



SUBMISSION TO THE INQUIRY INTO FAMILY VIOLENCE ORDERS

Standing Committee on Social Policy and Legal
Affairs

inTouch Multicultural Centre Against Family Violence

Women's Legal Centre

August 2024

Acknowledgement of Country

We acknowledge the Aboriginal and Torres Strait Islander people as the first inhabitants of this nation and the Traditional Custodians of the land on which we work and live. We pay our respect to their Elders – past and present. We express our gratitude for the sharing of this land, our sorrow for the personal, spiritual and cultural costs of that sharing and hope that we may move forward together in harmony and in the spirit of healing.

Acknowledgement of Victim-Survivors

We also acknowledge the countless women who have experienced family violence, in particular women from migrant and refugee backgrounds. We recognise the courageous path they have travelled to rebuild their lives and honour their stories which continue to inspire and drive our work.

Thank you

inTouch thanks the members of the NOOR Survivor Advocates group, and other former and current inTouch clients, who generously contributed their stories, insights and valuable lessons from their lived experiences to this submission. It is their courage and continued advocacy and leadership that guides our work and strengthens our understanding and contributions to this Inquiry.

Consent

inTouch consents to this submission being published on the Inquiry website, permitting recognition of our contribution in the Review's report and permitting citations, whether attributed or anonymously, as required.

About inTouch

inTouch Multicultural Centre Against Family Violence (**inTouch**) has provided person-centred, integrated and culturally responsive family violence services to migrant and refugee communities in Victoria since 1984.

inTouch works across the family violence continuum, providing culturally-informed early intervention, case management, legal and migration assistance, perpetrator programs, post-crisis recovery and enhanced capacity-building across the sector and community through our learning and development and project management teams. We are proud to provide high-level leadership and guidance to all levels of government with our evidence-based policy and advocacy work.

Our services are informed by an integrated *inLanguage*, *inCulture* delivery model and supported by our diverse workforce, which is comprised primarily of people who are migrants and refugees themselves. Our team's unique understanding of culture and the migration journey allows inTouch to deliver expert, specialist case management to our clients in over 20 languages.

inTouch services include:

- Case management that encompasses a first-hand understanding of the migration journey and unique cultural barriers women may face when seeking assistance for family violence.
- An integrated community legal centre, **inTouch Women's Legal Centre**, working at the intersection of family violence, family and migration law - the first multidisciplinary practice in Australia to provide this inclusive service response.
- inSpire, a post-recovery initiative for victim-survivors, focusing on economic independence, social connection and emotional wellbeing.
- A policy, advocacy and research unit that informs government legislation, service provision and media coverage and is informed by victim-survivors and our client services' team.
- Prevention and capacity-building projects and resource development for multicultural communities and the family violence sector.
- A specialised *inLanguage*, *inCulture* program, Motivation for Change, that works with men who use violence, focusing on trauma and the impacts of migration.
- A comprehensive suite of Learning and Development modules centred and informed by the experiences of victim-survivors and inTouch's specialist expertise working across the family violence continuum.
- NOOR Family Violence Survivor-Advocates, a group of migrant and refugee victim-survivors who influence policy, service provision and media reporting with lived experience.

For more information, visit www.intouch.org.au email admin@intouch.org.au or call **03 9413 6500**

inTouch Women's Legal Centre

Overview

The inTouch Women's Legal Centre (**Women's Legal Centre**) is a specialist Community Legal Centre (**CLC**) utilising an integrative practice model to provide legal advice and representation to clients who are already receiving support from inTouch case managers. In addition, we accept a number of

external referrals from partner organisations including our Health Justice Partnership. The Women's Legal Centre was established following research funded by the Victoria Law Foundation in 2012, which identified that navigating the justice system is a particularly challenging process for migrant and refugee women who experience family violence.

Referral and intake process

Clients are referred to the Women's Legal Centre through inTouch case management services, ensuring a unique, integrative and multidisciplinary support practice. The structured intake and case management services that precede referrals to the Women's Legal Centre allow for a process that supports clients in their own language and cultural context, and encompasses risk management, safety planning and facilitates referrals to external providers for essential services such as housing, mental health support and financial counselling.

Legal services

inTouch extends its case management and legal services, which are tailored to address cultural and linguistic needs, to women and gender non-binary clients who consent to support from a women's service, are migrants and/or refugees, are aged 18 years and older, reside in Victoria and are currently or continually affected by family violence.

Given the need to triage and prioritise cases, all clients referred to the Women's Legal Centre initially receive legal advice through advice clinics, which include our Legal Advice, Victims of Crime, Migration and Divorce clinics, as well as outreach through our Health Justice Partnerships.

Unlike many CLCs, we also provide ongoing legal representation and regularly appear in the Federal Circuit and Family Court of Australia (**FCFCOA**) in parenting and property litigation matters.

Our expert team of lawyers and migration agents provide the following services:

- protection from family violence through intervention orders;
- family law dispute resolution and representation in areas such as parenting, small property settlements, and spousal maintenance;
- immigration and visa assistance;
- support for Victims of Crime Assistance Tribunal (**VOCAT**) applications;
- divorce clinics; and
- secondary consultations.

Due to the specific needs of our clients and the impacts of language barriers, in addition to providing legal advice and representation in court, inTouch dedicates significant time to assisting clients to navigate, and supporting them to comply with, court mandated courses, demonstrating the breadth of our current service offering.

Client profile

Our clients have highly complex and intersectional needs. We have the privilege of seeing first-hand how our trauma-informed, *in-culture and in-language* legal support enables our clients to navigate the justice system. This unique service delivery not only supports a more effective and efficient process, but also provides a strong foundation for our clients' healing and recovery, ensuring the best possible outcomes for our clients, their children and their communities.

During the 2023-24 financial year, the Women's Legal Centre demonstrated its commitment to supporting vulnerable women, providing legal support to more than 674 women, offering the legal

resources and assistance they urgently needed. Notably, this included 113 women who successfully obtained permanent residency as a result of family violence provisions.

While the impact of the Women's Legal Centre on women's experiences in addressing family violence cannot be understated, the demographics of our clients underscore the unique challenges and barriers they face. Among the women we assisted:

- 91 percent speak a language other than English as their first language, highlighting the importance of providing culturally sensitive and linguistically appropriate services.
- 87 different languages were spoken by inTouch clients in the last financial year, and clients represented people from 98 different counties, demonstrating the diversity of our clients.
- 36 percent reported living with a disability or mental illness, emphasising the need for wraparound supports that adequately take into account these circumstances.
- 44 percent were on temporary visas, demonstrating their vulnerability and lack of stability, driven by the uncertainty about their immigration status.
- 32 percent of inTouch clients overall have lived in Australia for less than 5 years, making it very difficult to navigate a legal system they have limited understanding of.
- 68 percent of our clients are either homeless or at risk of homelessness, underscoring the urgency of addressing housing and stability issues alongside and through legal assistance.
- 69.5 percent of clients are grappling with severe financial disadvantage and 25.6 percent of our clients had nil income at the point of engaging our service.

These statistics serve as a critical reminder of the role inTouch plays in addressing the intersecting challenges faced by vulnerable women experiencing family violence within migrant and refugee communities.

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1 Introduction

inTouch welcomes the opportunity to provide a submission to the Standing Committee on Social Policy and Legal Affairs' Inquiry into Family Violence Orders (**FVOs**). Our focus is on enhancing and strengthening the support systems for marginalised women experiencing family violence within migrant and refugee communities.

inTouch endorses the recommendations of the Federation of Community Legal Centres (**FCLC**) and Women's Legal Services Australia (**WLSA**) in their submissions to this Inquiry. As such, we have avoided repeating those recommendations in this submission and instead sought to lend our unique perspective – one informed directly by the voices of refugee and migrant victim-survivors of family violence supported by inTouch.

In developing this submission, we interviewed members of [NOOR Survivor-Advocates](#) group, who offered invaluable, in-depth perspectives from migrant and refugee victim-survivors. We also interviewed inTouch case managers and lawyers, drawing on their extensive experience supporting victim-survivors in the family law system. Further, we worked in collaboration with current and former clients to put together case studies¹ based on their experiences. Accordingly, our submission aims to contribute extensive first-hand experience to this Inquiry through the inclusion of a wide range of case studies, direct quotes and observations of common client experiences.

Welcoming the Government's effort to review and reform the family law system, we strongly emphasise the importance of considering the needs of and implications for migrant and refugee communities in this reform. As our submission presents, migrant and refugee women victim-survivors face additional complexities in systemic barriers, risks and challenges that require a response across all the issues examined in this Inquiry. With over one-quarter (27.6%) of the Australian population born overseas,² the family law system must evolve to ensure accessibility, safety and justice for all.

¹ Please note: key details have been changed to de-identify case studies and protect client anonymity.

² Australian Bureau of Statistics, 2022, '[Media Release: 2021 Census: Nearly half of Australians have a parent born overseas](#)'

2 Recommendations

Our recommendations are summarised below, with the underlying analysis and rationale provided in the following sections:

1. The FCFCOA and all Magistrates' Court of Victoria (**MCV**) should be equipped with adequate safety and security measures to minimise risk to victim-survivors of family violence, including (but not limited to): separate entrances, rooms and security areas; adequate security staff; and facilities for online participation.
2. Police should be educated about the increased risk to victim-survivors of family violence during family court proceedings - and should take further measures to protect people in this situation as required.
3. The CLC sector requires increased resourcing to fully represent and support victim-survivors of family violence before, during and after court hearings. This will increase the chances of victim-survivors obtaining legal outcomes which are safe and appropriate for themselves and their children.
4. All professionals using the family law court – including all lawyers working in family law - must undertake mandatory family violence training to understand the dynamics of family violence. This should include culturally responsive and trauma-informed practice in understanding and responding to family violence, including migration journeys, visa status and working with interpreters, so that migrant and refugee victim survivors can be adequately supported through all courts in the family law system. This training should be developed and evaluated with input from people with lived experience.
5. Communication channels and information-sharing between federal and state legal systems should be improved to ensure the safety of victim-survivors and assist them in their navigation of multiple complex legal systems. This aligns with the recommendations of WLSA and FCLC in their submissions to this Inquiry.
6. Family court orders and family violence orders should be aligned where possible – for the safety and security of victim-survivors and to minimise confusion.
7. More comprehensive and ongoing legal and other wraparound support should be provided to those navigating multiple court matters. Timely referrals should be made for, and more attention given to the specific needs and barriers of, migrant and refugee women.
8. Further security measures should be introduced (and coupled with police education) to better safeguard family violence victim-survivors and their children in the family court system.
9. Any consideration of co-location arrangements should involve a wide-ranging consultation with victim-survivor groups such as inTouch NOOR Survivor-Advocates, specialist family violence services, CLCs, Legal Aid Commissions and other key stakeholders within the family violence sector.

10. Police and court services need a uniform policy and training program for working with interpreters. There should be no communication without an interpreter where an interpreter is needed.
11. Service providers - such as the police or legal information providers - should strive to remove jargon and complicated English in explaining the FVO system to victim-survivors. Accessible and translated resources should be distributed widely to communities.
12. Police and other service-providers should be educated in the interrelated issues facing migrant and refugee victim-survivors when considering an application for an FVO. They should be able to identify and refer this cohort to specialist services so that impacts of an FVO on matters such as visa status, and potential criminal charges, are easily accessible for this group.
13. Community services, including the police, should be trained in culturally-responsive and trauma-informed practices in order to build trust with – and better support - migrant and refugee communities.
14. Information about family violence and how to apply for FVOs (including but not limited to attending a police station for assistance), should be accessible in the community – e.g. in religious or cultural organisations and trusted places where women are more likely to go without perpetrators.
15. Government funding, including through the National Legal Assistance Partnership (**NLAP**), must be increased for the CLC sector to provide legal and non-legal support services to victim-survivors of family violence with family law issues. This increase must prioritise equity, to ensure that additional language and accessibility factors are resourced to enable all victim-survivors access to legal support.

3 Escalation in violence and risk during proceedings

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

Legal proceedings as an opportunity for further abuse

Our clients and staff reported that court proceedings – at both federal and state level – often provide an opportunity for perpetrators of family violence to continue and/or escalate their abuse of victim-survivors. This is a problem before, during and after court proceedings.

One former client told us that *“System interventions focus on the perpetrator, posing a challenge to their control and power. For me, this led to an escalation in his aggressive and violent behaviour, putting me and my children at risk again.”* She added, *“My partner thought he would lose his job or be deported. The stakes were so high for him – his life could have been ruined. He was so angry, I thought he might kill us.”*

Reprised contact between parties

Obtaining a FVO provides many victim-survivors with a much-needed reprieve from the abuse that they have suffered, only to have it recommence or escalate once court hearings begin and channels of communication re-open.

Our clients reported that the police were often unwilling to intervene, let alone provide help in such scenarios, dismissing their reports as “family matters”. In other cases (such as Aariya – see case study 5), police are not adequately assessing risk when stipulating contact conditions in FVOs. One former client told us that identifying information - including her workplace and home address - were inadvertently shared by the court as part of the financial disclosure process, posing a huge risk to herself and her children. This is a particular danger for women and children from migrant and refugee background, who may have limited legal resources and may not know that certain information can be redacted during disclosure.

Intimidation

Court proceedings also offer perpetrators a renewed opportunity to intimidate their former partners and children. Some clients reported that perpetrators had stalked them around the local area of the courthouse, knowing that they would visit particular locations, including petrol stations, coffee shops or convenience stores.

Physical intimidation within the courthouse itself can also pose a risk to partners and children of perpetrators. This varies significantly, depending on the security measures in place from location to location. For example, newer, updated MCV venues - particularly the Specialist Family Violence Courts (**SFVC**) - are equipped with improved security measures including separate rooms, queuing areas and entrances, more security staff, and/or facilities for online participation, while others may not. SFVC courts have specially trained family violence applicant and respondent practitioners and registrars. These measures ensure that our clients can participate in FVO proceedings in a safer and more meaningful way. We encourage the use of this design across the board - including at the Commonwealth level. The facilities currently available from one court to another was described by one practitioner as a “postcode lottery”.

We encourage further efforts made by the court in creating an accessible and safe system, especially when matters are heard in person. This could include: better signage; clear *in-language* assistance; tracking attendance/ notification of check in of perps by court personnel and/or police; staggered time slots given for different parties entering the court; food; childcare; and more.

Our case management and legal staff also reported heightened intimidation at or around the time of court hearings from perpetrators' legal teams. Perpetrators with better financial resources may have access to private lawyers, who can send large volumes of (sometimes aggressive or demanding) emails to victim-survivors. This can be frightening and intimidating for the recipients, who are often reliant on free legal services, which do not have capacity to respond with the same regularity. This is particularly intimidating for people from refugee and migrant backgrounds who may have language barriers, less of a support network and/or little familiarity with Australian legal systems and processes.

"I was heavily pregnant and alone", one client told us. "I didn't have the link, or an interpreter. I kept getting emails from my ex-partner's lawyer and I was so stressed that eventually I dropped the matter and accepted his terms." This is an extremely common scenario for migrant and refugee victim-survivors, who are not always able to urgently obtain timely and effective legal representation for their matters.

Given that 44% of our clients are on temporary visas, visa abuse is very often reported by inTouch clients, where perpetrators use victim-survivors' visa status as a threat and means of control. This can continue throughout legal proceedings, as litigants may be led to fear the implication of legal action on their visa status. Litigants need clear and accessible immigration advice to understand their rights as a temporary or permanent migrant taking legal action following family violence.

Misidentification and systems abuse

Another tactic frequently employed by perpetrators and their legal teams includes lodging cross-applications, misidentifying our clients as the perpetrators - rather than victim-survivors - of abuse. This is a significant problem for refugee and migrant women, who may not understand the system or the proceedings well enough to advocate for themselves, as illustrated by Mai's story:

Case Study 1: Mai

Mai is an international student living in Melbourne with her partner Arthur. Arthur was abusive and violent towards Mai. Mai didn't disclose the violence to any of her friends or family, nor did she report it to the police. Arthur had convinced her that if she reported him, he could have her deported.

One afternoon, Arthur and Mai had an argument. Arthur punched Mai in the face and pushed her hard into the wall. Mai pushed him back and scratched his arm. She ran to the phone and called the police. When the police arrived, Mai was very distressed. She was screaming and crying. Arthur calmly told the police that Mai had assaulted him and showed the scratch marks to the officers. Mai was misidentified as the perpetrator and removed from the home.

Victoria Police estimates that misidentification occurs approximately 12 per cent of the time³, and Women’s Legal Service Victoria found that 10 per cent of its clients had been misidentified⁴. Migrant and refugee women have an increased risk of being misidentified and inTouch estimates this affects as many as 1 in 3 of our clients. This can be disastrous for victim-survivors, who could be at risk of having their children removed and may be dependent on the limited capacity of not-for-profit legal services or duty lawyers who lack familiarity with their case. For more on mis-identification, please see inTouch’s [position paper](#) on this issue.⁵

Temporary visas as an aggravating factor

Many perpetrators without permanent residency are anxious about the potential impact of court or family violence orders on their own immigration status. This can lead to heightened aggression and a further motivation to lodge cross-applications, dragging out legal proceedings for as long as possible and denying victim-survivors the opportunity for safety and justice. This is why InTouch considers that the temporary visa status of the perpetrator is an aggravating factor when it comes to our clients applying for and obtaining a FVO.

Delaying tactics

Another form of systems abuse engaged in by perpetrators is the deliberate delaying of proceedings, a form of continuing abuse of the victim-survivor, preventing them from obtaining justice and moving forward with their life, as Thuy’s story below illustrates.

Case Study 2: Thuy

Thuy arrived in Australia 5 years ago and has difficulties speaking and reading English. She and her partner have two children together. Thuy’s partner assaulted her, and she applied for a FVO against him, obtaining an interim order the same day.

Her partner contested Thuy’s FVO application at every opportunity, so the matter proceeded to the contest stage. The contest hearing was adjourned three times due to court capacity. When the contest was finally heard, Thuy’s partner did everything in his power to lengthen and delay the process. With the help of inTouch and after three years of legal proceedings, Thuy was finally granted a 2-year intervention order.

³ Victoria Police, 2021 ‘External agency briefing: Misidentification of the Primary Aggressor – A 2021 Update’ (not published), accessed [via Victorian Government](#).

⁴ Women’s Legal Service Policy Paper 1, 2018, “Officer she’s psychotic and I need protection”: Police misidentification of the ‘primary aggressor’ in family violence incidents in Victoria’. Available at: [WLSV-Police-misidentification-of-the-primary-aggressor-in-family-violence-incidents-in-Victoria-Oct-2018.pdf \(womenslegal.org.au\)](#).

⁵ inTouch, 2022. ‘The causes and consequences of misidentification on women from migrant and refugee communities experiencing family violence’. Available at: [inTouch-Position-Paper-Misidentification-February-2022.pdf](#)

Clients like Thuy are forced to endure an agonising wait for safety and stability due to the delaying tactics of perpetrators. This prolongs the abuse they have suffered and leaves them at risk of further violence. This case also highlights the complex and pro-longed litigation many of our clients must go through to obtain an FVO and protect their safety.

Conclusion and recommendations:

Court proceedings at all levels can pose an increased risk to victim-survivors of family violence and their children. Many of our clients report an escalation of abuse before, during and after court hearings, including stalking, harassment, intimidation and systems abuse. Court proceedings can bring serious physical danger to the ex-partners and children of perpetrators. In addition, the intimidation tactics employed by many perpetrators can put victim-survivors at risk of accepting conditions and orders which are not in their interest, or unsafe.

These risks are particularly acute for women and children of migrant and refugee backgrounds, who may be further marginalised by the legal system due to:

- linguistic and cultural barriers;
- lack of familiarity with Australian legal systems and their rights;
- lack of support networks (or networks which have been damaged or destroyed by abuse);
- visa insecurity and associated lack of access to wrap-around support services; and
- lack of financial and legal resources.

This serious structural inequity can lead to further trauma, overwhelm and intense stress and pressure, causing many to decline to take legal action, or abandon proceedings along the way. Others are overcome with anxiety, unable to adequately 'perform' or advocate for themselves and their children during hearing, consequently obtaining unfavourable outcomes.

Given the above, inTouch makes the following recommendations:

- 1. The FCFCOA and all MCV should be equipped with adequate safety and security measures to minimise risk to victim-survivors of family violence, including (but not limited to): separate entrances, rooms and security areas; adequate security staff; and facilities for online participation.**
- 2. Police should be educated about the increased risk to victim-survivors of family violence during family court proceedings - and should take further measures to protect people in this situation as required.**
- 3. The CLC sector requires increased resourcing to fully represent and support victim-survivors of family violence before, during and after court hearings. This will increase the chances of victim-survivors obtaining legal outcomes which are safe and appropriate for themselves and their children.**
- 4. All professionals using the family law court – including all lawyers working in family law - must undertake mandatory family violence training to understand the dynamics of family violence. This should include culturally responsive and trauma-informed practice in understanding and responding to family violence, including migration journeys, visa status and working with interpreters, so that migrant and refugee victim survivors can be**

adequately supported through all courts in the family law system. This training should be developed and evaluated with input from people with lived experience.

4 Barriers to obtaining and enforcing FVOs

Term of Reference 2: Current barriers for litigants in the family law system to obtain and enforce FVOs:

a) the additional difficulty for victims of violence in the family law system to attend multiple courts for their family law order proceedings and an FVO

inTouch's experience and other evidence indicate that legal issues are more likely to be compounded for family violence victim-survivors, especially those from migrant and refugee backgrounds. A New South Wales-based study found that domestic and family violence victim-survivors are ten times more likely than others to experience other family, civil and criminal legal issues.⁶ The Women's Legal Centre data underscores this. From Jan-Jun 2024:

- 67% of our clients had two legal needs;
- 42% had three legal needs; and
- 12% had four legal needs.

For inTouch clients, this is particularly critical due to their vulnerability and the intersectional nature of their needs. Our clients' legal issues often include migration, parenting and property matters - in addition to support needs for family violence, housing and mental health⁷.

Managing these different matters, which sit across different jurisdictions, can often prove too overwhelming. Many women give up and abandon the litigation, which can result in poor and unsafe outcomes and a failure to enforce their legal rights.

Lack of communication between different courts

"Navigating different legal systems - with different staff - is a huge burden for victim-survivors. The systems don't speak to one another, and we have to repeat our stories over and over again. This can make us feel fatigued, overwhelmed and re-traumatised. This is a huge disincentive for continuing with litigation."— former client, inTouch.

Those with simultaneous FVO-related matters and family law order proceedings must navigate court systems at both the state and federal level. Many of our clients and practitioners reported that these two systems 'do not speak to one another', meaning that litigants are forced to re-tell their story in different settings, and deal with court orders which can directly or indirectly contradict each other.

Some of the women we spoke with in preparing this submission told us that they struggled to convince police, courts and others of their experiences of family violence. This is consistent with generalised discrimination faced by victim-survivors of family violence, migrants and refugees alike. This is further compounded for women who don't have networks of family and friends in Australia to support their version of events - unlike, in many cases, their perpetrators. Women who are juggling multiple legal proceedings must convince first the police, then multiple court systems, of the truth of their reports. Improved communication channels and information sharing between Magistrates and Federal Courts would mitigate this issue.

⁶ Coumarelos, C., 2019, '[Quantifying the legal and broader life impacts of domestic and family violence](#)' in Justice Issues, Paper 32, The Law and Justice Foundation of New South Wales.

⁷ inTouch, 2023, '[Submission to the Independent Review of the National Legal Assistance Partnership](#)'.

Another former client told us that she was bounced between the two different systems: *“They extended my IVO until the date of my parenting hearing in the Family Court,”* she explained. *“But then at Family Court, they said they wouldn’t proceed until my [FVO] was finalised”*. Mismatched timelines between the MCV and FCFCOA were also frequently cited as a problem, with many FVOs lasting just 12 months, while family matters can take much longer to resolve.

These difficulties are compounded for women from migrant and refugee backgrounds, who, in addition to recovering from their experiences, must also then verse themselves in multiple court systems in a foreign country, language and legal system – often with minimal resources or support. For the vast majority of inTouch clients (91 percent of whom speak a language other than English as their first language), language barriers prevent them accessing mainstream legal services, meaning that without our Women’s Legal Centre, they would most likely miss out on legal representation altogether. Many try to self-represent, affecting court time and resulting in poor individual outcomes. Further, where interpreters are available, the additional time required to explain legal proceedings and prepare court documentation via an interpreter often means sufficient time with lawyers is not accessible due to limited funding.

In addition, family violence can have lasting implications on victim-survivors’ mental health, meaning that even basic information can be more difficult to process and retain. When legal systems do not align or provide the necessary assistance, the experience can be overwhelming for these women, meaning that many obtain poor outcomes, give up, or return to violent relationships.

Lack of legal resources

Many victim-survivors from migrant and refugee backgrounds do not have the resources to access private lawyers. This is particularly acute in the wake of family violence, when their household earning capacity is reduced, and childcare and legal commitments mean that obtaining paid employment can be difficult or impossible.

Many women in this situation are reliant on CLCs such as our Women’s Legal Centre, which are stretched beyond capacity and unable to meet the scale of demand for support and representation. Current funding for CLCs does not take an equitable approach in resourcing the specific needs of diverse clients supported by services. For example, the Women’s Legal Centre has significant demand pressures with all lawyers operating at full capacity, often working with clients over several years due to high vulnerability and need for extensive support to navigate not only the justice system, but also parenting requirements, housing and financial enablers due to being outside the eligible support period for family violence case management. Legal tasks like drafting an affidavit for clients appearing before the FCFCOA can take between 20 to 30 hours to prepare if an interpreter is required.

Government funding to CLCs doesn’t cater to such nuance, resulting in the inTouch Women’s Legal Centre referring over five clients per week on average to other legal services, which often lack specialist capability to support migrant and refugee women experiencing family violence. Many private practitioners are not in a position to assist migrant and refugee communities because interpreting costs and additional time required acts as a barrier to providing legal representation.

Other victim-survivors receive incorrect legal advice from community networks or otherwise (as detailed in Nala’s case study, below). One woman interviewed for this submission told us that she was advised not to apply for an FVO as it might damage her chances in the family court proceedings. She followed this advice and did not apply for an FVO against her husband, leaving herself and her children vulnerable to further violence.

Case Study 3: Nala

Nala was a newly arrived migrant to Australia with very limited English skills, and the mother of a 5-year-old son who was born overseas. Following an application by the child's father for a family law watchlist order and parenting orders, Nala engaged a private lawyer from her community who spoke her language.

The initial lawyer represented Nala in negotiations and the parties entered into final parenting orders by consent. Nala later advised inTouch that through this process she was given very limited advice on what to expect or how the system operated, and no documentation was prepared for her. She agreed to the child spending alternate fortnights with the father. After an initial cash payment to the lawyer of \$1 000, the lawyer withdrew from acting as the client could not afford to pay further legal fees. Consequently, the client self-represented at the second mention and costs were reserved in favour of the father as Nala had not filed her responding court documents.

Following engagement with inTouch, Nala was referred to our Legal Centre. Upon receiving case management and legal support, she disclosed extensive family violence, significant risk to the child and his prior exposure to family violence. Nala was fearful the father would kill her if he discovered she had further legal assistance and had revealed her experience of family violence. inTouch assisted Nala to apply for and obtain an interim FVO and to re-litigate the parenting orders. As the original orders were by consent, the court process was challenging and required extensive and complex legal arguments. Ultimately with the support of inTouch, final parenting orders were negotiated that were more reflective of Nala's wishes and ensured the safety of her and her son.

Nala's story highlights the impact of a client's vulnerability and the exceptional safety risks for women and children when legal representation is inadequate. It shows that, even if legal needs appear to be met on the surface, clients with complex, intersectional, and specific needs require the right legal support early on. This is crucial to avoid long-term negative consequences and poor outcomes for our clients and their children.

b) the intersection between FVOs and parenting orders, including that a family court parenting order may override an FVO

Contradictory orders

In addition to the challenges outlined above, victim-survivors of family violence often obtain orders which directly or indirectly contradict each other. One of the most common examples reported to us was of parenting orders that force the victim-survivor to see their perpetrator, despite the existence of an intervention order. Channels of communication between the perpetrator and victim-survivor are re-opened, providing an opportunity for perpetrators to further their abuse. Those affected have no support or sense of safety during this process. *“The intervention order made me feel safe for a while”,* one client told us. *“But this was violated when I received court orders forcing me to see my abuser”.* This situation is confusing for victim-survivors, who are trying to do “the right thing” by following court orders but are endangered in the process.

We have seen cases where the perpetrators use contact from the victim-survivor in relation to parenting to argue that the victim-survivor is breaching the perpetrator’s own FVO– particularly if they have become angry at any stage in the process. *“I cannot stress this enough”,* added the client, *“this should not be on a victim-survivor to navigate. All of this makes it easier to stay in the relationship than cope with the aftermath.”*

Another former client told us that their perpetrator used the contradiction and confusion around multiple court matters to obtain more favourable terms – successfully negotiating with our client to drop the FVO in return for agreement on the parenting and property matters, and therefore putting her at risk of violence.

Ravinder’s story below outlines the issues and dangers of contradictory orders, along with many other issues raised throughout this submission.

Case Study 4: Ravinder

Ravinder's family arranged her marriage to Gurnam in her home country of India. He sponsored her to come to Australia, she moved to rural Victoria to be with him and they lived with his extended family. Gurnam's behaviour towards Ravinder started deteriorating not long after her arrival - and continued to worsen from there. Ravinder suffered increasing sexual, physical, financial and visa abuse at the hands of Gurnam, culminating in a particularly serious incident shortly after she gave birth to their child, which led her to call the police. However, when the police attended, Ravinder didn't understand what they were saying and was too scared to make a statement. Instead, she went to stay with a friend for safety. In the meantime, Gurnam reported her to the police and obtained an FVO against her. Ravinder and her baby were therefore unable to return to their home and forced to seek emergency housing instead.

Ravinder was referred to inTouch, and we were able to help her defend the accusations against her and obtain an FVO against her husband. When the FVO expired after 12 months, Ravinder applied to extend the FVO and Gurnam sought to contest this. Unfortunately, Ravinder didn't receive the link to the hearing, which was then conducted in her absence. As a result, the Magistrate dismissed Ravinder's FVO application, made a cost order against Ravinder and granted the FVO to her husband against her. inTouch put in a huge amount of work into applying for a re-hearing, and the FVO dismissal and costs order were later reversed.

While the FVO proceedings and rehearing were on foot, Ravinder had ongoing parenting and property disputes. Ravinder followed the time-spend arrangements between the parties, but the child became upset during one handover and didn't want to stay with the father. Ravinder went to comfort her son, and Gurnam immediately called the police and reported her for coming within 5 metres of him for breaching the FVO he had against her.

The Police attended the scene and advised Ravinder to obtain legal advice as soon as possible. The family court was completely unaware of what had been going on in Ravinder's FVO hearings, and Ravinder was left in a position where it was very difficult to comply with the family court orders without breaching the FVO. In the absence of better communication between the jurisdictions, it fell to Ravinder, who was already completely overwhelmed, and inTouch's overstretched legal services, to fill in the communication gaps between the matters as best they could.

Whilst the law has attempted to balance the need for protection for parties in family law disputes with being able to co-parent safely, from many of our clients' experiences, a family law order requiring attendance at changeover still opens victim-survivors up to further and continued abuse by the perpetrator. This also involves further risk of a child being exposed to family violence. Clients have often reported that their abusive partners believe they are "above the law" and the ability to report a breach of intervention order or breach of parenting order for abusive behaviour has not been met with substantial protective responses by the Courts.

c) the availability of wrap-around support services and security for victims of violence.

Many clients we consulted for this submission expressed the serious need for better support and security for victim-survivors of family violence. Aariya's story below illustrates how critical this support can be for migrant and refugee women.

Case Study 5: Aariya

Aariya met her husband Mark when he was on holiday in her home country of Vietnam. They fell in love, married and moved to Australia, where Aariya gave birth to their child. When the baby child was just three months old, Mark physically attacked Aariya and their baby.

Aariya's neighbour reported the incident to the police and Aariya and her child were taken to hospital. The police assisted her by applying for a FVO but Aariya struggled to fully follow the legal process. An interpreter was provided for her at Court, but Aariya was not able to follow the legal process, and her options were not explained to her clearly. As a result, a FVO was granted that allowed Mark to continue to contact her. Mark used this loophole to stalk Aariya and further his abuse, until inTouch applied to vary the FVO and obtained a no contact FVO for Aariya.

Aariya believes that Mark has also turned up at her current address. Aariya has reported this to the police but was told that there was not enough evidence to charge Mark with a breach. As such, she has had little support or security and continues to live in fear.

Aariya was juggling two legal proceedings along with the demands of being a single parent, and requires ongoing financial, legal and moral support. She came to Australia alone and has no support network of her own in Australia. She cannot read English and is unable to access online facilities such as Zoom, and attending online hearings is a challenge for her. Attending court in person is even more difficult, with insufficient signage or pre-court information provided in Vietnamese. In addition, she must pay for childcare each time she attends a legal appointment or court hearing, creating an extra financial strain.

inTouch and other services have stepped in to fill the gap left by the legal system in supporting highly vulnerable clients such as Aariya with multiple complex needs, but we are stretched beyond our capacity and cannot provide this service to all who need it.

Support needs of migrant and refugee women

One major support barrier for our clients is childcare. Certain visa categories do not provide access to Centrelink childcare subsidies, and with no family or support network in this country, women may have no-one with whom they can leave children, in order to attend multiple court hearings. This can be a further barrier to attendance when childcare facilities are not available at the court.

There is also a clear need for interpreting services at every stage of the legal journey for victim-survivors of migrant and refugee backgrounds. Aariya's story illustrates the serious implications which can arise because of communication barriers - even when interpreters are provided at Court. This client group requires specialist family violence support as provided by organisations like inTouch,

who can provide culturally and linguistically tailored case management and legal representation. In addition, simple issues such as signage or navigation of courtrooms can also provide serious obstacles to women from non-English speaking backgrounds.

Migrant and refugee women are often far from their own support networks. Relationships that they have managed to build in Australia can be damaged or co-opted by their abuser. Support needs have increased in the wake of a growing family violence epidemic, which has placed a strain on front line services. As such, where case managers, support workers or legal representatives may have formerly been able to provide a more holistic, wraparound service in the absence of a client's own support network, this has now been pared back due to insufficient resources and increased demand. inTouch case managers interviewed stated that most of the support they provide is now on the phone due to capacity and resource limitations.

There is a clear need for more tailored support for victim-survivors from migrant and refugee backgrounds. inTouch is being relied upon to plug a gap in the system, by providing *in-language, in-culture* support, which is otherwise missing. Without this, many of our clients state that they would have abandoned legal proceedings or even returned to abusive relationships.

Security needs

As has been discussed above, women navigating legal proceedings are at further risk of abuse from their ex-partners. This can be due to increased anger and aggression from perpetrators, renewed opportunities for contact and family court orders which force victim-survivors to see and contact their perpetrators to facilitate childcare arrangements.

This increased risk is not always recognised and is rarely coupled with an increase in security to protect victim-survivors like Aariya (Case study 5). Women from multicultural backgrounds are particularly at risk due to linguistic and cultural barriers and lack of support networks.

There is an urgent need for a recognition of the serious risk posed to victim-survivors of family violence at or around the time of legal proceedings, and for better security services to address this. inTouch fully supports and endorses the SFVCs developed in Victoria. This model of addressing the family violence legal system provides the necessary security and support our clients require.

Conclusion and recommendations:

Navigating multiple, and at times contradictory, legal systems and orders can be extremely difficult, even for someone without cultural or linguistic barriers. Above, we have outlined how these difficulties can translate into serious risk for victim-survivors of family violence, and the need for better support and security to mitigate these risks. We are seriously concerned about the continued burden on victim-survivors, particularly those from refugee and migrant backgrounds, to self-protect without support, resourcing and understanding.

As such, inTouch makes the following recommendations:

- 5. Communication channels and information-sharing between federal and state legal systems should be improved to ensure the safety of victim-survivors and assist them in their navigation of multiple complex legal systems. This aligns with the recommendations of WLSA and FLC in their submissions to this Inquiry.**

6. **Family court orders and family violence orders should be aligned where possible – for the safety and security of victim-survivors and to minimise confusion.**
7. **More comprehensive and ongoing legal and other wraparound support should be provided to those navigating multiple court matters. Timely referrals should be made for, and more attention given to the specific needs and barriers of, migrant and refugee women.**
8. **Further security measures should be introduced (and coupled with police education) to better safeguard family violence victim-survivors and their children in the family court system.**

5 Accessibility of FVOs

Term of Reference 3: How FVOs could be more accessible for victims of violence going through the family law system, including but not limited to:

a) Making it easier to apply for and enforce an FVO

We endorse WLSA's discussion and recommendations in relation to federal family violence orders (FFVO) in its call for further consideration and consultation on this issue.

As aforementioned, applying for an FVO within the state jurisdiction can be complicated for a victim-survivor unfamiliar with the legal system and/or English language. The MCV has implemented numerous measures to assist clients to apply for FVOs and to make the process safer – including both the implementation of Applicant Practitioners in court and use of online hearings. However, our clients, many of whom fear the police and authorities, still face numerous barriers.

Language and comprehension support

Language barriers are a particularly common obstacle for refugee and migrant women. Our clients and staff have reported inconsistent approaches in the use of interpreters at the first instance, both through the police and court. For some, like Ravinder (Case study 4), the miscommunications that arise as a result prevent victim-survivors from applying for a FVO. Many women from migrant or refugee background feel misunderstood and/or unsupported in trying to navigate the FVO process.

This need is particularly pressing when one party is less competent in English than another in the FVO process. This should automatically raise a concern about potential power imbalance and proper assessment to follow. Safety should not be compromised for efficiency or impatience with the administrative burden of securing a proper interpreter.

Further, clients report that jargon and complicated English can often be a barrier to applying for a FVO as it seems *“complicated, difficult and not worth it”*. Certain language also can intimidate victim-survivors who struggle to advocate for their own interests, and they are likely to be dissuaded from applying for a FVO out of fear that it will create more trouble for them and their families.

Case Study 6: Tenzin

Tenzin applied for an IVO with the help of the police, after her husband seriously assaulted her. Tenzin's husband was criminally charged and pleaded guilty to the assault, but that didn't mean the process was easy for Tenzin. She obtained a FVO and with the help of inTouch applied for an extension of the FVO after 12 months. Her husband decided to contest the extension application, whilst also dragging out family law proceedings.

Tenzin now has ongoing family law proceedings and an intervention order matter. Both matters centre around the risk to Tenzin and her children, and she finds it very hard to follow them both at the same time. inTouch always brings an interpreter to appointments and still spends many hours with Tenzin to make sure that she fully understands what is happening in each matter. Without an interpreter, Tenzin would have little hope of understanding her own court proceedings or articulating what she needs.

inTouch spends considerable time strategising how best to communicate with Tenzin so that she can meaningfully engage in both court proceedings - this includes spacing out appointments, focusing on one issue at each appointment, ensuring that her children are looked after at each appointment, assisting with translating the key messages and documents on her phone and taking lots of breaks during the appointments.

Whilst the first step towards addressing language or communication barriers is the provision of high-level interpreters, the need extends beyond this, as illustrated by Cali's story:

Case Study 7: Cali

Cali came to Australia from Colombia 10 years ago. She cannot read in her own language and struggles to read English. Cali separated from her partner Joseph 5 years ago, but Joseph continues to perpetrate family violence and exert control over Cali by issuing legal proceedings in multiple jurisdictions. In 2022, Joseph lodged an appeal in the County Court of Victoria to a final FVO made against him in the MCV. inTouch represented Cali in this appeal. Joseph won his appeal, and the FVO protecting Cali was revoked.

This result was partially due to systems failures, such as the legal process not being able to mitigate the very apparent power imbalance between the parties. This was most evident during the 3 days of examination and cross-examination; Joseph, who is a native English speaker, presented far better in the witness box compared to Cali who, even with an interpreter, struggled with the complex questions being asked of her. She had difficulty articulating her evidence and recounting historical facts, which the presiding Judge saw as her misleading the Court. Throughout the hearing, the presiding Judge verbally expressed frustration at Cali's lack of fluency in English and with the delay in interpreting. This caused our client and interpreter to panic even more. The resulting judgment stated that the perpetrator "calmly refuted allegations that were put to him and on each occasion, gave a cogent reason as to why the allegation was inaccurate".

It is clear from our conversations with Cali and many others like her, that comprehensive language support is needed, beyond the level of simple interpretation. This is particularly important when working from a trauma-informed perspective, given that victim-survivors may struggle with comprehending their legal matters simply because of what they have experienced, in addition to language barriers. Further support from the legal system, including extra resources, time and patience to help victim-survivors follow and understand proceedings, would be beneficial for refugee and migrant women.

Police engagement

Language barriers are often coupled with cultural stigma of reporting to the police, or fear of the police. In many cultures, the police are not trusted to support victim-survivors, especially women, in obtaining safety and security. One interview participant told us: *“In my country, you never go to the police station, particularly if you are a woman. I had no idea of the Australian system”*. This is highlighted by Gulima’s story below, which illustrates the opportunity for systems abuse by the perpetrator, creating further barriers for victim-survivors in receiving the appropriate assistance.

Case Study 8: Gulima

Gulima came to Australia as a refugee from Afghanistan and met her husband Allan here. When Allan violently assaulted her, Gulima called the police but was ultimately too frightened to provide a statement, because of her experiences with the police in her home country. She later found out that Allan had driven to the police at the same time and obtained a safety notice against her. Gulima was served with an interim order later that day. Gulima’s friend told her it was important to give her side of the story and took her to the police to provide a statement and apply for a FVO. However, the police refused to help as Allan had “got in before her”.

It is our view that more care and communication are needed by police assessing family violence reports, especially when working with migrant and/or refugee women. Better cultural awareness, sensitivity and understanding of how to work with interpreters could help mitigate some of the above.

Problematic policing is a common story among inTouch clients and staff. This can include a lack of trust or belief in women’s stories and failing to apply culturally responsive and trauma-informed practice. Such issues further consolidate the barriers faced by victim-survivors from migrant or refugee backgrounds in reporting violence and applying for FVOs.

While clear improvements are needed from the systemic side, victim-survivors also need to be provided with more information about their options when considering a FVO. For example, many of those interviewed for this submission reported that it was not clear that they could apply for a FVO without police assistance. This precludes any victim-survivor who does not want to engage with the police from applying for a FVO. Other clients who were aware of the different ways to lodge a FVO were sometimes deterred by fears that they would not be able to advocate for themselves without legal support.

Better training and education should be provided across all services that interact with victim-survivors of family violence – including, but not limited to, the police. This should include the use of trauma-informed approaches, cultural sensitivity training and better education about the experiences of, and obstacles for, migrant and refugee victim-survivors of family violence. This is covered in the FCLC and WLSA recommendations, which inTouch endorses.

Farzana was courageous and persistent in returning for police help, despite the threats made by her husband. Many others in her situation would not have been able to do so. However, even though Farzana strongly advocated for herself and her children, the process took a long time, placing her children at risk.

Case Study 9: Farzana

Farzana came to Australia as a dependant on her husband's student visa. When family violence occurred, her husband told her that he would take the children to Iran and have her killed if she informed the police. Nevertheless, Farzana bravely reported her husband to the police, who assisted her to obtain an FVO to protect herself and her children.

However, when the final FVO was granted, it didn't include her children, who were also victims of his abuse. The Police had told Farzana not to attend Court that day and that they would apply for the FVO on her behalf. She only realised that the children were not included in the FVO once the police sent her the final FVO. Eventually, Farzana sought legal help from inTouch and was able to obtain proper legal advice and advocacy to remedy the situation.

Rachel's story below is one more of countless examples where refugee and migrant women are unable to follow the FVO process, with disastrous impacts on their legal matters and consequently, their safety. It is our view that the duty lawyers and police need to be better resourced and spend more time explaining the FVO and criminal process that usually follow.

Case Study 10: Rachel

Rachel was assisted by the police to apply for an FVO and attended the court alone for the mentions hearing. She was asked to wait in a waiting room, and could not have a duty lawyer assist her, and the police were assisting instead. However, Rachel was not able to speak with the police either.

After waiting for hours, Rachel was told that her application for a FVO had been withdrawn. No one from the police or court had explained what happened or why it had been withdrawn. Rachel didn't manage to speak with the police on the day of the hearing and left the court without the protection afforded by the FVO.

Concerns regarding related issues

inTouch clients report that fears around criminalisation of their partners, impacts on their visa status and processes, and other such concerns were also obstacles to making a FVO application. Victim-survivors are not always properly informed on the difference between the civil and criminal systems, which can make a FVO seem more intimidating. Some fear that applying for a FVO will lead to the perpetrator (their husband, partner, father of children, and often their only support in Australia) being jailed or deported. This can lead to victim-survivors refusing to apply, in order to protect their other interests or save face in their communities.

Further, victim-survivors are not always given sufficient information to be able to make informed decisions. Former clients of inTouch have reported that at the time of applying, the consequences of a breach, or how the FVO would be enforced, were not clear to them. Interviewees also noted that information on alternatives to FVOs, such as safety plans, were lacking.

b) Co-location arrangements that would allow an application or enforcement of an FVO to be heard in the same physical location as the Federal Circuit and Family Court of Australia

Information sharing

We support WLSA's call for the Commonwealth, State and Territory Governments to implement a national risk information sharing scheme and register to "increase transparency, accountability and information sharing across the sector".⁸

Further, we support the FCLC's recommendations in relation to expanding capacity building to deepen cross-jurisdictional knowledge of the family law and FVO systems.⁹

Co-location

We note the detailed analysis and recommendations related to co-location is set out in the WLSA and FCLC submissions. In principle, inTouch endorses their recommendations, but also highlight the experience and feedback we have received from clients we have consulted with during the preparation of this submission.

Victim-survivors who are new to Australia, struggle with English and/or have limited support networks, are particularly vulnerable to the shortcomings of the family law and family violence court systems. Among other issues, as discussed, they have a hard time finding childcare options, organising transportation, comprehending proceedings and navigating the courthouse itself. Where possible, simplification or streamlining of the system could assist victim-survivors of migrant and refugee backgrounds to feel less anxious, plan for court, and communicate more effectively. This is highlighted in the case studies we have provided and what our clients repeatedly told us. Navigating the two legal systems is difficult for our clients and they could not have accomplished this without the support of inTouch.

⁸ Women's Legal Services Australia, 2024, 'Inquiry into Family Violence Orders'.

⁹ Federation of Community Legal Centres Vic, 2024, 'Access to Family Violence Orders: Submission to the Standing Committee on Social Policy and Legal Affairs Inquiry into Family Violence Orders'.

More substantively, the Harman undertaking¹⁰ and confidentiality restrictions under the *Family Law Act 1975*, prevent sharing evidence between family violence and family law proceedings. For example, evidence attained during family law proceedings such as risk assessments, child impact reports and family reports are prohibited from being shared during the FVO proceedings. The family law evidence attained often addresses the perpetrator's insight into his behaviour and the risk factors to the children and the mother, which are, in our view, relevant for the FVO proceedings. This restriction of evidence-sharing is often counterproductive and was one of the reasons the application for an extension of FVO was difficult in Tenzin's story above (Case Study 6). We acknowledge that there are legal processes to overcome the Harman undertaking, but in our experience, this adds a further burden and delay on the victim survivor and their safety.

One option for addressing this is through a co-location arrangement. For a client to be able to attend and seek assistance from one location could potentially reduce the burden on the client to navigate different systems in their attempt to seek safety and engage in the legal processes. Given the practical realities discussed in the WLSA and FCLC submissions, if co-location is to be implemented or piloted, we consider that the following cases would be suitable:

1. Where family law proceedings are on foot before the FCFCOA and the FVO has expired;
or
2. Where family law proceedings have been initiated at the FCFCOA and the FVO is required by one of the parties during the family law proceedings.

We consider that in such circumstances, co-location could facilitate the sharing of evidence and risk to bring about better safety outcomes for our client and her children.

In relation to co-location, inTouch makes the following recommendation:

9. **Any consideration of co-location arrangements should involve a wide-ranging consultation with victim-survivor groups such as inTouch NOOR Survivor-Advocates, specialist family violence services, CLCs, Legal Aid Commissions and other key stakeholders within the family violence sector.**

¹⁰ Practitioners and their clients have an obligation to the court to maintain the confidentiality of documents compulsorily produced in proceedings and to not use them for any purpose other than in connection with the proceedings in which they were produced. This obligation of confidentiality is referred to as an implied undertaking by the *House of Lords in Harman v Secretary of State for the Home Department* [1983] 1 AC 280 and applied by the High Court of Australia in *Hearne v Street* (2008) 235 CLR 125.

c) *The legal and non-legal support services required to promote early identification of and response to family violence*

Legal support services

As previously noted, migrant and refugee victim-survivors of family violence with family law issues face a myriad of obstacles in navigating complex legal systems, and often do not have the resources to pay for private legal assistance. Many are reliant on legal aid or CLC's, or specialist family violence support organisations. Some clients access cheaper legal services such as lawyers from their communities who don't regularly practice in family law, placing them at further risk of agreeing to orders that are not in the children's best interest – see Nala's story above (Case study 3). Increased resources for specialist family violence services like inTouch would allow us to grow our capacity and help more migrant and refugee communities, in line with demand.

Others seeking to escape family violence may not be aware that they can access free legal advice, even as a temporary resident, or that *in-language* support is available. We recommend resourcing better engagement with universities, emerging communities and more established communities - including collaboration with community organisations. For instance, inTouch works closely with the Vietnamese Women's Association to disseminate information about family violence services and increase staff understanding of safety and risk planning and pathways to specialist and mainstream services.

Non-legal support services

inTouch clients and staff alike note that migrant and refugee victim-survivors are often solely reliant on their partner in Australia, or otherwise socially isolated. One former client said that outside the house, the only place she would attend was the local gym. Even there, the only place she was truly alone was the female bathroom. *"Everywhere else, I was with my husband. He was driving me around and accompanying me everywhere. He was the only person I knew in the whole country."* She adds: *"if there had been something in my language in the women's toilets, perhaps I could've escaped earlier. I didn't know until much later that I could get help from the police, or even what an intervention order was."*

Other former clients interviewed for this submission told us that engagement from religious or cultural organisations could have helped them, as these are more regular and normal touchpoints for them than a police station. If these community groups were better informed or trained, it would promote the early identification of family violence for women who are otherwise isolated or controlled by perpetrators.

Conclusion and recommendations

The process of applying for an IVO requires knowledge, self-advocacy and confidence, which may be out of reach for migrant and refugee victim-survivors of family violence with family law issues. As a result, there are many barriers to this cohort accessing support and safety while in the family court system, including, but not limited to: language, cultural stigma or fear, misinformation and myths, and a lack of awareness within the broader community about family violence. In addition, visa insecurity on both the part of the victim-survivor and the perpetrator can complicate the situation and give perpetrators a further tool of control – including systems abuse.

As such, profound systemic change is required to better support migrant and refugee women experiencing family violence. Noting these conclusions, inTouch makes the following recommendations:

10. **Police and court services need a uniform policy and training program for working with interpreters. There should be no communication without an interpreter where an interpreter is needed.**
11. **Service providers - such as the police or legal information providers - should strive to remove jargon and complicated English in explaining the FVO system to victim-survivors. Accessible and translated resources should be distributed widely to communities.**
12. **Police and other service providers should be educated in the interrelated issues facing migrant and refugee victim-survivors when considering an application for an FVO. They should be able to identify and refer this cohort to specialist services so that impacts of an FVO on matters such as visa status, and potential criminal charges, are easily accessible for this group.**
13. **Community services, including the police, should be trained in culturally-responsive and trauma-informed practices to build trust with – and better support - migrant and refugee communities.**
14. **Information about family violence and how to apply for FVOs (including but not limited to attending a police station for assistance), should be accessible in the community – e.g. in religious or cultural organisations and trusted places where women are more likely to go without perpetrators.**
15. **Government funding, including through the National Legal Assistance Partnership (NLAP), must be increased for the CLC sector to provide legal and non-legal support services to victim-survivors of family violence with family law issues. This increase must prioritise equity, to ensure that additional language and accessibility factors are resourced to enable all victim-survivors to access to legal support.¹¹**

¹¹ This is in line with recommendations provided in the WLSA and FCLC submissions and inTouch's [submission to the Review of the National Legal Assistance Partnership \(NLAP\)](#).

6 Conclusion

This submission, directly informed by the voices of women with lived experience, has aimed to provide an insight into the challenges and obstacles faced by migrant and refugee women in navigating the family violence legal system.

Escaping family violence, overcoming trauma and finding safety is an extremely difficult journey for anyone to undertake. When compounded with the challenges of being a migrant or refugee in Australia, this can seem almost insurmountable to those in this situation.

Our legal system requires urgent reform to respond effectively to the needs of women from migrant and refugee backgrounds escaping family violence; a growing cohort that should be entitled to equitable access to family law and family violence support. In this submission, we have presented recommendations which have been made and informed by women with first-hand experience. We believe that if implemented, the legal system would be better equipped to support these women and progress towards ensuring accessibility, safety and justice for all.

7 Contact

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Should the Inquiry wish to follow up directly with migrant and refugee family violence victim-survivors, inTouch's NOOR Survivor Advocates group meets monthly, and is available for further consultation. Please see [this link](#) for further information.

If you are experiencing family violence and need immediate support, please call 1800 RESPECT on 1800 737 328