

**ATTACHMENT 'CC 3'**

This is the attachment marked '**CC 3**' referred to in the witness statement of **Christopher Leonard William Casey** dated: 31<sup>st</sup> July 2015.

# Family Violence Legal Assistance Services in Central Victoria

*Identifying and Responding to  
Unmet Need*

 Ioddon campaspe  
community legal centre

A program of the Advocacy & Rights Centre Ltd

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# Introduction

The Loddon Campaspe Community Legal Centre (LCCLC) is a generalist community legal centre servicing the local government areas of Macedon Ranges, Central Goldfields, Mount Alexander, City of Greater Bendigo, Loddon and Campaspe (figure 1).

LCCLC provides generalist legal assistance concerning family violence matters and specialist Family Violence Legal Assistance Services.

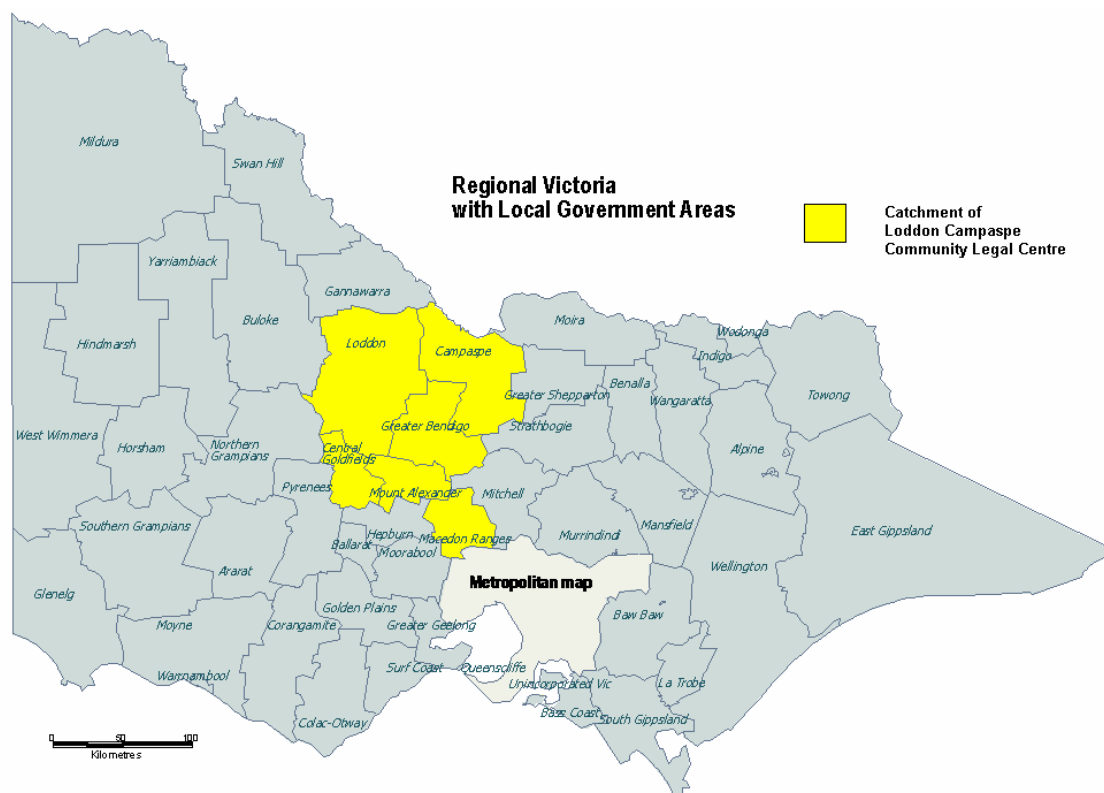


Figure 1

## Purpose and Scope of Report

This research report was undertaken to identify unmet legal need concerning family violence and to inform LCCLC's current practice in this area.

LCCLC acknowledges that some of the findings of the report are indicative only and that the associated conclusions and recommendations are necessarily qualified. The report is not intended to be a comprehensive restatement of family violence initiatives undertaken at every level of government, by every community service or legal practice within the region.

## Report Summary

The Loddon Campaspe Community Legal Centre provides specialist Family Violence Legal Assistance Services at the Bendigo and Maryborough Magistrates' Courts. These services were initiated in response to unmet legal need for legal advocacy in this critical area.

Services are provided from core funding, not dedicated family violence funding. LCCLC's service capacity in this area has been enhanced through the Clayton Utz Foundation Fellowship program (providing two year funding for a graduate solicitor position). This funding will end in January 2009.

While there is significant potential to expand these services to locales within our catchment, such as Echuca and Kyneton, such a commitment could not be made without substantially eroding core services at the Centre.

Since the launch of the LCCLC Family Violence Legal Assistance Program in February 2007 the service has gone from strength to strength. An excellent working partnership has been formed with the Integrated Family Violence Network for non-legal support at the Bendigo and Maryborough Magistrates' Courts. Student volunteers have supported the service both as volunteers and through the Clinical Legal Education program provided in partnership between La Trobe University and the Centre. Excellent working relationships and referral pathways with other service providers within the catchment have also been formed.

The Family Violence Outreach to the Bendigo Court has now become a significant part of our service provision, assisting an average of 5-9 clients per week at the Bendigo Court and 1-3 clients at the Maryborough Court, in addition to referrals and attendances through our normal advice services.

Victoria Legal Aid offices (Bendigo and Ballarat respectively) currently fund or directly provide duty lawyer services in the Bendigo and Maryborough Courts. These duty services are complemented by LCCLC's services.

There are considerable unmet needs in relation to Family Violence in the Loddon Campaspe Region, as well as in Gannawarra Shire and Swan Hill Rural City.

There is a lack of appropriate legal referrals for organisations that assist people who are experiencing family violence. The main reasons highlighted by our research are that the client cannot afford private legal representation, the Legal Aid means and merits tests are too restrictive, there may be conflict of interest issues and/or the other party may have already accessed the services of Victoria Legal Aid.

Feedback about the current Family Violence Legal Assistance Service operated by LCCLC at the Bendigo and Maryborough Magistrates' Courts showed that the service has been extremely valuable. The service was rated as highly effective, but it was identified that the service needed to be improved by broadening the service area to cover other courts, offering more culturally specific and linguistically diverse services and becoming more accessible by offering more frequent services to Maryborough, which is currently attended fortnightly rather than weekly.

Echuca was identified as the locality that would benefit most from the Family Violence Legal Assistance Service. Feedback suggested that there are often no appropriate legal referrals available because the client could not afford private legal representation, there are local conflict of interest issues, and specialist Indigenous legal services may have difficulty taking on local family violence cases due to their resource limitations..

Both Castlemaine and Kyneton have also been identified as regions that would benefit from the service that is currently in place at the Maryborough Magistrates' Court; there are currently no appropriate legal services available in these regions, for similar reasons to those applying in the Echuca region, as well as the barrier of other parties already accessing the available services. Concerns have also been raised about police attitudes in these areas: family violence matters are seen to be not taken seriously and police appear not to be exercising their power to take out police initiated orders. It is hoped that this is merely a perception, but even so victims need to be feel confident that the police can offer protection and assistance in times of need. Services in both regions have shown a keen interest in family violence legal education within their organisations and in the wider community.

Swan Hill and Kerang are also centres that are considered to be in need of accessible legal services for family violence matters. There are comparable reasons for inappropriate legal referrals to those in the Loddon Campaspe region, and also varied responses to police attitudes to family violence matters. All services who undertook this current research indicated they would refer to a Family Violence Legal Assistance program if it were available in the courts in their regions.

## **Conclusions**

Family Violence is a significant issue in the Loddon Campaspe Region and the Gannawarra and Swan Hill Rural City Local Government Areas. Combined with limited legal referral options for family violence matters, this demand for services indicates unmet legal need.

In recent times there have been important policy responses looking at addressing family violence, both in Victoria and Australia as a whole.



Funds are being delivered to a range of legal responses, including the Family Violence Courts in Ballarat and West Heidelberg, specialist family violence services in areas such as Melbourne, Sunshine and Frankston and designated family violence lawyer positions in various community legal centres across the state. The Victorian government has also recently passed a new Family Violence Act to respond better to the needs of people experiencing family violence and initiate reforms to police responses. It is expected that the new Act will come into force in late 2008.

Regional centres such as Echuca and Swan Hill have significant Indigenous populations and culturally specific services are not readily available, with Indigenous legal services having difficulty taking on local family violence cases. For example, some agencies reported referring clients to the Aboriginal Family Violence Prevention Legal Service Victoria (AFVPLS), with representation taking up to 4 weeks to organise, leaving people who are experiencing family violence with unreasonable delays in obtaining legal support, in situations where urgent and immediate assistance is often required. AFVPLS is aware of these difficulties and is interested in exploring options for increased resources to service these areas.

The Loddon Campaspe Community Legal Centre is currently operating a Family Violence Legal Assistance Service at Bendigo and Maryborough Magistrates' Courts. Services are provided from core funding, not dedicated family violence funding. This core funding is supplemented by philanthropic funding.

According to statistics from the Magistrates' Court of Victoria, in the 2007-08 period there were 1902 Intervention Order complaints at the Bendigo Magistrates' Court. This is four more than in the Ballarat Magistrates' Court in the 2006-07 period.<sup>1</sup> In 2006-07 Ballarat was recognised as an area that should receive specific funding for a specialist Family Violence Court and associated programs.

Family Violence Legal Services run by community legal centres generally provide services to just one court. In regional and rural areas such as Loddon Campaspe, community legal centres are well placed to provide assistance to several courts over a wider area, particularly to the outlying regions that historically have not been able to access such services, and where the unmet legal need is high. The Loddon Campaspe Community Legal Centre is well placed to provide specialist services to most if not all the courts throughout the catchment area, being relatively central, but specialised funds are needed to expand the services in a way that does not erode core centre services. The relationships with the non-legal support organisations in the region are already well developed and the replication of existing models of service provided at Bendigo and Maryborough Courts would be relatively easy to roll out if specialist family violence service funding became available.

## Recommendations

1. That a comprehensive strategy for family violence legal assistance services be formulated for the region.
2. That LCCLC explore all available options for sourcing specialist funding to maintain and expand the level of service and outreach locations for the family violence program, with a view to establishing dedicated Family Violence positions within the LCCLC.
3. That LCCLC continue to explore opportunities for engaging with the Indigenous community to identify and where appropriate assist in redressing shortfalls in legal assistance available for family violence matters in their communities. LCCLC should support the provision of family violence legal assistance by or in partnership with Indigenous legal services.
4. That the LCCLC continue, wherever possible, to explore further training and professional development opportunities for all staff involved in the family violence program.
5. That LCCLC actively seek partnership opportunities for improving family violence legal assistance services in neighbouring catchment areas, including locales such as Swan Hill, Shepparton and Kerang, or any other areas where a shortfall of service exists.
6. That a specialist Family Violence Solicitor be employed, whose role will include working with the LCCLC Community Development worker to provide family violence related community legal education to organisations and to the wider community.
7. That LCCLC should trial services to Echuca as soon as possible to meet current need and consider the need for similar specialist services to Castlemaine and Kyneton.

## **Family Violence – A Significant Community Issue**

Family violence is a significant community issue that affects the lives of many different people, regardless of their gender, age, health, wealth, location, ethnicity or religion. There are many forms of family violence, which include physical, emotional, verbal, psychological, sexual and financial abuse in current or past family, domestic or intimate relationships.<sup>2</sup>

There are power and control issues played out within the relationship, causing victims to live in real fear. While it can be perpetrated by any member of a family against another, it is more likely to be perpetrated by men against women and children. Most of the violence perpetrated against women happens within their own home and most of these women will experience multiple incidences of violence.<sup>3</sup>

The Australian Bureau of Statistics conducted a Personal Safety Survey in 2005; the findings demonstrate how widely spread the issue of family violence is:<sup>4</sup>

- One in three women had experienced physical violence since the age of 15.
- Nearly one in five women had experienced sexual violence since the age of 15.
- 16% of women had experienced violence by a current or previous partner since the age of 15.
- 36% of women who experienced intimate partner violence were pregnant at the time of the violence and 17% of those women were pregnant when the violence started.

Family violence is the main contributor to death, disability and illness in Victorian women under the age of 45 years.<sup>5</sup> Well over half of all family violence incidences that were reported to the Victorian police during the years 1999/2000 to 2003/2004 were witnessed by at least one child.<sup>6</sup> The levels in Indigenous communities are considerably higher.<sup>7</sup> In the past, there have been many reports about women not reporting domestic violence incidences to the appropriate authorities, such as the police. Many reasons have been highlighted, such as fear of repercussion from family members, financial dependence on the perpetrator and victims often feeling that they are not supported during the legal process. This becomes even more difficult for Indigenous victims because of the lack of culturally appropriate support services and responses to their experiences of family violence.<sup>8</sup>

# Government Responses to Family Violence

## The Victorian State Government

The Victorian state government has shown its commitment to responding to family violence in a range of ways:

- a new family violence act for Victoria;
- continuation of the Family Violence Court division and the Family Violence Court Intervention project for a further 2 years;
- funding a network of specialist family violence lawyers across Victoria to support people applying for intervention orders;
- continuing work in partnership with the Indigenous Family Violence Partnership Forum on the development of the 10 year plan.

The overall aims of such initiatives are:

- improving the safety of women and children who experience violence;
- improving the accountability of men who use violence;
- preventing family violence from occurring.

A list of Victorian Family Violence Reform Milestones contained in the 2008–09 State Budget can be found in Appendix 1 to this report.<sup>9</sup>

The Victorian State Budget 2008–09 has shown commitment with \$24.7 million funding over four years for the following:

- \$4.3 million over four years to extend crisis responses and expand intensive case management for women and children, targeting those at highest risk;
- \$4.2 million over four years to help connect agencies such as family violence services, counselling and refuges with police and courts to better support victims of family violence;
- \$6.1 million over four years to increase men's behaviour change programs, and intensive case management and a phone line for men who use violence;
- \$0.5 million to support the development of a family violence State Prevention Plan and to run pilot violence prevention programs in schools starting in 2009;
- \$1.5 million on a family violence community education campaign to increase awareness of the new Family Violence Bill, the unacceptability of family violence and the increased protections and responses available to victims; and

- \$8.1 million for Indigenous-specific initiatives, such as increased funding for intensive case management for Indigenous victims of family violence.<sup>10</sup>

### ***Police response***

The response by Victoria Police to family violence has undergone significant reform. The Police Code of Practice for the Investigation of Family Violence was developed as part of the Victoria Police Strategic Plan 2003-2008, *The Way Ahead*.<sup>11</sup> The aims of the new code of practice are:

- safety and support for victims;
- early intervention;
- investigation and prosecution of criminal offences;
- minimisation of family violence in the community.

Police are being encouraged to take out more police initiated intervention orders when they think that victims may be at risk of further family violence, and now must refer to a support service in family violence matters. Police have also been given extra holding powers so that they can hold the defendant while they make a complaint for an intervention order whilst ensuring the safety of the aggrieved family member.

### ***Responses to concerns with the justice system***

Victoria's justice system has a comprehensive range of policies and projects that have been implemented to reduce family violence. They include:

- the Family Violence Court Division of the Magistrates' Court at Ballarat and Heidelberg, established in June 2005;
- the Family Violence Court Intervention Project;
- specialist Family Violence Services commenced in early 2006 in the Magistrates' Courts of Victoria at Melbourne, Sunshine (with a circuit to Werribee) and Frankston;
- training of Magistrates' Court staff to more effectively recognise and respond to family violence;
- new legislation in the form of the stand alone Family Violence Bill;
- increased investment in community legal centres, with \$3.8 million over four years provided in 2007 to fund a network of eight dedicated family violence community lawyer positions to support victims and an additional position at the Aboriginal Family Violence Prevention and Legal Service.<sup>12</sup>

### ***Integrated family violence services***

Responding more effectively to family violence is an important element in the Government's social policy action plan, *A Fairer Victoria: Creating*

*opportunity and addressing disadvantage.* The government has committed \$35.1 million over four years to deliver a new approach to family violence services in Victoria as part of the whole of government family violence reforms. The funding for integrated family violence services is being managed by the Department of Human Services and is aiming for community services, police and the courts working together to make Victorian women and children safer, and hold men who use family violence accountable for their actions.<sup>13</sup>

One component of this action plan has been to develop a Family Violence Risk Assessment and Risk Management Framework. The risk factors in family violence are not well understood so the government has developed a tool that can provide a consistent approach to risk assessment across the field.<sup>14</sup>

### ***Children and young people***

The government is focusing on educating children and young people to understand that family violence is more than just physical assault and that all types of violence are wrong. There has been funding for specialist services to cater for children and young people if they are experiencing any type of family violence.<sup>15</sup>

### ***Indigenous communities***

The Victorian Government has put together the *10 Year Plan: Towards a safer future for Indigenous families and communities*. The strategies outlined in the plan are as follows:

- cultural safety: make Victoria a safe place for Indigenous communities;
- healthy families: support strong, robust and healthy families that provide a safe and nurturing environment;
- education, awareness, prevention: intervene early to improve education, awareness and prevention of family violence;
- increase the accountability and personal responsibility of perpetrators of family violence within Indigenous communities;
- healing: increase opportunities for healing for victims and perpetrators;
- service capability: increase the cultural competence and capacity of the service system to improve responses to Indigenous family violence.<sup>16</sup>

Indigenous Family Violence Regional Action Groups have been formed to raise awareness and develop local solutions to issues surrounding Indigenous Australian family violence. The Victorian Indigenous Family Violence Strategy is a community-led strategy that coincides with a whole-of-government response to issues identified by the Indigenous Family Violence Task Force. To assist the community-led approach, Indigenous Family Violence Strategy Support Workers, and a State Co-

ordinator are employed by the Department of Human Services. The workers facilitate linkages and partnerships to ensure that community-led actions are developed at a local level in partnership with government and non government agencies.<sup>17</sup>

## **The Commonwealth government**

### ***Women's Safety Agenda—Elimination of Violence***

In the 2005 Budget the Australian government announced its \$75.7 million commitment to continue to take a lead role in eliminating domestic violence and sexual assault in the Australian community.

The Women's Safety Agenda addresses four broad themes - prevention, health, justice and services. Together they aim to decrease the impacts of domestic violence and sexual assault upon the community by building on the achievements of the *Partnerships Against Domestic Violence* initiative and the *National Initiative to Combat Sexual Assault*, increasing attention on preventing violence and early intervention and support for those affected by violence.<sup>18</sup>

The measure includes:

- re-running the successful national Violence Against Women - Australia Says No campaign aiming to increase community awareness of the issues of domestic violence and sexual assault. Through a 24-hour help line, the campaign will provide assistance to those experiencing violence, friends and family who want to know what they can do to help and assistance to those wanting to change their violent behaviour;
- Domestic and Family Violence and Sexual Assault Initiative funding provided to organisations to deliver projects aimed at decreasing the impact of sexual assault and domestic violence by trialling and evaluating new preventative and response mechanisms and/or developing and promoting products to assist in best practice service delivery;
- continued funding for the Australian Domestic and Family Violence Clearinghouse and the Australian Centre for the Study of Sexual Assault;
- research projects on domestic violence and sexual assault;
- practice nurses in regional and rural areas receiving training to assist them to identify and respond to domestic violence and doctors receiving assistance to release the nurses for this training;
- training for the criminal justice sector on sexual assault;
- dedicated resources at the Australian Institute of Criminology;
- funding for counsellors, training and materials on domestic violence at Mensline to deal with additional phone calls from the Australia Says No Campaign.<sup>19</sup>

### ***Indigenous family violence programs***

The Department of Families, Community Services and Indigenous Affairs is managing specialist funding for projects and initiatives that are aimed towards reducing and preventing family violence and child abuse in Indigenous communities. This funding also includes a program offering legal services for Indigenous people who are victims of family violence or child abuse.

The Australian government has outlined that the primary responsibility for family violence services in Indigenous communities lies with the state government, but has identified the need for additional funding. The Aboriginal Family Violence Prevention Legal Services are managed by the Australian Attorney-General's department. The objective of the services is to provide culturally appropriate and accessible assistance to Indigenous people in the community.<sup>20</sup>

Legal services for victims include:

- legal assistance;
- case work;
- court support.

The program funding guidelines outline that these services should be holistic and also offer the following non-legal support:

- counselling to victims;
- assistance and support;
- information, support and referral services;
- community promotion initiatives.

Indigenous Family Violence Regional Action Groups have been formed to raise awareness and develop local solutions to issues surrounding Indigenous Australian family violence. The Victorian Indigenous Family Violence Strategy is a community-led strategy that coincides with a whole-of-government response to issues identified by the Indigenous Family Violence Task Force. To assist the community-led approach, Indigenous Family Violence Strategy Support Workers and a State Co-ordinator are employed by the Department of Human Services. These workers facilitate linkages and partnerships to ensure that community-led actions are developed at a local level in partnership with government and non government agencies.<sup>21</sup>

### ***Family law and family violence***

The Family Law Violence Strategy is a component of the Australian government's family law reform agenda. The federal government is working towards giving children the right to have two loving parents, whilst acknowledging and recognising that they must be kept safe from harm. It focuses on family violence and child abuse in the context of the



family law system. The federal government believes that its role is to ensure a consistent approach and reliable communication lines throughout the states and territories and will work on building strong inter-agency relationships between relevant states agencies, including the courts.<sup>22</sup>

## Local government

### ***The GLOVE Project: Gender, Local Governance, and Violence Prevention – making links between violence in private and public space***

GLOVE is a research project aimed at developing Australian local government policy that can take an integrated approach to violence prevention.

Current local government community safety policies have been analysed and work with four local government/agency partnerships in Victoria currently in place to develop and evaluate integrated violence prevention programs. Information from these case studies will inform training materials and workshops for local government officials, community agencies, urban planners and health professionals in the final phase of the project.

The University of Melbourne has assisted to complete phase one of the project in 2005 and a background paper on *Gender, Local Governance and Violence Prevention* has been developed. Phase two has involved working with four local government/ community partnerships to develop resources for integrated violence prevention. In phase three, to take place in 2008/2009, a manual will be developed out of the local partnership experiences. The manual will be sent to all Victorian municipalities, along with an evaluation form as to its applicability. The responses to the manual and workshop will be used to further develop ways that public and private violence prevention can be addressed. There will also be an external evaluation of the project as a whole.

Both City of Greater Bendigo and Loddon Shire local governments have been involved in this project:

- Bendigo's Safe City Forum is a partnership between 26 local agencies, including the state government, police, and local businesses. Its Strategic Direction Plan, which does not currently incorporate violence prevention, is in the process of being updated. A background paper has been prepared on the current policy framework in Bendigo and opportunities to incorporate violence prevention policy into local governance.
- At present, there is no safe community forum or action plan in the Loddon Shire, but there is interest in developing such a plan in an appropriate manner for a relatively remote and poorly funded

locality. The Loddon Campaspe Region Centre Against Sexual Assault, whose region encompasses Loddon Shire, is the community partner in this locality as well.<sup>23</sup>

# Family Violence and Legal Services: The Victorian Context

## Specialist Family Violence Courts

In June 2005, the Family Violence Court Division commenced sitting at the Magistrates' Courts at Ballarat and Heidelberg. This pilot program was due to run for three years. In 2007, the Victorian government funded the continuation of the service for a further two years.<sup>24</sup> This jurisdiction came into place as an attempt by the state government to address the inadequacies of the mainstream justice system in dealing with family violence matters.<sup>25</sup> This is an approach that ensures victims and offenders who use the court system will receive a more integrated response from legal and support services.

The Specialist Family Violence Courts deal with intervention orders, criminal charge matters for breaches of intervention orders, Victims of Crime Assistance Tribunal proceedings when family violence was the cause of the application, some family law matters where family violence is an issue.

The aims of the specialist Family Violence Courts are to provide:

- best practice in policing and prosecuting family violence offences;
- information, support, advocacy and services for victims and their children;
- safety for victims and their children as the primary outcome;
- safety for victims and their children at court;
- validation and empowerment for victims;
- responsibility and accountability for perpetrators of family violence;
- reduction and prevention of family violence within the communities;
- increased awareness of family violence within the community and within the agencies which respond to it.

Specialist Family Violence Courts possess the following attributes:

- victim focus, support and advocacy;
- specialised court officers, for example a Family Violence Court registrar;
- magistrates, prosecutors and defendant solicitors specifically trained in family violence issues;
- court facilities to accommodate and provide safety for victims. These include remote witness facilities, private interview rooms etc;

- appropriate services available for applicants and defendants;
- integration of service responses for applicants and defendants;
- high quality police investigation practices, which include the family violence liaison officer interacting with police prosecutors around specific issues;
- referrals of victims and their children to available and appropriate specialist services;
- court directed assessment of suitability of perpetrators for treatment or education, most likely resulting in a referral to a mandated men's behaviour change program;
- monitoring and follow-up of offender progress and compliance by the court;
- legal services provided for both applicants and defendants.<sup>26</sup>

## **Specialist family violence services**

The Specialist Family Violence Services began in early 2006 in the following Magistrates' Courts:

- Melbourne
- Sunshine
- Frankston
- Werribee.

The aim of these services is to enhance the services already available at the respective Magistrates' Courts and make the system suitable for family violence issues. There is a family violence applicant support worker available at the court to provide support, information and referral to appropriate services. There is a family violence registrar who coordinates the family violence matters to make the process uncomplicated for applicants and defendants. The court staff and other services at the court are given specific family violence training. This includes training for magistrates, the family violence registrar, police prosecutors and applicant support workers.<sup>27</sup>

Victoria Legal Aid (VLA) is a statutory authority established under the *Legal Aid Act 1978* (Vic). Although VLA is funded by Commonwealth and state governments, it is independent from government. VLA provides state-wide legal services, focusing on helping and protecting the rights of socially and economically disadvantaged Victorians.

VLA has lawyers in offices in most major metropolitan and country regions, including Bendigo and Ballarat. VLA also funds private lawyers to provide legal services to the public. VLA provides services concerning a wide range of legal issues including criminal law, family law, child protection, mental health review board matters, child support, some civil law matters, and family violence.

Legal assistance provided directly by VLA lawyers includes legal information, advice and in some cases representation. These services may be provided during the course of or independently of duty lawyer services provided by VLA lawyers. Subject to conflicts of interest, VLA lawyers may represent applicants or defendants in intervention order proceedings.

With reference to services in or adjacent to the Loddon Campaspe region, VLA lawyers presently service courts located at Kyneton, Castlemaine, Maryborough, Bendigo, Echuca, Kerang and Swan Hill.

Under the VLA guidelines VLA may grant assistance for intervention orders if the defendant is contesting the application. VLA expects the applicant to begin proceedings with the help of the police or a Magistrates' Court registrar.

VLA may grant assistance to a defendant to oppose the making of an intervention order or to apply for a variation of an intervention order if:

- (i) the defendant is a child; or
- (ii) the order sought would curtail an important right of the defendant (for example excluding the defendant from his/her home), and a court might be persuaded to make a less restrictive order or no order at all; or
- (iii) the defendant was arrested and is still in custody.<sup>28</sup>

## **Victorian Aboriginal Legal Service Co-operative Limited**

The Victorian Aboriginal Legal Service Co-operative Limited (VALS) provides free legal and legal related services to Indigenous Australians. VALS contains a Legal Practice Unit made up of criminal, family and civil law solicitors. Many family law matters, and those involving child protection, involve family violence issues. VALS provides information to people applying for intervention orders and does not usually act in these matters. VALS does act in matters involving a breach of an intervention order.<sup>29</sup>

## **Aboriginal Family Violence Prevention and Legal Service Victoria**

The Aboriginal Family Violence Prevention and Legal Service Victoria (AFVPLS) was established in 2002 to address family violence in Victorian Aboriginal communities. The AFVPLS is funded by the Commonwealth Attorney-General's Department to provide assistance to victims of family violence and sexual assault and to work with families and communities affected by violence.

The AFVPLS provides free legal advice, court support and ongoing casework to victims of family violence and sexual assault. The AFVPLS

also provides free counselling, support, information and referrals to specialist services. The AFVPLS works with local community groups and organisations to develop awareness and preventative initiatives.<sup>30</sup>

With reference to services in or adjacent to the Loddon Campaspe region, the AFVPLS provides direct representation to clients in intervention order matters at all courts on an as needs and ad hoc basis, subject to demand and capacity. These include courts located at Kyneton, Castlemaine, Maryborough, Bendigo, Echuca, Kerang and Swan Hill. AFVPLS has indicated its interest (subject to increased funding) in targeting services in local and adjacent areas with significant Indigenous populations including Shepparton, Echuca and Swan Hill.

The AFVPLS has initiated an innovative service promotion strategy: "Sisters Day Out". The Sisters Day Out workshops have gained widespread support from Victorian Aboriginal communities and from the many workshop participants who have attended. The cultural aspects of the Sisters Day Out workshops are integral to strengthening the role Koori women have in relation to family and community. The workshops build on self-esteem and identity, which reinforce women's entitlement to feel safe and secure in their roles as nurturers and leaders in the community. The workshops have been based on general themes and well-being activities (including personal presentation, and health care) in which are embedded the provision of practical and accessible information, support and referral networks. The workshops are occasions when legal, health and related information can be provided in an informal and interactive format with an emphasis on creating culturally safe, affirming and confidential spaces.<sup>31</sup>

## **Community Legal Centre Family Violence Programs**

In the 2007/2008 State Budget, the Family Violence Community Legal Centre initiative was funded and there was a further commitment of \$3.8 million in the 2008/2009 budget. There is a network of seven family violence community lawyer positions, as well as an additional position at the Aboriginal Family Violence Prevention and Legal Service.<sup>32</sup>

The state government, through Victoria Legal Aid, provides family violence program funding for the following community legal centres:

- Eastern Community Legal Centre
- Brimbank/Melton Community Legal Centre
- Broadmeadows Community Legal Centre
- South West Community Legal Centre
- Casey Cardinia Community Legal Centre
- Central Highlands Community Legal Centre
- Barwon Community Legal Service.

This initiative is aimed at supporting those who are applying for family violence intervention orders by providing legal advice, court representation and other assistance. Usually these services are available at the Magistrates' Court to provide immediate legal support, working in conjunction with Victoria Legal Aid and the local Integrated Family Violence Services and with the support and cooperation of the court.<sup>33</sup>

There are also specialist community legal centres whose area of expertise lies specifically in the family violence field:

- Aboriginal Family Violence Prevention and Legal Service, based in Melbourne with various regional outreaches including Gippsland and Mildura;
- Women's Legal Service Victoria, which is a state wide service specialising in relationship breakdown and violence against women. It provides face to face legal services, including court representation, telephone legal advice and referral, legal education, and law reform activities on issues affecting women and their legal rights.<sup>34</sup>

# Family Violence in Loddon Campaspe

## Statistical overview

### *Intervention order matters by court*<sup>35</sup>

Court	2005/06	2006/07	2007/08	Total	% of total
Bendigo	1549	1841	1902	5292	72.4
Echuca	132	148	169	449	6.1
Swan Hill	119	172	142	433	5.9
Kyneton	112	130	151	393	5.4
Maryborough	103	91	112	306	4.2
Castlemaine	78	71	98	247	3.4
Kerang	65	67	58	190	2.6
Totals	2158	2520	2632	7310	100

## Legal services by LCCLC

LCCLC has been providing legal services in family violence matters since the service commenced in 2005. On 1 February 2007 LCCLC initiated a targeted family violence legal assistance service at the Bendigo Magistrates' Court. This service was later extended to the Maryborough Court.

Between 1 July 2005 and 18 August 2008 LCCLC assisted with 440 IVO matters.

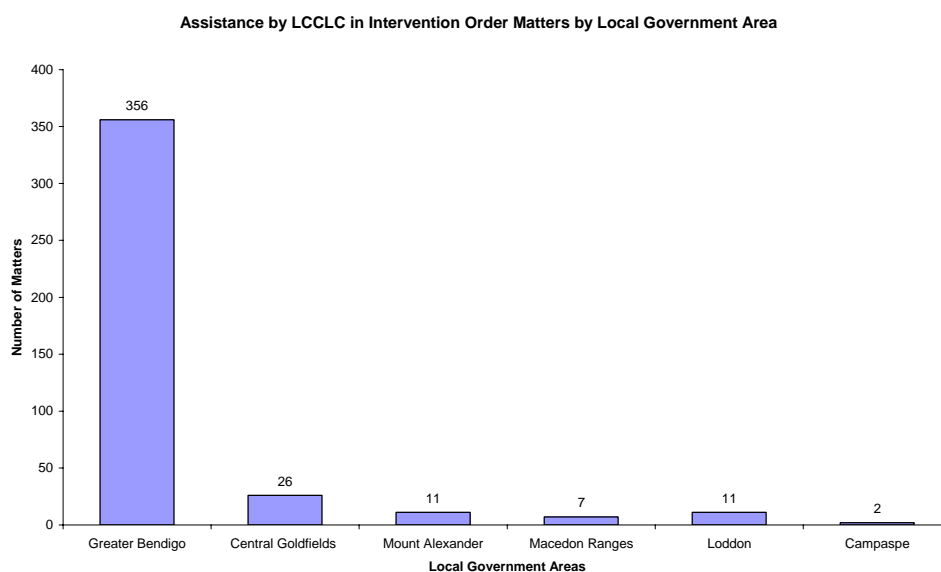
Since the commencement of the Family Violence Legal Assistance Service (1 February 2007), LCCLC has assisted with 364 IVO matters.

From 1 October 2007 LCCLC has collected detailed data regarding intervention order matters;

- Between 1 October 2007 and 18 August 2008 LCCLC represented on average five clients per week at the Bendigo Court and two clients per fortnight at the Maryborough Court.
- 82% of our clients are applicants, 18% are respondents.
- 78% of our clients are female, 22% are male.



- 88% of the matters have been IVO applications, 7% extensions/variations, 5% revocation applications.
- 38% of IVO applications involve children.
- 7% of IVO applications have Family Court Orders in place.
- 60% of respondents are represented by duty solicitors, 24% are represented by private solicitors, 6% are represented by police prosecutors and 10% are self-represented.
- 26% of our clients have an earned income, 71% rely on a government pension, benefit or allowance, and 3% have income from other sources.<sup>36</sup>



highlighting that a major centre such as Bendigo has similar issues to other stations, notwithstanding the region's Family Violence Liaison Coordinator... can be couched in terms that these issues are present right across the region rather than just in specific locations - difference is that Echuca currently has no scope for advocating for victims, Maryborough and Bendigo does, albeit on a smaller scale than we would like.

## Police Responses to Family Violence

In LCCLC's experience, police response to allegations of family violence and breaches of intervention orders is varied, ranging from outstanding to poor. LCCLC acknowledges the great difficulty of policing family violence well. Considerable skill and experience is required to respond in the best manner in every case, from direct intervention in hostile and life-threatening scenarios, to providing emotional support to victims, to responding to breaches consistently and repeatedly. LCCLC has experienced police acting promptly, effectively and in a supportive and caring manner in many situations. However, this is not always the case. The following examples of situations where police have not acted as well as might be hoped or expected are not provided in order to chastise

police. They are included so as to inform and improve police practice and to assist all stakeholders to achieve better outcomes for parties.

When establishing the Family Violence Legal Assistance Service at the Bendigo Court the LCCLC was advised that Victoria Police has a state-wide '*zero tolerance*' policy to breaches of intervention orders. We have previously discussed the Victoria Police Strategic Plan 2003-2008, *The Way Ahead*, and the aims highlighted therein. Unfortunately, the feedback we regularly receive from clients and Family Violence case workers suggests adherence to the Code of Practice could be significantly improved.

- LCCLC is aware of periods, correlating with a period of leave for the Family Violence Liaison Officer, in which the number of breaches of intervention orders investigated and prosecuted decreases significantly.
- In LCCLC has been advised of examples where initial reports of family violence in some localities are minimised by attending officers, or when victims are reporting breaches of intervention orders, that their reports of breaches are downplayed.

An excuse reportedly provided by police for declining to intervene in some breach matters is '*It's her word against his*' and the matter is unlikely to be successfully prosecuted. One client informed LCCLC that she was told by police that because the perpetrator was known to police and was unlikely to abide by the intervention order, it was a waste of time getting an order. In this case the victim was unaware the police had the power to arrest and detain a perpetrator if they were of the view a breach had taken place. Unfortunately case examples such as this continue to come to the LCCLC's attention, via victims and support workers alike.

- On several occasions LCCLC has assisted clients to apply to vary intervention orders to make them clearer and thus enable police to enforce the orders with greater confidence. On these occasions LCCLC has been told by magistrates that the existing orders already covered the scenarios and that the police had adequate grounds to act under the wording of the existing orders and that failing to do so constituted contempt of court.
- The LCCLC and associated non-legal support workers have played an important role in advocating for victims' complaints to be taken seriously by the police. LCCLC has seen that when the police officers are held to account under the Code, a victim's concerns are more likely to be addressed appropriately. Unfortunately without this advocacy some complaints can fall by the wayside.
- LCCLC has concerns about the manner in which victims with mental illnesses are sometimes dealt with. LCCLC has had direct

involvement in numerous matters where the victims have some sort of mental health issue. Rather than exercising greater care in how these victims are dealt with, the converse sometimes seems to be true. In several cases the perpetrators advised the police that the victim had a mental illness and therefore could not be believed – the apparent acceptance of this by the police meant that the victims became further alienated and disempowered.

- LCCLC has seen numerous examples of police bringing applications against both parties. In such circumstances LCCLC has been repeatedly informed that the police are compelled to seek mutual orders where they believe both parties are at fault. In LCCLC's view this approach may not be sound for two reasons. First, because it presents a fundamental conflict of interest for police: it is difficult if not impossible to defend and prosecute the same party simultaneously. The other is that the practice may fail to properly identify the primary victim.

In one case an older couple had orders taken out by police against both of them. The wife had broken an item of property after arguing with the husband. The husband then held the wife down by the throat and punched her numerous times about the face. The police were called. The husband had a scratch on his face where the victim had tried to push him away. The attending officers and the prosecutor refused to concede that the wife was the primary victim requiring protection against the husband – it was characterised as both parties being equally responsible for violence against the other.

- Police can sometimes appear to position themselves as 'gate-keepers' for some intervention order applications. We have been informed by clients and support workers that if the police feel an IVO application is unlikely to be successful they will direct the applicant to apply directly with the court.

# Loddon Campaspe Region Profile

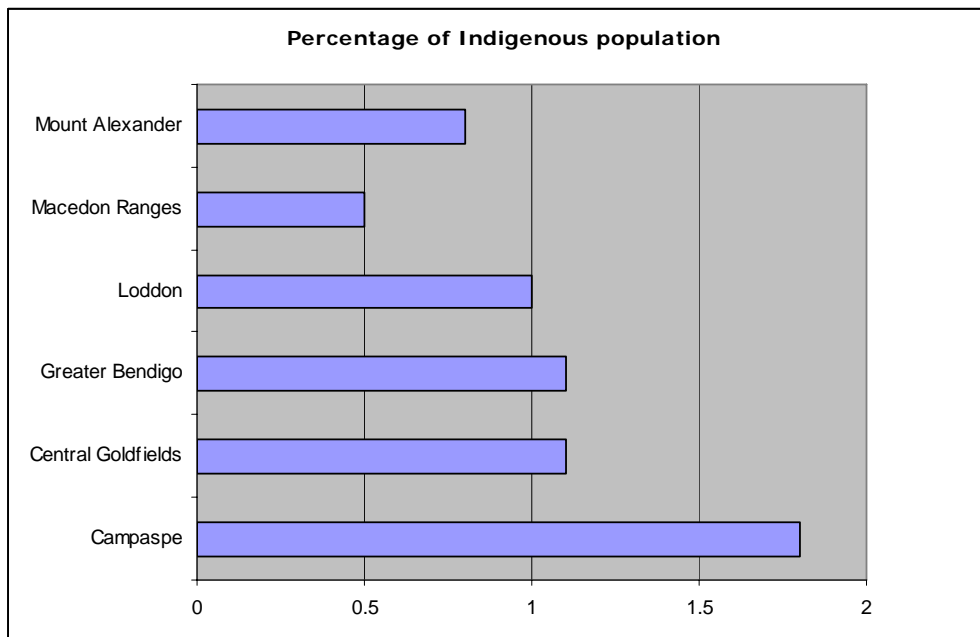
## Population

In 2006, the estimated population of the Loddon Campaspe region was 203,944. This amounts to one sixth of regional Victoria's total population. Forty-five per cent of the population are living in Greater Bendigo, which is experiencing rapid annual growth, while all of the other local government areas are experiencing population decline.

The Loddon Campaspe is a regional and rural area with some large farming communities. It is an area that has been severely affected by drought and agricultural restructure, which has been a cause of stress within the workplace and within families, often coupled with isolation.

## Cultural diversity

The census 2006 data indicated that there were 2157 Indigenous people living in the Loddon Campaspe region, making up 1.1 per cent of the total population. This number should be taken as a minimum due to possible low rates of participation. The incidence of family violence is considerably higher in Indigenous communities and there is a lack of culturally appropriate legal services in the region. The Campaspe region has the highest Indigenous population:



Source: ABS 2006 Census of Population and Housing

The culturally and linguistically diverse community is relatively small compared to Victoria in general. There are 10,211 people who were born overseas living in the Loddon Campaspe region, adding up to 5 per cent

of the total population. The biggest groups were people born in the United Kingdom and New Zealand. There is a distinct lack of services available, but considerable concern in relation to cultural barriers, misunderstandings, rights, options and an understanding of the legal process.

**Percentage of overseas population in the Loddon Campaspe Region:**

Local government area	Overseas population
Campaspe	5.7
Central Goldfields	7.8
Greater Bendigo	6.1
Loddon	6.5
Macedon Ranges	12.6
Mount Alexander	9.4

Source: ABS 2006 Census of Population and Housing

## **Socioeconomic disadvantage**

An analysis of the socioeconomic data in the Loddon Campaspe region shows a high level of disadvantage across the region. Indicators include low household income; high unemployment, low education levels; significant family violence, sexual assault and child abuse issues, high youth suicide; high psychiatric illness rates, a high proportion of people living with a disability, a shortage of affordable housing and a constant flow of criminal offences and court work.<sup>37</sup>

The *Dropping off the Edge* report by Tony Vinson identified that there are many areas in central Victoria in the 40 highest ranking postcode areas of disadvantage. These areas include Heathcote, Maryborough, Inglewood, Dunolly, Eaglehawk and Castlemaine.<sup>38</sup>

### ***Homelessness***

According to the Australian Bureau of Statistics 2006 census statistics, 1188 people (0.57% of the population) were suffering from homelessness in the Loddon Campaspe region. This indicates that homelessness is a significant problem in the region in comparison to Victoria (0.26%) and Australia as a whole (0.48%). Victims of domestic and family violence form a large number of homeless people Australia wide. In the Loddon Campaspe region, 1259 people accessed the Supported Accommodation Assistance Program (SAAP) in 2005-06. 35% of these people stated that they were homeless or at risk of homelessness because of domestic or family violence.<sup>39</sup>

### ***Unemployment***

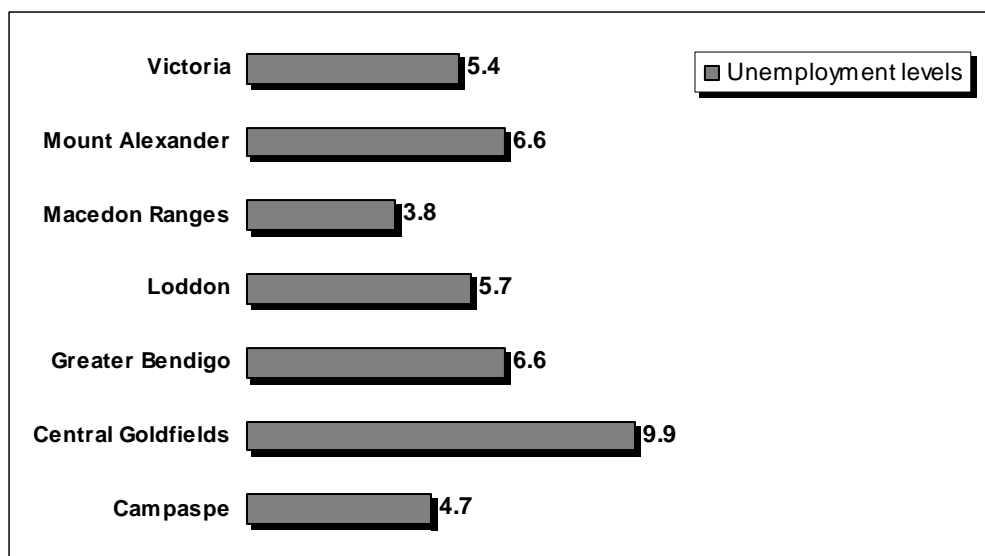
The employment levels in the greater Loddon Campaspe region are significantly higher than those of Victoria as a whole. These statistics may also be an under representation of the true number of people due to

the fact that the ABS considers 1 hour per week as 'employed'. The level of hidden employment and underemployment may be significantly higher.<sup>40</sup>

According to the 2006 census data, there were 5504 people who were unemployed in the region. The unemployment rate sits at 6.7%, compared to a significantly lower number of 5.4% for Victoria overall.<sup>41</sup>

The unemployment levels are highest in the Central Goldfields region.

#### Regional unemployment levels:



Source: ABS 2006 Census of Population and Housing

#### *Income levels*

According to the 2006 census, 49.4% of people living in the Loddon Campaspe region earn less than \$400 per week, compared to 41.8% for Victoria as a whole. This is a significantly low level of income, since the Henderson poverty line indicates that any single person with an income below \$352.16 per week is sitting under the poverty line.<sup>42</sup> This would severely affect the capacity to access private lawyers for issues concerning family violence matters.

#### Income levels in the Loddon Campaspe region:

LGA	Below \$400 per week	Below \$600 per week
Campaspe	46.7%	63.2%
Central Goldfields	58.4%	74.6%
Greater Bendigo	46.2%	62.1%
Loddon	55.5%	71.8%
Macedon Ranges	40.4%	53.9%
Mount	49.2%	64.9%

Alexander		
Victoria	41.8%	55.4%

Source: ABS 2006 Census of Population and Housing

### ***Education***

Whilst the level of education in Victoria is higher than that of Australia as a whole, the Loddon Campaspe region has significantly lower levels of the population aged over 15 years who have completed year 12.

According to the census, 44.0% of the population over 15 in Victoria (and 42.2% Australia wide) have completed year 12, compared to only 32.4% in Loddon Campaspe. Low education levels can lead to significant levels of disadvantage due to lower income, limited employment opportunities, and lack of information about the legal system and about rights to safety and justice.<sup>43</sup>

#### **Education levels:**

<b>LGA</b>	<b>% of population over 15 years completed year 12</b>
Campaspe	23.6%
Central Goldfields	23.6%
Greater Bendigo	33.7%
Loddon	23.6%
Macedon Ranges	33.8%
Mount Alexander	33.8%

Source: ABS 2006 Census of Population and Housing

## **Family Violence Legal Services: Bendigo**

The LCCLC Family Violence Legal Assistance Service program of LCCLC began on 1 February 2007 with philanthropic funding and has now been absorbed into the mainstream services of the Centre. Following the commencement of services it quickly became apparent that there was a large unmet need at the court and from this date forward we have aimed to provide 1-2 solicitors each week. This has been in addition to LCCLC's existing commitment to advice and assistance through our generalist telephone and appointment advice services. Our generalist service continues to provide regular assistance to clients who require it at court on the day, both applicants and respondents.

The development of our court program has been organic; informed by the court staff, VLA and other solicitors acting as duty solicitors, the Court Network staff and the Integrated Family Violence Network. The ultimate aim of our service has been to ensure that all unrepresented litigants have the option of accessing legal advice and support at the court, and for the victims of family violence to have non-legal support at court and follow up where appropriate after the court date. The Bendigo Police (prosecutions and Family Violence Liaison) have also been highly supportive of the program and refer clients where applicable.

In July 2007 the LCCLC entered into an informal (and unfunded) arrangement with the Integrated Family Violence Network to provide non-legal support for women and children who were victims of family violence. In real terms this has meant that EASE and Annie North (family violence services based in Bendigo) have developed a roster between them to ensure a worker from either organisation is available at court each Wednesday. Since the incorporation of this partnership into our program the Family Violence Service has been able to ensure appropriate emotional/non-legal and social support is available for victims as well as an excellent support for the solicitors in being able to obtain instructions from often highly distressed victims. It is also worth noting that we have a similar non-legal support program in place for our fortnightly Maryborough outreach – EASE offers court support on a weekly basis as part of their service provision to the Maryborough area. The Salvation Army provides a court chaplain who can also provide non-legal support in family violence matters. LCCLC would refer a client to this service if they were a male and unable to be assisted by EASE or Annie North.

Victoria Legal Aid has duty solicitors available at court every day and they work in with the LCCLC if there are any conflicts of interests. Legal Aid can also provide free legal advice via telephone and can represent clients in family violence matters if they fit the eligibility requirements (e.g. income) and there are no conflicts of interests. There is a Legal Aid office located in Bendigo.



### ***Indigenous services***

Bendigo and District Aboriginal Cooperative provides a non-legal court support person at the court for criminal matters and also works with Indigenous people experiencing family violence

### ***CALD services***

Loddon Campaspe Multicultural Services (LCMS) is an organisation providing support, resources and information referral to individuals and families who are from culturally and linguistically diverse backgrounds living in the Loddon Campaspe Region. LCMS completed a survey in 2006 that showed that people moving to Bendigo and surrounding areas find that legal assistance specific to their cultural needs is something that is needed.

### ***Police***

The current Family Violence Liaison Officer is Jenelle Kelly. She assists in and coordinates charges with the police officers and works closely with the police prosecutor, EASE and Annie North and legal services such as Victoria Legal Aid and the Community Legal Centre to provide the best outcomes for intervention order applicants.

## **Greater Bendigo community profile**

### ***Population***

The total population of Greater Bendigo at the time of the 2006 census was 92,146, which makes up 45% of the Loddon Campaspe region. The City of Greater Bendigo population has continued to experience high annual growth rates.

#### **Population statistics:**

<b>Population</b>	<b>Number</b>	<b>Percentage</b>
Total population	92,146	100.0
Males	44,381	48.2
Females	47,765	51.8

Source: ABS 2006 Census of Population and Housing

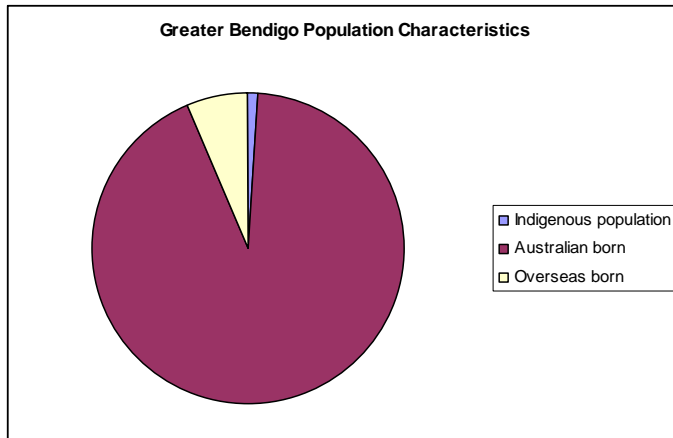
### ***Cultural diversity***

The figure for Indigenous population is considered to be an inaccurate representation due to low participation rates in the census and an unwillingness to divulge personal information. According to ABS statistics, Indigenous people make up 1.1% of the population in Greater Bendigo, but Bendigo is seen as one of the Indigenous centres of Loddon Campaspe.<sup>44</sup> With high rates of family violence in Indigenous communities across Australia and difficulties with access to culturally appropriate legal services in the area, Indigenous communities are

disadvantaged in relation to accessing legal services for family violence matters.

Greater Bendigo has a comparatively small culturally and linguistically diverse community. Only 6.1% of the population were born overseas, compared to 30.4% in the whole of Victoria.

#### Population characteristics:



Source: ABS 2006 Census of Population and Housing

#### ***Employment and income***

The unemployment rate in the Greater Bendigo region is 6.6% compared to a considerably lower 5.4% in Victoria overall. 46.2% of people living in the Greater Bendigo local government area earn less than \$400 per week, compared to 41.8% in Victoria as a whole.

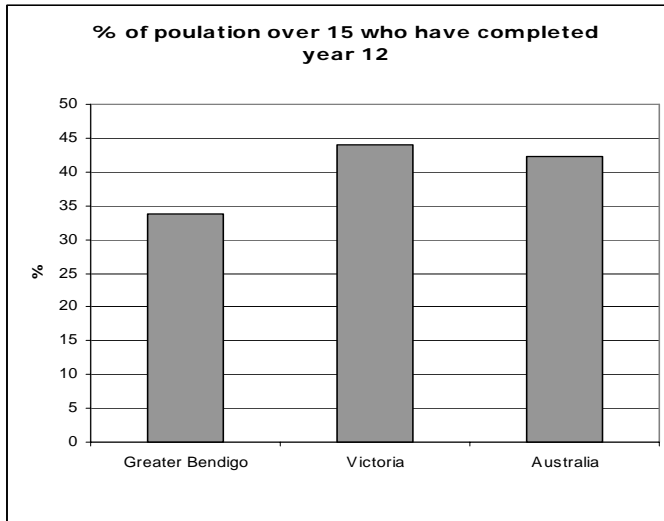
#### Income level per week:

	Greater Bendigo	Victoria
Below \$400	46.2%	41.8%
Below \$600	62.1%	55.4%

Source: ABS 2006 Census of Population and Housing

#### ***Education***

33.7% of the population aged over 15 have completed year 12 in the Greater Bendigo region, compared to 44.0% for Victoria as a whole. This is a significantly low number and can affect people's access to the court system due to fear and limited knowledge. Levels of education affect income and unemployment, and impacts can be difficulty in accessing legal services and a possible increase in rates of family violence.

**Education levels:**

Source: ABS 2006 Census of Population and Housing

## **Family Violence Legal Services: Maryborough**

LCCLC provides family violence legal assistance services at court every fortnight for family violence matters, as well being available for appointments at the Maryborough and District Health Service each fortnight.

The Maryborough outreach arose out of a specific community request for initiatives to address family violence in the Maryborough area. Maryborough has an extremely chequered past in terms of victims' confidence in the local police, as well as community perceptions of what is 'acceptable' family violence type behaviour. Following a report presented by LCCLC in 2007 to the Maryborough Family Violence Prevention Network, LCCLC made a commitment to run a trial Family Violence service on a fortnightly basis. This is currently under way with a 6-month commitment. This service is fortnightly and not weekly due to funding constraints on LCCLC.

The service provided in Maryborough differs from the Bendigo model in several ways. Currently the police initiate most if not all IVO applications in Maryborough. We have been advised by the police that the reasoning is twofold: first to ensure that the police are aware of all IVO issues happening in the area; and second due to the fact the court is open Monday/Tuesday only. One of the benefits of this approach is that the police are becoming more comfortable with referring victims of family violence to us to provide legal advice on the process and options available; the police still represent the victims.

Other than the police referrals there are growing numbers of self represented applicants or defendants, or matters where the police have brought cross applications for both parties and are conflicted out of representing either party. LCCLC also has a role to play in ensuring victims and potential applicants are made aware that they can approach the court directly if they have concerns about approaching the police.

There has recently been a change in the Victoria Police Region 2 Family Violence Advisor, in personnel at the Maryborough police station and a reassignment of family violence roles. There is also a new Family Violence Liaison Officer at Maryborough station and we are confident that these changes will continue to build on our constructive relationship with local police concerning family violence.

The initial response of the local practitioners and police to our attending the court is also worth noting. There was a general air of surprise that LCCLC actually bothered to attend and provide a service as there was a general view that family violence is not much of a concern in the area. This attitude seems to be changing, particularly with the weekly

attendance of EASE and the fortnightly outreach provided by the LCCLC at the court. The continuation and reinvigoration of the Maryborough Family Violence Network may also be playing a positive role in changing these perceptions. Community legal education has also been provided to the Maryborough Health Network recently and was very well received.

Safety of the victims at the Maryborough Court continues to be a concern, due to the lack of facilities and rooms within the court building. However, the court does its best to provide space for victims to sit away from perpetrators. LCCLC has received anecdotal stories suggesting a bullying culture at court by defendants that actively discourages victims from even applying for intervention orders. The presence and support of the EASE workers and the LCCLC solicitor is one means of ensuring this does not continue.

Legal Aid duty solicitors are also available at the Maryborough Magistrates' Court. Legal Aid also visits for the Maryborough and District Health Service to provide legal advice fortnightly. Legal Aid in Maryborough is provided by the Ballarat office. Appointments are made through the Health Service.

### ***Support services***

EASE covers the Maryborough area; it provides phone outreach and will see women in Maryborough weekly by appointment, and also provides non-legal family violence support at the court every week for women.

### ***Police***

There is now a permanent Family Violence Liaison Officer at Maryborough, and a Court Support Officer is generally available every Tuesday at court. These officers liaise with EASE and refer women to the service and advise them of the non-legal court support available. Almost all intervention orders in Maryborough are police initiated but people are being encouraged to apply themselves. The police and EASE are currently developing a protocol for fax-backs to ensure that all police initiated family violence applicants are linked up with of EASE prior to the court day, wherever possible.

### ***Needs and opportunities***

The number of non police initiated intervention orders appears to have marginally increased since there has been community legal education in Maryborough and there is a wider awareness of the presence of LCCLC. Rather than an increase in violence, this could be an indicator that in this region and in other regions people may be unaware that they can go to the court themselves and apply for intervention orders without the assistance of the police. If there are stereotypes or cultures where the police are not trusted, this could mean that these communities' needs are not being met.

Maryborough has an extremely chequered past in terms of victims' confidence in the local police, as well as community perceptions of what is 'acceptable' family violence type behaviour. According to the ABS socio-economic index, Central Goldfields was recorded as the most disadvantaged LGA in rural and regional Victoria.<sup>45</sup>

## Central Goldfields community profile

### *Population*

The total population of Central Goldfields at the time of the 2006 census was 12,325, which makes up 6% of the Loddon Campaspe region.

### *Cultural diversity*

The Indigenous population makes up only 1.1% of the total population and only 7.8% of the population were born overseas, the major groups coming from the United Kingdom and New Zealand.

#### Population characteristics:

	Number	Percentage
Indigenous population	108	1.1
Australian born	11,501	93.3
Overseas born	960	7.8

Source: ABS 2006 Census of Population and Housing

### *Employment and income*

Central Goldfields has the highest levels of unemployment in the Loddon Campaspe region, sitting at 9.9%, compared to a drastically lower 5.4% in Victoria overall. There is some evidence to suggest that high unemployment often results in high levels of family violence, as well as high crime rates, health problems and negative psychological effects. As well as high unemployment rates in the region, Central Goldfields has a considerably lower income than the state averages. Whilst dealing with the impacts of rising fuel and food prices, drought and often isolation, 58.4% of people living in the Central Goldfields local government area earn less than \$400 per week, compared to 41.8% for Victoria as a whole.<sup>46</sup>

#### Income level per week:

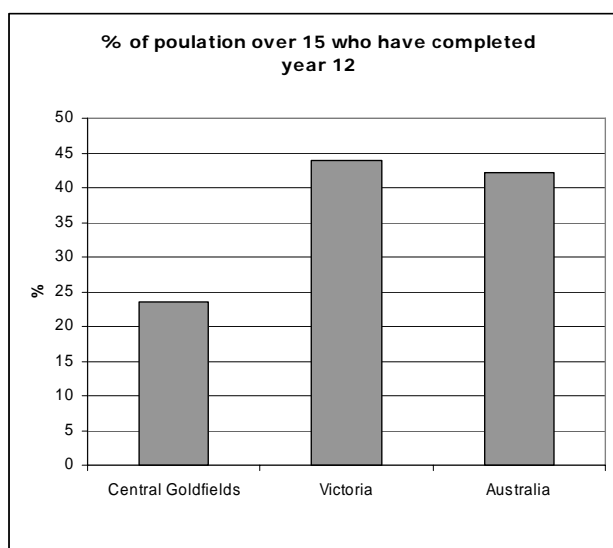
	Central Goldfields	Victoria
Below \$400	58.4%	41.8%
Below \$600	74.6%	55.4%

Source: ABS 2006 Census of Population and Housing

## ***Education***

There are low numbers of people in the Central Goldfields region who have completed year 12. Obviously this has had an impact on low income and high levels of unemployment. Only 23.6% of the population aged over 15 have completed year 12 in the Central Goldfields region, compared to 44.0% for Victoria as a whole. This can affect people's access to the court system due to fear and limited knowledge, as well as creating barriers to access to justice due to legal services being financially unattainable.

### **Education levels:**



Source: ABS 2006 Census of Population and Housing

## ***Intervention orders***

During 2007/08, the Maryborough Magistrates' Court issued 112 complaints for an intervention order. This number has risen only slightly in the past four years.

## Family Violence Legal Services: Echuca

LCCLC offers telephone advice and outreach to Echuca by appointment. Appointments are held at the Echuca Public Library. There are brochures for the Legal Centre at the court and there seems to be a growing awareness of the services, partly thanks to the relationship between the community legal centre and EASE.

Legal Aid provides duty solicitors to assist people legally every Tuesday morning, when intervention order hearings are heard. VLA also provides legal advice by appointment on Tuesday afternoons. The Victorian Aboriginal Legal Service (VALS) attends the Echuca court weekly for criminal matters, but does not offer assistance in family violence matters. If an Indigenous client rings for family violence matters, VALS refers to other services, for example the Aboriginal Family Violence Prevention and Legal Service. Local services reported that referrals can take 3–4 weeks to organise at times.

### ***Support services***

EASE provides non-legal court support weekly for female victims of family violence applying for an intervention order. EASE has built up a strong working relationship at the Echuca court. The court registrar usually refers people with family violence matters to the EASE worker. EASE and Njernda Aboriginal Corporation are building an excellent relationship and there are many cross referrals between the two organisations. This relationship has built considerably since EASE began to attend the Echuca court.

Court Network services are offered at the Echuca court. They provide non-legal, impartial support around the court procedures and liaison between solicitors, clients and other organisations. They are often the first point of call and will refer to legal and non-legal services.

In the past other services have attended the court to offer support and will often still attend if needed:

- St Lukes does not have a presence at court but can be contacted to attend if necessary, especially for youth.
- The Salvation Army does not have a presence at the court currently. Historically, its members have always been at the court, offering non-legal support and counselling services. Now they still act as the liaison between the court and prison.
- Primary Care (Wendy Howe) occasionally has a presence at the court if her current clients are in need of assistance.



### ***Indigenous services and issues***

Njernda Aboriginal Corporation reported referring clients to the Victorian Aboriginal Legal Service for free legal advice. There is an Indigenous justice worker who is at the court on a weekly basis to provide non-legal court support to Indigenous people in criminal matters. Currently, family violence matters are most likely to be referred to an EASE worker at court.

The justice worker from Njernda stated that there is a reluctance for Indigenous people to use Legal Aid services; since both cannot use VALS, if both parties are Indigenous one will be unrepresented. It also seems it is important for a relationship of trust to be built up with other service providers so that culturally appropriate legal services can be offered. The Koori Justice Worker also stated that often clients from Njernda will access services only if they are recommended by Njernda.

### ***Police***

There is currently no Family Violence Liaison Officer in Echuca. Recently, the police prosecutors have begun to refer to EASE at the court. When there have been no referrals in the past, this has posed a problem for applicants in police initiated matters when they are unaware of their rights and of the court process. EASE has found that women applicants have not been aware of all the options, especially varied orders.

## **Campaspe community profile**

### ***Population***

The total population of the Campaspe Shire at the time of the 2006 census was 36,210, which makes up 17.5% of the Loddon Campaspe region.

#### **Population statistics:**

<b>Population</b>	<b>Number</b>	<b>Percentage</b>
Total population	36,210	100.0
Males	18,078	49.9
Females	18,132	50.1

Source: ABS 2006 Census of Population and Housing

### ***Cultural diversity***

The Campaspe region has the largest Indigenous population in the Loddon Campaspe region, at 1.8%. Family violence is a significant issue in Indigenous communities across Australia. Many mainstream services do not culturally meet the needs of Indigenous people who are experiencing family violence.

According to the census, 5.7% of the population were born overseas, the major group coming from the United Kingdom.

**Population characteristics:**

	<b>Number</b>	<b>Percentage</b>
Indigenous population	658	1.8
Australian born	32,181	88.9
Overseas born	2057	5.7

Source: ABS 2006 Census of Population and Housing

***Employment***

The unemployment rate in the Campaspe Shire region is 4.7% compared to 5.4% in Victoria overall. Whilst the unemployment rates are low, income levels are lower than Victoria on average: 46.7 % of people living in the Campaspe local government area earn less than \$400 per week, compared to 41.8% in Victoria as a whole.

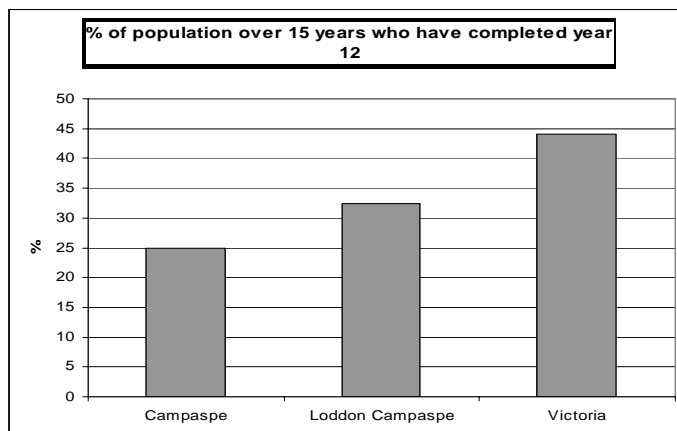
**Income level per week:**

	<b>Campaspe</b>	<b>Victoria</b>
Below \$400	46.7%	41.8%
Below \$600	63.2%	55.4%

Source: ABS 2006 Census of Population and Housing

***Education***

23.6% of the population aged over 15 have completed year 12 in the Campaspe Shire, compared to 44.0% for Victoria as a whole. This is a notably low number and can affect people's access to the court system due to fear and limited knowledge.



Source: ABS 2006 Census of Population and Housing

## **Family Violence Legal Services: Kyneton**

LCCLC provides legal outreach to Kyneton and surrounding areas by phone and attends the Cobaw Health Services for appointments.

Legal Aid provides duty solicitors at court when there are family violence matters being heard. If both parties are in need of representation, one of the parties often misses out.

### ***Support services***

EASE will attend the Kyneton court for non legal support on a needs basis for women seeking an intervention order. This will occur if one of their current clients requests their support or if they are contacted by the police, the court or one of the organisations based in Kyneton. EASE states that most of their referrals for court support come directly through the women, who usually obtained their number from other services like Cobaw and the police.

Cobaw refers clients who need legal service to the LCCLC, which provides appointments, but Cobaw will often provide non-legal support to their clients when they go to court. There is a strong reliance on non-legal support due to a lack of services that can be available for both parties.

### ***Police***

The Kyneton police send family violence referrals through to Cobaw. There has been feedback that applicants and respondents in police initiated intervention orders are unaware of all their options, especially in relation to varied orders. This is feedback that has been heard in many regions.

## **Macedon Ranges community profile**

Both ABS and Jesuit Social Services statistics show that, as a whole, the Macedon Ranges has quite low levels of disadvantage in comparison to other areas in Victoria. However, when these statistics are broken down, there are some towns and regions with high levels of disadvantage. This is particularly noticeable in Kyneton.

### ***Population***

The total population of Macedon Ranges at the time of the 2006 census was 38,360, which makes up 18.9% of the Loddon Campaspe region. Macedon Ranges has experienced negative annual growth rates, the population being slightly lower in the 2006 census compared to the 2001 census.

### ***Cultural diversity***

The Indigenous population makes up only 0.5% of the total population, and 12.6% of the population were born overseas, the major group coming from the United Kingdom.

#### **Population characteristics**

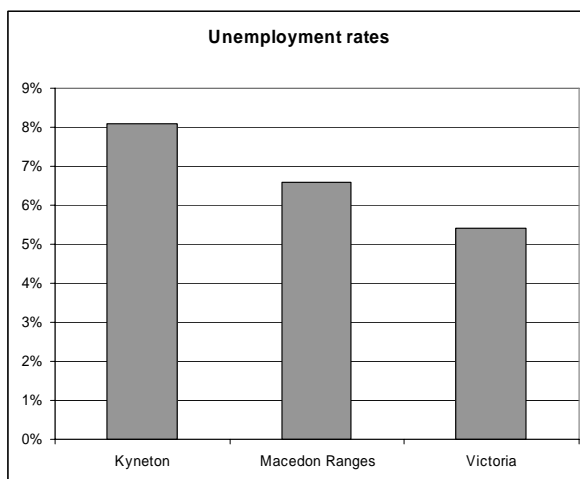
	<b>Number</b>	<b>Percentage</b>
Indigenous population	173	0.5
Australian born	31,406	81.9
Overseas born	4834	12.6

Source: ABS 2006 Census of Population and Housing

### ***Employment and income***

The unemployment rate in the Macedon Ranges region is very low at 3.8%, compared to 5.4% in Victoria overall. This can be misleading as Macedon Ranges is an area that has relatively low socioeconomic levels overall, but there are pockets such as Kyneton with high levels of disadvantage.<sup>47</sup>

#### **Unemployment rates:**



Source: ABS 2006 Census of Population and Housing

40.4% of people living in the Macedon Ranges local government area earn less than \$400 per week, compared to Victoria as a whole, which is 41.8%. Again these statistics do not portray the fact that there are areas such as Kyneton and Malmsbury with lower income levels and high incidences of family violence.

#### **Income level per week:**

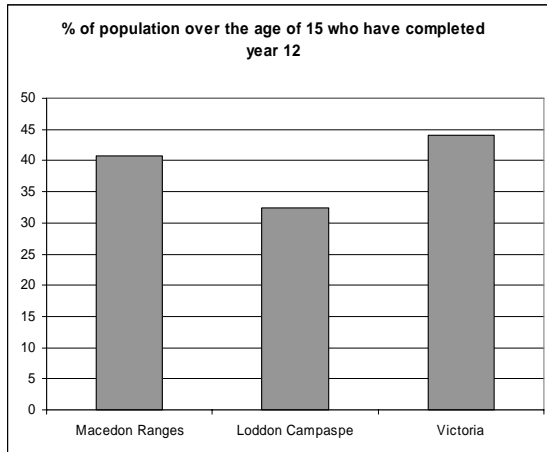
	<b>Macedon Ranges</b>	<b>Victoria</b>
Below \$400	40.4%	41.8%
Below \$600	53.9%	55.4%

Source: ABS 2006 Census of Population and Housing

## ***Education***

33.8% of the population aged over 15 have completed year 12 in the Macedon Ranges region, compared to 44.0% for Victoria as a whole.

### **Education levels:**



Source: ABS 2006 Census of Population and Housing

# Family Violence Legal Services: Castlemaine

## *Legal services*

There is a distinct lack of family violence legal services available at the Castlemaine court. LCCLC attends Castlemaine fortnightly for migration law appointments and also offers telephone advice services to the Mount Alexander district.

Legal Aid offers legal advice by appointment on alternate Wednesdays at the Castlemaine Community House. Legal Aid also provides duty solicitors at the Magistrates' Court.

Court Network services are provided at the Castlemaine court. They provide non-legal, impartial support around the court procedures and liaise between solicitors, clients and other organisations.

## *Support services*

EASE will attend the Castlemaine court for non-legal support on a needs basis for women seeking an intervention order. This will occur if one of their current clients requests their support or if they are contacted by the police, the court or one of the organisations based in Castlemaine. EASE finds that they are usually contacted by the women, who have received information from the police, the court or other services in Castlemaine.

Castlemaine District Community Health Service will also offer non-legal court support in family violence matters to their current clients.

## *Police*

The police send fax referrals for family violence incidences that they have attended to CHIRP so victims can be contacted and support and referral can be offered. Anecdotally, it has been heard that family violence matters are not taken seriously by the police in Castlemaine and that there are not many police initiated orders taken out.

## **Mount Alexander Shire community profile**

### *Population*

The total population of Mount Alexander at the time of the 2006 census was 17,067, which makes up 8.4% of the Loddon Campaspe region. Mount Alexander has experienced negative annual growth rates, the population being slightly lower in the 2006 census compared to the 2001 census.

### ***Cultural diversity***

The Indigenous population makes up only 0.8% of the total population, and only 9.4% of the population were born overseas, the major groups coming from the United Kingdom and New Zealand.

#### **Population characteristics:**

	<b>Number</b>	<b>Percentage</b>
Indigenous population	129	0.8
Australian born	14335	84.0
Overseas born	1609	9.4

Source: ABS 2006 Census of Population and Housing

### ***Employment and income***

The unemployment rate in the Mount Alexander region is quite high for the Loddon Campaspe region and for the state at 6.6%, compared to a markedly lower 5.4% in Victoria overall.

Income is also significantly lower than the state levels: 49.2 % of people living in the Mount Alexander local government area earn less than \$400 per week, compared to 41.8% for Victoria as a whole.

#### **Income level per week:**

	<b>Mount Alexander</b>	<b>Victoria</b>
Below \$400	49.2%	41.8%
Below \$600	64.9%	55.4%

Source: ABS 2006 Census of Population and Housing

### ***Education***

33.8% of the population aged over 15 have completed year 12 in the Mount Alexander region, compared to 44.0% for Victoria as a whole. This is a significantly low number and can affect people's access to the court system due to fear and limited knowledge.

**Education levels:**

Source: ABS 2006 Census of Population and Housing



## Family Violence Legal Services: Loddon Shire

The Loddon Shire is a very spread out region with many small towns rather than one large regional centre. These small towns include:

- Boort
- Bridgewater on Loddon
- Dingee
- Inglewood
- Korong Vale
- Mitiamo
- Newbridge
- Pyramid Hill
- Serpentine
- Tarnagulla
- Wedderburn.

The Loddon Campaspe Community Legal Centre provides outreach by appointment to Inglewood and Boort. For court matters in Boort and Pyramid Hill, the nearest court is Kerang Magistrates' Court.

### Loddon Shire community profile

#### *Population*

The total population of the Loddon Shire at the time of the 2006 census was 7836, which makes up 4% of the Loddon Campaspe region. The Loddon Shire population has negative annual growth rates. The Loddon Shire is a farming and agricultural area, which has been affected by drought and other structural changes in the agricultural area.

#### *Cultural diversity*

According to ABS statistics, there are only 78 Indigenous people in the Loddon Shire. The Indigenous population makes up only 1% of the total population and only 6.5% of the population were born overseas, the major groups being from the United Kingdom and New Zealand.

#### **Population characteristics**

	<b>Number</b>	<b>Percentage</b>
Indigenous population	78	1.0
Australian born	6890	87.9
Overseas born	509	6.5

Source: ABS 2006 Census of Population and Housing

## ***Employment and income***

The unemployment rate in the Loddon Shire region is 5.7%, compared to a slightly lower 5.4% in Victoria overall. More than half (55.5%) of the people living in the Loddon Shire local government area earn less than \$400 per week, compared to 41.8% in Victoria as a whole. Farming and agriculture are known to be extremely poorly paid and there have not been allowances for increases in the cost of living. Farming families have faced many difficulties and there are some links to higher levels of family violence in drought affected areas and to financial hardship.

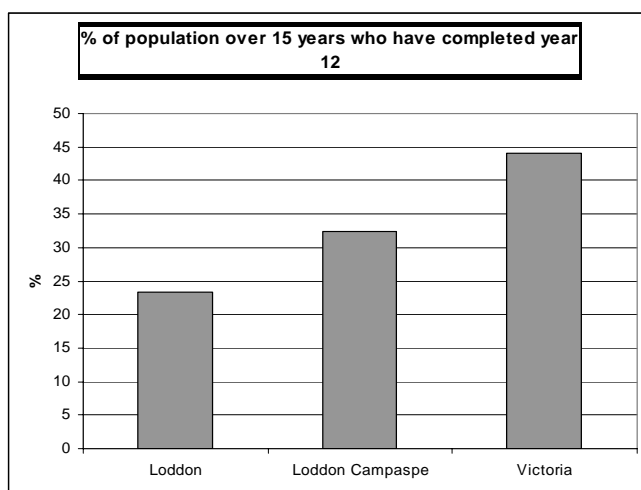
### **Income level per week:**

	<b>Loddon</b>	<b>Victoria</b>
Below \$400	55.5%	41.8%
Below \$600	71.8%	55.4%

Source: ABS 2006 Census of Population and Housing

## ***Education***

Only 23.6% of the population aged over 15 have completed year 12 in the Loddon Shire region, compared to 44.0% for Victoria as a whole. This may be due to high numbers of young people choosing to leave school to enter the agricultural sector. This is a significantly low number and can affect people's access to the court system due to fear and limited knowledge.



Source: ABS 2006 Census of Population and Housing

## **Family Violence Legal Assistance: Kerang**

Kerang is the largest town in the Gannawarra district and also has a Magistrates' Court. There is a distinct lack of legal services available for family violence matters. Victoria Legal Aid visits Kerang at Mallee Family Day Care fortnightly for legal advice and also offers telephone advice. Legal Aid provides duty lawyer services at the court and provides a generalist advice service.

### ***Support services***

Mallee Domestic Violence service is based in Swan Hill and provides limited outreach assistance to women who are experiencing or escaping family violence. The local family violence prevention network is the Southern Mallee Family Violence Prevention Network.

### ***Indigenous services***

Kerang Aboriginal Community Centre assists with family violence and legal referrals.

## **Gannawarra Shire community profile**

### ***Population***

The total population of the Gannawarra Shire at the time of the 2006 census was 11,297.

### ***Cultural diversity***

The Indigenous population makes up only 1.4% of the total population and only 4.7% of the population were born overseas, the major groups coming from the United Kingdom and New Zealand.

#### **Population characteristics:**

	<b>Number</b>	<b>Percentage</b>
Indigenous population	155	1.4
Australian born	10,134	89.7
Overseas born	535	4.7

Source: ABS 2006 Census of Population and Housing

### ***Employment and income***

The Gannawarra Shire has reasonably low unemployment rates but income levels are considerably lower than the state averages: 48.8% of people living in the Gannawarra local government area earn less than \$400 per week, compared to Victoria as a whole, at 41.8%.

**Income level per week:**

	<b>Gannawarra</b>	<b>Victoria</b>
Below \$400	48.8%	41.8%
Below \$600	66.7%	55.4%

Source: ABS 2006 Census of Population and Housing

***Education***

The percentage of the population who have complete year 12 is significantly low at 21.3%, especially in comparison to Victoria as a whole, which sits at 44.0%.

# Family Violence Legal Services: Swan Hill

## *Legal services*

- Legal Aid offers outreach services to Swan Hill monthly.
- Murray Mallee Community Legal Service provides free telephone advice and regular appointment times for legal advice in areas such as family law, divorce, family violence, crime, unpaid fines, motor vehicle accidents and disputes between neighbours (although these services have been suspended for some time due to staffing shortages).<sup>48</sup>
- The Murray Mallee Community Legal Service - Women's Legal Outreach service is a service for women living in the Murray Mallee Region. This service has regular appointment times in Swan Hill and Robinvale, mostly at the Aboriginal cooperatives. It gives free initial advice and areas of law include family violence (again these services have been suspended for some time due to staffing shortages).<sup>49</sup>
- The Victorian Aboriginal Legal Service has an office in Swan Hill and provides visiting services to Kerang and Robinvale. It provides legal advice on criminal, civil and family law to members of the Aboriginal community.

## *Support services*

- Mallee Family Care provides various services, including a housing worker (SAAP).
- Southern Mallee Family Services is a Family Support Innovation Project, which is run jointly between Mallee Family Care, St Luke's Anglicare, and Murray Valley Aboriginal Cooperative; in partnership with the Department of Human Services. The service catchment for the program is the Swan Hill local government area. The project provides case management, group work and referrals between agencies.<sup>50</sup>
- Mallee Domestic Violence Service provides outreach, assistance, information, referral and support for women and children who have experienced or are experiencing domestic violence.

## *Indigenous services*

- Swan Hill Aboriginal Health Service provides a range of health services as well as housing support and drug and alcohol counselling.

- Murray Mallee Aboriginal Cooperative is located in Robinvale and provides health and housing services.

### ***Police***

The police station provides assistance in situations involving family violence. Swan Hill also has an Aboriginal Community Liaison Officer, who is experienced in family violence incidents.

## **Swan Hill Rural City community profile**

### ***Population***

The total population of Swan Hill at the time of the 2006 census was 20,633.

### ***Cultural diversity***

In comparison to the Loddon Campaspe Region, Swan Hill is particularly multicultural. According to the 2006 census, there are 806 Indigenous people living in Swan Hill Rural City, making up 3.9% of the total population. A total of 9.2% of the population were born overseas, the most prevalent group coming from Italy. With rates of family violence being high in Indigenous communities and with the shortage of culturally appropriate legal services available in Swan Hill, it may be that victims of family violence are not receiving the legal support they require.

#### **Population characteristics:**

	<b>Number</b>	<b>Percentage</b>
Indigenous population	806	3.9
Australian born	18,736	90.8
Overseas born	1897	9.2

Source: ABS 2006 Census of Population and Housing

### ***Employment and income***

Swan Hill has the highest levels of unemployment in the region, sitting at 4.6%. There is some evidence to suggest that high unemployment often results in high levels of family violence, as well as high crime rates, health problems and negative psychological effects.<sup>51</sup>

#### **Income level per week:**

	<b>Swan Hill Rural City</b>	<b>Victoria</b>
Below \$400	45%	41.8%
Below \$600	63.1%	55.4%

Source: ABS 2006 Census of Population and Housing

***Education***

There are low numbers of people in the Swan Hill region who have completed year 12. Obviously this has had an impact on low income and high levels of unemployment. Only 24.4% of the population aged over 15 have completed year 12 in the Swan Hill region, compared to 44.0% for Victoria as a whole.

## Survey of Family Violence Services: Stakeholder Responses

In 2008 LCCLC conducted a survey of agencies providing services in family violence matters. An online survey was sent to service providers, Magistrates' Court staff and legal organisations in the Loddon Campaspe Region, as well as the Gannawarra and Swan Hill Rural City regions. Twenty responses were received. This represents a 50% response rate. A copy of the survey is attached as Schedule 1.

The key stakeholders were identified because of their connections with people across the selected regions who are experiencing family violence and other social disadvantages.

### *Profile of the survey respondents*

Of all the survey participants, 95% work with people experiencing family violence. There is at least one response from services in each local government area, with many services in regional centres like Bendigo and Swan Hill offering outreach services to the rural regions.

#### **Local government areas covered by survey participants:**

<b>Region</b>	<b>% of services in each region</b>
Campaspe	40.0%
Central Goldfields	35.0%
Greater Bendigo	55.0%
Loddon	45.0%
Macedon	15.0%
Mt Alexander	35.0%
Gannawarra	25.0%
Swan Hill Rural City	25.0%

- 84.2% of the participants stated that they referred to specialist family violence services.
- In the Loddon Campaspe region, EASE was the organisation that most other service users referred to, followed by Annie North, Loddon Campaspe Men's Behaviour Change Program, The Loddon Campaspe Community Legal Centre, Loddon Mallee Women's Health, Centre against Sexual Assault and Centacare.
- In the Swan Hill region, participants stated that they referred to Mallee Domestic Violence Service.
- 70% of the respondents identified that their organisation was part of the local Family Violence Prevention Network.



- In relation to non-legal family violence court support, the survey responses showed that the respondents worked with and referred to the Loddon Campaspe Integrated Family Violence Services, EASE and the Court Support Network.
- Only 40% of the respondents stated that there were Indigenous specific organisations that deal with family violence in their area. Organisations included:
  - Bendigo and District Aboriginal Corporation (Bendigo)
  - Kerang Aboriginal Community Centre (Kerang)
  - Victorian Aboriginal Legal Service (Swan Hill)
  - Aboriginal Legal Aid person (Echuca)
  - Njernda Koori Court Support Worker (Echuca)
  - Indigenous Income Support Officer, Centrelink (Bendigo)

### ***Legal needs***

Survey participants were asked to identify if they often see clients when there is no appropriate legal referral for family violence issues.

- 55% of the respondents stated that there were often no appropriate referrals and listed a variety of reasons for this lack.
- 100% of the respondents who answered this question stated that an obstacle for clients accessing family violence legal services was that the client could not afford private legal representation.
- Survey results show that there were many barriers including the fact that the other party had already accessed the available assistance and that the Legal Aid means and merits test was too restrictive.

<b>Reasons for no appropriate legal services</b>	<b>%</b>
Client cannot afford private legal representation.	100%
Legal Aid means test is too restrictive.	54.50%
Legal Aid merits test is too restrictive.	27.30%
Legal Aid, Victorian Aboriginal Legal Service or the Aboriginal Family Violence Prevention Legal Service will not take on cases of this nature.	18.20%
There is a conflict of interest issue.	54.50%
Other party has already accessed the available services.	90.90%
There are no local community legal services.	0%
Local firms do not have the capacity to take on pro bono matters.	18.20%

When services are able to make an appropriate referral, the main referral services were Victoria Legal Aid (74%) and community legal centres (74%).

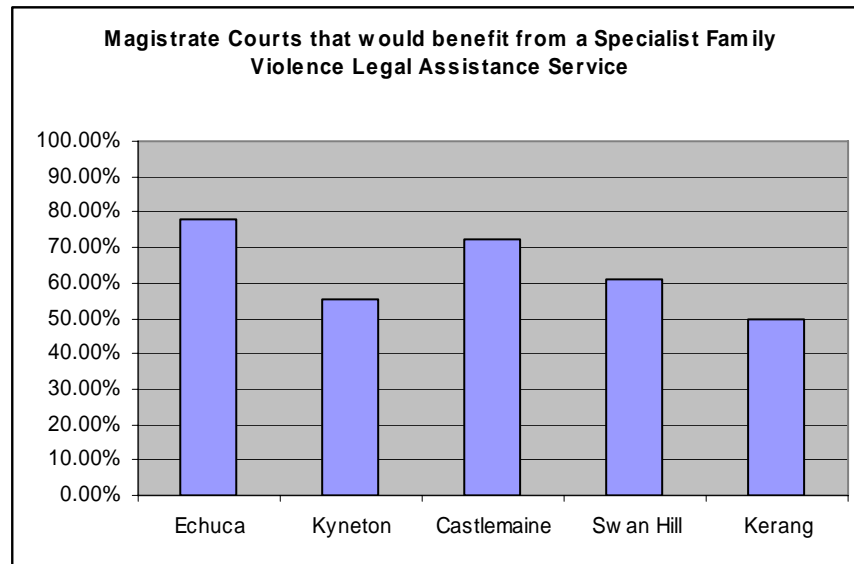
- Regional centres such as Echuca and Swan Hill have significant Indigenous populations and culturally specific legal services are not readily available, with Indigenous legal services having difficulty taking on local family violence cases.

Some agencies reported referring clients to the Aboriginal Family Violence Prevention Legal Service, with representation taking up to 4 weeks to organise, leaving people who are experiencing family violence with delayed legal support.

### ***LCCLC Family Violence Legal Service feedback***

In this section of the survey, participants were asked about their experiences with the Family Violence Legal Assistance Service that is currently run weekly at the Bendigo Magistrates' Court and fortnightly at the Maryborough Magistrates' Court.

- 66% of services had clients who have accessed this service.
- In rating the effectiveness of this service on a scale of 1-10 (with 1 being poor and 10 being excellent, 58.3% of the respondents rated this service as 10 out of 10 for effectiveness. The average rating was 9 out 10, 10 being most effective.
- Feedback around how this service could be enhanced proved to be invaluable. The responses included:
  - *More advertising.*
  - *Frequency of service (Maryborough respondent).*
  - *Greater resourcing to broaden scope to 'outreach' courts, better identification of cases where services are required, enhanced communication with police to ensure legal service follow up. Associated court mediation processes. Increased resourcing in non legal support sector.*
  - *by being in Maryborough every week instead of once a f/t. by expanding to other regions, i.e. Castlemaine.*
  - *More culturally specific services, linguistically diverse services.*
  - *More of them! Languages other than English.*
  - *Be more accessible.*
- All respondents stated that they would refer to the Loddon Campaspe Community Legal Centre Family Violence Legal Assistance Service if it were available in their service region. The Magistrates' Court where the respondents felt that there was the greatest need for the Family Violence Legal Assistance Program was in Echuca. The percentages for all the regions were relatively high, implying that the need for this service is across the whole region.



### ***Family violence legal education***

100% of respondents answered that their community would benefit from family violence legal education, and 94.1% stated that their organisation would be interested in family violence legal education.

### ***Police responses***

80% of the respondents stated that they liaise with police in family violence matters.

64% of these respondents listed their region's Family Violence Liaison Officer as their main point of contact, but the only regions that mentioned this were in Bendigo and Castlemaine. Other contacts were Police Prosecutors, Koori Liaison Officer (Echuca) and other officers on duty.

In relation to the participants' experience when working alongside the police in family violence matters, the overall reactions suggested that police responses to family violence had generally improved recently. There were, however still some concerns. Most respondents stated that whilst responses are improving, generally they still see mixed attitudes by the police.

This was noticeably apparent in the Central Goldfields region, where some participants stated that the responses could be judgmental and safety issues were not identified by the police. A lack of response to Family Violence was identified, through no response at all to incidents to breaches of intervention orders.

It also indicates that there are issues around inappropriate responses:

*"A lack of identifying the main aggressor when attending family violence incidents can lead to a lack of response or inappropriate response such as cross applications for Intervention Orders".*

Another respondent stated: *"The Police are very busy so sometimes their response to 'domestic disputes' is quite slow".*

There were also concerns around misinterpreting family violence as drug and alcohol or mental health issue.

Survey participants in the Mount Alexander region also voiced some concern around police attitudes:

*"Matters are not taken seriously enough. Police are not using their capacity to take out Intervention Orders on behalf of women".*

## Conclusions

Family Violence is a significant issue in the Loddon Campaspe Region and the Gannawarra and Swan Hill Rural City local government areas. Combined with limited legal referral options for family violence matters, this demand for services indicates unmet legal need. In recent times there have been important policy responses looking at addressing family violence, both in Victoria and Australia as a whole, with funds being delivered to a range of legal responses including the Family Violence Courts in Ballarat and West Heidelberg, Specialist Family Violence services in areas such as Melbourne, Sunshine and Frankston, and designated family violence lawyer positions in various community legal centres across the state. The Victorian government has also recently passed a new family violence Act to respond better to the needs of people experiencing family violence and to introduce reforms to police responses. It is expected that the new Bill will come into effect late in 2008, having passed through the Senate in late August without amendment.

Regional centres such as Echuca and Swan Hill have significant Indigenous populations and culturally specific services are not readily available, with Indigenous legal services having difficulty taking on local family violence cases. For example some agencies reported referring clients to the Aboriginal Family Violence Prevention Legal Service, with representation taking up to 4 weeks to organise, leaving people who are experiencing family violence with unreasonable delays in obtaining legal support, in situations where urgent and immediate assistance is often required. AFVPLS is aware of these difficulties and is interested in exploring options for increased resources to service these areas.

The Loddon Campaspe Community Legal Centre is currently running a Family Violence Legal Assistance Service at Bendigo and Maryborough Magistrates' Courts, which is self funded from their core funding and supplemented by philanthropic funding. According to statistics from the Magistrates' Court of Victoria, in the 2007-08 period, there were 1902 Intervention Order complaints at the Bendigo Magistrates' Court. This is four more than in the Ballarat region in the 2006-07 period. In 2006-07 Ballarat was recognised as an area that should receive specific funding for a specialist Family Violence Court and associated programs.

Family Violence Legal Services run by community legal centres generally provide services to just one court. In regional and rural areas such as Loddon Campaspe, community legal centres are well placed to provide assistance to several courts over a wider area, particularly to the outlying regions that historically have not been able to access such services, and where the unmet legal need is high. The Loddon Campaspe Community Legal Centre is well placed to provide specialist services to most if not all the courts throughout the catchment area, being relatively central, but

specialised funds are needed to expand the services in a way that does not erode the Centre's core services. The relationships with the non-legal support organisations in the region are already well developed and the replication of existing models of service provided at Bendigo and Maryborough Courts would be relatively easy to roll out if specialist family violence service funding became available.

## Recommendations

1. That a comprehensive strategy for family violence legal assistance services be formulated for the region.
2. That LCCLC explore all available options for sourcing specialist funding to maintain and expand the level of service and outreach locations for the family violence program, with a view to establishing dedicated Family Violence positions within the LCCLC.
3. That LCCLC continue to explore opportunities for engaging with Indigenous communities to identify and where appropriate assist in redressing shortfalls in legal assistance available for family violence matters in their communities. LCCLC should support the provision of family violence legal assistance by or in partnership with Indigenous legal services.
4. That LCCLC continue, wherever possible, to explore further training and professional development opportunities for all staff involved in the family violence program.
5. That LCCLC actively seek partnership opportunities for improving family violence legal assistance services in neighbouring catchment areas, including locales such as Swan Hill, Shepparton and Kerang, or any other areas where a shortfall of service exists.
6. That LCCLC work towards employment of a specialist Family Violence Solicitor whose role would include working with the LCCLC Community Development worker to provide family violence related community legal education to organisations and to the wider community.
7. That LCCLC should trial services to Echuca as soon as possible to meet current need and consider the need for similar specialist services to Castlemaine and Kyneton.

# Schedule 2

Family Violence in Central Victoria: Researching unmet legal need

Page 1 of 6



[Exit this survey](#)

Family Violence in Central Victoria: Researching unmet legal need

1.

**\* 1. General Information:**

Name of Organisation:

Program Area:

Contact person:

Contact person's email address:

**2. What are your organisation's Local Government Areas?**

- Campaspe
- Central Goldfields
- Gannawarra
- Greater Bendigo
- Loddon
- Macedon
- Mt Alexander
- Swan Hill Rural City

Other (please specify)

**\* 3. Do you work with people experiencing Family Violence?**

- Yes
- No

**4. If you answered 'yes' to question 3, what services do you provide for family violence matters?**

- Emergency and Short term accommodation (SAAP)
- Accommodation Referral Service (SAAP)
- Housing Assistance Programs



Material Aid/Financial Assistance

After hours response service

Legal Assistance

Non legal court support

Family Violence Support Groups

Counselling/Emotional Support

Prevention programs

Outreach services

Other (please specify)

**5. Do you know of any family violence support services in your area?**

Yes

No

If yes, please specify

**6. Do you refer clients to specialist family violence organisations?**

Yes

No

If yes, please specify

**7. Do you see clients with family violence legal issues for which there is currently no appropriate legal referral?**

Yes

No

**8. If you answered 'yes' to question 7, what are the main reasons for there not being an appropriate legal referral option?**

The client cannot afford private legal representation.

The Legal Aid means test is too restrictive.

The Legal Aid merits test is too restrictive.

Legal Aid, Victorian Aboriginal Legal Service (VALS) or the Aboriginal Family Violence Prevention Legal Service will not take on cases of this nature.

There is a conflict of interest issue.

The other party has already accessed the available services.

There are no local community legal services.

Local firms do not have the capacity to take on pro bono matters.

Other (please specify)

**9. When you are able to make a referral, where do you refer clients with legal issues relating to family violence?**

Private lawyer

Victoria Legal Aid

Community legal centre

Other community organization

Legal or government body eg Ombudsman, Court, Law Institute

Other (please specify)

**10. The Loddon Campaspe Community Legal Centre provides specialist Family Violence Legal Assistance Services on a regular basis at the Bendigo and Maryborough Magistrates courts.**

**Do your clients access this service?**

Yes

No

**11. If you answered 'yes' to question 10, how effective do you think the Loddon Campaspe community legal centre is at meeting the legal needs of family violence matters at court?**

1   2   3   4   5   6   7   8   9   10   N/A

Please rate the effectiveness of the service on a scale of 1 to 10, 1 being poor and 10 being excellent.

**12. How do you think these services could be improved?**

**\*13. Would you refer clients to specialist Family Violence Legal Assistance Services if they were available at a court in your area?**

Yes

No

**14. In your opinion, which Magistrates Courts would benefit from the Specialist Family Violence Legal Assistance Services provided by the Loddon Campaspe community legal centre?**

Echuca

Kyneton

Castlemaine

Shepparton

Swan Hill

Kerang

**15. Are there any other services that you work closely with or refer to for non legal court support in family violence matters?**

Yes

No

If yes, please list

**16. Are there any indigenous specific organisations in your area that assist with family violence and legal issues?**

Yes

No

If yes, please list

**17. Do you liaise with the Police in family violence matters?**

Yes

No

**18. Is there a specific police officer that you work with? (ie Family Violence liaison Officer or Police Prosecutor)**

Yes

No

If yes, please list

**19. How do you find the police attitudes and responses to family violence in your area?**

**20. Which local Family Violence Prevention Network are you a part of?**

Bendigo Family Violence Prevention Network (Bendigo)

Murray Campaspe Family Violence Network (Echuca)

Maryborough Family Violence Prevention (Maryborough)

Mount Alexander Family Violence Forum (Castlemaine)

Southern Mallee Family Violence Prevention Network (Swan Hill)

Other (please specify)

**21. Do you think that your community would be interested and benefit from legal education around Family Violence matters?**

Yes

No

**22. Would your organisation be interested in family violence legal education?**

Yes

No

**23. Would you like to have a follow up interview with the Loddon Campaspe Community Legal Centre to discuss the unmet legal needs in your region?**

Yes

No

**24. We are interested in any other comments, suggestions or ideas you might have.**

Done

## Schedule 3

### List of Services who responded to the Survey:

<b>Name</b>	<b>Service type</b>
St Lukes Anglicare Echuca	SAAP
St Lukes Anglicare Maryborough	Community Connections Program
Loddon Campaspe Centre Against Sexual Assault	Sexual Assault Counselling and Advocacy/ Family Violence After Hours Service Support
Bendigo and District Aboriginal Cooperative	Lifestyle Team
EASE	Crisis Intake Team and Integrated Family Violence Court Service
Northern District Community Health Service	SAAP
Castlemaine District Community Health Service	Family Services
Castlemaine District Community Health Service	Mental Well Being Team
Loddon Mallee Housing Services Swan Hill	Transitional Housing
Loddon Mallee Housing Services Bendigo	Community Support
Maryborough and District Health Service	Reconnect/SAAP
Court Support Network Echuca	Court Support
Magistrates' Court Bendigo	Legal
Victoria Legal Aid Loddon Campaspe	Legal
Salvation Army	Bendigo Community Services
Annie North Inc	Case Management/Court Support
Njernda Aboriginal Cooperative	Justice Worker/Family Services

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