

## Unmet legal need will worsen people's health during COVID19

**There will be people in Australia for whom the indirect impacts of COVID19 could be as dire as the virus itself:** people suffering family violence or elder abuse; people living in unhealthy or unsafe housing; people with poor mental health or whose disability requires in-home personal support.

Recently announced Australian Government funding for mental health and family violence services is welcome recognition that these are key areas of support needed right now. However, our work with [health justice partnerships](#) tells us that these measures need to go further for people for whom phone lines and counselling are not going to protect them from the worst of the social impacts of COVID19.

### The current situation

- Since this health crisis began, publicly funded legal assistance services have worked tirelessly to move away from face-to-face service provision, making as many of their services as possible available on phone or video platforms.
- However there are likely to be people in need of legal assistance for whom telephone or remote services are not appropriate, therefore limiting their access to services at a time when they are most critical. This includes:
  - People vulnerable to the risk of abuse in the home, including through family violence and elder abuse
  - People living with poor mental health, for whom personal contact is critical to maintaining connectedness with services and social contact
  - People living in unhealthy housing, for instance where mould drives respiratory problems or over-crowding increases the spread of infection
  - People living with disability and who are dependent on others to meet their basic needs.
- For those whose legal needs won't be addressed until regular services resume, there is also concern about a severe increase in demand at that time.
  - This demand could be minimised by preventing people coming into contact with legal systems in the first place, for instance by ensuring that the use of fines in relation to COVID19 offences does not increase the pipeline of people into court (and potentially prison) for defaulting on those fines at a time when unemployment and financial need are likely to skyrocket.

In all of these circumstances, First Nations communities are a critical priority given the likelihood that Aboriginal and Torres Strait Islander people will be impacted first and worst by both the direct and the indirect impacts of COVID19.

*Get in touch if you have more to add on the indirect legal and social impacts of COVID19 for those who are vulnerable to unmet legal need and its impact on poor health.*

### Our recommendations to prevent crisis from the indirect impacts of COVID19 for the people who are most vulnerable to unmet legal need and its impact on their health

#### 1. Frontline workforce for the indirect impacts of COVID19

**The problem:** Within the national priorities for publicly funded legal assistance, there are many people for whom a prolonged period at home is neither safe nor healthy. This includes:

*For comment or to discuss these policy positions further, contact us at [healthjustice@healthjustice.org.au](mailto:healthjustice@healthjustice.org.au) or phone 02 8316 0516 (monitored 24 hours).*

- People at risk of or experiencing family violence or elder abuse
- Children at risk of child protection concerns and families engaged in the child protection system
- People locked into inadequate housing that underpins poor health, for instance, mould in public or rental housing that drives respiratory problems, or overcrowding that may increase the spread of infection, both of which could be fatal in the context of COVID19)
- People living with disability who rely on personal support services.

**Health Justice Australia recommendation:** We need to develop a frontline workforce to mitigate the indirect impacts of COVID19 for people where those indirect impacts may be as dire as the virus itself. Many of the people most at risk will not be able to access phone services, either because it is unsafe (eg in the context of family violence or elder abuse, where they are trapped at home with their abusers) or because they do not trust phone advice (eg in the context of mental health, language or other barriers where access to a trusted, in-person relationship will be essential to getting the help they need).

## **2. Emergency measures to support legal and other assistance on this frontline**

**The problem:** Uncertainty of funding is a major barrier to the preparedness of legal assistance services to meet existing need, let alone anticipated increases in demand for their help in the context of COVID19. Finalising the National Legal Assistance Partnership is critical to that end. However, thousands more Australians will now be eligible for publicly funded legal assistance than ever before, and many may need it. There will be heightened legal needs arising from this crisis, particularly money problems (eg credit and debt, social security), housing and employment, in addition to the issues that legal assistance services already address including criminal and family law. We must create the capacity for services to scale up to meet the legal needs that are likely to arise from COVID19 for the many more people who are now eligible for publicly funded legal assistance.

**Health Justice Australia recommendation:** Governments should work with legal assistance service representatives to determine the level of funding needed to provide legal assistance for issues arising due to the COVID19 crisis and its aftermath, for the many more people now eligible for it.

## **3. National COVID19 coordination commission**

**The problem:** There will inevitably be problems arising from mistaken or confusing advice that needs to be rectified or decision-making that needs to be reversed. For example in the context of social security, mistakes are inevitable as thousands of people access social security for the first time; and a workforce is inducted to meet that demand who themselves may have no familiarity with the system. In turn, these problems will likely drive a massive spike in demand to legal assistance services. Coordination between frontline services who are seeing the impact of these problems and decision-makers who can identify where change is needed would enable these problems to be identified and rectified early – for the betterment of all those involved in the system and most importantly, those needing its support.

**Health Justice Australia recommendation:** The National COVID19 Coordination Commission provides the opportunity to identify and address these issues early. A working or sub-group within the Commission should be established as a standing process through the COVID19 crisis, with a cross-section of both government and non-government stakeholders across the services; and a remit to identify and resolve problems early and effectively.