



THE UNIVERSITY OF  
MELBOURNE

# ‘UNDER THE RADAR WITH NO SUPPORT’

Access to justice for newly arrived,  
migrant and refugee communities  
during COVID-19 in Victoria

University of Melbourne and RMIT University in partnership with  
Foundation House, Victoria Legal Aid and Afri-Aus Care



## Acknowledgment of Country

The University of Melbourne acknowledges the Traditional Owners of the unceded land on which we work, learn and live: the Wurundjeri Woi Wurrung and Bunurong peoples (Burnley, Fishermans Bend, Parkville, Southbank and Werribee campuses), the Yorta Yorta Nation (Dookie and Shepparton campuses), and the Dja Dja Wurrung people (Creswick campus).

We pay respect to Elders past, present and future, and acknowledge the importance of Indigenous knowledge in the Academy. As a community of researchers, teachers, professional staff and students we are privileged to work and learn every day with Indigenous colleagues and partners.

## Acknowledgments

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The final report was written by Professor Jennifer Balint, Dr Sahar Ghumkhor, Professor Nicola Henry, Associate Professor Diana Johns, Dr Mammad Aidani and Dr Gerald Onsando, with significant input from Dr Stefani Vasil, Dr Charlotte Mertens and Dr Franka Vaughan.

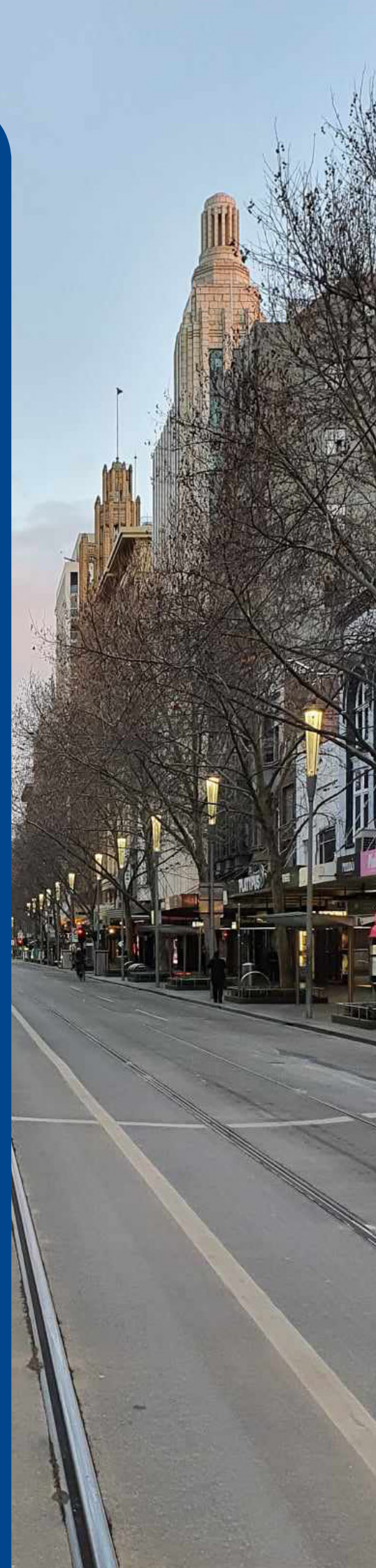
This project was truly a collaborative effort.

Readers may find some of the accounts in this report distressing.

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# Contents

<b>Summary</b>	<b>4</b>
Key Findings	5
Recommendations	7
<b>1. Introduction</b>	<b>8</b>
Project aims	8
<b>2. Background and Context</b>	<b>10</b>
<b>3. Methodology</b>	<b>12</b>
<b>4. Project Findings</b>	<b>14</b>
4.1 What COVID-19 revealed and exacerbated (old problems made visible)	14
4.2 Specific injustices and harms under COVID-19	28
4.3 Immediate needs	35
4.4 What COVID-19 showed worked well	38
<b>5. Key Recommendations</b>	<b>42</b>
5.1 Partnership and collaboration	42
5.2 Holistic approach: legal solutions in social contexts	47
5.3 Access to justice: enabling conditions for justice	51
<b>6. References</b>	<b>53</b>

# Summary

**This project examined access to justice for newly arrived, migrant and refugee communities residing in Victoria during the COVID-19 pandemic. The project provided an opportunity to identify new and existing obstacles — including those that may be exacerbated due to COVID-19 — with stakeholders and community members in a range of local contexts and to collaboratively identify new possibilities.**

We employed a participatory methodology with community members and service providers to discuss the particular barriers to accessing and providing legal and social services over this time, what has worked, and what has not, and suggestions for change. In so doing, the project aimed to better understand the experiences of service providers and of communities, and work towards developing practical models that will address issues of access to justice in Victoria that result in significant adverse consequences.

The core objectives of this research were to: (1) generate a preliminary picture of the experiences of newly arrived, refugee and migrant communities in Victoria in accessing legal and social support services during COVID-19; (2) identify the specific obstacles that have been exacerbated and/or highlighted over this period; and (3) identify collaborative possibilities for change. We asked:

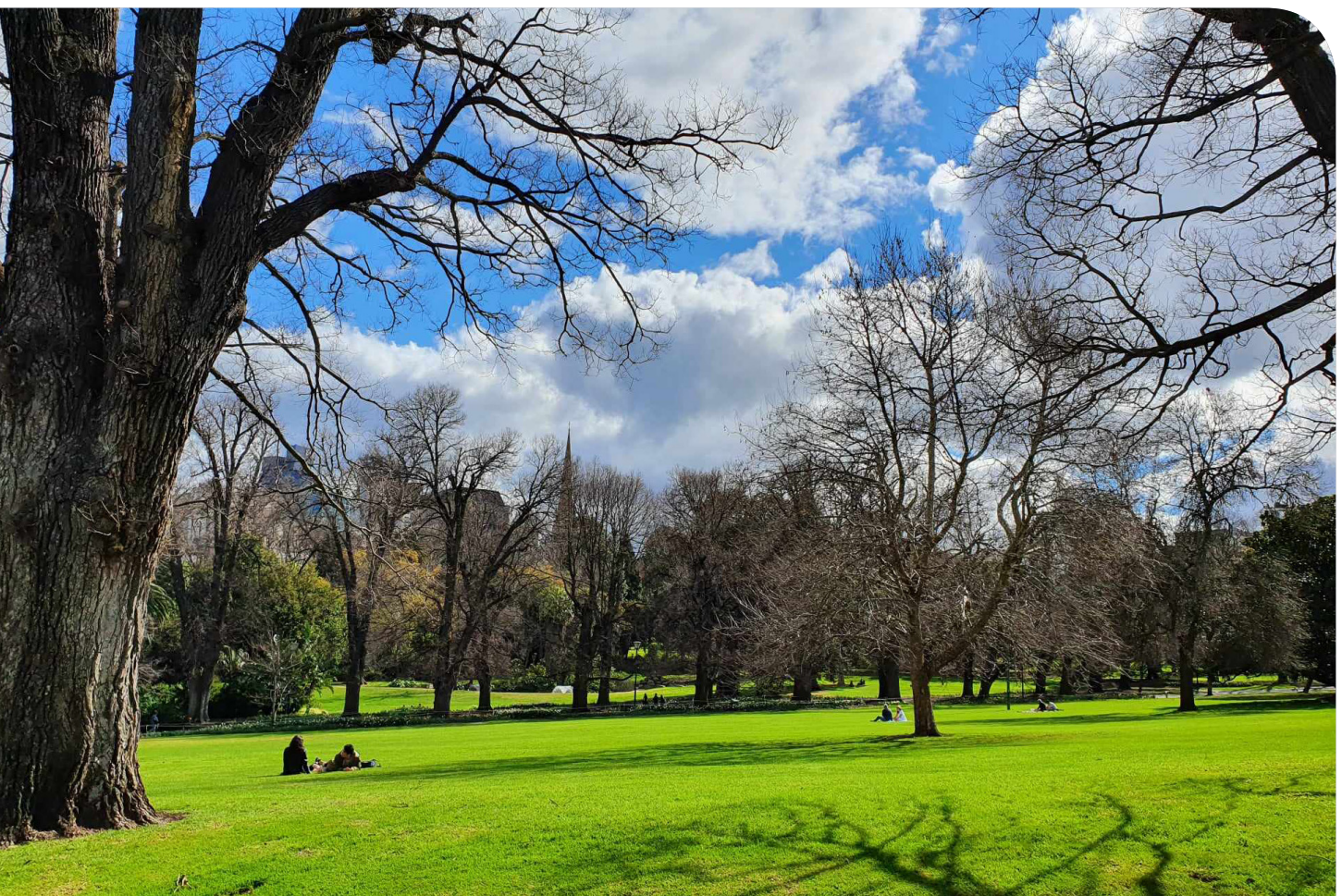
- What are the experiences of newly arrived, migrant and refugee communities in accessing and providing legal and social services during COVID-19? How have these experiences changed (or not) due to COVID-19?
- What barriers and obstacles prevent people from newly arrived, migrant and refugee communities from accessing legal and social services in Victoria during COVID-19?
- What strategies do stakeholders and community members employ to facilitate access to justice for people from migrant and refugee backgrounds, and what are some solutions or recommendations for change?

The project sought to identify and further understand both long-standing obstacles to accessing legal and social services and new opportunities for access to justice in Victoria, as they were understood and experienced by project participants. The project also sought to fill an existing gap by working with more recently arrived communities, including Middle Eastern and African Australian communities in Victoria, whose experiences of access to justice have largely not been documented in the literature to date. We worked with community members and service providers to discuss the specific barriers and obstacles to accessing (and providing) legal and social services during the COVID-19 outbreak and subsequent lockdown in Victoria in 2020.

## KEY FINDINGS

### Existing and longstanding barriers to accessing and providing legal and social services were exacerbated during COVID-19. In particular:

- Communities are isolated and lack knowledge of and capacity of how to navigate the legal system and of how the system works
- Contact with the legal system is avoided due to stigma, shame and fear, and trauma stemming from experiences in country of origin and/or experiences with Australian authorities.
- Individuals and families may avoid contact with the legal system and the courts due to fears that this may jeopardise legal residency or a citizenship application
- Communities can experience the legal system as harmful and are wary and distrustful of it
- There is a lack of confidence and trust between service providers and communities
- Services are not easily found where communities are located, and the onus is on individuals to ask for and find assistance
- Community advocates and members, along with service providers, reported that mainstream services are neither culturally safe nor culturally responsive
- There is a focus on 'service provision to communities', not 'service provision with communities'; communities are not enabled to represent themselves and there is a sense of a lack of accountability of service providers to communities
- Language continues to be a barrier to accessing justice
- 'Legal' problems are often treated as separate to 'social' problems, rather than being seen as interconnected
- Community expertise and community services, and government-funded service providers are not sufficiently aligned
- Barriers to accessing support for family violence for women and children are exacerbated by lockdowns and COVID-19 restrictions
- Young people are isolated and face increased police discrimination
- Structural and systemic racism is experienced by communities
- There are generational differences and tensions in communities around expectations and resolutions



## Specific injustices and harms under COVID-19. In particular:

- Lockdown of community housing towers
- Government changes to migration rules and asylum seeker conditions and rights
- Young people becoming disconnected and losing further rights and opportunities
- Court closures meant cases not being heard (adjourned), or heard differently
- Changes to service delivery that highlighted the importance of face-to-face services
- Increased hardship through inaccessibility of services

## There are immediate needs, including:

- Payment of fines, particularly those incurred by young people
- Addressing conditions in detention centres
- Ensuring visa status does not impact access to services

## What did work well during COVID-19, in relation to accessing legal and social services, included:

- Asking communities what resources they need and ‘allowing community members to actually drive the solutions’
- Divesting control of service provision to community
- Valuing community expertise and working directly with communities and individuals
- Collaboration between legal and non-legal (social) services
- Technology provided some increased opportunities for access

## Overall, the research resulted in two key findings:

- (1) Despite this being a known issue for some time, **significant barriers continue to impact communities accessing the legal system.** These barriers are detailed in Section 1 (pp 14 to 28). **The COVID-19 pandemic exacerbated and magnified these existing barriers to migrant and refugee communities’ ability to access legal and social services.** Particular harms, including in relation to young people, people in detention, and those experiencing or at risk of family violence are detailed in Section 2 (pp 28 to 34). Needs that emerged as most pressing and urgent, including the payment of fines, are detailed in Section 4 (pp 38 to 41).
- (2) **Access to legal and social services for migrant and refugee communities was successful where services took a collaborative approach** that brought legal and social services together and that recognised and valued community expertise. What worked well is detailed in Section 3 (pp 35 to 37).

**COVID-19 provided an opportunity for service providers to rethink old ways of working and consider how their services might be delivered more effectively.** These two key findings – that significant barriers continue to exist and that a collaborative partnership approach that centres community expertise has been shown to work – inform the recommendations of this report. They also point to the need for continuing work to expand this approach in collaboration with service providers and communities.

The COVID-19 pandemic exacerbated and magnified these existing barriers to migrant and refugee communities’ ability to access legal and social services.

## RECOMMENDATIONS

### 1. Partnership and collaboration are critical for the development and maintenance of sustainable access to justice for communities:

- Co-design of services to ensure they are relevant to and meeting community needs
- Services recognising and working with existing community organisations and networks
- Recognising and valuing community expertise
- Divesting control to communities to enable effective partnering and service provision
- Services collaborating with communities through capacity-building that enables them to control their own narrative
- Developing and maintaining relationships of trust between community and service organisations, which requires resourcing and skills
- Paying for community expertise and creating roles for community members in government organisations

### 2. Locate legal solutions within social contexts to enable a holistic approach:

- Understand that legal and social problems are interconnected
- Legal and social services and communities would benefit from establishing ongoing relationships to provide effective services, including formalising otherwise informal connections between service providers and community organisations
- Recognise and centre community expertise in these relationships
- Ensure services are culturally safe and culturally responsive by incorporating understanding of the backgrounds of those seeking legal help, including experiences of social and cultural isolation, into service delivery

### 3. Enable an access to justice approach that creates conditions for justice:

- The right to be seen, heard, supported and listened to
- Community knowledge of and ability to access the legal system
- Removal of barriers to a just life – from discrimination to sufficient interpreters and translation
- Agency and self-representation for communities
- Systemic change that enables a system that can deliver justice

# 1. Introduction

## PROJECT AIMS

This project examined access to justice for newly arrived, migrant and refugee communities residing in Victoria during the COVID-19 pandemic. The project provided an opportunity to identify new and existing obstacles—including those that may be exacerbated due to COVID-19—with stakeholders and community members in a range of local contexts and to collaboratively identify new possibilities. We employed a participatory methodology with community members and service providers to discuss the particular barriers to accessing and providing legal and social services over this time, what has worked, and what has not, and suggestions for change.

The core objectives of this research were to: (1) generate a preliminary picture of the experiences of newly arrived, refugee and migrant communities in Victoria in accessing legal and social support services during COVID-19; (2) identify the specific obstacles that have been exacerbated and/or highlighted over this period; and (3) identify collaborative possibilities for change.

We asked:

- What are the experiences of newly arrived, migrant and refugee communities in accessing and providing legal and social services during COVID-19? How have these experiences changed (or not) due to COVID-19?
- What barriers and obstacles prevent people from newly arrived, migrant and refugee communities from accessing legal and social services in Victoria during COVID-19?
- What strategies do stakeholders and community members employ to facilitate access to justice for people from migrant and refugee backgrounds and what are some solutions or recommendations for change?

The project sought to identify and further understand both long-standing obstacles to accessing legal and social services and new opportunities for access to justice in Victoria, as they were understood and experienced by project participants. The project also sought to fill an existing gap by working with more recently arrived communities, including Middle

Eastern and African Australian communities in Victoria, whose experiences of access to justice have largely not been documented in the literature to date. We worked with community members and service providers to discuss the specific barriers and obstacles to accessing (and providing) legal and social services during the COVID-19 outbreak and subsequent lockdowns in Victoria in 2020. In so doing, the project aimed to better understand the experiences of service providers and of communities, and work towards developing practical models that will address issues of access to justice in Victoria that result in significant adverse consequences.

- (1) Despite this being a known issue for some time, **significant barriers continue to impact communities accessing the legal system.** These barriers are detailed in Section 1 (pp 14 to 28). **The COVID-19 pandemic exacerbated and magnified these existing barriers to migrant and refugee communities' ability to access legal and social services.** Particular harms, including in relation to young people, people in detention, and those experiencing or at risk of family violence are detailed in Section 2 (pp 28 to 34). Needs that emerged as most pressing and urgent, including the payment of fines, are detailed in Section 4 (pp 38 to 41).
- (2) **Access to legal and social services for migrant and refugee communities was successful where services took a collaborative approach** that brought legal and social services together and that recognised and valued community expertise. What worked well is detailed in Section 3 (pp 35 to 37).

**COVID-19 provided an opportunity for service providers to rethink old ways of working and consider how their services might be delivered more effectively.** These two key findings – that significant barriers continue to exist and that a collaborative partnership approach that centres community expertise has been shown to work – inform the recommendations of this report. They also point to the need for continuing work to expand this approach in collaboration with service providers and communities.

The three key recommendations are detailed in Section 5 (pp 42 to 52):



## 1. Partnership and collaboration are critical for the development and maintenance of sustainable access to justice for communities:

- Co-design of services to ensure they are relevant to and meeting community needs
- Services recognising and working with existing community organisations and networks
- Recognising and valuing community expertise and formalising otherwise informal connections between service providers and community organisations
- Divesting control to communities to enable effective partnering and service provision Services collaborating with communities through capacity-building that enables them to control their own narrative
- Developing and maintaining relationships of trust between community and service organisations, which requires resourcing and skills
- Paying for community expertise and creating roles for community members in government organisations

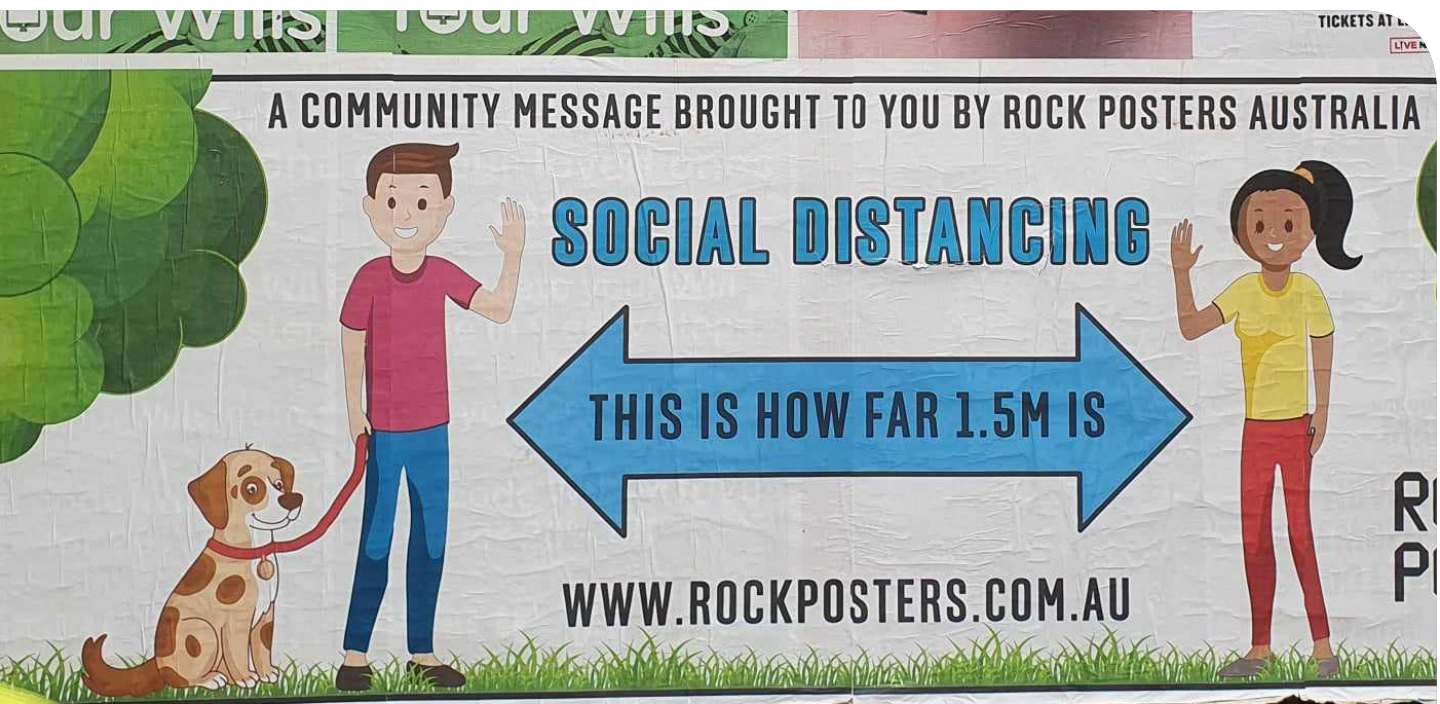
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- Understand that legal and social problems are interconnected

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- Ensure services are culturally safe and culturally responsive by incorporating understanding of the backgrounds of those seeking legal help, including experiences of social and cultural isolation, into service delivery

## 3. Enable an access to justice approach that creates conditions for justice:

- The right to be seen, heard, supported and listened to
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- Agency and self-representation for communities
- Systemic change that enables a system that can deliver justice



## 2. Background and Context

**There has been limited research focused on (1) the experiences of newly arrived and more settled migrants accessing legal and social services and (2) the experiences of stakeholders providing legal and social services to newly arrived and more settled migrants, in particular research that focuses on collaborative models of change.**

Existing Australian research, which is largely found in grey literature, has identified a broad and diverse range of factors which influence how individuals and groups from migrant and refugee backgrounds engage with services and shape their experiences of access to justice.<sup>1</sup> These include barriers related to:

- language and communication
- uncertain immigration or citizenship status
- limited access to financial resources
- social isolation
- cultural differences
- negative cultural or religious stereotypes
- limited knowledge of rights and/or available services
- fear and distrust of state authorities and systems
- poorly designed or integrated services
- complexities of the legal system
- experiences of racism and discrimination
- limited cultural competency among service providers and cultural inappropriateness of services
- cuts to legal aid funding
- problems related to translation or interpreting

Many of these barriers have also been identified in qualitative studies by researchers in the areas of health and education.<sup>2</sup> Existing research in Australia, and also internationally, has shown that forms of structural disadvantage shape the ways that marginalised groups, including migrants and refugees, engage with and access

existing legal and social services.<sup>3</sup> Research with Iranian asylum seekers in Melbourne showed that previous traumatic experiences of injustice and fear of state institutions is compounded by settlement experiences in Australia, which can contribute to social exclusion (Foundation House 1998, 2018). The experiences of injustice and trauma in their country of origin (with police, army and the authoritative regime), experienced prior to arrival in Australia, carries over into the resettlement process.<sup>4</sup> This is known to result in profound social and cultural alienation that leads to significant barriers in accessing much-needed social and legal services (Aidani 2010a, 2010b, 2016). This work has shown that barriers – about what concepts *mean* and how things *work* in different cultural contexts – frequently exist. By working closely with communities to develop mutual trust and understanding of these barriers, service providers have been able to overcome practical barriers to help-seeking and meet community needs. Qualitative research has also demonstrated how the settlement experience can be alienating (e.g., Correa-Velez et al. 2013), and that a lack of access to justice has flow-on issues for health and wellbeing (e.g., Curran 2017; Rose et al. 2018) and social exclusion (e.g., Ojelabi 2015). While research with service providers remains limited, existing studies have shown that they encounter barriers when delivering services to people from migrant and refugee backgrounds in Australia.<sup>5</sup>

Research with service providers, as well as victim-survivors in Tasmania and Victoria, highlights the obstacles women face when seeking formal help for

1 See, for example, discussions in Centre for Advocacy, Support & Education for Refugees 2014; El-Murr 2018; Federation of Community Legal Centres 2016; Judicial Council on Cultural Diversity 2016; Ojelabi 2015; Ojelabi et al. 2012; Pleasence et al. 2014; Law Council of Australia 2018; Refugee Advice & Casework Service 2013; Sawrikar & Katz 2008; Schetzer & Henderson 2003; Settlement Council of Australia 2019; State of Victoria 2016a.

2 See, for example, Blignault et al. 2008; Hatoss & Huijser 2010; Keddie 2012; Sheikh-Mohammed et al. 2006; Taylor & Lamaro Haintz 2018; Wohler & Dantas 2017.

3 See, for example, Buck & Curran 2009 for a discussion of marginalised groups and access to justice more broadly; see also Ojelabi 2015; Pascoe et al. 2014; Silverman & Molnar 2016; Wali et al. 2018; Gill et al. 2021.

4 Researchers have qualitatively examined migrant experiences of social exclusion and marginalisation in traditional countries of immigration across the Global North (e.g., Correa-Velez 2013).

5 Social workers who are employed across Australia's detention system are constrained by the current policy environment and confront a series of ethical dilemmas, which can see them put at risk if they challenge the status quo (Maylea & Hirsch 2018). These workers are also subject to increased regulation and are forced to try and meet people's needs whilst also 'having to ration their activities based on their access to funds' (Robinson 2014, p. 1613).

family violence, which is impacted by structural factors related to insecure immigration status, as well as geographic and social isolation (Vaughan et al. 2016; see also Vaughan et al. 2020).<sup>6</sup> Recent research by local service providers and community organisations further highlights the ways that these experiences have been impacted by the COVID-19 pandemic (Muslim Women Australia 2020; Segrave & Pfitzner 2020). In their case file analysis, Segrave and Pfitzner (2020, p. 6) found that the pandemic ‘intensif[ed] the impact of the exclusion of temporary visa holders experiencing family violence from safety and support mechanisms, at a time when they need it more than ever’. In their national consultation report, the Harmony Alliance (2021) provide an overview of the series of issues faced by migrant and refugee women during the pandemic, which, in addition to family violence, included mental health, employment and economic insecurity, barriers regarding digital inclusion and experiences of racism. The report also found that the pandemic ‘has further exacerbated the pre-existing barriers for migrant and refugee women accessing health, justice, safety ... and affected their access to critical services’ (Harmony Alliance 2021, p. 7). While these findings highlight the ways that individuals and groups from migrant and refugee backgrounds are excluded from accessing critical services in Australia, qualitative studies that document their lived experiences remain limited and, as such, their needs continue to be unmet in a substantive sense.

Whereas there is recognition in existing research of the ongoing impact of structural factors, such as trauma, and how these can be addressed to enhance understandings of rights for migrants, refugees and asylum seekers (e.g., Aidani 2010a, 2010b), few access to justice studies have been conducted using a participatory community-engaged approach (exceptions include Vaughan et al. 2016, 2020 on the issue of family violence specifically). Working at the community level enables us to gain insight into how communities themselves articulate grievances *and* solutions (Rowell & Hong 2017; de Sousa Santos 2014; Vaughan et al. 2019). The principles of community-engaged or participatory action research can be understood as: (1) community involvement in research design and project work; (2) co-ownership and co-production of knowledge and outputs between the community and researchers; (3) privileging community knowledge; (4) collaborative partnership across the project through bringing findings back to the communities; and (5) a commitment to community benefits.

Our study thus aligns with a growing recognition that access to justice is ‘a crisis of exclusion and inequality’

While participatory action research has gained traction in the health area, it is yet to be fully utilised in the legal arena (see e.g., Houh & Kalsem 2015; Kalsem 2019; Bunting 2015). Despite recognition in the literature of the impact of past experiences of conflict, trauma and injustice on access to services, there has been less examination of how this can be addressed to enhance access to relevant services. While culturally and linguistically diverse communities were not a significant focus of the State Government’s Access to Justice Review, the report concluded that ‘community-centred design’ was needed, and that there was also a need to improve ‘data, research, and evaluation capability across the system’ (State of Victoria 2016a, p. 5). Our study shows the importance of taking a community-engaged approach to justice research.

The term ‘access to justice’ is widely used in relation to access to legal services, which has been variously understood as: legal needs, unmet legal needs, justice needs, justiciable needs, and the notion of aspiring to achieve ‘equal justice’ (see e.g., Buck & Curran 2009; Curran & Noone 2007; Sandefur 2015, 2019). Sandefur’s (2019) work, for instance, emphasises the importance of understanding access to justice, and where it is experienced and situated. Our study thus aligns with a growing recognition that access to justice is ‘a crisis of exclusion and inequality’ (Sandefur 2019, p. 53). It further understands and identifies access to justice as guided by how it is understood by those most affected, by both communities and service providers. This key finding highlights the interconnection of social, structural and legal justice, and that legal problems – and their solutions – do not exist in isolation.

<sup>6</sup> Vaughan et al. (2016) reported that women from migrant and refugee backgrounds are disadvantaged by the ways that sexism intersects with racism and socio-economic inequalities, and that this shapes the experience of violence, as well as the likelihood that victim-survivors will be able to seek help or access meaningful support.

# 3. Methodology

**To address the research aims, the project took a qualitative approach and drew on the principles of community-engaged and participatory action research.**

The research was conducted in partnership with a range of community and government organisations – Foundation House, Victoria Legal Aid, Afri-Aus Care – who work with newly arrived, refugee and migrant communities around social and legal service provision. During the period under study (March 2020 – January 2021), the city of Melbourne experienced several lockdowns. From March 2020 onwards, a State of Emergency was declared, and the Victorian government introduced a range of restrictions with Stage 3 restrictions implemented on 30 March 2020. This meant that people were allowed to leave their homes for four reasons only: food and supplies; medical care; exercise; and (essential) work or education. This included a ban on gatherings of no more than two people, unless they were members of an immediate household. Non-essential services were shut down, including public swimming pools, recreation services and museums. All Victorian primary and secondary schools moved to remote (home) learning. During May, restrictions were slightly eased. On 29 June 2020, a postcode lockdown was announced, requiring approximately 311,000 people to stay at home across 36 suburbs. In early July, Stage 3 restrictions tightened again while the public housing complexes of North Melbourne and Flemington were placed under a hard lockdown for 14 days. In August, the Victoria Premier announced Stage 4 restrictions, which included a ban on going further than 5 km from your place of residence, being allowed outside for exercise for just one hour per day, mandatory masks inside and outside, and an overnight curfew from 8 pm until 5 am, that lasted until 26 October 2020.

Between October 2020 and January 2021, we conducted interviews and focus groups with seven Victorian service providers and community organisations to document the experiences of the newly arrived, refugee and migrant communities they work with in accessing legal and social support services during COVID-19. We brought back the findings to communities and organisations over the course of 2021 and 2022. In total, we conducted 12 interviews with 14 stakeholders, including legal and social service providers, community organisations and

community organisers. We also conducted three focus group discussions with two partner organisations. In focus groups, we spoke with 16 community-based social service providers and 24 community members from newly arrived, refugee and migrant backgrounds in Victoria, including young people and mothers. In terms of countries of origin, community participants predominantly originated from Middle Eastern and African communities, were living in Melbourne, and included a range of generations.

In interviews and focus groups, service providers were asked to describe the kinds of services they provide, the specific communities they work with and their experiences in providing legal and social services during the COVID-19 pandemic, including specific challenges, unexpected opportunities, and persistent challenges that remain. They were asked to reflect on their understandings of the experiences of the communities they work with in accessing legal and social services during COVID-19, the justice issues peoples have faced, and the ways in which these were similar or different to pre-pandemic experiences. They were asked to reflect on what access to justice meant to them, and what their recommendations, suggestions and priorities would be for addressing and understanding access to justice for refugee and migrant communities in Victoria.

Partner organisations played a central role in identifying and inviting individuals and groups from the community to participate in focus group discussions. In focus group discussions with community members, participants were asked to comment on their experiences of seeking help and accessing support from social and legal services during COVID-19, including any issues or specific barriers they faced. They were asked what access to justice meant to them, and outlined their recommendations, suggestions and priorities.

Given the Victorian COVID-19 restrictions, all interviews and focus groups were conducted remotely via Zoom. Interviews and focus group discussions were transcribed

verbatim, and the research team worked collaboratively to document emergent themes. Preliminary findings were then brought back to community organisations and service providers through a series of informal discussions, where participants were asked to consider whether the discussions accurately represented the issues and the nature of participants' lived experiences. The draft report and key recommendations were brought back to, and discussed with the partner organisations in a workshop at the University of Melbourne in December 2022.

Ethics approval for this study was obtained from the Human Research Ethics Committee of the University of Melbourne and the Foundation House: Victorian Foundation for the Survivors of Torture Institutional

Ethics Committee (VFST-IEC). All necessary precautions were taken to minimise harms and risks to participants and to ensure anonymity and confidentiality. Each participant provided consent prior to the commencement of in-depth interviews and focus groups. Participants could withdraw from the discussion (focus group or interview) at any time or take a break if needed. They were informed that support services were available if emotional and psychological distress arose during the interview or focus group. Participants were also informed about the potential risk of online safety and privacy due to the focus groups and interviews being conducted over Zoom. Community participants were paid for their contributions to the study.



# 4. Project Findings

In the following sections, we present our findings. The first section (pp 14 to 28) examines what COVID-19 revealed and exacerbated and we document the specific barriers that were reported by community members and service providers. The second section (pp 28 to 34) documents the specific injustices and harms that communities experienced under COVID-19. The third section (pp 38 to 41) highlights what worked well during this time. The fourth section (pp 35 to 37) summarises immediate steps that need to be taken to address the access to justice needs of communities. The final section (pp 42 to 52) examines new opportunities and solutions to providing and accessing social and legal services, as three key recommendations. The project sought to identify how access to justice was understood by members of communities and service providers and reiterates the importance of identifying both when access to justice exists, and when it does not, in collaboration with the communities involved.

## 1. WHAT COVID-19 REVEALED AND EXACERBATED (OLD PROBLEMS MADE VISIBLE)

**Our findings suggest that barriers to accessing legal and social services during COVID-19 are not new but are predominantly longstanding barriers that have been exacerbated and made more broadly visible.**

We identified 15 specific barriers to accessing legal and social services that were mentioned by key stakeholders and are outlined in this section. In summary, we found that communities experience difficulties when seeking to access and navigate the legal system, which is sometimes avoided due to factors such as stigma, negative past experiences in countries of origin and fear or uncertainty regarding legal residency or citizenship status. Communities may also experience the legal system as a violent force in their lives, which is compounded by lack of trust of or negative experiences with mainstream or government services, including structural racism and discrimination. There was also a strong sense of

communities being disconnected from legal service providers. Community advocates explained that the Australian system differs from the systems communities are familiar with and that they had no one to advise them or their communities directly. Given the highly specialist nature of legal advice, and the complexity of the legal system itself, it was, and is, also difficult advice for non-lawyers to communicate reliably.

Community members, advocates and service providers reported that mainstream services are not always culturally safe and that this is exacerbated by service delivery models that fail to recognise community expertise. There is a tendency to focus on delivering services *to* communities, rather than working *with* communities to ensure services are responsive and meet needs and expectations. Communities are also impacted by structural barriers and service providers explained that services are limited in their effectiveness when legal problems are disconnected from broader economic-social contexts such as housing or education or trauma-recovery. Language continues to operate as a significant barrier, while other barriers include social isolation and structural and systemic racism, including significant discrimination towards young people. Certain groups, including women and children, were more likely to experience specific issues, such as domestic and family violence.

*'I don't think everyone has the same opportunity to access to justice. So COVID makes things worse, even worse than before.'*

*(Staff member, community organisation, Melbourne)*

*'COVID has brought all these issues to the fore. Before, these issues were there but again their vulnerability has increased because of COVID.'*

*(Social service provider, Melbourne)*

*'It's a big problem before the COVID, so when there's COVID, it's more difficult for them to access the system and the legal system.'*

*(Social service provider, Melbourne)*

*'... there was a significant proportion throughout the pandemic of our staff who were very concerned about clients being able to access services and be able to access justice services.'*

*(Manager, legal service, Melbourne)*

*'I guess it's probably only when something is really critical ... and they have external support or ... their own advocate who can help them navigate the complexity of the system that it works for people. That's my sense with the system, even [before COVID], actually'.*

*(Social service provider, Melbourne)*

*'What we have learnt about access to justice in COVID times is about, is members of the community's ability pre-COVID to access justice and during COVID involving more than just getting a lawyer. Or just coming to court. ... there was an issue with participation beforehand'.*

*(Lawyer, community legal service, Melbourne)*

*'... if we can ... move into a better situation because of what we've learned from this situation of the inequity that is increased when we're in this sort of environment ... it was probably there before but masked and maybe things can be better into the future from what we learn'.*

*(Social service provider, Melbourne)*

## **1.1 Communities are isolated and lack knowledge of and capacity of how to navigate the legal system and of how the system works**

*'People don't know the services that they're supposed to go [to]. So if there are services there, or if there's a justice system out there where the young people can go and get assistance, it would be good if you can advertise them more and let people be aware so the young people will know where to go instead of being frustrated and end up drinking more or committing suicide in the end'.*

*(Community member, community organisation, Melbourne)*

*'[COVID] has exposed a lack of understanding [in differences between legal systems in Australia and countries of origin]. Because you come here and somebody tells you, "this and this and this happens in Australia", and possibly the person who is telling you does not have any legal background whatsoever. Maybe they heard it from somebody and then they are trying to translate it to you the way they understand it'.*

*(Young person, community organisation, Melbourne)*

**There is a tendency to focus on delivering services to communities, rather than working with communities to ensure services are responsive and meet needs and expectations.**

*'... each and every person has a different understanding of what law says, how it applies'.*

*(Staff member, community organisation, Melbourne)*

*'I think mostly it's because things are different, say, when you compare to African justice system'.*

*(Young person, community organisation, Melbourne)*

*'I used to go to the website and find more information for the clients and I find that ... it's in the legal language, so even for me it's not easy to understand'.*

*(Social service provider, Melbourne)*

*'The majority of the issues here, we are not fully informed with them. ... some of them they breach [a family violence] intervention order without knowing the consequences of breaching intervention order'.*

*(Social service provider, Melbourne)*

*'... with some of the communities that we work with, even prior to COVID, the knowledge and sense of their own power to actually ask for support and the language and lack of familiarity with the system and the sense that they'll be treated with fairness and human rights actually prevents people from even getting to first base unless they've got a really strong advocate because the system is so different from what they know and have experienced, so it's almost like, from my perspective, they feel locked out before they even get to COVID'.*

*(Social service provider, Melbourne)*

## 1.2 Contact with the legal system is avoided due to stigma, shame, fear and trauma stemming from experiences in country of origin and/or experiences with Australian authorities

*'I think the majority of new arrivals who came from oppressive regimes, they avoid to approach both legal and social services because many barriers, many issues, which some of them, which my colleagues explain to them, like about language issues, language literacy, and IT issues, lack of understanding about legal system, how our legal system is totally different to what they came from.'*  
(Social service provider, Melbourne)

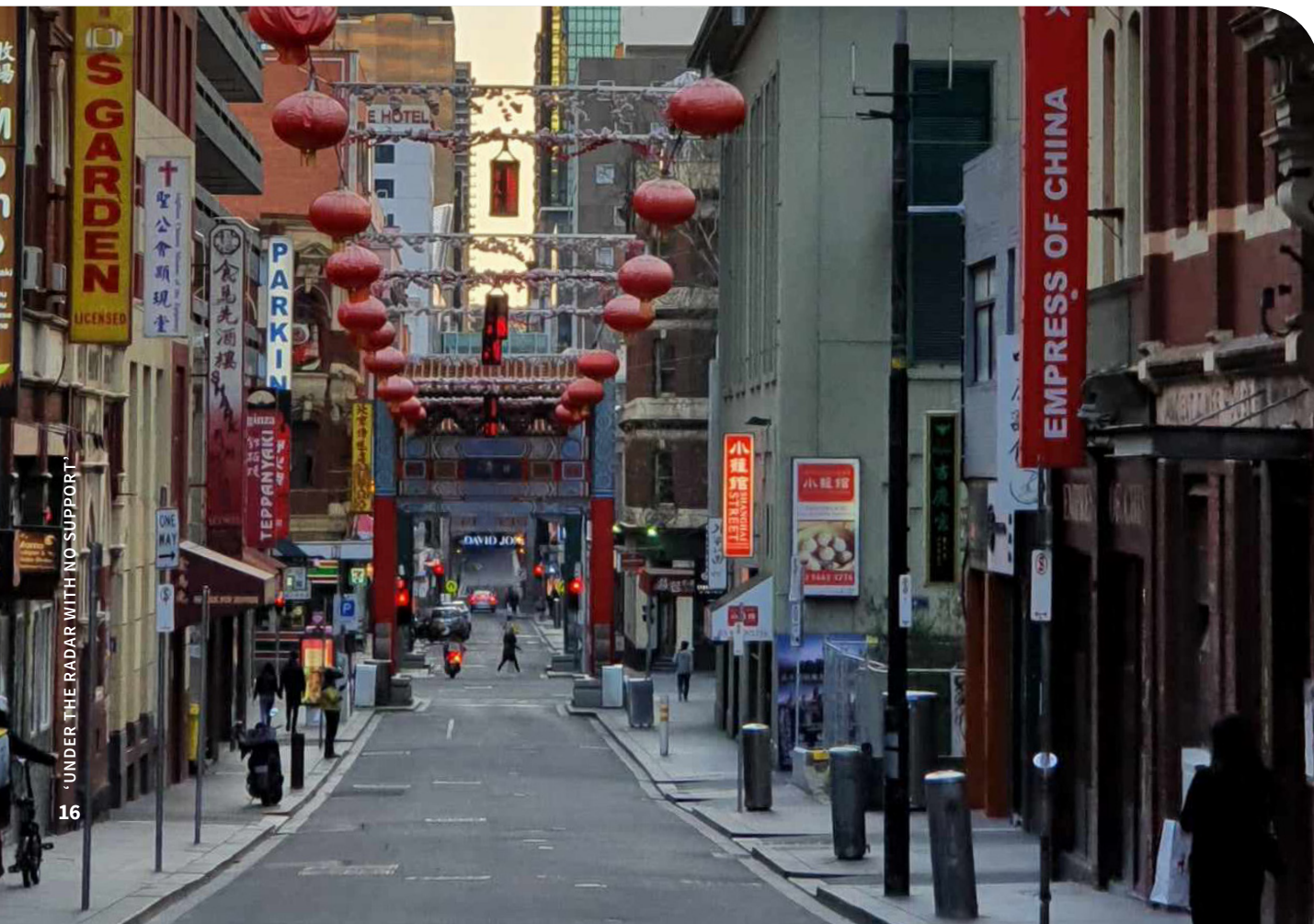
*'A lot of trauma. There's PTSD there as well. And then it becomes a situation where how do you get their fractured lives back together sort of thing. And then as soon as they see someone in uniform, it's a defence mechanism. "I cannot allow these people to come and do what they did to me so many miles away. I ran away from that sort of stuff, and I'm getting the same treatment here - why?"'*  
(Coordinator, community legal service, Melbourne)

*'... sometimes it's hard for a client, like people we work with, that they came from this trauma background. Even their voice, even they're very sensitive in [how to] express themselves, so I think when the legal system, when you are working with this kind of client, it's very important to understand their background, to know - okay, they are saying this but there is something else behind that.'*  
(Social service provider, Melbourne)

*'If you've come from regimes where government messaging is not necessarily in your best interest, you wouldn't necessarily trust the information that's coming.'*  
(Manager, social service provider, Melbourne)

*'... you just follow what you've been told and if you get a fine, then you don't dispute it. It's an internal thing of being oppressed your whole life, for some people.'*  
(Social service provider, Melbourne)

*'And we've asked them the question that what is the barrier to you accessing legal assistance, which was quite revealing because the top three that I can remember is one was knowledge, the understanding*





that there's actually a service out there that I can go and get access. The other one is financial because lawyers are expensive. And the third was cultural reasons, and I put that down to perhaps fear or maybe it's not the right thing for me to do, I shouldn't rock the boat. I've come to Australia; I want to stay. So, that was very revealing because I was expecting that, but I wasn't expecting it to come up in the data, but it did'.

(Coordinator, community legal service, Melbourne)

'It's very hard for the new system. Also, there is culturally they don't want to go and ask for help, because of the shame and also the fear about too many issues with the community blaming or the blaming the victim or something like this.... Need more education on how to access the legal system because it's more difficult for the COVID. It's a big problem before the COVID, so when there's COVID, it's more difficult for them to access the system and the legal system'.

(Social service provider, Melbourne)

### 1.3 Individuals and families may avoid contact with the legal system and the courts due to fears that this may jeopardise legal residency or a citizenship application

'Also, the majority of them, they are on permanent residency, so they haven't gotten their citizenship yet, so what they think, they think if they commit any fine that could lead them to the court might touch their legal residency status, or might touch their reputation within the community, so they avoid going to that court. They are happy to pay any kind of fine, or any kind of money, without referring them to the court'.

(Social service provider, Melbourne)

'So, there's kind of misunderstanding around those kind of things and other things also, for those people who are under a bridging visa or permanent, so they don't have that citizenship so they really feel scared to go to access to those kind of things'.

(Social service provider, Melbourne)

'I find that there is a personal and community stigma in regard to accessing, to seek for help in the legal system.... They said that you be careful not to touch the legal system, otherwise your citizenship will

be disrupted. So, this sort of misinformation in the community, they just avoid to get support'.

(Social service provider, Melbourne)

### 1.4 Communities can experience the legal system as harmful and are wary and distrustful of it

Community members and service providers explained that there is a lack of confidence in the legal system, which is shaped by factors such as fear of or negative experiences with authorities, the tendency to rely on community for support in the first instance, language barriers, limited contact with the Australian system and experiences of racism. This was due to various factors, including what was explained and experienced as a history of neglect, as well as the belief that mainstream service providers do not have the requisite expertise to adequately respond to the needs of communities.

'... justice and a court system is confusing and scary. It is kind of uninhabitable place where no one feels comfortable. I don't sometimes think it matters what colour you are or how old you are; it is a very unfriendly, unapproachable, confusing, almost an offensive system. Because the definition of justice is really to strip away, to strip away a person and make them down to one thing that they've done. Justice doesn't necessarily look at the compilation of the whole person or their whole life; it's just that one incident that happened. So you can imagine then, if English is not your first language, just how scary it must be if it is a very frightening experience in your own culture, in your own language'.

(Staff member, community organisation, Melbourne)

'I'm just thinking about a couple of groups that I've been in where someone's presented or someone's spoken about something that's happened to a community member ... what was talked about was somebody had been fined as a result of the experience but it moved along and for each community member, it sort of got bigger and bigger, so the story within the community was frightening in terms of what the outcome was and if that's happening in a number of communities, that sense of fear and lack of trust becomes that common experience of the community, then it doesn't actually help people to move forward in relation to feeling that the system is going to be of support as well'.

(Social service provider, Melbourne)

## 1.5 There is a lack of confidence and trust between service providers and communities

Some community members, including young people, reported that they were not trusted, structures were set up to exclude them, their issues were represented on their behalf to state bodies and that their leadership may be termed 'problematic' if they spoke up.

*'So, it looks like the trust or the lack of it seems to be running everywhere where the idea is this people, they just can't do anything. They need to be supervised and micromanaged and all that.'*

*(Community organiser, Melbourne)*

*'I have experienced, or I've heard of experiences whereby a lot of people are not very aware of services. And even if they are, it's different during COVID. You can't take that support person. There's no word of mouth within the community. There's issues with interpretation. There's a lot of grief, grieving a life that was before COVID. And that's really translating into various mental health issues.'*

*(Staff member, community organisation, Melbourne)*

*'... the perception within the community is that you [legal service provider] are a service that is funded by government, and sometimes people think that police is also funded by the government, and so there is ... confusion there.'*

*(Social service provider, Melbourne)*

*'I think that the hardest thing for the communities has been the lack of confidence, the lack of understanding, awareness, the rumours that happen sometimes from one member to another member if they have a bad experience, for example. So, they lose the trust within the system. This is really, I think, something that the legal services, I don't know how it can be done differently but maybe more community engagement.'*

*(Social service provider, Melbourne)*

*'Yes, our community have a level of knowledge of legal and justice system, mostly they rely on the community leader, and the community leader or elder or the family member who is the experienced one, is that that's why there's some kind of misleading information they got from the community advice, sometimes that they don't go to the authority because they fear the authority because their past experience is there not a lot of the correct government and the fear for the authority.'*

*(Social service provider, Melbourne)*

Legal service providers stated that more work was needed to establish relationships of trust. They reflected that it was difficult to establish long-term partnerships, due to lack of resourcing by and of organisations (i.e., this was not a funding priority), as well as the ways in which government-funded organisations currently function (i.e., a dominant focus on delivering services to individuals, rather than working *with* communities).

*'Again, trust was a major thing, they wanted the material to come from people that they trusted, not institutions that they had never heard about and that they had probably put in the basket of don't trust you because of their experience with the department here but also their experiences in their countries of origin.'*

*(Principal lawyer, community legal service, Melbourne)*

*'... they want to be at the forefront of breaking down these barriers, and they put it as a part of their strategies, and they put it as a part of their goals, but I just don't feel they practise it or give the support to these roles'*

*(Coordinator, legal service, Melbourne)*

## 1.6 Services are not easily found where communities are, and the onus is on individuals to ask for and find assistance

*'... a lot of the barriers I talked about earlier mean that people get missed in the process, and if the kind of onus of responsibility for asking for the assistance is on the person who needs the assistance and they're not necessarily in a place where they can do that easily, that means that they're more likely to miss out on things.'*

*(Manager, social service provider, Melbourne)*

*'Some of them, they have issue where, issues with approaching legal systems. They prefer to go to the private providers and they are happy to pay huge amounts in money without approaching legal system here because what they think, they think private systems, they're working better than the public system.'*

*(Social service provider, Melbourne)*

*'I think this has been really complex, especially for new arrivals and within the young people because we have heard that there are lots of young people from refugee background that have received fines*

Some community members, including young people, reported that they were not trusted, structures were set up to exclude them, their issues were represented on their behalf to state bodies and that their leadership may be termed ‘problematic’ if they spoke up.

*due to breaking rules during the lockdown and I think lots of them are unaware of the process of how to seek the legal support in those matters. I think it's really important to get some or for legal services to provide some education, information sessions for example, like even if it's like online, get a good understanding of the process and how to seek those services when needed'.*

*(Social service provider, Melbourne)*

## 1.7 Community advocates and members, along with service providers, reported that mainstream services are not culturally safe or responsive

*'But these services are not ... weren't culturally safe and responsive before, and I don't think they've become so because of COVID. I think what COVID's done is just probably highlighted that, particularly to other people, not the people that have been working in it, and have seen it ongoingly. But particularly highlighted it to others'.*

*(Manager, legal service, Melbourne)*

*'It's not just about interpreters, it's about people feeling safe'.*

*(Manager, legal service, Melbourne)*

*'I think it's important maybe having bicultural workers to do some information sessions just to explain processes and let people understand that if you had a bad experience once, it doesn't mean that it will continue that way and to help people to understand how to present their problem and how can they talk about their rights and advocate for themselves'.*

*(Social service provider, Melbourne).*

*'There is fear that is stopping them. Again, the barriers they need to go through just to access the service of justice or legal. It's very hard. Even the justice service that there are here, they provide with a lot of interpreters and they do everything, but it's still, there is some deeper issues that they need to know and understand. If they have some bilingual worker that work with them, they maybe clarify some issues with them, I think. Yeah'.*

*(Social service provider, Melbourne)*

*'So learning the concept such as Ubuntu philosophy which is at the centre of [our organisation] has been helpful to the community ... because we've had conversations whereby even it's a chance to bring in that narrative therapy to share what they are going through, even try to encourage them to say no, whatever they feel is not normal, they can share, help and be there. But again, the other challenge has been getting to know where there are services because you don't have as many culturally appropriate services [like our community organisation], and again, getting the message across, it was challenging. For example, I was told by one of the community members who was affected by COVID that they couldn't get culturally appropriate support and it's hard'.*

*(Staff member, community organisation, Melbourne).*

Community members communicated that this was particularly acute in relation to mental health issues

*'...mental health generally in this country has always served one community, and that's if you're English speaking. Because we don't believe in the concept of picking up a phone call and calling Origin Youth or Beyond Blue and talk about our problems. We're not raised like that. There's a stigma to it. There's a stigma. And people who think, even the*

*discussion of mental health sometimes gets shut down in these kind of communities. And then even some of the words and the language that's used when you're dealing with depression. Like the black dog, like the black dog follows me around. Like how do you even say that in our community? You know what I'm saying? The concept of the black dog don't make sense to us. even the discussion of mental health sometimes gets shut down in these kind of communities. And then even some of the words and the language that's used when you're dealing with depression. Like the black dog, like the black dog follows me around. Like how do you even say that in our community? You know what I'm saying? The concept of the black dog don't make sense to us. I know it was Churchill who coined the, it was about him when he went through a bit of depression he goes "the black dog's following me around". But you can't say that as a black person, "the black dog's following me around". Culturally it's different.'*  
(Community organiser, Melbourne)

## **1.8 There is a focus on 'service provision to communities', not 'service provision with communities'; communities are not enabled to represent themselves and there is a sense of a lack of accountability of service providers to communities**

Community members described what they saw as a lack of accountability of service providers and a perception of structural indifference to the lived realities of communities. There was a sense from some communities that there is no system of accountability by government service providers, yet they are tasked with provision to communities. Community members also stressed that referring to migrant and refugee groups as 'vulnerable', positions communities in ways that do not enable equal partnership and limits agency and self-representation. This was most pronounced in relation to the enforced lockdown of the Melbourne public housing towers in July 2020, but was seen as emblematic of the service provider-community relationship.

*'I think from us especially the people that lived in the [Melbourne public housing] towers from the outset I think it was a decision that was made on behalf of us, regardless of you know what we were going through.'*  
(Community organiser, Melbourne)

*'There was no collective working, it wasn't a collective working environment.'*  
(Interpreter, Melbourne)

*"We have to make the decisions for them. We have to basically treat them and take care of them in the sense that we call the shots and they just have to do what we want them to do", rather than working with the community and actually trying to sort this out.'*  
(Community organiser, Melbourne)

*'They make decisions for us. They're like, 'We know better. We have to come in. We've got all these programs in place for you'. So, the thing is, the minute they come in, it's a whole different ... obviously, they're happy, they're getting paid, but then it's like, people like myself, other members of the community, men, women, young, who are basically volunteers drained.... To be honest with you, I got drained by being consultant.'*  
(Community organiser, Melbourne)

*'But to be honest with you, they get so much from the vulnerability of our community. As long as they perpetuate the concept of vulnerable, we can't do anything for ourselves, the fact that our young people are getting lock up is a way they can say "we need more funding to do more work".'*  
(Community organiser, Melbourne)

*'I mean I heard it through community connections but think about this from a public point of view, all we heard about were vulnerable communities in lockdown and the media just covered that part of the story. And this perpetuates all the problems around perceptions of Africans and Muslims and other minorities is that they didn't hear about all the amazing work that the community did to actually respond to this situation. Imagine how it changes people's perspective if they knew about it. So it just kind of perpetuates this idea of vulnerability as well.'*  
(Community organiser, Melbourne)

*'Also, the system here, they have I think a little bit of weakness because when they are putting, for example, a form or something together, like just for the client to fill out before they come to their service, it's very much bureaucratic. They're putting it from their point of view. They're not going to their base of what the community think, how they feel about that.'*  
(Social service provider, Melbourne)

*'We do co-produce as much as possible ... and we've got advisory groups, both services, I set up advisory*

groups, of people with lived experience, and I think it should be the same in terms of COVID and refugee and migrant communities that anything that's being done should be done with people, not to people'.  
(Manager, legal service, Melbourne)

'They go to the same people, yeah, the same conversations, the same people. There's a lot of, what do you call, hopelessness in the community. A lot of people have given up. There's a bit of a like, "You know what, we don't really care about what community program's in place", because right now, there's probably a couple of organisations that I can tell you, name you, that have been working in the sector for a while, but if you went to one building and knocked doors and you've asked majority of the people have they ever heard of that program or have they ever heard of that organisation, majority of them will tell you no, and they've been in the place for 20 years'.

(Community organiser, Melbourne)

'The only thing we were able to manage was some slight deferral of some people being thrown off their community detention support and they've been moved on to Bridging Visas which have no support attached to them. We've managed to get that deferred in Victoria till the third week of January. But

the rest of the machine just keeps like a tank rolling over people and taking no account of the fact that this was a group of people who have no access, no income. Some of them don't even have work rights'.  
(Principal lawyer, migration service, Melbourne)

## 1.9 Language continues to be a barrier to accessing justice

Translation and interpreting services are often unavailable or not utilised by legal service providers, which emerged as a key issue, particularly for victim-survivors in family violence situations. While translation and interpreting services were seen as important by service providers and communities, both recognised that services also need to be culturally safe and accessible. Static translated legal information has also been a persistent problem. Service providers highlighted that information provision was more than translation, and that how legal information was digested and circulated, needed to be re-thought, particularly in relation to self-determination and community agency. COVID-19 exposed this and identified some new possibilities for how legal information could be communicated and circulated, both in partnership and through communities themselves, discussed further below.



The separation between legal and social services, and the silo-ing of legal problems within legal services, means that service providers are not always able to assist people or address the issues they face in effective or preventative ways.

*'... there shouldn't be barriers like language barriers to accessing services, that you should be able to easily get to a service and be able to express what it is that you need in the language that you can communicate in.... I mean I can't believe how many, 23 years down the track and even before that I was in settlement services in the department, and we're still talking about interpreters not being provided in all instances, or places using a family member to interpret when it means that maybe the person who wants to express what's going on can't do it in front of the person who's doing the interpreting for them'.  
(Manager, social service provider, Melbourne)*

*'... we have found it difficult at times to access the telephone interpreter services'.  
(Manager, legal service, Melbourne)*

*'Well I think there's probably some of the same fundamental issues that existed prior to the*

*pandemic. But they have just been accentuated. So a good example will be you know, emails or text messages that come from courts are always in English. When court hearings have been moved to online or they've been adjourned because they can't hear them, courts you know ran around like headless chickens trying to work out how to manage this backlog and what they were going to do. And there was all sorts of different processes across the state. One court would do it this way, another court would do it that way. Some people were informed, other people weren't. Some courts were sending out messages, some weren't. Some were expecting people to check the website'.  
(Manager, legal service, Melbourne)*

*'So one example would be having families who have contact with Child Protection and interpreters aren't being used, and a range of either a family member has been used as an interpreter, or there's been an assumption that the English proficiency is adequate for the person to understand and also participate in the assessment process, and that once they've come in contact with an advocate what's become very clear is they don't actually understand what's been asked of them at the assessment'.  
(Manager, legal service, Melbourne)*

*'There was no information available in multiple languages. There are so many diverse people that live in those [Melbourne public housing] towers [and] there was no ... translated information that was coming to any of the residents'.  
(Community organiser, Melbourne)*

*'Even for myself, I cannot understand. There are some, even seek help from kind of local police station and other organisations and the interpreter is not always available for family or the community and that is the problem too for legal services especially'.  
(Social service provider, Melbourne)*

*'Well I think that lot is missed without, 'cause it's not just about the interpreters, I think people often miss, it's the language you get with an interpreter or with bilingual workers for example, you miss all the cultural nuances and social nuances that you would get if you actually could understand what the person is saying to you. I don't know. I mean I don't know. I think that ... I would say that those communities have never really gotten the services they need, for a range of reasons'.  
(Manager, legal service, Melbourne)*

## 1.10 ‘Legal’ problems are often treated as separate to ‘social’ problems, rather than being seen as interconnected

The separation between legal and social services, and the silo-ing of legal problems within legal services, means that service providers are not always able to assist people or address the issues they face in effective or preventative ways.

*‘... there’s a very small minority that come to us just with a legal need. They have other issues’.*

*(Coordinator, legal service, Melbourne)*

*‘... maybe a few people knew a few places. But I would say majority wouldn’t know where to go. Only they’re aware of a few services, and even though the few services, sometimes they don’t help particularly with fines. They help with other things, maybe like if you’re looking for a job, or if you’re studying’.*

*(Community member, community organisation, Melbourne)*

*‘Some of them, they have like with tenancy issues and with citizenship issues, so they confuse which service provider they could provide appropriate service for them. For example, we have a legal service provider, but they don’t have matters with citizenship. We have community legal centres. They don’t have, only we have Refugee Legal and there is a huge demand on this provider, so they don’t have language to be able to just be on time like to give them a call, so they need other community member who is skilled in language to provide support for them or sometimes when they approach bilingual workers who are working with service providers, but they are not always there for them to help. They start experiencing all these issues which are preventing them to approach service provider to get the right support for them’.*

*(Social service provider, Melbourne)*

*‘The CALD community, some of the challenges they face are very often we don’t do the areas of law that they want us to help them with. We talk about holistic services and it’s a really controversial topic.... That doesn’t mean we don’t help them. It’s just I don’t know that the lawyer is best placed to deliver the holistic part of it.’*

*(Coordinator, legal service, Melbourne)*

## 1.11 Community expertise and community services, and government-funded legal service providers are not sufficiently aligned

Community expertise is not generally integrated into legal service provision by larger government providers. This lack of system connection between and engagement with community also meant an inability to move quickly enough to deliver on community needs during COVID-19. It can also put an enormous strain on communities. For instance, when grassroots organisations or advocates take the lead, fill system gaps and enact change, they become the intermediary to broker relationships between communities and formal services – but there is no valuing or recognition or even recompense of their knowledge or expertise.

*‘I’m drained because I’m the person they’re coming to. I think there’s so much wealth and skill and information in the community, but I’m frustrated because nothing changes. I think I’m not drained because of nothing’s happening, I’m drained because we offer so much, I’ve given you everything you’ve asked for, but there’s a frustration that sets in that says, do you actually care’.*

*(Community organiser, Melbourne)*

*‘We tend to be on the forefront, if I may put it that way, where we’re getting not only just the community members but sometimes even lawyers coming to us and saying, ‘Hey, we’ve got a client that speaks a certain language. We can’t deal with it – can you assist us?’ And we’re talking about non-Muslim lawyers. So, they understand that there’s a network out there, and ‘We need to refer this client over to someone that can actually help them, and we don’t have the culture or the expertise or the knowledge to assist them’. So, that’s what I’ve gotten in this lockdown period for sure’.*

*(Coordinator, community legal service, Melbourne)*

*‘And a lot of the organisations aren’t aware of [our organisation as] a culturally appropriate organisation for these kind of kids and stuff like that. So it’s good to be able to be in there and really put [organisation] forward so that there’s a connection between [them] and the system so that when the boys come out, there’s someone to meet them. Which is good, because obviously you don’t want to work with someone on the inside and then, them being out, not having support and then coming back in. It kind of defeats the whole purpose’.*

*(Staff member, community organisation, Melbourne)*

## 1.12 Barriers to accessing support for family violence for women and children are exacerbated by lockdowns and COVID-19 restrictions

Women and children's experiences of family violence and existing barriers to report or seek out formal support were exacerbated.

*'... family violence, so there's also real concern, COVID raised issues about an increase in the experience of family violence, a reduction in your ability to access support services because of the perpetrator of violence being at home. Then you've got the impact of kids and what that means for them, and whether it's safe for them to be at home, working from home and all this sort of stuff.'*

*(Lawyer, community legal service, Melbourne)*

*'... we've got quite a lot of people that are in that situation with no Bridging Visa, and what we see in that space is, not only can they not access legal services, but they can't access basic State protection. They can't report being a victim of a crime to the police without them being subject to immigration*

*detention. So we've got women who are victims of family violence who can't report that violence to the policy because of their Visa, vulnerability is going to cause a massive disadvantage to them. And even worse, possibility of them having, if they don't have a Visa being detained, or if they do have a Visa, having that Visa cancelled if the perpetrator is their partner who's also an asylum seeker whose Visa may be cancelled resulting in the dependants' Visas being consequently cancelled as well and facing deportation.'*

*(Principal lawyer, migration service, Melbourne)*

*'So, that for me was a concern about that we knew that family violence was becoming more of an issue in the community, but that we didn't have, we weren't able to respond to those language needs of community as well... But my concern was that if we are having a decrease in people being able to have the space to be able to make that phone call with an interpreter or contacting the bilingual lawyer directly and then we're seeing an increase in the webchat, but we don't have the language facility on the webchat, then that's going to be a barrier.'*

*(Service provider, legal service, Melbourne)*





*‘... coronavirus has been a real challenge for all of us. It’s been harder even for some. And yes, I’ve heard of the increase of the domestic violence. There’s more fights at home. Because when the mum and the dad are home with eight children, you may be living in a three bedroom, everybody gets on each other’s nerves, like there’s nowhere to go. So that causes tension. I think that’s where a lot of fights are happening. So I’ve heard of a lot of domestic violence, people fighting here or just got chased out of home ... because the men are frustrated, the women are frustrated, the children, everybody’s cramming into a small place where there’s not enough space. Yeah, I’ve heard of an increase of that’.*

*(Community member, community organisation, Melbourne)*

*‘I’d say also the hardest issue is dependent on who you’re asking. As an example, through my engagement with the community, I came across cases where adult and teenage children have come back home. They would normally cause issues in the family home, violence against parents, and often they would move out and go and stay with their friends for a very long time, but because of COVID, they were staying at home, not contributing financially towards rent or food and just eating whatever mum and dad provided and parents were too scared to be able to call the police out of fear that if they contacted, police would come and take them away, and young people didn’t want to go and live with their friends as they did in the past because in that sense their address is their parents’ home, but if they are found with their friends, then they will get in trouble and they will be issued with a fine. So, families were stuck in a violent situation committed against them by their own children’.*

*(Social service provider, Melbourne)*

*‘I’ve just found that it kind of theoretically, on paper it sounds like it’s a service that should be very accessible to everyone, but it kind of isn’t.... On paper, it works with potentially any woman who lives in Victoria, but in reality, it is incredibly inaccessible because they ... so, their hours are 5:30 to 8:30 Tuesdays, Thursdays, and their lines just cut up as soon as the line fills up to six people which you can imagine would take seconds across the whole state’.*

*(Social service provider, Melbourne)*

### **1.13 Young people are isolated and face increased police discrimination**

Community members and advocates explained that the impact of COVID-19 was severe on young people, including during periods of lockdown where they were unable to attend school. Stakeholders spoke about the significant increase in depression and other mental health issues among young people over this time. Advocates stressed that migrant youth were disproportionately targeted by police during periods of community lockdown and that COVID-19 also exposed broader structural issues around the lack of advocates in the legal system for young people and racism from police.

An example was given by one staff member at a grassroots, community-led organisation:

*‘There is a misrepresentation of our young people in the justice system.... These young people, sometimes they are represented by, we call them on duty lawyers. So the young people go to court themselves. On duty lawyer, they will just look in the brief what the young person has done. They don’t know the history ... but if a young man is going to court with people like myself, [and my colleagues] we go and talk to the family of, we ... go to the family of that offender and find out what actually happened in that family, why the young person is behaving that way. When you take the history, then you give it to the lawyer and you make a recommendation. If there is some mental health issues, you assist that person to get to counselling or to get to employment. But if it’s just on duty lawyer, they will just look what the [proof] what they have done, magistrate, bang, prison’.*

*(Staff member, community organisation, Melbourne)*

Further issues and examples were raised in discussions with other stakeholders:

*‘I would say a lot of young people what they went through, like depression and all this stress. A lot of people became more alcoholic. There was a lot of suicidal happening. I know a couple of people who lost about seven people this year, including myself. I know a couple of people. Sad thing that we can’t even attend the funeral at all’.*

*(Member, community organisation, Melbourne)*

*‘It’s easy for other people, but for the other people, it’s not easy. And it’s not easy for the people who lost job before to get the job easy now. It’s not simple. If you don’t got any help from nowhere, it’s not easy. Specially for the young kid. We lost some boys, they*

die, in this COVID-19. Because someone call for help and he got people they are busy, no one go, and then the boy kill himself. This is really shock and tragic for the community and we don't need thing like this simple thing happen to community. We need solution. How we can help those children who are, who need psych of help like this'.

(Member, community organisation, Melbourne)

'Well, I actually feel a lot sorry for a lot of young African-Australians, because they're actually fighting a war on a lot of fronts. You've got police, you've criminal justice system, you've basically got schools. No one has spoken about the schools and the impact of schooling during COVID'.

(Community organiser, Melbourne)

'I've also heard of more young people wandering around and breaking the rules because they, with African people, we are not used to being isolated. We're used to being together. Whether you are happy or sad, we are used to being together'.

(Member, community organisation, Melbourne)

'Because there's a question about the structural imbalance of kids, even with an independent, with an independent person, and query whether the role could be more active. Where they're not always getting legal advice. Or being told about it, but not always being supported to access it ... COVID exposed these points in the system where more dialogue is required so that we could actually improve access to justice. And early'.

(Lawyer, community legal service, Melbourne)

'... mothers is travelling harder. There is two laptop or two computer, there is seven kids. They all want to study in this house. Is bring a lot of conflicts, with a lot of things. In this case, what we going to help? And the mother in this same time, they don't know English. Is just something little. What can we do for these woman? They need help'.

(Member, community organisation, Melbourne)

'But I think there's a strong overlap between families, their socioeconomic circumstances going into COVID, those socioeconomic circumstances and the relationship with kids being at risk of entering into the justice system. Then you've got also your level of health literacy and legal literacy going in. Because there was some interesting forums done in the west last year where, feedback from the communities that they were engaging with were that a lot of community folk don't even know that you can

access a lawyer until, like before you go to court'.

(Lawyer, community legal service, Melbourne)

'I think we found a lot of drug and alcohol addiction that shows up more and within these issues, accessing the justice system wasn't very easy for people that they are involved in these issues. There was more of using drug and alcohol about it, and because of the anger and they are isolated, so a lot of traffic offences as well happened as well when they are angry and especially when they are on their P only and they are driving with anger. Of course, that will cause some breaking rules and legislation'.

(Social service provider, Melbourne)

'The lockdown is coming out. But I'm sure, in terms of justice, some of the things which happened there probably we will start seeing more of that after lockdown. They young people maybe will have a lot of cases with the courts and things will start happening after lockdown. So I'm hoping we're going to have a lot of support, given when the lockdown is finished, we still need that support'.

(Member, community organisation, Melbourne)

## 1.14 Structural and systemic racism is experienced by communities

While findings suggest that young people were impacted by over-policing during this period, other forms of institutional and systemic racism (e.g., surveillance, racial profiling, Islamophobia) were also experienced more generally by communities:

'So, the racial profiling and policing issues have come up as well, particularly during the lockdown and requests from community members to get support to deal with police interactions'.

(Principal lawyer, community legal service, Melbourne)

'But also, particularly when certain suburbs were regarded as hotspots, that didn't help us, and if there was any outbreak from the northern suburbs, you're kicking into the Islamophobia element of the issues that are coming up. "So, it's the Muslims in the north, mate, they're the ones that are not following the rules"'

(Coordinator, community legal service, Melbourne)

'We're just a community who, to be honest with you, we're talking about COVID, but to be honest,

While findings suggest that young people were impacted by over-policing during this period, other forms of institutional and systemic racism (e.g., surveillance, racial profiling, Islamophobia) were also experienced more generally by communities.

*generally we're a community who has been forgotten about in Australia for a very long time. We were left to our own devices. One of my friends once I was having a conversation with him and I said, "Well, we just left refugee camps back in Africa and we live in refugee camps in the Western world. That's what it is".*

*(Community organiser, Melbourne)*

Community members and service providers discussed how this was not isolated to COVID-19:

*'...we hear stories of people of colour going into court as lawyers and being mistaken for the defendant... You know that's a regular occurrence for people of colour and that's people who are actually qualified to actually practise in these justice systems that we've created. So where you've got inherent discrimination and racism and inequality in the systems that we've created, you can only imagine how difficult it is for people with those characteristics to actually.. pursue their legal problems.'*

*(Manager, legal service, Melbourne)*

*'But also, that you are not prejudged because of your skin colour or because of your background, what you've been through or what you've done or because somebody who looks like you has done this and that and that. But just as a person, if you have done the mistake, that you are judged and that you're given whatever punishment fits what you have done not because somebody else has been through that'.*

*(Staff member, community organisation, Melbourne)*

*'And for me, it even goes beyond what you've done before. Even if you are a second offender, situations*

*are different, so you should be able to be, I know there are things that may need to be considered, but you should be able to be judged and to be helped or corrected according to what you are facing at that particular time without bringing these other issues that will create bias and all this kind of negativity'.*

*(Staff member, community organisation, Melbourne)*

### **1.15 There are generational differences and tensions in communities around expectations and resolutions**

Some stakeholders reflected that generational differences can cause tensions among community members about the best ways to advocate for their rights and inclusion on a range of issues. This included how particular communities, such as those who were locked down in Melbourne's public housing towers, were treated by government and other state actors including police and social services. It showed that problems can be diagnosed and understood differently according to age and generation.

*'It's the younger generation that is more assimilated to the Australian community, to the Australian environment, understands it a bit more, has the better communication skills, if I may put it that way, who are not likely to accept what's happening, and coming forward and saying, "I want to know what my rights are. I want to go see a lawyer for this. People can't treat us like that." Whereas if I could say the [older] migrant community doesn't tend to do that. We don't get a lot of that'.*

*(Coordinator, community legal service, Melbourne)*

*'The problem is, the minute you start to question that, you become problematic, you all become problematic, right. The good thing for us is, there's so much young Australians right now speaking up, because they don't really care what problematic means anymore, because it's very easy to tell the older members of the community, leaders within the community for a very long time, who basically toe the line, right, they just take what they're told to, they're very apologetic.'*

*(Community organiser, Melbourne)*

*'After the hard lockdown when we needed to actually express our views on what we went through and then all of a sudden people were told "oh can you guys call the young people and speak to them and not use such a tone and not be problematic".'*

*(Community organiser, Melbourne)*

## 2. SPECIFIC INJUSTICES AND HARMS UNDER COVID-19

### 2.1 Tower lockdowns

The Victorian Government's decision to put lockdowns in place across Melbourne's public housing system at short notice, made visible many of the underlying structural issues that communities face, including:

- a lack of inclusion of community leaders in decisions affecting communities
- a failure to use interpreters
- the isolation of communities from social service providers
- over-policing and surveillance of communities
- racial discrimination and differential treatment
- lack of accountability and transparency
- stigmatisation of historically marginalised groups and portrayal of communities as 'vulnerable'
- limiting of agency and self-representation



*‘... how could something like that happen when at the end of the day what did these people do? Prisoners are actually eligible for walks and fresh air and food and all these things allocated to them, so yes there was a lot of anger and confusion and people saying what’s going on? We understand the whole COVID thing, no problem we walk with the rest of the community to get rid of it’.*

*(Community organiser, Melbourne)*

*‘Yeah. Well, we know that the right place to blame and the right people to blame, whereas the security guards or whoever was responsible for the hotels and the bungled quarantine system that took place, that obviously started the second wave. It wasn’t started by our community. We didn’t work in those hotels. So, we actually had no blame in this game, but nonetheless, we were punished collectively. If you really look at it, there is a colonial implication here, government, mostly white men making decisions for people of colour, right, because it’s a paternalistic concept. It’s the fact that, “You live in our buildings, you’re refugees. We’ll be the father or the mother that protects you”, and that was far from the truth. Even, to be honest with you, the language that was used by the Premier when he was making the decisions was a very, you can tell it was a precise language, because he repeated the word vulnerable so many times to justify why they had to deploy 600 police officers’.*

*(Community organiser, Melbourne)*

*‘Policing. If we think that the response to the towers on one level might have been viewed as being potentially racially discriminatory in the sense that we know that other high density situations weren’t policed in the same way and the level of communication was just abhorrent and their communication needs were completely disregarded and their agency was completely diminished, so I think that’s significant, and just the ongoing issues that we know around policing on the estates and the targeting, coupled with the evidence of the COVID fines that isn’t just restricted to the public housing estates but across Victoria, I think that’s probably one of the biggest things’.*

*(Principal lawyer, community legal service, Melbourne)*

*‘It just to me wasn’t right and what got me frustrated is the lack of transparency. There was no accountability, there was no-one taking responsibility, no-one was taking the lead and what I found most disturbing was that each afternoon we’d have to wait and watch the TV to find out what the next cause of action is tomorrow. To me that was kind of an eye opener to be honest’.*

*(Interpreter, Melbourne)*

*‘I think there was certain things that people have, a lot of the refugees that live in those apartments and some of them have gone through pretty horrific situations to come here to Australia. So, for them I think maybe it triggers flash back and memories of, especially those posters’.*

*(Interpreter, Melbourne)*

*‘I was really shocked that there just was, even in that circumstance, they was still basically continuing that colonial concept of, let them just deliver food, we’ll worry about everything else, right. So myself and couple of my friends ... was there. We went to the North Melbourne community centre where they had, they control, the control centre right. So, they had their emergency management team meetings happening in the community centre. And we forced ourselves into these meetings. How dare you have meetings without us. Like you are having meetings without having us sitting on the table. So we force ourselves in the meeting’.*

*(Community organiser, Melbourne)*

*‘The ‘cage’ was DHS, yeah DHS put it up [for people to exercise in]. Because DHS still have the concept. After seeing what took place and the community went along, that we behaved ourselves the way we were supposed to behave, just like someone, what do you call, like the prisoners. They wanted us to behave. So the idea was, if we let them down they might start running away. Somali Mum’s not going to run away from her children’.*

*(Community organiser, Melbourne)*

*‘... we were never given even a single minute, because the Premier made the announcement and he said effective immediate. I think within 5 minutes of looking outside my window, I swear to God, I saw police everywhere’.*

*(Community organiser, Melbourne)*

## 2.2 Government changes to migration rules and asylum seeker conditions and rights

*'It's been such a struggle to prevent even worse laws being introduced let alone improvements that acknowledge the impact of COVID on this particularly vulnerable community. It's like they've [Federal Government] just used this and exploited this as an opportunity to go after them even harder than ever.'*

*(Principal lawyer, migration service, Melbourne)*

*'... we've just had a quadrupling of the Federal Circuit Court application fees. That was passed by stealth by the Attorney General on the 26th of October. It's still within the disallowance period and we're working frantically to try, in this Parliamentary sitting, have that fee increase disallowed, because it's a very clear effort to limit people's access to justice and the courts are very overburdened in the migration area and have been pleading the Government for proper resourcing of judges, so that they are able to work through their backlog and provide people with decisions within a reasonable period.'*

*(Principal lawyer, migration service, Melbourne)*

One service provider described the consequences of putting limits on migration to the country and the impact this had on families:

*'The other huge issue for our communities is there's no migration, there's nobody coming, and there's also going to be a reduction in numbers of people being allowed in. I mean I think the Department [of Home Affairs] is still saying they will bring people and they'll kind of quarantine them, and then they'll be able to settle in, but all that even without COVID you have people feeling a lot of guilt where they're safe, and they've got food on their table, and their family are still stuck in a country first or second asylum, and so dealing with that, and they put all their energies into trying to get their family member to get here, but when there's no hope of them getting here I think that exacerbates what's just going on in the here and now for them in relation to COVID. Which people who don't have that aren't having to deal with in on top of the restrictions of COVID.'*

*(Manager, social service provider, Melbourne)*

## 2.3 Young people becoming disconnected and losing further rights and opportunities

For young people involved with the criminal legal system, specific difficulties included the challenges of being remanded to custody during lockdown conditions, limited access to phones in custody, disconnection from their families and community supports, and general uncertainty.

*'Young people in particular too in the criminal justice system, you know, have to rely on their phones whether they have enough data, whether they can actually participate. So we are hearing that there's a lot of matters ... proceeding without clients present'*

*(Manager, legal service, Melbourne)*

*'One of the, well I can imagine, so I can't speak on behalf of communities. I can only hypothesise. But one, well this is another interesting observation. That COVID revealed inequity in the system that existed beforehand. It actually put it into stark light. Say, in the children's context, Children's Court context, because you've got everybody working from home, schools closed, the opportunity to commit crime was limited in a lot of respects. Also, shopping centres and stuff were closed. So new criminals, young criminals, there was a reduction in that.... Then what you saw is young people who were already known to the system returning. Then there's the concern about returning, being remanded in custody. As I understand, there was an increase say, for example, of kids living in residential care in custody. There was an increase, so at times, the over-representation of children from South Sudanese Australian background in custody was an absolute indictment.'*

*(Lawyer, community legal service, Melbourne)*

*'But when COVID-19 here, I started getting phone calls even from the boys that I never thought were being involved in the justice system, I need help and we would link them up with lawyers. [Staff member], [staff member], myself, would write letters supporting them at court. Some of them we were having court hearings through video link. [Staff member] and I have sat down before the computer writing support letters to the tribunal, not a very easy job. But the lives of the young men who actually contacted us has been great because some are now free. But unfortunately some went to prison, we got them back and they went back. Some who are*

For young people involved with the criminal legal system, specific difficulties included the challenges of being remanded to custody during lockdown conditions, limited access to phones in custody, disconnection from their families and community supports, and general uncertainty.

*in detention centre we managed to get out into the community. So these are my experiences’.*  
(Staff member, community organisation, Melbourne)

*‘Now, being able to go in the units and stuff, see where the kids are coming from, because they can’t do face to face visits. Everything’s on Zoom. Court has been adjourned. So I see everything, like the consequences of COVID on the inside. Which has been really hard for them, so they’ve been a little bit unsettled and just not happy. So that has been challenging just trying to find ways to help them settle and get some more clarity on their court situation, visiting families, girlfriends, you name it. Yeah, that’s all the different challenges they’re facing there’.*

(Staff member, community organisation, Melbourne)

This was not just isolated to experiences with the criminal legal system.

*‘A lot of the parents don’t really have connection with their kids. Obviously because everything’s done on Zoom and a lot of the parents aren’t really familiar with Zoom. But then also the fact that, because the kids are frustrated that they can’t physically see their parents, they’re not always willing to take the Zoom call. They just, you know, I don’t want to talk to anyone. Like they cancelled their cultural worker sessions. They cancel their appointments. Just all because of the frustration of COVID. Plus you’re in your room for a long time because of everything that’s happening. Some units don’t even have programs, they don’t have Parkville College, so they’re in their units for 20 hours of the day. They only get a few run out times here and there. Which has been challenging. So the last people they want to see right now is their family members’.*

(Staff member, community organisation, Melbourne)

*‘I think the other issue is pathways into employment as we come out of COVID and I think young people in particular are very worried. I think that lots of young people dropped out of their education because it was just too hard, including university students. I mean we had leaders saying that there university students who found doing it online was just too difficult and they were dropping out. So hard won progression then in this situation missing out of perhaps pursuing that because it was just too difficult for them’.*

(Manager, social service provider, Melbourne)

## 2.4 Court closures meant cases not being heard (adjourned), or heard differently

Service providers and community advocates explained that individuals were impacted by changes to the court system, which included the move to online hearings at short notice, limited face-to-face contact, the limited use of interpreters and people being unable to take a support person with them to court.

*‘And so that often resulted in cases where maybe the person not only can they not attend their hearing in person to give their evidence which puts them at such a huge disadvantage when there are issues of their credibility being decided, when they can’t properly communicate, and it’s often being done via an interpreter. And so to not be doing an in-person hearing, is a really massive disadvantage in this area. Not only that, the video conferencing quality is often very poor, and then often wouldn’t link in the lawyer. So the lawyer and the interpreter are often left on a telephone line, not even being able to see each other or the client or the decision-maker, making the whole process, the legal process,*

*extremely unfair. And so these cases proceeded despite the unfairness, the procedural unfairness that resulted in before the applicant's consent. So that was a concern'.*

*(Principal lawyer, migration service, Melbourne)*

*'The challenges for them would be that, if we were scrambling to figure out what was going on, I have no doubt in my mind that we weren't necessarily communicating effectively with clients. Then the two, there was communication to and from the clients. Also from the court. Then, all of a sudden, just being shut off from access. Because a lot of them, too, are very, it would have been that the only way they know how to access is to go to the court and to actually ask somebody. If that got shut off, then there was an issue of, one of the biggest issues we faced in those, and still, is access to clients. So access to clients has been a, is an ongoing issue. Because the main way we access clients is at court'.*

*(Lawyer, community legal service, Melbourne).*

*'... for example with some of the changes it meant that where you might have had family violence workers who would accompany their client to court because of the restrictions, it meant that they weren't able to depending on their organisational policy and might not have been able to go to court with their client. Do that kind of one on one support that they would normally be doing just because of the restrictions and everything'.*

*(Service provider, legal service, Melbourne)*

*'So, in pre-Covid a duty lawyer might see 30 people at court. During Covid I've heard that it's like they can really only manage lists of up to 10 or 15. So there'll be a lot of people who will be missing out in some respects. There'll also be people who won't have worked out how to get through to those pathways. So maybe they've got the paperwork but they don't understand who they call or they might call the court and the court will say to them well you can't come to court because we're not allowing any people to be face to face. Call this number, and maybe they'll call that number and then they might get thrown around a bit and it's possible that they get lost in the system'.*

*(Manager, legal service, Melbourne)*

*'This time, there have been some parents who have been able to miss those court proceedings because I haven't been available to facilitate the connection*

*that I used to provide for them. Sometimes it's even been difficult for them to communicate those challenges to their lawyer and it's not until a week later or even some weeks later that I learn that they did not participate in a legal proceeding or even an interview'.*

*(Social service provider, Melbourne)*

*'...sometimes [when going to support people at court] we were told you can't go in, this one has to go in. So sometimes young people could go to jail without even seeing family. So this has been very devastating for family members and when you go into court they tell you to sit here then don't sit, and then in this one it's like this one, don't go in this one, very, very disturbing. So COVID has done a lot of damage to the young people who are accessing the justice system. Another thing is mothers not visiting, families not visiting the court, the jails, that is been another issue.'*

*(Staff member, community organisation, Melbourne)*

## 2.5 Changes to service delivery that highlighted the importance of face-to-face services

Community advocates and service providers reinforced the importance of face-to-face services, along with the difficulties of participation in online services:

*'... with video a lot of people had challenges with being able to have a confidential space within the home, lots of homes are quite busy places and with schooling from home as well, creating that safe space which you need in order to be able to explore what's going on for someone that was quite difficult to do, and then challenges for people and that included with community and with the groups, etc, to have to move to doing that, using Zoom, etc, you'd need to set people up so that they could use Zoom and then there were, for some people they didn't have enough data access to be able to Zoom which is quite kind of data expensive. So all those kind of practical strategies and I think that became barriers as well'.*

*(Manager, social service provider, Melbourne)*

*'But I think the complexity of everything being on the phone now means that you're less likely to have had people organise interpreters. And that also is more complex in terms from my experience, I am ... so my first language is not English, I come from ...*



*my parents are migrants. What I found as well is that these are times of great distress for people, whether it's mental health, or whether it's Child Protection, and even if you do have some English proficiency in times of distress I suspect can actually reduce quite significantly, and I'm not sure that service providers are often aware of that. So, then you've got the complexity of the phone, and the fact that you do miss, obviously, communication and non-verbal cues that you might receive with somebody who doesn't speak English as a first language. And you add that altogether and it does, potentially, have a greater impact'.*

*(Manager, legal service, Melbourne)*

*'I come from a community where people of a particular age, let's say older, rely on being transported to the services in order to meet someone there face-to-face and to be able to present their issues. Talking on the phone and presenting their issues in that way, it doesn't sit well with them, and often they would call a friend or a relative to come and pick them up, take them somewhere, drop them off, leave them there and then later on, and pick them up and take them back home and that helps them maintain their privacy'.*

*(Social service provider, Melbourne)*

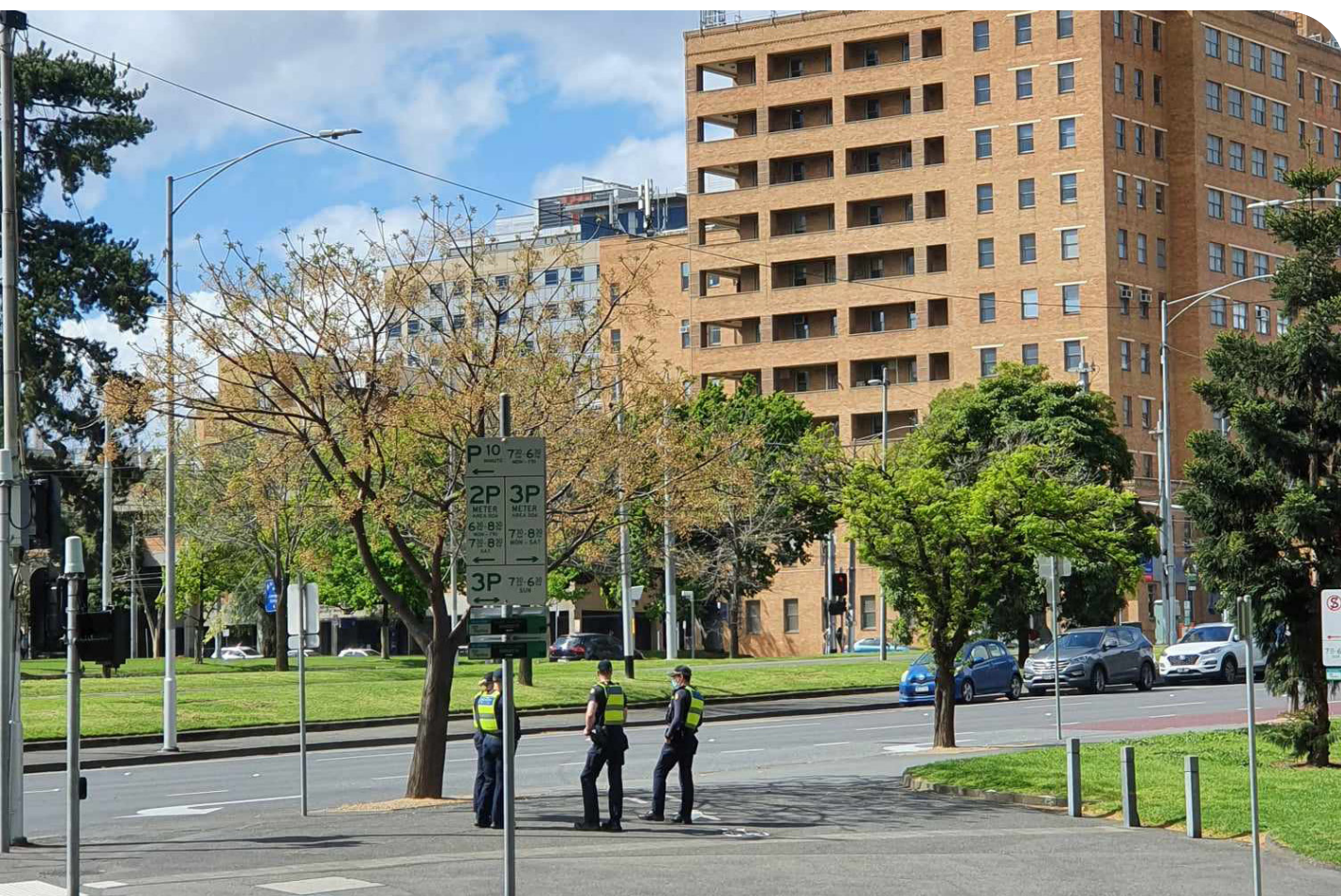
*'... internet was something that people have relied on this time to be able to access telehealth or even to engage with lawyers and that, people who were not set up with internet in the first instance, struggled with that, and when they did try to get on the internet, the prices were out of their range, so access to the internet impeded their ability to prevent access to services including legal services.'*

*(Social service provider, Melbourne)*

*'Child Protection clients like parents who are involved in child protection proceedings have really struggled with being able to attend the online hearings because they don't have access to stable internet.'*

*(Manager, legal service, Melbourne)*

*'... there were a number of people who said they were issued with fines because a member of their family had passed away and people went to visit – that is the way that the community provides supports to one another and they were not able to tell people, "oh look, because of COVID-19 restrictions, I can't have you come over to my house to visit me" or once someone has come to the door you can't really turn them away in that manner. So, people are issued with fines, they did not have the ability to be able to take that up. And again, with*



legal offices closed, the venues where they were going and saying, “look, I need an opinion on this” ... at least if someone talks to you about what your prospects are it then gives you the confidence to then decide whether to go ahead, pursue other, pursue your rights or just say well, yeah, I don’t see, I’ve got a very slim chance of getting something resolved in relation to the fine that I have received’.

(Social service provider, Melbourne)

This was particularly acute for people in prison or detention:

‘There’s also been a significant concern with people in detention or custody not being able to use phones or being in lockdowns and not being able to access services because they’ve been quarantined or you know, we had quite a few incidents through the pandemic where we were hearing that people in police custody, in prisons were being quarantined. They didn’t have access to the yard phones to be able to ring up about their matters. This would go on for days and days, sometimes weeks and our stats would significantly drop, you know our prison line stats would just fall. Then we’d start asking questions well what’s happening and we’d go to Corrections and they’d say well they don’t have access to the phones. And then there was an initiative to give them access to mobile phones so there’s been all sorts of ways to try and improve access but I guess it’s all on the run and it’s all basically you know a bit haphazard too, isn’t it?’.

(Manager, legal service, Melbourne)

The following example was given of a family violence situation:

‘I would like to talk to ... one of the hardest things for the family violence case, accepting the legal and justice service. One of the family, yeah, they call for family violence case but it used to be the family member whose trusted friend accompany her to the legal or settlement work. So, when the law’s down, so the family member are not able to accompany her, so she totally not going to that service anymore, so there’s a total loss of opportunity for her and the safety of her too, and also, other thing is therefore the family violence case. We have, living in the one house, and the children, husband in the house, so they did not have an opportunity communicate with the other people. Is a big hardship for them because if something happen, it used to be the open door or the not locked out, they go to their friend and talk about their other friend or other ... they have the

opportunity to talk. Sometimes they’re not free to talk on the telephone and other things, so it’s a very hard thing for the woman, especially other cultural background. They need someone to accompany. So, this system is totally broken on the COVID-19. They can’t go without them. They need someone to support them, accompany them. It is harder things for the people who are seeking for the legal assistance or other support’.

(Social service provider, Melbourne)

## 2.6 Increased hardship through inaccessibility of services

‘I think part of this is also looking at access to social services, and so there are people in the community who, because all the bills have gone through the roof, they didn’t have money to even buy those necessities and so, the fear of even going outside there and being arrested by the police and fined, prevented them from going out to places where they could get relief, be it through food or vouchers and what have you, and that information took a long time to trickle to members of the community, that you are able to do that, and you need food, you’re able to get out and then get that’.

(Social service provider, Melbourne)

‘On the side of social services access in general ... people would also go to services and doors were locked and there was a number for you to call and people just give up. Over time we did start to learn that there were some services that government has injected money into to help with mental health, and when people call there, they learn that those services do not use interpreters to be able to communicate with members of the community’.

(Social service provider, Melbourne)

‘So how do you access the support including legal support if you want to take out an intervention order and all those sort of things, and I think often people in our communities would have somebody who would accompany them or would be their support person.... So if they don’t have access to them, how do they actually then access the services that they might need’.

(Manager, social service provider, Melbourne)

### 3. IMMEDIATE NEEDS

Stakeholders also identified a series of steps that need to be taken to meet the needs of communities in a more immediate sense. These range from:

- Financial assistance for youth, newly arrived families and those out of work (including to pay fines)
- Addressing conditions in detention centres (e.g., infection control measures, privacy, ability to exercise)
- Ensuring that visa status does not impact access to key services and support (e.g., crisis support for victims of family violence and their children, ensuring people without a Medicare card are not prevented from getting a COVID-19 test, ensuring access to income support and housing irrespective of legal status, preventing any further changes to the SRSS program or community detention arrangements over this period)

#### 3.1 'We need help': Fines need paying

Young people, in particular, had been subject to extraordinarily high COVID-related fines and were unable to pay them.

*'The fines were getting high. A lot of young people got \$15,000. They can't even get help. They just ask themselves how we supposed to pay all this fines right here? There's not much help with them.'*

*(Member, community organisation, Melbourne)*

*'[My brother has] got a fine. Doesn't know where to go with it or how to pay it. He lost his licence, now he's lost his job too. So now he can't work and now he can't pay the fines. He's really devastated. He's drinking more. Which is, situation like that, I mean, he just kept saying, where am I going to go? What am I going to do from here? I want to work. I want to work to pay the fines. I need money. But without a licence, it's really hard to get a job.'*

*(Community member, community organisation, Melbourne)*

*'It is true. Like now, I have bill of my daughter. Because they are young, they went out and I don't know where to go. Who can help me with a \$1,650? And it's now overdue. We don't know where to go.'*

*(Community member, community organisation, Melbourne)*

*'The other thing that I also saw was when people were given fines. So a lot of young people were calling out, I've been given a fine, I don't know what I can do, I'm not working. So these things were giving people a lot of stress.'*

*(Staff member, community organisation, Melbourne)*

*'I've also heard of more young people wandering around and breaking the rules because they, with African people, we are not used to being isolated. We're used to being together. Whether you are happy or sad, we are used to being together. So it was so hard when everybody was told you must stay at your own house and stay indoors. It was*

Translation and interpreting services are often unavailable or not utilised by legal service providers, which emerged as a key issue, particularly for victim-survivors in family violence situations.

becoming so difficult for some of us to stay ... the young people. They were getting out and then they were getting infect[ed], some of them were getting the coronavirus from their friends. A lot of them were ending up with fines that haven't been paid and they just don't know how to pay them'.

(Member, community organisation, Melbourne)

'... what we were seeing was unprecedented, and it was quite difficult for us because, you know, you get a speeding fine and you've seen it before, but you haven't seen how far it would go in terms of the fines that you were receiving during lockdown breaching your curfew or not wearing the correct apparel. We never saw that before'.

(Coordinator, community legal service, Melbourne)

### 3.2 'Bare life': Addressing conditions in detention centres, cruel regulations and the 'structural invisibility' of migrants

People's quality of life in detention centres was of particular concern:

'After the hotel quarantine scandal when you saw exactly the same kind of practices ... of just no proper care being taken in terms of COVID protection, for [people in detention centres]. Once COVID was in the detention centre it would just go through like wildfire because there was no way for people to physically social distance. They were often kept in dormitories with four or six people in there. They were queuing with 100 people for every meal in the community meal space. They would quarantine a detainee and put them in particularly cruel circumstances so they would put them in these so-called high care units which are basically like little prison cells that have no privacy. So, CCTV, while they're on the toilet, while they're in the shower,



zero privacy, no personal effects, they're in a bare suicide-proof room for two weeks, getting four-hour breaks, just to step outside. No proper light or exercise or access to other people. Held in solitary confinement especially and have their meals shoved through a window in the door.

*'This was very vulnerable people that were treated in this way. And this was so-called quarantine. It's hard not to see that as punishment. And that of course provided a massive disincentive for anyone in the detainee community to want to report their symptoms because they knew what was coming and that they would be held in this terrible environment for two weeks which just doesn't meet basic standards of the minimum conditions for treatment of people in detention. ... they start transferring people from high COVID risks states to low COVID risks states in a very risky arrangement. And then they open Christmas Island. And they start identifying a cohort of people that they can put there in an extremely remote location, many of whom had been held there previously, had attempted suicide there, had very, very intensive rapid mental health decline because they were held in this isolated location where they couldn't maintain contact with family, friends, lawyers, everything else'.*

*(Principal lawyer, migration service, Melbourne)*

*'So people in detention who were already so isolated have had no visits since March from family, friends, supporters, advocates, independent health people, nobody'.*

*(Principal lawyer, migration service, Melbourne)*

### 3.3 Ensuring visa status does not impact access to services

*'Some [migrants on bridging visas] don't even have access to Medicare. Some of them tried to go and get tested and were turned back because they don't have a Medicare card and turned out to have COVID. And it was just so short-sighted, the overall response of failing to see the bigger issues here about the community risks, not only about the cruelty being shown to these individuals, but the risks that it placed the whole community at by allowing these very marginalised people to continue operating under the radar with no support'.*

*(Principal lawyer, migration service, Melbourne)*

*'So, we've got women who are victims of family violence who can't report that violence to the policy because of their visa, vulnerability is going to cause a massive disadvantage to them. And even worse, possibility of them having, if they don't have a visa being detained, or if they do have a visa, having that visa cancelled if the perpetrator is their partner who's also an asylum seeker whose visa may be cancelled resulting in the dependants' visas being consequently cancelled as well and facing deportation. We don't have equal legal protection under the law when we have a group of people whose visa status makes them so vulnerable that they cannot access police protection'.*

*(Principal lawyer, migration service, Melbourne)*

*'... at the moment, there's a lot of asylum seekers getting cut from their payments by the government and community detention clients being moved on to final departure visas which means that they have to find housing, their own housing, move out of their own housing. This expectation that people will find work to support themselves because they have absolutely no income within the context of a pandemic, it just does seem particularly ... purposefully cruel'.*

*(Social service provider, Melbourne)*

*'I mean the other huge one which is a huge injustice is what's happening for asylum seekers in terms of people being moved out of community detention and basically have to, with no income support and yes they can work but where's the work. I mean that is you want injustice, that's injustice, and even people being taken off, even those of bridging visas being taken off SRSS payments, I mean I know it's slowed down in Victoria while we were in hard lockdown but that's a huge issue for people and so there are people who can't, who just don't have enough income support who can't get work, I mean some probably going hungry because they don't have the income to buy the food, or they're totally reliant on emergency relief or payments, small payments every now and then. So those sorts of things, they're unjust, and then I guess the whole process of the length of time that people are in a situation of uncertainty around their future'.*

*(Manager, social service provider, Melbourne)*

## 4. WHAT COVID-19 SHOWED WORKED WELL

Community advocates and service providers explained that while COVID-19 presented a series of challenges, it also provided opportunities which forced them to rethink their approach to working with and delivering services to communities.

**The lockdown of the public housing towers in Melbourne, for example, forced legal services to change how they were disseminating information, which meant going directly to communities. This also meant using community networks to disseminate information and relying on community expertise to translate and deliver information in a way that was deemed most effective (e.g., via social media). Service providers spoke of the importance of divesting control and changing how they were used to delivering services. In some instances, this meant meeting with community leaders to identify which groups were missing out on services during this time. Some service providers explained that legal and social services tend to operate in silos and found that there were some examples of increased collaboration between and within services during this time. Significantly, local community organisations were the places that people went to for assistance, and have shown to be particularly effective in working with youth as well as the broader community. Technology also enhanced access to some services. The following describes some of these learnings and opportunities, as outlined by the communities and service providers we spoke with:**

### 4.1 Asking communities what resources they need and ‘allowing community members to actually drive the solutions’

*‘... what stands out in my mind is what we saw the community was able to achieve when they were empowered to do so, so I guess it’s that empowerment piece. So, allowing community members to actually drive the solutions, you know, be involved in that rather than us purporting to know what to do and not ... I guess they just have to fight so hard to get a seat around the table’.*

*(Principal lawyer, community legal service, Melbourne)*

*‘I mean in some ways that’s probably one of the benefits of COVID is being that importance of*

*community has been strengthened and I mean a lot of communities are collective ... and so finding ways to support each other has been really important I think with a lot of communities where they reach out and support their own, and that’s been a really important way of identifying perhaps vulnerable people who then might need to be assisted to get the help that they need’.*

*(Manager, social service provider, Melbourne)*

*‘[My colleague] said she got the information ... she spoke to residents, she heard what they wanted, she got them that information and then they did stuff to it that she didn’t like. They changed the content in ways that didn’t reflect best practice. But she realised that that’s what they needed and wanted and this was an example of self-determination. It didn’t matter that the commas weren’t in the right place, didn’t matter that the sentence was longer that it should’ve been. It was ostensibly accurate but it was being reshaped. And then once it got into the hands of key community members, it went viral. They changed it, adapted it. They turned it into memes and they sent it out. And it went viral within the blocks. So that was interesting’.*

*(Manager, legal service, Melbourne)*

*‘We didn’t actually have those connections and certainly the Department wasn’t exploiting those connections, so we quickly learned that people were using WhatsApp and small kind of social, small platforms like that to communicate and that people on social media were quite influential as well. Young people had a very strong voice, and also that it was important to use their voices, not ours, so not right from this really kind of institutional perspective’.*

*(Principal lawyer, community legal service, Melbourne)*

*‘...because we live in this society, we don’t have aunts and cousins and all those people that we can run to that are not your mum or your dad. So now you are stuck in here and you have just got your mum or your dad. And yeah friends, friends are good, but sometimes it’s also nice to feel like you’ve got, I don’t know, a sense of family. I think that is one thing that we provide in a way in terms of, like I’m your big sister, talk to me, what’s going on, what’s up, what can we do? Because I think sometimes talking to authority is also a bit scary’.*

*(Young person and volunteer, community organisation, Melbourne)*

## 4.2 Divesting control of service provision to community

The problems that arose with the lockdown of the towers in North Melbourne corresponded with, and were intensified by a failure to work directly with the community. This is not only logistically ineffective but hinders community capacity building and the identification and addressing of community needs. In contrast, the Heidelberg community-led response is a unique opportunity to recognise what community capacity approaches can look like and their effectiveness in the management of a public health crisis.

*'...We have the capacity. We might make mistakes; we might not be able to give you the best report ever written but we're getting there'.  
(Community organiser, Melbourne)*

*'So, I ended up kind of divesting a lot of control and just saying, I can't orchestrate this. ... the community's leading this, they're doing a better job, they're doing it faster, they know who the people are that need the information. They know how they want the information. They know what type. So I would just give them content and then they would cut it up and do whatever they wanted with it in a way that met the needs of the people they were working with and I just had to accept that even though that might not be the way I would express something or you know, that it achieved the objective, and that was most important, even though externally I was afraid that it would look messy, not refined, uncoordinated, but actually, the community members were the ones that were doing the best job and the institutions were lagging significantly behind'.*

*(Principal lawyer, community legal service, Melbourne)*

*'... giving up control was a major factor for me, just acknowledging that the community was, I really had to be led by them, so that was the English but then of course there was the issue of the translations and there just not being anything in community languages, and again, when we tried to do it formally, it was either going to be extremely cost prohibitive or take too long'.*

*(Principal lawyer, community legal service, Melbourne)*

*'And, you know, in my experience if you want to help communities with barriers and disadvantaged learn, then you need to meet them on their terms and their space'.*

*(Manager, legal service, Melbourne)*

The problems that arose with the lockdown of the towers in North Melbourne corresponded with, and were intensified by a failure to work directly with the community.

## 4.3 Valuing community expertise and working directly with communities and individuals

*'... we've had some meetings with leaders and they've identified sort of vulnerable groups, and we've got some more sessions this week, and next week, and I think the week after with a follow up from those leaders and trying to find ways we can work with community members who've got reach into community as well as our own team to identify people who are maybe missing out on services'.  
(Manager, social service provider, Melbourne)*

*'Because us, as Africans, we don't know a lot of places to go and ask. If we got the local place like this one, he can help us. Because when you call Aussie people and you ask them, please, I need help. Huh? Do you have concession? Are you working? Who is working? When you got a lot of question like that, it's hard for us. ... But it's good we have, we have a community of [local community organisation]. He always provide supporting without ask. This is really good and I hope there are ... we need a lot of organisation to help the African. Because it's hard actually ...'  
(Community member, community organisation, Melbourne)*

*‘... with this latest outbreak in the north the department engaged with community leaders, trusted leaders to really work with getting messages out to community, and as a result I think we’ve had the situation now where we’ve got the zero numbers because there’s been much closer working with community leaders to reach into community, because they’ve got a reach that information doesn’t just get to people, and even if it does, unless it comes with a trusted person sharing the message people don’t necessarily, I mean why should they believe it’.*  
(Manager, social service provider, Melbourne)

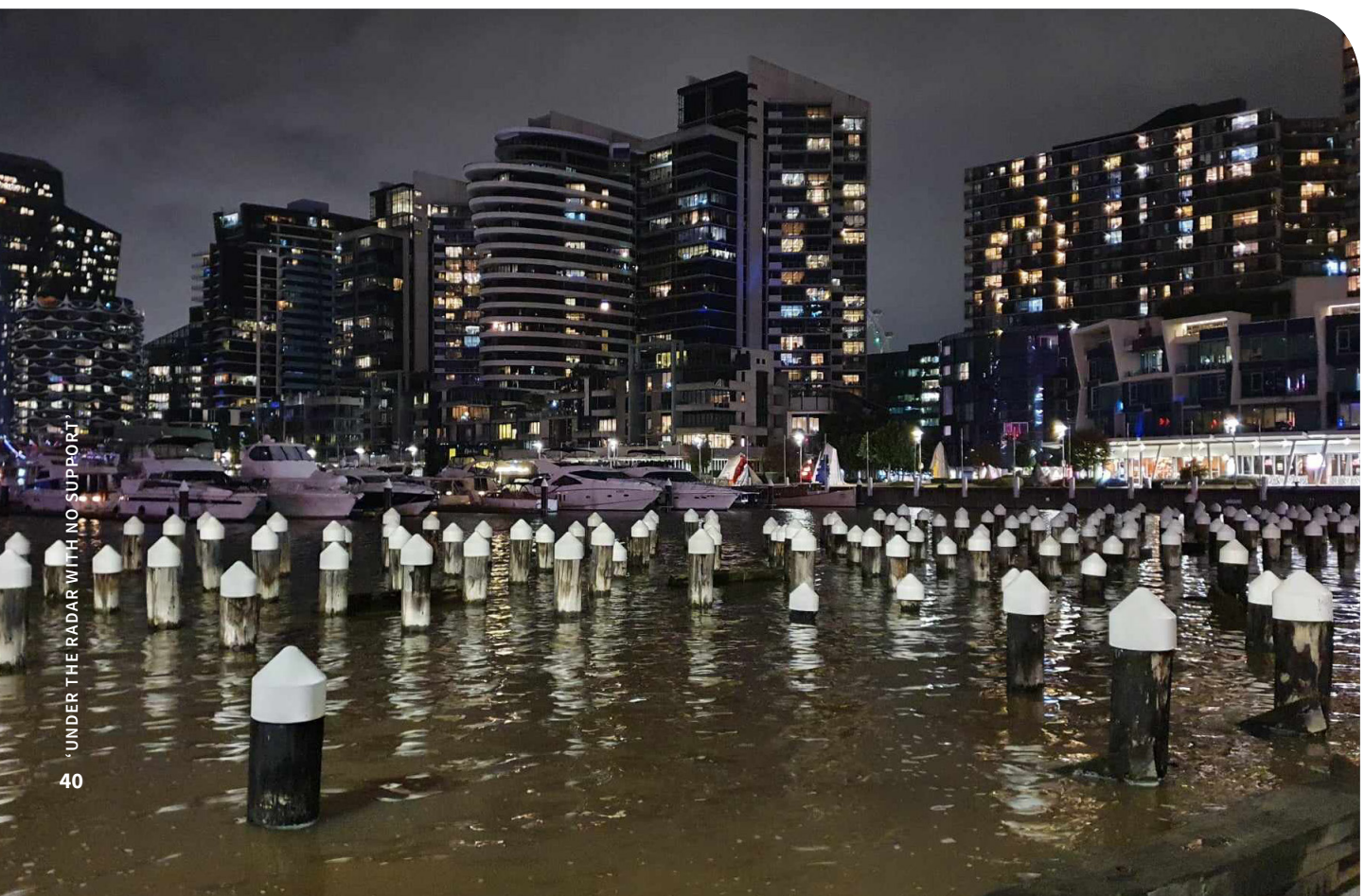
*‘The strength was that we were able to work quickly with the community once we knew who they were and let them lead the response and provide them with what they needed but it also demonstrated to us that we hadn’t, we’re here to support our own community, but we really didn’t know much about the people in the public housing towers so that’s certainly something we acknowledge that we need to work on now and use the information that we’ve gleaned from that experience to do more proactive work so that it’s not such a crisis response if something like this should happen again’.*  
(Principal lawyer, community legal service, Melbourne)

#### **4.4 Collaboration between legal and non-legal (social) services**

While there were limited examples of collaboration between legal and social services, there was a sense of this having been beneficial. There were also examples of collaboration within legal services. **What did work well during COVID-19, in relation to accessing legal and social services, included:**

*‘I guess the other silver lining will be you know, being able to adjust services subject to the community needs so that example I gave to you about family violence and how we were able to quickly change our service model to respond appropriately and in that example also we collaborated quite extensively with other non-legal services like Safe Steps, who run the crisis service for family violence. So that’s been a really great outcome to see us working closer with other like services to make sure that we’re benefitting our joint clients and helping them together’.*  
(Manager, legal service, Melbourne)

*‘I’ve seen a greater level of collaboration within different, amongst the different program areas so rather than being very focused on only my criminal area, I’ve seen a real broadening of that approach’.*





*to work that I can't actually just focus on my silo because I actually need other people to help me to get my clients to me'.*

*(Manager, legal service, Melbourne)*

*'... was a lot of encouragement to collaborate with lawyer and with case manager and [other social services] and I can tell you [social service provider] did a very good job in this time to support the clients, yeah'.*

*(Social service provider, Melbourne)*

#### **4.5 Technology provided some increased opportunities for access**

Technology provided opportunities for some service providers – and communities – to be more flexible, increasing access for some people, including in relation to family violence.

*'I mean I think the other thing that's happened is the increased use of media to, social media to communicate and stay connected. So I'm aware for example with a number of communities Facebook streaming, delivering information, having conversations, podcasts, etc, that meant that people were connected. That's certainly more prevalent now I think than it was pre COVID [coughs] and may well continue'.*

*(Manager, social service provider, Melbourne)*

*'So, I guess in terms of how we've been able to maintain the services that we did previously, with the international student resource, that was a lot easier because it was already digital and in fact it demonstrated how important it was because we saw a huge spike in the use during COVID and we were able to, we hope, reach more people than we ever would have been able to do face to face, and if it was face to face then that would have been a disaster because we wouldn't have had the infrastructure. So that proved to be really useful, actually'.*

*(Principal lawyer, community legal service, Melbourne)*

*'So, we've been inundated with new work that we haven't really had before and ... obviously family violence has been absolutely you know a huge increase in our work and we had to troubleshoot things like people who were in the home with the perpetrator during lockdown and weren't able to speak to us openly. So they would be trying to get*

While there were limited examples of collaboration between legal and social services, there was a sense of this having been beneficial. There were also examples of collaboration within legal services.

*through on web chat or they would be calling our reception and whispering and things like that. So, we needed to redesign our services so that we could offer a much more flexible approach for them to access critical safety services during that time. ...we looked at the data to start with and we saw that we had had a significant increase in applicants coming through the web chat rather than coming through the phone.... So, what we did was we created a specialist channel which basically was like a pop-up screen so if somebody came onto our website and was trying to use web chat, it would pop up straight away and let them know that we actually have a very specialised family violence queue channel here. And we moved all that work into that channel. We retrained our staff so that they knew how to deal with complex you know safety issues'.*

*(Manager, legal service, Melbourne)*

# 5. Key Recommendations

**COVID-19 heightened existing issues of in-access to justice and made them more broadly visible. These existing and longstanding structural barriers have resulted in community isolation and lack of knowledge of systems, language barriers, a lack of trust, the avoidance of the legal system due to previous experiences of trauma as well as current experiences of racism, the focus on individual justice, and the separation of legal and social problems and services. While many of these have been recognised, the dominant approach of ‘service provision to communities’, not ‘service provision with communities’, has resulted in a failure to address these longstanding barriers to accessing justice.**

Delivering legal and social services over this period also presented new opportunities and reinforced the need to work towards long-term structural change. One dominant theme that emerged in discussions with key stakeholders was the importance of partnership and of communities being central to identifying solutions and strategies. Service providers were able to identify new ways to communicate and circulate legal information and generate new processes, both in partnership and through devolving to the communities themselves. Service providers also reinforced the importance of taking a holistic approach to ensure that services are working together to support people, rather than in silos. Communities articulated the expertise they bring and what partnership, and access to justice, entails. When these approaches were employed, these are all processes that were shown to work well.

We outline these as follows, as articulated by the communities and service providers we spoke with:

## 1. PARTNERSHIP AND COLLABORATION

Partnership and collaboration are critical for the development and maintenance of sustainable access to justice for communities. Findings highlight the need for community partnership that is ongoing, structured and resourced, that recognises and values community expertise and that reaches new audiences. This means a model that enables partnerships and collaborations between social and legal services, and communities and legal services. This requires:

- Co-design of services to ensure they are relevant to and meeting community needs
- Services recognising and working with existing community organisations and networks
- Recognising and valuing community expertise
- Divesting control to communities to enable effective partnering and service provision
- Services collaborating with communities through capacity-building that enables them to control their own narrative
- Developing and maintaining relationships of trust between community and service organisations, which requires resourcing and skills
- Paying for community expertise and creating roles for community members in government organisations

The need for the **co-design of services** was raised and service providers and advocates explained that it is critical that communities are part of identifying barriers to accessing legal and social services, and designing solutions that enable access to justice. Others stated that it was important that communities control their own narrative and have agency, self-determination and that their expertise is integrated and recognised.

*‘It’s about I guess community voice being heard, and being part of identifying what the issues and the barriers are, so that there’s the potential then to look at what are some of the strategies or solutions, and again if it gets to another stage of looking at what, so what can we do about these sorts of issues, from my perspective it would be really important to find ways in which to do that where communities are able to be part of identifying the solutions and the*

The need for the co-design of services was raised and service providers and advocates explained that it is critical that communities are part of identifying barriers to accessing legal and social services, and designing solutions that enable access to justice.

*strategies rather than it being, the solutions being determined by others’.*

*(Manager, social service provider, Melbourne)*

*‘... how you actually engage with communities around something that could be of value to them is the approach that’s really working with the community rather than saying well this is what we think you should do and offering things that way’.*

*(Manager, social service provider, Melbourne)*

*‘I guess we’ve often designed service responses without actually hearing their perspectives and allowing them to inform the way that those things are developed, and I think so it’s really shifted our approach to doing things, acknowledging that we should probably try to incorporate the community in making those decisions’.*

*(Principal lawyer, community legal service, Melbourne)*

*‘I think making connections with those communities so that they even know that we exist, but also enabling, supporting them to have their voices heard and have a level of agency in the decisions that affect their lives’.*

*(Principal lawyer, community legal service, Melbourne)*

*‘... we are working with people who, communities and individuals who haven’t necessarily had a voice in what’s happened to decisions that are made in their lives, certainly prior to getting here or even while they’re waiting for asylum claims to be heard. So it’s an opportunity to make sure that they, that things aren’t done to them, that they can be part of informing what’s important to them, both in terms of what the issues are but also what the solutions can be’.*

*(Manager, social service provider, Melbourne)*

*‘We ... do co-produce as much as possible, so ... and we’ve got advisory groups, both services, I set up advisory groups, of people with lived experience, and I think it should be the same in terms of COVID and refugee and migrant communities that anything that’s being done should be done with people, not to people’.*

*(Manager, legal service, Melbourne)*

*‘Even the programs that we’ve run, we’ve run several programs who have been very successful. Even government’s like, “Wow, how did you get these numbers of people participating the program?” It’s the fact that we’ve actually went through a whole year of consultation ourselves with community around codesign. I grew up in these towers. I went through a lot of issues among police. I went a lot of issues among everything, discrimination, racism.... Still, when I see a 17-year-old African-Australian, I don’t make a decision for him because I’m not a 17-year-old African-Australian, he is ... so, I speak to him or I speak to her, or we speak to them, and we ask, “We’ve got a little bit of funding, right, but what do you guys think? What should we do right now that’s very popular and that young people are going to do, engage?”, and the same thing with parents. But for us, I think it also comes to criminal justice to say, well, something that no one really likes to talk about, is the fact that when a young African-Australian person is picked up, it’s like decisions are being made by justice departments who have written policies in place that a young person from these communities who has so much issues that they have to overcome, it’s like any other person, so you arrest them, you put them through the court system. There’s hardly any even diversion programs within the African-Australian programs, so we’ve been asking why not give diversion to our young person first time they enter the criminal justice system, right. It’s not happening’.*

*(Community organiser, Melbourne)*

*'I think that the hardest thing for the communities has been the lack of confidence, the lack of understanding, awareness, the rumours that happen sometimes from one member to another member if they have a bad experience, for example. So, they lose the trust within the system. This is really, I think, something that the legal services, I don't know how it can be done differently but maybe more community engagement'.*

*(Social service provider, Melbourne)*

## **Recognition by services of existing community organisations and networks, and working with them, rather than creating new ones:**

*'... the community has its own expertise, and I think that also means that then promoting services is done word of mouth, and the community will promote the service, because they feel like it's a service they've been part of developing, or a program, or a piece of information, they've been part of that process, and therefore they feel confident that it actually is what their communities need. And so, I do think that that's probably the biggest thing I would say, in terms of moving forward, that I think we need to do better'.*

*(Manager, legal service, Melbourne)*

*'I think government have gotten better at engaging with community leaders etcetera, and recognising the importance of trusted leaders being conduits of information and supporting community. Even the task force that's gotten set up and looking at providing funding to often community based organisations in order to be able to deliver food and support people in community is, I think that's a recognition by government of the importance to do that. It didn't happen straightaway and I think there were certainly lots of concerns expressed around the high rise in Flemington and Kensington, North Melbourne where the sense that the community weren't engaged with and I think that there was a shift after that which is terrific, and as I said those meetings that I've been in where it's been kind of government and Victorian multicultural commission really engaging with the leaders and recognising the importance, and the government can't do it without engaging with community, they're important messages. Hopefully we don't lose that once we move out of this'.*

*(Manager, social service provider, Melbourne)*

*'And so I really think that is probably the key to any better response around COVID, or even moving forward, that we need to actually actively work in partnership with the communities, and to make sure that we are actually addressing what it is they're asking they need to be addressed. In a way that they need it to be addressed. And it's a partnership that you have, where the service adds its expertise, but the community has its own expertise, and I think that also means that then promoting services is done word of mouth, and the community will promote the service, because they feel like it's a service they've been part of developing, or a program, or a piece of information, they've been part of that process, and therefore they feel confident that it actually is what their communities need. And so, I do think that that's probably the biggest thing I would say, in terms of moving forward, that I think we need to do better'.*

*(Manager, legal service, Melbourne)*

The need to **recognise and value the expertise of community organisations** was highlighted:

*'... the community has its own expertise, and I think that also means that then promoting services is done word of mouth, and the community will promote the service, because they feel like it's a service they've been part of developing, or a program, or a piece of information, they've been part of that process, and therefore they feel confident that it actually is what their communities need. And so, I do think that that's probably the biggest thing I would say, in terms of moving forward, that I think we need to do better'.*

*(Manager, legal service, Melbourne)*

*'I think other than our intellectual property and our thinking and our [theologies] and our skill, we don't have an agency in place, and the reason that, I've already spoken about, is the 30 years we've been living in this community, is where governments refused to build capacity of these communities. Government has never paid attention to these communities to build their capacity to empower them so there's self-determination'.*

*(Community organiser, Melbourne)*

*'So it's, and then you've got obviously service providers who have been in this community getting government funding for the past 30 years and it's the definition, I say it's the definition, to be honest with you it's the definition of insanity because they've been doing the same thing for 30 years expecting a different outcome and nothing'.*

*(Community organiser, Melbourne)*

The importance of **divesting control to communities to enable effective partnering and service provision** was discussed, and stakeholders explained that ‘new knowledge’ is created when community capacity is the focus. In this way, the community becomes part of the resource, and it is not a matter solely of ‘service provision’, but of engaging with community so that they become the ‘champions’ and enablers of change. This was most evident in the tower lockdowns, where community advocates and members took legal information and translated it in ways that were clear and accessible for the communities who needed it at that time.

Social service and legal providers spoke about going beyond the provision of static legal information, to a more sustainable community-engaged model of legal service provision that includes communities in the creation and dissemination of legal information. This partnership model recognises that legal service providers will not always be the right people to provide information on access to justice, and that partnering with communities is critical:

‘...for me the reflection is that that work is effective when there is a relationship on the ground really. And the other work, the more sort of stand-alone product work has a place but we can’t put too much stock in it and we mustn’t put too much effort into it, you know’.

(Manager, legal service, Melbourne)

**Services collaborating with communities through capacity-building that enables them to control their own narrative** was highlighted:

‘Well to be honest with you, justice for my community is when my community plays the role of justice. So we need to be embedded in justice. You can’t give justice to someone unless that person you’re giving justice to has a place on the table. They feel like they’re empowered. We run programs and you should see the difference when we bring a person of Anglo background or a white person to speak to the young people. They’re very, they’re not really going to connect with that person. And then when we bring someone of their colour, someone of their



same community it's like this kid is all of a sudden it's like they want to talk, they want to express their views. And then when we ask them, "why don't you do that with others" they're like, "we can't tell people about our shame, we can't tell them the way they treat us, that gives them power over us". So the thing is we need to control the narrative and if we're not controlling the narrative at least you have to give us a table where we are part of the narrative'.

(Community organiser, Melbourne)

Developing and maintaining **relationships of trust between community and service organisations is crucial and requires resourcing and skills:**

'... it just demonstrates I think for us that to drive meaningful engagement with a lot of these communities face to face is actually really important, and trust. You actually can't do everything online. I just keep seeing the trust is a recurring theme in terms of your ability to connect very meaningfully with communities'.

(Principal lawyer, community legal service, Melbourne)

'... the effort should go into the relationship building on the ground so that when the crises happens those communities know where to go, they've got a trusted ... and you know even sometimes I think we need to go, well are we the right agency? So maybe there is an agency in between us and that community who is

already trusted and we don't need to, you know, be a pain or a pest, we should work more effectively with the agencies who are already trusted and get behind them'.

(Manager, legal service, Melbourne)

'... I feel based on my assessments that there's also a loss of trust with the governance system ... but with [our organisation] obviously we are very at the forefront providing not only emotional support, and as [my colleague] said earlier, it doesn't have to be counselling, but even just that connection and I believe that if more services were ready to reach out, I mean, we're in touch with a lot of services but if more services were happy to reach out and join and refer, it would be much easier'.

(Staff member, community organisation, Melbourne)

There is a need to **pay for community expertise and create roles for individuals in government organisations** in ways that also recognise community diversity.

'Yeah, a lot of new relationships, but it just also highlighted how many people are doing unpaid work in that, so we made a decision to pay the people that I was working with as kind of community consultants because it was just, they were working 16-hour days because they felt such a huge responsibility to respond and support their communities, but it just felt inappropriate for me that they weren't being remunerated and I heard stories of people being used as volunteers by the department and not being paid and that didn't sit well with us'.

(Principal lawyer, community legal service, Melbourne)

'Still creating roles within government rather than roles within community organisations, so they're like, okay we'll just employ some bicultural workers or we'll employ some community engagement officers rather than saying to the smaller organisations, well I can see that you need some connectors and it would be good to have that arms-length relationship but it's not an approach that they're presently taking, unfortunately'.

(Principal lawyer, community legal service, Melbourne)

'... service providers will get funding from government. You have to understand, majority of them employ managerial, in their managerial positions, you've got people who live in suburbia who don't live in this community, so they don't

Developing and maintaining relationships of trust between community and service organisations is crucial and requires resourcing and skills.

actually [possess] understanding of what it means to live in these towers. So, the first thing they do when they come in, for instance, for me, I've lived in this place for so long, every time an organisation, a mainstream organisation gets funding, I'm one of the first people they call. They're like, "[Name], we don't know anyone in the community. We don't know what ... we've just got our funding", because also, one of the biggest problems they've had, and that's why I say they keep doing the same thing and there's no outcome, is the fact that there's no codesign, they don't consult community'.

(Community organiser, Melbourne)

'I think it's important maybe having bicultural workers to do some information sessions just to explain processes and let people understand that if you had a bad experience once, it doesn't mean that it will continue that way and to help people to understand how to present their problem and how can they talk about their rights and advocate for themselves'.

(Social service provider, Melbourne)

'... the thing it takes time as well. It's not a one-off consultation. I mean it's interesting when we talk to the, because with our advisory groups they've been going for, well one of them nearly three years, and so it doesn't, yeah it's not something that happens quickly. You've got to build trust and create opportunities for that ongoing relationship so that it really is, there is a greater equity in the relationship and that we, I mean we pay honorariums for our advisory group members, because they're giving their time, so I mean obviously a lot of what they do is they put in extra as well in their own time but it's a partnership for a period of time rather than a one or two-off consultation'.

(Manager, social service provider, Melbourne)

'But there's diversity within the community. I'm an individual in this community. I do a lot of work with young people in the sector and their parents, especially mothers, and I don't even speak on behalf of the, I don't speak to them'.

(Community organiser, Melbourne)

'...we would like to recruit all of these research workers to go deep into the community, all these young African kids who will be the key of talking to people like [community member], pairing up with [staff member], getting into ... community and get more information'.

(Staff member, community organisation, Melbourne)

## 2. HOLISTIC APPROACH: LEGAL SOLUTIONS IN SOCIAL CONTEXTS

A partnership and collaborative approach will enable the second key recommendation, that of the need to take a holistic approach to access to justice. This includes the need to reconsider existing means of operation by legal service providers and a rethink of what makes an effective service. **Developing a holistic approach that locates legal solutions within social contexts recognises:**

- The interconnection of legal and social problems
- That legal and social services and communities would benefit from establishing ongoing relationships to provide effective services, including formalising otherwise informal connections between service providers and community organisations
- The centering of community expertise in these relationships
- The need for services that are culturally safe and culturally responsive by incorporating understanding of the backgrounds of those seeking legal help, including experiences of social and cultural isolation, into service delivery

A holistic approach is understood as: 1) a better connection between legal and social services; 2) the recognition and centring of community expertise; 3) an understanding of the backgrounds of people seeking legal help.

**Legal problems are not solved in isolation. Current structures do not necessarily facilitate easy collaboration between legal service providers, communities and social services.** Legal support is therefore not always correlated to and may not consider broader issues around social inclusion and exclusion, and a sense of belonging. These issues are important when delivering services as they shape how communities engage with services and their outcomes. It is equally important to recognise that migrants and refugees are often experiencing more than one issue (legal or otherwise) and that services need to be able to work and collaborate in ways that address these intersecting needs.

'I think what a client would love to see is, "This person's dealing with my legal issue, and internally, they've also got a case manager I can see that can help me with my housing and I've got trauma background" ... yes, we've got [social service provider] who focus on that, but what is our link with them aside from us knowing a worker. There's

some real strategic opportunities that I think we miss as an organisation, that I feel would really filter down and directly positively affect these clients that come to us with a multitude of issues, and the legal issue that comes to us only comes to us because it's reached a point where it's at court'.

(Coordinator, legal service, Melbourne)

'I think [legal service] should have a really strong link with [social service], and I don't understand why we don't, other than maybe the two head haven't gotten together. Surely, they respect each other. I think the work that they're leading is, could change lives more directly, and I feel like one may not know a lot about the other'.

(Coordinator, legal service, Melbourne)

'I think a start would be for [legal service], whether it's particular offices or the organisation, to make it a strong objective to link us with other support services, but not just link us ... I think having us linked in or a partnership with another organisation, I just think that would go further for our clients. I think it would better us all, because these other organisations, they've already got the holistic practice down pat'.

(Coordinator, legal service, Melbourne)

'I need to know it's a good, dependable service before I refer a client to it'.

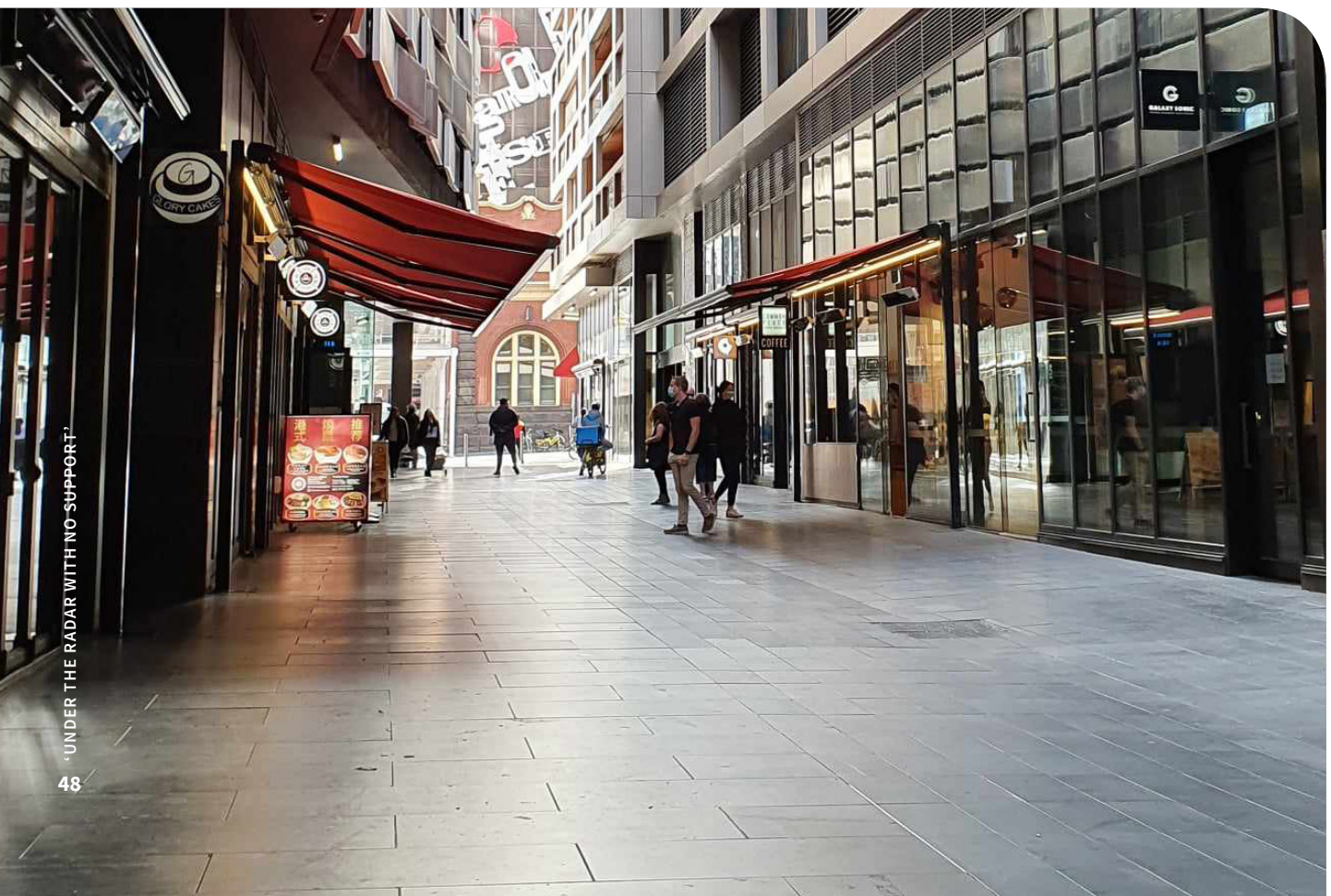
(Coordinator, legal service, Melbourne)

'We need to really think more in relation to the myriad of legal problems that people face. Often it'll be a criminal problem, it'll be a family violence problem, it'll be a parenting dispute issue, it'll also have some tenancy in there and it will have a significant amount of debt ... I think COVID has basically pushed us into that direction. Because you've got limited resources. You've got more problems, more clustered problems and so we're being forced to really think about our service design and how we actually respond to people's needs'.

(Manager, legal service, Melbourne)

'I think lots of the issues that are around access to justice ... there's the legal stuff but there's also what happens in the lead-up to perhaps needing and whether it's access to a family violence service or to a settlement support service or to people helping you advocate for yourself. That's all part of the justice system, isn't it? Unpacking that's really, and learning about that is important'.

(Social service provider, Melbourne)





Legal service providers explained that working during COVID-19 encouraged them to think about how to do things differently. In this way, **COVID-19 enabled a reconsideration of existing means of operation by legal service providers and a rethinking of what makes an effective service:**

*'We spent so much money doing it wrong. We can really, and I think there needs to be a real joining of forces with all of the different service systems. Health, child protection. They say that they do that, but we don't do this well.'*

*(Lawyer, community legal service, Melbourne)*

*'Do you know, a year ago, I think I would have been frustrated that my role hasn't been made into a permanent role yet. Now, I'm grateful because I feel like COVID has given me the opportunity to shape it differently.'*

*(Coordinator, legal service, Melbourne)*

*'I think it's about being more creative about the way we work together to some extent but I do think resourcing is a huge issue with the support services and the health sector. So if you had like a team of people that surrounded a person with all their problems and they worked together rather than just in their silos, okay I'm going to deal with this bit. That person, I'll tell you, you go to that appointment tomorrow, they'll deal with the other bit. No, wouldn't it be fantastic if we could all get together you know and try to work it out with all our different skills, the health sector, the legal sector, the judiciary and bring it together like that?'*

*(Manager, legal service, Melbourne)*

*'I think COVID has basically pushed us into that direction. Because you've got limited resources. You've got more problems, more clustered problems and so we're being forced to really think about our service design and how we actually respond to people's needs.'*

*(Manager, legal service, Melbourne)*

### **Legal and social services and community organisations would benefit from establishing ongoing structural relationships in order to provide holistic and effective services**

While there are some informal connections between individuals in legal and service provider and community organisations that have been highly beneficial, this is reliant on individual relationships, and there is a need to **formalise otherwise informal connections between larger and smaller service providers and community**

### **organisations. This also includes the need to recognise and centre local community organisation expertise.**

*'So we did have one young man who came from detention who actually needed a mentor. Immediately seeing [name of mentor], a role model, I paired them together. So he has been mentoring this young man, has got trauma, past history. He is doing well. There is another young man who is also not with us, he didn't do anything but has a very traumatic background, no father figure, no role model like male in the family. So [name mentor] has been mentoring him and we can actually see him that he is coming – [name mentee] is here, God bless you my son. And we can actually see this young man coming out of his shell now talking a lot. So the importance of having someone who has got a trauma background and giving them a mentor who they actually work together and respect each other.'*

*(Staff member, community organisation, Melbourne)*

*'I did a CLE [Continuing Legal Education] ...I did it about 18 months ago to [migrant service organisation], and all I spoke about was access to our services and what areas we help in. Majority of the staff were just blown away. They just didn't know.'*

*(Coordinator, legal service, Melbourne)*

*'So, we need more education about how to access legal and justice service. Most of the community come to the settlement service. The settlement service has a very good caseworker, if they've got their caseworker, they've got the good referrer, if they do not have a caseworker, some people do not have a caseworker or a support worker, they are left by their self to the legal system too.'*

*(Social service provider, Melbourne)*

*'...people from the courts or the lawyers, they should find out when community members have their own engagements so they can go and talk about the law because most of our people, they don't know. It's very sad.'*

*(Staff member, community organisation, Melbourne)*

*'So we could help them generate content or we could promote their content through our website. But I think we also need to build our capacity to engage with community. So I don't think, I think there's so much work that needs to be done, there's no issue in a Community Legal Centre and a legal service office having people involved in community engagement,*

*you know what I mean. I think we need to recruit staff in our regional offices whose job it is to build relationships with key priority groups and their community, and to feed that into the local office and back into my team who can support them with, in the same way, you know, with content or promoting the work that they're doing'.*

*(Manager, legal service, Melbourne)*

*'...we are able to help each other out with different things, like with kids in the justice system I can give her advice on the challenges they are facing on the inside and then also recommend them to [community organisation] when they get out because there was also a little bit of a gap with integration when they came out, like having somewhere to go to and a lot of the organisations were unaware of [community organization] as a culturally appropriate organisation for these kind of kids and stuff like that. So it's good to be able to be in there and really put [community organization] forward so that there is a connection between [staff member] and the system so that when the boys come out there is someone to meet them'.*

*(Volunteer, community organisation, and government organisation employee, Melbourne)*

Community advocates and service providers highlighted the need to take account and listen to people's diverse life-histories, contexts and backgrounds. This is a further dimension to a holistic approach:

### **Ensuring services are culturally safe and responsive by understanding the backgrounds of those seeking legal help, including experiences of social and cultural isolation into service delivery**

*'Well I think the first thing is people feeling that they've been heard or that they've been listened to. I think there's a tendency as lawyers or people in the legal sector to think that they know what other people need and to advise them on the basis of their own background and their own understanding of what justice looks like... I think the best legal services or the best access to justice is uncovering, what are those other influencing factors or what are those other issues in that person's life and really listening to them and understanding the background that actually is getting them into these legal situations'.*

*(Manager, legal service, Melbourne)*

*'My cry is before people start judging the people who have done wrong, they should go to the root cause. What are the causes?... We need more counselling*

*services. We need services, mainstream services, who will accept us of who we are and not taking advantage of us. I always say this because it comes from my heart.'*

*(Community member, community organisation, Melbourne)*

*'... where you have a particular profile of the individual or client that's coming in from certain communities and backgrounds, and you're providing them not with just the legal assistance but also other elements to help them'.*

*(Lawyer, community legal service, Melbourne)*

*'So a lot of people have been coming to us seeking for legal support. A lot of them. Luckily enough, we have got a culturally appropriate lawyer. His name is [government lawyer]. He's been helping people in court. Another one, [government lawyer]. She's been helping in court as well'.*

*(Staff member, community organisation, Melbourne)*

*'I get the sense that also some of the people, they work in the court, they don't have any idea about refugee experience and migrant experience, so maybe there needs to be some training for people that work for the refugee population. It seems that there is no training in that part to understand the impact of trauma'.*

*(Social service provider, Melbourne)*

*'There is a misrepresentation of our young people in the justice system. I can come up with one of the reasons. These young people, sometimes they are misrepresented by, we call them duty lawyers. So the young people go to court themselves, one duty lawyer, they will just look in the brief what the young person has done, they don't know the history. But if the young man is going to court with people like myself, [staff member], [staff member], we go and talk to the family – we go with [staff member] as well – we go to the family of that offender and find out what actually happened in that family, why the young person is behaving that way. When you take the history then you give it to the lawyer and you make a recommendation. If there are some mental health issues, you assist that person to get to counselling or to get to employment. I feel like if there were community organisations, more community organisations doing the primary interventions of pre-rehabilitation and rehabilitation, it will stop the misrepresentation of the young people in custody'.*

*(Staff member, community organisation, Melbourne)*

### 3. ACCESS TO JUSTICE: ENABLING CONDITIONS FOR JUSTICE

At the conclusion of interviews and focus group discussions, community members, advocates and service providers were asked to reflect on what justice is and what access to justice means to them. This went to the core of the project, that sought to situate access to social and legal services within a broad justice framework, as defined and understood by the communities and organisations involved. **Enabling access to justice requires an approach that creates conditions for justice:**

- The right to be seen, heard, supported and listened to
- Community knowledge of and ability to access the legal system
- Removal of barriers to a just life – from discrimination to sufficient interpreters and translation
- Agency and self-representation for communities
- Systemic change that enables a system that can deliver justice

Access to justice was discussed as located both in and outside the legal system. Most participants articulated their ideas of access to justice as more than access to legal services. In this way, access to the law was one component of access to justice, and barriers to access to the law were symptomatic of broader barriers to access to services.

Access to justice was spoken about as 1) the right to be seen, heard, supported and listened to; 2) community knowledge of and ability to access the legal system; 3) removal of barriers that include underlying inequalities such as discrimination, as well as language and including sufficient resources for interpreters and translation; 4) agency and self-representation for communities; and 5) systemic change that enables a system that can deliver justice. Participants highlighted the gap between access to justice in theory and in practice. We summarise the findings as follows, as voiced by the practitioners and communities involved.

**These can be understood as the core conditions that enable access to justice:**

#### The right to be seen, heard, supported and listened to – a legal system that can do this

This means *‘that everybody has an equal opportunity to be heard in whatever way that means.... It means that with education or without education, and regardless of the language you use’, and ‘people feeling that they’ve been heard or that they’ve been listened to’, that their ‘voice’ has been listened to. It is ‘feeling supported by the system as well, not being isolated or treated unfairly’. It’s not just about ‘access to the Victorian system or the Australian legal system’, but about ‘not necessarily feeling that their own life stories or their own life experiences or their own understandings of what they want to happen with their families or with their lives is necessarily being heard in that process as well’. ‘The right to be heard, for me, is justice’.*

*‘So access to justice for me is to look for a lawyer to represent you at court but also that lawyer must be culturally appropriate because if someone has done something wrong and they go to court then the lawyer – maybe legal aid lawyer – they don’t know the history of the young man or mental illness or if the father died post-traumatic, the magistrate will just do the ruling on what the young man has done without knowing the real cause. So for me, access to justice, yes, is assistance you get through the lawyers. But the lawyer needs to understand the reason why that person has been in that situation’.*

#### Community knowledge of and ability to access the legal system

This means, *‘it’s about knowledge of rights’, not ‘missing understanding to a system, how it works here’, the ability to ‘advocate for themselves’. Without this, ‘the injustice is heightened and there isn’t a sense of there being justice’. It’s about people knowing ‘the services that they’re supposed to go’ and about ‘The ability to get information regarding if you are accused or you are to face the court for whatever reason, that you are able to access whatever information that you need, that you have enough knowledge about what you are going through in such a way that it’s easy for you to interpret and understand and not just a situation where you’ve been told you are accused of this and this and that without prior information or background of what it is’.*

## Removal of barriers to a just life

This means, *‘uncovering, what are those other influencing factors or what are those other issues in that person’s life and really listening to them and understanding the background that actually is getting them into these legal situations’; ‘I guess at its simplest, for me, it’s just enabling people to have a fair and good quality life. It’s kind of that equity piece, I think, for me. It’s not necessarily just accessing the legal system, it’s how we can use the legal system to enable those fairer life outcomes, genuine life outcomes, I think. That’s the way that we work at [my organization], making sure people have appropriate housing or access to safety, ensuring people are not discriminated against and can live their lives without fear of harm.’* It means *‘creating that environment without any discrimination, without any prejudice or without creating that zone, judging people regarding their backgrounds’ – ‘that you are not prejudged because of your skin colour or because of your background, what you’ve been through or what you’ve done or because somebody who looks like you has done this and that and that.’* It’s about looking at the *‘whole person or their whole life’*.

*‘I think access to justice should be available for everyone and not, yes, there are justice and social services for everyone, but the ease of access for certain groups is different. So I think access means not just on paper, but how people actually have it in practice.’*

*‘Well to me, it’s just equal rights, equal justice for our people.’*

## Agency and self-representation for communities

It means having a place at the table: *‘... we need to be embedded in justice. You can’t give justice to someone unless that person you’re giving justice to has a place on the table’.* It means people’s *‘own understandings of what they want to see happen with their families or with their lives’* being heard and centred in these processes. It means *‘people having the right to speak up for themselves on the platform that they can understand what they are going through’.* It means community leading a definition of what justice is, it’s *‘build[ing] their capacity to empower them so there’s self-determination’.*

## Systemic change that enables a system that can deliver justice

This means, *‘there being a justice system that can deliver their outcomes. That’s not even with the Access part, when we’re looking at the Justice part, and we don’t have a justice system for people seeking asylum. Our system has been so distorted and perverted over decades of successive governments reducing the procedural fairness and other rules and ability to get a proper Justice process.’* It is a system that is *‘fair and unbiased for all’.*

**This approach to access to justice locates justice as integral to people’s lives.** It highlights that legal problems, and their solutions, do not exist in isolation. In such a conception of access to justice, it is the approach, not just the solutions, that will enable sustainable and structural change; in particular, taking a partnership and holistic approach. Overall, we can understand access to justice as existing when the conditions for justice exist. How services function, and how they collaborate in partnership with communities and community organisations, is essential to this.

Significant barriers continue to impact communities accessing the legal system. COVID-19 enabled a reconsideration of old means of operation by service providers and rethinking the ways in which services are delivered effectively. This provides a new and important opportunity to develop collaborative partnership approaches that centre community expertise and enable legal and social services to work together effectively to address the significant barriers faced by communities in accessing and experiencing justice.

COVID-19 enabled a reconsideration of old means of operation by service providers and rethinking the ways in which services are delivered effectively.

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