, implementing file access restrictions where required, developing clear protocols regarding confidentiality obligations across professions, and providing clients with written information about the limits of confidentiality.¹⁰ Significantly, the literature consistently concluded that the benefits of multidisciplinary practice outweigh the associated risks. Researchers emphasised the value of lawyers and social service professionals working together to provide holistic, client-centred assistance while maintaining their respective areas of expertise.¹¹ Similarly, Zifcak argues that, although law and social work operate under different professional frameworks, the two disciplines are fundamentally complementary rather than competing professions.¹² Consistent with the literature, organisations interviewed as part of SMLS's research continued to operate integrated service models despite the challenges associated with privilege and confidentiality. The perceived benefits to clients were considered to outweigh the risks.

SMLS's subsequent research into integrated practice models in Queensland and New South Wales reached similar conclusions. Many interstate services reported that integrated service delivery had become a normalised part of practice over time, with legal and social support viewed as mutually reinforcing components of client assistance rather than separate disciplines. Several organisations described lawyers and social workers as being effectively "joined at the hip" in specialist programs.¹³

These findings suggest that, while integrated practice is achievable and increasingly common, uncertainty regarding legal professional privilege remains one of the principal concerns to broader implementation. Reforms, however, that underestimate the impact of change and the potential for

¹⁰ Springvale Monash Legal Service, Integrated Service Models: Research into Existing Multi-disciplinary Models of Lawyers and Social Workers (or Community Service Workers) in Community Legal Centres (Research Report, 2020).

Referencing:

Brustin, S., 2002, 'Legal Services Provision Through Multidisciplinary Practice – Encouraging

Holistic Advocacy While Protecting Ethical Interests,' University of Colorado Law Review, Vol 73, no. 3, pp. 787-865

Galowitz, P, 1999, 'Collaboration Between Lawyers and Social Workers: Re-examining the Nature and Potential of the Relationship', Fordham Law Review, vol 67, no 5, pp.2123-2154

Rand, S, 2012, 'Hearing Stories Already Told: Successfully Incorporating Third Party Professionals into the Attorney-Client Relationship', Tennessee Law Review, Inc, vol 80, no.1 pp 1-44

¹¹ Maylea, C, Lewers, N, Scott, E, Weller, P, Winford, S, 2018, 'Socialising the law: Multidisciplinary practice with lawyers and social workers' in S Rice, A Day, Briskman L (eds), Social Work in the Shadow of the Law, The Federation Press, Annandale NSW, pp. 25-33

¹² Zifcak, S, 2018, 'Towards a reconciliation of legal and social work practice' in S Rice, A Day, Briskman L (eds), Social Work in the Shadow of the Law, The Federation Press, Annandale NSW, pp. 9-24

¹³ Springvale Monash Legal Service, CLC Integrated Service Models - Queensland and N.S.W.: Addendum to Research Report Dated June 2020 for SMLS (Addendum Report, 2020).

unintended restrictions on integrated practice also pose a significant risk to client outcomes and effective access to justice.

SMLS Program Design Process

The design of the SMLS Integrated Services Program was undertaken through several interconnected phases to ensure the model was evidence-informed, practice-driven, and sustainable.

The first phase focused on **research and environmental scanning**. SMLS engaged with community legal centres across Victoria that employ social workers, case workers, or other non-legal professionals within their service models. Through these consultations, SMLS examined the various integrated service approaches being implemented across the sector and identified key lessons, opportunities, and challenges. This work was complemented by a comprehensive literature review exploring the theories and frameworks underpinning integrated practice, including multidisciplinary, interdisciplinary, and holistic service delivery models.

In 2020, SMLS undertook research examining integrated service models involving lawyers and social workers in Victorian community legal centres (*Integrated Service Models: Research into Existing Multi-disciplinary Models of Lawyers and Social Workers (or Community Service Workers) in Community Legal Centres*, 2020). The research highlighted the increasing adoption of integrated practice models and the growing recognition that many clients experience interconnected legal and non-legal issues that cannot be effectively addressed through legal assistance alone.

SMLS subsequently expanded this work through *CLC Integrated Service Models - Queensland and N.S.W.: Addendum to Research Report Dated June 2020 for SMLS*, which examined integrated service models operating in community legal centres in Queensland and New South Wales. The addendum reinforced the findings of the Victorian research, identifying a shared understanding across jurisdictions that coordinated responses between legal and non-legal professionals can improve client engagement, enhance identification of underlying issues, and support more sustainable outcomes for people experiencing disadvantage.

The second phase involved **stakeholder consultation and co-design**. SMLS brought together a range of professionals and academics with expertise in integrated services to form an Advisory Committee. Working alongside SMLS leadership and integrated services staff, the committee provided strategic guidance and supported the development of the program's vision, principles, and direction.

Running in parallel to these activities, SMLS implemented a **pilot program** to ensure that frontline practice informed the design process. Insights gained through service delivery helped test assumptions, identify emerging needs, and shape the future direction of the program based on real-world experience.

To support implementation, SMLS developed a **three-year program roadmap** consisting of six phases, each spanning six months. Clear objectives were established for each phase, alongside the progressive development of resources, tools, and organisational supports. These included policies, procedures, practice guidelines, referral pathways, and evaluation mechanisms designed to embed integrated practice across the organisation.

A comprehensive **risk management and mitigation framework** was also developed. This framework identified potential organisational, practice, workforce, and client risks and established strategies to address them proactively. Particular focus was placed on supporting organisation-wide adoption of integrated practice, building lawyers' confidence and willingness to collaborate with other professionals, and ensuring the wellbeing, supervision, and professional support of social workers operating within the model.

While integrated services are considered by some to have grown organically or haphazardly¹⁴ these clear and detailed design activities demonstrate a strong foundation for an integrated services program that is evidence-based, responsive to community needs, and supported by robust organisational systems and safeguards.

This evidence-based design has also detailed specific roles and requirements for integrated staff. Recruitment in the SMLS models is approached with honesty and transparency from the outset. When recruiting social workers, candidates are introduced to the proposed model, the opportunities it presents, the potential risks involved, and the areas where legal and professional practice guidance remains unclear or underdeveloped.

While these discussions are sometimes challenging, they prove invaluable in ensuring a strong fit between candidates and the vision of the program. Some social workers expressed discomfort with the ambiguity and complexity inherent in integrated practice, and some chose to withdraw from the recruitment process. Others, however, were energised by the opportunity to work alongside lawyers and other professionals in a collaborative environment. These candidates demonstrated a strong commitment to holistic service delivery and recognised the potential of integrated practice to achieve better outcomes for clients. Ultimately, this transparent approach allowed SMLS to recruit practitioners who were not only highly skilled but also aligned with the organisation's values and model of practice.

Beyond recruitment, SMLS recognised that workforce development is essential to the success and sustainability of integrated services, including how our programs address legal professional privilege. Ongoing training, professional development, and cross-disciplinary learning opportunities were intentionally built into the program. This investment extends across the

¹⁴ Donovan J (2020) Sociolegal Collaborations in Australia: integrated services and their influence on practice. PhD Thesis, University of Melbourne

organisation, ensuring that lawyers, social workers, community development practitioners, and other staff have opportunities to develop a shared understanding of integrated practice, strengthen collaborative skills, and navigate emerging ethical and professional challenges including those driven by issues of legal professional privilege together.

The experience of designing and implementing an integrated service model has highlighted that such work is rarely linear. The process can be lengthy, complex, and at times feel messy or uncertain, particularly when bringing together professions with different training, values, frameworks, and regulatory obligations. However, these challenges are outweighed by the benefits. When lawyers, social workers, and other professionals work collaboratively, clients receive more holistic and responsive support. Legal issues can be addressed alongside the social, cultural, and personal factors that contribute to them, resulting in more sustainable outcomes and a service experience that better reflects the realities of clients' lives.

While the journey of designing an integrated model requires significant investment in planning, consultation, workforce development, and risk management, the resulting impact on clients, staff, and organisational effectiveness makes the effort worthwhile. SMLS's experience demonstrates that embracing complexity and collaboration can create a stronger, more responsive service capable of addressing the interconnected needs of the communities it serves.

Question 2

What are the benefits of integrated legal assistance services for clients, service providers and the justice system? Do you have case studies, examples or other evidence you can share?

Clients seek legal assistance to resolve the problems they are facing, not simply to navigate a legal process. Effective resolution, however, often requires both legal expertise and additional support to address the social, health, financial or personal circumstances that underpin and restrain individuals from resolving the legal issue. Integrated legal assistance services provide a coordinated response to these interconnected needs, taking responsibility for understanding and negotiating these interconnections (as opposed to this being the burden of clients), improving client outcomes and supporting sustainable resolution of legal problems.

Benefits for Clients

Clients often present with interconnected legal and social issues, however the inherent tension of the law is that it assumes it always interacts with rational and supported individuals and as such ignores the impact of the social issues faced by many. By providing integrated support, SMLS assists clients to be the individuals the law expects through:

- navigation of complex service systems;
- access to specialist supports;
- identification and management of risks;
- identification of additional legal problems
- more effective engagement with legal processes;
- support to make informed decisions; and
- maintenance of autonomy and dignity.

Integrated practice is particularly important for clients experiencing family violence, migration-related issues, mental illness, homelessness and financial hardship, and is often the form of legal support preferred by clients once experienced¹⁵.

SMLS's research found consistent evidence that integrated practice improves client access to justice, increases client engagement and provides more comprehensive support than legal assistance alone.¹⁶ Lawyers reported better understanding clients' circumstances, while social workers identified improved opportunities to address underlying causes of legal problems.

¹⁵ Davidson, J. (2025) 'I felt seen': more lawyers partnering with social workers and it's changing lives. Law Society Journal NSW. 19th February 2025

¹⁶ Springvale Monash Legal Service, Integrated Service Models: Research into Existing Multi-disciplinary Models of Lawyers and Social Workers (or Community Service Workers) in Community Legal Centres (Research Report, 2020).

In our research report it was concluded that *“The main benefit of lawyers working in partnership with social workers is that the lawyer will tend to focus on the legal issue and outcome, the social worker adds value by considering the client in a holistic manner within their ecosystem, thus looking at the interconnections of people and systems that are impacting on the client, and the structural issues of economic disadvantage, unemployment, housing instability. The social worker can then make referrals for the client to be supported in other areas of their life outside of the legal issue. Both professions aim for social justice, and one research paper conceives of the two professions as human rights professions.”*¹⁷

Benefits for Service Providers

Integrated practice enables professionals to draw on complementary expertise to respond to clients' needs in a holistic and coordinated way. Rather than addressing legal, social, financial, health or personal issues in isolation, practitioners are able to combine their knowledge and skills to develop a broader understanding of a client's circumstances and provide a more comprehensive response. This supports a "no wrong door" approach, whereby clients can access the assistance they need through a single service engagement, reducing the burden of navigating multiple systems and retelling their story to different professionals.

Integrated models also strengthen professional practice by creating opportunities for collaboration, consultation and shared decision-making where clients remain at the centre of the service delivery. Lawyers, social workers and other professionals can draw on each other's expertise when responding to complex matters, enhancing their capacity to identify and address issues that may sit outside their own professional discipline. This collaborative approach allows practitioners to share responsibility for supporting clients with complex needs, reducing professional isolation and enabling more effective management of challenging matters. By working together, service providers are better equipped to deliver wrap-around support that addresses the interconnected factors contributing to legal problems and supports more sustainable client outcomes.

Research undertaken by SMLS found that lawyers valued social workers' abilities to undertake risk assessments, identify psychosocial issues, facilitate referrals and assist clients to disclose complex information. Social workers similarly identified benefits arising from improved understanding of legal frameworks and access to legal expertise.¹⁸

¹⁷ Springvale Monash Legal Service, Integrated Service Models: Research into Existing Multi-disciplinary Models of Lawyers and Social Workers (or Community Service Workers) in Community Legal Centres (Research Report, 2020) p15.

¹⁸ Springvale Monash Legal Service, Integrated Service Models: Research into Existing Multi-disciplinary Models of Lawyers and Social Workers (or Community Service Workers) in Community Legal Centres (Research Report, 2020).

Springvale Monash Legal Service, CLC Integrated Service Models - Queensland and N.S.W.: Addendum to Research Report Dated June 2020 for SMLS (Addendum Report, 2020).

Benefits for the Justice System

Integrated practice contributes to more efficient and effective legal outcomes by ensuring that non-legal barriers are addressed alongside legal issues. Many clients experience legal problems that are closely connected to housing instability, family violence, mental illness, financial hardship, disability, trauma or other forms of disadvantage. Where these underlying issues remain unaddressed, legal interventions alone may be insufficient to achieve sustainable outcomes. Integrated service models enable clients to access coordinated legal and non-legal support, increasing their capacity to engage with legal processes, comply with court or tribunal requirements, and pursue longer-term solutions to the issues they face.

Integrated models can also improve the operation of the justice system itself. Clients who receive appropriate social and allied support are often better able to participate in legal proceedings, provide instructions, attend appointments, understand legal processes and make informed decisions about their matters. This can lead to more effective advocacy, earlier resolution of disputes and reduced demand on courts, tribunals and other justice system bodies. By addressing underlying causes of legal problems and facilitating access to broader supports, integrated models can help prevent issues from escalating or recurring, reducing the need for ongoing legal intervention.

As noted in SMLS's research, multidisciplinary practice can improve client participation in legal processes, strengthen advocacy and facilitate meaningful resolution of issues extending beyond the legal system itself.¹⁹

Examples of SMLS Multidisciplinary Integrated Programs

Mothers' Legal Help (MLH)

Mothers' Legal Help is a partnership with the City of Greater Dandenong, the City of Casey and the Shire of Cardinia.²⁰ The project aims to provide increased access to justice for women and children experiencing family violence through a Health Justice Partnership (HJP) model.

MLH is an early intervention legal program designed specifically for mothers and primary carers of young children who are facing legal issues. The program is designed to better reach those affected by family violence, separation, housing instability, or financial stress.

¹⁹ Springvale Monash Legal Service, Integrated Service Models: Research into Existing Multi-disciplinary Models of Lawyers and Social Workers (or Community Service Workers) in Community Legal Centres (Research Report, 2020).

Springvale Monash Legal Service, CLC Integrated Service Models - Queensland and N.S.W.: Addendum to Research Report Dated June 2020 for SMLS (Addendum Report, 2020).

²⁰ Mothers Legal Help is funded by the City of Greater Dandenong, and the Department of Justice and Community Safety.

The program embeds lawyers in Maternal and Child Health clinics to increase access to justice by providing legal help in a safe, trusted space, where women who might be unable to visit a lawyer can access free and confidential advice with complete privacy.

MLH involves a lawyer and a social work student, under the supervision of a qualified social worker, participating in the same appointment with the client. Clients receive legal advice and social support contemporaneously. Notes are recorded within the legal matter, although separate social work files may be opened where ongoing support is required. While the partnership with nurses is loosely integrated partnership, the social work team within SMLS is closely integrated with the legal practice, enabling coordinated support for referred clients and a more holistic response to client needs.

Staff Reflections on the Mothers' Legal Help Program

"For some mums, a routine check-up is the first and only chance to disclose abuse and ask for legal help."

- **SMLS staff member**

Safe Landing

SMLS partnered with Northern Community Legal Centre (NCLC) to deliver the Safe Landing Program across Victoria to ensure vulnerable women can access justice.

The Safe Landing Program supports victim-survivors of family violence on temporary visas or with uncertain visa status to recover and thrive by assisting them to navigate the complex legal system.

People holding temporary visas, or those with uncertain visa status, are often at greater risk of experiencing family violence and other forms of abuse. Concerns about the impact of leaving a relationship on their visa status can result in individuals remaining in unsafe situations until they become untenable.

The program provides services in three main areas of law: migration, family law and family violence. It also provides social support and community legal education. Within this integrated service, experienced lawyers and social workers work collaboratively to provide free and holistic assistance.

Our migration law service includes:

- Legal advice
- Discrete legal assistance

- Ongoing case representation at the Department of Home Affairs (DHA) and Administrative Appeals Tribunal (AAT)

If a client is concerned about their current visa status or would like information about future visa pathways, they can seek advice regarding their rights and obligations under their existing visa, as well as options for remaining in Australia.

Our family law service includes:

- Legal advice
- Discrete assistance
- Representation

Safe Landing operates through regular multidisciplinary case meetings where legal and social objectives are explored together. Lawyers and social workers collaborate on visa applications, evidence gathering and statutory declaration preparation. Integrated planning is central to service delivery.

Staff Reflections on the Safe Landing Program

“The ability to work collaboratively and share information within the team is an essential component to the service delivery of this program. The social services team benefits from the clear information regarding a client’s visa status and application requirements to assist with the provision of evidence and advancement of the application within a timely manner. The social workers are also able to ease any communication barriers and ensure the client receives follow up advice around any areas they are uncertain. The social worker is also able to be across all the intersecting issues a client may be facing and advocate within the team for the priorities.”

- **SMLS Social and Community Development Worker**

Support Connect Integrated Program (SCIP)

The Support Connect Integrated Program (SCIP) provides clients with access to legal assistance alongside social work support. Clients can only be referred to the program after they have received legal advice through one of SMLS's services, including the Duty Lawyer Service at Dandenong Magistrates' Court.

Referrals are triaged by an experienced social worker who assesses the client's needs and determines the most appropriate response. This may include allocation to a social work student for short-term assistance with a specific presenting issue, ongoing case management to address multiple and intersecting needs, or referral to an external specialist service.

Clients engaged with SCIP may or may not continue to receive legal advice or representation. Where legal assistance continues, there is scope for integrated and collaborative practice between the legal and social work teams. In some instances, clients invite the social work student to attend follow-up appointments with their lawyer to support continuity of care and service coordination.

Staff Reflections on Support Connect Integrated Program

“In my personal opinion, an integrated practice within a CLC is crucial as our clients rarely experience their legal problem in isolation. The difficulty in navigating the intersecting social issues can negatively impact the client's capacity to engage with the legal system. The social worker is an integral part of the client's integrated legal assistance team and so their work is sufficiently connected to the legal service being provided, therefore the client's confidentiality and LPP should and must be protected.

By according privilege to the social support aspect of the integrated practice, it actually enables access to justice. Particularly for the most vulnerable clients, who often have a number of complex intersecting social needs that need to be addressed.

Consider a woman who has become homeless after being misidentified as the perpetrator of family violence. She speaks limited English, is on a temporary visa, has no family support in Australia, and does not have access to her identity documents. She is unsure of her immigration status and eligibility for Centrelink, has engaged in sex work to survive, and is self-medicating with drugs. She wants to reconnect with her children, but unstable housing, financial insecurity and substance use stand in the way. While she needs legal advice and assistance, without support to meet her social needs, she will be unable to act on the legal advice.”

- SMLS Senior Family Lawyer

“From my perspective, fully integrated practice is essential to supporting clients whose legal and social needs are often inseparable. Social workers are part of the trusted relationship with the client and, in many cases hold information that is critical to understanding the legal issue and achieving the best outcome. Extending client legal privilege to social workers within genuinely integrated legal services would protect that trust and allow the whole team to work openly and effectively in the client's interests.”

- Senior Social Worker

Client Story- Rashika*

**Name has been changed to protect privacy*

Rashika* separated from her husband after experiencing family violence and contacted SMLS for legal assistance. SMLS' family law team provided advice about separation, parenting arrangements and property settlement, and referred her to SMLS' SCIP team after identifying a range of non-legal issues affecting her ability to move forward.

Rashika was unemployed, receiving Centrelink and child support payments, and had assumed responsibility for the mortgage and household expenses after her former partner left the family home. English was not her first language, and interpreter support was required throughout her engagement with the service.

Working together, our SMLS lawyer and SCIP social worker provided coordinated legal and social support. While the legal team assisted with property settlement and family violence intervention order issues, the social work team connected Rashika with The Orange Door, a Family Relationship Centre, a financial counsellor, and a range of financial assistance and utility relief programs. Rashika was also supported to access relevant Centrelink and child support entitlements.

Through this integrated approach, Rashika was able to access both legal assistance and practical supports, helping her address immediate financial and safety concerns while progressing her family law matter and recovering from family violence. Although Rashika initially sought assistance for legal issues, her experience demonstrated that those issues could not be effectively addressed in isolation. Her legal, financial, housing and wellbeing needs were deeply interconnected, and a holistic response combining legal representation with social support was critical to achieving a sustainable outcome.

Mind Mental Health and Wellbeing Local (Dandenong) Health-Justice Partnership

Mind Mental Health and Wellbeing Local (Dandenong) (referred to as "Mind the Local") provides free, voluntary mental health and wellbeing support services for adults in the Greater Dandenong region. SMLS has established a health-justice partnership with Mind the Local to improve access to legal assistance for people experiencing intersecting legal and mental health issues.

Clients are referred to SMLS by Mind the Local mental health practitioners or caseworkers where legal issues are identified. We would characterise this as a loosely integrated partnership, with referrals being made between services that remain operationally separate. Once a referral is

received, SMLS undertakes a conflict check and arranges an appointment with a lawyer who provides an outreach service from the Mind the Local premises.

To support effective collaboration, SMLS provides training to Mind the Local staff on confidentiality obligations, LPP and referral pathways. Clients are also informed about the importance of confidentiality and the risks associated with sharing information outside the lawyer-client relationship. Mind the Local practitioners may then assist clients to engage with legal processes, including preparing for appointments and court appearances.

While the partnership between SMLS and Mind the Local is referral-based, legal assistance is delivered through a more closely integrated model once a client engages with SMLS. Appointments are generally attended by both the lawyer and an SMLS Community Development worker, who assists with communication, supports client engagement, facilitates referrals to other services and helps address non-legal barriers affecting the client's ability to act on legal advice.

The partnership is further supported through regular meetings between SMLS and Mind the Local staff to identify emerging legal issues, facilitate timely referrals and proactively respond to client needs. SMLS also delivers community legal education sessions for Mind the Local community groups, aimed at increasing awareness of legal rights, improving the identification of legal issues, and building pathways to legal assistance.

This model demonstrates that integrated services can operate at different levels. While the relationship between SMLS and Mind the Local is primarily referral-based, the support provided by the SMLS lawyer and SMLS Community Development worker is closely coordinated around the client's legal and non-legal needs. The model also illustrates how both loose and closely integrated approaches can contribute to improved access to justice for people experiencing complex and intersecting disadvantage.

Sporting Change

Sporting Change supports young people from diverse backgrounds to engage constructively in their local communities and society. The program uses sport to educate young people about the justice system and incorporates an integrated school lawyer model to increase access to justice.

SMLS has partnered with schools in South East Melbourne to deliver this program. Sporting Change was initially established as a pilot program with support from the Victorian Legal Services Board and is now supported by the Department of Justice and Community Safety, as well as participating school partners.

Sporting Change supports young people experiencing complex legal and social issues. Lawyers and youth workers may attend appointments together, particularly where a holistic response is required.

The combined expertise and collaborative efforts of the lawyer and Youth Worker help young people access the program in a way that is approachable, supportive, and responsive to their needs. This integrated approach assists in building trust and engagement between young people and SMLS staff, creating a safe environment in which legal issues can be identified and addressed.

While the lawyer provides legal advice and representation, the Youth Worker supports young people to understand the legal process, follow the lawyer's advice, and engage effectively with their legal matter. The Youth Worker acts as a bridge between the young person and the legal service, helping to ensure communication is clear and that any barriers to participation are addressed.

Where a young person is required to attend court, the Youth Worker provides education about court processes and etiquette, helping to reduce anxiety and build confidence. They also offer practical and emotional support by accompanying young people to court and assisting them to navigate the experience. This holistic approach improves engagement with the legal process and supports better outcomes for young people.

Victims' Legal Service

Our Victims' Legal Service (VLS) (formerly Integrated Services for Survivor Advocacy (ISSA)) supports victim-survivors of sexual assault and family violence to understand their rights, navigate complex legal systems, and access the support they need to move forward.

Designed in partnership with victim-survivors, the VLS operates as a coordinated network comprising a specialist helpline and multiple legal service partners across Victoria, including community legal centres, Aboriginal legal services and Victorian Legal Aid.

The service supports victim-survivors to understand their rights, navigate complex legal systems, and access the assistance they need to move forward. The *Impact Report: Three Years of Victoria's Victims Legal Service*²¹ highlights the benefits of this coordinated and integrated approach, particularly for victim-survivors experiencing intersecting legal, financial, health and social issues. The report notes that strong collaboration between legal and non-legal services helps ensure victim-survivors receive support that is responsive to their individual circumstances and recovery needs.

Consistent with this approach, all VLS lawyers receive training in trauma-informed practice and seek to provide culturally safe and accessible services. VLS lawyers work collaboratively with non-legal support services to deliver holistic assistance, minimise the risk of re-traumatisation, and

²¹Victims Legal Service Partners, *Impact Report: Three Years of Victoria's Victims Legal Service* (Report, March 2026).

support victim-survivors to engage effectively with legal processes and exercise their legal rights.²² The report emphasises that victim-survivors often have a range of interconnected legal, social, health and financial needs following a crime, and that these needs may evolve over time. A key strength of the VLS model is its integrated approach, which combines specialist legal assistance with strong referral pathways and partnerships with non-legal support services. VLS partners work closely with victim assistance services, Centres Against Sexual Assault (CASAs) and other community organisations to ensure victim-survivors can access the broader supports they need. This collaborative approach helps ensure clients receive the right assistance at the right time and are better able to navigate both legal processes and recovery.²³

Question 3

Integrated legal assistance services may compromise a client's ability to retain legal privilege and expose their private information, including through the professional reporting obligations of social service professionals.

Do you have case studies, examples or other evidence that demonstrate how easy or difficult it is for lawyers, social service professionals or clients to manage information disclosure requirements and requests in this context?

SMLS has not experienced significant operational difficulties arising from professional reporting obligations in the context of closely integrated legal assistance services. This is because social workers, community development workers and youth workers employed within SMLS are not generally mandatory reporters by virtue of their profession alone. While some professions are prescribed as mandatory reporters under the *Children, Youth and Families Act 2005* (Vic), mandatory reporting obligations are tied to specific professions, roles and statutory criteria, rather than applying universally to all social service professionals. The classes of mandatory reporters prescribed by s182 of the Act include medical practitioners, nurses, teachers, police officers, psychologists and certain youth, social or welfare workers working in specified settings. As such, whether a worker is a mandatory reporter depends on their role and circumstances rather than their professional title alone. Accordingly, these issues can be identified and managed through program design and recruitment processes.

Within SMLS, concerns regarding serious risk to a child or other person are escalated internally and considered in accordance with established organisational policies, risk management frameworks and legal obligations. This ensures that serious safety concerns are appropriately addressed while supporting client trust, confidentiality and trauma-informed practice. This is consistent with

²² Victims Legal Service Partners, *Impact Report: Three Years of Victoria's Victims Legal Service* (Report, March 2026) p12.

²³ Victims Legal Service Partners, *Impact Report: Three Years of Victoria's Victims Legal Service* (Report, March 2026) p13.

SMLS's broader research findings. While concerns regarding confidentiality and privilege were frequently identified across the sector, participating services reported that risks could be managed through appropriate internal protocols, supervision and professional collaboration.²⁴

²⁴ Springvale Monash Legal Service, Integrated Service Models: Research into Existing Multi-disciplinary Models of Lawyers and Social Workers (or Community Service Workers) in Community Legal Centres (Research Report, 2020).

Springvale Monash Legal Service, CLC Integrated Service Models - Queensland and N.S.W.: Addendum to Research Report Dated June 2020 for SMLS (Addendum Report, 2020).

Question 4

Should the law enhance protection for communications between clients, lawyers and social service professionals in integrated legal assistance service settings? Why or why not?

SMLS supports enhanced legal protections for communications between clients, lawyers and social service professionals in closely integrated legal assistance service settings.

Clients should not be forced to choose between accessing holistic, wraparound support which facilitates participation in the legal system and preserving their legal professional privilege as a component of that participation. As discussed above, there are significant benefits to closely integrated legal assistance models. The value and necessity of these models have been widely recognised by CLCs, governments and other relevant agencies because they enable clients to address interconnected legal and non-legal issues in a coordinated and effective way.

Current siloed systems require clients to navigate complex distinctions between legal and social services that are often poorly understood and inconsistent with the realities of client experience and integrated practice.

SMLS's own research²⁵ identified multiple approaches being used by community legal centres to manage concerns regarding privilege in integrated programs, including:

- separate files;
- restricted information access;
- consent processes;
- separate note-taking practices;
- organisational information-sharing protocols; and
- privilege warnings to clients.

The existence of such varied approaches demonstrates the absence of a clear and consistent legal framework.

Multidisciplinary practices in private legal services

The growth of multidisciplinary practice is not confined to community legal centres. The VLRC discussion paper has outlined the increasingly common occurrence of integration in private legal practice, where lawyers work alongside accountants, consultants, financial advisers and other

²⁵ Springvale Monash Legal Service, Integrated Service Models: Research into Existing Multi-disciplinary Models of Lawyers and Social Workers (or Community Service Workers) in Community Legal Centres (Research Report, 2020).

Springvale Monash Legal Service, CLC Integrated Service Models - Queensland and N.S.W.: Addendum to Research Report Dated June 2020 for SMLS (Addendum Report, 2020).

professionals within multidisciplinary firms. In *Commissioner of Taxation v PricewaterhouseCoopers* [2022] FCA 278²⁶, the Federal Court considered claims for legal professional privilege over thousands of documents created within a multidisciplinary practice. The case confirmed that the involvement of non-lawyer professionals does not necessarily preclude privilege, but that privilege must be assessed by reference to whether communications were made for the dominant purpose of giving or obtaining legal advice. The decision also highlighted the practical complexity and uncertainty that can arise when applying privilege principles in multidisciplinary settings.²⁷

Research demonstrates however that there are many integrated services in the private sector which are far more aligned with the work of community legal centres as opposed to the commercial work articulated in the discussion paper.²⁸ Private firms supporting clients in personal litigation matters, institutional abuse litigation and victims of crime matters likewise require consideration of how to balance the value of integrated services which enhance client wellbeing and the exercise of legal rights, with protections for legal professional privilege. It is important that any reforms considered for the CLC sector do not unintentionally restrict these important client supports offered in the private sector. Having differing privilege reforms for public and private sector clients has the potential to create uncertainty as to the scope and operation of legal professional privilege in circumstances where non-lawyer professionals are integral to the delivery of legal assistance, despite their involvement being directed towards supporting the provision of legal advice and representation.

²⁶ *Commissioner of Taxation v PricewaterhouseCoopers* [2022] FCA 278.

²⁷ Joanne Shepard SC and Vincci Chan, 'Challenging Legal Professional Privilege in Multidisciplinary Practices' (2022) Law Society Journal (*Commissioner of Taxation v PricewaterhouseCoopers* [2022] FCA 278.)

²⁸ Davidson, J., Hall, G. and Rose, D. (2024) Social Workers in socio-legal collaborations – reasserting a pivotal role of influence and leadership. *British Journal of Social Work*, 54, 1, pp381–398; Donovan J (2020) *Sociolegal Collaborations in Australia: integrated services and their influence on practice*. PhD Thesis, University of Melbourne

Question 5

Are you in favour of establishing:

- a. a social service professional privilege that would enhance protection for communications between clients and social service professionals in loosely integrated legal assistance service settings and/or
- b. a new category of legal privilege that would enhance protection for communications between clients, lawyers and social service professionals in closely integrated legal assistance service settings?

Why or why not?

To best protect clients, there is a need for legislative clarification that LPP applies where clients access legal services in integrated settings and social service professionals assist in the delivery of those services. SMLS is of the view that, in many circumstances, LPP already extends to these communications within a CLC setting. Any suggestion that LPP does not apply risks undermining longstanding and well-established practices across the CLC sector. Such an interpretation could have serious and far-reaching consequences for both CLCs and the communities we serve.

SMLS therefore considers that law reform is needed to provide certainty and assurance to clients, CLCs and partner service providers that communications made in the course of delivering integrated legal assistance services remain protected. Clear legislative recognition of these arrangements would support client confidence, facilitate effective multidisciplinary practice, and ensure vulnerable clients can access the full range of supports they require without jeopardising privilege.

Any reform should also operate retrospectively, confirming and preserving the privileged status of communications made under existing integrated service models. This is necessary to protect CLCs and their clients from unintended consequences arising from uncertainty about the current scope of LPP and to maintain confidence in legal assistance services that have operated on this basis for many years.

We have continued this discussion and expanded on our reasoning in our responses to Questions 6 and 7 below.

Question 6

If you support a social service professional privilege for loosely integrated legal assistance service settings, do you have a view on the scope, elements, eligibility requirements or implications of the privilege? If so, what is it?

SMLS does not hold a settled view on whether LPP should be extended to communications occurring within loosely integrated legal assistance service models. We appreciate the complexity of these service settings and the competing policy considerations involved.

In practice, where clients engage with lawyers in the presence of third-party professionals, clients are advised that privilege may be waived by the inclusion of persons who are not necessary for the provision of legal advice. This can place clients in a difficult position. Many clients benefit from the presence of trusted support persons, social workers, health professionals or other practitioners when discussing legal issues, particularly where they have experienced trauma, family violence, mental health issues or other forms of disadvantage. Requiring clients to choose between preserving privilege and receiving appropriate support may undermine effective access to justice.

At the same time, SMLS recognises the distinct ethical, professional and statutory obligations of social service and health professionals in loosely integrated models, particularly those in separate organisations. These may include professional record-keeping obligations, mandatory reporting requirements, information-sharing obligations and responsibilities arising under frameworks such as MARAM. These obligations serve important purposes and may not always align neatly with the principles underpinning LPP.

A practical challenge in loosely integrated service models is that neither the client nor the legal service can control how information is subsequently used, recorded or shared by other professionals when they are located in separate organisations. For example, within a health-justice partnership, information disclosed during a meeting involving a lawyer and a health professional may be recorded by the health professional in their clinical or case notes. Those notes may then inform future interactions with the client after the lawyer is no longer involved. Unlike closely integrated legal assistance models, where information management systems and professional obligations may be more closely aligned, loosely integrated models often involve separate organisations with independent record-keeping practices, legal obligations and ongoing relationships with the client.

If law reform were to extend LPP to communications occurring in such meetings, questions would arise regarding the scope and operation of that protection. For example, it is unclear whether privilege would apply only during the meeting itself or whether it would extend to information subsequently recorded or heard by the non-legal professional. Similar uncertainty arises where a social service professional later discusses the same issue with the client in the absence of the lawyer, or where the lawyer's involvement has concluded but the professional relationship

between the client and the social service provider continues. In these circumstances, it may be difficult to identify when privilege begins and ends, whether privilege has been waived, and how subsequent communications should be characterised.

For these reasons, SMLS considers that any extension of LPP to loosely integrated service models would require careful consideration of the practical realities of multidisciplinary practice and the professional obligations of non-legal practitioners.

Question 7

If you support a new category of legal privilege for closely integrated legal assistance service settings, do you have a view on the scope, elements, eligibility requirements or implications of the privilege? If so, what is it?

We are particularly keen to hear your views on the definition of integrated legal assistance services, eligibility requirements for the privilege, a safety exception to the privilege, and the implications of the privilege for social service professionals.

As noted in response to Question 4, SMLS considers that any law reform in this area should primarily clarify that LPP applies to communications involving social service professionals working within integrated legal assistance services, rather than creating a wholly separate category of privilege.

Clients seeking assistance from a CLC are often experiencing significant disadvantage, vulnerability, and the impacts of trauma. When they attend a legal service, their primary focus is typically on resolving the urgent issue they are facing rather than understanding the specific professional titles or roles of those supporting them.

Many clients are unable to recount their experiences in a linear or concise manner. Their stories may involve interruptions, repetition, difficulty recalling events, or heightened emotional responses. These communication patterns are often indicators of trauma and emotional distress rather than a lack of credibility or capacity. In such circumstances, expecting clients to engage in detailed discussions about concepts such as LPP, confidentiality, and informed consent at the outset of service delivery may be unrealistic and, in some cases, counterproductive.

Requiring clients to navigate complex legal and ethical concepts while they are in a state of crisis can create additional barriers to accessing justice. It may increase feelings of confusion, anxiety, and overwhelm, potentially leading to disengagement from the service. It can contribute to re-traumatisation by placing procedural requirements ahead of the client's immediate need for support, safety, and legal assistance.

A trauma-informed approach recognises that meaningful informed consent is often a process rather than a single conversation. It requires professionals to provide information in an accessible manner, revisit important concepts over time, and support clients to make informed decisions when they are better able to absorb and understand the information. This approach promotes access to justice while respecting both the rights and the lived experiences of vulnerable clients.

SMLS is of the view that LPP already extends to many of these communications where they occur as part of the provision of legal services within a CLC. Reform should therefore focus on providing certainty and consistency, rather than introducing a parallel privilege regime. As discussed above, social service professionals may also work alongside lawyers in private and commercial legal practice. Creating a separate privilege for integrated legal assistance services risks adding further complexity and uncertainty regarding the circumstances in which privilege applies, potentially undermining the clarity that reform is intended to achieve.

In any event, whatever reform model is adopted, it must operate retrospectively to avoid jeopardising existing client relationships and historical matters in which CLCs and their clients have relied on the understanding that communications within integrated service models are protected by LPP.

Reform should clarify that legal professional privilege applies in circumstances where:

1. A client has sought or received legal advice or legal assistance through the service; and
2. Communications with social service professionals occur for the purpose of supporting the provision of that legal assistance and the capacity of the client to actively and effectively engage in the legal process.

Reform should make clear that communications meeting these criteria attract the same protections as legal professional privilege.

The privilege should apply to communications involving lawyers and social service professionals operating within an integrated legal assistance service, including:

- social workers;
- intake workers;
- financial counsellors;
- Aboriginal engagement workers;
- community development workers;
- youth workers; and
- other appropriately qualified professionals providing services that support the delivery of legal assistance.

Definition of Closely Integrated Legal Assistance Services

Any definition should be broad enough to capture contemporary multidisciplinary service models while remaining focused on services that support the provision of legal assistance. CLCs deliver

legal assistance alongside a range of social, health and community supports because clients' legal issues are often closely connected with family violence, housing instability, financial hardship, mental health issues, migration issues, disability, drug and alcohol dependency, and other forms of disadvantage.

SMLS regularly assists clients experiencing multiple, intersecting issues. For example, a woman experiencing family violence may require legal advice regarding intervention orders, family law and tenancy issues while simultaneously working with a social worker on safety planning and crisis support. A young person facing criminal charges may need legal representation while receiving support from a youth worker to address homelessness, education and wellbeing concerns. In these situations, requiring clients to navigate complex distinctions about which conversations are protected and which are not would create unnecessary barriers to access to justice, increase confusion and distress, and risk retraumatising vulnerable clients.

Safety Exceptions

SMLS does not support the introduction of a broader safety exception that applies specifically to integrated legal assistance services.

In our view, introducing a separate disclosure threshold for integrated legal services would create inconsistency between community legal services and private legal practice. The objective of any reform should be to provide clarity and certainty for clients and practitioners. Creating a different safety exception for integrated services would risk increasing confusion regarding confidentiality obligations and could undermine client confidence in seeking support.

Any exceptions should therefore be limited to the same narrow and exceptional circumstances that currently justify departures from LPP. Clients accessing integrated legal assistance services should not receive a lesser level of protection than clients accessing legal assistance through other legal service providers.

Implications for Social Service Professionals

SMLS acknowledges that some social service professionals may experience tension between legal privilege requirements and aspects of their broader professional or ethical frameworks. However, integrated legal assistance services are established for the purpose of supporting legal outcomes and improving access to justice. Professionals who choose to practise within these models should be provided with clear guidance and training regarding privilege obligations and the circumstances in which privilege applies, as currently provided by SMLS in its integrated services.

Importantly, clients should not be required to sacrifice confidentiality protections in order to access holistic, wraparound support. A key strength of integrated legal assistance services is that clients can receive coordinated legal and non-legal assistance through a trusted service. The law

should support, rather than undermine, these models by ensuring that privilege protections are clear, consistent and robust.

As identified in SMLS's research successful integrated models often emerged where organisational leaders clearly articulated expectations regarding collaboration, confidentiality and shared client outcomes. Several organisations reported that role clarity and shared understanding of legal obligations reduced ethical tension over time²⁹, and it remains essential that lawyers as well as social service professionals maintain a strong and applied understanding of LPP obligations.

Dominant Purpose Test

As the VLRC consultation paper notes³⁰, the dominant purpose test sets a high threshold for the application of legal professional privilege. In *Commissioner of Taxation v Pratt Holdings Pty Ltd*,³¹ Kenny J confirmed that it is not sufficient that the obtaining of legal advice or preparation for litigation be a "primary" or "substantial" purpose of a communication. Rather, the dominant purpose must be the "ruling, prevailing, paramount or most influential purpose"³². Where two purposes are of equal weight, neither will be dominant for the purposes of attracting privilege.

This test is not well suited to contemporary integrated or non-integrated legal assistance models. CLCs increasingly deliver services aimed at the holistic experience of clients be that through lawyers alone or through multidisciplinary teams comprising lawyers, social workers, financial counsellors, community development workers and other social service professionals. Clients frequently present with intersecting legal, social, financial, housing, health and family violence issues, requiring a holistic response that in integrated practice draws on the expertise of multiple practitioners.

In these settings, the dominant purpose test requires an artificial distinction between legal and non-legal purposes that does not reflect service delivery in practice. Communications may be directed simultaneously towards legal advice, safety planning, case coordination, therapeutic support and other forms of assistance. Legal and non-legal support are often closely connected and, in many cases, inseparable. The concept of a single dominant legal purpose is therefore

²⁹ Springvale Monash Legal Service, Integrated Service Models: Research into Existing Multi-disciplinary Models of Lawyers and Social Workers (or Community Service Workers) in Community Legal Centres (Research Report, 2020).

Springvale Monash Legal Service, CLC Integrated Service Models - Queensland and N.S.W.: Addendum to Research Report Dated June 2020 for SMLS (Addendum Report, 2020).

³⁰ Victorian Law Reform Commission, Legal Privilege and Integrated Legal Assistance Services: Consultation Paper (Consultation Paper, June 2026)

³¹ *Commissioner of Taxation (Cth) v Pratt Holdings Pty Ltd* [2005] FCA 1247; (2005) 225 ALR 266, 278 [30] (Kenny J).

³² *Commissioner of Taxation (Cth) v Pratt Holdings Pty Ltd* [2005] FCA 1247; (2005) 225 ALR 266, 278 [30] (Kenny J); cited in *Commissioner of Taxation v PricewaterhouseCoopers* [2022] FCA 278, [143].

difficult to reconcile with integrated service models, where client communications are frequently directed towards interconnected legal, social, health and wellbeing needs at the same time.

As a result, the current test can create uncertainty and may leave important client communications unprotected despite being integral to the provision of legal assistance. In the context of closely integrated legal assistance services, privilege should not depend on whether legal advice can be characterised as the ruling or prevailing purpose of a communication. The test should recognise the inherently interconnected nature of legal and non-legal support and apply where a communication occurs in connection with, or for the purpose of supporting, the provision of legal advice or legal assistance.

Such an approach would better reflect the realities facing clients experiencing complex and overlapping legal and social issues and avoid artificial distinctions between different aspects of a conversation that cannot readily be separated in practice. It would provide greater certainty supporting holistic, trauma-informed and client-centred service delivery. Importantly, this approach could address the limitations of the dominant purpose test without the need to create an entirely separate category of privilege.