



**Submission to the
Senate Standing
Committee on
Community Affairs,
Inquiry into the extent
and nature of poverty**

27 January 2023



Health justice partnerships

Health justice partnerships embed legal help into health care services and teams to improve health and wellbeing for:

- individuals, through direct service provision in places that they access
- people and communities vulnerable to complex need, by supporting integrated service responses and redesigning service systems around client needs and capability
- vulnerable populations through advocacy for systemic change to policies which affect the social determinants of health.

HJPs support populations that are particularly at risk of poor health and justice outcomes, like people experiencing domestic and family violence, people at risk of elder abuse, Aboriginal and Torres Strait Islander people, culturally and linguistically diverse communities and people experiencing poverty and inequality.

Health justice partnerships provide legal support across a wide range of needs, such as:

- Advocating for public housing tenants needing repairs to address untreated mould, or having handrails and other aids installed to continue living independently in their own homes;
- Assisting people with accumulated fines or debt that cause stress or act as a barrier to meeting health costs like filling prescriptions; and
- Advising on wills, powers of attorney and custody – the legal needs that can present at the most unexpected times, like following a diagnosis of serious illness.

These are just some of the many legal issues that people can face in life. By integrating legal services into health settings, we can improve access to justice, address the social determinants of health and increase wellbeing.

Health Justice Australia

Health Justice Australia is a national charity and centre of excellence supporting the effectiveness and expansion of health justice partnerships through:

- Knowledge and its translation: developing evidence and translating that evidence into knowledge that is valued by practitioners, researchers, policy-makers and funders.
- Building capability: supporting practitioners to work collaboratively, including through brokering, mentoring and facilitating partnerships.
- Driving systems change: connecting the experience of people coming through health justice partnerships, and their practitioners, with opportunities for lasting systems change through reforms to policy settings, service design and funding.

Key points

- There is clear evidence that legal need is common among those experiencing economic and social disadvantage, and that legal problems also create economic hardship. There is also a strong connection between economic disadvantage, legal need, and health and wellbeing.
- Health justice partnership embeds legal help in health and social care settings and teams. This approach responds to the evidence of the impact of economic and wider determinants on health, as well as evidence of unmet legal need that can drive or exacerbate problems in health and wellbeing.
- Health justice partnership can improve financial wellbeing, which also improves health.
- This Committee should examine the role and impact of legal needs in relation to economic disadvantage, and the role of interventions such as health justice partnership in responding to economic disadvantage.

Legal problems play a role in economic disadvantage

The terms of reference in this inquiry refer expressly to the impact of poverty on health outcomes. There is a significant body of literature on the social determinants of health, including economic factors.¹ This evidence is also addressed in the Australian Government's National Preventive Health Strategy.

While we do not propose to canvass this evidence here, we note that there is similar evidence from legal needs and access to justice research. This legal needs research identifies that:

- legal problems are particularly prevalent among people experiencing social disadvantage, particularly those with chronic ill-health or disability, single parents, the unemployed and people in disadvantaged housing.
- legal problems have been found to cluster, for instance around family breakdown, money issues or poor-quality housing, and often coexist with 'everyday life' problems.
- legal needs are reported to have adverse impacts, including income loss or financial strain, stress-related illness and physical ill health.²

¹ See, eg, "NCHHSTP Social Determinants of Health," Centers for Disease Control and Prevention, 2014, accessed 26/10/2018, <https://www.cdc.gov/nchhstp/socialdeterminants/faq.html#a> (This web page describes the social determinants of health and addresses what the NCHHSTP is doing to address social determinants of health.); World Health Organization, *The economics of social determinants of health and health inequities: a resource book*, World Health Organization (Switzerland, 2013), http://apps.who.int/iris/bitstream/handle/10665/84213/9789241548625_eng.pdf;jsessionid=088951EFDC0696C10D4F3DEF8E47A62B?sequence=1; World Health Organization Commission on Social Determinants of Health, *Closing the gap in a generation: Health equity through action on the social determinants of health*, World Health Organisation (Geneva, 2008).

² See, eg, P Pleasence et al., *Reshaping legal assistance services: building on the evidence base: a discussion paper*, Law and Justice Foundation of NSW (Sydney, 2014), [http://www.lawfoundation.net.au/ljf/site/articleIDs/D76E53BB842CB7B1CA257D7B000D5173/\\$file/Reshaping_legal_assistance_se](http://www.lawfoundation.net.au/ljf/site/articleIDs/D76E53BB842CB7B1CA257D7B000D5173/$file/Reshaping_legal_assistance_se)

This research also identifies the contribution legal problems make in creating or compounding economic disadvantage, as well as on health, with legal problems in Australia resulting in 42% of people experiencing a physical or stress-related illness; and 27% experiencing economic hardship, such as a loss of income, employment, or the need to relocate.³

The interaction of intersecting legal and health problems with economic disadvantage is complex. While the terms of reference talk about the impact of poverty on health and other outcomes, poverty may be caused by, or compound, other problems. For example, Anne Summers' research detailed these interactions in the context of intimate partner violence, finding that:

- 75% of women who moved out of home after ending a violent relationship left behind property or assets
- 50% of single mothers who had experienced violence by a previous partner relied on government benefits as their main source of income.⁴

Economic disadvantage is strongly linked to the prevalence and complexity of health and legal needs. It also has profound influence on the capacity and readiness of clients to seek support to address those needs – for example, as clients struggle to find affordable housing, they may delay addressing other less urgent needs, resulting in later (and typically costlier) service interventions.

Social security is therefore a key policy lever that can improve a broad range of outcomes, including health and justice outcomes, for people experiencing economic disadvantage. The need for a permanent and adequate increase to social security payments, as [detailed in the Raise the Rate campaign led by the Australian Council of Social Service](#), has been made even more urgent by the current cost of living crisis.

Recommendation: The Australian Government should increase social security rates and remove barriers to accessing payments.

Health justice partnership can address economic disadvantage

What is health justice partnership?

Health justice partnership (HJP) is a response to the body of evidence around unmet legal need, as well as the evidence on the social determinants of health. These partnerships embed legal help in health care settings and teams, to address unmet legal need for those who are vulnerable to intersecting legal and health problems, but who are unlikely to turn to legal services for solutions. There are currently 105 health

[rvices_web.pdf](#); P Pleasence and NJ Balmer, *How People Resolve 'Legal' Problems: A report to the Legal Services Board*, PPSR (United Kingdom, 2014), <https://research.legalservicesboard.org.uk/wp-content/media/How-People-Resolve-Legal-Problems.pdf>; C Coumarelos et al., *Legal Australia-Wide Survey: Legal need in Australia* (Sydney: Law and Justice Foundation of NSW, 2012), [http://www.lawfoundation.net.au/ljf/site/templates/LAW_AUS/\\$file/LAW_Survey_Australia.pdf](http://www.lawfoundation.net.au/ljf/site/templates/LAW_AUS/$file/LAW_Survey_Australia.pdf).

³ World Justice Project, 'Global Insights on Access to Justice 2019 - Australia', accessed 22 December 2022, <https://worldjusticeproject.org/sites/default/files/documents/Access-to-Justice-2019-Australia.pdf>.

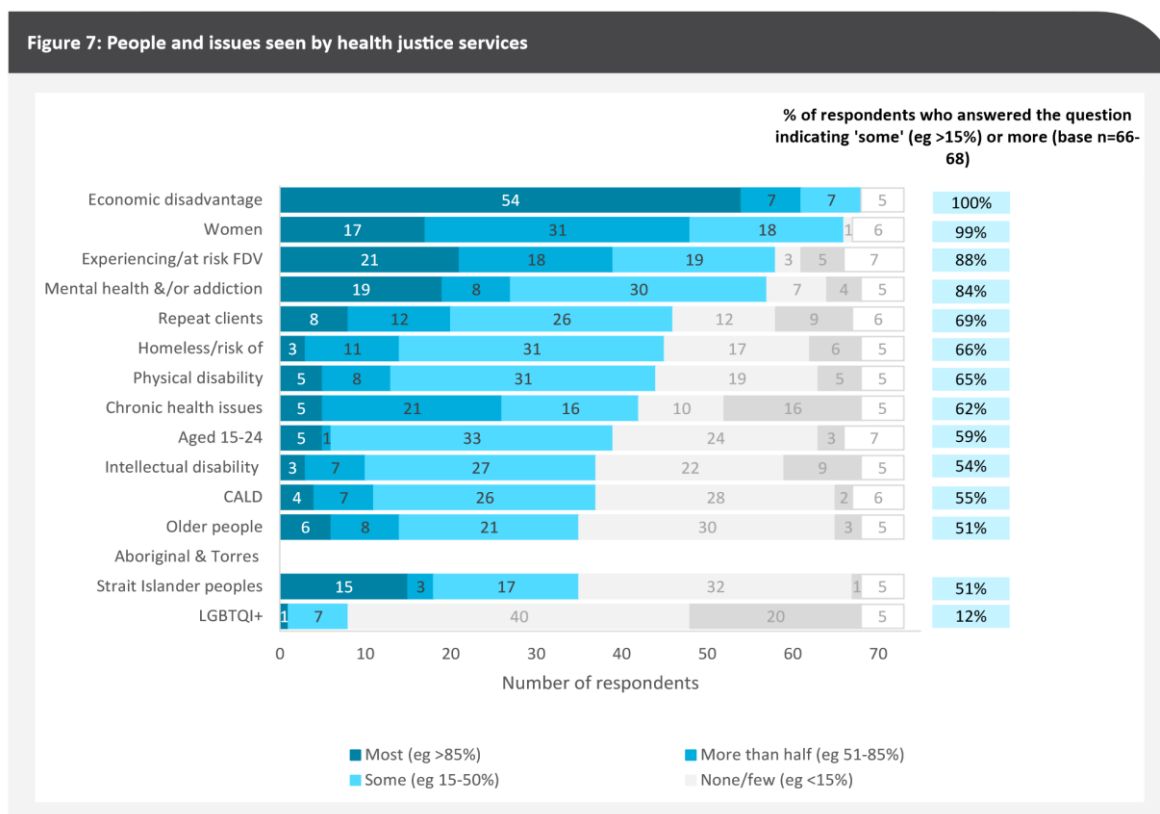
⁴ Anne Summers, 'The Choice: Violence or Poverty', Report (University of Technology Sydney, 7 July 2022), 12, <https://opus.lib.uts.edu.au/handle/10453/158339>.

justice services in Australia that combine legal assistance and health and other forms of care, including formalised partnerships, outreach, integrated services and service hubs. The majority of health justice partnerships are located in hospitals, primary health and community settings. Legal aid agencies and community legal services are usually the justice partner providing legal assistance.⁵

How health justice partnerships improve financial wellbeing

HJPs support populations that are particularly at risk of poor health and justice outcomes, like people experiencing domestic and family violence and/or elder abuse, Aboriginal and Torres Strait Islander people, culturally and linguistically diverse communities and people experiencing poverty and inequality.

Our 2019 census found that all service respondents had at least some clients who were experiencing economic disadvantage, with nearly 80% indicating that ‘most’ of their clients were facing economic disadvantage (see Figure below).⁶



Source: HJA 2018 census, legal respondents. Count of health justice services (total N=73). Respondents were asked to estimate, from their observations, the frequency with which the service served people having these features, in categories ranging from “None/few (e.g. <15%)” to “Most (e.g. >85%)”.

Figure 1: People and issues seen by health justice services, Health Justice Australia, *Joining the Dots*, p. 21

⁵ Health Justice Australia, ‘Health Justice Landscape’, Snapshot, November 2022, <https://healthjustice.org.au/?wpdmdl=4367>.

⁶ Health Justice Australia, ‘Joining the Dots: 2018 Census of the Australian Health Justice Landscape’, Report, 29 October 2019, 21, <https://healthjustice.org.au/?wpdmdl=3069Download>.

Many health justice partnerships assist clients with a broad range of legal issues related to financial wellbeing, and a small number focus specifically on financial issues. HJPs commonly assist with issues related to financial wellbeing, such as bankruptcy and consumer law issues, credit or debt, fines or infringements, mortgage and tenancy issues, or social security. Our census also indicates that credit, debt and fines was one of the top three most common issues for 46% of the services surveyed.⁷

Some HJPs are specifically focused on financial issues. For example, the Mortgage Wellbeing Service is a health justice partnership between the Brimbank Melton Community Legal Centre and Djerriwarrh Health Services responding to extremely high rates of mortgage stress in Melbourne's outer western suburbs. Health Agency to Court is a health justice partnership to provide Wyndham residents and the Werribee Magistrates' Court with appropriate medical and therapeutic assessment and advice, supporting clients with significant fines including through advocacy for systemic change.

Health Justice Australia is currently conducting research to better understand how health justice partnerships are responding to issues of financial capability and wellbeing, and to identify opportunities to better achieve financial wellbeing outcomes. So far, this research has found that:

- **Health justice partnerships help to overcome financial barriers to legal help:** many clients would not have seen a lawyer if not for the free access to HJP legal support, and providing legal help in a health setting also reduced other financial barriers to seeking legal assistance, such as the cost of transport or fuel to attend appointments.⁸
- **Health justice partnerships reach people who otherwise would not seek help:** HJP is a particularly effective strategy for supporting hard-to-reach groups, for example people experiencing elder abuse or family violence, which are often intertwined with financial abuse.
- **Clients are better able to meet their expenses:** HJPs improve their clients' ability to meet expenses (for example, by helping clients obtain compensation or government payments) and ability to manage debt (through reducing debt or restructuring payments to be more manageable, having fines waived or restructured, or resolving issues around predatory loans or lease arrangements).⁹
- **Clients are put in control:** HJPs support clients to have control over their finances directly, such as by supporting them to overcome financial abuse or assisting with wills and powers of attorney, and indirectly through addressing challenges that affect financial control (such as family law, employment and family violence issues).

⁷ Health Justice Australia, 'Joining the Dots: 2018 Census of the Australian Health Justice Landscape', 23.

⁸ See, eg, Carolyn Day and Maja Moensted, 'A Health Justice Partnership in Inner-City Sydney: Attendance Patterns and Client Perceptions' (Redfern: Redfern Legal Centre, March 2019), https://rlc.org.au/sites/default/files/attachments/HJP%20Final%20Report_05Apr2019.pdf; Fiona Allison, 'Evaluation of the Law Right Wuchopperen Health Justice Partnership and Law Yarn' (Cairns, Queensland: Law Right and Wuchopperen Health Service, October 2019).

⁹ L. Curran, 'A Research and Evaluation Report for the Bendigo Health–Justice Partnership: A Partnership between Loddon Campaspe Community Legal Centre and Bendigo Community Health Services' (Canberra: Australian National University, 2016), <http://lclclc.org.au/wp-content/uploads/2017/11/HJP-full-and-final-report.pdf>.

- **Clients feel more financially secure:** HJPs contributed to reducing worry relating to financial stress. As a client explained:

My mental health had a lot to do with it...the debts were impacting my ability to think straight and my ability to cope. Now I am actually able to breathe I can fully focus on my therapy...it's like a huge chunk of my stress is relieved. How about that, I could sleep at night! I didn't have to worry that I owe this much, I owe that much...that mental capacity was something that had opened my mind, that okay I can breathe. I can think [from a client from Lee et al (2018) Inner Melbourne Community Legal Cross-site Evaluation].

While there is a need for further research to quantify the impact of HJPs in improving financial wellbeing, our research so far confirms that HJPs are a service response that helps to improve financial outcomes, as well as health and justice outcomes, in a way that recognises the complexity and intersections between economic disadvantage and health and legal problems.

***Recommendation:* The Committee should examine the role and impact of legal needs in relation to economic disadvantage; and the value of interventions such as health justice partnerships in responding to economic disadvantage, including by increasing access to justice.**