

# Will somebody listen to me?

INSIGHT, ACTIONS AND HOPE FOR WOMEN  
EXPERIENCING FAMILY VIOLENCE IN REGIONAL VICTORIA  
SUMMARY REPORT

 loddon campaspe  
community legal centre





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Supported by the  
Victorian Legal Services Board  
and Commissioner  
April 2015

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Victorian Legal Services  
**BOARD + COMMISSIONER**  
Funded through the Legal Services Board Grants Program

**Will somebody listen to me?**

*Insight, actions and hope for women experiencing family violence in regional Victoria*  
Summary report

April 2015

Published by the Loddon Campaspe Community Legal Centre, a program of ARC Justice, and written by Carolyn Neilson and Bonnie Renou.

A more detailed report of this research is available at [www.lcclc.org.au](http://www.lcclc.org.au)

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 arc  
justice

*I want to change this for every woman, just a normal thing that women and children should be safe. I don't know how it got all confused.*

*Men should protect us.*

CORDELIA

*... this has actually been going on for years and years beforehand.*

*It was affecting me, I had depression and had gone into hospital, prior to leaving but I didn't realise it could be mental, verbal violence as well.*

KIRSTY

*... the support worker knew the system. Oh my God, that was key to me ... you know what to say, what not to say.*

CARRIE

*The police need to hear these stories without judgement, regardless of what they are perceiving.*

ALLY

*... the violence got worse. It accelerated and got more violent to the point where I was concerned for my life and the children's lives.*

CORDELIA

# Foreword

*Will somebody listen to me?* Insight, actions and hope for women experiencing family violence in regional Victoria makes a significant and timely contribution to the evidence on Victoria's family violence system. Throughout 2015 the Royal Commission into Family Violence will be conducting investigations of every aspect of the system, including the ways that police and the Magistrates' Courts handle family violence cases and how legal services work with their clients. Its recommendations will inform the future directions for the Victorian family violence system. This report, with its critical insights from the women who have lived experiences of family violence, will be an invaluable piece in that puzzle.

The summary and full reports give voice to the women whose safety and well-being has relied on the family violence system, women who have sought support from police, courts, legal and specialist services. In telling their stories, which are both positive and difficult, these women clearly identify the gaps and barriers as well as the supports and processes that determine a woman's experience of the justice system. Importantly, the reports draw on the particular challenges for the women accessing the justice system in rural and regional areas of Victoria. They reinforce the need to listen to what women want as outcomes from the processes. Listening and learning from these varied experiences is pivotal to developing a better and more responsive system.

In this year of the Royal Commission, it is exactly research like this, that honours women's experiences, that should be heard. I am confident that the extensive and thoughtful recommendations made in these reports will resonate with those working in the sector and the wider community.



**Fiona McCormack**  
CHIEF EXECUTIVE OFFICER  
DOMESTIC VIOLENCE VICTORIA

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# Preface

This year, 2015, marks the 10th anniversary of services by the Loddon Campaspe Community Legal Centre (LCCLC). In 2005 it was born from the labours of a sustained campaign for community legal services in the region led by the family violence service EASE (now Centre for Non Violence), the Loddon Campaspe Centre Against Sexual Assault and the Advocacy and Rights Centre (now trading as ARC Justice). Those services recognised that, among other needs, legal assistance for women experiencing family violence was critical.

Since 2005 family violence legal assistance services have dominated LCCLC's client service profile, with thousands of women assisted. However, over this period LCCLC felt that insufficient attention was given to the views of clients themselves or outcomes such as safety, social well-being or health. This summary report and the more detailed online report seek, in part, to give greater voice to those views.

In our view the report represents one of the best data samples of women who have experienced family violence in rural and regional Australia. However, LCCLC also acknowledges the pragmatic and action-focused approach to this report. In a context of limited funds a stepping stone approach to researching the experience of the women is necessary. Where this report contains deficiencies in research methodology or analysis we encourage others to be inspired by its spirit and intent, dedicating themselves to creating systems that are truly responsive to the complex and diverse needs of victims and perpetrators.

In celebrating this publication I wish to firstly thank and honour the women who have participated in the research and shared their stories. I thank the researchers, report authors and project workers, Carolyn Neilson and Bonnie Renou, who have not only dedicated themselves to supporting women who have experienced family violence, but also conscientiously sought to understand the experiences of these women and represent them in this report and elsewhere to work for more effective justice responses for victims and

perpetrators of family violence. Indeed I thank all of the staff and volunteers of LCCLC who have committed themselves to supporting victims of family violence who have sought our assistance. I thank the Victorian Legal Services Board and Commissioner Grants Program, and specifically acknowledge the leadership of Susan Ball in championing a family violence prevention-focused grant round. I recognise and honour the groundbreaking work of Deakin University in also researching the experiences of women navigating the family violence legal landscape, especially researchers at its Centre for Rural and Regional Law and Justice including Lucinda Jordan, Lydia Phillips, Amanda George and Bridget Harris. Lastly, I thank the report editor Sally Woollett and designer Stephen Horsley of Propellant graphic design who have dedicated themselves to creating a dynamic publication that attempts to embody and communicate something of the lived experiences and aspirations of the women interviewed.



**Peter Noble**  
EXECUTIVE OFFICER  
ARC JUSTICE

## Acknowledgements

We acknowledge that the core of the Loddon Campaspe Community Legal Centre (LCCLC) catchment is on Dja Dja Wurrung Country of which the members, elders and their ancestors are the traditional owners of this land and have been custodians for many centuries and where they continue to perform age-old ceremonies of celebration, initiation and renewal. We also acknowledge the traditional owners of the other areas of our catchment, the Yorta Yorta, Barababaraba, Waddi Waddi and Wemba Wemba peoples of the Murray River area of the LCCLC catchment; and the Taungurong people of the east and south-east of the LCCLC catchment. They all play a vital and

unique role in this region in all aspects of life, including how we as a community and the justice system work together to address family violence.

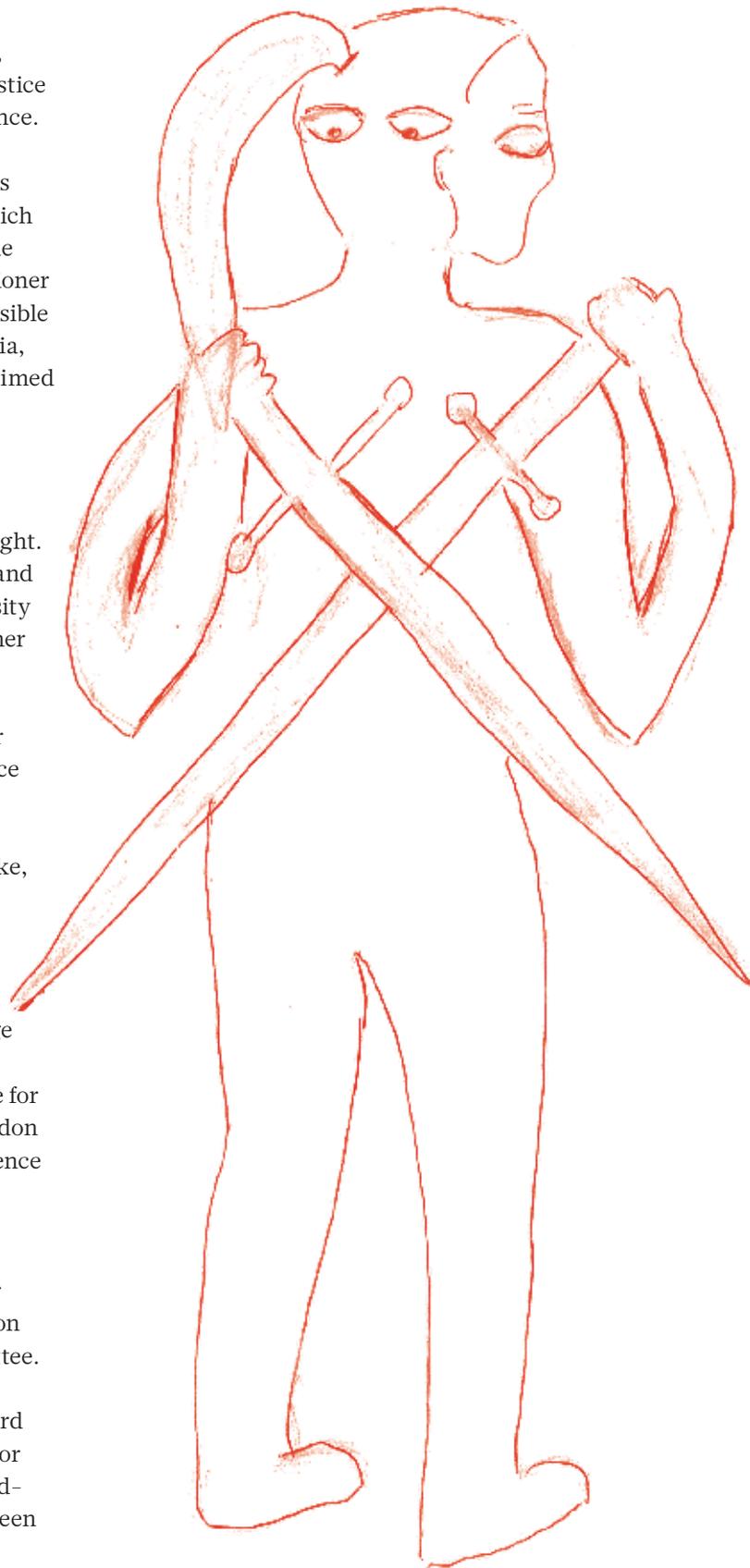
We are grateful to the Victorian Legal Services Board and Commissioner Grant Program, which funded LCCLC to produce this publication. The Victorian Legal Services Board and Commissioner is an independent statutory authority, responsible for regulation of the legal profession in Victoria, and it awards and oversees a grant program aimed at improving access to justice and equity.

We thank the women who shared their most personal lived experiences of family violence and the justice system with integrity and insight. We have been impressed with your strength and resourcefulness and inspired by your generosity in sharing your lived experiences to assist other women and children.

We sincerely hope this research honours your lived experiences and leads to improved justice outcomes for other women and children who experience family violence. We would like to honour the mothers of whom the women spoke, who gave their daughters ongoing support through their daughters' struggle for justice.

We thank the following organisations and individuals for their support and acknowledge the high regard that women who experience family violence have for their support: Centre for Non-Violence, Bendigo; Women's Health Loddon Mallee; Ann Spittles, Indigenous Family Violence Regional Coordinator, Department of Human Services, Bendigo; Loddon Campaspe Centre Against Sexual Assault (CASA); Pat Mullens, Bendigo Court Network Programme Manager for the Bendigo regional courts and the Loddon Campaspe Family Violence Advisory Committee.

We also thank Adam Stevens and David Hillard of Clayton Utz Lawyers and their colleagues for providing pro bono transcription of the recordings of the women's conversations. This has been of tremendous assistance.



*The courts need to stop burying their heads in the sand, hoping that this epidemic of family violence will go away.* BERYL

# Targeting our 'darkest norm'

In the words of former Governor General Quentin Bryce (2014), family violence is the 'insidious, unspoken evil that has been in our midst for too long. It crosses all socio economic boundaries. It causes lasting emotional and economic damage to victims and families and the future of our children. Australia must have zero tolerance to family violence'. In Australia, nearly one woman each week dies as a result of family violence,<sup>1</sup> one woman is hospitalised every three hours because of the health effects of family violence and one in three Australian women will experience physical violence during their life (Australian Bureau of Statistics 2013).

Ending family violence, especially men's violence towards women and children, has proven to be a complex, daunting and lengthy process across all cultures (Crinall & Laming 2012). Jennings (2014) argues that 'violence against women and children is the greatest criminal story of Australia. It reflects the darkest norms of Australian society' or, as the former Police Commissioner Ken Lay (2014) describes, 'It is the inconvenient truth of Australia'.

*Violence is perpetrated every day on women and children, regardless of culture.* KATARINA



*[I'm] sick of it. Sick of it. Sick of it in our communities and in this day and age our children shouldn't be worried about issues like that.* SHIRLEY

We acknowledge improvements in some areas of the justice system's response to family violence. The groundbreaking reform in Victoria of the past decade,<sup>2</sup> premised on improved integrated crisis elements including the police, family violence services and the court system, has led to an increase in applications for family violence intervention orders (MacDonald 2013). Recent Victorian legislative reform has further improved protection for those experiencing family violence and streamlined the justice response. However, there are still inadequacies in the justice response to these increasing family violence figures (MacDonald 2013).

*... there is a long, long way to go.* ISOBEL

As part of a project to target family violence in the Loddon and Campaspe region (see box) we spoke with 27 Australian women who have experienced violence and sought legal protection. They are best placed to recognise the epidemic nature of family violence.

*... I want to change this for every woman, just a normal thing that women and children should be safe.* CORDELIA

## The meaning of justice

Fundamental to the analytical task of this research is the definition of justice, and how the views of those who have experienced violence can help shape that.

Warren (2014) explores the multiple meanings of justice, and argues that the application of the rule of law and legal principles do not necessarily embody justice, but do exist to enable justice to be achieved. In this research we privilege what the women 'feel' (Hand 1953) is justice for them, and reflect on how this intersects with their needs, and their desire for a fair outcome.

In this research the women prioritised their desired outcomes from the legal process as:

- their concerns for their safety to be heard and respected
- their children to be safer (for those who had them)
- the offender to acknowledge the harm he has done

1. This mortality statistic had a particular poignancy for one of the research participants. During the six-month interview research period, two women she knew were killed by their respective ex-partners.

2. The *Crimes (Family Violence) Act 1987* (Vic.) was replaced by the *Family Violence Protection Act 2008* (Vic.).

## Project overview

In 2011, the Loddon Campaspe Community Legal Centre (LCCLC) received funding through the Victorian Legal Services Board and Commissioner Grant Program to target family violence in the Central Victoria region. We provide family violence duty lawyer, advice and ongoing case work across the Loddon and Campaspe region, currently constituting 46.5% of the service's case work.<sup>3</sup> This project focuses on giving voice to women that have experienced family violence and the legal system. It aims to improve their safety, social and health outcomes. The funding gave LCCLC a real opportunity to dedicate the type of resources to this issue that are needed to respond to demand and to identify systemic improvements.

The project seeks to advocate new approaches to family violence legal assistance services that champion outcomes sought by women, as told by women. LCCLC prioritises legal assistance to women who are experiencing family violence, and we know through experience that many of those attending court arrive with little understanding of what to expect on their pathway through the system. The provision of legal services is geared to tangible outputs – intervention orders – with insufficient weight on the views of clients themselves or outcomes such as safety, social well-being or health.

As part of the project, we surveyed 190 women at Bendigo, Echuca, Maryborough, Kyneton and Swan Hill Magistrates' Courts, and conducted in-depth conversations with 27 women, to give voice to these experiences and provide recommendations that stem from these voices. We wanted to support clients to critique the legal system and the current solutions that it offers to women and children who experience family violence. The two-part quantitative survey asked what the participant was seeking by applying for an intervention order, and what her experience of the legal system had been like. The in-depth semi-structured conversations with a non-legal LCCLC staff member qualitatively explored these hopes, experiences, difficulties and outcomes.

All the women engaged in conversations had experienced family violence committed by a male offender and so we acknowledge our gendered analysis of this type of family violence.

Because of the localities of the women, the research drew out issues that are experienced by, if not more acute or unique for, women in rural and regional locations.

3. This is higher than the average for family violence work by other Victorian community legal centres.

- the offender to change his behaviour
- community disapproval of the offender's behaviour
- to begin to heal from the harm that has been caused.

In the conversations they also prioritised the prevention of family violence, which, along with a sense of offender accountability and community accountability, enabled them to begin to heal from the harm caused to them. These justice needs already form the core government policy aims on a state and national level (National Council to Reduce Violence against Women and their Children 2009; Statewide Steering Committee to Reduce Family Violence 2005).

## Key elements to justice

Women who experience family violence, their children, their communities and their offenders have very diverse experiences and therefore very diverse demands of the justice process. However, all women in this research referred to key elements important to their sense of justice:

- **participation** – the decision making to be more in their hands, to be well informed and understand the justice system and processes, and justice to be affordable and accessible
- **voice** – to be heard, that the legal actors really listen and that those experiencing family violence are empowered to say what is their truth; they define clearly what is safety and justice for them
- **validation** – their feelings, behaviour and experiences to be understood; to be believed, not judged or made to feel ashamed
- **offender accountability** – that the offender acknowledges the harm he has caused, apologises, changes his behaviour and that the community and justice system monitor his behaviour and hold him accountable
- **restoration** – the justice process to be the beginning not the end; healing for the women and their children and their community.

Underpinning these justice elements is a restructuring of the systems of power; a reconceptualisation of male privilege and power.

*Like that man over there hasn't been through family violence – why does he decide on what happens?* SARAH

◇◇◇

*How can (when it is gendered violence) men possibly know and feel what women feel?* ISOBEL

## Themes emerging in this study

This research study is one of the few, although growing in number, that has sought to explore women's experiences of the family violence justice system.



The women in this research raised issues or themes that have been identified in other policy reviews, national plans and research. These include:

- inconsistent and/or low police accountability in the family violence intervention order application process and investigation of breaches or contraventions of the intervention order
- lack of offender accountability
- inconsistent responses from justice practitioners
- infrequency of responses encouraging women's rights of control as to the legal outcome
- inadequate addressing of the needs of children in the justice response
- need for a strong shift in community attitudes to occur so that violence is not acceptable
- need for improved multi-agency systemic integration in the justice response, family violence prevention and offender accountability programs
- inadequate crisis and long-term affordable housing for women and children
- issues and themes peculiar to regional and rural justice systems, such as lack of anonymity, accessibility to courts and court privacy and safety
- inadequate understanding and recognition of the different forms and continuum of family violence by the community and justice practitioners.

*It is such a lot of work, you have to do the hard yards, have to prove that your basic rights are being violated, and you just want to get on with your life. Why is it so?* CORDELIA

This research reinforces the importance of addressing these issues if the safety and well-being of women who experience family violence, including their children and their communities, are to be enhanced.

Other themes not so well researched elsewhere, but that appeared in this research, include:

- limitations of the law, and lack of monitoring and evaluation of the justice system
- lack of longitudinal studies of the impacts of intervention orders
- seeing family violence justice outside the narrow spectrum of 'victim and offender', encompassing children and community in the justice needs and response
- justice as honourable and restorative for these women, with a time frame and monitoring system that reflects and acknowledges the odyssey of their family violence experience
- the women's definition of safety, which is about an absence of fear rather than a mere lowering of exposure to violence
- women crafting their own strategies to keep themselves (and often their children) safe when the justice system fails them
- the potential, where women seek it, for the use of restorative justice processes in family violence matters.

*So it was a big process from being so controlled and scared to getting my own power back to have the courage to do this. It takes a bit of time for you to realise that you can take your own power back.* CORDELIA

*I need him to say I'm sorry. He needs to say it to the kids as well. He never said I'm sorry to any of us, never, and I've asked for him to apologise and he won't.* CHRISTINE

# Surveys and conversations

In this research we used a survey and had in-depth semi-structured conversations with women who had experienced family violence, to explore their experiences of the justice system.<sup>4</sup>

4. While we acknowledge males in heterosexual relationships can experience family violence (Mulrone & Chan 2005) all the participants in this research were women because it was the focus of the research.

The first component of the research was a short survey identifying the women's expectations of the legal outcomes they were seeking and briefly exploring their experiences at court. They were asked if they would be willing to participate in a follow-up in-depth conversation to explore whether the legal outcome was satisfying, or not satisfying, the justice needs they had prioritised in the survey.

The surveys had been in progress for more than two years at the commencement of the conversations, so women participated in the latter on a time spectrum of four months to nearly two years after the legal process had concluded. This allowed the women to reflect on the impact of intervention orders over time.

Because legal jargon can alienate and can be disempowering, and doesn't necessarily allow room for the views or experiences of those who have experienced family violence, the women we spoke to were asked to choose the terms to be used in the research. They also chose non-identifying pseudonyms, which have been used throughout. Other processes were embedded in the research to ensure the safety of the participants.

Many of these women had never had the opportunity to share their complete lived experience of their family violence and struggle for justice. Indeed, the conversations for many of the women seemed to be both reflective and a process of discovery. Some women realised how significant support people had been for them; others realised how they had normalised the element of fear of the offender in their lives; others identified what may have assisted them to heal more adequately. Each woman was invited to debrief after the conversation and also to evaluate the recruitment, retainment and conversation process by post.

While the extent of the suffering and injustice that these women had experienced was not minimised in this research, the women were supported to relay their experiences in a strengths-based way.<sup>5</sup> They recognised their skills and knowledge as invaluable and unique because they have evolved from their lived experience of engaging with and negotiating the justice system designed to assist them. While the popular construct of people experiencing family violence is 'a victim', very few of the women identified themselves this way.

After each conversation key messages were identified and reflections on the research process were recorded. Women's generosity and grace in telling the researcher, a relative stranger, their stories was touching. Their strength, integrity and compassion were inspiring.

The project aspired to empower the women to become advocates for change if the opportunity arose. Fortunately, the women had a number of these opportunities to have their voices heard in other significant settings during the period of research.

The high rate of recruitment demonstrates that many women wish to relate their lived experiences of family violence and their experiences of the justice system.

For further details about the participants, surveys, conversations and research methodology, see the full report at [www.lcllc.org.au](http://www.lcllc.org.au)

5. Strengths-based research recognises, respects and records research participants' strengths that are their particular knowledge and experiences of a particular issue (Rubin 2012).

## Cognitive maps

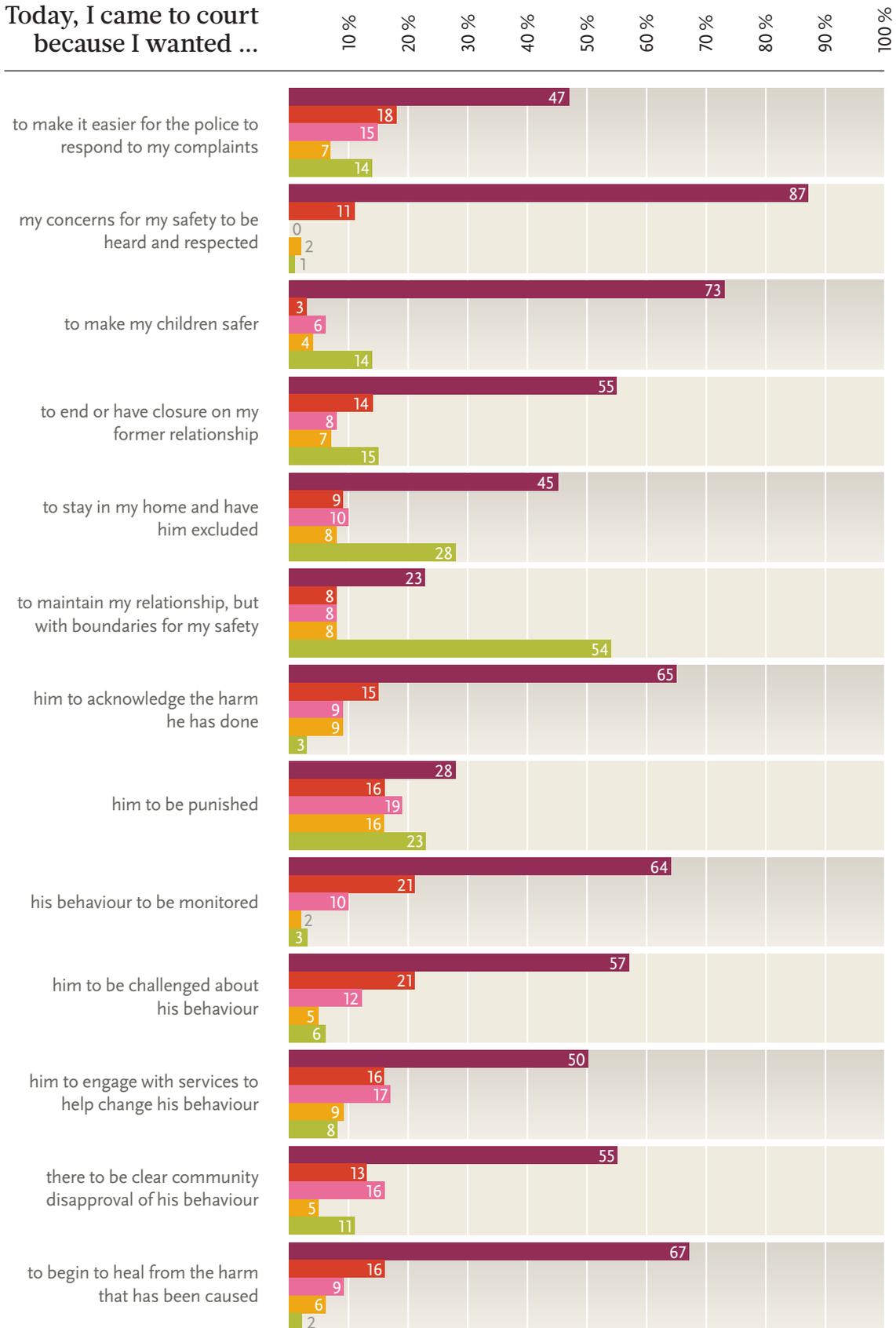
A cognitive map is a type of visual representation that serves an individual to reflect on and convey attributes of phenomena in their environment. Some of the women drew cognitive maps to represent their experience of the justice system; selected maps have been included in this report. For example, the cognitive map shown on the inside front cover conveys the confusion, turmoil and feeling of being very busy that the intervention order process brought to the artist's life. On p. 3, the map reflects the woman's feeling that she had to be like a Samurai warrior, fearless and with eyes on the back of her head, so that she could protect herself and her children when the courts let her down.



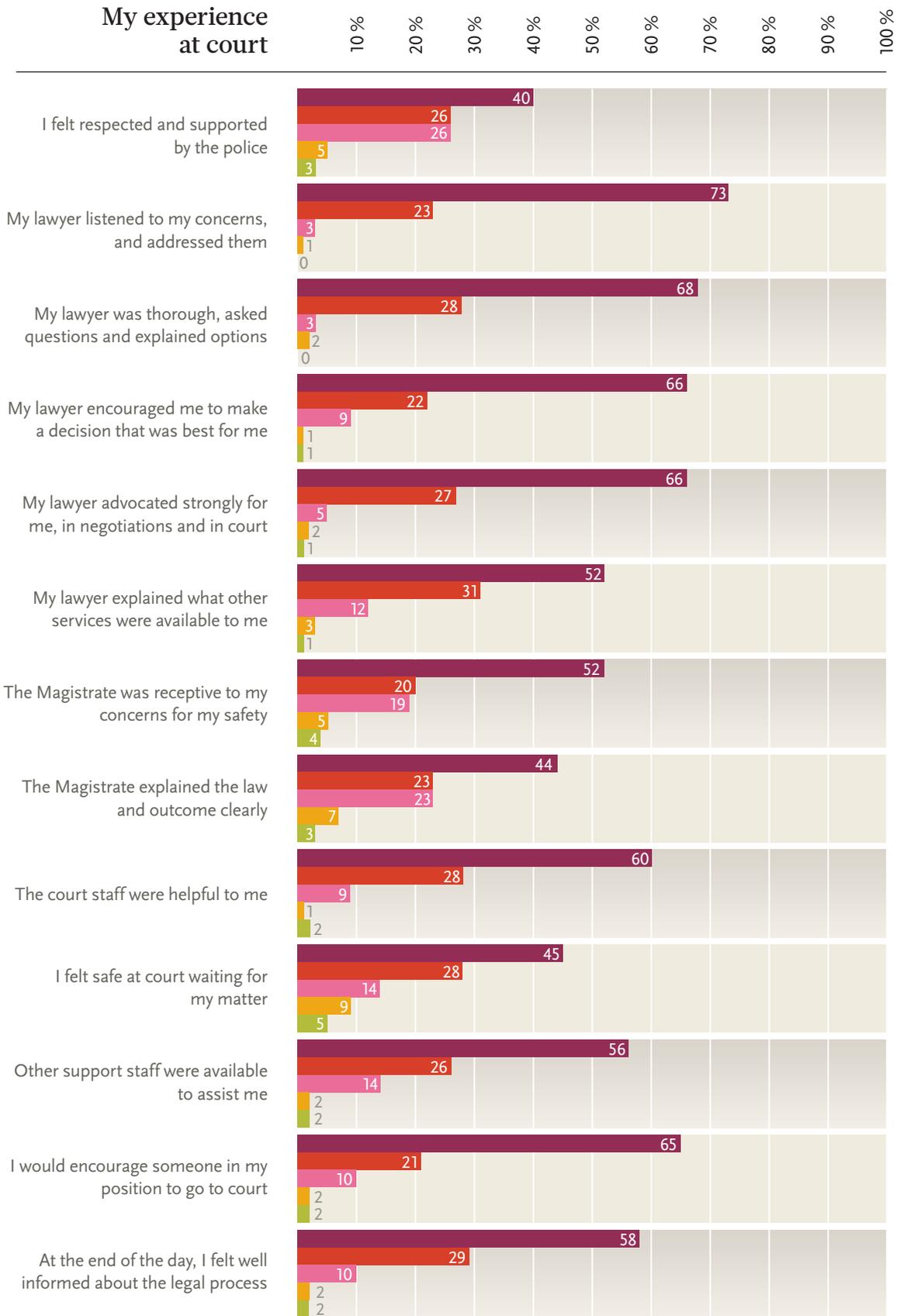
# Survey results

Very much  
Somewhat  
Neutral  
Not really  
Not at all

Today, I came to court because I wanted ...



NOTE: INDIVIDUAL QUESTION RESPONSES MAY NOT TOTAL 100% DUE TO ROUNDING AND FOR EASE OF REFERENCE



NOTE: INDIVIDUAL QUESTION RESPONSES MAY NOT TOTAL 100% DUE TO ROUNDING AND FOR EASE OF REFERENCE

*... I've been through it. I suffered. I've had help. And as I said when you're in it you don't realise, you know and never in a million years did I ever think this would happen to me.* MAUDE

# Our research findings

The women participated in the research because they wanted to be part of a collective voice advocating systemic change in addressing family violence. They wanted what happened to them not to happen to anyone else, they wanted a different landscape free of violence for them, their children, and the community. They wished women to be better informed and they hoped to inspire women to take a stance against family violence.

## Before court

The women described their hopes of legal assistance and explained that what ultimately drove them to seek legal assistance was a critical tipping point in their lives where they feared for their own safety or that of their children.

Well before they decided to seek the protection of the law, the women had experienced a continuum of different forms of physical, social, sexual, financial, emotional and psychological violence over a period ranging from 3 to 40 years.

Interestingly, the majority of the women in this research had not experienced physical violence; however, they recognised that many people (including sometimes themselves) did not recognise or validate non-physical forms of family violence.

Many women also did not realise they had been suffering family violence; they had normalised it for periods ranging from 4 to 26 years.

The women explained how this normalisation of family violence and lack of understanding and acknowledgement of the various and equally significant forms of and the continuum of family violence can lead to their experiences being trivialised and not addressed adequately, for example reduced police accountability with breaches and reduced police applications for intervention orders. The women also described how it can lead to lower confidence of those experiencing family violence in the justice system and, in the absence of other support mechanisms, the beginning of self-doubt.

*So I already knew things weren't right but I was not strong enough to deal with them to say no that's not right, because I doubted myself. JAY*

The women reflected that family violence is a relentless process of power and control, which has had a cumulative and devastating effect on them. Their identification of this continuum of violence clearly countered the myth that family violence is a one-off incident and is solely physical in nature. The women articulated that this continuum of family violence, with its devastating impacts, requires long-term restorative approaches that are not enabled by the current justice system.

Many women had been hesitant to apply for an intervention order because they were fearful of the consequences including the escalation of violence. They were fearful of the court process and going public about their experiences. Other women explained that they did not have confidence in the police to take their request for an application seriously, did not feel well informed, especially about support services, or had concerns about the impact of the order on the offender's job security or gun ownership.

They explained the importance of their first point of contact, seeking assistance for their experiences of family violence. They argued that the application process and effective and timely engagement and service delivery should be founded on a sound understanding of family violence, by the police, courts and family violence support agencies. These elements are extremely important to build on the women's autonomy.



## Police responses

The police play a pivotal role in the family violence justice process, especially during the application process, in their response to breaches of intervention orders (Garcia et al. 2008; Laing 2013; Munzel 2002). This research suggests this is a significant first point of contact for those experiencing family violence who seek information and support. (The majority of women in this research went to the police as a first point of contact.)

The police response is not only vital for the immediate safety of those experiencing family violence but also conveys an important social message about the way in which violence against women and children is regarded (Garcia et al. 2008; Mitchell 2011).

There is no doubt police practice has improved with the implementation of the Victoria Police *Code of Practice for the Investigation of Family Violence* (2014) and certain leadership within the police force (Diemer et al. 2013). However, women's experiences of the police response in this region varied greatly.

Some women commented on the efficacy of police response where they felt understood, supported and validated by the police, who took effective and timely action on their experiences of family violence and recognised community development and engagement aspects to their interventionist role.

However, as the women explained, due to increasing demands on the police – with an increase in family violence reporting, under-resourcing and lack of capacity of frontline officers to respond to family violence as guided by the *Code of Practice* (2014) – many women reported negative experiences of their respective police responses.

*If the police can't do anything nobody else is going to be able to do anything. They are there to serve and protect so if they can't do anything who is?* KIRSTY

The common concerns expressed by the women in their interactions with the police were:

- lack of focus on the offender and offender accountability
- lack of understanding of family violence and the complexities therein
- inadequate recognition of fear of those experiencing family violence
- inadequate recognition of non-physical forms of family violence
- inconsistent response across the police personnel
- potential trauma for the women associated with having to repeat their lived experience of family violence in their interactions with different police personnel
- lack of timely response
- negative attitudes shown towards the women.

The most significant concern was the inadequate response to breaches. More than half of the women (16) reported breaches, and 10 women had given up reporting certain legitimate breaches because of the poor police response – it was too exhausting and traumatising to report the breaches, they were too fearful of an escalation of violence with the reporting, or the police requested evidence that was difficult to provide.

The women highlighted that this lack of offender accountability requires improved police responses, including earlier intervention, but also reflects inadequacies in the law, and therefore the need for other options of justice responses that focus more on the offender acknowledging the harm he has caused and on his behaviour change.

## Going to court

The women found the court process daunting to different degrees due to various combinations of:

- not being adequately informed of the process
- not feeling understood by court staff, lawyers and magistrates
- feeling intimidated by the feeling of heavy authority
- not feeling safe
- feeling emotionally overwhelmed
- being in an alien environment
- little or no privacy
- being given no time to feel comfortable to disclose their lived experience and rationally analyse their and their children's options to make informed decisions.

The women described how court processes and structures need to improve to assist women to feel safe and empowered when taking legal action, and to initiate more rigorous processes of offender accountability. Pivotal to improved court processes is a better understanding by court staff, lawyers and magistrates of the fear these women have for the offender and of the nature and diverse and complex dynamics of family violence.

While the women appreciated they were granted an order by the magistrate some women felt that there was very little opportunity for them to be adequately heard in the process. They also commented on the magistrate's negative attitudes towards them and feeling let down by court or magistrate practice and/or errors.

*We went in there as complete amateurs, knew nothing about the system, knew nothing about anything and that's what it's been like all the way through. We just clawed our way through in the dark.* MARGARET AND HER MOTHER

The women also explained that the role of consistent and understanding legal advocacy and support people at the family violence courts cannot be underestimated.

## Offender accountability

The women reported a lack of offender remorse, monitoring of his behaviour and behaviour change in their justice responses. This lack of offender accountability

and subsequent lack of restoration experienced by the women are very significant injustices felt by the women and at times also their children.

In addition to low police accountability, low community accountability and normalisation of family violence as explored in the research, the women described other barriers to offender accountability: the offenders not adequately hearing the victims' experiences of family violence, the offenders themselves feeling that they are victims of the justice response and low level of engagement of offenders with men's behaviour change programs.

A small number of women would have advocated punishment by imprisonment for their respective offenders. They felt that it was the only way of bringing safety to their lives because their offenders were not capable of rehabilitation. However many women did not wish offenders to be punished by imprisonment. They wanted a broad integrated response to family violence that sees a shifting of focus from women to offenders. They recommended that this response include early offender intervention, the offenders to hear and understand the impacts their violence has had on the women and their children and acknowledge the harm they have caused. It also includes facilitating offender engagement with relevant men's behaviour change programs and long-term monitoring and mentoring that addresses individual offender needs not to reoffend.

The women thought that the justice response requires improved police accountability, community accountability and parallel family violence prevention addressing gender inequity and belief systems that see men having rights to violate women.

The concept of restorative justice, to improve on offender accountability and subsequent restoration for women and children, was explored as a potential option for certain family violence cases.

*He won't acknowledge the harm he has done, he is not accountable for anything he has done. He always blames someone else for things that are his fault, he never says sorry that is my fault, I did that ...* KIRSTY

## Community accountability

The women in their surveys hoped that the intervention order would bring community disapproval of the offender's violent behaviour. Some women demonstrated positive experiences of support from some community or family members in their struggle for justice. Unfortunately many women experienced the community being complicit in the continuation of family violence by not challenging the offender's behaviour, fuelled by fear or indifference and/or holding 'small town' attitudes of shame and judgement towards them.

*...family violence is not okay you know, the acceptance of the community of this kind of violence, that is not okay, the community has to hold people accountable as well.* CHERIE

## Children

A very significant focus of the women's decision making in their struggle for justice was what they felt was best for their children in their individual family context in terms of safety and well-being, and also restoration. In some cases the focus was also on strengthening relationships between the children and the offenders (fathers) and between the children and themselves.

While all the women clearly wanted to protect their children and see their safety as paramount, they differed in terms of how the offender fitted into this picture of safety. Some women didn't want the offender to have contact with their children, while others recognised the fathers' interests to have that contact.

Some women also explained how the interpretation of the interaction of family court orders and intervention orders by the police and magistrates can undermine the conditions of the intervention order and compromise the safety of their children.

The women conveyed strong concerns about the long-term restoration of their children and the cycle of violence continuing in their children's lives.

They also argued that children's needs should be more adequately addressed in the justice response through the greater inclusion of children in the decision making and a less siloed framework that brings different family violence agencies and court jurisdictions together to work more collaboratively on family violence.

*The court systems are failing our children.* HELEN

## Support

The women showed that the provision of information, support, advocacy and referral to other community supports can be significant to women pursuing rather than abandoning efforts to access legal protection and to optimising the chance of their and their children's restoration from the harm they have experienced.

*I definitely wouldn't have gone for an intervention order [without support of family violence services]. I would probably would have fallen straight back into his trap and gone back home.* AGNES

## Impacts of the legal process

While some women were clear either that there were certain benefits from the legal process, or that that the whole experience left them more vulnerable, many women had mixed experiences.

None, however, had their justice needs of offender accountability or restoration met in their justice response. Many women spoke of a litany of issues that had arisen for them as a result of seeking legal assistance. They described their fear, isolation, health issues, financial pressures, sense of grief and loss, injustice, lack of self-belief, exhaustion and guilt.

The reluctance to proceed with an application is understandable if what the women describe is a fairly common aftermath of the order and processes.

*Now after what I went through to get the intervention order in place, I understand why women drop their intervention orders all the time. A number of times I thought this is crap, what is the point, just drop it.* KIRSTY

## Safety

In this research the women were clear that safety was not just a reduction of exposure to violence, but a complex state defined by the absence of fear brought about by offender accountability, and change in behaviour and confidence in the justice system being accountable and effective in its implementation.

Women explained how they crafted their own safety strategies when the justice system was ineffective, the most common strategy being to change locality.

*You know knowing that all these police and that are there didn't make you feel any safer. They don't make you feel any safer, because they don't understand what it is like [to be there as an applicant in fear of the offender].* MARIE

## Sense of injustice

The women felt a huge sense of injustice as a result of their experience of family violence and attempts to seek the protection of the law. Many women also had to leave their homes and some women had also lost connection with their children and/or their communities, who had chosen to support the offender.

Some women felt their access to justice was impeded by not being able to afford a private lawyer, or being eligible for a grant of legal aid.

*He mentally abused me and the kids for nearly eight years and it's not on, he was violent with things and in my case he's got away with it all. He got away with it. And he's laughing at me. That's not fair.* SOPHIE

## Accountability of the justice system

Threading through the research were failures of current justice practice and limitations of the law in addressing family violence. There was also a low accountability of the justice system, in that there is an absence of modes of monitoring and evaluation that hear the voices of women using the system. Some women argued that improved family violence multi-agency systemic integration<sup>6</sup> would improve this accountability and justice outcomes for women and their children.

*We will be screaming for change for a lot longer* ANN

6. Bringing family violence services, police, child protection, prosecutors, legal aid and community legal centres and often housing services together to share information and integrate thinking and response systems to improve justice outcomes for women and children experiencing family violence (Attorney-General's Department 2010).

## Final words from the women

Most women were disappointed with the impacts of the legal protection they received. However most women felt that – provided they could access long-term support and receive timely information – they would still recommend seeking legal assistance. When there is no other option, it can be a step in the right direction.

They therefore hoped that this research – through myriad positive changes, including their voices being heard – improves justice outcomes for other women and their children so that what happened to them does not happen to anyone else.

*I hope that what happened to me could be used perhaps as a learning tool or a teaching tool to ... I feel that I was brave to stand up to all these men. Maybe I could encourage some of these other women ... to stand up for herself.* KATARINA



*The interim order brought us a bit of peace. I didn't have to answer the phone worrying if it was him and what he was going to say. My children felt safer, they had a choice about contact with their father. It brought respect into the communications, and situation, I felt more in control.* HELEN

# Recommendations

If we are to truly honour these women's lived experiences and their courage, we need to champion these outcomes and their voices and act on the following recommendations with integrity and commitment.

The vast majority of these recommendations have already been proposed in other research. The first three categories are ordered according to the women's priorities. Points within the remaining categories are of similar importance.

## Offender accountability

- A1. Improve early intervention and prevention programs, including increased availability of men's behaviour change programs.
- A2. Increase the applicability of Part V of the *Family Violence Protection Act 2008* (Vic.) to all Victorian courts so that offenders can be ordered to attend counselling if deemed suitable.
- A3. Give consideration to judicial monitoring of offender participation in men's behaviour change programs by delaying the finalisation of matters.
- A4. Develop community-based bystander training to improve community monitoring of offenders.<sup>7</sup>
- A5. Collect and collate recidivist data to provide an evidence base for the development and future funding of violence prevention programs.

*On that day when you had to stand up and the lady judge said ... she kind of quoted some of his messages or the theme behind his messages and the amount of texts and she said that that is a form of harassment. Do you understand that? When he had to say yes it hit him.* JOAN

## Police practice

### Improved training for all frontline police

- B1. Provide obligatory training in family violence at the commencement of frontline duties, as well as continuing professional development training, incorporating the common risk assessment framework; involvement from those who have experienced family violence; and coverage of the specific needs of communities such as the indigenous, lesbian–gay–bisexual–transgender–intersex, disabled and culturally and linguistically diverse communities.
- B2. Require information to be provided on family violence support services and family violence intervention order processes to persons seeking assistance with applying for an intervention order with police.

7. Preventative programs reinforcing the message that family violence '...is everyone's business and that everyone has a positive role in eliminating it. It provides the mechanism to challenge violence-supportive attitudes and behaviours' (Women's Health Victoria 2011, p. 21).

## Monitoring the *Code of Practice*

- B3.** Have family violence multi-agency monitoring and evaluation of the implementation of the *Code of Practice* (2014), including experiences of those using the police services, the safety of children, the exclusion of the offender, and the swiftness of following up on breach allegations.
- B4.** Scaled police response – give consideration to providing an ‘official warning’ to an offender where there are allegations that will not result in the prosecution of a breach.

## Recording history of family violence

- B5.** Create more effective ways of recording and relating the histories of family violence victims between agencies (such as the police and courts) to reduce retraumatisation and fatigue for applicants and protected persons.

## Specialist family violence and Aboriginal liaison role at all stations

- B6.** Have a Family Violence and Aboriginal Liaison Officer role in all stations, which is a long-term committed role that also assists in the delivery of family violence training and engages with all relevant stakeholders providing services to those experiencing family violence.

*I just believe that she's [Police Aboriginal Liaison Officer] built up trust with people and women in the community and I've had home visits and ... But it would be good if she within that unit had the support of the other police officers.* SHIRLEY

## Children's justice needs

### Protecting children with intervention orders

- C1.** Explore ways of hearing the voices of children affected by family violence to ensure that their views are considered throughout the response process. This could include the provision of dedicated legal representation where necessary.
- C2.** Include children in the care of the applicant as protected persons on all intervention orders, unless the applicant specifically requests them not to be listed.
- C3.** Allow adequate time where parties are represented to negotiate and resolve any interim parenting arrangements that may be affected by an intervention order, rather than simply deferring to courts hearing family law parenting matters.
- C4.** Improve interactions of the state family violence jurisdiction and child protection jurisdiction, and the family court jurisdiction, such as

information sharing protocols, with consideration given to setting up the 'one court' system to streamline services and outcomes. This includes the discouraging of practices that undermine the mother-and-child relationship.

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## Children at court

- C5.** Give consideration to the provision of child care and child-friendly spaces at court so that women with child care duties are not prevented from accessing the justice system.
- 

*KNOWLEDGE IS POWER and understanding the impact that family violence has on children socially and emotionally and being able to respond to your very strong maternal instincts and for women that in this situation that don't have that knowledge. THEN IT TAKES AWAY THE POWER. ALLY*

## Accommodation

- D1.** Increase crisis and long-term accommodation and a continuum of individualised support for both women and children experiencing family violence, and for excluded offenders.
  - D2.** Ensure police and magistrate training emphasises that the exclusion of the offender is the preferred option where deemed safe by the women.
- 

*I'm hoping for anything just to help me get back on my feet, just so I've got my own little room. [That will] give myself some time to get my life back, more confidence. SUNNY*

## Support services

- E1.** Make family violence information available at a range of well-known risk points: maternal child health centres, antenatal clinics, medical centres, hospitals, mental health facilities, family law courts and family relationship centres.
  - E2.** Offer continuing professional development family violence training for medical general practitioners.
  - E3.** Increase family violence services providing support for completing the intervention order application at court, and after the order is in place, including peer support programs.
  - E4.** Improve community awareness of family violence support agencies.
-

*The worst thing is that you don't know where to go when it happens ... we need better awareness of family violence and supports.* ANN

## Court structures and practice

### Improved information and support

- F1.** Encourage all applicants to seek assistance with completing the application form to adequately capture the history of family violence and recent allegations.
- F2.** List details of previous applications on the application, as well as the outcome, so that the magistrate is aware if there is a history of intervention.
- F3.** Advise all applicants of the list of support services provided with the printed application and encourage them to contact the family violence support service and duty legal services, and refer them to online information on court procedures.
- F4.** Allocate more time within the family violence lists to ensure that individual matters are given sufficient attention.
- F5.** Registry staff to advise an applicant prior to court where an application has not been served so that she does not need to attend if not required.
- F6.** Increase court applicant and respondent workers to ensure their presence at all courts.

### Comprehensive legal services

- F7.** Where possible, advise applicants of the legal process prior to their court day.
- F8.** Where possible, ensure applicants have the same lawyer throughout the legal process, or that the lawyer on duty is made aware of the previous instructions provided so that she does not have to repeat her story.
- F9.** Provide specialised training for all lawyers acting in family violence matters, including risk assessment, giving options, non-collusion with offenders, emotional support, being aware of the intimidation by the process and pressure to settle.
- F10.** Have at least two duty lawyers at all courts (applicant and respondent), as well as enhanced access to financial counselling services.
- F11.** Publish a detailed guide to self-representation if Victoria Legal Aid is not able to fund a contested hearing.

## Participation in court

- F12.** Offer the applicant or protected person the opportunity to address the magistrate if they seek it.
- F13.** On an applicant's request, have the allegations read in open court prior to the matter being finalised.

## Court safety

- F14.** Magistrates to chair a court user's group for agencies and legal services acting in family violence matters to address any ongoing or systemic issues at each court, and make changes to the court environment to improve safety (such as clear signage, and separate entrances, waiting areas and seating in the court space).
- F15.** Make private interview rooms available at all regional and country courts, ensuring that lawyers also utilise these rooms for negotiations to improve confidentiality of the cases.
- F16.** Improve security systems at regional courts including monitoring systems, escorts for applicants when entering and leaving the courts, improved dispersal of police throughout the court space and security check of people at entrance.
- F17.** Provide family violence training to all magistrates and registry staff including the common risk assessment framework training so that high-risk matters are identified early in the process and applicants are encouraged to apply for interim orders.
- F18.** Invite women who have experienced family violence to provide their perspective at registrar trainings.
- F19.** Have the option of video link-in at all courts to improve applicant safety.

*I don't know how you'd do it without redesigning the entire court system where survivors go in that way, perpetrators go in that way and they are kept in separate areas and there is an interview area at the back where, you can go, you've got some confidentiality. They [the lawyers] can then communicate with each other without having that visual impact of what's going on. And they're talking about us.* ALLY

## Community accountability and gender equity

- G1.** Educate the community on and raise awareness of gender equity and gendered violence.
- G2.** Encourage the development of community-based bystander training to improve community monitoring of offender accountability.

*And I said where is it written that men are better than women? We really are made equal.* KATARINA

## Hearing the voices of women and their children

**H1.** Enable the voices of women and children to be included in systems of monitoring and evaluation of the family violence justice system and for them to be engaged in prevention and training programs.

*I want to be a voice out there for other women, you know, to be a voice to say something needs to be done, people are crying out for it and I'll stand up and help if I can.* SIÂN

## Government commitment

- I1.** Have an integrated approach to family violence with bipartisan support and a whole-of-government focus that is formalised and directed at the federal level and coordinated with state and territory governments.
- I2.** A bipartisan government integrated approach to addressing family violence must work with the family violence non-government sector.
- I3.** A bipartisan government integrated approach to addressing family violence should include gender mainstreaming.<sup>8</sup>

*I hope that the government will realise that they can't just keep cutting things [funding] off.* FRAN

## Multi-agency systemic integration

- J1.** Design and implement family violence multi-agency monitoring and evaluation of court and police practice as part of a broader monitoring and evaluation system of outcomes of the justice system including offender behaviour change, women and children's ongoing safety and well-being, over a period longer than that of the intervention order or undertaking.
- J2.** Improve family violence multi-agency systemic integration and prevention investing in and embedding structures and processes, not depending on particular leaders, to ensure the long-term viability of such collaborative family violence programs.

8. "Gender mainstreaming is a strategy for promoting gender equality." It ... "involves ensuring that gender perspectives and attention to the goal of gender equality are central to ... policy development, research, advocacy/dialogue, legislation, resource allocation, and planning, implementation and monitoring of programmes and projects." Available at <http://www.un.org/womenwatch/osagi/gendermainstreaming.htm> (accessed 10 March 2015).

*I don't believe in recreating the wheel I just think that is so tiring. So there's so many different services, so many different opportunities, why can't they all network and provide the [better] outcome.* SHIRLEY

## Restorative justice

- K1.** Pilot studies to trial restorative justice options for specific and appropriate family violence cases either as an adjuvant to the formal court process or as an alternative.
- K2.** Expand the application of restorative practices to schools and workplaces as part of their anti-violence practices and conflict resolution methods.
- K3.** Provide more appropriate spaces for the offenders to hear the women's (and their children's) lived experiences of family violence.

*I would just love to be able to say to him [the offender] where's our apology?* CHRISTINE

*I think abusers rely on their partners to be silent and I don't want to be one of them women who stay silent.* WEONA

# Old problem, new solutions



In the context of efforts to reform the family violence justice system in Victoria evaluation must include both output measures (e.g. family violence reports and prosecutions) and outcomes measures, including feedback from those who have used the system. Hearing the women's voices is essential for those who have experienced family violence, as attested in this report, and for long-term monitoring and evaluation of the impacts of the legal assistance they sought, which is crucial to the development of more women-and-children focused and responsive services.

The least we can do is to listen closely to the women's stories of lived experiences and use those to inform what is best practice in future family violence service delivery in the justice system.

Unfortunately, the justice system often fails to meet the justice needs of women and children experiencing family violence, their communities and the offenders not to reoffend. The complexity in the initial decision making and ultimate accountability are not enabled by a rigid 'one fits all' (Eaton 2001) intervention order, and necessitate a range of effective and meaningful justice approaches. As Hulls (2014) argues, 'We need new solutions to an old problem'.

While these justice needs are supported in the national plans and state government policies it seems we need improved long-term political and community will, an ideological shift, collaboration, courage and leadership to implement significant change (Hulls 2014; MacDonald 2013).

The women in this research proposed that we need improved justice system, community and offender accountability, and family violence prevention founded on a better understanding of the meaning, nature and dynamics of family violence. Gender inequity – the crux of gendered violence experienced by women when the offenders are men – must be challenged.

We need improved family violence multi-agency systemic integration that enables the crafting of long-term localised coordinated justice responses that are effective, restorative and liberating. These responses can then bring safety (including financial safety and absence of fear) to women and their children experiencing family violence, and allow a better chance of restoration for them, the offenders and their communities.

*Women need to have their rights heard. Hopefully this research will help that. If enough women put their hand up and said 'Hey, we should be heard and we should have our rights listened to', then something might happen.* FRAN

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Extracts from conversations with the following women appear throughout this report. We are grateful to these women and to all women who shared their stories during the conversations held as part of this project.

**Agnes** had two intervention orders on the same offender and still experienced total lack of offender accountability.

**Ally** worked as a family violence support worker prior to her application.

**Ann** eventually moved away to protect herself more effectively from her offender.

**Beryl** is a grandmother and applied for an order to protect herself from her son, but she had experienced family violence from her ex-husband. She wanted early offender intervention and improvements in offender accountability.

**Carrie**, despite allegations on her offender that could bring criminal charges, did not want punishment by imprisonment for her offender because it will compromise strengthening relationships with his daughters. She wanted him to change his behaviour.

**Cherie** was hoping for offender behaviour change, but was reluctant to pursue the intervention order.

**Christine** is a grandmother and was married for 35 years before she applied for an intervention order. She could not afford the contested hearing so had to drop the intervention order process.

**Cordelia** really wanted offender behaviour change before the offender has contact with his children.

**Elizabeth** revoked her intervention order because she felt it did nothing to improve her or her daughters' safety. A comment she made about not being heard is the title of this report.

**Fran** was supported by her GP. She demanded prompt and effective action from governments to address family violence.

**Helen** applied for the intervention order primarily to protect her children.

**Isobel** is more than 80 years old.

**Jay** had been isolated from her eldest daughter, who blamed her for breaking up the family and isolating her father.

**Joan** applied for an intervention order after her ex-partner's violence escalated after their separation.

**Katarina** had experienced more than 40 years of family violence from family members and ex-partners.

**Kirsty** had to endure lack of police accountability in the application process and investigation of breaches.

**Margaret** experienced more than 20 years of physical, sexual and psychological violence.

**Marie** has been disappointed and saddened for her young son that the offender (father) has not made contact with them to arrange contact with his son as negotiated in the conditions of the intervention order.

**Maude** was married for more than 30 years before having to apply for an intervention order on her husband.

**Sarah** applied primarily for the intervention order to protect her daughter.

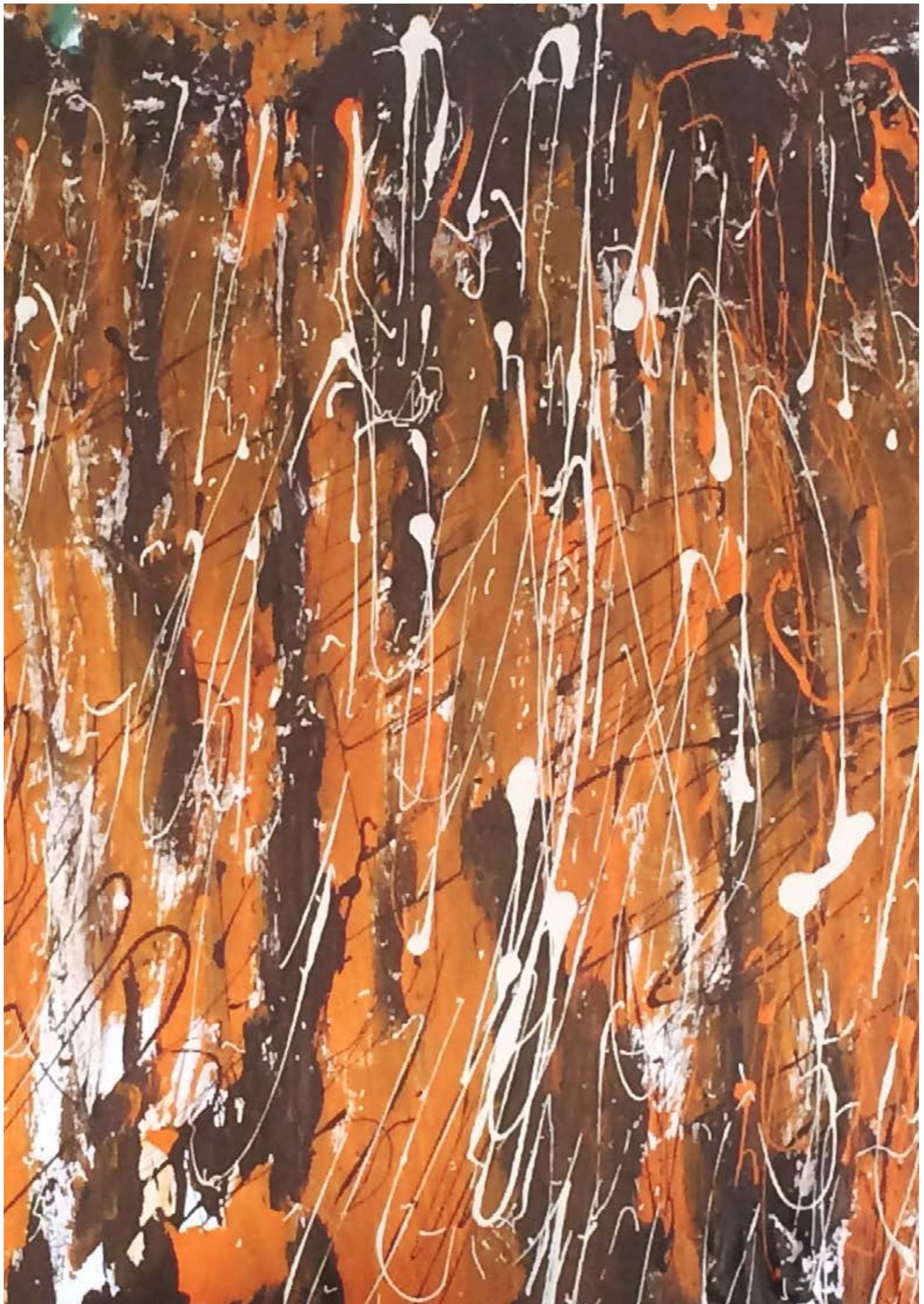
**Shirley's** offender had another intervention order taken out on him from another woman.

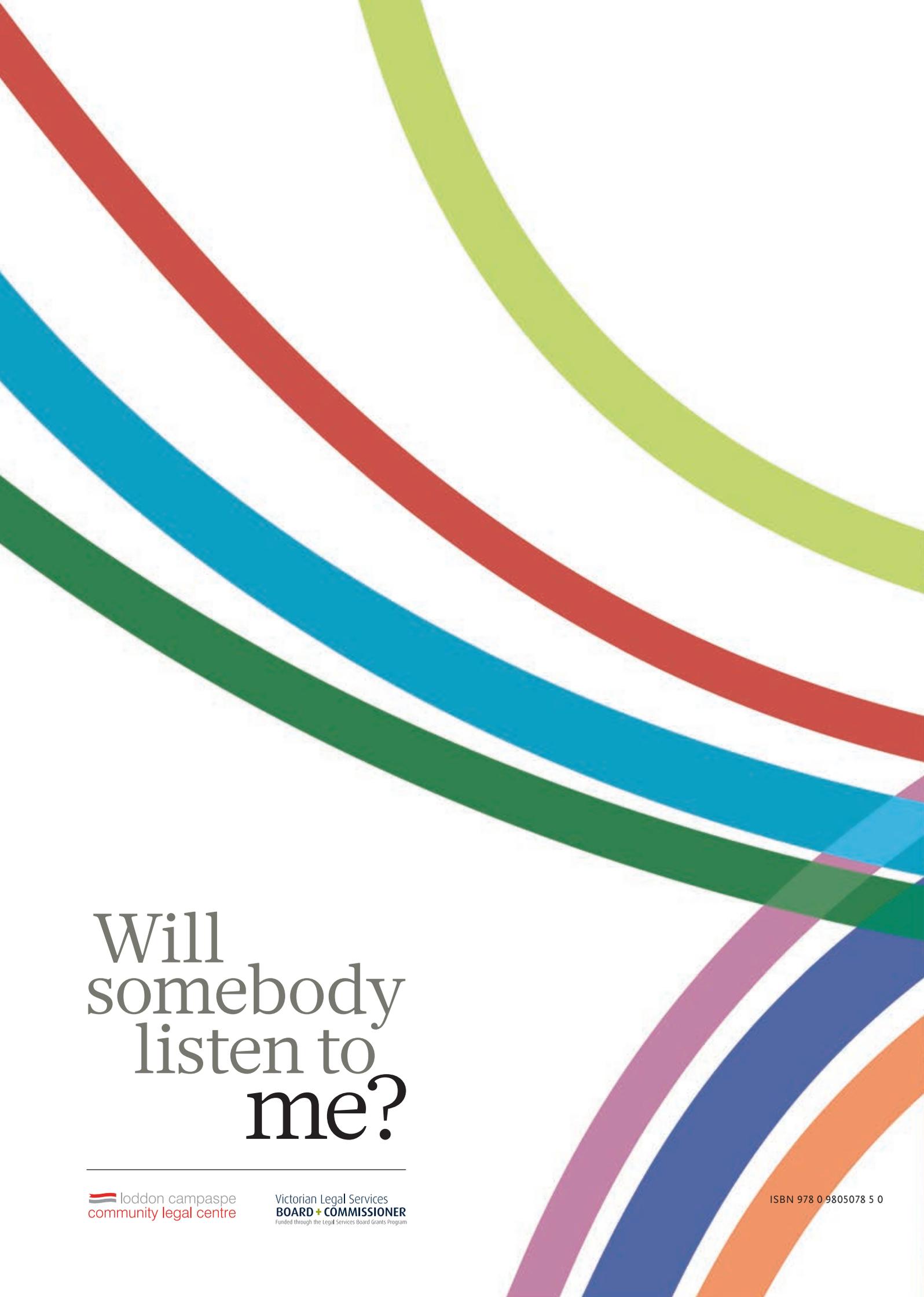
**Siân** is a grandmother who wished for restoration and improved local monitoring and evaluation of the intervention order process.

**Sophie** had to endure lack of police accountability in the application process and investigation of breaches and wished to move locality so that she and her daughters could feel safer.

**Sunny** is a grandmother who just wanted a safe home.

**Weona** hoped her children, especially her son, could recover from the family violence.





# Will somebody listen to me?