



Trauma Informed Practice

Law Society of the Australian Capital Territory
Thursday 22 May 2025 12.30pm – 1.30pm

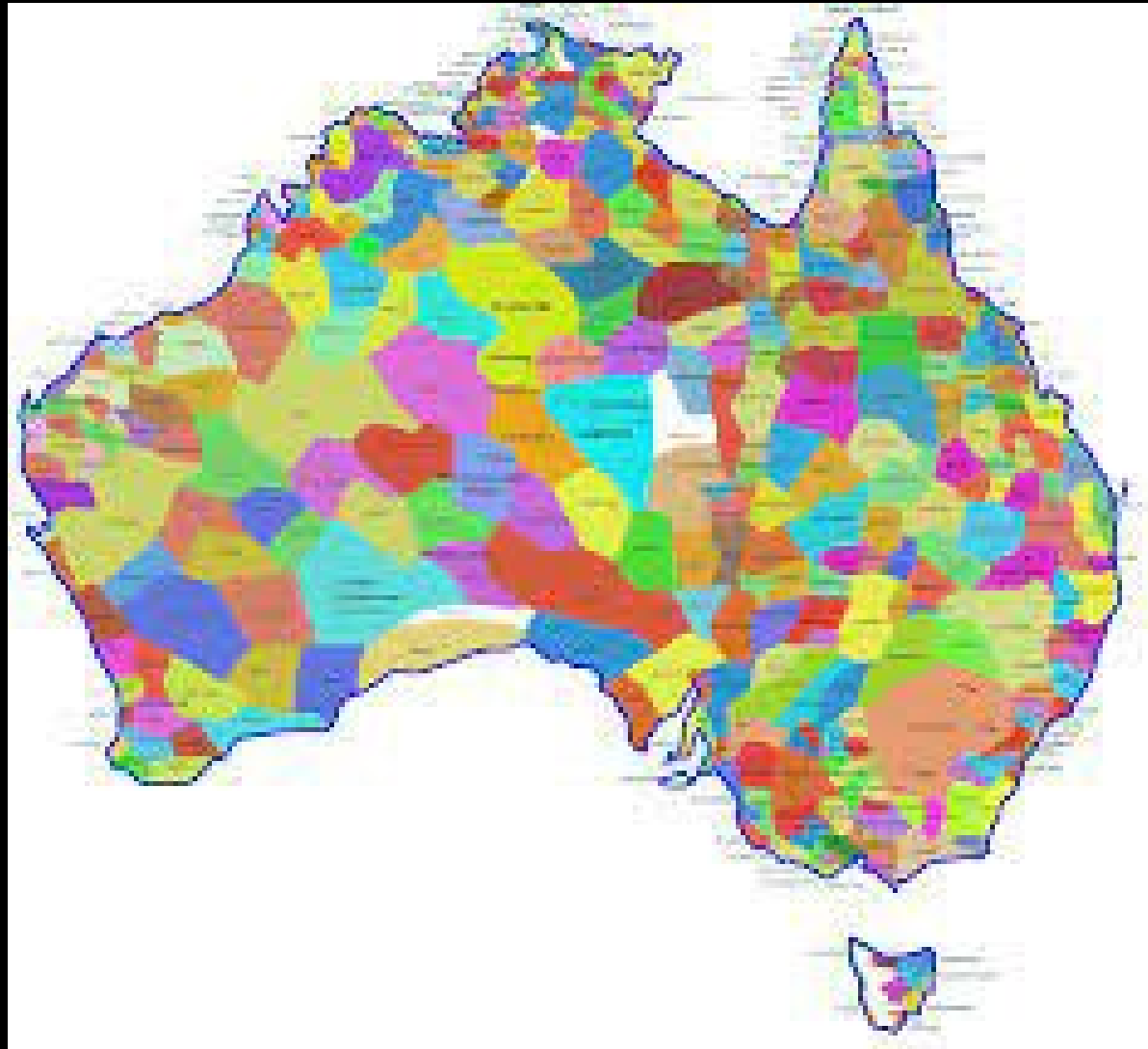
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Acknowledgement
of Country



**A gentle reminder
(trigger warning)...**



Correlation Between Child Sexual abuse and Family Violence

The Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings ('COI') endorsed The National Family Violence Plan which acknowledged that 'many of the risk factors and experiences of child abuse and neglect align closely with violence against women and children'

Given that alignment with, and difference between, family violence and child sexual abuse the Australian Government has two separate approaches to these issues that sit side-by-side:

- National Plan to End Violence Against Women and Children 2022–2032*
- National Strategy to Prevent and Respond to Child Sexual Abuse 2021–2030*





Australian Child Maltreatment Study (2023)

- 8500 participants (aged 16 and over) reflecting on their childhood:
- 66% reported experiencing childhood maltreatment
- 32% childhood physical abuse
- 28.5% childhood sexual abuse
- 30.9% childhood emotional abuse
- 9% childhood neglect
- 39.6% experienced (as children) domestic/family violence
- 39.4% experienced 2 or more types of maltreatment (as children)

An Endemic Societal Concern

- Childhood maltreatment (and in particular sexual abuse) is likely under-reported, as is intimate partner violence and women who have experienced sexual assault
- ‘A large proportion of children experiencing maltreatment will suffer serious problems, including mental health disorders and suicide attempts. It is a major contributing factor to Australia’s youth justice crisis.’ Anne Hollands - Australia’s National Children’s Commissioner
- Don’t ‘otherise’ trauma. It is a common experience across communities, of all demographics, within Australia and around the world
- Trauma is us



A History of Trauma within the Law

- The law has traditionally struggled with trauma and how to manage it
- In WW1 soldiers with shell-shock (PTSD) were tried, convicted and executed for cowardice (shell-shock)
- *Chester v Waverley Municipal Council* (1939) 62 CLR 1 (Evatt dissent- nervous shock) - The Brilliant Boy by Gideon Haigh
- Until recently, survivors of sexual assault, including children, were disbelieved by the legal system unless they had made an immediate complaint or because of their young age. Retired High Court Justice Heydon stated (as an academic in 1984) that children were 'totally unreliable and prone to fantasy'
- Justice Lee in *Lehrmann v Network Ten Pty Limited* (Trial Judgment) [2024] FCA 369 also see <https://www.postofficehorizoninquiry.org.uk/>
- Jason Beer KC

Trauma Informed Recommendations

The term 'trauma-informed practice' was used 199 times within the report:

Recommendation 16.16

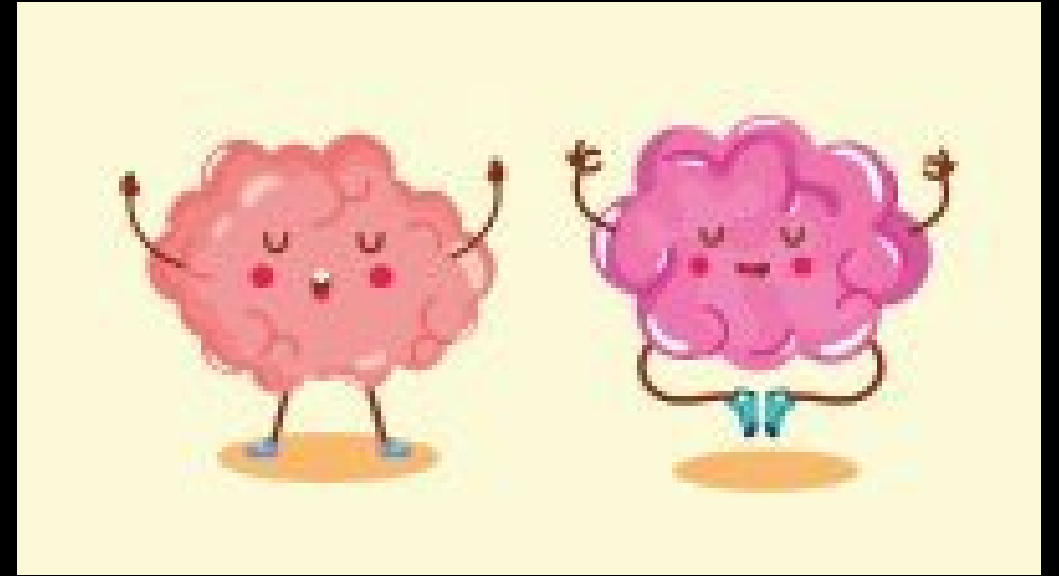
The Tasmanian Government should: fund the Supreme Court to support the professional development of judicial officers on the dynamics of child sexual abuse and trauma-informed practice

The report recommended implementing trauma-informed practice within Education, Health, Child-Protection, Juvenile Detention, Police, DPP and the Legal System

Trauma-informed practice is not a buzzword. It is a foundational skill in the practice and application of law in Australia.

Many of you already use it...

Brain Break



<https://www.youtube.com/watch?v=B5Agl8vvlxc>

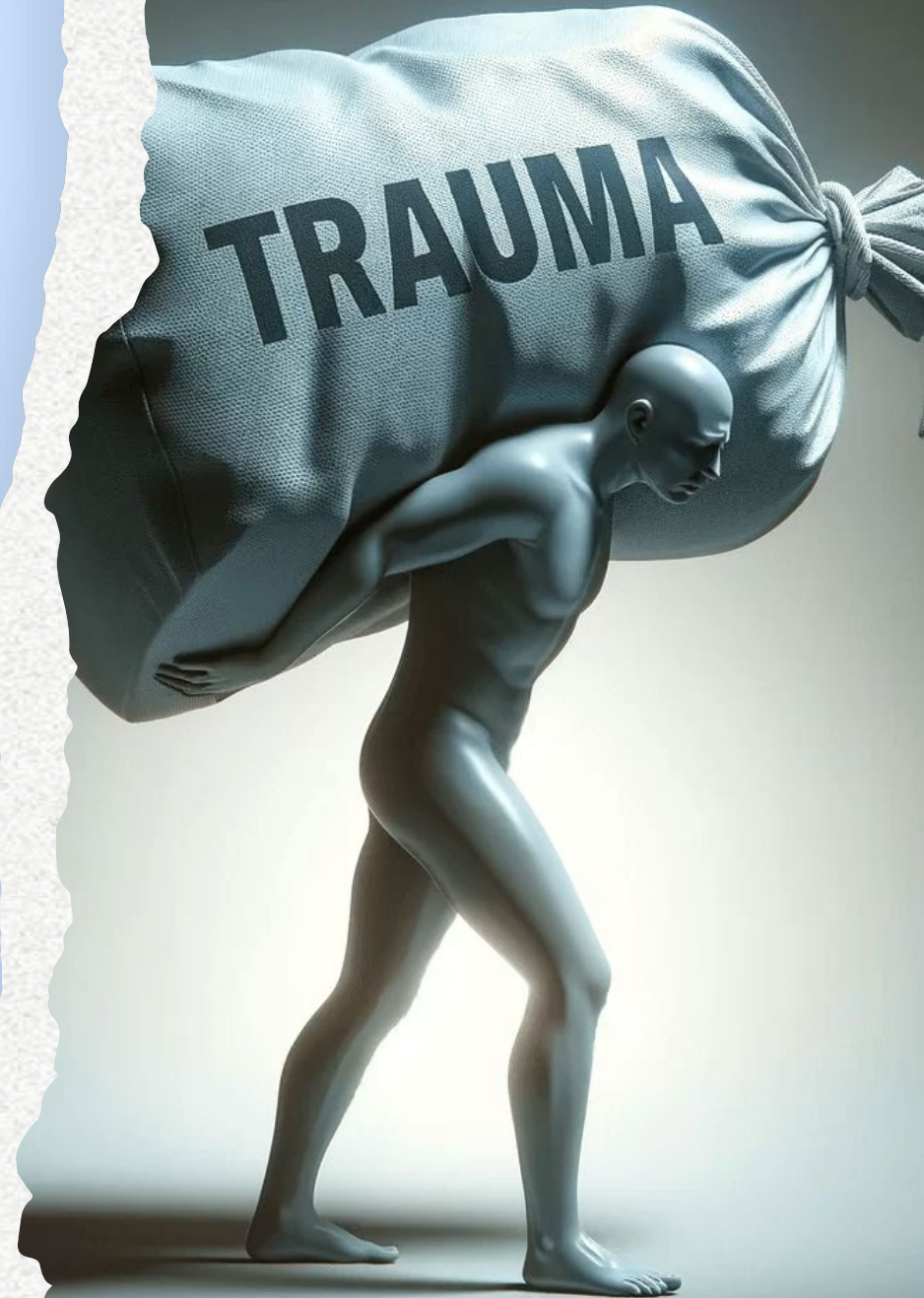
What is Trauma?

- Beyond Blue identifies trauma as the result of an event that can cause a person to feel pushed beyond their ability to cope.
- *Van Der Kolk (2014) contends that "Trauma is much more than a story about the past that explains why people are frightened, angry or out of control. Trauma is re-experienced in the present, not as a story, but as profoundly disturbing physical sensations and emotions that may not be consciously associated with memories of past trauma."*
- *As such, trauma is an individual's bodily and emotional response to an overwhelming and frightening experience that occurs during the traumatic incident and when triggered post-event.*
- Trauma is an emotional and embodied response to a perceived threat of either death or serious harm to self or others (who are close to the individual) that, in the moment, is inescapable (the person is stuck and thus, feels hopeless)
- It is an individual's perception of an event that dictates whether they view what occurred as traumatic. This makes trauma an individualised experience
- Humans desire connection. Trauma is a profound disconnection



Types of Trauma

- There are two types of trauma. The Black Dog Institute refers to them as Type 1 and Type 2. Some people may call them 'simple' and 'complex' but this isn't used much because 'simple' trauma is never *simple*
- *Type 1 refers to a one-off event that is overwhelming and frightening (such as a flood or a car accident, one off sexual violence incident)*
- *A person who experiences a single trauma incident (type 1) may have a strong fear response and may be able to access previously held beliefs about themselves or other. Recovery is about managing systems and/or returning to a previous state of wellbeing by processing their memory of trauma*
- *Type 2 refers to events that are chronic, sustained and repeated over time (domestic violence, divorce, bullying or war, sexual violence within an intimate relationship)*

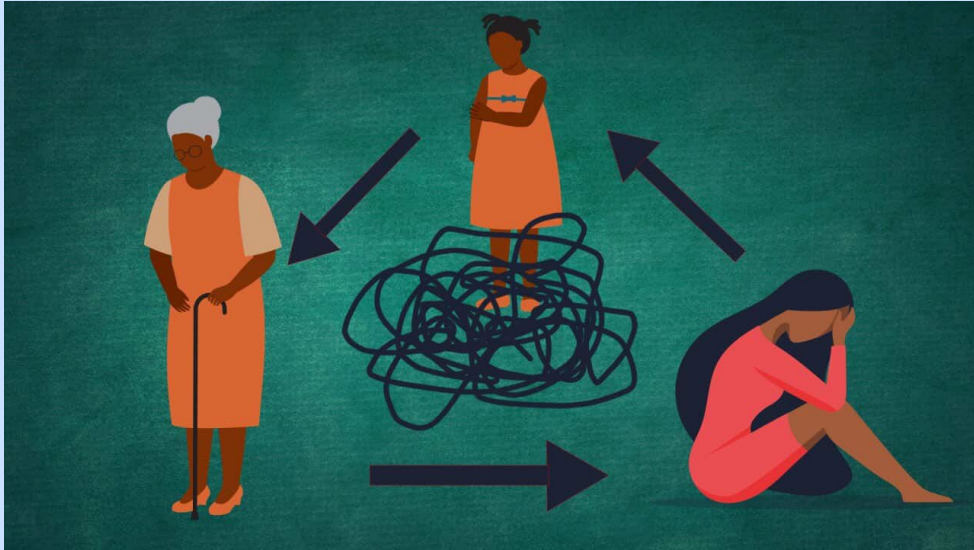


Trauma Type 2

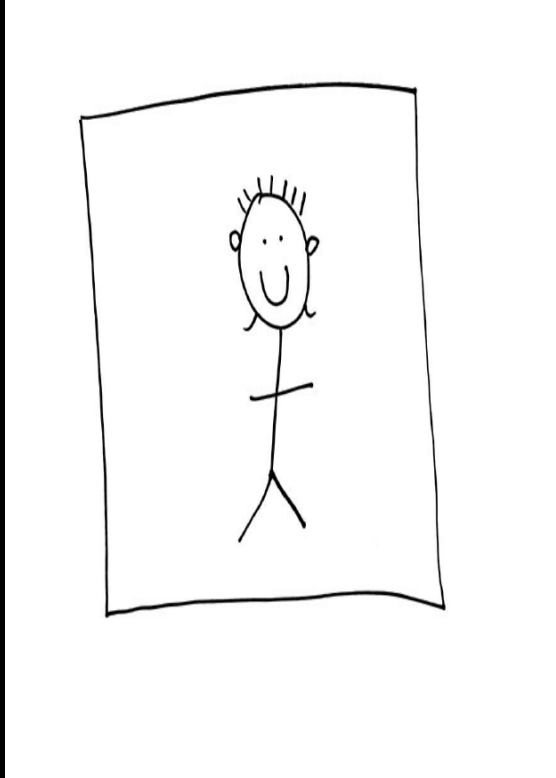
- *Childhood trauma (developmental trauma) is considered type 2 trauma because it impacts a child's sense of safety and self. It changes the neural pathways of their brain*
- *Relationship trauma which is abusive behaviour between intimate partners is classified as type 2 trauma and includes coercive control*
- *Complex trauma (interpersonal trauma) (ongoing and sustained trauma such as bullying or family violence or coercive control and ongoing slavery/imprisonment often leave people feelings isolated, unsupported, ashamed and stigmatized).*
- *Trauma is not what happens to you... it is what happens inside of you because of what happened to you (Gabor Mate, 2022)*
- *It changes your inner landscape and world view*
- *Type 2 trauma recovery often requires a new way of thinking and interacting. It requires building self and co-regulation strategies and life skills capacity before processing the trauma*



Intergenerational/Historical Trauma

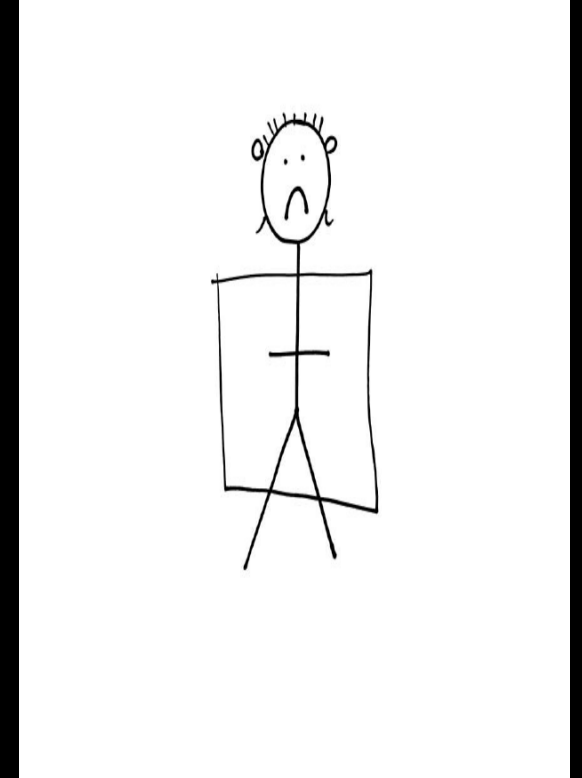


- In some families, trauma is passed down from generation to generation. After a certain point later generations may not even realise that there is an issue and the trauma seems normal to them.
- Intergenerational (historical) trauma is also a subset of type 2 trauma and is the result of genocide, massacres or other kinds of oppression that prevent a group of people from observing cultural or spiritual practises.
- This has occurred with victim-survivors of the Holocaust, refugee camps or war-torn areas, as well as the forced removal and attempted destruction of Australian First Nations people
- Trauma can occur as a result of direct harm, threatened harm or an unmet need

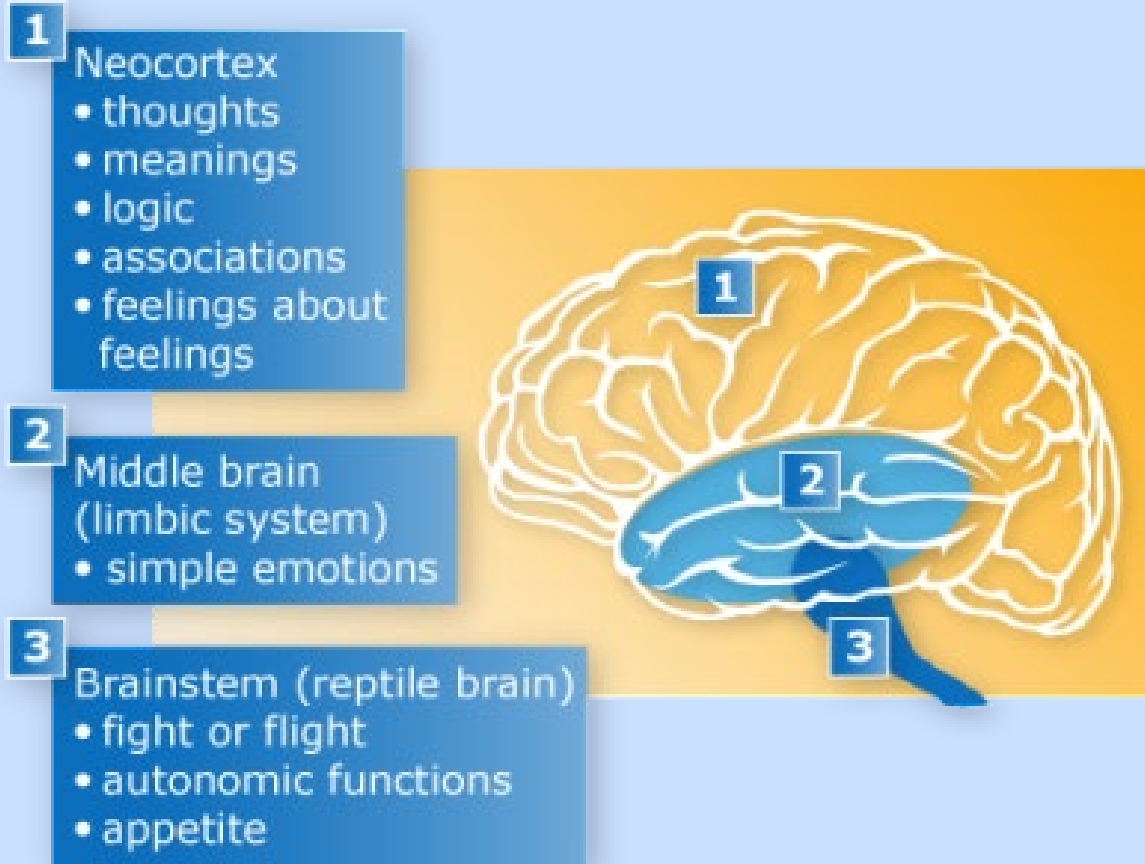


Window of Tolerance

- 66-72% of people have experienced some type of trauma in their life.
- Trauma is a common experience (ACEs study) across all sections of the community
- Window of tolerance concept

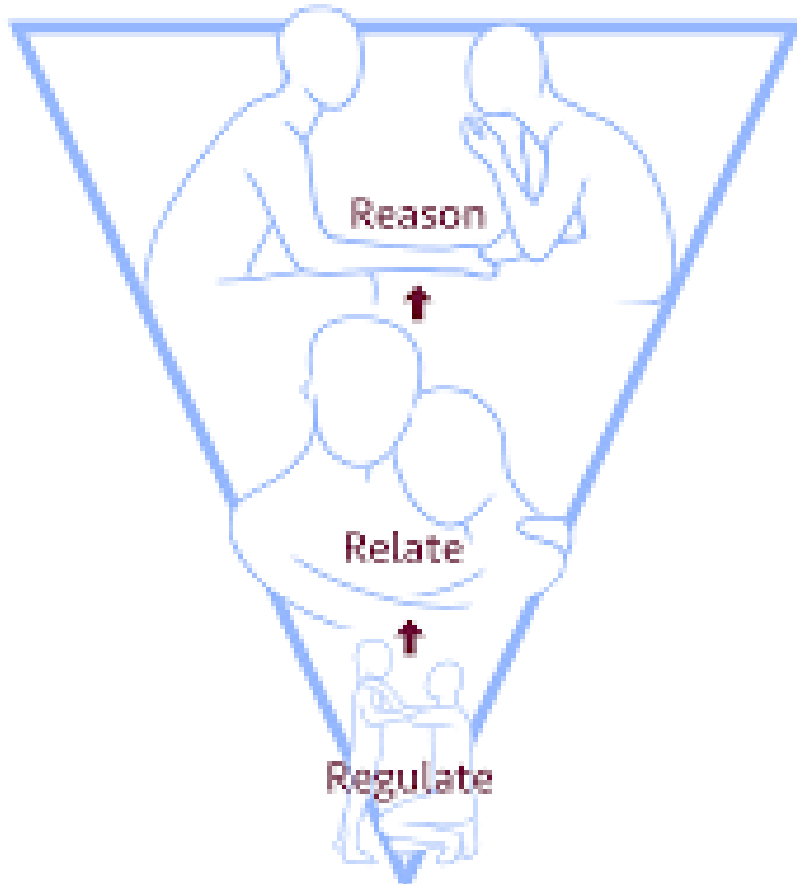


Flipping Your Lid



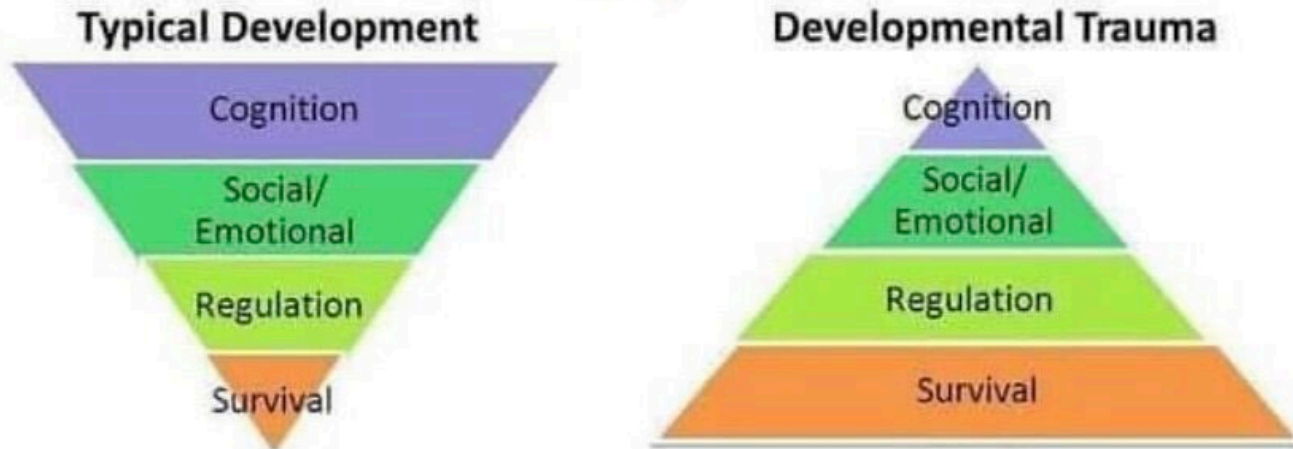
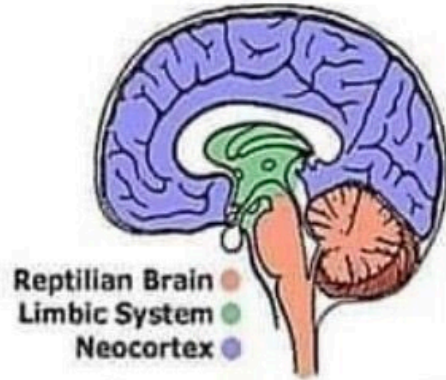
- When faced with something that reminds the traumatised person of a past or ongoing event(s), the individual may become triggered (which is an intense emotional response to the trauma)
- They will move from the thinking part of their brain to either their limbic (feelings) or brain stem (reptilian brain)
- They may move into a fight (aggressive manner), flight (moving away or not wanting to talk), freeze (shut down mode) or fawn (trying to 'please' others), flop (muscles lose tension) response: this is called 'flipping your lid'

Trauma's impact on the brain



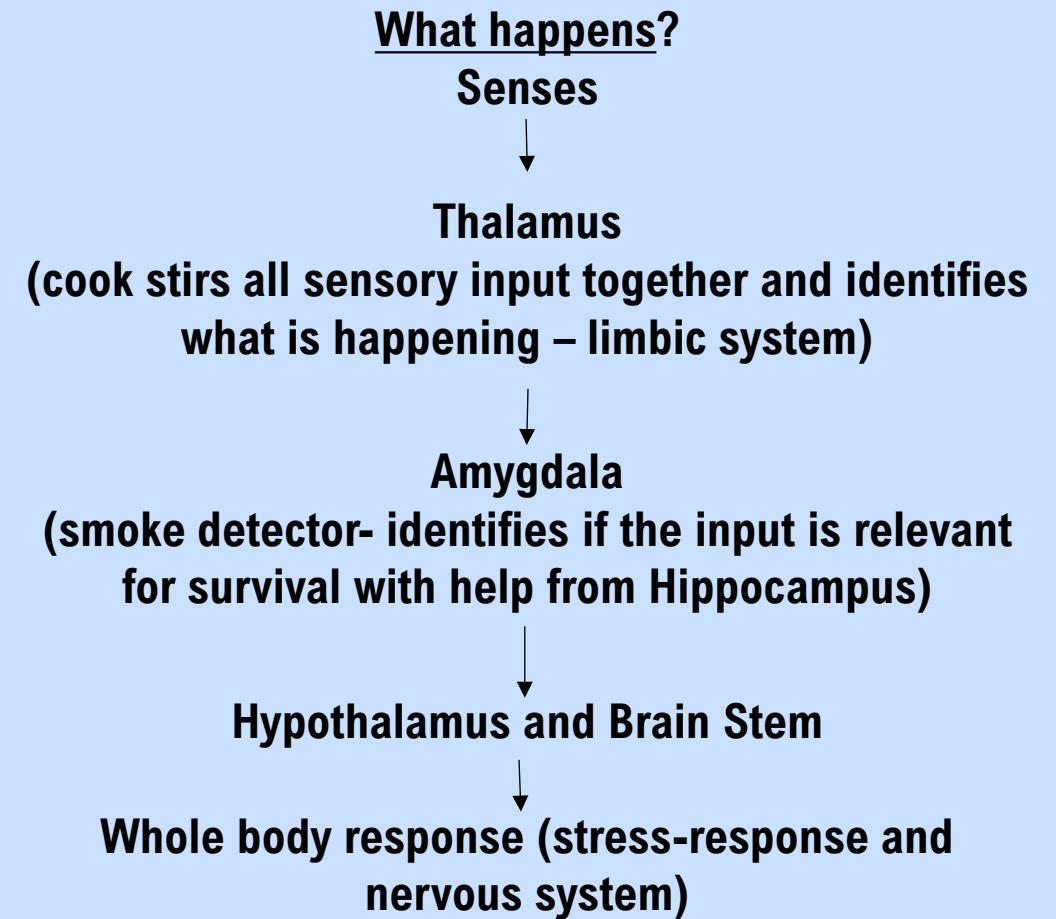
- The perception part of your brain is enhanced and perceives danger (whilst other people see manageable occurrences)
- Your brain (the 'command post') becomes a fear driven brain in a hyper-vigilant or hypo-vigilant state (fight/flight/freeze/fawn response)
- The filtering part of your brain, which informs you about what you need to pay attention to and what you can dismiss, has difficulty filtering and, as such, a person can feel emotionally flooded, or experience difficulty regulating their attention and engaging with others

Trauma & Brain Development

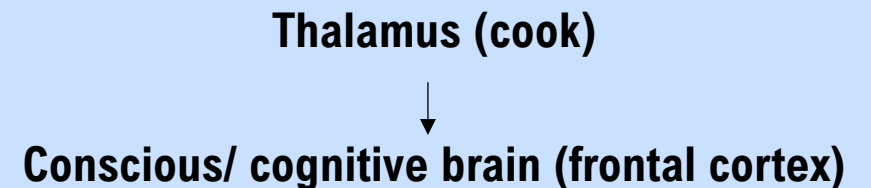


Adapted from Holt & Jordan, Ohio Dept. of Education

People lose their ability to make rational decisions, put their thoughts and feelings in words (Broca area), make sense of their surroundings, use executive or cognitive functioning because the thinking part of their brain (neocortex) has literally gone 'off-line



BEFORE

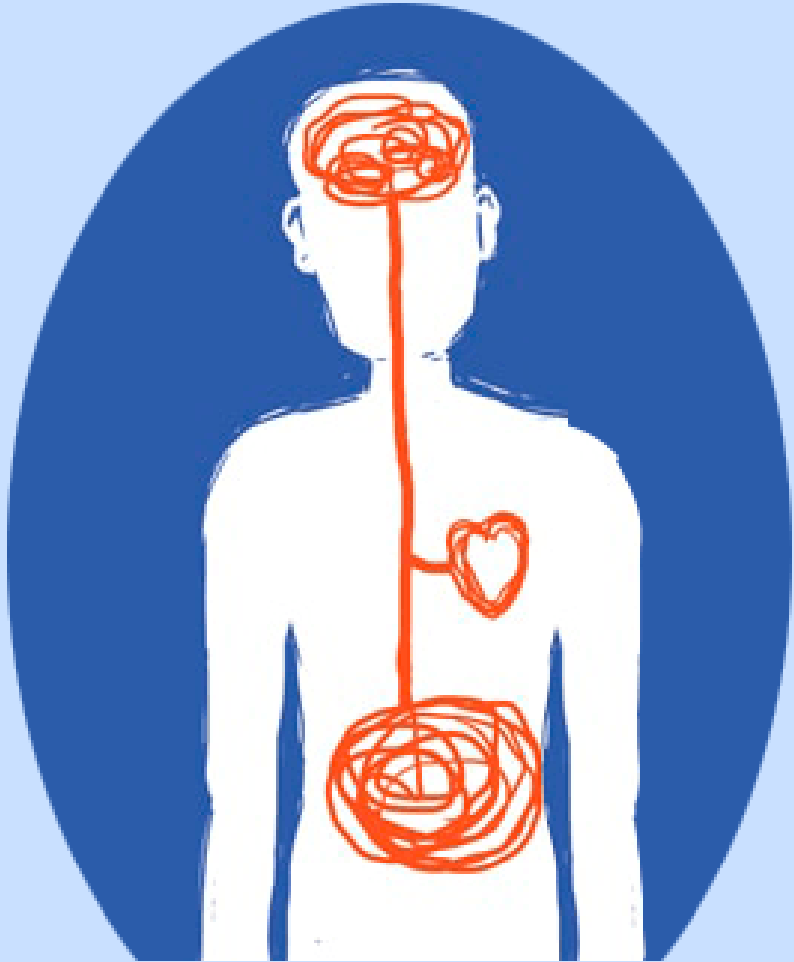


What's an ACE Score?



<https://www.youtube.com/watch?v=ccKFkcfXx-c&t=5s>

Vicarious Trauma



- Vicarious trauma is a change in the helper's inner experience and unconscious due to empathically engaging with other people's trauma material
- 'When we refer to trauma exposure response, we are talking about the ways in which the world looks and feels like a different place to you as a result of you doing your work' (Van Dernoot Lipsky, 2018)
- Again, it *changes your inner landscape and world view*
- Vicarious trauma often leads to Burn Out and Compassion Fatigue
- Burn Out: Exhaustion of the helper's overall system (tiredness, brain fog, colds/flu, difficulty recharging your self-care batteries, short-term memory or executive functioning concerns, physical ailments, sleep disturbance, hormone alterations)
- Compassion Fatigue: Akin to an emotional burn out but much deeper. Occurs due to caring for those with emotional distress (lack of empathy, annoyance with others who are in distress/angry/upset, feeling numb or an absence of feelings, anxiety, depression). After prolonged period it may alter world view.
- 'The expectation that we can be immersed in suffering and loss daily and not be touched by it is as unrealistic as expecting to be able to walk through water and not get wet' (Rachel Naomi Remen- pediatrician)
- Vicarious trauma can be short-lived or have longer-lasting impacts depending on your personal circumstances

Vicarious Resilience

- Opposite of vicarious trauma is vicarious resilience
- Vicarious resilience relates to having positive and rewarding experiences working with individuals who have experienced trauma and experience newfound meaning in their life and work (a changed worldview)
- Helpers can sometimes feel they have grown in empathy, become empowered, feel inspired and grateful for the experience of working with victim/survivors, improve their professional skills and achieved a sense of compassion satisfaction
- Compassion satisfaction is where the Helper feels they are making a difference, are happy with (and engaged in) their work and can learn new knowledge and skills
- If the Helper uses a trauma-informed approach to their work and their own self care, then they are more likely to experience vicarious resilience
- You can experience vicarious resilience AND vicarious trauma at different times throughout your career
- Vicarious posttraumatic growth can occur whereby the individual experiences emotional growth whilst recovering (or post-recovery) from vicarious trauma increasing their meaning making from their work and aiding in the belief they are making a difference

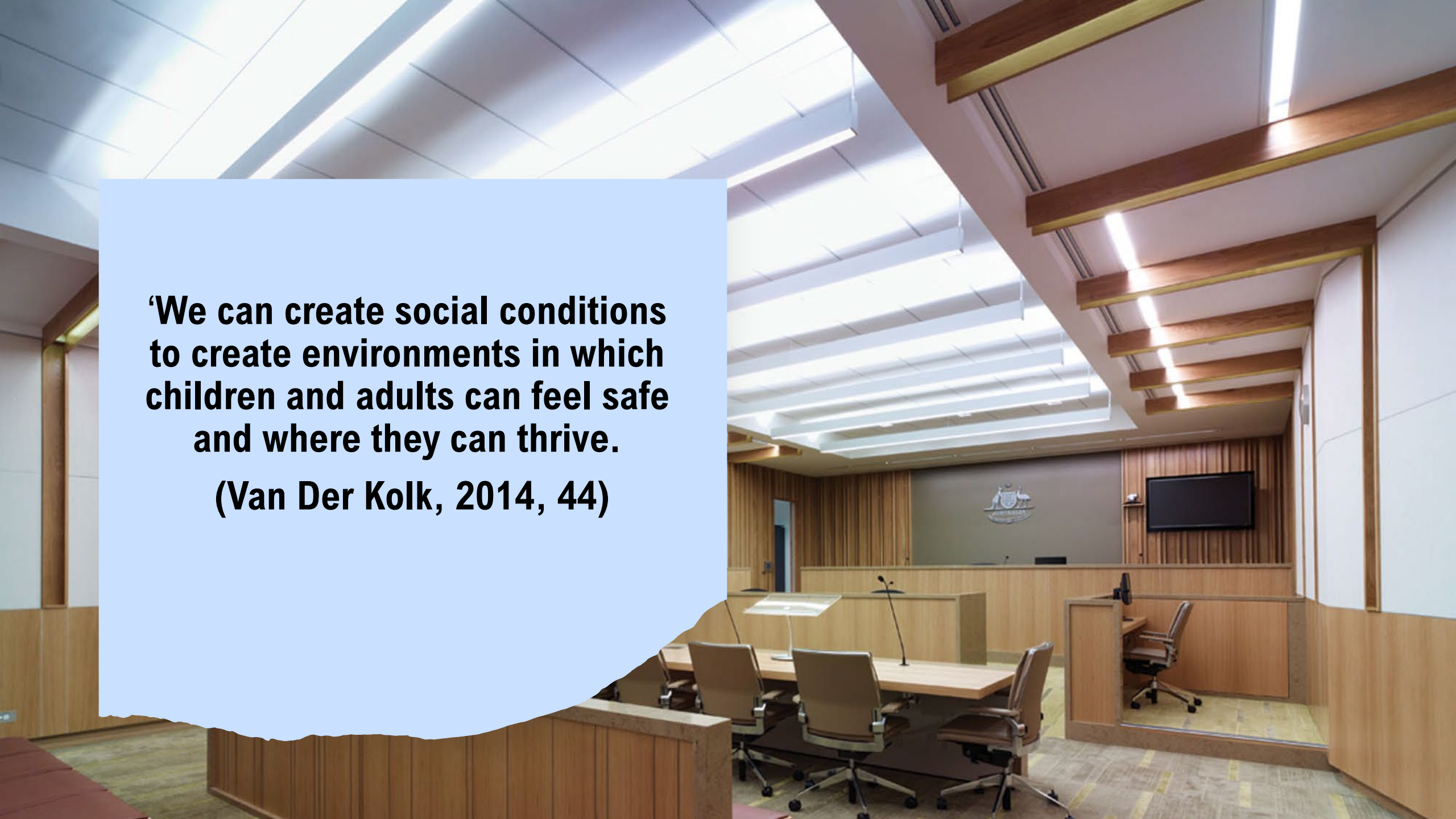
If we are to do our work with suffering people and environments in a sustainable way, we must understand how our work affects us.

Van Dernoot Lipsky

"...We are stewards not just of those who allow us into their lives but of our own capacity to be helpful."
- Trauma Stewardship

**‘We can create social conditions
to create environments in which
children and adults can feel safe
and where they can thrive.**

(Van Der Kolk, 2014, 44)



What is a Trauma-Informed Approach

- A trauma-informed approach recognises that trauma is a common experience and promotes care, safety, empathy, respect and a person-centred approach
- It is about recognising your internal biases towards others and being non-judgemental because trauma impacts the body and the brain
- Trauma-informed practice considers what has 'happened' rather than what is 'wrong' with the person





Brain Break

<https://www.youtube.com/watch?v=03q1HD-MGoo>

The central aspects of trauma-informed care are:

- **Safety**
- **Trustworthiness**
- **Cultural/Religious/Gender Responsiveness**
- **Collaboration**
- **Empowerment**
- **Choice**

You already use certain trauma-informed practices. It is about *smart* practice. How can you add more aspects into your praxis and use them with purpose?



At a Glance: 6 Ways Lawyers are Already Trauma-Informed

1. Confidentiality –The various *Legal Profession Uniform law Australian Solicitors' Conduct Rules* ('ASCR') r 9 requires solicitors to maintain confidentiality (adopted ACT 2015, NSW 2015, Qld 2012, SA 2011, Tas 2020, Vic 2015 and WA 2022) - [Trustworthiness](#)
2. Anti-discrimination and harassment ASCR r 42 imposes duties on solicitors not to engage in discrimination, abuse (including sexual abuse) harassment or bullying consequently providing - [Safety](#)
3. Obligation to be fair ASCR r 30 imposes duties on solicitors, not to take advantage of mistakes in practice (enabling solicitors to be free from innocent mistake) - [Empowerment](#)
4. Alternatives ASCR r 7.2 requires solicitors to provide alternatives - [Choice](#)
5. Honesty and courtesy ASCR r 4.1.2 requires solicitors to be both courteous and honest in professional dealings, this means avoiding unnecessary conflict and seeking solutions - [Collaboration](#)
6. Addressing First Nations and culturally diverse communities, ASCR r 7.1 imposes duties to be clear to enable clients understand relevant issues and make informed choices, consequently, solicitors must exhibit – [Cultural/Gender/Religious Responsiveness](#)



Commission of Inquiry used a Trauma-Informed Framework

- All staff undertook monthly psychology check-ins and could access mental health sessions at anytime (without explanation) – used by all including me
- Regular small-group debriefs (weekly) and whole staff debriefs when tricky or overwhelming acts/evidence occurred (e.g doctor)
- Provided staff with severance time post commission to provide recovery time
- Single commissioner meetings with survivors election as to the gender of the Commissioner
 - Personalised thank you notes from the Commissioner to survivors for sharing their story
 - Held in a safe place, with refreshments freely available for attendees
 - Warm welcome and warm handovers with ongoing support, if needed
 - Choice regarding confidentiality of material
 - Support person (of their choosing) welcomed
 - We believed, we didn't question, and we reframed
 - Safe spaces to go before and after the session to ensure psychological safety

Cultural/Religious/Gender Responsiveness:

1. Thorough explanation of the litigation process and their expected journey with you
2. Encourage use of 'safe person' who understand their particular needs
3. Pronouns, preferred names and pronunciation
4. Etiquette and social norms

Safety:

1. Calm, clean office space and presence
2. Toys/colouring for children
3. Preparation, preparation, preparation

Collaboration:

1. Client/Lawyer- doing something 'with' not 'to' the client (shoulder-to-shoulder)
2. Colleagues/mentor (preparation discussions and 'Tricky Files' group discussions)
3. Colleagues/mentor debrief ('tricky' cases or meetings)
4. Adversarial doesn't necessarily mean confrontational (professional and collegiate)

Choice:

1. Explanation of your advocacy role and client's role as decision-maker
2. First/Next/Afterwards/Then- 'the Plan'
3. Tea/coffee/biscuits and/or blinds open/closed, door ajar/open, pen/paper/mandala mindful colouring

Empowerment:

1. Client/Lawyer
2. Fidget Toys/drawing paper in your office (self-regulation)
3. Processing/take-up time (particularly with tricky news)

Trustworthiness:

1. Boundary setting
2. Confidentiality
3. ADR skills: active listening, reframe, acknowledge/name, summarise
4. Unconditional positive regard (non-judgmental)

Trauma Informed Language List - it matters

- Safe or safe people
- Tricky/Tricky feelings or situation (I can see you're experiencing some tricky emotions)
- Experiencing big feelings
- Helpful (I'm here to help you)
- Capacity (It seems like, at the moment, you're at capacity)
- Support (It's important to put in place support structures for you to help you stay safe OR do you need a safe/support person with you right now?)
- Building or co-creating
- Enable
- You're not okay (acknowledgement of feelings)
- You're not alone
- Co-operation
- Empowerment
- Choice
- Boundaries/safety in boundaries
- Are you ok?
- Flipping your lid and window of tolerance
- Dysregulation
- Co-regulation and self-regulation
- Fawn, freeze, fight, flight, flop response



'Wellbeing literacy is defined as the vocabulary, knowledge and skills that are intentionally utilised to improve and maintain the wellbeing of oneself and others'
(Oades, Slade & Jarden, 2017)

“At times, our own light goes out and is rekindled by a spark from another person. Each of us has cause to think with deep gratitude of those who have lighted the flame within us.”

—Albert Schweitzer



**Thanks for
joining us
today**