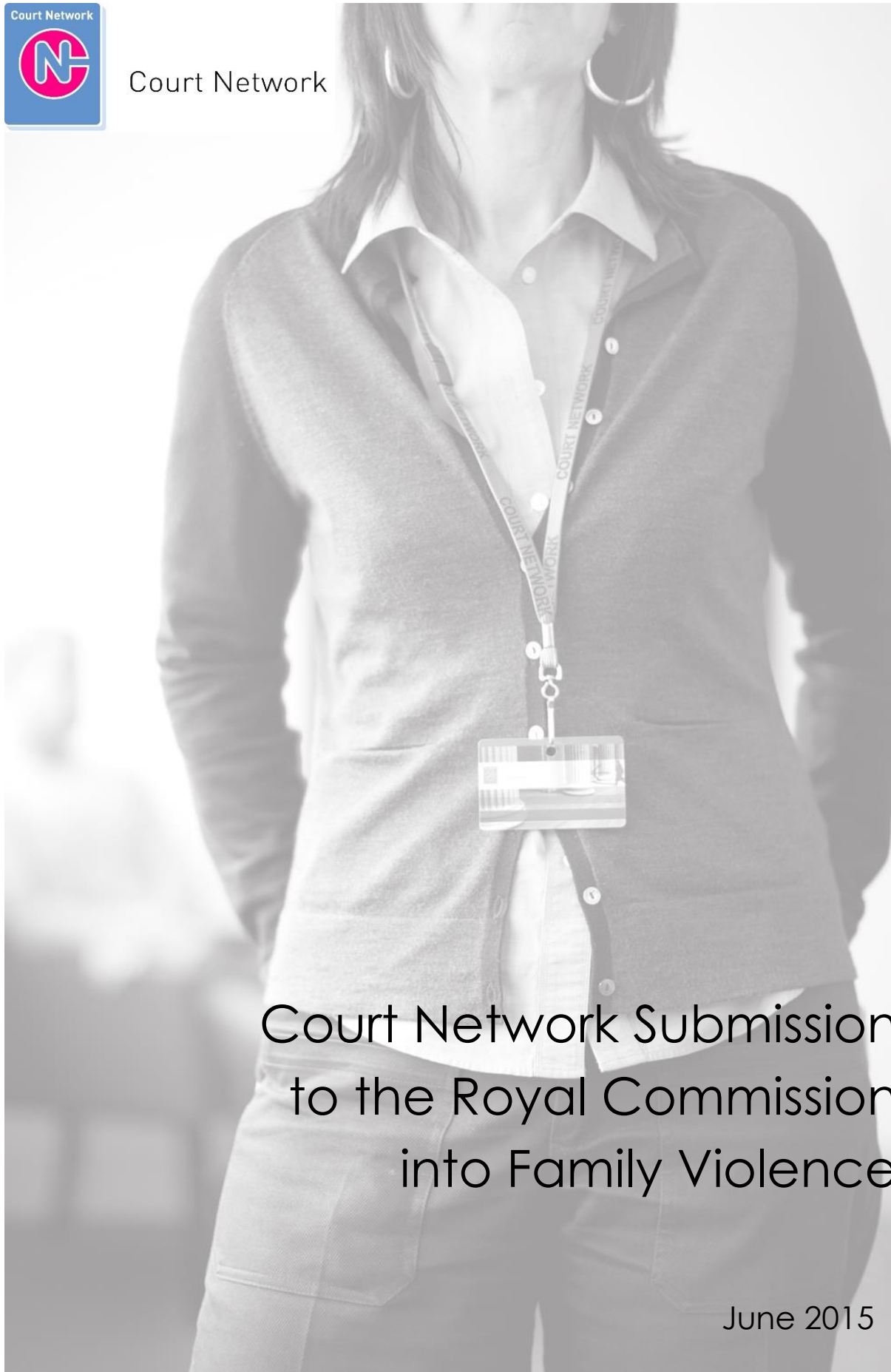


ATTACHMENT MH-1

This is the attachment marked "**MH-1**" referred to in the witness statement of Dr Melanie Jane Heenan dated 3 August 2015.



Court Network



Court Network Submission to the Royal Commission into Family Violence

June 2015

For more information:

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1. 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-Networkers 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 Networkers, 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.

2. Introduction

About Court Network

Court Network was established in 1980, in a small court in the Melbourne suburb of Prahran after founder Carmel Benjamin AM saw a gap for people in contact with the justice system. The service has grown significantly since that time with volunteers operating out of almost every court in Victoria.

In 2006, Court Network expanded to Queensland in the Brisbane CBD courts, and in 2010 to Cairns and Townsville.

Court Network's service is an important component of accessing justice, particularly for vulnerable and disadvantaged court users who may be attending court for the first time, be unfamiliar with court rules and processes, lack knowledge about what is expected of them, feel frightened and unsafe, be representing themselves in a matter, be challenged in being able to understand and participate effectively in the court processes, and/or be in need of someone to listen, provide support, and to assist in navigating the court system.

Court Network operational model

Court Network operates across jurisdictions, being one of the only services to do so, including all major courts across Victoria including central and metropolitan Melbourne, a large proportion of Victorian regional locations and Family Law Courts.

Our free, non-legal court support service is delivered by over 400 highly trained volunteers, Networkers, providing non-judgemental, confidential, respectful support, information and referrals to all court users, including applicants, respondents, victims, witnesses and defendants, and their families and friends who attend with them. Any court user is eligible to receive services from Court Network, and many court users aided by Court Network have no legal representation.

Court Networkers work from a dedicated office in the court, with a minimum of two Networkers rostered on duty at any one time. Networkers connect with court users requiring assistance predominantly via an active outreach style - 'working the floor', introducing themselves to court users who are entering the court or waiting for their matter to be heard, developing a rapport and offering information, support and referral as required. Court Networkers are highly visible and well-known to court staff and other support services operating at court.

Court Network offers information, support and referral to court users via:

- Telephone referral and support services
- Pre-court: including tours of the court before hearings, explain procedures and how the courts operate
- In-court: sitting with court users during court (and in remote witness facilities), assisting people to feel safe whilst at court
- Post-court: referring people to other support services in their local area
- Information Desks, staffed by Networkers, provide court information at selected courts.

Court Network's telephone duty system operates from 1-5pm daily. Trained professionals receive calls from court users requiring support for an upcoming court date, and from services wanting to refer clients for support. Limited funding restricts Court Network's ability to operate this service over longer hours.

Extensive and ongoing professional development is provided to Networkers to ensure quality and consistency of their practice. This is important in ensuring the wider family violence sector can have confidence in the complementary role that Court Network can play. Professionally qualified program managers are responsible for the overall management of the program, support and supervision of volunteers, and ongoing communication with court personnel and community agencies.

In May 2012 Court Network commissioned KPMG to undertake research that could establish the 'value for money' of investing in Court Network as a provider of non-legal court support services. The research was limited to determining the value of volunteering assistance to the Commonwealth registries in Brisbane, Melbourne and Dandenong using a cost-benefit analysis. The research found that at a minimum, Court Network returns benefits of \$3.20 in Victoria and \$3.40 in Brisbane for every \$1 funded in the Commonwealth Courts.

The research also found that there were quantifiable benefits realised from Court Network's services including:

- The efficiency from court cases taking less time to hear on the first court date and in interim hearings efficiencies related to a reduction in the attendance rate for court cases (which refers to the number of times a court case returns to court for hearing)
- Efficiencies related to outside the courtroom for court staff in not having to manage issues that are outside their main duties
- Community benefits related to savings for litigants who would need to take a leave of absence from work to repeatedly attend court hearings if not better prepared and informed about the financial and emotional costs of further filings
- The avoided legal costs to the community for court cases not requiring an unnecessarily long trial
- The value of time spent by Networkers providing unpaid support to court users.

About this submission

This submission draws on the frontline experiences from volunteer-Networkers who regularly work in the family violence jurisdiction in the central business district, metropolitan and regional courts and who are co-located within the precincts of 18 Magistrates' Courts across Victoria. The knowledge and practice-based experiences of program managers and other professional staff at Court Network, with long histories of working within the family violence and broader violence against women sector is also drawn upon.

While the emphasis of this submission is on the 'response end' regarding the current systems' gaps and failures in supporting women's, and their children's, safety and support needs, our submission also speaks to the continuum of prevention including opportunities through which early intervention and primary prevention could be more fully integrated into the justice and social service infrastructure.

The reflections from Networkers included in the submission, brings to life many of the issues highlighted in a growing body of evidence about the support and legal needs of those affected by family violence.

Case studies are used to demonstrate the range of support and involvement of Networkers in working with people appearing at court in relation to family violence matters.

Related submissions

As a member of the Magistrates Court of Victoria Family Violence Taskforce, Court Network has been involved in the discussions and drafting of the Taskforce's submission to the Royal Commission. A comprehensive submission will be submitted by the Taskforce in the coming weeks.

Understanding the nature and scale of family violence

Research and evidence show there is no single cause of violence against women, although it is widely accepted that among the key drivers are low support for gender equality and adherence to rigid gender roles and stereotypes. These two factors, particularly when combined with broader support for violence, foster the conditions for violence against women to occur.¹

Contemporary research and evidence also shows us that concerted effort is required to shift attitudes that support violence, along with the organisational and institutional structures that inhibit gender equality. Multiple and reinforcing strategies led by individuals and families, organisations and communities, is key to addressing and ultimately reducing the alarming rates of family violence in

¹ <http://www.ourwatch.org.au/Understanding-Violence/FAQs-about-the-issue>

Australia. Attitudinal change is most likely to occur when all levels of society work together towards the same goals².

The health and economic costs are also well documented. Intimate partner violence is known to have wide ranging and persistent effects on women's physical and mental health. It is the leading contributor to death, disability and illness in Victorian women under 45 years, more than any other well-known risks including high blood pressure, obesity and smoking. Women experience premature death, physical injury and poor mental health as a result of the violence. Many health effects persist long after a violent episode.³

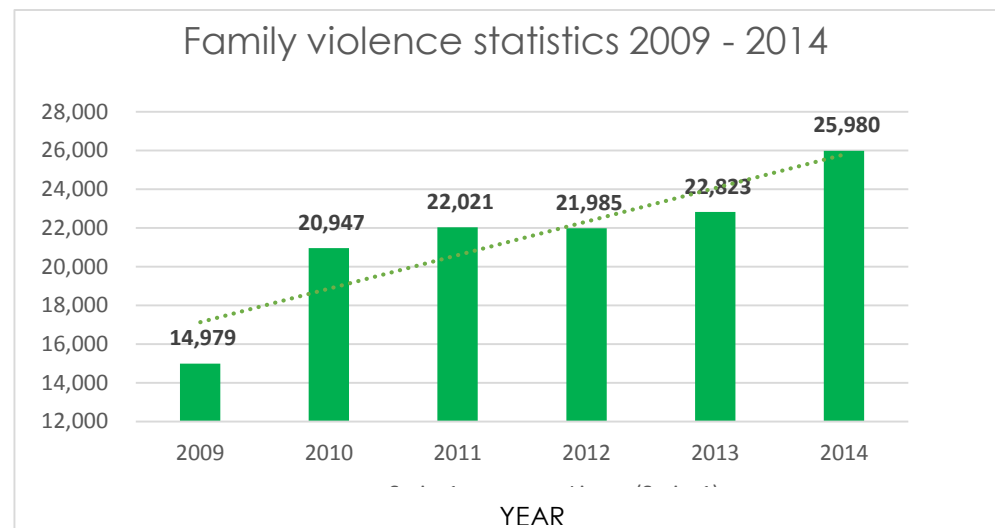
Alongside a decade long program of reform that has raised awareness of the issue and enabled more women to seek their right to safety, Victoria has experienced rapid and large scale demand for services.

For example, the 2013-2014 Police Crime Statistics reveal that police recorded over 68,000 family violence incidents in 2014, an increase of 8.2 per cent. The overall rate of recorded family violence incidents has increased 70.2 per cent since 2010.⁴ Over the last 10 years, there has been an 83 per cent increase in the number of family violence intervention order applications finalised in Magistrates' Courts, with 35,135 family violence intervention order applications finalised in 2013-14. The Magistrates' Court reports that the continued growth and demand within the intervention order jurisdiction is putting increasing pressure on court staff, magistrates, legal services and support services responding to people appearing at court with family violence matters.⁵ Community services also report being overwhelmed by demand for their services, having to make difficult decisions about the use of resources, and high levels of worker burn out.

Court Network, like police, justice and community services around Victoria, is concerned about the overwhelming demand for services on a system that is simply not equipped to deal with the magnitude of cases being reported.

In 2013-14 Court Network supported almost 26,000 people attending Magistrates' Courts for family violence matters. This represents more than 40% of all people attending Magistrates' Courts supported by Court Network. Court Network has experienced a 57% increase in the number of people supported for family violence matters in the past six years.

Table 1: Court Network family violence data: Number of people supported in Magistrates Courts



² See : VicHealth, 2013, *National Community Attitudes Towards Violence Against Women Survey – Research Summary: Australian's Attitudes to Violence Against Women*, Victorian Health Promotion Foundation

³ See VicHealth, 2004, *The Health Costs of Violence: Measuring the Burden of Disease Caused by Intimate Partner Violence*, Melbourne, Victorian Health Promotion Foundation. Also 2009, *The National Council to Reduce Violence Against Women and Their Children, The Cost of Violence Against Women and Children*, Commonwealth of Australia.

⁴ Victoria Police, *Crime Statistics 2013/2014*, http://www.police.vic.gov.au/content.asp?a=internetBridgingPage&Media_ID=72176

⁵ Magistrates Court Annual Report 2013-14

This data does not include family violence matters that are entwined in cases appearing in other court jurisdictions where Court Network operates, for example, Children's Court, VCAT, County Court, Supreme Court and Family Court/ Federal Circuit Court. For example, where family violence matters move to the County Court when a matter has shifted from a civil to the criminal jurisdiction due to serious assault charges or breaches of intervention orders; at VCAT where family violence is a feature of an increasing number of residential disputes; and in the Supreme Court and in the Coroners Court where the consequences of family violence are too often fatal for the victim.

Case Study: Broadmeadows Court

She huddles in the corner, sobbing. She is hiding in a shopping mall. By chance her elderly neighbours see her. Having never seen her alone before, they are curious and ask if she needs help.

They take her to the police station then to court. She will need help with an Intervention Order application. Court Network is called and an interpreter assigned.

She begins slowly, reluctantly. We ask if she would prefer the neighbours to leave the room. She says "No, they must hear this" She is quietly crying, pausing as if to gather strength for what is ahead.

She speaks softly and tells of the years of abuse against her and the children. He removes the phone when leaving the house and allows her no privacy even when visiting the doctor. The neighbours become wide eyed and are obviously distressed. They have heard enough and leave the room to wait outside.

The woman continues. The words come quickly now and the interpreter has trouble keeping up. We have enough information for the order, but now she can't stop. The children are terrified if he is in the house. The slightest 'indiscretion' and he throws them to the floor and stomps on their head or hand. She pleads with him not to hurt them, but he laughs. She tells of the rapes and repeated physical and sexual abuse. She stifles her sounds of distress when the children are in the house. They must be protected.

We have done our best to complete the paper work, but speak privately to administrative staff quickly outlining the nature of the application before she is called to the counter.

It is getting late in the day when staff open another court and she is called. It is a closed session but the Magistrate indicates for us to stay. The Interim Order is granted and her husband is to be evicted from the house. Now she is keen to return home as her children will be returning from school and her husband will realize that she is missing. She is afraid for them. The reality of what she has done is sinking in and she is petrified.

She will need help.

We call on representatives from Berry Street and the Salvation Army and crowd into our small office. We are familiar with the services they offer and it has now become a team effort. We outline a plan of action including locks changed, safety house accommodation, cash and a mobile phone. The community service lawyer has left the building but we make an appointment for the following morning.

Our job is done but it is to be the beginning of a long and difficult journey for her. Supported by other agencies she will return to court again and again as she struggles with pressure from her religious community and family to take her husband back. "After all", she says, "he is the father of my children".

3. Issues and gaps identified by the unique perspective of Court Network

Court Network is in the unique position of having, as its core function, the provision of support, information and referral to court users, with highly skilled volunteer Networkers located in 18 Magistrates Courts across Victoria. For many Networkers 80 – 100% of their time is spent providing support to people appearing at court for family violence matters. Mostly these Networkers support applicants of intervention orders. However a small number of Networkers focus on providing information and support to respondents of intervention orders. This affords them a key insight into respondents' needs and the gaps in services and system responses.

3.1 Impact on people appearing at court

Glaring lack of access to information about the court process

Court Networkers identify that overwhelmingly, people attending court for family violence matters have limited information about, and are bewildered by court processes. This is compounded by long waiting times for their court appearance, feeling scared and unsafe, the pressures of other demands such as fear of losing their home, picking up children from school, and their own health needs. Networkers play a critical role in assisting women to understand where they are in the court process, making sure that the relevant people know that the woman is at court, and trying to ease her anxiety about the many concerns she has.

Women say: "I don't know what I am here for. I've been told to just sit here". They are scared and confused, and there is someone [respondent] glaring at them from the other side of the room. They start to think, "Should I even be here?" So I check to make sure they are on the court list and I can say to the woman, "it's OK someone knows you are here", and I can explain where the process is up to.

Court Networker

A study on women's experiences of accessing the Magistrates' Court in Geelong, found that women consistently described *"the application process as confusing and the court process as a source of great anxiety"*. Women also reported that court support significantly eased the stress and confusion they experienced.⁶

Despite a range of information and resources available, via websites, brochures and booklets, Court Network is of the view that information provided via direct contact with a person who has time to listen and to care about that person is the most effective. This does not mean that a range of accessible resources should not be available; rather they should work in concert with face to face support. Written information assumes people are literate, can speak and read English, and have access to the internet for online information. Given how quickly the woman is required to attend court after an incident has happened, they often do not have the time or emotional energy to read nor 'take in' a lot of information.

Networkers report supporting women who are traumatised, scared, and who may have recently been discharged from hospital. In this highly emotional and fragile state, face to face provision of information at court is likely to be the most effective way of ensuring these women are adequately supported at court, and that the all important outcome around their safety can be achieved.

A woman was referred to Court Network by Registry staff. She was at court because the police had applied for an intervention order on her behalf but she was totally

⁶ Jordan Lucinda and Phillips Lydia, 2013, *Women's Experiences of surviving family violence and access the Magistrates' Court in Geelong*, Deakin University, Centre for Rural Regional Law and Justice.

and utterly grief stricken and not able to take part in the court process. She seemed totally immobilised by her fear of the future. In her words *“I’ve stayed because by doing so I feel I have some control over the situation. To leave means he is out there! I won’t know where but I fear for what I know he is capable of. It’s easier to stay and remain the nothing that I have become”*

Court Networker

The timing of court processes and lack of explicit triaging

There is little congruence between when family violence incidents occur and the subsequent response by the family violence system. Police and the 24 hour crisis telephone line for women are the only primary responses available to women outside standard business hours (Monday – Friday 9am – 5pm) despite the vast majority of family violence incidents occurring outside business hours. The family violence system is essentially ‘asleep’ when women could most do with support.

Women may be informed by police that they need to attend court the next day, or be served with paperwork late in the evening or in the early hours of the morning, or even at 9am on the day they are required to attend court. Court Network, and others in the system are of the view that most women who do not turn up at court, do so because they are not aware that they have to attend, or are so overwhelmed, exhausted, confused, terrified, and alone that it is too difficult to contemplate attending court. As well, there is the burden of demands of caring for children, worrying about keeping themselves and their children safe, having enough food in the house, or money to pay bills.

Where women are informed, often by police that they need to be at court at 9.30am on a Monday morning (or other nominated day), women assume this to mean that they have an appointment for 9.30am. They do not know that in all likelihood they will be at court for most of the day. So, many women come without nappies for their babies or toddlers, without lunch, without having made arrangements for school pick up of older children. As their day in court drags on, and on, women become even more anxious about being at court as the demands of their role as mother begin to press in on them.

In most courts there is a lack of explicit triaging processes that can identify which cases might proceed more quickly, or who might have more complex needs and require intensive support. In courts such as Sunshine Court that do have a system where agencies working in the court meet together to review the court list and identify who might be supported or referred to which agency, court staff are not necessarily part of this meeting. There is a fracturing of the system, and a less than fully coordinated approach even though there is good cooperation and referral among support services.

Court Networkers, through their ‘outreach style’ of operation, and ability to simply take that time to speak with and listen to people attending court, are well placed to see and respond to the gaps in support for court users, and in the smoother running of the court. Networkers described their knowledge of the court processes and support services, and strong relationships with police liaison officers and registry staff as critical in being able to assist in an informal triaging process.

Triage in action

At 9.15am each Monday, the Sunshine Magistrates Court Applicant Support Worker (ASW), convenes a triage meeting attended by a Court Networker, a family violence outreach worker from Women’s Health West (WHW), InTouch, a Centrelink social worker and a McKillop Family Services play lady. Reviewing the day’s family violence list, services can identify women known to them, or likely to require support by one or more of the services. The Networker highlights matters where they can provide support such as cases that are not intimate partner violence (i.e. adult son who commits family violence against his mother). The support workers then go on to the ‘floor’ of the Court and approach the women who have been identified as requiring support via the triaging meeting.

Networkers provide a vital role through their ‘outreach’ style of working. They come across women who may need to see WHW or InTouch and can introduce her to the support worker. During their conversations with women, Networkers may identify that the woman would benefit from speaking with Centrelink, or that the woman is at high risk and would benefit from speaking with the ASW or WHW. By performing this role every day, Networkers ensure that women are linked with support services they need, and that they do not fall through the gaps or ‘get missed’ following the initial review and triage of the list.

We can measure the woman's level of anxiety. People tell us they have just been released from hospital - and you can see she is unwell; she might even still have a hospital wristband on. We can liaise with the police and let them know *"That woman is having chemotherapy"* or *"She just came out of hospital"*. We can ask them, *"Is there anything we can do to speed things up?"* We have a good relationship with the police and we can help them facilitate the process.

Court Networker

Cultural responsiveness and use of interpreters

Court Network is concerned that the court system is not culturally responsive. It is difficult for someone from an English speaking background to navigate the court processes, let alone for someone who does not speak English and/or who may have low literacy in their preferred language.

Court Network is acutely aware of the lack of trained interpreters to assist women applying for intervention orders and the difficulties this presents. It is problematic for women both in the pre-court period and when attending court. For example, if police attend an incident, information provided to women (i.e. paperwork relating to attending court, safety notices etc) is mainly provided in English and not always explained via an interpreter to the woman. This results in many women not attending court because they are unaware that they are required to do so. Where interpreters are used, frequently that role is filled by a family member.

When women attend court, an interpreter sometimes has not been booked. This results in the matter being adjourned or that the woman must wait around until an interpreter arrives at court. Sometimes only one interpreter is booked for several cases meaning women have to wait for long periods of time at court. Court Network observed this recently at Broadmeadows Court where there was one Arabic speaking interpreter interpreting for at least four cases. Generally, interpreters are only booked until 1.00pm which can result in the matter being rushed through before the interpreter leaves, or adjourned if the matter is not resolved before they leave.

Court Network has also observed cases where one interpreter has been used to interpret for the applicant and the respondent in court. This appears to contravene court requirements for separate interpreters for each party, and raises a serious conflict of interest. There is also no opportunity for women to choose the gender of the interpreter. In very small communities, confidentiality is a huge issue as the interpreter may know the family.

For some women, the complexity of family dynamics, her unique support needs due to the presence of immigration issues and fear of being made to return to her country of origin can mean that an intervention order is an inadequate solution to this complex range of issues.

Over the past few weeks I have supported three women from Indian cultural backgrounds at court. Their situations have all been similar as they have been in Australia on temporary visas as a result of an arranged marriage. The women are very fearful for their safety, and of potentially having to leave the country due to their temporary visa status and thereby bringing shame on their families. They are worried about their financial situation.

Court Networker

Inadequate infrastructure – women are unsafe

The available support infrastructure at courts is variable, mostly inadequate and is making women less safe. There are chronic safety issues for many women attending court – especially when entering and exiting court buildings. The safety risks for women attending some regional courts are even more heightened. For example, Ballarat Court – one of only two family violence court divisions does not have security screening.

Court Networkers report the under-utilisation of remote witness facilities for giving evidence in family violence cases, or instances of women being refused permission to use the facility without a clear reason why. Networkers are concerned by the lack of separate waiting areas, meaning that women

are faced with lining up at the court with the perpetrator and his allies close-by. Women often have to wait for long periods of time in the same room as the very person they are terrified of.

It would be much easier if we weren't being eyeballed by respondents. They are looking at you and looking at the woman, and that is not a safe environment. Then there is the respondent's brother, their father ...it makes it hard because we don't have a secure area to talk to people.

Court Networker

Even where there are facilities for women to wait safely, they are often inadequate to accommodate the number of women needing support, or the range of the woman's needs. There is a lack of facilities for women appearing at court with small children in tow. Many women are nursing their children on their laps while trying to participate in family violence hearings.

The 'system' is geared around what it needs to do, rather than what the woman needs from the system. For example, at Melbourne Magistrates' Court (MMC), women are required to assemble on Level 6, where the legal services (VLA and WLSV) and the court are located. A witness support room is located on Level 5, however it is not used for family violence victims. So, potentially there is a safe space where women could wait and where they could receive support and legal advice. It requires a shift in the 'system' to acknowledge, accommodate and facilitate safety for women.

The police need to see them, the lawyer need to see them; with the prams all lined up it's not that easy. And then the room is at whoop whoop; far away from the people she has to see.

Court Networker

Networkers working in the Ringwood Court strongly support the protected person's room which is available for women from the first interim hearing. The protected person's room is a good example of the system gearing around the safety and support needs of women.

Court Network is concerned that the increased safety needs for women exiting court are not being addressed. In some courts creative solutions are put in place such as creating a 'window' for the woman to leave whilst the court is preparing final papers for the man. In other courts she may be assisted to exit via a 'back door'.

We are Networkers, we can't escort them to their car, and nor can the PSOs.

Court Networker

If the best that the court system can offer women, in order to safely exit the building, is to leave by a back door, then we have serious and urgent questions to ask of the system we have devised to enable protection for women via attending court to seek a court order. Court Networkers express their sense of high anxiety and feelings of helplessness about the moment when a woman leaves the court premises knowing that this is the time when she is most vulnerable (having challenged his controlling behaviour by seeking an intervention order). The court sees a successful outcome in getting another case through the list. Networkers see success as a woman safely supported during and **following** the court process. They are hoping they don't hear about the woman they were supporting that day on the news – as a fatality.

Inadequate responses to perpetrators

Networkers working with respondents identified the need for respondents to have information about the process. They noted the lack of specific respondent workers and highlight the critical role that respondent workers could play.

Respondents are really angry. They have no idea what is going on. But if you don't have people who are going to diffuse that anger – not condoning their behaviour – but you have to calm them down. Otherwise you have sent really angry men out of

the court. And that means you are sending the woman out into a potentially very dangerous situation. You need skilled respondent workers, and really good people on the registry desk.

Court Networker

Breaches of intervention orders are common, and the systems response is both inconsistent and inadequate. This results in women under-reporting or not reporting breaches.

Respondents are often not given adequate information, or have their orders sufficiently explained to them. They may refuse the offer of assistance in understanding the process, where it is available. Victoria Legal Aid (VLA) report that when respondents are given legal advice, they are far less likely to breach an order than if they do not receive any advice. In 2012–13, VLA found only two per cent of respondents who received legal advice went on to breach their order.⁷

Many women do not report breaches because nothing is done about it. They say: "I have done that before [reported a breach] and nothing happened. I am just wasting my time." The perception is why bother reporting.

Court Networker

There are few courts with the authority to mandate attendance for perpetrators at men's behaviour change programs (MBCPs). This is coupled with a limited number of MBCPs overall and the absence of minimum practice standards. Those programs in existence have no capacity to deal with volume; and are variable in the components, depth and delivery of the program.

Additionally, there is little to no opportunity for early intervention approaches with perpetrators, and a lack of risk assessment to assess perpetrators risk of re-offending.

3.2 Impact on the court system

Patchy implementation of reforms

Whilst the family violence reforms in Victoria were intended to create an integrated response to family violence, they have not fulfilled their potential to do so.

The rate and uneven implementation of reforms has produced a court and wider system of 'cobbled together' responses, without understanding how changes in one part of the system impact on another. A coherent governance structure with clear and shared Ministerial accountability to guide the reforms has not been maintained. There has been insufficient resourcing to meet predictable and growing demand. The reforms have not been supported by focused implementation, monitoring and review mechanisms. Integration at the local level has lacked clear direction and guidance about 'what' and 'how to' integrate – there was no 'blueprint' or direction for integration that might have assisted in developing common understandings about how to achieve integration.

Examples of how the patchy and incomplete reform process has impacted include:

- Wide variance in the operations and makeup of regional integration committees which may or may not include representation from courts and justice agencies
- Vastly inadequate and uneven responses to male perpetrators of family violence including around the funding and/or availability of men's behaviour change programs (MBCPs)
- The family violence and sexual assault sectors largely operate independently of each other despite the high level of co-occurrence of these forms of violence against women and children.

Without a strong authorising environment, the result is a piecemeal approach that varies widely across Victoria, meaning that a woman cannot rely on receiving a consistent approach no matter where she lives. For perpetrators, there is a dearth of responses - the interventions that do exist are largely unsophisticated, one dimensional, and poorly resourced. They have little capacity to be effective in

⁷ www.legalaid.vic.gov.au/about-us/strategic-advocacy-and-law-reform/more-effective-responses-to-family-violence

keeping women safe and in providing men with the tools to change their behaviour or to be held accountable.

And yet, despite these failings, Court Network believes there is considerable energy and commitment from organisations to work together. This is accompanied by a strong belief, and supported by research and evidence, that long term sustained commitment to properly implement well coordinated joint effort approaches is the way forward.

Overwhelming demand but working in whose interest?

The overwhelming demand on a system that is not equipped to deal with the magnitude of family violence cases coming before it has resulted in minimalist approaches being taken as a matter of necessity as opposed to careful and explicit triaging, case intake and management. The demands on the court in responding to large numbers of intervention order matters has resulted in the court being focused on finalising matters.

The stresses and strains on the system are impacting on the central focus of people working within the court system. As court staff and Magistrates work to move through the large volume of people - being able to issue orders, or finalise orders becomes the central focus. Similarly for police dealing with a large volume of cases, being seen to efficiently represent the woman and keep the case rolling through the court becomes the key focus. This leaves women feeling pressured or rushed to reach a decision as opposed to considering the issue in a more holistic or comprehensive way, and as though no one really cares about her concerns.

The onus is often on terrified and traumatised women to speak up for themselves without knowing that they *can* do this, or *who* they should speak up to. The needs of women and children are being pushed to one side or ignored in favour of the court and agencies being preoccupied with simply getting through the list.

Uneven understanding of the dynamics and nature of family violence

There has been no comprehensive family violence training across all players in the system. This means that there is, at best, a patchy understanding of the dynamics and nature of family violence across the legal profession, court staff and the Magistracy. There is variability in the capacity of community legal centres and duty lawyers with an understanding of how to work effectively in the area of family violence.

Whilst Victoria has invested in the development of tools such as the Common Risk Assessment Framework (CRAF) to support a common language and understanding of risk across the various elements of the service system, this has not been sufficiently or fully implemented. This means there is an uneven understanding about the concept of risk, and critically non-existent or ineffective practices for identifying and responding to levels of risk by the various players in the system.

There is a need for registry staff dealing with family violence matters to understand the seriousness of family violence and their role in connecting and triaging women with the co-located legal and non-legal services.

Even where there is a level of sophistication in the understanding of family violence, for example in specialist family violence courts, the sheer volume of cases coming before the court, compromises people's ability to respond appropriately.

In the Family Violence Division court, I assumed the Magistrate, the registrar; the police liaison person would be absolute experts in family violence. But if you have 86 cases coming through there is no room to care deeply about, or to engage with people to the level they need. If the Magistrate eyeballs the respondent, and tells them about the impact on children, it gives the message that they do care and that this is a very serious issue.

Court Networker

There has been no investment in ongoing professional development **across the entire family violence system** to build a strong and capable workforce with a shared language and understanding of family violence, and the use of common and rigorous tools to support best practice responses.

Access to legal representation and sufficient legal information

Few women have access to legal representation in court. For many women, the police represent them at the intervention order hearing; however this is often without full consideration of the women's legal options. Whilst police may be well intentioned in representing the woman, without access to independent legal advice women are not making informed decisions about what they need to have in their orders. The resulting order may not be in her, or her children's best interest. The sheer volume of cases means that even where there may be legal advice available, those lawyers have only a short period of time available that they can spend with each woman. This means that women get varying degrees of support and advice about their pre and post court options.

Women often say: *"If I had only known that, perhaps I would have done so and so".* But the advice is too late, or they don't get it until the next week, by then it's too late. They are making decisions about the future with too little information about their legal rights. Everyone tries very hard but it all happens so quickly. The woman is not there and she doesn't understand. Women underestimate the severity of the danger. They say: *"I'll be right, I shouldn't have come today, I'll be ok."* Women want to know, *"Can I stay in my own home?"* They need that advice prior to filling out forms or seeing police.

Court Networker

Post-court support

Court Network has a unique position in its ability to provide post-court support to people appearing in court for family violence matters. Networkers are able to sit with women while they are waiting for their paperwork to be finalised. They are able to talk with the woman about what she will do next after leaving court, and assist with referrals to other support services she may need.

Effective post-court support is critical. This post-court component provides an opportunity to reassess risk and completes the court cycle. Networkers frequently do a check on safety post the order being received. They can ask, "How are you leaving?", "What are you doing next?" The Networkers have a diary system to record return dates for women, and to assist in linking them with support on those dates. While some family violence services working at court may be able to provide a degree of post-court support, they have capacity to provide this for only one or two women on any given day. With a minimum of two Networkers rostered on duty, Court Network has greater capacity to provide this post-court support.

Elder abuse

A further area where there are very few, if any, support services is in family violence matters involving non-intimate partners, for example, mothers seeking intervention orders against adult sons. Again Court Network is able to provide support and information to this cohort of court users. Many of these matters involve serious financial and emotional abuse against older women who are isolated and have limited contact with social or community groups. These women are unable to include their husbands on the intervention order – a common request – as he must make his own application. This is very distressing to these women who find it hard to make sense of.

In many of these cases, the respondent also has a range of serious mental health, drug and/or alcohol issues, as well as other criminal behaviour. An intervention order may be an inadequate and ineffective solution.

Cross jurisdictional issues

Court network is concerned by a range of cross-jurisdictional issues where family violence matters play out across Magistrates' Courts and the Family Court/Federal Circuit court. This includes the inadvertent

undermining of court orders or arrangements where family violence is an issue regarding child contact at Family Courts. For example, even where family violence has been identified by the Family Court, and an intervention order is in place, the court may still allow the father to have 'access' to the children. This can place women at considerable risk during the 'handover' of children. It may force the women to have continued contact with the person she is most fearful of.

The legislative thresholds sometimes sit in conceptual opposition – one focused on women's safety; one focused on the best interests of the child. There are also issues that are linked to the lack of a national system of intervention orders.

Many women are unrepresented at family courts which places them at a distinct disadvantage and with the prospect of having to cross examine the very person from whom she seeks protection. Women with an intervention order, or interim order, may then be faced with appearing at the Family Court for property or contact orders, however the systems are not well-coordinated and there is no one available who can assist the woman to tie in both issues. The Family Court judge may not want to consider or know about a past history of abuse.

We had a complex case the other day. A woman with a child was seeking to return home to New Zealand, after fleeing from a violent partner. She was so anxious and wanting to return to the support of her family. The case dragged on all day, and the woman and child did not eat all day. By the end of the day the case was adjourned to be heard back in Western Australia – where the woman had fled from in order to feel safe. The woman was just devastated. It's like a new form of family violence; where men use the court process to maintain control over the woman, and prevent her from feeling safe.

Court Networker

There is considerable overlap across the jurisdictions. Court Networkers report that people are very confused. They also report that if a Magistrate knows there are family court proceedings pending, they will make an interim order, and delay the hearing date for final orders until after the family court date. Court Network questions why it is not possible, or practice for a specialist judicial officer to traverse two jurisdictions when it comes to matters concerning family violence.

Court Network currently provides a strengthened response to people appearing unrepresented when attending a Final Hearing in the Melbourne registries of the Family Court of Australia/Federal Circuit Court of Australia. The response provides an enhanced model of support with a focus on people whose access to justice is most compromised through not having adequate supports to assist them throughout the process of the Final Hearing. The response includes a specifically developed booklet designed to assist unrepresented litigants in navigating the court process.

Court Network notes the reference to the Family Law Council by the Attorney-General to report on ways of improving responses to families with complex needs who use the family law system. The reference *"reflects the evidence that many families who seek to resolve their parenting disputes are affected by multiple and complex risk issues – including concerns about child abuse, family violence, substance abuse and mental illness – and that addressing the needs of these families can be complicated or frustrated by the interaction and division of State, Territory and Federal laws"*.⁸ The Family Law Council report, due in December 2015 may be of assistance to the Royal Commission in looking at how the system, as it operates in Victoria, could be improved.

⁸ <https://www.ag.gov.au/FamiliesAndMarriage/FamilyLawCouncil/Documents/FLCTOR-call-for-submissions-information-for-download.PDF>

Case Study: Sunshine Court

Anita*, a woman in her 40's arrives at court with her barrister for a contest hearing concerning the family violence intervention order she has applied for as protection from her husband Silvio. The Registry front desk staff advise them that she is unable to give her evidence in the remote witness room as it is unavailable. Anita is terrified of Silvio and frightened that he will try to intimidate her if they have any contact at court. Registry staff ask Court Network to look after Anita and her barrister. Anita stays in the Court Network office as a safe place in the court precinct where she runs less risk of seeing Silvio. Anita is very anxious and stressed about the prospect of giving her evidence in court with Silvio present. Her barrister pops into the Court Network office regularly to touch base with Anita.

After some time, Registry staff advise that the remote witness room has become available for Anita to use. Her barrister asks the Court Networker, Anne, if she can sit with Anita in the remote witness room and provide support as needed. Anne spends the best part of the day doing that.

Anita grows in confidence as she becomes familiar with the four screen monitors in the room and how the process operates. At one point Anita is anxious because she can't hear what is going on in the court room. Anne advises her to simply say "*Excuse me but I can't hear what is being said*" which is what she does, and the situation is quickly rectified.

Throughout the proceedings it becomes obvious that Silvio is an intimidating and angry man who is representing himself and is a difficult character. Anita predicts that he will state that he also wants to give evidence from a remote witness room just because she is. He demands that of the Magistrate who advises him that she is satisfied that the current arrangements of the two parties being apart is satisfactory.

There is an unexpected occurrence when the daughter aged in her early 20's arrives at court at the eleventh hour to give evidence for her father, without any notice that this would be the case. Further, the daughter advises that she will be leaving the country the following day to live overseas for two years.

The Magistrate doesn't allow the daughter to give evidence as Silvio should have lodged his intent to have his daughter be a witness. (At the Directions hearing the Magistrate had given notice that the parties must lodge "further and better particulars" which would include witnesses to be called and evidence to be given. Anita had done so and Silvio had not). The Magistrate deems that Silvio is not ready for the contest hearing and adjourns the contest for a month to allow for Silvio to lodge his "further and better particulars". The Magistrate assures Anita that she will again be able to participate in the court process from the remote witness facility.

Unfortunately for Anita this means coming to court again. Anita and her barrister express gratitude for Court Network support on the day and how important this support has been in allaying anxiety and building confidence. Anne notes the return date for the contest hearing and makes an entry in the Court Network diary for the Court Networkers who will be rostered on that day. She notes that Anita will likely need access to the Court Network room and support in the remote witness facility.

*Note: pseudonyms are used in this case study

4. Considerations for the way forward

Court Network believes first and foremost that an **understanding of gender inequality** as the central tenet for building, shaping and investing in a conceptual and practical framework for responding to, and preventing family violence is critical.

Court Network is of the view that a commitment to **structural reform and renewal** is required to engender longer term transformative change. Change of this calibre is likely to affect the sustainable change required:

- To enable women and children to be able to participate fully and safely in society
- For men who use violence to be given the tools to make changes in the way in which they behave
- To change societal attitudes, structures and systems to create a society that supports women to take an equal place alongside men.

Court Network has also identified the need for **immediate reform and investment** to address the safety, volume and capacity issues identified in this submission.

4.1 First principles – understanding gender inequality

A strong and unambiguous evidence base that tells us family violence must be situated within a framework of understanding gender inequality. Systems' responses must start with this platform as their primary organising, and operating principle. This will assist in influencing cultures of change, including community attitudes, at a macro level.

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

4.2 Structural reform and renewal

Despite the urgent need for immediate investment to address safety, volume and capacity issues, these changes by themselves are unlikely to have any lasting longer term impact on reducing levels of family violence.

Governance, leadership and coordination

Ministerial leadership and accountability is essential in creating an authorising environment capable of sustaining the required depth and level of change. Court Network suggests that a governance structure is established, led by senior government Ministers, departmental heads and members of the Courts Council. The governance structure will have oversight of long term structural reform and renewal. It will work in partnership with government departments, peak bodies and community sector agencies to ensure the cooperation and coordination across portfolio responsibilities. This governance structure must be capable of withstanding election cycles; therefore it may be appropriate to legislate such responsibility.

Given family violence, and its causes, impacts on all government departments, departmental heads must lead the way in supporting this work. There is an opportunity to rebuild a strong partnership with peak bodies and community agencies and to harness this joint effort.

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
- Work in partnership with peak bodies and community sector agencies
- Has oversight of structural reform and renewal.

Investing across the continuum of responses

A sophisticated and multi-level conceptual and practical framework, with unequivocal support from senior government, judicial and community figures, is necessary to guide structural reform and renewal. This framework must be aligned with the directions of the *National Plan to Reduce Violence against Women and their Children 2010-2022* (the National Plan). The aim of the National Plan is to bring together the efforts of governments across the nation to make a real and sustained reduction in the levels of violence against women.

Multiple interventions are required to work in concert with each other to create lasting change across crisis, post crisis, early intervention and prevention responses. Evidence based responses are required to keep women and children safe; hold men accountable for their behaviour; assist women and children in their long term recovery from the trauma and the social and economic upheaval resulting from their experience of family violence; intervene earlier with people most at risk of experiencing or using violence; and remove the gender inequality deeply ingrained in societal and institutional attitudes and structures. To work or invest at only one or two levels will be insufficient to make the whole scale change required, and will prevent the investment from realising its true potential.

Court Network calls for a new way of conceptualizing and configuring the family violence system.

The current models of funding across multiple funding sources, each with different reporting and data collection requirements is not conducive to deliver a more coordinated 'wrap-around' service for women tailored to the individual needs of her and her children.

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.

Multi-agency HUBs - A multi sectoral response

Around the world in recent years, there has been a move towards implementing highly coordinated, multisectoral or systems approach to service delivery which bring together a range of services and organisations who share a common set of goals to provide more coordinated responses to violence against women. Typically these responses place great emphasis on governance, accountability and risk assessment and management. They can include the co-location of relevant services in one-stop crisis centres, and comprehensive integrated models that bring together health, justice, policing, and social services responses working together. Common goals and principles, comprehensive reporting and referral mechanisms, and shared information, data collection and tools are developed to support these integrated models.⁹

Court Network proposes long term investment in **multi-agency HUBs**¹⁰ that promote collaboration across sectors including police, courts, legal representatives, family violence and sexual assault specialists and recovery based services such as housing and income. The HUBs will have capacity to case-manage the multiple social support and legal needs of women at higher risk of family violence, and provide 'wrap around' services to women and children specific to their needs. They will also provide coordinated interventions to men at high risk of perpetrating violence, and perpetrator interventions that traverse the prevention spectrum. Service infrastructure should also be designed to build capacity within surrounding communities that can achieve outcomes post-intervention and in primary prevention.

Victoria has begun to invest in such models, for example, the multi-disciplinary centres (MDCs) for responding to sexual assault. This multi-agency approach could be expanded to incorporate a more collaborative approach to working with family violence, courts, legal and community services.

⁹ Commission on the Status of Women, *Multisectoral services and responses for women and girls subjected to violence*; pp 8-9.

¹⁰ Note this recommendation is also endorsed by the Magistrates Court of Victoria Family Violence Taskforce and is featured in the Taskforce's submission to the Royal Commission.

Given the level of expertise that will reside in such multi-agency HUBs, they will also be a source of practice expertise regarding prevention approaches designed to address gender inequality and the social norms, behaviours and attitudes that sit at the heart of family violence. HUBs will operate as lead agencies on co-ordinating primary prevention activity within schools, workplaces, sporting clubs in collaboration with local councils. They will provide an avenue for linking and building capacity with mainstream services at a local and regional level.

The HUBs will operate under the principles of:

- A shared understanding of risk and approaches to assessment and risk management
- Information sharing within a robust legislated framework
- An agreed integrated and operational framework for working together across agencies and sectors.

A specialist family violence court will operate at each HUB and adopt a system of one-judge/one-family for women deemed to be at high risk. HUB courts will also have the capacity to adjudicate on questions of child contact (i.e. Magistrates to have broader powers around making and varying FCC and/or Family Court orders).

Specialised divisions will operate in all metropolitan and headquarter courts to respond to family violence matters that do not require case management by HUBs.

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 impact 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.

HUBs as exemplars of gender equitable workplaces

Whilst service standards exist for DHHS funded services, these do not include a requirement to ensure organisations have organisational policies and structures in place that support gender equity. Services operating within the HUBs have the opportunity to be exemplars of practice that supports the prevention of family violence, that is, undertaking gender equity audits, employing bystander activities, having a range of workplace policies to support women, and addressing the needs of staff affected by family violence. Agencies will require governance and service standards that incorporate compliance measures on how to screen, intervene and demonstrate their own capability around family violence prevention. Specialist services should also be resourced to provide support to regional organisations and institutions to implement gender equity practices.

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

4.3 Immediate reform and investment

As identified in this submission, there are serious safety, volume and capacity issues that cannot wait for new structures and large scale structural reform to take effect. These areas require immediate attention and investment.

Improving safety for women

Court Network calls for the 'system' to be more responsive to the safety needs of women – to acknowledge, prioritise, accommodate and facilitate women's safety. We are concerned that existing remote witness facilities, and witness support rooms are not used to their full extent because the 'system' is not sufficiently considering safety as a primary concern. Court Network supports the use of safe waiting areas for women seeking intervention orders. We also support new initiatives such as the ability to hear intervention order applications via video link.

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.

Interpreters

There is an urgent need for trained interpreters working with family violence matters at court. Court Network contend that like all service providers and staff who deal with family violence matters at court, interpreters must be specifically trained in family violence so that they have an understanding of the nature and dynamics of family violence, and the terminology and processes involved in family violence cases.

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.

Improving access to support before a court appearance

Court Network believes that there is a need to vastly improve the supports available to women pre-court and during the court process. A specially trained family violence advocate could play a role in ensuring women are aware of their options in relation to court attendance before they are due to appear at court and work through the barriers that may prevent them attending. Support is required in the 'after business hours' period, particularly following attendance by police to an incident of family violence. Ideally this support could be provided alongside police attendance such as in the current Project Alexis trial. For some women, telephone support may be sufficient, again critically in the 'after business hours' period.

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

Improved responses to men who perpetrate family violence

There is an urgent need for a vastly more nuanced response to men to hold them accountable for their behaviour. The recent report from the RMIT Centre for Innovative Justice¹¹ provides a way forward in a more purposeful focus on responding to perpetrators across the continuum of their offending.

Court Network supports the consideration of a range of proactive interventions. One component of this is investing in a range of evidence based interventions that aim to change the attitudes and behaviours of men who perpetrate family violence. The program must meet the No To Violence minimum specifications¹² such as providing a minimum of sixty hours intervention, be able to respond to the spectrum and cycle of offending behaviour, and build a network of high quality effective male behaviour change programs and interventions across Victoria that can be accessed via a court order or independently. Given this is a much specialised field, it must be accompanied by a workforce capability program.

One such area for urgent attention is the provision of information for men appearing at court for family violence matters. Dedicated respondent workers must be available at all courts, along with clear guidelines and expectations of the role of such workers, including managing issues of co-option.

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.

Complementary role of Court Network

As demonstrated in this submission, Court Network plays a significant and complementary role to the range of support agencies and court staff working within the court. We are in the unique position of being the sole service with the mandate to provide emotional support for people attending court. This affords us the time to spend with court users appearing for family violence matters, and to gather intelligence that can assist in the triaging and smoother running of the court processes. The high visibility and strong collaborative relationships with other support services, means that Court Network is an integral service component at court. Court Network is also able to provide much needed post-court support and support to people affected by non-intimate partner family violence.

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 and role of Networkers as a critical component of the court response, as well as their role in post-court processes and supporting those affected by elder abuse.

Embedding risk assessment and building workforce capability

There is an urgent need for large-scale workforce capability building across courts, justice, homelessness, and child protection workforces in relation to understanding family violence, risk assessment and gender inequality.

Within the courts arena, it is vital that **all** players in the court system involved in responding to family violence are trained in family violence, risk assessment and in understanding how gender inequality is driving the underlying causes of family violence. It is insufficient for only Magistrates' to receive family violence training. Prior to 'reaching' the Magistrate, women seeking an intervention order, and men contesting or defending an order will have had contact with registry staff, a police prosecutor, a lawyer along with Court Network and other support services. Each of these players within the court system should be sufficiently trained to understand the underlying causes of family violence, and to recognise the inherent risks faced by women entering court.

Risk assessment tools such as the Common Risk Assessment Framework provide a mechanism for ensuring all parts of the system have a shared understanding and language of risk. This allows all players to have a common understanding of the concept of risk in the context of family violence, and to have

¹¹ RMIT Centre for Innovative Justice 2015, *Opportunities for Early Intervention: Bringing perpetrators of family violence into view*. <http://mams.rmit.edu.au/r3qx75qh2913.pdf>

¹² See: <http://ntv.org.au/wp-content/uploads/150520-ntv-mbcp-standards-vicmagcourt-taskforce.pdf>

'flags' tailored to their individual context so that they are alert to those risks. It is critical that the whole system understands that **women are at risk from men who present a high risk to the safety and well-being of women and their children**. Risk assessment must therefore be incorporated as an essential element of all workforce training and professional development.

The ongoing professionalisation of specialist family violence and sexual assault staff should be pursued to address issues of staff burnout and turnover, including resources to address vicarious trauma, to maintain and build skills in line with best practice, evidence based interventions. Greater cooperation across family violence and sexual assault services, sharing expertise and skills, is required thereby providing more consistent responses to women and children.

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.

Court Network welcomes discussion and further exploration of the issues raised, and recommendations made, in this submission.