

Stronger integrated practice accessibility & impact for all Victorians

Submission to the Victorian Law Reform
Commission's Inquiry on Legal Privilege and
Integrated Legal Assistance Services

August 2026

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Acknowledgement of Country

Justice Connect acknowledges the Wurundjeri and Boon Wurrung peoples of the Kulin Nation, and the Gadigal peoples of the Eora Nation as the Traditional Owners of the land on which we meet and work. We acknowledge that sovereignty was never ceded and pay our respects to Elders past and present.



Executive summary and five recommendations

Justice Connect welcomes the opportunity to contribute to the Victorian Law Reform Commission's Inquiry on Legal Privilege and Integrated Legal Assistance Services (**Inquiry**) and the related Consultation Paper.¹ This submission draws on Justice Connect's Homeless Law (**Justice Connect**) experience as one of the first legal assistance sector services in Victoria to integrate staff social workers within its service delivery. From 2010, Justice Connect has directly offered integrated social work and legal assistance through our multidisciplinary staff team, with a specialist, wraparound focus on responsively supporting people facing homelessness. For 25 years, we have also collaboratively led the progressive design, development and implementation of embedded pro bono legal outreach clinics, frontline, cross-sector colocations, and hybrid community and health justice partnerships for the most at-risk community members across Victoria. The long-term, ongoing impact of this integrated practice model is evidenced through the following client insight:

"I built an amazing rapport with my [Justice Connect integrated lawyers and social worker]...I was escaping violence & [they] made me feel so safe... I was able to leave my ex-husband, get him out the property & be with my three kids. I felt brave because of the support at Justice Connect...it's honestly life changing." – Client feedback

As part of this collaborative work, we have convened the Federation of Community Legal Centres Victoria's (**FCLC**) Integrated Legal and Social Support Network (**ILSSN**) for more than a decade. In this leadership of the ILSSN, we have collectively built integrated practice capabilities and supports across the sector, particularly through the impactful Integrated Practice Toolkit,² and trauma-informed engagement initiatives and Victoria-wide and national training programs.

Justice Connect's integrated legal services strategically centre client needs and voices in the design and delivery of all we do, ensuring that they feel heard, respected, and supported when accessing our wraparound support. We offer tailored, holistic and trauma-informed legal support, closely combined with expert social work assistance, to vulnerable Victorians, including people experiencing or at risk of homelessness, family violence and financial insecurity. We also codesign and deliver innovative digital resources to reach Victorians facing housing insecurity, along with their social service and legal assistance sector practitioners, at scale, with targeted information and tailored self-help tools, so that more people across the state can safely avoid homelessness.

In the context of rising housing and cost-of-living pressures, there are over 30,000 people facing homelessness across Victoria (up 24% in five years), with family violence being a leading cause of housing insecurity for women and children.³ The findings of Victoria Law Foundation's Public Understanding of Law Survey confirm that increased prevalence of legal problems is closely linked to experiences of vulnerability, particularly in terms of housing and financial needs, and communities impacted by disaster.⁴ In this context, the need for integrated legal services to holistically help people resolve both their legal problems and related priority needs has never been greater.

¹ Victorian Law Reform Commission (**VLRC**), *Legal Privilege and Integrated Legal Assistance Services: Consultation Paper* (June 2026) <<https://www.lawreform.vic.gov.au/publication/legal-privilege-and-integrated-legal-assistance-services-consultation-paper/>> (**Consultation Paper**).

² Federation of Community Legal Centres Victoria (**FCLC**), *Integrated Practice Toolkit: A Guide to Help Understand Privilege and Mandatory Reporting in Integrated Practices* (September 2018) <https://assets.nationbuilder.com/fclc/pages/570/attachments/original/1542952161/Integrated_Practice_Toolkit_-_Privilege_and_mandatory_reporting.pdf> (**Integrated Practice Toolkit**).

³ Justice Connect, Submission to Consumer Affairs Victoria's Renter Services Review, *Increasing access to tenancy legal supports for renters facing housing insecurity across Victoria* (October 2024) 2.

⁴ Nigel J. Balmer et al, *The Public Understanding of Law Survey Volume 1: Everyday Problems and Legal Need* (2023). Melbourne: Victoria Law Foundation, <<https://puls.victorialawfoundation.org.au/publications/everyday-problems-and-legal-need>>.



Legal professional privilege reforms required to meet the current needs of vulnerable clients accessing modern, integrated legal assistance services

Legal privilege is a fundamental right that upholds the administration of justice by allowing clients to communicate freely with their lawyers. Although the right is central to accessing the justice system, in our view the current framework for legal professional privilege – developed around a traditional model of discrete legal representation – is ill-suited to the current needs of vulnerable Victorians who are accessing modern, integrated legal assistance services.

The framework creates fundamental uncertainty about whether communications in integrated settings will be privileged, exposing clients' most sensitive personal disclosures to the risk of compelled production. This undermines the very purpose of privilege and its role in upholding confidence in the justice system. In the experience of Justice Connect and ILSSN member legal assistance organisations, this forces many of the most marginalised clients to choose between receiving holistic, wraparound support or having certainty that their confidential communications are protected. Clients facing disadvantage who require integrated support to successfully resolve their legal and non-legal needs should not be required to make this choice.

Some of the most complex-needs clients Justice Connect works with across Victoria, who face significant barriers to engagement with the justice system, including chronic homelessness, acquired brain injuries, entrenched isolation, and substance dependencies, struggle to build trust and engage with the justice system. Requiring vulnerable client cohorts served by integrated legal services to first understand this choice, and then make an informed decision, is time-consuming and unintentionally undermines the ability of practitioners to ensure that at-risk Victorians can successfully access, navigate and exit the justice system.

Navigating this framework also imposes a significant administrative and resource burden on integrated legal assistance services, including Justice Connect and various community legal centres that are ILSSN members, which are already under-resourced and struggling to meet demand. Services are also often not funded or ill equipped to maintain privilege in unrelated proceedings where records have been subpoenaed or otherwise requested.

The complexity of the current system is compounded by the differing and sometimes conflicting disclosure obligations that apply to lawyers and social service professionals, including mandatory reporting, information sharing schemes and professional ethical codes. There is also a lack of understanding in the wider community about the role of social workers and the fact that they have no mandatory reporting obligations.⁵

Five recommendations to strengthen integrated practice accessibility and impact for all Victorians

This submission shares Justice Connect's direct and collaborative views of the current impact of integrated practice, and the key legal professional privilege-focused challenges and opportunities.

Justice Connect makes five evidence-based recommendations for reform, drawing on client voices, insights from our extensive integrated casework, and learnings from our longstanding ILSSN leadership for FCLC and wider legal assistance sector.

⁵ The only obligation on social workers – which does not apply to privileged information – is to report child sexual offences to police, which is an obligation that applies to all adults in Victoria and is not properly categorised as a mandatory reporting. For more detailed discussion, please see the Integrated Practice Toolkit.

#	Five recommendations to strengthen integrated practice accessibility and impact for all Victorians
1	Establish a new category of legal professional privilege incorporating social service professionals for closely integrated legal assistance services To improve the effectiveness and outcomes of integrated legal assistance services for the most vulnerable in our community, the Victorian Government should establish a new category of legal privilege, incorporating social service professionals within closely integrated legal services, which is unqualified, except for a targeted safety exception.⁶ To provide increased clarity and certainty, legislation should be implemented and specifically include that this new category of legal privilege applies: - consistently in court and tribunal proceedings under the <i>Evidence Act 2008</i> (Vic), and in response to investigative, coronial and other compulsory information-gathering processes to which legal professional privilege applies. Clients should receive the same protection regardless of the forum or mechanism through which their information is sought; - where lawyers and social service professionals join together to provide closely integrated legal assistance services. To improve client experience and outcomes, the definition of closely integrated should not be dependent on dual attendance of lawyer and social service professional in client appointments; - where the dominant purpose is to obtain integrated legal assistance services; - where information (communication or written record) may be shared between those services to enable legal assistance and non-legal support to be provided to a client. For information to be covered by the privilege, it should not have to have been reviewed by a lawyer, only that the lawyer had permission to access it if relevant; - where information is shared with a social service professional who would otherwise be subject to mandatory reporting (noting for example, social workers are not mandatory reporters) that the social service professional cannot disclose that information unless the safety exception is engaged.
2	Develop a targeted, carefully designed safety exception to a new legal professional privilege for closely integrated legal assistance services involving social workers To more effectively balance client protection and access to justice for Victorians requiring integrated social work and legal assistance, the Victorian Government should collectively develop a targeted safety exception threshold, which aligns to current ethical disclosure responsibilities for social workers. A carefully designed safety exception of this nature should operate as a version of statutory limited waiver arrangement, without that disclosure amounting to a wider waiver of privilege.

⁶ This recommendation is closely aligned with **Reform Option 2** from the Consultation Paper.

3	Alternatively establish a new social service professional privilege in loosely integrated legal assistance services, if a new category of legal privilege is not implemented If a new category of legal privilege for closely integrated legal assistance services is not implemented, establish a new social service professional privilege to enhance protection of communications between clients and social service professionals in loosely integrated legal assistance services.⁷ To give effect to any new social service professional privilege, the Victorian Government should: a. collaboratively develop a clear, non-exhaustive list of which social service professionals would be covered by the privilege; and b. provide clarity on how the new social service privilege interacts with existing mandatory reporting obligations.⁸
4	Ensure coverage of pro bono legal practices and avoid a standalone accreditation scheme in creating a new category of professional privilege To make sure that any changes to privilege are effective in enhancing the administration of justice, any new category of privilege should: a. cover pro bono legal practitioners when acting pro bono for clients through integrated legal assistance services in partnership with a community legal centre or Victoria Legal Aid; b. not implement a new, standalone accreditation framework or regulatory scheme, and instead operate through a simple legislative test of whether the client is receiving no cost assistance.
5	Prioritise the design, development and implementation of a new category of privilege through a client-centred, collaborative process To enable best-practice client-centred and collaborative design, development and implementation, the Victorian Government should commit to: a. consulting with the integrated legal service sector about the substantive details required for any new privilege category, so it can best achieve client-centred impact. This should include engagement regarding any exposure draft Bill before it is introduced, so that it best gives effect to the reform intended to be adopted, and is workable, clear and capable of being implemented effectively by Victoria's integrated legal assistance sector services; b. consulting through trauma-informed frameworks with a diverse range of Victorians who have lived experience of engaging with integrated legal services, so that client voices, priority needs and meaningful outcomes are centred through the process. c. ensuring adequate, ongoing resourcing for integrated legal services, so that the intentions of the reform can be realised in practice and all Victorians have sustainable access to crucial legal and social service supports; d. sharing learnings across Australia on the benefits of Victorian reform, acting as an evidence-based catalyst for reform in other states, including New South Wales where we also deliver an integrated practice, which modernises the operation of privilege in integrated legal assistance services.

⁷ This recommendation is closely aligned with **Reform Option 1** from the Consultation Paper.

⁸ For completeness, we note again that social workers do not have mandatory reporting obligations in Victoria so no such clarification would be required in relation to social workers in integrated practices.

About Justice Connect

Justice Connect believes in a world in which legal support is within everyone's reach. In the face of rising levels of unmet legal need, Justice Connect's 2028 strategy sees us put people first, innovating to build our communities' skills, knowledge, and confidence, and grow access to legal support. We lead innovative, people-centred solutions to help to close the 'justice gap' including:

- delivering holistic, integrated legal services to clients experiencing significant disadvantage through strategic partnerships, including by embedding staff at community agencies and health justice partnerships to engage with the hardest-to-reach clients;
- brokering strategic, efficient use of pro bono lawyers and barristers;
- leading access to justice innovation through cutting-edge digital solutions; and
- amplifying and extending the impact of our work through strategic engagement and advocacy to help drive systems-level change.

Justice Connect's Homeless Law

Since 2001, Justice Connect's Homeless Law has been Victoria's specialist free legal service for people experiencing or at risk of homelessness.⁹ Through high-intensity support and pro bono and community partnerships, we help people with complex needs to safely avoid or exit housing insecurity. We deliver wraparound legal help through an outreach-based, client-centred model, and offer integrated social work assistance to intervene earlier and empower lasting stability.

In this context, Justice Connect was one of the first legal assistance sector services in Victoria to employ staff social workers over 15 years ago, and we have convened the Federation of Community Legal Centres Victoria's Integrated Legal and Social Support Network for more than a decade.

In 2025-26, Justice Connect's Homeless Law:

- provided an integrated, intensive combination of legal representation and social work supports to people experiencing or at risk of homelessness through 513 new client files;
- delivered over 38,000 hours of free legal work for Victorians facing homelessness through 704 pro bono lawyers from our member law firms;
- deepened our integrated partnerships with cross-sector allies, including through co-locations and embedded partnerships with community-based health and homelessness services, such as cohealth, Launch Housing and Sacred Heart Mission;
- built the practical legal capabilities of Victoria's frontline community sector and the wider legal assistance sector through our innovative, digital resources, Homeless Law in Practice and the Workers' Resource Hub, which were accessed by 82,842 multidisciplinary professionals helping those most vulnerable across the state to proactively resolve their priority legal needs;
- collaboratively advocated for the best-practice implementation of Victoria's rental reforms, and a fairer, more effective, and accessible fines system, along with using casework and client evidence to raise national awareness about the need for more social housing and the risks of criminalising homelessness.

⁹ For more information about Justice Connect's Homeless Law, please see: <<https://justiceconnect.org.au/homeless-law/>>.

About our submission

In addition to this direct submission, Justice Connect also confirms our support of the submission from the Federation of Community Legal Centres Victoria, which we have had the opportunity to contribute to, including in the context of our longstanding convenorship of the Integrated Legal and Social Support Network.

We have shared de-identified client stories and direct feedback throughout this submission from Justice Connect's clients, which have informed our recommendations, and we thank them for their valuable insights.

We also thank the Victorian Law Reform Commission for considering Justice Connect's submission to the Legal Privilege and Integrated Legal Assistance Services Inquiry. We would be pleased to provide further information, and would welcome any future consultation opportunities to inform the Inquiry's next phase.

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1. Modernising professional privilege in integrated legal services to increase holistic support and impact for vulnerable Victorians¹⁰

Justice Connect supports the establishment of a new category of legal professional privilege incorporating social service professionals in closely integrated legal assistance services, which is unqualified except in relation to a defined safety exception.¹¹ This would strengthen protections enabling full and frank disclosure to social service professionals working with lawyers in Victoria's legal assistance sector, and also increase justice system access and broader-community confidence.

Existing gaps in legal professional privilege protections undermine access to justice and leave vulnerable clients exposed to exacerbated risk

The current framework for legal professional privilege poses direct, significant risks to clients of Victorian integrated legal assistance services. Legal privilege exists to encourage clients' full and frank disclosure to their lawyers, ensuring they are appropriately advised and represented. However, the lack of clarity as to what is privileged in an integrated setting means that confidential disclosures made by clients to non-legal staff supporting them - including social workers who are a key part of Justice Connect, ILSSN member organisations, and the wider-Victorian legal assistance sector's holistic service delivery - may be left inadequately protected. Where privilege is not established or is inadvertently waived, a client's most sensitive personal information, including disclosures relating to family violence, mental health and housing insecurity, may be compelled for production including in family law, child protection, or criminal proceedings through subpoena or other compulsory processes. This risk falls disproportionately on the most vulnerable Victorians, the very clients for whom integrated services are most critical.

The current framework effectively forces clients to make an untenable choice between receiving the wraparound, multidisciplinary supports they need to address the priority, underlying causes of their legal problems, or removing doubt about the protection of privilege over their confidential communications. This may deter clients from making full and frank disclosures to their legal advisers, undermining both a central purpose of integration and the quality of legal advice they receive. For other clients there is no choice because, without multidisciplinary supports, they are unable to engage effectively with lawyers at all, and will therefore be excluded from accessing legal assistance.

The consequences of these gaps can extend beyond a client's engagement with Justice Connect and other legal assistance services. The current framework forces integrated providers to grapple with complex and resource-intensive questions about the scope of privilege, even after a client has passed away. Reform is needed to ensure that marginalised Victorians who access integrated legal assistance services are not penalised for doing this, and that the legal professional privilege framework:

- protects, rather than undermines, the confidential disclosures that are essential to effective legal representation; and
- operates in a way which supports, rather than limits, the integrated model which has been shown to deliver better, lasting impact, ensuring the most vulnerable Victorians can access, navigate and positively exit the justice system.

¹⁰ This section responds to questions 4, 5, 6, and 7 of the Consultation Paper.

¹¹ This recommendation is closely aligned with **Reform Option 2** from the Consultation Paper.

Violent ex-partner of Justice Connect client seeks access to confidential records revealing issues in claiming legal professional privilege

Charlie* had fled her rental property with her young child after her former partner threatened their lives. After this, Charlie spent several months in a women's refuge. Throughout this time, Charlie's income support payments were suspended and she was unable to pay rent. Later, Charlie obtained an intervention order against her former partner and returned to the property, but by then the rental provider had commenced eviction proceedings based on alleged unpaid rent.

Charlie's family violence worker referred her to Justice Connect for specialist legal assistance and integrated social work support. In her first appointment with Justice Connect, Charlie met with lawyers and a social worker to discuss her legal and non-legal needs. She disclosed the family violence she had experienced and its significant impact on her mental health and finances. These experiences were relevant to both her legal matter as the reason she had fallen behind in rent, why eviction would put her at risk, as well as to her wider-support needs.

Charlie eventually vacated the property and she and her daughter moved interstate to stay with family. When Charlie's ex-partner initiated a family law proceeding, Justice Connect was issued with a subpoena, which sought a broad range of documents relating to Charlie, her former partner and their child, including electronic records, appointment notes, referrals and records of services provided by Justice Connect.

Because Charlie made disclosures to both lawyers and social service providers within the integrated practice to obtain vital legal representation and social work support, determining whether legal professional privilege applied to the requested materials was complex.

To both meet the legal requirements of the subpoena and their duties to their client, Justice Connect was – at short notice and under substantive time pressure – required to review a large volume of material, and seek instructions from Charlie regarding privilege claims, diverting significant resources from an already stretched community legal service.

Charlie's^{*12} story above illustrates how the current legal professional privilege framework risks penalising clients in integrated legal services, and underscores why reform is required through the Inquiry. Without change to protect disclosures to social workers in integrated practices, information shared by clients with social workers risks being weaponised by perpetrators of family violence through other court proceedings. This is an ever-increasing risk as more legal assistance sector services recognise that to assist victim-survivors of family violence to resolve their legal problems, integration with social service professionals is required.

Charlie's story also exposes the fundamental tension in the current privilege framework. A client in Charlie's position faces an untenable choice: engage openly with the full multidisciplinary team and risk that her most sensitive disclosures will not be protected, or withhold information from non-legal practitioners, defeating the purpose of integration. For Charlie, the meaningful resolution of her priority legal problem required integrated social work support.

To ensure integrated models can operate effectively and that clients are not penalised for accessing them, the law should recognise a new category of legal professional privilege for confidential communications between clients, lawyers and social service professionals. In that

¹² *Client names throughout this submission have been changed.

context, Justice Connect proposes the establishment of a new category of legal professional privilege for closely integrated legal assistance services, with clarifications as to the scope of "closely integrated" services. We explain the rationale for our view on the appropriate form and scope of this privilege further below.

1.1. New category of legal professional privilege incorporating social service professionals for closely integrated legal assistance services

Existing principles support a broader approach to legal professional privilege

It is well-established that legal professional privilege is capable of applying to a confidential communication with a non-lawyer, for the dominant purpose of a lawyer providing legal advice to a client.¹³ The fact that a lawyer is not always physically present at the time of the communication should not, of itself, prevent the privilege from arising, where the information is being obtained to enable the lawyer to provide legal advice. As Justice Finn observed in *Pratt Holdings*, there are clear policy reasons that support extending privilege to third party authored communications:¹⁴

Whether a natural person or a corporation, a party seeking to obtain legal advice may not have the aptitude, knowledge, skill and expertise, or resources to make adequately, appropriately or at all such communication to its legal adviser as is necessary to obtain the advice required. Such is commonplace today where advice is sought on complex and technical matters. To deny that person the ability to utilise the services of a third party to remedy his or her own inability or inadequacy unless he or she is prepared to forego privilege in the documents prepared by the third party, is to disadvantage that person relative to another who is able adequately to make the desired communication to a legal adviser by relying upon his or her own knowledge, resources, etc.

For the law to provide such an incentive not to utilise the services of third parties in such circumstances is to undercut the privilege itself. It would not facilitate access to effective legal advice nor would it facilitate effective communication with legal advisers for the purpose of obtaining legal advice.

This reasoning applies particularly to clients of integrated legal assistance services, including Justice Connect, who are by definition experiencing disadvantage and who rely on social service professionals as part of the support structure that enables them to access and act on legal advice.

Appropriate application of new legal professional privilege category requires progressive approach

Justice Connect's views draw on 25 years of iterative integrated practice supporting Victorians experiencing the greatest disadvantage, our ongoing convenorship of the ILSSN, and our detailed engagement with FCLC and the broader integrated legal assistance sector through this Inquiry process. Against this background, we acknowledge the inherent complexities involved in developing any new (or extended) category of legal professional privilege.

In particular, the range of models that currently exist across the Victorian integrated legal assistance sector, including within organisations and in relation to external formal partnerships,¹⁵ necessitate a progressively staged, closely consultative approach (as further discussed at section 1.4 below), avoiding unintentional consequences for vulnerable Victorians and the existing,

¹³ *Pratt Holdings Pty Ltd v Commissioner of Taxation* (2004) 136 FCR 357 at [105]-[106]; *Commissioner of Taxation v PricewaterhouseCoopers* [2022] FCA 278 at [70].

¹⁴ *Pratt Holdings Pty Ltd v Commissioner of Taxation* (2004) 136 FCR 357 at [42]-[43].

¹⁵ This was also recognised in the Consultation Paper, which usefully noted that: "a new legal privilege would need to address the heightened risk to privilege that arises in closely integrated settings, and that this model may operate in a single organisation employing both legal and social service professionals, or through formal partnerships between separate organisations delivering services jointly": at [7.42].

impactful legal assistance sector services, including Justice Connect and ILSSN member organisations, that support them.

From Justice Connect's current perspective, with reference to this above sector-wide context and the key requirement for detailed additional consultation, we particularly consider a new category of legal professional privilege appropriately applying where:

1. there is a joint engagement to provide integrated services between lawyers and social service professionals;
2. the dominant purpose of the engagement is to obtain integrated legal assistance services;
3. information may be shared between lawyers and social service professionals to enable legal assistance and support to be provided to the client.

Through this proposed approach, where these elements are satisfied, the privilege attaches regardless of the specific structural form of any particular client interaction.

This proposed approach provides both certainty for service providers and clients as well as flexibility to deliver services in the way that best meets the client's needs at each stage of their matter. This model would also cover pro bono lawyers when acting as secondees and volunteers to integrated legal assistance services, which as noted at section 1.3 below, is a critical component of Justice Connect's and ILSSN members' high-impact integrated practice.

As discussed further below, it should not be a requirement of the closely integrated model that lawyers meet jointly with other social service providers and the client for the privilege to attach. Limiting the privilege in this way would be to undermine the privilege, would fall short of addressing the issues with the current structure and impose an unnecessary burden on legal assistance sector organisations with limited resources.

Definition of closely integrated services requires a flexible, client-centred approach, reflecting diverse needs faced by current legal assistance sector clients

The Inquiry's Consultation Paper defines the 'closely integrated' model as one where "lawyers and social service professionals providing closely integrated services meet jointly with clients and share client information". Under this definition, for integrated services to fit into the closely integrated model two criteria have to be met:

- (1) lawyers and social service professionals meet jointly with clients; and
- (2) lawyers and social service professionals share client information.

If this definition of closely integrated services was adopted as an eligibility criterion, it may exclude longstanding, impactful integrated practices. In particular and taking a client-centred perspective, Justice Connect now delivers multi-channel integrated legal services, ranging from high-intensity, collaborative in-person supports to lighter-touch, online assistance, which are tailored and responsive to client needs, so that justice is within reach for the Victorians who most need it.

As set out in more detail below at 2.1, Victorian legal assistance services, such as Justice Connect, often adopt a flexible model to provide the best and most timely service to clients, which may not always involve lawyers and social service professionals, such as social workers, meeting jointly with clients for every meeting. This is particularly the case for Justice Connect and other ILSSN member organisations that operate statewide and can deliver more assistance through a flexible and hybrid approach.

At times, only a lawyer or social service professional may be present in a meeting with the client. Indeed, much of the work performed by lawyers and social workers in our model, such as direct assistance and ongoing case management, necessarily occurs without both lawyers and social workers being present at every client interaction. As such, if the first criterion above is adopted for a new category of legal privilege, it may exclude integrated legal practices like Justice Connect.

The second criterion above is present in what Justice Connect regards as a closely integrated service. In our model of integrated practice, lawyers may access records of information obtained by social service professionals on a confidential basis to support their legal work. This can occur through lawyers accessing records or through social workers discussing with the client the need to directly share information with their lawyer.

In our view, the ability to share information between lawyers and social service professionals, to provide wraparound supports and impactful legal services to our clients, is the hallmark of close integration.¹⁶ The benefits of this agile, hybrid approach are highlighted by the following Justice Connect client feedback:

"If it wasn't for [Justice Connect's lawyers and social worker], I'd be on the street, no doubt about it...Now I feel like I'm able to offer help to others." – Client feedback

The legislation should permit information to be collected, used and shared within an integrated practice for the contained purpose of providing the client's integrated legal assistance. That purpose should be framed broadly enough to encompass the legal and social service professional work reasonably undertaken to address the interconnected needs affecting the client's legal matter, while not authorising unrelated use or disclosure.

A more formalistic approach to when a service is "closely integrated" that requires lawyers to be physically present at every client meeting would reduce the benefit of the new category of privilege. Requiring dual attendance at meetings would not recognise the operation of modern, client-centred practice. As an integrated legal service delivering supports across Victoria, Justice Connect's lawyers and social workers meet with clients through a combination of face-to-face, video conference and telephone calls. Having joint attendance at all of these appointments would be inefficient and not recognise the different skill sets of lawyers and social service professionals.

In some instances, lawyers may suspect there is family violence and refer clients to speak with a social service professional because of their particular skill-set in building trust and supporting family violence victim-survivors. Requiring the presence of a lawyer in all interactions, substantively risks undermining the ability of social service professionals to do this. Instead, the privilege should apply where there is an ability for information to be shared with a lawyer where relevant to the lawyer's work. The ability to access information gained by the integrated assistance service justifies the extension of the privilege to the communication. Conversely, the lawyer ought not to be required to actually review or have information shared with them for the privilege to apply – this would impose unnecessary burdens on the lawyers, and clients would reasonably expect that information not be shared broadly within the integrated legal assistance service where, in the judgment of the service, it is not at that time necessary to do so.

To improve client experience and outcomes, along with providing certainty to services operating closely integrated models, a definition of closely integrated models should be included in legislation where the definition is not contingent on jointly meeting with clients. As part of further scoping this definition, more-dynamic approaches could be explored, which better encompass responsiveness to current and ever-evolving client needs. As appropriate, this may include defining a closely integrated service by reference to the client authority to act, or a similarly substantive engagement document, including consent to share client information.

¹⁶ Given the complex vulnerabilities of the Victorians serviced through Justice Connect's integrated practice model, we only currently share client information with specific purpose and in appropriate and compliant circumstances.

Recommendation 1: Establish a new category of legal professional privilege incorporating social service professionals for closely integrated legal assistance services

To improve the effectiveness and outcomes of integrated legal assistance services for the most vulnerable in our community, the Victorian Government should establish a new category of legal privilege, incorporating social service professionals within closely integrated legal services, which is unqualified, except for a targeted safety exception.

To provide increased clarity and certainty, legislation should be implemented and specifically include that this new category of legal privilege applies:

- a. consistently in court and tribunal proceedings under the Evidence Act 2008 (Vic), and in response to investigative, coronial and other compulsory information-gathering processes to which legal professional privilege applies. Clients should receive the same protection regardless of the forum or mechanism through which their information is sought;
- b. where lawyers and social service professionals join together to provide closely integrated legal assistance services. To improve client experience and outcomes, the definition of closely integrated should not be dependent on dual attendance of lawyer and social service professional in client appointments;
- c. where the dominant purpose is to obtain integrated legal assistance services;
- d. where information (communication or written record) may be shared between those services to enable legal assistance and non-legal support to be provided to a client. For information to be covered by the privilege, it should not have to have been reviewed by a lawyer, only that the lawyer had permission to access it if relevant;
- e. where information is shared with a social service professional who would otherwise be subject to mandatory reporting (noting for example, social workers are not mandatory reporters) that the social service professional cannot disclose that information unless the safety exception is engaged.

Opportunity for targeted, carefully designed safety exception to more effectively balance client protection and access to justice for Victorians requiring integrated social work and legal assistance

The Australian Solicitor's Conduct Rules allow confidential information to be disclosed for the purpose of preventing imminent serious physical harm to the client or to another person.¹⁷ The Australian Association of Social Workers Code of Ethics 2020 (**Code**), which expresses the ethical responsibilities and principles, provides that a social worker will only reveal information to relevant third parties if an actual, identifiable risk of harm to a specific person or persons can be prevented.¹⁸ The differing thresholds between these two exceptions should be closely considered in the potential introduction of a new category of legal professional privilege and any safety exception to it.

For closely integrated legal assistance services involving social workers, Justice Connect is supportive of a carefully scoped and collaboratively designed 'safety exception' to a new category of legal professional privilege being introduced. In taking a client-centred approach, a safety exception of this nature strikes an appropriate balance between ethical responsibilities and the

¹⁷ Law Council of Australia, *Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015* (at 1 July 2026) r 9.2.5 (**Australian Solicitors' Conduct Rules**).

¹⁸ Australian Association of Social Workers, *Australian Association of Social Workers Code of Ethics (2020)* <<https://aasw-media.s3.ap-southeast-4.amazonaws.com/wp-content/uploads/2023/08/AASW-Code-of-Ethics-2020.pdf>> r 5.4.5, noting 'harm' is not limited to 'physical' harm or 'imminent' harm, as compared to the Australian Solicitor's Conduct Rules.



administration of justice. In our view, this would enable social workers in possession of privileged information to share that information in very limited, clearly defined circumstances.

However, we understand from our engagement with the FCLC, that there may be an emerging, overarching view in the wider legal assistance sector that substantive change to the thresholds regarding safety may risk undermining legal professional privilege. This emerging view posits that substantive changes to the thresholds would unintentionally create further complexity for social service professionals in specific settings.

Justice Connect's view drawing on our convenorship of the ILSSN and our high-intensity and specialist integrated model involving staff social workers and lawyers is that there is value in a safety exception which is aligned to current disclosure responsibilities that attach to social workers.

In that context, we suggest a safety exception of this nature would have tangible, practice-based and client-centred benefits, including:

- minimising the risk that the privilege would override or conflict with social workers' current professional and ethical responsibilities, particularly in relation to disclosure. Having a clearly defined safety exception would therefore offer valuable clarity for social workers about their responsibilities, and make sure that their responsibilities are simpler to comply with.
- if the new category of privilege did not incorporate a safety exception, this may increase the risk of harm to those that current disclosure responsibilities are designed to protect. From a client-centred perspective, a safety exception would further minimise risk of harm and better protect clients receiving integrated legal and social work assistance across Victoria.

A specific opportunity would be to have this safety exception operate as a version of statutory limited waiver arrangement, without that disclosure amounting to a wider waiver of privilege. The social worker could disclose information to appropriate bodies or persons (with the ability for any applicable courts, tribunals and commissions exercising jurisdiction over those bodies or persons to call for and view records of the disclosure, on a confidential basis, or use for other legitimate and limited purposes), but on the basis that the disclosures:

- could not otherwise be used by the body or bodies in court, tribunal or commission proceedings against the client or third parties;
- did not operate as a wider waiver of privilege in relation to materials in the client's file.

Recommendation 2: Develop a targeted, carefully designed safety exception to a new legal professional privilege for closely integrated legal assistance services involving social workers

To more effectively balance client protection and access to justice for Victorians requiring integrated social work and legal assistance, the Victorian Government should collectively develop a targeted safety exception threshold, which aligns to current ethical disclosure responsibilities for social workers.

A carefully designed safety exception of this nature should operate as a version of statutory limited waiver arrangement, without that disclosure amounting to a wider waiver of privilege.

1.2. Alternative approach: social service professional privilege for loosely integrated legal assistance services

While Justice Connect's primary position is to support the establishment of a new category of legal professional privilege for closely integrated legal assistance services, if this is not implemented, we propose establishing a new social service professional privilege to enhance protection of communications between clients and social service professionals in 'loosely' integrated legal assistance services.¹⁹ This would still achieve improved protections for specific communications between clients and social service professionals in loosely integrated legal assistance service settings. Based on our ILSSN convenorship and our present understanding of the Inquiry's Consultation Paper,²⁰ the definition proposed of loosely integrated legal assistance services would encompass several existing models across the Victorian sector.

Justice Connect's view remains that the establishment of a new category of legal professional privilege, as outlined above, would better address the current issues described in this submission (please see section 3 below for more detail). However, if not possible, given rising client need for integrated legal assistance services across Victoria, we would welcome a new social service professional privilege as an alternative. In our view, with sufficient clarity and consultative design and implementation, a new social service professional privilege would still be a meaningful, if more complex, step towards strengthening protections for all Victorians accessing the integrated legal assistance service sector.

Recommendation 3: Alternatively establish a new social service professional privilege in loosely integrated legal assistance services, if a new category of legal privilege is not implemented

If a new category of legal privilege for closely integrated legal assistance services is not implemented, establish a new social service professional privilege to enhance protection of communications between clients and social service professionals in loosely integrated legal assistance services.

To give effect to any new social service professional privilege, the Victorian Government should:

- a. collaboratively develop a clear, non-exhaustive list of which social service professionals would be covered by the privilege; and
- b. provide clarity on how the new social service privilege interacts with existing mandatory reporting obligations.

1.3. Scope of new category of professional privilege in legal assistance services

Ensure coverage of pro bono work to maintain and increase access to free, integrated legal supports for all Victorians

Justice Connect was established in 1992 as Australia's first dedicated, pro bono-focussed community legal centre. Since that time, we have worked in close partnership with law firms, legal teams and barristers to deliver access to justice through pro bono to the most vulnerable in our community and the not-for-profit organisations that support them. Today, over fifty of Australia's

¹⁹ This recommendation is closely aligned with **Reform Option 1** from the Consultation Paper.

²⁰ The 'loosely integrated model' is further discussed at Consultation Paper at pp 6-7 and 22-23, including the apparent correlation drawn with approach to compliance featured in the Integrated Practice Toolkit.



best law firms and legal teams are members of Justice Connect and make up our network of over 10,000 lawyers who offer their time to our clients pro bono.

In addition to continuously prioritising the voices of lived experience, Justice Connect's specialist, multi-channel integrated services for Victorians facing homelessness have been designed and delivered in close partnership with member law firms for over 25 years. These member law firms provide us with pro bono lawyers who act as secondees of Justice Connect to deliver intensive, high-quality legal advice, assistance, human rights-based advocacy and ongoing representation through our hybrid (in-person and online), outreach-based integrated legal services. With a small internal, multidisciplinary team, including staff lawyers and social workers, leveraging pro bono provides us with essential capacity, allowing us to scale our reach and impact in the context of ever-rising demand and complexity of client need.

In 2025-26, 704 pro bono lawyers from our member law firms delivered over 38,000 hours of free legal support for people facing homelessness across Victoria, which has an in-kind value of more than \$18.79 million. Our expert Justice Connect staff lawyers and social workers provide training, supervision and guidance on the law and client skills to ensure that these lawyers are equipped to provide trauma informed, targeted and frontline legal assistance to some of Victoria's most at-risk people. The following client feedback highlights the effectiveness and benefits of this pro bono inclusive model:

"It's [Justice Connect pro bono & staff lawyers'] job to know the legal stuff, but it was more than that – it was like we all worked as a team...I felt protected for the first time [since coming to Australia]." - Client feedback

Any new category of professional privilege should be broad enough to cover the well-established, practice-based reality that many legal assistance sector services partner with pro bono lawyers to deliver integrated services for Victorians facing disadvantage. While we appreciate a new category would not directly apply to private law firms or to commercial integrated practices, based on our extensive experience leveraging pro bono and leading the ILSSN, it should apply to employees of those firms when they are working pro bono in partnership with legal assistance services.

Avoid an unnecessary administrative load being placed on overburdened integrated legal services through a new accreditation framework

Enshrining eligibility criteria for any new professional privilege in legislation would provide adequate certainty regarding scope. Based on Justice Connect's direct learnings and our ILSSN convenorship, we do not currently support the establishment of a new, standalone accreditation framework or regulatory scheme to designate the eligibility of an integrated legal assistance service to engage the new category of privilege. An accreditation scheme would create an administrative burden to participate in, particularly given the legal assistance sector's existing, detailed obligations of this nature,²¹ and ongoing capacity resourcing constraints.

²¹ By way of example, Justice Connect currently complies with the Community Legal Centres Australia's National Accreditation Scheme (see 'Accreditation', *Community Legal Centres Australia* <<https://clcs.org.au/services/accreditation-2/>>), along with further obligations connected to local, multi-State and Federal funding for our various integrated practice models.

Recommendation 4: Ensure coverage of pro bono legal practices and avoid a standalone accreditation scheme in creating a new category of professional privilege

To make sure that any changes to privilege are effective in enhancing the administration of justice, any new category of privilege should:

- a. cover pro bono legal practitioners when acting pro bono for clients through integrated legal assistance services in partnership with a community legal centre or Victoria Legal Aid;
- b. not implement a new, standalone accreditation framework or regulatory scheme, and instead operate through a simple legislative test of whether the client is receiving no cost assistance.

We also understand that our positions regarding pro bono and accreditation scope have alignment with the FCLC's position, reflecting the broader-community legal sector across Victoria.

1.4. Pathway to best practice implementation of changes to professional privilege in integrated practices

The Victorian Government has a unique opportunity in considering the recommendations of the Victorian Law Reform Commission to ensure that all community members across the state can access integrated legal assistance services, while upholding the administration of justice.

As part of implementing any reform to professional privilege in Victoria to avoid unintended consequences, and ensure it is workable for those who will be covered by the privilege, the Victorian Government must consult further on the detail in relation to any reform with the integrated legal assistance sector. Throughout the design, development and implementation process, the voices of people with lived experience of engaging with legal assistance services should be centred through a trauma-informed, appropriately tailored approach.

Implementing a new privilege in Victoria can act as an evidence-based catalyst for further change Australia-wide

Justice Connect appreciates that a new category of professional privilege achieved through this Inquiry process would not apply to matters in states or territories other than Victoria. We operate integrated legal assistance services in both Victoria and New South Wales, particularly through our Seniors Law health justice partnerships for older Australians facing financial elder abuse.

Regardless, the establishment of a new category of legal professional privilege that would apply to closely integrated legal assistance services in Victoria could act as a productive catalyst for reform in other jurisdictions across Australia. Given we operate interstate, we consider that we would be well-positioned to draw on further evidence in advocating for potential reform towards an equivalent privilege in other states, particularly New South Wales, with the aim of addressing any unintended client and practitioner-based risks due to inconsistency.

Recommendation 5: Prioritise the design, development and implementation of a new category of privilege through a client-centred, collaborative process

To enable best-practice client-centred and collaborative design, development and implementation, the Victorian Government should commit to:

- a. consulting with the integrated legal service sector about the substantive details required for any new privilege category, so it can best achieve client-centred impact. This should include engagement regarding any exposure draft Bill before it is introduced, so that it best gives effect to the reform intended to be adopted, and is workable, clear and capable of being implemented effectively by Victoria's integrated legal assistance sector services;
- b. consulting through trauma-informed frameworks with a diverse range of Victorians who have lived experience of engaging with integrated legal services, so that client voices, priority needs and meaningful outcomes are centred through the process.
- c. ensuring adequate, ongoing resourcing for integrated legal services, so that the intentions of the reform can be realised in practice and all Victorians have sustainable access to crucial legal and social service supports;
- d. sharing learnings across Australia on the benefits of Victorian reform, acting as an evidence-based catalyst for reform in other states, including New South Wales where we also deliver an integrated practice, which modernises the operation of privilege in integrated legal assistance services.

2. Legal professional privilege and responsive, multi-channel integrated legal services across Victoria²²

2.1. Integrated legal services at Justice Connect and their holistic benefits

Justice Connect uses an integrated model of legal and non-legal service delivery to holistically address the complex needs of its clients. Legal issues rarely exist in isolation, and are often connected to family violence, housing, health, employment and homelessness.²³ Integrated practice allows us to holistically address clients' legal and non-legal needs under one roof so that clients can successfully navigate the justice system and move forward with their lives once their non-legal needs have stabilised through support.

Justice Connect's integrated practice provides one-to-one services, tailored for people with complex needs. We have seen a significant increase in demand for these services as housing and financial insecurity have risen, including a 124% increase in requests for help since COVID-19. Justice Connect offers trauma-informed legal assistance with expert, integrated social work support and embedded housing and financial referral pathways.

High-intensity service provision, like Justice Connect, delivers major individual impact. High impact for individuals is achieved through taking a holistic, wraparound and integrated approach to both legal and non-legal supports to resolve the underlying root-causes of legal problems, and increase the potential for positive long-term outcomes through early intervention. Social workers are a critical and in-demand part of our integrated practice; their work provides tailored direct assistance to successfully access, navigate and exit the renter assistance sector, along with expert linkages to other targeted supports, including financial brokerage, employment pathways, and ongoing case management. In the words of a client who received integrated support connected to an eviction proceeding:

"The amount of support blew me out of the water – they stopped our eviction, even helped with food vouchers, and put us back on our feet. The difference they made over those months was just incredible. I was just trying to stay in my house but didn't expect all the extra support – I couldn't believe it." – Client feedback

Part of our integrated practice model involves embedding lawyers and social workers in community-based homelessness and health locations to reach the most transient and isolated people. For example, Justice Connect's Under One Roof model co-locates a staff lawyer at Launch Housing's frontline housing-support and homelessness services.²⁴ We also embed a social worker at cohealth, offering an opportunity for people accessing cohealth's services, including Victorians sleeping rough, to better access and exit the justice system. The benefits of these co-located staff are seen through the following social service professional reflections:

"Justice Connect's an important bridge between the client/worker and ongoing legal support...[Justice Connect] understands both the legal system and the issues faced by the homeless community" - Social service professional feedback

²² This section responds to questions 1 and 2 of the Consultation Paper.

²³ RMIT University and LACW, *Review of Literature on Integrated Social Work & Legal Practice* (2020)1.

²⁴ Justice Connect, 'Under One Roof – Three Years of Embedding Legal Services to Make Justice Accessible for Homeless Clients' (November 2018) <<https://justiceconnect.org.au/wp-content/uploads/2018/12/Homeless-Law-Under-One-Roof-3-Year-Report-Nov-2018.pdf>>.

Throughout that time, social support professionals from multidisciplinary practices have recognised the value of having embedded lawyers and social workers from Justice Connect at their frontline homelessness, housing and health organisations. This is highlighted by the following insight from one of our embedded community-based partnerships:

"Having [Justice Connect] based at the [colocation] hub has been incredibly valuable... [an] important challenge is supporting [young people] to sustain their tenancies. Many face bias from agents and rental providers, and their limited experience can leave them vulnerable to being taken advantage of. Your presence onsite provided timely, accessible support that made a real difference for both staff and clients." – Social service professional feedback

In addition, Justice Connect's health justice partnerships for older Australians integrate lawyers within health services to identify and deliver critical legal help to disadvantaged older patients experiencing or at risk of abuse. An evaluation by the Commonwealth Attorney-General's Department found that specialist integrated elder abuse services like our health justice partnerships are more effective at responding to financial elder abuse than mainstream services, with every \$1 spent on program costs leveraging \$3.69 of value to the community.²⁵ The Law Council of Australia has also recognised our wraparound and integrated legal services as best practice in successfully preventing and ending homelessness for Australians.²⁶ Last financial year, we prevented 338 clients and their families from eviction into homelessness which is estimated to generate over \$13.7 million in cost savings through avoiding increased health, justice and welfare services costs.²⁷

Integrated support is crucial, particularly for priority groups who require holistic legal support. In particular, we note the heightened risk of homelessness for renters experiencing family violence, particularly women and children. Across Australia, women represented 60% of people who accessed specialist homeless services in 2024-25.²⁸ Between 2018 and 2023, women accounted for 82% of the increase in people experiencing homelessness over five years.²⁹ This need is reflected in Justice Connect's service delivery where, in 2025-26, 94% of women receiving targeted, intensive legal and social work support through one of our key integrated practice models, the Women's Homelessness Prevention Project,³⁰ reported having experienced family violence.

Further, rising pressures related to the housing and cost of living crises have created a new cohort of 'future homeless' and financially insecure renters facing housing stress. This has resulted in even more demand for Justice Connect's specialised legal services with expert integrated social work support and embedded housing, financial and employment referral pathways. The importance of ensuring increased, holistic support for Victorians facing homelessness is evidenced by the intersectional needs of this financially insecure cohort. In 2025-26, of new clients receiving support through our Women's Homelessness Prevention Project, 100% were experiencing financial insecurity. The main reasons for renters facing housing insecurity are health, safety and job insecurity. Of women and children we intensively supported, over a third had more than one legal

²⁵ Inside Policy (prepared for the Attorney-General's Department), *Final Evaluation of the Elder Abuse Service Trials – Final Report*, 6 (2021) <https://www.ag.gov.au/sites/default/files/2023-02/final-evaluation-of-the-elder-abuse-service-trials-report_0.pdf>.

²⁶ Law Council of Australia, *Justice Project Final Report – People Who are Homeless* (August 2018) at p 31; LCA, *Justice Project Final Report – Legal Services* (August 2018) at pp 24, 77-8 <www.lawcouncil.asn.au/justice-project/final-report>.

²⁷ See Kaylene Zaretsky et al, *The cost of homelessness and the net benefit of homelessness programs: A national study*, AHURI Final Report No 205 (2013) 4, which identified that people experiencing homelessness had higher interaction with health, justice and welfare systems than people with stable housing and estimated that an individual experiencing homelessness represents an annual cost to government services that is \$29,450 higher than for the rest of the Australian population. Of this increased cost, \$14,507 related to health services, \$5,906 related to justice services, and \$6,620 related to receipt of welfare payments. The increased cost of \$40,581.20 per eviction has been allocated based on the Reserve Bank of Australia's inflation calculator.

²⁸ Australian Institute of Health and Welfare, *Homelessness and homelessness services* (2025) <<https://www.aihw.gov.au/reports/australias-welfare/homelessness-and-homelessness-services>>.

²⁹ Australian Institute of Health and Welfare, *Homelessness and homelessness services* (2023) <<https://www.aihw.gov.au/reports/australias-welfare/homelessness-and-homelessness-services>>.

³⁰ Justice Connect, 'Keeping More Women and Children Safely Housed: Ten Years of Impact of the Women's Homelessness Prevention Project' (October 2024) <<https://justiceconnect.org.au/latest/reports/2024/keeping-more-women-and-children-safely-housed/>>.



problem we were able to resolve, showing the increasing complexity of legal needs and growing vulnerability of clients.

A key focus of our integrated legal services is homelessness prevention through our early intervention practice model, which couples legal and social work services to prevent a person from entering homelessness. Prevention is substantially more cost-effective and less complex than supporting a person to transition out of homelessness and into stable housing. The longer a person experiences homelessness, the more difficult and entrenched their housing, legal, health, social and economic circumstances become. Pitcher Partners costed the benefit of our specialised homelessness prevention work to be 6.3 times the level of investment.³¹ Based on Law Council of Australia findings, our wraparound and integrated legal services are best practice in successfully preventing and ending homelessness for Australians.³² This is illustrated in the below impact insights.

Justice Connect's integrated legal assistance services are best practice for preventing and ending homelessness

In the last year (2025-26):

- our multidisciplinary, Victoria-wide integrated legal services, with a specialist focus on housing sustainment, had a **95% success rate**.
- we opened **513 new client files** for Victorians facing homelessness, offering **intensive legal assistance** in close integration with our **expert staff social workers**, who provided targeted non-legal support to our clients, including **602 linkages to stabilise clients' priority non-legal needs**, including urgent family violence safety, key housing & financial insecurity relief and other essential needs, such as food vouchers & transport to legal proceedings.

Based on Australian Housing and Urban Research Institute findings, the 338 evictions into homelessness that we directly prevented equates to government and community-wide **cost savings of over \$13.7 million**.

In addition, in analysing 10 years' worth of client feedback collected about the impact of our specialist Victoria-wide, integrated homelessness legal services, our multi-channel, multi-intensity models have been found to be highly effective in holistically addressing rising legal need for some of the most vulnerable Victorians. Of Justice Connect's clients surveyed across ten years:

- 93% rated the quality of our integrated social work supports as excellent or good.
- 92% said that our lawyers helped them to better understand their legal options.
- 90% said that we helped them to get a better outcome than they would have otherwise experienced.

This is further supported by the following client insight about the difference integrated supports made for them in safely avoiding homelessness and empowering them to achieve lasting stability:

"I'd like to say this whole experience with [Justice Connect social worker] has been life changing. You've taken a massive load off my shoulders, and I couldn't be happier on our way to starting our new lives." – Client feedback

³¹ Pitcher Partners Corporate Finance Vic Pty Ltd, Women's Homelessness Prevention Project – Cost Benefit Analysis, (September 2019).

³² Law Council of Australia, Justice Project Final Report - People Who are Homeless (August 2018) 31; LCA, Justice Project Final Report - Legal Services (August 2018) 24, 77-8<www.lawcouncil.asn.au/justice-project/final-report>.



Our high-intensity services are combined with lighter-intensity and one-to-many online services such as self-help resources, tools, training and outreach. By combining a variety of intensities of legal support, we can have a larger cumulative impact on increasing access to justice. Robyn's* story below demonstrates the interconnected nature of legal and non-legal needs for renters, and how our multidisciplinary, specialised model intervenes to ensure that more Victorians can safely avoid homelessness and, through targeted support, rebuild their lives and financial security following periods of housing insecurity and family violence.

Single mother and daughter facing family violence create new tenancy and regain financial independence through integrated legal, social, and job readiness supports

Robyn* is a single mother with a two-and-a-half-year-old daughter in her care. Robyn and her husband had been living in their private rental property for three years. When Robyn came to Justice Connect, her husband had recently been excluded from the property due to family violence. Robyn's husband was controlling and would not allow her to be on the lease or have any involvement in their finances, which caused the family to be solely reliant on the husband's income. When the family violence intervention order was issued, the husband cancelled all credit cards and blocked Robyn from accessing the family's bank accounts.

When Robyn met with the integrated Justice Connect lawyers and social worker, she was at risk of homelessness. Justice Connect's lawyers gave her advice about her legal rights and options. Through Justice Connect's lawyers' extensive advocacy, Robyn was able to have her husband's name taken off the rental agreement and was able to enter into a new rental agreement in her name. The lawyers then negotiated for the rental provider to change the home's locks and install a security camera, which also involved sourcing financial brokerage from one of our trusted partners. Justice Connect's social worker connected Robyn with financial counselling and material aid providers to help manage her bills and assisted with funds towards her rent.

Importantly, the trust built by Justice Connect's social worker also led to Robyn disclosing her desire to return to work, having been prevented from doing this by her husband for several years. The social worker then connected Robyn with one of our dedicated partners. They helped her prepare to re-enter the job market, working on her CV, providing mentoring and building her confidence through providing appropriate work wear. Robyn has since secured part-time employment as an accountant, with her ability to remain safely housed and connected to her local community being key factors in her and her daughter regaining financial independence.

The benefits of integrated legal practice are also supported by the broader academic literature. A review of integrated social work and legal practice, conducted by our Victorian legal assistance sector colleagues, and ILSSN members, the Centre for Innovation Justice and the Law and Advocacy Centre for Women, found that integrated practice provides benefits to both clients and professionals, including improved holistic and person-centred service provision, enhanced knowledge.³³ In particular, the review highlighted that social workers can support clients with underlying issues that could prevent them from re-engaging with legal services and/or lead to legal issues reoccurring, including homelessness, mental health, family violence and substance

³³ RMIT University and LACW, *Review of Literature on Integrated Social Work & Legal Practice* (2020) 3-5.

dependence. The review also illustrated that integrated practice provides a more empowering and client-centred experience of the justice system, with social workers facilitating communication between lawyers and clients through their ability to recognise when clients do not fully understand legal information and feed information about client needs back to lawyers.

Access to our specialist services for at-risk community members – an innovative, hybrid model of integration

Justice Connect's multi-channel, multi-intensity assistance model enables individuals and frontline workers to access legal services through multiple online and in-person entry points. Multi-channel entry points facilitate increased engagement and accessibility of our services, enabling us to enhance our reach and ensure that more Victorians can access legal support, advice or information when they need it most. These entry points include online, over the phone and in-person. Client reflection on their experience of accessing Justice Connect includes:

"It was fantastic. I'm used to being made to feel like riff-raff when I speak with places that are meant to be a support, which can be humiliating, but [Justice Connect's integrated team] were so respectful of my needs and helped from the start." - Client feedback

Once a client has accessed an entry point, the methods by which Justice Connect provides its integrated services can vary depending on the service accessed and the facts of the matter. For some clients, Justice Connect may deliver its legal and social work services separately (though via the same entry point) which the Inquiry's Consultation Paper has termed the 'loosely' integrated model. For others, lawyers and social workers provide joint services by meeting with clients together and sharing client information (which the Inquiry's Consultation Paper has termed the 'closely' integrated model).

However, Justice Connect also delivers services in ways that operate fluidly across these models depending on the client's needs, the stage of the matter, and the circumstances of each interaction. For example, in our high-intensity programs a lawyer and social worker may collaborate closely and share some information but not always attend every meeting together or have a shared initial entry point. It would not be practical to always have a client, lawyer, and social worker attend every meeting jointly and we have recommended that any new legal privilege is not contingent on joint attendance of a lawyer and social service professional. This recommendation is aligned with Justice Connect's practice experience and the feedback we have had through the ILSSN that in hybrid working environments, privilege being contingent on lawyer attendance is impractical and inefficient.

As such, Justice Connect's model of integrated legal assistance services does not fit neatly into either the 'loosely' or 'closely' as currently referenced in the Inquiry's Consultation Paper. Instead, our model reflects a hybrid range of loosely and closely integrated legal assistance services, which it navigates in the context of the current privilege framework as set out below. As the convenor of the ILSSN, we have heard similarly from members that their models of integrated legal services operate across the spectrum of integrated practice models.

2.2. Challenges with the current legal professional privilege framework

Existing application to integrated legal assistance services

Agents of the client or lawyer (for example, interpreters) fall within the existing legal professional privileged relationship because they "step into the shoes" of the client or lawyer, while the position of non-agent third parties (e.g. social workers) is more contested and fact-dependent.³⁴ For example, the physical presence of a social or support worker at a confidential meeting with a lawyer may not, of itself, destroy privilege between the lawyer and client, provided the dominant purpose of the meeting was for the provision of legal services. However, where services are integrated there is a risk that the non-legal purposes are viewed as carrying at least equal weight, such that the legal purpose is not the dominant purpose. This goes to the very purpose of integrated legal services which seek to work with clients to resolve not only their legal issues but also their non-legal issues that may be causing their involvement in the justice system. An example of where this occurs is outlined in Justice Connect client Laura's* story.

Family violence victim-survivor faces eviction for falling behind on rent and needs social work support to resolve reasons for rent arrears

Laura* is a single-mother and family violence victim-survivor, who received intensive, specialist legal and social work assistance from Justice Connect when facing eviction for falling behind on her rent. Justice Connect's lawyers successfully prevented Laura's eviction into homelessness through targeted legal advice and representation. As part of that, Justice Connect's lawyers had identified that Laura's finances were not adding up and that she was likely to fall behind on rent again without addressing the underlying causes of her rent arrears.

The lawyers connected Laura with Justice Connect's integrated expert social worker for assistance with her essential non-legal needs. Laura met at times with the lawyers and social worker together, and also separately at different points with the lawyers and social worker in her engagement with Justice Connect. Throughout the matter, Justice Connect's lawyers and social workers communicated with one another to share information with Laura's consent.

Justice Connect's social worker built a therapeutic relationship with Laura, who disclosed that complex financial dependencies connected to her previous experiences of family violence including that her partner was receiving her family tax benefits. Justice Connect's social worker was able to connect Laura with the right supports to address her crippling financial circumstances, so that she could prioritise paying her rent and staying safely housed.

If Laura's communications with the social worker are not covered by privilege, then if Laura's violent ex-partner were to subpoena Justice Connect as part of a family court proceeding, information communicated with the social worker would be at substantive risk of being used to Laura's detriment in those proceedings.

³⁴ Victorian Law Reform Commission (VLRC), *Legal Privilege and Integrated Legal Assistance Services: Consultation Paper* (June 2026) <<https://www.lawreform.vic.gov.au/publication/legal-privilege-and-integrated-legal-assistance-services-consultation-paper/>>, [2.30]-[2.31], citing *Grant v Downs* [1976] HCA 63; (1976) 135 CLR 674; *Du Barre v Livette* (1971) ER 96.

Seeking to manage this risk and ensure clients are informed of it has the potential to detract from the effective provision of integrated services to clients. Further, the preservation of privilege is highly sensitive to how a meeting evolves. For example, privilege could be lost mid-meeting if the discussion shifted from legal advice to a general discussion of the client's non-legal needs (e.g. mental health or substance dependency), even where the same conversation began on a privileged footing.

While, as explained below, guidance and training are given to mitigate these risks, it is not practicable to eliminate all privilege risk in the context of meetings where the focus needs to be on best meeting the legal and non-legal needs of the client through trauma-informed practice.

Further, social workers do not have mandatory reporting obligations akin to those of teachers or doctors.³⁵ Like every adult in Victoria (including lawyers) they are only required to report a sexual offence committed by an adult against a child if that information is not privileged. The lack of clarity as to what is or is not privileged in an integrated setting poses risks to the administration of justice and a significant burden on legal services to analyse communications in detail to determine if they are privileged.

All of this creates a fundamental tension within the model of integrated legal service delivery described at 2.1 above, where the holistic, wraparound nature of services means that legal and non-legal needs are inherently intertwined and cannot always be neatly separated in practice. Seeking to do so is impracticable and would detract from the effective delivery of those services, but this leaves clients and legal and non-legal service providers exposed to risk where it is not clear or certain whether the client's disclosures will be protected by privilege.

The current privilege framework, developed around a traditional model of discrete and separate legal representation, is structurally ill-suited to integrated legal assistance services and fails to balance the confidence in the justice system, and protection of disclosures with certainty for clients. The current "dominant purpose" test requires communication to have a single, clearly identifiable legal purpose to attract privilege. However, the very nature of integrated practice, where legal and non-legal supports are deliberately combined to address the interconnected causes and consequences of a client's legal problems, means that communications will often serve multiple, inseparable purposes.

In this context, the dominant purpose test operates as a barrier to effective service delivery, creating uncertainty as to whether communications will be protected and exposing clients' personal disclosures to the risk of compelled production. It also undermines the fundamental purpose of privilege itself: to encourage full and frank disclosure by clients to their legal advisers. Where clients cannot be assured that their disclosures during an integrated service interaction will remain protected, they may withhold critical information from their lawyers, resulting in poorer legal advice and outcomes. This is particularly so for vulnerable clients, including people experiencing homelessness, family violence, and mental health issues, who are precisely the cohorts who most benefit from integrated services, and who have the most sensitive information to protect.

³⁵ Federation of Community Legal Centres Victoria (**FCLC**), *Integrated Practice Toolkit: A Guide to Help Understand Privilege and Mandatory Reporting in Integrated Practices* (September 2018) 19.

Deborah's* story below demonstrates the impact of closely integrated legal and social services, and the substantial complexities in applying the existing dominant purpose exception.

Client experiencing complex circumstances supported through long-term closely integrated legal and social services

Deborah* is a single woman in her mid-fifties, living with complex physical and mental health issues. She sought help from Justice Connect with a Notice to Vacate she received after the rental provider decided to sell. Over the next 3 years, Justice Connect represented Deborah in several eviction matters. Deborah's existing health issues were exacerbated by stress each time she faced eviction. She would contact her Justice Connect lawyers frequently, asking questions which often fell outside the scope of assistance, seeking reassurance and expressing her worries and frustrations. Occasionally, she would become volatile due to her feelings of crisis and trauma. The frequency and nature of the contact made it challenging for Justice Connect's lawyers to focus on the legal matters.

As part of a client-centred, multidisciplinary model, Deborah was also connected with an integrated Justice Connect social worker to help her manage her non-legal issues and support her wider-engagement with the service. This support enabled Justice Connect's lawyers to focus their time on preparing her case, and the rapport with the social worker helped build trust with the wider-service. The social worker's expertise assisted the lawyers to build a strong case for VCAT based on the impact on Deborah if she was evicted into homelessness. The social worker was also able to connect Deborah with vital mental health, physical health and community-based support services to ensure that she had the support she needed to stay well.

Throughout Deborah's engagement with Justice Connect, her contact remained frequent, with regular, often lengthy phone calls ranging across various topics including her legal matters. To ensure holistic, lasting legal outcomes for Deborah, it was pivotal that Justice Connect's lawyers and social worker worked closely together.

Deborah's health issues and her legal issues were closely linked and her needs best met by integrated practice. However, ensuring a client like Deborah understands legal professional privilege and when it does and does not apply is challenging. Requiring lawyers to be present for each client interaction to encourage frank disclosures is simply impossible for a service operating with limited resources to assist the most vulnerable members of the community.

3. Complexities and opportunities for client-centred integrated services in navigating legal professional privilege³⁶

3.1. Current approach in navigating privilege

As an integrated legal assistance service provider, Justice Connect commonly encounters issues in relation to legal professional privilege, and we have extensive policies and procedures to manage privilege risks, maintain privilege and minimise issues of waiver (while acknowledging that these cannot practicably avoid all risk). By way of high-level overview, these include:

- during a client meeting where both a lawyer and social worker are present, remaining mindful of the dominant purpose requirement and clearly separating the time dedicated to legal advice from the time dedicated to social worker engagement, and keeping all notes separate and clearly identified. To avoid a 'mixed' purpose, Justice Connect structures joint meetings so that legal matters are the focus, with non-legal needs addressed in a separate part of the meeting. At the start of the meeting, the dominant purpose of legal assistance is clarified, and the flow of information and nature of the meeting are managed to reflect this;
- if non-lawyers are present and taking notes at meetings while legal matters are being discussed, ensuring they are marked as confidential and privileged, to make it easy to identify them as potentially privileged in the event their files are subpoenaed;
- providing clients with a clear explanation of the different roles and obligations of lawyers and social workers, including the scope of privilege that applies to communications with each, and the practical implications for information the client shares;
- where a lawyer or social worker suspects a client is about to discuss matters that a social worker may feel ethically bound to report, explaining that the social worker will leave the room or phone call temporarily while the lawyer explores the issue, and explaining to the client the consequences of disclosing that matter in the social worker's presence (including that the lawyer will not report the information, but the social worker may feel obliged to);
- keeping legal files separate from social worker files;
- avoiding disclosing privileged or client related information to third parties unless necessary. If disclosure is required, explaining to the third party that we are going to disclose privileged information for a specific purpose, and requesting they keep the information confidential and only use it for the limited and specific purpose it has been provided for;
- marking relevant documents as privileged, including file notes taken by a social worker during a legal meeting, documents sent between lawyer/client and a lawyer/social worker relating to legal issues, and communications between lawyers and third parties relating to legal advice or legal proceedings;
- including a disclaimer in privileged emails that the information is privileged, confidential and should not be disclosed, and requesting that Justice Connect is contacted immediately in the event the recipient's files are subpoenaed;
- investing in training for both lawyers and social workers about the scope of each profession's legal, ethical and professional obligations, including in relation to privilege, and confidentiality;

³⁶ This section responds to questions 3 and 4 of the Consultation Paper.

- maintaining clear policies and processes for the escalation of decisions within the organisation, including in relation to situations where a social worker may be required to report or ethically feel it is necessary to report; and
- in the event that files are subpoenaed, thoroughly vetting files to determine whether a claim of legal professional privilege can be made in relation to any of the contents, with privileged documents placed in a separate sealed envelope marked 'Subject to Legal Professional Privilege' and provided to the Court or Coroner, and only waiving privilege with the client's clear and unequivocal consent.

Navigating privilege under the current framework is resource-intensive and increasingly complex for both Justice Connect's multidisciplinary staff and clients. The above policies and procedures, representing our best efforts to manage risk, are not able to mitigate all risk and also impose a cognitive burden on practitioners. For example, in joint meetings, lawyers and social workers must constantly monitor the content of discussions as they unfold to identify when a conversation shifts from a legal to non-legal purpose, and ensure that notes reflect that separation. This also requires social workers to make judgments about which parts of their notes relate to legal matters versus non-legal issues, which demands a level of legal literacy that social workers are not ordinarily trained to possess. For clients with a distrust of the legal system, having to start an engagement with an integrated legal service with a complicated explanation of roles and privilege is not trauma-informed.

These necessary practices also represent a significant and ongoing resource commitment. They require investment in separate record-keeping infrastructure, the development and maintenance of protocols and templates, regular staff training across legal and non-legal disciplines, compliance monitoring, and readiness to defend privilege claims in court. This burden falls on integrated legal services that are already under-resourced, diverting capacity from frontline client service delivery. For some members of the ILSSN, they also require maintaining information barriers which requires significant technological investment.

Critically, despite these efforts, the lack of a broader privilege covering integrated service delivery means that a client must sometimes make a choice between receiving integrated services or avoiding the risk that their communications will not be privileged; a choice that no client should have to make.

Mia's* story demonstrates both the benefit of integrated legal services and the complexities faced by integrated practices in maintaining and dealing with privilege under the current framework.

Integrated legal and social service client's death investigated by Coroner, requiring extensive resources to protect privilege posthumously

Mia* experienced complex vulnerabilities, including an identified risk of suicide for which she was being assisted by the Crisis Assessment Treatment Team. Mia's community services worker referred her to Justice Connect after she was issued with a Notice to Vacate and at risk of eviction into homelessness.

In Mia's first appointment, Justice Connect's integrated lawyers and a social worker discussed both Mia's legal and non-legal needs. When Mia's rental provider applied for a possession order, Justice Connect's lawyers represented her, successfully obtaining extra time to vacate the property without an intervening period of homelessness. During this extra time, Mia continued to receive support from Justice Connect's expert social worker, including to secure and move into safe, stable alternative housing. Sadly, a few months later, Mia passed away. At that time, Mia was no longer being assisted by Justice Connect.

Several years after Mia's death, Justice Connect was issued a notice from the Coroner of Victoria requesting "all records" pertaining to Mia. The request captured both confidential and privileged material spanning legal and social work files. This raised complex questions that Justice Connect had to grapple with, including:

- whether privilege can attach to, or be claimed over, records generated through the involvement of social workers in an integrated service delivery model;
- how the statutory "client" definition applies where the client has died and there is no identified personal representative able to waive privilege or confidentiality; and
- the practical difficulty of identifying, separating, and bundling mixed legal and social work records in response to a compulsory third-party notice.

Navigating these issues required extensive resources, as Justice Connect completed the time-consuming and intricate task of identifying which specific records were privileged or merely confidential. To ensure that Justice Connect was appropriately maintaining privilege, we sought pro bono advice from Counsel, which diverted specialist pro bono resources away from other matters. Ultimately, we were unable to resist disclosure of all of Mia's records and confidential communications on the basis of privilege.

Mia's story illustrates how the current doctrine of legal professional privilege, developed around a traditional model of discrete legal representation, has not kept pace with the realities of integrated legal and social work service delivery, and is not fit for purpose in the context of the most vulnerable in our community. Without clearer protections, integrated services like Justice Connect face uncertainty and administrative burden in responding to coronial and other compulsory notices. Integrated models are being increasingly used to support highly-marginalised Victorians, but clients' confidential disclosures to non-legal staff supporting their legal matter may be left inadequately protected.

3.2. Overview of current complexities for compliance and risk management

While Justice Connect has adopted various policies and procedures, as set out at 3.1 above, maintaining privilege within an integrated service model presents practical challenges for compliance and risk management, including due to the different reporting obligations that attach to lawyers and social service providers.

Differing legal and social work obligations create practical challenges for integrated service providers

As discussed above, lawyers are obliged to maintain legal professional privilege and are only able to disclose privileged communications without client consent in limited circumstances, such as if disclosure is for the sole purpose of avoiding the probable commission of a serious criminal offence or to prevent imminent serious physical harm to the client or another person.

However, social service professionals are subject to numerous professional disclosure obligations that can require them to share confidential (but not privileged) information, and where failure to do so can amount to professional misconduct and/or a criminal offence.³⁷ While some social service professionals such as social workers are subject to codes of ethics or professional rules which permit disclosure if there is a risk of harm to a specific person.³⁸ The lack of clarity around when and whether privilege applies in the context of integrated legal assistance services means that it is hard for clients, lawyers and social workers to know when information is privileged. This means that social service providers may feel compelled to reveal information, which is in fact privileged, given the risk to them from a failure to disclose or may incorrectly withhold information which is not privileged under the mistaken belief that it is.

Further, it is harder for clients to be confident, in making a disclosure, about how that disclosure will be treated. Services like Justice Connect, who help complex-needs members of our community, often see clients who struggle to trust those services due to their personal circumstances and previous experiences. The inability to provide easily understood guidance to those clients about how their disclosures will be treated only exacerbates these challenges and makes it more difficult for the clients who most need it, to engage with the help they need and trust the justice system. Clients and those who support them would benefit from clear and simple rules as to when information is privileged such that disclosure will not be required.

The necessary difference made by integrated legal assistance services is emphasised by the following Justice Client feedback:

"I really cannot thank you enough for all you do. Not only for me, but for all the other First Nations women, you work with. Your support means a lot to me, and I will never ever forget how safe and supported I am and was by you." - Client feedback

Social workers in the ILSSN have also identified concerns that under the current privilege framework, by recording their sensitive information in case notes, they may compromise a client's ability to claim privilege over those notes if they are subpoenaed. This affects the approach that social workers may take to recording case notes and how that aligns with their obligation under 5.5 of the Code.

For clients facing disadvantage, the unintentional consequences of this complexity can be severe. Clients of integrated legal assistance services are often among the most marginalised Victorians,

³⁷ For a discussion of this see: Federation of Community Legal Centres Victoria (FCLC), *Integrated Practice Toolkit: A Guide to Help Understand Privilege and Mandatory Reporting in Integrated Practices* (September 2018)

<https://assets.nationbuilder.com/fclc/pages/570/attachments/original/1542952161/Integrated_Practice_Toolkit_-_Privilege_and_mandatory_reporting.pdf>

³⁸ For example, Australian Association of Social Workers, *Australian Association of Social Workers Code of Ethics* (2020) rr 5.4.5.

and include people experiencing homelessness, family violence and mental health issues. The uncertainty about whether and when privilege may apply in an integrated setting, under the current framework, adds a layer of complexity and in some cases, a barrier, to them receiving the holistic, wraparound support they need. It is also clear from our work leading the ILSSN that a lack of clarity around a client's support structure and its interaction with privilege undermines the ability to provide trauma-informed practice. This is further supported by the following insight from one of Justice Connect's impactful integrated social workers, who has also played a longstanding, central leadership role through the ILSSN:

The key legal and social work obligations and frameworks which apply to integrated service delivery, which intersect with the specialist supports delivered by Justice Connect and ILSSN members to the most at-risk Victorians, are set out below.

"As a social worker in a legal assistance setting, I've seen the immense benefits integrated practice can bring in enabling people to find lasting resolution to their legal problems and related needs. I'm acutely aware, however, that any lack of clarity around the application of legal privilege risks clients missing out on this specialist, wraparound help.

I'm wholeheartedly in favour of extending the scope of legal privilege to cover social service professionals in integrated legal assistance services, so we can maximise client access to such an effective, and potentially transformative, model of support." - Social service professional feedback

Social workers must balance confidentiality with limited safety-based disclosure evidencing need for new category of privilege

Social workers, including those practising within integrated legal assistance services, are bound by the Code. Under the Code, social workers are generally required to maintain confidentiality, however they may reveal confidential information where, by doing so, an actual and identifiable risk of harm to a specific person or persons can be prevented, or where disclosure is required by law (such as by statute or in response to a subpoena).³⁹

In integrated legal assistance service settings, social workers may face difficulty in determining whether they are able to disclose information which may or may not be privileged and may be placed in a position where they are or feel obliged to share information that a lawyer would be obliged to keep confidential. Where social workers are managed by staff who also manage legal practice staff (as is common in integrated practice with a small number of social service professionals) determining whether a social worker is able to share information, takes up significant time from principal lawyers and management because of the risk associated with disclosing privileged information.

Given the ethical requirement to promote self-determination of service users under the Code and the complexity in explaining the current privilege framework to clients, it is difficult to see how the current approach to privilege promotes self-determination under the Code.

Family violence risk frameworks create practical challenges for integrated legal services in managing privilege

The Multi-Agency Risk Assessment and Management Framework (**MARAM**) was developed for use by services in contact with individuals and families experiencing family violence. It aims to ensure that all relevant agencies and professionals use a consistent approach to identify, assess and manage the risk of family violence. The MARAM framework has been established in law,⁴⁰ which means that relevant organisations must align their policies, procedures, practice guidance and tools to the framework. It is also closely tied to information sharing services, such as the Family Violence

³⁹ CI 5.4.5 of the [Code](#).

⁴⁰ Under Part 11 of the *Family Violence Protection Act 2008* (Vic).

Information Sharing Scheme, allowing different services to securely share information to keep victims safe and hold perpetrators accountable.

Legal assistance services are not prescribed under the MARAM framework, and therefore are not information sharing entities and do not have to align their policies, procedures and tools to the framework. However, the intersection of the MARAM framework with the legal practice framework creates particular challenges for integrated service providers. Adapted MARAM training delivered to the legal assistance sector found that legal professional privilege was identified by participants as the main challenge or barrier to using the MARAM framework in their workplace. There was confusion in how to implement the MARAM framework within the legal setting, and concern about the limitations on information sharing and how this affected the information that professionals within the legal assistance sector had access to and could share.

Sector-based Governance Framework for Multidisciplinary Practice

The Governance Framework for Multidisciplinary Practice, developed by FCLC and Eastern Community Legal Centre, provides further evidence of the complexity of the current compliance and risk management ecosystem for integrated legal services.⁴¹ The Framework was developed through consultation with Victorian community legal centres, three-quarters of which were already operating multidisciplinary partnerships. The consultation revealed a clear hierarchy of governance challenges, with information sharing and confidentiality protocols, professional ethics guidance for multidisciplinary teams, and risk management guidance identified as the three highest priorities.

In relation to information sharing, community legal centres reported facing uncertainty about what information could be shared across integrated practices, including widespread concerns about legal documents being subpoenaed and claims of legal privilege being questioned. The fact that lawyers, social workers and health professionals each have different confidentiality and disclosure obligations creates complexity about what can be shared and when. In relation to professional ethics, community legal centres described how working across disciplines created ethical tension that non-integrated practice does not. Those surveyed identified multiple areas where professional obligations can conflict, including coordinating between different professional standards and requirements, scope of practice boundaries between professionals, and mandatory reporting obligations that can clash with legal privilege.

National community legal sector Risk Management Guide and social workers

Social workers operating within community legal centres bound by the Risk Management Guide⁴² (RMG) are also bound by mandatory standard 7 on legal professional privilege/client privilege. This requires that centres have a policy on privilege and that the Responsible Person of the centre (who must hold a principal practising certificate) ensure compliance with legal duties owed in relation to legal professional privilege. The RMG reinforces that social workers must comply with social work professional obligations including the Code.

The current RMG adds further complex considerations for integrated practice compliance by noting that each community legal centre must *"consider if there are any potential conflicts between the obligations/duties owed by the Social Worker and any obligations/duties owed by the Centre and if so, how to best manage them."* We understand this may contemplate a situation where a social worker wants to make a disclosure of information under their own code of ethics, where that disclosure would breach privilege. In Justice Connect's view, it is inefficient for each community legal centre operating an integrated practice and bound by the RMG to develop its own policy, guidelines, and training as required under the RMG. There would be significant efficiencies for the entire sector in modernising legal privilege to cover social support professionals in integrated practice, which would substantively streamline the approach across Victoria.

⁴¹ Eastern Community Legal Centre, *Governance Framework for Multidisciplinary Practice*, (2025) <https://eclc.org.au/wp-content/uploads/CLC_Governance_Framework_for_Multidisciplinary_Practice1.pdf>.

⁴² Community Legal Centres Australia, *Risk Management Guide* (3rd ed, 2025).

Implications for specialist integrated legal and social support workers and their clients

The current compliance and risk management ecosystem for integrated legal assistance services is both inconsistent and intricate. The practical effect of this for integrated legal assistance services like Justice Connect is that establishing and maintaining legal professional privilege requires navigating a patchwork of legal, ethical and regulatory obligations that were each developed in isolation and do not adequately account for integrated practices.

As the Governance Framework consultation found, different professional obligations create tension because "lawyers and community service professionals approach the same client situation with different priorities, ways of working and ethical frameworks". Managing this necessitates significant investment in governance structures, training, supervision and compliance monitoring, diverting resources from frontline service delivery. Given the uncertainties around the application of privilege in an integrated practice context, there is inherent risk and uncertainty which may lead to differences of view about whether privilege applies to communications.

For social workers, the current system imposes a significant cognitive and professional burden. Justice Connect understands through our leadership of the ILSSN that social workers must navigate the tension between their professional ethical duties and the requirements of the legal practice framework, which prioritises the maintenance of legal professional privilege. The MARAM training outcomes report found that community service professionals did not feel that their responsibility to assess and manage risk was understood by their legal centre. The Code also recognises that tensions may arise between observing the Code and complying with legal and organisational requirements, and directs social workers to act in accordance with the law and within organisational requirements, and to seek guidance from competent professionals if the law or organisational directives conflict with perceived obligations. This places social workers in a challenging position of having to make real-time judgments about competing obligations in an area of legal uncertainty, often without adequate training or support specific to integrated legal assistance settings.

