

FAMILY VIOLENCE ON THE FRINGES

A REPORT FROM THE BRIMBANK MELTON COMMUNITY LEGAL CENTRE
FAMILY VIOLENCE LEGAL SERVICE



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CONTENTS

KEY STATISTICS..... II

FOREWORD 1

CONTEXT AND BACKGROUND 3

 Family violence in Brimbank and Melton 3

 The prevalence of family violence in Brimbank and Melton 3

 The justice system and why women find it so hard to leave violent relationships 4

THE BMCLC FAMILY VIOLENCE LEGAL SERVICE 5

 Help provided by the Service..... 5

 The approach of the Service 5

 A holistic approach..... 6

 Collaboration and education..... 7

 Financial disadvantage: income and home ownership 8

THE FUTURE OF THE BMCLC FAMILY VIOLENCE LEGAL SERVICE..... 9

END NOTES..... 11



KEY STATISTICS: FAMILY VIOLENCE

In Australia, family and sexual violence is overwhelmingly committed by men against women.

Research from the 2012 ABS Personal Safety Survey and Australian Institute of Criminology reveals that of Australian women from the age of 15:

- one in five experienced sexual violence
- one in three experienced physical abuse
- one in four experienced emotional abuse
- one in six experienced physical or sexual violence from a current or former partner
- 15 per cent of women experienced physical or sexual violence from an ex-partner
- 36 per cent of women experienced physical or sexual violence from someone they know
- 62 per cent of women experienced physical assault by a male perpetrator.

Australian women are most likely to experience physical and sexual violence in their home at the hands of a male current or ex-partner. Of women who had experienced violence from an ex-partner:

- 73 per cent experienced more than one violent incident
- 61 per cent had children in their care whilst the violence occurred
- 58 per cent of women had never contacted police
- 24 per cent had never sought support.

FOREWORD

Family violence rates are continuing to rise and the facts are alarming. Across Australia, one woman is killed by a violent partner almost each week. One in three women say that they have experienced physical violence from a partner. Yet while 61 per cent of women who experienced violence had children in their care when it occurred, more than half have never made contact with the police. In fact 24 per cent have never sought any form of support.

Since November 2013 our specialist family violence legal service (the Service) has been addressing an urgent need for legal help in two high-need regions, Brimbank and Melton in Melbourne's outer west. Disturbingly, these two regions combined with a few others in Melbourne's outer western region, account for more than 30 per cent of Victoria's entire recorded instances of family violence.

Over the past 15 months, this service, funded by the Federal Government and operated by Brimbank Melton Community Legal Centre (BMCLC), has helped 282 people with legal problems related to family violence.

Legal help is an essential element in an overall strategy to reduce family violence in our community. Without legal help women too often stay in violent situations, unsure of how to navigate the system, and trapped by other legal problems like debt, fines and parenting disputes into feeling they have no options.

The Federal Government's *National Plan to reduce violence against women and their children* acknowledges the importance of legal help and recognises that the justice system has too often proven inadequate in protecting women from family violence. The *Plan* emphasises the need to make services more flexible, accessible and responsive. As this report shows, these are aspirations that the Service has been achieving on a daily basis.

Our service also provides early help, another important focus of the *Plan*: building 'first stop' support so that women get the help they need, at whatever point they ask for it, and support that is integrated and holistic. Sitting within the multidisciplinary agency Community West, our service has already built strong, effective links which connect the justice system to community services for family violence victims, and our collaborative approach with external agencies positively impacts on clients' outcomes.

Our innovative service was established in 2013 with an initial Federal Government commitment of \$120,000 over four years. The reinstatement of funding announced in March 2015 will ensure that women living in areas with distressingly high rates of family violence will receive specialist legal assistance when they need it most. It also means that they will receive support in their community, helping to give them the best chance to leave - and to not return - to violent relationships.

We look forward to the next stage of the Service and will continue to provide the help, advice and support needed to make the difference in the lives of people experiencing family violence in our community.

Rachna Muddagouni
Chief Executive Officer
Community West (Victoria) Ltd.



CONTEXT AND BACKGROUND

FAMILY VIOLENCE IN BRIMBANK AND MELTON

Brimbank and Melton, two outer western suburbs of Melbourne, record some of Victoria's worst family violence figures. In 2013-2014:

- more than 20,000 incidents of family violence were reported in the north-west metropolitan region (in which Melton and Brimbank are located) accounting for 30.5 per cent of all incidents of reported family violence in Victoria
- 2148 of these incidents were in Brimbank and 1623 in Melton
- Victoria Police were called to approximately 300 family violence incidents in Brimbank and Melton each month. These figures are some 12 per cent higher than the previous year
- Melton had the second highest rate of family violence within the region (1320.5 per 100,000 people, compared to 1129.2 for Victoria overall).

Despite these disturbing statistics, before the introduction of the Service in November 2013, there was no specialist legal service to assist the large numbers of community members affected by family violence. While people applying for an intervention order were able to obtain legal advice from a duty lawyer on the day of court, access to free legal advice before a court hearing, or for related legal matters, was limited.

THE PREVALENCE OF OTHER LEGAL PROBLEMS IN BRIMBANK AND MELTON

Brimbank and Melton both rank in the top ten most socially disadvantaged areas of metropolitan Melbourne, as measured by factors such as income, employment, housing, education, and family structure. Brimbank is the third most disadvantaged municipality in all of Victoria.

A recent Australia-wide survey of legal need highlighted that disadvantaged population groups are typically the sections of the community most vulnerable to legal problems, and often experience multiple and substantial legal problems.

According to this research, legal problems have a severe, negative impact on people's lives. People with legal problems get sick, have relationship breakdowns or may lose their home.

BMCLC recently undertook research into the legal problems for which help is being sought, and noted strong demand for community legal services, particularly family law, government, credit and debt problems, general civil law issues and crime.

CONTEXT AND BACKGROUND

THE JUSTICE SYSTEM AND WHY WOMEN FIND IT SO HARD TO LEAVE VIOLENT RELATIONSHIPS

Many women experiencing family violence encounter barriers, frustrations and challenges in their interactions with the justice system. These lead to a lack of confidence that they will be safe, and make it harder to leave a violent relationship.

Sadly, recent events highlight that intervention orders alone do not protect victims from family violence, and in some cases death. Luke Batty, son of 2015 Australian of the Year Rosie Batty, was tragically killed by his father in 2014 whilst an intervention order was in place. Rosie spoke of the systemic gaps which let her and her son down:

Things happen in such a fragmented fashion. They seem like isolated events. Each statement you make to the police is a separate statement, each policeman you meet is a different policeman, each organisation is doing their own job with their own focus. No one's taking an overarching look at everything that's going on together. No one's looking at the complete picture.

Some of the other issues which create problems for women seeking protection from violent partners are:

- finding the court process stressful and protracted
- facing pressure to withdraw their applications or to consent to spurious counter applications from the perpetrator of the violence (a further mechanism of intimidation and control)
- experiencing difficulty and distress when having to face the perpetrators of the violence against them in court
- Victoria Police rarely applying to extend or vary intervention orders
- people coming forward to get help with a family violence problem do not always feel heard through the court process when only represented by the police
- the interests of a police applicant, and that of a person experiencing family violence, may not always align. Where they do not, the person experiencing family violence is not always referred for independent legal advice and representation
- financial hardship can flow from a decision to separate, as the perpetrator of violence is often the breadwinner
- other legal problems are often directly associated with, and continue, the violence; for example, women often find themselves responsible for infringements incurred by their violent partner, such as speeding or parking fines, and are too intimidated to ensure that they are correctly re-directed to the responsible person
- property law issues are associated with women's attempts to leave a violent family situation
- people experiencing family violence often do not seek legal advice until after they have already made a Statement of No Complaint to the police
- understanding and seeking assistance for related family law and parenting disputes, which have different legal processes and systems, can be overwhelming for people experiencing family violence.

THE BMCLC FAMILY VIOLENCE LEGAL SERVICE

HELP PROVIDED BY THE SERVICE

The specialist family violence service, operated by BMCLC, provides free general legal help in Brimbank and Melton located in Melbourne's western region.

Since the new service began in November 2013, it has boosted the capacity of BMCLC in family violence matters by 300 per cent. In that time, the Service has provided legal advice and representation to 282 people. This equates to almost one new client every working day.

A strength of the Service is its ability to provide advice to people experiencing family violence *before* going to court to apply for an intervention order. Clients also receive assistance and representation throughout the court process. This means clients are as prepared as much as possible for what can be a daunting and distressing process.

The Service also provides advice and assistance to people who already have a final intervention order but require assistance with other inter-connected legal problems (such as parenting disputes, debt matters or infringements).

THE APPROACH OF THE SERVICE

The model employed by the Service makes it well-placed to address the systemic and individual problems of people affected by family violence.

Its position within the wider Community West service — a multi-disciplinary agency offering a broad range of family support — means it is able to provide an integrated, holistic model of legal assistance, designed to ensure women can escape and stay safe when they are leaving violent relationships.

The Service takes the approach that legal problems associated with family violence cannot be viewed in isolation. A family violence problem often sets off a spiraling, and cumulative, effect of disadvantage. Family violence is, for example, the most common reason that people seek help for homelessness, and is also a known risk factor for child abuse and neglect.

The Service's model means that the many other legal problems — so often part and parcel of the situation in which people experiencing family violence are facing — can be dealt with. It is common for a person who is dealing with the stress of family violence to also have issues with Centrelink debt, consumer problems, or to have accumulated many fines.

Education and early intervention

Julie lived in Melton with her partner of 13 years and two children. A local council worker referred Julie to our family violence lawyer. Before speaking with us, Julie did not understand her legal options in applying for an intervention order, and had difficulty recognising that she was experiencing verbal and psychological abuse.

We helped Julie to apply for an order, and connect with the court's Applicant Support Worker for further support. We assisted Julie to prepare a plan to keep herself and her children safe, and she did not return to the family home until her ex-partner was served with the application and left the property.

By getting help early, Julie escaped her violent situation and was empowered to regain control over her life.

THE BMCLC FAMILY VIOLENCE LEGAL SERVICE

Frequently there is a need for family law advice about parenting disputes or child support arrangements.

Because the Service operates within the BMCLC and Community West, it can provide streamlined, ready access to help with these other legal problems. They can be tackled without the person having to get involved with yet another agency and go through the stress of having to re-tell their story again and again.

Importance of legal advice

Sophie and her child experienced family violence at the hands of her ex-partner. Victoria Police applied for an intervention order protecting Sophie and her child but because of miscommunication at the court hearing, Sophie's child was not listed on the order. This meant there was nothing to stop Sophie's violent ex-partner having contact with their child.

This caused great distress to Sophie, as her ex-partner was violent in front of the child and used him to control and intimidate Sophie. This had in the past prevented her from taking steps to leave her partner.

The court's Applicant Support Worker referred Sophie to the Service. We made an urgent application to the court to protect her child. We helped Sophie access a barrister for the final hearing. Her child was then added to the intervention order.

A HOLISTIC APPROACH

There are many practical challenges in leaving a violent relationship. There is also substantial research into the barriers people experience in seeking help for their legal problems, showing that the more times a person is referred to another service, the less likely they are to act upon it. This research highlights that the vast majority of people only approach one source for help.

With this in mind, co-located services with a holistic approach at the first contact point have significant advantages.

The Service focuses on the person, not just the legal problem, and provides support and referral to services such as counseling, housing support, financial counseling, and emergency support with food and bills.

Referrals for non-legal assistance to other community services are also addressed, as Community West adopts a 'no wrong door' approach. This means it is easier to get help with the range of problems which may lead to people feeling trapped and unable to consider leaving their violent partner.

Effective collaboration and legal assistance

Sally married Peter 8 years ago and had a long history of family violence. Peter assaulted Sally numerous times, causing injuries and Sally felt like she was living in a prison.

Police applied for an intervention order on behalf of Sally after Peter violently attacked her, her teenage children. Peter then made a 'cross application' for his own intervention order against Sally, claiming that Sally would get drunk and call him names.

Sally was referred to the Service by the court's Applicant Support Worker who was concerned that Peter's cross application was a further attempt to intimidate Sally. Sally met with us at a neutral space where they felt safe, away from the court environment. Sally was initially confused that the legal system could allow Peter to make his own application against her. She wanted the court matters to be over but was concerned about consenting to an order in Peter's favour.

Our lawyer attended court for the preliminary hearing. At the hearing, despite pressure from Peter's lawyer and the presiding Magistrate to consent to Peter's application, the application was resisted. At the next hearing, Peter withdrew his application and consented to a twelve month order in favour of Sally and her children.

During the course of acting on Sally's behalf, the lawyer helped her to apply for Victims of Crime Assistance. Sally was also referred to a financial counsellor and for assistance with a hardship application to avoid the bank taking action to repossess her home.

COLLABORATION AND EDUCATION

The Service has been able to develop an in-depth understanding of local and systemic issues. This means that it is well placed to contribute an important voice for Melbourne's west on family violence issues.

We focused on facilitating communication between local service providers and agencies to address systemic gaps.

There has also been a concerted effort to foster strong partnerships and stakeholder relationships.

Education and training programs, outreach services and community events have been important strategies in increasing public understanding and reporting of family violence. We have provided more than 20 targeted professional development sessions for family violence sector workers as well as community legal education, reaching 415 people.

Attendees have included maternal and child health nurses, community workers, prisoners, community and health organisations, law firms, youth organisations, migrant support services and local government officers.

These sessions have led to improved communication, trust, relationships and referrals between family violence service providers, court staff, and Victoria Police.

The Service is also aware of the need to draw attention to systemic issues in the family violence sphere.

We advocated for a better response to family violence, particularly in Melbourne's western suburbs, using knowledge gained from our casework and data collection. We contributed to the Senate and Public Administration Committee Inquiry into Domestic Violence in Australia, and we continue to voice the experiences of our clients in response to the Victorian Government's Royal Commission into Family Violence.

THE BMCLC FAMILY VIOLENCE LEGAL SERVICE

TABLE 1. COMMUNITY LEGAL EDUCATION SESSIONS

Community Group	Sessions held	People reached
Maternal and Child Health Nurses & Midwives	3	70
Community West staff, volunteers & clients	7	200
Community Workers <i>Building Capacity</i> legal event	1	46
Dame Phyllis Frost Centre <i>Out of the Dark</i> with Melb. City Mission	5	40
Men’s Behavioural Change, Relationships Australia	1	10
Derrimut Community Centre	1	60
ISIS Primary Care	1	15
Victorian Government Solicitor’s Office	1	20
<i>Our Community Our Rights</i> , Women’s Health West	1	10
November No Violence	3	100
Western Suburbs Law Association	1	40
Melton Family Violence Forum	1	20
TOTAL	26	631

FINANCIAL DISADVANTAGE: INCOME AND HOME OWNERSHIP

While many people assisted by the Service have limited or no income, it is important to acknowledge family violence affects people across all socio-economic levels.

In respecting this, the Service also helps those who may not be considered ‘typical’ community legal centre clients. As a recent Productivity Commission report notes, there is value in community legal centres’ flexibility in providing legal assistance to those who may not be considered disadvantaged, often due to home ownership.

Data collected so far shows more than 30 percent of clients who present to our service with family violence problems own their homes — but this is often with their partner, the perpetrator of violence against them.

A very typical situation that we encounter is where a violent partner is the breadwinner and pays the majority of the mortgage repayments. Once an intervention order excludes him from the family home, he may stop paying the mortgage and initiate action for a property settlement.

The woman in this situation is exposed to economic abuse, and needs legal help to assist with the division of property and assets. In most cases she has become reliant on Centrelink and is the full time carer for her children. Private legal representation is often expensive, limited and time-consuming, increasing the stress on a person experiencing family violence.

Yet people who own their home are often ineligible for legal aid.

Legal help for women in this situation is vital because the most common reason that people give for seeking assistance from government-funded homelessness services is domestic or family violence (22 per cent of support periods, or times a person uses a homelessness service). Women with children most often cited domestic or family violence when accessing homelessness services (49 per cent of support periods).

BMCLC recently introduced a new service providing legal help to the significant number of western suburbs residents experiencing mortgage stress. This innovative service will also be of value to those being assisted by the Service, who may be at risk of losing their home, and help prevent the spiral into other ever-growing legal and social problems, including potential homelessness.

THE FUTURE OF THE BMCLC FAMILY VIOLENCE LEGAL SERVICE

Since 2013, the Service has become a core element of BMCLC's service delivery, and an established resource to a very broad range of stakeholders in Melbourne's western region. With funding confirmed for another two years, BMCLC is exploring future partnerships and extending its work to respond to some of the systemic challenges identified in this report.

Initial conversations with Western Health (Sunshine Hospital) have revealed a potential opportunity to deliver legal services from the hospital, with the aim of providing safe, early and expert family violence support to at risk women.

Health-justice partnerships have proven highly effective in facilitating early intervention and support, as well as providing professional development support and increased referral options to hospital workers. Research indicates women experiencing family violence often first disclose their experiences to health professionals, rather than seeking help from a legal service. Pregnant women or who have recently given birth at risk of family violence are also more likely to disclose their situation during health appointments.

RECOMMENDATIONS

1. Recurring and sustainable funding for family violence programs across various sectors, including community legal centres.
2. State and Commonwealth governments invest in a range of family violence prevention measures that focus on school aged children and high risk groups, especially culturally and linguistically diverse communities.
3. State and Commonwealth governments invest in a range of family violence early intervention measures that are:
 - a) embedded within the community
 - b) integrated to provide access to a wide range of services
 - c) targeted to areas of most need (geographically and culturally)
 - d) ongoing and effective in addressing non-physical forms of family violence
4. Review of the judicial system that ensures a comprehensive and holistic approach to dealing with family violence victims and perpetrators.
5. An integrated policy and departmental approach to tackling family violence involving community organisations, community legal centres and family violence service providers.

END NOTES

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