

VICTORIAN LAW REFORM COMMISSION

Legal Privilege and Integrated Legal Assistance Services, Inquiry

ARC Justice submission

SEPTEMBER 2026

Introduction

This inquiry is an important mechanism to improve and strengthen integrated legal assistance and ARC Justice welcomes the opportunity to contribute.

This submission responds to questions in the Victorian Law Reform Commission's *Legal Privilege and Integrated Legal Assistance Services: Consultation Paper* and is supported by key evidence and examples from the organisation's practice, project and client experience.

ARC Justice started as a traditional tenancy and advocacy service and later expanded to encompass two community legal centres. However, in recognition of the overwhelming benefits of integration, ARC Justice eventually removed the information barriers that separated each program and currently delivers integrated legal service through two main models:

1. A legal practice that also employs community support, social work and advocacy staff to work on both the legal and related social, health and tenancy problems.
2. A legal practice that is also based within a health or other non-legal settings – including a family violence support agency and community health services.

Integrated legal assistance produces better outcomes for clients, service providers and the broader community. But the current legal framework can force services to choose between effective integration and protecting a client's information.

Uncertainty about privilege, disclosure and reporting can affect how services are designed, how professionals work together and what support can safely be provided.

The examples in this submission show how these issues play out in practice, including where information barriers prevent staff from seeing the full picture, where clients face difficult choices about sharing information and where useful support may have to stop because the risk of disclosure is too great.

ARC Justice supports reform that strengthens protection for communications in integrated practice and provides clear, practical guidance on privilege, information-sharing and mandatory reporting.

Recommendations and key points

1. ARC Justice recognises and supports the positive impact of integrated legal assistance services and sees integrated practice as best practice. Our client, project and organisational experience has shown us that integrated practice is good for our clients, staff and the community.
2. Integrated legal assistance is difficult to administer and deliver. The differences around information disclosure have shaped how ARC Justice has designed its service and what support the organisation can safely provide clients. Legal professional privilege is one of the major differences between professional groups within integrated legal practices and is a major cause of uncertainty in practice.
3. ARC Justice supports a new or reframed category of legal privilege for confidential communications made for the dominant purpose of obtaining, providing or facilitating integrated legal assistance in relation to an identified or reasonably anticipated legal need.
4. The privilege should apply to communications involving lawyers and social service professionals who are employees or other members of an eligible legal assistance organisation's service team and are subject to its governance, confidentiality requirements, policies and training.
5. ARC Justice recommends that the VLRC also provide guidance and recommendations on mandatory reporting and information sharing. This is also an area of uncertainty and conflict, particularly when there are multiple professional groups and organisations involved.
6. Any changes must be fully funded. Community legal centres operate with limited resources and any new

requirements relating to governance, training, systems, compliance or reporting must be accompanied by adequate funding for implementation. Reform intended to support integration shouldn't create another practical barrier to it.

Question 1 – The ARC Justice model of integration

1. Integrated legal assistance services involve the delivery of legal and social services by professionals working for the same organisation or partnership. Loosely integrated legal assistance services impose strict information barriers between lawyers and social service professionals providing services to clients. Closely integrated legal assistance services promote the joint delivery of legal and social services to clients at the same time, sometimes after obtaining client consent to potentially compromise privilege. How easy or difficult is it to implement these two models of integrated legal assistance services in practice?

ARC Justice has a long [history](#) of using different models of integrated legal practice. ARC Justice works co-operatively¹ with a range of external partner organisations and professionals to assist clients, including mental health workers, maternal health nurses and family violence social workers.

ARC Justice has a number of loosely² integrated legal assistance service partnerships with external agencies such as [Centre for Non-Violence](#), [Bendigo Community Health Services](#), [Maryborough District Health Service](#), [Rumbalara Aboriginal Co-operative Ltd](#) and [MIND Local](#). These partnerships involve ARC Justice lawyers conducting outreach on a weekly or fortnightly basis in a family violence or health setting respectively. Over the last year ARC Justice has also hosted an in-reach financial counsellor once a week, who is employed by Anglicare.

Additionally, ARC Justice provides more closely³ integrated legal services, employing its own social workers, community support workers and tenancy advocates who work closely with legal teams in the organisation's core areas of tenancy, civil law, family violence, family law and child protection.⁴

The way the organisation offers integrated services is not rigid and is influenced by various factors, including the type and aim of service being delivered, the funding guidelines for the particular program and whether ARC Justice or an external organisation is hosting or co-ordinating the delivery of the service.

In ARC Justice's experience, the main challenges associated with designing and delivering integrated services are as follows.

1. Balancing the competing ethical and professional obligations of different disciplines. Areas of particular tension for ARC Justice include:

- conflict of interest rules;
- how information is shared, including voluntary and mandatory reporting;
- how information is sought, including through subpoenas and information-sharing schemes;
- client confidentiality, including legal professional privilege.

2. Managing the impact of these different obligations on staff and ways of working. This includes:

- uncertainty and confusion about different ethical and legal obligations;
- additional workload created by navigating this complexity;
- the potential for mistrust or concern between disciplines;
- some professional groups being required to work differently or follow different rules;
- ensuring these differences don't create hierarchies between disciplines and that all professional expertise is equally respected.

3. Managing the organisational resources needed to support effective integrated practice. This includes:

- clearly designing the integrated practice model and its governance structures;
- developing, maintaining and regularly reviewing robust policies, procedures and guidelines;

- providing ongoing training and support for staff;
- keeping pace with changes to relevant ethical and legal obligations.

These aren't simply administrative difficulties. Uncertainty about privilege, disclosure and reporting can affect how services are designed, how staff work together and what support ARC Justice can safely provide to clients. Despite these difficulties, the value of providing an interdisciplinary client-centred service is unequivocal and is ultimately worth overcoming the challenges.

Successful integration has involved ARC Justice designing a model of practice which considers and balances these risks with the benefit to clients, the community and staff. Whilst ARC Justice believes its model strikes a robust balance, the challenges and risks have shaped how the service is designed and what support can safely be provided to clients.

The uncertainty about privilege is not the only challenge or risk, but it's a significant one that often has a cascading effect on the other challenging areas.

CASE STUDY 1; Breaking down walls without losing important protections

ARC Justice hasn't always worked as one integrated service.

For many years, the organisation delivered help through three distinct services. Housing Justice provided non-legal tenancy and advocacy support, while the Loddon Campaspe Community Legal Centre in Bendigo and the Goulburn Valley Community Legal Centre in Shepparton provided legal assistance.

All three were part of ARC Justice, but Housing Justice, the community legal centres and ARC Justice operated as separate services with formal information barriers in place.

They had separate staff, reception, phone numbers, policies, procedures and branding, as well as separate client files and client management systems. When a client needed help from another part of ARC Justice, they were formally referred across, as they would be referred to an outside organisation.

That separation was deliberate. It helped protect confidential information and legal privilege and reduced potential conflicts of interest, particularly important in regional communities where there's limited help available.

But it also created barriers. A person getting tenancy support from Housing Justice might have also needed legal help with family violence. Someone seeing a lawyer might also have had housing, health or other problems contributing to their legal situation. Yet the walls designed to protect their information also made it harder for ARC Justice staff to see the full picture and work together to tackle the client's challenges holistically and therapeutically.

Over time, ARC Justice began testing different ways of integrating legal services.

In 2013, Loddon Campaspe Community Legal Centre established one of the first medical/legal partnerships with Bendigo Community Health Services, placing a lawyer within the health service. This was the first of many partnerships with outside organisations.

From 2015, the legal services also began employing social service professionals to work alongside lawyers on complex cases and projects, including the Health Justice Partnership at Rumbalara Aboriginal Co-operative Ltd in Shepparton, Tipping the Scales in Maryborough and a partnership with the Centre for Non-Violence in Bendigo. Although they sat in the same area as the lawyers, they were deliberately not part of the legal team, with files, discussions and staff meetings kept separate.

By September 2024, ARC Justice was ready to take a much bigger step. The internal barriers between its three services were removed and staff came together as one integrated practice.

The process of integration involved a newly-formed integrated tenancy team of lawyers and non-legal advocates and the recruitment of social service professionals (including social workers and community support workers) to support all four streams of legal service; tenancy, civil, family law / child protection and family violence.

The advocates report to an advocates manager and social workers and community support workers report to a senior social worker. Both of these managers then report to managing lawyers tasked with overseeing particular areas of legal practice.

ARC Justice also employs strategy and impact staff such as communications, law reform and community engagement workers who work alongside social service and legal staff. Although these staff are non-client-facing and so the issues around privilege are not as relevant for them, they're part of the ARC Justice integration. ARC Justice considers many of the benefits of integration, particularly increased communication and collaboration, to have been very beneficial for this group.

The benefits of removing the information barriers and integrating the three services were numerous. However, this process also created new risks.

Lawyers, social service professionals and strategy and impact staff don't always work under the same rules. ARC Justice's new model wasn't simply about opening everything up, the organisation had to design its model to reduce risk.

ARC Justice reviewed and collaborated with other community legal centres and utilised the Federation of Community Legal Centres' [Integrated Practice Toolkit](#).

ARC Justice had to be clear – the organisation would be, and continues to be, first and foremost a legal practice, governed by legal practice rules. ARC Justice staff operate within the organisation's legal policies, procedures and guidelines.

Significant change management processes had to take place within the organisation, including consultation with staff, development of policies and procedures, new induction materials and ongoing training. Newly recruited social service professionals also have to accept the suite of legal policies and procedures developed around integration.

All of ARC Justice's client-facing work has a legal nexus, meaning the client must have a legal issue they're receiving advice, advocacy or casework services for. Normally, it's a lawyer who identifies that a client would benefit from social support and refers the client internally for this additional support.

When referring a client internally for social support, the following questions are asked: "Why the referral?" "How would the client benefit from engaging with the social support team?" and "What are the needs or social support goals for the client?".

Client-facing staff must explain to clients the risks and benefits of receiving an integrated service, what various obligations apply and in what circumstances, and let the client decide which path to choose. The difficulty is explaining a complicated legal concept to clients at a time of high stress.

ARC Justice has sought to protect clients' legal rights by designing its client and file management system as an "opt-in" system. Information is restricted so legal files can only be viewed and accessed by lawyers and paralegals working under lawyers' supervision. This default position can be overridden, by adding a social service professional as a role on a legal file, but this requires informed consent. Strategy and impact staff have no access at all to client files.

Clients can see their lawyer and social service professional together or separately. For ARC Justice clients, there's always a link to a legal issue; however, social support assistance may be most effectively provided beforehand so the client is able to engage with their legal issue, or afterwards, so the client remains engaged.

ARC Justice's experience shows that good integration isn't about tearing down every wall between services. It's about knowing which walls can come down, which need to stay and how to give people more joined-up support without putting their legal rights at risk.

CASE STUDY 2; Penny's story: Workflow design – The challenge of seeing the whole picture

Penny* had a problem with the front door of her rental. It wouldn't lock. For anyone, that's an urgent repair. For Penny, who was experiencing family violence, it was also about keeping herself safe.

Penny was already getting legal help from ARC Justice for family violence when she asked for help with her tenancy too. She was connected with an ARC Justice social service professional – a tenancy advocate – but there was something important the advocate couldn't see: details of Penny's legal file. That separation was a deliberate workflow design within ARC Justice's practice management software.

ARC Justice limits what social service professionals can see about a client's legal matters to protect confidential information and their legal rights. Unless a client agrees to share access, the social support professional can't automatically see legal files or even that those files exist. In Penny's case, that safeguard created another problem.

Without knowing about the family violence, the social service professional didn't have the full picture. She understood that a broken lock needed to be fixed, but not why getting it fixed quickly was so important.

Penny also had to answer questions about things she'd already told ARC Justice. For someone experiencing family violence, having to repeatedly explain what has happened can be distressing and goes against trauma-informed practice.

Once Penny's lawyer realised what had happened, she contacted Penny and asked for permission to give the social service professional access to her legal file, but that wasn't a simple decision for Penny.

Sharing information from her legal file could affect the legal protections around that information. To get more wraparound support, Penny first had to understand that risk and decide whether she was comfortable taking it, at a time when she was already highly stressed and vulnerable and trying to get an unsafe front door fixed. She ultimately consented.

Penny's experience highlights a difficult balance.

Lawyers and social support professionals working together can give people better support because legal problems rarely happen on their own. Family violence can be tied to housing, money, health, safety and a host of other problems.

But protecting a client's legal rights sometimes means keeping information separate, even when sharing it could help another worker understand what that person needs.

ARC Justice has worked to improve how teams communicate, but some separation is deliberate and part of the model chosen by ARC Justice to protect clients. Penny's story shows why getting this balance right matters. But right now, the organisation is hamstrung in putting best-practice into place.

Because for Penny, a broken lock wasn't just a tenancy problem, it was about whether she could feel safe behind her own front door.

Penny's name and some identifying details have been changed to protect her privacy.

Question 2 – Benefits of integrated legal assistance

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

ARC Justice agrees that integrated legal assistance services benefit clients, service providers and the community.¹ Integrated practice is best practice and ARC Justice has embraced this way of operating.

Legal issues rarely exist in isolation and often result in, or arise from, a mixture of problems related to health, housing, finances, mental health, employment, education and family. Integrated practice is client-focused and means better client outcomes. An integrated service which unpacks and tackles clustered issues contributing to legal need is more likely to achieve sustainable solutions for clients.

ARC Justice has also found that integrated practice benefits staff. There's overwhelming support across the organisation's legal, social support and strategy and impact teams for the integration. Working collaboratively, staff can address more of the issues that a client presents with. There's also great satisfaction in helping a client holistically and providing support to address the causes of legal need rather than focusing narrowly on a remedy for a discrete issue. This wraparound work is more meaningful and gratifying and, in this way, also helps reduce feelings of powerlessness, overwhelm and burn-out.

It can also make better use of limited legal resources by allowing lawyers and social service professionals to focus on their respective areas of expertise, while working together to prevent problems from escalating. This has a flow-on effect for the community and the broader justice system.

Integrated practice can support earlier intervention, reduce referral fatigue and help clients remain engaged with legal and other services and increase their confidence in the justice system.

CASE STUDY 3; Alice's story: Staying connected when change isn't a straight line

Alice* first came to ARC Justice in 2024.

Then in her mid-20s and the mother of a young son, Alice had an intellectual disability and very few people she could turn to for support. She was socially isolated and had become involved in a violent and unhealthy relationship with someone who introduced her to methylamphetamine.

When ARC Justice began representing Alice in the Magistrates' Court, she was dealing with family violence, both experiencing it and as someone perpetrating it. She was also facing a related criminal charge. But over the next two years, things became much more difficult.

Alice's methylamphetamine use increased. Her housing became unstable. She would connect with services, then disengage and lose that support. Her involvement in family violence continued and her contact with the criminal justice system escalated.

Eventually, Alice was facing extensive criminal charges, including serious family violence, drug, driving and other offences.

It wasn't one legal problem to solve. Alice needed stable housing, help with her drug use and mental health and lawyers to deal with increasingly complex criminal and family violence matters.

ARC Justice's social service professional became a key connector between Alice, her lawyers and the other professionals and services involved in her life. They helped her navigate appointments, liaised with housing, mental health and alcohol and drug services, advocated on her behalf and helped reconnect her with services when she disengaged.

Alice was also referred to the Assessment and Referral Court, a specialist court program for people whose offending is connected to mental illness or cognitive impairment.

But progress wasn't linear. Alice was still using methylamphetamine and struggled to meet the requirements of the program. Eventually, she returned to the mainstream court system. That could easily have become another point at which Alice fell out of the system altogether. Instead, the support around her continued.

Her lawyers kept representing her, her social service professional kept helping her navigate services and stay connected to support and other professionals continued working with her, even when her engagement was inconsistent. The close working relationship between her social service professional and lawyer, a key part of integrated practice, made this possible.

Gradually, things began to change. Now, after almost three years working with ARC Justice, Alice has stable housing and continues to engage with community support services. She reports that she has stopped using methylamphetamine.

Alice has since pleaded guilty to all charges. Rather than sentencing her immediately, the Magistrates' Court adjourned sentencing to allow her to be assessed for therapeutic sentencing options that could support her continued rehabilitation.

Alice's story doesn't have a neat ending and her legal battles aren't over yet. What it shows is that change rarely happens in a straight line.

For someone dealing with family violence, substance use, housing instability, disability and criminal charges, legal representation alone was never going to be enough. Alice's social service professional kept her lawyers updated, allowing them to step back in when legal issues arose, even during months when Alice wasn't in direct contact.

There have been setbacks along the way and there may be more. But Alice hasn't had to navigate them alone.

Alice's name, age and some identifying details have been changed to protect her privacy.

Question 3 – The difficulty of integration and information disclosure requirements

3. Integrated legal assistance services may compromise a client's ability to retain legal privilege and expose their private information, including through the professional reporting obligations of social service professionals. Do you have case studies, examples or other evidence that indicate how easy or difficult it is for lawyers, social service professionals or clients to manage information disclosure requirements and requests in this context?

The difficulties of integration for lawyers, social service professionals and the hosting organisation are discussed in question 1.

For clients, the limitations of the existing law around legal privilege and information disclosure mean they must make a difficult choice – preserving the legal rights and protections they may need to rely on in the future, and the benefits of effective wraparound support they need in the present. As discussed in case studies, this information is hard to comprehend and a client might decide quickly when they're in a very vulnerable and distressed position.

A lot of the uncertainty and issues around legal privilege also relate to the other ways that information can be disclosed in integrated practices. In addition to legal privilege, ARC Justice believes the inquiry should consider mandatory reporting and information sharing requirements and provide clear and detailed guidance. These issues are closely connected and shouldn't be addressed in isolation.

Staff can be dealing with the same client, in the same organisation, as part of the same integrated response, but what happens to information can depend on which professional the client happens to tell. That's difficult for clients to understand and difficult for services to administer.

CASE STUDY 4; Rachel's story: When sharing something changes everything

Rachel* was trying to keep her children safely in her care after they had been exposed to family violence from their other parent.

The Department of Families, Fairness and Housing (DFFH) was involved with the family and ARC Justice was helping Rachel on two fronts. Her lawyer was helping her deal with the department and the courts, while her social service professional was helping her get other support she needed to keep her family safe and get through this difficult time.

As part of her work with ARC Justice, Rachel told her lawyer something DFFH didn't know: she had used an illicit substance while caring for her children, although their grandmother was also in the home and available to care for them at the time.

Her drug use wasn't one of the reasons the department had become involved and she wasn't being required to undergo drug testing.

What Rachel told her lawyer was confidential and protected by legal professional privilege. Her lawyer assessed that the level of the illicit substance didn't satisfy the safety exception, so she felt comfortable the communication could remain protected by privilege.

But Rachel also told her ARC Justice social service professional about her drug use and, despite that staff member documenting the exact same disclosure, the rules attaching to it were different.

What Rachel told her social service professional didn't have the same legal protection. A social service professional operating under their own professional obligations could feel compelled to report this communication if, in their assessment, the risk threshold was met by the disclosure. This created a potentially damaging risk of a staff member making a mandatory report and/or of later being subpoenaed by the department and not being able to rely on legal privilege.

This mattered because if the DFFH learned Rachel was using drugs while caring for her children, it could affect her case and, at worst, lead to a decision to remove the children from her care. From Rachel's point of view, though, she had simply been honest with the people closely helping her.

Had ARC Justice's social service professional reported or been subpoenaed, it could have also jeopardised the ongoing relationship between her and her ARC Justice lawyer due to the perceived conflict of interest. Specifically, how could ARC Justice later run a contested child protection application where it must test subpoenaed material from another ARC Justice employee? This creates an impossible conflict of interest.

Rachel was working with a lawyer and social service professional from the same organisation, both of whom needed to understand what was happening in her life to give her the right help. But something Rachel could safely tell one of them could create a risk if she told the other.

In this case, fortunately, the social service professional involved wasn't obligated to mandatorily report. However, there remained a real risk they could be subpoenaed, potentially by the DFFH, with significant consequences.

It's a dilemma ARC Justice encounters regularly.

People rarely come to ARC Justice with one tidy problem. Someone dealing with the DFFH may also be experiencing family violence, housing problems, drug use, financial stress or mental health issues.

Having lawyers and social service professionals working together means they can help with more of what is happening in that person's life, rather than treating the legal problem in isolation. But lawyers and social

service professionals don't always work under the same rules, particularly when it comes to what a client tells them and what happens to that information.

For Rachel, those differences had the potential to be profound. Being open about her drug use could help her social service professional understand what was happening and find the right support, but it could also put at risk the very thing ARC Justice was helping her fight for: keeping her children safely in her care.

This situation also demonstrates the impact on an organisation and collegiate relationships when there are different rules. It also highlights why there's less willingness amongst lawyers to work in integrated practice in more "risky" practice areas such as child protection, despite it being one of the most impactful.

Ultimately, the DFFH learned of the drug use from another source, but if this hadn't happened, ARC Justice may have ceased the work performed by the social service professional, or withdrawn assistance altogether, as the risk was too high.

Rachel's story shows why bringing legal and social support together needs more than goodwill and a shared desire to help.

In this case, ARC Justice may have had to stop providing useful social support to a vulnerable client, not because the support wasn't helping or wasn't wanted, but because continuing it created too great a risk around her information. That's a practical barrier to integrated legal assistance created by the current framework.

Rachel's name and some identifying details have been changed to protect her privacy.

CASE STUDY 5; Mary's story: Where duty of care meets legal privilege

Mary* was angry. During a phone call with her ARC Justice social service professional about her tenancy, her frustration escalated and she made comments that sounded like a threat towards a local housing service.

There were reasons to take what Mary said seriously. She had a history of abusive and sometimes violent behaviour.

The social service professional was concerned about the safety of staff at the housing service and, as part of her ethical duty of care, seriously considered warning the service so they could take precautions.

But there was another important consideration. As the work being done for Mary was under the umbrella of integrated legal assistance, what she told the service was confidential and ARC Justice would assert had the protection of legal privilege.

Before taking any action, the social service professional spoke with the ARC Justice lawyer. Together, they looked at what Mary had said, how immediate the risk was and the legal protections around information she'd shared with ARC Justice.

Ultimately, they decided to call Mary again, and after speaking with her, felt confident the comment was made to let off steam and wasn't intended to be carried out. Accordingly, they determined that the threat didn't reach the threshold needed to break the client's confidentiality.

That decision mattered for Mary. Warning the housing service could've put her housing at risk and sharing the information could also have affected the legal privilege protecting this and other information she had provided ARC Justice.

The situation highlights the tensions of integrated practice and providing legal and social support together.

The social service professional had a duty of care and professional obligations that required they take any possible risk to other people seriously.

At the same time, ARC Justice's lawyers had to consider Mary's legal rights and the potential consequences if information she had shared with the service was disclosed.

For Mary and ARC Justice, this was a close call. Lawyers and social service professionals have different influences and professional ethics despite working together for the same organisation. It shows the constant tensions in integrated practice and the importance of understanding these differences as well as clear organisational policies and procedures.

Mary's name and some identifying details have been changed to protect her privacy.

Question 4 – The law should enhance protection for communications

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

ARC Justice strongly supports the law enhancing protection for communications between clients, lawyers and social service professionals in integrated legal assistance service settings.

Question 5 – Support for a new category of legal privilege within integrated legal practices

5. Are you in favour of establishing a) a social service professional privilege that would enhance protection for communications between clients and social service professionals in loosely integrated legal assistance service settings and/or b) a new category of legal privilege that would enhance protection for communications between clients, lawyers and social service professionals in closely integrated legal assistance service settings? Why or why not?

ARC Justice operates within co-operative, loosely and closely integrated legal assistance service models, as discussed in question 1.⁶

ARC Justice endorses the definitions provided in the glossary in the consultation paper and the terms used below are consistent with those definitions.⁷

ARC Justice recommends that any expansion of legal privilege to enhance protection for communications between clients, lawyers and social service professionals be simple, absolute and consistent.

ARC Justice's position is that protection should be linked to the provision of integrated legal assistance rather than to a prescribed model of integration. Within that approach, the organisation proposes a two-limb framework.

1. The service and relevant professional must fall within the eligible integrated legal-assistance framework.

2. The communication must satisfy the protected-purpose test.

No link to loosely or closely integrated models

Whilst ARC Justice sees the benefit in the introduction/expansion of legal privilege in both loosely and closely integrated legal assistance models, the organisation recommends instead moving away from defining a particular model of integrated service as the link to obtaining the protection.

ARC Justice considers models of working can change within or for an organisation and are fluid. The change in models can be due to funding, staffing and/or even the case in question. To link the protection to a particular and defined model is unnecessarily limiting.

Eligibility: The service must fall within the eligible integrated legal assistance framework⁸

ARC Justice agrees with the discussion within the consultation paper that the definition of legal assistance services can be consistent with the national funding agreement for these services. Care must be taken not to

make the definition unintentionally limiting. For example, in the definition of integrated legal assistance services⁹, there's reference to free services, which may not always be the case if a person's assistance is subject to a Legal Aid grant of aid.

ARC Justice considers it sufficient however for the legal assistance sector to be confined to community legal centres and Victoria Legal Aid, as this narrows the scope and ensures more accountability.

Precisely defining the type of "social service professional" who falls under the definition is unnecessary. It's ARC Justice's recommendation that the definition in the consultation paper glossary¹⁰ is sound, ie "Professionals employed or engaged to deliver social services alongside legal assistance services."

However, the definition of "social services" itself is unnecessarily narrow – and doesn't encompass all the ways a person can be helped – for example potentially the ARC Justice tenancy advocates are not included. Any definition should be inclusive.

The link to obtaining, providing or facilitating integrated legal assistance ensures the social service professional and their services are linked and relevant to a person's legal issue.

Precisely defining the client group who'd receive these services is also unnecessary. The simple existence of the legal assistance sector organisation, which obtains funding and operates to assist disadvantaged groups limits eligibility.

Eligibility: The relevant professional must fall within the eligible integrated legal-assistance framework

Whilst legal privilege protection would be incredibly useful for all types and models of integration, ARC Justice considers services which are provided by employees and team members of an organisation to be the most impactful.

An employer has control over the conditions of employment, expected policies and procedures to be followed and staff training. In this way, an organisation can be confident in the ways its staff work and the rules they follow. There's also consistency in practice and values. This is especially important for social service professionals who may be new to legal assistance and legal practice rules.¹¹

Even if laws are changed to allow for privilege to be expanded, ARC Justice considers it likely that the organisation would still need to be prudent, as it can't be confident in how the protection is understood or applied outside the organisation. It's unduly onerous to impose obligations on staff employed by external agencies which an organisation can't control.

Employees and team members to include: all employees, contractors, volunteers, students and other persons engaged as part of the organisation's service team who are subject to its direction, confidentiality requirements, governance, policies and training.

An external partner could be included if they participate in a formal integrated service arrangement with equivalent governance and confidentiality obligations. It shouldn't automatically cover every employee of a host organisation.

Nexus: The communication must satisfy the protected-purpose test¹²

The applicability of privilege, when it applies and if it can be undermined can be complicated and confusing. ARC Justice advocates for simplicity, especially since this will be utilised by a group who have chosen to not be lawyers.

ARC Justice supports the dominant purpose test of "obtaining, providing or facilitating integrated legal assistance in relation to an identified or reasonably anticipated legal need".

ARC Justice supports this for the following reasons.

- Retains a test already familiar to courts and practitioners.
- Protects an integrated service as a whole, rather than requiring legal advice to dominate every individual appointment.
- Can operate from initial triage, before a lawyer is involved, and survive the closure of a legal file.

- Captures separate meetings and interdisciplinary case discussions.
- Provides a principled way to deal with work continuing after legal casework ends.

Instead, the question should be whether the particular communication still has a direct and substantive functional connection to the integrated legal assistance.

Question 6 – A social services professional privilege

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

ARC Justice is more closely aligned to a new category of legal privilege in closely integrated legal services as discussed in question 5 and 7.

If the VLRC would like to consider this option further, ARC Justice would recommend further and more detailed consultation with social support service representative bodies, such as the Australian Association of Social Workers, to fully understand and consider their views.

Question 7 – Closely integrated model

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

ARC Justice strongly recommends that any introduction/expansion of legal privilege be simple, absolute and consistent. This removes the major hurdle in integrated practice – uncertainty and difference between professions.

Having different rules or exceptions negates the benefits of the protection as there will still need to be policies and procedures around these differences, which means the hurdles for integration remain.

7.31-7.33 Courts and investigative bodies

The privilege should apply to both courts and investigative bodies. Applying it only to one makes the protection incomplete and uncertainty will remain.

7.34-7.35 Absolute privilege

The privilege should be absolute in that once a communication satisfies the statutory test, it's not subject to discretionary balancing against competing interests. It doesn't mean immune from the ordinary limits of privilege, including:

- waiver;
- crime, fraud or improper purpose;
- loss of confidentiality; and
- clear statutory abrogation.

To have different levels of protection for integrated practice diminishes the benefit of the introduction of the privilege as there will continue to be uncertainty and distinct levels of protection.

7.37 Communication

All forms of confidential communication should be capable of protection where the statutory purpose test is satisfied. ARC Justice supports the VLRC's point in regard to certainty.

7.38-7.39 Confidential information

All confidential information should be covered with added protection when sharing information outside of the organisation.

Confidentiality is one of the shared values of the different professions and there's a clear expectation of confidentiality in an integrated legal assistance service setting.

Both legal assistance sector lawyers and social service professionals frequently share confidential information (with consent) with supporting services to help their clients. ARC Justice agrees that the potential expanded/new privilege needs to protect such disclosures.

ARC Justice lawyers work holistically with other service providers and are constantly making determinations about whether they should share information or not. ARC Justice would again recommend that any expansion to privilege in this area also be extended to all integrated legal assistance sector organisations.

7.46-7.51 Safety exceptions

ARC Justice supports a professional rule permitting disclosure in limited circumstances – drafted in the same terms as currently permitted for legal professionals. Any future changes should also be duplicated between integrated practice professionals and legal professionals.

7.51-7.56 Eligibility

Creating greater certainty around a new legal privilege is very important and ARC Justice would support options that help to provide this clarity, such as a framework with criteria. ARC Justice, like other community legal centres, has very limited resources, any option must take this into account and use existing reporting. Alternatively, additional funding should be made available to fund this administrative burden.

7.59-7.67 Applicability across other jurisdiction and federally

Whilst Australia-wide change would ensure greater consistency, making the change in Victoria will still have a huge impact on Victorians. Change now should not be forgone in the hope of greater future change.

For ARC Justice, the biggest impact will be if any change is not adopted by Federal Courts. ARC Justice recommends advocacy from the VLRC for an indication by the Federal Courts that section 79 of the Judiciary Act 1903 (Cth) would apply.

7.69 A dual system of protection

ARC Justice is concerned with the issues raised in the consultation paper regarding a dual system of protections between lawyer-only assisted matters versus matters where there's integrated legal assistance.

ARC Justice is worried this may create another type of confusion and uncertainty. At a minimum, the protection provided in integrated matters must equal those provided in lawyer-only matters.

Conclusion

ARC Justice's experience is clear: integrated legal assistance works. It allows the organisation to respond to the legal and non-legal issues affecting a person's life, helps clients stay engaged and enables staff to work together to provide better support.

But lawyers and social service professionals don't always work under the same rules. The current framework creates uncertainty about what information is protected, requires services to maintain barriers that can work against integration and can force clients to choose between protecting their information and getting the support they need.

The case studies in this submission show the real impact of that tension. It can mean clients having to repeat distressing information, staff being unable to see the full picture or ARC Justice having to consider withdrawing useful social support because the risk of disclosure is too great.

Reform should make integrated practice easier, not create another layer of complexity. ARC Justice supports stronger protection for communications made as part of integrated legal assistance, with a framework that is simple, consistent and provides certainty for clients and the professionals supporting them.

ARC Justice supports a new or reframed category of legal privilege for confidential communications made for the dominant purpose of obtaining, providing or facilitating integrated legal assistance in relation to an identified or reasonably anticipated legal need.

Any reform must also be practical and properly funded. Community legal centres need clear guidance and the resources to implement any new governance, training, systems or reporting requirements.

Ultimately, clients should not have to choose between getting joined-up support and protecting the information they share with the people helping them.

About ARC Justice

ARC Justice is a rights-based, for-purpose organisation incorporating the Loddon Campaspe Community Legal Centre and Housing Justice, a specialist renter support program, both based in Bendigo, and the Goulburn Valley Community Legal Centre, based in Shepparton. ARC Justice provides legal and tenancy support services across 13 local government areas in central and northern Victoria, with a team of more than 70 staff working to advocate for and uphold the rights of rural and regional Victorians.

Established in the late 1990s as a housing and legal service, ARC Justice has grown into a broad social justice organisation. Supporting more than 10% of Victoria's population, ARC is the only organisation operating multiple place-based community legal centres and the largest provider of community legal services in regional Victoria. Read more about [our impact](#).

Footnotes

- 1 Victorian Law Reform Commission, *Legal Privilege and Integrated Legal Assistance Services*, June 2026, Page 6
- 2 Victorian Law Reform Commission, *Legal Privilege and Integrated Legal Assistance Services*, June 2026, Page 6
- 3 Victorian Law Reform Commission, *Legal Privilege and Integrated Legal Assistance Services*, June 2026, Page 6
- 4 Victorian Law Reform Commission, *Legal Privilege and Integrated Legal Assistance Services*, June 2026, Page 6
- 5 Victorian Law Reform Commission, *Legal Privilege and Integrated Legal Assistance Services*, June 2026, Page 25
- 6 Victorian Law Reform Commission, *Legal Privilege and Integrated Legal Assistance Services*, June 2026, Page 6
- 7 Victorian Law Reform Commission, *Legal Privilege and Integrated Legal Assistance Services*, June 2026, page 5
- 8 Victorian Law Reform Commission, *Legal Privilege and Integrated Legal Assistance Services*, June 2026, paragraph 7.41-7.45
- 9 Victorian Law Reform Commission, *Legal Privilege and Integrated Legal Assistance Services*, June 2026, page 5
- 10 Victorian Law Reform Commission, *Legal Privilege and Integrated Legal Assistance Services*, June 2026, page 5
- 11 Victorian Law Reform Commission, *Legal Privilege and Integrated Legal Assistance Services*, June 2026, paragraph 7.70
- 12 Victorian Law Reform Commission, *Legal Privilege and Integrated Legal Assistance Services*, June 2026, paragraph 7.40