



Women's experiences of surviving family violence and accessing the Magistrates' Court in Geelong, Victoria

**Phase 1 of the
Family Violence and the Victorian Regional Magistrates' Courts
Research Project**

Centre for Rural Regional Law and Justice



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Executive Summary

This research aims to provide a comprehensive account of the lived experiences of women attempting to secure safety and justice in the Geelong region as a result of family violence. It documents the experiences of women accessing the Geelong Magistrates' Court and related justice system services and includes issues faced by workers supporting them. It is the first phase of a larger research project examining women's experiences across regional Victoria.

Overall, in-depth qualitative interviews were conducted with 14 women who had survived family violence and 23 workers supporting women survivors and their children. Worker participants came from a range of organisations and roles. They included working as support workers within specialist women's family violence services, workers based at generalist welfare services, lawyers from community legal services or private practice and local government community development workers. Interviews ranged in length from between 15 and 90 minutes depending on how much information participants chose to share. Observations at the Geelong, Heidelberg and Werribee Magistrates' Courts were also conducted to familiarise the researchers with the Family Violence Intervention Order (FVIO) application process, and to compare facilities and proceedings between the Melbourne-based courts and Geelong Magistrates' Court.

Importantly, participants described positive experiences with skilled police officers, magistrates, lawyers and court personnel who validated their experiences and prioritised their safety and that of their children. Yet the findings also highlight a range of issues experienced by women and workers accessing the Geelong Magistrates' Court. Women consistently described the FVIO application process as confusing and the court process as a source of great anxiety. There was a general consensus among the women interviewed that court support significantly eases the stress and confusion experienced by applicants. But the provision of these supports remains largely ad hoc, with no streamlined processes to connect all women who access the court.

Moreover, various women who participated in the research described feeling intimidated by the court process and felt that there were limited opportunities to have their experiences and concerns heard and validated. Participants also expressed confusion around the use of undertakings in the place of FVIOs. Additionally, the majority of women interviewed reported repeated breaches of FVIOs that varied in nature and severity. Both women and worker participants considered that inadequate responses to breaches of an FVIO were the main reason for their continuing failure.

Overwhelmingly, the key concern of the women interviewed for this research was the impact of the violence on their children. A primary concern was that their children were not always named on the

FVIO when they felt it was necessary for their safety. Other concerns included the long waiting times at court due to the high volume of cases the court processes; limited safe separate waiting areas for women appearing for FVIO applications; and the need for more funding to be available in the Geelong region to enable all survivors of family violence to access timely and affordable legal representation. Our findings suggest the need for a more consistent approach to survivors seeking safety and justice, including increased levels of specialist training for all justice system personnel working on family violence cases.

While this research aims to provide a voice to women who are survivors of family violence by gaining an insight into the justice process based on their lived experiences, it is acknowledged that the experiences of *all* stakeholders involved in women's journeys through the justice process are not represented in the study. It is therefore hoped that this research will provide a foundation for further inquiry with a broader array of stakeholders, to assist with the ongoing work of improving justice system responses to survivors of family violence.

1. Introduction

Family violence¹ is a significant social issue nation-wide, with current estimates suggesting that one in three Australian women experience such violence at some point in their lives (The National Council to Reduce Violence against Women and their Children, 2009). Furthermore, statistics indicate that incident rates are increasing across the community; for example, in the 2012 financial year, the number of family violence–related assaults reported to police in Victoria increased by 43.3 per cent, and the number of family violence–related property damage offences increased by 37.9 per cent (Victoria Police, 2012). Victorian courts identified 19,974 children as being affected by family violence in 2010, which is an almost 350 per cent increase on the numbers identified in 2000 (Department of Justice [DOJ], 2012a). While the incidence of family violence is widely understood to be increasing, it is important to note that better police procedures and legislative, court and welfare sector reforms have also led to an increase in family violence reporting over the past decade (Sentencing Advisory Committee [SAC], 2013).

Importantly, the social and economic cost of family violence is immense, including an estimated cost of \$3.4 billion per annum to the State of Victoria, which does not include the lost social and economic contributions to society by women who are experiencing violence (State Government of Victoria, 2012). Evidence also demonstrates that exposure to family violence has particularly devastating consequences for children, including impeding social and cognitive development and mental health, and eroding children’s sense of safety and wellbeing (DOJ, 2012a; UNICEF, 2006; Richards, 2011). Notwithstanding the high levels of family violence across the community as a whole, research suggests that the extent and cost of violence are not evenly spread, with Indigenous women being particularly vulnerable (Astor and Croucher, 2010).

1.1 Family Violence Intervention Orders

In Victoria, survivors of family violence can apply to the Magistrates’ Court for a Family Violence Intervention Order (FVIO) under the *Family Violence Protection Act 2008* (Vic). These orders aim to ensure the safety of the applicant as well as any child that has been exposed to family violence. Specifically, an FVIO restricts a perpetrator (the respondent) from:

¹ We use the term ‘family violence’ in this report in keeping with the preferred language of Victorian women’s support service providers and Victorian legislation (see *Family Violence Prevention Act 2008* [Vic]). The term is widely understood to be a more inclusive term than ‘domestic violence’ as it incorporates violence in relationships that are broader than intimate partners. In other jurisdictions such as Queensland the term ‘domestic and family violence’ is used to distinguish between intimate partner violence and violence in other family relationships. While we employ the term ‘family violence’ for this report, it is important to note that our research is solely focused on violence perpetrated against women by their intimate male partner.

committing family violence against the protected person, behaving offensively towards the protected person, approaching (or going near) a protected person, attending at the premises where a protected person lives, works or frequents, being at a particular location, following the protected person, contacting or communicating with the protected person, damaging property owned by the protected person, [or] arranging for another person to do what the respondent is not allowed to do as stated in the order. (Magistrates' Court of Victoria, 2013)

Victoria Police is able to issue interim safety notices, which are in place until an intervention order can be applied for through the court. The court is also able to put in place interim orders in cases where a decision is yet to be made in relation to a final order. While an FVIO is a civil order, the breaching of such orders constitutes a criminal offence (see SAC, 2013 for further details).

Over the past decade, there has been an 88.9 per cent growth in the number of FVIOs finalised, with 31,332 FVIOs (both interim and final) granted in Victoria in the 2012 financial year (Magistrates' Court of Victoria, 2012). Increases in the incidence of family violence and its reporting have led to growing pressure on the courts and police, with limited funding available to assist the justice system to cope with rising demand and support needs (Bucci, 2013; Federation of Community Legal Centres Victoria [FCLCV], 2012). With the increase in demand, legal services have also reported concern regarding the limited availability of funds to enable survivors of violence to equitably access legal assistance (FCLCV, 2012; Lee, 2013).

1.2 Specialist family violence courts and services

The literature highlights how power imbalances inherent within the justice system can compound experiences of abuse and further traumatise survivors of violence (see, for example, Salisbury, 2005; Douglas, 2012; Herman, 2003). In particular, some authors have argued that the abuse and violence women experience at the hands of their partners is frequently repeated by the justice system through processes of rejection, marginalisation, emotional unresponsiveness and disempowerment (Mills, 1999). According to Wilcox (2010):

This secondary, system-created, victimisation occurs when services, either directly or indirectly, hold victims responsible for the abuse, which further disempowers victims. Secondary victimisation also occurs when the practices of the system or service provider themselves are disempowering or discriminatory to victims of violence, or lead to decreased, rather than increased, levels of safety.... In this way, victims of domestic violence can be further disadvantaged through engagement with the state (which ought to protect them). (p. 1018)

Indeed, Herman (2003) contends that if conditions were designed to effectively induce post-traumatic stress disorder, they would look uncannily similar to contemporary justice systems.

Research has identified the myriad ways in which various levels of the justice system can contribute to a woman's experience of secondary victimisation, including victim-blaming attitudes by court personnel and police, further trauma experienced as a result of encountering their perpetrator at

court, ineffectual responses to reports of violence, and court delays that place women at further risk (FCLCV, 2012; Laing, 2013; Multicultural Centre Against Family Violence, 2010; Taylor, 2004; Towns, 2009; Wilcox, 2010). Negative experiences of the justice system can also result in a strong sense of injustice for survivors of violence and may affect women's willingness to report violence in the future (Laing, 2013; Towns, 2009).

A specialist understanding among justice system personnel of the dynamics of family violence, and equitable access to specialist support services, can help ensure that survivors of violence are not exposed to further trauma through their involvement in the justice system (Australian Law Reform Commission [ALRC], 2010; Stewart, 2011; Wilcox, 2010). In Australia, specialist family violence courts operate to a limited extent in most states; with the greatest roll-out in Western Australia and Victoria (see ALRC, 2010). In Victoria, a dedicated Family Violence Court Division was established in 2005 in the regional city of Ballarat and the metropolitan suburb of Heidelberg. The division provides specialised court support services for people who live, or who have experienced family violence, within each court's geographic jurisdiction. Services include specialist family violence court support workers for both applicants and defendants, a dedicated family violence court registrar who coordinates the service, dedicated Victoria Legal Aid legal services, and additional court security. All personnel, including magistrates, police prosecutors and registrars, have specialist training and judicial officers must be formally appointed by the court. Magistrates sitting at the Family Violence Court Division are able to hear additional matters that relate to the family violence hearing including bail applications, Victims of Crime applications, criminal charges and parenting orders. Magistrates are also able to order respondents to attend behaviour change counselling programs where appropriate.

Additionally, the Specialist Family Violence Service was established in 2005 through the Victorian Government's policy statement 'A Fairer Victoria', and currently operates at the Melbourne, Frankston, Sunshine and Werribee Magistrates' Courts. Similar to the Family Violence Court Division, the service employs family violence support workers, a dedicated family violence court registrar and additional Legal Aid services, and all court personnel including magistrates and police prosecutors are specially trained to deal with family violence matters. Both the Family Violence Court Division and Specialist Family Violence Service have a focus on responding to the needs of children who experience family violence, culturally and linguistically diverse (CALD) communities, applicants with a disability and Indigenous applicants. However, unlike the Family Violence Court Division, the Specialist Family Violence Service is not established by legislation and is not a new division of the

Magistrates' Court. Magistrates are also unable to hear other related matters (see above), and those sitting within the specialist service cannot order a respondent to attend counselling.

Finally, Victoria Police employs Family Violence Liaison Officers at each 24-hour station throughout the state. These officers are in a supervisory role and act to 'provide a consistent and coordinated approach to family violence; monitor and report on family violence; provide a station contact point for local referral agencies; coordinate further responses for AFMs [affected family members] where issues of re-attendance or multiple attendances exist' (see Victoria Police Code of Practice for the Investigation of Family Violence, p. 48²). Through its strategy to reduce violence against women and children, Victoria Police has committed to providing more effective responses to perpetrators of family violence and improving court outcomes for survivors of violence (Victoria Police, 2009).

1.3 The Geelong and regional Victorian context

While there has been significant progress in the development of specialist family violence justice programs in Australia, the equitable roll-out and implementation of services has been inconsistent and slow (Stewart, 2011). Although Victoria is in many respects leading the way with its specialist court programs, very limited family violence specialist services have been implemented in regional and rural areas. Indeed, the only specialist family court service available in rural and regional Victoria is in the major regional city of Ballarat. This is despite evidence which suggests that family violence is particularly prevalent in rural and regional communities (Council of Australian Governments, 2012; DOJ, 2012a; Eaton, 2001; Immigrant Women's Domestic Violence Service, 2006; State of Victoria, 2012). In particular, in the Greater Geelong region police attended 1177 family violence incidents in the 2010 financial year (see DOJ, 2012b), which represented the seventh-highest incident rate out of the 79 Victorian local government areas, and the highest incident rate in regional Victoria (see DOJ, 2012b). In 80 per cent of cases, the affected family member was female and in 34 per cent of incidents police identified children as being present (DOJ, 2012b). Family violence was also the primary reason for which clients sought assistance from the Barwon Community Legal Service in Geelong in 2012, with the service assisting 1868 clients for family violence issues during the course of the year (Barwon Community Legal Service, 2012).

A review of the literature indicates there are a range of issues unique to women living in rural and regional locations that compound barriers to safety, including limited availability of services and geographic isolation (Immigrant Women's Domestic Violence Service, 2006; Laing, 2013; State of Victoria, 2012). In particular, for women living far from regional centres, a lack of transport options and limited opportunities to travel to town without the perpetrator may make it difficult to access

² Available at: http://www.police.vic.gov.au/content.asp?Document_ID=288

appropriate information and referral services (Immigrant Women's Domestic Violence Service, 2006). Additionally, an absence of local services that provide income and housing assistance, crisis accommodation and appropriate childcare facilities can exacerbate the challenges of planning a safe departure. Fears of disclosing violence may also be heightened in small communities where the perpetrator is likely to be well-known and may be in a position of authority (Taylor, 2004).

The small number of local community services such as refuges and support workers means that women will rely more on the police and courts, which then puts further pressure on these already under-resourced services (Hogg, 2011). Yet many Magistrates' Courts in rural and regional areas are not designed for large volumes of cases, with reports of long waiting periods for cases to be heard, a lack of security and limited safe, private waiting areas (Coverdale, 2011; FCLCV, 2012). Survivors of family violence also encounter difficulties accessing legal representation in regional areas – where resourcing exists, funding is often only available to respondents, with survivors expected to pay for their own legal assistance or navigate the system alone (Eaton, 2001; Laing, 2013). The under-resourcing of small police stations and a mistrust of the police can further decrease women's capacity to obtain effective assistance (Laing, 2013).

2. The current research

2.1 Research aims

This research aims to provide an in-depth analysis of women's experiences of attempting to access safety and justice in the Geelong region as a result of family violence, as well as the issues experienced by the workers supporting them. It documents the experiences of women accessing the Geelong Magistrates' Court and related justice system services for family violence issues, and represents the first phase of a broader research project examining women's experiences across regional Victoria. The research is informed by a feminist legal methodological approach to research which aims 'to capture women's lived experience in a respectful manner that legitimizes women's voices as sources of knowledge' (Campbell and Wasco, 2000, p. 783; also cited in Douglas, 2011, p. 129). As Douglas (2011) highlights, feminist methodology also embraces particular principles including an understanding that there are multiple lived realities that may differ from dominant worldviews, a recognition of the importance of including those who are most marginalised in the research process, an avoidance of neutrality while remaining committed to continually questioning one's own worldview as a researcher and a recognition of how this relates to the research process (p. 129). As such, this research openly privileges women's accounts and aims to give voice to their experience.

2.2 Data collection and analysis

Semi-structured qualitative interviews were chosen as the primary data collection method to enable women survivors of family violence to share their stories in their own words without being restricted by closed-ended and overly structured interview or survey techniques. Such an approach also enabled a more in depth analysis of women's experiences. As Douglas (2011) explains, rich qualitative interviews 'provide an opportunity to hear about different or marginalized "realities" and to try to identify the best answers for now from those who will be most affected by those "answers"' (p. 130).

A series of interview prompts were, however, used by the researchers to help guide each interview (see Appendix 1), which included asking each woman about the time and nature of her involvement with the court or justice services regarding family violence, the trigger for this involvement, her particular needs at the time of accessing the court or justice services, the ways in which those needs were accommodated and/or supported by the court or justice services, the ways in which the court or justice services failed to respond to her needs (if any), the consequences (if any) of her involvement with the court or justice services, and her views as to changes which ought to be made to better respond to the needs of women survivors. All interviews with women were conducted at a

specialist family violence service in the Greater Geelong region. The support workers at the specialist service discussed the research with potential participants and kept a secure list of women who were interested in participating, and allocated each woman a convenient interview time to meet with the researchers. Interviews ranged in length from between 20 and 90 minutes depending on how much information women chose to share.

Qualitative semi-structured interviews were also conducted with professionals who work with women survivors of family violence. In most instances, initial contact with worker participants was by way of an email. A plain language statement was attached explaining who the researchers are, as well as providing basic information about the research, its aims and what participation would involve (see Appendix 2). During each interview, worker participants were asked to share their views regarding the service and support needs of the women they worked with and the benefits and weaknesses of existing justice system services for women survivors of family violence in the Geelong region (see Appendix 1). Interviews with workers ranged in length between 15 and 60 minutes depending on the amount of information each worker chose to share.

Once all interviews had been transcribed, data was entered into NVIVO for cross-coding and analysis. Themes were generated according to the experiences and stories women and workers shared in their interviews. Finally, court observations at the Geelong, Heidelberg and Werribee Magistrates' Courts were also conducted to familiarise the researchers with the intervention order application process, and to compare facilities and proceedings between the Melbourne-based courts and Geelong Magistrates' Court.

2.3 Research ethics

This research was approved by the Deakin University Human Research Ethics Committee on 1 October 2012, approval number 2012-262, and complies with the National Statement on Ethical Conduct in Research Involving Humans.³

2.3.1 Obtaining informed consent

All participants were provided with clear, written information about the project in the form of a plain language statement (see Appendix 2). The plain language statement detailed the research aims and benefits, what participation would involve, how participant information would be stored and how participants could withdraw from the research or make a complaint. The researchers clearly verbally explained the plain language statement to each participant and ascertained their understanding prior to commencing the interview. Participants who were survivors of family

³ Available at <http://www.nhmrc.gov.au/files/nhmrc/publications/attachments/e42.pdf>.

violence were also given the opportunity to discuss their potential involvement in the project with a support worker at the specialist family violence service prior to their involvement in the research.

In order to determine the capacity of the women survivors of family violence to consent to the research, the researchers began each interview by engaging the potential participant in general conversation about the nature of the project and only proceeded with the interview if satisfied that the participant comprehended the aims of the project and the nature of their participation. The research team also liaised closely with support workers to establish the capacity of participants to provide informed consent. No specific mechanisms were employed to determine the capacity to provide informed consent of participants who were involved in the research in a professional context (that is, worker participants).

2.3.2 Safety of participants and confidentiality

The researchers aimed to minimise the risk to women survivors by conducting interviews with these participants at the specialist family violence service during business hours. The researchers also liaised with support workers at the specialist service to ensure that potential participants were not at heightened or particular risk of emotional discomfort or psychological harm in talking about their experiences. After each interview, the interviewer ascertained from each woman how she was feeling and invited her to debrief with an on-site support worker. While the majority of women chose to be interviewed alone with the interviewer, one woman participant chose to be interviewed with her mother present for emotional support and one other chose to have her support worker present. Women were also provided with a list of counselling and support services for family violence survivors.

All participants were provided with the opportunity to view and edit their transcripts to ensure that their stories and opinions had been recorded accurately and that they had not included anything that they no longer wished to disclose. Importantly, all information that was collected was analysed and stored in unidentifiable form. No identifying characteristics about any participant, including their location or employer, have been used in this report; and pseudonyms have been used to protect participants' identities. The information collected as part of this research will be stored on Deakin University premises in a locked filing cabinet for six years after publication, in accordance with the university's requirements. After this time, it will be disposed of securely.

2.4 Participants

Overall, 37 semi-structured qualitative interviews were conducted for this research including with 14 women who had survived family violence and 23 workers supporting women survivors and their

children. Women participants ranged in age from 23 to 53 years and all reported having children. No women identified themselves as being from an Aboriginal or Torres Strait Islander background; however, two reported having children with a partner from an Aboriginal or Torres Strait Islander background. All women reported speaking English as their first language.

Worker participants came from a range of organisations and roles, including working as support workers within specialist women's family violence services (nine participants), workers based at generalist welfare services (four participants), lawyers from community legal services or private practice (six participants) and local government community development workers (two participants). In addition, one worker participant worked at a specialist disability service and one worker participant worked as a family dispute resolution practitioner. A small number of workers interviewed were primarily Melbourne based and many of the Geelong based workers also had experience attending Melbourne courts.

You go to bed every night and you think, how did it end up like this?

[I] can't understand why the children ended up with him and why he's in the home still.

He's got everything. There's no justice. We're not heard, it's taken too lightly.

What about the women who are actually then killed?

Woman survivor of violence, Greater Geelong region

3. Findings

3.1 Women's experiences of accessing the police

3.1.1 Positive experiences of police

Women's experiences of police in the Geelong region varied greatly. For those who had positive experiences, they described skilled police officers who listened to them, validated their experiences and provided advice that focused on the best interests of the woman and her children. These positive experiences are captured in the following two comments:

[The police officer] was the first person I ever spoke to who validated what I was experiencing. She kept saying, 'Yes, we're familiar with these behaviours, this is controlling, this is abusive'. Even now, I can't see her without crying because it was the first validation I'd ever really had, that this [behaviour] wasn't ok and wasn't normal.⁴

He listened to my whole story. He put my mind at ease, he said it happens to lots of women all the time. I was really scared to do an intervention order because [the perpetrator] always threatened me with the things he'd do if I got an intervention order. [The police officer] said I was really strong for coming in and being able to do it. And that's what I ended up doing.⁵

Women also expressed appreciation for police officers who considered their children's experiences of the trauma and made an effort to ensure that children's experiences with the police were positive. As described by one woman:

They talked to them, they said, 'How are you going?' and you see the kids respond to that. It makes things so much easier because the police have taken the time to ask the kids how they're going. It makes them feel like they've been heard a bit. And I think the kids need that.⁶

Georgia⁷ described her appreciation for the care and thought the police officers showed when they attended her home to interview her and her daughter after an assault:

They were wonderful – they painted her nails and played on her iPad while they talked. Then they put makeup on her and played outside with the dogs while I was making my statement.⁸

Importantly, there was a general consensus among workers that police responses to family violence have improved dramatically in the Geelong region in the past five to 10 years due to increased focus, education and training on family violence. Workers agreed that police now have a better understanding of the issues facing female survivors of family violence and the needs of children who may experience or witness violence in the home. They observed that police issue safety notices more diligently and actively work with repeat offenders. Workers were particularly supportive of the

⁴ Woman Survivor Interview 1.

⁵ Woman Survivor Interview 5.

⁶ Woman Survivor Interview 2.

⁷ Please note that pseudonyms have been used throughout this report and the authors have not included any participant's real name.

⁸ Woman Survivor Interview 12.

Family Violence Liaison Unit attached to Geelong Police Station on the basis of its specialist understanding of family violence and its productive, collaborative relationship with local services.

3.1.2 Negative experiences of police

While there has been dramatic improvement in police responses, women and workers shared the view that some police officers continue to lack understanding of the complexities of family violence. In some cases, police failed to recognise the stress and difficulties associated with reporting family violence. Angela, for example, described her fear when she was interviewed by three male police officers:

I had three police officers in this tiny room, with their guns, kind of all standing over me ... just staring at me and it was really intimidating having three people there who are senior and have guns. I can't cope, it brings back the whole thing, when he is at me.⁹

Women described feeling fear and frustration when police minimised their experiences and failed to take seriously their reports of family violence, including violence against their children. Jane, a mother of three children, reported to police numerous physical assaults by the father of her daughter, in the hope that criminal charges would be laid. Despite the physical assaults often occurring in public with many witnesses around, Jane described her frustration at the response she received:

Even with assaults in public and many witnesses, they just gave him a verbal warning and told him not to do it again in front of the kids. They said it wasn't a bad enough attack to warrant a charge... [Another time] he refused to hand our daughter over and slapped me across the face. There was a police officer standing right there and I said to him, 'Are you going to do something about that?' and the policeman said, 'Something about what?'¹⁰

Experiences such as these re-traumatised women by mirroring the same sense of disempowerment they had felt in the relationships from which they were seeking safety. Wilcox (2010) refers to this as a secondary form of victimisation in which the system that ought to protect survivors of family violence actually exacerbates the original victimisation they have experienced. These policing responses, as experienced by Angela and Jane, disempower women by failing to validate their experiences and minimising the acts of violence they have faced. Crucially, it also sends a powerful message to perpetrators that particular forms of family violence are tolerated.

Women also described instances when police took steps to support them but the supports that were offered were not appropriate and placed them at further risk of violence. For Amanda, who had reported her husband's violent assault to police, the follow-up phone call was unwelcome. The police contacted her the day after she reported the assault to offer further assistance but they

⁹ Woman Survivor Interview 6.

¹⁰ Woman Survivor Interview 3.

telephoned her home phone without notice, which was problematic as her partner still had access to the house. She commented:

To have a phone call from the police during the day ... it caught me off guard. If he had been there and answered it, it would have caused World War III.¹¹

Amanda felt that a follow-up call would have been more useful if it had been arranged in advance. Additionally, on another occasion when the police visited her home, they left pamphlets on family violence in the house. Fearful that her husband would find the pamphlets, she threw them away. Amanda's story highlights the importance of police providing information on family violence at a time and in a manner that will not further jeopardise women's safety.

Other women reported receiving inconsistent and incorrect information from police at critical times. In Bee's case, she was initially advised by police that her children would be required to give evidence in court if she pursued charges against her partner. She refused to proceed with the charges on that basis, but later learned that the police could have brought the charges and simply used the evidence of the adult witnesses to pursue the matter.¹² Furthermore, workers reported instances when police officers did not follow proper protocols designed to protect women and their children. As one worker reported:

I had a client who didn't speak much English. She called the cops after a violent assault by her partner. The van went out and the police used her eight-year-old son as an interpreter. The police protocols say they can't use children as interpreters but they do. My client didn't tell the police the full story because she was trying to protect her son.¹³

Problematically, women also reported being told by police to leave their home rather than the police asking the perpetrator to leave. Samantha, for example, experienced significant physical, sexual and psychological violence by her husband for 15 years before contacting the police. In that time, she had developed physical disabilities as a result of the abuse. When she did decide to contact the police after an incident, her husband told the police he had nowhere else to go. The police officers asked Samantha to leave the family home instead, despite learning that her husband's parents lived close by and would accommodate him. She recounted:

I said I'm not leaving my children. [The police said] 'Well, he says he doesn't have anywhere to go'. I don't have any faith in police. No more. I just lost it ... I wasn't getting anywhere. I had been through all this for such a long time and I wasn't getting anywhere.... They said the children have to stay home, because [my husband] wanted them to stay there.¹⁴

¹¹ Woman Survivor Interview 1.

¹² Woman Survivor Interview 9.

¹³ Worker Interview 9A.

¹⁴ Woman Survivor Interview 11.

As a result of experiences with the police such as these, women repeatedly reported feeling as though the needs of the offender were prioritised above their own.

Additionally, support workers explained how survivors of family violence in the Geelong region can experience significant delays in police response after reporting violence. As one worker stated:

I had a client who called the police to tell them her partner was trying to run her over. It took the cops two days to go and see her.¹⁵

The same worker spoke of a client who telephoned the police from the street after an incident at her house:

She was told the police were on their way, so she waited on the street for them. Two hours later, she went home because the police hadn't showed up and she had nowhere else to go.¹⁶

While women and workers generally recognised the value of Family Violence Liaison Units, some participants reported extensive waits to speak to the unit. Angela had repeatedly contacted the unit over the past two years, but at the time of this research interview was still waiting for a response:

They say, 'Yes, we've passed your number on, they'll get back to you', and still nothing has happened.¹⁷

Amanda was referred to a Family Violence Liaison Unit and was very excited when she was told that she had been allocated to a single liaison worker who would know her story, liaise with her husband and provide assistance at court. However, she did not receive the support that was promised:

I called and was told she was on holiday. I called a week later, she wasn't in. I left a message, I sent an email ... nothing. She said she was going to Geelong Magistrates' Court to talk about cases and she would raise my case and I wanted to talk to her about that. A couple of days before the hearing, I ended up getting through to her and she said, 'Oh, I didn't get a chance to bring your case up'. I asked if she had [spoken to my husband] and she said no. It didn't happen.... There was no follow-through at all.¹⁸

Workers also expressed concern about delays in the police serving interim FVIOs and safety notices, thereby leaving women unprotected while awaiting the orders to be served. Safety notices are police-initiated notices issued outside court hours in order to protect survivors of family violence who require immediate protection. One worker reported feeling that:

Many cops have bigger fish to fry and they are too busy. They don't serve orders quickly, they don't prioritise service and it becomes an issue for women.¹⁹

¹⁵ Worker Interview 2A.

¹⁶ Worker Interview 2A.

¹⁷ Woman Survivor Interview 6.

¹⁸ Woman Survivor Interview 1.

¹⁹ Worker Interview 8A.

Police deal with an overwhelming volume of matters and resources must be allocated in such a way as to respond to emergencies and other urgent incidents. However, for women, police delays in serving interim FVIOs led to significant fear and danger. Helen considered herself lucky because her neighbour warned her of delays with service and suggested that she regularly telephone the police to request that the interim FVIO be served. But even with her telephone calls, she experienced a two-day wait. She described the effect of this waiting period on her at the time:

I was really distraught.... We didn't feel safe to go home, so we were couch-surfing until that order was served.... It could [have been] a life and death situation and the police were pulled away to something else.²⁰

For Amanda, delays in police service resulted in an incident at her home. The perpetrator knew that she had sought the FVIO and came to the house in the evening, distressed. He physically and verbally assaulted her in front of their young children. However, despite this incident, she described the following police response:

I called the police and they said, 'We haven't served him yet, we're getting there, we'll try to do it tomorrow'.²¹

There was an acknowledgement among women and workers that failures and delays in police response are sometimes due to a lack of police resources in and around the Geelong region. Remote areas around Geelong were seen as in particular need of further resourcing, with few staff and reports of some stations in the region often being unattended for up to 10 hours at a time. Of further concern, some women perceived the police as being disinterested in their cases due to the large volume of evidence of abuse or of breaches of FVIOs. As described by one woman:

Another cop later commented it was disgusting the first cop didn't report it. There were thousands of text messages, I suppose it would have taken up a lot of their time.²²

While workers did acknowledge that the policing response in the Geelong region has improved over the past few years, the experiences shared among those interviewed for this research indicate that improvements are still required to ensure women's safety and that of their children. This is particularly important given that police are often the first and only port of call for women who have experienced violence. An inappropriate or untimely police response can be particularly damaging, while inadequate and insensitive responses that trivialise women's experiences can reinforce past experiences of abuse and crucially undermine women's attempts to seek safety for themselves and their children.

²⁰ Woman Survivor Interview 4.

²¹ Woman Survivor Interview 1.

²² Woman Survivor Interview 13.

3.2 Women's experiences of applying for FVIOs at the Geelong Magistrates' Court

3.2.1 Women's experiences of the court building

Consistently, participants pointed to the need for the Geelong Magistrates' Court to provide separate waiting areas and separate entry and exit points for women appearing for FVIO applications. Workers in particular agreed that the promotion of the safe room at the court would be beneficial, as many applicants seeking FVIOs are unaware of this facility. Some women whose matters were well-known to police were provided with a separate waiting area and one woman reported that she would not have proceeded with the application if the separate waiting room had not been provided. Other women described waiting in the general foyer for up to four or five hours with the respondent close by:

The set-up and design of the building is absolutely wrong. You need to be separated from the other party. My husband placed himself so I couldn't go [out], he knew where I was and I was cornered in the foyer area.²³

There's a corridor where he would wait, right near the female toilets and he used to scare the hell out of me. Sometimes I had my son with me. It was terrifying knowing I've got my son there and he's there somewhere.²⁴

He'd brought a lot of people to the court. I don't know who they were, I'd never seen them before. There were times when I had to wait for my brother [who was parking the car], it was highly intimidating because they were all kind of circling around, so [the court support worker] was trying to find us a separate room but they were all full.²⁵

He'd sit on the seat directly behind me. It was really intimidating.²⁶

Some women who found seats down a corridor described not wanting to leave their seat for fear that the perpetrator would approach them. With four- or five-hour waiting periods, children in tow and limited car parking, this caused great anxiety for women. The lack of drink facilities in the court building and lack of facilities for children such as a safe play area were also a concern for many given the extended waiting periods. The women's experiences of the court building in Geelong reflect concerns that have been repeatedly documented in the literature and by the non-government sector, including the lengthy delays and limited security and safe waiting areas found at regional courts (Coverdale, 2011; FCLCV, 2012; Laing, 2013). Some lawyers have argued that the combination of poor facilities and long delays for cases to be heard creates a volatile context in which further violence is probable (FCLCV, 2012).

²³ Woman Survivor Interview 4.

²⁴ Woman Survivor Interview 3.

²⁵ Woman Survivor Interview 5.

²⁶ Woman Survivor Interview 6.

3.2.2 Ad hoc support for women accessing the court

Reflecting on their experiences, many women were pleased that they had sought FVIOs. One woman felt that the court provided some authority and a means to assert herself:

It's the only way I could stand up to him – I have to take him to court. He'll listen to a judge, he won't listen to me. That's what bullies do – they have to be controlled by a higher authority.²⁷

However, despite the value women saw in making an application for an FVIO, they consistently described the application process as confusing and the court process as a source of great anxiety. These feelings are captured in the following three descriptions given by women interviewed:

It's horrible, it's an open court and you don't think you should have to stand up in front of people you don't know and say what's been happening in your house and that you've let it happen. It's really hard.²⁸

I hadn't been near him [for a while] and I had to brace myself. You don't necessarily hear everything the way you think you would.... I don't remember the judge asking me if I understood what he was saying.²⁹

I can't be as coherent and articulate as I normally would be, and even just talking about him gives me anxiety.... I had the magistrate with her voice raised trying to ask me questions and then I had his barrister doing the same thing to me at the same time, and then I had him and his mum looking at me in court and it was just too much, and I physically couldn't cope so they excused me and then I passed out.³⁰

There was a general consensus among the women interviewed that court support significantly eases the stress and confusion experienced by applicants. Women identified information about the court process, practical assistance (like a Salvation Army worker taking a tired child for a walk) and information or referral from a family violence court support worker as having a significant positive effect. Some women were connected to police liaison officers or court support workers who explained the court process to them beforehand and provided some comfort. However, problematically – and despite its positive outcomes – the provision of these supports remains largely ad hoc, with no streamlined processes to connect all women who access the court.

The interviews also revealed strong support for the provision of greater assistance to women filling out FVIO application forms. Workers explained that the information written on the application is critical not only to its success but also to determining the range and quality of other support services and referrals that an applicant may receive. As described by one worker:

²⁷ Woman Survivor Interview 9.

²⁸ Woman Survivor Interview 1.

²⁹ Woman Survivor Interview 9.

³⁰ Woman Survivor Interview 6.

The intervention order application is part of the intake assessment at our service. The worker will [use it to] assess the type and frequency of violence and the level of trauma on children.³¹

Importantly, workers emphasised that the information recorded in the FVIO application largely determines the subsequent response of the magistrate and lawyers. However, the quality and depth of information required is not properly understood by most applicants. In particular, workers articulated the need for clear, detailed and accessible public information about the sorts of information that should be set out in the FVIO application. As will be discussed below, this is particularly important given the difficulties women can experience accessing legal representation (see section 3.2.9).

3.2.3 Limited opportunity for women to feel heard

For many women, the court process also denied them the opportunity to speak in court and refer to the evidence of violence that they had collected. Katherine, for example, had been advised to save text messages and ensure that witnesses to the violence were available for court. However, despite doing this, she felt that the police were uninterested in her evidence and, as a result, her children were not put on the FVIO. As Katherine explained:

I had all the text messages to prove it, the abusive ones when he said he wanted to kill me and stuff like that. I had witnesses to prove he didn't care that my son witnessed [the violence]. In the intervention order application, the police had written about it but then they didn't get brought up [in court]. I was expecting it and I brought my phone to court and I even said to the police officer that day, 'Do you want me to show them to the magistrate?' And they didn't really bother. I feel like if I had shown [the evidence to the court], then my kids would be on the order today.... It kind of happened a bit too fast and I didn't understand it at all. I felt like I wasn't listened to, even though I had proof there.³²

Katherine's experiences were not unique. Other women interviewed reported being highly vigilant in ensuring that they had the evidence to support their claims; however, when their evidence was not considered, their experiences of the court process and response contributed to feelings of isolation and despair at not being heard by the justice system.

Some women were supportive of the Police Family Violence Liaison Officers who assisted them at court, and felt that police applications were simpler, less stressful and reduced financial stress because legal representation was not required. However, other women experienced great confusion and stress when police initiated their application. The decision to initiate an FVIO is largely at the discretion of the police. Where there was a lack of communication by police around the reasons for their decisions, this served to perpetuate the fear experienced by women who had been abused. In Katherine's case, the news that the police would bring the FVIO application was originally a source of

³¹ Worker Interview 16A.

³² Woman Survivor Interview 5.

relief. The perpetrator was well-known to the police and Katherine was fearful for her safety and that of her children after her ex-partner had physically assaulted and threatened to kill her. Katherine was determined to have her children named on the FVIO as they had witnessed physical assaults. However, at the time of the application, the police did not pursue this and Katherine was the only person named on the order. The following comments capture her experience:

A lot of the violence wasn't really taken into account. There were people who had witnessed it but they weren't put on [to give evidence]. There was not really much I could do from my side. It kind of made me feel ... not dumb but I had a fear and it was like no-one else was listening.... It made me feel like no-one was really helping me so I was just going with the flow with everything. Then, in the end, I was just accepting whatever they were giving me because I was just putting up with it.

It wasn't the [type of] order I wanted. My main goal was to get my sons on the order. In the end, the police told me that as long as I have them close to me, [the children will be ok].... But if my son ran away from me and he was five metres away from me, [my ex] could take him and the courts couldn't do anything, their hands are tied.... That's why I was trying to fight for my kids [to be named on the order], but no-one was listening.³³

Regardless of the grounds for the police's decision not to pursue an FVIO that named the children in this case, Katherine's story highlights the importance of police and court staff listening to women's experiences and explaining the reasons behind their decisions. Without this, women's experiences of court and police can reinforce their experiences of family violence – of silently complying with others when experiencing trauma and stress, in the hope that it stops. Furthermore, while it is appreciated that the Geelong Magistrates' Court deals with a great volume of cases and, like most Magistrates' Courts, is required to deal with cases quickly, literature demonstrates that most women can accurately assess their risk of re-assault (Townes, 2009). It is therefore crucial that women's concerns are heard and taken seriously by the courts, to safeguard women's safety and that of their children.

3.2.4 Variable understanding by magistrates of the dynamics of family violence

Women who perceived magistrates to be fair described them as people who demonstrated compassion and a specialist understanding of family violence. The following two comments capture this view:

She was brilliant. I was really emotional, I hadn't slept, I was trying to get it out and [couldn't]. She said, 'Right, has he been shoving you?' I said 'Yes'. She said, 'Has he hit you?' I said, 'No, he hasn't hit me, he's been slapping me, poking his fingers in my ears'. She said, 'OK'.... She granted me the interim order.³⁴

³³ Woman Survivor Interview 5.

³⁴ Woman Survivor Interview 1.

She seemed to understand and she basically gave strong advice that I should continue to seek help to make sure I recognised domestic violence and sort of link in with further support. She was good.³⁵

However, of concern, a number of women who participated in the research described feeling intimidated and bullied by the magistrate involved in their case:

I was bullied by the magistrate. I was told I better stop talking or he'd retract the intervention order.³⁶

The judge was really intimidating. He had the same mannerisms as my ex. I'd never been to court before. The judge wasn't being unreasonable but my ex had never seemed unreasonable either, so I felt the judge was like my ex.³⁷

It seemed like the judge read the first paragraph [of the application] only. I was in tears, the judge talked down to me.³⁸

These experiences indicate the importance of magistrates demonstrating compassion and sensitivity towards applicants in all family violence matters. There was also a general consensus among the women and workers that the way in which women were treated was largely dependent on the particular magistrate who heard their matter. As Amanda explained:

The disparity between magistrates is amazing.... I had one say, 'Well, you can make good decisions about the children, why can't you make good decisions in here?' I thought, I'm trying to stop someone bullying me, and I feel like I'm getting bullied from you as well.³⁹

Similar to women's negative experiences of police, these negative interactions with magistrates served to minimise women's experiences, mirror prior experiences of abuse and reinforce feelings of disempowerment.

Workers interviewed for this research strongly advocated for greater levels of specialist family violence training for all magistrates in Geelong. In particular, workers expressed frustration because the court often failed to recognise psychological, verbal and financial abuse as family violence. As described by one worker:

Women who have experienced non-physical violence often don't receive intervention orders or interim orders because the magistrate doesn't see non-physical violence as an immediate threat. I had one client who applied for an interim order because her partner had threatened to kill her. He had physically abused her in the past. The magistrate didn't view the threat to kill as serious enough to grant an interim order. She subsequently withdrew the intervention order application because she didn't think she would be believed.⁴⁰

Women also reported that non-physical family violence is still inadequately recognised by some magistrates. For Jennifer, who has experienced physical, sexual and emotional abuse in different

³⁵ Woman Survivor Interview 4.

³⁶ Woman Survivor Interview 10.

³⁷ Woman Survivor Interview 14.

³⁸ Woman Survivor Interview 7.

³⁹ Woman Survivor Interview 1.

⁴⁰ Worker Interview 9A.

relationships over many years, the process of applying for an FVIO against a partner who was emotionally abusive was incredibly difficult and she felt that the court was unsympathetic. She reflected:

I know in my head that emotional abuse is no better or worse than the other, but in the court system, it's not recognised at all. There's just no support from the legal aspect to stand up for yourself and say, 'I don't want me and my children to be treated like this anymore'.⁴¹

Interestingly, there was agreement among some workers interviewed for this research that the judicial response to family violence in Geelong can differ from that at specialist courts, with Geelong magistrates at times adopting a narrower definition of violence. Indeed, court observations conducted as part of this research at the specialist courts in Werribee and Heidelberg documented magistrates regularly reiterating how family violence involves a breadth of behaviours including the assertion of financial and emotional control. In this way, magistrates were validating women's experiences as well as, importantly, providing a consistent message to the court.

3.2.5 Cross-applications for FVIOs reinforce experiences of abuse for women

A number of women interviewed for this research reported that the perpetrators of family violence had also applied for FVIOs against them. Women described these applications as a game to further manipulate and shame them. They commented that the perpetrators sought the orders to demonstrate the ineffectiveness of the justice system by proving that they were above the law and could control the outcomes of women's applications. Amanda, for example, experienced physical, sexual, verbal and emotional abuse from her ex-husband over a number of years. He had also consistently breached interim FVIOs. Amanda hired a private lawyer to represent her at a contested hearing at the Geelong Magistrates' Court. Her lawyer briefed a barrister and significant time and money were spent on preparing for the hearing. On the day, Amanda learned that her ex-husband had applied for an FVIO against her. The magistrate asked the parties to agree to mutual FVIOs or reschedule the hearing for three months' time. Amanda described her reaction to this outcome:

[The magistrate] said, 'You came to an agreement about custody, so why can't you come to an agreement today and have identical intervention orders or none at all?' I felt pressured. I thought, I've paid \$8500 to be here today. All the emotional stuff, my work has suffered, and you're telling me I have to come back and do it again? I couldn't go through the financial costs of doing it again, I'd just given [the lawyer] a cheque for \$50,000, I was running out of cash. So I had to agree. So this man has an intervention order against me. You have to laugh, it's ridiculous. I've never been violent. I've never caused him to fear me. My physical presence compared to his is [scoffs] ... I've never done anything to deserve that. Since then, I have to keep my head high and not talk about it with anyone. My friends and family know why [he has an intervention order against me], but other people don't and I'm sure there are terrible stories out there [about me] and I just have to live with that.⁴²

⁴¹ Woman Survivor Interview 2.

⁴² Woman Survivor Interview 1.

Similarly, Samantha described her ex-husband's application for an FVIO as a game:

He'd applied for an intervention order because I'd applied for one against him. It's a game. Every time I try to do something, he comes back with something else.... He sat there [staring at me] to let me know. So I just shook the whole time I was there. I wanted to go, I wanted to leave straight away.⁴³

In this vein, the literature has begun to highlight the growing misuse of cross-applications and the consequent need for legislative reform around this issue (Douglas and Fitzgerald 2013; ALRC, 2010; Wangmann, 2010). These cross-applications can be viewed as an extension of the violence and a form of control (Douglas and Fitzgerald, 2013; Wangmann, 2010). As Douglas and Fitzgerald (2013) highlight, 'a cross application means much more than that the parties simply have a protective order. It has implications for the residence of children, engagement with the criminal justice system and most importantly victim safety' (p. 86). Indeed, such applications can work against women and children's best interests in the case of custody matters (see Laing, 2013). Furthermore, the stories shared by the women in our research demonstrate how cross-applications of intervention orders can serve to further shame and humiliate survivors of family violence. Consequently, in the absence of legislative reform, it is imperative that the court remain vigilant in the granting of cross-applications in family violence cases, to ensure that the justice system remains relevant to those who are most in need of protection.

3.2.6 An emphasis on family law at the expense of intervention order matters

There was a strong perception among women, support workers and lawyers that family law issues were often prioritised at the expense of the FVIO application. Several workers described this:

Intervention order applications are often overtaken by a focus on family law. Rather than the safety of women and children, the focus of the application becomes about the man's contact with his kids and his property. Similarly, there is a real reluctance to add kids to intervention orders. There seems to be a perceived right of the dad to have contact.⁴⁴

There are numerous cases where women are penalised after family violence occurs – their children are removed and the perpetrator gets more access to the kids. It's all about keeping access 50/50 between the father and mother.⁴⁵

By shifting the focus from safety and the intervention order to contact issues, the court minimises what the woman has gone through.⁴⁶

There appears to be widespread confusion among the women and support workers interviewed for this research about the rationale for denying FVIOs when family law proceedings are underway or family law orders in place. There was a strong perception that the Geelong Magistrates' Court will not grant FVIOs in these circumstances because the order would be likely to conflict with Family

⁴³ Woman Survivor Interview 11.

⁴⁴ Worker Interview 9A.

⁴⁵ Worker Interview 11A.

⁴⁶ Worker Interview 14A.

Court orders and be overridden. Most women were not aware, however, that an FVIO could be made and family law orders amended to reflect the change in circumstance after family violence has occurred. This confusion suggests that the Geelong Magistrates' Court orders are either not understood by key stakeholders or that appropriate FVIOs are not being made.

Angela, for example, went to court numerous times seeking FVIOs. Each time, the magistrate granted an interim order and commented on the volume of evidence she had collected. However, when she returned seeking the final FVIO, the same magistrate refused to grant the order on the basis that family law proceedings were underway. Angela described her experience:

The first time [at court], I got the temporary intervention order and he was like, 'Yeah, you've got plenty of evidence to support it'. But he wasn't willing to grant an actual intervention order because of the family law proceedings so he suggested an undertaking.... [Later] I went back to court with even more evidence and it was the same magistrate again and he said, 'No, we'll grant you the interim order, you need to come back for another hearing' and it was the same process. He said, 'You've got lots of evidence', then when we went back, he said, 'No, there's family law involved'. It's really frustrating because I need to be able to protect myself and my older two children, but I'm being forced to see my abuser every time I have to exchange our youngest daughter.⁴⁷

However, as one lawyer explained:

There is absolutely no justification for magistrates refusing to grant intervention orders on the basis that family law proceedings are underway, because family law cannot protect victims of violence.⁴⁸

Observational visits made to the Geelong Magistrates' Court revealed that it is common practice for respondents to appear at the first mention date requesting that a parenting plan be made before consenting to the terms of any FVIO. The respondent and his lawyers can use the parenting plan as leverage to obtain a preferred outcome. The creation of a parenting plan requires both parties to seek legal advice about the nature and terms of the plan, often delaying the FVIO application. As the terms of a parenting plan cannot be changed at a later time without the consent of both parties, it also requires the woman – who is fearful for her safety – to negotiate with the perpetrator of violence at the court building and prior to the confirmation of any FVIO. Not only does this practice create a power imbalance in negotiations, but it also inappropriately diverts the court's attention and resources away from the protection of women and children to the negotiation of family law matters. As such, women's safety and that of their children are placed at risk by the system that is charged with protecting them (see Wilcox, 2010).

3.2.7 The use of undertakings

An undertaking is a written commitment made by a respondent of an FVIO application not to commit family violence. An application will be withdrawn once an undertaking is made. However,

⁴⁷ Woman Survivor Interview 6.

⁴⁸ Worker Interview 12A.

unlike breaching an FVIO, it is not a crime to break an undertaking. This means that women who have sought protection from family violence may not have recourse and may not receive police assistance if the perpetrator of violence breaks the undertaking. All women interviewed for this research described undertakings as highly ineffective and inappropriate in responding to family violence. Some of the women interviewed were advised by police, lawyers or court staff to accept undertakings without receiving any information about their limitations or the difference between undertakings and FVIOs. These women described being told that the only way to resolve the matter on court day was to accept an undertaking. While women accepted the undertaking on the understanding that the justice system was delivering a timely response to family violence, they quickly found themselves back in court or raising money for a lawyer because the undertaking had been completely ineffectual. This experience is captured in the following three comments:

In the end, I gave in because the advice I'd been given was that if I accepted the undertaking, [my matter] would be dealt with that day.⁴⁹

The police officer said to me, 'We're going to do an undertaking, it's in your favour'. It was my first experience at court, I'd never been to court for anything else. I just put my faith in them that they were doing the right thing. [This woman went back to court a couple of weeks later to get the interim order].⁵⁰

It's not justice at all. Especially when I'm told, 'You've got lots of evidence' [at the interim hearing] and then I come back and get an undertaking. Where is that ok?⁵¹

One worker expressed concern that undertakings were often agreed in matters that were initiated by police. Mirroring the views of women interviewed, she argued that it is inappropriate for parties to agree to undertakings in circumstances where the police decide that there is sufficient evidence to make an FVIO application. She noted:

If police initiate an intervention order application, there should not be an option of an undertaking. If the police have taken the matter seriously enough and there is sufficient evidence to make the application, an intervention order should be granted, not an undertaking.... I never saw or heard of a woman getting an undertaking when applying for an intervention order at Melbourne.⁵²

These observations reveal the need for magistrates, police and court staff in Geelong to clearly and consistently explain the nature and limitations of undertakings to women who apply for FVIOs. It is also imperative that the use of undertakings is not promoted as a matter of course. Where this occurs, there is a risk that the court is delivering inadequate and inappropriate responses to women who have sought the court's protection.

⁴⁹ Woman Survivor Interview 9.

⁵⁰ Woman Survivor Interview 5.

⁵¹ Woman Survivor Interview 6.

⁵² Worker Interview 3A.

3.2.8 Women's experiences of legal representation

Women reported variable experiences of lawyers they engaged in intervention order matters. Overall, the lawyers who were helpful and effective demonstrated empathy and a specialist understanding of family violence and acknowledged the financial difficulties experienced by many women by offering flexible payment arrangements. Interactions with lawyers who provided this kind of support led to the experiences described in the following recollections:

He listens to me, he says I can drop in anytime, he spent an hour and a half with me before I signed up. If I couldn't afford it financially he offered me a payment plan and he was happy to help after Legal Aid.⁵³

He was magnificent. He didn't even charge me for my third court hearing. I owed him another \$600 and he said, 'You need it more than me'.⁵⁴

However, other participants described feeling like their lawyers were not working in their best interests, as captured in the following women's comments:

I got the distinct impression that he was working for my husband and not for me. He was trying to convince me how tough things were for my husband ... he didn't really understand domestic violence and he just wanted to be quick, get it over and done with quickly, which meant going along with the duty solicitors that my husband had.⁵⁵

One of the [first] lawyers said, 'Just give her [daughter] up, it's not worth the hassle'. The new lawyers say they're going to fight for her, they say they're going to fight for me now before it's too late. She's the only lawyer who's backed me, saying that.⁵⁶

I remember a lot of negotiations happened in the foyer between solicitors. I felt like his solicitor was calling the shots and mine was running back and forth. My solicitor asked if I had a mental health history and I thought, what has that got to do with it?... The barrister seemed really switched on but he told me I'd have a tough time getting an intervention order. When I asked about psychological or financial abuse, he said they were add-on symptoms to the physical violence. [The court support worker] said, no, the law says that they are each individual types of violence. And this was a barrister!⁵⁷

Workers from both legal and non-legal backgrounds identified the need for specialist family violence training to be more available to legal practitioners working in the Geelong region. Given that lawyers are often the main source of information and advocacy for women seeking safety from family violence and given the breadth of legal matters that many Geelong lawyers deal with, the complexity of family violence matters and the significant risk of harm to women where matters have not been dealt with appropriately, a greater level of specialist training was seen to be particularly important.

⁵³ Woman Survivor Interview 12.

⁵⁴ Woman Survivor Interview 10.

⁵⁵ Woman Survivor Interview 4.

⁵⁶ Woman Survivor Interview 3.

⁵⁷ Woman Survivor Interview 8.

3.2.9 The prohibitive cost of legal representation

Most women in this research reported experiencing financial abuse and also struggled with severe financial difficulties after their relationship breakdown. As described by two women:

I've slept on floorboards. He took all the money.... He did the same thing with his first wife. He took the two girls so he didn't have to pay child support, that's what it's all about. I applied for child support and the violence began again [so] I had to stop it.⁵⁸

I felt like if I said too much to the wrong person, my kids would be taken away. Because there have been times when I haven't been able to feed my kids or clothe them or do the basic things for them because he hasn't supplied one cent. That's one of his things, the monetary aspect. But then he'll turn around and say, 'She doesn't feed the kids'.... To have someone withdrawing their support and then blaming me because I can't do something, is really hard emotionally.⁵⁹

These financial difficulties were often exacerbated when women sought legal representation to assist them with their FVIOs. Similar to the findings of previous research, our participants regularly commented that legal assistance resourcing is inadequate for survivors of family violence (FCLCV, 2012; Laing, 2013; Eaton; 2011). Private lawyers will often not act in these applications because it is not cost effective and due to funding constraints there are restrictions on access to free legal assistance. Participants described the problems that arise from this:

I can't use Legal Aid because my name is on the house... If there was a payment plan that women could pay off, that would be achievable. If lawyers did that, I would have seen a lawyer five years ago. But they say I have to pay upfront and I couldn't afford it. I stayed an extra five years [in an abusive relationship] because I couldn't do anything... [The Legal Service] said they'd closed my case and I couldn't use them anymore because I'd used them before. I had no legal information, I tried to ring Melbourne services, but you spend an hour waiting in a queue then they say the service is no longer open.⁶⁰

The lawyer said the whole case would cost about \$8000. My ex-partner dragged it out and I paid \$10,000 and still didn't come to any resolution. I couldn't afford it anymore. It's really frustrating because I want to have good representation but supposedly the lawyer I picked is meant to be the best and that's why he's so busy. I don't like going to court, I'm there probably once a month at least, whether it's having to get dates for the new trial or whatever. I feel like I could almost live at the courthouse I'm there so often. It's eating up money, it's eating up time and my physical ability to do anything. It's hard enough to raise three girls by myself, let alone having to deal with the court stuff.⁶¹

Exacerbating these issues are the frequently protracted hearings and regular breaches of FVIOs which mean that women must often appear at court multiple times, increasing the costs incurred.

Women and workers also felt that the difficulties in obtaining legal representation were not properly acknowledged by the court, with some magistrates reportedly questioning why the complainant was unrepresented. One woman reflected on her experience with this:

⁵⁸ Woman Survivor Interview 11.

⁵⁹ Woman Survivor Interview 2.

⁶⁰ Woman Survivor Interview 14.

⁶¹ Woman Survivor Interview 6.

He didn't punch [the kids] or anything like that but he was very manipulative, bullying, verbal, emotional and mental intimidation and standover tactics. Quite a number of times we'd be cornered or he'd drive around following us. [I was told] it wasn't important enough to warrant legal assistance so I had to pay for it myself. But I wasn't getting maintenance or anything other than a pension so I couldn't afford it.... So you have judges yelling at you because I have no representation and I can't get representation because I can't cover it.⁶²

Women require effective legal representation to ensure they understand their rights and their needs are adequately represented in court. The experiences detailed here highlight the need for more funding to be available in the Geelong region so that all women are able to access timely and affordable legal representation and advice.

3.2.10 'Paper shields': Variable responses to breaches of intervention orders

The majority of women interviewed for this research reported repeated breaches of FVIOs that varied in nature and severity. Women described physical assaults, stalking and consistent disturbances at their home that caused fear and instability, such as men stealing household items, children's toys and causing disturbances in the night:

Turning up in the middle of the night, banging on the window, pushing the back fence down, kicking the dog, ripping my clothes off the line, taking the kids' scooters from the yard.... He would constantly drive into my driveway four times a day and beep... He turned up at the house ... he flicked the electricity off, so we were all sitting in the dark and my kids were crying and saying, 'Don't go out there mum, coz he'll be out there'.⁶³

He came round to the house when no-one was there ... wrote things on the walls outside the house, that sort of thing.⁶⁴

He broke into our house and stole [our daughter's] clothes, her backpack, her favourite toys... He stole pictures off her bedroom wall.⁶⁵

He was charged with assaulting [the kids] and attempts to kill. He's been interviewed and the police said butter couldn't melt in his mouth. That's what he does. He knows what to do.⁶⁶

There was strong agreement among participants that FVIOs do not always protect women from family violence. Women reported vehemently that the FVIOs have not increased either their safety or their sense of safety.

Inadequate responses to breaches of an FVIO were seen as the main reason for their failure. The most recent report on family violence breaches by the Victorian Sentencing Advisory Council has noted the limited value of FVIOs unless they are enforced and breaches dealt with appropriately by

⁶² Woman Survivor Interview 2.

⁶³ Woman Survivor Interview 1.

⁶⁴ Woman Survivor Interview 4.

⁶⁵ Woman Survivor Interview 3.

⁶⁶ Woman Survivor Interview 11.

the courts (SAC, 2013). Workers in this research described this inadequacy during the interviews, two of whom commented:

Even when the police charge [perpetrators], the magistrate will give them a good behaviour bond or a fine of about \$200. I know of two cases where men were incarcerated for family violence in Geelong, but in both instances, they were charged with physical assault, not with breaching the intervention order. One case involved serious property damage, the other was a stabbing.⁶⁷

It takes lots of time and many breaches before criminal charges are laid against people who commit family violence or breach intervention orders. I had one client who was severely abused over many years with numerous breaches of the intervention order and the police charged [the perpetrator]. The magistrate gave him a one-month suspended sentence. Even the cops were horrified by that.⁶⁸

Women also described their experiences of fear following the court's failure to respond to FVIO breaches:

Since [the intervention order], I've made five statements, been to court four times, he keeps breaching. He breached yesterday and the day before. I have to keep going in there, updating the police on the breaches. And now he's decided to put an IVO on me. The police don't believe me, they say I see him and I do but not by choice. I've had threats ... he [stalks me].... I'm told I have to be smarter, record everything.⁶⁹

I'm discovering he can still turn up when he wants to and he can still be abusive or get someone else to be abusive and it doesn't mean anything, no-one is willing to do anything.⁷⁰

The intervention order has definitely not made me feel safer. I've put locks on my doors, my neighbour put dowels in the windows so you can't lift them up and open them. I've put spotlights in my backyard. I thought if someone breached an intervention order, they were arrested and got in trouble – 480 texts later and [he's] still not in any trouble for it.⁷¹

As a consequence, women and workers agreed that inadequate responses to breaches of FVIOs only served to increase perpetrators' disrespect for the law. Women described this as taking several forms:

He's always said to me that a piece of paper won't stop him doing something if he wants to do it.⁷²

He text messaged me while he was in the courtroom. If he's breaching in the courtroom, there's no telling what he and his family will do.⁷³

Previous studies have revealed that sanctions for breaching an FVIO rarely reflect the seriousness of the breaching behaviour (Douglas, 2007; see also SAC, 2013). While recent Victorian research indicates that there has been a significant change in sentencing practices for breaches since the enactment of the Family Violence Protection Act, including a move away from the use of fines

⁶⁷ Worker Interview 9A.

⁶⁸ Worker Interview 11A.

⁶⁹ Woman Survivor Interview 1.

⁷⁰ Woman Survivor Interview 2.

⁷¹ Woman Survivor Interview 12.

⁷² Woman Survivor Interview 6.

⁷³ Woman Survivor Interview 13.

towards custodial sentences and adjourned undertakings, there has also been a consequent reduction in recorded convictions for breaches (SAC, 2013). Indeed, in the current research, FVIOs were viewed by some participants as futile ‘paper shields’ due to the perception that responses to breaches were inadequate.

3.2.11 The need for greater protection for children

All of the women interviewed for this research have children. A number of women identified their children as the key factor in their decision to seek help.

[My friends] drummed it into me that I had two children. [They said] ‘If you’d hit your head, who would have looked after your kids?’ That was a good message. I remember that.⁷⁴

My son is probably the reason I’m still here today.⁷⁵

Research has repeatedly shown the significant impact that witnessing family violence has on children (see for example DOJ, 2012a; UNICEF, 2006; Richards, 2011). Overwhelmingly the key concern of the women interviewed for this research was the impact of the violence on their children. Many described the effects of violence that their children had experienced or witnessed:

In the end, my son had to go. He said, ‘Mum, I can’t bear it anymore’ so he left. My daughter too, she’s been through a lot. In court last week [my ex] threatened to kill me so she left and walked home on her own, she couldn’t stand it.⁷⁶

She’s talked about suicide, she’s got an eating disorder, and that’s not normal for an eight year old. It’s not normal for an eight year old to be waking up in the middle of the night because she’s had a dream where I’m lying in a pool of blood in front of her sister’s cot and my ex-partner is standing over me. That’s not something I want my eight year old to be telling me.⁷⁷

I’ve had people knocking on the girls’ windows, playing funny buggers, knocking on the front door. I call ‘000’ and they come right away but there’s no-one there by the time they get here. Just a few days ago, my middle child woke up one night saying someone was knocking on her window – she was so scared she wet her pants and was shaking.⁷⁸

They were standing right next to me when it happened. The 12 year old just kind of cuddled her younger brother. She said, ‘Oh no, I didn’t see anything’. I didn’t want to push it too much. Later on, I said, ‘I know you remember what happened’ and she said, ‘mmm’.⁷⁹

Compounding women’s fears was the justice system’s failure to adequately consider and respond to the needs of their children. A primary concern raised consistently by women was that their children were not named on the FVIO. As described by three of the women interviewed:

⁷⁴ Woman Survivor Interview 1.

⁷⁵ Woman Survivor Interview 5.

⁷⁶ Woman Survivor Interview 11.

⁷⁷ Woman Survivor Interview 6.

⁷⁸ Woman Survivor Interview 12.

⁷⁹ Woman Survivor Interview 9.

My children have no back-up and support and I find that really frustrating. Children are forced to put up with it because it's seen that the parenting is more important than protecting them.⁸⁰

Three years ago, the girls were on the order too but they're no longer on it because of family law proceedings. I wanted the kids on the order but the magistrate didn't do it. So my ex can still collect the kids from school. For the last two weeks, the kids have been too scared to go to school in case he takes them.⁸¹

I was conditioned over so many years to be kind and good and give him the benefit of the doubt. So when you have an intervention order, you're sort of being stopped, they can't come to you and say, 'I'm sorry, take me back, it'll all be better'. Once that intervention order is in place, you have space to actually think about things and not be manipulated ... and if the children are put on the order, they don't get manipulated as well.⁸²

A number of family violence workers echoed this view and expressed frustration at the difficulties associated with getting children named on an FVIO. One worker commented that some magistrates sitting at the Geelong Magistrates' Court regularly fail to ask whether children were present during incidents of violence, despite the Family Violence Protection Act stating that exposing a child to family violence constitutes a form of family violence against the child. There was also a general consensus among women, support workers and lawyers that it is rare for children to be included on FVIOs. In many cases, the respondent uses their children as a bargaining tool in FVIO applications. Participants perceived this as a tactic by respondents to continue psychological and emotional manipulation of the women, by ensuring that their children are not protected.

Katherine experienced family violence from her ex-partner, who was known to police. He physically assaulted her in front of their two-year-old son and repeatedly sent text messages threatening to kill her. Katherine sought an FVIO for her and her son and had collected extensive evidence of his violence and threats to kill. Yet, although her son had witnessed the violence, the magistrate did not put him on the order:

The police and even the magistrate said lots of women come in wanting intervention orders and put their kids on it to keep their kids away from their father. If my ex gets his stuff together and becomes a good dad for them, I'm more than happy [for him to be with the kids] ... it was just that moment when I had all the text messages to prove it, the abusive ones when he said he wanted to kill me and stuff like that, I had witnesses to prove he didn't care about my son witnessing it.⁸³

Additionally, despite children being directly relevant to the FVIO applications, women reported that their children's experiences of violence were often not acknowledged or pursued by the court. Most of the women interviewed experienced violence during pregnancy or when their children were small. In the majority of cases, young children had experienced or witnessed violence.

⁸⁰ Woman Survivor Interview 2.

⁸¹ Woman Survivor Interview 7.

⁸² Woman Survivor Interview 4.

⁸³ Woman Survivor Interview 5.

Problematically, the young ages of the children effectively acted as an impediment to their own safety, because police and courts viewed them as too young to be credible.

3.3 The role of the broader community in responding to family violence

3.3.1 Information provision for women and the broader community

The women who participated in this research argued strongly for greater education and awareness-raising in the Geelong region about family violence. Women described the significant difference that specialist family violence services have made to their lives and their wish that they had received information on those services earlier. Workers agreed that many women do not understand their rights and require improved access to public information about family violence. Welfare and family violence workers reported consistent requests by women for information on how to protect themselves, how to leave an abusive situation and how departure might impact their rights as a parent. As noted by three of the workers interviewed:

The nature of abusive relationships means that many women only know what their partner has told them. Women come to us requesting information about their right not to experience violence, their right to parent their children as they see fit and their financial rights.⁸⁴

It's really important the general public know what domestic violence is, because even I thought it was just hitting and sexual [violence]. I remember saying I'd leave my husband if he hit me. I wouldn't have put up with that. But I put up with all the other stuff.⁸⁵

Women often don't realise that they can get child support and they are eligible for certain benefits. Many women have grown up with family violence and it has become the norm for them, so they don't realise what they're eligible for and how their rights can be protected. Many women are also concerned about alienating themselves from the person who controls their finances.⁸⁶

Workers agreed that there is a need for greater promotion in the Greater Geelong region about the services available to women who have experienced family violence. Furthermore, there appears to be less awareness of support services among those living in rural or more isolated areas outside the Geelong city centre.

I didn't know where to go and I suppose that was part of my problem. I didn't know what was available. If [the women's support service] wasn't here, I would not know what to do. I can't express it enough. I might have done something earlier, but I just didn't know.⁸⁷

Statistics show that women try to leave abusive relationships seven times before they're successful. There should be broad community education regarding the support systems in place for women so if women later decide to leave, they know their options.⁸⁸

⁸⁴ Worker Interview 2A.

⁸⁵ Woman Survivor Interview 4.

⁸⁶ Worker Interview 8A.

⁸⁷ Woman Survivor Interview 11.

⁸⁸ Worker Interview 12 A.

Many women described the importance of their personal support network, particularly at the early stages of seeking help. Women spoke of their fear or embarrassment at disclosing their experiences of violence and the value in enlisting friends or family members to make contact with the police or services on their behalf or to support them through the court process. The value of support networks is illustrated in the experiences of the following two women:

I spoke to my sister. [She] got advice from the police about how to go about [getting an intervention order].⁸⁹

I was lucky I had some really good female friends; without that I would have drowned. I wouldn't have made it through.⁹⁰

The interviews demonstrated the continuing important role police, courts and local services play providing relevant, detailed and timely support and information to the general community to ensure that the friends and families of survivors are educated about family violence and can offer immediate support once a survivor discloses abuse.

3.3.2 The role of health professionals in responding to violence

Small towns may present unique opportunities for health professionals to screen and provide information and referral to women who have experienced family violence, but many women reported that professionals in local services do not have an adequate understanding of family violence. Various women reported seeking assistance from counsellors and psychologists after experiencing family violence, and most agreed that it was helpful having someone to speak to about their experiences. However, women also commented that the counselling relationships were often short-lived because the counsellors did not have a specialist understanding of family violence, as described by two women:

I don't think the counsellor we were seeing was used to dealing with these family [violence] scenarios. Nobody was willing to say to him [my ex] that what was going on was wrong. They were very much blaming it on my son when it wasn't my son's fault.... It took until he went at my son with a metal bar before people started realising the issues.⁹¹

I stopped seeing my counsellor because [the sessions] were more about my ex. He would discount what I told him. I confronted him and asked what training he'd had in family violence. He said, 'Oh yeah, it was part of my diploma' and I asked him when he did that, and he said, '10 years ago'.⁹²

Living in a small town, Samantha had seen the same general practitioner (GP) for 23 years. The doctor also saw her children and husband during this time. Despite the length of their relationship, it

⁸⁹ Woman Survivor Interview 4.

⁹⁰ Woman Survivor Interview 2.

⁹¹ Woman Survivor Interview 2.

⁹² Woman Survivor Interview 8.

took Samantha 15 years to disclose to her GP the extensive history of abuse suffered by her and her children. She described her GP's reaction:

She actually said to me, 'I don't trust him at all'. She said, 'You must get out of that house, you must go'.⁹³

Samantha's decision not to disclose the violence for 15 years was her own, yet her husband accompanied her to her doctor appointments for many years. Arguably, doctors have an obligation to see women individually for consultations, particularly when they suspect family violence is present. Her story demonstrates the opportunity and need for doctors and other health professionals working in small towns who have close, long-term relationships with women to be trained to screen for family violence and provide information and options to women.

The Loddon Campaspe Community Legal Centre's *Why Didn't You Ask?* project is currently piloting a multidisciplinary model to provide a more comprehensive service for women who experience or are at risk of family violence, which includes an educational component aimed at improving the knowledge of family violence among health professionals. Indeed, GPs in particular occupy a privileged position, as they regularly interact with women who are potentially experiencing family violence. As such, there may be considerable value in providing family violence training to all medical professionals in regional areas so that they can identify need and refer women to additional support where appropriate.

3.4 Additional difficulties faced by women who live in rural and regional areas

3.4.1 Limited anonymity in small communities

Research has shown that there are particular difficulties associated with disclosing family violence in small towns where perpetrators, police, survivors and local services are all known to each other (Coverdale, 2011; Laing, 2013; Taylor, 2004). In two cases in this research, women described the difficulty they faced reporting violence because their violent partners were friends with police members. Similarly, women involved in this research regularly referred to the difficulties of living in a small town where it is not always possible to remain anonymous. Pat, for example, described through tears how she felt ostracised by a significant section of the Geelong community because her ex-partner, who was well-known in the community, had regularly placed defamatory information about her on social media:

He has written on Facebook that I am a whore, that I am a bad mother ... having all these people 'like' and comment on those comments is awful.... He knows everyone. I can't even go to the hairdressers without everyone knowing what has happened and his version of it.⁹⁴

⁹³ Woman Survivor Interview 11.

A fear resulting from a perceived or actual limited level of anonymity could also extend to broader members of the community. Amanda, for example, was grateful to have a witness to one physical assault that occurred in public. The witness assisted Amanda and drove her home but would not agree to give evidence against her husband because he lived in the same small town and was concerned about his own safety. Amanda described this interaction:

I called him and asked him if he would write a statement and he said no, he was too scared. He said, 'I live in this town. If I see him out, he'll kill me'. And I don't blame him.⁹⁵

The experiences detailed in this research reveal how vital it is that policy makers and service providers are mindful of the unique circumstances and demands of rural and regional communities when designing responses to family violence in regional areas such as Geelong. Women's stories in particular highlight how the lack of anonymity afforded to them as a result of living in a regional area can exacerbate feelings of isolation and shame, and further hinder their attempts to escape violent relationships and safely move on with their lives.

3.4.2 Issues for CALD women living in rural and regional communities

A number of workers raised the need for more culturally specific services in Geelong for women who experience family violence. While numerous stakeholders agreed that reporting abuse was particularly difficult for women in small communities where the perpetrator of family violence was well-known and perhaps well liked, workers identified additional difficulties for women of CALD backgrounds. These are illustrated in the following two excerpts:

There is a smaller cultural community so less social support for women from culturally diverse backgrounds who experience abuse.⁹⁶

[The community] think the woman is breaking up the family.... They will force people to take sides. That makes it doubly difficult for the woman to seek help.⁹⁷

One worker described the difficulties for a CALD client who was physically attacked by her husband and subsequently disengaged from services:

She didn't know much English. The head of her community was best mates with her husband, so she was too scared to report the violence to the community head. She tried to access mainstream services to report the abuse but the translator allocated to her was from her town and knew everything about her family.⁹⁸

Compounding the difficulties in accessing services for CALD women is the lack of cultural understanding amongst some service providers. As described by one worker:

⁹⁴ Woman Survivor Interview 13.

⁹⁵ Woman Survivor Interview 1.

⁹⁶ Worker Interview 3A.

⁹⁷ Worker Interview 23A.

⁹⁸ Worker Interview 4A.

It's very difficult for Muslim women to leave their partner. Culturally, it's just not done. There isn't enough training and understanding [among mainstream services] of the issues.⁹⁹

In this regard, the Geelong Magistrates' Court offers a translation service for women attending court but reportedly cannot always provide female interpreters. Additionally, as the interpreters are often from Geelong there were reports of a perception that the matter will not always remain confidential:

The Geelong Magistrates' Court is good at booking interpreters but they are often male and they're usually from Geelong, so women don't feel comfortable. The interpreter may know the perpetrator or the woman may be scared that he does.¹⁰⁰

Other support workers described cases where police prosecutors asked interpreters who were translating for the male respondent to also provide interpreter services for the female applicant. Consequently, workers raised the need for greater access to translating services at the Geelong Magistrates' Court and through the Geelong police so that women can receive translation services by telephone, from female translators and from people who live outside the Geelong region.

3.4.3 Limited housing options placing women at further risk

Many workers across welfare, family and legal services reported that housing is one, if not the most, commonly identified need of women who have experienced family violence. Safe, secure housing was seen as crucial before women can leave or contemplate leaving a violent situation. Workers reported that private housing is unaffordable for many survivors of family violence in the Geelong region and single mothers often experience prejudice from landlords and real estate agents when applying for rental accommodation while on Centrelink benefits. Additionally, there were reports of a shortage of crisis accommodation for survivors of family violence. Services that are available offer short-term accommodation of up to two or three months but clients usually present with complex needs and cannot organise alternative, appropriate accommodation within this timeframe.

Moreover, support workers reported that many women who require housing support in the Geelong region are ineligible and excluded from refuge and accommodation services. For example, most crisis accommodation facilities do not provide wheelchair access and therefore cannot accommodate some women with physical disabilities. One facility in Queenscliff accommodates women with disabilities but is not a dedicated service for survivors of family violence so the rooms are not secure, which makes it an inappropriate space for many women in such circumstances.

There are also extensive eligibility criteria to access refuge services. Samantha's husband had physically, sexually and psychologically abused her and assaulted their children over many years.

⁹⁹ Worker Interview 4A.

¹⁰⁰ Worker Interview 9A.

When she decided to seek help, she discovered that her eldest daughter could not go with her because she was 18 years old. She reflected:

They recommended I get out and take the children to a safe place. But [my eldest daughter] wasn't allowed to come, and I said, 'Well if my daughter doesn't come, no-one goes'. She was too old. And that's just wrong. You can't be expected to leave one of your children behind because they're too old. How can you do that? I must protect all my children. As a mother, you've got to.¹⁰¹

Samantha and her children remained at home with the perpetrator for another six months before she was able to find a private rental. She described the violence as worse during that time:

It was just getting worse. The longer I stayed, the worse it got.¹⁰²

The consequences of inadequate housing and crisis accommodation in Geelong are far-reaching. Many women will not leave abusive relationships or extricate their children from violent situations without alternative safe accommodation. Those who do leave often end up homeless or at heightened risk of abuse and violence. A number of workers stated that perpetrators of family violence use the lack of alternative housing options in the Geelong region as traction to force their partners to remain in the home, by threatening to call the DHS Child Protection Service were the woman to leave and live with the children in substandard housing. Women's fears of this eventuating are perhaps well founded, with the literature revealing how decisions to leave the family home can work against them where the complexities of family violence are not adequately understood by child protection workers (see, for example, Douglas and Walsh, 2010; Humphreys, 2010). Exacerbating the challenges posed by inadequate housing is a reported reluctance among some magistrates to grant exclusion clauses which restrict the perpetrator of family violence from the family home and allow the woman and her children to remain there. There was a sense among workers in this research that some magistrates would not order the perpetrator to leave the family home if he owned the property and had not organised alternative accommodation. Workers believed that, by taking this approach, the court inadvertently prioritises the rights and needs of the male property owner over the rights and needs of survivors of family violence.

¹⁰¹ Woman Survivor Interview 11.

¹⁰² Woman Survivor Interview 11.

4. Conclusion

The experiences shared in this research demonstrate the harrowing consequences of family violence on the lives of women and their children in the Greater Geelong region. Despite intervention orders being in place, women described living with the constant fear that the violence would escalate and place their lives in further danger. Women also reported how perpetrators of violence often viewed the intervention order application process as a game and manipulated the justice system process to further intimidate and control. While many women discussed positive interactions with empathetic and highly skilled police, court workers, lawyers and magistrates, negative experiences compounded the sense of disempowerment and trauma inherent in the violent relationships they had escaped.

In Victoria, the incident rates of family violence are on the increase. This is creating mounting pressure on the courts and justice system services, particularly as police become more vigilant and more women are encouraged to report violence. While a broader societal response to addressing violence against women is required, the Magistrates' Court plays a vital role in responding to cases of family violence. This includes reinforcing to perpetrators and the wider community that violence against women, particularly within their intimate relationships, is unacceptable and will not be tolerated. The literature demonstrates that women seek protection as a last resort and often after prolonged and severe periods of violence (see, for example Laing, 2013), it is therefore critical that the justice system provides a consistent approach to survivors seeking safety and justice. The experiences detailed in this research suggest a need for increased levels of specialist training for all justice system personnel working on family violence cases. In particular, a greater recognition of the 'incremental compounding nature of family violence' (see Stewart, 2011) and the severe and ongoing impact on children of witnessing violence against a family member is required. This research also highlights the need for greater resourcing in the Geelong region so that all survivors of family violence are able to access affordable and timely legal representation.

This research has sought to provide a voice to women who are survivors of family violence by gaining an insight into the justice process based on their lived experiences. It is therefore important to acknowledge that the experiences of *all* stakeholders involved in women's journeys through the justice system are not represented here. The research does however provide a basis and important first step for further examination and discussion with a broader array of stakeholders and justice system personnel. Unfortunately this study did not capture the personal experiences of women from Aboriginal or Torres Strait Islander (ATSI) or CALD backgrounds. While interviews were conducted with support workers that had expertise in supporting ATSI and CALD women, the absence of their own voices on these issues is a limitation of the research. This report represents the first stage of a broader research project that will examine women's experiences of accessing justice and safety for

family violence issues across regional Victoria. The second phase of this project is endeavouring to include the experiences and voices of a greater diversity of women.

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Appendix 1

Questions and interview prompts for women participants

1. How old are you?
2. Is English your first language? If not – what language do you primarily speak?
3. Do you identify as being of Aboriginal or Torres Strait Islander background?
4. How long have you lived in rural and regional Victoria?
5. Do you have children? If yes, what are their ages?
6. When have you experienced family violence?
7. At the time of the violence, were you living with the person who was violent toward you?
8. Was the person who was violent towards you a partner, a parent, a child or another relative of yours?
9. Was the person who was violent toward you male or female?
10. Were you employed at the time of the violence?
11. Did you seek assistance from someone after your experience of violence? If no, why not?
If yes:
 - a. Who did you decide to talk to?
 - b. How long after the violence did you speak to this person?
 - c. Why did you decide to talk to them?
 - d. What was that experience like?
 - e. Could anything have been improved to make it easier to get assistance from that person? If yes, what?
12. Did you talk to the police about the violence?
 - a. If yes, what was it like talking to the police about it?
 - b. If not, why not?
13. Could anything have made it easier to get assistance from the police? If yes, what?
14. Did you talk to a lawyer about the violence?
 - a. If yes, what was it like talking to a lawyer about it?
 - b. If not, why not?

15. Could anything have made it easier to get assistance from a lawyer? If yes, what?
16. Did you apply for an intervention order at any time?
 - a. If not, why not?
 - b. If yes, how long after the violence did you apply?
 - c. What was the process like for you?
 - d. Did the order assist you in feeling safer? (How/why not?)
17. Did you go to court? What was that experience like? Was there anything positive about the experience? Was there anything not so good about the experience?
18. Did you feel safe at court? Why/why not?
19. Who did you speak to when you were at court? Were they helpful?
20. Did you get the outcome from the court process that you wanted? If not, what outcome did you get and how was it different from the outcome you wanted?
 - b) Was the intervention order breached? What did you do?
21. Would you encourage other women who experience family violence to go to court/ the police/ a lawyer? Why or why not?
22. Prior to these experiences of going to court for a protection order – had you ever been to court about a family matter before?/ or to a lawyer?
23. What else would you encourage women who experience family violence to do?
24. How could the justice system better support women who experience family violence?
 - b) What would make it easier for women to report re-offending/continuing violence?
25. Before we finish up, is there anything you would like to add about your experiences or anything else you would like to talk about today that we haven't covered?

Questions and interview prompts for workers

1. In what industry or field do you currently work?
2. What are the main duties and responsibilities of your current role?
3. How long have you worked in your current role?
4. In your role, how frequently and in what circumstances do you come into contact with women who have experienced family violence?
5. Is this contact initiated by you, the woman, your organisation or by someone else?
6. What kinds of assistance or support are most commonly requested by women?
7. Are there formal processes in place to respond to the needs of women experiencing family violence?
 - a. If yes, what are the processes? Are you actively involved in those processes?
 - b. If not, what do you usually do when you come into contact with women?
8. Are there referral processes in place within your organisation to refer women? If so, where do you usually refer them and what process is used?
9. What do you see as the main barriers to women accessing the justice system after experiencing family violence?
10. Are you aware of any additional barriers specific to women who live in regional or rural locations?
11. Do you think anything could be improved to make it easier for women to access the justice system? If so, what would improve access?
12. Is there anything you would like to add/ anything else you would like to discuss today that we haven't covered?

Appendix 2



Plain Language Statement for Women Participants [Project number: 2012-262]

Full Project Title: Improving access to justice for women and children survivors of family violence in rural and regional Victoria.

Principal Researcher: Dr Lucinda Jordan

Associate Researcher: Ms Lydia Phillips, Ms Kate Munro

We are conducting a research project through the Centre for Rural Regional Law & Justice in the School of Law at Deakin University. Our research is examining the ways in which the courts and justice services respond to the needs of women in rural and regional Victoria who have experienced family violence. The Geelong Community Foundation has provided \$25,000 in funding for this project, the Alfred Felton Bequest has provided \$36,000 in funding and Deakin University is providing in-kind support.

We are interested in talking to women who have experienced family violence and who may or may not have used the courts or justice services to try to access justice, protection or safety. We obtained your information from your support service after you put your name down to participate in this project. This information sheet is for you to keep.

The purpose of the research

- Document the experiences of women accessing the justice system in relation to family violence issues in rural and regional Victoria;
- Assess the effectiveness of current justice system services in rural and regional Victoria in responding to the needs of women who have experienced family violence; and
- Make recommendations to improve the responses of the courts and the justice system to the needs of women who have experienced family violence.

Possible benefits

It is expected that this research will benefit participants and the wider community by leading to a greater understanding of the needs of women survivors of family violence who seek to access justice and support. It is hoped the research will also lead to improvements in the justice system's response to the needs of women who have experienced family violence.

What does the research involve?

The research involves a semi-structured interview, which means we will ask you some questions that involve telling us in your own words about your experiences with the legal and justice system after

experiencing family violence. With your permission, the interview will be audio-taped. Only members of the research team will have access to the audio-tape, which means no-one else can listen to it. If you do not want the interview to be audio-taped, that is OK - you can still participate in the interview.

The interview will take approximately half an hour.

You do not have to participate in this research if you do not wish to. If you choose not to participate, your decision will not affect your past, current or future relationship with the support service that referred you to our research or any other services associated with the research in any way.

Participation criteria

To be involved in this research, you must be:

- 18 years of age or over
- Female
- Linked in with a support worker
- Have recently experienced family violence

Can I withdraw from the research?

Yes. If you agree to participate and then decide during the interview you no longer want to be involved, you can withdraw at any time during the interview. Please tell us you do not wish to continue. If you withdraw during the interview, we will not use any information you have provided to us in our project. Your withdrawal will not affect your past, current or future relationship with the support service that referred you to our research in any way and we will not tell anyone why you chose to withdraw.

After the interview, you may also request to see a transcript of your interview by contacting the Principal Researcher using the contact details below. If you wish, you may withdraw your information from the project, as long as this is within 6 weeks of your interview.

Privacy and confidentiality

All information you give us will remain confidential. However, if you choose to discuss issues regarding the current abuse of a child, we will ask your support worker to discuss these issues further with you.

During the interview and on the audio-tape, we will use a participant reference number to refer to you. This will allow us to access your information if you decide you would like to review your transcript. Any information we use in our research, report or published findings will not contain your name, the name of anybody else, nor any information that would allow others to identify you.

Potential risks

Inconvenience or discomfort

We will ask you to talk about some of your experiences, particularly your experience of family violence and your experience of the police, the courts, lawyers, justice services and support services. Talking about these experiences may make you feel uncomfortable or upset. Please remember you do not have to answer a question if you do not want to. You may also ask for a break during the interview or stop the interview at any time. Similarly, if we become concerned that the interview is causing you undue distress we will stop the interview and will refer you to your support worker to discuss these matters further. If you feel upset after the interview, please talk to your support worker. A list of services you may wish to contact is also attached to this plain language statement for your information.

Your identity

There is a small risk to some women living in small communities that information you give us might identify you, even when your name and identifying characteristics are removed. If you provide any specific information to us that you think would identify you to others, please tell us during the interview and we will remove that piece of information from our research.

Storage of data

The data collected during our research will be stored on Deakin University premises in a locked cupboard or filing cabinet for six years. After this time, it will be destroyed. Our research findings or report may be published but as explained above, the identity of participants involved in the research will not be disclosed.

Monitoring the research

Deakin University's ethics review panel will monitor this research project. We will liaise with support services and review the interview process based on anonymous feedback from participants. We will also provide an annual report to the ethics review panel on the progress of the research. Deakin University will monitor and deal efficiently with any adverse events or complaints about the research or interview process.

Results

The results of the research will be published in a report and may also be used in academic articles. If you would like to be informed of the final research findings for this project, please contact Lucinda Jordan on (03) 5227 2882 or lucinda.jordan@deakin.edu.au. The findings will be available for six years.

Contact for more information

If you have any questions or wish to discuss the project with the researchers, please contact the Principal Researcher:

Dr Lucinda Jordan

Centre for Rural Regional Law & Justice

Faculty of Business and Law Deakin University

Locked Bag 20000

Geelong Vic 3220

Phone: (03) 5227 2882

Email: lucinda.jordan@deakin.edu.au.

Complaints

If you have any complaints about any aspect of the project, the way it is being conducted or any questions about your rights as a research participant, then you may contact:

The Manager, Research Integrity, Deakin University, 221 Burwood Highway, Burwood Victoria 3125,

Telephone: 9251 7129, Facsimile: 9244 6581; research-ethics@deakin.edu.au

Please quote project number 2012-262.

Counselling services and supports

Please speak to your support worker if the interview has brought up emotions or thoughts that are confusing or distressing. You may also wish to contact the following support services:

Centre Against Sexual Assault

The Centre Against Sexual Assault offers free and confidential counselling services to people who have been victims of sexual assault and/or family violence. They have a 24 hour crisis service.

Telephone: 1800 806 292 (24 hour service)

Website: <http://www.casa.org.au>

Zena Women's Services

Zena Women's Services (ZWS) Inc is based in the Geelong area and provides information and support to women and their dependent children, who have experienced domestic/family violence.

Telephone: 03 5224 2903

WIRE

WIRE offers a telephone support service to women. The service is run by women and they can offer information, support and referral services for a range of issues including anxiety and depression, fear, domestic violence, work and children.

Telephone: 1300 134 130

Hours: 9am – 5pm, Monday - Friday

Website: www.wire.org.au

Lifeline Australia

Lifeline offers a telephone counselling service to discuss a range of matters including physical and mental wellbeing, abuse and trauma, anxiety and depression. Calls to Lifeline are the cost of a local call. However, calls from mobiles, pay phones and some home phone plans may be more expensive.

Telephone: 13 11 14

Hours: 24 hours a day, every day

Website: www.lifeline.org.au

Women's Domestic Violence Crisis Service

24 hour state-wide support and intervention

1800 015 188 (toll free)

Women's Legal Service Victoria

Women's Legal Service Victoria provides free and confidential legal advice to women. The service specialises in violence against women and family law matters.

Telephone: 1800 133 302 (for country callers) or (03) 9642 0877

Hours: Telephone legal advice: Monday 10am-1pm; Tuesday and Thursday 6.30-8.30pm; Wednesday 2-5pm.

Website: www.womenslegal.org.au

Aboriginal Family Violence Prevention and Legal Service Victoria

ph. 1800 105 303 (not free to mobiles)

Victorian Aboriginal Child Care Agency (VACCA)

incorporating Aboriginal Child Specialist Advice and Support Services (Lakidjeka)

Ph. 03 8388 1855 (ask for regional number)



Plain Language Statement for Workers [Project number: 2012-262]

Full Project Title: Improving access to justice for women and children survivors of family violence in rural and regional Victoria.

Principal Researcher: Dr Lucinda Jordan

Associate Researchers: Ms Lydia Phillips, Ms Kate Munro

We are conducting a research project through the Centre for Rural Regional Law & Justice in the School of Law at Deakin University. Our research is examining the ways in which the courts and justice services respond to the needs of women in rural and regional Victoria who have experienced family violence. The Geelong Community Foundation has provided \$25,000 in funding for this project, the Alfred Felton Bequest has provided \$36,000 in funding and Deakin University is providing in-kind support.

We are interested in talking to individuals who assist or support women survivors of family violence in the course of their employment. This information sheet is for you to keep.

The purpose of the research

- Document the experiences of women accessing the justice system in relation to family violence issues in rural and regional Victoria;
- Assess the effectiveness of current justice system services in rural and regional Victoria in responding to the needs of women who have experienced family violence; and
- Make recommendations to improve the responses of the courts and the justice system to the needs of women who have experienced family violence.

Possible benefits

It is expected that this research will benefit participants and the wider community by leading to a greater understanding of the needs of women survivors of family violence who seek to access justice and support. It is hoped the research will also lead to improvements in the justice system's response to the needs of women who have experienced family violence.

What does the research involve?

The research involves a semi-structured interview in which we will ask you some questions and ask you to provide information you think relevant. Interviews may take place via telephone or in person. With your permission, the interview may be audio-taped. Only members of the research team will have access to the audio-tape, which means no-one else can listen to it. If you do not want the interview to be audio-taped, that is OK - you can still participate in the interview. The interview will take approximately half an hour.

Participation criteria

To be involved in this research, you must:

- Be 18 years of age or over
- Provide service or support to women survivors of family violence within a professional capacity
- Currently employed by the organisation on whose behalf you provide service or support to women survivors of family violence

Inconvenience or discomfort

We will ask you to talk about some of your experiences within your professional role and your views regarding the effectiveness and limitations of justice services that respond to women survivors of family violence. These discussions may highlight difficulties in your work. Please remember you do not have to answer a question if you do not wish to. You may also ask for a break or to stop the interview at any time.

Can I withdraw from the research?

Yes. You can withdraw at any time during the interview by telling us you do not wish to continue. If you withdraw during the interview, we will not use any information you have provided to us in our project. Your withdrawal will not affect your relationship with your employer and we will not communicate to your employer why you chose to withdraw.

After the interview, you may also request to see a transcript of your interview by contacting the Principal Researcher using the contact details below. If you wish, you may withdraw your information from the project, as long as this is within 6 weeks of your interview.

Privacy and confidentiality

All information you give us will remain confidential. During the interview and audio-tape, we will use a participant reference number to refer to you. This will allow us to access your information should you request to review your interview transcript. Any information we use in our research, report or published findings will not contain your name, the name of anybody else, the name of your work place, nor any information that would allow others to identify you.

Please only provide information you are permitted to disclose. We will not discuss or communicate the information you provide with your employer. The information you share will be kept confidential and will be de-identified.

Storage of data

The data collected during our research will be stored on Deakin University premises in a locked cupboard or filing cabinet for six years. After this time, it will be destroyed.

Our research findings may be published but as explained above, the identity of participants involved in the research will not be disclosed.

Monitoring the research

Deakin University's ethics review panel will monitor this research project. We will provide an annual report to the ethics review panel on the progress of the research. Deakin University will monitor and deal efficiently with any adverse events or complaints about the research or interview process.

Results

The results of the research will be published in a report and may also be used in academic articles. If you would like to be informed of the final research findings for this project, please contact Dr Lucinda Jordan on (03) 5227 2882 or lucinda.jordan@deakin.edu.au. The findings will be available for six years.

Contact for more information

If you have any questions or wish to discuss the project with the researchers, please contact the Principal Researcher:

Dr Lucinda Jordan

Centre for Rural Regional Law & Justice

Faculty of Business and Law

Waterfront Campus

Deakin University

Locked Bag 20000

Geelong Vic 3220

Phone: (03) 5227 2882

Email: lucinda.jordan@deakin.edu.au.

Complaints

If you have any complaints about any aspect of the project, the way it is being conducted or any questions about your rights as a research participant, then you may contact:

The Manager, Research Integrity, Deakin University, 221 Burwood Highway, Burwood Victoria 3125,

Telephone: 9251 7129, Facsimile: 9244 6581; research-ethics@deakin.edu.au

Please quote project number 2012-262.

Appendix 3



Consent Form for Women Participants [Project number: 2012-262]

Full Project Title: Improving access to justice for women and children survivors of family violence in rural and regional Victoria.

Reference Number: 2012-262

I have read, or have had read to me and I understand the attached Plain Language Statement. I freely agree to participate in this project according to the conditions in the Plain Language Statement.

I have been given a copy of the Plain Language Statement and Consent Form to keep.

The researcher has agreed not to reveal my identity and personal details, including where information about this project is published, or presented in any public form.

I DO/ DO NOT give consent for my interview to be audio-taped.

Participant's Name (printed)

Signature Date

Please return this form to:

Dr Lucinda Jordan

Centre for Rural Regional Law & Justice

School of Law, Deakin University Locked Bag 20000 Geelong 3220 Victoria Australia



Withdrawal of Consent for Women Participants

(To be used for participants who wish to withdraw from the project)

Full Project Title: Improving access to justice for women and children survivors of family violence in rural and regional Victoria

Reference Number: 2012-262

I hereby wish to WITHDRAW my consent to participate in the above research project and understand that such withdrawal WILL NOT jeopardise my relationship with Deakin University or the support service that referred me to this research in any way.

Participant's Name (printed)

Signature Date

Please mail or fax this form to:

Dr Lucinda Jordan

Centre for Rural Regional Law & Justice

School of Law, Deakin University Locked Bag 20000 Geelong 3220 Victoria Australia

Phone: (03) 5227 2882

Fax: (03) 5227 2151



Consent Form for Worker Participants

Full Project Title: Improving access to justice for women and children survivors of family violence in rural and regional Victoria.

Reference Number: 2012-262

I have read, or have had read to me and I understand the attached Plain Language Statement. I freely agree to participate in this project according to the conditions in the Plain Language Statement.

I certify that I will only disclose information I am permitted by my employer to disclose.

I have been given a copy of the Plain Language Statement and Consent Form to keep.

The researcher has agreed not to reveal my identity and personal details, including where information about this project is published, or presented in any public form.

I DO/ DO NOT give consent for my interview to be audio-taped.

Participant's Name (printed)

Signature Date

Please return this form to:

Dr Lucinda Jordan

Centre for Rural Regional Law & Justice

School of Law, Deakin University Locked Bag 20000 Geelong 3220 Victoria Australia



Withdrawal of Consent for Worker Participants

(To be used for participants who wish to withdraw from the project)

Full Project Title: Improving access to justice for women and children survivors of family violence in rural and regional Victoria.

Reference Number: 2012-262

I hereby wish to WITHDRAW my consent to participate in the above research project and understand that such withdrawal WILL NOT jeopardise my relationship with Deakin University or my employer in any way.

Participant's Name (printed)

Signature Date

Please mail or fax this form to:

Dr Lucinda Jordan
Centre for Rural Regional Law & Justice
School of Law, Deakin University Locked Bag 20000 Geelong 3220 Victoria Australia
Phone: (03) 5227 2882
Fax: (03) 5227 2151