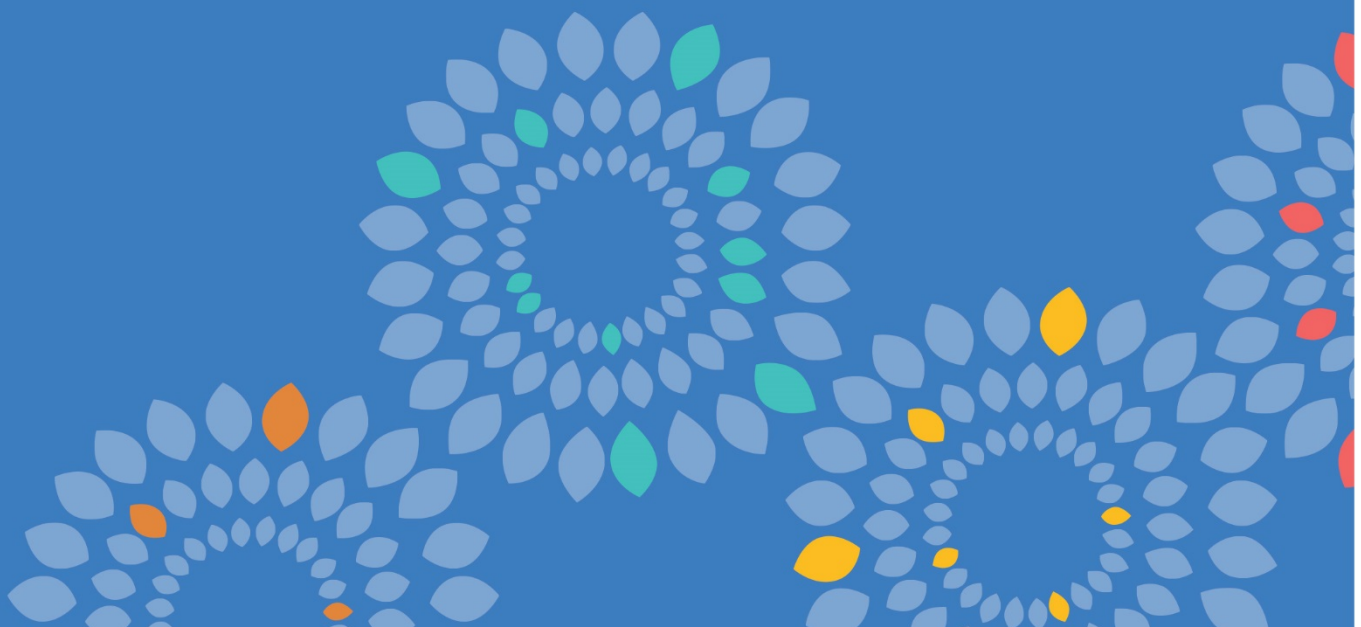


**knowmore's submission to
the Law Council of Australia**
*The Justice Project: A National
Blueprint for Justice for All*

5 October 2017



Contents

knowmore legal service	3
General Comments	4
Aboriginal and Torres Strait Islander peoples.....	5
Background	5
Targeted questions	6
Prisoners and detainees.....	11
Background	11
Targeted questions	12
Concluding remarks	14

knowmore legal service

knowmore welcomes the comprehensive review being undertaken by the Law Council of Australia into the state of access to justice in Australia. We note the Justice Project is focusing on justice barriers facing those with significant social and economic disadvantage, as well as identifying what is working to reduce those barriers.

knowmore is a free, national community legal service providing legal advice and assistance, information and referral services via a free advice line and face-to-face services in key locations, for people considering telling their story or providing information to the Royal Commission into Institutional Responses to Child Sexual Abuse (the 'Royal Commission'). Our service is multidisciplinary, staffed by lawyers, counsellors, social workers and Aboriginal and Torres Strait Islander Engagement Advisors, and is conducted from offices in Melbourne, Brisbane and Sydney.

knowmore has been established by the National Association of Community Legal Centres, with funding from the Australian Government, represented by the Attorney-General's Department.

Our service was launched in July 2013 and, since that time, has provided services to over 7,300 individual clients. The majority of those clients are survivors of institutional child sexual abuse. Then overwhelming majority of our clients have experienced significant social and economic disadvantage, usually directly linked to the complex trauma arising from their childhood abuse. For many of our clients, their engagement with our service and/or the Royal Commission has been the first time they have disclosed what happened to them as children. Many of our clients have complex needs, encompassing legal, health, financial and social issues.

Approximately 23% of our clients identify as Aboriginal and/or Torres Strait Islanders¹ and approximately 18% of our clients are incarcerated in prisons or other detention facilities. Around 8% of our clients are homeless. In order to avoid triggering our clients we do not routinely ask clients to provide us with information about disabilities and mental illness. However, it is clear that in our client group there are many people with disabilities and/or mental illness.

As well as our role in assisting people with information about the Royal Commission's processes, **knowmore** has helped to provide access to the law, relevant to our clients' experiences of abuse, including compensation and redress options and reporting to police; and to support our clients to access (or re-engage with), the broader service system.

We note that the intent of the Justice Project is to *"look at the justice system from the people's point of view."* In preparing our submission, we have drawn on what we have learned, through our work, about the collective experience of our clients and their needs.

Based on the above, **knowmore's** submission primarily addresses our work with two of the identified groups of people in the Justice Project, being:

- Aboriginal and Torres Strait Islander peoples; and
- prisoners and other detainees.

¹ See **knowmore**, Service Snapshot (Infographic as at 30 June 2017). A copy is attached as Appendix 1 to this submission.

Obviously there is considerable overlap between both groups.² **knowmore's** work with these client groups clearly reflects the observation made in the Council's Consultation paper, that "*disadvantage is often intersectional and cumulative; individuals can experience multiple forms of disadvantage.*"³

General Comments

Nine questions have been posed by the Council as overarching consultation questions for the Justice Project. **knowmore** will address those issues which are most relevant to the experiences of our clients.

The nine questions are:

- What else works and why? In what circumstances, and for whom?
- What are the conditions, or enablers, which are needed to ensure that what works, can work well?
- How can the legal profession better support 'joined-up' and collaborative service delivery with other sectors? What can it learn from other sectors in this regard?
- What should be the highest priorities for future action which would deliver the greatest benefits given limited resources:
 - For each group listed in the Terms of Reference?
 - At the systemic level, given the overlapping themes raised across several groups discussed in The Justice Project papers?
- What measurable indicators would signify that progress was being made for each group, having regard to the highest priorities for future action? Could these be based on existing data sources, or would new ones be required? Would a Justice Index tool be a useful addition in this regard?
- Would a Justice Impact Test, or alternative tools which are developed across the legal profession, help to ensure that the impacts of new policies and laws upon the justice sector are appropriately planned for and resourced during the policy process?
- What mechanisms would help to support the developments of policies and laws in this area which are more evidence based?
- How else can the Law Council best complement existing efforts to ensure that vulnerable individuals can better access justice?
- What case studies illustrate how the justice system can help people experiencing disadvantage successfully? Alternatively, what case studies illustrate the difficulties faced when their needs go unmet? What factors led to these particular outcomes?

² Around one third of knowmore clients in prisons and other places of detention identify as Aboriginal and Torres Strait Islander peoples, reflecting the known over-representation of Indigenous people in Australian prisons

³ Law Council of Australia The Justice Project, Introduction and Consultation Questions Consultation Paper August 2017, p.9

Aboriginal and Torres Strait Islander peoples

Background

At an early stage of the initial service delivery planning for the **knowmore** legal service, it was identified that Aboriginal and Torres Strait Islander peoples were likely to be significantly overrepresented in the general population of survivors of institutional child sexual abuse, reflecting the over-representation of Indigenous people in Australia's child protection and juvenile detention systems and the impact of past policies of removing Indigenous children from families and community. Further, that this client group may experience significant barriers in seeking to engage effectively with the legal processes of the Royal Commission, in the absence of specific and culturally appropriate legal assistance.

Accordingly, during the establishment of **knowmore** the need to employ specialist staff to support Aboriginal and Torres Strait Islander clients was specifically noted. This resulted in the employment, from the beginning of the service in 2013, of Aboriginal and Torres Strait Islander engagement advisors. These staff are Aboriginal and/or Torres Strait Islander peoples, with many years' experience supporting Indigenous Australians and particularly those who are survivors.

knowmore was also required to work closely with the Aboriginal and Torres Strait Islander Legal Services and the Family Violence Prevention Legal Services.

knowmore's engagement advisors work to assist Aboriginal and Torres Strait Islander survivors engaging or considering engaging with the Royal Commission. The advisors are often the first point of contact for Indigenous clients, and the advisors will work with those clients to ensure their safety and in building trust which will in turn facilitate the client engaging with other **knowmore** staff, such as a lawyer or a social worker.

The engagement advisors also lead community engagement work and outreach involving Indigenous clients, communities and other support services.⁴ Every step is taken to ensure that community engagement and community legal education activities are carried out in culturally sensitive and appropriate ways. For example, the engagement advisors visited many Aboriginal and Torres Strait Islander communities seeking first permission to come onto the land and engage with Elders, and then to talk about Royal Commission issues. Given the subject matter of childhood sexual abuse, it often took several visits to build trust and to establish safety for potential clients, before it was appropriate for lawyers and social workers/counsellors to return with the engagement advisors to those communities. Often **knowmore** would work alongside other services, such as the ATSILS and FVPLS, in undertaking community engagement.

knowmore's efforts to deliver accessible and culturally secure services to Aboriginal and Torres Strait Islander clients were addressed in an independent evaluation of our service conducted across 2014-16. The final report of that evaluation can be viewed at:

<http://knowmore.org.au/resources/>

See particularly pages 20-26 of that report, detailing the context, outcomes and key messages arising from **knowmore's** work with Aboriginal and Torres Strait Islander clients, and perspectives on that work.

⁴ For example, the ATSILS, FVPLS and Aboriginal Medical Services

Targeted questions

What else works and why? In what circumstances, and for whom?

The **knowmore** experience is that hub-style, multi-disciplinary and multi-issue support services and service coordination is overwhelmingly what has best met the needs of our clients, especially our Indigenous clients. Our Indigenous clients have told us that services and service system responses that understand the complexities of the cultural and community context for Aboriginal and Torres Strait Islander people are essential. Given the subject matter that brings clients within the Royal Commission's terms of reference, issues such as the capacity to engage initially and directly with an Indigenous worker; confidentiality; the ability to express a preference as to the gender of the worker(s) providing assistance; and choice around service provision (telephone, face to face) and other providers (for example, in relation to a referral for ongoing counselling support), are all important options for people. We offer further comments about these issues below.

What are the conditions, or enablers, which are needed to ensure that what works, can work well?

knowmore operates within a trauma-informed, person-centred, culturally secure framework utilising a multi-disciplinary service model to support this approach. Clients calling the 1800 telephone advice line initially have direct access to lawyers who can provide legal advice, information or referral services. The referrals can be to external bodies (either a warm or cold referral), or to internal services within **knowmore**, such as a support team member or to one of the Aboriginal or Torres Strait Islander engagement advisors.

This is a particularly relevant consideration for many Aboriginal and Torres Strait Islander clients. Prior to engaging in any depth with a lawyer, our Aboriginal and Torres Strait Islander clients are offered the opportunity to speak to one of the Aboriginal and Torres Strait Islander engagement advisors, in order to ensure that safety and confidence in our service are established before further engagement with a lawyer or support team member occurs. For Indigenous clients who contact our service other than through the advice line, such as by way of referral from another support or legal service, contact is often initially made with one of our Aboriginal and Torres Strait Islander engagement advisors. The majority of our Indigenous clients make use of the option to engage with a member of our Aboriginal and Torres Strait Islander engagement team and then continue to use that person as their primary contact in our service.

How can the legal profession better support 'joined-up' and collaborative service delivery with other sectors? What can it learn from other sectors in this regard?

It has been our experience that to be able to provide effective legal advice, information and referral to Indigenous people, it is imperative that a relationship of trust be built between the lawyer and the Indigenous client. Before this can even commence lawyers working with Aboriginal and Torres Strait Islander clients must be culturally aware and have appropriate experience and/or training in working with Indigenous clients.

The **knowmore** model of service delivery does provide 'joined-up' and collaborative services, especially to Aboriginal and Torres Strait Islander clients.

The feedback from our Aboriginal and Torres Strait Islander clients, as documented through this section of our submission, details the learnings we have obtained from our clients, about how we can better deliver 'joined-up' services.

What should be the highest priorities for future action which would deliver the greatest benefits given limited resources?

- **For each group listed in the Terms of Reference?**
- **At the systemic level, given the overlapping themes raised across several groups discussed in the Justice Project papers?**

As explained above, **knowmore** is a unique and purpose specific community legal service. From our experience the highest priorities for future action in working with Aboriginal and Torres Strait Islander communities should include steps for:

- i. building trust between the service and that community; and
- ii. ensuring all interaction with that community is done in a respectful and culturally appropriate manner.

The comments made in this section are made in the context of the legal assistance offered to our clients in relation to their decisions about possibly engaging with the Royal Commission, and related issues.

Our Aboriginal and Torres Strait Islander clients have advised that there are many organisations which do not approach victims and survivors in a culturally secure way, despite telling people that they understand culturally appropriate practices. As stated above, establishing trust is very important when engaging with Aboriginal and Torres Strait Islander clients. For many Indigenous clients accessing help from **knowmore**, the provision of help often starts with staff from **knowmore** making numerous visits to a community. Once trust has been established and the clients feel safe, they will then engage with **knowmore's** Aboriginal and Torres Strait Islander engagement advisors. The transition to working with other **knowmore** staff (lawyer, social workers and counsellors), comes from this initial engagement. It is our experience that this is not a process which can progress quickly; it is a process that should progress in a timeframe that meets the needs of the client and their community.

We believe our practices have been invaluablely enhanced by the role and work of our Aboriginal and Torres Strait Islander engagement advisors who work beside every element of legal and support work that **knowmore** provides to Aboriginal and Torres Strait Islander people, families and communities across Australia. What this work has consistently shown us is that to support Aboriginal and Torres Strait Islander clients effectively, legal services need to:

- fully integrate and utilise experienced Aboriginal and Torres Strait Islander engagement staff in service planning and delivery, to ensure specialised cultural knowledge exists across all elements of service responses;
- offer flexibility and choice in who, how, when and where a victim or survivor shares their story (including that this should mean choice of either a mainstream or Aboriginal service option);
- work effectively alongside other specialist services, to provide a wrap-around response and to skill share between local and visiting services and their connections; and

- regularly and over time, invest in relationships and outreach strategies to regional, rural and remote communities, Aboriginal services and other community gathering points to build connection and trust.

The priorities listed above are the same for the services engaging with Aboriginal and Torres Strait Islander people who are in prison – establishing trust and working in a culturally appropriate manner is paramount to effective engagement and facilitating access to justice.

knowmore is aware of the significant over-representation of Aboriginal and Torres Strait Islander people in prisons across Australia. A large proportion of prisoners have childhood sexual abuse and trauma histories. While working with Aboriginal and Torres Strait Islander prisoners, **knowmore** saw instances and heard complaints from Indigenous prisoners about a lack of cultural awareness within prisons. **knowmore's** Aboriginal and Torres Strait Islander engagement advisors have also reported the absence of cultural awareness training for staff in many of the prisons visited during the Royal Commission's Inmate Engagement Strategy (IES),⁵ and have suggested that training for prison staff about trauma-informed practices should also include enhanced cultural awareness training.

Aboriginal and Torres Strait Islander prisoners have reported to us that they felt that some non-Indigenous correctional centre staff often ignored the importance of Aboriginal and Torres Strait Islander cultures and the differences which exist. An impact of this situation was that Aboriginal and Torres Strait Islander prisoners were effectively forced to give up their cultural values in the prison environment, with an accompanying loss of dignity. This in turn impacted adversely on their well-being and on order within the prison environment.

The lack of in-depth knowledge and understanding of correctional staff around Aboriginal and Torres Strait Islander culture (particularly in relation to lore business, languages, kinship structures, cultural diversity and various communication techniques), is also an important factor contributing to many Aboriginal and Torres Strait Islander prisoners feeling that there is insufficient support for them within the correctional system to disclose their abuse, and hence to make any attempts to begin to recover. During our work with the IES, Aboriginal and Torres Strait Islander prisoners constantly expressed the importance of cultural support when addressing the impacts of their childhood sexual abuse within the prison context. The majority of Aboriginal and Torres Strait Islander prisoners wanted support from Aboriginal and Torres Strait Islander people. Gender was also a very important cultural issue. Many Aboriginal and Torres Strait Islander prisoners expressed their gratitude for the support provided during and after the IES by the staff from the Royal Commission, **knowmore** and Link Up.⁶ They explained that without this support they would not have made disclosures or have begun to seek help to address their trauma (which is often related to why they are in prison, as noted below).

⁵ As explained later in our submission, the purpose of the IES was to ensure that every prisoner in Australia was made aware of the existence of the Royal Commission and was given the opportunity to participate. Typically, engagement under the IES involved Royal Commission staff attending prisons and providing prisoners, and also staff, with information about how the prisoners could engage with the Royal Commission if they chose to do so. **knowmore** has worked alongside the Royal Commission's staff, attending these visits in order to provide legal assistance to all prisoners who sought legal advice, information and referral services. After these visits, direct lines to both the Royal Commission and to **knowmore** were activated in each prison's yard or wing phone system, so that prisoners could contact either organisation directly

⁶ Link Up is a referral point for many of **knowmore's** Aboriginal and Torres Strait Islander prisoner clients who are seeking culturally appropriate counselling and support

Given the over-representation of Indigenous people within Australia's prisons these are critical issues, particularly given the additional overlay of the trauma experienced by Stolen Generations survivors and the prevalence of inter-generational trauma.

We would suggest that there would be significant benefits in ensuring that trauma informed practice principles and cultural awareness training be addressed during the induction of all correctional staff (together with information about the over-representation of survivors and Indigenous people within the prison population) and that these training programs be continued throughout their employment.

Culturally secure trauma screening, support and treatment practices for Aboriginal and Torres Strait Islander people within prison should:

- be inclusive of support over the phone when people need it, as well as access to regular and ongoing culturally secure, trauma-informed counselling;
- support prisoners with locating a confidential space and culturally secure language for how to talk about what happened to them as a child (if they choose to talk);
- ensure culturally secure ways (additional to talking therapies) that can offer healing processes for people in prison and post release (examples might include symbolism through art, music, writing, physical – body work, sport, dance and spiritual healing);
- involve Aboriginal and Torres Strait Islander counsellors.

knowmore's work with Aboriginal and Torres Strait Islander prisoners, has highlighted the connections between childhood complex trauma and pathways into the Corrective Services system. A more trauma-informed corrective services system would be far more likely to mean:

1. systems could talk a common language;
2. staff would be more likely to understand how their policies and practices may trigger and aggravate peoples' trauma and their behaviour, rather than serving as a deterrent (and could adapt accordingly); and
3. the system could respond sensitively and appropriately to people to help reduce their ongoing risks and patterns of offending, ultimately impacting on recidivism rates.

What measurable indicators would signify that progress was being made for each group, having regard to the highest priorities for future action? Could these be based on existing data sources, or would new ones be required? Would a Justice Index tool be a useful addition in this regard?

Further to the content of the independent evaluation report noted above, one indicator used at **knowmore** to measure the extent of our engagement with Aboriginal and Torres Strait Islander clients, is the percentage of Aboriginal and Torres Strait Islander people who have accessed our services. We know that 23% of clients who have contacted **knowmore** have been Aboriginal or Torres Strait Islander people. 33% of **knowmore's** clients who are in prison have identified as Aboriginal or Torres Strait Islander people. These percentages have increased over the four years **knowmore** has been in existence.

With this information, **knowmore** regularly assesses the work it is doing with Aboriginal and Torres Strait Islander people – what is working? What could we improve? **knowmore** is a client centred

service. This is especially so when working with Aboriginal and Torres Strait Islander people. Suggestions for ways in which staff can better engage are welcomed and acted upon. For example, progress in undertaking effective community engagement work can be reflected through community feedback and referrals to visit other communities and services, and invitations to return.

Most importantly however, is the imperative that all staff are to work in a culturally and trauma-informed way to build effective relationships with clients, communities and partner services.

Would a Justice Impact Test, or alternative tools which are developed across the legal profession, help to ensure that the impacts of new policies and laws upon the justice sector are appropriately planned for and resourced during the policy process?

We are fully supportive of legislators and policy makers undertaking properly informed consideration of all of the potential impacts of proposed law reforms. In order to achieve such understanding, it is of critical importance that proper and timely consultation occurs with key stakeholders who can provide informed views about the potential impacts, including possible adverse consequences. The vast experience across the Community Legal Sector should be drawn upon during these consultations to particularly address the impacts of law reform upon vulnerable and disadvantaged groups within the community.

What mechanisms would help to support the developments of policies and laws in this area which are more evidence based?

As above – adequate consultation about proposed reforms is critical.

How else can the Law Council best complement existing efforts to ensure that vulnerable individuals can better access justice?

The joined-up service delivery model is particularly relevant when working in Indigenous communities, especially when the aim is to increase access to justice. In discussions about our service model, we have found that many lawyers express hesitancy in working as part of a multi-disciplinary team. The Law Council could possibly assist to address this hesitancy by providing resources and information for lawyers, referring specifically to the issues causing concern – client confidentiality, conflicts of interest and mandatory reporting.

Ongoing advocacy around specific legal issues and reforms, as well as adequate funding for legal assistance, must remain a priority.

The provision of effective legal services to regional, rural and remote regions is expensive. Governments need to be convinced that while the initial outlay may be high, the advantages in terms of engagement with society and the increase in well-being for clients assisted, justify those costs. Many of **knowmore's** Aboriginal and Torres Strait Islander clients live in regional, rural and remote communities. The connection to land and community mean they will often reside within the same communities as their extended families and have been there for many generations.

For all service providers challenges exist in being able to effectively access the most vulnerable clients. Where geographical isolation is a factor, for many people this can severely exacerbate their vulnerabilities. Smaller communities are often serviced via visiting or outreach service models, if at

all; there can be benefits for this in that it means the confidentiality of small communities can be maintained; however it often comes at a cost of meaningful relationships and connections over time, and support that is consistent and available when the person needs it.

Many service models are not sufficiently resourced to provide the extent of outreach that many smaller communities require, in particular to remote Aboriginal and Torres Strait Islander communities, where although client numbers may not be high, the level of need and vulnerability is. As a consequence these clients often then struggle to receive the same access to legal advice, information and referral as others living in more populated areas.

What case studies illustrate how the justice system can help people experiencing disadvantage successfully? Alternatively, what case studies illustrate the difficulties faced when their needs go unmet? What factors led to these particular outcomes?

We have in our yearly reports provided a number of case studies about the experiences of our legal service in working with Aboriginal and Torres Strait Islander people, and with other vulnerable clients. See: <http://knowmore.org.au/resources/knowmore-reports/>

Prisoners and detainees

Background

As noted above, through its inmate Engagement Strategy the Royal Commission has afforded the opportunity to prisoners to engage with the Commission, to tell of their histories of institutional child sexual abuse and of their needs for recovery and justice. **knowmore** had also in its service planning identified prisoners and those in detention as groups that typically experience significant barriers in seeking to access justice and to have their voices heard. Accordingly **knowmore** welcomed the opportunity to work in partnership with the Commission to provide support to prisoners and detainees during the IES.

The Royal Commission commenced the IES in 2014, with the purpose to ensure that every prisoner in Australia was made aware of the existence of the Royal Commission and was given the opportunity to participate. All of the prisons in Australia were visited by Royal Commission staff as part of the IES. In those visits the Royal Commission provided information about the Royal Commission's work and how people could share their stories, including (for some) the option of a private session with a Commissioner at a later date either face to face or over the telephone. **knowmore** worked alongside the Royal Commission during the IES to provide information to prisoners about accessing legal advice, information and referral. After these visits, direct lines to both the Royal Commission and **knowmore** were activated in all prison yard phones so that prisoners could directly contact each organisation. While the calls from the yard phone were limited to ten minutes and were not private or confidential, they did enable prisoners to make contact with **knowmore** so that the service could then arrange booked confidential legal calls.

Prisoners generally identified the same legal needs as other **knowmore** clients in that they sought advice about engaging with the Commission, compensation options, obtaining records and lodging complaints. Frequently prisoner clients disclosed other legal needs beyond the scope of our service; in those circumstance we sought to identify appropriate service providers and to make referrals.

knowmore clients in prison identified common pathways into the detention system, from experiencing early childhood sexual abuse with resultant responsive behaviours including drug and alcohol misuse and early offending patterns, progressing to time spent in out-of-home care and often state-run juvenile detention centres, and then into regular patterns of incarceration in adult prisons. At each point the clients reported being regularly subjected to further sexual and/or physical abuse. Commonly clients reported significant parts of their lives having been spent in detention. For many clients in prison, speaking to the Royal Commission or **knowmore** has been the first time they have spoken out about their abuse (despite other opportunities to do so in other legal processes, such as in providing information relevant to sentencing).

Our clients in prison have reported a number of common reasons impacting on why they have not made disclosures at earlier times. They include:

- the general need for significant time to pass before they could talk about their experience – *‘I wasn’t ready’* or *‘that time wasn’t right for me’*;
- feelings of shame;
- a lack of safety to disclose;
- feeling that they would never be believed (exacerbated by their status as prisoners);
- feeling that they should have prevented the abuse from happening in the first place;
- expressions of fear that they would be targeted (by the police, and/or within the prison environment), if they identified as a victim; or
- not seeing any link between their experience of childhood sexual abuse and their criminal offending as adults.

As first disclosers within the correctional environment, these survivors now have complex support and other needs (including legal needs) and require assistance, if they are to begin and progress their healing and recovery and to reduce their reoffending upon release.

Up to June 2017, 1,558 of **knowmore’s** clients (or approximately 18% of our total number of clients to date) were in prison. Working with this cohort of clients has informed **knowmore** about some of the systemic issues arising for this group, noting that this group identify with multiple levels of disadvantage.

Targeted questions⁷

What works well and why? In what circumstances and for whom?

Access to **knowmore’s** services via the yard phones, supported by outreach and information provision about **knowmore** and the Royal Commission, has ensured that prisoners have direct access to legal help. There is sufficient time during these calls for the lawyer to explain the service and obtain details to book confidential legal calls for a later date. It is also possible during the calls to assess if the prisoner wants counselling support or would like to speak to an Aboriginal or Torres Strait Islander Engagement Advisor. Some prisoners have reported feeling safer calling from the yard phones, rather than talking in a confidential setting, as they are concerned that if they are escorted to take a private confidential booked call this may attract suspicion from other prisoners.

⁷ We will not repeat information provided above in addressing questions in the context of our work with Aboriginal and Torres Strait Islander clients

Prisoners, along with other **knowmore** clients, are provided with legal advice as to their options (if any) for redress and compensation and are referred to private lawyers experienced in claims of institutional abuse, who will act on a 'no win no fee' basis for them.

The number of calls coming from the yard phones to the **knowmore** offices from particular prisons, informs decisions about whether or not outreach advice clinics will be offered in those prisons. For example, where there is a group of 20 or more prisoners who have phoned from a particular prison, contact will be made with the prison to see if a legal clinic can be offered from that prison. Legal clinics have been offered in prisons in NSW, Queensland and Western Australia. At these legal clinics **knowmore** lawyers, social workers or counsellors, engagement advisors and paralegal staff work together to provide assistance to clients.

Given all of the barriers survivors in prison face in disclosing their experience of childhood sexual abuse and in seeking legal help, the fact that 18% of **knowmore's** clients are prisoners indicates that **knowmore** is now seen as a trusted organisation by this cohort of clients and is meeting a need for legal help.

What are the conditions or enablers which are needed to ensure that what works, works well?

knowmore offers joined up services to prisoners, with lawyers, social workers/counsellors, paralegals and Aboriginal and Torres Strait Islander engagement advisors working together to provide assistance. These services are offered seamlessly to prisoners.

What should be the highest priorities for future action which would deliver the greatest benefits given limited resources?

- **For each group listed in the Terms of Reference?**
- **At the systemic level, given the overlapping themes raised across several groups discussed in The Justice Project papers?**

The highest priority as identified by **knowmore** in working with prisoners is the need for the adoption of trauma informed practices by those working within the prison environment. The majority of prisoners have been impacted by trauma and it is in understanding the impact of this trauma that pathways to deal with that impact can be mapped out.

What measurable indicators would signify that progress was being made for each group, having regard to the highest priorities for future action? Could these be based on existing data sources or would new ones be required? Would a Justice Index tool be a useful addition in this regard?

It has been the experience of **knowmore** that many prisoners, once they disclose and seek help for their childhood history of abuse, better see the connection between that abuse and their later criminal behaviours. Many are determined they want to deal with the impact of the abuse and hopefully cease the criminal behaviours which would see them return to prison. Dealing with the abuse in a trauma-informed way should reduce aggressive, anti-social behaviour which may occur within the prison context, and should also impact on recidivism rates.

Unfortunately longer term counselling support in the prison environment (where such a service is available to prisoners and provided by correctional centre staff) is often more focussed on working with presenting issues such as managing angry outbursts. Often the support is medication based. It is rare that the causes of such outbursts such as histories of child sexual abuse and the underlying consequential trauma is addressed.

As part of the IES, counselling support has been offered to prisons by services funded by the Department of Social Services. However, with the large number of prisoners with histories of child sexual abuse coming forward, these services are being over-stretched and unable to meet the demand.

knowmore recognises the work of the broader service system that continues to provide support to people pre and post-prison. Counselling is only one part of what people need access to if they are to recover from the impact of complex trauma. We acknowledge the many long term, specialist complex case coordination and other support services, some of whom have worked with this population for many years and will continue to do so after the Royal Commission ends, who provide critical assistance around mental health, housing and homelessness, domestic and family violence, primary health, financial vulnerability and many other needs.

How else can the Law Council best complement existing efforts to ensure that vulnerable individuals can better access justice?

As has been set out above, many issues for prisoners (recidivism, anti-social behaviour) could be addressed if trauma-informed practices were adopted by corrections staff in the prisons. Advocacy by the Law Council for the adoption of trauma-informed practices and more effective cultural awareness training could expedite their introduction. There will be the need for community education around the introduction of these practices within prisons countering arguments that incarceration was becoming a 'soft' option.

We expect that quantitative and qualitative studies as to the changes in behaviours of prisoners following the introduction of trauma-informed practices and cultural awareness training for correctional staff, would assist in convincing corrective services of their value.

Further, the contacts made with **knowmore** by prisoners have also shown high levels of wider legal needs, many of which are not being met at present as access to ongoing legal advice and assistance (not relating to criminal matters), in prison is limited. Prisoners in some states have access to a Prisoners Legal Service. Prisoners in other states and territories generally are dependent on Legal Aid bodies which are limited by strict funding guidelines around the matters they can assist prisoners with (beyond the provisions of the initial information and advice). Ongoing advocacy for adequate funding for legal services for prisoners should remain a priority.

Concluding remarks

knowmore offers an innovative service delivery model for providing legal assistance to people who, through their experience of childhood institutional sexual abuse, are generally experiencing significant disadvantage. Many of those survivors are Aboriginal and Torres Strait Islander people and/or prisoners or detainees.

The establishment of a free and independent national legal service, which is purpose specific and works on a trauma-informed and multi-disciplinary model, represents an innovative practice in the delivery of legal assistance and meeting other needs arising from the client's experience. It is not uncommon for clients to provide feedback that this assistance has been life-changing for them.

Many survivors of childhood sexual abuse will at some stage of their lives come into contact with the legal system – either directly as a result of the abuse they have suffered, or in relation to other

issues such as relationships, child protection, financial issues (including housing), or criminal offending. For many this engagement with the legal system will do further harm and may even seriously threaten their well-being.⁸

This need not be the case. Steps have been taken at **knowmore** to ensure as best as possible that 'no further harm' is done when clients come into contact with our legal service. Accessing trauma-informed, multi-disciplinary services and receiving effective legal assistance can sit together. It has been our experience that by providing a client-centred and holistic service, many of the barriers that vulnerable clients face in accessing justice can be removed.

We would welcome the opportunity to further consult with the Council in relation to the Justice Project.

⁸ See, for example, **knowmore's** submission to the Royal Commission Issues Paper #5 Civil Litigation, at pp.19-27. That submission can be viewed at <http://knowmore.org.au/resources/issues-papers/>