

Women, Lawyers, Workers the research report

Women's unequal access to the legal system





Women's Health In the North (WHIN and Women's Health Goulburn North East (WHGNE) are the specialised women's health services for the Northern Metropolitan Region and the Hume region, respectively. Berry Street, Northern Family & Domestic Violence Service (NFDVS) is the specialist family violence service for women in the northern metropolitan region & the entry point for all police family violence referrals regarding women. The partner organisations gratefully acknowledge funding from the Legal Services Board and the ongoing support of the Victorian Government.



Women's Legal Service Victoria (WLSV) was engaged by the project partners to deliver the legal components of the project. WLSV is a state-wide specialist organisation providing legal advice and representation to women on issues arising from relationship breakdown and violence against women.



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This research report was co-authored by Debra Parkinson and Kei Judd, with the literature review written by Kei Judd, and the section on women's feedback by Alyssa Duncan.

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'Windswept' painting by Syd Tunn.

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Foreword

The small group of committed volunteer lawyers who established Women's Legal Service Victoria (then known as the Women's Legal Resource Group) over 30 years ago, did so in recognition of women's unequal access to the legal system. Much has changed since then. Much has not. This report is a welcome reminder of what has been achieved as well as an important call to action on the work that still remains to be done.

As a result of the activism of many, we have family violence legislation in every state and territory, we have women's legal services in every state and territory and we have a National Plan to Reduce Violence against Women and their children: a plan with significant legal components and bi-partisan support. In Victoria, we have developed a network of duty lawyers who provide advice and assistance in family violence matters. We have also had the benefit of over 10 years of strong leadership and practical action from successive Chief Commissioners of Victoria Police. At the recent Victorian election, we saw, for the first time, both major parties treating family violence as a significant election issue.

The literature review and research findings documented in this report identify many barriers which still exist to women accessing the legal system. These include the impact of the violence on a woman's personal resources and on her power to negotiate with her violent ex-partner. The report notes the complexity of the legal system and the significant problems with 'self-representing' in that context. The gender imbalance in legal aid funding, and the fact that demand for free legal services far outstrips available resources are also highlighted.

On my reading this comprehensive report identifies two major areas for further work to achieve access to justice for women: system reform which places the needs of women who have experienced violence at the centre and adequate funding.

We know that there is a major crisis in funding for civil law matters (including family law) in Australia. The Productivity Commission has called for an immediate injection of \$200 million. Allens ACIL's report on the Review of Legal Assistance Services stated categorically that no amount of reconfiguring legal service provision can meet the level of unmet legal need in Australia. Additional resources are required.

The challenge of placing the needs of women who have experienced violence at the centre necessitates a shared understanding across the legal system, and connecting sectors, of the context for women leaving violence and the many barriers they face in accessing justice. Courts, funders and service providers need to address these general issues affecting women leaving violence, whilst allowing for tailoring of interventions and support to women's specific needs.

Joanna Fletcher

Chief Executive Officer, Women's Legal Service Victoria

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Executive Summary

The principle of 'equal justice under law', carved into stone over many a courthouse, needs to be translated into action in our world. (Hon. Justice Michael Kirby, 2005, para 11)

The Women, Lawyers, Workers (WLW) project was designed to allow women supported by a family violence practitioner to meet with a specialist lawyer from Women's Legal Service Victoria (WLSV) via Skype. The rationale is that the time of leaving a relationship is often the most dangerous for women; that the complexities of the legal system are difficult to manage for both women and workers; and that access to free legal services for women leaving violence is frequently inadequate or unavailable, especially for rural women.

This research report documents the reasons women may be prevented from accessing legal support as they seek to leave violent partners. Both the literature review and the primary research findings in this report address these issues. A final section summarises the women's experiences of the Skype appointments (see Women's Feedback).

The exploratory, qualitative research was based on 26 individual in-depth interviews with women (who were seeking legal advice), lawyers, family violence workers and managers from urban and rural areas. The interviews were supplemented by a literature review and limited ethnographic research. The literature review addresses the legal avenues available to women experiencing family violence and the barriers experienced by particular groups of women, and looks at the different technologies used in legal outreach. It finds that lack of access to legal advice is common and systemic. Consequently, this report first and foremost recommends ongoing funding of WLSV's new LINK program, which builds on the pilot WLW Skype project. The quotations in the boxes in this Executive Summary are included to give some indication of the value women, lawyers and workers ascribed to this pilot of providing legal advice via Skype. Ongoing legal representation was also provided to some women.

A separate project evaluation report was written by Synergistiq (2014). As the 26 interviews were designed to cover experiences of the WLW project and women's access to legal advice, coded data relevant to the project's implementation were passed on to Synergistiq for inclusion in their evaluation report (see references).

The context for women leaving violence

Women leaving violent relationships arrive at the legal system on an unequal basis to men. Living with violence over months or years often erodes belief in their right to a life without violence, and men may take advantage of their unequal bargaining positions in legal procedures.

WOMEN

You feel isolated... If I didn't have that service I would think to myself, 'Well where do I go? What do I do? Who would I see?' (Eva)

It seemed to fall into place after I spoke to [the lawyer] ... I knew exactly what to do... I got the parental order and property order all done and it's our life now. (Zeta)

I could see her face and she could see mine and it was just a full-on conversation on all these questions I wanted to ask... She put me on the right line of saying, 'No, don't do it this way Maeve, do it that way... It does give you the biggest sigh of relief ... It's amazing. (Maeve)

I felt I was being treated as an equal in the conversation with the WLSV... Brilliant. Especially when you've got lower funds, you don't necessarily want to travel to the city. You've got a child. You don't want to have to go in and out and it's just like being in person with the lawyer. It was fantastic. (Renee)

Whoever is in charge of funding should fund it ... because it's very helpful, it's in a safe environment and they're there for the women 100%. (Yadira)

Women in this sample reported being stalked by violent ex-partners and living in constant fear. The vulnerability of women survivors of violence extended to ‘handovers’ of children in shared care arrangements and to the courtroom, where threats from violent men continued. Indeed, men frequently used the threat of taking the children to control women.

The physical symptoms of violence (such as insomnia and appetite loss) combined with fear led many women to want to give up fighting for their legal entitlements. This was particularly salient as men’s greater financial resources often allowed them to pay for better legal representation, thereby increasing women’s inequality in court proceedings.

Seeking justice

Free legal services are under-resourced for the level of demand, and high demand often results in long waiting times and short appointments. Information gathering before deciding whether to access legal services was highly confusing for the women. This was exacerbated by stringent eligibility requirements for legal aid, leaving many women without sufficient legal assistance, as private legal advice was not affordable for them.

The extent of legal aid was often insufficient for women’s legal needs, and the general exclusion of property matters meant that women’s need for shelter for themselves and their children was unlikely to be addressed through the legal system.

Women reported dissatisfaction with some duty lawyers or other legal aid funded lawyers, describing them as ill-prepared and over-stretched, and sometimes, as uninterested. Adequate funding must be allocated to allow legal aid funded lawyers the necessary time and resources to advise and represent clients well.

Delivering Skype legal services in an 18 month pilot project through a women’s legal service (specialising in family violence and family law) was found to be an effective and feasible method to resolve legal issues for many women. Preliminary findings indicate better outcomes for women. Within the interviews, there was evidence that episodes of violence have in all probability been prevented through this intervention. A more conclusive finding of the project’s success in preventing violence against women may be found after a further two years monitoring.

LAWYERS

They’ve got up to an hour to use if necessary, and it’s dedicated just to them, in the comfort of the refuge or wherever, their child is looked after. I think it’s a good service. (Nora, WLSV Lawyer)

My view is that the family law system is very difficult to navigate without legal assistance. Each family law application requires a fairly complex application to be filled out, with properly worded orders supported by an affidavit which is a detailed document which has to go through the history, it has to go through the reasons. There are all sorts of things that it needs to cover that someone without legal advice or representation wouldn’t know. (Rebecca, WLSV Lawyer)

WORKERS

It’s pretty easy for me. I just make the appointment and the woman turns up and I click on the computer and there’s the lawyer. It’s not hard to get it right and it’s not hard to access it. It’s fantastic. (Caroline, Rural FV practitioner)

Women found it very helpful ... not to have to go to the city, not to have to wait in a queue, to be able to get access to legal advice quickly... It isn’t them trying to work it out from a webpage. (Maddison, Urban FV practitioner)

The fact that there’s a woman sitting there, it just means the world. The women talk to women, and especially with CALD women who don’t want to say things to men. As far as approaching a solicitor, these women are at the most vulnerable time of their life and they don’t have the money. This is the answer to their prayers and my prayers. (Brianna, Rural FV practitioner)

It allays their anxiety and it just equips them with the information they need to make good decisions for themselves and their children (Belinda, Urban FV practitioner)

Summary of women’s feedback on the WLW Skype pilot:

Thirteen women were interviewed regarding their experiences of the Skype project. The predominant responses from the women were that they found the detailed advice that they received explained the necessary steps clearly. This was consistent for those with no legal experience and those with some legal experience. There was a strong response from the women that they felt more confident to navigate the legal system and defend their rights against the claims of ex-partners after the Skype appointment. A majority of women found the lawyers to be supportive and understanding. This was attributed to the service specialising in family law and family violence, and due to all the lawyers being women. Some women stated that they found the presence of the worker to be important, as the worker prompted questions and assisted the women. The women found the project helped bridge barriers that would otherwise have prevented women from accessing legal services, such as employment and parenting responsibilities or the cost of fuel. It was noted that women can feel very isolated during separation and this project helped minimise that feeling. While some women experienced technical problems with Skype, most found the video option of Skype very important in setting up a visual connection to the lawyer. Some women were not advised that multiple sessions were available, and two women were not able to receive advice due to the complexity of the case and a conflict of interest. The interview data from this sample of 13 participants conveys a strong sense that the women overwhelmingly valued this service. In addition, the themes that emerged highlighted women’s increased confidence in their journey through the legal system as they more effectively resolved the legal issues they faced in leaving domestic violence situations.

Although more research is needed to definitively answer whether a project like the WLW Skype project prevents violence against women, the evidence is clear that the time of leaving is the most dangerous for women. In Australia in the first two months of 2015, 14 women have already been murdered by their male intimate partner.¹ The rationale for funding the WLW Skype pilot is now even more urgent.

¹ Dent, G. (2015, 23 February). The Q & A episode on domestic violence everyone is already talking about, Women’s Agenda. Retrieved 26 February 2-15 from <http://www.womensagenda.com.au/talking-about/editor-s-agenda/the-q-a-episode-on-domestic-violence-everyone-is-already-talking-about/201502235336#.VO7mrmccQaJ>

Recommendations

The principle of "equal justice under law", carved into stone over many a courthouse, needs to be translated into action in our world. And we have to realise that gaining real access for all to the justice system is only the beginning of the attainment of justice. Thus, many people who, after a struggle, obtain access to courts, find indifference to their concerns; lack of sympathy for their vulnerability; antagonism to their claim of rights. (Hon. Justice Michael Kirby, 2005, para 11)

Although the legal system is characterised by complexity, the accounts of the women interviewed – and the countless others with similar experiences – demand a constructive response. The recommendations have been developed in response to this research in collaboration with Women’s Legal Service Victoria. To promote improved legal outcomes for women experiencing family violence, the following recommendations are made:

Improving access to legal assistance

1. The LINK program be funded by Government on a recurrent basis and expanded to provide ‘virtual outreach’ to locations across regional and metropolitan Victoria, prioritising locations with the greatest accessibility issues.
2. The capacity of community legal centres to assist disadvantaged women in family law matters be expanded through an increase in Government funding specifically for family law assistance.
3. Victoria Legal Aid’s guidelines in family law proceedings be reviewed and broadened to enable disadvantaged women who are victims of family violence to have greater access to legal aid. In particular the following issues should be considered as part of the review:
 - a. broadening access to legal aid where the case pertains only to a property dispute
 - b. revision of the current criteria to assess who is a ‘financially associated person’
 - c. broadening the family violence exception in funding family law trials
 - d. ensuring greater consistency and transparency in assessing grants of aid
 - e. removing funding ‘caps’ or ‘ceilings’ on grants of legal aid in family law matters
 - f. basing eligibility for legal aid on an expanded concept of means and merit
 - g. ensuring that the availability of funding for Independent Children’s Lawyers not be at the expense of funding being available to parties.
4. The Government commission a gender analysis of legal aid funding to assess the gendered impact of VLA’s funding guidelines, funding allocation, policies and procedures.

Improving financial recovery for women

5. The resolution of family law property claims of less than \$100,000 be simplified and made more accessible to disadvantaged women by establishing a family law small claims tribunal.
6. The *Family Violence Protection Act 2008 (Vic)* be amended to improve victims’ access to their personal property left in the family home after an intervention order is made.

7. That there be improved access to, and an increase in, the financial payments for women through Centrelink, spousal maintenance, rent and mortgage assistance.

Strengthening the family violence justice system:

8. The Victorian Government invest in the family violence justice system to improve safety and perpetrator accountability by:²
 - a. Establishing specialist family violence units in every court across Victoria staffed by victim support and respondent workers and specialist advocates for women from groups at particularly high risk.
 - b. Creating safe waiting spaces for victims and access to remote witness facilities in all courts that hear family violence Intervention Order cases.
 - c. Rolling out court-based training for magistrates, court staff, lawyers and other justice workers on risk assessment and management, the dynamics of family violence and victims' experiences.

Protecting the safety of women and children in family law proceedings:

9. Improving information sharing and connection between child protection, family violence and family law jurisdictions.
10. The Australian Government amend the *Family Law Act 1975 (Cth)* to include protection from direct cross-examination for vulnerable witnesses (including women who are victims of family violence).

² These three recommendations (8a,8b and 8c) are part of the No More Deaths Campaign, <http://www.dvrcv.org.au/sites/thelookout.sites.go1.com.au/files/NoMoreDeaths-FactSheet-2.pdf>, accessed 13 December 2014

1 INTRODUCTION

In 2011, the *Women, Lawyers, Workers* (WLW) project was conceptualised in this way:

The family violence sector has long recognised that the time of leaving is often the most dangerous for women and children. On-the-ground workers have struggled to support women through the complexities of the legal environment, and have often been unable to find women the legal advice that could assist them in an effective and timely manner. The underlying premise of this pilot project is that legal support for women, and legal education for family violence workers, will facilitate speedy and effective resolution of family law matters such as children's living arrangements, property settlements and Intervention Orders. This, in turn, would prevent further violence to women and children.

This project was funded under the Legal Services Board (LSB) funding round entitled, *Prevention of Violence Against Women*, announced in 2010.³ In essence, the WLW project provided women (supported by a family violence practitioner) with the opportunity to consult with a specialist lawyer from Women's Legal Service Victoria (WLSV) via Skype.

While the aim of this project was to prevent violence against women,⁴ the aim of women is often simple:

I wanted the kids to be safe and that meant to be with me ... I just want to be able to live in the house with the kids and just look after them and be able to pay the bills. (Beth)

The simplicity of the aim, however, involves engagement with a highly complex legal system to disentangle possessions and lives, and establish new living and caring arrangements. The overlay of domestic violence necessarily involves even greater legal complexity, and, often, women face the ongoing burden of living in fear of the perpetrator.

The WLW Skype project piloted a way to give women leaving violence access to legal advice. Its success is evidenced by the decision of Women's Legal Service Victoria to continue and expand this way of working. This report takes a step back to document the barriers still facing women and the consequences when legal advice is refused them.

When family violence and poverty co-exist, the only way women can access the legal system is with free legal assistance, yet WLSV noted in 2013 that despite legal aid being a 'cornerstone of our legal system ... legal aid has become increasingly limited for disadvantaged women' (WLSV, 2013, p. 11). When this project began, women who lived in the Shires of Mitchell and Murrindindi, for example, had no access to community legal

³ This project is funded under the LSB funding round entitled, 'Prevention of violence against women', announced in 2010. Violence against women 'and their children' took on a new meaning after the very public tragedy of the murder of Luke Batty by his father. This report reflects an original broader intention that by preventing violence against women, children would be safer. The focus was firmly on women, as is our focus at WHIN and WHGNE, with subsequent benefits for children. A specific focus on children, per se, was not the intention of this project, nor its research component or evaluation. Instead, the phrase reflects the current policy direction which has moved through 'women and their children' to now 'women and children'.

⁴ The word 'prevention' is used in terms of preventing the number of incidents of violence, rather than in the health promotion definition where prevention is a well-developed theory based on primary, secondary or tertiary prevention.

services unless they travelled outside their LGA, a situation that exists in other areas of rural Victoria. Many women in this situation do not have the financial resources to engage lawyers in private practice, and are 'conflicted out' – excluded from accessing legal aid or a legally aided lawyer because their partner is already receiving legal services from the same legal organisation or firm.

In regional Victoria it can be hard to find lawyers who will do legal aid work, who will do family law work, who don't have a conflict of interest, so that is an issue for women in country Victoria. (Rebecca, Lawyer)

There's not a lot around and when there is, there is always a fee involved. And we have to take into account people ... don't have the money, they don't have the transport. (Veronica, Rural FV practitioner)

This lack of access to legal assistance for women in such circumstances was apparent to the research team in this and previous projects. This is particularly the case for women living in rural areas, and increasingly affects city women.

We're finding in urban areas, private family lawyers are not wanting to take on complex family law issues through legal aid because they know it will take a lot of time and there won't be much money. (Maddison, Urban FV practitioner)

Legal aid in itself is an issue for a number of the clients we have seen because with the new guidelines that have been put in place sometimes matters don't fall within the priority areas and people end up with no representation. (Rebecca, Lawyer)

The Synergistiq evaluation measures many aspects of the success of WLW pilot project, and refers to this report to determine whether the primary aim of preventing violence against women was achieved. After an 18 month trial of lawyer appointments via Skype, findings are preliminary, and yet are indicative of better outcomes for women. Within the interviews, there was evidence that episodes of violence have in all probability been prevented through this intervention.

To have a definitive assessment of whether this sort of intervention prevents violence, it will be necessary to extend the pilot (or a version of it) over a longer period of time, with more women participating and with ongoing evaluation. A more substantial answer could be found after a further two years of such monitoring.

This research report instead focuses on women's unequal access to the legal system – the injustice that inspired this project.

I really needed to get out ... What was holding me back was the fear of paying how much the lawyers are. Sometimes you hear it costs \$20,000 ... and how can an average person pay for that? (Yadira)

With the sort of assets these women have they don't have the funds to be paying private solicitors to do it, that's all there is to it. There's not enough money in the total asset pool to be paying a solicitor from, so really they have no options. (Rebecca, WLSV Lawyer)

It's being able to offer a woman ... advice from a lawyer. That's so empowering [to give her] the resources so that she makes her decisions based on that. That sometimes means the difference between being in an abusive relationship and not. (Farah, Rural FV practitioner)

2 STRUCTURE OF THIS REPORT

Following ethics approval and notification of funding, an external evaluator was contracted and subsequent discussions determined that this *research* component would focus on the reasons women had no access to legal advice except through this pilot project, and whether there continues to be a need for legal service provision such as was provided through this project.

There are three distinct documents involved in reporting on the WLW project. This one, the research report, includes:

- a) The literature review (section 3), which offers a theoretical foundation for the primary research, and presents a current overview of secondary research and other sources of information. Issues covered include access to legal assistance for women, particular issues facing women from diverse backgrounds, and the ways technology has been used for legal outreach.
- b) The primary research findings (section 5), which involved ethnographic observations of the sessions and in-depth interviews. The methodology used for the observations and interviews is described in detail in section 4.

The second document is the evaluation report prepared by Synergistiq, and the third is an unpublished report to the funding body, the Legal Services Board.

As the audiences and purpose of each document are different, the project team from WHIN/WHGNE met with staff from Synergistiq throughout the project to delineate the two reports. The result was a split of reporting to avoid duplication. The evaluation report from Synergistiq:

‘details the experiences of family violence workers, managers and lawyers from the WLSV, specifically focusing on the provision of the legal advice via Skype and the provision of legal education, professional development and secondary consultation to assist workers. The purpose of the evaluation was to understand the formative elements of the project – what the process has been like and what has been learnt, and the outcomes of the project – to what extent the project has achieved its aims and objectives. (Synergistiq, 2014, p. 6)

The external *evaluation* therefore focussed on documenting outcomes against the project objectives and the experiences of the women and workers involved in the Skype project and the value of innovative use of technologies to their circumstances. This report, on the other hand, focuses on capturing the reasons women may be prevented from accessing legal support as they seek to leave violent partners.

The interviews conducted by the WHIN/WHGNE research team involved travelling across the state to ensure rural women and workers were equally included. As the interview schedules were designed to cover women’s experiences of the WLW project, these aspects were passed on to Synergistiq for inclusion in their evaluation report. The coded data, analysed into domains by the Project Coordinator/Research assistant, allowed easy delineation of the data into evaluative data (which was then given to Synergistiq), and data relating to this report.

3 LITERATURE REVIEW

By Kei Judd

This literature review addresses the legal avenues available to women experiencing family violence, and the barriers they experience to access justice. In conducting the review, journal articles, government reports (including submissions to inquiries), organizational reports and media coverage from Australia and other industrialised countries were examined, covering the period from 1996 to 2014. This paper will begin with an examination of the free legal services available to women leaving violent men, from lawyers in private practice to legal aid and Community Legal Centres (CLCs) as well as exploring the barriers particular groups of women experience in accessing justice. Finally, this review will examine how different technologies are being used in legal outreach, and the perceptions of individuals who receive legal advice through these mediums.

Estimates suggest a relatively high rate of unmet legal needs for Australians, however there are several factors which contribute specifically to the lack of legal recourse for women experiencing violence. The barriers for women in accessing the justice system when experiencing a relationship breakdown include the high demand for free legal services, the prohibitive costs of private lawyers and the gendered discrepancy in access to legal assistance due the funding of criminal law matters by legal aid (Victoria Legal Aid, 2014a).⁵ Self-represented litigants are more frequently found in the Federal Circuit Court (formerly Federal Magistrates Court) and the Family Court. However, the disadvantage experienced by an unrepresented person in these courts does not seem to be considered as objectionable to that experienced by an unrepresented individual in a higher criminal court.

A 2012 report published by the Australia Institute made a conservative estimate that half a million Australians have unmet legal needs (Deniss, Fear, & Millane, 2012). However there are concerns that the figure is much higher, as 2012 data from the Australian Council of Social Services (ACOSS) revealed that 73% of CLCs reported difficulty in meeting the growth in demand, largely due to underfunding (Community Law Australia, 2012). Of the 1,000 Australians surveyed by The Australia Institute, 88% reported that the legal system was too complex for them to understand comprehensively (Deniss et al., 2012). A further 83% of respondents in the same study believed that it was necessary to be wealthy in order to protect their legal rights, and only 43% reported that they would be able to hire a lawyer if they had a serious legal problem. The lack of finances and resources are particularly pertinent for women, due primarily to the financial inequity experienced through their working life and expectations that women provide unpaid caring for others (Australian Human Rights Commission, 2013; Organisation for Economic Co-operation and Development, 2011; Adema, 2013; Cameron, 2013). In Australia, the average working woman earns 18.2% less than their male counterparts (Workplace Gender Equity Agency, 2014), and for many this issue is compounded by the interruptions in their career and their greater participation in part-time work (Parkinson, Weiss, Zara, Duncan, & Judd, 2013; Oxfam, 2014).

Family law problems have been found to be the most common substantial legal problem faced by Australians (78%) with the most detrimental repercussions (Coumarelos et al., 2012, p. xvi). The Productivity Commission's *Access to Justice Arrangements Draft Report* indicates that the unmet legal need in women is higher in comparison to men (Productivity Commission, 2014). Family violence, child contact and property have been identified as key

⁵ Men are more likely than women to be involved in criminal matters. (Victoria Legal Aid, 2014a)

legal issues for women (Povey & Moore, 2012; Stubbs, Lux, & Wilson, 2012; Victoria Legal Aid, 2014b). Despite this, VLA and CLCs continue to have limited capacity and resources to assist with ongoing casework for family violence, family law and child protection matters as criminal law matters are prioritized (Productivity Commission, 2014; Women's Legal Service Victoria, 2013; Victoria Legal Aid, 2014a). In 2012, the presence of family violence was the primary reason people were successful in accessing legal assistance through VLA, and 71.7% of VLA duty lawyer services were used for family violence matters (Victoria Legal Aid, 2012). A 2011 Australian study found that women who have separated from abusive partners spent a considerable amount of time and money to resolve their matters through the legal system, and that legal issues were critical in their financial outcomes (Braaf & Meyering, 2011). In their submission to the 2009 Access to Justice inquiry, National Legal Aid reported that although priority was given to family law matters where family violence was present, legal aid continued to be unable to meet the demand (Senate legal and Constitutional Affairs References Committee, 2009). Victoria Legal Aid aims to provide free duty lawyer services to people attending court who cannot afford a lawyer, however the availability and level of assistance is dependent on circumstances (Victoria Legal Aid, 2014c). Duty lawyers are not routinely available in rural courts, for example (Victoria Legal Aid, 2014c). Assistance provided can range from giving legal information or advice at court, to representation or arranging for a legal aid lawyer to run a case.

In Australia, the most common legal response to women who are experiencing family violence is to apply for a family violence intervention order (Douglas & Fitzgerald, 2013). This reflects the increasing focus on providing a legal response and using intervention orders as the key strategy to tackle family violence in Australia, the UK, USA and Canada (Douglas & Fitzgerald, 2013). The majority of applications for intervention orders are made by, or on the behalf of, women against the perpetrator. This most commonly occurs by police in Victoria. However Douglas and Fitzgerald (2013) refer to a small number of cases of 'cross-application' where both parties apply for intervention orders against each other, resulting in 'cross-orders' where the court grants intervention orders against both parties. Studies into cross-applications have raised concerns that men are using them as a method to intimidate and force mutual withdrawal of the intervention orders (Douglas & Fitzgerald, 2013). In Queensland cross-applications are rising as a whole (and as a proportion of all intervention orders (Douglas & Fitzgerald, 2013), and Wangmann (2010, cited in Douglas & Fitzgerald, 2013) argues that in some instances it could be considered as a continuation of violence against the victim (Douglas & Fitzgerald, 2013).

Access to legal advice

This section will consider women's access to private lawyers, and then explore the range of free legal services available.

Private lawyers

Access to the legal system is costly and for many the expense of a private solicitor is prohibitive. The unaffordability of private legal services for many people was to be addressed by the legal aid system, through the provision of free or low-cost legal assistance (Senate Legal and Constitutional Affairs References Committee, 2009). Women, in particular have a greater need for low cost or free legal services as they face significant barriers in engaging private solicitors due to their limited financial resources (de Vaus, Gray, Qu, & Stanton, 2009). An Australian study by Braaf and Meyering (2009) found that one of the key areas of

concern that women expressed in interviews was the high cost of legal fees. Some of the women interviewed reported having to make a choice between necessities such as paying rent, buying food, or paying for ongoing legal assistance (Braaf & Meyering, 2009, 2011). The 2009 Senate inquiry found that those who could not afford to engage a private lawyer could not access legal services (Senate Legal and Constitutional Affairs References Committee, 2009).

Currently, in addition to the provision of legal assistance from legal aid, private solicitors who receive grants of legal aid can provide assistance to people who meet the criteria. However, increasingly, private solicitors cite the limited grant amounts available from VLA as the key factor affecting their ability and willingness to assist with legally aided family law matters (Povey & Moore, 2012). Accessing legal aid is difficult for many women who find that they are ineligible, frequently due to the assets they still own jointly with the violent ex-partner, or because they have received a settlement but not yet entered another mortgage (WIRE Women's Information, 2014).

Legal Aid

There has been a reduction in government funding for legal aid and legal services across Australia over the past two decades (Buck & Curran, 2009). Buck and Curran (2009) argue that, since the mid-1990's, legal aid has been contingent on politics rather than on an evidence base of legal need and advice seeking behaviour. The 2009 Senate inquiry heard that for many women, the lack of legal representation was directly related to the reduction in legal aid funding (Senate legal and Constitutional Affairs References Committee, 2009). Women's inability to engage legal representation is compounded by lack of about their rights and responsibilities (Senate legal and Constitutional Affairs References Committee, 2009).

VLA has experienced a series of funding cuts over 20 years which saw the closure of two metropolitan offices in 2013, as well as tighter restrictions on the eligibility criteria for aid, resulting in previously funded family law matters now not being funded (Buck & Curran, 2009; Victoria Legal Aid, 2013a). The Victorian Magistrates Court reported an increase of 82.2% in Family Violence Intervention Orders (FVIO) made between 2004 – 05 and 2011 – 12, together with a 72.8% increase in the number of family violence incidents reported to police (Sentencing Advisory Council, 2013). This clear increase in demand is due to a change in police practice resulting in more FV incident reports (see Appendix 1). However VLA continues to experience funding deficits despite the commitment by both State and Federal governments to eliminate family violence (Council of Australian Governments, 2013; Department of Social Services, 2013; Wooldridge, 2014). As a result of funding shortfalls for family law matters, VLA have not provided funding for instructing solicitors since 2008. Today, except in very limited circumstances, legally aided individuals who have parenting proceedings in the family courts do not receive funding for representation at the final hearing, unless the other party has private legal representation (Victorian Legal Aid, 2013b).

There is a dissonance between the rhetoric of governments, the good practice of police, and the decrease in funding available to assist women through the legal processes following the granting of an Intervention Order. A 2011 Australian study found that women who have separated from abusive partners spent a considerable amount of time and money to resolve their matters through the legal system, and that legal issues were a key source of stress and financial hardship (Braaf & Meyering, 2011). The Law and Justice Foundation of New South Wales, found that in Australia family law problems commonly presented in combination with credit, debt and financial legal problems (Coumarelos et al., 2012, p. xv).

In their submission to the 2009 Access to Justice Inquiry, Women's Legal Service (SA) argued that the reduction in legal aid funding for family law discriminates against women and acts as a barrier to them accessing the justice system (Senate Legal and Constitutional Affairs References Committee, 2009). In particular they highlighted the relatively low 'cap' of \$10,000 in family law matters⁶ in comparison to the \$15,000 – \$60,000 for criminal law matters. There have been reports of perpetrators making multiple applications on trivial matters to the court, which the woman is required to respond to, in order to consume her legal aid funding (Women's Legal Services SA cited in Senate legal and Constitutional Affairs References Committee, 2009). The 'cap' for legal aid could be reached by women at a critical stage in their case, at which point they would lose their Legal aid funded lawyer or be encourage to settle (Braaf & Meyering, 2009; Women's Legal Services SA cited in, Senate Legal and Constitutional Affairs References Committee, 2009). This was a particular point of frustration for women who believed that the perpetrator was deliberately initiating other legal matters to use her legal aid funding as a way to continue the abuse post separation (Braaf & Meyering 2009). Other women were concerned about the constant change and the number of different lawyers who advised them on their case, none of whom they felt were completely briefed about the matter. Some women stated their legal aid lawyers appeared disinterested in their case.

Community legal centres

In 2012, 30 community legal centres (CLCs) operated out of 47 offices in Victoria to provide legal support in family law and family violence matters. Of the 47 offices, 31 were located in metropolitan Melbourne while only 16 were located in rural or regional Victoria (Povey & Moore, 2012). Unlike VLA which does not provide legal assistance for property matters,⁷ some CLCs offer this service. Over a third of the free legal services offered by CLCs were unable to assist with property settlement and contested family law matters due to limited capacity. As a further obstacle for women seeking legal advice in attempting to leave violent partners, most CLCs excluded child support matters. Less than a third of the lawyers who provided advice on family violence, family law and child protection matters specialised in these areas (Povey & Moore, 2012). A 2010 study in the UK found that people who required legal advice found that the location of the CLC influenced their view on the accessibility of advice (Buck, Smith, Sidaway, & Scanlan, 2010). Unlike in urban areas, CLCs in rural areas did not provide duty lawyer services for the Federal Magistrates Court (now the Federal Circuit Court) and Family Court circuit listings (Povey & Moore, 2012). A UK study of CLCs found that both clients and staff reported a great advantage in the co-location of, or access to specialist advisors as it reduced travel times and referrals for advice in other areas (Buck et al., 2010). This is particularly pertinent to rural women who currently are not assured of any legal assistance at all as they attempt to navigate the legal requirements of leaving a relationship with a violent man.

Duty lawyers

In Victoria, applicants and respondents to family violence intervention orders can access duty lawyers at interim hearing stage at some but not all courts across the state (Victoria Legal Aid, 2013a). In 2009-10, a Victorian survey of legal services found that 'fewer than half of the

⁶ The cap in Victoria is now \$15,510 for each matter and it is possible to ask for an extension.

⁷ Except to attend Roundtable Dispute Management (mediation) and only in very limited circumstances.

services provide any other representation and/or ongoing casework in relation to family violence matters' (Povey & Moore, 2012, p. 23)

In relation to Family Law matters, too, cuts to VLA by the Commonwealth government have resulted in large case-loads and less time for duty lawyers per client, leading to negative client perceptions of the duty lawyer service (Carbonell, 2013; Malone, 2014).

Many women do not continue on to court due to these barriers, particularly in rural areas where there is a paucity of free legal services (see following section). In addition to the increase in demand for legal assistance in court and the decrease in available legal assistance, there are more women self-representing as they are unable to access legal services, often due to a conflict of interest (Richardson, Sourdin, & Wallace, 2012). A conflict of interest can arise where a perpetrator has previously sought advice from a lawyer who the victim/survivor seeks to access for advice. Conflicts of interest can significantly impede women's access to legal advice and representation (George & Harris, 2014; Joint Committee of Public Accounts and Audit, 2005), especially if they are living in rural areas (George & Harris, 2014). Court staff members encourage FVIO applicants to seek legal advice as soon as possible in order to reduce the likelihood of a conflict of interest arising (Povey & Moore, 2012). However, men who are served by police with an intervention order application in Victoria are immediately in a position where they require legal advice, and are more likely than the affected family member (the woman) to reach legal services first (Joint Committee of Public Accounts and Audit, 2005).

Courts

The expense which governments incur in funding legal aid is obvious and measurable. What is not so obvious, and not so easily measurable, but what is real and substantial, is the cost of the delay, disruption and inefficiency, which results from absence or denial of legal representation. Much of that cost is also born, directly or indirectly, by governments. Providing legal aid is costly. So is not providing legal aid. (Chief Justice Murray Gleeson, 1999 cited in Senate Legal and Constitutional Affairs References Committee, 2009, p. 44).

The Federal Magistrates Court (now the Federal Circuit Court) began operation in 2000 and was established as an informal, generalist court to resolve matters expeditiously and to reach agreement by promoting settlement (Chisholm, 2009). While this court hears applications in relation to immigration, consumer protection, administrative law, bankruptcy, etc., 90% of the matters heard in 2013/14 related to family law (Federal Circuit Court of Australia, 2014). The Federal Circuit Court of Australia noted the significant increase in notices of child abuse and family violence from 1022 in 2009/10 to 5811 in 2013/14. This increase followed legislative changes in 2012, specifically directed at encouraging disclosures. The increase in the number of self-represented litigants (SRL) as a result of reduction in legal aid has had a significant impact on trial lengths, court practice and procedures and has had an impact on the outcome of some cases (Caruana, 2002; Richardson, Sourdin & Wallace, 2012). This has led to rising concerns that self-represented litigants may enter into unfavourable settlements or agreements because of their inability to put their case before the court, or as they do not have complete understanding of the legal implications. An Australian study in 2000 found that a disproportionate number of SRLs are from a low socioeconomic background, with over half of that group disengaged from paid work (Dewar, Smith, & Banks, 2000 cited in Caruana, 2002). Matters involving children have the highest number of SRLs, suggesting the inability of the parents to pay for lawyers. Another Australian study in 2000 found only 31% of Family

Court judges interviewed believed that SRLs were competent in their proceedings (Caruana, 2002). The same study found that only a third of the litigants they interviewed were confident in presenting their cases in court. There are clear implications in the extra time judges must spend informing SRLs of the rules of the courtroom (Richardson, Sourdin, & Wallace, 2012).

A key area of concern for SRLs in the family law courts is the perpetrator's right to cross-examine the witness if both parties are unrepresented (Victorian Aboriginal Legal Service Co-operative, 2010). Numerous reports have been published in Victorian newspapers and radio chronicling instances where perpetrators deliberately refused legal assistance in order to cross-examine the victim in court (Lee, 2013a, 2013b; Lee & Bucci, 2012; Sara, 2013a, 2013b). Concerns have been raised regarding the lack of safety measures in the Federal Magistrates Court, in particular the need to use technology such as video link in instances where the victim of family violence would be cross-examined by a perpetrator (Chisholm, 2009). Women who have self-represented have conveyed frustration and lack of faith in the court system as legal assistance is unaffordable to them, and they have felt their lack of expertise resulted in their concerns not being heard. They especially highlighted issues around their own and their children's safety (Buck & Curran, 2009). The Women's Legal Centre Victoria provides an example of a case that was before the Federal Magistrates Court where allegations of controlling behaviour and family violence were made against a perpetrator who had previous criminal convictions for a weapons offence (Chisholm, 2009). The victim felt that the violence she experienced was played down as the Federal Magistrate suggested that the violence was mutual with a comment that both parties 'knew how to push each other's buttons' (Chisholm, 2009, p. 163).

In its submission to the 2009 Senate inquiry, Strong Law noted that victims who made allegations of family violence 'may be seen to be neurotic or liars...' depending on the judicial officer involved in the matter (2009, cited in Chisholm, 2009, p. 164). The Women's Family Law Support Service, run by NSW Women's Refuge Movement and the Sydney Family Law Registry, commented on the court placing significant emphasis on settlement by both parties, indicating this was problematic (2009, cited in Chisholm, 2009). They highlighted the experience of a woman who left with the perception that the court wanted expediency in settling the matter rather than a safe outcome.

Women

The purpose of this paper is to focus on women's access to legal advice. Throughout, it considers a range of factors that affect women generally, and particular factors that affect women leaving violent men. Women who experience violence are vulnerable, however certain groups experience additional barriers to accessing legal advice.

CALD women

There continues to be debate regarding the prevalence of family violence in new and emerging communities (Ghafournia, 2011). The Family Law Council reports that CALD women are over-represented in the intake statistics of some family violence services (Family Law Council, 2012) while the Ethnic Communities Council of Victoria (ECCV) argues that academic literature supports the view that family violence is experienced across all socio-economic and ethnic groups (Ethnic Communities' Council of Victoria, 2013). Culture itself is not a key determinant of violence against women in CALD communities (Pease & Rees, 2008). The acceptance of violence against women by communities, and political and socioeconomic

factors are commonalities that transcend cultures (Easteal, 1996; Pease & Rees, 2008). Violent acts may manifest in culturally specific ways, however violence against women is evident across many cultures. As culture is fluid, generalisations based on race or ethnicity overlook intersectional factors which contribute to their identities and affect people's lives (Family Court of Australia & Federal Circuit Court of Australia, 2013, p. 7). Racism and negative media reports of the migrant and refugee diaspora create significant barriers for communities to discuss the issue of family violence (Ethnic Communities' Council of Victoria, 2013; Poljski, 2011). Many CALD women are reluctant to report violence out of concern of negative stereotyping and misrepresentation of their community or culture (Poljski, 2011). The lack of social capital and networks act as further barriers for CALD women to leave violent relationships (Ghafournia, 2011). There are a range of reasons why CALD women are less likely to report instances of violence, including a lack of knowledge about the law and their rights, fear of exclusion by their community, fear or mistrust of authority and the legal system, their visa status (which may be precarious), as well as the limited availability of support services (Bartels, 2010; Family Court of Australia & Federal Circuit Court of Australia, 2010; Family Law Council, 2012; George & Harris, 2014; Rana, 2010). Many immigrant and refugee women do not report family violence due to their fear that the perpetrator will be incarcerated, or that the woman and her children will be deported together with the perpetrator (Rana, 2012).

The Legal Australia-Wide Survey found that there was a lower prevalence of legal problems in migrant populations (Coumarelos et al., 2012, p. xvi). Lack of knowledge of the law and the legal system and how to access support services, together with language limitations, were identified as significant barriers for women of CALD background to access the justice system (Cox, Young, & Bairnsfather-Scott, 2009; Women's Legal Service NSW 2007 cited in Ethnic Communities' Council of Victoria, 2013, p. 10; Pease & Rees, 2008). For many, the lack of access to interpreters has been cited as a key issue for refugee women who require legal advice, including for those working with private solicitors (Cox et al., 2009; Ghafournia, 2011). For legal service providers who are poorly resourced, the expense of engaging an interpreter has been found to severely limit their ability to work effectively with CALD clients. Problems with accessing interpreters in court are marked in regional areas, with reports of some areas experiencing a six to eight week waiting period, and other areas having little to no access to onsite interpreters (Cox et al., 2009).

Newly arrived people from a refugee background are provided intensive settlement support through the Humanitarian Settlement Services (HSS) program on arrival and during the early stages of their settlement journey, however they are inundated with an overwhelming amount of information during that period (Ethnic Communities' Council of Victoria, 2013). A HSS worker provided an example of the volume of information given to newly arrived people of refugee background:

We do five minutes orientation on second day of arrival on domestic violence, when even the jet lag is not gone, along with other things like registering with Centrelink, opening bank account, obtaining Medicare, using ATM card etc. They are given no education on what Centrelink is, what is that money to be used for. (Versha & Venkatraman, 2010, p. 49)

In addition to the large volume of information, needs such as housing, schooling and employment are prioritised in the initial stages of settlement, and therefore not all women will receive information on family violence (Poljski, 2011). These needs are often compounded with low levels of English language and literacy. Settlement services are the

first point of contact for people of refugee background, however, as family violence and relationship breakdown are not recognised as settlement issues, service providers do not have expertise in the areas of family violence or family law, and are often not trained or funded to provide support in those areas (Family Law Council, 2012). Migrant, refugee and asylum seeker women are particularly at risk as their visas status often not only perpetuates control over women by their sponsors or partners, but also determines women's access to support services (Poljski, 2011). Asylum-seeker and refugee women's inability to return to their country of origin due to conflict, persecution and other factors increases their vulnerability and the risk that violent partners present to their lives and well-being (Asylum Seeker Resource Centre, 2010; Pease & Rees, 2008).

Women with disabilities

People with a disability are more likely to experience a wide range of legal problems and have the lowest rates of finalisation of those problems across Australia (Coumarelos et al., 2012, p. 18). Women with disabilities are targets for violence and continue to face barriers to accessing support services due to the stereotype of what it means to have a disability (Woodlock et al., 2014). Research suggests that the interconnection of sexist and disablist beliefs, combined with the cultural acceptance of perpetrators' abusive behaviour not only results in the silencing of women with disabilities, but are significant contributing factors to violence (Chenoweth, 1996; Howe, 1999; Woodlock et al., 2014). Women with disabilities experience the same forms of violence as all women. However they are at greater risk, and experience violence with greater frequency and in specific ways which are often linked with their disability (Howe, 1999). 'Disability-based violence' includes the control of access to mobility, communication support and medication, as well as using threats to institutionalise women or withdraw care. Control of sexuality through the administration of birth control medication, and historically, through forced sterilization, is another location for violence against women with disabilities (Chenoweth, 1996). For some women, years of discrimination and abuse have left them desensitised and unable to recognise the behaviour as abuse (Howe, 1999). Police response to reports of violence varied from woman to woman. While some women reported that they felt the police did not respond to disclosures of violence seriously, others interviewed by the Office of the Public Advocate (OPA) felt that the police acknowledged their experience with empathy and worked to decrease their distress (Woodlock et al., 2014, p. 18).

Men who were intimate partners of women with disabilities were found to be the largest cohort of perpetrators of violence against them (Woodlock et al., 2014). However many women report experiencing violence from different perpetrators, including male relatives, parents, strangers as well as carers and support staff (McGuire, 2014; Woodlock et al., 2014). Research into institutional abuse found that the power which was central to the operation of institutions effectively created a sense of passivity and loss of self in women with disabilities (Howe, 1999). This power is compounded when people with disabilities are taught from a young age in a variety of settings - from group homes, schools to day programs - that they need to be compliant to staff demands (Chenoweth, 1996). It has been found that some perpetrators of violence actively apply for positions where they will have access to women with disabilities (Chenoweth, 1996).

Women with disabilities experience barriers in reporting intimate partner violence not only due to the intimate relationship with the perpetrator, but also because they are dependent on him as a carer (Dimopoulos & Fenge, 2014). Women with children were reluctant to report violence as they feared that their children would be removed from their care

(Woodlock et al., 2014). For some, those fears became a reality. OPA found that disability-related economic abuse was identified as the primary form of violence (Woodlock et al., 2014), with perpetrators withholding finances to pay for medication or personal needs, damaging wheelchairs or communication devices, or preventing women from undertaking paid work by withholding care and refusing to wash or groom them (Dimopoulos & Fenge, 2014).

For women with disabilities, economic abuse can be difficult to prove, as the perpetrator controlling the finances can justifiably argue the necessity to manage the funds if the disability renders the woman incapable of doing so herself. An American study, now more than 30 years old, investigating 162 reports of sexual abuse against people with disabilities found that 95.6% of adult victims (over 21 years of age) were women. The study found in 99% of the cases the perpetrator was known to the victim, 91% of the perpetrators were male, and 44% of the victims experienced abuse while in a hospital, group home or institution (Sobsey and Doe, 1991 cited in Howe, 1999). A Victorian study by the Office of the Public Advocate found that 45 out of 100 women with disabilities, in the case files they investigated, reported incidents of violence, however they noted the figure could be higher as family violence is usually underreported (McGuire, 2014). The 45 women interviewed by the OPA reported experiencing violence at the hands of 89 perpetrators, and while most women stated that they experienced violence from one perpetrator, some women experienced violence from between two to six perpetrators. One woman in particular reported that there had been 15 perpetrators of violence in her life (McGuire, 2014).

Aboriginal and Torres Strait Islanders

Colonisation has had a long-term and devastating impact on Aboriginal communities, social structures and traditional values, which has engendered mistrust in the justice system and authorities (Ruska & Turner, 2009; Willis, 2011). The denial of lore, language and ownership of land combined with the imposition of Western culture and harmful policies restricting self-determination has created intergenerational dependence and a loss of hope amongst some Aboriginal people (Cox et al., 2009). While Aboriginal and Torres Strait Islander (from this point 'Aboriginal') women experience disadvantage similar to the discrimination experienced by non-Aboriginal women, they also experienced discrimination specific to their identity as Aboriginal women (Aboriginal Family Violence and Prevention Legal Service Victoria, 2009;). *The Aboriginal and Torres Strait Islander Women's Task Force on Violence Report* stated that the Queensland Director of Public Prosecutions received feedback from Aboriginal and Torres Strait Islander women who disclosed hearing lawyers and judges normalise violence within Aboriginal and Torres Strait Islander communities and therefore not take the matter seriously (Robertson, 2000 cited in Willis, 2011).

An Australian study in 2010 found that only 63% of Aboriginal women interviewed reported that they would disclose incidents of violence to the police (Willis, 2011). Not only do they experience discrimination in the justice system due to historical impacts, the confusion and trauma of navigating the system can be compounded by its complexity (Aboriginal Family Violence and Prevention Legal Service Victoria, 2009; Ruska & Turner, 2009; Willis, 2011). They also experience inequity through the administration of legal services established specifically for Aboriginal people as these services are often unable to meet their needs (Aboriginal Family Violence and Prevention Legal Service Victoria, 2009; Joint Committee of Public Accounts and Audit, 2005). Most Aboriginal Legal Services, including the Victorian

Aboriginal Legal Service (VALS) support male clients due to their focus on criminal law matters. Where it is known that the perpetrator is receiving legal advice, Aboriginal women are reluctant to seek legal assistance from them as a victim/survivor as they feel that it is not appropriate for men and women's business to be mixed (Aboriginal Family Violence and Prevention Legal Service Victoria, 2009).

Aboriginal women in Western Australia are 35 times more likely of being charged for a violent offence compared with non-Indigenous women (Wundersitz, 2010). Accessing legal aid can be intimidating for many Aboriginal women, not only due to the distrust of bureaucracies for historically negative interactions, but also many women experience difficulties in completing the application form in writing (Ruska & Turner, 2009). This is reflected in Victoria where it is unlikely that Aboriginal women will access legal assistance through VLA, as their 2008/09 client data showed that only 2% of their clients identified as Aboriginal (Aboriginal Family Violence and Prevention Legal Service Victoria, 2009). It appears that Aboriginal women are also reluctant to access mainstream legal services for family violence (Aboriginal Family Violence and Prevention Legal Service Victoria, 2009).⁸ While the Aboriginal Family Violence and Prevention Legal Service provides a safe space for Aboriginal women to come forward, it is a small service.

A large proportion of Aboriginal women in prison have indicated that they have experienced family violence or sexual assault. A NSW study showed that 70% of survey respondents reported that they had experienced sexual and other forms of abuse as a child, and 44% reported sexual assault as an adult (Aboriginal Family Violence and Prevention Legal Service Victoria, 2009). The over-representation of Aboriginal women in the prison system is partially a result of the lack of access to legal advice as a result of racism (Aboriginal Family Violence and Prevention Legal Service Victoria, 2009). The most recent statistics available are from 1994, as cited by the Public Health Association of Australia in 2013. They indicate that 178 Aboriginal women per 100,000 were imprisoned in Australia at that time, in contrast to 9 per 100,000 for non-Indigenous women (Public Health Association of Australia, 2013). Aboriginal and Torres Strait Islanders comprised 2.4% of the Australian population but represented 27% of the prison population in 2013 (Public Health Association of Australia, 2013). Despite the increase in criminal sentences and incarceration rates for perpetrators of violence, the criminal justice system has been ineffective in preventing further violence through behaviour change as it fails to address the underlying causes of family violence (Victorian Aboriginal Legal Service Co-operative, 2010). From 2002 to 2012 there has been a 70% increase in the number of Aboriginal women imprisoned. In 2012, they comprised roughly 34% of the total female prison population in Australia (Public Health Association of Australia, 2013). Despite the rapid increase in incarceration rates for Aboriginal women, the systemic causes continue to go unaddressed by policy makers (Public Health Association of Australia, 2013).

Rural women

Family violence is a significant issue for women living in rural and remote communities. Geographic isolation and a lack of support services are key factors for rural women who experience violence (Carrington & Scott, 2008; George & Harris, 2014), and family violence is believed to be experienced at a higher rate for women who live in remote communities (Crime Research Centre, 1997; Women's Services Network, 2000). Women who live on farms convey their experience of perpetually being under surveillance by the perpetrator who lives and works on the property, an experience which is exacerbated by their social isolation

⁸ Comparable data was not available in 2011.

(George & Harris, 2014). Community attitudes which put preference on maintaining the family unit can act as a barrier for rural women to disclose, especially if the perpetrator owns a family farm or business that has been passed down the generations. As reputation and lineage are valued, disclosures of violence are seen as damaging to the reputation of both family and business.

Legislation, policies and allocation of resources are skewed towards an urban environment and often not feasible in rural areas (George & Harris, 2014). For example, in rural courts exclusion orders are not as widely utilised as in metropolitan regions, as the courts considered the exclusion of perpetrators from the property as barring them from access to the farm or business (Povey & Moore, 2012). Another example is the issuing of Family Violence Safety Notices. Family Violence Safety Notices were initially designed to be valid for 72 hours before being returned to court, however this was extended to 120 hours in February 2014 (Federation of Community Legal Centres et al., 2013) due to the restrictions experienced by the police and courts in rural areas (Thomas Goodall Associates, 2010). The length of time between rural court sitting dates was identified as a key reason for police in rural areas not issuing FVSNs, further complicated by the need for it to be heard at a court with proper venue conditions which was designed to ensure the safety of the victim (Thomas Goodall Associates, 2010). Further, in comparison to metropolitan areas, women in rural regions have inconsistent access to legal services and duty lawyers (Senate legal and Constitutional Affairs References Committee, 2009; George & Harris, 2014; Victoria Legal Aid, 2014). In certain regional areas, women experienced substantial difficulty in accessing duty lawyer services. Additionally, there are a lower proportion of exclusion orders issued by non-specialist Magistrates Courts in rural areas, despite statements from family violence agencies highlighting the success of exclusion orders in reducing homelessness for women who have experienced violence (Povey & Moore, 2012). Support workers reported that, at times, visiting magistrates were unfamiliar with the rural area they were visiting, and they would make contact orders which were more lenient than necessary (George & Harris, 2014). A support worker provided an example:

A magistrate might think there's only one supermarket in town that people can go to... so will make an order that people only need to be five metres away from each other when [in] fact it would work if the order was that they had to be 200 metres or 600 metres from each other. (George & Harris, 2014, p.50)

The Family Court of Australia and the Federal Circuit Court have measures in place to ensure safety at court for women who have experienced family violence, ranging from police attendance, separate waiting areas, entrances and exits, the use of video link as well as staggered times for arrival and departure (Chisholm, 2009). Submissions to the *Family Courts Violence Review* noted safety measures and facilities were less likely to be available in rural courts, as circuit court buildings can be difficult to access and too small to have safe rooms (Chisholm, 2009). In 2009, Chisholm reported on the withdrawal of services by the Australian Federal Police in Family Court buildings. This resulted in limited assistance from security staff when there were incidents of violence and threats, as security only screened people who entered the court building and did not intervene to protect litigants. Instances where lawyers intervened to protect their clients, and frequent occasions of duress buttons failing to elicit an appropriate response from relevant staff were noted (Chisholm, 2009, p. 159).

Outreach

Co-located services of both non-legal and legal service providers have been recommended to increase access for clients experiencing complex and multifaceted issues (Povey & Moore, 2012; Senate legal and Constitutional Affairs References Committee, 2009). In order to seek legal assistance and remedy the issue, individuals' first need to be able recognise the legal nature of their problems so that they can exercise their rights (Buck & Curran, 2009). Co-location assists with this. A holistic approach is recommended to resolve legal issues as marginalized individuals are unlikely to seek assistance from a legal service, especially if they have difficulty in navigating and coping with bureaucracies (Aboriginal Family Violence Prevention Service Victoria, 2009; Buck & Curran, 2009; Gilbert & Tobin cited in Senate legal and Constitutional Affairs References Committee, 2009; Law & Justice Foundation, 2012).

Research into outreach for legal and financial advice found that people wanted advice specific to their situation rather than general information available in a publication (Buck, Tam, & Fisher, 2007). Outreach models found that success in reaching clients with complex needs was dependent on being appropriately connected with support agencies for the target group, and that tackling the issue in a multi-pronged manner resulted in the problem being dealt with contextually instead of in isolation (Buck & Curran, 2009). Research into co-located outreach highlighted the importance of holding the outreach session in services regularly used and trusted by the target client group, but also a location that is easily accessed by public transport (Buck et al., 2007; Povey & Moore, 2012). A benefit of the holistic model of outreach and service delivery was the expansion of networks and the increase in skills and knowledge for both legal staff and the staff of the host agency (Forell & Gray, 2009). Co-location with a service did not automatically generate referrals to the legal service, and a key factor for success was building relationships with workers who identified clients with problems, in particular with caseworkers who were known to and trusted by the client. Some clients reported an increase in self-esteem and their own capacity to resolve their issue despite the legal assistance not achieving their desired outcome (Forell & Gray, 2009).

The nature of disadvantage experienced by some people results in a complex intersection of legal and non-legal issues. Buck and her colleagues, noted in their report that whilst people are willing to seek out assistance for one issue, some experience significant difficulties in working effectively with lawyers to resolve their legal matters (Buck et al., 2007). Complicating factors for some clients stemmed from their distrust of lawyers, as well as their embarrassment at seeking help for multiple matters or not having the necessary documents. Frequent client cancellations were reported, and those who were hard to engage with did not reschedule appointments if they were unable to get advice when they dropped-in to the session. Many clients requiring legal assistance needed additional practical support, including support in gathering necessary documents or letter writing. In Australia the success of the Justice Connect's Home Law clinics (previously the Public Interest Law Clearing House's PILCH, Homeless Person's Legal Clinic) stem from the provision of legal services by pro bono lawyers at locations where their clients are most likely to access support services (Buck et al., 2007). Providing legal advice through drop-in sessions at the outreach location is another factor for success as their clients do not have to make appointments and attend a service they are unfamiliar with. A key strength of the program is the requirement of the lawyers to understand and be exposed to aspects of their clients' lives, rather than approaching the provision of legal advice in a paternalistic manner by acting in the best interests of the client which some clients have reported to find disempowering.

How is technology used for outreach?

Phone

In 2011 the UK government proposed changes to access legal advice on civil law matters through the use of a 'gateway' model utilising the Community Legal Advice Helpline, citing the need to capitalise on the advances in technology and reduce expenditure on legal aid (Ministry of Justice, 2011; Balmner, Smith, Denvir, & Patel, 2012). Since the decision to modernise public services, successive governments have continued to highlight the need to utilise technology through the adoption of a 'digital by default' policy, so that face-to-face services would be available only in exceptional circumstances (Balmner et al., 2012). Some research into both legal and financial advice models suggests that for people who have mobility issues, living in rural areas, with transport limitations, who are carers, or people who have time constraints – all would benefit from outreach services or access to advice over the phone (Balmner et al., 2012; Day, Collard & Hay, 2008). Justification to move to the phone gateway model came from an assessment that provision of advice over the phone was preferable to face-to-face advice. Those who sought legal advice on civil matters found that physically attending legal services was not only stressful and inconvenient, but also time consuming (Balmner et al., 2012). However, costs to access legal advice over the phone was cited as a barrier for some disadvantaged groups as they might not have access to landlines. Studies into client types who access phone advice found that the majority were English speaking, middle aged females with dependent children (under 18), although income levels, ethnicity and education varied (Balmner et al., 2012).

An analysis in the UK was conducted of 131,608 cases relating to tenancy law advice where 22.5% of clients received phone advice and 77.5% received face-to-face advice (Balmner et al., 2012). The study found that on the surface phone advice sessions took less time than face-to-face advice. Advice over the phone took 133 minutes in comparison to the 192 minutes for advice given in a face-to-face session. However deeper analysis found that there were differences in both problem and client types, as well as differences in the stage reached in terms of resolution of the legal problem. Phone advice was used during the initial advice session, however face-to-face advice was used as the matter progressed towards resolution. When aspects such as matter types, the client's socio-economic status, and most significantly, the stage reached, were controlled for the analysis, it was found that phone advice on average lasted 14 minutes longer than face-to-face advice. The reason for the greater length for face-to-face advice was attributed to the client types, as it was found that disadvantaged people preferred to seek advice in person (Balmner et al., 2012).

Overall, the development of rapport and a relationship between the lawyer and the clients was seen to be essential when working with vulnerable groups to successfully progress with the case, and phone calls were not an appropriate substitute for these groups (Balmner et al., 2012). The same UK study into the behaviour of people who sought legal advice found that while people were willing to accept legal advice over the phone, they preferred to meet their lawyer face-to-face if they were at crisis point, or for complex matters (Balmner et al., 2012). The UK Ministry of Justice consultation found that importance continued to be placed on face-to-face legal advice, as advocacy groups raised concerns for people who would struggle to communicate their needs over the phone, or who may not have (private) access to phones, in particular landlines, and therefore would have their access to justice restricted and fail to take action to resolve their legal issues (2011). Respondents to the consultations argued that vulnerable groups including victims of abuse, refugees, asylum seekers and

immigrants as well as people with intellectual disabilities would be disproportionately affected by the move to phone-only advice (Ministry of Justice, 2011).

An American study into clients who received advice from five phone legal advice lines found that people who needed additional support struggled to follow or implement the advice provided (Balmner et al., 2012). The research found that 42% of clients who identified as having either a health condition or a disability reported that they would struggle to implement the advice they had been given. The study identified other barriers to following the advice provided, primarily: transport limitations (33%); language (12%) and problems with their schedules (16%). The groups which reported the highest number of unfavourable outcomes in trying to resolve their legal issue experienced language barriers, transport limitations and issues with scheduling (Balmner et al., 2012). Similarly, some research has indicated that concrete assistance, whether it is the form of letter writing, preparing documents or court representation, and not just advice, assists individuals with complex matters (Forell & Gray, 2009).

Videoconferencing

Due to the ability to visualise the other person and pick up on non-verbal cues, it is presumed the use of videoconferencing technology to communicate is preferred to using the phone (Buck et al., 2007). Many Australian courts have employed technology to increase efficiency and access to court processes, including the use of phone or video conferencing for court applications, and adopting a range of technologies to improve the running of a trial (Productivity Commission, 2014). The legal sector has used videoconferencing technology in their work with prisoners to provide legal assistance as well as using it for hearings and court appearances (Forell, Laufer, & Digiusto, 2011). The primary aim to adopt videoconferencing technology is to reduce costs and increase efficiency. When videoconferencing was first introduced in NSW correctional centres in 2003 the service was used 938 times within the financial year. Within seven years, the rate increased 10-fold to over 10,000 in 2009 – 2010 (Forell et al., 2011). While videoconferencing was seen as a beneficial service and decreased costs associated with travel time, research suggests that lawyers, workers and clients need to be comfortable with using the technology (Forell et al., 2011; George & Harris, 2014). In particular, the key role of the worker in supporting and encouraging both clients and co-workers to use technology was noted, along with the recommendation that funding take into consideration additional resources such as equipment and support that would be required for both clients and workers. The use of Skype was cited in a 2014 report by some rural networks, and it was noted that Skype communication is encrypted so it provides additional privacy and security for the women and lawyers (George & Harris, 2014, p. 62). Another advantage is that Skype is cheaper than videoconferencing and it has lower hardware set-up costs (George & Harris, 2014, p. 62).

A review of the use of video conferencing legal advice found that while many people preferred face-to-face meetings, video conferencing was found to function well and was received well by both clients and lawyers (Forell et al., 2011). However some impediments with technology were noted. Problems with video conferencing, such as low quality of images, and videos freezing or dropping out were reported to be frustrating for both clients and lawyers (Forell et al., 2011). Further, in the Productivity Commission's *Access to Justice Arrangements Draft Report* (2014), it was noted that some groups are disadvantaged by limited access to technology and low literacy levels (a situation that may be alleviated with technological improvements and less expense). In some instances when legal advice only was provided over video conference, and where other legal advice options existed, support

workers would refer their clients to other legal services who could provide ongoing support and take on their cases. Lawyers reported seeing the benefits of using video conferencing technology more than clients, in particular citing the advantage of being able to see non-verbal cues and the ease in building rapport (Forell et al., 2011). There is little literature on client perspectives on receiving legal advice over video. Research into financial advice outreach program in England and Wales from 2005 – 2008, found that there were similar levels of client and worker satisfaction in the advice process using video-link technology (Day, Collard & Hay, 2008). The majority of available literature found that clients felt that the ability to receive legal advice over the phone in their own home was better than receiving legal advice using video conferencing technologies or face-to-face (Forell et al., 2011). However, the reviews suggested that in most situations, even clients who were reluctant to use video conferencing technology at first, soon became comfortable with it.

Due to the elimination of travel time, savings in time and costs were reported for several services (Smith & Paterson, 2007). However, it was noted that costs were not fully analysed, as set up and maintenance, including the costs of technical assistance, were not accounted for (Forell et al., 2011). Suggestions were made to analyse the costs at both the client and agency end as there were times when both sites required IT support on top of the additional costs of having a second professional or para-professional to support the client. While access to the internet through different mediums has proliferated, a 2007 study in rural Australia found that people with intellectual disability or limited language proficiency preferred to meet with lawyers in person rather than through technology, and that some people were either unable or reluctant to access services over the internet where there were concerns about their privacy (Smith & Paterson, 2007).⁹

Literature review conclusion

This review of the literature indicates the extent of the lack of access to legal advice that is experienced by women leaving family violence. With most women unable to pay for private legal representation, access to free legal advice is critical. Women who leave violent relationships require support and assistance to ensure that they obtain a fair outcome, however they face various barriers to accessing justice. Many women experience difficulty in obtaining free legal advice. Government funding to Victorian Legal Aid and community legal centres is inadequate to meet need across the range of legal areas services (Productivity Commission, 2014). This shortfall situation is exacerbated for women by the allocation of a significant proportion of legal aid funding to criminal law matters, the majority of which is accessed by men. These factors contribute to inadequate legal aid funding for family law matters, compounded by strict eligibility criteria and limitations for available grants of legal aid. Services are limited in rural areas. There is a lack of legal services in general and a scarcity of lawyers who will assist on a legally aided basis. The long distances in between country towns adds an additional layer of difficulty for women who need legal advice, as lawyers are unable to provide any assistance in instances where they have previously acted for the other party. Even when women have access to free legal advice, VLA and many CLCs will not assist with property matters beyond preliminary negotiations. Some CLCs will not assist with property matters at all. Women are faced with similar situations when seeking advice on child support matters, as many CLCs do not provide assistance with these issues.

⁹ There are currently no published studies on the use of Skype in the provision of legal advice.

These barriers to justice not only impede women's access to legal advice, but also prevent them from obtaining safe and fair outcomes. This review focuses on particular groups of women where disadvantage is further exacerbated by other factors: CALD women, women with disabilities, Aboriginal and Torres Strait Islander women, and rural women. Examination of alternative and more cost-effective models of services such as outreach, telephone advice and videoconferencing are examined. This literature review provides the context within which this Skype project was piloted and is equally relevant to consideration of its future ongoing funding.

4 RESEARCH AIMS AND METHODOLOGY

Aims

This research component of the project sought to document the experiences of women from a range of different ethnic, cultural and socio-economic backgrounds, in the country and in the city as they attempted to resolve the legal issues involved in leaving violent situations.

Methodology

This exploratory, qualitative research was based primarily on individual in-depth interviews with participants in the WLW project. A literature review and ethnographic research component underpin this core data collection, however the ethnographic component was more limited than anticipated. The plan was for the researchers to attend the offices of WLSV to observe and take field notes for half to one day per month for the 18 months during which appointments were made. However, often the scheduled appointments were not kept and, as a result, it was not possible to observe on many of the days set aside for this purpose.

The consultation matrix below indicates that 26 interviews were conducted. The rural sample of 12 included seven women, and a manager and four family violence practitioners from agencies providing family violence services in two parts of the Hume region. The urban sample of 14 included six women, a manager, two lawyers and five family violence practitioners from two agencies providing family violence services – one large and one small.

WLW consultation matrix – 26 informants interviewed

	Women	Lawyers	FV practitioners	Managers
Rural	7		4	1
Urban	6	2	5	1
Totals	13	2	9	2

Recruitment

Recruitment of lawyers and agency workers (specialist family violence practitioners and intake workers) occurred prior to commencement of the project for six of the eight agencies and WLSV. Two agencies joined the project after it had started, and completed the consent procedure (see Appendix 2 for the Explanatory Statement and Consent form). Recruitment of women was through each of the eight participating agencies (see Appendix 3 for short descriptions of the informants' characteristics). Key family violence practitioners at each of the agencies identified female clients who fitted the criteria and sought to determine if they were interested in participating. If they agreed, the worker obtained their signed consent to participate in the project and in the research. According to their own policies and in accordance with privacy legislation, agencies obtained consent from women to be part of this project. In addition, a signed consent form for the research component was obtained from all women participating by the family violence practitioners who faxed the consent

forms through to the researchers on a monthly basis. Ethics approval was obtained from North East Health (NEH) Human Research Ethics Committee, and safeguards for women were in place whereby women could only participate if they were clients of one of the participating agencies.

During observations of Skype appointments, the lawyer introduced the researcher/s and the lawyer or the researcher checked if the participant had read the explanatory statement and completed a consent form.

At the beginning of each interview, the participants were asked by the researchers if they had read the explanatory statement and completed a consent form, and were reminded that they had the right to stop the interview at any time or to refuse to answer any particular question.

The interviews were semi-structured and questions were open, allowing women and workers the opportunity to focus on what was important to them. Interviews were held at a time and place of the interviewee's preference. Two researchers attended each interview. One conducted the interview and the other took notes. In addition, the interviews were digitally recorded and transcribed where consent was given. All of the women gave their consent.

Women were interviewed without their family violence worker present. One woman was assisted in the interview by an interpreter. Eleven interviews were in person, six were via skype and nine were by telephone. Purposive sampling was used to ensure the research sample captured women with diverse backgrounds and experiences.

Geographic location was the Department of Human Services Hume Region (covering the 12 LGAs of Alpine, Benalla, Greater Shepparton, Indigo, Mansfield, Mitchell, Moira, Murrindindi, Strathbogie, Towong, Wangaratta and Wodonga) and the Northern Metropolitan Region (covering the seven LGAs of Darebin, Banyule, Yarra, Whittlesea, Nillumbik, Hume and Moreland).

Data analysis

Modified Grounded Theory was used to guide the analysis. Grounded theory is a combination of theoretical sampling and thematic analysis developed by Glaser and Strauss (1967). Theoretical sampling involves selecting participants to be part of the sample on the basis of the need to elucidate particular concepts or theoretical points. Thematic analysis is the identification of themes through a careful reading and rereading of the data. The methodology was inductive, building up concepts and theories from the data.

NVivo Qualitative Software Analysis Package (Version 10) was used to assist in coding the data.

5 FINDINGS

Reflections on the ethnographic research

The observed sessions provided a ‘fly on the wall’ insight into the operation of the program as well as the breadth and complexity of women’s issues. They sometimes added to information about the circumstances through which women took up the Skype appointment. This component of the research was more limited than anticipated with completed observations of 13 appointments. Many interviews were booked and cancelled before the day, in which case WLSV contacted the research team to postpone the observation session. On several occasions, appointments were cancelled on the day, or the Skype calls were simply not made. Discussions with family violence practitioners as to why cancellations were common revealed the turbulent nature of women’s lives at this crucial stage of separating from violent partners. The sheer volume of tasks involved in moving house and relocating – almost always with children – added to the workload implicit in starting life over as a single parent. The overlay of keeping safe from men’s violence was a further compounding issue.

An organisational issue also contributed to cancellations. Early in the project, the waiting times for specific agencies’ time allocation sometimes meant that women’s circumstances had changed and they no longer needed the appointment or had left the region. (Once identified, the schedule was changed to allow a quicker response.)

As indicated through the Coordinator’s quantitative data (reported in the external evaluation) (Synergistiq, 2014), the issues focussed predominantly on housing, income support, property settlement and parenting arrangements for children. The women were diverse in background and circumstances. One woman in her 40s appeared highly intelligent, alert, and was carefully listening and taking notes. She answered questions quickly and concisely and had used her initiative leading up to this appointment to gather as much factual information and evidence as she could. She had, as she said, ‘done her sums’ to see if leaving the relationship and taking over the mortgage was financially viable for her, especially as her child’s disability complicated future planning. In sharp contrast, a young woman appeared overwhelmed and defeated, and certain only of her ex-partner’s ‘right’ to see his children – despite violence that had hospitalised her on a number of occasions. Yet another woman identified as culturally and linguistically diverse and spoke English as her second language. She seemed anxious and appeared to struggle to understand the complex issues involved. She came to the interview with her youngest child, who then had to be cared for by another staff member for the duration of the interview. The worker explained that he couldn’t be there because the conversation would include discussions of domestic violence and sexual assault.

In each case, the lawyer asked questions clearly yet gently in order to ascertain the situation. Having clarified this, the lawyer outlined the critical next steps for each woman, involving, for example, applications for Centrelink payments, information on rental issues, bank accounts, or applications for intervention orders, or the kinds of documents that needed to be compiled. The lawyer further explained what was likely to happen in court or in other related proceedings, such as mediation. The family violence practitioner would frequently help the woman to understand or to take notes, or would assist with factual information, or ask for clarification from the lawyer. Child protection issues and international or migration issues were sometimes involved.

Observing these sessions conveyed a palpable sense of the complexity of the women's circumstances and the maze of legalities they had to engage with. One of the lawyers offered a summary of the issues covered:

Well, family violence is a constant issue, problems people are having with intervention orders issues around applying for an Intervention Order, what happens on the ground at court, what happens with the police ... Family law matters like Recovery Orders, who the children are going to spend time with, how the parenting plans or consent orders or family court orders are going to be obtained – things like that ... Property matters where there is not an awful lot of property or women have been living in the property for a long time with the children but never been on title or been paying off the mortgage ... the debts are huge, things like that. (Rebecca, Lawyer)

Occasionally there were clues as to why women had no other access to legal aid or to private lawyers. Lack of savings prevented the latter as legal representation is expensive. Low income and assets, however did not necessarily guarantee access to legal aid due to a dearth of lawyers prepared to undertake legal aid funded work in the region.

The women and their family violence practitioner appeared to take comfort in being able to ask specific questions about their own (or their client's) situation and have *individual* legal advice in return. Their demeanour finishing the appointment was uniformly less anxious than when they began less than an hour earlier.

Seeking justice

Eligibility for free legal aid services

There is a widespread assumption in the community and even amongst community sector professionals that people who need legal advice and assistance are provided with it. Indeed, any assumption of a fair legal system theoretically relies on access to it (Kirby, 2005). To this end, publicly funded legal assistance is provided in a number of different ways:

- State legal aid commissions (e.g. VLA), which provide both direct advice and representation
- Private solicitors, who can obtain funding from VLA to conduct litigation for eligible clients
- Community legal centres, which are community based organisations that provide advice and representation.

The existence of community legal services, however, is not guaranteed in rural areas. Many areas have no VLA or CLC office nearby, and local lawyers may not handle family law matters or legally aided matters.

When you're in the country, services are so limited and waiting lists are so long ... Same with women's legal services, what is there up here? Nothing. Maybe a phone call if you can get in at the right time, and that's not possible if you have a controlling angry husband. (Brianna, Rural FV practitioner)

Many women reported that the only legal aid lawyers in their locality were unable to assist them because they had previously provided advice to the other party. Accordingly, conflict of interest rules prevented those lawyers from providing advice to the women. Women are at a

disadvantage in these circumstances because men often need to obtain legal assistance in regard to Intervention Orders or Safety Notices issued by members of Victoria Police. This is usually at the start of the relationship break-down, and well before women are aware that they will need legal assistance. Informants stated that, in some instances, men purposely contact a number of legal assistance providers in the area to ensure the woman cannot access legal advice. The distances involved in attending free legal services for rural women is compounded by high fuel prices and forced reliance on private cars due to the limited public transport in rural Victoria. Women's access to legal assistance may be further restricted by culture or language, and this affects city women as well as those in rural areas.

Commonly, women with marginal financial security do not qualify for legal aid because their income or assets are too high. Some women may have to give up the savings they have, e.g. for children's education, or the proceeds from a house sale before they've had a chance to buy another. The timing of going to court to settle family law matters frequently coincides with, or follows, the sale of the family home, so a woman may have money in the bank as she waits for the settlement before planning another house purchase (and mortgage).

So legal aid [said] 'You've got the house money ... use that. And the way I saw it was if I was looking at \$60,000 for legal fees, that's essentially two university educations for my kids and that's hugely going to impact on the level of accommodation that we can purchase in the future. (Marcella)

For farming women, the asset of the farm can exclude their access to legal aid even though they may have no off-farm income. Women in these circumstances are particularly vulnerable for a number of reasons: farms are often tightly held by farming families; the rural economic downturn has affected the viability of farming income; and rural jobs are scarce. A rural worker said:

On paper ... they've got a million dollar farm but she's left in a refuge or sleeping on someone's couch or something and can't access legal aid because of that. (Lucy, Urban FV practitioner)

Women with savings have sometimes been advised to spend them in order to be eligible for legal aid. Carla related a conversation with a lawyer about her savings:

I said, 'But it's for my daughter's school fees for next year. She's starting high school and I have to pay for uniforms and all that stuff and that's the money that I've got for that', she said, 'Well you need to go and spend that money and prove to us where you spent it and how it was spent, that way we can do free legal advice'. (Carla)

Women who earn an income above the maximum allowed for legal aid eligibility may be burdened with debts from a financially abusive relationship or may need to pay high child care fees, leaving little for private lawyers' costs. The criteria for accessing legal aid are increasingly stringent, leaving many women without this vital service. A rural worker said:

Women are saying that they don't have the money that lawyers want and a lot of the legal aid services or lawyers that I've spoken to ... they said to me when I call, 'Pretty much if your client is homeless, then we can see them' ... Legal Aid have stated that it's on the merits of the case and it's all very much that they'll pick and choose who they can see. (Farah, Rural FV practitioner)

This situation leaves women either unrepresented and without adequate legal advice, or deciding not to leave their violent partner. As Farah said, 'They can't see a lawyer through

legal aid which puts them at risk of not being represented or they just make do with the situation. It could be a very horrible situation to live with'. For some women, they see the choice is between living with the violent man or leaving and not being able to keep the children safe. A family violence practitioner told of one client:

She also wasn't eligible for legal aid. She had to pay, but now she doesn't have any money and said, 'I'm just feeling like I need to give up because I don't have the money to fight for my children'. (Eleanor, Urban FV practitioner)

And Jen spoke of the frustration she felt as the legal assistance she was able to access was not commensurate with her legal needs:

Going through all these services has actually turned me off ... they've basically wasted 12 to 18 months of my time as well because I [saw three different legal services] and ... they only basically did small things like put intervention orders in place for you ... which I'd done myself anyway ... I just didn't feel like I had any support from any of the services and I'm actually thinking of letting it all go now and not being able to, not pursuing anything. Just let him have the whole lot. (Jen)

Through this Skype project, the lawyers at WLSV came across women who had dropped their case at various stages, or had been unable to respond to legal action against them:

You see some people who haven't been able to respond to proceedings issued against them because it has just been too difficult and orders have been made, or signed agreements or consent orders, which really, had they got representation would never have happened ... So I think a lot of people fall through the cracks and a lot of people get referred from here to there to everywhere else round and round and give up because it's just too hard. (Rebecca, WLSV Lawyer)

The context for women leaving violence

The time of separation is the most dangerous for women leaving violent men (Bagshaw & Brown, 2010; Flood, 2010; Humphreys & Thiara, 2003; Mouzos, 2005). It is also a time when women have a multitude of practical pressures coinciding with emotional and mental stresses. It is this time when many women are expected to navigate the complex legal environment – often alone.

When they have left a violent relationship, they are experiencing hyper-arousal. There's a lot of intrusive symptoms. They're on alert. They're traumatised. (Lucy, Urban FV practitioner)

I've got university education and degrees ... but I felt like I ... was very muddled, I couldn't progress further because of the situation of being in an abusive situation. So although people were talking to me ... I couldn't think straight. (Yadira)

For women with controlling or punitive partners, the decision to stay out of court when separating often means simply complying with the ex-partner's demands. Family violence workers observed men manipulating the legal system to drag out the time it takes to resolve legal issues and to drain the woman's available funds.

Emotional abuse over months and years can diminish women's personal resources and the strength they need to engage with the legal system to resolve family law issues. The habits formed in living with violence from a husband or intimate partner can stay long after physical separation. Habits are formed through trying to avoid situations that may spark a domestic

violence incident, or through efforts to placate a partner at the first sign that his violence will follow. Months or years of fear, putting herself last and keeping the peace do not position women well for presenting a strong argument in court. One family violence worker observed that women are 'already on the back foot' when they seek help because they have been controlled by an abusive partner for a long time:

They've been told that they're not getting anything, that they should say goodbye to everything, and [they are] believing this ... They've basically been told they're useless, helpless, hopeless and then when it comes to something as formal as seeing a solicitor, it's a very hard mountain for those women to climb. (Brianna, Rural FV practitioner)

Another worker reinforced that the cumulative effect on women of living with a violent man can be the erosion of their sense of self:

The perpetrators have been so constant in their verbal abuse and telling women all of these stories that they want them to believe so that they're helpless and disempowered and submissive. (Caroline, Rural FV practitioner)

In observing a Skype session, the WLSV lawyer advised a young woman that she could claim funds through VOCAT to assist with her recovery after being hospitalised on at least two occasions through her ex-partner's violence. The woman did not seem to understand why she would deserve this payment, and dismissed taking any action. The lawyer restated the fact that she would have an entitlement to a payment and the possible ways she could use this money to help in re-establishing her life, but the young woman said her broken arm was better now and she was OK. It seemed as if the notion of her right to live without violence was outside her reality.

Violent relationships are characterised by unequal power. This leaves women at a distinct disadvantage when it comes to negotiating a fair settlement and workable parenting arrangements through the legal system. Even when these relationships end, violent men often try to retain their power and 'ownership' over women. The two parties begin from unequal bargaining positions:

The perpetrators have been so constant in their verbal abuse and telling women ... that they're helpless and disempowered and submissive ... [They] are very skilful at taking any new information that they find out and using that in violent ways. (Lucy, Urban FV practitioner)

It's very reactive, you're living in fear, you're not sure what's going to happen, you're trying to manage that other person's behaviour by sometimes complying with what they want ... [Women may] develop a whole range of ways of trying to keep themselves safe which to the outside looks like, 'Why would you do that?' But it's just the way they cope and manage with that situation. (Marcia, Urban FV Manager)

The fear immobilises many women, and extends to every aspect of daily life. Fear of losing everything – and potentially ending up in even greater danger – keeps women in violent relationships. Fear of not being believed is well-founded and women are often blamed for the violence. Jen faced disbelief as her partner – like many perpetrators of domestic violence – presented a very different public face:

He's a [sports] coach as well, and a lot of policemen play [that sport] ... he had people backing him up in the police station ... I think people look at him now like,

'Oh well, he's the one with the business and he's the one with the [expensive car] ... he's not the bad person. It's her who's living in a women's refuge and struggling with two children'. (Jen)

Seeking help in rural communities inevitably means going public. A manager said:

If you picture yourself going to a local solicitor ... you're in a waiting room and you're more visible, and your issues could be more visible because you're asked to provide details from reception. (Cate, Rural FV Manager)

Loss of status in the community is inevitable, especially in rural communities where both parents may attend the same church or sporting club, or other group. The stigma of the violence, and women's sense of responsibility for it, may prevent women from reporting the men's violence or seeking help. One worker said:

Particularly middle class women ... they sit in a lot of shame and they sit in a sense of responsibility about the violence and they don't want anybody to know ... They maintain that secret [and that's] such a big characteristic of the violence. (Lucy, Urban FV practitioner)

Blaming women for men's violence

For women, children are high on the list of issues to be legally resolved. Fear of 'losing' the children is, perhaps, the greatest concern for women and, as a result, is the most effective threat a man can make to control his partner:

'I'll take the children' ... there's all of those threats around the kids because it's about disrupting that maternal bond and the attachment, so women are very fearful – and rightly so. (Lucy, Urban FV practitioner)

He got me to a point where I wanted to commit suicide ... he was trying to use all [this] against me, so I had to go back to the doctor's and ask for a letter to say that I was [fit] and well to look after my kids. (Carla)

Just making her look [like] a bad mum and threatening to, this is what they do all the time. (Eleanor, Urban FV practitioner)

An ex-partner's history of abuse and manipulation may result in a woman's perception of herself as a parent being undermined. It may actually affect her ability to parent and may threaten her credibility as a stable parent. Understanding the dynamics of family violence is vital when courts are deciding on parenting orders. The women in this research gave some indication of the violence and the threats they could not escape. Women spoke of being hunted by men. Rach said, 'He found out where I was...he's chased me down', and Eva said, 'I still lock the screen doors all the time [because] if he found me he'd just come in ... and he'd just go for me'. Zeta spoke of having worked in the domestic violence sector and following all the advised steps to leave safely:

Within two or three weeks he knew exactly where I was and he was on the doorstep ... I can't leave the front door without worrying about where or how he's going to pop up or what's going to happen. (Zeta)

He was stalking me ... [He] demanded to see [our son] and basically threatened to kidnap him ... So then I had to move without being able to afford to move ... so that

he wouldn't know where we were. I don't know how, but he ended up finding us anyway. (Courtney)

Women escaping violent men have no choice but to live with constant fear and try to manage it, developing strategies to keep themselves and their children safe. Security doors, guard dogs, unlikely or isolated new addresses, different cars, and 'laying low' become an unwelcome way of life:

[Women] feel embarrassed of talking about it, they feel, some of them would feel also threatened because if they talk about it they could be killed, that their life is in danger. (Yadira)

So now I've got no friends. I [keep] to myself which is a lot better. That way nothing can [happen]. (Rach)

A recent law criminalising the failure to report a sexual offence against a child under 16 could have the unintended consequence of criminalising the conduct of a mother who is in a family violence situation and unable to report abuse. The new section 327 of the *Crimes Act* creates an offence if a person fails to report a reasonable belief that a sexual offence is being committed against a child to a police officer as soon as they can. The offence carries a term of up to 3 years in prison. The new law followed the Victorian Government's 2013 report, *Betrayal of Trust: Inquiry into the Handling of Child Abuse by Religious and Other Organisations*, and aimed to hold institutional authorities to account.

However, individuals outside the institutional setting were not excluded as culpable, and there is no exemption for women who are also victims of violent partners. Instead, the law allows for a 'reasonable excuse' as a defence. A person may have a 'reasonable excuse' if they have a reasonable fear that a person's safety might be at risk if they disclose the abuse. Exactly what constitutes a 'reasonable excuse' is still to be tested in a court of law, and in order for this to happen, some women may be charged and subjected to the stress and hardship of a trial with the onus on them to raise a defence of reasonable excuse. Yet internationally, co-occurrence of child abuse/neglect and family violence is between 30-50 per cent, and 'research conducted by the Victorian Department of Human Services found that over half of all child protection notifications that were investigated and subsequently substantiated in 2001-02 involved family violence (Australian Law Reform Commission, 2010, para 19.14).

Furthermore, stereotypes and misunderstandings persist about the dynamics of domestic violence. In 2009, barely more than half (53%) of Australians considered 'slapping or pushing a partner to cause harm or fear' as 'very serious' (VicHealth, 2009, p. 4). One in five (18%) 'believed that domestic violence can be excused if it results from a temporary loss of control' and that domestic violence was excusable 'if a perpetrator truly regrets what they have done' (22%) (VicHealth, 2009, p. 36).

Under the new legislation, and in a culture that has a level of support for men's use of violence in the home, women who are victims of violence may be prosecuted, potentially resulting in these laws punishing victims. It is unthinkable that women in family violence situations should be held to account for men's violence. In the context of family violence, women in this (and other) research indicated they were powerless to prevent their partners' violence. Even when the children were not the target of men's violence, women expressed concern that their children were witnessing, or were otherwise aware of, their father's violence. For example, Yadira said she was worried that her young daughter saw her crying

'all the time'. Men's violence sweeps up the children in ways that may seem subtle. In another study one man said to his children over breakfast, 'I hurt your mum last night' (Parkinson & Cowan, 2008, p. 34). In this research, Jen said, 'He told my son that he was going to put me in a boot and dispose of me basically'. Even when the relationship had ended, the constant uncertainty and worry about what might happen (or was happening) led to women feeling distracted and not fully present for their children.

Me, who's always schizo thinking about what's going to happen [so] I'm not there fully for the kid. And because I'm worried, the kids feel that, the kids see that. (Zeta)

Property

Coping with violence, or the constant threat of violence inevitably affects women and their ability to care well for their children. Protecting children, at its most fundamental, means providing a roof over their heads, but legal aid is not available for litigating property disputes. Assistance is only available for mediation in relation to property and only in very limited circumstances. The funding decision to generally exclude property issues seems to suggest that these matters are simply monetary and less worthy than other matters for legal assistance. Yet property settlements are central to how women can survive and bring up children.

Even for women who do qualify for legal aid because they have little income and few assets, VLA provides only limited pre-litigation assistance for property matters, i.e. mediation only, and only where there are coexisting parenting matters.

On the whole, there are a very limited number of property matters [legal aid] will assist with in the first place. With the sort of assets these women have, they don't have the funds to be paying private solicitors to do it. That's all there is to it. There's not enough money in the total asset pool to be paying a solicitor from so really they have no options. (Rebecca, Lawyer)

This is clearly a barrier to fair outcomes for women leaving violent partners.

You can't get legal aid funding for a property issue so if it's about housing [... it] is extremely difficult for women and it's extremely financially prohibitive. (Maddison, Urban FV practitioner)

Because it was property, it seemed to me people were seeing dollar signs in their eyes ... because it wasn't children and because it wasn't other areas of law, it seemed to just miss out. And yet it's one of the separation necessities – property settlement. (Alicia)

Male privilege ensures their financial superiority with higher pay (even when adjusted for part-time work), greater superannuation and domination of positions of power and status. As masculinity theorist, Raewyn Connell states (2005), men have more of everything. The cultural expectation (and reality) that women do most of the unpaid caring in Australia ensures women's financial vulnerability (Australian Human Rights Commission, 2009). Such vulnerability is starkly illustrated by a 2011 census finding that more women aged 55-64 were homeless in Victoria than men (Australian Bureau of Statistics, 2011). The shrinking social safety net and 'the end of the age of entitlement' (for the poorest in our society) may foreshadow worse to come.

Inequality, vulnerability and the courts

Women who have experienced family violence often feel vulnerable in the court system and need legal representation to ensure safe outcomes for themselves and their children. In our adversarial legal system it is the parties themselves that must bring to the court's attention the relevant issues and evidence. The courts rely on the parties' ability to provide it with all relevant evidence, including evidence of family violence and risk, together with workable options for resolution. To ensure good outcomes, a case must be well presented and prepared.

In the context of the family law courts, the difficult questions to be determined include whether the children continue to have a relationship with the violent ex-partner, and if they do, what measures can be put in place to ensure the safety of both the woman and the children. This could include practical considerations such as where changeover may safely occur. If the parties themselves do not raise – or are not aware of – all relevant facts, orders may well be made without important information being taken into consideration. One example from this research is where the changeover of children from mother to father was to take place at a police station that was closed on weekends, thereby endangering the woman. Engagement with the legal system, and particularly the spectre of court, brings its own apprehension. One woman told of her ex-husband's death threats towards her and her entire family, with *his* extended family joining in the attack. These threats extended to the Courthouse where matters were being heard. This is a complaint that is heard often, and there is an urgent need in both state and federal courts for enhanced safety measures such as timed arrivals and departures, separate entrances and waiting rooms.

Gender inequality is exacerbated when marriage-breakdown reaches the courts. The effect is manifested on a number of levels, most transparently in unequal financial resources. Men, more often than women, can afford to pay lawyers to represent them.

Often the men will have the financial resources to access and pay for legal advice. The women have walked away, so they have nothing. In terms of equality there's none there. (Caroline, Rural FV practitioner)

Cultural social conditioning encourages gendered behavioural traits and patterns of authority and submission (Connell, 2005). In addition, a history of emotional abuse (let alone other forms of abuse) is reported to leave women unsettled and lacking in confidence. For women standing up to a violent partner, court is 'a confronting and lonely experience' (Cate, Rural FV Manager). Another worker said:

[For] most of the women that we work with, Family Court ... makes them very anxious because their partners often can afford lawyers and [the women] know that they can present much better. (Marcia, Urban FV Manager)

Self-representation

With no other option, several women in the sample had been representing themselves in court at the time of their advice session with the WLSV lawyer. The fear is that increasingly, women will need to represent themselves. As a victim of financial abuse, Jen said, 'I've had to do all of the legal work and groundwork myself', while her husband was represented by a private solicitor and barrister and paid no child support. Many of the most disadvantaged women will be excluded from this option of self-representation. Women with English as a second language; women with cognitive impairment or acquired brain injury; and women

with mental illness including depression and anxiety will be unlikely to consider self-representation. Many women struggling to make ends meet with responsibilities of children and employment will not have the time or energy resources to self-represent. Self-representation as the only remaining option to engage in the legal system is problematic, not just to women fearful of an intimidating public environment and of coming face-to-face with the perpetrator of violence against them, but problematic to the legal system. With more people representing themselves due to legal aid cuts, more time must be taken by the judge or magistrate in direction about proper court processes (Carrick, 2014). Adequate funding to legal aid is required to enable lawyers to provide the quality of service to women leaving violent situations that marks a fair justice system.

High demand

The information-gathering period before deciding whether to try and achieve a fair outcome through the courts is one of overwhelming confusion for many women. There are different legal jurisdictions, for example with state and federal law (and migration issues), and both civil and criminal matters. Observation of Skype appointments revealed frequent comments indicating women's confusion. Comments like, 'I don't know, legally, what I must do', and 'I feel I'm on a path I'm not sure of'. In the interviews, Yadira said:

It feels as though you are in a dumper wave going round and round, and you don't know where you're going to stop and what's going to happen to you. (Yadira)

The timing of legal assistance is critical and by the time women can have free legal advice, it may no longer be helpful. Wait times can be long on the day of the appointment, and waiting lists for an appointment may be weeks or months ahead. Legal aid services have dealt with funding squeezes over past years – even into decades. There is a great deal of pressure on early intervention services such as phone advice lines (e.g. VLA Helpline, WLSV phone advice) and drop in clinics (CLCs, VLA offices). This can result in long waits and less than optimal allocation of time to each client. With stretched resources, client services suffer. This needs to change.

Many women speak of the disparity in representation in court as they scramble to inform a duty lawyer immediately before their case is heard. This can occur in the absence of any other option for assistance with their legal issues in separating from a violent partner. They speak of watching as their ex-husband's private lawyer, with the benefit of proper preparation time, presents a detailed case against her best interests. Women's descriptions appear to reflect the under-resourcing of legal aid, leading to time-poor and pressured legal representation. Marcella described the disparity between her ex-husband's private lawyer and her legal representative:

He had a ... fairly high profile barrister and ... I had this solicitor who was meant to negotiate for me but [his barrister] ended up coming into the room ... and she just gave it to me. And I walked out of there and felt like I'd been ripped to shreds by a pit-bull.

In describing the duty lawyer's abrupt attitude, Marcella concluded:

Basically they just wanted to get it over and done with, and the barrister had been in court for nearly seven hours so she wanted to go. Everyone wanted to go.
(Marcella)

Like duty lawyers, sometimes the lawyers funded through legal aid to provide ongoing assistance were not perceived as particularly helpful – again reflecting the limited funding and resourcing for legal aid. Renee reported that she had only two face-to-face meetings with her appointed lawyer, both during round table dispute resolution. She had no preparation for the mediations apart from her own research into it, and then advice through WLSV. It appeared that her lawyer had not had time to adequately prepare. Renee described that he had not yet read her file and did not have the information he needed:

I felt like, with the lawyer, that he was so busy ... I wasn't worth his time because he wasn't being paid for his time ... I didn't feel represented at all really. I remember coming home and saying to a friend 'I could have done a better job myself'. That's how bad it felt ... I don't know, you just feel like second class how you're being treated by them but they're not really interested. (Renee)

Giving up the fight

The consequence of the immense pressures led some women to wanting to give up. How would it be possible to resolve legal issues and even go to court in circumstances where fear of the 'other party' in the legal issue was a constant pressure? Being free of the man responsible for so much violence in their lives seemed worth walking away from a marriage with nothing. Health problems linked to living with violence plagued women's lives:

I wasn't sleeping, I wasn't eating very well, I had to go to work. I work as a registered nurse so I had to make sure I'd be 100% when I'm working and looking after patients. I was crying all the time, I was depressed and I wasn't looking after myself, I was falling sick all the time. (Yadira)

I can't mentally cope with it anymore ... I think I'm just ready for him to have the whole lot. (Jen)

Legal aid funding must be increased to lawyers providing free services so they are adequately resourced to provide sound legal advice and representation to women. Until lawyers are funded sufficiently to prepare for individual women's legal cases, many women will continue to report unsatisfactory levels of legal advice and court support.

Outcomes for women from Skype project

External evaluation of this Skype project by Synergistiq was an integral component from the outset. Encompassing both formative and summative evaluation, Synergistiq used diverse and comprehensive consultation methods to assess the project. It is available at www.whin.org.au.

This research report and the literature review confirm that the legal needs of women escaping their partner's violence have only increased in the three years since the project began. In each of these three years, family violence incidents recorded by police have grown and legal aid funding has not kept pace, leaving women – like those in this sample – unprepared for the legalities they must face in leaving violence.

Delivering legal services by Skype through a women's legal service that specialises in family violence and family law is an effective and economically feasible way to resolve legal issues for many women. The Skype (appointment-based) advice sessions offered by the WLW project compared favourably with the WLSV phone advice/drop in clinic model as it provided

women with timely advice in a familiar environment with an allocation of time more akin to that provided to a client in a private family law practice setting.

Clearly, some women will have intractable and complex legal problems requiring ongoing legal assistance and personal representation (and some women were provided this through WLSV). Extending and sustaining this Skype model offers many women a timely, effective and cost-saving strategy to resolve legal issues early. This strategy shows promise in not only preventing lengthy legal proceedings, but also in preventing violence against women. As noted earlier, there is preliminary evidence that the WLW project indeed played a role in preventing violence. Rebecca, one of the lawyers, agreed that it had, saying:

Quite a lot of the work that we are doing is seeing people and advising them before situations develop or are exacerbated. So [we are] arming people with the information on how to get intervention orders, or what to do in situations where violence is anticipated or ... it has escalated. If you are in a position with the information on what to do, that sort of situation may be avoided ... We really hope that happens as a result, and I think it has done. (Rebecca, Lawyer)

A clear outcome from the WLW project is the decision by WLSV to continue and extend the project. Its successor, *Link*, builds on the partnerships and systems established and evolved through 18 months of piloting. The need for such a project remains acute, as many women continue to struggle without legal assistance. The WLSV (2014a) state in their *Link Snapshot* (of the period August/September 2014) that 'nearly one third of women interviewed (five women), had tried to obtain legal advice elsewhere ... of these women, [four] had experienced barriers or difficulties, including cost [and] ineligibility for legal aid ...' (p. 8). After expansion and adaptation of the WLW pilot project, *Link* has thrived in its first five months of operation, increasing advice sessions by 170% over the previous five month period (WLSV, 2014b, p. 5). Like WLW, *Link* assists women with legal support that is not accessible to them otherwise.

6 CONCLUSION

As services contract as a result of the economic environment and political ideology, women continue to face barriers in obtaining the legal assistance they need in order to leave homes scarred by male violence. There is no evidence that violence against women is reducing. Indeed, more than a decade of police reporting data show an ever increasing trend line across Victoria (See Appendix 1). Although it is not known whether prevalence of violence against women is changing one way or the other, consistently higher rates of family violence occur in rural areas.¹⁰ Patriarchy is stronger with increasing remoteness, and confidentiality is rare as 'everyone knows everyone'. This intimacy coexists with silence on violence against women.

The foundations for change, however, are solid. The Family Violence Protection Act 2008, together with the *Victoria Police Code of Practice for the Investigation of Family Violence* (2014) (first introduced by Christine Nixon as Police Commissioner in August 2004) changed the legal landscape for women suffering violence at the hands of husbands and domestic partners. These brave reforms led to domestic assaults being treated for the first time with the same gravity as assaults outside the home. No longer 'just a domestic', violence against

¹⁰ See Victoria police data by region and LGA.
http://www.police.vic.gov.au/content.asp?a=internetBridgingPage&Media_ID=72311 (13/1/2015)

women in the home was acted upon by police. The consequence in 2014 is a year notable for the attention being paid to addressing domestic violence by legislators and media alike.

Police have acted. Now it is time to find the will to adequately fund women's access to legal assistance. When women have little access to sound legal advice, the outcomes can only be unfair. The breadth of legal issues raised by the participants in their appointments with lawyers indicates that disentangling lives complicated by joint property and children is difficult. In unequal relationships, the violence of the male partner further ensures the woman starts legal processes from a position of disadvantage.

When women are forced to give up children and their rights to property and safety – because they are not equally or adequately supported through the courts, or because they fear retaliation from violent men, or because their sense of self is so eroded they can no longer fight for themselves – the law has failed. Our society, too, has failed in its obligation to protect the most vulnerable.

7 WOMEN'S FEEDBACK ON THE WLW SKYPE PROJECT

(Written by Alyssa Duncan)

The following section will discuss the feedback from thirteen participants who were interviewed regarding their experience during the project.

Quality of Advice Given

The most frequent feedback from all the women was that the advice given during the session was detailed and clearly outlined the necessary steps they would need to take. Summarised by Beth, 'It was fantastic, it was wonderful. And the woman there, through Skype... was really nice. She explained everything'. Maeve compared her knowledge prior the Skype interview when she 'had no knowledge on what to do, how to approach it or anything' to after the interview when she rated her knowledge a 9 out of 10. Yadira said she felt like the detailed advice helped her 'put things into perspective', increasing her legal knowledge from a 6 to an 8 ½. Renee reinforced this, stating that the appointment clarified the 'broader things that were happening at the time around my intervention order'.

Maeve noted that having a person explain the information to her was more effective than trying to read the explanatory material from the courts. When reading the documents, 'the knowledge wasn't going through my head but, if I was talking to somebody and they were explaining it to me, I can do that better than reading a piece of paper'.

This feedback was equally positive for women who had no knowledge of the law beforehand and those who were more informed. When asked if her understanding of legal knowledge had improved as a result of the project, Alicia stated, 'my background many years ago was legal...I knew to a great extent what was involved, but not the nitty gritty of what is required'.

One woman spoke of using the appointment to prepare for a meeting with a private lawyer. This helped to reduce costs by keeping the meetings short and on point. Renee explained that the Skype lawyer suggested she ask specific questions. She said, 'That was wonderful. So when I saw my lawyer I had all these questions and everything ready to ask her. That helped.' As a result, Renee said she felt more in control.

Following the Skype appointment, most women said they knew the subsequent steps they needed to take to navigate the legal system. Yadira described her situation as falling into place as the WLSV had helped her understand what the steps were'. Courtney seconded this point:

The WLSV were able to show me, if you take this path, this is what will happen ... You may be seen in this light and that light [but] I'm still making the choices and decisions the whole way'. (Courtney)

Confidence

Having the steps explained to them gave the women the confidence to proceed. Beth felt that before the interview she had no understanding of her entitlements. Maeve believed that in following the legal advice, she surprised her ex-partner: 'It was a total spinout because he didn't think that I knew as much'. She expressed relief at speaking to a lawyer who listened to all her questions and explained her best options: 'I thought, "Thank God, I'm on the right track at last"... I felt like a million dollars because I got what I wanted to know without doing it the wrong way, approaching it the wrong way'. Afterwards, she had the confidence to go to a private solicitor.

So once I got the knowledge from this lady on how to do it... I felt like a big muscle man because I thought this little peewee is not going to walk all over me anymore. This is what I'm going to do and I did.... It gives you that boost of confidence, like something I never had before but once I spoke to her... that's when I got my confidence back and it was like, 'no one's going to walk all over me again''. (Maeve)

Renee felt that the increased confidence after the appointment also reduced the stress of the legal proceedings. She said, 'Once you're informed, you don't carry the same level of stress and you feel more able to stand your ground'. She found the Skype service preferable to services at court, such as duty lawyers, which she found created additional stress. Rach also felt calmer about going to court once she knew the procedure and the role of everyone in the courtroom.

The legal system can be intimidating even to those well-educated. Yadira described such a situation:

I've got [a] university education but... I was very muddled, I couldn't progress further because... of being in an abusive situation. So, although people were talking to me, I was accumulating everything but I couldn't think straight... Legal Aid free of charge is very important for women who need to find their way'.

Another woman, Rach, did not think she would have been able to talk to Legal Aid if she had not spoken first to WLSV.

Support from specialist, female lawyers

A majority of the women found that the lawyer they spoke to was supportive. Yadira recalled that 'it's like talking to a female friend'. She had tried to see other community lawyers previously but she had not been satisfied with their service as she felt 'rushed' she forgot the answers to her questions. This contrasted with the Skype sessions:

I didn't feel rushed because [the lawyer] was there for me and although I repeated some questions, she took the patience to answer the questions again. So that's what I felt, that she was there for me. (Yadira)

Women found it significant that the WLSV specialised in family law and domestic violence, conveying that it is hard to take in a lot of information at once when feeling overwhelmed. Women reiterated they felt 'safe', saying that the Skype service 'made me feel as though I had backup because when you're in a situation like that [you have] no money, nowhere to live...'. Courtney stated that she had felt tense throughout her experience in the legal system, but speaking with a female lawyer helped calm her. While pointing out the professionalism of the WLSV lawyers, she said, 'I think women are just more understanding'.

Other women, too, linked this supportiveness to the gender of the lawyer. Beth noted that her reaction to seeing the lawyer on Skype was, "'They're all women!'... It was comforting, it was lovely'. Renee felt respected by WLSV:

'The other great thing... you're talking to women... I felt I was being treated as an equal in the conversation with the Women's Legal Services'. (Renee)

Yadira contrasted her positive experience of her WLSV appointments to negative experiences she had speaking to some of the older policemen:

Domestic violence seems to be a bit too much in the hard basket for them I think and the majority of them are men anyway so they don't understand the female stuff. (Yadira)

Eva felt that having a female lawyer had not made a difference to her but believed it would be important if there was sexual abuse.

Role of the Worker

Maeve highlighted the value of having the worker involved in the interview, saying, 'I needed that worker. I definitely needed that worker... To do it myself, I'd have to ask my son because he's up to the knowledge [on Skype]'. Yadira supported this point, emphasising that her worker 'was there with me and she knew women's situation. If I didn't ask certain questions, she probably would have prompted me to say something'. Renee thought it was important to have the worker there for the first interview as it makes it easier to become familiar with the service. Her worker was able to care for Renee's child while she was speaking to the lawyer. When asked if she would use the program again without a worker, Maeve responded, 'Well I don't know how to use [Skype] but I'd give it a bloody good try because I reckon it's great'.

Distance

Alicia was very positive about the way Skype facilitated access to legal services by women in isolated areas:

Separations and things are alienating anyway and you feel worse if there is no legal help available to you. Just because of geography. But this is a terrific thing if it can keep going for women.' (Alicia)

Eva reiterated that women feel isolated if they cannot access help. In her opinion, continued provision of the Skype project would 'make people feel so much better'.

Rach recognised that Skype is a lot easier if it is 'too far to travel' to access legal services. Other women, too, stated that work, children, and the high cost of fuel were all inhibiting factors for women to access legal advice in the city or the next major town. Eva said, 'Every time I have to go to Wangaratta, it's 40 kilometres. I'm not a rich woman, it costs a fortune in fuel. I thought with Skype, everyone's got a laptop these days'. For women with small

children, the Skype project has the advantage of a specific time. Renee noted that Skype appointments did not involve waiting on a phone for long periods of time, as she had experienced on the WLSV's advice line, saying, 'It's still hard when you've got a little one that hates you being on the phone'.

Skype

There were mixed reactions to use of Skype. Alicia experienced significant technical issues during her appointment, seemingly due to a slow internet connection. She felt this disrupted the flow of the conversation, making it hard to concentrate. However, she said if the connection had been faster, then Skype would have been good.

Most women appreciated having the video stream in order to see the lawyer they were talking to and establishing a relationship with them. One woman said, 'I could see her face and she could see my face which was really good. And it was like I wasn't actually just talking to this machine...' This was seconded by others in the sample. Courtney also experienced technical issues with the video stream but, nonetheless, believed it to be preferable to never seeing the lawyer on the other end of the phone.

Multiple Sessions

Three women in the sample did not realise they could have multiple Skype sessions. Rach would have had a second appointment if she had known it was available to her because she had further questions after her appointment. Renee knowing how many sessions she could have had would have been 'really helpful when you're really under a lot of pressure to find things out'. She said this would have been her only improvement to the service.

Conclusion to this section

Overall, the feedback from the 13 women interviewed was extremely positive. They noted many of the benefits the project hoped to achieve, such as reaching women in isolated rural areas and allowing them to speak to a lawyer with the support of their domestic violence workers. Several women acknowledged that they did not know how they could have managed their legal proceedings without having spoken to the WLSV lawyer, affirming the need for this service in Victoria.

If Skype is offered more readily to women with domestic violence I think whoever is in charge of funding... should fund it for more women to access it because it's very helpful, it's in a safe environment and they're there for the women 100% to help them with the children... The majority of the time it comes ultimately down to getting legal advice. You can't just walk out. (Yadira)

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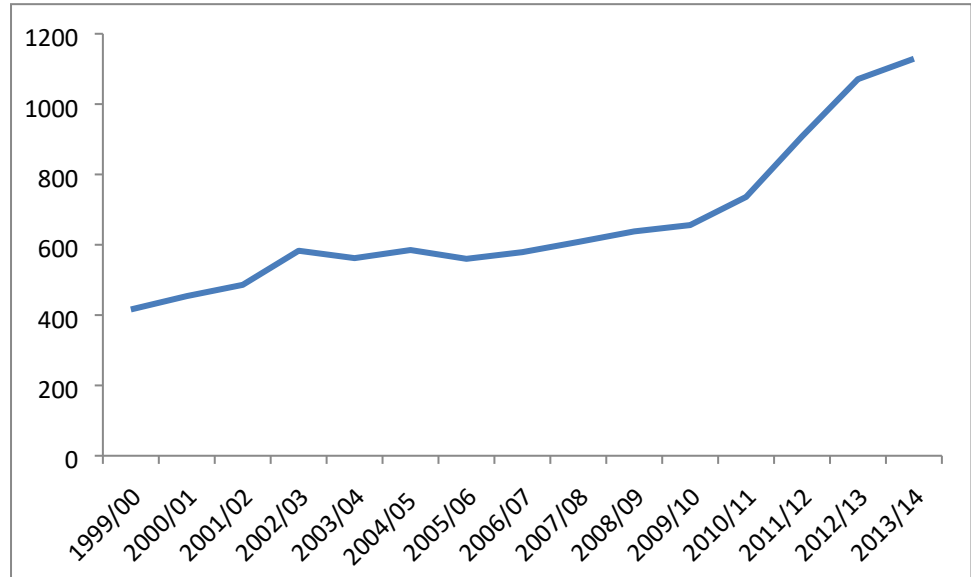
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9 APPENDICES

Appendix 1: Longitudinal police data on family violence incidents

1999/00	416
2000/01	454
2001/02	486
2002/03	583
2003/04	562
2004/05	585
2005/06	560
2006/07	579
2007/08	608
2008/09	638
2009/10	656
2010/11	736
2011/12	908
2012/13	1,071
2013/14	1,129



VICTORIA: Family incident callouts per 100,000 population 1999/2000 to 2013/14

Source: Victoria Police Website: www.police.vic.gov.au/content.asp?a=internetBridgingPage&Media_ID=33954

Appendix 2: Participant Information and Consent and Interview Schedules

Participant Information and Consent

Women's Health In the North

Women, Lawyers and Workers: Piloting a legal advice system that responds holistically to prevent family violence.

Principal Researcher: Ms. Debra Parkinson

Associate Researcher(s): Ms. Claire Zara

This Participant Information and Consent Form is 5 pages long. Please make sure you have all the pages.

1. Your Consent

You are invited to take part in this research project.

This Participant Information contains detailed information about the research project. Its purpose is to explain to you as openly and clearly as possible all the procedures involved in this project before you decide whether or not to take part in it.

Please read this Participant Information carefully. Feel free to ask us or your support worker any questions about the information in this document.

Once you understand what the project is about and if you agree to take part in it, you will be asked to sign the Consent Form. By signing the Consent Form, you indicate that you understand the information and that you give your consent to participate in the research project.

You will be given a copy of the Participant Information and Consent Form to keep as a record.

2. Purpose and Background

3. Procedures

This three-year project aims to prevent violence against women and their children, as problems known to exacerbate men's violence are resolved more effectively through sound legal advice on the complex legal environment which governs family law matters. Children's living arrangements, for example, and property settlement after separation are known triggers for violence and intimidation. Lawyers from the Women's Legal Service Victoria will provide Skype legal advice to individual women supported by their caseworker in three metropolitan and three rural agencies. Additional components are legal education and development of 'tools' to assist workers. This partnership project between Women's Health In the North (WHIN), Women's Health Goulburn North East (WHGNE) and Berry Street (NFDVS) will strengthen co-operation between the legal and family violence sectors, as family violence professionals work alongside the WLSV and two women's health services (WHIN and WHGNE) to improve women's access to, experience of and outcomes from the legal system. The project includes education and secondary consultation to workers and a research component.

The research component is ethnographic research whereby the senior researcher from WHGNE and WHIN attends the offices of the Women's Legal Service Victoria for one morning per month to observe and document the operations of the project, and includes in-depth interviews and focus groups with women, workers, lawyers and family violence sector managers.

Participation in this project may involve you:

- i. Being Interviewed (women or workers) or being part of a focus group (family violence sector managers)

Through the life of this project, we aim to interview approximately 12 women and 14 workers and conduct two focus groups of family violence sector managers. If you agree to an interview, all information remains anonymous as your name and location will not be attached to any of your responses. While it is not possible to guarantee absolute confidentiality as people who know you may recognise your story, the anonymity of your participation is strengthened by our process, in which you will be asked to approve the document produced from your interview, and it is your right at this stage to make corrections and deletions. Notes from interviews will be destroyed once they have been written up and checked. The content of our discussions will be treated confidentially. Coded data is stored in a locked filing cabinet at WHIN for a period of seven years. In the final report, false names will be given.

- ii. Being part of participant-observation (ethnographic) research

For half a day each month, the researcher/s will attend the Women's Legal Service Victoria office or the office of one of the six participating agencies to observe and take notes about the kinds of issues raised, assistance given, technical difficulties to do with Skype or other factors relevant to the project aims. Women and workers will not be named in these field notes. In the final report, false names will be given.

- iii. Having your client intake data de-identified and included on a database for this project to allow us to know how many women and workers have been involved, some demographic information such as age range, geographic spread, number of children involved, ethnic backgrounds, legal issues and whether court or other outcomes improved through participation in this project. Only compiled information will be drawn from this database and no names will be included.

4. Possible Benefits

Women who participate in this project may have access to free legal advice from the Women's Legal Service Victoria (WLSV) that is otherwise not available to them and workers who participate have access to legal education through the WLSV.

WHIN and WHGNE have conducted previous research with women that focussed on issues such as breast cancer, teenage pregnancy, disability, violence and sexual violence in intimate relationships. In the course of each research study, it became apparent that participation was valuable to women.

Women wanted to contribute to the research to help on three levels – to raise public awareness; to help others; and to contribute to their own recovery.

All participants are contributing to piloting a new system that aims to improve the legal system for women with family violence or family law issues.

5. Possible Risks

You may feel upset by talking about your experiences. Participation in this project is entirely voluntary, and if you agree to participate, you may withdraw your consent at any time by speaking to your support worker or to me or to the WLSV lawyer and saying you wish to stop the Skype session or your interview and/ or withdraw your information. At this time your Informed Consent Form will be returned to you.

6. Privacy, Confidentiality and Disclosure of Information

Any information obtained in connection with this project will be de-identified. In any publication, information will be provided in such a way to minimise the possibility that you will be identified. Information gathered through interviews will be coded to maintain anonymity.

7. Results of Project

At the completion of this project a research report of the findings will be available on the websites of WHIN and WHGNE or you can request a hard copy to be posted to you.

8. Further Information or Any Problems

If you require further information or if you have any problems concerning this project you can contact the principal researcher or the Executive Officer of Women's Health In the North. The researcher responsible for this project is:

Ms. Debra Parkinson

Telephone: 0423 646 930 or 03 9484 1666

9. Other Issues

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

Executive Officer
Human Research and Ethics Committee
C/- Ms. Margie O'Connor, Secretariat
North East Health
Green St.
Wangaratta, Vic 3677

Telephone: 03 5722 5233

10. Participation is Voluntary

Participation in any research project is voluntary. If you do not wish to take part you are not obliged to. If you decide to take part and later change your mind, you are free to withdraw from the project at any stage. If you decide not to participate, your decision will not affect the service you are currently receiving in any way.

Before you make your decision, your support worker or a member of the research team will be available to answer any questions you have about the research project. You can ask for any information you want. Sign the Consent Form only after you have had a chance to ask your questions and have received satisfactory answers.

11. Ethical Guidelines

This project will be carried out according to the *National Statement on Ethical Conduct in Research Involving Humans* (June 1999) produced by the National Health and Medical Research Council of Australia. This statement has been developed to protect the interests of people who agree to participate in human research studies.

The ethical aspects of this research project have been approved by the Human Research Ethics Committee of Northeast Health Wangaratta.

CONSENT FORM

Women's Health In the North

Full Project Title:

Women, Lawyers and Workers: Piloting a legal advice system that responds holistically to prevent family violence.

I have read, or have had read to me and I understand the Participant Information version 1 dated 23rd March 2012. I freely agree to participate in this project according to the conditions in the Participant Information.

I will be given a copy of the Participant Information and Consent Form to keep.

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

Participant's Name (printed)

Address.....

.....

Telephone:.....

Email:

Signature

Date

Name of Witness to Participant's Signature (printed)

Signature

Date

Declaration by researcher*: I have given a verbal explanation of the research project, its procedures and risks and I believe that the participant has understood that explanation.

Researcher's Name (printed)

Signature

Date

* A senior member of the research team must provide the explanation and provision of information concerning the research project. This can be done at the Skype sessions when observations are taking place, or at interviews. In Skype sessions, the family violence or support worker present will witness the form. *Note:* All parties signing the Consent Form must date their own signature.

REVOCAION OF CONSENT FORM

(ATTACH TO PARTICIPANT INFORMATION)

Women's Health In the North

Revocation of Consent Form

Women, Lawyers and Workers: Piloting a legal advice system that responds holistically to prevent family violence.

I hereby wish to WITHDRAW my consent to participate in the research proposal described above.

Participant's Name (printed)

Signature

Date

Appendix 3: Description of the women interviewed

Alicia is a woman in her 40s living in rural Victoria. She mainly required legal advice about the large amount of debt she was left with after she ended her relationship with her violent ex-partner. In addition to juggling work and study commitments, she has two children under the age of eleven. Alicia struggled to get ongoing legal advice, and felt that her situation was exacerbated by the lack of options available for women living in rural areas. Legal aid was only able to provide her with a 30 minute consultation. When she sought advice from a Community Legal Centre, she felt that the lawyer was not only disinterested in her case but also dismissive. A private solicitor advised her that they would be unable to assist unless she could afford their \$400 per hour fee. Alicia was ineligible for free legal advice due to the house that she still owned with her ex-partner, even though there was no equity in the property due to the large debt she was left with because of his gambling problem. While Alicia felt she had a sound understanding of the legal processes, she still required legal advice about her situation.

Brianna is a Family Violence Worker in a rural area and was a key contact person for the project. She works for a family violence service that provides 24/7 assistance to women and children who are experiencing violence including crisis support and accommodation, case management, advocacy and court support.

Carla lives in Melbourne with school-aged children. She separated from her violent ex-husband and needed legal advice about intervention orders and family law matters. She previously sought free legal advice from a Community Legal Centre but was told that they could not assist with any family law matters. She tried to go to Women's Legal Service Victoria for their advice clinic however could not attend as she had to drop her children off at school and go to work. Due to years of abuse from her ex-husband, Carla had depression and anxiety, and had attempted suicide. Her ex-husband attempted to use her mental illness against her to try to prove that she was unable to care for the children.

Caroline is a family violence worker who works in a rural organisation providing free and confidential counselling and support to women who have experienced family violence and/or sexual assault. The organisation operates a 24/7 crisis line for sexual assault.

Cate is a manager of a rural family violence service that provides support to women who have experienced family violence and/or sexual assault.

Courtney lives with her two children under 5 in Melbourne. As soon as her youngest child was born, her ex-partner and his family became extremely controlling. They did not provide emotional support and only became interested in contact when her ex-partner was required to pay child support. At one point her ex-partner threatened to kidnap their son. Both of Courtney's children have ongoing medical conditions, and her youngest child had to spend most of his childhood in hospital.

Eleanor is a family violence worker who works at the same organisation as Lucy. She previously worked at another family violence service which was involved in the project.

Eva is a woman in her 40s living in rural Victoria. Due to some physical health problems she can only engage in a limited amount of work. Eva left her ex-husband who had been unfaithful and violent towards her for a number of years. She owned two businesses with him, however her ex-husband completely cut her off financially and she is facing bankruptcy

due to his mismanagement of their businesses. He continued to stalk her and stole her car and some of her belongings from her father's house after they separated. Eva has an intervention order against her ex-husband, however continues to live in fear that he will locate her.

Farah is a family violence worker who works in rural Victoria. The service she works for provides safety planning, case management, housing advocacy and court support for women experiencing violence.

Jen is in her 30s with two teenage children. Her ex-husband has financially abused her by employing her in his own business without payment of a wage or superannuation. After 20 years in this relationship, she is living in poverty, and having spent some time in refuge with the children. Her husband arranged the finances so that debts are in her name and he pays no child support. She noted that his lifestyle, complete with an expensive car, has not changed, and he is able to pay a private solicitor and lawyer, while she has been unable to get effective legal assistance for family law matters.

Lucy is a family violence worker who works for a large, State-wide family violence service located in northern metropolitan Melbourne. The organisation she works for provides a range of support for women experiencing family violence, from intake and telephone support services to case management and crisis/refuge accommodation.

Maddison is a family violence worker who works for a specialist family violence service in Northern Metropolitan Melbourne. The service acts a key access point as it receives all police referrals relating to family violence safety notices from their catchment area, together with a daily intake service, court support, case management as well as risk assessment and safety planning. Maddison has acted as a key contact person for the project.

Maeve is a woman living in rural Victoria. She did not qualify for legal aid as they calculated that she earned roughly \$20 per annum over their threshold. This was despite her status as a casual employee with no guaranteed weekly income. Having no other options, she had to pay close to \$10,000 for a private solicitor to resolve her legal issues about property settlement and parenting arrangements for her son. As Maeve could not pay the solicitor in a lump sum she had to arrange a payment plan with him.

Marcella is a woman living in rural Victoria. She continued to receive death threats via text message after she separated from her abusive and controlling ex-husband. Marcella did not receive any support from the police even after reporting the threats. She wanted to move interstate to live with her extended family, however the court restricted her to living within 30kms of the small town she lived in so that her ex-husband could have access to the children. The court did not place any restrictions on her husband who could travel between Melbourne and the country town. Marcella was only able to obtain legal aid assistance two weeks before her court date, and felt that her lawyer was disinterested in her case. Her ex-husband on the other hand hired an expensive barrister who secured a good outcome for him. Marcella found that she was ineligible for legal aid once she sold the house that she owned with her ex-husband. Her solicitor's fees for the first 30 days were close to \$15,000 and they advised that the total cost would be \$60,000 to \$70,000 which significantly depleted her deposit for a new mortgage on a house.

Marcia is a manager of a metropolitan family violence service which receives all police referrals for family violence safety notices in the northern metropolitan region.

Nora is a lawyer at Women's Legal Service Victoria. She regularly provided women with legal advice over Skype and played a key role in the development of the Legal Needs Analysis Toolkit.

Rach lives with three young children who are all under five in rural Victoria. Although she was only in a relationship with her ex-boyfriend for six months, he became very controlling. He continued to stalk and threaten her after the relationship ended, and tracked her movements through her friends and through his family. Not only did his family enable his abuse, they sent her threatening messages and intimidated her as she entered court for the intervention order hearing. Her ex-boyfriend and his family continued to intimidate Rach and her family through threatening actions, one of which nearly caused serious injury. Rach has had to completely end her relationship with her old friends as she feared he would find out where she lives. Rach needed legal advice on how to apply for an intervention order as she had no idea about how the court process worked.

Rebecca is a lawyer working at Women's Legal Service Victoria. She has been involved in the project from the outset and regularly provides legal advice to women over Skype.

Renee lives in Melbourne with her young son. She was eligible for legal aid, however found that her legally aided lawyer was unhelpful and did not help her prepare for the Roundtable Dispute Management with her ex-partner. She felt that he did not value her as a client as he only received legal aid funding for a limited service. Renee had another negative experience with a duty lawyer while applying for an intervention order at court. The duty lawyer refused ask the questions she wanted raised, however a social worker was present who advocated for Renee and asked questions for her. She found the process to apply for the intervention order extremely stressful and attending court intimidating as she had no support and had felt disempowered due to years of abuse.

Veronica is an Indigenous Family Violence Worker in rural Victoria. She provides support, referrals and advocacy for Aboriginal individuals and their children affected by family violence. Veronica joined the project as the organisation she worked for was located in a neighbouring building to a service using the WLW project.

Yadira is a migrant woman in her 40's living in rural Victoria. Yadira separated from her violent ex-husband in 2008 and was granted an intervention order after he physically assaulted her. They re-united again however two years later he started to become verbally abusive to Yadira and their daughter, and had numerous affairs. Although Yadira worked full-time in a hospital and earned more than her ex-husband, he controlled all of the finances and would exercise his control by withholding money from her. She was isolated and felt she was unable to talk to her family overseas about the abuse, fearing she would be stigmatised. Yadira received legal advice on separation and financial matters through the WLW project, however was ineligible for legal aid and had to engage a private solicitor and set up a payment plan for his services.

Zeta is a young woman who moved interstate with her three young children to escape her violent ex-partner. She had been involved in Family Court matters in another state since 2010 and was unable to get legal aid assistance. Zeta continued to experience threats and intimidation from her violent ex-partner even when she arranged child contact with in front of a police station. She felt that the police did not support her when she reported incidents, including an incident when he had physically assaulted her. Zeta had to return interstate for a court appearance to try to resolve the family law matter.

Appendix 4: Glossary

Worker: For the purposes of this Women, Lawyers, Workers project, ‘workers’ refers to specialist family violence practitioners, intake workers, or workers within more generalist organisations providing family violence services.

Family Law: ‘Family law is a product of the combination of Commonwealth power in relation to marriage and divorce, with the states retaining power in relation to child welfare, property matters and de facto relationships.’ (Victoria Legal Aid, 2014a, p. 1)

Family Law Act 1975 (Cth): An Act relating to Marriage and to Divorce and Matrimonial Causes and, in relation thereto and otherwise, Parental Responsibility for Children, and to financial matters arising out of the breakdown of de facto relationships and to certain other Matters. Available at: http://www.austlii.edu.au/au/legis/cth/consol_act/fla1975114/.

Family Violence Protection Act 2008 (Vic): In the Victorian context, ‘Family violence’ is defined in the *Family Violence Protection Act 2008* (‘Family Violence Protection Act’, 2008) as follows:

‘(1) For the purposes of this Act, **family violence** is —

(a) behaviour by a person towards a family member of that person if that behaviour —

(i) is physically or sexually abusive; or

(ii) is emotionally or psychologically abusive; or is economically abusive; or is threatening; or

is coercive; or

in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person ...’ — (‘Family Violence Protection Act’, 2008)

Available at: http://www.austlii.edu.au/au/legis/vic/consol_act/fvpa2008283/