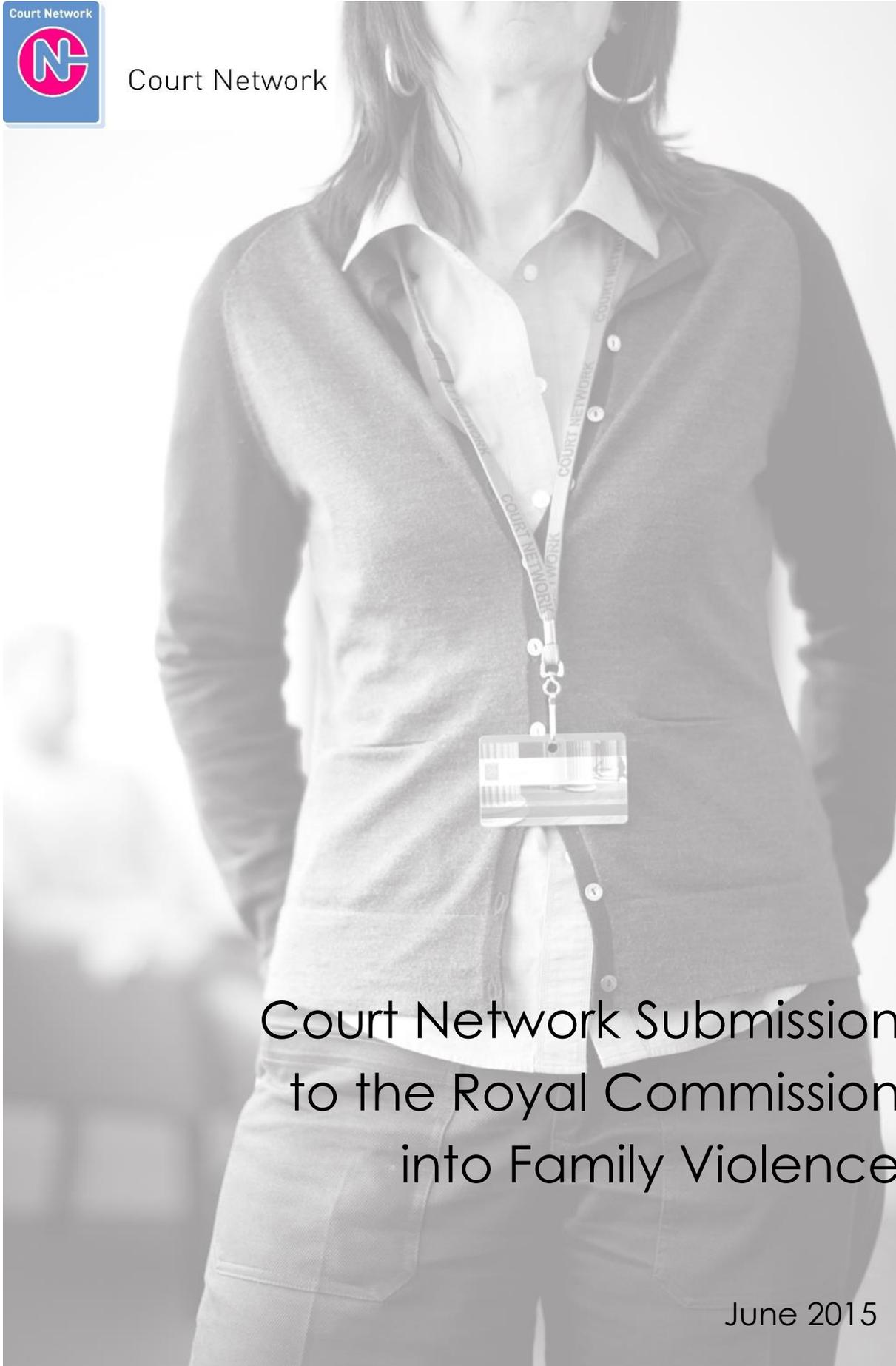




Court Network



Court Network Submission to the Royal Commission into Family Violence

June 2015

Executive summary

With a mandate to provide emotional support, information and referral to court users, Court Network is uniquely placed to provide insight into the impact of the family violence reforms as they play out within the court system in Victoria. Located in 18 Magistrates' Courts, and supporting almost 26,000 people attending court for family violence matters in 2013-14, volunteer-Workers are the eyes and ears to the individual and system impact of what it means to come to court; either seeking the protection and safety that an intervention order can provide, or being required to attend due to reported abusive behaviour against a family member.

Court Network commends the establishment of the Royal Commission into Family Violence and appreciates the opportunity to make this submission to the Commission.

Drawing on the direct experiences of Court Workers, our experienced program managers and professional staff as well as contemporary research and evidence, our submission highlights a range of gaps and issues - some stemming from the decade-long Victorian family violence reforms; some relating to long standing matters unresolved over decades. We also propose a range of recommendations for consideration by the Commission.

First and foremost we call for a central tenet of **gender equality to guide the structural reform and renewal** of a system in urgent need of attention. Central to structural reform and renewal is unequivocal governance, leadership, and coordination. We propose the creation of a **governance structure**, led by a senior Minister, departmental heads and members of the Courts Council, to guide the development of a **conceptual and practical framework** and to have oversight of investment and reform across a continuum of responses: crisis, post-crisis, early intervention and prevention. We propose the creation of **multi-agency HUBs** that can provide 'wrap around' services to support the individual needs of women and their children, specialist family violence courts, and sophisticated evidence based responses to male perpetrators of family violence.

We identify specific areas requiring **immediate reform and investment** to address a range of safety, volume and capacity issues, and the chronic underfunding of the family violence sector. This includes **improving court infrastructure** and services including family violence interpreters, **improving 'after business hours' support** when police attend family violence incidents, investing in the **deployment of high quality men's behaviour change programs**, and **acknowledging the complementary role and outreach model employed by Court Network** in providing emotional support and information to people appearing at court for family violence matters. These immediate reforms must be accompanied by a **comprehensive workforce capability program** strongly **grounded in common risk assessment**.

Summary of recommendations

First principles

Recommendation 1: Ensure a central tenet of gender equality in any future investment in policy, legislative and program reform to end family violence.

Structural reform and renewal

Recommendation 2: Establish a governance structure that:

- Is led by senior government Ministers, departmental heads, and members of the Courts Council
- Engenders coordination and cooperation across portfolio responsibilities
- Works in partnership with peak bodies and community sector agencies
- Has oversight of structural reform and renewal.

Recommendation 3: Create a conceptual and practical framework for preventing family violence that:

- Uses gender equality as the primary organising and operating principle
- Has unequivocal leadership support from senior government, judicial and community figures
- Outlines a plan for investment in evidence based interventions across a continuum of responses
- Is accompanied by a well-planned and resourced implementation and review plan.

Recommendation 4: Establish multi-agency HUBS across Victoria that include:

- Specialist Family Violence Courts, staffed by highly trained magistracy and court professionals (see Recommendation 5)
- Co-located specialist family violence and sexual assault services
- Wrap around tailored service provision
- The ability to safely apply for an intervention order at the HUB
- Operating principles to make coherent the connection between working to address the underlying causes of family violence, its impacts and consequences.

Recommendation 5: Legislate to allow the expansion of Specialist Family Violence Courts including:

- That Magistrates have broader powers around making and varying Federal Family Court and/or Family court orders with respect to family violence
- The adoption of a one-judge/one family for women deemed at high risk.

Recommendation 6: Support and resource agencies operating within the HUBs to be exemplars of practice that supports the prevention of family violence.

Immediate reform and investment

Recommendation 7: Acknowledge, prioritise, accommodate and facilitate women's safety by:

- Gearing the system towards the safety needs of women
- Investing in the rapid upgrade of court infrastructure to improve access and safety for women
- Encouraging and expanding the use of existing witness support and remote witness facilities, and video link for intervention order applications.

Recommendation 8: Court Network endorses the recommendation made by Women's Legal Service Victoria for:

- An independent funding allocation for family violence interpreters in the Magistrates' Court
- Development of a court guideline that sets out the process for booking interpreters in family violence matters that includes:
 - A practice of booking two interpreters if both parties require an interpreter
 - A presumption that a female interpreter will be booked for a female party.

Recommendation 9: Court Network supports the exploration of the concept of independent family violence advocates.

Recommendation 10: Invest in the deployment of high quality male behaviour change programs across Victoria including minimum practice standards and an associated workforce capability strategy.

Recommendation 11: Ensure dedicated respondent workers have a clear role and function and work within a more coordinated court response.

Recommendation 12: Support the complementary role of Court Network in the triaging of family violence cases at all Magistrates Courts, alongside court staff and other support services.

Recommendation 13: Acknowledge and support the outreach practice of Networkers as a critical component of the court response, as well as their role in post-court processes and supporting people affected by elder abuse.

Recommendation 14: Develop and implement a comprehensive workforce development program that:

- Aims to reach all parts of the system to ensure that all players understand the underlying causes of family violence
- Incorporates risk assessment as an essential component of all professional development and practice standards
- Uses common risk assessment tools tailored for the context of each player within the court system
- Contributes to the ongoing professionalisation of specialist family violence and sexual assault workers

Is sufficiently implemented and reviewed.