



BEYOND THE CHARGE

UNDERSTANDING SUPPORT NEEDS
OF WOMEN PROSECUTED FOR
DRIVING OFFENCES

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EXECUTIVE SUMMARY



For many women in this study, the very act of seeking safety, fleeing a violent partner, taking temporary refuge in a car during homelessness, or attempting to protect their children is a contributing cause of their entry into the criminal legal system.

What may outwardly appear as simple driving offences are, in reality, seldom isolated lapses in judgement. Instead, they are frequently survival crimes: actions shaped by a combination of factors, including family violence, housing insecurity, mental health challenges, substance use, financial hardship and complex caring responsibilities. For these women, their car is often more than a vehicle. It can become a safety device, a temporary refuge, a means of escape and, at times, their only stable space.

This report presents a comprehensive analysis of 104 de-identified case files from the Law and Advocacy Centre for Women ('LACW'), all involving at least one driving offence charge. Using a systematic content analysis and a structured set of pre-developed codes aligned with LACW's intake assessments, the study provides the first known dataset in Victoria focused specifically on the support needs of women prosecuted for driving offences. This analysis not only reveals the prevalence of non-legal issues intersecting with this form of alleged offending but also identifies the layered, compounding nature of those needs across themes such as family violence, homelessness, mental health, substance use, cultural and linguistic background and caring responsibilities.

Across the files analysed, nearly half of the women reported current or historical family violence. In some cases, this violence directly contributed to alleged offending behaviour, including coercion to drive while unlicensed, fleeing unsafe homes, or relying on a vehicle as emergency accommodation.

Although LACW facilitated referrals to a wide range of support services, clients continued to face persistent barriers, including fear for their safety, lack of privacy when consulting their lawyer, service shortages, long public housing waitlists, expiring mental health care plans, financial hardship and difficulty navigating court processes and fragmented service systems.

LACW's integrated practice model played a vital role throughout these matters, enabling women to access support which would otherwise have been inaccessible due to structural and personal barriers. This report seeks to build on that foundation by identifying the needs of clients, assessing their knowledge or awareness of support options and highlighting gaps that require further research.

Together, these insights contribute to future legal practice, policy design and advocacy aimed at supporting women in the criminal legal system.

INTRODUCTION TO A HOLISTIC FRAMEWORK FOR RESPONDING TO DRIVING OFFENCES

This report highlights the need for a strengthened, trauma-informed and integrated response to women who are prosecuted for driving offences.

Family violence sits at the centre of many of these matters, shaping both the circumstances of alleged offending and the broader support needs of clients. To respond effectively, legal practice must be closely linked with specialist family violence services, safe referral pathways and multidisciplinary supports capable of addressing the complex interplay between safety, trauma and associated risks. Strengthening these integrated and trauma-informed approaches will enable women to safely disclose their circumstances, access specialist support, and avoid further entanglement with the criminal legal system.

Housing security also emerges as a critical area for reform. The data demonstrate that some women drove in circumstances arising directly from homelessness or housing instability, often using their cars as a temporary refuge, a means of escape, or the only space available to them and their children. Improving access to emergency accommodation, expanding rapid rehousing pathways and ensuring service availability for women leaving violence are important steps in reducing the conditions that force women to rely on vehicles for safety and shelter. Addressing the structural drivers of homelessness is fundamental to preventing these forms of offending.

The data further show the complexity of intersecting needs across mental health, substance use, financial hardship, language barriers and caring responsibilities. This reflects the difficulty many women experience in navigating fragmented service systems. There are cases in which women lacked the documentation, capacity or knowledge needed to access these services. LACW played an important role in bridging these gaps. This indicates that coordinated and proactive service navigation support is required to enable women to maintain continuity of care, access essential documentation and engage meaningfully with health, housing and social support services. This includes improving access to mental health care, reducing wait times and addressing gaps such as expiring care plans or limited availability of trauma-informed services.



Culturally safe service provision remains a further priority, particularly for CALD women and First Nations clients. Women from culturally and linguistically diverse backgrounds often faced additional barriers including fear around confidentiality in small communities when being offered an interpreter or limited awareness of culturally responsive supports. Similarly, First Nations women require effective access to Aboriginal Community Controlled Organisations, culturally grounded legal pathways and trauma-informed services that reflect the ongoing impacts of colonisation, family separation and systemic discrimination. Deepening partnerships with ACCOs and strengthening culturally specific pathways are essential to ensuring safety, dignity and meaningful engagement.

Finally, sentencing and support responses must recognise the impact of criminalisation on dependants. Many women were caring for children, elderly parents or family members with additional needs. License loss or financial penalties had consequences on family stability and caring responsibilities. Women with carer responsibilities need access to parenting supports, at times family law advice and child-focused services to prevent further instability for them or their dependants.

Overall, the findings of this report call for a holistic, fulsome response that recognises that alleged driving offences among women in crisis are rarely isolated acts of wrongdoing. They often demonstrate a broader structural inequity and reflect survival strategies shaped by violence, trauma and disadvantage. Addressing these underlying issues requires integrated, culturally informed and safety-focused supports that meet women's needs in their entirety.

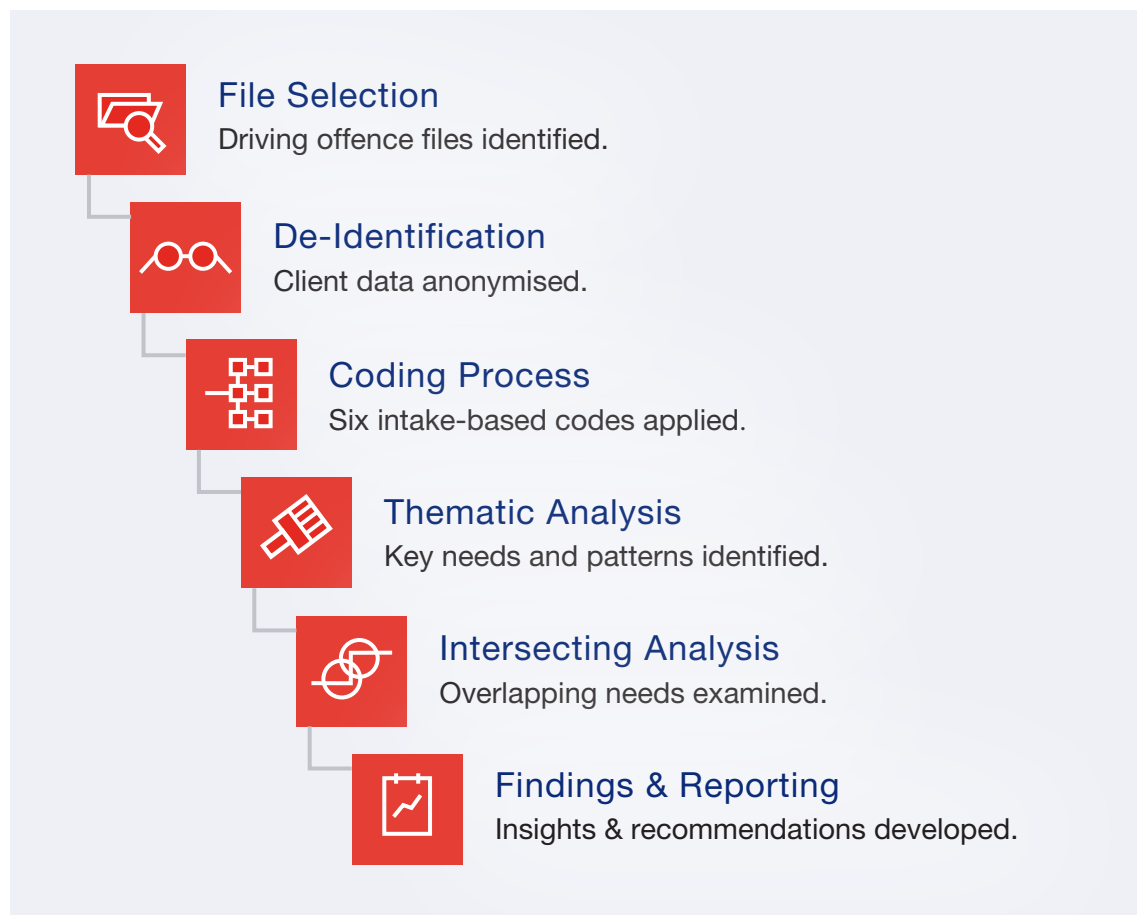


I. METHODOLOGY

This report is based on a systematic content analysis of 104 de-identified legal case files provided by LACW.¹ These files were selected because they involved at least one alleged driving offence, allowing the study to explore the broader social and legal circumstances surrounding women prosecuted for these alleged offences.

The first stage of the analysis addressed client needs through three key questions per code category: the identification and reasons for needed support services, the stages at which services were requested during LACW representation, and clients' knowledge of available services. This approach provided insights into service provision gaps and client awareness, informing targeted interventions and support strategies.

The second stage expanded on identifying multiple needs among clients and assessing interactions between overlapping themes. Evaluating how these themes exacerbated one another helped shape recommendations for resources and interventions tailored to client needs, aiming to optimise the support mechanisms offered by LACW. An overview of the data selection, coding and analysis is provided below:



¹ Pursuant to Mark A Hall and Roland F Wright, 'Systematic Content Analysis of Judicial Opinions' (2008) 96 *California Law Review* 63. The complete data set consisted of 231 client files (n 231) which included duplicate entries of clients that had multiple matters handled by LACW (n 64). These files were selected on the category of offences charged. After removing the duplicate entries from the Case data count, the total number of clients is 172 ('File data'). The File data involved prosecution of driving offences. Saturation was reached after the review of 104 unique files (the 'Case data') after no new thematic insights were gathered from the data

1.1 LACW'S INTEGRATED PRACTICE MODEL

LACW is a Victorian community legal centre that represents women, trans and gender-diverse people who are in or at risk of entering the criminal legal system. LACW operates an integrated practice model, where clients may be assisted by an in-house team of case managers and social workers, in addition to receiving legal advice and representation from their LACW lawyer. Due to limited resources, not all clients are able to receive social work/case management support, and there is a need to prioritise clients who are at risk of imprisonment, which generally does not include clients who are charged with driving offences. In the sample of clients represented in this study, some may have had access to ongoing, individualised case management support through LACW's integrated case management team, in addition to their legal support. In those limited cases, a separate case management file would have been created.

Alternatively, in some cases their lawyer may have sought ad hoc advice and assistance from LACW's integrated practice team in assisting clients with their non-legal support needs. In addition, LACW's lawyers can independently access and make referrals to support services and organisations external to LACW. For the present study, LACW provided case files that involved driving. This study looked at the legal case files only (as opposed to any separate case management files) to ascertain the underlying support needs of clients. LACW's file management practices mean that legal case files will record non-legal support needs through intake documentation and file notes, regardless of whether the client also had access to LACW's integrated case management support.

1.2 ETHICAL CONSIDERATIONS

This research involves accessing data related to women and their experiences within the criminal legal system. To ensure that all collected data was handled ethically and with integrity, ethics approval was obtained for this research (project no. 29917). The research was classified as high risk by RMIT University's Business CHEAN Committee, with approval granted on 5 January 2026. This approval included a waiver of consent for subjects involved in the cases.

Given the high-risk nature of the data, all case data was de-identified prior to analysis to minimise the risk of exposing confidential information. To further maintain confidentiality, no identifiable data was accessed outside the LACW premises. The anonymity of clients was safeguarded by avoiding the use of specific locations, names, circumstances or any other identifiable features.



1.3 DATA CODING AND SYSTEMATIC CONTENT ANALYSIS

To guide the analysis, each file was coded using six pre-existing categories drawn from LACW's intake assessments being:

Code name	Code description
 Family violence	Identification of clients who experienced or were at risk of family/domestic violence. Family violence is construed as meaning violence by a family member ² , including sexual abuse, emotional abuse, physical abuse, economic abuse, coercion or threatening behaviour. ³
 Homelessness	Identification of clients who were homeless or at risk of homelessness. Homelessness, in this context, refers to a situation where the client had no stable accommodation.
 Culturally and Linguistically Diverse ('CALD')	Identification of culturally and linguistically diverse clients. Culturally and linguistically diverse has the same meaning attributed by the Victorian Government to include client's that have a diverse language, ethnic background, nationalities, traditions, societal structures and/or religions. ⁴
 First Nations clients⁵	Clients who identify as an Aboriginal or Torres Strait Islander person.
 Dependants	The client had dependants who relied on their care during the prosecution.
 Non-Legal Support Needs	Identification of clients requiring non-legal support services not elsewhere classified.

² *Family Violence Protection Act 2008* (Vic) s 8.

³ Using the definition set out in *Family Violence Protection Act 2008* (Vic) s 5.

⁴ See Victoria State Government, 'Victorian Family Violence Data Collection Framework A guideline for the collection of family violence related data by Victorian government departments, agencies and service providers' (Report, 2019, Online) 87 < <https://www.vic.gov.au/sites/default/files/2019-11/Family-Violence-Data-Collection-Framework-October-2019.PDF> >.

⁵ *Terminology note*: the term 'First Nations' is used throughout this document to refer to Aboriginal and/or Torres Strait Islander people, communities and organisations. LACW and RMIT acknowledge that the term used to describe a client is something that should be confirmed with the client, as they may prefer a different term, and each person has the right to elect how they identify.

This coding enabled a structured examination of client circumstances and the identification of recurring themes. The analysis focused on three core questions for each category:

1. Support Services Needed:

What kind of support services have these clients indicated they needed, and have they provided reasons for these needs?

2. Stage of Request:

At what stage during the LACW representation were these support services requested or needed?

3. Client Knowledge:

Did the client have any knowledge of the support services available to them?

A second stage of analysis examined intersections between themes such as the overlap between family violence, homelessness and mental health challenges, and how these issues exacerbated others based on the provided information in the data.

This methodology provides the first dataset of its kind in Victoria examining the support needs of women prosecuted for driving offences and offers insights into the multilayered socio-legal circumstances shaping their engagement with the criminal legal system.

1.4 DATA ANALYSIS

This section provides a detailed analysis of the support service needs identified among clients (n 104) engaged with LACW, structured in accordance with the three sub-research questions guiding this inquiry. The purpose of this analysis is to examine the nature, timing, and awareness of support services as reported by clients, with a view to understanding how these needs intersect with legal representation.

The analysis is thematically organised to reflect key areas of vulnerability commonly encountered in legal practice, including family violence, non-legal support needs, homelessness, cultural and linguistic diversity ('CALD'), and First Nations status. These themes serve to contextualise the support needs within broader socio-legal circumstances and inform a more holistic understanding of client experiences.

The data analysis of each theme is discussed in section II.

II. FINDINGS

This section presents the key themes identified through the systematic content analysis of 104 de-identified LACW legal case files involving at least one alleged driving offence. The analysis draws on intake documentation, correspondence and file notes, and is limited to what is recorded in the legal case file.

The findings are organised by theme (including family violence, homelessness, culturally and linguistically diverse clients, First Nations clients, dependants and other non-legal support needs). Within each theme, the analysis considers (1) support services identified as needed (and any reasons recorded), (2) when those needs arose during LACW's representation, and (3) clients' knowledge of, and engagement with, available services. These findings highlight co-occurring disadvantage and the practical barriers clients faced in accessing supports; they should be read as indicative of patterns in this sample, noting that a lack of detail in a file does not necessarily indicate an absence of need.

2.1 FAMILY VIOLENCE AND ALLEGED OFFENDING

Family violence emerged as one of the strongest and most pervasive themes in the case data. For many women, interactions with the criminal legal system did not begin with a deliberate driving decision. Rather, current or historical family violence significantly contributed to their alleged offending. Family violence was the first theme identified in the case data. During intake, clients regularly disclosed psychological abuse, coercive control, physical assault and, in some cases, sexual violence. These experiences were not incidental background factors; they were central to understanding why the woman was driving, what risks she was responding to and why support services were needed.

In the case file data, around a third of clients (n 63, 36.5%) advised that they had experienced or were experiencing family violence. A further 23 clients (13%) advised during intake that they were presently at an appreciable risk of experiencing family violence in the foreseeable future. This means that almost half (50%) of LACW's clients in the file data were exposed to family violence. This significant proportion indicates a complex relationship between driving offences and family violence, and suggests the need for integrated approaches that address both legal and non-legal issues within this theme.

2.1.1 SUPPORT SERVICES NEEDED

Clients experiencing, or at risk of, family violence described a range of urgent support needs. The support services needed included assistance with:

- Escaping an ongoing abusive domestic situation.
- Coercion by domestic abuse perpetrators.
- Trauma responses linked to past or current family violence.
- Protection needs.



The support needed in relation to escaping a situation of violence included the need of these clients to flee violent partners and leaving their unsafe homes. Coercion was also noted on files to include situations of clients noting they were forced by their abuser to drive subject to threats (n 2). Situations of family violence further induced trauma responses, including substance use or unsafe decision-making, for which clients indicated that they needed additional support services such as counselling or treatment. Further, clients who were presently experiencing family violence often indicated that they needed support services to access protection needs including intervention orders (either a Family Violence Intervention Order⁶ or Personal Safety Intervention Order⁷), counselling and emergency accommodation.

2.1.2 REQUEST FOR SUPPORT SERVICES AND LACW'S ASSISTANCE

While some clients already had access to the relevant support services that assisted them in navigating their family violence situation, not all clients had access to these services at the time of their intake with LACW. The first instance where the clients indicated that they experienced or were at risk of family violence often occurred during the client intake stage. This occurred in the vast majority of the case data. After intake and during the first stage of LACW's representation, some clients indicated that they needed additional (legal) support. There have been a range of support services provided by LACW during the representation of these clients for alleged driving offences including:

- Assistance in obtaining an intervention order against the perpetrator
- Assistance in applications under the Fines Victoria Family Violence Scheme⁸
- Direct liaison of LACW lawyers with external family violence support services to obtain documentation relevant to defending charge (eg letters of support)
- Referrals to external family violence support services where the client was not already in contact with such services.

Despite these referrals and this assistance, there have been issues in effective access to those services due to the circumstances of the client. Some clients still remained living with their abusive intimate partner and were either fearful for their abuser to discover that they had engaged those services (n 2) or they were unable to obtain assistance due to lack of privacy (n 1). The lack of privacy situation refers to a situation where the perpetrator engaged in controlling behaviour toward the client. These situations can occur where the perpetrator attends the consultations with the client's lawyer and attends court hearings. The case data demonstrate that this is an issue that affects the client's ability to access effective assistance from vital support services.

⁶ Family Violence Protection Act 2008 (Vic) s 11.

⁷ Ibid s 176A; Personal Safety Intervention Orders Act 2019 (Vic) s 4.

⁸ See Fines Victoria, 'Family Violence Scheme' (Web Page) < <https://online.fines.vic.gov.au/Support/Family-Violence-Scheme>> for further information.

2.1.3 CLIENTS' KNOWLEDGE OF SUPPORT SERVICES

The case data revealed mixed levels of awareness. While in roughly two thirds of the cases, the data collected did not provide a clear indication of whether the client had any knowledge of relevant support services, around one third (36%) of the cases showed that the client had a clear understanding and current knowledge and/or engagement with the relevant support services.

From the case data, clients who previously experienced family violence or were currently experiencing family violence engaged a range of services to assist with their support needs around family violence. These services include Aboriginal Community Controlled Organisations, the Orange Door network, and place-based community health and family violence services including CASA house and Berry Street.

While it is a good sign that victim/survivors of family violence who are prosecuted for driving offences have access to support services, not all clients in the case data wished to engage those support services. There were clients in the case data who were too fearful to engage these services. These cases were in the minority, as from the 36% of the cases that were open to engaging relevant support services, over half of those (n 14) had engaged these services prior to their intake with LACW and at least six of those had already engaged services and had a detailed safety plan in place that was created in collaboration with a relevant support service.

2.1.4 CONCLUSION

The experience of family violence is a pervasive issue for clients who are prosecuted for driving offences. While LACW facilitated access to services and actively referred clients, some clients faced barriers due to privacy or personal safety concerns. In some instances, it was unclear from the case data whether clients knew of relevant support services. Nonetheless, in the majority of the cases where family violence issues were raised, there was an openness to engaging the services and, in these cases, LACW lawyers with the support of LACW's integrated practice team provided a supporting role in referring these clients and making support services accessible.



2.2 WOMEN AT RISK OF HOMELESSNESS

Homelessness was the next major theme to emerge from the data. This theme did not solely emerge as a social issue, but as a daily reality shaping women's safety, choices and criminalisation.

While there is no uniform definition of 'homelessness', the Australian Bureau of Statistics ('ABS') noted in the 2021 Census that, for the purposes of census data collection, 'homeless' refers to when a person's current living arrangement is a dwelling that is inadequate; or their current dwelling has a tenure that is short and not extendable, or does not allow the person to have control over, and access to, space for social relations.⁹ Women are particularly vulnerable to homelessness. The Australian Institute of Health and Welfare observed that the majority of people seeking the assistance of Specialist Homelessness Services ('SHS') are women.¹⁰

In addition to the growing number of women experiencing homelessness in Australia, Victorian data demonstrate that many of these women (38%) had experienced or were experiencing family violence.¹¹ The Inquiry into Homelessness in Victoria, conducted by the Parliament of Victoria Legislative Council on Legal and Social Issues Committee (the 'Legislative Council'), further observed that between 2018 and 2019, one in 57 Victorians accessed government-assisted and funded homelessness services.¹² The Legislative Council further identified several risk factors for homelessness in the State, including personal risk factors such as mental health issues and structural risk factors causing disadvantage, including housing affordability and unemployment rates.¹³

The Legislative Council also identified the key contributing factor to women's and young people's homelessness: family violence.¹⁴ This vulnerability to homelessness not only impacts clients' housing stability; it also intersects with other legal challenges, as evidenced by the prevalence of driving offences among individuals relying on vehicles for shelter.¹⁵

⁹ Australian Bureau of Statistics, *Estimating Homelessness: Census methodology*, Census of Population and Housing: Estimating Homelessness, 2021 (Catalogue No 2049.0, 28 March 2023) <https://www.abs.gov.au/statistics/people/housing/census-population-and-housing-estimating-homelessness/latest-release/estimating-homelessness-census-methodology> referring to Australian Bureau of Statistics, *FACTSHEET: Homelessness — in concept and in some measurement contexts*, Census of Population and Housing: Estimating Homelessness, 2011 (Catalogue No 2049.0, 12 November 2012) <https://www.abs.gov.au/statistics/people/housing/census-population-and-housing-estimating-homelessness/2011/20490-2011-factsheet-homelessness-concept-and-some-measurement-contexts.pdf>.

¹⁰ SHS reported that 60% of their clients between 2023 and 2024 were women. Australian Institute of Health and Welfare, *Specialist homelessness services annual report 2023–24* (Report, 2025) 15. Available via: < <https://www.aihw.gov.au/getmedia/ace25f78-a68b-43ee-a4a9-cafd145408b9/specialist-homelessness-services-annual-report-2023-24.pdf?v=20250925114202&inline=true> >.

¹¹ Reported by the Council for Homeless Persons based on the 2021-2022 Census data. Refer to CPH, 'Data and Demographics. Homelessness facts, stats and insights' (Web Page) < <https://chp.org.au/wp-content/uploads/2022/06/Homelessness-and-women.pdf> >.

¹² Legal and Social Issues Committee, Parliament of Victoria, *Inquiry into Homelessness in Victoria: Final Report* (Report, March 2021) xvi.

¹³ Ibid 129-174.

¹⁴ Ibid xxi, xxx.

¹⁵ Justice Connect, *Courting Justice: Integrated Criminal Legal Representation for Victorians Experiencing Homelessness* (Report, October 2018) 2, 4.



2.2.1 SUPPORT SERVICES NEEDED

Across the files, one pattern becomes clear; housing instability rarely appears on its own. It is intertwined with family violence, mental health challenges, substance use and financial hardship. Clients who indicated that they were experiencing (or at risk of) homelessness had multiple support needs, ranging from assistance with emergency accommodation (n 7) to support in obtaining relevant documentation to assist their matter and securing stable accommodation (n 11).

What can be observed from the case data is that the support services needed often addressed one or multiple underlying issues contributing to the homelessness. Consistent with the analysis from the Legislative Council, many of the clients who were experiencing (or at risk of) homelessness indicated their need for support services assisting them with navigating their family violence situation. A staggering 66% of the clients who were at risk of or experiencing homelessness also indicated that they needed support services to assist them with navigating their family violence situation (n 25).

2.2.2 REQUEST FOR SUPPORT SERVICES AND LACW'S ASSISTANCE

LACW has assisted in finding emergency accommodation or contacting referral services for at least nine clients that were at risk of or experiencing homelessness (23%). LACW has actively assisted in arranging emergency accommodation (n 2), securing stable accommodation by active liaison with assistance services (n 2) and referred clients to appropriate services to assist with access to either emergency or stable accommodation (n 5). Approximately 40% of the clients who were at risk of homelessness or experiencing homelessness indicated that they engaged support services for assistance prior to their engagement with LACW (n 16).



2.2.3 CLIENTS' KNOWLEDGE OF SUPPORT SERVICES

The case data presents an incomplete picture of clients' prior knowledge of homelessness services. However, the fact that at least 40% had already engaged relevant services suggests that many women were aware of the pathways available, even if those pathways were not always accessible or responsive. LACW clients have been in contact and/or assisted by a variety of services including Aboriginal Housing Victoria and the Australia Red Cross.

The case data demonstrate that clients had access and were referred to a range of relevant support services to assist them with securing emergency or stable accommodation. The case data further demonstrate that LACW lawyers, with the support of LACW's integrated practice team, have fulfilled a proactive role in evaluating whether clients were in need of such services and whether they would be able to assist if clients experienced any issues accessing those services.



2.2.4 CONCLUSION

The intersection between homelessness, family violence and criminalisation is clear and deeply troubling. Homelessness is not merely a housing problem, it is a structural issue compounded by trauma, financial hardship, mental health challenges and systemic barriers to access support services.

In the case data, family violence emerged as the key driver of housing instability. The case data further demonstrate a direct link between driving offences and homelessness. There are clients that have used their vehicle for shelter making them more vulnerable to incurring liability for driving offences. This finding is not an isolated issue but one that directly influences offending patterns, particularly in relation to mobility and survival strategies which includes fleeing a family violence situation (in at least three cases in the case data). It is important that clients are supported to access housing pathways alongside the provision of legal assistance in order to reduce the risk of these issues recurring.

2.3 SUPPORT NEEDS OF CALD CLIENTS

The third theme analysed in the case data is the support needs of culturally and linguistically diverse clients. For the purposes of identifying CALD clients, 'culturally and linguistically diverse' has the same meaning attributed by the Victorian Government to include clients that have a diverse language, ethnic background, nationalities, traditions, societal structures and/or religions.¹⁶ CALD women appear throughout the case data not merely as a demographic category but as women who are navigating unfamiliar systems, traumatic histories and layers of cultural and linguistic complexity.

In 2024, 14% of the prison population in Australia were born overseas.¹⁷ Victoria has the highest proportion of people born overseas within its prison population, compared to other 22 Australian jurisdictions.¹⁸ CALD women in particular are vulnerable in the Victorian criminal legal system and are overrepresented in Victorian prisons.¹⁹

In the case data, roughly 12.5% of the clients identified as CALD (n 13). Their background varied. Some arrived in Australia as children. Others had come more recently, sometimes after fleeing war or persecution. Of the clients who identified as CALD, clients were from a range of cultural and national identities. The women spoke a wide array of languages including Māori, South Sudanese, Kenyan, Iraqi, Persian, Afghan, Lebanese, Chinese and Slovenian. While many had some or good English proficiency, others did not speak English at all (n 2). Limited English proficiency and unfamiliarity/inability to understand the Australian road rules and driving laws can make CALD women particularly vulnerable to being prosecuted for driving offences.

¹⁶ See Victoria State Government, 'Victorian Family Violence Data Collection Framework A guideline for the collection of family violence related data by Victorian government departments, agencies and service providers' (Report, 2019, Online) 87 < <https://www.vic.gov.au/sites/default/files/2019-11/Family-Violence-Data-Collection-Framework-October-2019.PDF>> . Aboriginal and Torres Strait Islander women can identify as CALD but their specific circumstances are addressed under a separate theme (refer to section 2.4).

¹⁷ Australia Bureau of Statistics, *Prisoners in Australia, 2024* (Catalogue No 4517.0, 2024). Of these prisoners, the largest group of CALD overseas born prisoners were people born in Vietnam accounting for 1% of the prison population.

¹⁸ Ibid.

¹⁹ Centre for Innovative Justice, *Leaving Custody Behind: Foundations for Safer Communities & Gender-Informed Criminal Justice Systems* (Issues Paper, 2021) 40-1.

2.3.1 SUPPORT SERVICES NEEDED

The background for these clients varied significantly and many of these women coming from a migrant background had experienced violence in their home countries prior to coming to Australia.

The case data demonstrate the potential emotional complexity behind accessing interpreting services. In one case, a woman declined an interpreter because her language community was small. She feared that speaking through an interpreter could compromise her privacy and that her experiences might be shared with her community. On the other hand, many clients welcomed the assistance of an interpreter (n 6). According to the case data, interpreting services were the main support service needed for many of these clients.

While interpreting services are vital for supporting CALD women, the case data reveal that their support needs are multifaceted and interconnected, extending beyond language assistance. Many clients face additional challenges such as mental health issues and family violence, often shaped by their migrant experiences and trauma. This intersectionality highlights the necessity for support services that not only provide interpreters but are also culturally sensitive and gender-specific, ensuring a safe and welcoming environment. By acknowledging and addressing these overlapping needs, service providers can offer more holistic support that empowers CALD women and helps them navigate complex issues for greater wellbeing and safety.



2.3.2 REQUEST FOR SUPPORT SERVICES AND LACW'S ASSISTANCE

The case data highlights the critical role that LACW played in identifying and responding to support needs that were not always easy for clients to articulate. Where the client did not speak any English (n 2) or had limited English proficiency (n 4) they indicated that they were in need of interpreting services to enable them to understand the charges, their prosecution, the road rules, driving laws and their interactions with their lawyer. Particularly in situations where English proficiency is limited to the extent that clients are not capable of understanding their lawyer or provide clear instructions, it affects the fairness of proceedings due to the clients' inability to effectively participate in proceedings and instruct their counsel. In these situations, LACW took a pro-active approach and offered interpreting services to these clients.

2.3.3 CLIENTS' KNOWLEDGE OF SUPPORT SERVICES

The case data does not provide a full picture of how familiar CALD clients were with support services prior to engaging LACW. On the case data where there is information available about the support needs of the client, there is an indication that these clients were aware of relevant support services to assist them. However, there are also case data where LACW pro-actively assisted in enabling access to such support services (at least n 4) indicated that they did have some familiarity with these support services.

2.3.4 CONCLUSION

The third theme from the case data explores the support needs of CALD clients. In the analysed cases, 12.5% of clients identified as CALD (excluding First Nations clients whose needs are addressed under a separate theme). While most of the CALD clients spoke some English, interpreter services were critically needed, although concerns about confidentiality sometimes led clients to decline these services.

LACW played a proactive role by identifying support needs and facilitating access to relevant services, especially when clients' limited English proficiency affected their ability to understand legal proceedings and effectively instruct their counsel.



2.4 INTERSECTING PATHWAYS FOR FIRST NATIONS WOMEN

First Nations women appear in the case data not simply as a 'client group' but as women whose lives reflect generations of harm, resilience, disruptions and survival. The persistent issue of the overrepresentation of First Nations peoples in the Victorian criminal legal system is well documented.²⁰ First Nations people are incarcerated 15 times the rate of all Victorians.²¹ First Nations women are also at a higher risk of entering the criminal legal system.

They are 11 times more likely to be processed by Police than non-First Nations women.²² With regard to incarcerated First Nations women, trauma, induced by a variety of factors including colonisation, stolen generation and family violence, is a commonly observed feature in Victorian prisons.²³

Across the case files, 37 clients identified as a First Nations person at intake, a number that reflects LACW's intentional engagement with First Nations women, but also the stark reality of over-representation. In some cases, clients' connections to particular cultural or language groups were documented in their files and, where relevant, incorporated into court submissions.



²⁰ See eg Victorian Government, 'Racism in the Justice System' (Web Page) < <https://www.vic.gov.au/victorias-anti-racism-strategy-2024-2029/case-change-why-we-need-strategy/racism-community-and-public-places/racism-justice-system> >.

²¹ Ibid.

²² Ibid.

²³ See Yoorrook Justice Commission, *Yoorrook for Transformation* (Final Interim Report, Volume 3, 1 July 2025) 35; Yoorrook Justice Commission, *Report into Victoria's Child Protection and Criminal Justice Systems* (Final Report, 31 August 2023) 236-250; see further Megan Beatrice, 'A Problem-Solving Approach to Criminalised Women in the Australian Context' (2021) 46(1) *Alternative Law Journal* 41, 42-44 for discussion.

2.4.1 SUPPORT SERVICES NEEDED

Review of the case data indicated that over half of matters involving First Nations Clients (48% (n 18) documented engagement with First Nations-specific services in the file. A further 27% of files (n 5) noted recorded engagement with mainstream supports such as GPs, counselling services, housing support, family violence services and addition support services.

There are a disproportionate number of First Nations women involved in the criminal legal system. This over-representation has deep systemic and historical roots, including the ongoing impacts of colonisation, dispossession, and intergenerational trauma. Such factors have resulted in enduring inequalities and barriers that continue to affect First Nations women today.

Given this context, it is essential that legal services are delivered in a manner that reflects an understanding of these systemic and historical realities. Services must be tailored to acknowledge the specific experiences and needs of First Nations women to ensure they are accessible and genuinely supportive.

Self determined solutions through direct service-delivery by, or strong collaborations with, Aboriginal Community Controlled Organisations ('ACCOS') and other culturally appropriate services throughout the community are essential.

Legal service providers must develop strong relations with ACCOs to facilitate referrals to a range of culturally safe support services, ensuring First Nations women have access to community-based organisations they trust. At the same time, there is pressing need for multiple pathways, through both ACCOs and culturally appropriate mainstream services, to address the complex, systematic issues that, alongside with individual circumstances, have resulted in these women's contact with the criminal legal system.



2.4.2 REQUEST FOR SUPPORT SERVICES AND LACW'S ASSISTANCE

In a majority of cases, clients had already engaged support services tailored to their specific needs. Nonetheless, the case data demonstrate that useful and culturally appropriate referrals were made in a number of instances. Five First Nations clients were referred by LACW to specialist Aboriginal support and legal services (Djirra and VALS). For other clients, referrals to specific programs, including Bring Them Home and Koori Liaison Officers, were initiated to address complex issues around family violence, cultural reconnection, and access to supportive legal pathways (such as the Koori Court).

A number of clients did not request or require additional support services, either due to existing connections, personal choice, or lack of supporting documentation presented. A smaller group was supported in finding accommodation and reducing the risk of homelessness (n 2), often in partnership with other community service agencies. Overall, the range of support needs varied from legal, family violence and AOD support, to mental health, housing, and culturally appropriate engagement, either provided directly or via active referrals to specialist Aboriginal community and/or support services. LACW clients have been in contact and/or assisted by connecting clients to a variety of support services including Djirra and Koori Liason services.

What can be observed from the case data is that LACW's First Nations clients often had multiple support needs which will be further discussed in section below.

2.4.3 CLIENTS' KNOWLEDGE OF SUPPORT SERVICES

Based on the case data, there is an indication that the vast majority if not all First Nations clients had familiarity with (either through previous engagement or had heard of) First Nations specific support services. As discussed above, the majority of LACW's First Nations clients had previously engaged with such services and only a small number of clients needed a referral to relevant services.



2.4.4 CONCLUSION

First Nations women not only face a much higher likelihood of being processed by Police and incarcerated, but the case data demonstrate that they also exhibit diverse and multifaceted needs shaped by trauma, disrupted cultural connections and social disadvantage.

The file analysis shows that while a substantial portion of First Nations clients had existing ties to culturally safe services or community supports, nearly half of the files did not actively refer to or seek Aboriginal-specific support. Instead, many relied on generalist support such as GPs, family violence support services, housing assistance or counselling, highlighting that pathways to support are varied and often depend on the individual client's circumstances and preferences.

Where First Nations specific support services were provided or referenced, these connections often pre-dated LACW's involvement, suggesting that these clients were resourceful in seeking out community-controlled or culturally safe support when needed. Referrals made by LACW to specialist First Nations legal and support agencies addressed more complex or acute needs, especially in cases involving family violence, legal advocacy, or when engagement with the Koori Court and programmatic supports were necessary for cultural reconnection. Notably, some clients maintained strong connections with community or Elders outside formal organisational pathways, further demonstrating the importance of informal networks and cultural ties for wellbeing and advocacy.

Overall, these findings demonstrate that First Nations women who are prosecuted for driving offences often require not only legal assistance but also holistic, culturally informed and individualised support that meets a range of intersecting needs.



2.5 THE HIDDEN IMPACTS OF DRIVING OFFENCES ON CARER RESPONSIBILITIES

The penalties that may be imposed as a consequence of driving offence prosecutions have impacts that extend beyond the accused person, to affect their dependents. If a person with caring responsibilities has their license suspended or disqualified or receives a fine, it can affect their ability to fulfil caring responsibilities (including financial responsibilities) for children, sick partners, parents, grandparents, grandchildren, or any other person they care for. This is very much a gendered issue given the higher rates of caring responsibilities for women.

While some research has been undertaken on the effects on children when their parent is incarcerated²⁴, little research has been conducted on the effects of suspended license or excessive fines on women who have carer responsibilities. In 38% of the case data (n 40), the client had a dependant. Most dependants in question were children (n 32) varying between one child in their care to six children in their care. There were also clients who were supporting their elderly parents (n 3) and grandchildren (n 1). In the other cases, no further detail about the dependants was provided (n 1).

2.5.1 SUPPORT SERVICES NEEDED

Women who were prosecuted for driving offences while caring for dependants faced a range of multiplicity of needs. Their caring and parental responsibilities often intersect closely with circumstances of offending and sentencing. Support services identified as necessary included parenting classes or support for reconnecting with children (n 5), engagement with child protection for monitoring or reunification (n 10), mental health and alcohol and other drugs (AOD) support (n 5), and practical family law assistance for custody or visitation issues (at least 2 noted requests for referral).

Culturally specific Aboriginal services were accessed in at least three files, such as Bendigo & District Aboriginal Co-operative and Victorian Aboriginal Child and Community Agency. Family violence support and counselling were required in roughly four cases, particularly where clients or their children were affected by abusive relationships. There were further housing or financial support needs in a few cases (n 3) most commonly due to housing instability, unemployment or financial hardship impeding ability to meet dependants' needs.

Carer support for clients' elderly or disabled relatives was highlighted in three cases. The reasons given nearly always centred on urgent parental or caring duties, with examples including driving to protect children (n 2), assisting with medical appointments for high-needs children (n 2) and maintaining stable accommodation to regain or retain custody (n 2).

²⁴ See eg Victoria Legal Services Board + Commissioner, *Keeping Women Out of the Justice System* (Final Report, 2023); Legislative Council Legal and Social Issues Committee, Parliament of Victoria, *Inquiry into Children Affected by Parental Incarceration* (Final Report, 2022).



2.5.2 REQUEST FOR SUPPORT SERVICES AND LACW'S ASSISTANCE

A request for specific support services was made by clients during various stages of their prosecution. Support service referrals were requested during the initial intake (n 6) or during court proceedings (n 4). In some cases, clients had support services already in place prior to engaging LACW (n 5). These support services related to community support, health or housing agencies managing ongoing needs.

There was no explicit indication of support services being requested, but the need for such was evident from the context, especially regarding dependants or drivers for alleged offending. Notably, support was often tied to the progression of legal matters and sometimes to the outcome (for instance, license suspension impacting care duties).

2.5.3 CLIENTS' KNOWLEDGE OF SUPPORT SERVICES

Knowledge and engagement with available services was documented in about 12 cases; for example, clients were already working with Department of Families, Fairness and Housing, Healthy Mums Healthy Babies, Orange Door, Bendigo & District Aboriginal Co-operative, Victorian Aboriginal Child and Community Agency, or Centrelink prior to or during their LACW representation (n 11). In some files, records noted clients had limited or no awareness of available services and were reliant on LACW or other agencies to inform them (n 5). In other cases (n 18), client knowledge was not recorded or was unclear, usually due to minimal detail in the case notes.

Some clients were clearly familiar with and engaged in long-term support networks (especially those involved with child protection or receiving single parent payments), while others expressed uncertainty, isolation, or no specific requests despite clear need. First Nations clients appeared more likely to be linked with culturally targeted services.



2.5.4 CONCLUSION

The inter-related needs of these clients are reflected in the diverse support services required. These support needs varied from practical parenting help and child protection engagement to mental health and AOD support, family law advice, culturally sensitive Aboriginal services and assistance for housing, finances or caring for elders and children with special needs. The reasons for seeking support almost always stemmed from urgent, real-life caring duties, be it protecting children in crisis, attending crucial appointments or striving for family reunification amid precarious life circumstances.

Requests for support services occurred at varying stages throughout the legal process, often surfacing during intake or court proceedings and sometimes as mandated court conditions. For some women, existing connections to support agencies before LACW involvement proved beneficial, yet for others, gaps in knowledge or access persisted, with many unaware of available pathways until prompted by their lawyer. While some clients demonstrated strong engagement with services, others faced barriers such as isolation, financial stress or intersecting family dynamics that limited their ability to seek help or sustain support.

Ultimately, the case data points to a clear need for more coordinated and proactive efforts in linking women facing driving offence charges, including their dependants, with appropriate, accessible and ongoing support.



2.6 OTHER SUPPORT SERVICES NEEDED (NOT ELSEWHERE CLASSIFIED)

Every matter is different which means that LACW clients who are prosecuted for driving offences can have a range of different support needs that are specific to their circumstances. The case data demonstrate that there were three prominent additional support needs of clients that were not classifiable under any of the above discussed themes. These were mental health support²⁵, addiction support²⁶ and physical health²⁷ support needs. These three sub-themes will be discussed below.

2.6.1 MENTAL HEALTH SUPPORT NEEDS

Women in the criminal legal system have disproportionately high rates of mental ill-health. While mental illness is a commonly known issue in our society with at least 45% of Victorians experience a mental illness during their lifetime,²⁸ roughly 65% of incarcerated women report to suffer a mental health condition of a kind.²⁹ Victoria has a mental health crisis and there is greater demand than support services available.³⁰ It is therefore unsurprising that 48% (n 50) of the case data involved women who were experiencing or had previously experienced mental illness, or needed support services to support their mental health. These women disclosed that they suffered a variety of different conditions including:

anxiety (n 17), depression (n 14), post-traumatic stress disorder (n 12), attention deficit hyperactivity disorder (n 6), bipolar disorder (n 5), borderline personality disorder (n 4), complex post-traumatic stress disorder (n 3), intellectual disability of a kind (n 3), obsessive compulsive disorder (n 1), autism (n 1), and agoraphobia (n 1).

There were also clients who disclosed that they had experienced suicide attempts (n 2). Some women suffered multiple mental health conditions.

²⁵ Mental health support needs refer to situations where the clients were in need of psychological support or counselling.

²⁶ Addiction support refers to situations where the client is suffering a substance addiction and needs support to overcome this addiction.

²⁷ Physical health support needs refer to situations where clients have a physical impairment that affects their effective access to justice.

²⁸ County Court of Victoria, 'Mental Illness & the Criminal Law' (Web Page) < <https://www.countycourt.vic.gov.au/files/documents/2018-08/factsheet-9-mental-illness-and-criminal-law.pdf> >.

²⁹ Human Rights Law Centre, 'People Struggling with Mental Illness Overrepresented in Victoria's Prisons' (Web Page) < https://www.hrlc.org.au/news/2019-7-8-people-struggling-with-mental-illness-overrepresented-in-victorias-prisons/?utm_source=chatgpt.com >.

³⁰ Royal Commission into Victoria's Mental Health System. Volume 1: A New Approach to Mental Health and Wellbeing in Victoria (Final Report, February 2021) x.

2.6.1.1 SUPPORT SERVICES NEEDED

The case data noted a number of different support needs. Many of these support needs intersected with the need for addiction support (discussed below). Clients were found to require a wide range of support services to manage their mental health and related conditions.

The most frequently needed supports included access to clinical mental health care, such as psychiatrists, psychologists, and general practitioners for management plans, therapy and medication prescriptions (n 28). Several clients were engaged with Mental Health Care Plans ('MHCP') and had ongoing needs for counselling and psychological therapy to treat their conditions.

A review of the case data reveals several common themes that created barriers for clients seeking support. Firstly, difficulty accessing psychologists or psychiatrists was specifically noted in a few files (n 4). Clients struggled to find appropriate practitioners, build rapport, or faced availability issues, which impeded ongoing mental health care. Additionally, expiring or limited referral plans, such as MHCPs posed challenges (n 2) with clients being unaware they could not immediately renew plans when further support was needed.

Housing instability and homelessness were observed as being barriers impacting both access to services and clients' overall wellbeing (n 5). The lack of secure accommodation exacerbated mental health issues and often restricted clients' ability to engage in regular treatment or support programs.

In addition to this, clients encountered a lack of documentation supporting disability or mental health needs, making it harder to access appropriate services or get necessary accommodations (n 2). Similarly, social isolation and lack of family support were identified as issues leaving clients without an informal support network to assist with daily functioning or emotional needs (n 2).

The case data demonstrate collectively recurring barriers that extended beyond individual mental health diagnoses, demonstrating the complexity of clients' needs.



2.6.1.2 REQUEST FOR SUPPORT SERVICES AND LACW'S ASSISTANCE

LACW intervened in providing referral services to aid clients' mental health in various ways. LACW facilitated referrals to psychological counselling to address family violence related trauma (n 1), organised a psychological appraisal for court (n 1), organised referrals for grief counselling (n 1) and assisted clients with obtaining a GP letter used to support a case (n 1). In addition to referrals, LACW also provided assistance in obtaining relevant documentation to confirm clients' engagement with mental health services (n 2). In the majority of the cases, clients already had existing mental health support services in place prior to their engagement with LACW. However, LACW was able to actively support clients in a variety of ways.

2.6.1.3 CLIENTS' KNOWLEDGE OF SUPPORT SERVICES

The majority of clients understood what mental health support services were available to them and had often already engaged, self-referred or taken steps to access relevant care prior to or during their interaction with LACW. The case data demonstrate that the majority of LACW clients demonstrated awareness and understanding of available mental health support services, with many clients managing access independently or expressing familiarity through ongoing engagement with practitioners. Several clients had prior or current relationships with GPs, counsellors, psychologists and psychiatrist services prior to when the alleged offence took place (n 10).

Clients also frequently showed knowledge of community mental health supports and programs. For instance, self-referrals to AOD counselling and community health services such as Inspiro, Odyssey Victoria, Youth Junction, YSAS and Headspace occurred in multiple cases (n 11). Some clients accessed peer-led, trauma-informed (n 3) or disability-focused programs (n 5) and demonstrated active participation in these supports.

However, there were exceptions where clients had limited knowledge or engagement with mental health services, highlighting gaps in access or familiarity, particularly among those facing homelessness, language barriers, or intersecting needs (n 3). Some clients struggled to find appropriate services or navigate the system for free or specialised support.



2.6.2 ADDICTION SUPPORT NEEDS

The relationship between substance addiction and criminal legal system involvement has been a widely recognised issue in Australia.³¹ Individuals who are engaged with the criminal system have higher rates of substance abuse compared to members of the general population.³² Further, substance abuse has been identified as a contributing factor to a variety of alleged offences including driving offences.³³

The Australian Institute of Health and Welfare ('AIHW') reported that substance abuse levels are high in the prison population.³⁴ The AIHW reported, in 2022, that 75% of the prison entrants smoked tobacco, 12% reported daily e-cigarette use and 73% reported having used illicit drugs (most commonly cannabis, methamphetamine) in the preceding twelve months prior to incarceration.³⁵ Substance abuse was also identified in the case data as a reason for the need for support services (n 32).

2.6.2.1 SUPPORT SERVICES NEEDED

The case data demonstrate that LACW clients who were prosecuted for driving offences indicated during their intake that they had a need for various services tailored to treating substance abuse. The most commonly requested service includes alcohol and other drug ('AOD') counselling (n 15), MHCP intertwined with substance use (n 29), detox or rehabilitation services (n 3), peer support and recovery programs (n 4) and specialist addiction support (addiction specialist, narcotics anonymous, methadone program and DayHab) (n 3). The reasons for the need for these support services varied. There were clients that needed substance abuse treatment support to cope with trauma or mental health conditions including family violence, childhood trauma or sexual abuse (n 10), bereavement, relationship breakdown or loss of children (n 14) and housing instability or underemployment (n 4). What can be observed from these circumstances is that there is a strong link between the substance abuse or dependence of these clients and intersecting challenges in their lives.

2.6.2.2 REQUEST FOR SUPPORT SERVICES AND LACW'S ASSISTANCE

The need for support services was expressed at various stages during the clients' engagement with LACW. The need for these services was expressed during the initial intake (n 6), during the proceedings (n 9) and by submission for sentencing considerations (n 5). LACW supported these clients in various ways including through arranging letters of support or in court advocacy addressing the clients' engagement with substance abuse (n 8). In at least nine cases, LACW arranged or directly facilitated substance abuse support through referrals, liaison or advocacy.

³¹ Australian Institute of Health and Welfare, 'Alcohol, tobacco & other drugs in Australia: Experiences of Alcohol and Other Drugs Among People in Contact with the Criminal Justice System' (Web Page) < <https://www.aihw.gov.au/reports/alcohol/alcohol-drugs-justice-system> >.

³² Ibid citing David M Fergusson et al, 'Alcohol misuse and Psychosocial Outcomes in Young Adulthood: Results from Longitudinal Birth Cohort Studied to Age 30' (2013) 133(2) *Drug Alcohol Depend* 513-9.

³³ Albert M Kopak et al, 'Pathways Between Substance Use, Dependence, Offence Type, and Offence Severity' (2014) 25(6) *Criminal Justice Policy Review* 743, 744, 755-757.

³⁴ AIHW (n 31).

³⁵ Ibid.



2.6.2.3 CLIENTS' KNOWLEDGE OF SUPPORT SERVICES

Not all case data clearly outlines the prior knowledge that clients had about substance addiction support services. However, in nine matters, clients indicated their prior engagement or knowledge about these services. In these matters (n 9), clients demonstrated a strong knowledge of substance addiction support services and had proactively engaged with them prior to or independent of LACW's involvement. These clients self-referred to community health services (n 4) (eg Inspiro Community Health, Odyssey House Victoria and other AOD providers), participated in comprehensive assessments (n 4) and continued with voluntary counselling or treatment programs beyond what was court mandated (n 5).

2.6.3 PHYSICAL HEALTH SUPPORT NEEDS

The last non-legal support need (nec) was a broad category addressing physical health needs. There were clients that suffered chronic diseases (eg cancer, cardiac conditions or acquired injuries or infections) (n 6). The support needs varied however, these often meant that support was needed to obtain adjournments or the rescheduling of hearings due to a clash of the court hearings and a medical treatment (n 2). LACW has actively supported these clients through advocacy. On the whole, clients did not need referrals to medical support services to treat their physical health conditions and had already engaged medical services prior to their engagement with LACW.

2.6.4 CONCLUSION

The case data demonstrate that LACW clients who are prosecuted for driving offences present with diverse and intersecting support needs across mental health, addiction and physical health. These support needs often coexist and reflect complex personal circumstances, including trauma, bereavement and housing instability. The majority of clients were already knowledgeable about or engaged with relevant support services prior to their engagement with LACW and they proactively self-referred or accessed these services independently. LACW supplemented these efforts by facilitating referrals, court advocacy requesting consideration of the clients' unique circumstances and support needs and assisted with documentation or court submissions where needed.

The case data indicate that clients frequently experience a range of support needs that intersect, including those related to family violence and homelessness.



2.7 INTERSECTING SUPPORT NEEDS

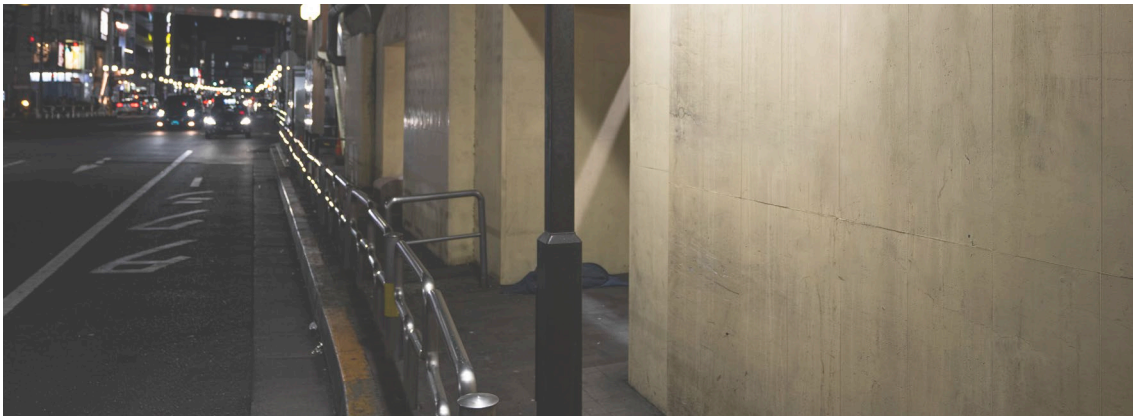
The case data analysis revealed that LACW clients facing driving offence charges experience a complex web of intersecting legal and non-legal support needs. The most notable support needs involved family violence, mental health challenges, substance dependencies, homelessness, carer responsibilities and cultural or linguistic diversity. While in many cases, there were overlapping needs, this section will address the primary circumstance emerging from the case data to contribute to additional support needs: family violence.

Family violence has emerged as a particularly pervasive factor with nearly 50% of LACW's clients presenting with driving matters having experienced current or historical exposure to family violence. In some cases, this circumstance was combined with a mental health diagnosis, neurodiversity, substance misuse, parenting and caring responsibilities and housing instability. At least 14 clients who were experiencing or had previously experienced family violence also reported that they needed mental health support (n 14).

There were eight clients who were at risk of or experiencing homelessness and five clients who needed support with the care of their dependants whilst navigating their family violence situation. From the case data, family violence sits at the centre of multi co-occurring support needs of women who are prosecuted for driving offences. It appears that a family violence situation contributes to other needs including mental health support, support to prevent or assist with housing insecurity, support with carer responsibilities. In particular, mental health was a frequently linked to trauma consequential to a family violence situation.

Experiences of family violence also intersected with the reason for the alleged offending. There are examples of women being prosecuted for driving offences whilst they were in the process of fleeing a violent situation (n 3), were coerced to drive on a suspended license (n 2) or used their car as emergency accommodation to flee violence (n 3).

Hence, rather than dealing with these issues in isolation, we need to evaluate the circumstances of these clients as a whole and attempt to reduce barriers to accessing support by providing a holistic, wrap-around approach. A socio-legal collaboration integrating social work and law practice alongside potential medical collaborations and effective referral services has been proven to benefit clients who have intertwined legal and other support needs.³⁶



³⁶ See eg Jennifer Davidson et al, 'Social Workers in Socio-Legal Collaborations: Re-Asserting a Pivotal Role of Influence and Leadership' (2024) 54(1) *The British Journal of Social Work* 381, 381-388.

III. CONCLUSION

The case data provides a clear picture: the alleged driving offences were not simply a legal breach but a window into lives marked by violence, instability and other challenges that contribute to women's involvement with the criminal legal system.

Nearly half of the clients reported current or historical family violence, which frequently co-occurred with mental health challenges, substance use, homelessness and caring responsibilities. These family violence circumstances have also contributed to the alleged driving offences. There have been clients who were coerced to drive while suspended, used their vehicles to escape a violent situation or were using their vehicle for shelter. The analysis in this Report further demonstrates that multiple and overlapping non-legal support needs are the norm rather than an exception. Women commonly presented with combinations of mental illness, substance addiction, housing instability and care for dependants.

The analysis also demonstrates that barriers persist to accessing relevant support services. Even where LACW facilitated referrals, clients faced obstacles to effectively using those services. These barriers were circumstantial and occurred in situations involving privacy concerns, limited service availability, concerns about interpreter confidentiality, housing instability disrupting continuity of care, expiring MHCPs, and difficulties in securing relevant documentation. Effective support requires attention to safety, continuity and cultural appropriateness, which does not appear to be present in all support services accessed by LACW clients.

What was positive to observe was that many clients demonstrated some service awareness. Despite this awareness, gaps arose around service navigation and obtaining necessary documentation. In these situations, it is important that service providers are aware of the support services that clients may need, so they can either make effective referrals or provide in-house assistance.



IV. RECOMMENDATIONS TO IMPROVE ACCESS TO JUSTICE

Following the analysis in the report, we provide the following recommendations to improve access to justice for women who are prosecuted for driving offences.



1. Integrated legal practice

The women in this study should be treated within a framework that recognises their support needs. Legal representation should be closely connected to specialist support services. An integrated legal practice, such as LACW, offers that additional support that women need to obtain effective referrals and pathways to support.



2. Improve access to housing

Housing instability was not just a theme emerging from the data, it demonstrates a long-standing issue of inadequate access to emergency accommodation and public housing. Streamlined referral pathways, priority housing allocations and an adoption of Housing First principles are needed to reduce disadvantage and points of crisis, which will in turn reduce offending.



3. Improve access to mental health, AOD support and continuity of care

The case data demonstrate that many clients faced delays and/or had expired mental health plans. Improved access to counselling services, culturally safe support services and sustained AOD support are an important first step to improve access to justice for these women. Such service systems should minimise barriers for women navigating unstable housing, financial hardship or other personal challenges.



4. Culturally safe support services for First Nations women

Culturally grounded support services are important for First Nations women navigating the criminal legal system. Self-determined solutions, partnerships with ACCOs, Koori Court pathways and culturally safe counselling models are important to ensure access to justice and mitigate the structural racism inherent in the criminal legal system.



5. Sentencing and carer responsibilities

A conviction of driving offences often leads to license suspensions and/or fines. This does not only affect the woman but also their dependants for whom they have carer responsibilities. This is a factor that should have greater weight in sentencing.





6. Culturally responsive support for CALD women

Interpreting services must be accessible, confidential and tailored to the sensitivity of small cultural communities. Relevant support services should include service providers that understand the potential fear, stigma and linguistic barriers CALD women may encounter.



7. Reduce administrative burdens across all support services

Support services should adopt flexible, trauma-informed practices that reduce administrative/documentation requirements. While we appreciate that these often involve legal requirements, more collaboration between different service providers is needed to reduce the administrative burden on women in the criminal legal system.



8. Need for a holistic approach to improve access to justice

Women who are prosecuted for driving offences are not simply drivers who breached the law. These women are mothers, daughters, family violence survivors and carers who often face a range of personal challenges that require support. Victoria needs a system that centres safety and recognises interconnected support needs to prevent these women entering the criminal legal system. We need a holistic, wrap-around response to these challenges. This will ultimately improve their access to justice.





