

30 November 2015

Royal Commission into Institutional Responses to Child Sexual Abuse
GPO Box 5283
Sydney NSW 2001

Via email: advocacyandsupport@childabuseroyalcommission.gov.au

Re: Royal Commissions Issues Paper 10: Advocacy and Support and Therapeutic Treatment Services

Dear Commissioners,

I write to make a submission on the Royal Commissions Issues Paper 10: Advocacy and Support and Therapeutic Treatment Services on behalf of Community Legal Centres NSW. Community Legal Centres NSW (CLCNSW) is the peak representative body for Community Legal Centres (CLCs) in NSW.

CLCs are independent community organisations providing equitable and accessible legal services. CLCs work for the public interest, particularly for disadvantaged and marginalised people and communities. CLCs not only provide legal advice and assistance, but also encourage and enable people to develop skills to be their own advocates. We promote human rights, social justice and a better environment by advocating for access to justice and equitable laws and legal systems. CLCs work towards achieving systemic change through community legal education, and through law and policy reform. CLCs employ qualified staff including solicitors, social workers and community legal educators. We also have volunteer solicitors, barristers, law students and others working with us to extend our legal services. CLCs are both generalist and specialist centres.

Victims support matters (particularly complex matters) make up a significant part of the work of many CLCs. CLCs predominantly assist clients with victims support matters related to domestic violence and/or sexual assault, including child sexual abuse.

Our victims support clients are generally high-needs clients, with many very seriously affected by their experience of violence. A significant number of them are affected by a mental illness, drug or alcohol dependence, chronic unemployment, loss of their children

to the child protection system, or other serious impact. Many clients experience post-traumatic stress disorder, significant anxiety or clinical depression. The trauma experienced by our clients often significantly limits their capacity to work.

We write to support the submissions made to this Issues Paper by our members including, Women's Legal Services NSW. We agree with Women's Legal Services NSW that 'services working with victims of child sexual abuse must respond to a range of needs, provide support over the long-term and be accessible for everyone when and where they need it, including Aboriginal and Torres Strait Islanders, Culturally and Linguistically Diverse (CALD) communities, women with disabilities, women living in regional, rural and remote areas, and women in prison.'

We support the call for sexual assault services to be informed by trauma research and practice and agree that there needs to be communication support for people with disabilities to enable them to report child sexual abuse and access relevant support services.

We recognise that providing support services is not enough. We recognise that there is a need to address the structural disadvantages that victims face as a result of child sexual abuse and the trauma they experience. For example, it is important that remedies extend beyond economic loss to social supports, including access to safe and affordable housing and ongoing accessible educational opportunities.

Through our work, we are well aware that completing forms and other paperwork can be overwhelmingly difficult to navigate for some victims. Victims of child sexual abuse may need support to complete such paperwork can be guided through the process. Where victims are engaging with a range of services a consistent support, perhaps through case management, is required.

We recognise that counselling must be available to all victims of child sexual abuse on a voluntary basis, when and where victims request it. Our experience tells us that this may not be until many years after the abuse has occurred, when the victim's circumstances are such that they are able to deal with this matter. There should be no time limit on accessing counselling nor a limit to the number of hours of counselling a victim of child sexual abuse can access. The counselling services available need to meet the individual needs of the victims. For example there is a need to recognise that for women from culturally and linguistically diverse backgrounds, the way that violence is perceived, understood and incorporated into the world views may be different. The same is true for Aboriginal and Torres Strait Islander communities. For these reasons, staff providing counselling must have had relevant cultural awareness training. We are aware that very successful programs have been run, particularly for Aboriginal women, where support has been offered in a different way and victims have been up to come together in a group to discuss their experiences. We support the development of innovative initiatives that

meet the needs of the relevant victims and their communities, such as through art, music and drama therapy.

Through our work with prisoners, we are aware that many prisoners who are on remand are not eligible to participate in appropriate support programs. With the increasing prison population in New South Wales particularly for those prisoners on remand, we recognise that this raises additional problems for victims in accessing the support that they require. Community Legal Centre staff have regularly seen that women in prison do not have the same opportunities to have contact with their children as are provided in the general community. We acknowledge that providing support services to mothers in prison to address the trauma that they have experienced can significantly improve their ability to engage with their children.

Diversions options should be made available to anyone with primary caregiving responsibilities for a child/ren, and has a history of experiencing violence, mental health and/or substance abuse. This approach would avoid the significant problems that prisoners experience on release from prison in relation to housing.

Where Community Level Centres are involved in significant litigation in relation to child sexual abuse, there needs to be appropriate resources provided to ensure that Community Legal Centres can provide the victims with the services that they require. It is also important that Community Legal Centres and other community organisations are funded to engage in systemic advocacy activities. Because of the work done by community organisations in providing individual support, we are well placed to identify trends and issues requiring systemic advocacy. There needs to be government support for these activities and a recognition of the value that they provide to our society. We note that this was recognised by the Productivity Commission in their Report on Access to Justice where they stated that 'Governments should provide funding for strategic advocacy and law reform activities that seek to identify and remedy systemic issues and so reduce demand for frontline services'.

Yours sincerely,

Nassim Arrage
Chariperson
Community Legal Centres NSW