Royal Commission
into Family Violence

WITNESS STATEMENT OF ABBEY CARA NEWMAN

I, Abbey Cara Newman, Social Worker and Family Violence Applicant Support Worker of Geelong in the State of Victoria, say as follows:

1. I make this statement on the basis of my own knowledge, save where otherwise stated. Where I make statements based on information provided by others, I believe such information to be true.

Current roles

2. I am a Family Violence Applicant Support Worker and qualified social worker at the Sunshine and Werribee Magistrates' Courts. I have been in this role since June 2008. In this role, I provide support to those who are applying for a family violence intervention order at the Magistrates' Court.

3. I have recently taken up a secondment to the Family Violence Programs and Initiatives Unit at the William Cooper Justice Centre which forms part of the Magistrates' Court of Victoria. My role there is Senior Project Officer. In this role I am required to write best practice standards and guidelines for the expansion of the specialist family violence services, including the applicant and respondent workers.

4. I am also a sessional lecturer at RMIT University where I lecture a subject focused on Violence and Abuse for students undertaking a Bachelor or a Masters of Social Work. I have been in this role since 2012. I am currently interested in looking at ways to make a subject focussed on Violence and Abuse or Family Violence a core subject in all Social Work degrees in Victoria. It is currently a core subject at RMIT but only an elective at other universities.

5. For the past four years, I have also been working as a Social Work Consultant at Seriously Social Consulting.

6. I am also due to soon begin lecturing with Chisolm TAFE in their Graduate Certificate of Family Violence.

Background and qualifications

7. In 2005, I completed a Bachelor of Social Work at Latrobe University.

8. In 2013, I completed a certificate in Professional Critical Incident and Trauma Debriefing from Rob Gordon.

9. From 2011 to 2013, I designed and co-facilitated 'Breaking Free', a group for culturally and linguistically diverse (**CALD**) women, who are leaving or who have left family violence.

10. In 2013 I facilitated for Spectrum Migrant Resource in their program 'Healthy Relationship Ambassadors', designed as a preventative for CALD groups.

11. Previously, I worked as a Family Violence Outreach Worker at Zena Women's Services in Geelong for three years.

12. Whilst at Zena Women's Services I completed the Common Risk Assessment Framework (**CRAF**) Train the Trainer qualification. I was involved in rolling out this training for Children's Services, maternal child health services, and varied mental health and drug and alcohol services.

My role at the courts

13. In my current role as a Family Violence Applicant Support Worker, I see both applicants who have initiated intervention orders themselves and protected persons who are the subject of police-initiated applications. I refer to both categories of persons as 'applicants' for the purposes of this statement. In order to perform my role, specific training in family violence is essential together CRAF training.

14. In my role I mainly see female applicants but I also see some female respondents. The female applicants are generally intimate partner matters although sometimes the female applicants are mothers, carers, lesbian partners, or family-like relationships.

15. I rarely see male applicants, but if I do I make sure that they are not an applicant in a cross application. I only see about 10 to 15 males a year. This is usually in situations where there has been child to parent abuse or elder abuse. I only see a tiny percentage of people who have experienced family violence in a same sex relationship.

16. When I see an applicant, I usually have a copy of the narrative from the intervention order and I run through that with them to identify any errors. There are usually errors in police narratives, particularly with CALD clients.

17. I have found that there will be times where the applicants don't always feel as though the police are on their side. This often happens with CALD clients who don't necessarily understand the process and who have contacted the police thinking that the police will just give their partner a warning but instead the police apply for an intervention order. This is necessary for the safety of the applicant and part of the police's code of conduct. However it often frightens women who are unfamiliar with the legal system and can put these women in a very difficult situation at home. They may receive pressure from their communities and extended family. They are often told they have brought shame by contacting the police. Consequently, it may mean that they are reluctant to contact the police again.

18. Through the course of my role, I have noticed police narratives can often reflect victim-blaming attitudes. This can include blaming family violence on victims, mental health, drug or alcohol abuse, martial conflict, and/or a cultural background. Victims have reported to me these attitudes can often make them feel unsupported, misunderstood, not believed and as though they are being blamed by police.

19. The majority of referrals I get will be on the day that the applicant is appearing in court for the first time. I get most referrals from court registrars, police, magistrates, legal services and some from external agencies. It is rare for me to get a referral in advance of the date the matter is listed but it does happen occasionally, maybe once a month.

20. Once an applicant is referred to me, I do a quick introduction of who I am and my role. I explain to them the process of my interview which includes a description of court process, issues of safety, the available referral services, confidentiality and its limits and safety planning. I will also conduct a risk assessment with the applicant. All of this could take up to 45 minutes.

21. Generally when I see applicants, most of them want to know how the day in court will be structured. They also want to know what the court etiquette is and what information they will be asked by the magistrate. In my experience I have found that giving people control and explaining simple things like taking an oath or affirmation

empowers them and gives them a sense of control which can have a very big impact on their court experience.

22. Generally I try to prioritise seeing high-risk women, women who have children, or those who have interpreters booked in because often the interpreters are only booked for part of the day.

23. My interview identifies the client's level of risk. I will share this information with applicants, and allow them to see the paperwork so that they get a visual understanding of their level of risk. I will then provide and explain some information about what family violence is and how they and their children may be affected. It is important that I am aware that this is often their first disclosure and first interaction with support, so part of my role is to validate and believe their experience and empower clients to make choices and set their own goals.

24. I have safety concerns for most of the clients I support as a result of the actions of their respondents and the outcomes of their risk assessments. I may also have concerns for their children due to the actions of the respondents. There are obligations to notify child protection in certain circumstances although, as a social worker, I am not mandated to report. In these instances I will say to the applicant 'This is what I'm going to tell child protection', and ideally I try to speak to child protection with the applicant in the room. I generally find that child protection agencies are very critical of women as applicants and blame them for not taking steps earlier to leave the relationship or protect their children. Often child protection agencies do not acknowledge the strengths and protective actions applicants currently utilise.

25. At the end of the session, if it is safe to do so, I give all applicants an information pack, which includes information about family violence, the power and control wheel, the cycle of violence and pursuit techniques developed from theory and quotes that I have taken from other applicants. This includes information about the three stages of pursuit including; the 'buy back' stage where the respondent offers to buy the applicant items and promises to undertake counselling, the 'helplessness stage' where the respondent may threaten suicide as a guilt technique and the threatening stage where respondents make threats of violence, threats to use legal systems or threats to take the children.

26. At a minimum I provide all of my clients with basic safety information, usually a card with contact details, these contacts include (but not limited to) police, 24hr crisis service (Safe Steps) local family violence services, local legal services, and sexual assault services and crisis lines.

Resourcing issues in my current role at the court

27. The main issue in my current role is the lack of resources. This relates mainly to the number of staff, availability of court facilities and court security.

28. In terms of numbers in staff, there would ideally need to be about five Applicant Support Workers at most courts to properly accommodate different needs and to follow up on clients. The number of applicant support workers would be dependent on the number of clients that access each court. This would ensure that everyone gets the specialist assistance they need and that sufficient time can be spent with them so that they understand the process and the choices available to them.

29. This number of Applicant Support Workers is needed to cater for the extended time required to work with clients who present with complex needs, such as disability, mental health, drugs and alcohol, and clients from culturally diverse backgrounds. The applicant workers would also assist with clients who present for self-initiated applications, target clients who wish to withdraw or vary their orders and cater for police initiated applications.

30. Currently there are lists of 50 to 60 clients presenting at Sunshine and Werribee Magistrates' Courts, as well as six to ten appointments daily to apply for new applications. The Applicant Support Worker has capacity to see four to five clients per day.

31. Currently the Applicant Support Worker role has no capacity to support clients through any criminal proceedings arising from the intervention order applications. Although a model similar to the Witness Assistance Support Program run by the Office of Public Prosecutions could assist applicants. In my opinion a model such as this may help to reduce the rate of applicants withdrawing support for criminal proceedings and assist with awareness raising to legal services.

32. For the police initiated applications at Sunshine on a Monday there are no duty lawyers available to assist the applicants. They have a police liaison officer who will go through the conditions and explain the options. At Sunshine Magistrates' Court,

there are also police officers from the Family Violence Unit and they do liaison work there as well, but there is no duty lawyer for police matters. On Tuesdays where self-initiated applications are listed, there is a duty lawyer service available. Police matters are handled by the police liaison officers only. There is, however, a duty lawyer scheme for respondents. On a Wednesday at Sunshine Court where the lists comprise of both police and self initiated matters, there are duty lawyers present that applicants could seek advice from, however they will traditionally be dealt with by police, it is unlikely that they will also see the duty lawyer.

33. Police liaison officers are required to pass information about the choice of the applicant to the civil advocate or police prosecutor in the courtroom. It is common that the civil advocate or police prosecutor will not have enough knowledge of the case to answer some questions asked by the magistrate.

34. Where a respondent applies for a cross application against the protected person, by a police application, the protected person is required to seek legal advice, as police do not have capacity to represent them in this matter.

35. In terms of the availability of court facilities, sites such as Werribee Magistrates' Court have extremely limited facilities. The lack of facilities in these courts poses a safety risk for workers and applicants attending the courts. When there have been additional staff, such as social work students, these workers have no option other than to see some clients under a staircase just to get some privacy. At both Werribee and Sunshine Magistrates' Courts, the applicants often bumps into the respondents, who are already in very close proximity at court which can make my clients feel very uncomfortable. In some cases this has caused anxiety attacks for applicants, triggered trauma flash backs and has prompted clients to withdraw from the court process.

36. There is also the issue of limited security at the some courts. Werribee Magistrates' Court has no access to protective security officers (**PSO**s). Since I have been in this role, I have had respondents confront me, verbally abuse me, threaten me, push into my office and grab me by my hair. I have a duress alarm in my office. This notifies other staff of my distress and alerts the Werribee Police Station, which is located five minutes away, depending on traffic.

37. At Sunshine Magistrates' Court, staff have access to PSOs. There are two officers to cover the eight courtrooms and the two foyer areas. They assist in escorting clients

to and from vehicles, responding to incidents in criminal courts, court counters and court car parks. There is a great risk for clients who have been placed in the remote facilities, such as the Children's Court waiting area, and who are confronted by respondents. This has occurred on a number of occasions. The PSOs have a significantly delayed response when they are on other side of the court facility.

Services available at the courts and referral services

38. Sunshine Magistrates' Court can have intervention order lists of up to 60 clients a day and people can miss out on seeing a support person. For this reason, on a Monday morning at court I co-ordinate a meeting with agencies present at court including Centrelink, In Touch, Women's Health West, McAuley Court Play Worker and Court Network to discuss which clients they have got for that day so that there is no double up. We also look at things like which clients have children, which clients are at high risk and what are the immediate safety concerns. We all share the information that we need. We then allocate the clients so I may see five in one day and the others are allocated to support services. Each individual worker has the capacity to see about five clients. This means that out of a list of 60 clients, up to 45 clients will not receive support. This meeting is separate from a morning co-ordination meeting that is led by the family violence registrar, and includes, legal services, police, and the applicant support worker.

39. The clients are divided up depending on things like whether the client has a pre-existing relationship with an agency. For example, In Touch sometimes have pre-existing clients and Women's Health West often have clients referred to them via L17s. On occasion, the clients are people I have seen before so in that situation I see them again for consistency. These clients may not be a priority referral over clients who have never received support.

40. For clients who are new referrals for that day, there are also police initiated applications. With client consent, I always refer women to appropriate support services. Often the police have not made these referrals via the L17 system. This may also require notifications to child protection services.

Legal services

41. A large proportion of applicants rely on the police and community legal centres (**CLC**s), but often there is only one CLC lawyer at court and there might be 12 to 20 referrals. The CLCs have only limited time that they can spend with each person.

42. When I am able to see applicants at the initial stages of their application. I am able to send direct referrals with the client's consent to CLCs. I refer applicants to the Footscray and Brimbank CLC, who then call clients and set up appointments. This means clients receive longer legal appointments and a continuity of legal representation. I also endeavour to refer them to financial counsellors but the wait list is huge.

43. Victoria Legal Aid (**VLA**) provide the duty lawyer service for respondents. They are also struggling with high rates of referrals and limited appointment time whilst at court. In my experience at Sunshine and Werribee Court, the representatives from VLA often have family law backgrounds and represent clients in family law proceedings. These respondents are usually getting the information and the direction they need from VLA about future family law proceedings while the applicants are often left behind.

44. There is a large service gap in VLA funded family law advice. Often highly mortgaged properties exclude applicants from accessing VLA funded advice. Often they end up in financial deficit after paying for private legal services and selling their property for no financial gain.

45. Family law matters regarding child contact are also leaving applicants in huge financial deficit. Due to the overwhelming financial costs, applicants are often electing to use mediation centres to construct child access agreements. These centres cannot adequately address the power imbalances and intimidation present in family violence situations. Many of my clients have reported feeling like they had to agree, or feeling as though they were bullied into accepting agreements they were not comfortable with.

Childcare

46. It is court policy that children are not encouraged at the court. The Family Violence Protection Act prohibits them from appearing in the court room. However a large proportion of women have no other alternative but to bring children with them.

47. In the event that an applicant shows up to court with children, McAuley Community Services for Women (**McAuley**) have a program where they will look after the children while their mum talks to the support worker. This worker does not separate the children from the mother, but is able to entertain the children, including

providing the children with iPads and headphones to avoid the re-traumatisation of the children hearing details of abuse.

48. This program has been in place for 12 months at Sunshine Magistrates' Court and has made a massive difference. As children cannot go into the court, a lot of women can be excluded from pursuing their applications because they think it's all too hard. They can't leave the children anywhere and they can't talk freely to workers or the court if the children are present. Often women are not able to be present in court as their application progresses, which means that they are represented by police prosecutors, civil advocates or CLCs. This means women can be unaware of the advice given to the respondent by the magistrate or the claims made by the respondent in court.

49. The McAuley program is an excellent service that has had glowing reports from applicants who have commented on the reduction of stress and anxiety in knowing that they were supported with their children. As everyone is required to be at court at the same time each day, this sometimes means that applicants could be there all day. With the help of McAuley this makes a big difference to women with children in letting them get advice and pursue their applications in court.

50. McAuley's services should be rolled out at all courts. They have currently secured ongoing philanthropic funding for two years to support this roll-out.

Other services

51. The Salvation Army is also located at Sunshine Magistrates' Court and they give out food vouchers. Often women are in the same clothes as the night before and haven't eaten so the Salvation Army is of great assistance in these cases.

52. I generally refer CALD clients to In Touch, particularly their legal service. This is great because they have longer appointments which are supported by culturally specific support workers. Longer legal service appointments should be standard for all family violence clients who are trying to understand legal information in the midst of

crisis and trauma, but is least available for CALD clients. In Touch also send culturally specific support workers to court for future court dates.

53. I will also directly refer CALD clients to Djerrawarrah Health Services, who facilitate support groups for women moving on from family violence. They run a specific group for CALD women, particularly those from south Asian and Indian backgrounds. This group now runs above capacity. I have noticed that over the past year the demand for these types of services has grown.

54. Women's Health West (the family violence service) is usually overwhelmed so I am pretty specific about what needs to be done when making a referral to them. When making referrals, I will always flag high risk ones or otherwise will just make a note on the file with a recommendation such as 'locks need to be changed'. Women's Health West assist with crisis support and case management usually over a six to eight week period.

55. A gap in support services exists where women need long term support. This is especially the case if they have ongoing family law proceedings, ongoing interaction with legal services (due to criminal proceedings), reporting breaches of intervention orders, extending or varying orders, coping with children and their reactions to family violence and ongoing emotional recovery. The grieving process due to leaving a relationship continues over a long period. Women often require long term support in understanding family violence, coping with the emotional and behavioural effects of family violence and becoming aware of the pursuit techniques and manipulation from perpetrators.

56. I find that disability services don't do a good job of identifying family violence. Often family violence is attributed to the behavioural presentation. This is particularly the case where there are intellectually disabled children with parents who are victims. Disability services usually won't step in because they say they can't house a violent person. This is a real issue.

57. In terms of referrals to psychologists, my view is that the training and understanding of family violence by psychologists is abysmal. I struggle to find any psychologists that I can appropriately refer applicants to. It has been my experience that local psychologists to whom I might otherwise refer applicants have a very limited understanding of family violence and a very poor capacity to recognise it in the

histories offered by clients. I am able to give the Royal Commission more information on this issue if it would be of assistance.

Information sharing

58. I would say that overall, information sharing is a grey area. When I refer a client to a service, I require signed consent from the client. I will generally send the entire file with statistics, information on the client's background, the current stage of the court process, the CRAF risk assessment, safety plans and a copy of the intervention order(s). I do this in the hope that it stops some of the retelling of the story for applicants.

59. I find that some other Applicant Support Workers and support services have an issue with information sharing as they are worried about handing over case notes. From my perspective, as long as the client is informed and has given their signed consent, sharing as much information as possible best supports the client. I have received positive feedback from clients about this.

Cross applications

60. Respondents who make cross applications are usually in it for the win. This is usually a very good example of a sense of entitlement and the continuation of power and control techniques. They try to use cross applications for a power play in negotiation tactics. For example, I often see the tactic where the respondent will say to the applicant 'I'll agree to drop my order if you drop yours'.

61. Often the narratives in these applications contradict the applicant's claims. Some recent examples include, 'My wife continuously harasses me for a divorce and claims to be suicidal when I say no'. Another example is where a respondent was being investigated for sexual abuse allegations and the application contained a narrative that stated, 'She makes false claims of sexual abuse against me'. Another who was being investigated for breach proceedings contained a narrative that stated, 'She continuously harasses me by reporting me to the police'.

62. If the police have initiated an intervention order, they won't represent the woman for the cross application. The woman then generally won't know how to self-represent and she may or may not get referred to a CLC. Women feel safe when they believe that the police are helping but then when the police serve the respondent's cross-application on her, this is not the case anymore.

63. I have found that cross applications make women lose trust in the police and the legal system. In the event that they agree to the order, they are scared of breaching it and this can affect parenting matters. Often respondents attempt to coerce women into breaching these orders and use it as a further threat.

64. I have also found that the applicants usually need counselling due to the trauma of reading the narrative in the intervention order which has been taken out against them by their partner. It affects them quite severely. Almost all women haven't had counselling or support before they see me and they don't understand that the cross application may be a tactic.

65. I have seen many examples of respondents making remarks to the applicant or protected person to try to guilt them into returning home. This is particularly an issue for CALD clients where the respondent says to the applicant that they are starving because they don't have any food and aren't eating well because the applicant has left the home. That sort of argument has great power over women from some cultural backgrounds. I have also seen respondents threaten applicants' visa statuses, family overseas and threaten to take or get custody of children.

66. A possible solution to the cross application tactic is a requirement to seek leave before making a cross application. This means that a person who is a respondent to an order or application wants to bring a cross application against the same person as the one who is the protected person on their order, they have to seek leave first.

67. Currently perpetrators making cross applications are perverting the notion of emotional abuse. For example, I have seen narratives on cross applications which say something like 'I'm a victim because you haven't acted in accordance with my wishes and you haven't listened to me and my family'. Currently Family Violence Registrars do not have the ability to refuse applications for intervention orders.

68. I think this is currently an area where judicial monitoring is missing from the system. Respondents work out fairly quickly what they can and can't do. There needs to be some sort of accountability and monitoring of respondents.

Undertakings in intervention order matters

69. Where there is evidence of power, control and cyclical violence, undertakings are not going to work. This is because undertakings do not stop the cycle of abuse and do not allow victims to follow up any breaches. Where there has been a breach of an

undertaking, the applicant has to come back to court and re-instate their intervention order. Unless the breach of the intervention order is of a criminal nature (for example, assault or property damage), the applicant will not be able to have this breach acknowledged.

70. I have found that lawyers use undertakings as a quick resolution tool and courts generally like this, but in my view it just leaves women unprotected and it doesn't stop family violence. Mutual undertakings are worse as they provide power to the perpetrator to threaten the applicant with possible reinstatement. It detracts even more value from her undertaking.

71. Cross applications sometimes result in a varied order against the respondent and an undertaking against the applicant. This just perpetuates the cycle of abuse.

72. When I see applicants, I don't give legal advice because this is not part of my role, but I do provide a description of what an undertaking is. I have found that women feel pressure to accept an undertaking and think that undertakings are a good option for them. In my experience, I have noticed that there is a mentality that spending minimal time in court is good, which is essentially what an undertaking provides.

Communication with magistrates

73. There is no direct line of communication between me and the magistrates. I think that a big issue here is that there is so much information that magistrates should have from us, but they don't see any of it.

74. I would like to be able to say to the magistrate, 'I've done a risk assessment, there's an elevated risk, there have been referrals made, the children have been exposed to violence' or to simply indicate that the matter may need to be adjourned for the client to get legal advice. In the present system I am able to do this for a very small percentage of clients depending on the magistrate who is sitting in the family violence list on that day.

75. I have a good relationship with Magistrate Toohey who is the Regional Co-ordinating Magistrate situated at the Werribee and Sunshine Magistrates' Courts. For high risk clients who want to vary an intervention order, Magistrate Toohey often puts a condition in the intervention order that the applicant should continue to have contact with an Applicant Support Worker once a month. Of the 20 clients Magistrate

Toohey has done this with so far, six actually ended up wanting to put a safety plan in place and leave the home and others came back to me and said they wanted more conditions put in place and have excluded the respondent. This system is really effective and I think shows that there is an important ongoing role for Applicant Support Workers in this process. Currently with the growing lists of applicants there is no capacity to carry on with this action.

Respondent workers

76. Ideally, respondents are referred to a Respondent Support Worker, who then challenges some of their behaviours and does some safety planning regarding behavioural management. The Respondent Support Workers also go over the intervention order and make sure that the respondent understands the conditions and what breaching them will mean. My understanding is that the Respondent Support Worker also does an eligibility assessment and links the respondent to appropriate programs such as mens' behavioural programs. This is supposed to make men more accountable.

77. There should be some communication between the Applicant Support Workers and Respondent Support Workers. This would be a good way to avoid cross applications where possible. I think respondents often escalate their behaviour because they don't know what's going on. Respondents often behave with a high level of entitlement whilst at court and feel that they are not being included in proceedings. Respondent Support Workers can assist with making respondents aware of the court process, offer referrals for other presenting issues (for example, drugs and alcohol) and make the client feel heard without validating his use of violence.

78. I have found that the court intergrated services program (**CISP**) is sometimes used as a Respondent Support Worker service for courts who do not have Respondent Support Workers employed. For example, sometimes respondents have an intellectual disability or have limited resources and nowhere to live which means that CISP may be able to assist them with these things. Having said this, CISP will only provide their case management service for people who have been charged with an offence. They have developed a community referral process, where they consult with the respondent and provide him details of agencies.

79. Overall, I think there needs to be monitoring of respondents and their accountability. The Respondent Support Worker program should be extended to allow for follow up of respondents to achieve this.

Other general observations

80. When women attend court due to police applications, the time frame between the incident and the time they are required at court is very short. Sometimes the incident has occurred the day or the night before. The speed of the police response is a positive step for the immediate safety of applicants, although they need time to be properly informed about the process and choices that await them. When applicants attend court they are often still suffering shock, sleep deprivation or managing children who are also affected by the incident. Some have not stayed at their own address or in their own bed that night, or they have remained at home fearful of the respondents return. They are very unsure of the legal system and are unsure as to what intervention orders mean.

81. Often my clients think that the respondent is being charged criminally and maybe facing gaol time. They are often filled with guilt about calling the police, separating their family and ruining the respondent's life. They are then required to attend at court where the respondent will be present. At this stage there has been no planning for the applicant as to how she will safely attend and leave the court facility. Applicants are required to queue outside the court to get in (often with the respondent in the same queue) and then queue again at the counter (often with the respondent in the same line). If the matter is a police application they will then speak with a police liaison officer or a CLC if it has been a self initiated application. They are given limited time with these services.

82. To make an informed decision the applicant would need to understand the court process, the conditions of an intervention order and the effect these conditions will have on herself, her children and the respondent. She is required after a brief explanation to make a decision. This is a huge and unreasonable burden put on applicants. Often when I train third year university educated social work students, who are not in crisis, it still takes them some weeks to fully comprehend the process.

83. The applicant is then required to attend in the courtroom with the respondent to have the matter heard. The court has the ability to utilise certain mechanisms to protect

the applicant from further intimidation inside the court room. This has to be requested by the applicant (who is not often provided with this knowledge) or the support worker (if they have been referred). Due to the speed and amount of applications, this is not normally utilised. The applicants face further intimidation from the respondent, the respondent's family and his support people.

84. Often during my interviews with applicants they are struggling with recent trauma and stress and they are overwhelmed by the choices they are faced with on the day. Applicants clearly demonstrate dissociation techniques. During therapy if these techniques are presented it means that the topics are too overwhelming for clients. The best practice is to use grounding techniques and leave that topic for future sessions. From the point when clients dissociate, they are not able to take on new information or fully understand the process. Applicants are still required to make choices that have huge ramifications for their safety and their children's safety. They are also required to continue to participate in the court process.

85. I have noticed that some magistrates use a lot of legal jargon, while others are quite good at explaining the procedure to applicants. When applicants don't fully understand the intervention order condition, they can be terrified. The lack of understanding is because they generally have ten minutes with a lawyer or ten minutes with the police before court and they are then expected to have a comprehensive understanding of what this means for the daily operation of their lives.

86. We are generally putting people with no educational background through a complex process by speaking in a language that is sometimes difficult to understand for people who operate outside of the legal service, let alone for clients where English is their second language. More time needs to be spent with these applicants to explain the process. The language used in this process needs to be reviewed to provide a working understanding.

87. The explanations of the law and legal options by the police can also be very complex and women often miss out, particularly with their options around contact with their children. I've noticed that the police don't fully understand the ramifications of the conditions on an intervention order either. The end result of this is that the explanation the police give to applicants of their legal options is not of a high standard.

88. I also believe that there needs to be a prioritisation of social services and legal advice. We have safety notices which tend to return to court very quickly but I don't believe that the first court date should actually be at court because women are just not ready to make life changing legal decisions that fast and are often poorly informed. These decisions are emotionally driven by women who are trying to balance, fear, sadness, guilt, responsibility, family pressures, shame and love. We are then asking them to cope with their emotions, and understand a legal process and their legal options within an extremely short time frame. This is often in the presence of the perpetrator. They then need to make decisions that will affect the rest of their lives and their children's lives.

89. The first return date should be for the provision of social services and legal advice so that the woman can gain and understanding of what family violence is and be given options, such as alternate housing, financial advice, Centrelink access, counselling and visa advice. They should have the ability to meet with legal services who explain the court process and their options for the intervention order, without having to be pressured into a decision. The second date should be the court date. Applicants who have made the decision to apply for an intervention order themselves sometimes have this option already, if they are referred to an applicant support worker who then provides a referral to legal services. I believe this will result in women being in a much more balanced position to make decisions when they go to court and reduce the number of revocations and variations.

90. Ideally I don't think we should have applicants and respondents at the same court as it is currently not managed well. Clients are sometimes stalked from court to their new accommodation. Clients in refuges who are asked to come back to court, where the perpetrator will be, is not practical and often compromises the security of the refuges. Alternatively, there should be two separate entrances and two separate waiting areas which have adequate security.

91. I also think that applicants need to have support with them at court. I am often a human shield which is unsafe. Respondents often bring mates and family so the applicant is outnumbered. There needs to be safety planning before, during and after court. This period is an emotional rollercoaster for the applicant and suicide rates are generally higher during this period. I think there should also be adequate anxiety management plans in place for all applicants.

92. Finally, I have found that the CRAF risk assessment tool is generally not used properly by a lot of agencies. I see many examples of people just ticking boxes and not putting in any additional information which is often crucial.

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Abbey Cara Newman

Dated: 28 July 2015