

Country and target area of study	NSW, Australia. Victims Services, Department of Justice
Your name and title	Denise Fallon, Acting Commissioner of Victims Rights
Reporting date	22 January 2018

Note: Many of the questions raised in this document relate to matters which are outside the scope of work completed by Victims Services. We have done our best to respond to the questions, however, the responses here only reflect our basic understanding of the processes, procedures and requirements.

<p>I. Outline of the legal protection for domestic violence victims and their children</p> <p>※ Including the legal definition of domestic violence in your target area of study</p> <p>※ Including names of laws or regulations</p>	
	<p>Under section 11 of the <i>Crimes (Domestic And Personal Violence) Act 2007</i> (NSW) a domestic violence offence is defined as an offence committed by a person against another person with whom the person who commits the offence has (or has had) a domestic relationship, being:</p> <p style="padding-left: 40px;">(a) a personal violence offence, or</p> <p style="padding-left: 40px;">(b) an offence (other than a personal violence offence) that arises from substantially the same circumstances as those from which a personal violence offence has arisen, or</p> <p style="padding-left: 40px;">(c) an offence (other than a personal violence offence) the commission of which is intended to coerce or control the person against whom it is committed or to cause that person to be intimidated or fearful (or both).</p> <p>(2) In this section, "offence" includes an offence under the <i>Criminal Code Act 1995</i> of the Commonwealth.</p>

A Domestic relationship includes family members. Under section 5 of the *Crimes (Domestic And Personal Violence) Act 2007* (NSW) a person has a "domestic relationship" with another person if the person:

- (a) is or has been married to the other person, or
- (b) is or has been a de facto partner of that other person, or
- (c) has or has had an intimate personal relationship with the other person, whether or not the intimate relationship involves or has involved a relationship of a sexual nature, or
- (d) is living or has lived in the same household as the other person, or
- (e) is living or has lived as a long-term resident in the same residential facility as the other person and at the same time as the other person (not being a facility that is a correctional centre within the meaning of the *Crimes (Administration of Sentences) Act 1999* or a detention centre within the meaning of *the Children (Detention Centres) Act 1987*, or
- (f) has or has had a relationship involving his or her dependence on the ongoing paid or unpaid care of the other person, or
- (g) is or has been a relative of the other person, or
- (h) in the case of an Aboriginal person or a Torres Strait Islander, is or has been part of the extended family or kin of the other person according to the Indigenous kinship system of the person's culture.

Note: "De facto partner" is defined in section 21C of the *Interpretation Act 1987*.

(2) Two persons also have a "domestic relationship" with each other for the purposes of this Act if they have both had a domestic relationship of a kind set out in subsection (1) (a), (b) or (c) with the same person.

Note: A woman's ex-partner and current partner would therefore have a domestic relationship with each other for the purposes of this Act even if they had never met.

Section 4AB (1) of the *Family Law Act 1975* (Cth) defines family violence as violent, threatening or other behaviour by a person that coerces or controls a member of the person's family (the family member), or causes the family member to be fearful.

	<p>Other relevant legislation includes:</p> <ul style="list-style-type: none"> • <i>Crimes Act 1900</i> (NSW) • <i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW) • <i>Children and Young Persons (Care and Protection) Amendment (Parental Responsibility Contracts) Act 2006</i> (NSW) • <i>Children and Young Persons (Care and Protection) Amendment Bill 2009</i>
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<p>II. Protection for domestic violence victims in case of emergency</p>	
<p>1 Emergency shelters for protecting domestic violence victims and their children</p>	
<p>(1) Outline</p> <p>(2) Names of shelters in your target area of study, contact information, how to apply for their support (please give names of 3 shelters)</p> <p>(3) Requirements for receiving their assistances (for each shelter picked up in item(2))</p> <p>(4) Programs and services (for each shelter picked up in item(2))</p>	<p>(1) There are many refuges for victims of domestic and family violence across NSW most of which are targeted for women and children trying to escape domestic violence. The location of many of these refuges is confidential to protect those at the shelter and they are primarily accessed through referrals from police, Safer Pathway, or from crisis hotlines. Information about different support services including crisis accommodation can also be found through the ‘ask Izzy’ website. The Department of Family and Community Services provides Domestic Violence Line which is a statewide free-call number which provides telephone counselling, information, and referrals for women and same-sex partners who are experiencing or have experienced domestic violence. It is available 24 hours, seven days a week. The Domestic Violence Line makes referrals to women's refuges and explains what they are and what they do. It also makes referrals to family support services, counselling, the police and courts, lawyers and hospitals. It helps with transport, emergency accommodation and other relevant support. Link2Home is another initiative of the Department of Family and Community Services which</p>

<p>(5) Treatment for victims who are immigrants/foreigners (including assistance of interpreter, etc.) (for each shelter picked up in item(2))</p> <p>(6) Any other useful information related to shelters</p>	<p>provides an information and referral telephone service for people who are homeless or at risk of becoming homeless across NSW.</p> <p>(2-5) The shelters listed here are selected only as examples of services available in NSW. They do not indicate endorsement or preference from Victims Services for any particular service:</p> <ol style="list-style-type: none"> I. 'Womens Community Shelters' has information about a number of their shelters available on their website. They can be contacted through their website. Women's Community Shelters works with communities to provide short term (up to 3 months) emergency accommodation and support in a safe, comfortable and secure environment. Some of these shelters also provide assistance to access support with finances, employment, education, health care, legal advice, and permanent accommodation. No specific information for culturally and linguistically diverse clients is advertised. II. Evolve Housing, Emergency Accommodation Provides temporary accommodation for up to three months for people with urgent housing needs including those affected by domestic violence. To access this service you must be an Australian citizen or permanent resident and homeless or at risk of homelessness. No specific information for culturally and linguistically diverse clients is advertised. III. Linking hearts is a program funded by the NSW Department of Family and Community Services to provide families from culturally and linguistically diverse backgrounds with safe and supported crisis and transitional accommodation. The service provides culturally-appropriate services for individuals at risk of homelessness, including women and children escaping domestic and family violence and refugees requiring crisis care accommodation. <p>(6) Whilst many of these centres do not specifically list services for clients requiring the assistance of an interpreter Multicultural NSW Language Services provides comprehensive interpreting and translation services in 104 languages and dialects, including Auslan (Australian sign language). Face-to-face interpreting services are available 24 hours a day, seven days a week. The Telephone and Interpreting Service (TIS) is a national service providing immediate phone interpreting and pre-booked phone interpreting. The contact number is 131 450 and services are available 24 hours.</p>
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2 Handling of abusers by the police	
<p>(1) Outline</p> <p>(2) Names of police in your target area, contact information, how to contact, etc.</p> <p>(3) Police procedures when they are notified of domestic violence</p> <p>(4) Police procedures when they were notified that restraining order or any other orders are not followed by abusers</p> <p>(5) Treatment for victims who are immigrants/foreigners (including assistance of interpreter, etc.)</p> <p>(6) Any other useful information related to the handling of abusers by the police</p>	<p>(1) The NSW Police Force works with the community to reduce violence, crime and fear in NSW.</p> <p>(2) The NSW Police Force can be contacted on 131 444 for non-emergency services, or on the emergency services line Triple Zero (000) in emergencies. Information about a crime or suspected crime can also be reported to Crime Stoppers on 1800 333 000. Local police stations know as Local Area Commands are available in most areas which victims can visit to make contact with the police.</p> <p>(3) The Code of practice for the NSW Police Force Response to Domestic and Family Violence outlines the police response to domestic and family violence. The Local Area Command (LAC) is responsible for responding to reports of domestic and family violence within the community. If a report of domestic and family violence is made police will attend the scene and the location and investigate the matter. Police will obtain as much information as possible, assess risks and threat, seek medical assistance where required, record the incident on the Computerised Operational Policing System (COPS). Police officers may also initiate an Apprehended Violence Order (AVO) application on behalf of the victim and family members who are in need of protection.</p> <p>On arriving at the scene police should:</p> <ul style="list-style-type: none"> • ensure the safety and welfare of persons present • gain safe entry to the premises if necessary • locate any children and witnesses • detect any offences committed, including the breach of any court order • identify and apprehend offenders • preserve the scene and collect physical evidence <p>They will also assess the risks and threats using the Domestic Violence Safety Assessment Tool (DVSAT) which was developed as part of the Safer Pathway initiative to better and more consistently identify the level of domestic violence threat to victims. A victim identified as at threat or at serious threat will be referred to the state-wide Central Referral Point. When the Central Referral Point receives the</p>

	<p>information, the case will be allocated to the nearest Local Coordination Point. A domestic and family violence worker from the Local Coordination Point will then contact the victim and focus on their safety. They will explain the process and refer them to any other services they may need. Victims identified as being at serious threat will be referred to a Safety Action Meeting. A Safety Action Meeting will involve government and non-government service providers who will share the information needed to develop a plan to keep the victim and their children safe.</p> <p>The police should also provide all victims with a 'victims card' lists contact information for relevant services that can assist them.</p> <p>LAC's may also have a Domestic Violence Liaison Officer (DVLO). DVLOS's have specialised knowledge and skills for supporting victims of domestic and family violence. These officers will provide support to other police including information on relevant local services and follow-up support for the victims.</p> <p>(4) AVOs are applied for and made under <i>the Crimes (Domestic and Personal Violence) Act 2007</i>. An AVO is defined by the Act and includes an apprehended domestic violence order (ADVO) or an apprehended personal violence order (APVO). Breaching an AVO is a criminal offence. If police receive a report that an AVO has been breached then they will investigate the alleged breach. If they locate an alleged offender at a location in breach of the AVO then Police have the power to arrest them.</p> <p>(5) Under Section 6 of the <i>Victims Rights And Support Act 2013</i> (NSW) all victims have a right to be treated with courtesy, compassion, cultural sensitivity and respect for the victim's rights and dignity. They also have a right to be informed of services and remedies available to them and to have access to welfare, health, counselling and legal assistance responsive to the victim's needs. The police have a duty to uphold these rights regardless of a victims culture, language or nationality. Multicultural NSW Language Services often assist police by providing a comprehensive interpreting and translation services in 104 languages and dialects, including Auslan (Australian sign language). Face-to-face interpreting services are available 24 hours a day, seven days a week.</p> <p>(6) n/a</p>
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<p>3 Support for domestic violence victims by the police</p>	
<p>(1) Outline</p> <p>(2) Contents of the support for victims offered by the police</p> <p>(3) How to obtain a copy of bill of complaints or reports at the police</p> <p>(4) Treatment for victims who are immigrants/foreigners (including assistance of interpreter, etc.)</p> <p>(5) Any other useful information related to support for victims offered by the police</p>	<p>(1) The NSW Police Force Support Victims of Domestic violence by ensuring their safety, investigating alleged acts of violence, providing them with information and access to services.</p> <p>(2) Support for victims offered by police are as follows:</p> <ul style="list-style-type: none"> • Police will take all reports of domestic violence seriously. • Police will attend the scene if a report of domestic violence at a particular location is made. • Police will investigate whether a criminal offence has occurred and if appropriate they will initiate an Apprehended Violence Order (AVO) application on behalf of the victim and family members who are in need of protection. • At the scene of a domestic violence incident Police will assess the risks and threats to the victim using the Domestic Violence Safety Assessment Tool (DVSAT) as part of the Safer Pathway initiative. A victim identified as at threat or at serious threat will be referred to the state-wide Central Referral Point. When the Central Referral Point receives the information, the case will be allocated to the nearest Local Coordination Point. A domestic and family violence worker from the Local Coordination Point will then contact the victim and focus on their safety. They will explain the process and refer them to any other services they may need. Victims identified as being at serious threat will be referred to a Safety Action Meeting. A Safety Action Meeting will involve government and non-government service providers who will share the information needed to develop a plan to keep the victim and their children safe. • Police will refer all victims to relevant support services in the area • The DVLO will liaise with support agencies or services to ensure follow-up with the victims occurs. • The DVLO will also assist victims through the court process for AVOs • The police will uphold the rights of the victim stated in Section 6 of the <i>Victims Rights and Support Act 2013</i> (NSW). <p>(3) Under section 6 of the <i>Victims Rights and Support Act 2013</i> (NSW) victims have a right to</p>

	<p>information about prosecution of accused. The Charter of Victims Rights states that a victim will be informed in a timely manner of the following:</p> <ul style="list-style-type: none"> (a) the charges laid against the accused or the reasons for not laying charges, (b) any decision of the prosecution to modify or not to proceed with charges laid against the accused, including any decision to accept a plea of guilty by the accused to a less serious charge in return for a full discharge with respect to the other charges, (c) the date and place of hearing of any charge laid against the accused, (d) the outcome of the criminal proceedings against the accused (including proceedings on appeal) and the sentence (if any) imposed. <p>A victim will usually be provided with a copy of a formal statement they have made to police and they can also request a copy. Other information regarding an incident is not publically available however it can be requested through Subpoenas or under <i>Government Information (Public Access) Act 2009</i> or other relevant legislation. These requests are managed by the External Information Access Unit.</p> <p>(4) See section 2 response 5. (5) n/a</p>
<p>4 Any other information related to protection for domestic violence victims in case of emergency</p>	
	<p>Police are mandatory reporters which means if a child is considered at risk of harm from abuse or neglect then they will contact the Child Protection Helpline on 132 111. The Child Protection Helpline is a 24 hours a day, 7 days a week, statewide call centre staffed by professionally qualified caseworkers to receive and screen all reports.</p> <p>Emergency medical attention will be sought for victims when required.</p>

<p>III. Independence support for domestic violence victims</p>	
<p>1 Medical insurance system</p>	
<p>(1) Outline</p> <p>(2) Names of organizations in charge, contact information, how to apply for medical insurance in your target area of study</p> <p>(3) Requirements for application</p> <p>(4) Treatment for victims who are immigrants/foreigners</p> <p>(5) Any other useful information related to medical insurance</p>	<p>(1-2) Australia has a national health care scheme called Medicare. Medicare supports access to:</p> <ul style="list-style-type: none"> • a range of medical services for free or at a lower cost including: <ul style="list-style-type: none"> ○ doctors ○ specialists ○ optometrists, and ○ at times, dentists and other allied health professionals • lower cost prescriptions, and • free care as a public patient in a public hospital <p>(3-4) To be eligible for Medicare you must be either:</p> <ul style="list-style-type: none"> • an Australian citizen • a New Zealand citizen • an Australian permanent resident • applying for permanent residency - conditions apply • covered by a Ministerial Order, or • a Resident Return visa holder <p>You may also get a Medicare card if you're visiting from a Reciprocal Health Care Agreement country.</p> <p>Information about accessing Medicare can be found here.</p> <p>Information about options for claiming Medicare can be found here.</p> <p>(6) Many companies also offer private health insurance in NSW and eligibility for these will be dependent on each provider. Victims Services can also provide assistance through the victims</p>

	<p>support scheme. Victims of domestic violence or family can put in an application for financial assistance with medical expenses.</p> <p>To be eligible for this assistance the must be a primary victim of an act of violence which occurred in NSW. In some cases the parent of a child who was a victim can make the claim. To apply the victims must complete an application form and provide:</p> <ul style="list-style-type: none"> • A report from police or government agency • Evidence of injury • Evidence of expenses you are claiming (eg. quotes, invoices or receipts) • In some cases further information may be required <p>The application must be made within two years of the act of violence or within two years of the victim turning 18.</p>
<p>2 Living expense support</p>	
<p>(1) Outline</p> <p>(2) Names of organizations in charge, contact information, how to apply for the support in your target area of study</p> <p>(3) Requirements for application</p> <p>(4) Contents of their support</p> <p>(5) Treatment for victims who are immigrants/foreigners</p> <p>(6) Any other useful information related to the living expense support</p>	<p>Under the victims support scheme victims of domestic or family violence can put in an application for financial assistance for immediate needs, eg. rent assistance, furniture, childcare relocation costs, or safety measures such as security screens or change of locks and this is capped at \$5,000. There is also another pillar of support related to economic loss capped at \$30,000 for medical expenses, loss of earnings, justice related expenses and loss or damage to personal belongings.</p> <p>There is no requirement for the applicant to be an Australian citizen however strict evidentiary requirements are found under s39 of the Victims Rights and Support Act 2013. To access different pillars of support different evidentiary requirements are necessary including a report must be made to the police or a government agency and there must be evidence of an injury either psychological or physical.</p>

3 Childcare support	
<p>(1) Outline</p> <p>(2) Names of organizations in charge, contact information, how to apply for the support in your target area of study</p> <p>(3) Requirements for application</p> <p>(4) Contents of their support</p> <p>(5) Treatment for victims who are immigrants/foreigners</p> <p>(6) Any other useful information related to childcare support</p>	<p>Under the victims support scheme victims of domestic or family violence can put in an application for financial assistance for immediate needs, eg. rent assistance, furniture, childcare relocation costs, or safety measures such as security screens or change of locks and this is capped at \$5,000. There is also another pillar of support related to economic loss capped at \$30,000 for medical expenses, loss of earnings, justice related expenses and loss or damage to personal belongings.</p> <p>There is no requirement for the applicant to be an Australian citizen however strict evidentiary requirements are found under s39 of the Victims Rights and Support Act 2013. To access different pillars of support different evidentiary requirements are necessary including a report must be made to the police or a government agency and there must be evidence of an injury either psychological or physical.</p> <p>Other options for child care support are not specific to victims of violent crime. The Federal government also provides a 'Child Care Benefit' which is a payment to help with the cost of day care, outside school hours care, vacation care, pre-school and kindergarten. From July 2018 a new Child Care Subsidy will take effect. This will replace the Child Care Benefit (CCB) and Child Care Rebate (CCR) with a single, means-tested subsidy. Some basic requirements must be satisfied for an individual to be eligible to receive Child Care Subsidy for a child. These include:</p> <ul style="list-style-type: none"> • the age of the child (must be 13 or under and not attending secondary school) • the child meeting immunisation requirements • the individual, or their partner, meets the residency requirements. <p>In addition, to be eligible for Child Care Subsidy the individual must be liable to pay for care provided, the care must be delivered in Australia by an approved child care provider, and not be part of a compulsory education program.</p>
4 Housing support	
(1) Outline	<p>In addition to the emergency shelters addressed previously there are a range of housing assistance options available through the Department of Family and Community Services, including:</p>

<p>(2) Names of organizations in charge, contact information, how to apply for the support in your target area of study</p> <p>(3) Requirements for application</p> <p>(4) Contents of their support</p> <p>(5) Treatment for victims who are immigrants/foreigners</p> <p>(6) Any other useful information related to the housing support</p>	<ul style="list-style-type: none"> • Private rental assistance products • Private rental subsidies • Temporary accommodation • Emergency temporary accommodation • Supported and crisis accommodation • Affordable housing • Social housing. <p>Contact information regarding housing services can be found here.</p> <p>Private rental subsidies help those at risk due to domestic violence to access affordable private rental accommodation.</p> <p>Most housing assistance products require clients to be a citizen or have permanent residency in Australia, and be a resident of New South Wales (NSW).</p> <p>The Department of Family and Community Services program 'Staying Home, Leaving Violence' aims to prevent homelessness by working with NSW Police to remove the perpetrator from the family home so that women and children can remain safely where they are. It also provides a range of support for victims such as safety planning, improving home security, assistance in managing finances, and support for children and helping women throughout the legal process.</p>
<p>5 Employment support and vocational training</p>	
<p>(1) Outline</p> <p>(2) Names of organizations in charge, contact information, how to apply for the support in your target area of study</p> <p>(3) Requirements for application</p> <p>(4) Contents of their support</p>	<p>Training Services NSW in the NSW Department of Industry is responsible for government-funded vocational education and training (VET) in NSW. Training Services NSW is responsible for the implementation of funded programs, including Smart and Skilled, apprenticeships and traineeships and adult and community education.</p> <p>The Refugee Support Initiatives are designed to support refugees through access to fee-free training under Smart and Skilled and provide employment support aimed at maximising their contribution to our State through achieving long-term skilled employment.</p>

<p>(5) Treatment for victims who are immigrants/foreigners</p> <p>(6) Any other useful information employment support and vocational training</p>	<p>The 'ask Izzy' website also provides information on access to education and training providers in particular areas.</p>
<p>6 Visas</p>	
<p>(1) Measures to help victims apply for visas or renew the period of stay in your target area of study when the victims who are immigrants/foreigners cannot expect assistance from abusers (including special visa issued for domestic violence victims, etc.)</p> <p>(2) How to apply</p> <p>(3) Any other useful information related to visas</p>	<p>The <i>Migration Act 1958</i> (Cth) allows that if the relationship breaks down due to domestic or family violence, and the victim has come to Australia on a temporary partner (or spousal) visa, they can apply for permanent residency.</p> <p>The Immigration Advice and Rights Centre Inc provide free immigration advice and representation to refugees and financially disadvantaged immigrants in New South Wales.</p> <p>Immigrant Women's Speakout Association is the peak advocacy, information, referral and research body representing immigrant and refugee women in NSW.</p> <p>Legal Aid NSW is also available to help people with their legal problems. They have a specialized Domestic Violence Unit which can help with immigration issues where a relationship has broken down because of domestic and family violence.</p> <p>More information about visa status for people experiencing domestic or family violence can be found here.</p> <p>One of a range of non-government services that support refugees is the Asylum Seeker Centre. Information can be found here.</p>
<p>7 Support provided by domestic violence victim support centers/social agencies</p>	
<p>(1) Outline</p> <p>(2) Names of organizations in charge, contact information, how to apply for the support in</p>	<p>There are a large number of agencies involved in providing support to victims of domestic and family violence.</p> <p>Victims Services can provide support through the Victims Support Scheme which provides a</p>

<p>your target area of study (please give names of 3 organizations)</p> <p>(3) Requirements for receiving their assistances (for each organization picked up in item (2))</p> <p>(4) Programs and services (for each organization picked up in item (2))</p> <p>(5) Treatment for victims who are immigrants/foreigners (including assistance of interpreter, etc.) (for each organization picked up in item (2))</p> <p>(6) Any other useful information related to domestic violence victim support centers/social agencies</p>	<p>package of care to support and assist victims. We provide information, referrals to other services and ongoing advice to help negotiate the criminal justice and human services systems. A victims package of care will probably include some or all of the following five types of assistance:</p> <ul style="list-style-type: none"> • Information and support • Counselling • Financial support for immediate needs • Financial support for economic loss • Recognition payment • Financial assistance and access to counselling. <p>Victims Services provides the Approved Counselling Service (ACS) which gives free individual counselling to people who have become victims of violent crime that occurred in NSW. The ACS is available to family members of homicide victims, people who are in violent relationships and people who have experienced recent or past violence. It is not necessary for a victim to report the violence to another person or agency. Counselling is provided on a short-term basis of up to 22 hours, with a clear focus on rehabilitation.</p> <p>The NSW government also facilitates the Safer Pathway program of support. Safer Pathway is a streamlined and integrated approach to safety assessment, referrals and service coordination for victims of domestic violence. A victim identified as at threat or at serious threat by Police using the DVSAT toll will be referred to the state-wide Central Referral Point. When the Central Referral Point receives the information, the case will be allocated to the nearest Local Coordination Point. A domestic and family violence worker from the Local Coordination Point will then contact the victim and focus on their safety. They will explain the process and refer them to any other services they may need. Victims identified as being at serious threat will be referred to a Safety Action Meeting. A Safety Action Meeting will involve government and non-government service providers who will share the information needed to develop a plan to keep the victim and their children safe.</p> <p>Legal Aid NSW Domestic Violence Unit provides assistance with legal matters.</p> <p>Legal Aid NSW funds 29 Women's Domestic Violence Court Advocacy Services through the Women's Domestic Violence Court Advocacy Program (WDVCAP). The aim of the WDVCAP is to</p>
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	<p>assist women and children experiencing domestic violence to obtain legal protection through an Apprehended Domestic Violence Order (ADVO).</p> <p>The aim of the WDV CAP is to provide a holistic service which:</p> <ul style="list-style-type: none"> • assists women and children who have experienced or who are experiencing domestic violence to obtain effective legal protection from NSW Local Courts through applications for Apprehended Domestic Violence Orders (ADVOs); • facilitates their access to a network of professional services that can assist them with their other legal and social/welfare needs; and • through partnerships established through the Service assists in building the capacity of local services to respond effectively to domestic violence. <p>The Department of Family and Community Services supports victims of family and domestic violence through child protection measures, housing support, and the Domestic Violence Line.</p> <p>National support agencies include services such as 1880RESPECT which is funded by the Australian Government's Department of Social Services to provide support for:</p> <ul style="list-style-type: none"> • People experiencing, or at risk of experiencing, sexual assault, domestic or family violence • Their friends and family • Workers and professionals supporting someone experiencing, or at risk of experiencing sexual assault, domestic or family violence <p>1880RESPECT provides a counselling, information and referral service for all Australians, including:</p> <ul style="list-style-type: none"> • People who don't speak English • People who find it easier to speak through an interpreter or translator • People who are blind or vision impaired • People who are deaf or hearing impaired • People who don't speak or have difficulty with speech <p>The National Translating and Interpreting Service can provide help for non-English speakers.</p>
8 Any other information related to independence support	

	Information about a number of domestic violence support agencies can be found on the White Ribbon website .
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IV. Legal process regarding domestic violence	
1 Protective measures for domestic violence victims ※ Including orders that prohibits the abuser from approaching the victim, and victim's children or relatives, an order that obliges the abuser to vacate the residence shared as the main home with the victim, etc.	
(1) Outline (please specify your target area of study) (2) Necessary time to obtain the orders (3) Term of validity of the orders (4) How to start legal process (5) Whether appointing a lawyer is mandatory or not (6) Useful information for victims who are immigrants/foreigners	<p>An Apprehended Violence Order (AVO) is an order to protect victims of domestic violence when they are fearful of future violence or threats to their safety. They are sometimes called restraining orders or protection orders. There are two types of AVOs:</p> <ul style="list-style-type: none"> • Apprehended Domestic Violence Order (ADVO): this is made where the people involved are related or have had a domestic or intimate relationship. Women's Domestic Violence Court Advocacy Services are funded to assist women in ADVO matters. • Apprehended Personal Violence Order (APVO): this is made where the people involved are not related or do not have a domestic or intimate relationship, for example, they are neighbours, or where a person is being stalked or intimidated by someone. <p>An AVO is not a criminal charge. It is an order to provide protection. An AVO sets out restrictions on the other person's behaviour, so that a victim and their children can feel safe.</p> <p>And application for an AVO can be made by victims themselves or by Police. If an individual is making an application they can do so through their Local Court or through their lawyer. Having a lawyer is not mandatory. The Women's Domestic Violence Court Advocacy Service can arrange legal advice for women applying for</p>

<p>(7) Any other useful information related to protective measures for victims</p>	<p>an AVO. When an application for an AVO is made a court date will be set. The application will be served on the defendant by police.</p> <p>If the police have applied for an Apprehended Violence Order on the victims behalf, they do not need a lawyer as the Police Prosecutor will present the matter in court. If they have applied for an Apprehended Violence Order themselves through the Local Court then it is recommended but not mandatory that they have a lawyer to represent them however they can represent themselves.</p> <p>The term of the AVO will be decided when the AVO is granted in court. Before the specified period ends an individual can apply for an extension of the Order, as long as they still have a reasonable fear of the defendant.</p>
<p>2 Possible countermeasures expected to be taken by the abuser when a victim takes protective measures described in 1</p> <p>※ Including an appeal against the orders described in 1, filing a petition for a no contact order, lodging a complaint against the victim on the ground that the victim also used violence on the abuser, etc.</p>	
<p>(1) Outline (please specify your target area of study)</p> <p>(2) Term of validity of the countermeasures</p> <p>(3) Measures that can be taken by the victim against the countermeasures by the abuser</p> <p>(4) Useful information for victims who are immigrants/foreigners</p> <p>(5) Any other useful information related to</p>	<p>A defendant can respond to an application for an AVO. They can:</p> <ul style="list-style-type: none"> • ask for more time to get legal advice, and the case may be adjourned • consent (agree) to the AVO without admitting the allegations and a final AVO will be made • offer to give an undertaking (formal promise) to the court to stop the behaviour causing the protected person to feel fear and the applicant may withdraw their application • not consent (agree) to the AVO and the case may be listed for hearing and orders may be made for statements to be filed. <p>If a Final AVO is made, then the protected person will be protected by the AVO. The individual the AVO is against may be able to appeal the decision to the District Court within 28 days. If they did not go to the hearing, they may be able to apply for an annulment.</p>

countermeasures to be taken by abusers	
3 Legal process for claiming living expense to the abuser	
<p>(1) Outline (please specify your target area of area)</p> <p>(2) Necessary time to obtain the orders</p> <p>(3) Term of validity of the orders</p> <p>(4) How to start legal process</p> <p>(5) Whether appointing a lawyer is mandatory or not</p> <p>(6) Useful information for victims who are immigrants/foreigners</p> <p>(7) Any other useful information related to measures for claiming living expense to the abuser(including administrative measures to claim living expense to the abuser)</p>	<p>Victims Services can provide a victim financial assistance for expenses related to domestic and family violence in NSW.</p> <p>If a person is convicted of the offence that led to the victim's injury, restitution action may be taken by Victims Services to recover that money from the offender. The convicted offender may be ordered to repay all or some of the victims support payments paid by the Fund to the victim. This is to make sure that offenders contribute to the assistance of their victims.</p> <p>Courts may also order defendants to pay compensation or "retribution" directly to victims as part of their penalty.</p>
4 Divorce process involving domestic violence victim	
(1) Outline (please specify your target area of study)	(1) Divorce in Australia is covered under national legislation. Section 48 of the <i>Family Law Act 1975</i> (cth) states that divorce will be made on the grounds that the marriage has broken down irretrievably. Divorce will only be granted if the court is satisfied that the parties have been separated for a

<p>(2) General trend of the legal decision about child custody in divorce process involving domestic violence victim</p> <p>(3) General trend of the legal decision about the residence of the child in divorce process related to domestic violence victims</p> <p>(4) General trend of the legal decision about the childcare expenses in divorce process related to domestic violence victims</p> <p>(5) General trend of the legal decision about visitation in divorce process related to domestic violence victims</p> <p>(6) Useful information for victims who are immigrants/foreigners</p> <p>(7) Any other useful information related to divorce process involving domestic violence victim</p>	<p>continuous period of not less than 12 months immediately before filing for divorce Information about trends and other data about divorce or residency of children cannot be provided by Victims Services.</p> <p>(2-5) Any domestic or family violence occurring in a relationship is a major consideration in any parenting order which is made as part of Divorce proceedings. Under section 64B of the <i>Family Law Act 1975</i> (cth)</p> <p>A parenting order may deal with matters such as:</p> <ul style="list-style-type: none"> (a) the person or persons with whom a child is to live; (b) the time a child is to spend with another person or other persons; (c) the allocation of parental responsibility for a child; <p>Section 60CA of the <i>Family Law Act 1975</i> (cth) directs that in deciding whether to make a particular parenting order in relation to a child, a court must regard the best interests of the child as the paramount consideration. Section 60CC state that in determining the child's best interest the primary considerations are:</p> <ul style="list-style-type: none"> (a) the benefit to the child of having a meaningful relationship with both of the child's parents; and (b) the need to protect the child from physical or psychological harm from being subjected to, or exposed to, abuse, neglect or family violence. <p>Under section 60CG the court must ensure that the parenting order:</p> <ul style="list-style-type: none"> (a) is consistent with any family violence order; and (b) does not expose a person to an unacceptable risk of family violence. <p>(6) To apply for a divorce in Australia at least one party of the marriage must:</p> <ul style="list-style-type: none"> • regard Australia as home and intend to live in Australia indefinitely, or • be an Australian citizen by birth, descent or by grant of Australian citizenship, or • ordinarily live in Australia and have done so for 12 months immediately before filing for divorce.
<p>5 Legal process for child custody modification</p>	
<p>(1) Outline (please specify your target area of study)</p>	<p>To change an existing court order, the applicant/party has to show that there has been a significant change of circumstances that makes a change necessary.</p> <p>If both parties agree to the modification they can sign draft consent orders which the Family can make into</p>

<p>(2) How to start the legal process for child custody modification</p> <p>(3) Whether appointing a lawyer is mandatory or not</p> <p>(4) General trend of the legal decision about child custody modification</p> <p>(5) Useful information for victims who are immigrants/foreigners</p> <p>(6) Any other useful information related to legal process for altering child custody</p>	<p>orders, without the need for the parties to appear in court.</p> <p>If parties cannot come to an agreement they will be required to participate in pre-action procedures, including attending a Family Dispute Resolution Conference. If there is a history of family violence or child abuse, it may not be appropriate to attend family dispute resolution.</p> <p>If dispute resolution is not effective or cannot be engaged in then the parties have to undertake legal proceedings similar to those taken for the initial parenting order.</p> <p>A Lawyer is not mandatory but is recommended.</p>
<p>6 Legal process for getting permission to move to another place with children</p>	
<p>(1) Outline (please specify your target area of study)</p> <p>(2) How to start the legal process for getting permission to move to another place with children</p> <p>(3) Whether appointing a lawyer is mandatory or not</p> <p>(4) General trend of the legal decision related to moving to another place with children</p>	<p>If one party wishes to relocate to another town, state or country with the child or children then they must seek permission from the courts. If moving is going to limit the time children spend with a parent or another significant person in their lives, a court may not give permission.</p> <p>In the first instance the parties should try to come to an agreement regarding the relocation.</p> <p>If the parties cannot come to an agreement about relocating, the relocating party can apply to a court for orders to allow them to move. The Court may not grant permission. The Court will consider the best interests and welfare of the children.</p> <p>A Lawyer is not mandatory but is recommended.</p>

<p>(5) Useful information for victims who are immigrants/foreigners</p> <p>(6) Any other information related to moving to another place with children</p>	
<p>7 Legal process for changing visitation schedules</p>	
<p>(1) Outline (please specify your target area of study)</p> <p>(2) How to start the legal process for changing visitation schedules</p> <p>(3) Whether appointing a lawyer is mandatory or not</p> <p>(4) General trend of the legal decision about changing visitation schedules</p> <p>(5) Useful information for victims who are immigrants/foreigners</p> <p>(6) Any other useful information related to legal process for changing visitation schedules</p>	<p>The basic process is the same as that discussed in section 5 regarding the legal process for child custody modification.</p>
<p>8 Retaining a lawyer</p>	
<p>(1) How to find a lawyer with expertise in dealing with domestic violence</p>	<p>Legal Aid NSW helps people with their legal problems. Legal Aid NSW has lawyers at all local courts and at many other courts and tribunals across NSW. These 'duty lawyers' help people who have a matter at court</p>

<p>(2) How to find a lawyer who is good at foreign languages</p> <p>(3) How to ask a lawyer</p> <p>(4) General information about lawyer fee</p> <p>(5) Legal aid</p> <p>(6) Useful information for victims who are immigrants/foreigners</p> <p>(7) Any other useful information related to retaining a lawyer</p>	<p>that day that do not have their own lawyer. Legal Aid NSW also has a specialist Domestic Violence Unit service to help clients better understand their legal problems and the choices they have. They provide LawAccess NSW, a free government telephone and online service that provides legal assistance for people who have a legal problem in NSW.</p> <p>Other types of help are also available. Women's Domestic Violence Court Advocacy Services assist women and children experiencing domestic violence at many local courts around NSW.</p> <p>Clients, who need ongoing legal help from a lawyer, can apply for a 'grant of legal aid'. If a client gets a grant of legal aid this means that a lawyer who works at, or is paid by, Legal Aid NSW will represent them in their case. If a client is granted legal aid they will usually be asked to pay a contribution towards their legal costs. There are also many private practice lawyers available in NSW at a cost to the client.</p>
<p>9 Any other useful information related to legal process regarding domestic violence</p>	

<p>V. Information for domestic violence victims preparing to return to your country based on the 1980 Hague Convention</p> <p>※ A typical case is supposed where a domestic violence victim, who removed children without consent of the abuser, is preparing to return to the country of habitual residence</p>	
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with children after relevant proceedings in accordance with the 1980 Hague Convention.	
<p>1 How to know whether an arrest warrant is out against the victim before he/she returns to the country of habitual residence</p> <p>※ Including measures to obtain official or reliable information about the arrest warrant other than asking the abuser</p>	
	As it is an international convention this matter would be handled at a federal level and is outside the jurisdiction of NSW. The Australian Federal Police would have responsibility for obtaining information regarding any outstanding warrants for arrest.
<p>2 Measures to terminate criminal proceedings against the domestic violence victim before he/she returns to the country of habitual residence</p> <p>※ Including registering or enforcing orders which may be made by the foreign court when it made return order, any other legal or administrative measures, etc.</p>	
	As it is an international convention this matter would be handled at a federal level and is outside the jurisdiction of NSW.
<p>3 Measures to secure accommodation, financial support, etc., for a domestic violence victim before he/she returns to the country of habitual residence</p> <p>※ Including registering or enforcing orders which may be made by the foreign court when it made return order, any other legal or administrative measures, etc.</p>	
	As it is an international convention this matter would be handled at a federal level and is outside

	the jurisdiction of NSW.
4 Any other useful information for a domestic violence victim preparing to return to your country based on the 1980 Hague Convention	

VI. Any other relevant information