

‘Women get lost in the gaps’ – Service providers’ perspectives on women’s access to legal protection from domestic violence

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INTRODUCTION AND ACKNOWLEDGEMENTS

This report presents the findings of focus groups that were conducted with service providers who work with women seeking Apprehended Domestic Violence Orders in NSW. The focus groups were conducted as the first stage of a research project funded by the NSW Law and Justice Foundation. The project sought to understand the lived experience of women who were attempting to use the law for protection from domestic violence. The findings of the focus groups provided sensitising information that assisted in developing the study of women's experiences.

The focus groups were facilitated with great skill by Denise Lynch, Cherie Toivonen and Stephanie Webster. Cherie undertook the initial analysis of the data from these groups and Suzanne Egan then did the detailed analysis that underpins this report on the findings from the focus groups.

The generosity of the service providers who offered their time and expertise to this part of the project is greatly appreciated.

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THE FOCUS GROUPS AND THE PARTICIPANTS

Four focus groups were held in November 2009. There were a total of 24 participants whose role involved supporting women through the ADVO process.

Group 1: Women's support services (including workers from: women's refuges, NGOs, Police ECLO, refugee settlement services, DV outreach, and family support)

Group 2: A mixed group of women's support workers (as above) and legal services staff

Group 3: Legal service practitioners including from an Aboriginal women's legal service

Group 4: Domestic Violence Court Advocacy Service (DVCAS) workers

In these groups, we asked workers about their experiences of assisting women in accessing justice, focussing on:

- barriers to women's access,
- aspects of the current arrangements that facilitate access, and
- suggestions for systemic and practice improvements.

FINDINGS

Police responses

More proactive policing of domestic violence

I think generally the involvement of the police is an improvement in the system because we are treating DV as a crime, so it's flicked from you know, 10% of applications 20 years ago being police – 90%, 92% of them being police applications now (solicitor)

In terms of the police, applying the AVO I find that she no longer feels that responsibility for “Oh look what I have done to my family”. And it's clear statement from the law – this is illegal. Criminal activity. It's a clear message to both of them (Domestic Violence Court Advocacy Service)

Both participants quoted above had extensive histories working in the domestic violence sector and could remember back to the days when women usually had to take out an ADVO themselves. As they point out, changed police practice over time has resulted in a shift to most ADVOs being initiated by police. These participants believe that police initiating ADVOs sends a clear message to the community, the abuser and the victim, that domestic violence is a criminal activity and importantly removes from the victim that she is somehow responsible for the legal consequences on her partner and family. However, notwithstanding this acknowledgement, participants across all focus groups expressed considerable frustration and anger with police responses and identified a number of specific problems which are outlined below. (A discussion of issues for women making private ADVO applications is located under the section on Courts)

Attitudes and skills

Many participants expressed a general concern about a culture within the police force of not addressing domestic violence as a core part of their work, as seeing it as “just a domestic” rather than as a serious

crime, one which actually constitutes a large proportion of police work.¹ The impact of attitudes such as this was seen in a variety of ways. For example, in one area participants reported problems with police assuming women were making false allegations of domestic violence in order to gain Australian residency or as part of a strategy to gain residency of their children in family court proceedings.

Another problem experienced by some support workers was women not being taken to a private area when they present at police stations to report an assault. In one case, a support worker recounted an incident where a woman was asked to replay the harassing messages her partner had left on her phone, whilst standing at the front counter of the police station, surrounded by a room full of people.

A number of participants pointed to the negative consequences for women, when police do not have the knowledge and skills to conduct a thorough assessment of the situation. There is a mismatch between the ways in which women may tentatively raise the issue of domestic violence and the legal terms in which the police must prepare a complaint.

And women sometimes don't articulate in a legal sense exactly what they want or what they're asking for which doesn't help police because, you know, they need to tell them specific facts and incidents and things that fall into personal violence category. And with women often prioritise children and things like that because they'll go in saying "I need to get my children back" and then police put up a barrier and say 'that's family law, we can't help with that', and instead of asking further questions about what's going, what's the issue here – they refer onwards. And women, I think, get lost in the gaps a lot because they don't present and articulate their problem in a legal sense. (Solicitor)

In situations such as these, the responding officer needs to be able to conduct the interview /assessment in a way that enables the woman to voice her experiences and as part of this process elicit the information most relevant for legal purposes. As the participant below highlights, failure to do this means that many women are prevented from even having an ADVO application taken out, much less granted.

¹ NSW police deal with over 120,000 incidents of domestic violence per year (NSW Auditor General, 2011).

And I think also, even before – the Court process – like many women are prevented getting to that stage and that’s with taking out an AVO because of the lack of assessment skills by the police. Like they, they need to be trained to assess a domestic violence situation well and they’re ... they’re so far off that.

Victimised women subject to charges/ADVO

An issue, related to assessment skills, involved police making applications for the protection of the perpetrator of the abuse against the woman. Participants across all focus groups identified this as a growing problem². Participants described a variety of scenarios where they had worked with victims of domestic violence who had had ADVOs taken out against them. For example, a young woman, along with her mother a victim of violence from her stepfather over many years, was charged with assault and had an ADVO issued against her because in this particular instance she had pushed him as he rampaged through the house with a hammer in his hand swearing and threatening her mother. In another, a woman who had endured years of violence from her partner, with police repeatedly called to the house, was charged with assault because on this occasion she hit back and *he* called the police. The detrimental impact this has on a woman’s safety is explained below by a solicitor.

And it really makes it often difficult for women who are in risky situations to contact the police when they’re at risk themselves. Because they have a totally different experience of the police now. You know, that they run risk of someone going in and making a complaint which sometimes has no grounds whatsoever or people will say things happened but they didn’t and it all comes out later. Yeah, so it’s put women in a very difficult situation. And the police – it’s almost like the police are being recruited into using, into further bullying – bullying the victim.

As well as facing increased risk of continuing violence and intimidation, these women are now in the position of defendant, and have to find legal representation or if not represent themselves. If they do not appear in court they face the possibility of the magistrate granting an ADVO in their absence. Participants expressed considerable frustration at the injustice of these situations and highlighted the inadequacy of police responses.

² In late 2012, the NSW Police Force commenced a study into the extent and nature of this issue in a collaboration with researchers in law and social work from UNSW, UTS and the University of Sydney and the with the NSW DV Coalition.

A particular criticism was that police in these situations are not assessing the context of the complaint. For example, in the scenario outlined above, even a rudimentary assessment of the context in which the young woman pushed her stepfather would have revealed that she was trying to protect her mother from his violence. A more thorough assessment would have brought to light that his violence on this occasion was just one incident in a long history of abuse perpetrated against his wife and step daughter. Workers pointed out that trying to assist women in these situations consumes considerable amounts of their time. The participant below explains the effect of these applications on her work load and sums what could be done to rectify this growing problem.

And so I do so much – calling police, writing letters to police, explaining to women what’s happening to them and why. I just feel like it would be resolved if police had more discretion and a primary aggressor policy so they could ask people what has been going on. Not “Ok I see that he’s been scratched, that’s it, you’re the one with the AVO on” – Why did she scratch? What’s happened in the last 20 years of this relationship? What kind of things did he say to you? How do you feel with he does that? What does he do? Just simple questions (solicitor).

There were other, similar examples cited by participants. For example

[A] woman who ended up in our refuge on crutches for 3 months ... he picked her up and tossed her over the veranda. Now there should have been an assault charge and I chased our DVLO, constant phone calls trying to get an answer. And in the end, he said to me “Alright, we’ll charge the fellow. But you go and tell [woman] please that if we charge him with assault, she will have to be charged with destroying property”. A TV got broken and [perpetrator] said to them: “She broke my TV”. Now ... here’s this woman on crutches but because the TV was broken, no assault charge...

Domestic Violence Liaison Officers (DVLO)

Participants reported varied experiences with Domestic Violence Liaison Officers (DVLOs). While some did speak enthusiastically about the positive experiences with their local Domestic Violence Liaison Officers, a number of systemic issues were identified with these positions. These most common complaints were that the positions were often part-time and that there was often a high turnover of staff. In particular there seems to be pattern of assigning officers temporarily on restricted duties –most often due to pregnancy – to these positions. The general perception amongst the focus groups was that

the Domestic Violence Liaison Officer (DVLO) position does not carry much status within the police force and that there is no real opportunity for career advancement whilst remaining in this position.

Moreover, the Domestic Violence Liaison Officer (DVLO) oversees the work of the general duties police in relation to DV, which in big metropolitan centres means they can be dealing with upwards of 60 officers. However, it was pointed out that if the Domestic Violence Liaison Officer (DVLO) is not of a fairly senior rank when they come into the position, it can be difficult for them to bring about change within their local area command. In smaller rural areas a single Domestic Violence Liaison Officer (DVLO), usually has to cover a number of smaller outlying stations while physically located in a larger regional centre. It can be especially difficult for a Domestic Violence Liaison Officer, not based in the outlying station to ensure their assessment prevails, in situations where they and the local officer disagree over how the matter should proceed.

Finally, the fact that the Domestic Violence Liaison Officer can't actually take a formal statement from the woman themselves means that the quality of the statement (which forms the basis of the ADVO application), is dependent on the skills of the general duties officer. As the participant below points out, these general duties officers, especially where they are young and inexperienced are often put into very difficult positions without a lot of backup or support.

... with the general duty officers – I actually feel quite sorry for the position that they're put in sometimes – you know, not the ones that have necessarily been there for a few years and achieved a bit of rank and should know better. But the young ones, because they're put into these situations which they're obviously grappling with understanding and they're given too much responsibility for what we're asking them to do. We're asking them to respond to really difficult situations with not a lot of backup. (solicitor).

The vital role that can be played by the Domestic Violence Liaison Officer (DVLO) is highlighted by the experiences of those participants who had had positive interactions with their local officer. Instances where the DVLOs worked closely with both the woman and the police prosecutor, for example, ensuring that any changes in her situation, in the orders she needs, is communicated to the prosecutor, liaising

with other workers supporting the woman and being present with her at court. A common characteristic of these particular DVLOs was that they worked hard to establish good interagency networks and made themselves readily available to other workers supporting the women. An example recounted by one worker, illustrates the difference these officers can make to the attitude of their colleagues. When this worker, from a service where there had been ongoing problems with the local police responding to domestic violence, rang to make another complaint, the newly appointed DVLO responded to her call immediately and took the complaint seriously. In addition, he asked her service to conduct training with his officers, requesting that they particularly emphasise issues such as the importance of recognising and responding to non physical violence and ensuring women are in a private place when they are asked for details of their complaint. Moreover he has actively followed up on the training, ensuring for example that women are actually taken to a private room when they go to the station to make a complaint. Interestingly, most DVLOs where participants reported positive experiences, were male and perhaps not surprisingly of a sufficient rank to have influence over their fellow officers.

Some participants provided examples of good police practice within an interagency context. For example, participants who had the 'yellow card' (or similar) program operating in their area were generally happy with this program. The 'yellow card' program is a scheme where police officers called to a house to investigate domestic violence give the woman, and sometimes the perpetrator, a card with phone numbers of services where they can seek assistance. This means that a police call –out can be a pathway to broader support services. Moreover, if the woman gives permission, she can be followed up by a support service.

Finally, people emphasised that the police response is vital, not only in terms of responding to acts of domestic violence but in violence prevention. Moreover, as the participant below illustrates, there is an important link between police responding to incidents which may not, at that point constitute a serious crime or perhaps even a crime. As she explains:

They are vitally important ... They have a statutory role around crime prevention. Not just crime responding ... And to understand too that crime prevention in the area of violence against women and domestic family violence generally is about responding really well when people first come to you with incidents which may or may not be serious. Because if you don't, they will become serious and then it takes up more time and it's inefficient ...

Court

Women's Domestic Violence Court Advocacy Services (WDVCAS)

I think the Court Advocacy Service generally works well. You know, nothing's perfect but the concept of the Court Advocacy Service and a safe room, support for women, someone explaining the process, someone escorting them into the Court room. Someone being there able to tell them what's happened after the Court, because they often don't realise or understand what's happened. I think that's a fantastic improvement in our system.

The Women's Domestic Violence Court Advocacy Service was identified almost unanimously as a successful program. The only real criticisms were that not all courts in NSW, particularly in rural NSW have this scheme and that some services don't have enough workers³. As noted above, workers from these services play an important role at all stages of the process, from providing information to women who may be considering an AVO, supporting them at court, referring to support services, through to ensuring they understand what has happened after the court mention or hearing.

The pivotal role, particularly of the coordinators of these services, was highlighted during the focus groups as coordinators discussed their work; implicitly demonstrating the level of their skills and their detailed knowledge of the legal process. For example, they follow up if a woman hasn't been issued with their interim orders, check with them if there have been any changes in their situation which may require a change in the ADVO orders and after the orders are made, check they have been adjudicated correctly. Perhaps most importantly these participants discussed the work they do, not only in managing expectations in cases where it seems likely the woman's ADVO application won't be successful, but in working with both court staff and the woman to find alternative strategies to increase her safety.

Clearly WDVCAS Coordinators have the opportunity to develop working relationships with other court personnel. The situation is different, however, for other women's services workers who participate as

³ These Focus Groups were held prior to the enhancement of the WDVCAS program under the NSW DV Action Plan, 2010

volunteers on court advocacy rosters on a part-time basis. A number of workers in this role felt that their work was generally not respected by court staff or police. Indeed one of the solicitors makes this observation in the quote below;

I think one of the barriers, and I'm not a DVCAS worker, but we certainly hear it from our DV counsellor workers in some Courts where they're treated by the Court staff as the tea and coffee ladies. Childcare workers. Babysitters. I mean, unbelievable. Without a real – and proper recognition of the very important role that the DVCAS workers play in the Court room and outside of the Court room.

Magistrates

A number of issues were raised about magistrates who hear the ADVO cases. Firstly, workers, particularly solicitors, highlighted the difficulties they experience in courts where the magistrates are constantly changing. It was pointed out that with changing magistrates it becomes hard for solicitors to advise women how their matter will proceed, for example, if they will need to give evidence or how their matter may be delayed. As one solicitor explained, not being able to provide this advice simply adds to the fear and trepidation the women already experience about being in a court. Secondly, there was considerable concern (and anger and frustration) about the general understanding magistrates have of domestic violence and in some cases their knowledge of current ADVO legislation. For example, one DVCAS coordinator had resorted to handing the magistrates in her court photocopies of the 2008 changes which specified children be named on the ADVO, for a good 6 months after the legislation was enacted.

A third issue, and one of considerable concern to the participants, was the variability between magistrates in their procedures and their interpretation and use of various sections of ADVO legislation. For example, a participant outlined a case where one magistrate adjourned the case for a week because he wanted the woman to give evidence and an interpreter had to be organised. However, when they returned the following week a different magistrate was hearing the case and this magistrate not only did not want to hear the women's evidence but dismissed the case without doing so.

Another issue where there is inconsistency in approach is in Magistrate's handling of the intersection of state (ADVO) legislation and Federal Family Law in matters involving children's exposure to domestic violence. For example:

There's a lot of inconsistency as well about how the Court – whether the Court in making AVOs will make orders 5 or 6 which are to do with Family Court Orders as well. So some Magistrates that we have, and this has become really apparent with changing Magistrates constantly – some of them are quite happy to make Orders 5 or 6 in the absence of any Family Court Orders and they say to the defendant, to the bloke: "If you want to see your kids, then you get some Family Court Orders in place but until that time, you won't be seeing your kids because if no Family Court Orders or no Parenting Plans in place, then you won't be seeing your kids". But other Magistrates won't – will not even consider making those Orders because they say "Well he's got a right to see the kids" and I think, you know, in some circumstances it's appropriate that those Orders 5 and 6 are not made. But I think where there's – and quite often when there is really serious violence, there's been violence in front of or involving the children, and still those Magistrates are really reluctant to enter those Orders because they say "Well, the Family Court is the appropriate forum"...

Police Prosecutors

Similarly, dissatisfaction was expressed about the variability in the extent to which police prosecutors liaise with the woman. For example, some prosecutors have spent considerable time with women before they go into court, will have been briefed by the DVLO and may, where appropriate have negotiated with the defendant's solicitor and generally, in the words of one participant: '... have it all organised before it goes into Court'. However, the more usual observation was that very little time is spent with the woman before the case is heard. Participants discussed the lack of time some police prosecutors spend with women before they go into court: "...You're lucky if the police might have 2 words..." A number of consequences were discussed as a result of this latter scenario. First, the woman will not have been able to discuss changes she wants to the orders; it increases her feelings of intimidation and anxiety; and does not give her a sense that what she is doing is legitimated by an authority.

Resources

'Safe' Rooms

The creation of Court advocacy schemes and safe rooms and things like that has taken away a lot of the fear about coming to Court, they can sit with other women, and not fear seeing the perpetrator

The effect of simple practical measures such as a well designed and appropriately located 'safe room' (a separate room, in the courthouse, specifically for women applying for ADVOs) for both women and workers should not be underestimated. For example, a couple of participants described with relish their purpose built safe rooms, one of which had direct access into the court room, an adjourning room for solicitors and a bathroom and kitchen.

However as participants emphasized, not every court has a safe room and even where they do they are not always terribly adequate. For example, they might be too small to accommodate all the women, be located in areas defendants commonly walk past, for example to get to the men's toilets or be some distance from the court room; meaning women are exposed to the noise, confusion –and possibly their partner –as they walk to and from the court room. The participant below, describing a small rural court paints a vivid picture of what it is like for both support workers and women when they do not access to such a basic resource.

... It is a very small Court – there's not enough room for them to sit in. Everyone's outside together on the grass. On the veranda. Yeah, so decent safe rooms – that are close enough to the Court that you can get women in quickly because when they're a bit further away, and we've got to push our way through all the other people, through the Legal Aid room, to get down our corridor to get the women and then back in. Because there's no room in Court for them. So you spend every day running (DVCAS co-coordinator).

A particularly problematic issue was those courts which do not have set days or times to hear ADVO applications. This means that the applications will be heard on the same day as any other local court

matter, for example traffic infringements and other summary offences. Participants highlighted the negative effects this has for both women and workers. Firstly it means women, especially those from small communities, are more likely to be seen by people they know, especially if the court does not have a safe room for them to wait in until they are called into the court room. Secondly, participants pointed out that as there is no way of knowing when the ADVO matter will be heard women often have to wait most of the day at court. Whilst this undoubtedly adds to the woman's stress and anxiety, it also means that the support workers, from services which are often understaffed to begin with, often have to remain at court the entire day for perhaps one or two applications.

Administrative Barriers

Finally, even if an ADVO application has been successful, there can be problems. One very practical problem was that, as a consequence of reductions in court staff, women were experiencing difficulties getting a copy of their ADVO orders before they leave the court (they have to be typed up). At one court women had to stay at court until the end of the day to get their orders, whereas previously they would be typed up immediately. At another they were posted out which presents all sorts of problems for women in emergency or other unstable accommodation. At one court interim orders were simply not being typed up at all. The quote below, by a DVCAS co-ordinator, exemplifies the consequences that something which may seem a relatively unimportant administrative task can have. Administrative issues such as this can have profound impacts on the extent to which the law can enhance the safety of women and children.

Certainly at (name of court) now, it can take maybe more than 24 hours so she doesn't get a copy of the Orders when she leaves the Court. Now one problem with that can be if they'd been adjudicated incorrectly – so then you've got Orders on there that the Magistrate didn't give or were struck off on the day. We don't know about those until a couple of days later. And you have to get that back into Court to get it re-adjudicated, unless you can convince the staff to go back and have a look at what the Magistrate did write and do it. And the other – it's the safety issue anyway, if she's leaving without those Orders (WDVCAS co-ordinator)

Private applications

Although the majority of ADVOs are now taken out by police, some women do make applications themselves, referred to as 'private' applications. According to participants this generally happens either when the police have decided not to take out an ADVO or when, due to previous negative experiences with police, the woman has decided to make the application herself. Participants identified this group of women as facing additional obstacles in securing an ADVO. The procedure with a private application is for the woman to meet with the Chamber Registrar, located in Local Courts, to have an application prepared. However, workers reported that women had been experiencing difficulty accessing Chamber Registrars. As the participants explain below, the situation in some courts is such that other services, such as community legal centres and DVCAS schemes, had to join forces to try to address this gap.

What we've done in conjunction with some Court Assistance Schemes is to say – put the woman's name on a list. We will see them when we are at Court because we go to certain Courts each week and write up the grounds for the complaint for them. Then the woman can either file it at the Registry so that the Registrar hasn't had to do anything except file it. Or if she prefers, she can take the grounds and take it to the police if she wants the police to act (solicitor community legal service).

I had an email from the Registrar at (outer metro Sydney Court) with a copy of the form and was acknowledging the work that we do in preparing applications (solicitor community legal service).

It is important to point out that while the actions of these services may well assist these women, who would otherwise be left without assistance, to secure an ADVO, it is also increasing the workload of other services, which without additional resources have to take on duties well beyond the role of their respective services. Finally, women who do manage to make application, unlike cases where police make the application, have to find their own legal assistance. While some can access legal aid, others, for example women in paid employment, will either have to pay a solicitor or if they are unable to afford the fees, represent themselves. In this later case the observation was that pressure is put either on the defendant to consent or if he won't on the woman to withdraw the application or to accept undertakings.

Other barriers linked to resource issues

A frequently raised issue was that courts do not provide **childcare** which means that women with small children, and without alternative supports, have to have their child with them during court, adding to the stress of the experience. Participants described mothers having to leave their child with other women in the safe room, while they went into the court room. Even women with school aged children may have to try to arrange after school care as there is often no way of knowing if their matter will have been heard in time for them to collect their child from school. Even basic things like having enough money for the bus or train fares, or petrol to get to the court house can be a problem for women existing trying to live on very **low incomes**, such as the sole parent pension or in low paid work. For women in rural areas, issues of **transport** and its costs can be further barriers to participating in the legal process.

Finally, women who require an **interpreter** face additional barriers, especially if they are from a small ethnic group as there will not be a large pool of interpreters to draw from. This can mean she faces additional delays while an interpreter is found, there may not be a female interpreter available or she may worry that her situation will not remain confidential because the community is small.

Procedural issues

Participants discussed both the positive and negative implications of different approaches to women's attendance –or not - at court for 'mentions' that occur before a matter proceeds to a hearing. The positives were that excusing women from attending court at this stage could address some of the issues discussed above; not having to attend court multiple time with small children, rural women not having to travel lengthy distances repeatedly and for some not having their job put in jeopardy because of the number of days taken off work.

Another scenario discussed where this approach could prove useful was where there are criminal charged running concurrently. In these cases the ADVOC "travels" with the charges. The solicitor below explains this procedure and the effects it has on women.

But for some of our women, you know, matters will go where the charges are running concurrently – matters will still be in the list a year later. It's not unusual out in (rural area) and

so that can really drag on and on and on and you don't want those women having to keep coming back to Court just because there's charges – it's not usually the AVO but the AVO travels with it. So it's been mentioned. You don't want those women there – they have to take children up to childcare. They have to take time off jobs. And what it becomes then is another method for a defendant to harass, intimidate and threaten and pressure them into dropping an AVO because, you know, the woman ends up being threatened with a job loss if she has to keep taking time off work ... (solicitor community legal centre)

However several concerns were raised about this approach to women's attendance at court. Firstly, if the woman is not present the Magistrate may not hear of any breaches or problems with the orders; especially if the DVLO is not present to pass on that information. Secondly it was considered important that the woman be there on at least the first occasion in case the defendant does not contest the order and she then does not miss the opportunity to be put in contact with the Domestic Violence Court Advocacy Service and be given information about support services. Thirdly, that the woman needs to be present to instruct the police prosecutor about any changes needed. Finally, there was a perception by some workers that being at the court during all stages will 'make it real' and emphasise the criminality of the abuse and therefore reinforce the legitimacy of her actions.

Importance of interagency collaboration

The critical importance of interagency collaboration was discussed throughout the groups. There were examples provided of where this worked well, and the impact of this on outcomes for women. For example:

Where compared to say someone at the moment, where I guess a prosecutor have become like the specialist DV prosecutors. So they're managing with that with – and the list is AVO only, probably due to the size. But we have one or two magistrates, so there's some consistency with the same Magistrate, say the prosecutor who's well versed in AVOs. There's a process in place where the DVLOs speak to the prosecutors before Court and then one sits in with her that whole time. So it's really LACs actually working in partnership with each other. So it's actually quite a smooth, efficient process compared – in terms of looking at best practice around how to be at Court, through the list (WDVCAS co-ordinator).

And for us, we have put in place some of the yellow forms that our prosecutors want to have and this is prepared by the domestic liaison officer. However, we have a chance as Court Support workers to speak to the woman and trying to find out if this order would really work this because that's the orders that are put in place for immediate protection by police. It doesn't mean that later on she will need that as well – or it might need change or it might be that she wants him to come back home and just have an order not to assault her. It works well because we can then speak to domestic liaison officer. As well we have established a very good relationship, even with some prosecutors – to say 'look, conditions change' and for her we think it will work better if we have these conditions changed.

However, where there was less interagency collaboration, frustration was expressed, for example, about not getting a response from another service:

The court process, it's crucial that all those elements work, absolutely well, to get a proper result. So you can imagine if one of those things is taken out, then you get quite a bad result for the women. And that's if Court Assistance don't have enough staff. If the DVLO's not there, if no-one's spoken to her or if non-one's asked her if anything's happened. All those things have to work. You know, the stars have to align.

The issue of co-ordination, or rather lack of co-ordination, was raised not only in relation to court services but between those services women often have to access as a consequence of leaving a violent partner. For example, Centrelink, NSW Housing, community housing associations, police. A suggested solution was to create a 'one stop shop' so that women could attend the one centre for appointments rather than have to travel to multiple services.

Gaps in support services

Housing

A lack of accommodation for women escaping from a violent partner was raised as an issue by a number of participants. For example, a solicitor from a small community legal centre recounted scenarios where both solicitor and the administration worker had spent almost the whole day trying to secure

emergency accommodation for clients. As she explains below, the finding accommodation can be so difficult that some women, faced with homelessness, return to the violent partner.

One of the huge barriers out our way is that there's no housing ... and that has caused enormous difficulties for our clients. We've had a number of clients who have gone back to relationships because they cannot find accommodation_and they see the risks of sleeping in the car or they've already slept in their car for a week and they can't find accommodation and it's easier to go back to a violent relationship and that's an enormous barrier for women who are trying to escape.
(solicitor, community legal centre)

Women with adolescent male children were identified as a group who often experience additional difficulties finding accommodation as women's refuges are generally unable to take boys over the age of 14. Participants, from women's refuges, whilst acknowledging this problem, pointed to the problems that can arise if adolescent boys stay in women's refuges.

Some participants pointed out that part of the accommodation problem is a consequence of the difficulty in obtaining **exclusion orders**, where an ADVO includes the condition that the perpetrator leave the home. There was common agreement that these orders are difficult to obtain. For example, in one case recounted the defendant owned several properties but the application for an exclusion order on one property, so the women and her children could live there, was denied. However, there was less consensus about the utility of these orders in securing safety for women. A number of issues were raised including the fact that living in a residence known to the perpetrator can increase the risk of further violence and that that the residence may not be in an area close to her family and social and other supports.

A related issue discussed, was where both victim and perpetrator remain in the home but with an ADVO in place which orders that he refrain from violent and abusive behaviour. A court support worker, who worked in an area where this was common, commented that her experience was that whilst these orders can be successful in stopping the physical violence they rarely prevent the emotional and psychological abuse.

Specialist domestic violence services

Many of the workers who participated in the focus groups were in roles which mean they do not have ongoing contact with the women. This was particularly the case for WDVCS workers, who as one co-ordinator pointed out, only see a woman when she is at court. An important part of their role therefore is to refer women to services who can provide ongoing support. However, based on participants' discussion, the existence of and access to specialist domestic violence services appear to vary between areas. Some participants worked in areas which do not have specialist services whilst others, had services which were very under resourced. For example, one WDVCS Co-ordinator, aware the service in her area was struggling to cope with the volume of referrals, said she thought very carefully about who she would refer to the service.

In addition to the criticism levelled at courts and police there was some expressed dissatisfaction with domestic violence support services.

I feel like I spend a lot of my time helping people negotiate through systems and the work of other workers who haven't picked stuff up or done what they actually should be doing ... We actually spend a lot of our time helping women negotiate systems which should be doing a much better job, you know. And that is a little frustrating. It's frustrating enough when you're dealing with Courts and maybe police, but it's more frustrating when we're dealing with services that are actually established [for victims] – domestic violence services and refuges.

A number of other problems were raised, by some participants, about these services. Some participants were critical of the restrictive policies some services have about who they see and what issues they deal with. An example given was of a young woman, who needed assistance to cope with the effects of domestic violence. However, because this young woman had a mental health problem, a number of services refused to accept her as a client. As another participant, also voicing frustration pointed out:

It's become – everything's very-siloed and I hear all the time – you hear people going "I can't do that because it's against our policy" or "We don't have a policy to do this" or "That's our

procedure” and so most of the focus on most organisations is actually on themselves and a sort of risk management approach to what they do (solicitor).

As participants pointed out, women often present with multiple issues. They may struggle with any number of problems either as a consequence of the violence (e.g. Social isolation, alcohol or drug dependence) or in addition to it (i.e., literacy problems). The effect of this ‘siloesd’ approach is that women have to attend several services. A suggestion put forward to deal with this issue was for the woman to be assigned one case worker, rather than having to deal with a multitude of professionals. A related criticism was that some services primarily respond to domestic violence as a health or family issue and as such focus on counselling and therapeutic interventions. As the participant below explains, this can be to the detriment of the client safety and basic needs such as finding alternative housing.

I think a lot of services perceive domestic violence as a sort of health/family issue not as a safety/criminal justice/legal issue ... that’s very frustrating because these are – usually when we’re talking to people, they’re in a state where they’re at risk, they need to have safety dealt with right now in some way (solicitor).

Moreover, there was some concern that some support workers lack appropriate knowledge of the legal process in relation to ADVOs. As this participant below explains:-

I guess, there’s a tension there with people not understanding the justice system – you have to go to Court to get an AVO. The police just can’t issue AVOs. And I know there’s been a bit of a perception – some people have promoted it - that AVOs are easy to get but, in fact, an AVO is not easy to get. Everybody has the right to defend an AVO and if they don’t consent to AVOs well then the Court is going to decide and the Court’s going to need to hear evidence about it. (Solicitor)

At the other end of the spectrum, participants in better resourced areas, perhaps with multiple specialist services, a sense of competition, and resultant lack of co-ordination, for clients amongst these services, as the quote below illustrates.

... we've got more specialist services now, whether it's DV PASS, Staying Home Leaving Violence – which is good, but unfortunately I think now we've got a lot of little services that are not well coordinated and, in fact, in some areas it would appear are becoming quite competitive around clients.

Additional structural inequalities

It's partly an issue of just the sheer volume of people, I think, too – and inevitably what happens when there's a problem with resourcing and the capacity is it's the people that are the most vulnerable that fall through the gaps (solicitor)

The barriers participants identified for women seeking the safety afforded by an ADVO included barriers experienced prior to, during and after the process of applying for an ADVO. Although there were some factors discussed which affected women in general, participants did identify particular groups who often experienced additional barriers. The main groups discussed were women from culturally and linguistically diverse (CALD) backgrounds, Indigenous women, women in small rural communities, older women and women with intellectual disabilities, particularly those living in boarding houses.

CALD Women

Firstly, respondents pointed out that women who come to Australia as immigrants or refugees may not know they can apply for an AVO, may be very scared of police due to the situation in their country of origin or may be told by the perpetrator that they will be deported or that they will lose their children if they try to leave or seek assistance. Victims of domestic violence who have been sponsored as a partner to Australia often have difficulties getting legal assistance and police protection as they are assumed to be fabricating the allegations of violence so as to get permanent residency. A participant who worked in an area with a large culturally and linguistically diverse (CALD) population talked about the racism some of her clients had experienced when went go to the police for assistance. In addition, language is often a barrier at multiple points during the process. For example, she may not have access to information about domestic violence, there can be difficulties finding interpreters for some languages and some

women, particularly those from small CALD communities are wary of the extent to which confidentiality will be maintained by the interpreter.

Indigenous Women

Based on their work with Indigenous women, participants identified a series of interrelated systemic barriers. For example, fear of the involvement statutory child protection services, due to the mandatory requirement that the police and other key agencies report the children as at risk of harm, fear of court, fear of the police and fear of their partner being taken into custody. Moreover, they may experience a backlash from their community if they do proceed with an ADVO, with the result, especially in small rural communities, of isolation. An additional barrier raised was where the defendant is non Indigenous as the woman will be worried that the court and police will side with him and not believe her. The quote below, by a solicitor who works with Indigenous women sums up the barriers they experience:-

Fear of children being taken and DoCS (FACS) involvement due to mandatory reporting. Fear of the man in custody, the perpetrator may use the stolen generation against them -they have promised not to bring DoCS into their lives. And also there can be a backlash from their community and much isolation especially if they are from a small community. An additional barrier is if the defendant is white -women will think they will immediately side with him, being in court is difficult, fear of police.

Older women

Some WDV CAS Co-ordinators noted an increase in older women presenting as victims of domestic violence. In these situations the abuser not always their partner, it may be an adult child. Participants commented that these situations can be complicated by the fact that their partner has dementia or the adult child a mental illness. The workers commented that in these situations women are often reluctant to take the matter to court and can experience pressure from family not to do so. Moreover, the opinion of these participants was that such cases should not end up in the legal system but be dealt with in the medical and mental health systems. The other problem can be that even if an older woman decides to pursue an ADVO, her frailty can make the process of just getting to court difficult.

Women with intellectual disability

Finally, the particular vulnerabilities of women with intellectual disabilities were raised in some groups. A worker who had worked with women with intellectual disabilities living in boarding houses spoke in some detail about the barriers preventing these women being afforded the protection of an ADVO. A typical scenario was where the women experiences threats, harassment and violence from another resident of the boarding house. The experience of this participant was that the response of manager and staff was often inappropriate - for example, telling the women to stay in her room to avoid the violence. Moreover the women were often afraid to complain in case they were asked to leave the boarding house.

PARTICIPANT RECOMMENDATIONS

Police

- Increased training about domestic violence. Specific training mentioned was the ECAV course and several local programs.
- Increased status of DVLO (and full-time positions).
- Also structural change required –more senior officers in DVLO role. Higher ranks ensuring that DV is taken seriously and ensuring new officers get this message.
- Increased resources (i.e. more DVLOs and police prosecutors).
- Women to have more time to speak with the police prosecutor.
- Increase in officers from CALD backgrounds and more Indigenous liaison officers.

Courts

- Training and ongoing training for magistrates.
- Many suggestions about having specialist ADVO courts -where magistrate, prosecutor and court staff are trained and knowledgeable about DV. However, it was pointed out that this would not work in all areas - would only work in city areas - not in rural areas because you would then have women travelling large distances to get to specialist courts/Magistrates.
- Reference was made to a Victorian scheme – a dual Family Court and ADVO court - where the same Magistrate hears both matters.
- On-site childcare
- Specified ADVO days for all courts.
- WDVCS in all courts.
- Appropriately sized and located safe room in all courts.

Domestic violence support services

- Better co-ordination across services. Although there are now (in some areas) more specialist DV services there is often inadequate co-ordination between them.

- A more client-centred approach. This has been termed a distinction between ‘woman-defined’ advocacy and ‘service-defined’ advocacy⁴.
- A ‘one stop’ shop or a case management system so that women do not have to deal with a multitude of different services.
- Less of a silo approach (we can’t see this person because our policy is, or we can only assist with this aspect).
- More specialist DV support services.

⁴ Davies, J., Lyon, E., & Monti-Catania, D. (1998). *Safety Planning with Battered Women: Complex lives/difficult choices*. Thousand Oaks: Sage.