

# Barriers to Access:

Migrant and refugee women's experiences of the online family violence intervention order process



## Research Report 2024



Australian Muslim Women's  
Centre for Human Rights  
*Equality without Exception*



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This report recognises that gender, race, and religion intersect to create multiple forms of discrimination and violence against migrant and refugee women. It also recognises that preventing prejudice in all forms is bound to the struggles of Aboriginal and Torres Strait Islander communities. We must address the ongoing impacts of colonisation, systemic racism, and discrimination in all its forms in this country. NCLC and AMWCHR acknowledge the Aboriginal and Torres Strait Islander Peoples of this nation. We acknowledge the Traditional Custodians of the lands our organisations are located on and where we conduct our work, including this research. We pay our respects to Elders, past and present. NCLC and AMWCHR are committed to honouring Aboriginal and Torres Strait Islander Peoples' unique cultural and spiritual relationships to the land, waters, and seas, and their rich contribution to society.

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## Ethics approval

This study was reviewed by the Victorian Department of Justice and Community Safety Human Ethics Committee, and approved prior to investigation (*project number CF/23/12411*). The participants provided informed consent to participate in this study. This study was conducted according to the ethical standards of the Australian National Statement on Ethical Conduct for research with human participants.

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## About us

### **Northern Community Legal Centre (NCLC)**

NCLC's purpose is to ensure equal access to justice for all in the Melbourne North-West region through the provision of legal services, community legal education and law reform initiatives. NCLC prioritises the legal needs of people living with multiple forms of disadvantage and marginalisation, including refugee and newly arrived people, victims/survivors of family violence, people with mental illness and other forms of disability, young people, people experiencing homelessness, Aboriginal and Torres Strait Islander peoples, and the LGBTQIA+ community.

NCLC formed in 2016. In our short lifetime, NCLC has been able to respond to both emerging and escalating community needs. Our catchment of Merri-bek, Hume and Mitchell Shire is home to communities who experience the most structural and systemic disadvantage in Victoria. A keystone to our success has been working closely with our community to identify barriers in access to justice, and engaging in advocacy to achieve systemic change that is effective and responsive. Our vision is that the people of Melbourne's North-West region have access to justice through the provision of free legal information, advice, duty lawyer services, casework assistance, education and community development activities.

### **Australian Muslim Women's Centre for Human Rights (AMWCHR)**

This research project was undertaken in partnership with the Australian Muslim Women's Centre for Human Rights. AMWCHR is a specialist funded family violence organisation servicing Victorian Muslim women experiencing family violence. AMWCHR has over 30 years' experience providing family violence and settlement casework, advocacy services, and community programs both state-wide and nationally. AMWCHR also conducts research on topics impacting Muslim women's equality both inside and outside of Muslim communities, particularly related to family violence, settlement, racism and Islamophobia, and systemic barriers to supports.

AMWCHR services clients from a diverse range of cultural backgrounds and language groups. In 2023, over 90% of family violence case management clients required in-language services. AMWCHR staff in general and caseworkers in particular are multilingual and largely representative of the cultural and linguistic groups that they service.



## Acronyms

**AFM:** Affected Family Member

**AMWCHR:** Australian Muslim Women's Centre for Human Rights

**CLC:** Community Legal Centre

**ERS:** Early Resolution Service

**FG:** Focus Group

**FVIO:** Family violence intervention order

**MCV:** Magistrates' Court of Victoria

**NCLC:** Northern Community Legal Centre

**PCIF:** Pre-court information form

**RCFV:** Royal Commission into Family Violence

**VLF:** Victoria Law Foundation





## Glossary

**Access to justice:** an individual's ability to seek and achieve a solution/remedy for grievances through formal or informal institutions. This includes their ability to acquire legal representation, right to fair court proceedings, effective engagement with criminal justice actors, and ability to access and navigate (remote) services.

**Affected Family Member (AFM):** the person/people who are impacted by the behaviours of the user of family violence, and who are listed on the family violence intervention order (FVIO) application as requiring legal protection.<sup>1</sup>

**Applicant:** the person who has applied for a family violence intervention order. Community legal centres – independent community organisations that provide free advice and casework to their communities. Community legal centres have different service areas and eligibility criteria.

**Duty lawyers:** lawyers available at most Magistrates' Courts who can provide free legal advice and/or legal representation for family violence intervention order application matters on the day of a hearing.

**Family violence intervention order (FVIO):** a court order to protect a person, their children and their property from a family member, partner or ex-partner who is engaging in family violence.<sup>1 (pt2 s8)</sup>

**Respondent:** a person who has an application for a family violence intervention order made against them.<sup>1 (s4)</sup>

**Systems abuse:** a form of family violence where the justice system and/or social institutions are manipulated to harass, intimidate and exert control over a current or former partner.

**Technology-facilitated abuse:** a comprehensive term to denote the use of digital technologies to enable or extend harassment or abuse.<sup>2</sup>

**Victims/survivors:** a person impacted by family violence. This can be an adult who is the direct target of the violence, as well as children who are either directly or indirectly impacted by the violence. Children are considered victims/survivors in their own right, whether or not they are present when the family violence occurs.<sup>1 (p2 s5(b))</sup>

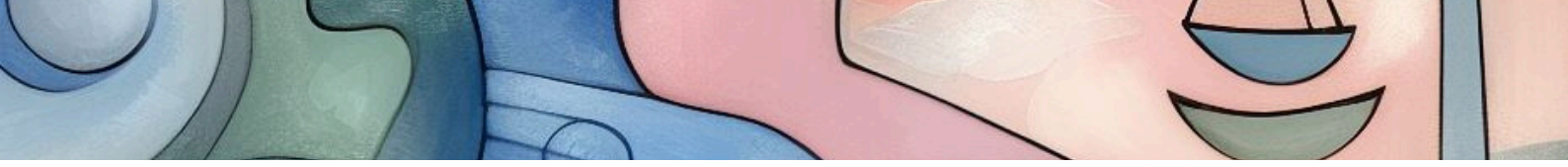


## Note on language

This report uses gendered and gender-neutral language throughout. This is in recognition that there is significant evidence that family violence is gendered. Family violence is most often experienced by women and is predominantly perpetrated by men in intimate relationships. However, family violence can and does occur in a range of different relationship dynamics and is experienced by people of all genders. There is also a growing evidence base that confirms community anecdotes that those who are gender diverse experience family violence at particularly high rates.

The family violence sector and the *Family Violence Protection Act 2008* (Vic) acknowledges that family violence occurs in different relationship dynamics, including between immediate family members, within caring arrangements and, for Aboriginal and Torres Strait Islander people, within kinship systems.

While the researchers acknowledge the varied contexts in which family violence arises, the term 'women' is used when describing research findings in this report, as all the victims/survivors who participated in the study self-identified their gender as women. Further, all the victims/survivors were pursuing family violence intervention orders to protect themselves and their children from their intimate partner, all of whom were men.



# 1. Executive summary

This study, funded by the Victoria Law Foundation from February 2023 to March 2024, explores the barriers experienced by migrant and refugee women when using online forms to apply for family violence intervention orders (FVIOs). In Australia, protection orders are the most common civil legal response to family violence. One third of the country's 120,000 annual family violence protection orders are issued in Victoria, suggesting that Victorian victims/survivors are overrepresented in the application process.<sup>3</sup>

In 2016, the Royal Commission into Family Violence published its report, which included a recommendation that the Magistrates' Court of Victoria (MCV) implement an online application system for FVIOs.<sup>4</sup> The rationale for this recommendation was to simplify the application process, making it more accessible. Alongside this recommendation was a recommendation to introduce additional Specialist Family Violence Court Registrars and support staff to aid victims/survivors in completing the application form.<sup>4</sup> The online application system was rolled out in haste in 2020 due to COVID restrictions in Australia, and in addition, a digital pre-court information form (PCIF) was developed, which has the function of providing courts with demographic and administrative information, as well as information surrounding the parties' accessibility and legal needs.

Following this rollout, practitioners at Northern Community Legal Centre (NCLC) and the Australian Muslim Women's Centre for Human Rights (AMWCHR) identified distinct barriers limiting accessibility of the new online system for migrant and refugee clients. In particular, NCLC expressed concern at the low number of migrant and refugee women who were being referred by the court to their family violence Early Resolution Service and Duty Lawyer Service, and the extent to which online forms may be impacting upon access to important legal protections. AMWCHR's specialist family violence case management services were likewise noting changes following the implementation of the online system, with many clients requiring additional support through the online application process. Consequently, NCLC and AMWCHR sought funding from the Victoria Law Foundation to conduct this research project, to identify, document, and understand procedural issues and barriers to accessing and navigating the online FVIO application processes for migrant and refugee women.

To understand experiences of the new online application system, interviews with migrant and refugee victims/survivors who had been through the online FVIO application process were undertaken. In addition, interviews and focus group discussions with practitioners provided the perspectives and experiences of the community/service sector professionals who support these victims/survivors throughout the application process. In total, 10 victims/survivors and 30 practitioners from 11 services were recruited for this research.



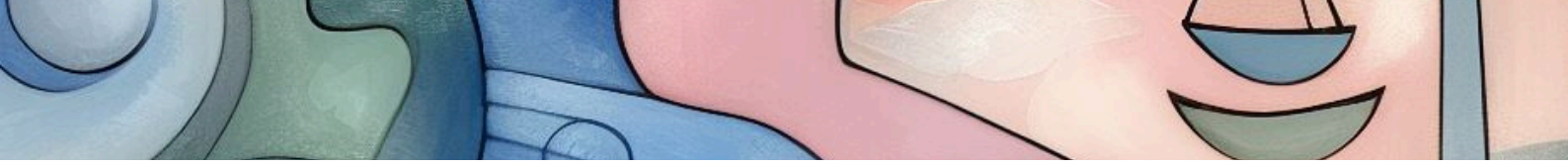
Our results showed that there have been significant ramifications resulting from the introduction of the online application system for migrant and refugee victims/survivors, and for the practitioners that support them. Participants highlighted several barriers related to the online application form and PCIF including: language barriers due to the forms and hosting systems being available in English only, necessitating the need for in-language support; digital literacy issues or concerns surrounding digital safety of devices in the context of family violence; and problems with the function of the online technology and interface itself. These barriers rendered participants unable to navigate the application system without support, yet support was difficult to access.

Participants reported that victims/survivors were routinely refused support from various services including police, family violence services, and the court services. The lack of support provided by courts was a consistent finding, which is notable as it was tied to court staff members' reluctance to provide the necessary time-intensive language supports (i.e. interpreters) that migrant and refugee victims/survivors required. Further, while there is still the 'option' for victim/survivor applicants to complete a paper-based copy at their local Magistrates' Court, women shared experiences of being redirected to the online form, signalling the courts' preference for this mode of applying. Consequently, making a paper-based application does not appear to be as accessible as it was prior to the introduction of the online application.

Most victims/survivors in this research were able to eventually complete an online application with assistance, primarily with support from a specialist family violence case manager, while there were a few examples of assistance from a community-based lawyer, or older children. Without this support, the application process would be inaccessible for these women. The reliance on family violence or legal services to support these women has created capacity constraints, resourcing issues, and increased wait-times for accessing services, which ultimately impacts victims/survivors' safety.

FVIOs are one of the few legal measures that victims/survivors can seek when experiencing family violence. While these orders are an important and central component of intervention, they exist within a system that often excludes and marginalises people from migrant and refugee backgrounds. Though intended to make the process simpler, our research shows that the online system has magnified these barriers for migrant and refugee women.

In light of the findings from this research, NCLC and AMWCHR make the following recommendations to improve the online application process and facilitate a more equitable overall system for obtaining family violence intervention orders (findings and recommendations are also listed on page 37 of this report).



## 1.1 Findings and recommendations

### **Finding One:**

The online family violence intervention order application form and pre-court information form are only provided in English, and are too long and complicated for migrant and refugee victims/survivors to be able to complete without assistance.

### **Recommendation One:**

The Magistrates' Court of Victoria (MCV) conduct and implement processes for routine review of the family violence intervention order application form and pre-court information form to ensure that:

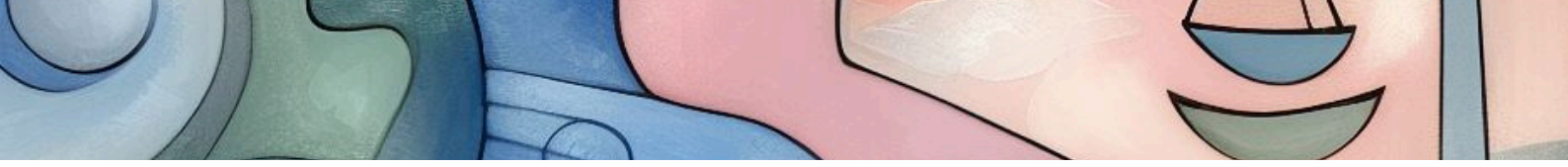
- a) They are accessible for those who speak English as an additional language, or who solely speak languages other than English;
- b) Language guides are provided to assist users in understanding legal terminology;
- c) There are no discrepancies between the paper and online forms; and
- d) The interface is user-friendly.

### **Finding Two:**

There are inconsistent practices regarding the dissemination of the pre-court information form.

### **Recommendation Two:**

- a) In recognition of the significant level of information cross-over that exists between the pre-court information form and the family violence intervention order application form, the application form is revised to contain the pre-court information form questions, saving the need for a second form prior to the first hearing. A stand-alone pre-court information form is to be provided before hearings thereafter.
- b) The MCV is transparent about the dissemination process for the pre-court information form, and information about this dissemination process is made readily available online.

**Finding Three:**

Some Magistrates' Courts are refusing to offer and/or assist victims/survivors with a paper-based or online application form when they show up to the courthouse for help. Registrars are sometimes reluctant to book an appointment for a victim/survivor who requires an interpreter, because this may mean the appointment goes for longer than the allocated time.

**Recommendation Three:**

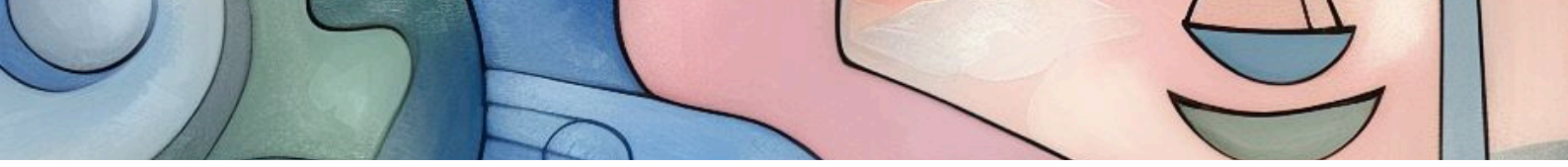
The MCV resumes responsibility for providing information and support throughout the family violence intervention order application process. Magistrates' Courts are to offer all victims/survivors seeking a family violence intervention order the option to complete a paper-based or online application at court with the assistance of a registrar. Longer appointment slots are to be made available for victims/survivors who require an interpreter.

**Finding Four:**

The responsibility for assisting migrant and refugee victims/survivors to complete FVIO applications has shifted from the courts and police to the community sector. This is placing extra strain on time-poor family violence case workers and lawyers, and potentially compromising the quality of support available to victims/survivors as they navigate the application process.

**Recommendation Four:**

The family violence and legal sector receives additional funding to ensure it has the resources and capability to provide integrated and culturally responsive support to victims/survivors applying for family violence intervention orders.



**Finding Five:**

There is concern about the quality of the interpreter services available when victims/survivors need online forms translated into their own language. Interpreters have been reported to incorrectly translate information, and are not always adequately trained to assist with family violence issues and legal documents.

**Recommendation Five:**

There is investment in reviewing the quality of interpreter services and accessibility for migrant and refugee victims/survivors who require court assistance when completing a family violence intervention order application.

A colorful illustration at the top of the page shows the lower portions of several diverse human faces, including eyes, noses, and mouths, rendered in a stylized, cartoonish manner with various colors like blue, green, pink, and orange.

## 2. Introduction and background

### 2.1. Family violence and barriers to support for migrant and refugee victims/survivors

Victims/survivors' experiences of family violence are impacted by many factors including gender,<sup>5</sup> migration status,<sup>6</sup> socioeconomic status,<sup>7</sup> religion,<sup>8</sup> and linguistic background.<sup>9</sup> These demographic and identity characteristics have the potential to impact the type of abuse experienced, the contextual risk factors, and the barriers to receiving support.<sup>10</sup> For victims/survivors from migrant and refugee backgrounds, systemic inequalities present a clear barrier to help-seeking that can be weaponised by the person using violence to further the abuse.<sup>11</sup> This can compound the level of risk within violent situations, while simultaneously inhibiting pathways to interventions.<sup>4</sup>

The impacts of migration and displacement manifest in the types of abuse experienced by migrant and refugee women, as well as their access to interventions and support. For example, migrant and refugee women's unfamiliarity with Australian systems and services can be manipulated as a tactic of control and isolation, where the person using violence often becomes the conduit/gatekeeper for finances, communication, transport, and local knowledge.<sup>4, 12, 13</sup>

Australia's migration laws and systems can be further used as a tactic of abuse when the victim/survivor's visa status is tied to the person using violence.<sup>13</sup> For example, users of family violence may threaten to withdraw visa sponsorship, have victims/survivors removed from Australia, or return children or other family members to their country of origin.<sup>10, 13</sup> While legal protections do exist for victims/survivors who have precarious visa statuses, it is often the case that victims/survivors are unaware of their legal rights and options due to unfamiliarity with Australian systems as well as language barriers that hinder access to legal support and information.<sup>13, 14</sup> Experiences of visa abuse create additional challenges for women attempting to leave violent relationships, and consequently, they experience significant and multifaceted forms of abuse. For example, clients of NCLC's Indian Women's Family Violence Project who were on temporary visas experienced high risk forms of family violence including sexual violence (56%), forced servitude (50%), injuries requiring medical treatment (29%), abuse during pregnancy (28%), and attempted strangulation (28%).<sup>12 (p10)</sup>

Accessing family violence and legal support is especially challenging for women who speak languages other than English.<sup>4</sup> These women experience additional barriers to engagement, such as a lack of interpreting or in-language support, low cultural capacity of services, racism, and discrimination.<sup>15</sup> For services that do have high cultural capacity, including those that are ethno-specific, victims/survivors will likely face long wait times because of high





demand, while the services themselves receive less resourcing compared to mainstream services.<sup>16</sup> Systemic barriers compound to increase risk for migrant and refugee women, as family violence interventions and legal protections remain out of reach.

## 2.2. Family violence intervention order applications in Victoria

All states and territories in Australia have implemented legal responses to family violence. Each state and territory has civil protection orders that are designed to protect victims/survivors of family violence and introduce accountability measures for users of family violence.<sup>17</sup> Protection orders are the most common legal response to family violence in Australia. Approximately 120,000 orders are issued per year,<sup>3</sup> 41,000 of which are issued in Victoria.<sup>18</sup>

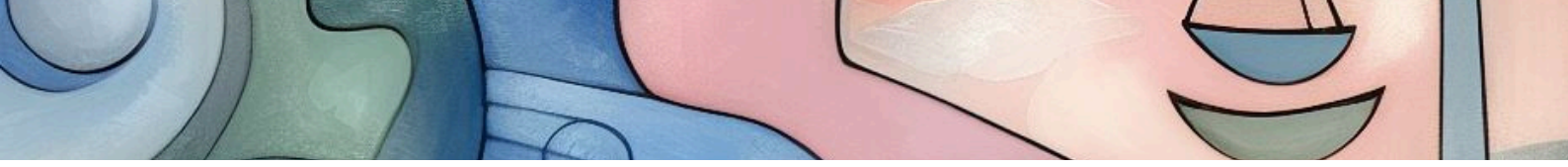
Prior to 2016, family violence intervention order applications were lodged in person by either the victim/survivor or police at their local Magistrates' Court.<sup>4</sup> In-person self-applications required victims/survivors to complete a 12-page court form.<sup>4</sup> The length and complexity of the application forms often necessitated victims/survivors to seek support from parties such as registry staff to effectively complete the form. However, this support was often found to be lacking due to staff members' limited time capacity to cater to the growing number of applications.<sup>19</sup> Procedural delays in processing were also noted in the 2016 Royal Commission into Family Violence (RCFV) report, with delays of one to two weeks between victims/survivors' submission of the application to the court and the official lodgement.<sup>4</sup>

In consideration of these challenges, the RCFV made several recommendations to streamline court processes, including Recommendation 74, which advises that:

*"[T]he Magistrates' Court of Victoria roll out an online application form (based on the Neighbourhood Justice Centre's online application form) for all applicants for a FVIO across Victoria [within two years]."*<sup>4</sup> (p174)

Following this recommendation, the MCV implemented an online family violence intervention order application form, which was initially trialed in three courts across Victoria<sup>3</sup> before it was made available statewide in 2020,<sup>18</sup> in response to the COVID-19 pandemic.

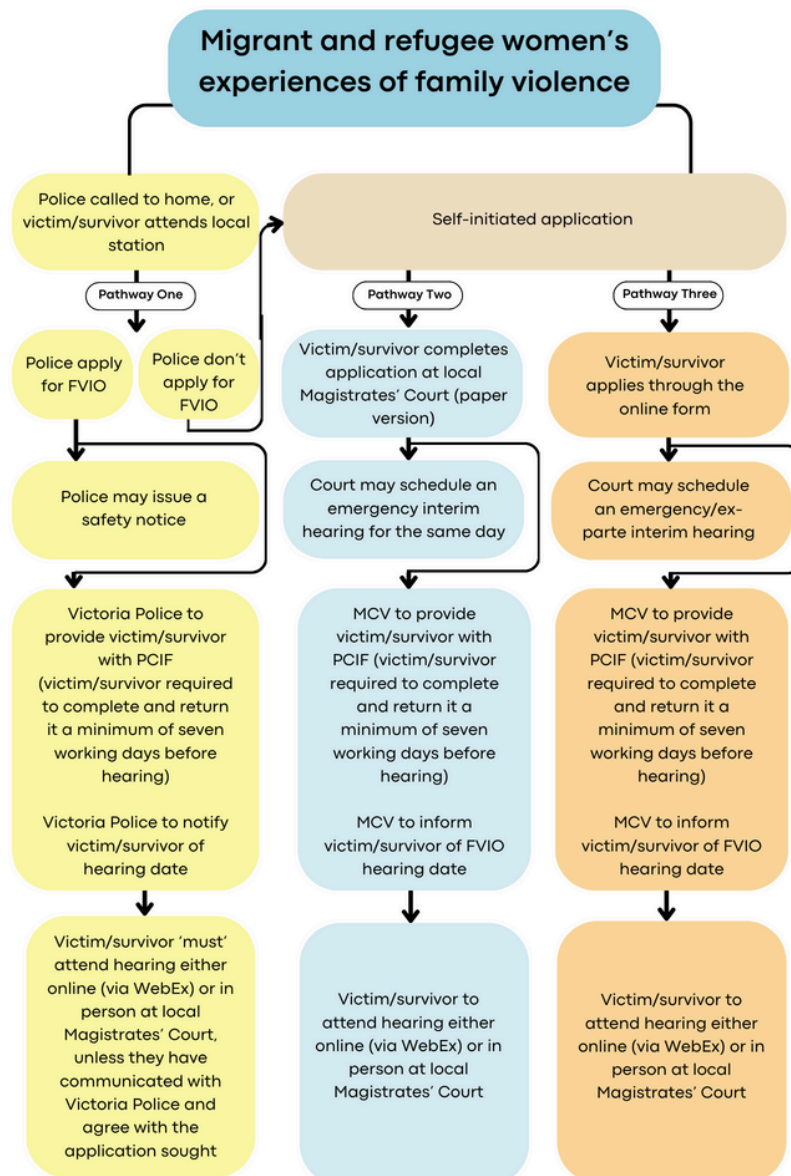
As *Figure 1* below shows, there are multiple pathways for victims/survivors to access a family violence intervention order. The first option is a police-initiated application which may be applied for after police are called to a family violence incident, or a victim/survivor attends their local police station to report an incident. There are two options for victims/survivors to make their own



application (referred to as a 'self-initiated' application in *Figure 1*). One option is for victims/survivors to attend their local Magistrates' Court and complete a paper-based application, which is then reviewed and processed by a registrar. The second option is for victims/survivors to make an application online through the MCV website. The application is then processed by a registrar at the relevant court.

*Figure 1* also shows the steps involved between an application being made and a final order being granted, which may include an emergency hearing and an interim order being granted. Depending on who has made the application, victims/survivors will be informed either by Victoria Police or court staff of their hearing date and provided with the pre-court information form to complete and return. Victims/survivors have the option to attend hearings either in-person or online through WebEx.

**Figure 1. Pathways and process for obtaining a family violence intervention order**





Prior to the statewide roll-out of the online application form, an evaluation was conducted by Ross and Aitken.<sup>3</sup> The evaluation reviewed victims/survivors' experiences of making a family violence intervention order application either in person or online. It was reported that victims/survivors found the online application form easier to comprehend, more convenient, more private, and that the process was more accessible. Applying online meant that victims/survivors did not have to worry about taking leave from work, travel time, or arranging childcare to attend court.<sup>3</sup> Additionally, the online applications did not encounter the one to two-week processing delay highlighted by the RCFV, suggesting greater court efficiency with the processing of online applications.<sup>4</sup>

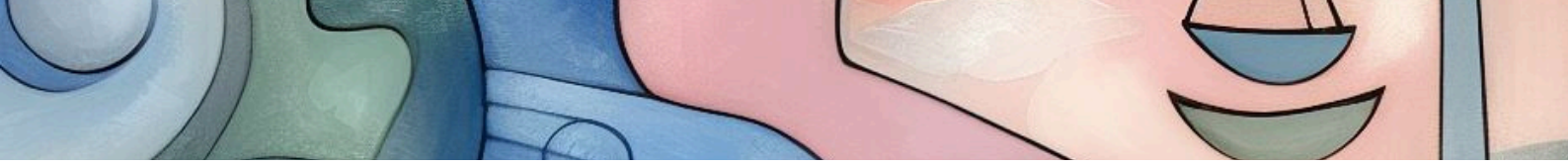
Despite the positive changes highlighted by the evaluation, a key limitation of Ross and Aitken's study is that the cultural background was only noted for one participant (who identified as Aboriginal/Torres Strait Islander). Although it is not clear within the research, this does suggest that no participants from a migrant or refugee background were included in the study. Further, all 12 participants who submitted an online application did so without assistance. This raises questions about the applicability of the findings of this evaluation for migrant and refugee victims/survivors, especially those who have no – or limited – literacy in English.

In reviewing the online application forms, it is evident that there are several concerns identified with the paper-based form that have been replicated in the online form. Foremost, the online application form, like the paper-based form, is exclusively in English.<sup>4</sup> It is also lengthy, consisting of 11 pages requiring written responses, as well as two information pages that describe the content. While language and length are concerns that pre-date the transition to an online form, the conventional application form has already been described as:

*"...Impossible to complete for those women who are illiterate or semi-literate. Even for highly literate people, it is difficult to capture the reasons why they want the order on the form..."* <sup>4(p121)</sup>

Consequently, these issues have been replicated rather than addressed.

Another potential barrier that the online system presents to migrant and refugee victims/survivors is related to digital literacy, as is evidenced in the literature.<sup>2</sup> While digital literacy is not a barrier unique to migrant and refugee women, when information on how to navigate webpages, applications, and platforms is predominantly in English, it can further complicate the support-seeking process.<sup>2</sup> For migrant and refugee victims/survivors who require the assistance of an interpreter to navigate the online system and application form, this means that the process is lengthier, more complicated, and often frustrating for everyone involved.<sup>4</sup> Victims/survivors have experienced significant trauma and having to bear additional stress related to form-filling may result in disengagement.<sup>2</sup>



Therefore, while online applications may contribute to court efficiency and remedy procedural delays, concerns remain regarding accessibility. This raises the possibility that the online application has simply created new and additional barriers for migrant and refugee victims/survivors.



## 3. The current study

This study sought to identify and understand the experiences of migrant and refugee women applying for family violence intervention orders since the online system was rolled out statewide in Victoria. This includes identification and documentation of procedural issues and barriers to accessing and navigating the online family violence intervention order application and pre-court information processes. Grounded in the project findings, opportunities to improve the online application process are highlighted. It is hoped that the findings of this research and recommendations contained within this report will contribute to policy and practice changes to address barriers to obtaining a family violence intervention order for migrants and refugees experiencing family violence.

### 3.1 Research aims and questions

The three core aims of this research were to:

- Identify and understand the barriers to accessing and navigating the FVIO online application and pre-court information processes;
- Document the experiences and challenges when applying online for a family violence intervention order for migrant and refugee women; and
- Inform the development of effective policy and practice recommendations to strengthen MCV processes for migrant and refugee victims/survivors.

Grounded in the anecdotal evidence of NCLC lawyers and AMWCHR case managers captured before the research commenced, and in consideration of the issues raised in this report's introduction, this research seeks to answer the following questions:

- How do migrant and refugee victims/survivors of family violence experience the process of applying for a family violence intervention order and completing pre-court information forms?
- What are the process issues and barriers to accessing and completing an online family violence intervention order application and the pre-court information form that are experienced by migrant and refugee victims/survivors of family violence?
- What supports and alternatives to online applications (if any) are currently available and utilised by migrant and refugee victims/survivors when completing online family violence intervention order applications and the pre-court information form?
- How do these process issues and barriers impact the work of legal, family violence, and other support services?
- What improvements can be made to facilitate family violence intervention order accessibility for migrant and refugee women?

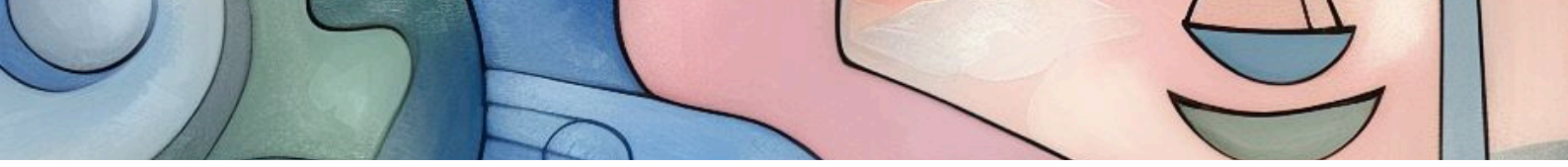


## 3.2 Data collection

To respond to the research questions, semi-structured interviews were conducted with migrant and refugee women who had been through the online family violence intervention order application process, to gather an understanding of their experience and any barriers they came across. In addition, interviews and focus group discussions with practitioners (family violence case managers and lawyers) provided the perspectives and experiences of the practitioners who support migrant and refugee victims/survivors throughout the application process. All participants were given the option to participate in an interview either in person (at NCLC or AMWCHR's office), online, or over the phone. Interpreters were used where required. In total, ten victims/survivors and 30 practitioners from 11 services were recruited for this research. Participants who were victims/survivors came from a range of cultural and linguistic backgrounds. While the majority required interpreters for their interviews, some were comfortable interviewing in English. Participants were given the option of choosing their pseudonyms for the research. Additional demographic details of participants can be viewed in *Table 1* below.

Focus group discussions with practitioners took place with a range of organisations servicing migrant and refugee communities in Victoria, primarily inner and outer metropolitan Melbourne. This included family violence services, community legal services, and multicultural or ethno-specific community organisations. Practitioners held roles related to family violence support and casework (including crisis response), social work and legal support. Practitioners reported that a large proportion of their client base were women from migrant and refugee backgrounds, with some participants working solely with migrant and refugee women. Practitioners had a high level of experience providing in-language support, either through an interpreter or using their own multi-lingual language skills.

Interview and focus group discussion data was manually coded and thematically analysed<sup>20</sup> to identify and draw out common views and experiences among participants. Full ethics approval was granted by the Justice Human Research Ethics Committee (JHREC), through the Victorian Department of Justice and Community Safety (*approval number CF/23/12411*). The participants provided informed consent to participate in this study.



Participant pseudonym	Country of birth	Year of arrival in Australia	Required interpreter	No. of children
Mina	Iran	2015	Yes	1
Rose	Turkey	1994	Yes	4
Emie	Egypt	2010	No	3
Tloi	Thailand	2015	Yes	3
Masha	Iran	2013	Yes	2
Harishta	India	2007	No	2
Leona	Fiji	2008	No	2
Reem	Syria	2020	Yes	2
Chaya	India	2008	No	2
The Voice	Sudan	2003	No	3

### 3.3. Scope of the research

This research focused particularly on the experiences of self-initiated family violence intervention order applicants using the online forms, including the application form and the pre-court information form, as described in *Figure 1, Pathway 3*.

Consultations with court staff were undertaken to clarify the pre-court information form dissemination approach, as this information is not publicly available. It was confirmed that local Magistrates' Courts are responsible for notifying self-initiated applicants of the pre-court information form. It was further confirmed that notification occurs through a combination of phone or email contact, based on the preferences advised in the initial application. For police applications, Victoria Police are responsible for informing the protected persons on the application about the pre-court information form. It is unclear what approach to dissemination of the pre-court information form is used in these cases, as this information is also not publicly available.

The participants interviewed for this report did manage to overcome the initial



barriers to access to engage with the online forms involved in the family violence intervention order process by accessing assistance and support. However, there will inevitably be many migrant and refugee women who are unable to navigate the process or obtain the necessary assistance. These women are likely to remain unprotected and at risk of escalating family violence. A limitation of this research is that the recruitment strategy relied upon practitioners promoting the research to their clients, and accordingly we were unable to access unassisted women to document their experiences. It is also acknowledged that experiences may differ for women who go through the family violence intervention order process via a police-initiated application, especially if the order is not taken out at the request of the victim/survivor. Though not within the scope of this study, further research is needed to better understand the experiences of these women who face different but significant challenges within the family violence intervention order process.

As is explained further within the findings of this report, victim/survivor participants in this report did require a high level of support to complete the forms, which meant many victims/survivors who were interviewed did not directly interface with the online form. Rather, practitioners typically assisted over the phone, and completed the forms for them. This meant that those victim/survivor participants struggled to answer any interview questions that were targeted at understanding structural and content issues with the forms. Consequently, it was primarily practitioners who were able to provide this type of detail for the research.

This research project also does not include the experiences and insights of the MCV staff who oversee and process family violence intervention order applications and pre-court information forms. Due to the short timeline of this project, combined with the MCV requiring internal ethics approval prior to applying with the Justice Human Research Ethics Committee, it was not possible to include staff from the MCV as research participants. Future research examining the perspectives of court staff would be beneficial to understand their experiences of the transition to the online system.

Lastly, this research aims to understand victims/survivors' experience with the online forms involved in a family violence intervention order application. While not the focus of this research, some participants also highlighted previous experience and challenges with paper-based family violence intervention order applications made before the introduction of the online option. While victims/survivors shared some examples of trying to attend their local Magistrates' Court to make an application, the findings of which are included later in this report, this research was not conducted as a comparative study.





## 4. Findings

### 4.1. Migrant and refugee victims/survivors cannot access the family violence intervention order system without support

Migrant and refugee women face a multitude of challenges when trying to complete an online family violence intervention order application or pre-court information forms. All of the women who participated in the study sought support to complete the forms, as barriers prevented them from completing them on their own. The practitioners who were interviewed for this study reinforced the sentiment that the forms are not accessible to migrant and refugee women and that these women required substantially more support to complete these forms than their other clients.

#### 4.1.1 The existence of online forms is not well-known

In some instances, victims/survivors were unaware that family violence intervention orders existed until they were told about them by their support practitioners and services. In addition, they were not aware that they could apply for an intervention order online themselves.

*“The caseworkers, they really helped me because if it wasn't for them, I didn't know how I could do it.” (Mahsa, victim/survivor, INT-5)*

*“[My practitioner] she helped me. She do the document for me and send for the court. And after the court they tell me to go there, and after that they give me for the court order.” (Tloi, victim/survivor, INT-4)*

*“They just don't do it [apply for a family violence intervention order] because they don't know about it. And... in our culture we don't do it, the lack of information... cultural barriers, and then lack of opportunities to do the same.” (Chaya, victim/survivor, INT-9)*

Furthermore, when they did manage to submit an application for a family violence intervention order, victims/survivors did not know they also needed to complete a pre-court information form to receive legal support prior to and on



the day of the hearing. Our research revealed inconsistent and varying practices both across and within courts concerning the distribution of the pre-court information form. Despite the courts having processes in place, there appeared to be blockages in this information reaching victims/survivors. Practitioners reported that victims/survivors were infrequently sent the form, and remained unaware that they were required to fill it out. Instead, practitioners were the ones who told victims/survivors that the pre-court information form existed and then helped them to complete it.

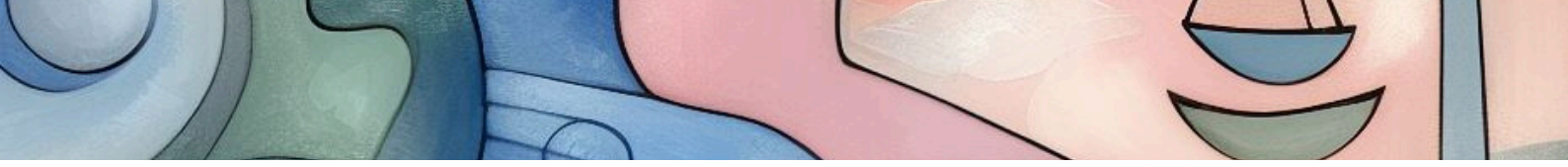
#### **4.1.2 Language barriers make online forms inaccessible**

Currently, online FVIO application forms and pre-court information forms are only available in English. Participants in the study emphasised the impact of language barriers on victims/survivors' equitable access to the online application. These language barriers were related both to the forms being solely available in English, as well as the forms' use of legalistic language and jargon. English was an additional language for all the victim/survivor participants in this research, with their levels of English language skills ranging from low (requiring the facilitation of an interpreter) to moderate/high, where victims/survivors were comfortable communicating in English.

It was conveyed quite strongly that moderate/high English language ability in the context of general conversation/information does not equate to the same level of language ability when navigating legal or technical forms. For this reason, even participants who have been in Australia for a longer period and who self-reported a high level of English language ability preferred to complete the forms with assistance.

*“But the issue is sometimes you translate something to [your language]. Okay, they give you like, Google give you the meaning... But this meaning might be for a general context, not law or legal context. So it was very hard reading [the application form].” (Emie, victim/survivor, INT-3)*

Because online application forms are only available in English, the use of interpreters to support the process was common. While this is also the case for paper forms, participants highlighted a missed opportunity to embed translation services or software into the online application. Instead, victims/survivors are reliant upon a family violence practitioner supporting them, with an interpreter, to complete the forms.



### 4.1.3. Language in online forms is jargonistic

Interestingly, practitioners in this study, all of whom had a strong grasp of English, shared their own trepidations about filling in the forms due to the use of legalistic language and jargon. These misgivings highlight the complexity of the forms, since even those with strong English skills and professional experience lacked confidence to complete the forms.

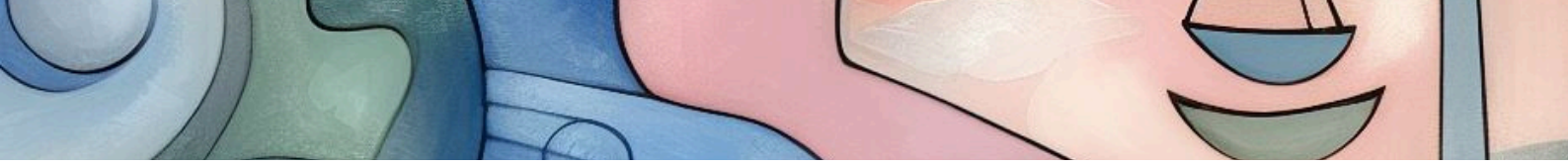
*“Even myself, with my 15 years’ experience, I struggle to actually fill some of that form.” (P2-FG1)*

*“The difficulty between, like, speaking English a little bit and having a certain amount of knowledge about English just does not equate to the English language in a police station or in a court of law. And this is where they need to be supported.” (P18-INT2)*

Participants identified that questions on the application form used confusing terminology, often omitting details and explanatory information.

*“[Speaking in response to a question asking AFMs about demographic information and how they identify] I know this is, you know, to identify people from LGBTQI [backgrounds]... and this woman is like, ‘What does that even mean?’ Because it's the acronym, it's not the full thing.” (P20-INT3)*

Challenging terminology was present throughout the application but was particularly noticeable in the section of the form asking participants for demographic information about themselves and the user of violence, as well as in the section asking participants to identify (from a list) what type of abuse they have experienced.



*“The practitioner would kind of say, ‘Okay, because there are different forms of abuse: psychological, financial, sexual, and physical. ‘So, for each of the subjects, I was asked. And then, you know, we are kind of lost. I didn’t even know. I’m a healthcare worker, and I didn’t know this is a [type of] family violence.” (Harishta, victim/survivor, INT-6).*

While the MCV has updated the online family violence intervention order application to now contain explanations of some questions, these explanations remain only available in English text.

#### **4.1.4. The online interface is difficult to use**

In talking with participants, it was clear that Victoria’s online family violence intervention order application technology and user interface are not user-friendly. The technological and interface issues that participants identified related to several aspects of the process.

The MCV website that hosts the online application and pre-court information form was found to be difficult to navigate. The pre-court information form was particularly difficult to find on the website, and information regarding the online application process was viewed as confusing, with circular links to various pages and information only made available in English. The technological and design issues of the online forms themselves were even more challenging. Other than generic issues, such as glitches and character limits, participants identified some concerning issues with the structure, layout, and contents of the online form that presented specific barriers for migrant and refugee victims/survivors.

Firstly, several participants reported that before victims/survivors can create an application, they must first create an account linked to an email address. This was often a difficult process to navigate for victims/survivors who did not have an email address, and who were unable to read the MCV website and/or the online application form. It is worth noting that the MCV has now updated this process and an account is no longer required when making an application. However, an email address is still required as a point of contact for the courts, and to forward confirmation of a submitted application.

Several participants spoke of the repetitive nature of the forms, which required victims/survivors to input details multiple times, extending the amount of time it takes to fill in the forms as well as the stress of repeating details of their experiences of family violence. Given the time-intensive nature of filling in this form, participants believed that the process could be streamlined to achieve greater efficiency. They also raised the fact that they were unable to save



forms, which again created pressure to complete them in one session, and anxiety that they would lose their progress. This inability to save the form and return later was an issue for multiple reasons. Sometimes the form asked for information the victim/survivor didn't know at the time. This was particularly an issue when this unknown information was part of a mandatory field, meaning the application could not be progressed without it. This created frustration for both victims/survivors and practitioners, especially if the information was not pivotal to the application, and meant the time spent filling in the form up until then had been wasted. Fortunately, MCV has recently updated the application system and the online form now has a 'save' function, though as mentioned, this function can only be utilised if linked to an account.

*"Sometimes due to the information required, you won't be able to move from one question to the other until you actually satisfy the first question." (P2-FG1)*

*"[One situation] which has happened to me... [is that the form] actually never went through. It says it's gone through but it hasn't gone through. So, these are the problems sometimes." (P1-FG1)*

*"...If you complete halfway and for some reason you disconnect, you have to do it again." (P5-FG1)*

#### **4.1.5 Online forms create additional safety risks**

Another issue that was raised in interviews and focus group discussions with practitioners was the safety risk related to the digital devices used to draft and submit an online application. While this was not commonly experienced by the victim/survivor participants themselves, it was a risk that practitioners were aware of and took steps to mitigate. Some practitioners mentioned they offer clients access to a service that can assess devices for signs of surveillance and technology-facilitated abuse or offer new devices to clients. Aside from the safety of the devices, the online applications also required victims/survivors to have access to devices in the first instance. One participant shared that she had to borrow her son's computer to fill in forms associated with her application. Using children's devices to fill in applications and forms presents risks to privacy and safety, as well as concerns for children's wellbeing.



## 4.2. Migrant and refugee victims/survivors aren't receiving the required support to complete forms

Participants sought external assistance to navigate and overcome language, literacy, and cultural barriers. Sometimes this support was in a professional capacity, such as through a legal service or family violence service. In other cases, participants utilised social supports including safe friends and family members.

### 4.2.1 Service providers have limited capacity to support

A primary theme that emerged during interviews and focus groups was the increased reliance on the community sector to provide support to migrant and refugee women throughout the application and pre-court information form process, as courts have diffused responsibility since the introduction of the online forms. There was confusion and disagreement among practitioners regarding which part of the service sector was responsible for supporting clients to fill out these forms. Specialist family violence case managers interviewed for this research generally felt as if they were the 'last stop', and that client safety was ultimately dependent on them and their involvement in the form-filling process.

The shifting of responsibility to community organisations – specifically family violence case managers – had a direct bearing on worker capacity and organisational wait times. Several family violence case managers spoke of the large amount of time that was dedicated to the task of application support. Some participants even reported that due to the administrative burden that the applications presented, their organisations had implemented policies and practices to restrict this support.

*"I worked in an organisation [that] was absolutely not supportive of us filling in the intervention order application... It's a legal responsibility. There's a court registrar, this is the court registrar's job. [They] don't want you to spend four hours of your eight-hour shift on one client trying to fill that form... You're putting this form [out there] and technically transferring this responsibility from the court [to us]... We received a referral from [another family violence service]... They want us to support her to do the intervention order. They are family violence specialists like us. This is also part of their role to support the client to do that. But it's too hard for them because first of all, it's too hard for them to actually spend two hours [going through an] interpreter. They don't want to do that." (P2-FG1).*



Generally, family violence case managers who were doing this work to support clients with online applications and pre-court information forms felt that their roles, skills, and expertise were being devalued in this shifting of responsibility. The time commitment required also diminished their ability to support clients with other pressing issues and tasks. They reported that before the introduction of the online forms, a larger proportion of this application support was provided by the court, specifically by court registrars. Since the introduction of the online application, however, this has changed. Case manager participants shared examples of court staff only booking appointments for victims/survivors under the conditions that the victim/survivor arrived at court with the application pre-filled, and that the case manager attended alongside their client. The additional work being undertaken by case managers was also being done without any additional resourcing of community organisations, and there was a fear that the shifted workloads were the 'new normal'. In the context of the sector being under immense pressure, specialist family violence case managers felt they were the ones who were relieving this pressure from the rest of the system and functioning as a safety net for victims/survivors.

*"We are under pressure. And a solution for [the courts]? Going around to actually filter that pressure with no [additional] resources to be able to accommodate that pressure...I'm actually genuinely questioning if this is about being more accessible to clients or is this about relieving the pressure from the court..." (P2-FG1)*

*"Whose responsibility is it... [to] equip them with the information, their rights? I think even the rights and legal information has been passed on to case managers." (P4-FG1)*

#### **4.2.2 Family violence case managers feel ill-equipped to provide support on a legal document**

This pressure to support clients existed in tandem with trepidation around whether family violence case managers held the appropriate skills required to fill out online application forms. One participant said that practitioners were often left to make an impossible decision between doing something that didn't feel ethical or comfortable, due to their lack of legal knowledge, or letting a woman "fall between the gaps" (P2-FG1). Ultimately, in their workplace, they chose to support women with the applications and pre-court information forms regardless, because without their support these clients would be unable to obtain a family violence intervention order.



Questioning whether family violence case manager were best placed to provide this support was a key discussion point across interviews and focus groups with family violence case managers, as well as family violence lawyers. Most participants believed that as the family violence intervention order application is a legal document, victims/survivors should be supported by professionals with the appropriate legal knowledge and expertise to facilitate the drafting of a strong application, such as lawyers, court registrars, or police. While some case managers also had strong legal knowledge and/or an overlap in skills and legal qualifications, their expertise was in effect masking the issue that this responsibility sits best with legal services and/or court registrars.

*“I have a legal training. Legal background. So I understand the legal language and maybe that's been an advantage for most of the practitioners that I've worked with, that they have the opportunity to call me on the phone and say, 'I'm doing this. This is what the question says, what do I put here'”? (P20-INT3)*

An additional impact of the diffusion of court responsibility was the additional reliance on case managers to rectify deficits in court administrative processes. Practitioners were aware of how the process was and was not working and took steps to ensure that their clients were receiving the right information and support through the application process. This included practitioners sending clients the pre-court information form when the court hadn't contacted them, explaining the information in an accessible way, reminding and supporting victims/survivors to fill out the form, and contacting the court by phone to ensure their clients would be provided with an interpreter and/or legal support on the day of their hearing. In effect, practitioners were minimising the systemic gaps and barriers through their own proactivity. Ultimately, practitioners reported feeling responsible for their clients' safety and the outcome of the family violence intervention order application process, and their dedication contributed to the smooth running of court processes. However, this role relies on workers having the experience and knowledge of court processes and systemic gaps, which workers new to the sector may not have.

#### **4.2.3 Victims/survivors are often refused support from courts, police and family violence services**

Our research showed that victims/survivors are often referred from service to service due to a combination of factors, including confusion around whose responsibility it is to support them through the application and pre-court





information form process; not enough time, knowledge or confidence among practitioners to support them; and practitioners' perception that police applications 'hold more weight' and are less onerous than self-applications.

Research participants reported being refused assistance from various services, including police and their local courts. There was strong evidence from interviews and focus group discussions to suggest that police responses vary greatly. Where there has not been an obvious incident of recent physical violence, victims/survivors are commonly refused assistance by police. Further, there was a concern from practitioners who participated in this research that reliance on police intervention is an inadequate solution to the barriers raised in this report, given that migrant and refugee communities may have additional fears and distrust of police.\* Ultimately, while some practitioners attempted to refer victims/survivors to alternative services or to the courts, this wasn't always successful. The result was that participants were redirected from service to service and frequently refused assistance.

*"I went to the police to report the incident and asked them to make the intervention order for me. You know what? They didn't even make a report. After I finished he said to me, 'Okay, you can go across a door, to the court, fill the application and they are going to do it for you.'" (Emie, INT-3)*

*"If you try to pressure [the court registrar] and say, you know what, we need an intervention order now, and she said, 'Go to the police,'... You go to the police, and police say, 'No, this is not urgent'. You go back to the court." (P1-FG1)*

*"We try to encourage the client to go back to the court registrar and just present and say, 'No, I can't do it. Please help me'. Which again, they're gonna say, 'All right. Do you have a case manager? If you don't have a case manager, there's a great organisation called...' And [then they are sent] back to us." (P2-FG1)*

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\* Research does show that migrant and refugee communities' perceptions of police is often shaped by experiences of over policing and discriminatory policing practices.<sup>6</sup> Specific to family violence, migrant and refugee women also face higher risk of being misidentified as the primary user of violence when engaging with police in the context of family violence.<sup>20</sup> It is indeed possible that these experiences and risks would impact women's willingness to seek support from police surrounding the FVIO application.



## 4.3 Legal and social ramifications of victims/survivors not receiving support from the court

### 4.3.1 Victims/survivors experience increased stress

Reaching out for support is always a significant effort for victims/survivors of family violence, and especially for migrant and refugee women considering their additional challenges and barriers to help-seeking. When victims/survivors recounted being denied help from services, they expressed feeling frustrated, disappointed, and stressed, as well as distressed from having to explain their circumstances multiple times. These adverse interactions not only had immediate implications (i.e. continued safety risk) but may also have longer-term ramifications regarding future help-seeking in the event of continued family violence.

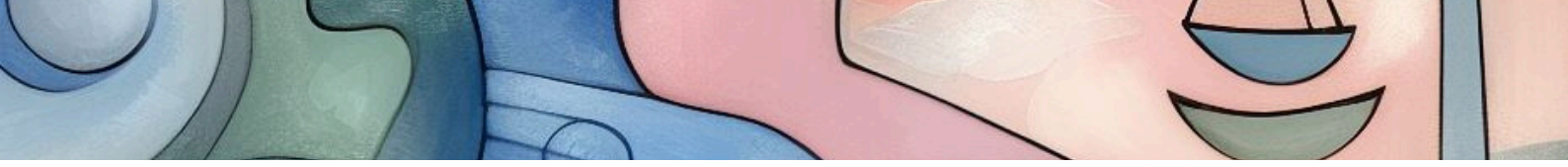
Practitioners expressed strong concern for their clients' safety, mental health and wellbeing. They reported clients feeling overwhelmed by their help-seeking experience, and worried about them being deterred from persevering with an FVIO.

*"Obviously, without any doubt it impacts...It adds to the confusion, it adds to the stress..." (P17-INT1)*

*"... We would be very naïve to say that this won't impact anyone's mental health. We're talking about a woman that already has gone through trauma and she's in a state where she's in crisis... She's high risk, she's got nothing to protect her." (P4-FG1)*

### 4.3.2. Victims/survivors disengage with the process

The cumulation of the issues outlined in this report increases the risk that victims/survivors disengage with the process of applying for a family violence intervention order. Disengagement ultimately puts women's (and their children's) safety at ongoing risk.



*"I think that the most challenging bit is just the, the level of detail that's needed. And the onerousness of having to provide all of that and go through the time-consumingness of completing an application. And then the court process that goes after it as well. It's a huge turnoff for people, to be honest." (P30-INT8)*

*"I have a client who... instead of going [through] all of this process, she said, 'I'm gonna vanish to another state, I'm not going to do [it] anymore.' So she leaves the whole state because of the Magistrates' Courts' tiring process." (P6-FG1)*

The administrative burden of the online application and the difficulties in accessing support were identified by practitioners as key factors for women's potential disengagement with the family violence intervention order process.

*"Somebody who is operating on adrenaline and dealing with trauma gets overwhelmed very easily...Instead of sending all [those emails] and just overwhelming them, and they're going to abandon the process and they won't show up. Not because they don't want the intervention order, [but] because it's too hard. 'I have so much going on for me at this time.'" (P20-INT3)*

*"[With the declaration part] she's got to run and print this form off... sign it, somehow figure out how to scan it, somehow figure out how to send it..." (P3-FG1)*

#### **4.3.3. Victims/survivors are delayed in receiving the protection of a family violence intervention order**

The court's insistence on self-applicants using the online form, combined with the broader lack of available support for migrant and refugee victims/survivors to complete the online form, creates a significant time delay. This directly impacts women's safety, as they do not have the additional protections granted by a family violence intervention order. One of the most notable disadvantages of the online form as raised by practitioners is that



victims/survivors are not accessing interim orders as quickly compared to past experiences of attending court in person.

*"...There was a time when I was not protected you know, and I was very disappointed there because the police refused to help me... I Googled up, I- there was nobody I could reach out to for help. I did not know what to do. Police just refused to help me. And I just went online, read everything... and my English is good... and I lodged one for myself. But there was a time period when nothing was in place. I could have been dead today, you know?" (Chaya, victim/survivor, INT-9)*

*"It is compromising to their safety... In the past, when you lodge an application, on the same day you have a hearing and you know you can get an interim order if it's a necessity. But since they changed it [to] online, you lodge it and [the] client doesn't know whether she has an interim order or not." (P3-FG1)*

Before the commencement of the online application process, when family violence intervention order applications were always completed in person at court, court staff were able to identify high-risk cases and schedule an emergency hearing on the day for an interim order. This meant that a victim/survivor was able to lodge their application, attend a hearing, and leave the court on the same day with an interim order in place that grants extra protections. Multiple practitioners identified that now that clients are being directed to the online form, those experiencing the most serious forms of family violence are disadvantaged due to the differences in processing times between paper and online applications. Moreover, concern was expressed by practitioners that victims/survivors are often not aware that submission of an online family violence intervention order application does not automatically grant them an intervention order, leading them to believe they are protected, when in fact they are not.

#### **4.3.4. Victims/survivors can't access interpreters and remote hearing options**

The structures that prevent a victim/survivor from being able to complete the pre-court information form on their own (or to access the required



assistance to complete the form) result in many of them missing out on supports that should be available to them both before and on the day of the hearing. The primary means for victims/survivors to let the court know that they require an interpreter is through the completion of the pre-court information form. Practitioners in this research emphasised the importance of arranging an interpreter in advance, given that there is a shortage of interpreters for some language groups and that overall, there are not enough interpreters to meet community needs. For this reason, attempting to organise an interpreter on the day of a hearing may result in no interpreter being available. The consequence for victims/survivors is that either the hearing proceeds without one, resulting in victims/survivors being prevented from understanding and/or participating in the proceedings, or that the hearing is rescheduled for a later date. This later date may be months after the application is lodged, during which time the victim/survivor does not have a final order. Both issues can directly impact the timeliness and appropriateness of the order, which in turn affects women's safety and stress levels.

Another issue identified by participants is that by not completing the pre-court information form, victims/survivors may miss out on the option to participate remotely in their upcoming hearing. Victorian Magistrates' Courts now offer victims/survivors the option to participate in hearings online (through WebEx) either at home, or from a safe location (i.e., The Orange Door or from the office of their family violence support worker). To request remote attendance requires the victim/survivor to complete the pre-court information form, which includes a question about whether the victim/survivor would like to attend remotely, which then enables the court to facilitate this (i.e., send a WebEx link and any other important information). As the following practitioner explains:

*"There is a lack of information and communication from the court. So most of the clients, they don't even know that they have to fill that pre-court form. And sometimes even [then] they miss out. If she wants to attend online and she hasn't completed that form, she will miss out and no one will contact her." (P5-FG1)*

Research conducted by NCLC (2024) found that remote hearings are a valued option by victims/survivors, as they minimise the stress and fear of potentially crossing paths with the respondent when physically attending court.<sup>21</sup> Furthermore, remote hearings provide victims/survivors with greater autonomy and control when waiting for their hearing, allowing them to implement self-care strategies to reduce feelings of stress and overwhelm. In turn, this enables greater participation in the proceedings. Not being provided with this option of participation further adds to the disadvantage experienced by migrant and refugee women.



#### 4.3.5 Victims/survivors are prevented from accessing legal support

The pre-court information forms function as a pathway to accessing free pre-court legal advice, as well as free duty lawyer representation on the day of a hearing, which is available to victims/survivors at every court in Victoria. The ability to obtain legal advocacy before or during a hearing significantly impacts legal outcomes for migrant and refugee women. This is particularly important considering the use of legal language (which is inaccessible to many people who are native English speakers, let alone women for whom English is an additional language) and the complex power dynamics and rules of the courtroom which make it challenging for non-represented parties to participate. Access to legal advice before a hearing is likely to increase migrant and refugee victims/survivors' understanding of the proceedings and their subsequent sense of control and safety.

Furthermore, the need for duty lawyer representation is currently greater than there is capacity to provide, which means that duty lawyers may need to triage clients on any given day. For victims/survivors to obtain access to a lawyer, it is imperative that this need be flagged with the court prior to their hearing, so that they can secure this assistance. As one victim/survivor explained in her interview (with an interpreter):

*[Interpreter] "So, the first day that she attended the court, there's no lawyer." (Tloi, victim/survivor, INT-4).*

Lastly, in addition to potentially missing out on access to the free duty lawyer service on the day of a hearing, and pre-hearing legal advice, by not completing the pre-court information form, migrant and refugee victims/survivors are also at risk of missing out on the ERS program. The ERS model is currently only available in a limited number of courts, one of which is Broadmeadows Magistrates' Court, where most participants in this research attended.

The value of this program is that it allows victims/survivors to be connected with a lawyer from their local community legal centre prior to their scheduled hearing. The lawyer can engage in negotiations with the respondent to try and resolve the matter before the court hearing, can explain the court process to the victim/survivor, and can provide advice. When a resolution can be worked out ahead of time, the hearing to finalise an intervention order is substantially quicker. But again, access to this service is dependent on filling out the pre-court information form. For those unable to do so, their legal options are limited, and the risk of going through a more lengthy and stressful process for obtaining the family violence intervention order is heightened.



## 5. Discussion

Bringing together the themes that arose in the data collection and analysis, this research suggests that the current online processes and forms associated with applying for a family violence intervention order exclude migrant and refugee victims/survivors and limit their access to services and support. For victims/survivors who are unable to successfully navigate these processes, they are at risk of “*falling through the cracks*” (P30-INT8) and missing out on critical services to protect their safety and the safety of their children. Ultimately, the online system compounds existing barriers for migrant and refugee victims/survivors, removing their agency and independence in their journey towards safety.

This research found that migrant and refugee victims/survivors of family violence were often unaware what legal protections or services were available to them. Multiple women in this study were first made aware of the existence of family violence intervention orders through police contact (either police attendance at the home, or women attending their local police station). In many instances, police directed victims/survivors to the online form to complete their own application, which victims/survivors found inaccessible due to the online forms being exclusively in English, and with no translated materials or guide to assist users on how to understand and respond to each question. These challenges were compounded by a lack of access to suitably trained interpreters, lack of access to digital devices, and in some cases, limited digital literacy.

Research participants highlighted that our justice system is failing migrant and refugee women by delaying and diverting them from receiving timely legal protection from family violence. Victims/survivors seeking assistance from the police or court were often re-directed back to the online form. Some family violence services were also refusing assistance with legal form filling, as they do not feel adequately skilled to do so, and the time taken diverts workers away from performing other critical social support services. For migrant and refugee women, the need to go from service to service, re-telling their story and being denied the assistance they require, added to heightened stress levels, creating a significant risk of disengagement. It remains unknown how many migrant and refugee women are left without legal protection for these reasons.

For migrant and refugee women who manage to overcome these significant barriers, they must also complete a pre-court information form which is also in English, and this is difficult to locate online. This form enables victims/survivors to inform the court of their needs related to legal representation, interpreters, family violence support, and also provides the option to participate in their hearing remotely using video conferencing software.



Overwhelmingly, participants in this study, including victims/survivors and practitioners, indicate the existence and importance of the pre-court engagement form is not commonly known. While responsibility for disseminating this form currently sits with the relevant court or Victoria Police (where police are the applicants), there is little evidence of a consistent, transparent, and systematic approach to dissemination. Without these crucial supports, refugee and migrant victims/survivors are prevented from any meaningful engagement in their family violence intervention order proceedings, leading to inadequate legal outcomes and further time delays.

The systemic barriers identified in this study have significant consequences for migrant and refugee women's access to justice. Family violence intervention orders are one of the few legal measures that victims/survivors can reach for when experiencing violence and abuse. While family violence intervention orders are an important and central component of the intervention, they exist within a system that often excludes and marginalises people from migrant and refugee backgrounds. With the transition to an online application system, these inequities are amplified.

This research has sought to document and understand how the online application and pre-court information system has been experienced by migrant and refugee victims/survivors, to identify opportunities for improvement. Grounded in the above findings from this research, NCLC and AMWCHR make the following recommendations to facilitate a more equitable system for obtaining family violence intervention orders, especially for migrant and refugee women who are the focus of this study.





## 6. Conclusion

While the Victorian Government has made a significant investment into preventing and responding to family violence, our study highlights that the reforms implemented don't always enhance safety for many migrant and refugee women. Instead, reliance upon online systems as the key access point for obtaining legal protection has created additional systemic barriers for migrant and refugee women, and has the effect of discouraging their participation in the intervention order process. Migrant and refugee women continue to be overlooked as reforms are implemented, compounding the systemic inequality entrenched in the justice system.

Our results demonstrate that the impacts of moving online – upon both migrant and refugee victims/survivors and the practitioners that support them – are significant. Systemic barriers meant that victims/survivors were denied agency during the process of applying for an intervention order. In addition, due to victims/survivors being referred from service to service and denied assistance from police and courts, the responsibility for supporting women to complete their forms often fell on specialist family violence or legal services. This has created capacity constraints, resourcing issues, and increased wait-times for accessing services.

The siloed nature of the community, legal, and justice sector, contributes to shared systemic problems when resourcing is limited and responsibilities are not clearly defined. Consideration should be given for a more sustainable, localised, and integrated approach that responds to the legal, cultural and safety needs of migrant and refugee women.

This research, focused specifically on migrant and refugee women's experiences of the online system in Victoria, is the first of its kind. Our results identify many concerning issues that have been overlooked during the transition to a new system. Fortunately, our findings also highlight ways in which these issues can be addressed, to ensure that all victims/survivors have access to support and legal protections. It is well recognised that migrant and refugee women experience family violence at disproportionate rates, and<sup>4</sup> that systemic barriers significantly contribute to their risk of serious harm. The policy and practice recommendations provided in this report aim to address these barriers, facilitating equitable access to both justice and safety for migrant and refugee women and children.

An illustration at the top of the page shows the lower portions of several faces with different skin tones (blue, green, pink, orange) and expressions, suggesting a multicultural and inclusive theme.

## 7. Findings and recommendations

### **Finding One:**

The online family violence intervention order application form and pre-court information form are only provided in English, and are too long and complicated for migrant and refugee victims/survivors to be able to complete without assistance.

### **Recommendation One:**

The Magistrates' Court of Victoria (MCV) implements processes for routine review of the family violence intervention order application form and pre-court information form to ensure that:

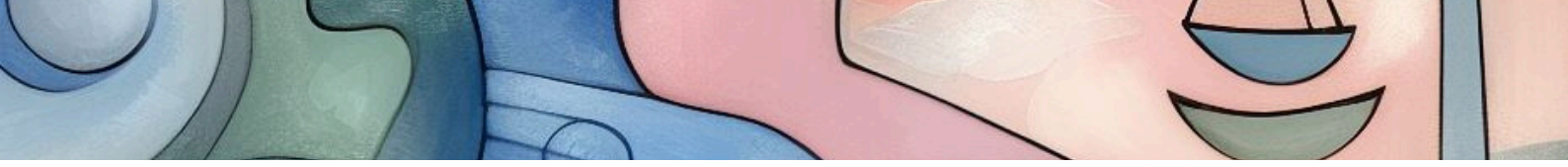
- a) They are accessible for those who speak English as an additional language, or who solely speak languages other than English;
- b) Language guides are provided to assist users in understanding legal terminology;
- c) There are no discrepancies between the paper and online forms; and
- d) The interface is user-friendly.

### **Finding Two:**

There are inconsistent practices regarding the dissemination of the pre-court information form.

### **Recommendation Two:**

- a) In recognition of the significant level of information cross-over that exists between the pre-court information form and the family violence intervention order application form, the application form is revised to contain the pre-court information form questions, saving the need for a second form prior to the first hearing. A standalone pre-court information form is to be provided before hearings thereafter.
- b) The MCV is transparent about the dissemination process for the pre-court information form, and information about this dissemination process is made readily available online.

**Finding Three:**

Some Magistrates' Courts are refusing to offer and/or assist victims/survivors with a paper-based or online application form when they show up to the courthouse for help. Registrars are sometimes reluctant to book an appointment for a victim/survivor who requires an interpreter, because this may mean the appointment goes for longer than the allocated time.

**Recommendation Three:**

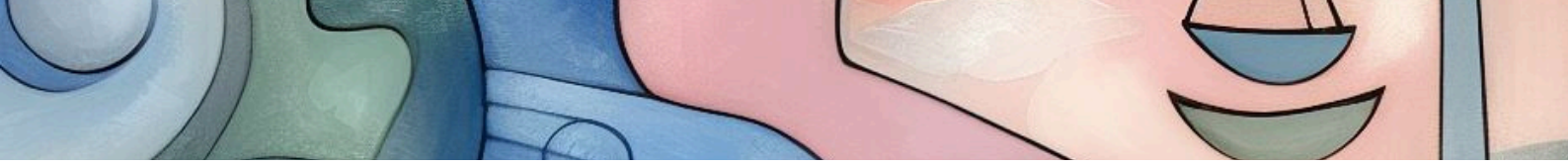
The MCV resumes responsibility for providing information and support throughout the family violence intervention order application process. Magistrates' Courts are to offer all victims/survivors seeking a family violence intervention order the option to complete a paper-based or online application at court with the assistance of a registrar. Longer appointment slots are to be made available for victims/survivors who require an interpreter.

**Finding Four:**

The responsibility for assisting migrant and refugee victims/survivors to complete FVIO applications has shifted from the courts and police to the community sector. This is placing extra strain on time-poor family violence case workers and lawyers, and potentially compromising the quality of support available to victims/survivors as they navigate the application process.

**Recommendation Four:**

The family violence and legal sector receives additional funding to ensure it has the resources and capability to provide integrated and culturally responsive support to victims/survivors applying for family violence intervention orders.

**Finding Five:**

There is concern about the quality of the interpreter services available when victims/survivors need online forms translated into their own language. Interpreters have been reported to incorrectly translate information, and are not always adequately trained to assist with family violence issues and legal documents.

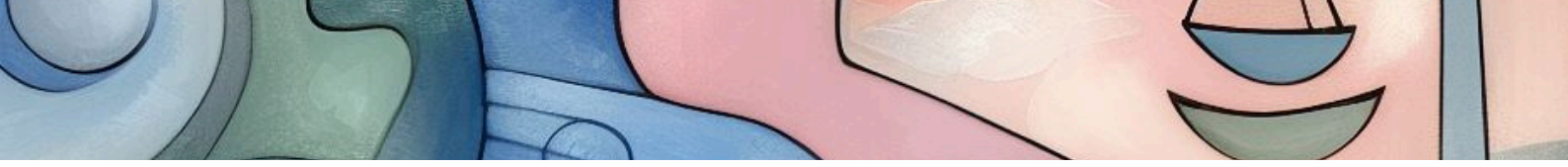
**Recommendation Five:**

There is investment in reviewing the quality of interpreter services and accessibility for migrant and refugee victims/survivors who require court assistance when completing a family violence intervention order application.



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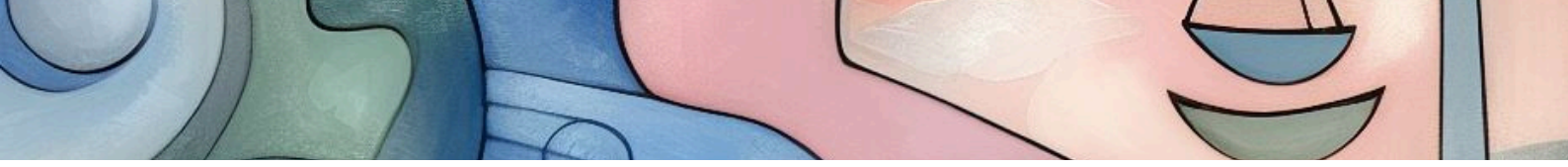


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A colorful illustration at the top of the page shows the lower portions of several diverse human faces. The colors include shades of blue, green, pink, and orange, representing different ethnicities and ages. The style is stylized and modern.

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# Appendix A

## Interview questions – Affected Family Members

### Demographic Information

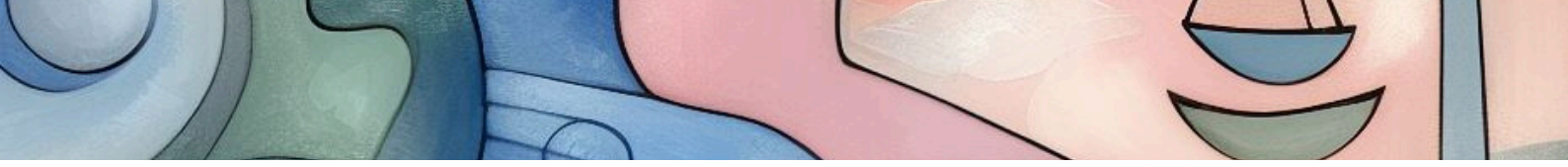
1. Age
2. Gender
3. Country of birth
4. Arrival in Australia
5. First language
6. English reading & writing proficiency
7. Family structure (i.e. children, extended family, etc.)
8. Is this the first time you have applied for an Intervention Order online?
9. If no, when did you previously apply, and was it online or paper-based? (If paper-based, come back to this for comparison questions at no. 21)

### The decision to do an online FVIO application

1. How did you know about this option/how did you know you could apply online?
2. Did you know that you could make an appointment to complete the forms at Court?
3. Did you know how to get support from the Court if you wanted to?

### Help/support

1. Did you seek help when you made the online application? (Who helped you – people/organisations)
2. What prompted you to ask for help from X?
3. Were they able to help you? How did they do this?
4. How long did it take for you to complete the form? How many times did you try?
5. How well did you understand the questions on the form, and what was required to answer them?
6. Thinking about your experience of making the online application, can you describe what, if any, parts of the form were difficult?
7. Were there any aspects of the form that were easy/good?
8. How did your experience completing the online form compare to your experiences with the paper form? (What was the same, what was different, which was better?)
9. Once you completed the form, what happened next? Did you get a confirmation email, did anyone contact you, etc.?



### **Pre-court information form**

1. How did you find out that you needed to fill in this form before attending court?
2. Did you require support when filling in the form? (who helped you?)
3. Did you have the same problems as the FVIO application or were there other problems with this form?

### **Future-thinking**

1. If you needed another intervention order in the future, would you use the online form again?
2. What would you do the same, what would you do differently?
3. How do you think the forms and/or process could be improved? What would you change?
4. What advice would you give for other women going through this process?
5. Is there anything else you would like to tell me about your experience, or any questions you would like to ask me?



## Appendix B

### Focus Group Questions

*Thank you for coming and participating in this focus group. Just to remind you it's **voluntary** and **confidential** and you can leave at any time. With your permission, we are recording this discussion for the purposes of transcription. **We will ask you about** your understandings, views, and experiences of working with culturally and linguistically diverse women who have applied for a family violence intervention order, and the barriers associated with completing online forms. Can we start by asking each of you to **identify yourself** by name only for the tape.*

1. Tell us about your role and how long you have been working with victim-survivors of FV?
2. From your work with clients, what are some of the issues with the online forms that you have become aware of?
3. What impact do these barriers for clients have on your work?
4. Are there other issues related to the online forms that we haven't discussed yet?
5. What changes would you recommend to improve the online forms involved with a FVIO matter?
6. Are there other improvements that you think the Courts could make improve CALD women's experiences when applying for a FVIO?
7. Is there anything you would like to add/that you think the research project needs to be aware of?

Thank you.