



19 July 2024

Standing Committee on Social Policy and Legal Affairs
PO Box 6021
Parliament House
Canberra ACT 2600

Via online submission only

Dear Committee Secretary,

Submission to the Federal Inquiry into Family Violence Orders

Westjustice welcomes this opportunity to make this submission to the Federal Inquiry into Family Violence Orders.

This submission has been prepared by the Family Violence and Family Law Program (FVFLP) at Westjustice, which is a human rights and community legal centre (CLC) servicing the Western Suburbs of Melbourne and a population of over a million people. Melbourne's Western Suburbs are Australia's fastest growing and most diverse communities, comprising many newly arrived refugee and migrant communities, with significant representation from Asia, Africa and the Pacific Islands, a growing Aboriginal and Torres Strait Islander community, and people of many faiths and no faith. Melbourne's outer west also has significant areas of disadvantage and higher than average family violence rates, when compared with the rest of Melbourne¹.

Westjustice is one of Victoria's largest CLCs, and people experiencing gender-based violence represents our biggest client caseload. Last financial year alone, Westjustice provided legal assistance to over 3,000 victim-survivors, including through our duty lawyer services at the Sunshine and Werribee Magistrates' Courts, the Family Violence Early Resolution Service, and our Restoring Financial Safety Program. We also assist victim-survivors of family violence with child protection and family law advice, casework and representation in the Children's Court of Victoria and the Federal Circuit and Family Court of Australia.

Finally, we also support victim-survivors across our other legal programs, including:

1. The Economic Justice Program, which includes both lawyers and financial counsellors who assist victim-survivors who are experiencing economic abuse,
2. The Employment and Equality Law Program, which assists with employment law advice to victim-survivors to maintain economic independence and
3. The Youth Law Program which represents young people impacted by family violence.

¹ Crime Statistics Agency 2022, LGA Criminal Incidents Year Ending March 2022, Melbourne, Victoria



Each of these programs works closely alongside community-based family violence workers in place-based settlement services, local health services, housing services, and the Werribee Orange Door.

Below, we have outlined our submissions to the inquiry, based on our practice expertise and our close work with many of the communities impacted by family violence. We have also included a number of client stories as appendices to further illustrate a need for reform. Our recommendations focus on better functionality of federal systems to ensure the immediate safety and the ongoing wellbeing of victim-survivors that are engaged in family law proceedings. They also focus on better federal supports for services such as ours to offer more holistic legal services to victim-survivors, rather than the current approach which risks leaving victim-survivors with fragmented assistance, or no assistance at all.

While most of our recommendations below are focused on Federal issues, we have included some state issues because addressing them would aid in the functionality of federal systems. In general, family violence victim-survivors would benefit from better integration of the state and federal jurisdictions and more holistic funding streams. We have outlined below where servicing gaps or funding nuances are unintentionally impeding victim-survivors from receiving tailored and complete legal supports.

We would be happy to outline our recommendations and experiences further, including at any hearings the inquiry may host. Should you have any questions, please contact Cleona Feuerring, Legal Director of our Family Violence and Family Law Program, [REDACTED]. We thank you for taking the time to read our submission.

Kind regards,

[REDACTED]

Melissa Hardham
CEO
Westjustice



Summary of Recommendations

Recommendation 1: Creation of better information sharing requirements and procedures between the Federal Circuit and Family Court of Australia (FCFCOA) and the Magistrates' Court, to ensure trauma-informed practice for victim-survivors of family violence.

Recommendation 2: Sufficient and sustainable funding given to a holistic support service framework which is integrated into the court process. Consideration of nuanced, targeted and diverse services.

Recommendation 3: FCFCOA judges and judicial registrars be given the ability to make interim Family Violence Intervention Orders (FVOs) in urgent or high-risk circumstances.

Recommendation 4: FCFCOA judges and judicial registrars be given the ability to revoke, vary or extend existing FVOs in an interim capacity in urgent or high-risk circumstances.

Recommendation 5: Commencement of a uniform federal framework for FVOs, enforced by state police departments.

Recommendation 6: Funding of family violence services to focus on long-term goals such as early intervention, prevention of family violence, ongoing support to victim-survivors and integration with other fundamental services.

Recommendation 7: Sufficient and sustainable funding to community legal centres for a wider range of legal services.



Terms of Reference

1. The risk of an escalation in the aggressive and violent behaviour of the perpetrator and heightened risk to the partner and children during family court proceedings.

Our FVFLP provides ongoing family law representation solely to clients that are experiencing or have experienced family violence. As such, we have observed that the initiation of discussion regarding family law proceedings by our clients consistently poses a risk of escalation in the behaviour of perpetrators. It is usual practice for our lawyers to advise clients to consider obtaining a Family Violence Intervention Order (FVO) before making any attempt to contact the perpetrator regarding child arrangements or a property settlement. **Appendix 1** provides two case studies which detail the experiences of our clients. The MARAM risk factor practice guide² also acknowledges imminent court proceedings, particularly Federal Circuit and Family Court of Australia (FCFCOA) proceedings, as a factor which elevates the risk of escalating family violence towards victim-survivors.

Current legislation and practice in both the Commonwealth and Victorian do contribute to difficulties in mitigating this risk of escalation. As detailed further below, reforms which provide for a more streamlined and efficient pathway to obtaining an enforceable FVO during FCFCOA proceedings would increase the safety of caregivers and their children.

- ### **2. The current barriers for litigants in the family law system to obtain and enforce FVOs, including but not limited to:**
- a. the additional difficulty for victims of violence in the family law system to attend multiple courts for their family law order proceedings and an FVO**
 - b. the intersection between FVOs and parenting orders, including that a family court parenting order may override an FVO**
 - c. the availability of wrap-around support services and security for victims of violence.**

Remote hearings

Both Victorian Magistrates' Courts and FCFCOA hearings can be participated in remotely via Webex or telephone. This assists greatly in alleviating the difficulties posed by attending multiple physical locations. However, feedback from our clients as to the availability and effectiveness of the current approach is mixed. A recent research report exploring court users' experiences of remote hearings³ found that victim-survivors of family violence felt they were perceived as less credible when attending online and were not given ample opportunity to participate in their own

² Family Safety Victoria, 'MARAM Practice Foundation Knowledge Guide', 2021, pg 28, see <https://www.vic.gov.au/maram-practice-guides-and-resources>.

³ Northern Community Legal Centre, 'Justice at Home: An exploration of family violence victim/survivors' experience of remote hearings for family violence intervention orders', 2024, pg 27, see <https://www.northernclc.org.au/justice-at-home>.

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hearing. The current model used in the Victorian Magistrates' Courts also requires users to listen to all other hearings heard that day until their matter is called, an experience that is potentially very distressing, especially to victim-survivors of family violence. While the ability to attend a hearing online is very valuable to victim-survivors, the current approach does need to be finessed.

Information sharing

It is a common issue that the two jurisdictions are not adequately informed of the status of proceedings in the other and do not have shared access to information. This creates an unnecessary burden on victim-survivors to inform two different courts of events and circumstances which could potentially be re-traumatising to them. Instead, we recommend that the two jurisdictions should more readily be able to communicate and procure this information from each other, rather than placing this responsibility on court users. If proceedings are occurring simultaneously in both jurisdictions, then each should be made aware of safety and family violence concerns found by the other. For example, in Queensland there exists a requirement for parties to disclose FCFCOA orders in FVO matters, which is not a requirement in Victoria.⁴

Recommendation 1: Creation of better information sharing requirements and procedures between the Federal Circuit and Family Court of Australia (FCFCOA) and the Magistrates' Court, to ensure trauma-informed practice for victim-survivors of family violence.

Systems abuse and vexatious litigants

Our team has also found that the two distinct jurisdictions presiding over family arrangements concurrently provides further opportunities for vexatious litigants to perpetrate systems abuse. Systems abuse occurs where perpetrators of family violence use and manipulate the structures and institutions of the family violence system to continue to intimidate, control and threaten victim survivors. Recent law reform in the Family Law Act concerning vexatious litigants may be a useful first step in alleviating this issue as it allows for a consideration of other jurisdictions when making an order. It would be more useful, however, if the FCFCOA were able to make orders preventing further litigation against a victim-survivor in any jurisdiction, including the Magistrates' Court for FVOs. In **Appendix 2**, another client case study further details the issue.

Availability of wrap around services

There are significant servicing gaps for victim survivors of family violence, both in terms of how overburdened services are and in the lack of nuanced or specialised services that many people need. Due to a significant lack in funding, specialist family violence services have long wait times for all but the most urgent cases. Additionally, there is a lack of availability for the wide range of wrap around services that are imperative to ensuring that victim-survivors can begin to find safety,

⁴ *Domestic and Family Violence Protection Act 2012* (Qld), s 77.



healing and security. These services include mental health support, housing and accommodation, financial counselling, legal assistance for tangential issues such as tenancy and employment, drug and alcohol treatment and relationship counselling. All need to be provided in an informed and culturally sensitive way to ensure client safety.

There are very limited services providing family therapeutic treatment to couples who want to stay together. Many services' eligibility criteria require the victim survivor be separated from the person using family violence. This can be culturally insensitive and presumptuous and, is perversely causing some women to avoid seeking help for fear of it breaking up their marriage – when actually what some families need is help to end the violence and tools to improve their relationships.

Within the western region of Melbourne, we continue to see vacancies in the Court Respondent worker positions and significant capacity issues in relation to accessing therapeutic treatment mandated by Compulsory Respondent Orders. Magistrates have ceased making Respondent Orders, even in the specialist family violence courts due to no services being available to support such court orders. The lack of access to services, particularly for respondents who require professional support to change their behaviour, has a detrimental impact on families seeking to remain together. There are also very limited specialised family violence counselling services for children and young people that are culturally safe and easily accessible.

We recommend more sustainable funding for support services including consideration of more nuanced services for the range of healing scenarios a victim-survivor might need. The pressures and stress brought on by navigating a complicated court system would be lessened with these services to provide wholistic support.

Recommendation 2: Sufficient and sustainable funding given to a holistic support service framework which is integrated into the court process. Consideration of nuanced, targeted and diverse services.

3. **How FVOs could be more accessible for victims of violence going through the family law system, including but not limited to:**
 - a. **making it easier to apply for and enforce an FVO**
 - b. **co-location arrangements that would allow an application or enforcement of an FVO to be heard in the same physical location as the Federal Circuit and Family Court of Australia**
 - c. **the legal and non-legal support services required to promote early identification of and response to family violence.**

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FCFCOA ability to make FVOs

In circumstances where safety concerns are raised in the FCFCOA jurisdiction, the current best practice requires either the Victorian Police or the victim-survivor to make an application for a FVO, which is then heard in the Magistrates' Court on a future date. In our view, this system is not efficient or streamlined enough to effectively provide urgent protection to children and their caregivers in circumstances where an escalation in family violence is a tangible risk.

Currently the Family Law Act provides the ability for judges and judicial registrars of the FCFCOA to make personal protection injunctions⁵ ordering that a particular litigant be the sole occupant of a residence.⁶ In our experience, these orders are not made in parenting matters without the consent of both parties to the proceedings, and in practice are not used as a protective measure against a risk of family violence. This is likely due to the lack of a clear and practical enforceability mechanism to ensure a particular party remains away from the home. Additionally, it is a much quicker option for parties at risk of family violence to apply in the state Magistrates' Court for a FVO which excludes a perpetrator from the family home. Although parenting orders made by the FCFCOA sometimes contain provisions concerning the protection of children from family violence, these provisions cannot deal with the safety of the primary carer. Additionally, these orders are not enforced by police and contravention can only be remedied via a further application to FCFCOA.

For the purpose of safety and protection of children and caregivers, we would recommend that the FCFCOA have powers to make interim FVOs in situations of urgency or high risk. These orders could then be registered with the state Magistrates' Courts for finalisation to be determined at a future date. A similar approach exists in the Children's Court jurisdiction, in which Magistrates are able to hear FVO applications where the protected person in a minor and the factual circumstances concerning both the Children's Court matter and the FVO are the same.⁷

At a minimum, FCFCOA judges and judicial registrars should be able to make interim FVOs excluding a perpetrator of family violence from a particular residence, which can be registered and enforced at a state level.

Recommendation 3: FCFCOA judges and judicial registrars be given the ability to make interim FVOs in urgent or high-risk circumstances.

Review of existing FVOs and FCFCOA orders

In addition, FCFCOA judges should be able to review any existing FVOs in conjunction with family court proceedings. A power should be granted to revoke, vary or extend any FVO in

⁵ Family Law Act 1975 (Cth), s 68B.

⁶ Family Law Act 1975 (Cth), s 114(1)(f).

⁷ Family Violence Protection Act 2008 (Vic), s 147A.

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circumstances of urgency or high risk. As above, the Children's Court has this power during proceedings where there are new facts or circumstances available and one of the people protected by the order is a child.⁸ We have found that Magistrates are reluctant to revoke, vary or extend FVOs whilst FCFCOA proceedings are ongoing between the parties, often citing that the issues in question are matters for the FCFCOA to decide, even when they concern the immediate safety of a person protected by the FVO. Magistrates are instead adjourning FVO proceedings until FCFCOA proceedings are concluded, even when additional safety concerns have been raised by a party. For this reason, Magistrates should also be able to delegate a particular decision relating to the revocation, extension or variation of a FVO to a FCFCOA judge or judicial registrar, to be decided at the next hearing of the family court matter.

Similarly, Magistrates have the power to make, vary, discharge or suspend a FCFCOA order in circumstances where this would be in the best interests of a child who has been exposed, or is likely to be exposed to family violence as a result of the operation of the FCFCOA order.⁹ Again, Magistrates are very reluctant to utilise this power even in circumstances where a child has been directly exposed to family violence by a parent or caregiver. We would recommend that Magistrates receive further training from FCFCOA judges as to the circumstances where it would be appropriate to vary, revoke or suspend FVOs and FCFCOA orders. This would result in a collaborative and proactive approach with respect to safety.

Recommendation 4: FCFCOA judges and judicial registrars be given the ability to revoke, vary or extend existing FVOs in an interim capacity in urgent or high-risk circumstances.

Uniform federal framework for FVOs

Whilst the above FCFCOA system reform recommendations relating to FVOs would be beneficial as a short-term solution, we would ultimately recommend a uniform national framework concerning FVOs. Such a framework would create more scope for the FCFCOA to make protective orders during family law proceedings which are efficient, enforceable and clear. Additionally, a system is already in place allowing FVOs from other state jurisdictions to be registered in a new state. This system could further be used to register orders made by the FCFCOA in a protected person's state of residence, allowing the relevant state police force to enforce the conditions as they would a state order.

We are aware that a national FVO regime was proposed in 2021 in the form of the Family Law Amendment (Federal Family Violence Orders) Bill 2021. We recommend that the following issues be carefully considered before introducing such a Bill again:

- Ensure that federal FVOs cannot be used as another avenue to further perpetrate systems abuse or coercive control and prolong FCFCOA or Magistrates' Court proceedings

⁸ *Family Violence Protection Act 2008* (Vic), s 149(1).

⁹ *Family Law Act 1975* (Cth), s 68R.

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- Ensure that matters FVO matters could be listed expeditiously in the FCFCOA, noting the existing demand on the jurisdiction and increase in demand that this reform would bring
- Allow for information sharing between family law and FVO matters, reducing the need for victim-survivors to repeat their story
- Appropriate and efficient enforceability of FVOs, perhaps by registering such orders with the relevant state police force

Recommendation 5: Commencement of a uniform federal framework for FVOs, enforced by state police departments.

Wraparound support service framework which promotes early intervention

As discussed above, there are currently limited opportunities to access family violence specific support services and other wrap around services in our area due to short and limited funding cycles. Family violence support services are overwhelmed and are therefore limited to acting as a form of crisis response rather than working in early intervention, prevention or ongoing support to family violence victim-survivors. Ideally, with victim-survivors being supported by a range of accessible supports, family violence services could be further focused on these wider needs. The recent Independent Review of the National Legal Assistance Partnership also makes this recommendation, stating “governments should provide additional funding for early intervention and mediation, to allow legal assistance providers to offer a greater number of services.”¹⁰

We recommend that the FCFCOA and Magistrates’ Courts adopt a wraparound framework that focuses on integrating existing services and ensuring that these are an integral part of how the courts operate. In **Appendix 3**, the case study provided emphasises the wide-reaching impacts of family violence on all aspects of a victim-survivor’s life including on finances, housing, mental health, employment and parenting. We seek to demonstrate the importance of integrated services which are efficient and easy to access through sufficient, equitable and sustainable funding. As an example, Westjustice currently works in formal partnership with several such services including the Werribee Mercy Hospital, Wyndham Vale Enhanced Maternal and Child Health team, Werribee Orange Door and McAuley House Community Services for Women. Together with these organisations, we are able to create better outcomes for clients than we could without these partnerships, as illustrated through the case studies. However, the funding allocated to these partnerships is limited and short term.

¹⁰ Attorney-General’s Department, ‘Independent Review of the National Legal Assistance Partnership Final Report’, 2024, pg 58, see <https://www.ag.gov.au/legal-system/publications/independent-review-national-legal-assistance-partnership-2020-25>.



Recommendation 6: Funding of family violence services to focus on long-term goals such as early intervention, prevention of family violence, ongoing support to victim-survivors and integration with other fundamental services.

4. Any other reform that would make it safer and fairer for victims of violence in the family law system who need the protection of FVOs.

Funding of community legal centres

In addition to our recommendations above, our overarching recommendation is for family violence services – particularly CLCs like ours – to be properly, equitably, and sustainably funded. This must include the full suite of family violence services to ensure victim survivors are not subjected to referral merry-go-rounds, multiple story-telling, and long wait lists and delays. Ensuring that these services are effectively funded and always available to holistically service people is one of the most important measures for victim survivors to move on and heal with their children. We note that the Independent Review of the National Legal Assistance Partnership made similar recommendations, including for an immediate injection of funds to community legal centres.¹¹

There is currently little to no funding for local CLCs for non-duty lawyer services, which is leaving victim survivors of family violence with piecemeal servicing. Through our place-based service models, staff at CLCs are able to identify community needs early in their specific region and are subject matter experts in complex matters of family violence involving intersecting areas of law and risk. Despite this, CLCs are not adequately funded for pre-court and ongoing legal representation, or in Children’s Court and FCFCOA matters. The majority of funding for these matters remains with state legal aid commissions (LACs), which are centrally focused and not experts in suburban, regional or rural needs. Consequently, victim-survivors of family violence must deal with a siloed and overly-complicated legal aid process, within which they may have to make multiple legal aid applications and have multiple different lawyers assisting them for matters that should be linked, such as FVO proceedings, FCFCOA proceedings and Children’s Court matters. An example of a client experiencing this issue can be found in **Appendix 4**.

Additionally, the current system of funding in Victoria fails to allow victim-survivors of family violence to receive wraparound and integrated legal assistance. LAC grants are narrow and have rigid criteria resulting in siloed legal service delivery. Additionally, CLCs are not currently able to access payment of their fees if they undertake work for clients with grants of aid, other than disbursements. This system does not acknowledge the additional cost burden that family violence

¹¹ Attorney-General’s Department, ‘Independent Review of the National Legal Assistance Partnership Final Report’, 2024, pg 206, see <https://www.ag.gov.au/legal-system/publications/independent-review-national-legal-assistance-partnership-2020-25>.



places on state resources, and the complex nature of the matters and clients, which are not adequately handled by private sectors.

Due to this, we recommend that more Commonwealth funding be provided directly to CLCs instead of LACs, as occurs in multiple other states. This would mean that victim-survivors can receive more tailored and comprehensive legal supports, developed by CLCs who are closer to communities than LACs currently are

Recommendation 7: Sufficient and sustainable funding to community legal centres for a wider range of legal services

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Appendix 1: Riley and Anna's Stories

Riley's Story

Riley separated from her husband in [REDACTED]. They continued to live in the same home after separation, while Riley searched for another place to live with her [REDACTED] children. She contacted a lawyer to begin the process of a property settlement and parenting arrangements.

When Riley's husband received an email from this lawyer, he began to verbally abuse Riley, which quickly escalated into significant physical abuse. This violence involved [REDACTED]
[REDACTED] Riley managed to flee and call the police. The police made an application for an FVO for the protection of Riley and her children. Westjustice assisted Riley at the FVO hearing, where a 12-month order was made. Riley was connected with Orange Door to create a safety plan and the family was placed into safe housing until her husband could be excluded from the home.

Anna's Story

Anna was referred to our team by a family violence support worker. She was living in emergency accommodation following an extremely serious family violence incident involving her [REDACTED] children. The father [REDACTED]
[REDACTED]
[REDACTED]

The father was arrested and charged by police. He received a custodial sentence.

The father of the children made an application in the FCFCOA for parenting Orders. We assisted Anna by making an application to VLA to ensure she had funding throughout her court matter. We helped Anna by preparing and filing her affidavit, response to initiating application, notice of family violence, risk and abuse [REDACTED]
[REDACTED]

At the first hearing we [REDACTED]
[REDACTED]

[REDACTED] All the orders we sought were made by the Registrar. There was also an Order for an independent children's lawyer to represent the best interests of the children.

Following this, our office filed a subpoena for VicPol to produce information about the father's crimes. We attended the Court to inspect the subpoena material as well as view the response provided by child protection who also identified the father as an extreme risk to the children.

The child impact report indicated that the father had no insight into his behaviour and that he could not recognise the impact his behaviour had had on his children.

The matter eventually proceeded to an interim defended hearing for a Senior Judicial Registrar to decide if the father should see the children. We briefed a barrister for this hearing and it resolved by way of consent orders. Anna now has full parental responsibility for the children and they do not have contact with their father.

Unfortunately, following the final orders made in FCFCOA, and despite the [REDACTED] full no contact family violence IVO in place, the father located Anna and the children. He [REDACTED]
[REDACTED]

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who arrested the father. Because of this, Anna and the children had to move out of their housing and have been rehomed by the local family violence support service, causing further disruption to the family and she now receives multi-agency management. This further demonstrated that the Orders for no time were appropriate for the safety of this family.



Appendix 2: Kelly's Story

In [REDACTED], Kelly separated from her husband, Paul, and was granted a [REDACTED] full no contact FVO for the protection of herself and her [REDACTED] children. Kelly experienced severe family violence throughout her over [REDACTED] years of marriage with Paul, including physical, sexual, verbal and emotional abuse. Paul was always heavily drug affected and extremely erratic. The children were witness to all of this violence and, eventually, the Department of Families, Fairness and Housing (DFFH) told Kelly that her children would be removed from her if Paul continued to live in the house with them and have contact with the children.

Paul applied [REDACTED] to the Magistrates Court to have the [REDACTED] FVO revoked. Both times this revocation was refused, but Kelly had to come back to court for multiple hearings each time he made an application. Throughout this process, Paul continued to breach the FVO [REDACTED]. He was never charged with these breaches as the police said they had no evidence of this occurring.

Paul also applied to FCFCOA for a property settlement, in which he was originally unrepresented, uncooperative and seeking unreasonable outcomes. [REDACTED] Paul initiated mediation for parenting proceedings, however the mediator deemed that this would not be safe, due to the seriousness of the family violence which had occurred. Paul then filed an application in the FCFCOA, with proceedings continuing until [REDACTED]. As soon as final parenting for parenting orders were made, Paul failed his drug test, and was allowed on short supervised monthly visits with the children.

By [REDACTED], the youngest of Kelly's children were teenagers and due to Paul's behaviour they refused to visit or contact him, despite Kelly encouraging them to do so. Each time the children did not answer the phone or attend the visits, Paul sent Kelly abusive emails disparaging Kelly's parenting abilities and threatening to take her back to court yet again.

In [REDACTED] Paul made yet another application in the Magistrates Court to have the FVO revoked, citing that it was harming his relationship with the children. Westjustice took on Kelly as a client and assisted her in ensuring that the FVO remained in place. This proceeding took a total of [REDACTED] hearings and only concluded [REDACTED] months later, after a Magistrate again refused his application. During this process, Paul constantly threatened to initiate proceedings for contravention in the FVFCOA. Kelly expects that he will do this within the next few months.

Kelly estimates that she has attended more than [REDACTED] hearings in total since they separated [REDACTED] years ago, and knows that there will be more. She has been involved in ongoing court proceedings every single year since she separated from Paul.

Westjustice intends to assist Kelly in applying for a litigant restraint order in the Magistrates Court, however, if successful, this order would not prevent Paul from continuing to initiate proceedings in the FCFCOA.



Appendix 3: Selina's Story

Selina married Peter in [REDACTED] and they had [REDACTED] children together, before separating in [REDACTED]. Selina and the children suffered extreme family violence over many years, including regular physical and emotional abuse perpetrated by Peter. Peter [REDACTED]. He prevented the children from attending school [REDACTED], often imprisoning them in their home. Selina was also sexually assaulted and financially abused during their marriage, and Peter threatened to kill her on many occasions.

Selina tried to flee the family home many times, but Peter [REDACTED] so she could not leave. She and the children were under 24-hour surveillance. There had been reports to the Department of Families, Fairness and Housing (DFFH) over the years, but there was no support or intervention by DFFH until Selina was imprisoned. This was despite [REDACTED].

Selina eventually retaliated to Peter's violence and was charged with family violence and assault related offences and was incarcerated [REDACTED] – this was prior to Selina accessing Westjustice, so a private lawyer assisted with the case. At this time, DFFH removed Selina's children from her care and placed them in foster care. Selina says that she at least felt safer in prison, away from Peter's abuse, and was able to withdraw from drug addiction while incarcerated. When she was released from prison, Selina was homeless but engaged with rehabilitation service for drug treatment and family violence support service for crisis accommodation and ultimately a private rental. The family violence support service also referred Selina to Westjustice for assistance with her debt and family law issues. Westjustice helped Selina:

- Obtain an indefinite Family Violence Intervention Order (IVO) against Peter for Selina and all her children, increasing the safety of all of them;
- Advocating for a change of case plan and reunification of her [REDACTED] children who had been residing in foster care for a number of years;
- Waive a large telecommunications debt, reducing some of her financial stress;
- Initiate a victims of crime compensation claim, which is expected to provide targeted financial support to recover from the family violence;
- Remove Peter's vehicle from being registered in Selina's name, so she is no longer receiving infringement notices for offences he committed;
- Secure a copy of her Citizenship Certificate, without which Selina was struggling to access government support services;
- Seek an exemption from being excluded for a Working with Children Check (WWCC) so that Selina can engage in education and employment;
- Understand her options with respect to family law property settlements; and
- Advise on divorce application;
- Apply for waiver of her fines under the Fines Victoria Family Violence Scheme;
- Obtain referrals to other services for other non-legal issues.



Appendix 4: Amy's Story

Amy shares one child with her ex-husband George. Amy had experienced family violence for the entirety of her marriage to George including physical and verbal abuse, complete financial control and isolation. In [REDACTED] the couple were visiting their home country, when George flew back to Australia alone with their child. George threatened Amy that he would harm her and her family if she followed him to Australia prior to him coming back to collect her. Amy's passport was held [REDACTED], and it had expired while she was waiting for George to return. This was the [REDACTED] time he had left her in their home country, but he had returned as promised in the past. After [REDACTED] months of waiting Amy decided she would renew her passport in their home country without waiting for George to bring her ID docs from her home in Australia.

Eventually Amy was able to return to Australia [REDACTED], where she received a legal aid grant to commence family law proceedings for parenting arrangements and a property settlement. George had not allowed any time or calls with their young child throughout this period, and Amy was homeless as George refused her access to their home.

While family court proceedings were still ongoing, George filed an application for divorce in the FCFCOA. This application listed a date of separation which Amy disputed [REDACTED]. Amy could not receive legal aid funding for the divorce application, despite having a grant of legal aid for her other FCFCOA matters. Westjustice assisted with Amy's divorce matter, which went all the way to a Compliance and Readiness Hearing, and negotiated a change of the date of separation on the divorce application.

As a consequence of having two different lawyers for related matters, Amy had to re-tell her story and provide the same information multiple times. She also had to apply for multiple grants of legal aid and navigate this complicated system. In addition, the different lawyers were required to ensure that the affidavit material submitted was consistent which made the process even more laborious and stressful for the client.