Royal Commission
into Family Violence

Volume VII

Commissioned research

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Royal Commission into Family Violence
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Commissioned research

The Hon. Marcia Neave AO – Commissioner
Patricia Faulkner AO – Deputy Commissioner
Tony Nicholson – Deputy Commissioner

In addition to relying on the work of its research team, the Royal Commission into Family Violence commissioned two specific pieces of research—a report on family violence trends in Victoria from 2009–10 to 2013–14 and a report on the impact of family violence proceedings in the Magistrates' Court of Victoria.

Both reports are included in this volume in full.

Contents

An overview of family violence in Victoria: findings from the Victorian Family Violence Database 2009–10 to 2013–14

The Victorian Family Violence Database operated between 1999 and 2010 and was the repository for data from a range of sources—Victoria Police, the Magistrates' and Children's Courts, the Magistrates' Court Family Violence Division Courts and specialist family violence courts, the Victims of Crime Helpline and the Victims Assistance and Counselling Program, the Department of Health and Human Services Integrated Risk Information database, the Victorian Supported Accommodation Assistance Program (now the Specialist Homelessness Services Collection), Victorian public hospital emergency departments, the Victorian Civil and Administrative Tribunal, and Victoria Legal Aid.

The most recent publication from the database, covering the period 1999 to 2010, was released in 2012, which means there has been no publicly available compilation of trend data for a number of years. Although the database had many limitations, its cessation has been a major loss for effective policy-making. During this time data has continued to be collated, but information has generally been reported separately by each department and agency. Even within the same department or agency there is often more than one database and limited capacity for linking the information held in each source. For example, the Magistrates' Court holds data in separate civil and criminal law databases that are not linked.

To overcome this problem, the Commission sought data from departments under notices to produce and from Victoria Police, agencies, and the Magistrates' and Children's courts. We then engaged the Crime Statistics Agency to analyse the data and report on family violence trends for the five years from July 2009 to June 2014. This data appears throughout the Commission's report.

The Commission thanks the Crime Statistics Agency for performing this complex task in a very short time. We would also like to thank the Australian Institute of Health and Welfare for its contribution to the CSA's work. We note that the Victims Support Agency is working towards the production of more regular and focused data reports from the Family Violence Database (collated by the CSA). This is a positive development.

An overview of family violence in Victoria

Findings from the Victorian Family Violence Database 2009-10 to 2013-14
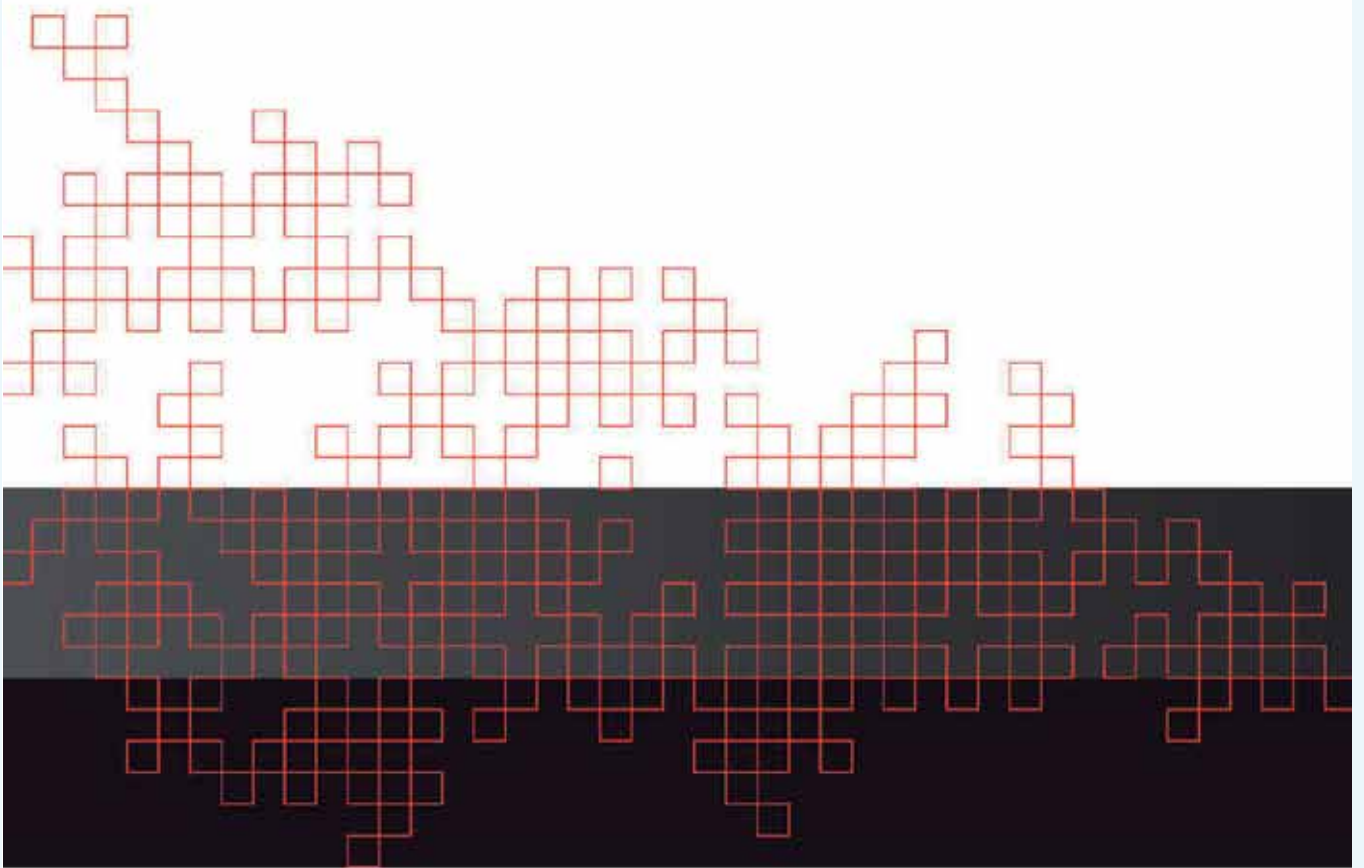
Produced on behalf of the Royal Commission into Family Violence by the Crime Statistics Agency

If you would like to receive this publication in an accessible format, such as large print or audio, please telephone Crime Statistics Agency on 03 8684 1808 or email info@crimestatistics.vic.gov.au.

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Contents

2 Contents

4 Contents

List of tables

7 An overview of family violence in Victoria

List of tables 8

List of figures

List of figures 10

11   An overview of family violence in Victoria

1.Key themes

Prevalence of family violence in Victoria

In the five years from July 2009 to June 2014, the incidence of family violence has increased across all aspects of the family violence system represented within the Victorian Family Violence Database. The number of family incidents recorded by Victoria Police increased by 82.7% from 35,666 incidents in the 2009-10 financial year to 65,154 in 2013-14. This increase has resulted in a family incident rate of 1,115.3 per 100,000 people in Victoria in 2013-14.

The number of finalised applications heard in the Magistrates' and Children's court increased in the five years from July 2009. The number of applications heard in the Magistrates' Court increased by 34.5% to 35,147 in 2013-14 while the number of applications heard in the Children's Court increased by 33.0% to 1,872 in 2013-14. These increases in applications have largely been driven by an increase in the number of police initiated applications.

In the five year period the number of people accessing family violence services has risen, with 4,425 people accessing women and children's family violence services in 2013-14, an increase of 11.7%, and 20,624 men presenting to behaviour change programs in 2013-14, up 446.9% from 2009-10. In addition, there were 16,240 people who accessed the Victims Assistance Program as victims of family violence in 2013-14.

Family violence was identified as a key factor contributing to homelessness, with just under 40% of all people seeking assistance from Specialist Homelessness Services in 2013-14 doing so for family violence reasons.

The total number of services provided by Victoria Legal Aid where the primary matter was family violence related has also increased in the five years from July 2009. In 2013-14 21,172 services were provided by Victoria Legal Aid for family violence matters, up 8.5% from 2009-10. This increase has largely been driven by increases in in-house duty lawyer services and legal help services.

Gender of victims of family violence

In the five years from July 2009, the proportion of female and male victims of family violence has remained stable across all of the agencies. In family incidents attended by police, three quarters of affected family members were female and one quarter were male.

On applications for family violence intervention orders made in the Magistrates' Court and Children's Court in 2013-14, the proportion of male and female affected family members is almost the same across both courts. On applications heard in the Magistrates' Court in 2013-14, 64% of affected family members were female and 36% were male. Similarly on applications heard in the Children's Court, 65% of affected family members were female and 35% were male. However, when children are removed from the analysis the proportion of female affected family members is higher.

In 2013-14, two-thirds of the patients presenting to emergency departments for family violence reasons were female while a third were male and, similarly, 69% of family violence victims accessing the Victims Assistance Program were female and 31% were male.

Gender of perpetrators of family violence

The proportion of male and female perpetrators across relevant agencies has also remained relatively stable over the five year period. In family incidents recorded by Victoria Police, 77% of other parties with a known sex were male and 23% were female. There was a similar proportion of respondents on applications for family violence intervention orders in the Magistrates' Court, with male respondents making up 78% and females making up 22% of all respondents.

There was a slightly different breakdown in the Children's Court, with 69% of respondents on family violence intervention orders being male and 31% female.

Relationships of victims to perpetrators

Across each of the relevant datasets, the relationship of the victim to the perpetrator varied depending upon the gender of the victim.

In family incidents recorded by police, female affected family members were more likely to be a current or former partner of the other party, as opposed to male affected family members who were more likely to be a family member of the other party.

In 2013-14, 68% of female affected family members were a current or former partner of the other party and 31% were a family member of the other party. This is in comparison to male affected family members, of which 52% were either a child, parent or other family member to the other party and 33% were a current partner of the other party.

Similarly, on applications for family violence intervention orders heard in the Magistrates' Court, female victims were more likely to be in a current/former partner relationship with the respondent than male victims.

73% of female victims were in a current/former partner relationship, and 10% were a parent of the respondent. 52% of male victims were in a current/former partner relationship, 14% were the parent/step-parent of the respondent and 10% were a sibling.

In the Children's Court, 51% of female affected family members in 2013-14 were a parent/step parent of the respondent while 36% of male affected family members were the parent/step-parent of the respondent.

Children as victims of family violence

In 2013-14, 3,341 family violence incidents recorded by Victoria Police had children listed as victims. Forty-four percent of these child victims were male and 56% were female. Children aged between 12 and 17 made up the greatest proportion of child victims. Incidents where male children were recorded as victims were perpetrated by males 63% of the time. Those incidents where female children were recorded as victims were perpetrated by males 55% of the time. In addition, children were present in around one third of all family violence incidents in 2013/14. This proportion has not changed significantly over the past five years.

The number of children listed as victims on intervention order applications to the Magistrates' Court increased by 20.6% between 2009-10 and 2013-14, from 19,353 to 23,332. Younger children aged under 13 made up the greatest proportion of child victims listed on these applications. Children also made up the largest proportion of victims on applications for intervention orders to the Children's Court in 2013-14, and the number of child victims increased by 20.3% over the past five years, from 1,222 in 2009-10 to 1,470 in 2013-14. The majority of perpetrators listed on intervention order applications to the Children's Court with child victims were male (84%). 1,559 clients who accessed women and children's family violence services between 2009 and 2014 were aged 17 or less.

13 An overview of family violence in Victoria

Children as perpetrators of family violence

In 2013-14, people aged under 18 made up relatively small proportions of the overall number of perpetrators recorded by Victoria Police on family violence incident reports. Over the past five years, 11,861 family violence incidents were recorded by police with child perpetrators and adult parent victims. Sixty-four percent of perpetrators on these incidents were male and 36% were female.

A very small number of intervention order applications to the Magistrates' Court in 2013-14 listed perpetrators aged under 18 (n=72). Two thirds of male perpetrators listed on intervention order applications to the Children's Court in 2013-14 were aged between 15 and 19 and 13% were aged between 10 and 14. Fifteen to 19 year olds made up 57% of female perpetrators on these applications, and 10 to 14 year olds made up 16% of female perpetrators. In 2013-14, 744 parent/step-parents were listed on applications where the perpetrator was under 18.

Family violence recidivism recorded by Victoria Police

Police recorded family violence data was used to analyse patterns of recidivism over the past ten years. Overall, 63% (n=125,044) of family violence perpetrators had only one family violence incident recorded by police over that time and the remaining 37% (n=72,778) were recidivist perpetrators. Nine percent (n=16,914) of all perpetrators had five or more incidents recorded, yet this group accounted for 34% (n=136,349) of all incidents. The analysis revealed that recidivist perpetrators were more likely to:

- be male than female.
- be younger at the time of their first incident.
- perpetrate violence against a current or former partner as opposed to another family member.
- have a history of family violence incidents and/or offences for breaches of family violence orders.

In addition, police were more likely to record the following factors at the time of recidivist perpetrators' index family violence incidents: presence of children; perpetrator unemployed; perpetrator depression/mental health issue; victim pregnancy or new birth; recent escalation/increase in severity or frequency of violence; perpetrator drug use possible or definite; and/or victim alcohol use possible or definite. Recidivist perpetrators were more likely to have recorded offences arising from their index incident, and were more likely to have a police recorded action at the index incident of criminal charges pending for a breach of family violence.

Specific population groups

Culturally and Linguistically Diverse (CALD)

Where country of birth information was recorded across datasets, a large proportion of people were born in Australia. In Victorian Legal Aid records, the top five countries of birth of clients born outside of Australia were India, New Zealand, England, Vietnam and Sudan. Of clients seeking housing assistance for family violence reasons who had a known country of birth in 2013–14, 3% were born in North Africa & the Middle East and 2% were born in South-East Asia.

In the Magistrates' Court, on average 1.8% of all affected family members required an interpreter while 1.6% of all respondents required one. The languages required most frequently by respondents across the five years were Vietnamese, Mandarin and Arabic, including Lebanese. In 2013-14, 5% of applicants in the Specialist Family Violence Courts were recorded as requiring an interpreter when seeing the support worker.

Key themes 14

Aboriginal and Torres Strait Islander

Aboriginal and Torres Strait Islander data were only available for in the VEMD, VAP and SHSC datasets, with data either not recorded or of low quality amongst the other contributing datasets.

In the five years from July 2009, the proportion of recorded indigenous status across these three datasets has remained relatively stable. In 2013–14, 5% of patients in the VEMD and VAP datasets identified as Indigenous, and in the three years to July 2011, on average 10% of SHSC clients identified as Indigenous.

Disability

Identification of victims with a disability in police data has remained stable in the last five years, with the proportion of family incidents recorded where there was the presence of a disability remaining between 2 and 3 per cent each year.

In the five years from July 2009, the proportion of Specialist Family Violence Court applicants who identified as having a disability fluctuated between 9% and 12% of all applicants who had accessed a support worker. Victorian Legal Aid data showed that in 2013-14, the proportion of applicants for a substantive grant who identified as having a disability was 19%, while the proportion of clients accessing a duty lawyer or legal advice service who had a disability was 22% and 25% respectively.

Family violence across the regions

Over the past 12 months, family incidents recorded by police have increased across all regions in Victoria. The North West Metro and Eastern regions have increased by the greatest proportion, up by 10.4% and 10% respectively in 2014–15. The North West Metro region now has the highest recorded proportion across the state, comprising 31.6% of all family incidents recorded.

In the five years from July 2009 to June 2014 in the Magistrates' Court, the highest proportion of affected family members lived in the North & West Metropolitan and Southern Metropolitan regions, on average making up 32% and 22% respectively. These regions also recorded the highest proportions of affected family members in the Children's Courts during the same period.

Of the 2,337 applicants who accessed a support worker from the Specialist Family Violence Courts Services 2014–15, almost half (44%) lived in the North and West Metropolitan regions. In addition, of the 31% of applicants who lived in the Southern Metropolitan region, three quarters of these applicants accessed a support worker at the Frankston Magistrates' Court.

15 An overview of family violence in Victoria

2.Introduction

Family violence has been identified as the most significant law and order issue confronting the State of Victoria, and a national emergency (State Government of Victoria, 2015a). The impacts of family violence across the community are profound, complex and present many challenges for individuals, communities and service providers (State of Victoria, 2015b).

The Terms of Reference for the Royal Commission into Family Violence invite the Royal Commission to explore issues relating to "systems and mechanisms to identify and appropriately prevent and respond to family violence, including information sharing and data systems" (State of Victoria, 2015b). The Victorian Family Violence Database (FVDB) is a long-standing project in the State of Victoria focused upon the collation of data relating to family violence from across a range of responding services and government agencies. This report presents a range of findings from this database to support the considerations of the Royal Commission and provides a picture of what can be gleaned from the available information about family violence in the state of Victoria. It follows on from five previous reports, which in totality represent 15 years of research and analysis into family violence trends.

Purpose and uses of the Victorian Family Violence Database

What the Victorian Family Violence Database Does

The Victorian Family Violence Database is a repository for a range of different datasets relating to family violence clients and service use, extracted from the data holdings of a variety of government agencies. The Database has expanded since its inception to include a broader range of datasets, as robust information has become available.

By collating these various different datasets in one place, the Database enables complementary analysis of disparate datasets, which would otherwise be a challenging exercise. Volume 5 of the database sets out its purpose clearly:

> "The Victorian Family Violence Database (the Database) was developed because access to reliable and meaningful statistics on family violence is essential for the development of effective policy responses to family violence.
>
> "The Database contributes to a more comprehensive picture of family violence in Victoria, and has the capacity to improve future planning and coordination of resources and responses. It is an important tool for government and stakeholders developing evidence-based policy for family violence.
>
> "The ability to identify and advise on trends, gaps and system weaknesses through cross-sector data analysis and reporting allows for assessment of the impact of legislation, policy and programs, improvement in programs service delivery and measurement of current family violence patterns of demand."

(Department of Justice, 2012)

While there are limitations (discussed below), the database provides a valid and useful picture of the demand for family violence related service recorded by responding agencies, and the trends and characteristics of those seeking help over time.

Challenges in collating the Database

All forms of administrative by-product data used for statistical purposes have limitations, and the data contained within the Victorian Family Violence Database is no exception. In order for a record to be made in the recording systems of the various agencies which can then be forwarded to the Database, a report or call for service must first be made to the responding agency. As a result, statistics held in this Database will not contain information relating to all incidences of family violence which may be experienced within the community, and will only contain a subset of this broader population of incidents. If not reported or recorded, the family violence incident will not be captured within the Database.

Unless the service is one dedicated to family violence cases only, the data will also usually require a flag or other variable to be recorded indicating that it does, in fact, relate to family violence. For a variety of reasons, this may not be disclosed to the person making the record. The client may not be asked or relevant family violence information may not be recorded. This contributes to a potential undercount of family violence related events covered by the Database. Additionally, simple data entry error may create false positives and false negatives in the datasets, impacting upon the quality of the information in the Database. Some variables are also subject to high levels of missing or unknown data, which may impact on the ability to draw firm conclusions based upon the remaining completed data.

The scope of data collected is often less than may be desirable or useful for research purposes, as the data is sourced from systems which have primarily been designed to meet business requirements, rather than statistical or research purposes. Additionally, as the Database contains data provided separately by each contributing agency, it is possible that individuals may appear in more than one dataset. The Database does not include any linked or integrated data to identify where individuals appear in more than one dataset. Therefore, figures from different sources cannot be summed to create a total representative figure for the prevalence of family violence seen by service agencies in Victoria. It should also be noted that not all agencies in Victoria who respond to family violence victims or perpetrators are currently contributors to the Victorian Family Violence Database.

Data relating to family violence collected by the agencies contributing to the Database is collected according to counting rules and classifications unique to each service. Details about each data source contained in the Database are provided in Chapter 2. For a broader discussion about the gaps relating to standardisation and governance of family violence data, please see Chapter 4.

Comparisons over time

While the Victorian Family Violence Database has now covered a period of 15 years, it should be highlighted that the significant cultural, legislative, policy and practice changes that have occurred during that period of time can impact upon the data that is collected by different agencies. In this report, where there have been significant known changes to business or recording practices impacting upon major counts, these have been noted and should be taken into account when drawing conclusions from these data. However, there will have been a wide range of more subtle changes which may have impacted upon the comparability of data over time and which are less obvious or not as well documented. As such, it is recommended that readers keep this in mind when reviewing data over the period of the database (especially between data held in this publication and previous volumes produced from the database) and treat the time series with caution.

Past, present and future of the Victorian Family Violence Database

The development of the Victorian Family Violence Database was initially funded in 2000 by Partnerships Against Domestic Violence, an Australian Government initiative. The database was conceived as a solution to the fragmented data collection often found across agencies with involvement in family violence, bringing together information

17 An overview of family violence in Victoria

collated from a range of sources to provide a single, statewide repository of data relating to family violence (Department of Justice & Regulation, 2012). In 2007, management of the Victorian Family Violence Database moved to the Victims Support Agency within the then Department of Justice.

Five previous iterations of the Victorian Family Violence Database have been produced and resulting reports published in five separate volumes. These volumes have been produced and published by the Victorian Community Council Against Violence (volumes 1 and 2) and the Department of Justice & Regulation's Victims Support Agency (volumes 3, 4 and 5). The reports generated from the Database remain the only comprehensive source of patterns and trends about family violence reporting in Victoria in the context of family violence initiatives at the present time.

Table 1. Previous major iterations and products of the Victorian Family Violence Database

Years covered	Major outputs	Year published
1999 to 2001	Victorian Family Violence Database: First Report (Volume 1)	2002
1999 to 2004	Victorian Family Violence Database: Five Year Report 1999–2004 (Volume 2)	2005
1999 to 2006	Measuring Family Violence in Victoria: Victorian Family Violence Database: Seven Year Trend Analysis 1999-2006 (Volume 3)	2008
1999 to 2008	Measuring family violence in Victoria : Victorian family violence database: nine year trend analysis 1999-2008 (Volume 4)	2009
1999 to 2010	Measuring Family Violence in Victoria - Victorian Family Violence Database: Eleven Year Trend Analysis (Volume 5)	2012

The last published report was released in 2012, when the then Victorian Department of Justice published a trend analysis report entitled 'Measuring Family Violence in Victoria – Victorian Family Violence Database: Eleven Year Trend Analysis'. The report drew on data contained in the Database that was recorded by a variety of agencies between 1999 and 2010. It provided an overview of the recorded prevalence of family violence, characteristics of perpetrators and victims, justice system responses and other services provided to perpetrators and victims of family violence.

To support the work of the Royal Commission into Family Violence, the Crime Statistics Agency was asked to produce an updated set of family violence statistics for the five years from July 2009 to June 2014 based on analysis of all of the existing data sources contained within the FVDB. Information was provided to the Royal Commission into Family Violence by agencies as part of the processes of the Royal Commission, and subsequently collated by the Crime Statistics Agency on their behalf. This report, and the accompanying set of data spreadsheets comprise the outputs of this supporting work. Data has been validated by agencies contributing their information to ensure accuracy and representativeness of the final findings.

Since 2014, the Victorian Family Violence Database has been collated by the Crime Statistics Agency and continues to be administered by the Community Operations and Victims Support Agency in the Department of Justice & Regulation. Operation of the Database is supported and guided by a Technical Data Working Group and represents a significant collaboration across the Victorian Government.

In this report

The following sections of this report provide findings from the Victorian Family Violence Database, a further exploratory analysis of family violence recidivism and a summary of gaps and opportunities to improve the database.

The overview of the Victorian Family Violence Database for the 2009-10 to 2013-14 period (Chapter 2) describes the data sources contained within the database, highlights in particular the current snapshot of family violence in Victoria, and summarises key changes visible in the database in the years since 2009-10. This section of the report updates findings since the last report was produced (Volume 5) for the following data sources:

- The Law Enforcement Assistance Program (Victoria Police)
- Lizard (Court Services Victoria)
- Courtlink (Court Services Victoria)
- Victorian Emergency Management Dataset (Department of Health and Human Services)
- Victorian Legal Aid datasets
- Victims Assistance Program and Victims of Crime helpline (Department of Justice and Regulation)
- Integrated Reporting Information System
- Supported Accommodation Assistance Program/Specialist Housing Services Collection (Department of Health and Human Services and the Australian Institute of Health and Welfare)

The findings include information on the number of clients of these agencies, their characteristics, services provided to clients, and trends in the data over the time. These sections of the report summarise and complement the 'Family Violence Data Tables' produced in conjunction with this report.

Chapter 14 explores recidivism within a cohort of alleged family violence perpetrators (other parties to family incidents) using their reappearance in Victoria Police's recorded crime data to explore the factors contributing to reappearance and patterns of recidivism. This further analysis demonstrates the value of datasets which can allow the robust identification of individual people and show information about their involvement in family violence over time.

In Chapter 15 we describe some of the gaps that limit the utility of the Victorian Family Violence Database and outline opportunities to strengthen the database to support an improved evidence base for family violence policy and practice.

Chapter 16 summarises the findings from across this report.

19 An overview of family violence in Victoria

3. Victorian Family Violence Database: 2009-10 to 2013-14

Data sources

This report includes data from 11 data sources, extracted from 6 different agencies. Each data source uses different counting units and methodology to collect and report on family violence. This section outlines each of the data sources contained within the report and table 1 provides an overview of the agency or department who provided the data, the scope and reference period of the dataset requested for the analysis, as well as the counting units used in the analysis of this report.

Victoria Police

The Victoria Police data included in this report was extracted from the Law Enforcement Assistance Program (LEAP) on 18 April 2015. LEAP is a live database, and the data included in the report is subject to change over time. The primary source of family violence data from Victoria Police is the information collected on the L17 Risk Assessment and Risk Management report. Victoria Police are required to complete the L17 report after they have attended a family incident. It includes information on the incident itself, the affected family member and other party, risk factors present at the time of the incident and any actions taken by Victoria Police following the incident. The quantity and accuracy of the data collected by Victoria Police on family violence is dependent upon the recording of information by police members at the time of the incident.

Magistrates' and Children's Courts

The Magistrates' and Children's Courts data included in this report was extracted from the Courtlink database. The data includes all finalised applications for Family Violence Intervention Orders in which the final hearing took place between 1 July 2009 and 30 June 2014. This includes original applications as well as applications for variation, extension and revocation.

The analysis of the courts data looks at the number of applications heard in the Magistrates' and Children's Courts, the affected family members on the application and the person responding to the order. On each application there is one associated respondent, however, there can be multiple affected family members.

For the purposes of analysing the demographic characteristics of affected family members and respondents, the report focuses on those on original applications for family violence intervention orders. This ensures that affected family members and respondents are not double counted if subsequent applications for variation, extension or revocation were made.

Specialist Family Violence Court Services

The data included in this report on applicants and respondents who accessed a support worker at a Specialist Family Violence Service is extracted from the Lizard database. During the reference period, support workers operated at Melbourne, Frankston, Ballarat, Werribee, Sunshine, Heidelberg and Moorabbin Magistrates' Courts.

The Lizard database allows for the collection of demographic information on the applicants and respondents seeking assistance from a support worker, some location based information and data on children associated with the clients. Data contained within Lizard is collected by the support worker at the time of the session with a client.

Department of Health and Human Services – Integrated Reports and Information System (IRIS)

The Integrated Reports and Information System is a data collection system used by service organisations that are funded by the Department of Health and Human Services. For the purposes of this report, the data extracted from IRIS relates to women and children accessing family violence services and men accessing behaviour change programs.

The data extracted from IRIS includes information on the cases presented to agencies, demographic information of clients and issues that they present with.

Department of Health and Human Services – Victorian Emergency Minimum Dataset (VEMD)

The Victorian Emergency Minimum Dataset (VEMD) contains information detailing presentations at Victorian public hospitals with designated Emergency Departments. For the purposes of this report, patients presenting for family violence reasons are identified by the 'human intent' data item.

At the Emergency Department, the clinician assesses the most likely human intent in the occurrence of the injury or poisoning (Department of Health and Human Services, 2015). Patients presenting for family violence reasons are those that presented with a human intent injury of either 'Child neglect, maltreatment by parent, guardian' or 'Maltreatment, assault by domestic partner'.

The VEMD information in this report focuses on the demographic characteristics of the patients as well as the nature and cause of their injuries.

Victims Assistance Program (VAP)

The Victims Assistance Program (VAP), which operates under the Victims Support Agency in the Department of Justice & Regulation, is a network of agencies across Victoria providing services to victims of crime.

Data collected from the VAP includes demographic information of the victim, location data, information on the crime type and how the client was referred to the agency.

In the years prior to 2012-13, family violence related victims were identified by generic family violence crime types. In the 2012-13 financial year, a family violence indicator was introduced which allowed specific crime types to be recorded and then flagged if it was family violence related.

Victims of Crime (VoC) helpline

The Victims of Crime (VoC) helpline is an anonymous telephone support line, which operates under the Victims Support Agency in the Department of Justice & Regulation. The helpline assists victims by providing information and advice about reporting a crime and provides referrals to other services that can assist victims. The data provided from the VoC helpline for this report covers the period from 2010-11 to 2013-14.

Data collected by the VoC helpline is limited as it as an anonymous service. This means that not every client provides demographic information, however, there is some data collected on the age, sex, disability and language spoken by the client.

In the 2012-13 financial year, a family violence indicator was introduced to identify any victims of crime that were family violence related.

21 An overview of family violence in Victoria

Victoria Legal Aid (VLA)

Victoria Legal Aid (VLA) operates across the state and aims to assist Victorians by providing free legal information, services and education. The VLA data analysed in this report includes services provided to individuals where the primary matter was recorded as family violence related. These services include; legal advice, legal help, in-house duty lawyer services, minor work and substantive grants.

It is important to note that within the data collected by VLA, we are unable to determine whether the client was an applicant/victim or respondent/perpetrator. Therefore, the information contained in this report only represents the services provided by VLA but not the type of client.

It should also be noted that in the Victorian Family Violence Database: Volume 5, Substantive grants were referred to as Casework, while Legal help was previously called Telephone support.

Specialist Homelessness Services Collection (SHSC)

The Specialist Homelessness Services Collection (SHSC) began on 1 July 2011, replacing the Supported Accommodation Assistance Program (SAAP). The SHSC is operated by the Australian Institute of Health and Welfare and is designed to collect data from SHSC agencies providing homelessness services across Australia.

The data provided by AIHW for the purposes of this report covers information on the support periods provided by the agencies and the clients accessing these services. Information was also provided on the clients' reasons for seeking assistance and this is used to identify clients seeking homelessness services for family violence reasons.

Supported Accommodation Assistance Program (SAAP)

The Supported Accommodation Assistance Program (SAAP) was replaced by the SHSC on 1 July 2011. Data in this report for the SAAP covers the period from July 2009 to June 2011 and looks at basic demographic information about the clients accessing homelessness services as well as their main reason for seeking these services.

Victorian Family Violence Database 22

Table 2. Overview of data sources

Agency/Department	Scope of dataset provided by agency/department	Reference period	Counting units
Victoria Police	- Data collected on L17 Family Violence Risk Assessment and Risk Management Report - Offences recorded in Law Enforcement Assistance Program (LEAP)	2009-10 to 2013-14	Family incident Affected family member Other party
Magistrates' and Children's Court	- Finalised applications for family violence intervention order extracted from Courtlink	2009-10 to 2013-14	Application Affected family member Respondent
Specialist Family Violence Courts	- Applicants and respondents accessing family violence support worker at a Specialist Family Violence Court extracted from Lizard	2009-10 to 2013-14	Session Applicant Respondent
Department of Health and Human Services – Integrated Reports and Information System (IRIS)	- Men accessing behaviour change programs - Women and children accessing family violence services	2009-10 to 2013-14	Client
Department of Health and Human Services – Victorian Emergency Minimum Dataset (VEMD)	- Patients presenting at Victorian public hospitals with designated Emergency Departments with human intent injury classified as either "Child neglect, maltreatment by parent, guardian' or 'Maltreatment, assault by domestic partner'	2009-10 to 2013-14	Patient
Victims Assistance Program (VAP)	- Victims of crime accessing the Victims Assistance Program	2009-10 to 2013-14	Victim
Victims of Crime (VoC) helpline	- Victims of crime accessing the Victims of Crime helpline	2010-11 to 2013-14	Victim
Victoria Legal Aid	- Duty lawyer services, Legal advice services, Legal help services, Minor work, Substantive grants where the primary matter was family violence related	2009-10 to 2013-14	Client
Specialist Homelessness Services Collection (SHSC)	- Support periods provided to people seeking assistance from homelessness agencies for family violence reasons	2011-12 to 2013-14	Support periods provided by agency
Supported Accommodation Assistance Program (SAAP)	- Support periods provided to people seeking assistance from homelessness agencies for family violence reasons	2009-10 to 2010-11	Support periods provided by agency

23 An overview of family violence in Victoria

4.Victoria Police

Family incidents recorded

In the five years from July 2009 the number of family incidents recorded by Victoria Police has increased by 82.7%, from 35,666 incidents in 2009-10 to 65,154 in 2013-14.

In the same five years, the family incident rate per 100,000 people increased by 70.8% to 1,115.3 incidents per 100,000 people in 2013-14.

Figure 1. Number of recorded family incidents – Victoria Police, July 2009 to June 2014
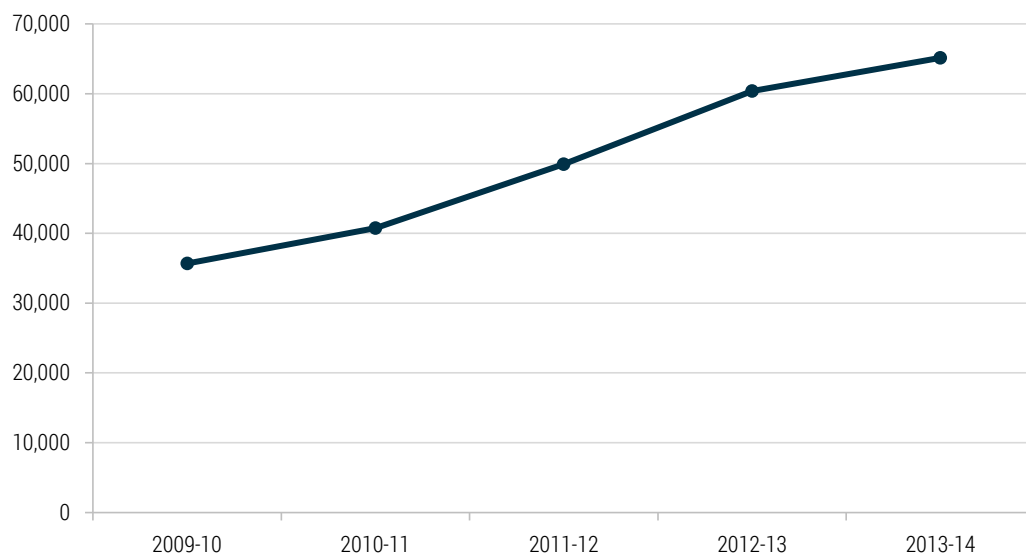
Table 3. Family incidents recorded and family incident rate per 100,000 population – Victoria Police, July 2009 to June 2014

	2009 – 10	2010 – 11	2011 – 12	2012 – 13	2013 – 14	% change 2013-2014
Number of family incidents	35,666	40,733	49,927	60,408	65,154	7.9%
Family incident rate per 100,000	653.1	735.5	886.4	1,052.5	1,115.3	6.0%

The data used in this section can be found in table 1 of the Victoria Police data tables.

Family incidents across Victoria

The increase in recorded family incidents over the five years from 2009-10 to 2013-14 was distributed across Victoria. The number of incidents in the Eastern and Western regions doubled in the five years to 2013-14, while the number of incidents in the North West Metro and Southern Metro regions increased by 80% and 62% respectively.

Table 4. Family incidents by police region – Victoria Police, July 2009 to June 2014

	2009 – 10	2010 – 11	2011 – 12	2012 – 13	2013 – 14	% change 2012-13 to 2013-14
North West Metro region	11,426	12,921	15,377	18,672	20,619	10.4%
Eastern region	8,525	9,842	12,571	14,968	16,468	10.0%
Southern Metro region	9,379	10,468	12,453	14,797	15,195	2.7%
Western region	6,335	7,500	9,511	11,963	12,855	7.5%

Figure 2. Family incident rate per 100,000 population by Local Government Area – Victoria Police, July 2013 to June 2014
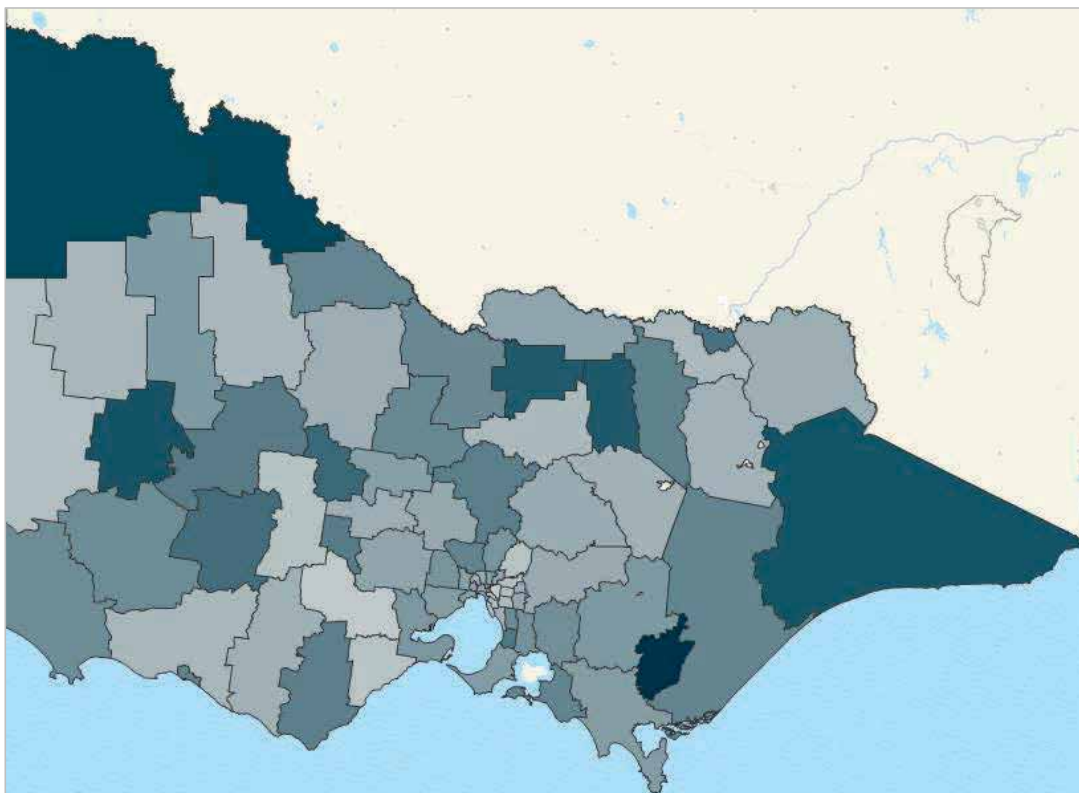
When the variation in population levels across the state are taken into account, the Local Government Areas with the highest incident rate per 100,000 were La Trobe (2,769.7 per 100,000), Swan Hill (2463.6 per 100,000), Mildura (2,458.7 per 100,000), Horsham (2,285.3 per 100,000) and East Gippsland (2,280.0 per 100,000).

The data used in this section can be found in tables 2 and 3 of the Victoria Police data tables.

25 An overview of family violence in Victoria

Demographics of affected family members and other parties

An 'affected family member' (AFM) is the individual who is deemed to be affected by events occurring during the family incident. Where an affected family member has been in an incident with more than one other party, they will be counted for each involvement.

The other individual involved in a family incident is referred to as the 'other party'. The other party could be a current partner, former partner or a family member. Where the other party is involved with multiple affected family members in an incident, they will be counted for each involvement.

Age and sex of affected family members

In 2013-14, three quarters (75%, n=49,082) of the 65,157 affected family members were female. In the five years from July 2009 the proportion of male and female AFMs has remained relatively stable, with on average 76% female and 24% male affected family members.

Figure 3. Affected family members by sex – Victoria Police, July 2009 to June 2014
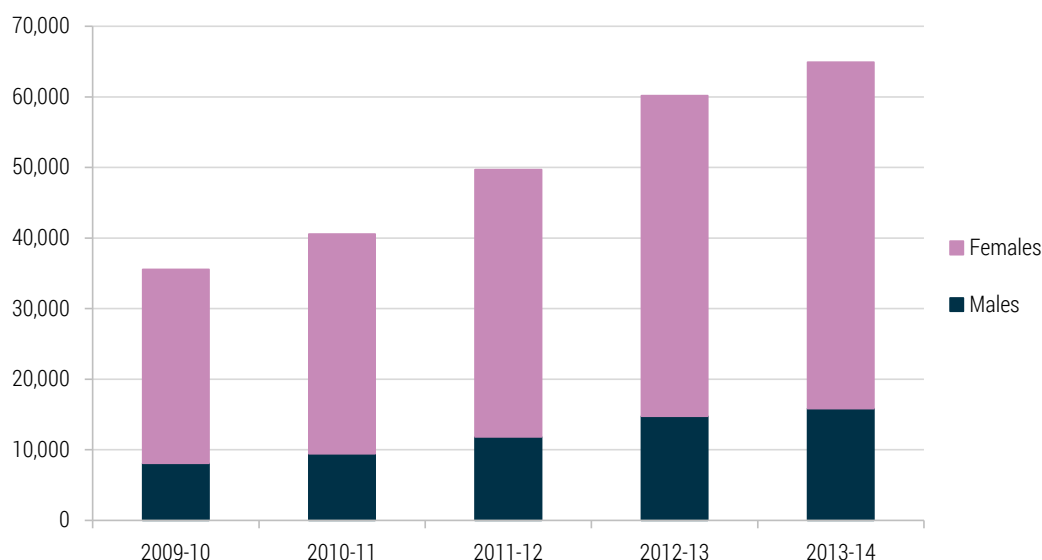
In 2013-14 there were 49,082 female affected family members. Approximately 65% (n=31,715) of those were aged between 20 and 44 years at the time of the incident. The largest age group of female affected family members was 25 – 29 years (n=6,583).

In the same year there were 15,828 male affected family members, of which 51% (n=8,025) were between 20 and 44 years of age. The largest age group of male affected family members was 40 – 44 years (n=1,776).

Approximately 1 in 10 of all affected family members recorded in 2013-14 were 17 years or younger (9%, n=5,781). Of these AFMs, 62% were female and 38% male.

Figure 4. Sex and age of affected family members – Victoria Police, July 2013 to June 2014
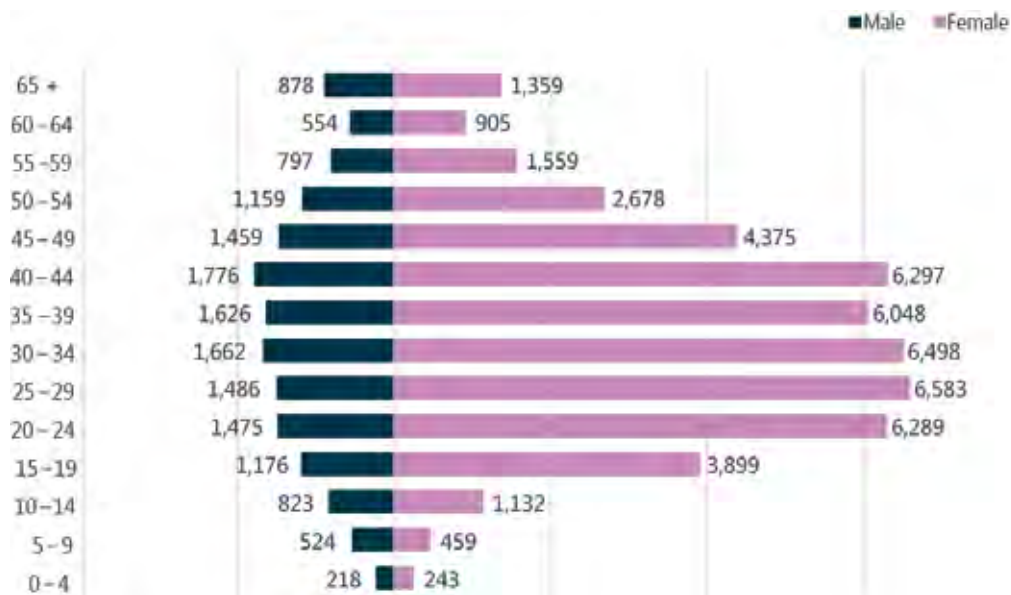
The data used in this section can be found in table 4 and 5 of the Victoria Police data tables.

Age and sex of other parties

In the five years from July 2009 to June 2014, the proportion of male and female other parties has remained stable, with an approximate split of 22% female and 78% male other parties.

The proportion of male and female other parties changes depending on the age group of the associated affected family member. For example, where the affected family member is 17 years or younger, the proportion of female other parties increased to approximately a third (32%, n=1,850) of all relevant other parties.

The gender split of other parties, where the affected family members were aged 18 years and older, is in line with that of the total population of other parties.

Table 5. Sex of other party by age group of associated affected family member, July 2009 to June 2014

		2009 – 10	2010 – 11	2011 – 12	2012 – 13	2013 – 14
Sex of other party where affected family member is 17 years or younger	Male	65.3%	66.9%	67.0%	66.7%	66.6%
	Female	34.1%	32.3%	32.0%	32.0%	32.0%
Sex of other party where affected family member is 18 years or older	Male	79.6%	78.8%	78.7%	77.9%	78.1%
	Female	20.0%	20.7%	20.8%	21.6%	21.4%
Sex of all other parties	Male	78.5%	77.8%	77.6%	76.9%	77.0%
	Female	21.1%	21.6%	21.9%	22.5%	22.4%

27 An overview of family violence in Victoria

In 2013-14, there were 50,165 male other parties recorded, of which a third were between the age of 20 and 29 years at the time of the incident.

In 2009-10 and 2010-11 the largest age group of male other parties was 35 – 39 years, however, between 2011-12 and 2013-14, the largest age group was 30 – 34 years. Similarly, between 2009-10 and 2011-12 the largest age group of female other parties was 35 – 39 years, but in more recent years has been 30 – 34 years, indicating a slight shift in the age of other parties.

Figure 5. Sex and age of other parties – Victoria Police, July 2013 to June 2014
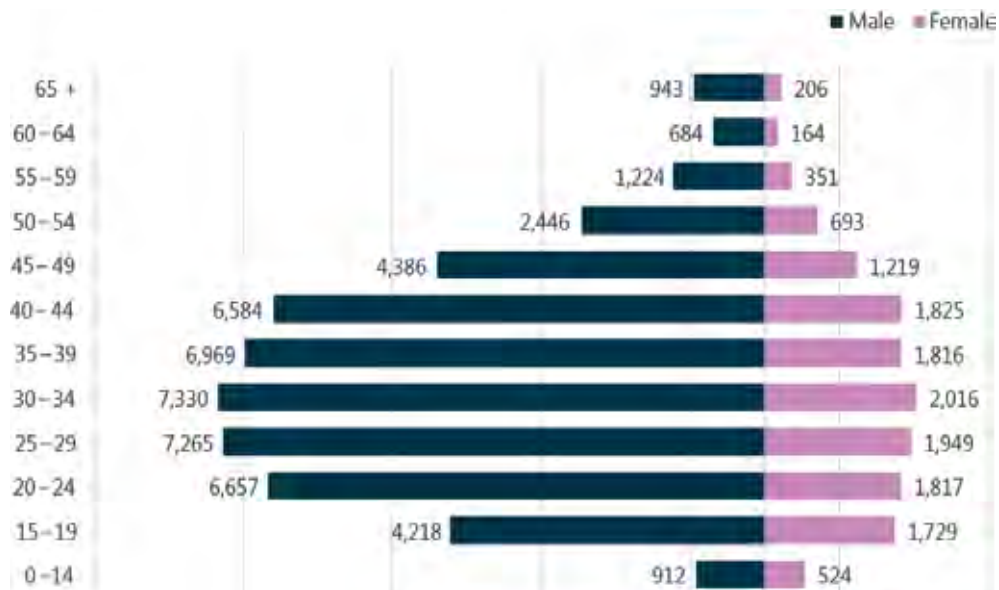
The data used in this section can be found in tables 6 and 7 of the Victoria Police data tables.

Relationship between affected family members and other parties

The proportion of relationship types between an affected family member and other party differs depending on the gender of the affected family member.

Of the 15,829 male affected family members in 2013-14, just over half (52%, n=8,216) were a family member of the other party. This means they were either a child, parent or other family member to the other party. One third (33%, n=5,185) of the male affected family members were a current partner of the other party, while the remainder (15%, n=2,360) were a former partner of the other party.

Figure 6. Relationship of affected family member to other party where AFM is male – Victoria Police, July 2009 to June 2014
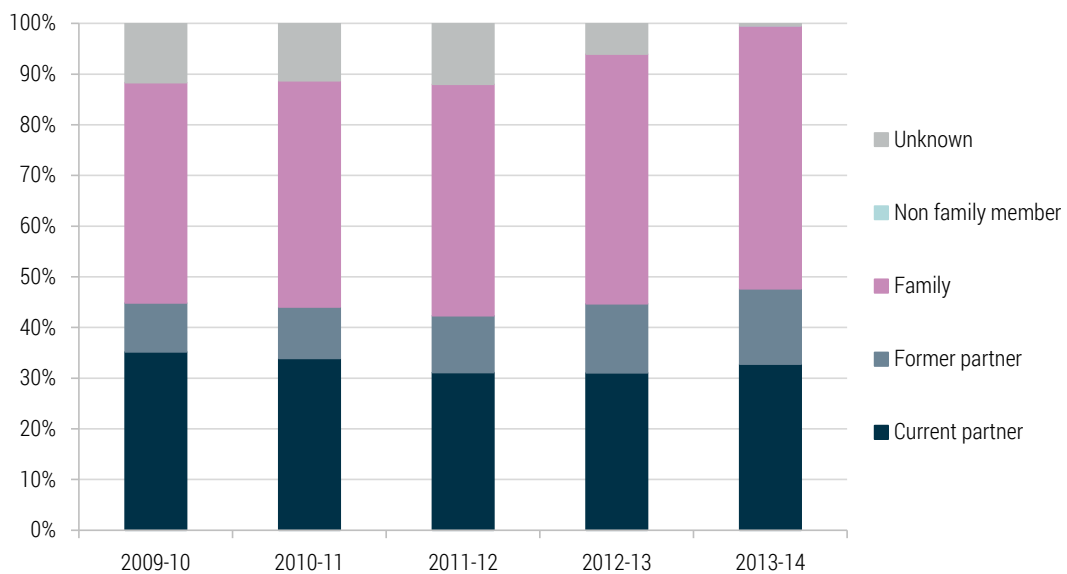
The proportion of relationships is quite different where the affected family member is female, with 45% (n=22,233) of females recorded as a current partner of the other party at the time of the incident, 31% (n=15,175) a family member and 23% (n=11,533) a former partner of the other party.

Figure 7. Relationship of affected family member to other party where AFM is female – Victoria Police, July 2009 to June 2014
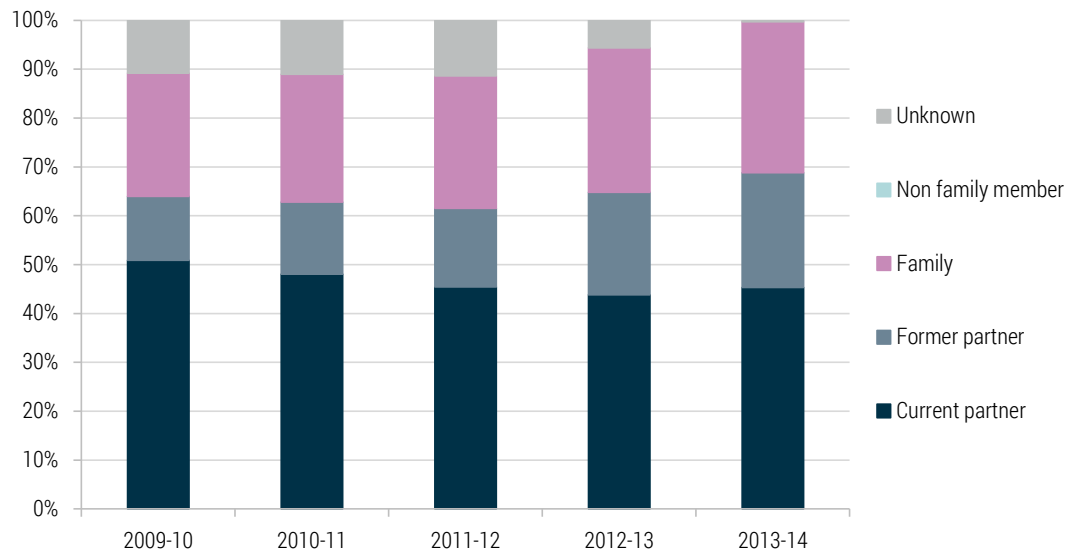
The data used in this section can be found in table 12 of the Victoria Police data tables.

Parent-Child relationships in family incidents

This section of the report highlights the affected family members and other parties involved in parent-child relationships at the time of the family incident. The following focuses on incidents where young children were the affected family member of their parent, as well as where young children were the other party towards their parent and where older parents were the victim in a family incident.

Children affected family members to parent other parties

In 2013-14, there were 3,341 affected family members 17 years and under who were the child of the other party. Of the 3,341 children, 44% (n=1,481) were male while 56% (n=1,860) were female.

In 63% (n=927) of incidents where the affected family member was a male child, the other party was a male parent and in the other 37% (n=554) of incidents, the parent was female. The largest age groups of male child affected family members were 12 – 14 years and 15 – 17 years.

In 55% (n=1,019) of incidents where the affected family member was a female child, the other party was a male parent and in the other 45% (n=841) the parent was female. As with male children, the largest age groups of female affected family members were 12 – 14 years and 15 – 17 years, making up 66% (n=670) of incidents where the parent was male and 68% (n=574) of incidents where the parent was female.

Table 6. Children affected family members aged 17 years and under where the other party is a parent – Victoria Police, July 2013 to June 2014

		Male parent other party	Female parent other party
Male child affected family member	0 – 4 years	92	71
	5 - 8 years	200	110
	9 - 11 years	165	101
	12 - 14 years	241	150
	15 - 17 years	229	122
	Total male child AFMs	927	554
Female child affected family member	0 – 4 years	100	68
	5 - 8 years	129	93
	9 - 11 years	120	106
	12 - 14 years	331	277
	15 - 17 years	339	297
	Total female child AFMs	1,019	841

The data used in this section can be found in table 13 of the Victoria Police data tables.

31 An overview of family violence in Victoria

Adult parent affected family members to youth children other parties

In the five years from July 2009 to June 2014, there were a total of 11,861 incidents that involved an adult parent affected family member and a child other party who was under 17 years old. 64% (n=7,608) involved a male other party while 36% (n=4,253) involved a female other party.

Of the 9,542 incidents that involved a female affected family member, 54% (n=5,148) of those were aged 35 – 44 years at the time of the incident and 31% (n=2,991) were between 45 – 54 years. In 2013-14, there were 3,200 incidents that involved a male other party under 17 years and a female parent aged 35 – 44 years.

Of the 2,319 incidents that involved a male parent affected family member, 85% (n=1,964) were between 35 –54 years old. In the five years from 2009-10 to 2013-14 there were also 150 incidents that involved a male parent over 65 years and a male other party aged 17 years and under.

Table 7. Parents as the affected family member where the other party is 17 years or younger, by gender of OTH and gender and age of AFM, July 2009 to June 2014 combined

		Male other party	Female other party
Male parent affected family members	18 - 24 years	≤ 3	≤ 3
	25 - 34 years	55	21
	35 - 44 years	629	252
	45 - 54 years	799	284
	55 - 64 years	150	68
	65 +	43	14
	Total male AFMs	1,678	641
Female parent affected family members	18 - 24 years	13	≤ 3
	25 - 34 years	645	409
	35 - 44 years	3,200	1,948
	45 - 54 years	1,872	1,119
	55 - 64 years	183	121
	65 +	17	13
	Total female AFMs	5,930	3,612

Note: In order to maintain confidentiality, person-based counts with a value less than 3 are displayed as ≤ 3 and are given a value of 2 to calculate totals

The data used in this section can be found in table 14 of the Victoria Police data tables.

Victoria Police 32

Adult children as the other party to adult parent affected family members

In the five years from July 2009 to June 2014, there were 21,716 recorded incidents that involved an adult parent affected family member and an adult child other party. 31% (n=6,625) involved a male affected family member and 69% (n=15,091) involved a female affected family member.

The largest group of affected family members was females aged 45 – 54 years where the other party was between 18 and 34 years. This group made up over a quarter of all incidents (27%, n= 5,922). Of those 5,922 incidents, 73% involved a male other party.

Table 8. Parents as affected family member where the other party is 18 years and older by gender and age of AFM and age of OTH – Victoria Police, July 2009 to June 2014 combined

		Age of other party					Total
		18 - 34 years	35 - 44 years	45 - 54 years	55 - 64 years	65 years and older	
Adult male affected family member	18 - 34	41	0	0	0	0	41
	35 - 44	567	6	0	0	0	573
	45 - 54	2,128	21	6	0	0	2,155
	55 - 64	1,905	339	8	4	0	2,256
	65 years and older	562	749	250	37	2	1,598
Adult female affected family member	18 - 34	101	0	0	0	0	101
	35 - 44	2,954	19	0	0	0	2,973
	45 - 54	5,922	77	9	0	0	6,008
	55 - 64	2,912	978	33	5	0	3,928
	65 years and older	330	994	623	123	11	2,070

The data used in this section can be found in table 15 of the Victoria Police data tables.

Domestic partner and spousal relationships in family incidents

Family incidents involving current partners

In the five years from July 2009 to June 2014, there were 101,606 incidents involving adult affected family members and other parties in a current partner relationship.

Of those incidents, 82% (n=83,555) involved a male other party and 18% (n=18,051) involved a female other party.

Parties of similar age contributing largest number of incidents

- Incidents involving a female affected family member aged 25 – 34 and a male other party aged 25 – 35 accounted for 16% (n=16,461) of all current partner incidents.
- Incidents involving a female affected family member aged 35 – 44 and a male other party aged 35 – 44 accounted for 13% (n=13,279) of all current partner incidents
- Incidents involving a female affected family member aged 18 – 24 and a male other party aged 18 – 24 accounted for 9% (n=9,495) of all current partner incidents

The data used in this section can be found in table 16 of the Victoria Police data tables.

Family incidents involving former partners

In the five years from July 2009 to June 2014, there were 41,012 incidents that involved adult affected family members and other parties in a former partner relationship. This includes those who were recorded as 'divorced', 'separated' or 'previously defacto'.

Incidents where the other party was a male between 25 – 34 years made up over a quarter (27%, n=11,037) of all incidents involving a former partner.

Over the five years, there were 6,895 incidents that involved a female affected family member aged 25 – 34 years and a male other party aged 25 – 34 years. There were also 6,782 incidents involving a female affected family member aged 35 – 44 years and a male other party in the same age group.

Table 9. Former partner relationships where both affected family member and other party are over 18 years by gender of AFM and age group of other party – Victoria Police, July 2009 to June 2014 combined

	Age of other party					
	18 - 24 years	25 - 34 years	35 - 44 years	45 - 54 years	55 - 64 years	65 years and older
Adult male affected family members	1,115	2,378	2,437	957	168	37
Adult female affected family members	3,998	11,040	12,224	5,250	1,094	314
Total former partner incidents	5,113	13,418	14,661	6,207	1,262	351

The data used in this section can be found in table 17 of the Victoria Police data tables.

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Children present at family incidents

Table 10. Number of family incidents where a child/children were present – Victoria Police, July 2009 to June 2014

	2009 – 10	2010 – 11	2011 – 12	2012 – 13	2013 – 14
Incidents where child/children were present	12,688	14,448	18,127	18,861	22,376
Incidents where no children present/not recorded	22,978	26,285	31,800	41,547	42,778
Total family incidents	35,666	40,733	49,927	60,408	65,154

Victoria Police record the number of children present at the time of a family incident. In approximately a third (34%, n=22,376) of all incidents recorded in 2013-14, there was at least one child present. Over the past five years the proportion of incidents where children have been present has remained relatively constant.

Figure 8. Proportion of incidents where a child/children were present – Victoria Police, July 2009 to June 2014
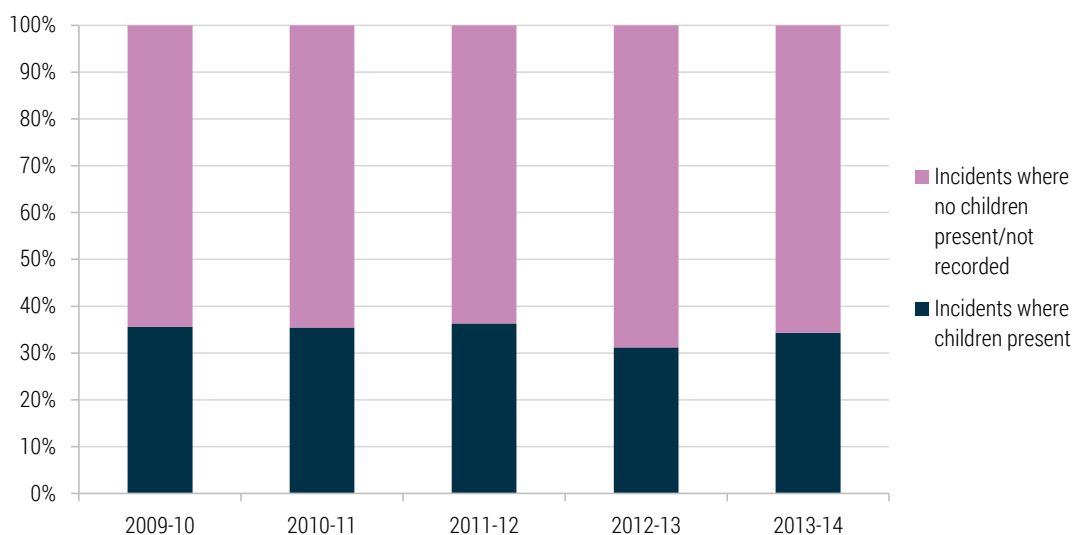
The data used in this section can be found in table 21 of the Victoria Police data tables.

Fear level of affected family member at time of the incident

On the L17 Risk Assessment and Risk Management Report, the level of fear felt by the affected family member is collected at the time of the incident. In 2013-14, 99.8% of incidents had this data item collected.

Of the 65,157 incidents recorded in 2013-14, 60% (n=39,219) of affected family members were recorded as not fearful at the time of the incident while 34% (n=22,346) reported feeling fearful and 5% (3,433) felt very fearful.

In 2013-14 there were 49,081 incidents that involved a female affected family member. Of these affected family members, 39% (n=18,907) reported feeling fearful and 6% (n=3,115) felt very fearful. In the same year there were 15,827 incidents that involved a male affected family member, of which 21% (n=3,350) felt fearful and 2% (n=306) very fearful.

The data used in this section can be found in table 27 of the Victoria Police data tables.

Risk factors recorded on L17 Risk Assessment and Risk Management Report.

The following three tables outline the proportion of each risk factor that was identified and recorded on all L17 Risk Assessment and Risk Management Reports from July 2009 to June 2014.

The first table looks at risk factors that relate to the affected family member, the second looks at risk factors that relate to the other party and the third shows other factors present in the relationship between the parties.

Table 11. Proportion of incidents where each risk factor relating to the affected family member was recorded at the time of the incident – Victoria Police, July 2009 to June 2014

		2009-10	2010-11	2011-12	2012-13	2013-14
AFM Pregnancy/Birth	Not recorded	94%	94%	94%	97%	100%
	Recorded	6%	6%	6%	3%	0%
AFM Mental Health	Not recorded	91%	90%	90%	89%	85%
	Recorded	9%	10%	10%	11%	15%
AFM Suicidal	Not recorded	99%	99%	99%	99%	99%
	Recorded	1%	1%	1%	1%	1%
AFM Isolation	Not recorded	98%	97%	97%	96%	94%
	Recorded	2%	3%	3%	4%	6%
AFM Alcohol Possible	Not recorded	87%	86%	85%	87%	89%
	Recorded	13%	14%	15%	13%	11%
AFM Alcohol Definite	Not recorded	83%	85%	87%	89%	89%
	Recorded	17%	15%	13%	11%	11%
AFM Drugs Possible	Not recorded	90%	89%	88%	89%	88%
	Recorded	10%	11%	12%	11%	12%
AFM Drugs Definite	Not recorded	98%	98%	98%	97%	97%
	Recorded	2%	2%	2%	3%	3%
AFM Other Substance	Not recorded	100%	100%	100%	99%	99%
	Recorded	0%	0%	0%	1%	1%

The risk factors relating to the affected family member that are most often recorded appear to be drug and alcohol related with 11% of all incidents possibly involving alcohol and another 11% definitely involving alcohol in 2013-14.

In the same year, in 12% of incidents, Victoria Police identified that it was possible drugs were a factor at the time of the incident.

It should be noted that the AFM risk factor for pregnancy/birth was replaced by a relationship pregnancy for pregnancy/new birth in June 2012.

Victoria Police 36

Table 12. Proportion of incidents where each risk factor relating to the other party was recorded at the time of the incident – Victoria Police, July 2009 to June 2014

		2009-10	2010-11	2011-12	2012-13	2013-14
OTH Harm Threat	Not recorded	83%	82%	82%	82%	82%
	Recorded	17%	18%	18%	18%	18%
OTH Choke	Not recorded	97%	97%	96%	97%	97%
	Recorded	3%	3%	4%	3%	3%
OTH Threat/Kill	Not recorded	95%	95%	94%	95%	96%
	Recorded	5%	5%	6%	5%	4%
OTH Harm/Threat Child	Not recorded	99%	99%	98%	99%	99%
	Recorded	1%	1%	2%	1%	1%
OTH Harm/Threat Family	Not recorded	98%	98%	98%	98%	97%
	Recorded	2%	2%	2%	2%	3%
OTH Harm/Threat Pets	Not recorded	100%	100%	100%	100%	100%
	Recorded	0%	0%	0%	0%	0%
OTH Suicidal	Not recorded	97%	97%	96%	97%	96%
	Recorded	3%	3%	4%	3%	4%
OTH Stalking	Not recorded	98%	98%	98%	98%	98%
	Recorded	2%	2%	2%	2%	2%
OTH Sexual Assault	Not recorded	99%	99%	98%	98%	98%
	Recorded	1%	1%	2%	2%	2%
OTH Controlling	Not recorded	84%	84%	84%	84%	81%
	Recorded	16%	16%	16%	16%	19%
OTH Unemployed	Not recorded	90%	90%	89%	88%	87%
	Recorded	10%	10%	11%	12%	13%
OTH Mental Health	Not recorded	86%	85%	85%	84%	80%
	Recorded	14%	15%	15%	16%	20%
OTH History Violence	Not recorded	92%	91%	91%	96%	100%
	Recorded	8%	9%	9%	4%	0%
OTH Alcohol Possible	Not recorded	85%	84%	82%	83%	84%
	Recorded	15%	16%	18%	17%	16%
OTH Alcohol Definite	Not recorded	74%	75%	78%	80%	81%
	Recorded	26%	25%	22%	20%	19%
OTH Drugs Possible	Not recorded	84%	83%	80%	81%	79%
	Recorded	16%	17%	20%	19%	21%
OTH Drugs Definite	Not recorded	95%	95%	94%	93%	91%
	Recorded	5%	5%	6%	7%	9%
OTH Other Substance	Not recorded	99%	99%	99%	99%	98%
	Recorded	1%	1%	1%	1%	2%
OTH Suicide Attempted	Not recorded	100%	100%	100%	100%	100%
	Recorded	0%	0%	0%	0%	0%

37 An overview of family violence in Victoria

The proportion of incidents where each of the other party risk factors were identified has remained relatively stable over the five years from July 2009. As with those relating to the affected family member, the proportion of incidents with risk factors associated with drug and alcohol use have increased in the five years.

In 2013-14, Victoria Police identified that in16% of incidents it was possible that alcohol was an issue for the other party, while in 19% it was identified that alcohol was definitely present at the time of the incident.

Table 13. Proportion of incidents where other risk factors were recorded at the time of the incident – Victoria Police, July 2009 to June 2014

		2009-10	2010-11	2011-12	2012-13	2013-14
Recent separation	Not recorded	74%	74%	74%	79%	84%
	Recorded	26%	26%	26%	21%	16%
Escalation – increase in severity and/or frequency	Not recorded	93%	92%	91%	89%	86%
	Recorded	7%	8%	9%	11%	14%
Presence of a disability	Not recorded	98%	97%	97%	98%	97%
	Recorded	2%	3%	3%	2%	3%
Financial difficulties	Not recorded	90%	90%	91%	90%	89%
	Recorded	10%	10%	9%	10%	11%
Pregnancy/New birth	Not recorded	100%	100%	100%	97%	94%
	Recorded	0%	0%	0%	3%	6%

In the five years from July 2009 the proportion of incidents where recent separation was identified as a risk factor has decreased from 26% to 15% of all incidents, while the proportion of incidents where financial difficulties were identified as an issue has remained stable over the five years at on average 10% of all incidents.

It should be noted that pregnancy/new birth was introduced as a relationship risk factor in June 2012, replacing the pregnancy/birth factor associated with the affected family member.

The data used in this section can be found in table 23 of the Victoria Police data tables.

Victoria Police 38

Actions taken by Victoria Police

On the L17 Risk Assessment and Risk Management Report, Victoria Police indicate all actions that are taken to protect the affected family member and any children from risks and criminal behaviour at the time of the incident. The four types of action that can be taken are:

- Criminal action, including; charges pending (breach & other), charges pending (breach FVIO/FVSN), charges pending (other only), perpetrator bailed with conditions and perpetrator remanded in custody.
- Civil action, including; exclusion conditions used, FVSN issued, police applying via arrest & warrant, police applying via arrest & summons, police applying for FVIIO, police applying for FVIO, AFM applying for FVIO, FVIO variation required
- Referral action, including; recommended high risk client, WDVCS (immediate assistance 24/7), formal referral AFM, formal referral perpetrator, informal referral AFM, informal referral perpetrator, child protection, child FIRST
- Other action, including; holding powers (direction), holding powers (detention), firearms seized, weapons seized, revoked f/a license pending

The following table outlines the actions recorded by Victoria Police in each incident over the five years from July 2009 to June 2014. The table shows where no action was taken, where one type of action was taken and where multiple types of action were taken.

Table 14. Incidents by type of action taken by police – Victoria Police, July 2009 to June 2014

	2009 – 10	2010 – 11	2011 – 12	2012 – 13	2013 – 14
No action taken	2,594	2,688	3,089	3,412	2,494
Civil only	1,279	1,032	835	574	146
Criminal only	610	777	865	1,560	1,008
Referral only	20,001	22,785	26,913	28,434	27,801
Other only	14	9	9	9	7
Civil and Criminal	410	371	385	453	154
Civil and Criminal and Referral	2,686	3,343	5,016	8,222	11,457
Civil and Criminal and Other	37	34	40	48	17
Civil and Other	125	80	75	59	7
Civil and Referral and Other	744	936	1,159	1,540	1,742
Civil and Referral	4,574	4,957	5,690	5,719	5,822
Criminal and Other	9	6	8	20	5
Criminal and Referral and Other	41	66	94	233	307
Criminal and Referral	2,021	2,885	4,584	7,671	10,746
Referral and Other	71	93	113	149	145
Civil and Criminal and Referral and Other	450	671	1,052	2,305	3,296
Total family incidents	35,666	40,733	49,927	60,408	65,154

The data used in this section can be found in table 32 of the Victoria Police data tables.

Family Violence Intervention Orders and Family Violence Safety Notices sought by police

In 17% (n=11,091) of the 65,154 family incidents recorded in 2013-14, Victoria Police indicated that a Family Violence Intervention Order would be sought. Victoria Police record this on the L17 Family Violence Risk Assessment Report as an indicator that they intend to seek a FVIO. This doesn't represent where an intervention order was actually applied for or where an order was applied for by the affected family member.

Table 15. Number of family incidents where FVIO or FVSN sought – Victoria Police, July 2009 to June 2014

	2009 – 10	2010 – 11	2011 – 12	2012 – 13	2013 – 14
Incidents where Family Violence Intervention Orders sought by Victoria Police (FVIO)	5,841	6,699	8,667	10,433	11,091
Incidents where Family Violence Safety Notice issued by Victoria Police (FVSN)	3,378	3,793	4,610	6,163	8,288

The data used in this section can be found in table 19 of the Victoria Police data tables.

Referrals made by police

The following table outlines all referrals made by Victoria Police at a family incident, by the type of referral. Multiple referrals can be made at the one family incident for all parties involved. The most common referrals made in the 2013-14 financial year were a formal referral for the AFM, followed by a formal referral for the perpetrator.

Table 16. Total referrals made following a family incident – Victoria Police, July 2009 to June 2014

	2009 – 10	2010 – 11	2011 – 12	2012 – 13	2013 – 14
Formal referral for AFM	11,445	16,356	23,980	35,528	51,628
Formal referral for perpetrator	6,297	11,499	18,897	29,453	43,578
Notify child protection	4,811	5,967	8,382	9,985	11,042
Informal referral for perpetrator	11,837	14,258	16,327	15,300	9,031
Informal referral for AFM	18,965	19,350	20,737	17,399	7,407
Recommended high risk client	0	0	0	1,190	3,311
Child first	0	0	0	618	1,901
Women's Domestic Violence Crisis Service	467	584	734	805	945

The data used in this section can be found in table 31 of the Victoria Police data tables.

5. Magistrates' Court

Applications for Family Violence Intervention Orders

From July 2009 to June 2014, the number of finalised applications for a family violence intervention order in the Magistrates' Court increased by 34.5%, from 26,124 in 2009-10 to 35,147 in 2013-14. The number of applications has been steadily increasing over the five years.

Figure 9. Finalised applications for family violence intervention orders – Magistrates' Court, July 2009 to June 2014
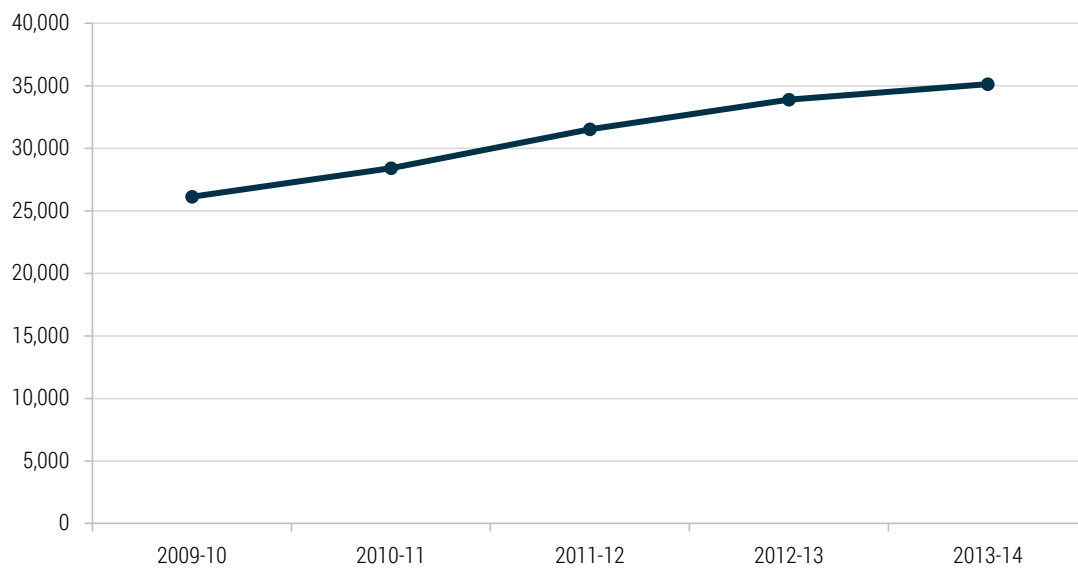
The data used in this section can be found in table 1 of the Magistrates' Court data tables.

41 An overview of family violence in Victoria

Types of applications

Of the 35,147 applications finalised in 2013-14, 85% (n=29,987) of these were for original matters and 9% (n=3,048) were applications for variation. Overall, the number of original applications increased by 30.2% in the five years from July 2009, however, the proportion of original matters has slightly decreased and has been replaced by a small increase in applications for variation.

Figure 10. Proportion of finalised applications by type of application – Magistrates' Court, July 2009 to June 2014
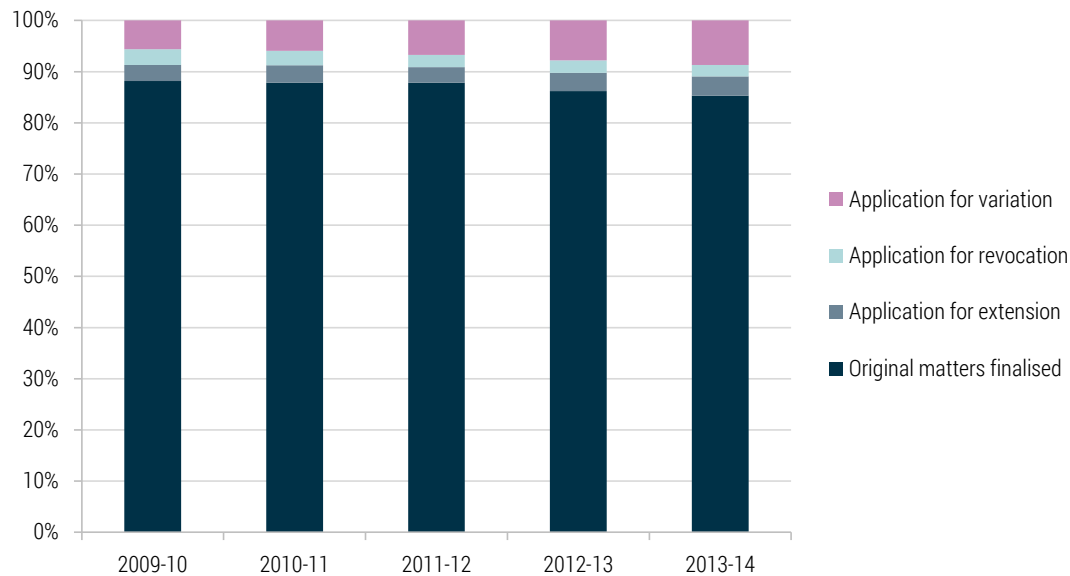
The data used in this section can be found in table 1 of the Magistrates' Court data tables.

Mode of issue

In 2013-14, 53% (n=18,704) of finalised applications were issued by a Complaint and Summons, while 29% (n=10,309) were issued by a Family Violence Safety Notice (FVSN) and 17% (n=6,134) from a Warrant. Since 2009-10, there has been an increase in the proportion of finalised applications that were issued by a FVSN and a decrease in the proportion that were issued by a Complaint and Summons and Warrant.

Table 17. Proportion of finalised applications by mode of issue – Magistrates' Court, July 2009 to June 2014

	2009-10	2010-11	2011-12	2012-13	2013-14
Complaint and Summons	57%	55%	52%	51%	53%
Family Violence Safety Notice	21%	22%	23%	26%	29%
Warrant	22%	23%	25%	23%	17%

The data used in this section can be found in table 2 of the Magistrates' Court data tables.

Application complainant

In 2013-14, 66% (n=23,216) of all finalised applications were initiated by police, while 33% (n=11,690) were initiated by the affected family member. In the five years from July 2009, the proportion of applications initiated by the police has increased from 52% (n=13,670) to 66% (n=23,216). There was a corresponding decrease in the proportion that were initiated by the affected family member.

Figure 11. Proportion of finalised applications by complainant – Magistrates' Court, July 2009 to June 2014
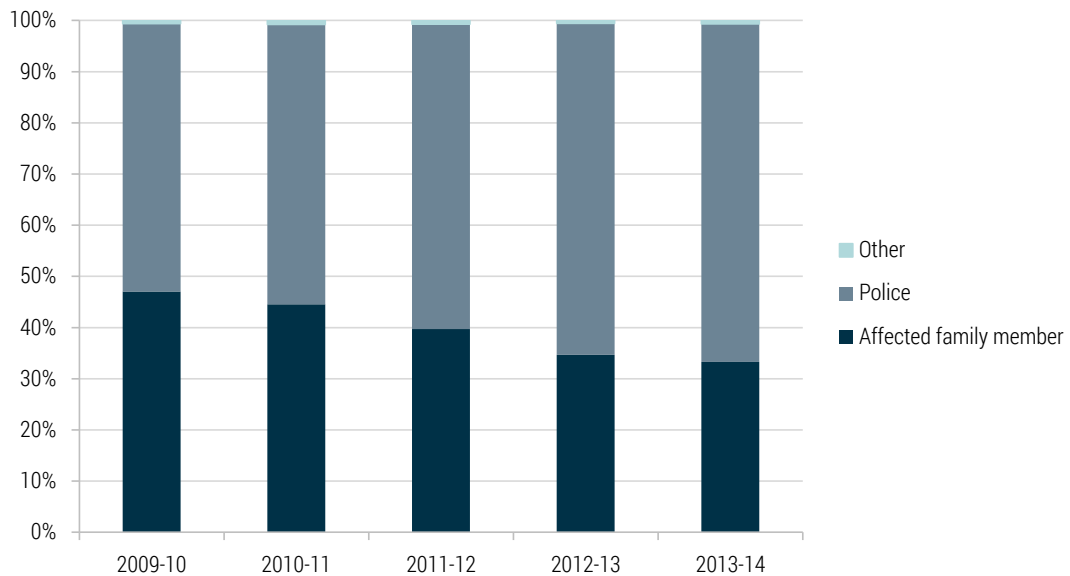
The data used in this section can be found in table 3 of the Magistrates' Court data tables.

43 An overview of family violence in Victoria

Outcome of applications

In the five years from July 2009, the proportion of family violence intervention order applications resulting in an IVO increased from 65% (n=16,899) in 2009-10 to 71% (n=24,947) in 2013-14. This was accompanied by a decrease in the proportion of applications that were struck out, which dropped from 18% (n=4,764) of all applications in 2009-10 to 12% (n=4,111) in 2013-14.

Figure 12. Proportion of finalised applications by outcome of application – Magistrates' Court, July 2009 to June 2014
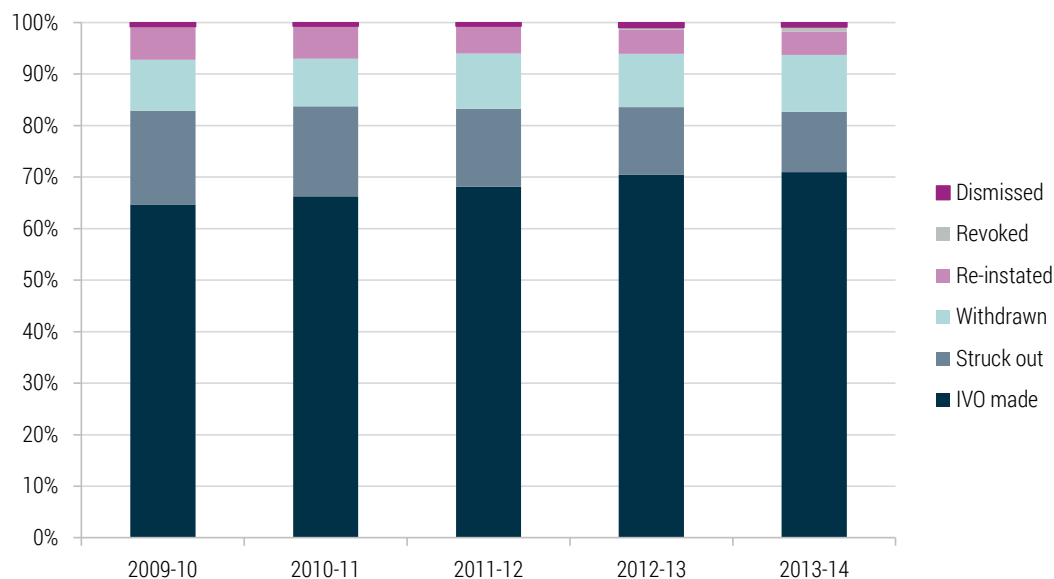
The proportion of outcomes of FVIO applications differs slightly depending on the gender of the respondent on the application.

Of the 27,989 applications finalised in 2013-14 where the respondent was male, 75% (n=20,981) resulted in the intervention order being made while 10% (n=2,926) were struck out and another 10% (n=2,683) were withdrawn. Where the respondent was female (n=7,159), only 56% (n=3,966) of applications resulted in an intervention order while 17% (n=1,185) were struck out and another 17% (n=1,202) were withdrawn.

The data used in this section can be found in tables 4 and 5 of the Magistrates' Court data tables.

Magistrates' Court 44

Demographic characteristics of affected family members and respondents

For the purposes of analysing the demographic characteristics of affected family members and respondents, this part of the report focuses on those parties to original applications for family violence intervention orders. This ensures that affected family members and respondents are not double counted if they made subsequent applications for variation, extension or revocation

Gender and age of affected family members

In the 2009-10 financial year, there were 42,333 affected family members on original applications. In the five years since then the number of affected family members increased by 24.7% to 52,777 in 2013-14. This is a lower rate than the increase in original applications which rose by 30.2% in the same five years.

In 2013-14, 36% (n=18,826) of affected family members were male while 64% (n=33,951) were female. In the five years from 2009-10 the proportion of male and female affected family members has remained stable.

For both male and female affected family members the largest age groups were 0 – 4 years and 5 – 9 years, together making up 29% (n=15,200) of all affected family members. There can be multiple children on the same application and this results in a large number of child affected family members.

Females between 20 and 44 years made up 46% (n=15,644) of female affected family members. The same ages accounted for 23% (n=4,258) of male affected family members.

In 2013-14 there were 1,314 affected family members aged 65 years or older on original family violence intervention order applications.

Figure 13. Affected family members by gender and age – Magistrates' Court, July 2013 to June 2014
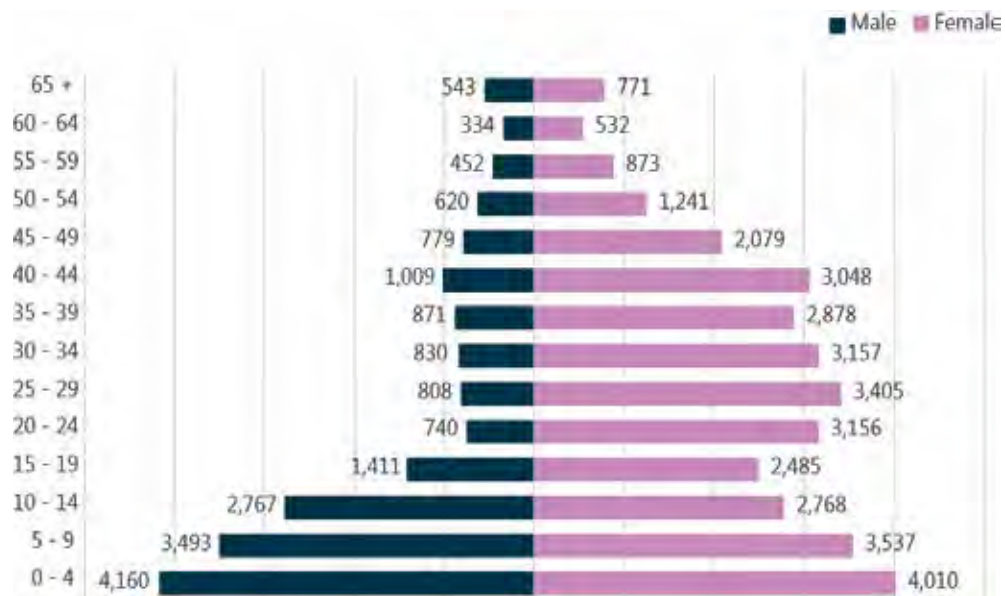
The data used in this section can be found in table 8 of the Magistrates' Court data tables.

45 An overview of family violence in Victoria

Gender and age of respondents

Each application for an intervention order is made against one respondent. This means there is a one-to-one ratio between the number of applications and the number of respondents.

In 2013-14 there were 29,987 respondents on an original application, an increase of 30.2% from 2009-10. Of the total respondents, 78% (n=23,388) of them were male and 22% (n=6,599) were female. The proportion of male and female respondents has remained stable over the five years from 2009-10.

Of the 23,388 male respondents in 2013-14, 73% (n=17,138) were between 20 and 44 years of age, with the largest age group being those between 30 – 34 years.

Of the 6,599 female affected family members, 70% (n=4,625) were between 20 and 44 years of age. In the four years from 2009-10 to 2012-13, the largest age group of female affected family members was 35 – 39 years. In 2013-14, the largest age group was 30 – 34 years.

Figure 14. Respondents on original applications by gender and age – Magistrates' Court, July 2013 to June 2014

The data used in this section can be found in table 6 of the Magistrates' Court data tables.

Relationship between affected family members and respondents

The relationship between an affected family member and the related respondent is taken from the primary affected family member on an application. This means that where there are multiple affected family members on an application, the primary affected family member's relationship with the respondent will be represented.

The proportion of relationship types between a primary affected family member and respondent differs considerably depending on the gender of the affected family member.

In 2013-14, 73% (n=16,465) of female affected family members were a current/former domestic partner of the respondent or were in a current/former intimate personal relationship with the respondent, while 10% (n=2,155) were a parent of the respondent.

Figure 15. Relationship between the primary AFM and Respondent where the AFM is female – Magistrates' Court, July 2009 to June 2014
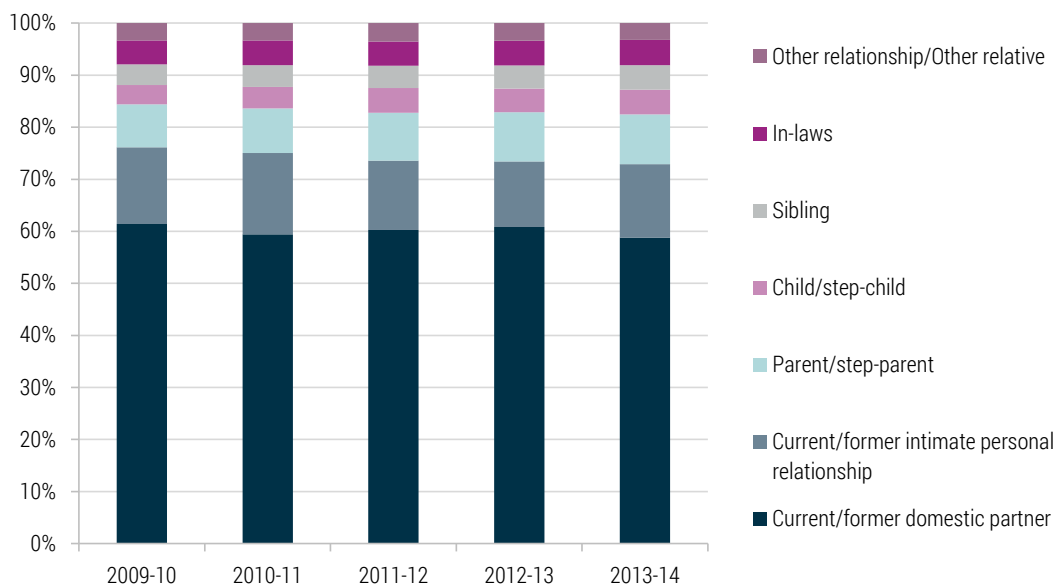
This is in contrast to applications where the primary affected family member was male. In 2013-14, 52% (n=3,819) of male affected family members were a current/former domestic partner of the respondent or were in a current/former intimate personal relationship with the respondent. In 14% (n=1,051) of applications, the affected family member was a parent/step-parent and in 10% (n =769) they were a sibling of the respondent.

Figure 16. Relationship between the primary AFM and Respondent where the AFM is male – Magistrates' Court, July 2009 to June 2014
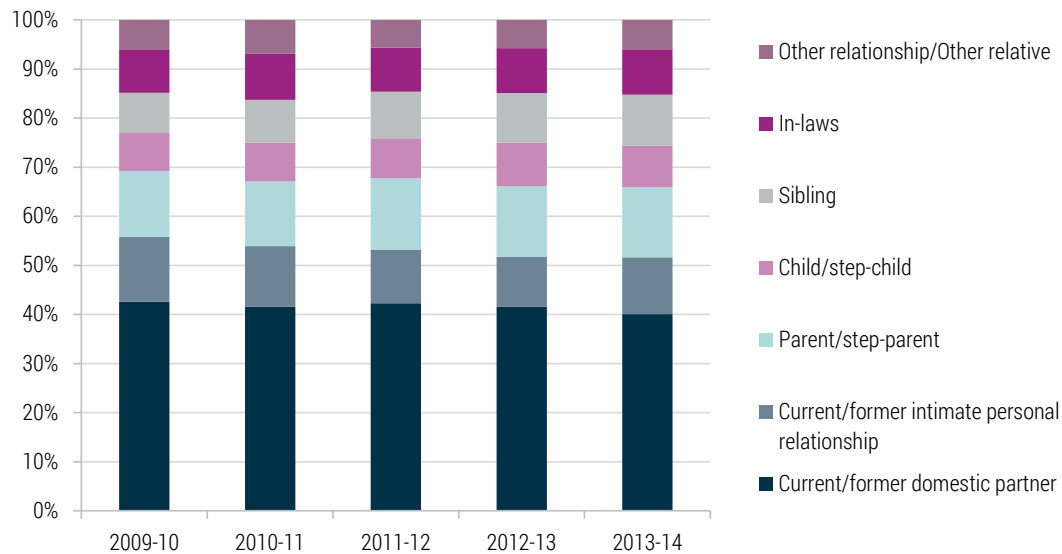
The data used in this section can be found in table 9 of the Magistrates' Court data tables.

Children as affected family members

In the five years from July 2009, the number of affected family members aged 17 years and younger increased by 20.6% from 19,353 in 2009-10 to 23,332 in 2013-14. Of these 23,332 young affected family members, 50% (n=11,574) were male and 50% (n=11,758) were female.

Figure 17. Children as affected family members on original applications by age group – Magistrates' Court, July 2009 to June 2014
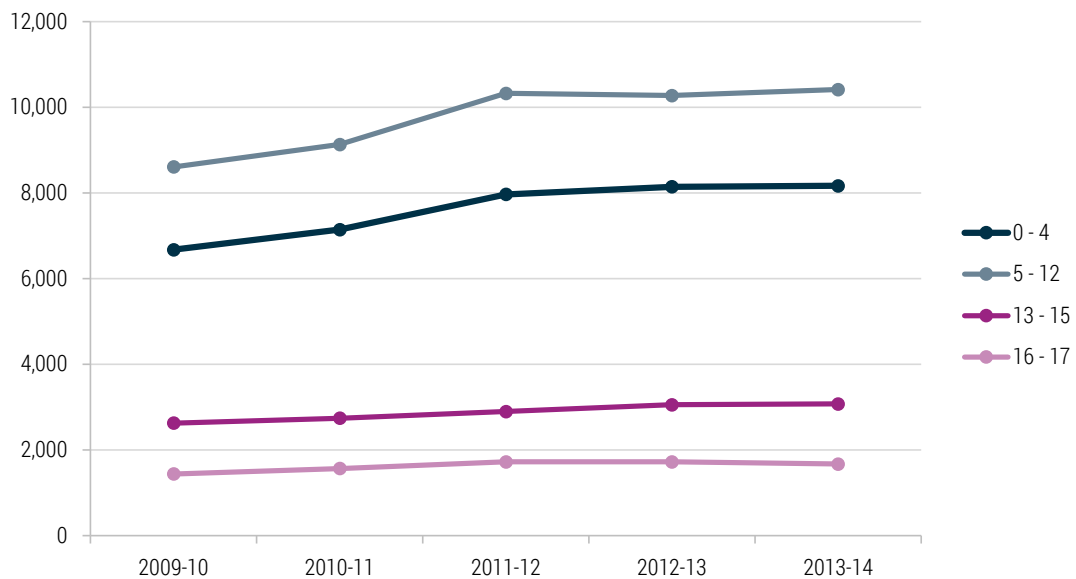
The largest age group of young affected family members was 5 – 12 years, making up 35% (n=10,417) of young affected family members, followed by 0 – 4 years (35%, n=8,170), 13 - 15 years (13%, n=3,074) and 16 – 17 years (7%, n=1,671).

On applications where the affected family member was under 17 years, the related respondent was most likely between 30 – 44 years of age. In 2013-14, of the 23,332 young affected family members, 56% (n=13,047) of their related respondents were between 30 – 44 years. Of these respondents, 84% (n=10,941) were male and 16% (n=2,106) were female.

The data used in this section can be found in table 15 of the Magistrates' Court data tables.

Affected family members across Victoria

The residential postcode of the affected family member is used to determine the region in which they live.

Table 18. Affected family members by region of residence – Magistrates' Court, July 2009 to June 2014

	2009-10	2010-11	2011-12	2012-13	2013-14
Barwon South Western Region	3,284	3,157	3,807	3,893	4,093
Eastern Metropolitan Region	3,948	4,331	4,558	4,648	4,588
Gippsland Region	3,342	3,590	4,358	4,214	4,350
Grampians Region	2,283	2,403	2,788	2,694	2,989
Hume Region	2,555	2,829	2,774	3,402	3,357
Loddon Mallee Region	3,678	3,707	4,442	4,450	4,336
North & West Metropolitan Region	13,794	15,113	15,822	16,616	17,097
Southern Metropolitan Region	9,006	9,853	10,949	11,440	11,194

In the five years from July 2009 to June 2014, the numbers of affected family members who lived in the Gippsland, Grampians and Hume regions have increased the most, rising by 30.8% on average since 2009-10. Across the five years, the regions with the highest proportion of affected family members were the North & West Metropolitan and Southern Metropolitan regions, on average making up 32% and 22% respectively.

Figure 18. Affected family members by region of residence – Magistrates' Court, July 2013 to June 2014
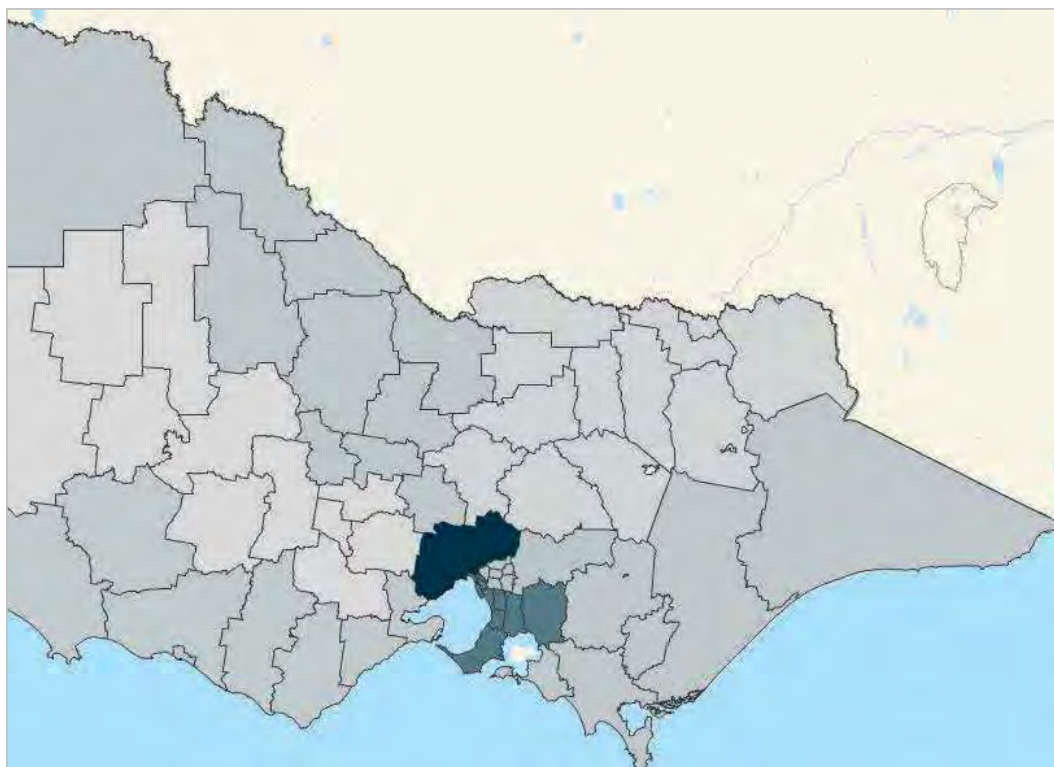
The data used in this section can be found in table 17 of the Magistrates' Court data tables.

Magistrates' Court 50

Interpreter requirements

For the purposes of this analysis, the interpreter requirements of the primary affected family member on an original application have been used as a culturally and linguistically diverse (CALD) indicator. In the five years from 2009-10 to 2013-14, on average 1.8% of all affected family members required an interpreter while 1.6% of all respondents required one. The languages required most frequently by respondents across the five years were Vietnamese, Mandarin and Arabic, including Lebanese. Of the 2,124 respondents requiring an interpreter, these languages made up 19% (n=83), 11% (n=56) and 10% (n=42) respectively. Of the 4,229 applicants who required an interpreter, the top languages required were Vietnamese (17%, n=736), Arabic, including Lebanese (10%, n=433) and Mandarin (8%, n=339).

The data used in this section can be found in table 18 and 19 of the Magistrates' Court data tables.

Applications heard in the Family Violence Court Division

The Family Violence Court Division of the Magistrates' Court of Victoria specialises in hearing family violence cases and operates in Heidelberg and Ballarat Magistrates' Courts (Magistrates' Court of Victoria, 2012)

Since 2009-10, the number of applications that were heard in the Family Violence Court Division has increased by 30.6% from 2,738 to 3,575 in 2013-14. This is in line with the 30.2% increase in the total number of original family violence intervention order applications made in the Magistrates' Courts.

Table 19. Finalised original applications heard in the Family Violence Court Division, by final court location – Magistrates' Court, July 2009 to June 2014

	2009-10	2010-11	2011-12	2012-13	2013-14
Heidelberg Magistrates' Court	1,882	1,886	2,085	2,223	2,572
Ballarat Magistrates' Court	721	736	908	835	933
Other Courts	135	200	121	107	70
Total applications heard in the Family Violence Court Division	2,738	2,822	3,114	3,165	3,575

Note: All family violence intervention order applications heard at the Heidelberg and Ballarat Magistrates' Court are heard in the Family Violence Court Division. An application that has been heard at a Family Violence Court Division and then had the final hearing elsewhere is included in 'Other Courts'

The data used in this section can be found in table 21 of the Magistrates' Court data tables.

6. Children's Court

Applications for Family Violence Intervention Orders

Applications for family violence intervention orders can be heard in the Children's Court when either the affected family member or the respondent is under 18 years of age. An application for an intervention order can also be heard in the Children's Court if both affected family member and respondent are adults but there is a related child protection proceeding (Children's Court of Victoria, 2015)

From July 2009 to June 2014, the number of finalised applications for a family violence intervention order in the Children's Court increased by 33.0%, from 1,407 in 2009-10 to 1,872 in 2013-14. The number of applications steadily increased from 2009-10 to 2012-13 before slightly dropping off in 2013-14.

Figure 19. Finalised applications for family violence intervention orders – Children's Court, July 2009 to June 2014
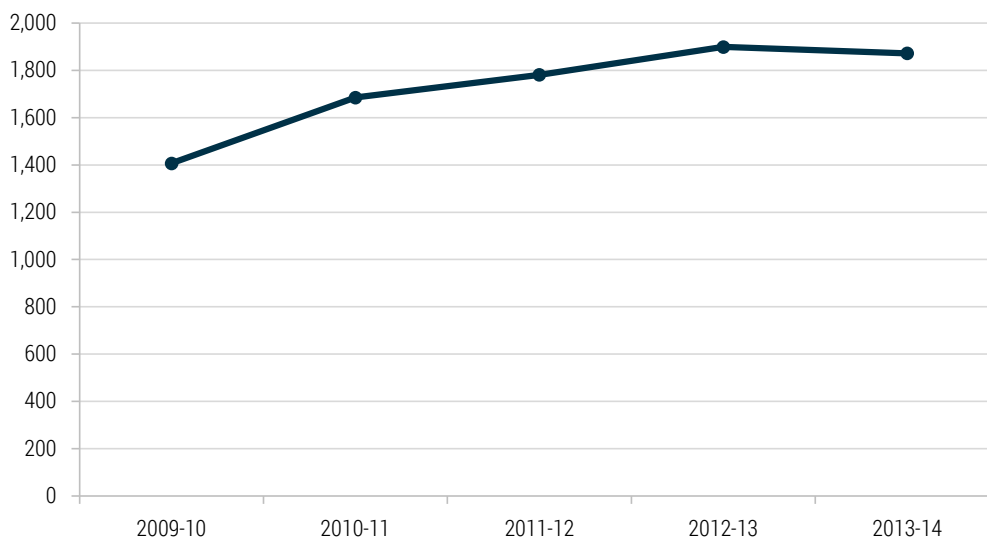
The data used in this section can be found in table 1 of the Children's Court data tables.

Types of applications

Of the 1,872 applications finalised in 2013-14, 92% (n=1,728) were for original matters while only 5% (n=85) were applications for variation. Since 2009-10 the proportion of applications that were original matters has declined, while the proportion of applications for variation has risen slightly.

Figure 20. Proportion of finalised applications by type of application – Children's Court, July 2009 to June 2014
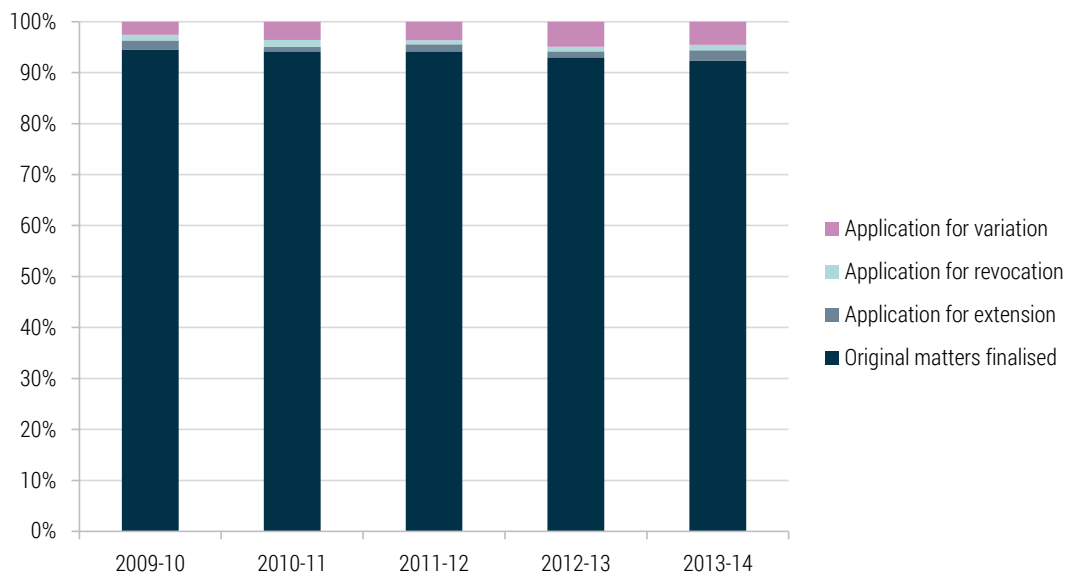
The data used in this section can be found in table 1 of the Children's Court data tables.

Mode of issue

In 2013-14, 97% (n=1,822) of finalised applications were issued by a Complaint and Summons and only 3% (n=50) were issued by a Warrant.

Table 20. Proportion of finalised applications by mode of issue – Children's Court, July 2009 to June 2014

	2009-10	2010-11	2011-12	2012-13	2013-14
Complaint and Summons	92%	94%	94%	96%	97%
Warrant	8%	6%	6%	4%	3%
Total FVIO applications	100%	100%	100%	100%	100%

The data used in this section can be found in table 2 of the Children's Court data tables.

53 An overview of family violence in Victoria

Application complainant

In 2013-14, 75% (n=1,395) of all finalised applications were initiated by police, while 15% (n=279) were initiated by the affected family member and 8% (n=152) by a parent. In the five years from July 2009, the proportion of applications initiated by police increased, from 55% (n=773) of applications in 2009-10 to 75% (n=1,395) in 2013-14. There was a corresponding decrease in the proportion of applications initiated by an affected family member or a parent.

Figure 21. Proportion of finalised applications by complainant – Children's Court, July 2009 to June 2014
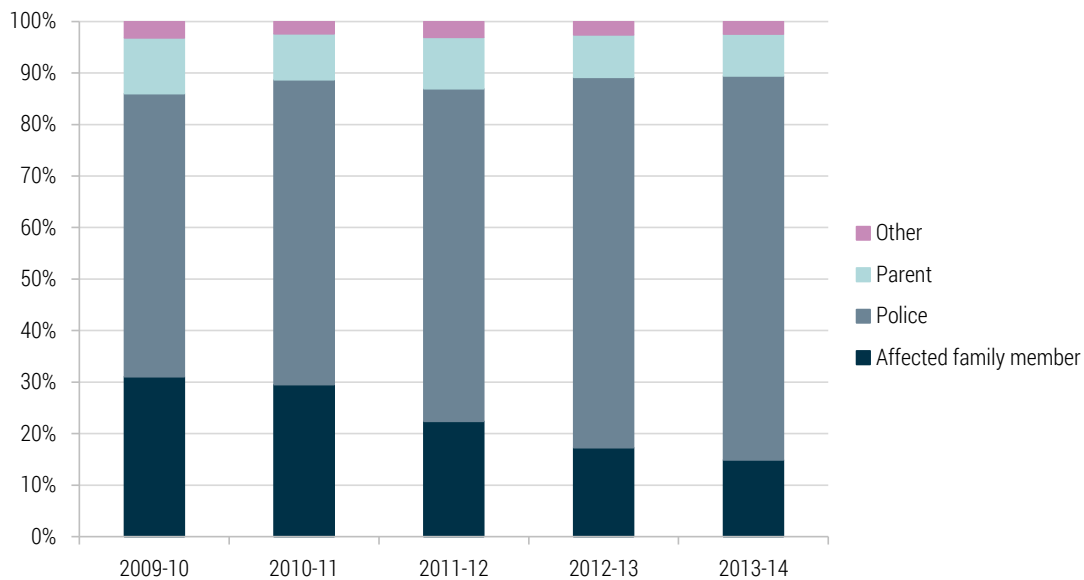
Table 21. Number of family violence intervention order applications by complainant – Children's Court, July 2009 to June 2014

	2009-10	2010-11	2011-12	2012-13	2013-14
Affected family member	437	497	399	328	279
Police	773	997	1,149	1,365	1,395
Parent	152	151	178	157	152
Other	45	40	55	49	46
Total Family Violence Intervention Order applications	1,407	1,685	1,781	1,899	1,872

The data used in this section can be found in table 3 of the Children's Court data tables.

Children's Court 54

Outcome of applications

In the five years from July 2009, the proportion of family violence intervention order applications, that resulted in an intervention order, increased from 49% (n=694) in 2009-10 to 62% (n=1,167) in 2013-14. The proportion of applications that were struck out decreased from 25% (n=349) in 2009-10 to 17% (n=325) in 2013-14.

Figure 22. Proportion of finalised applications by outcome of application – Children's Court, July 2009 to June 2014
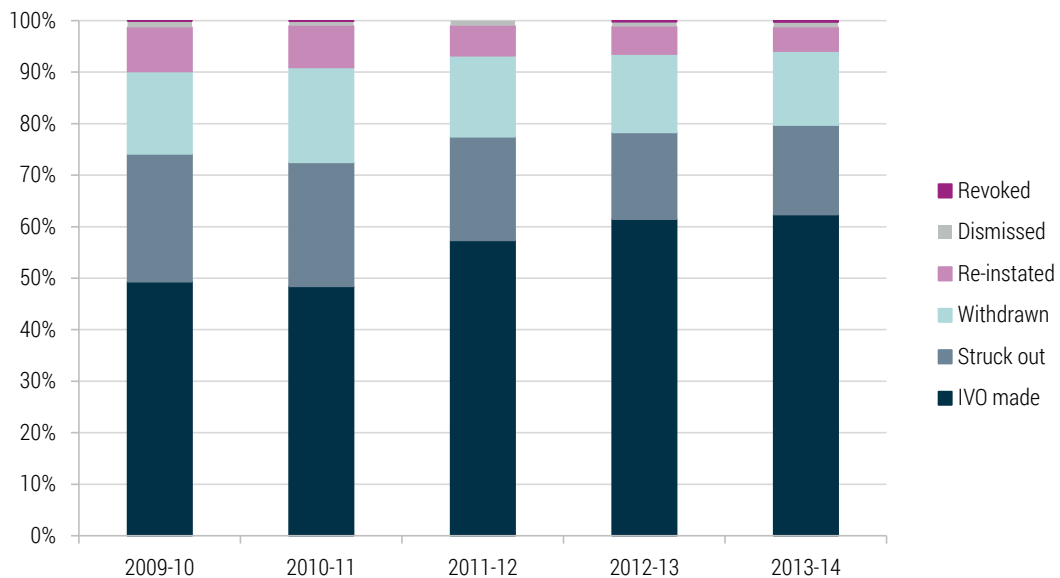
The proportion of outcomes of FVIO applications differs slightly depending on the gender of the respondent on the application.

Of the 1,310 original applications finalised in 2013-14 where the respondent was male, 65% (n=852) resulted in an intervention order being made, while 16% (n=211) were struck out and 14% (n=182) were withdrawn.

Where the respondent was female (n=562), 56% (n=315) of applications resulted in an intervention order, while 20% (n=114) were struck out and 15% (n=87) were withdrawn.

The data used in this section can be found in tables 4 and 5 of the Children's Court data tables.

55 An overview of family violence in Victoria

Demographic characteristics of affected family members and respondents

For the purposes of analysing the demographic characteristics of affected family members and respondents, this part of the report focuses on those on original applications for family violence intervention orders. This ensures that affected family members and respondents are not double counted if they had subsequent applications for variation, extension or revocation.

Gender and age of affected family members

In 2009-10 there were 2,013 affected family members on finalised original applications. In the five years since then the number of affected family members has increased by 28.8% to 2,593 in 2013-14. This is a slightly lower increase than the rise in total applications, but like both the original and total number of applications, showed the same trends. The number of affected family members increased between 2009-10 and 2012-13 before dropping slightly in 2013-14.

The proportion of male and female affected family members has remained relatively stable across the five years with an average of 35% male and 65% female affected family members. In 2013-14, there were 910 male and 1,683 female affected family members.

Figure 23. Affected family members by gender and age – Children's Court, July 2013 to June 2014
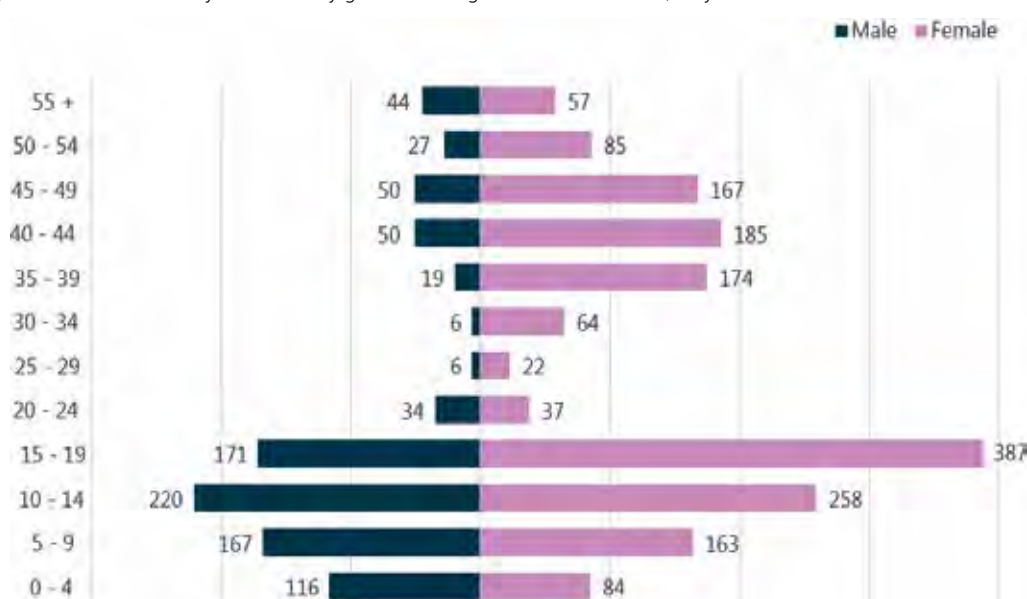
Of the 910 male affected family members, the largest age group was 10 – 14 (n=220), years followed by 15 – 19 (n=171) years. Only 7% (n=65) of male affected family members were between the ages of 20 and 39, while those aged 40 years and older made up 19% (n=171).

Of the 1,683 female affected family members, the largest age group was 15 – 19 years (n=387). Those aged between 5 and 19 years made up 48% (n=808) of all female affected family members, while only 7% (n=123) were aged between 20 and 34 years. In the same year there were 526 female affected family members between the age of 35 and 49 years, making up 31% of all female affected family members.

The data used in this section can be found in table 9 of the Children's Court data tables.

Children's Court 56

Gender and age of respondents

Each application has one corresponding respondent which means there is a one-to-one ratio between the number of applications and the number of respondents.

In 2009-10 there were 1,330 respondents on original FVIO applications. In the five years to 2013-14, this increased by 29.9% to 1,728 respondents.

Over the five years the proportion of male and female respondents has remained stable and in 2013-14, 69% (n=1,199) were male and 31% (n=529) were female.

Figure 24. Respondents on finalised original FVIO applications by gender – Children's Court, July 2009 to June 2014
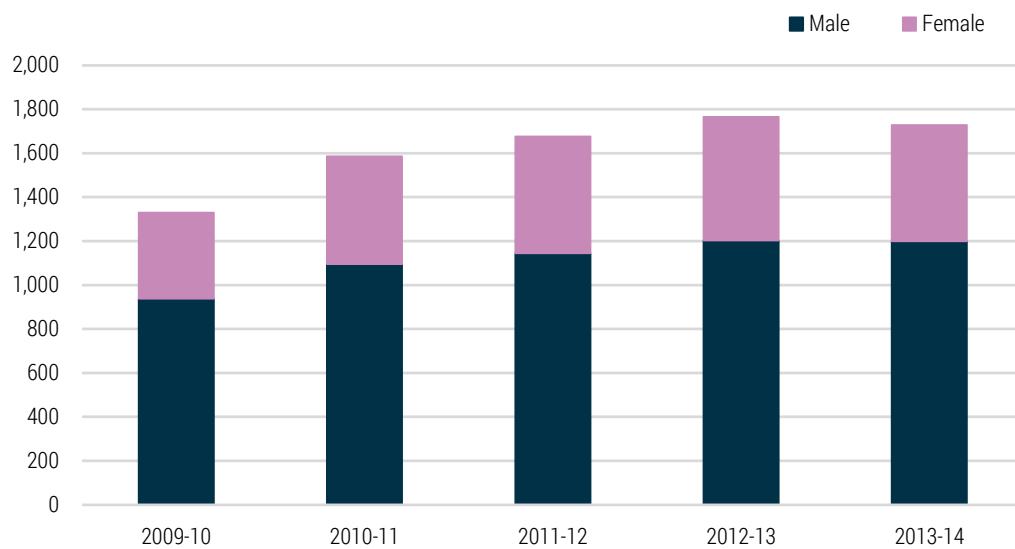
Of the 1,199 male respondents on original applications in 2013-14, approximately two thirds (65%, n=780) were between 15 – 19 years old, while 13% (n=153) were 10 - 14 years old.

Similarly, the largest age groups of female respondents were 15 – 19 years and 10 – 14 years making up 57% (n=301) and 16% (n=83) respectively.

Figure 25. Gender and age of respondents – Children's Court, July 2013 to June 2014
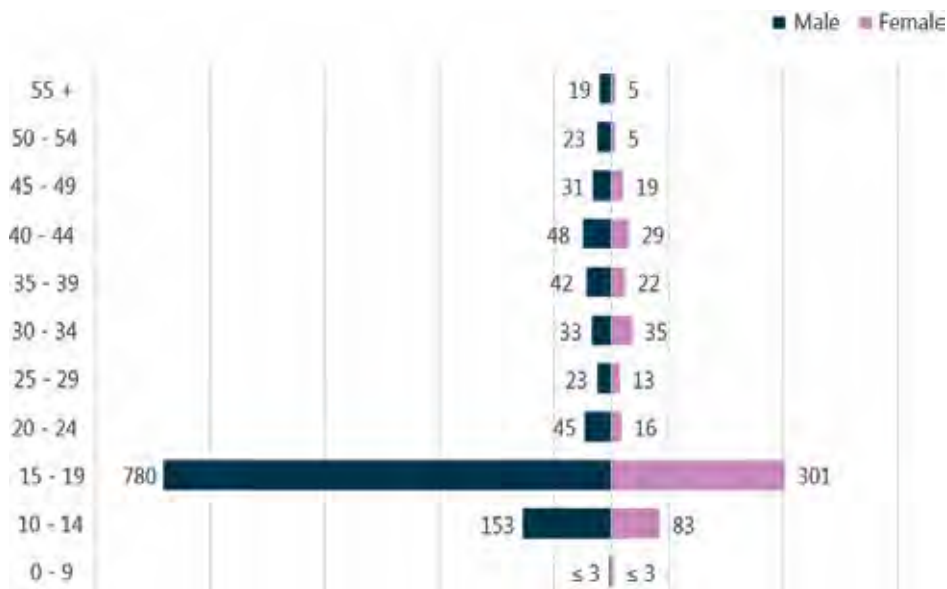
The data used in this section can be found in table 7 of the Children's Court data tables.

Affected family members under 17 years old

In the five years from July 2009, the number of affected family members aged 17 years or younger increased by 20.3%, from 1,222 in 2009-10 to 1,470 in 2013-14.

Of the 1,470 young affected family members in 2013-14, 70% (n=1,028) applied for an intervention order against a male respondent while 30% (n=442) applied for an intervention order against a female respondent. The largest age groups of respondents on applications of a young affected family member were 13 – 15 years and 16 – 17 years, making up 26% (n=828) of all applications by a young affected family member.

The data used in this section can be found in table 12 of the Children's Court data tables.

Children's Court 58

Affected family members over 18 years old

In 2013-14 there were 1,123 applications with affected family members aged 18 years or older. 69% (n=778) of these applications had a male respondent, of which 298 were between 13 – 15 years old and 430 were 16 – 17 years old.

Of the 31% of applications were the respondent was female, 139 were aged 13 – 15 years and 182 were 16 – 17 years.

Figure 26. Age of respondents on applications where the affected family member was 18 years or older, Children's Court, July 2009 to June 2014
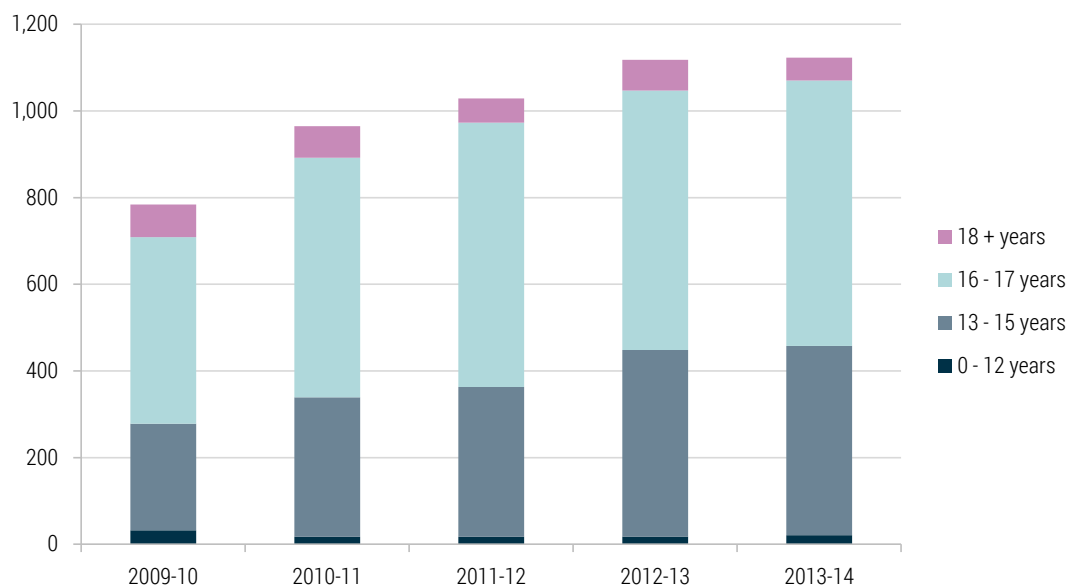
The data used in this section can be found in table 11 of the Children's Court data tables.

Relationship of affected family member to respondents

The relationship of the affected family member to the respondent is taken from the primary affected family member on an application. This means that where there are multiple affected family members on an application, the primary affected family member's relationship with the respondent will be represented.

The proportion of relationship types between a primary affected family member and respondent differs depending on the gender of the affected family member.

Figure 27. Relationship between primary AFM and respondent where the AFM is male – Children's Court, July 2009 to June 2014
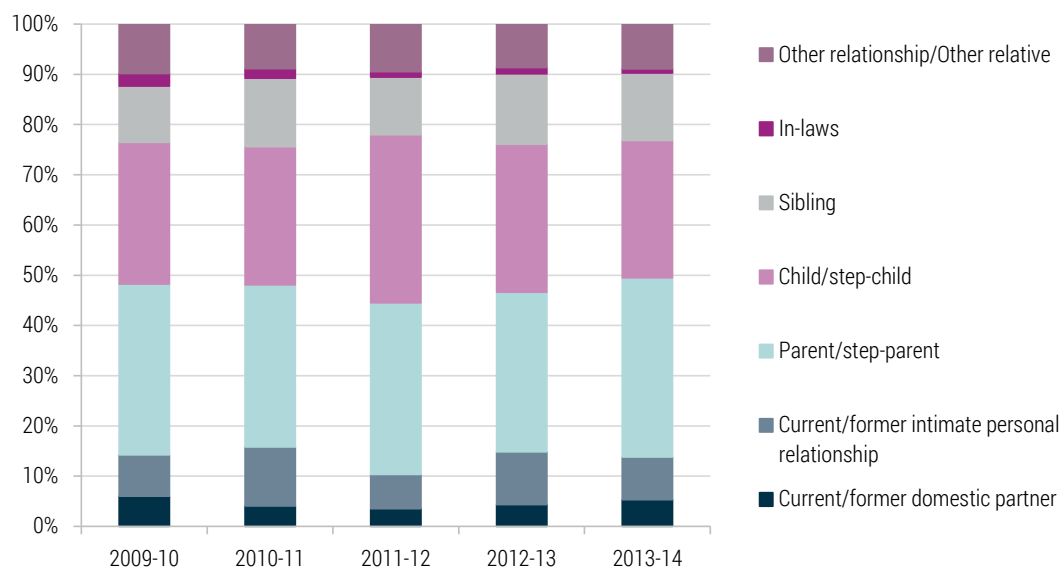
In 2013-14, 36% (n=168) of male affected family members were the parent/step-parent of the respondent. In 27% (n=129) of applications they were the child/step-child of the respondent and 13% (n=63) they were a sibling.

Children's Court 60

Figure 28. Relationship between the primary AFM and respondent where the AFM is female, Children's Court – July 2009 to June 2014
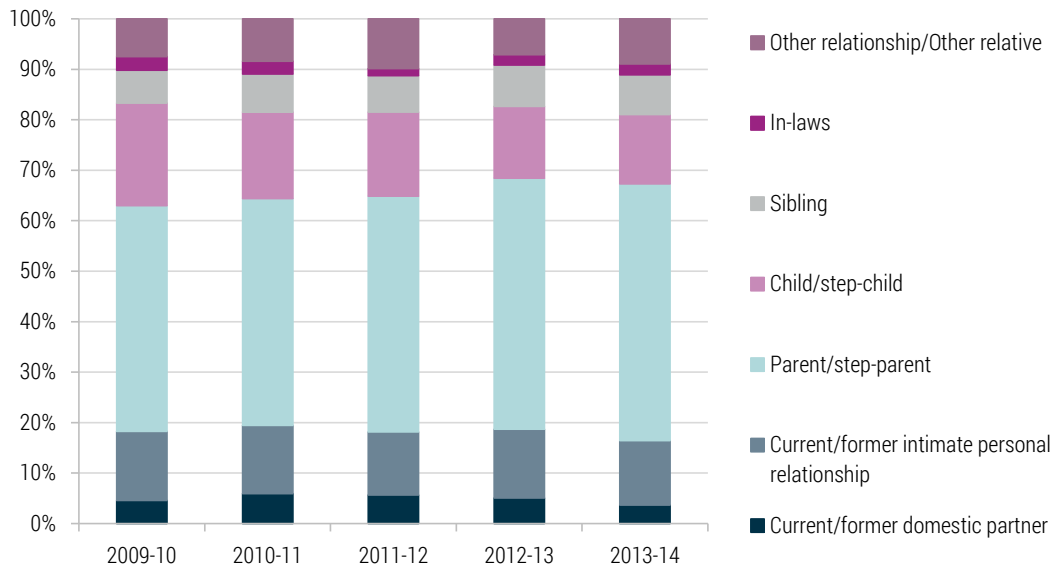
Where the affected family member was female, the proportion of applications where they were the parent/step-parent to the respondent is much higher than for male affected family members. In 2013-14, 51% (n=638) of female affected family members were the parent/step-parent of the respondent, and 14% (n=172) were the child/step-child of the respondent.

In 13% (n=160) of applications the female affected family member was in a current/former intimate personal relationship with the respondent.

The data used in this section can be found in table 10 of the Children's Court data tables.

Parent/step-parent affected family members of a young respondent

In 2013-14, there were 774 affected family members who were a parent/step-parent to a respondent aged 17 years or younger. On 72% (n=555) of these applications the respondent was male, while 28% (n=219) were female.

Table 22. Affected family members who were a parent/step-parent to a respondent aged 17 years or younger, by gender of the respondent – Children's Court, July 2009 to June 2014

	2009-10	2010-11	2011-12	2012-13	2013-14
Male respondent	382	455	487	537	555
Female respondent	128	171	200	209	219
Total parent/step-parent affected family members	510	626	687	746	774

The data used in this section can be found in table 13 of the Children's Court data tables.

61 An overview of family violence in Victoria

Affected family members across Victoria

Table 23. Affected family members by region – Children's Court, July 2009 to June 2014

	2009-10	2010-11	2011-12	2012-13	2013-14
Barwon South Western Region	211	228	243	244	264
Eastern Metropolitan Region	198	203	203	224	254
Gippsland Region	171	180	224	249	260
Grampians Region	110	115	169	203	135
Hume Region	91	173	174	215	248
Loddon Mallee Region	212	229	249	262	276
North & West Metropolitan Region	598	750	795	755	644
Southern Metropolitan Region	415	481	472	488	470

In 2013-14, the regions with the highest proportion of affected family members were the North & West Metropolitan and Southern Metropolitan regions, making up 25% (n=644) and 18% (n=470) respectively.

Figure 29. Affected family members by region – Children's Court, July 2013 to June 2014
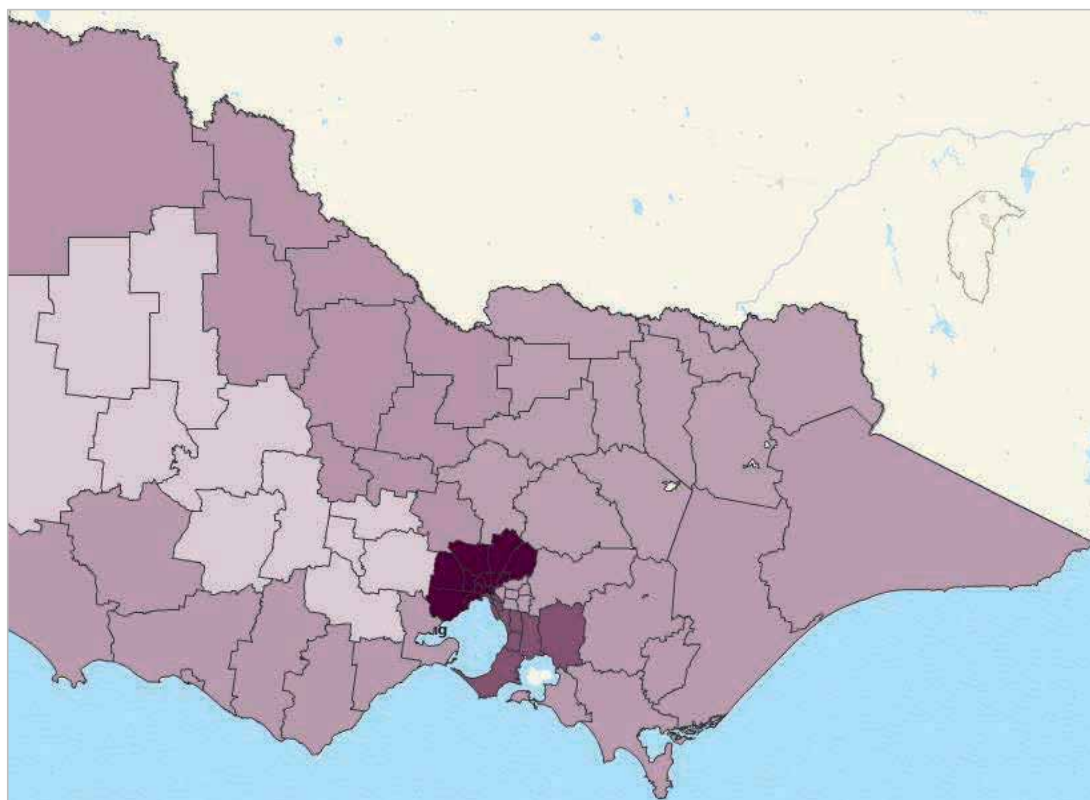
The data used in this section can be found in table 14 of the Children's Court data tables.

Children's Court 62

7.Specialist Family Violence Courts Services

Applicants and respondents accessing a specialist court support worker

Both applicants and respondents are given the opportunity to access a specialist family violence court support worker. The following section focuses on clients who have accessed a specialist court support worker in the five years from July 2009 to June 2014.

It should be noted that although there are specific support workers for applicants and respondents, it is possible for an applicant to see a respondent support worker and vice versa.

Applicants accessing a support worker

Between 2009-10 and 2011-12 the number of applicants accessing a support worker almost doubled (increase of 98.1%), from 1,238 in 2009-10 to 2,453 in 2011-12. Since then, the number of applicants who saw a support worker dropped in 2012-13 to 2,188 and then increased again in 2013-14 to 2,337.

Table 24. Applicants accessing a specialist court support worker by court location – Specialist Family Violence Courts, July 2009 to June 2014

	2009-10	2010-11	2011-12	2012-13	2013-14
Ballarat	198	349	480	413	461
Frankston	317	497	572	608	555
Heidelberg	6	390	358	281	350
Melbourne	322	553	693	572	605
Sunshine	308	367	298	244	259
Other courts	88	74	53	70	106
Total applicants	1,238	2,229	2,453	2,188	2,337

Note: Other courts includes Moorabbin and Werribee

Of those 2,337 applicants in 2013-14, 26% (n=605) accessed a support worker at the Melbourne Magistrates' Court, 24% (n=555) accessed a support worker at the Frankston Magistrates' Court and 20% (n=461) accessed a support worker at the Ballarat Magistrates' Court.

The data used in this section can be found in table 1 of the Specialist Family Violence Courts Services data tables.

Respondents accessing a support worker

The number of respondents who accessed a specialist court support worker increased considerably between 2009-10 and 2011-12, from 47 respondents in 2009-10 to 708 in 2011-12. Prior to this period, the number of respondent support workers and the recording of clients who had seen them was quite low. This is reflected in the large increase in the years following. The number of respondents who accessed a support worker then dropped off in 2012-13, before increasing to 715 in 2013-14.

Table 25. Respondents accessing a specialist court support worker by court location – Specialist Family Violence Courts, July 2009 to June 2014

	2009-10	2010-11	2011-12	2012-13	2013-14
Ballarat	40	220	324	296	342
Heidelberg	2	282	322	254	346
Melbourne	2	2	47	36	8
Other courts	4	10	15	9	19
Total respondents	47	516	708	594	715

Note: Other courts includes Moorabbin, Sunshine and Werribee

Of those 715 respondents, 48% (n=342) accessed a support worker at the Ballarat Magistrates' Court, while another 48% (n=346) accessed one at the Heidelberg Magistrates' Court.

The data used in this section can be found in table 2 of the Specialist Family Violence Courts Services data tables.

Specialist Family Violence Court Services 64

Demographics of applicants and respondents accessing a support worker

Applicants accessing a support worker

In 2013-14, there were 2,337 applicants who accessed a support worker at a Specialist Family Violence Court. Of those applicants, 97% (n=2,257) were female and 3% (n=80) were male.

Of the female applicants who accessed a support worker, the largest age groups were between 25 and 44 years old, making up 62% (n=1,385) of all female applicants. In the same year there were 93 applicants under 19 years of age and 102 over 60 years of age.

Figure 30. Age of female applicants accessing a support worker – Specialist Family Violence Courts, July 2013 to June 2014
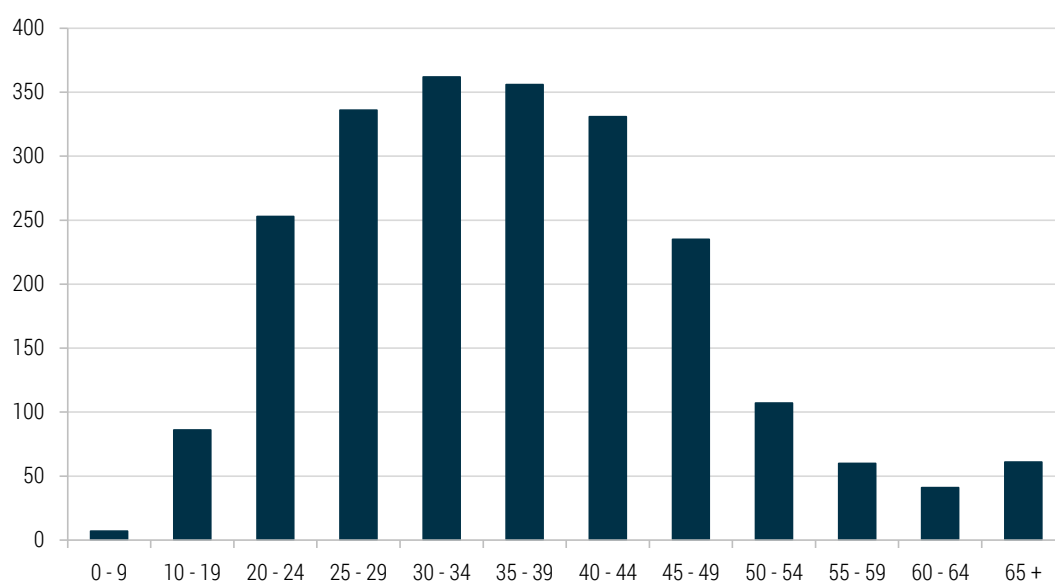
Of those applicants in 2013-14 who were male (n=80), the largest age group was 60 years and over (n=19), followed by 30 – 39 years (n=15) and 40 – 49 years (n=14).

The data used in this section can be found in table 3 of the Specialist Family Violence Courts Services data tables.

65 An overview of family violence in Victoria

Respondents accessing a support worker

In 2013-14, there were 714 respondents who accessed a support worker, of which 95% (n=677) were male and 5% (n=37) were female.

The largest age group of male respondents, who accessed a support worker in 2013-14, was 35 – 39 years, making up 17% (n=113) of total male respondents. This was followed by those aged 40 – 44 years (15%, n=99) and 30 – 34 years (15%, n=98). In the same year, there were 33 male respondents under 19 years of age.

Figure 31. Age of male respondents accessing a support worker – Specialist Family Violence Courts, July 2013 to June 2014

The data used in this section can be found in table 4 of the Specialist Family Violence Courts Services data tables.
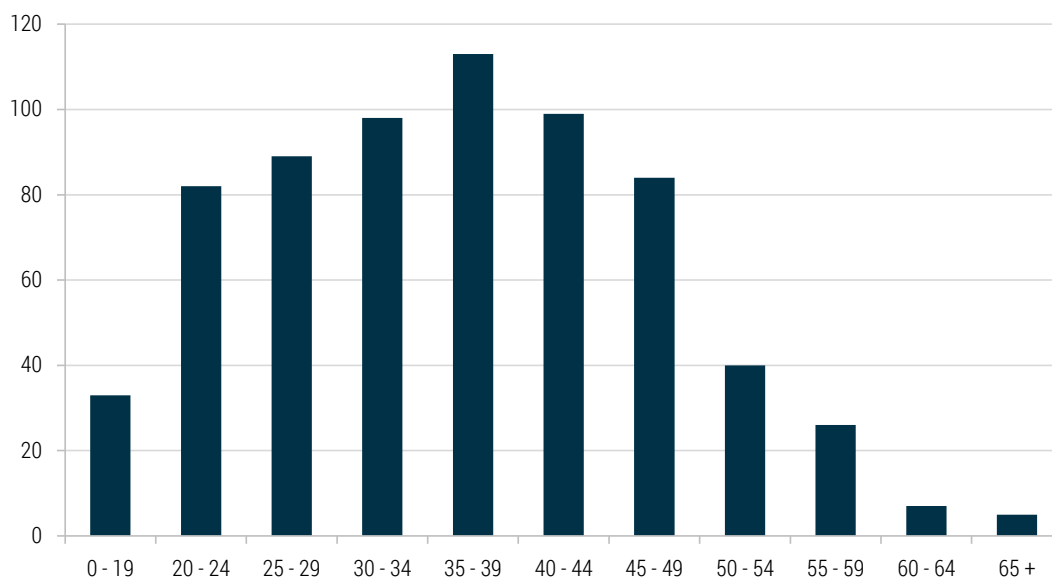
Specialist Family Violence Court Services 66

Source of referrals to support worker

The majority of applicants were referred to the specialist court support worker from the registrar/coordinator's counter. 54% (n=1,265) of all applicants were referred from the registrar/coordinator's counter.

13% (n=296) of applicants who saw a support worker were referred by police, 9% (n=204) were approached by a support worker, 7% (n=156) were referred from a magistrate and 5% (n=116) were referred from an external agency.

Figure 32. Proportion of applicants accessing a specialist court support worker by referral source – Specialist Family Violence Courts, July 2009 to June 2014
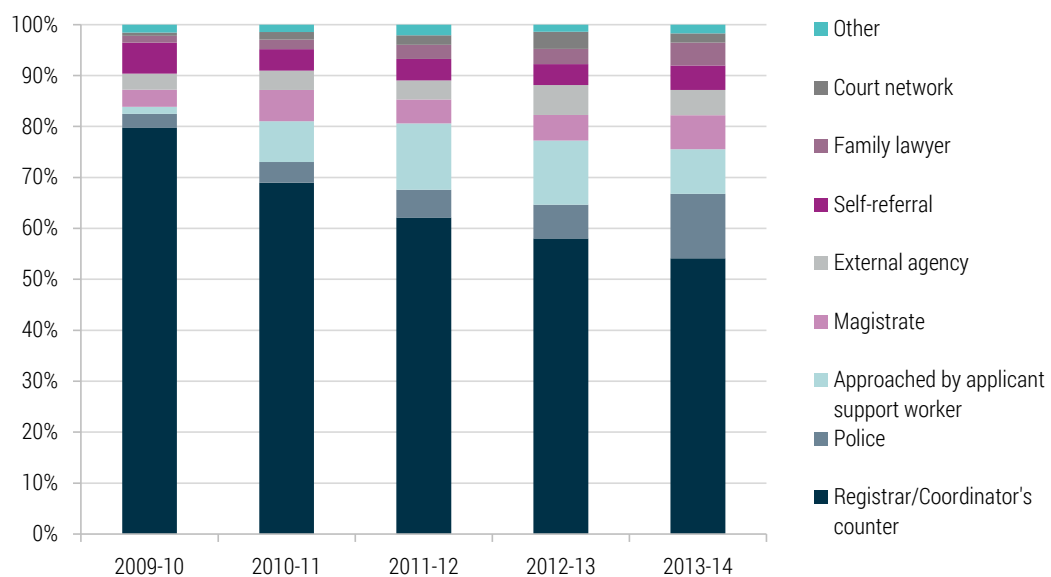
The referral source of respondents was quite different to that of applicants in 2013-14, with 41% (n=290) referred by a magistrate and 20% (n=140) referred to the support worker by a family lawyer. Only 8% (n=60) were referred from the registrar/coordinator's counter.

Figure 33. Proportion of respondents by referral source – Specialist Family Violence Courts, July 2009 to June 2014
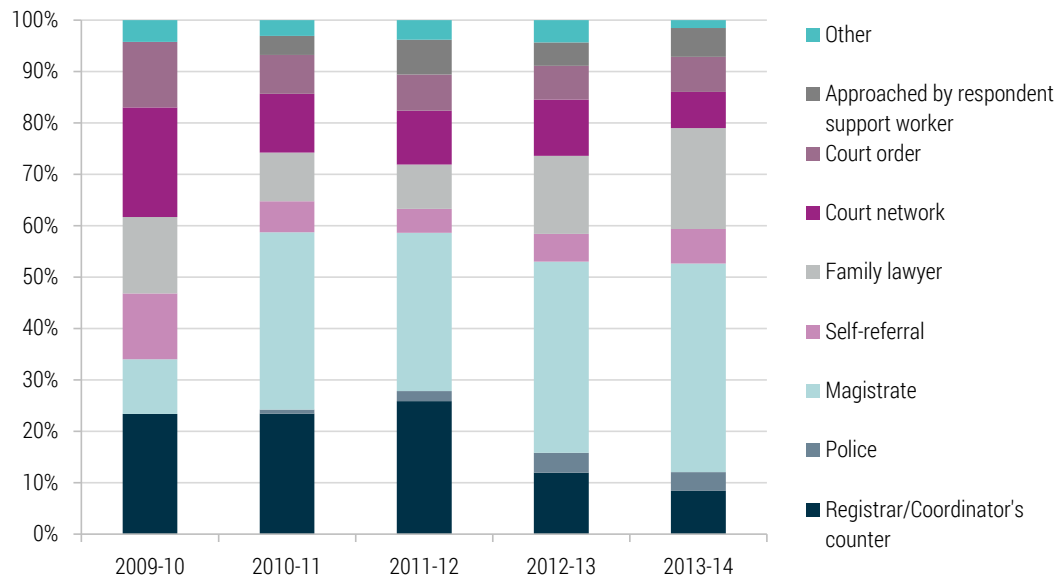
The data used in this section can be found in tables 5 and 6 of the Specialist Family Violence Courts Services data tables.

Specialist Family Violence Court Services 68

Specialist courts across Victoria

Of the 2,337 applicants who accessed a support worker in 2013-14, almost half (44%, n=1,032) lived in the North & West Metropolitan region. Of these applicants, 339 accessed the support worker at the Melbourne Magistrates' Court, 329 at the Heidelberg Magistrates' Court and 250 at Sunshine Magistrates' Court.

31% of applicants (n=718) lived in the Southern Metropolitan region, and the majority of these applicants (75%, n=540) accessed a support worker at the Frankston Magistrates' Court and 23% (n=162) accessed a support worker at the Melbourne Magistrates' Court.

In 2013-14 there were 23 applicants with an unknown residential postcode.

Table 26. Applicants who accessed a specialist court support worker by region of residence and court where they saw the support worker – Specialist Family Violence Courts, July 2009 to June 2014

		2009-10	2010-11	2011-12	2012-13	2013-14
Barwon South Western Region	Melbourne	42	89	98	82	79
	Heidelberg	0	24	17	15	13
	Other court locations	4	7	2	4	4
	Sub total	*46*	*120*	*117*	*101*	*96*
Grampians Region	Ballarat	187	336	466	391	442
	Other court locations	6	8	4	3	8
	Sub total	*193*	*344*	*470*	*394*	*450*
North & West Metropolitan Region	Melbourne	148	259	327	268	339
	Heidelberg	4	359	337	258	329
	Sunshine	296	353	293	238	250
	Werribee	86	71	51	68	99
	Other court locations	4	9	10	9	15
	Sub total	*538*	*1,051*	*1,018*	*841*	*1,032*
Southern Metropolitan Region	Frankston	316	488	559	595	540
	Melbourne	123	187	239	188	162
	Other court locations	4	5	4	13	16
	Sub total	*443*	*680*	*802*	*796*	*718*
Eastern Metropolitan Region	All court locations	6	6	4	3	7
Hume Region	All court locations	1	5	6	5	3
Loddon Mallee Region	All court locations	7	8	5	7	5
Gippsland Region	All court locations	1	4	2	4	3
Total		*1,238*	*2,229*	*2,453*	*2,188*	*2,337*

Note: Total figures include affected family members without a recorded postcode

The data used in this section can be found in table 9 of the Specialist Family Violence Courts Services data tables.

Disability status of applicants and respondents accessing a support worker

In the five years from July 2009, the proportion of applicants who identified as having a disability fluctuated between 9% and 12% of all applicants who had accessed a support worker. In 2013-14, just under a quarter of applicants (23%, n=541) did not disclose whether they had a disability, while 11% (n=264) identified as having a disability and 66% (n=1,532) said they did not have a disability.

Between July 2009 and June 2014, the proportion of respondents who identified as having a disability has also fluctuated, between 17% and 29% of all respondents who accessed a specialist family violence court support worker. In 2013-14, 6% (n=46) of respondents did not disclose their disability status, while 22% (n=155) identified as having a disability and 72% (n=513) did not have a disability.

The data used in this section can be found in table 11 of the Specialist Family Violence Courts Services data tables.

Interpreter requirements of clients accessing a support worker

In the five years from July 2009, the proportion of applicants who required an interpreter ranged between 3% and 6% of all applicants accessing a support worker. In 2013-14, 5% (n=118) of applicants were recorded as requiring an interpreter when seeing the support worker.

Between 2009-10 and 2013-14, the proportion of respondents who needed an interpreter fluctuated between 0% and 4%. In 2013-14, just 3% (n=24) of respondents required an interpreter.

The data used in this section can be found in tables 12 and 13 of the Specialist Family Violence Courts Services data tables.

Specialist Family Violence Court Services 70

Applicants with children in their care

The proportion of applicants who had a child or children in their care at the time of their session with a support worker has remained relatively stable over the five years from July 2009 to June 2014. In 2013-14, 57% (n=1,329) of applicants had at least one child in their care at the time of their session, while 39% (n=920) did not have a child in their care.

Figure 34. Proportion of applicants who had a child/children in their care during their session with a support worker – Specialist Family Violence Courts, July 2013 to June 2014
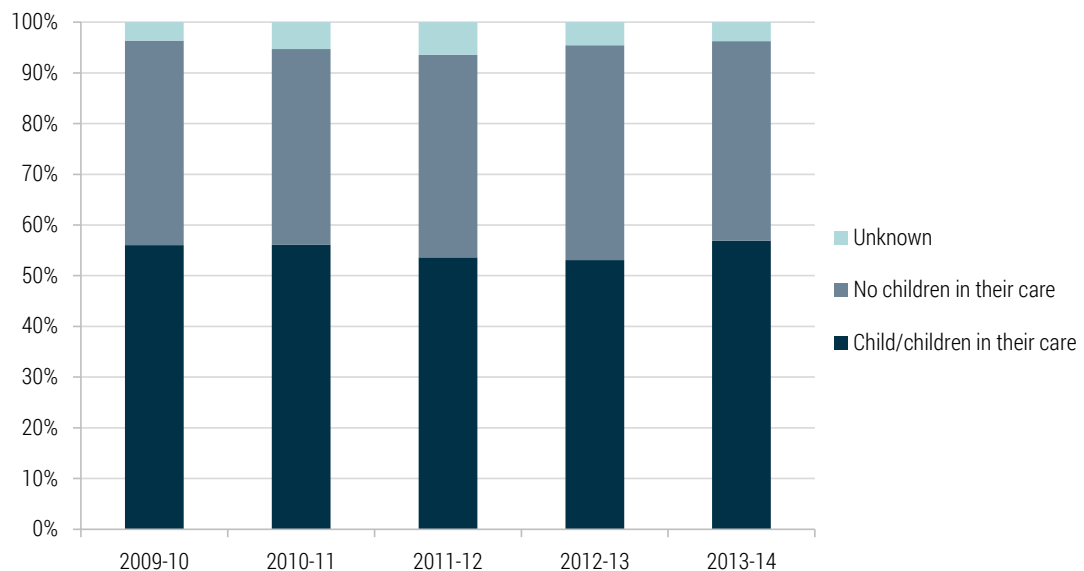
The data used in this section can be found in table 14 of the Specialist Family Violence Courts Services data tables.

8. Integrated Reporting Information System (IRIS) — Department of Health and Human Services

Data in this section is extracted from the Integrated Reporting Information System (IRIS) and includes information on women and children receiving family violence services as well as men accessing a behaviour change program. Other agencies that report through IRIS are excluded from this analysis. This analysis includes all cases that have been recorded by the agency. A case may be closed at any time from when the client presents or is referred to an agency, and they may not complete all service activities.

In the 2013-14 financial year, 25,786 individual clients presented to a men's behaviour change program or women and children's family violence service agency. These 25,786 clients generated 26,268 cases for these agencies and presented with 30,933 separately identified issues. In the five years from July 2009, there has been a substantial increase in the number of family violence clients accessing these services.

Cases and issues recorded by IRIS agencies

The number of cases recorded by IRIS agencies increased by 218.0% from 8,229 in 2009-10 to 26,168 in 2013-14. Of these cases, 97% (n=25,357) had at least one family violence issue recorded. 1% (n=251) of cases did not have a specific family violence issue recorded and 2% (n=560) had no recorded issue.

Those cases that presented without a specific family violence issue had other relevant issues recorded including, financial, housing & gambling issues, medical, alcohol & drug issues, disability & mental health issues, child protection issues, sexual assault and sexual abuse issues, adult pregnancy and other issues.

Table 27. Cases recorded by IRIS agencies by issue recorded — IRIS, July 2009 to June 2014

	2009-10	2010-11	2011-12	2012-13	2013-14
Cases where at least one family violence issue was recorded	7,827	18,131	21,278	21,670	25,357
Cases where no family violence issue was recorded	98	169	257	280	251
Cases where no issue was recorded	304	287	295	301	560
Total cases	8,229	18,587	21,830	22,251	26,168

From the 26,168 cases in 2013-14, there were a total of 30,933 issues recorded by IRIS agencies. The following table outlines the number of issues recorded in the five years from July 2009 by the type of issue.

Table 28. Issues presented to men's behaviour change programs and women and children's family violence services – IRIS, July 2009 to June 2014

	2009-10	2010-11	2011-12	2012-13	2013-14
Family violence issue	9,279	22,074	25,650	26,904	30,301
Medical, alcohol or drug issues	117	298	303	170	157
Financial, housing, gambling issues	8	21	116	141	154
Disability and mental health issue	195	280	264	179	132
Child protection issue	118	169	169	77	99
Sexual assault and sexual abuse issue	30	69	55	58	48
Other issues	3	20	84	47	42
Total issues	9,750	22,931	26,641	27,576	30,933

Of the 26,168 cases recorded by IRIS agencies in 2013-14, just 2% (n=560) did not have an issue recorded, while 85% (n=22,180) had only one issue recorded, 9% (n=2,380) had two issues recorded and 4% (n=1,048) had more than 3 issues recorded.

The data used in this section can be found in tables 1, 2 and 3 of the IRIS data tables.

Source of referral for family violence related cases

The majority of cases recorded by IRIS agencies were referred to an agency through the Men's Behavioural Change central intake – L17 form which made up 69% (n=17,522) of all referral sources in 2013-14. 8% (n=2,038) of cases in 2013-14 were self-referred or referred by a family member or friend. 7% (n=1,742) were referred from a community welfare or local government welfare service and 6% (n=1,471) were referred from police.

Table 29. Source of referral for cases with at least one family violence issue – IRIS, July 2009 to June 2014

	2009-10	2010-11	2011-12	2012-13	2013-14
Men's Behavioural Change central intake - L17 form	181	7,704	13,369	14,261	17,522
Self, family friend	2,078	2,228	2,151	2,044	2,038
Community welfare and local government welfare	1,575	1,817	1,752	1,740	1,742
Police	2,375	4,456	2,114	1,419	1,471
DHHS	716	706	692	718	843
Courts	281	312	323	430	407
Corrections	4	9	135	250	270
Men's Referral Service	39	144	81	216	482
Medical and hospital agencies	70	106	109	104	96
School (primary and secondary)	46	70	57	85	88
Other referral source	451	569	487	392	379
Not stated	11	10	8	11	19
Total family violence related cases	7,827	18,131	21,278	21,670	25,357

The data used in this section can be found in table 4 of the IRIS data tables.

73 An overview of family violence in Victoria

Point of closure

In 2013-14, 70% (n=17,741) of cases were closed at intake, 8% (n=2,084) were closed at the completion of all service plan activities, 7% (n=1,807) were closed prior to assessment and 5% (n=1,354) were closed after assessment but before the service plan was complete.

Table 30. Number of family violence related cases by point of closure – IRIS, July 2009 to June 2014

	2009-10	2010-11	2011-12	2012-13	2013-14
After assessment, before service plan complete	1,702	1,857	1,577	1,590	1,354
At assessment	415	409	346	247	295
At completion of all service plan activities	1,944	2,387	2,597	2,452	2,084
At intake	2,096	9,650	13,806	14,228	17,741
Not required for this case	14	64	156	256	267
Not stated	539	1,866	1,017	1,378	1,809
Prior to assessment	1,117	1,898	1,779	1,519	1,807
Total family violence related cases	7,827	18,131	21,278	21,670	25,357

The data used in this section can be found in table 5 of the IRIS data tables.

Safety plans & risk assessment completed

In the 2013-14 financial year, just 12% (n=3,025) of family violence related cases had a safety plan completed. This is a much lower proportion than in 2009-10, when 40% (n=3,093) of cases had one completed. In 2013-14, 10% (n=2,524) were not applicable for a safety plan and in 18% (n=4,613) of cases it was not known whether a plan was completed.

Since 2009-10, the proportion of cases in which a safety plan was completed has decreased each year from 2009-10 to 2013-14.

Figure 35. Proportion of cases in which a safety plan was completed – IRIS, July 2009 to June 2014
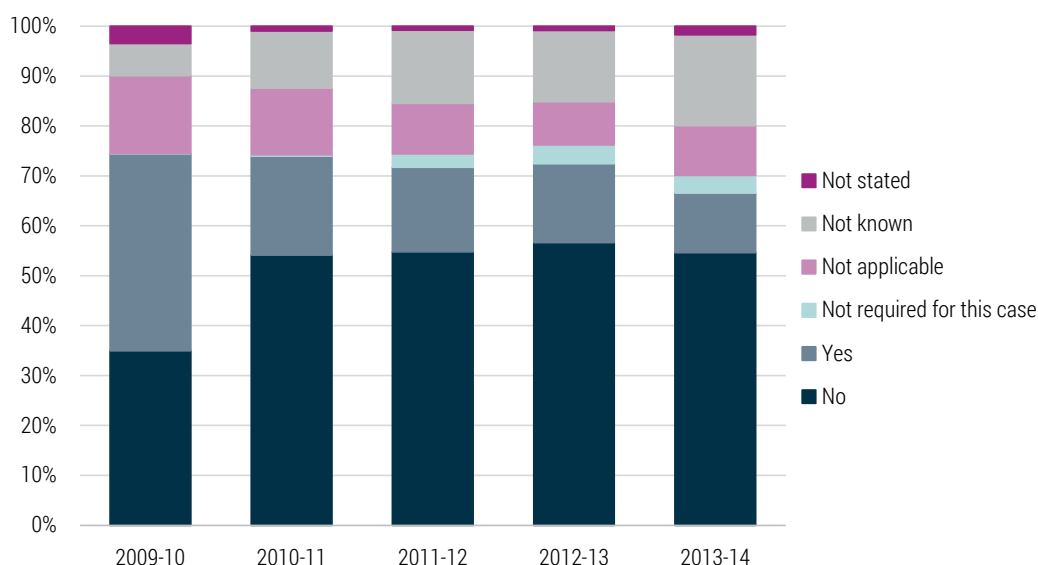
In 83% (n=20,939) of cases in 2013-14, the level of risk was unable to be determined by the agency. In 8% (n=1,935) of cases it was determined that there was a low level of risk, in 4% (n=993) there was a medium level and in 3% (n=831) of cases there was deemed to be a high level of risk.

The data used in this section can be found in tables 6 and 7 of the IRIS data tables.

Intervention order at referral

Of the 25,357 family violence related cases in 2013-14, only 1% (n=369) of them were recorded as having an intervention order in place at referral. 98% (n=24,743) of the cases did not state whether there was an intervention order in place at referral.

The data used in this section can be found in table 8 of the IRIS data tables.

Clients presenting to IRIS agencies

Family violence related clients accessing men's behaviour change programs and women and children's family violence services

Figure 36. Clients presenting to IRIS agencies by type of program – IRIS, July 2009 to June 2014
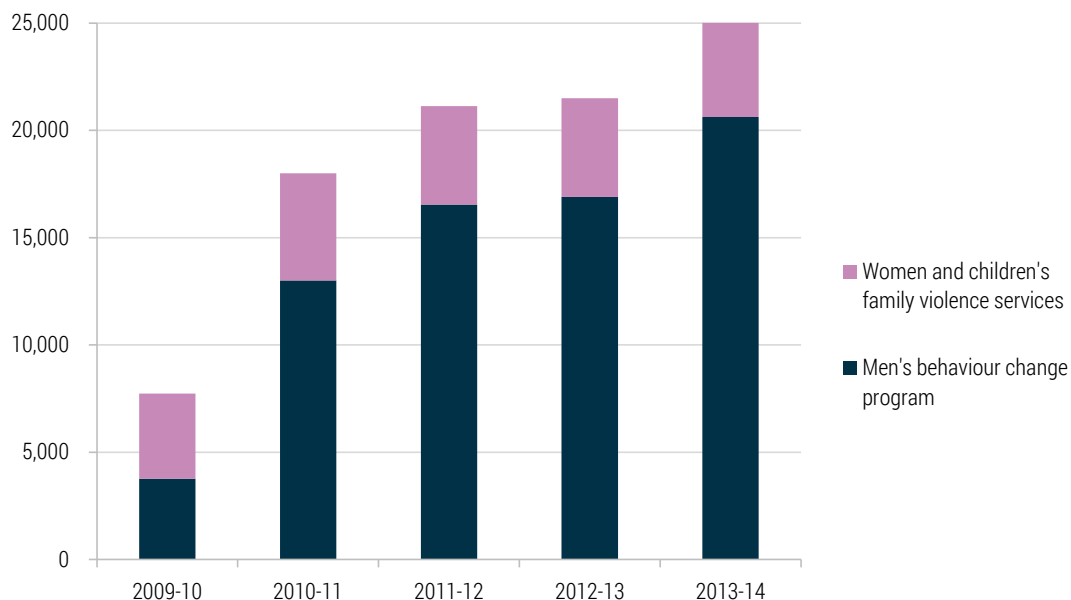
In the five years from July 2009, the number of clients accessing men's behaviour change programs has increased by 446.9%, from 3,771 in 2009-10 to 20,624 in 2013-14.

The number of clients accessing women and children's family violence services has also increased in the five years by 11.7%, from 3,963 in 2009-10 to 4,425 in 2013-14.

The data used in this section can be found in table 9 of the IRIS data tables.

Clients accessing men's behaviour change programs across Victoria

Figure 37. Clients accessing men's behaviour change programs by client's region of residence – IRIS, July 2013 to June 2014

Across Victoria, the number of clients accessing a men's behaviour change program is highest in the metropolitan regions, with 33% (n=6,831) of clients in 2013-14 residing in the North & West Metropolitan region, 25% (n=5,080) in the Southern Metropolitan region and 11% (n=2,333) in the Eastern Metropolitan region.

Table 31. Clients accessing men's behaviour change programs by client's region of residence – IRIS, July 2009 to June 2014

	2009-10	2010-11	2011-12	2012-13	2013-14
Barwon South Western Region	179	740	670	640	1,363
Eastern Metropolitan Region	282	1,016	1,100	1,459	2,333
Gippsland Region	587	1,228	1,894	1,685	1,842
Grampians Region	502	804	748	598	713
Hume Region	172	708	860	768	929
Loddon Mallee Region	257	982	1,353	1,111	774
North & West Metropolitan Region	602	4,315	5,621	6,196	6,831
Southern Metropolitan Region	1,153	3,012	4,050	4,120	5,080

The data used in this section can be found in table 15 of the IRIS data tables.

77 An overview of family violence in Victoria

Clients accessing women and children's family violence services across Victoria

Figure 38. Clients accessing women and children's family violence services by client's region of residence – IRIS, July 2013 to June 2014
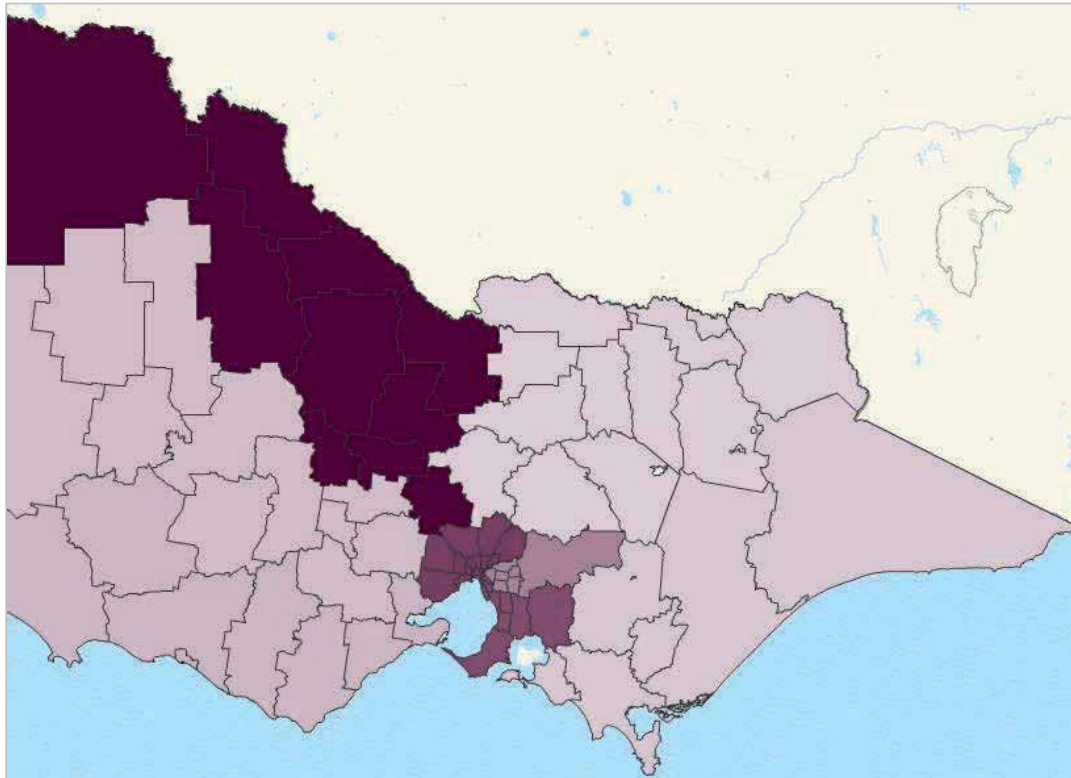
In the 2013-14 financial year, just under a quarter (24%, n=1,041) of all clients accessing a women and children's family violence service lived in the Loddon Mallee region. Approximately half of all clients lived in a metropolitan region with 19% (n=843) in the North & West Metropolitan region, 18% (n=789) in the Southern Metropolitan region and 12% (n=549) in the Eastern Metropolitan region.

The number of clients accessing a women and children's family violence service in the Gippsland and Southern Metropolitan regions has decreased in the five years between 2009-10 and 2013-14. In the same period, the number of clients in the Hume region increased from 172 in 2009-10 to 929 in 2013-14.

Table 32. Clients accessing women and children's family violence services by client's region of residence – IRIS, July 2009 to June 2014

	2009-10	2010-11	2011-12	2012-13	2013-14
Barwon South Western Region	179	740	670	640	1,363
Eastern Metropolitan Region	282	1,016	1,100	1,459	2,333
Gippsland Region	587	1,228	1,894	1,685	1,842
Grampians Region	502	804	748	598	713
Hume Region	172	708	860	768	929
Loddon Mallee Region	257	982	1,353	1,111	774
North & West Metropolitan Region	602	4,315	5,621	6,196	6,831
Southern Metropolitan Region	1,153	3,012	4,050	4,120	5,080

The data used in this section can be found in table 16 of the IRIS data tables.

Age of men accessing men's behaviour change programs

Of the 20,624 clients accessing a behaviour change program in 2013-14, 99% (n=20,383) had a recorded age. The largest age group of men was 18 – 24 years, making up 18% (n=3,695) of clients, followed by those aged 30 – 34 years, which made up 16% of clients.

Figure 39. Age of men accessing men's behaviour change programs – IRIS, July 2013 to June 2014
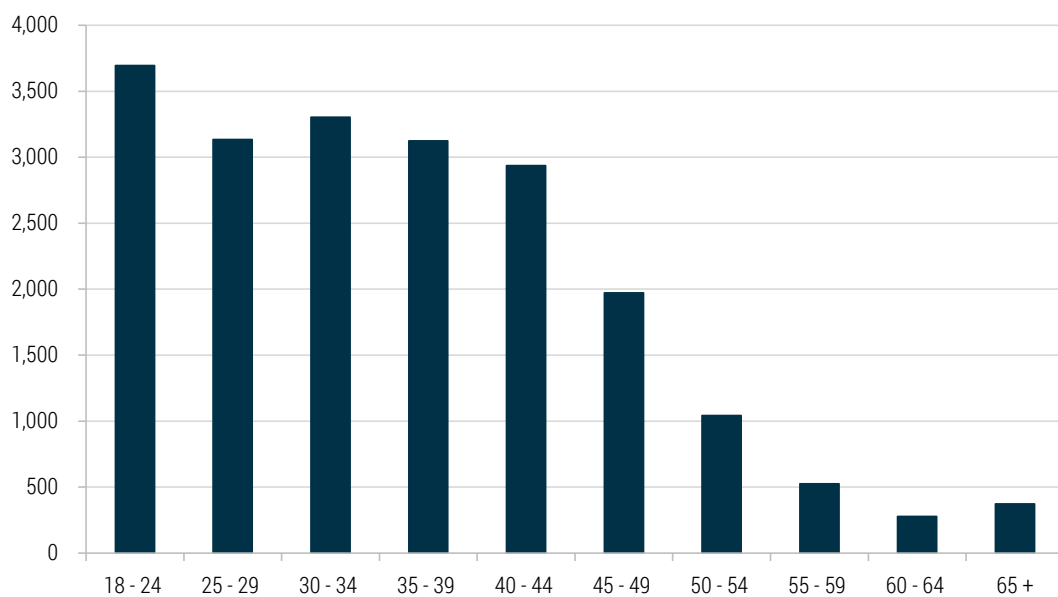
The data used in this section can be found in table 11 of the IRIS data tables.

79 An overview of family violence in Victoria

Demographics of clients accessing women and children's family violence services

In 2013-14, there were 2,693 female adult clients who accessed a women and children's family violence service. Of these clients, the largest age groups were 30 – 34, 35 – 39 and 40 – 44 years. Together these age groups made up half (50%, n=1,336) of all female adult clients.

In the same year there were 1,559 clients under 17 years of age, of which, 49% (n=761) were male and 51% (n=798) were female.

Figure 40. Gender and age of clients accessing women and children's family violence services – IRIS, July 2009 to June 2014
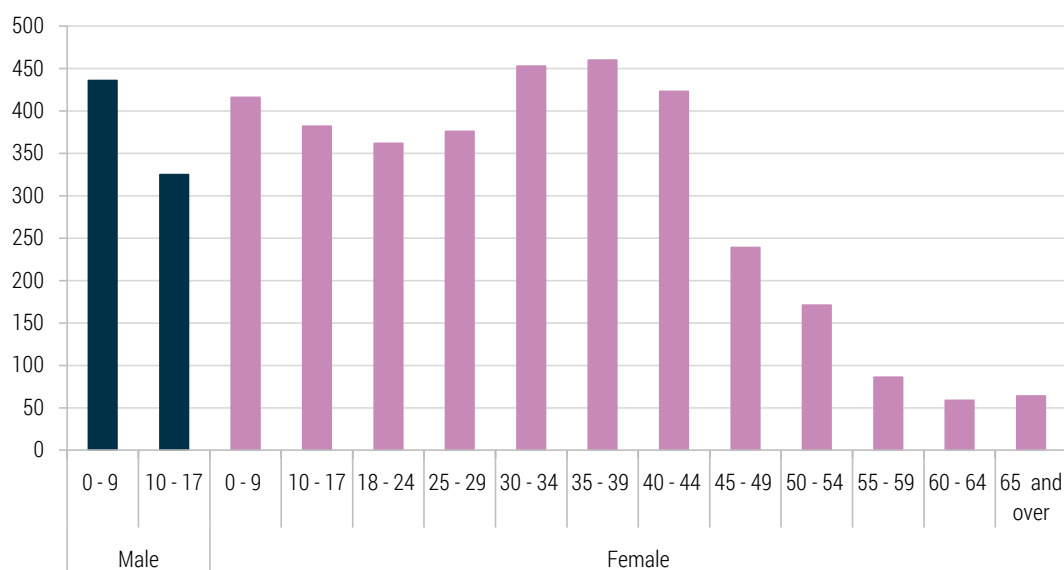
The data used in this section can be found in table 10 of the IRIS data tables.

Country of birth

In 2013-14, the country of birth of 77% (n=15,892) of men accessing a behaviour change program could not be ascertained as the client did not meet with the agency. 20% (n=4,166) of clients identified that they were born in Australia and just 3% (n=562) identified that they were born in another country.

Of the 4,425 clients accessing a women and children's family violence service in 2013-14, 84% (n=3,731) identified that they were born in Australia, while 13% (n=570) identified that they were born in another country. Only 3% (n=120) of clients' country of birth could not be ascertained.

The data used in this section can be found in table 13 of the IRIS data tables.

Indigenous status

In 2013-14, the indigenous status of 58% (n=11,940) of clients accessing a men's behaviour change program could not be ascertained. 40% (n=8,223) of clients identified as neither Aboriginal nor Torres Strait Islander, 2% (n=417) identified as Aboriginal but not Torres Strait Islander and only 0.1% identified as Torres Strait Islander but not Aboriginal or both Aboriginal and Torres Strait Islander.

In the same year, 83% (n=3,688) of clients accessing women and children's family violence services identified as neither Aboriginal nor Torres Strait Islander and 8% (n=356) identified as Aboriginal but not Torres Strait Islander, and another 8% (n=356) of clients' indigenous status could not be ascertained.

The data used in this section can be found in table 12 of the IRIS data tables.

9.Victorian Emergency Minimum Dataset (VEMD)

For the purposes of identifying patients presenting for family violence reasons, this report focuses on those patients who presented with a human intent injury of either; 'Child neglect, maltreatment by parent, guardian' or 'Maltreatment, assault by domestic partner'.

Since July 2009, the number of patients presenting to emergency departments for family violence reasons has fluctuated between 485 and 629 per year.

Figure 41. Patients presenting with injuries caused by a family member – VEMD, July 2009 to June 2014
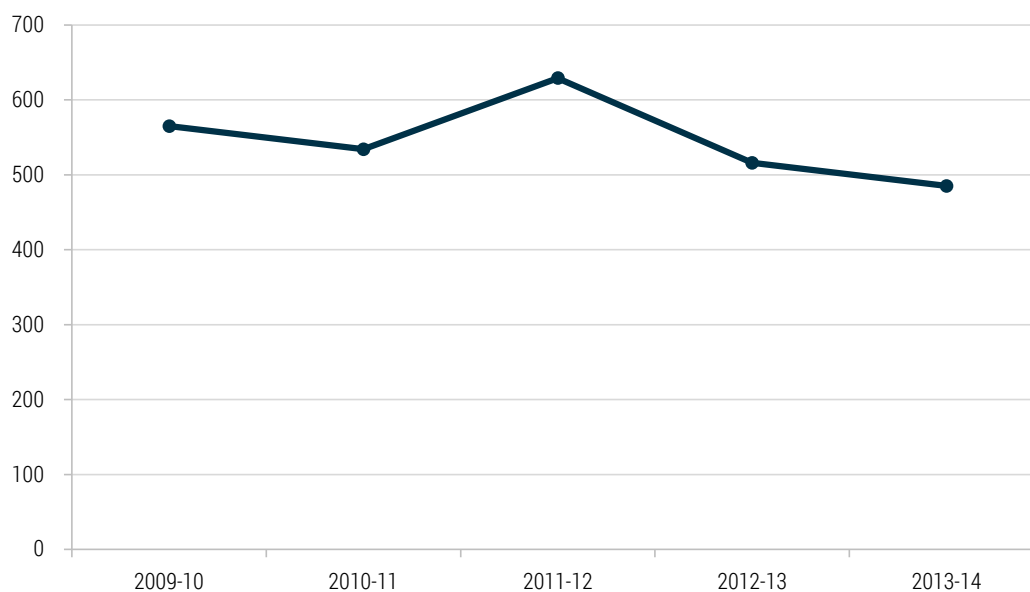
The data used in this section can be found in table 1 of the VEMD data tables.

Demographic characteristics of VEMD patients

Gender and age of family violence patients

In 2013-14, 485 patients presented to the emergency department with a human intent injury of either 'Child neglect, maltreatment by parent, guardian' or 'Maltreatment, assault by domestic partner'. Two thirds of these patients (67%, n=323) were recorded as female and one third (33%, n=162) male.

Of the male patients that presented with a human intent injury, approximately 50% (n=82) of them were aged between 20 and 44 years. This age group accounted for 60% (n=196) of female patients.

The proportion of males and females in each age group has fluctuated across the five years, however, the numbers are quite small and variations can be expected in such a small group.

Figure 42. Patients presenting with injuries caused by a family member by gender and age – VEMD, July 2009 to June 2014
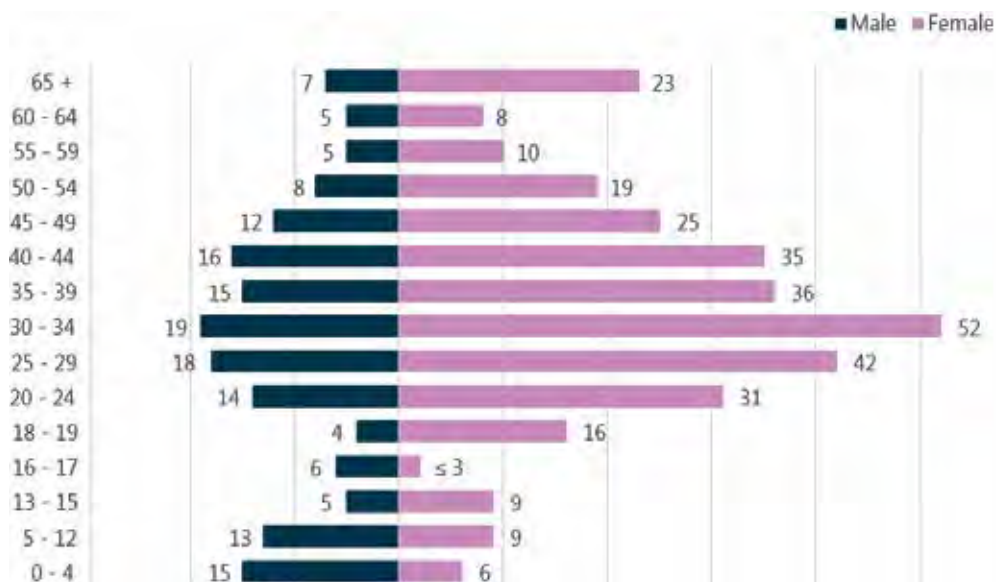
The data used in this section can be found in table 1 of the VEMD data tables.

Indigenous status

In the five years from July 2009, the proportion of recorded indigenous status has remained relatively stable. In 2013-14, 93% (n=455) of patients identified as Neither Aboriginal nor Torres Strait islander while 5% identified as Aboriginal but not Torres Strait Islander. Less than 3 patients identified as Both Aboriginal and Torres Strait Islander.

The data used in this section can be found in table 4 of the VEMD data tables.

Country of birth

The proportion of patients who identified a country of birth outside of Australia has remained stable over the five years from July 2009. In 2013-14, approximately 80% (n=390) of patients were born in Australia, 18% (n=85) were born outside of Australia and 2% (n=10) of patients did not state a country of birth. Of those patients born outside of Australia, 15 were born in North West Europe, 14 in Oceania, 13 in South East Asia.

The data used in this section can be found in table 3 of the VEMD data tables.

Victorian Emergency Minimum Dataset 84

VEMD patients across Victoria

Figure 43. Patients by DHHS region of residence – VEMD, July 2013 to June 2014
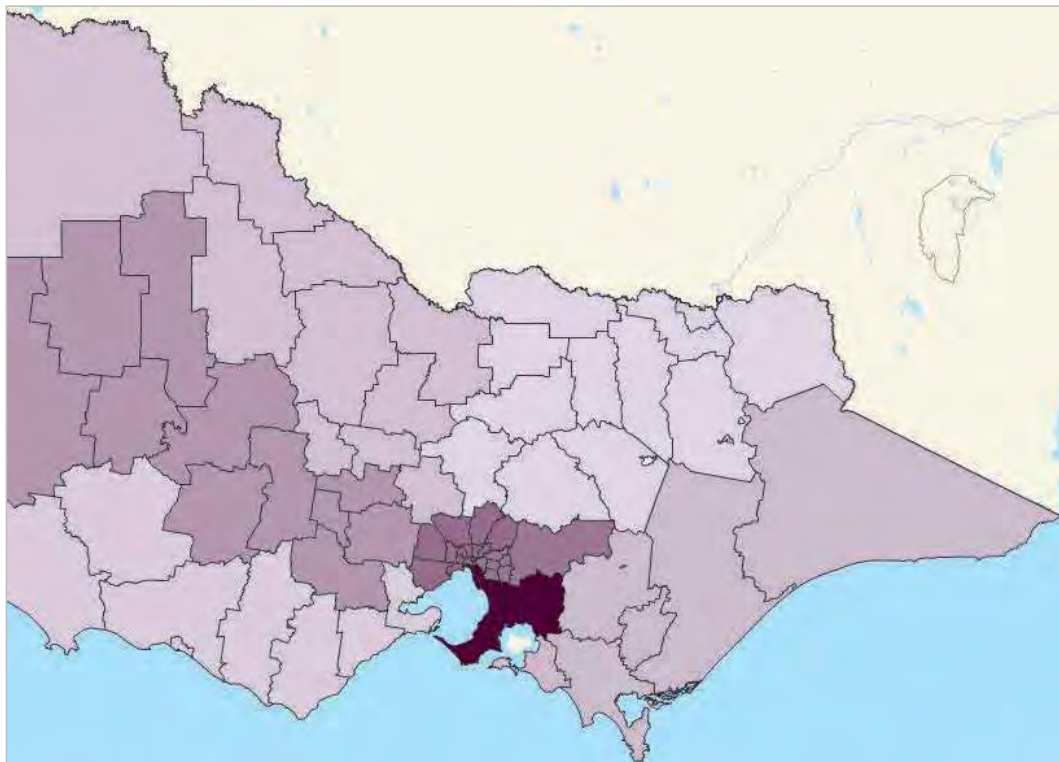
Based on the residential postcode of the patient, the largest number of patients lived in the metropolitan regions, with 28% (n=135) of patients in 2013-14 residing in the Southern Metro region, 18% (n=84) in the North and West Metropolitan region and 16% (n=77) in the Eastern Metropolitan region.

It is also the metropolitan regions that differ the most in the split between male and female patients. A greater proportion of female patients lived in the North & West and Eastern Metropolitan regions, and a greater proportion of male patients lived in the Southern Metropolitan region.

Table 33. Patients by region of residence – VEMD, July 2009 to June 2014

	2009 – 10	2010 – 11	2011 – 12	2012 – 13	2013 – 14
Barwon South Western Region	41	30	41	28	27
Eastern Metropolitan Region	54	43	62	61	77
Gippsland Region	26	31	37	36	37
Grampians Region	113	119	141	82	57
Hume Region	13	19	26	21	23
Loddon Mallee Region	30	30	26	28	34
North & West Metropolitan Region	116	116	132	101	84
Southern Metropolitan Region	158	131	147	146	135

The data used in this section can be found in table 2 of the VEMD data tables.

85 An overview of family violence in Victoria

Cause of injury

The cause of injury is self-reported by patients at the time they present to an emergency department. Looking at the five years from July 2009, there is a marked difference in the cause of injury reported depending on the gender of the patient.

Female patients were more likely to present with an injury from being struck by or colliding with a person than any other cause (56%). Whereas males were more likely to present with every other cause of injury.

Figure 44. Proportion of total causes of injury by gender – VEMD, July 2009 to June 2014 combined
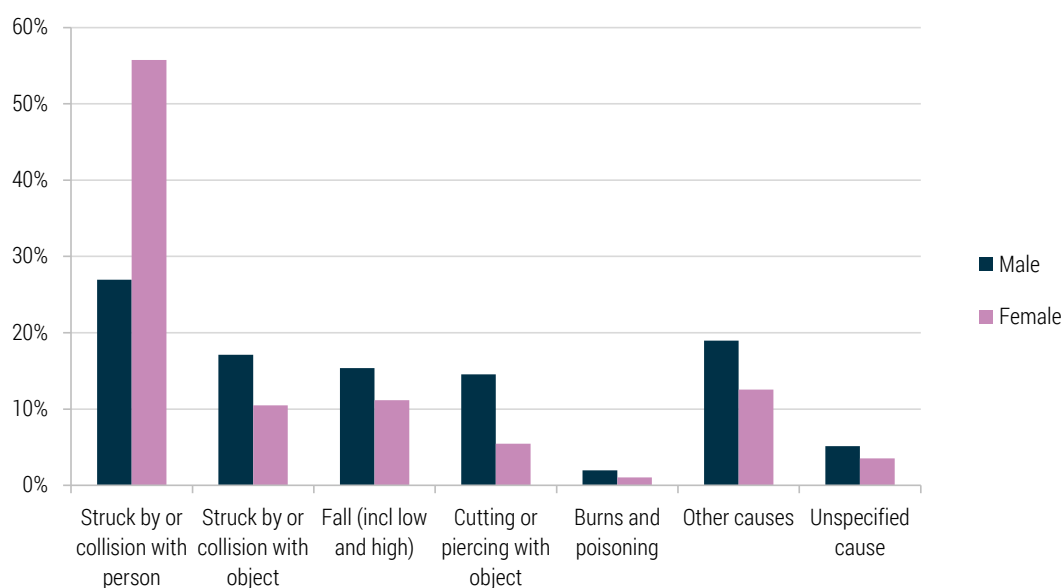
The data used in this section can be found in table 5 of the VEMD data tables.

Victorian Emergency Minimum Dataset 86

Nature of main injury

Similar to the cause of injury, the nature of the main injury that females present with was very different to the nature of injury that a male was likely to present with.

Male patients were more likely to present with an open wound and fractures, whereas females were more likely to present with superficial injuries, sprains or strains and other injuries.

Figure 45. Proportion of the nature of main injury by gender – VEMD, July 2009 to June 2014 combined
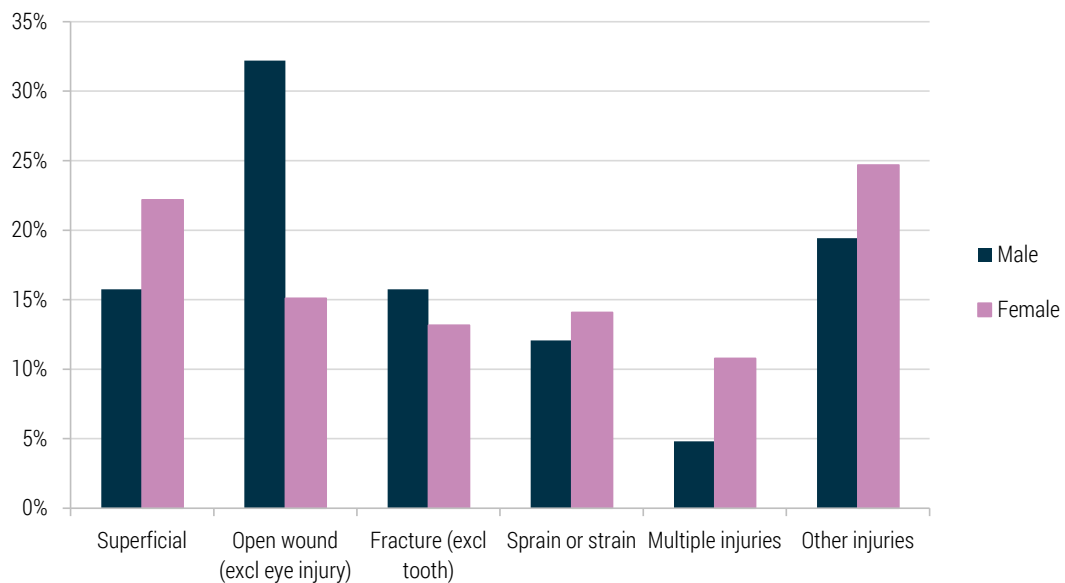
The data used in this section can be found in table 7 of the VEMD data tables.

87 An overview of family violence in Victoria

10. Victims Assistance Program (VAP)

Victims of family violence

In 2013-14, the proportion of Victims Assistance Program (VAP) clients that were victims of a family violence crime was 36% (n=16,240) of total clients. This is up from 2009-10 when the proportion of family violence victims was 16% (n=5,133). In the 2012-13 financial, the recording of family violence crimes changed from recording specific family violence crimes to identifying all family violence related crimes with a flag.

Figure 46. Proportion of Victims Assistance Program clients that were victims of family violence – VAP, July 2009 to June 2014
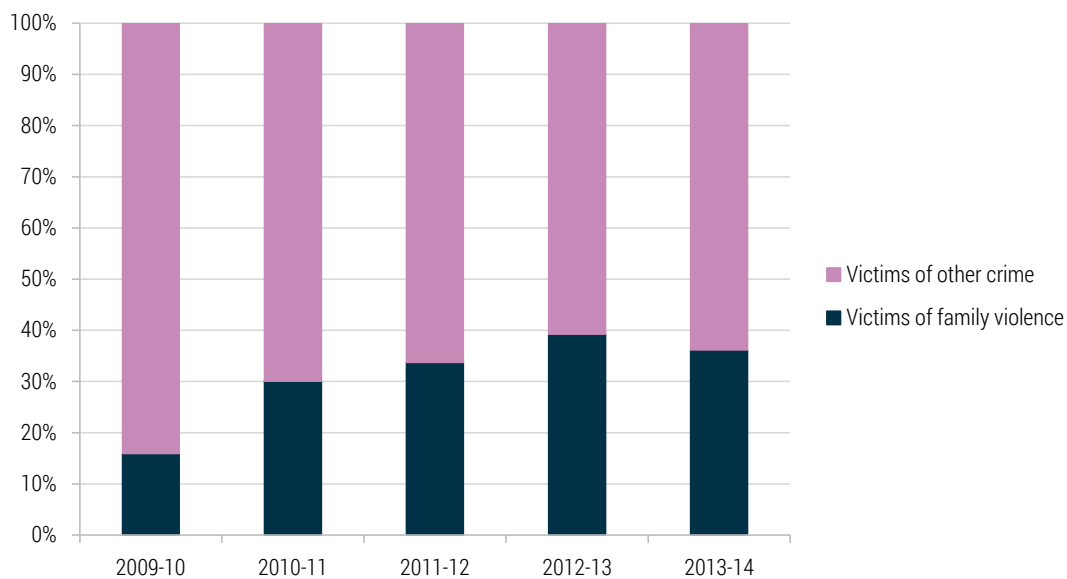
The data used in this section can be found in table 1 of the Victims Support Agency data tables.

Victims Assistance Program 88

Demographic characteristics of family violence related victims

Gender and age of victims

Over the five years from July 2009, the proportion of male victims has increased and in 2013-14 male victims made up 31% (n=5,052) of total victims of family violence. The largest age group of male victims was 0 – 14 years (n=1,402) followed by 40 – 54 years (n=1,122).

In the 2013-14 financial year, there were 11,141 female victims, of which the largest age group was 25 – 39 years. This accounted for 37% (4,106) of total female victims.

Table 34. Gender of VAP clients who were victims of family violence – VAP, July 2009 to June 2014

	2009 – 10	2010 – 11	2011 – 12	2012 – 13	2013 – 14
Male victims	23%	24%	31%	36%	31%
Female victims	77%	76%	69%	63%	69%

In the same period there were more female victims than male victims in all age groups, except for 0 – 14 years and 65 years and over.

Figure 47. Gender and age of victims of family violence – VAP, July 2013 to June 2014
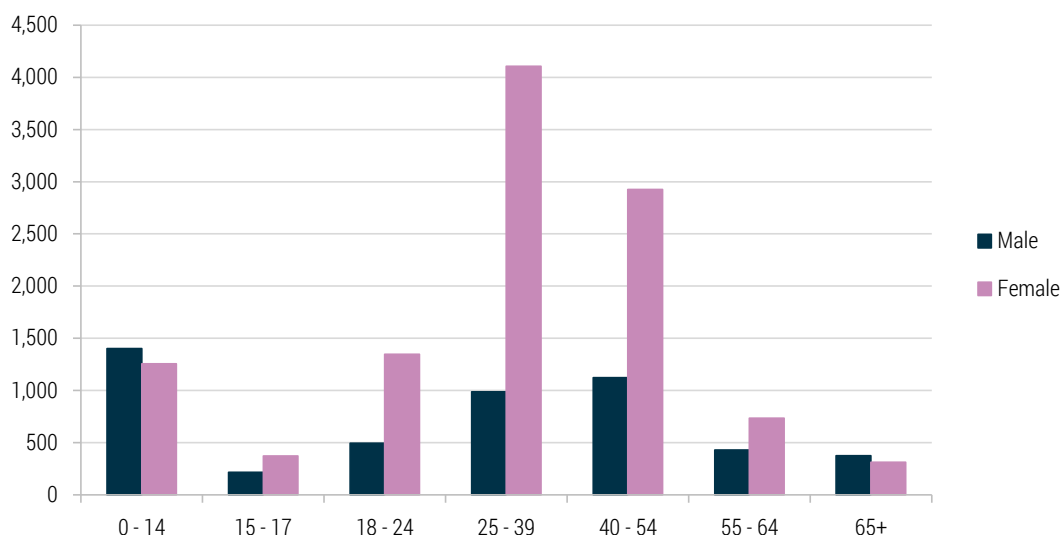
The data used in this section can be found in table 2 of the Victims Support Agency data tables.

Indigenous status

In 2013-14, the indigenous status of 5% (n=780) of family violence related VAP clients was unknown. Another 5% (n=847) were recorded as Aboriginal and 90% (n=14,582) were recorded as neither Aboriginal nor Torres Strait Islander. Only 31 clients identified as Torres Strait Islander.

The data used in this section can be found in table 3 of the Victim Support Agency data tables.

89 An overview of family violence in Victoria

Cultural background

Cultural background is not indicative of the client's country of birth but is a broader indicator of the culture that they identify with. In the five years from July 2009, the recording of cultural background of VAP family violence clients greatly increased. In 2013-14, the proportion of clients who identified their cultural background as Australia accounted for 81% (n=13,190) of all family violence clients. This was followed by New Zealand (2%, n=283), then Greece (1.2%, n=190), India (1.1%, n=179) and Vietnam (1%, n=159).

The data used in this section can be found in table 5 of the Victims Support Agency data tables.

Victims of family violence across Victoria

Table 35. Number of victims of family violence by region – VAP, July 2009 to June 2014

	2009 – 10	2010 – 11	2011 – 12	2012 – 13	2013 – 14
Barwon South West	455	1,190	1,497	1,760	2,128
Gippsland	1,414	870	1,325	1,795	1,654
Grampians	373	677	898	962	1,034
Hume	705	1,210	1,258	923	1,438
Loddon-Mallee	223	657	913	939	1,010
Metropolitan - East	532	820	1,089	1,480	2,101
Metropolitan - North	271	1,437	1,359	1,185	1,626
Metropolitan - South	1,027	1,913	2,380	3,585	2,755
Metropolitan - Western	133	1,595	1,518	1,474	2,494

In 2013-14 the southern metropolitan and western metropolitan regions had the highest number of family violence clients with 2,755 and 2,494 respectively. Loddon-Mallee and the Grampians regions had the lowest number of family violence clients with 1,010 and 1,034. It should be noted that these figures are dependent on the number and location of service agencies in each of these regions.

The data used in this section can be found in table 6 of the Victims Support Agency data tables.

11. Victims of Crime Helpline (VoC)

The Victims of Crime helpline is a telephone support service for victims of crime in Victoria. The helpline is a program within the Victim Support Agency in the Department of Justice & Regulation. In 2012-13, the VSA introduced a field to identify where a client had been a victim of family violence as opposed to another type of crime. Data for the period 2009-10 is not available from the Victims of Crime helpline.

Victims of family violence

Table 36. Victims by the type of crime – Victims of Crime, July 2010 to June 2014

	2010 – 11	2011 – 12	2012 – 13	2013 – 14
Clients identified as victims of family violence	0	0	260	1,143
Clients identified as victims of other crime	0	0	1,054	4,205
Unknown crime type	4,311	8,035	7,509	15,157
Total VoC Helpline clients	4,311	8,035	8,823	20,505

The data used in this section can be found in table 7 of the Victims Support Agency data tables.

Demographic characteristics of victims

Of the 1,143 victims who identified themselves as a victim of family violence in the 2013-14 financial year, 48% (n=548) were male and 52% (n=590) were female.

The largest age group of victims in 2013-14 was 25 – 39 years, accounting for 34% (n=188) of male victims and 40% (n=237) of female victims. In 2013-14, there were more female victims recorded between the age of 0 and 39 years, whereas there were more male victims aged 40 years and older.

Figure 48. Victims of family violence by gender and age – Victims of Crime, July 2013 to June 2014
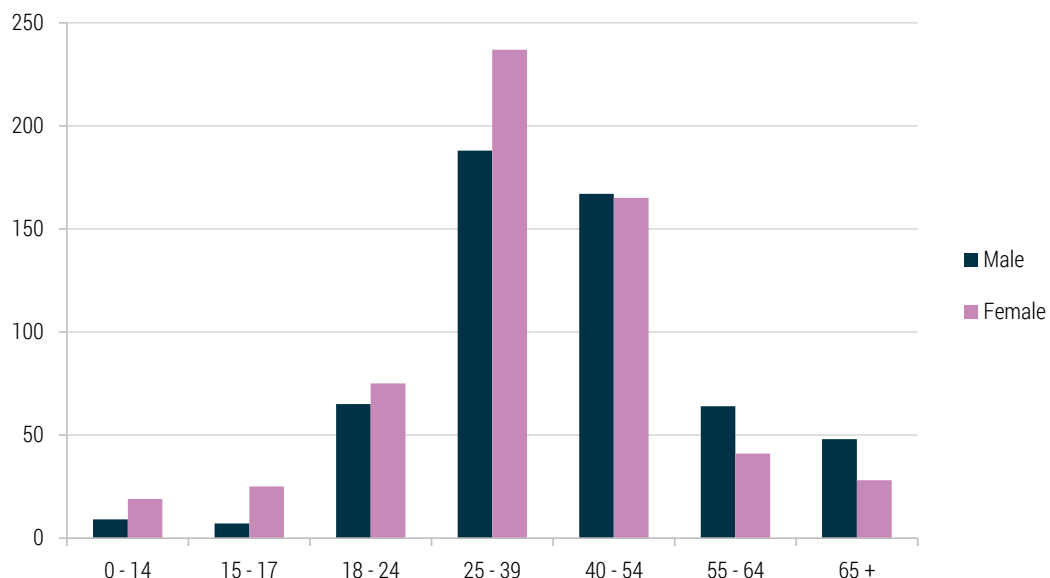
The data used in this section can be found in table 8 of the Victims Support Agency data tables.

91 An overview of family violence in Victoria

12. Victoria Legal Aid (VLA)

This section focuses on the services provided by Victoria Legal Aid (VLA), where the primary matter was recorded as family violence related. The data looks at the number of services provided as well as the demographics of the clients accessing these services. The data collected by VLA does not identify whether a client was accessing a service as an affected family member/victim or other party/respondent/perpetrator.

Victoria Legal Aid services

In the five years from July 2009, the number of services provided by VLA where the primary matter was family violence related has increased by 8.5% from 19,511 in 2009-10 to 21,172 in 2013-14. In those five years, there was a decline in the number of legal advice services and substantive grants.

It should be noted that a change in the counting methodology of minor work services has resulted in a large drop in the number of services from years prior to 2009-10.

Figure 49. Services provided by VLA where primary matter is family violence related − Victoria Legal Aid, July 2009 to June 2014
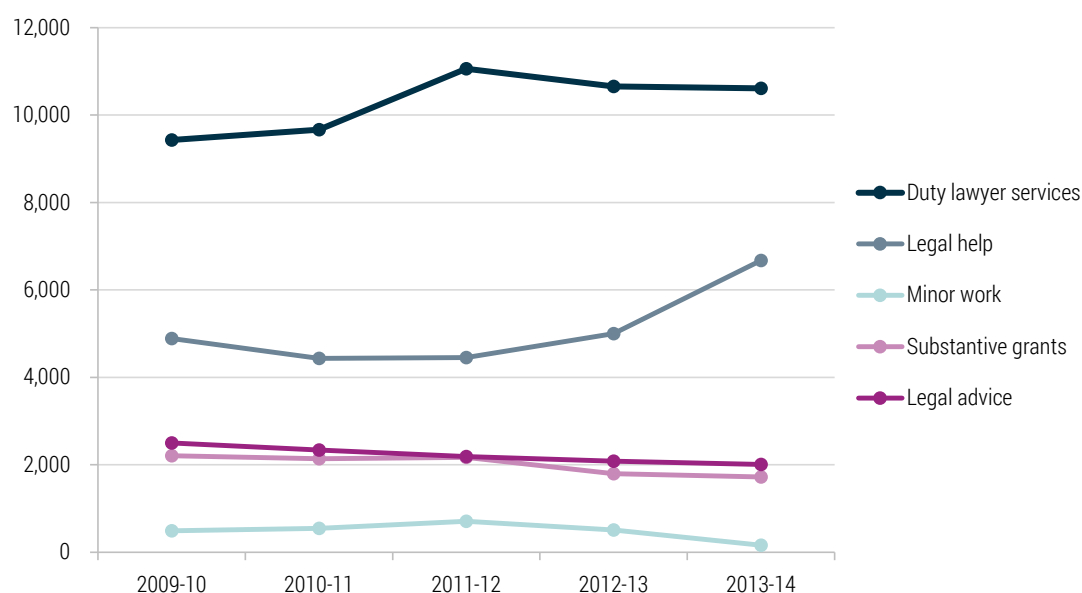
Table 37. Services provided by VLA where primary matter is family violence related − Victoria Legal Aid, July 2009 to June 2014

	2009-10	2010-11	2011-12	2012-13	2013-14
Duty lawyer services	9,427	9,664	11,061	10,655	10,610
Legal help	4,890	4,435	4,452	4,998	6,672
Minor work	491	546	706	506	161
Substantive grants	2,204	2,139	2,169	1,793	1,722
Legal advice	2,499	2,340	2,188	2,081	2,007
Total services	19,511	19,124	20,576	20,033	21,172

The data used in this section can be found in table 1 of the Victoria Legal Aid data tables.

Victoria Legal Aid 92

Referrals to Victoria Legal Aid

VLA began collecting the client's referral source in 2010-11. Over the four years to 2013-14, the recording of this data item has continually improved in quality.

In 2013-14, 48% (n=4,843) of duty lawyer clients were referred to VLA from the courts, 42% (n=4,263) were self-referred and 6% (n=625) were an existing or previous client of VLA.

66% (n=4,404) of legal help clients were self-referred or no referral was made, while 5% (n=310) were referred from police and 4% (n=244) from the courts.

The data used in this section can be found in tables 2 and 14 of the Victoria Legal Aid data tables.

Demographics of clients accessing Victoria Legal Aid services

Gender and age of clients

Gender and age of clients accessing duty lawyer services

In 2013-14, there were 10,610 clients accessing duty lawyer services, of which 72% (n=7,631) were male and 28% (n=2,976) female.

The largest age group of male clients was 40 – 44 year olds, of which there were 1,183 in 2013-14. Those aged between 30 and 44 years accounted for 44% (n=3,372) of all male clients.

Figure 50. Gender and age of clients accessing duty lawyer services – Victoria Legal Aid, July 2009 to June 2014
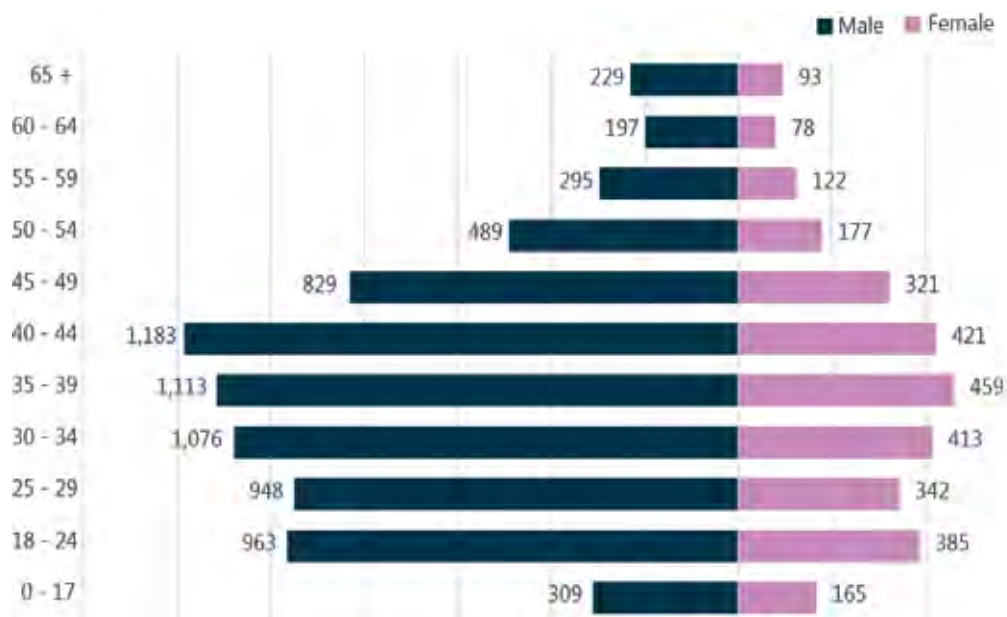
The data used in this section can be found in table 3 of the Victoria Legal Aid data tables.

93 An overview of family violence in Victoria

Gender of clients accessing legal advice services

In 2009-10, the proportion of clients accessing legal advice services who were male was 51% (n=1,278) and the proportion who were female was 49% (n=1,219). In 2013-14, the proportion of male clients had decreased to 46% (n=921) and the proportion of female clients had increased to 54% (n=1,086).

Of the 921 male clients in 2013-14, the largest age group was 30 – 34 years (n=166) with those aged 30 – 44 making up 49% (n=448) of all male clients.

The age breakdown of the 1,086 female clients in 2013-14 was very similar to that of male clients with 48% (n=521) aged between 30 – 44 years of age. A quarter (25%, n=272) of all female clients were between the ages of 18 – 29 years.

The data used in this section can be found in table 10 of the Victoria Legal Aid data tables.

Gender and age of clients applying for substantive grants

In 2013-14, 56% (n=964) of clients who applied for a substantive grant were female, while 44% (n=755) were male. Of the 1,722 applicants, 1,485 were 18 years or older while 237 were under 17 years old.

Table 38. Gender and age group of clients applying for substantive grants – Victoria Legal Aid, July 2009 to June 2014

		2009-10	2010-11	2011-12	2012-13	2013-14
Male	Child (17 years and younger)	224	253	209	151	135
	Adult (18 years and older)	718	714	740	686	620
	Subtotal	942	967	949	837	755
Female	Child (17 years and younger)	207	197	155	108	102
	Adult (18 years and older)	1,051	975	1,065	848	862
	Subtotal	1,258	1,172	1,220	956	964
Total	Child (17 years and younger)	431	450	364	259	237
	Adult (18 years and older)	1,773	1,689	1,805	1,534	1,485
	Total	2,204	2,139	2,169	1,793	1,722

The data used in this section can be found in tables 19 and 20 of the Victoria Legal Aid data tables.

Victoria Legal Aid 94

Culturally and linguistically diverse clients

Country of birth of clients accessing duty lawyer services

In the five years from July 2009, the recording of a client's country of birth has considerably increased in quality. In 2013-14, only 3% (n=330) of clients accessing a duty lawyer had an unknown country of birth compared to 44% (n=3,894) in 2009-10.

Of those clients with a known country of birth in 2013-14 (n=9,806), 70% (n=6,884) were born in Australia and 30% (2,922) were born overseas.

The top five countries of birth for those clients born outside of Australia were India (n=265), New Zealand (n=244), England (n=170), Vietnam (n=160) and Sudan (n=135).

The data used in this section can be found in table 8 of the Victoria Legal Aid data tables.

Interpreter requirements of Victoria Legal Aid clients

Between July 2009 and June 2014, the proportion of clients who required an interpreter while accessing a VLA service has fluctuated between 2% and 8% of clients, depending on the service type. In 2013-14, 8% of clients accessing either a legal advice service (n=161) or minor work service (n=11) required an interpreter while 6% (n=616) of those accessing a duty lawyer required one and just 3% (n=220) of legal help clients required an interpreter.

Figure 51. Proportion of clients who required an interpreter by type of service – Victoria Legal Aid, July 2009 to June 2014
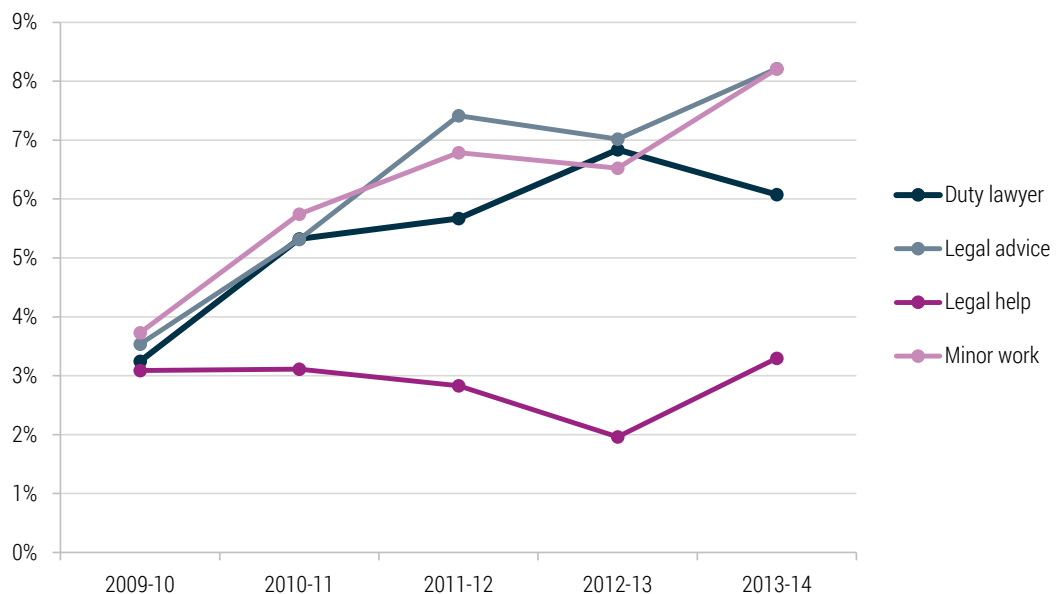
The data used in this section can be found in tables 7, 12, 15 and 17 of the Victoria Legal Aid data tables.

95 An overview of family violence in Victoria

Disability status of clients

The proportion of clients who identified as having a disability has steadily increased across all VLA services since July 2009. In 2013-14, the proportion of applicants for a substantive grant who identified as having a disability was 19% (n=282), while the proportion of clients accessing a duty lawyer or legal advice service who had a disability was 22% (n=2,220) and 25% (n=489) respectively.

Of the 489 clients accessing legal advice services who identified as having a disability, just over half (51%, n=247) had a mental health issue, while 28% (n=136) had a physical disability.

Of the 2,220 duty lawyer clients who identified as having a disability, 46% (n=1,022) identified as having a mental health issue, and 27% (n=605) had a physical disability.

Figure 52. Proportion of clients who identified as having a disability by type of service – Victoria Legal Aid, July 2009 to June 2014
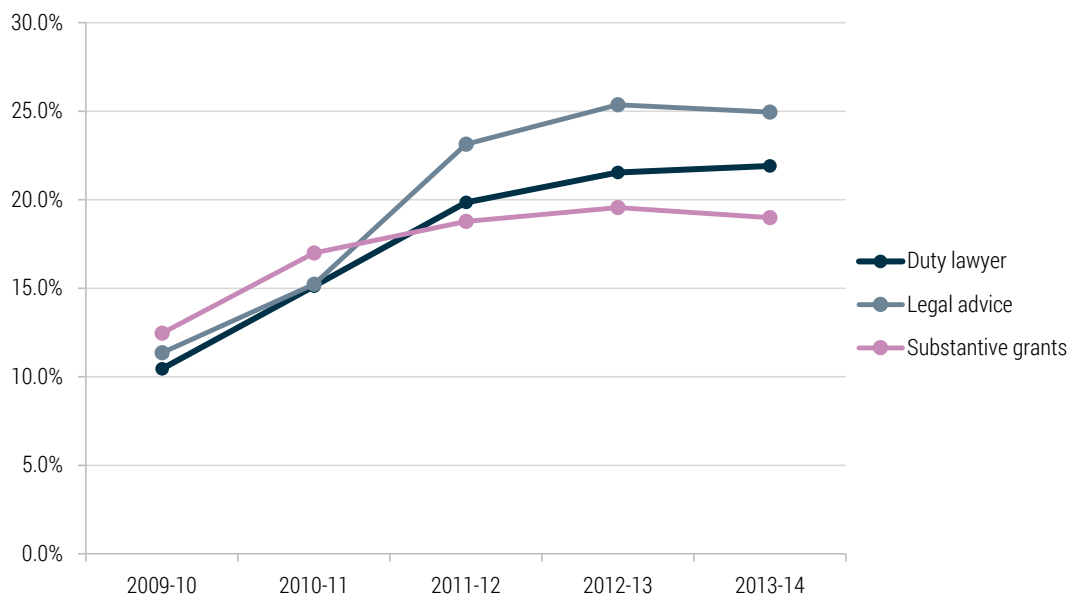
The data used in this section can be found in tables 6, 11 and 21 of the Victoria Legal Aid data tables.

Outcomes of duty lawyer services

In 2013-14, where the client was male, 44% (n=3,211) of matters resulted in an order being made, while 26% (n=1,929) resulted in an adjournment and in 20% (n=1,464) of cases only information and advice was obtained.

Where the client was female, 34% (n=957) of matters were adjourned, another 34% (n=950) resulted in an order being made and 17% (482) of clients only received information and advice.

Figure 53. Outcome of duty lawyer services by gender of client – Victoria Legal Aid, July 2009 to June 2014
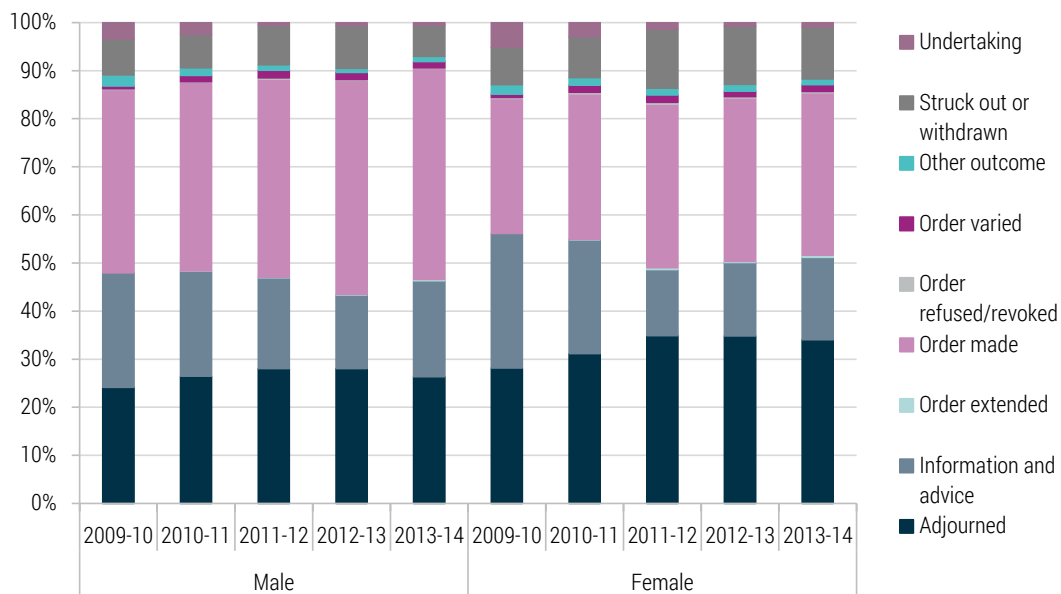
In the five years from July 2009, there has been a shift in the outcomes of duty lawyer services where clients were 17 years or younger. In 2009-10, the proportion of services that resulted in an adjournment was 37% (n=220), compared to 2013-14 where 29% (n=139) resulted in an adjournment.

There was also a drop in the proportion of services that resulted in the matter being struck out or withdrawn. In 2009-10, 18% (n=104) were struck out or withdrawn and in 2013-14, this was down to 9% (n=45).

Conversely, there was an increase in the proportion of matters that resulted in an order being made, increasing from 25% (n=149) in 2009-10 to 48% (n=229) in 2013-14.

The data used in this section can be found in tables 4 and 5 of the Victoria Legal Aid data tables.

97 An overview of family violence in Victoria

13. Specialist Homelessness Services Collection (SHSC)

Support periods for clients seeking housing assistance in Victoria

Since July 2011, when the Specialist Homelessness Services Collection (SHSC) replaced the Supported Accommodation Assistance Program (SAAP), the number of support periods provided to clients seeking assistance in Victoria has increased by 46.7% from 128,694 in 2011-12 to 188,775 in 2013-14.

The proportion of support periods for clients seeking assistance for family violence reasons has remained relatively stable over those three years and in 2013-14, 39% (n=74,292) of all support periods were family violence related.

Figure 54. Proportion of support periods for clients seeking assistance for family violence reasons – SHSC, July 2011 to June 2014
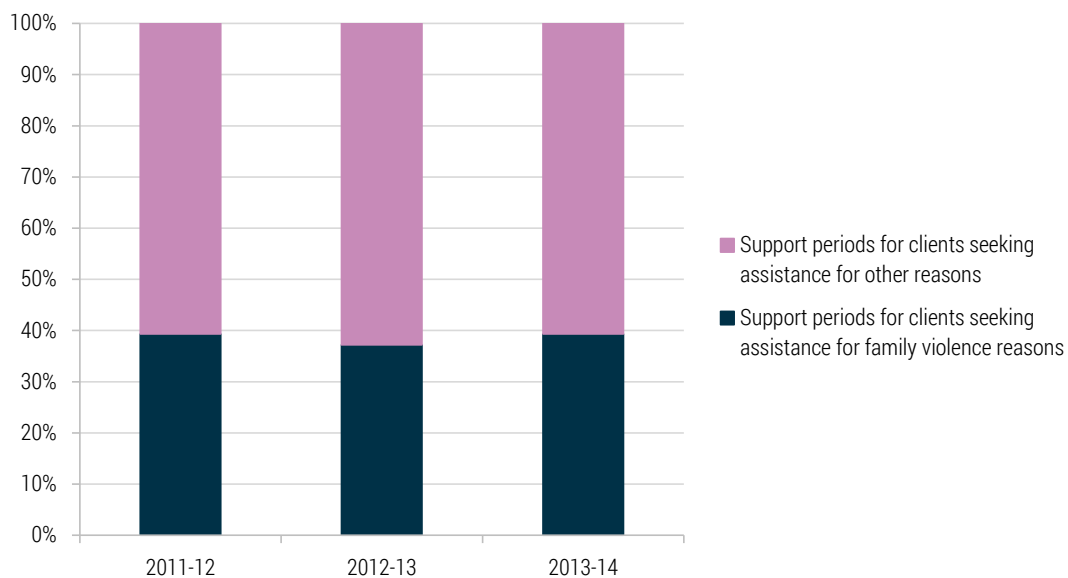
The data used in this section can be found in table 1 of the Specialist Homelessness Services Collection data tables.

Demographics of clients seeking assistance for family violence reasons

In the three years from July 2011, the proportion of male and female clients has remained relatively stable. On average, 83% of clients seeking assistance for family violence reasons were female and 17% were male.

In 2013-14, there were 62,174 female clients and 12,118 male clients. Due to confidentialisation, there were 2,459 male clients with an unknown age and 5,854 female clients with an unknown age.

Of the female clients with a known age (n=56,246) the largest age group was 25 – 34 years, making up 30% (n=15,098) of female clients, followed by 35 – 44 years (n=16,904) and 15 – 24 years (n=10,668).

Of the male clients with a known age (n=9,659), the largest age group was 0 – 14, of which there were 4,038 clients seeking assistance. In the same age group there were 4,337 female clients seeking assistance in 2013-14 for family violence reasons.

Figure 55. Clients seeking assistance for family violence reasons by gender and age – SHSC, July 2013 to June 2014
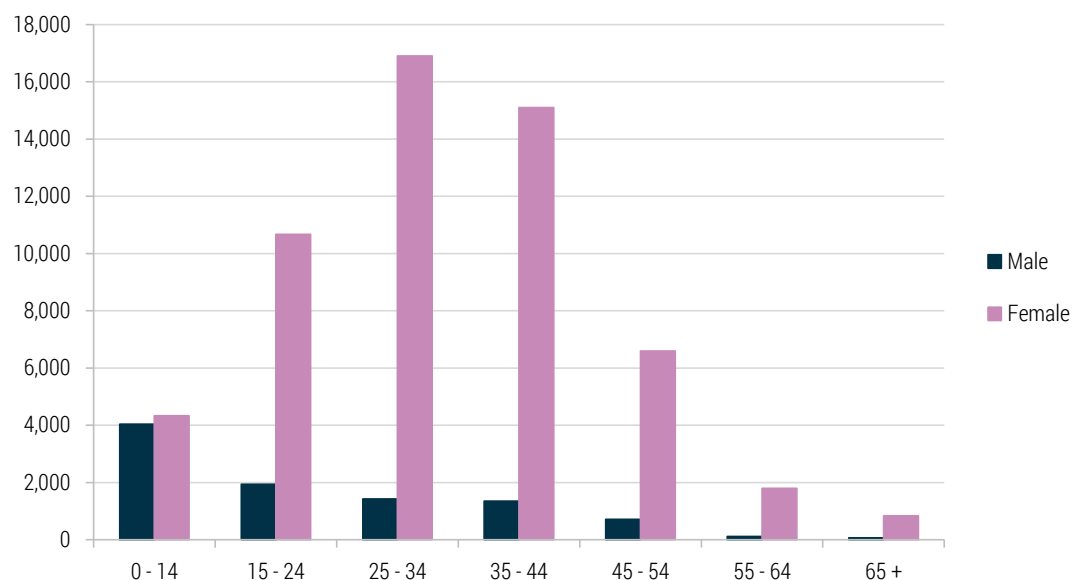
The data used in this section can be found in table 2 of the Specialist Homelessness Services Collection data tables.

Main reason clients sought housing assistance

When a client presents to an SHSC service provider they are asked to identify all reasons why they are seeking housing assistance. They are also asked to identify the main reason they are seeking assistance. Table 39 outlines the five main reasons for clients seeking housing assistance.

In 2013-14, the proportion of support periods for male clients where the main reason was domestic and family violence was 35% (n=4,283), while for female clients 61% (n=37,879) identified their main reason as domestic and family violence. 15% (n=1,855) of male clients and 9% (n=5,497) of female clients identified their main reason as a housing crisis

Table 39. Top 5 main reasons for clients seeking assistance by gender – SHSC, July 2011 to June 2014

Male	2011-12	2012-13	2013-14
Domestic and family violence	2,724	3,051	4,283
Housing crisis (e.g. recently evicted)	1,074	1,818	1,855
Inadequate or inappropriate dwelling conditions	335	604	799
Relationship/family breakdown	497	581	723
Financial difficulties	331	645	569
All other reasons	1,678	2,005	2,085
Unknown	2,059	2,393	1,804
Sub total	*8,703*	*11,097*	*12,118*

Female	2011-12	2012-13	2013-14
Domestic and family violence	25,445	31,580	37,879
Housing crisis (e.g. recently evicted)	3,010	4,277	5,497
Financial difficulties	1,478	2,604	2,984
Inadequate or inappropriate dwelling conditions	1,516	2,564	2,972
Relationship/family breakdown	1,216	1,901	2,171
All other reasons	3,619	4,903	5,588
Unknown	5,599	6,693	5,083
Sub total	*41,883*	*54,522*	*62,174*

The data used in this section can be found in table 3 of the Specialist Homelessness Services Collection data tables.

Further analysis: police recorded family violence recidivism   100

Young people seeking assistance on their own

In the three years from July 2011, the number of young clients seeking assistance on their own increased by 39.3%, from 9,812 in 2011-12 to 13,665 in 2013-14. Of the 13,665, 17% (n=2,383) were male and 83% (n=11,282) were female.

Table 40. Young people seeking assistance on their own, by gender – SHSC, July 2011 to June 2014

	2011-12	2012-13	2013-14
Male	1,728	2,370	2,383
Female	8,084	10,951	11,282
Total	9,812	13,321	13,665

The data used in this section can be found in table 4 of the Specialist Homelessness Services Collection data tables.

Indigenous status

In the three years from July 2011, the proportion of support periods for indigenous clients has remained relatively stable, with on average 10% of clients identifying as indigenous. In the three years the proportion of clients who did not state an indigenous status has increased from 14% (n=7,033) in 2011-12 to 17% (n=12,790) in 2013-14.

The proportion of female clients who identified as indigenous is almost the same as that of male clients, with 10% (n=5,940) of female clients and 11% (n=1,293) of male clients identifying as indigenous.

Figure 56. Proportion of support periods for clients experiencing family violence by indigenous status and gender – SHSC, July 2011 to June 2014
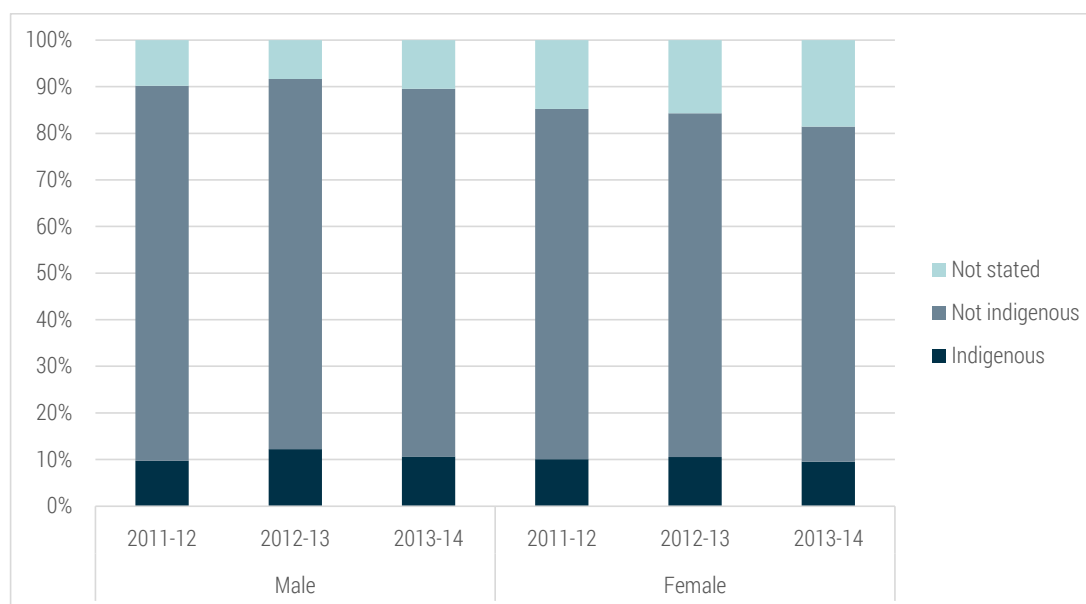
The data used in this section can be found in table 6 of the Specialist Homelessness Services Collection data tables.

Country of birth

In 2013-14, 51,602 of clients seeking assistance for family violence reasons had a known country of birth. Of these clients, 89% (46,175) were born in Australia, 3% (n=1,447) were born in North Africa & Middle East and 2% (n=1,122) were born in South-East Asia.

The proportion of clients who had an unknown, or missing country of birth, has slightly increased in the three years from July 2011 from 11% (n=5,326) of clients in 2011-12 to 15% (n=10,853) in 2013-14.

The data used in this section can be found in table 7 of the Specialist Homelessness Services Collection data tables.

Clients with mental health issues

At the time a client presents to an SHSC agency they are asked to identify whether they have ever been diagnosed with a mental health issue. In the three years from July 2011, the proportion of clients who identified as ever having a mental health issue increased from 32% (n=16,171) in 2011-12 to 37% (n=27,414) in 2013-14

The data used in this section can be found in table 9 of the Specialist Homelessness Services Collection data tables.

Further analysis: police recorded family violence recidivism   102

Main source of income

The main source of income reported by the client on their first contact with an agency differs considerably depending on the gender of the client. Of the 12,118 male clients, the main source of income reported by the client was the Newstart allowance (n=1,724) followed by the Disability support pension (n=1,377) and Youth allowance (n=766).

Of the 62,174 female clients, the main source of income was a Parenting payment, with 10,210 clients identifying this as their main source of income. This was followed by the Newstart allowance (n=5,235) and the Disability support pension (n=4,414).

Table 41. Support periods of clients seeking assistance for family violence reasons by main source of income at first contact – SHSC, July 2011 to June 2014

Male	2011-12	2012-13	2013-14
Newstart allowance	1,280	1,938	1,724
Disability support pension	959	1,326	1,377
Youth allowance	555	626	766
Employee income	238	266	326
Parenting payment	122	144	154
All other income sources	207	384	280
Nil income	288	1,286	2,179
Unknown	1,473	2,890	2,204
Not applicable	3,581	2,237	3,108
Sub total	*8,703*	*11,097*	*12,118*
Female	**2011-12**	**2012-13**	**2013-14**
Parenting payment	7,624	9,322	10,210
Newstart allowance	2,764	3,827	5,235
Disability support pension	3,116	3,927	4,414
Employee income	2,501	2,493	3,195
Youth allowance	1,471	1,728	2,100
All other income sources	1,585	1,891	2,589
Nil income	1,276	2,544	3,469
Unknown	18,285	26,883	27,973
Not applicable	3,261	1,907	2,989
Sub total	*41,883*	*54,522*	*62,174*
Total support periods	50,586	65,619	74,292

The data used in this section can be found in table 8 of the Specialist Homelessness Services Collection data tables.

103 An overview of family violence in Victoria

14. Further analysis: police recorded family violence recidivism

Introduction

A detailed understanding of the characteristics and behavioural patterns of family violence perpetrators is vital for ensuring that intervention policies and practices are appropriately targeted. Publicly available information about levels of recidivism and the characteristics and behaviours of perpetrators over time in Victoria could not be located by the CSA. A key component of the work the undertaken by the CSA to support the Royal Commission into Family Violence (RCFV) sought to begin to address this gap in the existing evidence base by conducting a research study to statistically analyse the levels and predictors of recidivism amongst family violence perpetrators in Victoria.

Victoria Police data was used for the research because it is the most comprehensive source of information available within the Victorian Family Violence Database that can be drawn upon to examine recidivism across Victoria. Unique identifiers within the police data enable longitudinal tracking of individuals over time. As such, the research presented in this chapter also serves as a case study example of what improvements in the evidence base would be possible if comprehensive family violence data was consistently collected over time across agencies, and analysed using rigorous research methods. Where feasible, the possibilities for improved evidence would be further strengthened if linkages were made across different sources of Victorian family violence data. Some examples of research that could be conducted where linkage between datasets is feasible are outlined at the end of this chapter.

Though this analysis draws only on Victoria Police data, it is acknowledged that many family violence incidents do not come to the attention of police. There are also a wide range contextual factors that are not systematically recorded by police, but that impact on the frequency and seriousness of family violence incidents. Further, it should be noted that police recorded recidivism is just one of a variety of outcome indicators associated with family violence intervention policy and practice. While recidivism incidents are an adverse outcome to the extent that they indicate repetition of violent behaviour towards victims, they can also be interpreted as an indicator of increased victim willingness to contact police and/or police follow-up and involvement where there are ongoing concerns for victims' safety.

Specifically, this research discussed aimed to answer the following research questions:

1. How many family violence perpetrators are recorded for more than one family violence incident?

2. How often are they recorded for family violence incidents, and what is the time between incidents?

3. What are the differences between recidivist and non-recidivist perpetrators in terms of their characteristics, family violence histories and other risk factors?

4. Is it possible to predict which perpetrators will have a recorded recidivism incident based on their characteristics or risk factors recorded by police at the first incident?

5. Are differences in police responses related to differences in re-perpetration outcomes?

This chapter begins by outlining the results of some background analysis on overall rates of family violence recidivism in Victoria over the past ten years. Next, a detailed summary of the method and results of the recidivism analyses conducted to answer the research questions is provided. Finally, the study limitations and opportunities for further work in this area are discussed.

Further analysis: police recorded family violence recidivism   104

Background

This section provides information about the overall number of incidents, alleged perpetrators, and recidivist incidents recorded by Victoria Police over the past ten years. This information is intended to provide context for the analysis presented throughout the rest of the chapter, which examines a specific cohort of perpetrators in more detail.

Between 1 July 2004 and 30 June 2014, 403,991 family violence incidents were recorded against 197,822 alleged perpetrators[1]. Over the ten year period, the majority of perpetrators had only a single family violence incident recorded by police (63% or 125,044 perpetrators), as shown in Figure 57. Seventeen percent (n=32,889) of perpetrators had two incidents recorded, 7% (n=14,797) had three incidents recorded and the remaining 13% (n=25,092) had four or more incidents recorded. Seven perpetrators had more than 50 incidents recorded over the ten year period.

Figure 57. Number of incidents per perpetrator, 2004-05 to 2013-14
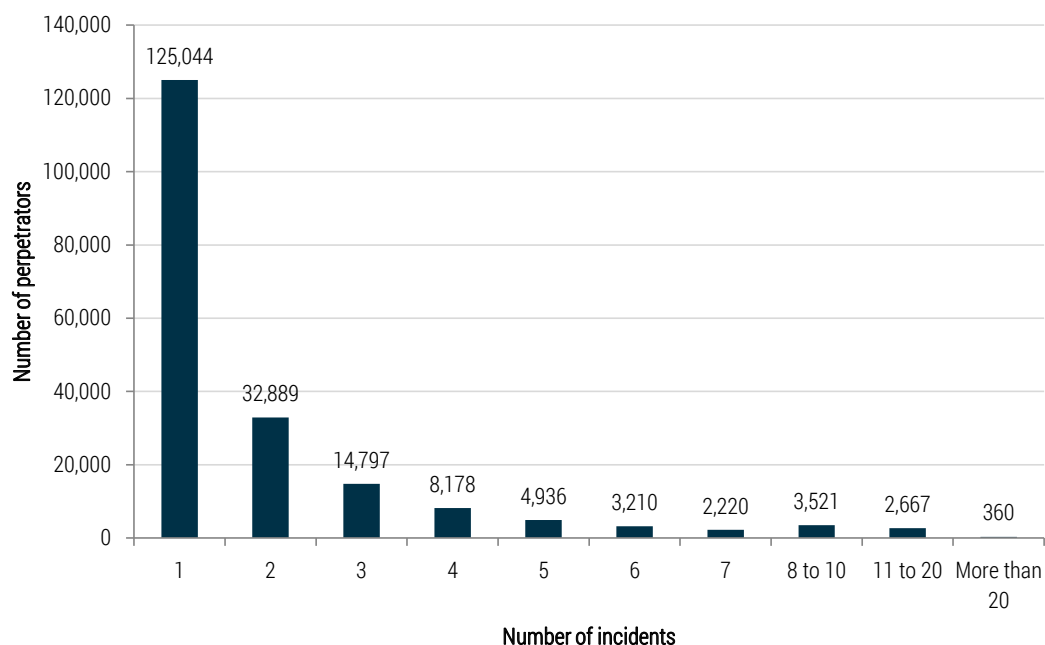
As shown in Table 42, the 125,044 perpetrators who were recorded for a single incident over the ten year period accounted for 31% of all family violence incidents. Though they only represented 9% of all unique perpetrators, the 16,914 recidivist perpetrators who were recorded for five or more incidents accounted for 34% of all incidents.

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[1] A family violence incident is an incident recorded by police on an L17 form. 'Perpetrators' are alleged rather than proven perpetrators, and are defined as those individuals recorded by police as the 'Other Party' (OTH) or other parties to a family violence incident on an L17 form.

105 An overview of family violence in Victoria

Table 42. Number and proportion of incidents recorded for perpetrators who committed 1, 2, 3 and 4 or more incidents between 2004-05 and 2013-14

Number of incidents recorded per perpetrator	Perpetrators		Incidents	
	n	%	n	%
1 incident	125,044	63%	125,044	31%
2 incidents	32,889	17%	65,778	16%
3 incidents	14,797	7%	44,391	11%
4 incidents	8,178	4%	32,712	8%
5 or more incidents	16,914	9%	136,349	34%

Figure 58 and Table 43 show the proportion of family violence incidents recorded for each unique perpetrator per financial year over the ten year period. In this figure and table perpetrators may be counted more than once over the ten year period. They are counted as a unique perpetrator for each year in which they were recorded for one or more incident(s). The majority of perpetrators were recorded for a single incident each year. However, the proportion that were recorded for more than one family violence incident within a year has increased over the past ten years, from 18% (or 4,157 perpetrators) in the year ending June 30 2005 to 25% (or 11,160) in the year ending June 30 2014.

Figure 58. Proportion of unique perpetrators per year who committed 1, 2, 3, and 4 or more incidents

Further analysis: police recorded family violence recidivism 106
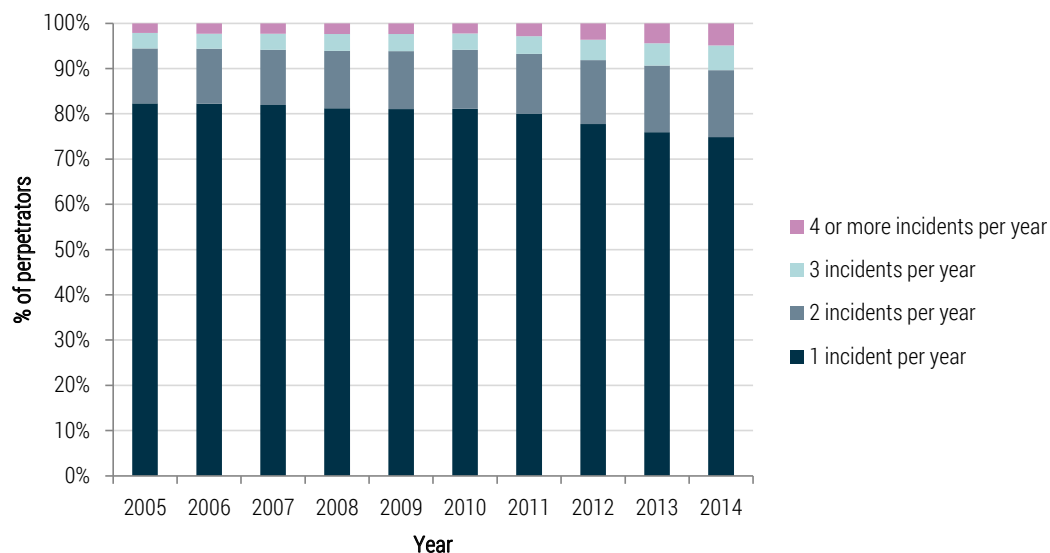
Table 43. Proportion of unique perpetrators per year who committed 1, 2, 3, and 4 or more incidents within that year

Financial year ending	1 incident per year		2 incidents per year		3 incidents per year		4 or more incidents per year	
	n	%	n	%	n	%	n	%
2005	19,333	82%	2,856	12%	801	3%	500	2%
2006	18,218	82%	2,687	12%	727	3%	514	2%
2007	18,728	82%	2,792	12%	805	4%	534	2%
2008	19,787	81%	3,092	13%	899	4%	583	2%
2009	21,098	81%	3,331	13%	981	4%	622	2%
2010	22,353	81%	3,589	13%	989	4%	621	2%
2011	24,551	80%	4,073	13%	1,199	4%	882	3%
2012	28,107	78%	5,121	14%	1,625	4%	1,309	4%
2013	32,105	76%	6,223	15%	2,065	5%	1,878	4%
2014	33,217	75%	6,566	15%	2,419	5%	2,175	5%

Figure 59 and Table 44 show the number of additional or 'new' unique perpetrators (i.e., those who have not appeared in any previous year of the ten year period) recorded for family violence incidents each year as a proportion of the total number of unique perpetrators recorded each year. The initial years presented in this graph should be interpreted with caution as those represented as 'new perpetrators' may have been recorded for incidents prior to the starting point for this dataset in 2004/05. Nevertheless, the number of new perpetrators recorded increased gradually between 2008 and 2011, increased to a greater extent between 2011 and 2013, and appears to have plateaued somewhat between 2013 and 2014.

Figure 59. Existing, new and total family violence perpetrators each year, 2005 – 2014

107 An overview of family violence in Victoria
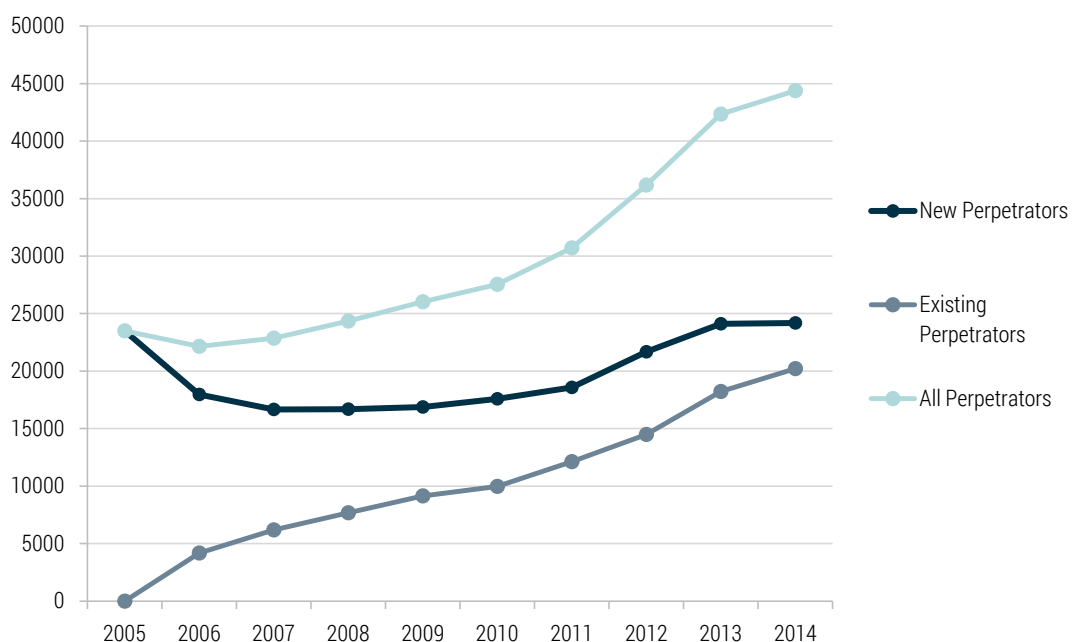
Table 44. Existing, new and total family violence perpetrators each year, 2005 – 2014

Financial year ending	Existing unique perpetrators		New unique perpetrators		All unique perpetrators	
	n	%	n	%	n	%
2005	0	0%	23,490	100%	23,490	100%
2006	4,176	19%	17,970	81%	22,146	100%
2007	6,196	27%	16,663	73%	22,859	100%
2008	7,678	32%	16,682	68%	24,360	100%
2009	9,144	35%	16,888	65%	26,032	100%
2010	9,977	36%	17,575	64%	27,552	100%
2011	12,130	40%	18,575	60%	30,705	100%
2012	14,478	40%	21,683	60%	36,161	100%
2013	18,224	43%	24,109	57%	42,333	100%
2014	20,201	46%	24,187	54%	44,388	100%

Methodology

This study used data about family violence incidents recorded by police from the 2004/05 financial year to the 30th of March 2015. This data includes all information recorded by police on the L17 Risk Assessment and Risk Management Report form (the L17 form) and lodged on Victoria Police's Law Enforcement Assistance Program (LEAP) database. The Victoria Police Code of Practice for the Investigation of Family Violence states that police complete the form for all family violence incidents, interfamilial-related sexual offences and instances of child abuse reported to them, and that prior to leaving the scene of a family violence incident, police officers must collect 'all the information needed to complete the Family Violence Risk Assessment and Risk Management Report (Victoria Police, 2014: p.10).

To identify patterns and predictors of recidivism in more detail, a cohort of perpetrators whose behaviour could be tracked over time within the dataset was selected. The cohort of all individuals who were recorded by police as perpetrating at least one family violence incident in the 2010/11 financial year was selected for the purpose of this analysis. These are individuals who were recorded by police as "Other Parties" on at least one L17 form in 2010/11. This cohort was selected because it enabled analysis of recidivism behaviour for a minimum of three years and nine months for each perpetrator to the end of March 2015. In addition, selecting this cohort meant that the analysis could examine whether a perpetrator's recorded historical family violence behaviour in prior years (between July 2004 and June 2010), impacted on their propensity to reappear in the dataset as a recidivist perpetrator.

In this study a perpetrator's *index incident* was defined as the first time they were recorded for a family violence incident by police on or after 1 July 2010. If a perpetrator was recorded for a further incident after their index incident but prior to 31 March 2015, they were considered to be a recidivist perpetrator, and this second incident was defined as their *recidivism incident*. Any incidents recorded against perpetrators after their recidivism incident but prior to 31 March 2015 were defined as *further incidents.* Figure 60 provides examples of how this methodology could apply to individual perpetrators.

For the purpose of this report, references to perpetrators and incidents refer to alleged rather than proven perpetrators and incidents. References to recorded offences arising from family violence incidents also refer to alleged rather than proven offences as the CSA does not hold court outcome data regarding whether offences recorded by police went on to be proven in court.

Figure 60. Methodology for identification of index and recidivism incidents
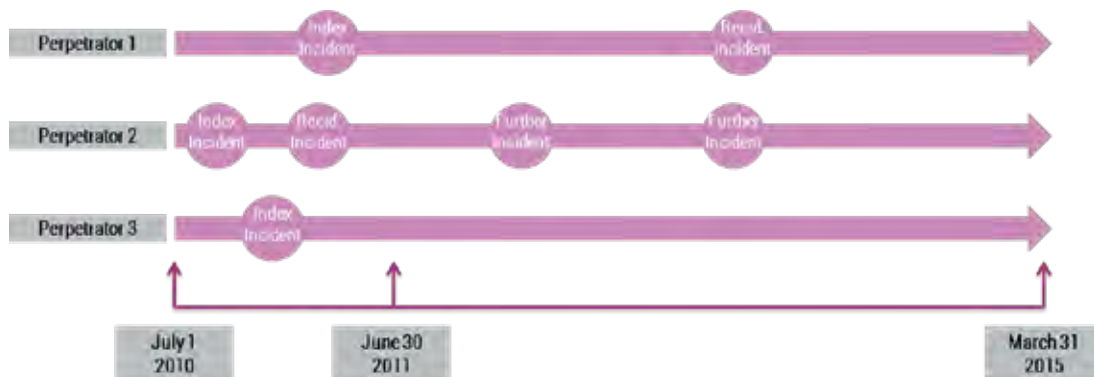
Data

The dataset used for the recidivism analysis included perpetrator characteristics, items related to perpetrators' family violence histories, characteristics of perpetrators' index incidents as recorded by police, and data relating to recidivism outcomes. A summary of the all of the data items included is provided in Table 45.

Table 45. Data items

Category	Data items
Perpetrator characteristics	- Sex - Age at time of index incident - Relationship between perpetrator and victim
Perpetrator family violence incident history	- Total number of recorded family violence incidents prior to July 1 2010 - Total number of breaches of family violence orders prior to July 1 2010
Characteristics of index incident	- Risk factors recorded by police at index incident - Police assessment of overall risk of future violence (unlikely, likely) - Victim fear level (not fearful, fearful, very fearful) - Whether children were present at the index incident - Whether presence of a disability was recorded at the index incident - Actions recorded by police on the L17 form (including criminal, civil and referral actions) - Recorded offences arising from the family violence incident
Recidivism outcomes	- Whether a perpetrator was recorded for a further incident - Total number of recorded recidivism and further incidents - Time between index and recidivism incidents

109 An overview of family violence in Victoria

Statistical analysis

Chi-square analyses (indicated by the symbol: χ^2) were used to examine whether there were bivariate relationships between potential predictors of recidivism (including perpetrators' characteristics, perpetrators' recorded family violence histories and/or the characteristics of their index incident), and whether or not they were recorded for a recidivism incident. Where the significance level (indicated by the symbol p) is less than .05, this indicates that there was a statistically significant relationship between the predictor variable being tested and recidivism. The closer the significance level is to zero, the less likely it is that the results of the statistical test presented could have occurred by chance, or conversely, the more likely it is that the results represent true relationships between factors tested and recidivism in the population, as opposed to random variation in the data.

Following these initial chi-square analyses, potential predictors that had a statistically significant bivariate relationship with recidivism (at the $p<.05$ level) were included in a logistic regression model. This overall model was used to determine which combination of explanatory factors is most useful in determining whether or not someone will be recorded for a recidivism incident, and how likely it is that this combination of factors will correctly identify recidivist and non-recidivist perpetrators.

Kaplan-Meier estimates were used to determine the proportion of perpetrators who were recorded for recidivism incidents at various points in time following their index incidents. Log-rank tests were used to identify whether there were differences in time to a recidivism incident based on perpetrators' characteristics or recorded family violence histories.

Findings

Perpetrator characteristics

A total of 30,695 unique perpetrators were recorded by police for at least one family violence incident in 2010/11, though not all data items were recorded for every perpetrator or every index incident. Of those where sex of the perpetrator was recorded (n=30,562), 77% (n=23,427) were male and 23% (n=7,135) were female. The median age of perpetrators at the time of their index incident was 34 years old, and the mean age was 34.29 (SD=12.52).

Within the cohort, sex and age group at time of index incident were statistically associated ($p<.01$), with female perpetrators more likely to fall into younger age categories: 4% of females compared with 2% of males were aged 10 to 14; 13% of females compared with 9% of males were aged 15 to 19; and 14% of females compared with 13% of males were aged 20 to 24 at the time of their index incident. On the other hand, male perpetrators more likely to fall into slightly older age categories at the time of their index incident: 13% of males compared with 11% of females were aged 25 to 29; 15% of males compared with 13% of females were aged 30 to 34; and 15% of males compared with 14% of females were 35 to 39 years old. The proportions and numbers of male and female perpetrators that fell into each age category are detailed in Table 46.

Further analysis: police recorded family violence recidivism 110

Table 46. Age and sex of perpetrators

Age group at index incident	Male perpetrators		Female perpetrators		All perpetrators	
	n	%	n	%	n	%
10 to 14	428	2%	266	4%	694	2%
15 to 19	2,031	9%	900	13%	2,931	10%
20 to 24	3,020	13%	975	14%	3,995	13%
25 to 29	3,111	13%	803	11%	3,914	13%
30 to 34	3,378	15%	880	13%	4,258	14%
35 to 39	3,440	15%	1,011	14%	4,451	15%
40 to 44	3,025	13%	916	13%	3,941	13%
45 to 49	2,020	9%	573	8%	2,593	9%
50 to 54	1,186	5%	325	5%	1,511	5%
55 to 59	644	3%	169	2%	813	3%
60 to 64	371	2%	89	1%	460	2%
65 to 69	220	1%	42	1%	262	1%
70 to 79	187	1%	44	1%	231	1%
80 or older	45	0.2%	5	0.1%	50	0.2%
Total	23,106	100%	6,698	100%	30,104	100%

Relationship between perpetrator and victim was recorded for the majority (89% or 27,422) of index incidents. Overall, for 65% of those incidents the type of relationship between perpetrator and victim was current or former partner and for 35% the type of relationship was other family member. Figure 61 and Table 47 show the proportion and number of index incidents by relationship type according to whether the perpetrator was male or female.

Figure 61. Relationship type by perpetrator sex
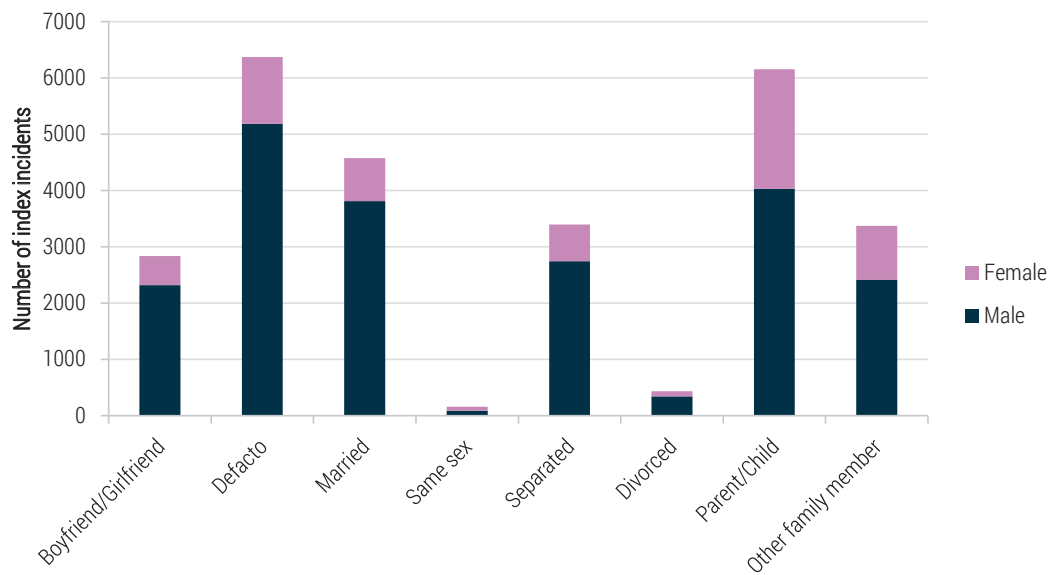
Table 47. Relationship type by perpetrator sex

Relationship Type	Male perpetrators		Female perpetrators		All perpetrators	
	n	%	n	%	n	%
Boyfriend/ Girlfriend	2,316	10%	518	7%	2,834	9%
De facto	5,185	22%	1,187	17%	6,372	21%
Married	3,812	16%	765	11%	4,577	15%
Same sex	86	0%	71	1%	157	1%
Separated	2,745	12%	653	9%	3,398	11%
Divorced	343	2%	90	1%	433	1%
Subtotal – Current or Former Partner	*14,487*	*62%*	*3,284*	*46%*	*17,771*	*58%*
Parent/Child	4,030	17%	2,125	30%	6,155	20%
Other family member	2,411	10%	959	13%	3,370	11%
Subtotal – Other family relationships	*6,441*	*27%*	*3,084*	*43%*	*9,525*	*31%*
Relationship type not recorded	2,499	11%	767	11%	3,266	11%
Total	23,427	100%	7,135	100%	30,562	100%

Further analysis: police recorded family violence recidivism   112

Perpetrators' recorded family violence histories

Data was extracted to determine perpetrators' number of prior recorded family violence incidents. As shown in Figure 62, the majority of perpetrators (60%, n=18,598) did not have a prior family violence incident recorded by police. However, 17% (n=5,135) had one prior incident recorded and a further 13% (n=3,965) had two or three prior incidents recorded. These prior incidents did not necessarily relate to the same victims.

Data relating to recorded offences for breaches of family violence intervention orders (dating back to the 2004/05 financial year) prior to the date of their index incident was also extracted. Again, these orders were not necessarily related to the victim involved in the index incident. Nevertheless, 91% (n=27,843) of perpetrators had no prior recorded breaches of family violence orders, 7% (n=2,087) had one prior breach of a family violence order and 2% (n=765) had two or more breaches of family violence orders.

Figure 62. Number of prior family violence incidents recorded

113 An overview of family violence in Victoria
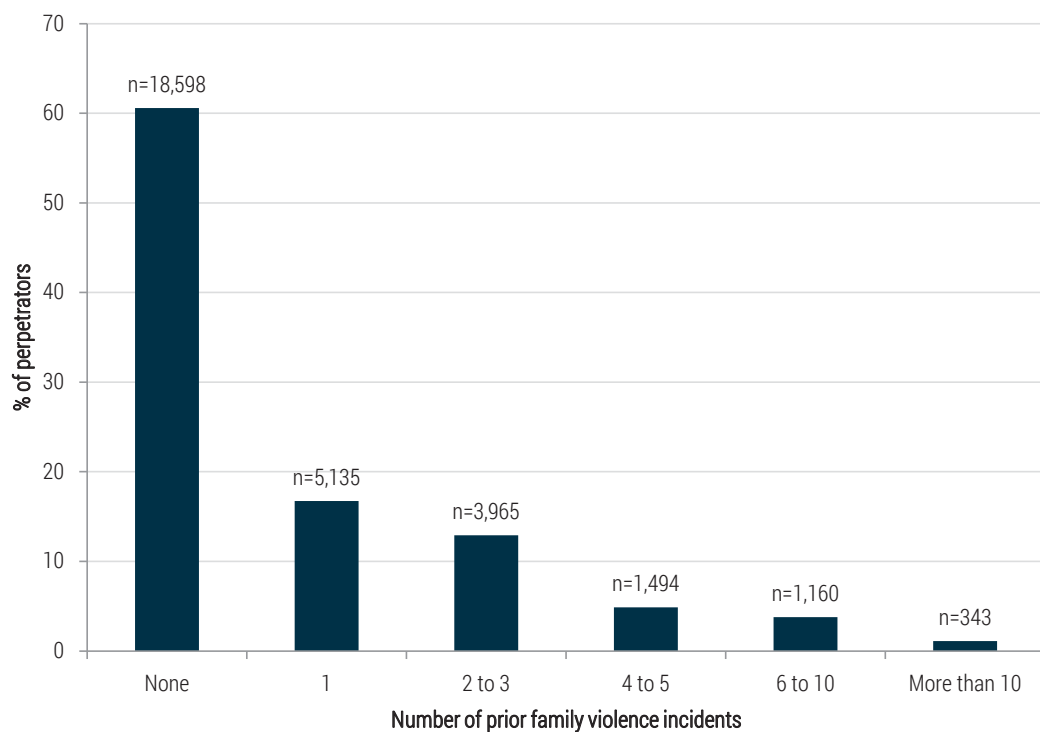
Index incident characteristics

In 2010/11 the risk factors recorded on the L17 were similar but not identical to those outlined in the Common Risk Assessment Framework (CRAF; Department of Human Services, 2012). Both the L17 and the CRAF include risk factors that are relevant to victims, perpetrators and relationships between victims and perpetrators. Tables 48 and 49 show the risk factors that are included on the CRAF, the equivalent risk factors that were included on the L17 in 2010/11 and the proportion and number of index incidents where these risk factors were recorded as being present by police. As shown, most risk factors were only recorded for a very small proportion of index incidents. It should be noted, however, that while a number of CRAF risk factors in fact relate to the perpetrator's entire history of family violence behaviour, the equivalent L17 risk factors in 2010/11 appear to be related only to the current family violence incident police were recording at the time. For example, the CRAF indicates an escalated risk if the perpetrator 'has ever tried to choke victim', and the equivalent L17 risk factor seems to indicate escalated risk if the perpetrator 'choked AFM' in the current incident.

Table 48. Victim and relationship risk factors present at index incidents

CRAF risk factor description	L17 Risk Factor(s) description	Police recorded initial incidents in 2010/11 with risk factor present	
		%	n
Victim risk factors			
Pregnancy/new birth	Pregnancy/new birth	5.5	1,685
Depression/ mental health issue	Depression/mental health issue	9.5	2,912
Drug/alcohol misuse	Alcohol use possible	13.1	4,012
	Alcohol use definite	14.9	4,578
	Drug use possible	9.5	2,918
	Drug use definite	1.7	522
Suicidal ideas/attempted suicide	Suicidal ideas/ attempted suicide	1.0	300
Social isolation	Isolation	2.9	876
Relationship risk factors			
Recent separation	Recent separation	24.7	7,593
Escalation/increase in severity/frequency	Escalation – increase in severity or frequency	6.7	2,046
Financial difficulties	Financial difficulties	9.5	2,918

Further analysis: police recorded family violence recidivism 114

Table 49. Perpetrator risk factors present at index incidents

CRAF risk factor description	L17 Risk Factor(s) description	Police recorded index incidents in 2010/11 with risk factor present	
		%	n
Perpetrator risk factors			
Use of weapon in most recent event	Firearms threatened/ used	0.7	210
	Weapons (not firearms) used	1.3	411
Access to weapons	Perpetrator has firearms license	1.5	451
	Firearm(s) present at address	0.5	149
Has ever harmed/threatened to harm victim	Harmed/threatened to harm AFM	15.1	4,642
Has ever tried to choke victim	Choked AFM	2.8	852
Has ever threatened to kill victim	Threatened to kill AFM	4.2	1,283
Has ever harmed/threatened to harm/kill children	Harmed or threatened harm/kill children	1.2	360
Has ever harmed/threatened to harm/kill other family members	Harmed or threatened harm/kill family	1.5	453
Has ever harmed/threatened to harm/kill pets	Harmed or threatened harm/kill pets	0.4	138
Has ever threatened/ attempted suicide	Suicidal ideas/attempted suicide	3.0	918
Stalking of the victim	Stalked AFM	1.5	457
Sexual assault of the victim	Sexual assault of AFM	1.2	367
Previous/current breach of intervention order	Breach of current/previous IO	3.5	1,064
Drug/alcohol misuse	Alcohol use possible	15.2	4,658
	Alcohol use definite	24.0	7,354
	Drug use possible	15.4	4,723
	Drug use definite	4.5	1,368
Obsession/jealous behaviour towards victim	No L17 equivalent	-	-
Controlling behaviour	Controlling behaviours	15.4	4,719
Unemployment	Unemployed	8.5	2,618
Depression/ mental health issue	Depression/mental health issue	13.5	4,154
History of violent behaviour	History violent behaviour	7.1	2,165

Of the 33 risk factors listed in Table 49 above, the maximum number recorded at any incident was 20. Figure 63 shows the total number of risk factors recorded at each incident and Figure 64 shows the number of risk factors recorded by police by relationship type between perpetrator and victim. As shown, the majority of incidents across all relationship types had between one and four risk factors recorded and a slightly higher proportion of incidents between those who were separated or in a de facto relationship had five or more risk factors recorded at the index incident.

Figure 63. Total number of risk factors recorded at index incident
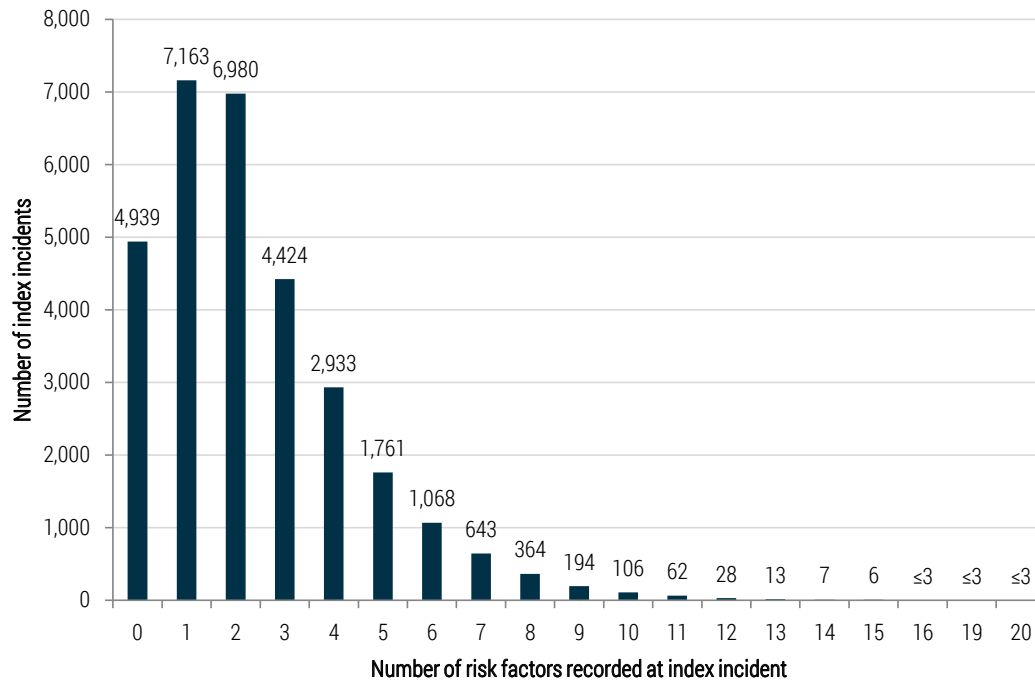
Figure 64. Number of risk factors recorded at index incident by relationship between perpetrator and victim
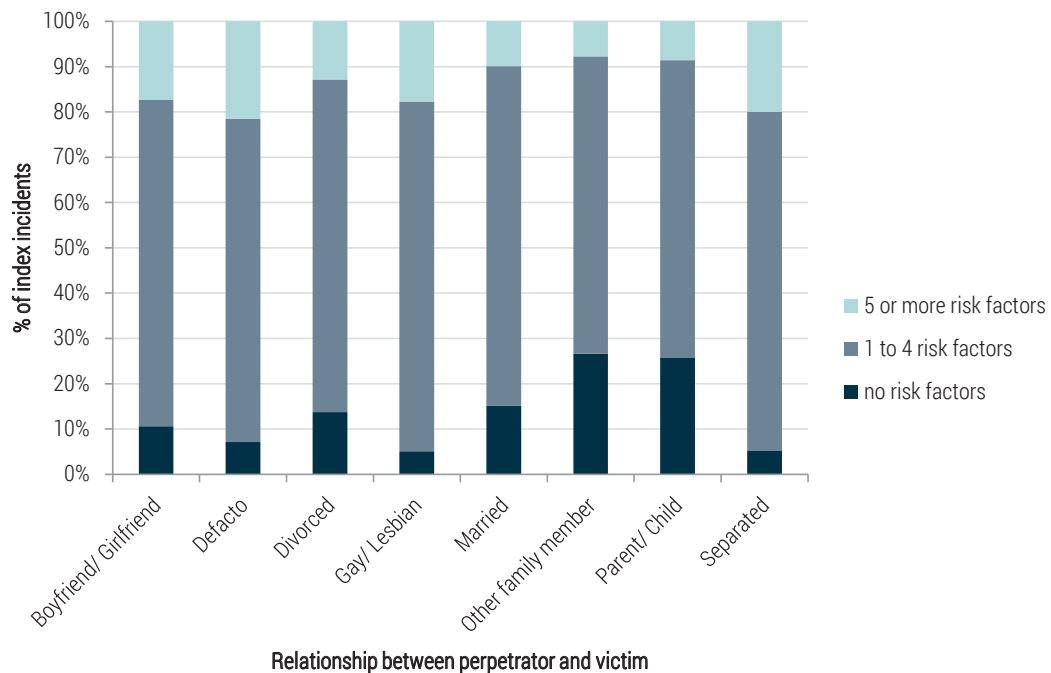
Table 50. Number of risk factors by relationship between perpetrator and victim

Relationship Type	No risk factors		1 to 4 risk factors		5 or more risk factors	
	n	%	n	%	n	%
Boyfriend/ Girlfriend	301	11%	2,050	72%	492	17%
De facto	455	7%	4,562	71%	1,373	21%
Married	699	15%	3,462	75%	457	10%
Same sex	8	5%	122	77%	28	18%
Separated	177	5%	2,559	75%	683	20%
Divorced	60	14%	321	73%	56	13%
Parent/Child	1,585	26%	4,059	66%	529	9%
Other family member	901	27%	2,221	66%	262	8%
Relationship type not recorded	753	23%	2,144	66%	376	11%

Children were recorded by police as being present at 36% (n=10,945) of index incidents, and police noted the presence of a disability in 3% (n=761) of incidents, though the L17 form did not require police officers to specify whether the victim, the perpetrator or a child present at the time of the incident had a disability. Victim fear level at the time of the incident was recorded for the majority of index incidents (94% or 28,962) incidents. Where this was recorded, 61% (n=17,652) were recorded as 'not fearful', 29% (n=8,299) were recorded as 'fearful', and 10% (n=3,011) were recorded as 'very fearful'. Police also provided an overall risk assessment for 65% (n=19,901) of all index incidents. They assessed the overall risk of further violence as likely for 48% (n=9,465) of those index incidents and as unlikely for the remaining 52% (n=10,436) of incidents.

117 An overview of family violence in Victoria

Police actions

In addition to indicating which risk factors were present at an incident, police officers can record which criminal, civil, referral or other actions they took or intended to take as a result of the family violence incident on the L17 form. Table 51 shows which police actions were recorded on the L17 for the 30,695 index incidents. In total, 7% (n=2,049) of index incidents did not have any police action recorded. Referral actions were most frequently recorded, with 88% (n=27,058) of incidents recorded as having at least one referral action. Though police recorded taking criminal action for only 17% (n=5,163) of incidents, police offence records arising from these index incidents indicate that criminal offences were actually recorded as a result of 30% (n=9,331) of incidents. While these criminal offences are alleged rather than proven, this may indicate that police criminal actions arising as a result of this cohorts' index incidents were underreported on the L17 form.

Table 51. Actions recorded by police at index incidents

Action Type	Action	Police recorded initial incidents in 2010/11 with action recorded	
		%	n
Criminal	Charges pending (breach and other)	1.7	513
	Charges pending (breach only)	2.1	641
	Charges pending (other only)	11.8	3,617
	Perpetrator bailed with conditions	3.1	947
	Perpetrator remanded in custody	0.5	162
Sub-total of incidents with one or more criminal actions		16.8	5,163
Civil	FVSN issued	9.8	3,010
	FVIO application and warrant	10.9	3,350
	FVIO application and summons	4.2	1,286
	Police applying for FVIIO	2.4	742
	AFM applying for FVIO	2.9	905
Sub-total of incidents with one or more civil actions		28.6	8,771
Referral	Women's Domestic Violence Crisis Centre	1.4	439
	Formal referral AFM	39.1	12,004
	Formal referral perpetrator	27.7	8,488
	Informal referral AFM	48.8	14,981
	Informal referral perpetrator	36.3	11,123
	Child protection (DHS)	14.4	4,419
Sub-total of incidents with one or more referral actions		88.2	27,058
Other	Holding direction	2.7	826
	Holding detention	1.9	579
	Weapons seized	0.4	122
	Revoke firearm license	0.2	51
Sub-total of incidents with one or more other actions		4.7	1,449

Figure 65 shows the principal offence for the 30% of family violence index incidents that resulted in offences being recorded. The principal offence is the most serious offence recorded for the incident, as defined by the CSA's offence index (Crime Statistics Agency, 2015). As shown, assault offences were by far the most commonly recorded offences (65% or 6,022 of all recorded offences).

Further analysis: police recorded family violence recidivism 118

Figure 65. Types of recorded offences arising from index incidents
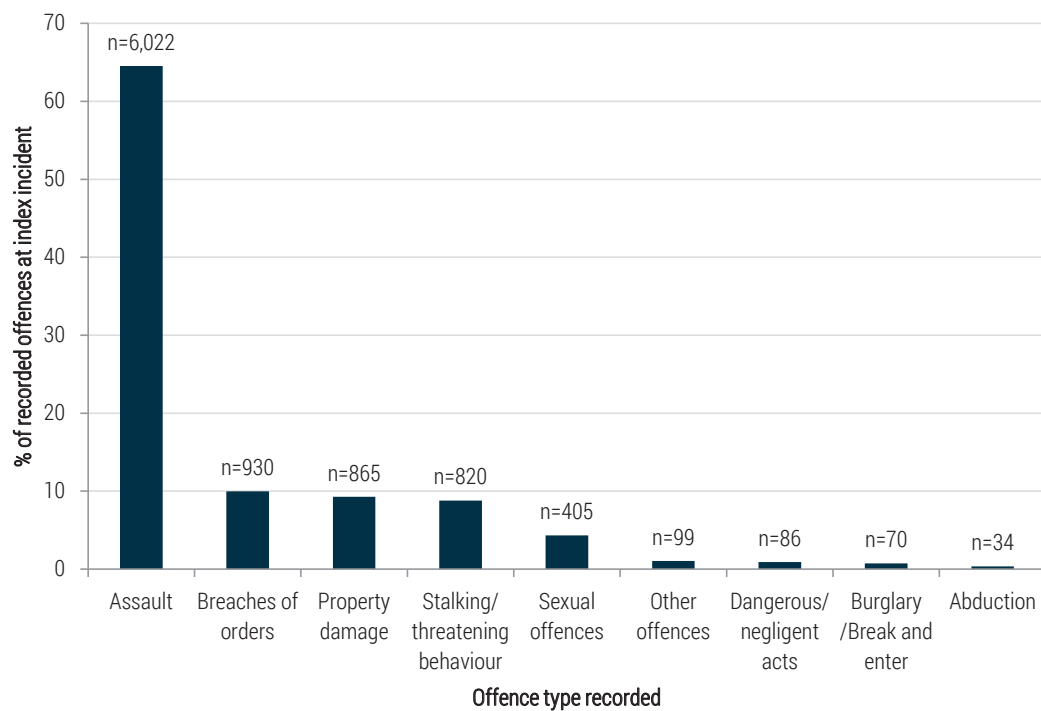
Overall recidivism rates

Overall, just over half (51%, n=15,611) of all perpetrators recorded for at least one incident in 2010/11 were recorded for a further family violence incident between the time of their index incident and the end of March 2015, and 49% (n=15,084) were not recorded for a further incident. Figure 66 shows the number of incidents recorded per perpetrator for all recidivist perpetrators. The median number of re-incidents amongst recidivist perpetrators who did have a recidivism incident was two and the mean number of re-incidents was 3.35 (SD=3.43).

Figure 66. Number of repeat incidents perpetrated
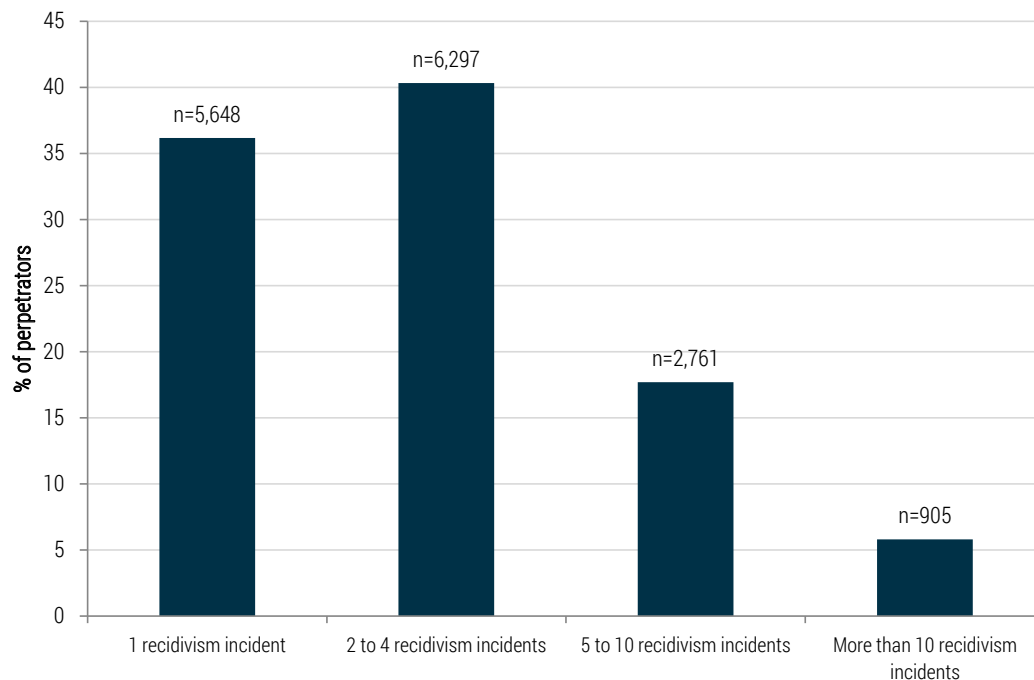
Recidivism by perpetrator and index incident characteristics

Table 52 presents the results for the analyses of the bivariate relationships between perpetrator characteristics and history factors, and whether or not perpetrators were recorded for a recidivism incident. Significant relationships were found between all of the perpetrator characteristics analysed and recidivism. Specifically, the nature of these relationships was that:

- Males were more likely to be recorded for a recidivism incident: they made up 81% of those recorded for a recidivism incident were males compared with only 72% of those not recorded for a recidivism incident.

- People aged younger than 34 at the time of their index incident were more likely to be recorded for a recidivism incident, whereas people aged 45 or older were less likely to be recorded for a recidivism incident.

- A higher proportion of perpetrators were recorded for recidivism incidents where the relationship type between perpetrator and victim was de facto (24% of recidivist perpetrators compared to 17% of non-recidivist perpetrators) or boyfriend/girlfriend (10% of recidivist perpetrators compared to 8% of non-recidivist perpetrators). Where the relationship was divorced, married or other family member, perpetrators were less likely to be recorded for a recidivism incident.

- Perpetrators who had previously been recorded for family violence incidents were more likely to be recorded for a recidivism incident. Those recorded for one or two prior incidents made up 31% of recidivist perpetrators compared with 19% of non-recidivist perpetrators, and those recorded for three or more prior incidents made up 23% of recidivist perpetrators compared with just 6% of non-recidivist perpetrators. On the other hand those with no prior recorded incidents made up 76% of non-recidivist perpetrators and 46% of recidivist perpetrators.

- Perpetrators who were recorded for a breach of a family violence order prior to their index incident were more likely to be recorded for a recidivism incident. They made up 14% of recidivist perpetrators compared with just 4% of non-recidivist perpetrators.

Further analysis: police recorded family violence recidivism 120

Table 52. Relationships between perpetrator characteristics and recidivism

	Perpetrators not recorded for further incidents		Recidivist perpetrators		Significance
	n	%	*n*	%	*p*
Sex (n=30,562)					<.0001
Male	10,740	72	12,687	81	
Female	4,206	28	2,929	19	
Age at index incident (n=30,221)					<.0001
10 to 14	278	1.9	418	2.7	
15 to 19	1,267	8.5	1,668	10.9	
20 to 24	1,785	11.9	2,215	14.5	
25 to 29	1,719	11.5	2,202	14.4	
30 to 34	1,970	13.2	2,306	15.1	
35 to 39	2,119	14.2	2,350	15.4	
40 to 44	2,033	13.6	1,926	12.6	
45 to 49	1,491	10.0	1,119	7.3	
50 to 54	948	6.3	575	3.8	
55 to 59	574	3.8	249	1.6	
60 to 64	339	2.3	124	0.8	
65 to 69	199	1.3	63	0.4	
70 to 79	170	1.1	61	0.2	
80 or older	44	0.3	9	0.1	
Relationship between victim and perpetrator (n=27,422)					<.0001
Boyfriend/girlfriend	1,288	8.4	1,555	10.1	
De facto	2,569	16.8	3,821	24.8	
Divorced	266	1.7	171	1.1	
Gay/lesbian	91	0.6	67	0.4	
Married	2,746	18.0	1,872	12.1	
Separated	1,639	10.7	1,780	11.6	
Parent/child	3,160	20.7	3,013	19.6	
Other family member	1,896	12.4	1,488	9.7	
Perpetrator's number of recorded prior FV incidents (n=30,695)					<.0001
None	11,540	75.5	7,058	45.8	
1 to 2	2,891	18.9	4,769	30.9	
3 or more	853	5.6	3,584	23.3	
Whether perpetrator has prior recorded breaches of FV orders (n= 30,695)					<.0001
No	14,652	95.9	13,191	85.6	
Yes	632	4.1	2,220	14.4	

121 An overview of family violence in Victoria

The relationships between age group at time of index incident and recidivism and relationship type and recidivism are also depicted graphically in Figures 67 and 68 below.

Figure 67. Recidivism by age group at time of index incident

Age group at time of index incident

■ Recidivism incident ■ No recidivism incident
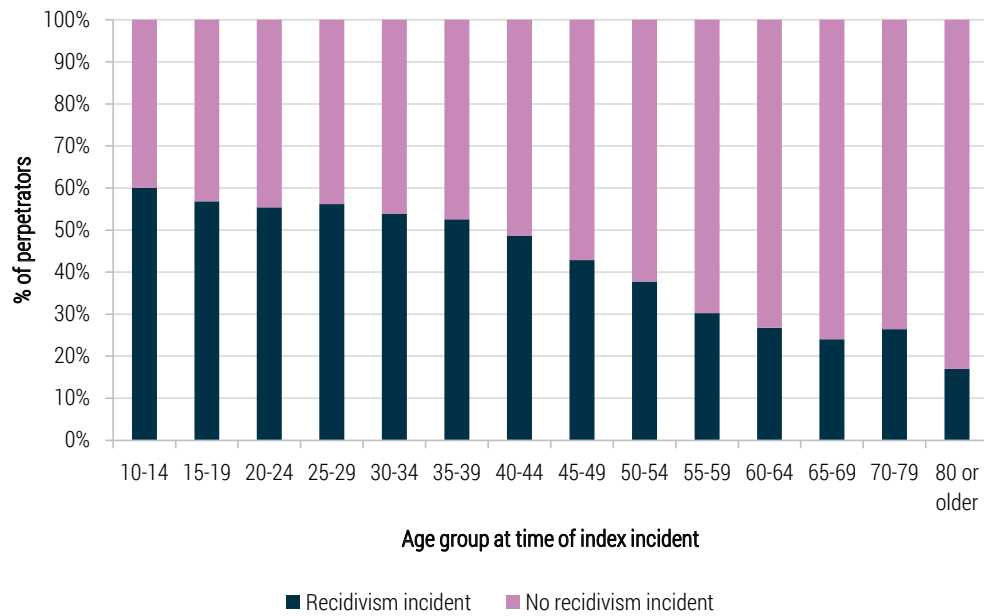
Figure 68. Recidivism by relationship type between perpetrator and victim

Relationship between perpetrator and victim

■ Recidivism incident ■ No recidivism incident

Further analysis: police recorded family violence recidivism 122
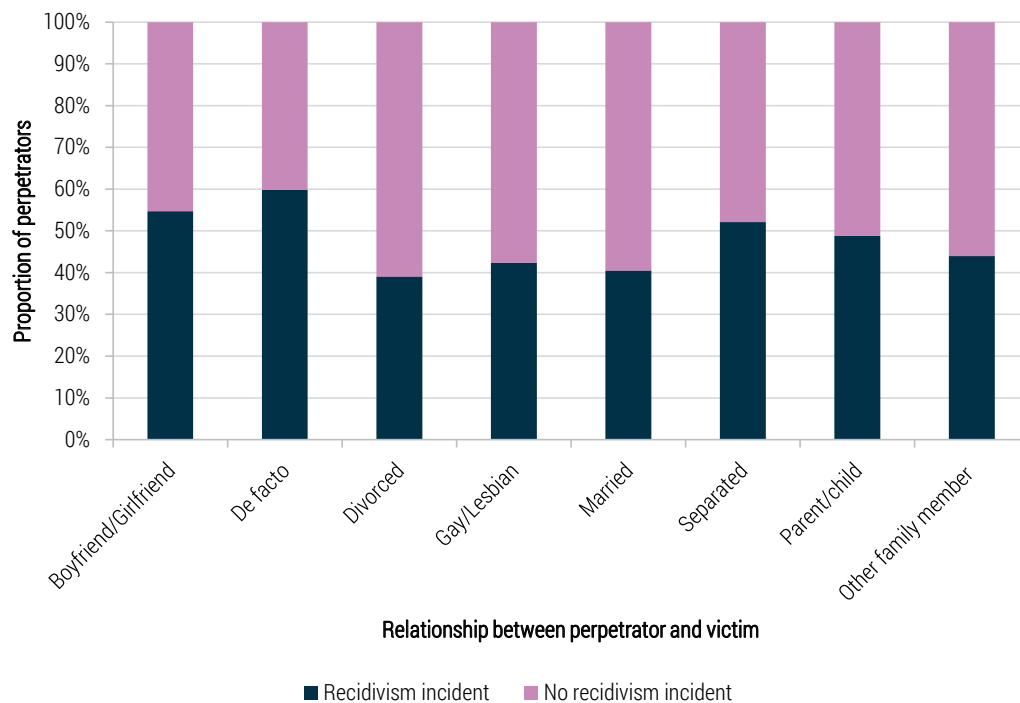
Table 53 shows the relationship between recorded index incident characteristics and recidivism. Again, all of these characteristics had significant relationships with recidivism. Where victim fear level was recorded as 'not fearful' at the index incident, perpetrators were less likely to be recorded for a recidivism incident. These perpetrators made up 58% of recidivist perpetrators compared with 64% of non-recidivist perpetrators. On the other hand, where victim fear level was 'fearful' or 'very fearful' perpetrators were more likely to be recorded for a recidivism incident. They made up 30% of recidivist compared with 27% of non-recidivist perpetrators where victims were 'fearful', and 11% of recidivist compared with 9% of non-recidivist perpetrators where victims were 'very fearful'.

Where police made an assessment of future risk of violence, they assessed the risk as 'unlikely' for 45% of recidivist perpetrators and as 'likely' for the remaining 55%. Conversely, they assessed the risk as 'unlikely' for 60% of non-recidivist perpetrators, and as 'likely' for the remaining 40%. Overall, the police officer's assessment of further violence was 'correct' (to the extent that further incidents did or did not come to the attention of police within the analysis window) in 57% (n=11,369) of index incidents, indicating that their assessments were slightly better than chance at predicting recidivism over this timeframe. Recorded presence of children and presence of a disability at the index incident were both associated with a slightly increased likelihood or recidivism.

Table 53. Relationships between index incident characteristics and recidivism

	Perpetrators not recorded for further incidents		Recidivist perpetrators		Significance
	n	%	*n*	%	*P*
Victim fear level (n=28,962)					<.0001
Not fearful	9,007	63.6	8,645	58.3	
Fearful	3,836	27.1	4,463	30.2	
Very fearful	1,319	9.4	1,692	11.4	
Police overall assessment of risk of further violence (n=19,901)					<.0001
Unlikely	5,837	59.7	4,599	45.3	
Likely	3,933	40.3	5,532	54.7	
Whether children were present at index incident (n=30,695)					<.0001
No	10,132	66.3	9,618	62.4	
Yes	5,152	33.7	5,793	37.6	
Whether disability was present at index incident (n=30,695)					.02
No	14,937	97.7	14,997	97.3	
Yes	347	2.3	414	2.7	

Tables 54 and 55 show the bivariate relationships between recidivism and each of the risk factors recorded by police at the index incident. These tables provides slightly different information to the previous tables in this section. They present both the number and proportion of recidivist perpetrators who did not have a specific risk factor recorded at their index incident compared to those that did have the risk factor recorded. Where the 'significance level' column indicates a significant relationship, and the proportion of recidivists that did have the risk factor present is larger than the proportion that did not, this indicates a positive relationship between presence of the risk factor and recidivism.

As shown, the analyses indicated that there were significant associations between the majority of risk factors and recidivism. Risk factors that did not have an association with recidivism included: victim depression/mental health

issue; victim suicidal ideas/attempted suicide; recent separation; perpetrator use of weapons (not firearms); perpetrator harmed or threatened to harm/kill children; and, perpetrator stalked victim.

Table 54. Bivariate relationships between victim and relationship risk factors and recidivism

L17 form risk factors	Perpetrators without risk factor present who had a recidivism incident		Perpetrators with risk factor present who had a recidivism incident		Significance
	n	%	*n*	%	*p*
Victim risk factors					
Pregnancy/new birth	14,323	49.4	1,088	64.6	<.001
Depression/mental health issue	13,949	50.2	1,462	50.2	Not Significant
Alcohol use possible	13,155	49.3	2,256	56.2	<.001
Alcohol use definite	12,876	49.3	2,535	55.4	<.001
Drug use possible	13,556	48.8	1,855	63.6	<.001
Drug use definite	15,060	49.9	351	67.2	<.001
Suicidal ideas/attempted suicide	15,249	50.2	162	54.0	Not Significant
Social isolation	15,011	50.3	400	45.7	.01
Relationship risk factors					
Recent separation	11,617	50.3	3,794	50.0	Not Significant
Escalation – increase in severity or frequency	14,238	49.7	1,173	57.3	<.001
Financial difficulties	13,815	49.7	1,596	54.7	<.001

Further analysis: police recorded family violence recidivism   124

Table 55. Bivariate relationships between perpetrator risk factors and recidivism

L17 form risk factors	Perpetrators without risk factor present who had a recidivism incident		Perpetrators with risk factor present who had a recidivism incident		Significance level
	n	%	n	%	p
Perpetrator risk factors present					
Firearms threatened/used	15,322	50.3	89	42.4	.02
Weapons (not firearms) used	15,187	50.1	224	54.5	Not Significant
Perpetrator has firearms license	15,245	50.4	166	36.8	<.001
Firearms present	15,356	50.3	55	36.9	<.001
Harmed/threatened to harm AFM	12,663	48.6	2,748	59.2	<.001
Choked AFM	14,927	50.0	484	56.8	<.001
Threatened to kill AFM	14,657	49.8	754	58.8	<.001
Harmed or threatened harm/kill children	15,213	50.1	198	55.0	Not Significant
Harmed or threatened harm/kill family	15,136	50.0	275	60.7	<.001
Harmed or threatened harm/kill pets	15,328	50.2	83	60.1	<.001
Suicidal ideas/attempted suicide	14,887	50.0	524	57.1	<.001
Stalked AFM	15,166	50.2	245	53.6	Not significant
Sexual assault of AFM	15,272	50.4	139	37.9	<.001
Breach of current/previous Intervention Order	14,676	49.5	735	69.1	<.001
Alcohol use possible	12,805	49.2	2,606	55.9	<.001
Alcohol use definite	11,295	48.4	4,116	56.0	<.001
Drug use possible	12,372	47.6	3,039	64.3	<.001
Drug use definite	14,498	49.4	913	66.7	<.001
Controlling behaviours	12,902	49.7	2,509	53.2	<.001
Unemployment	13,744	49.0	1,667	63.7	<.001
Depression/mental health issue	13,098	49.4	2,313	55.7	<.001
History of violent behaviour	13,994	49.1	1,417	65.7	<.001

125 An overview of family violence in Victoria

Finally, analyses were conducted to determine whether there were bivariate relationships between police actions recorded on the L17 and whether a perpetrator goes on to be recorded for a recidivism incident. The results of these analyses are presented in Table 56. All actions taken by police that had significant relationships with recidivism were associated with a slightly increased likelihood of recidivism, with the exception of informal referrals for both perpetrators and victims, and revocation of firearms licenses. For example, of all perpetrators where police recorded the criminal action 'charges pending (breach and other)', 68% were recorded for a recidivism incident, whereas when police did not record this action, 50% went on to be recorded for a recidivism incident.

A significant relationship was found between whether recorded criminal offences arose from the index incident and recidivism, though the size of the relationship was very small. Where offences were recorded, 51% (n=4,800) of perpetrators were recorded for a recidivism incident, whereas where no offences were recorded 50% (n=10,611) were recorded for a recidivism incident.

Table 56. Bivariate relationships between police recorded

Action	Recidivism following index incidents where action was not recorded		Recidivism following index incidents where action was recorded		Significance level
	n	%	n	%	
Criminal Actions					
Charges pending (breach and other)	15,062	49.9	349	68.0	<.001
Charges pending (breach only)	14,993	49.9	418	65.2	<.001
Charges pending (other only)	13,555	50.1	1,856	51.3	Not Significant
Perpetrator bailed with conditions	14,867	50.0	544	57.4	<.001
Perpetrator remanded in custody	15,310	50.1	101	62.3	.002
Civil Actions					
FVSN issued	13,785	49.8	1,626	54.0	<.001
FVIO application and warrant	13,564	49.6	1,847	55.1	<.001
FVIO application and summons	14,745	50.1	666	51.8	Not Significant
Police applying for FVIIO	15,022	50.2	389	52.4	Not Significant
AFM applying for FVIO	14,944	50.2	467	51.6	Not Significant
Referral Actions					
Women's Domestic Violence Crisis Centre	15,178	50.2	233	53.1	Not Significant
Formal referral AFM	9,088	48.6	6,323	52.7	<.001
Formal referral perpetrator	10,966	49.4	4,445	52.4	<.001
Informal referral AFM	8,045	51.2	7,366	49.2	<.001
Informal referral perpetrator	9,948	50.8	5,463	49.1	.004
Child protection (DHS)	13,035	49.6	2,376	53.8	<.001
Other Actions					
Holding direction	14,955	50.1	456	55.2	.004
Holding detention	15,063	50.0	348	60.1	<.001
Weapons seized	15,356	50.2	55	45.1	Not Significant
Revoke firearm license	15,393	50.2	18	35.3	.03

Further analysis: police recorded family violence recidivism   126

Final recidivism model

All of the factors that were identified as having significant bivariate relationships with likelihood of recidivism in the previous section were included in a logistic regression model to explore which combination of these variables had the most predictive validity in determining who, following their index incident, went on to be recorded for a recidivism incident. The final model excludes any variables that do not have any relationship with recidivism, when the effects of all other possible predictor variables are taken into account.

Note that this technique excludes perpetrators who had missing data on one of more of the variables included in the model. The final model was based on 17,792 perpetrators. The majority of perpetrators excluded were missing data on police assessment of risk of future violence at the index incident.

The overall adequacy of the model was assessed according to its ability to discriminate between those perpetrators who went on to be recorded for a recidivism incident and those who were not, using the ROC Area Under the Curve statistic (AUC). In other words, this statistic can be interpreted as the likelihood that the model will produce a higher predicted probability of recidivism for recidivist perpetrators compared with non-recidivist perpetrators. The better the model's overall ability to discriminate between recidivist and non-recidivist perpetrators, the more accuracy the model, (and the information on factors included in the model as recorded by police at the index incident), have in predicting recidivism. An AUC of 0.5 indicates the model has no ability to discriminate, an AUC between 0.7 and 0.8 indicates acceptable ability to discriminate, an AUC between 0.8 and 0.9 is considered to have excellent ability to discriminate, and an AUC greater than 0.9 is considered to have outstanding discrimination (Hosmer and Lemeshow, 2000). The AUC for the final model presented here was 0.72 (95% Confidence Interval: 0.71, 0.73), indicating that there is an 72% chance that the final recidivism model will produce a higher probability of recidivism for recidivist perpetrators in the 2010/11 cohort, and the model has acceptable ability to discriminate between those who will and will not go on to be recorded for a recidivism incident.

The final predictor variables included in the model are presented in Table 57. These are the factors that contribute significantly to predicting recidivism, taking into account the effects of all other variables included in the model. The odds ratio column can be interpreted as the likelihood that a perpetrator with that characteristic will go on to be recorded for a recidivism incident. For example, males were 1.53 times more likely to be recorded for a recidivism incident than females.

In summary, the odds ratios presented in Table 57 indicate that:

- Perpetrators recorded for a recidivism incident are more likely to be male than female.
- For every year of increase in age at time of incident, the likelihood of being recorded for a recidivism incident decreases slightly.
- Perpetrators whose index incident is against a current or former partner are more likely to be recorded for a recidivism incident than those whose index incident is against another type of family member.
- Perpetrators with one to two prior recorded family violence incidents are 2.26 times more likely to be recorded for a recidivism incident than those with no prior recorded incidents, and perpetrators with three or more prior recorded incidents are 4.5 times more likely to be recorded for a recidivism incident.
- Perpetrators with a prior recorded offence for a breach of a family violence incident are more likely to be recorded for a recidivism incident.
- Where police assess future risk of violence as 'likely' at the index incident, perpetrators are more likely to be recorded for a recidivism incident.
- If recorded criminal offences arose from the index incident, perpetrators were slightly less likely to be recorded for a recidivism incident.

- Recidivist perpetrators were more likely to have the following risk factors recorded by police at the time of their index incident: perpetrator unemployed; perpetrator depression/mental health issue; victim pregnancy or new birth; escalation – increase in severity or frequency; perpetrator drug use possible or definite; and/or victim alcohol use possible or definite.
- Perpetrators were less likely to be recorded for a recidivism incident when police recorded victim social isolation or perpetrator possession of a firearms license at the index incident.
- Presence of children at the index incident was associated with a higher likelihood of recidivism.
- The only police recorded action on the L17 form at the index incident that contributed significantly to predicting recidivism in the final model was for criminal charges pending for a breach of a family violence order. Where this action was recorded, it was associated with an increased likelihood of recidivism.

Table 57. Logistic regression model comparing odds of recidivism versus no recidivism

Predictor	Odds Ratio	95% Confidence Interval of the Odds Ratio	Significance level (p)
Sex (male vs female)	1.53	1.42, 1.65	<.001
Age at time of index incident (per additional year of age)	0.98	0.97, 0.98	<.001
Relationship between perpetrator and victim (current or former partner vs other family member)	1.12	1.04, 1.20	.002
Number of prior incidents			
1-2 prior incidents	2.26	2.09, 2.43	<.001
3 or more prior incidents	4.50	4.00, 5.06	<.001
Prior breach of FV order	1.47	1.27, 1.69	<.001
Police risk assessment (likely vs unlikely)	1.33	1.24, 1.43	<.001
Whether recorded offences arose from index incident	0.81	0.76, 0.88	<.001
Perpetrator unemployed	1.20	1.06, 1.35	.003
Perpetrator depression/mental health issue	1.56	1.35, 1.80	.002
Perpetrator has firearms license	0.68	0.52, 0.88	.004
Victim pregnancy or new birth	1.83	1.53, 2.19	<.001
Victim isolation	0.78	0.65, 0.94	.009
Escalation – increase in severity or frequency	1.15	1.02, 1.31	.03
Children present at index incident	1.15	1.07, 1.22	<.001
Perpetrator – drug use possible	1.49	1.36, 1.64	<.001
Perpetrator – drug use definite	1.37	1.16, 1.61	.001
Victim – alcohol use possible	1.19	1.08, 1.31	<.001
Victim – alcohol use definite	1.21	1.10, 1.32	<.001
Criminal charges pending for breach of family violence order	1.37	1.07, 1.76	.01

Further analysis: police recorded family violence recidivism 128

Time between index incident and recidivism incident

The final part of this study explored the time in number of days between index incidents and any recidivism incidents perpetrated, and what factors at the index incident might impact on how long it takes a perpetrator to be recorded for a recidivism incident. Overall for the 2010/11 perpetrator cohort, as the number of incidents they perpetrated increased the time between the incidents decreased. The median number of days between an index and a recidivism incident was 275. For those recorded for a further incident (a third incident), the median number of days between their recidivism and third incident was 156, and for those recorded for a fourth incident, the median number of days between their third and fourth incident was 109 days.

Preliminary analyses were conducted using the Kaplan-Meier procedure to estimate the cumulative proportion of perpetrators who were recorded for a recidivism incident over time. Figure 69 and the final row in Table 58 show the overall proportions of perpetrators who committed a recidivism incident over time. At the six month point around 21% of all perpetrators had been recorded for a recidivism incident, which increased to 39% at 24 months post index incident. Log rank tests were used to examine whether there were differences in these proportions across key groups of perpetrators and the results of these tests are presented in Table 58 and Figures 70 through 74. In summary, these tests showed that recidivism incidents occurred more quickly following the index incident for perpetrators who: were male, fell into a younger age category at the time of their index incident, perpetrated violence against a current or former partner at the index incident, had a history of recorded violence incidents, and/or had previously recorded offences for breaches of family violence orders. In particular, those with a recorded incident and/or breach history were much more likely to have had a recidivism incident six months after their index incident. At the six month point, 40% of those with three or more prior recorded family violence incidents compared with just 14% of those with no prior recorded incidents had been recorded for a recidivism incident, and 39% of those with a prior breach compared to 19% of those with a prior breach had been recorded for a recidivism incident. The differences in time to a recidivism incident based on the relationship between perpetrator and victim were small but still statistically significant.

Figure 69. Overall proportion recorded for a recidivism incident over time
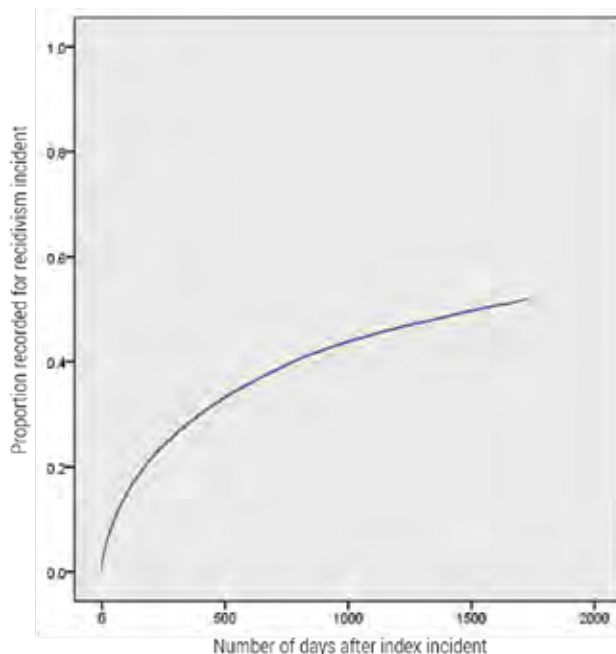
Table 58. Proportion of perpetrators recorded for recidivism incidents at 6, 12 and 24 months post-index incident

Grouping variable	Proportion recorded for a recidivism incident at 6 months post-index incident	Proportion recorded for a recidivism incident at 12 months post-index incident	Proportion recorded for a recidivism incident at 24 months post-index incident	Significance level for difference between groups (*p*)
Sex				<.001
Male	22.2%	31.0%	41.9%	
Female	15.9%	22.0%	29.9%	
Age at index incident				<.001
Younger than 18	25.2%	34.9%	45.4%	
18 to 34	22.6%	31.3%	43.0%	
35 to 49	20.0%	28.4%	37.8%	
50 or older	13.3%	18.0%	25.1%	
Relationship between perpetrator and victim				<.001
Current or former partner	21.7%	30.2%	40.9%	
Other family member	18.8%	26.2%	35.8%	
Number FV incidents recorded prior to index incident				<.001
None	14.0%	19.7%	27.8%	
1 to 2	25.5%	36.3%	48.7%	
3 or more	40.0%	54.0%	69.1%	
Whether a prior breach of an FV order was recorded prior to index incident				<.001
No	18.8%	26.5%	36.2%	
Yes	38.7%	51.9%	66.3%	
Overall recidivism rate	20.6%	28.8%	39.0%	

Further analysis: police recorded family violence recidivism   130

Figure 70. Proportions of perpetrators recorded for a recidivism incident over time by sex
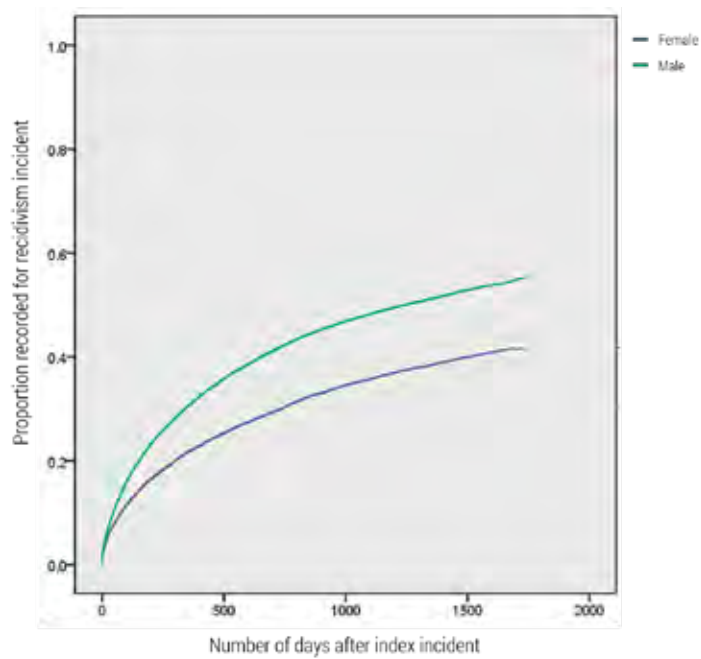
Figure 71. Proportions of perpetrators recorded for a recidivism incident by age at index incident

131 An overview of family violence in Victoria
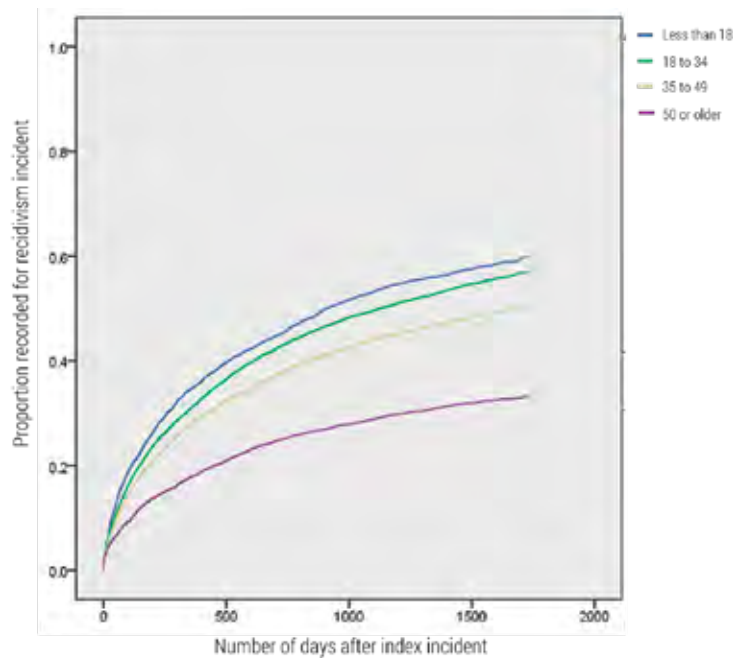
Figure 72. Proportions of perpetrators recorded for a recidivism incident over time by relationship type
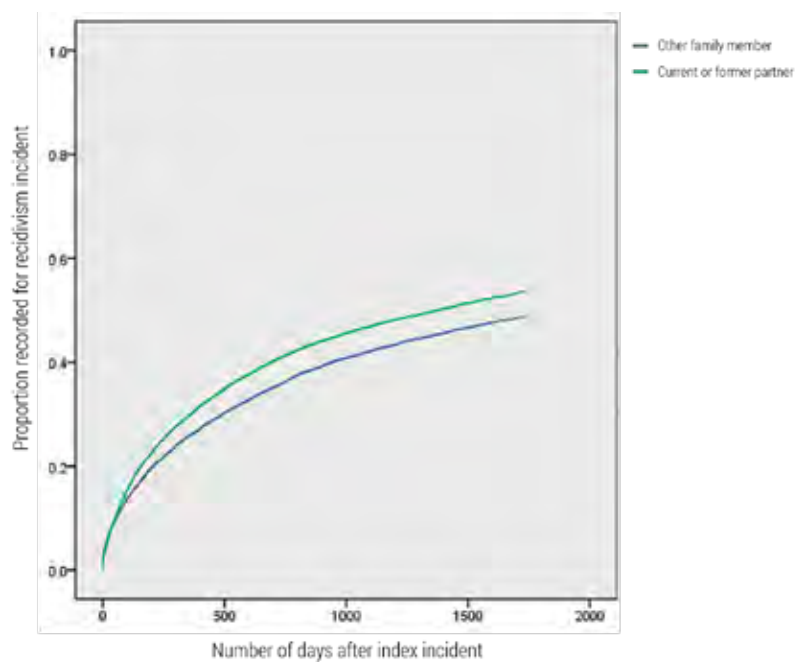
Figure 73. Proportions of perpetrators recorded for a recidivism incident over time by incident history

Further analysis: police recorded family violence recidivism   132
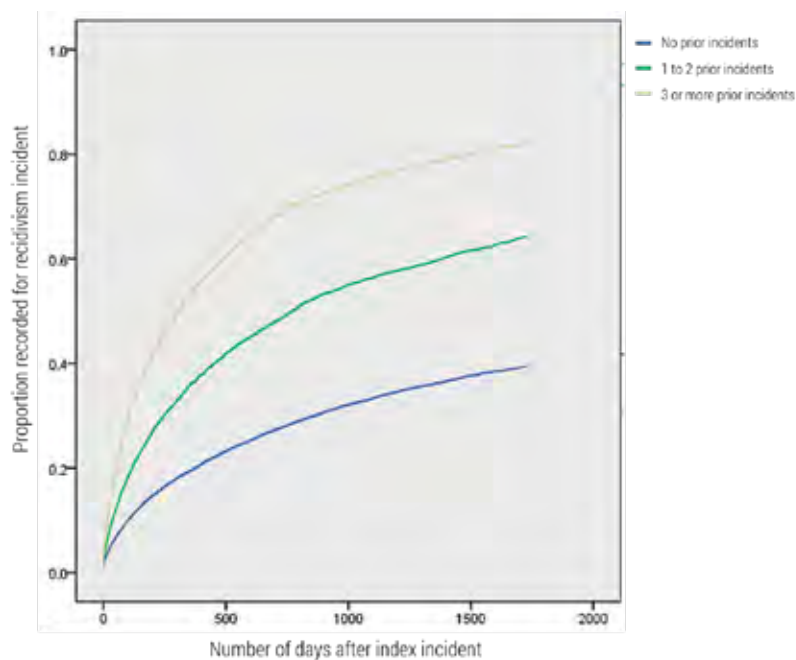
Figure 74. Proportions of perpetrators recorded for a recidivism incident over time by recorded breach of family violence orders history
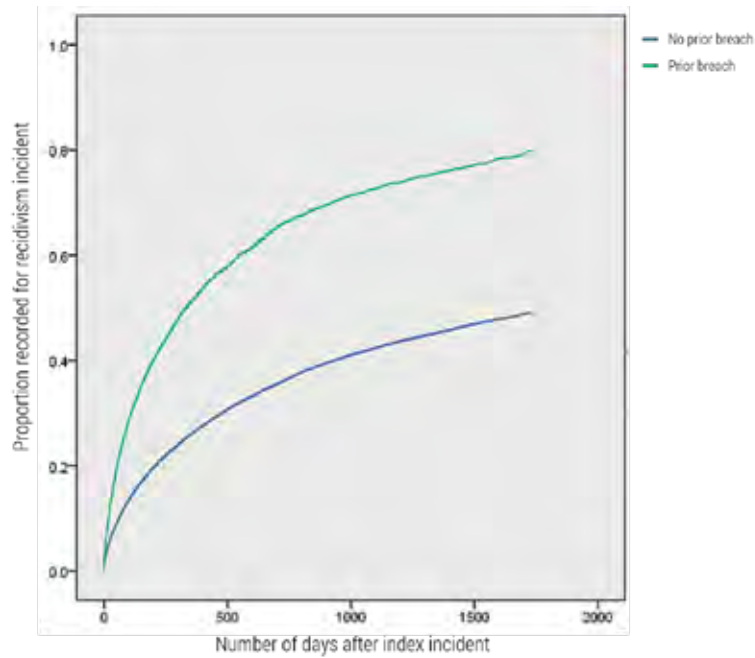
Discussion

Between 2004/05 and 2013/14, 197,822 individuals were recorded by police as having perpetrated at least one family violence incident. Thirty-seven percent of family violence perpetrators were recorded by police for more than one family violence incident. Of those, 55% were recorded for two incidents, 25% were recorded for three incidents, 14% were recorded for four incidents and the remaining 6% were recorded for five or more incidents. Within the 2010/11 cohort of perpetrators whose recidivism behaviour was analysed in more detail for this research, just over half were recorded for at least one further family violence incident by 30 March 2015.

The median number of days between a first and second incident for recidivist perpetrators in the 2010/11 cohort was 275, and the time between incidents tended to decrease as the number of incidents a perpetrator was recorded for increased. However, a limitation of this study was that some perpetrators may have spent time in custody throughout the study period, reducing their 'free time' to perpetrate offences and data on this was not available to the CSA for inclusion in the study. The potential effect of this is that it could artificially inflate the results of analyses related to time between incidents. This research did not account for unequal 'free time' between perpetrators to commit incidents, which could also lead to imprecise estimations of the true proportions of recidivist perpetrators.

The overall recidivism model highlighted a number of perpetrator, family violence history, and index incident characteristics that contribute significantly to predicting who will go on to be recorded for a recidivism incident. Taken together, all of the information collected by police recorded at index incidents in 2010/11 could only be used to develop a model that, statistically, had 'acceptable' ability to discriminate between recidivist and non-recidivist perpetrators.

A number of L17 risk factors were identified that did not contribute significantly to predicting whether a perpetrator would be recorded for a further incident, though this information may have other value for police in the assessment and management of family incidents and harm arising from them. Perhaps it is the case, for example, that police make use of this information to assess the risk of increased seriousness or frequency, or to establish a risk management strategy for the perpetrator and/or victim. Some of the items that were non-significant predictors in the overall model related to potential harms to victims, information that is of potential relevance for referral agencies. Depending on the objectives of the L17 in terms of what, specifically, it is attempting to predict, this research could be extended to determine which perpetrator or index incident characteristics have validity in predicting seriousness or frequency of recidivism.

Where police recorded their intended actions on the L17 form these were, for the most part, associated with a slightly increased likelihood of recidivism. These results may be biased in the sense that police might be more likely to take action in response to a family violence incident where they perceive an elevated risk of recidivism. In other words, perpetrators involved in incidents where police record actions could already have a higher propensity to perpetrate further incidents before police take such action. A research method termed propensity score matching could be used to control for these existing differences in propensity to re-perpetrate, which would enable more precise evaluation of the true impact of actions taken by police on recidivism levels. Again, this could be an avenue for further analysis in the future.

A number of additional opportunities for further research were identified through the process of conducting the exploratory analysis presented here. First, refinement of the modelling presented here could be achieved by testing the validity of the model for other cohorts of perpetrators (for example, by defining the index incident based on a different year and re-running the modelling process).

Linking data from additional sources to the Victoria Police data used for this analysis could also improve the adequacy of the modelling. As noted above, this study did not include a measure of 'free time to offend'.

Further analysis: police recorded family violence recidivism 134

Incorporating correctional services data on any time that perpetrators spent in custody following their index incident would enable a more accurate comparison of who goes on to perpetrate further incidents and improved analysis of the time between an index and a recidivism incident. Further, incorporating courts data on whether family violence intervention orders were in place throughout the study period, and the start and end dates of these orders, would enable analysis of the impact of these orders, both on the propensity and time to perpetrate a recidivism incident. Linking these datasets would enable development of a more comprehensive 'time to recidivism' model, incorporating all potential predictors of recidivism.

Prior to the state wide rollout of any new or modified risk assessment tools, a piloting and evaluation process incorporating similar modelling methods to those presented here would assist in determining the validity of these tools in predicting recidivism (or other outcomes of interest). Ideally, any pilots undertaken would involve the identification and use of both control sites and pilot sites so that new tools can be adequately compared with existing practice. Identification of required evaluation data in the planning stage of any pilot would also be vital to ensure the success and rigour of the evaluation.

The background analysis presented in this chapter identified that the 9% of perpetrators that committed five or more family incidents between 2004/05 and 2013/14 were responsible for 34% of all family violence incidents. Statistical analysis to determine whether these perpetrators are significantly different from other perpetrators recorded for family violence could provide useful insights for targeting family violence policy and practice. It could also be instructive to analyse in detail the characteristics and family violence histories of those who perpetrate very serious family violence incidents.

This study did not consider the extent to which an individual perpetrator commits violence against one or multiple victims, though future research could examine this. Finally, analysis of the relationships between perpetrators' recorded family violence incidents and other recorded offence types, such as drug offences and non-family violence related assaults, could provide additional insights into the behaviours of family violence perpetrators over time.

15. Gaps and opportunities to improve the family violence database

Introduction

The Family Violence Database (FVDB) offers a rich source of information about the incidence and prevalence of family violence from a range of perspectives. The Database provides value by bringing together information from disparate datasets and providing an evidence base for understanding family violence in Victoria. While these datasets offer a useful overall picture, there are opportunities to amend and improve the FVDB.

The Crime Statistics Agency (CSA), as part of its work for the Royal Commission into Family Violence, conducted a data gap analysis exercise, in conjunction with the collection and production of the most recent statistics for the FVDB. This was conducted to ascertain how data that contributes to the Database is collected and whether data is collected consistently across agencies, to highlight any areas for improvement and to identify opportunities to implement best practice initiatives aimed at ensuring the FVDB is of maximum utility going forward.

This chapter outlines the data gap analysis conducted. The chapter:

- provides an overview of the datasets currently collected under the FVDB,
- summarises the common data items collected within each of the datasets,
- outlines the findings of data provider consultations conducted by the CSA,
- notes some of the challenges associated with collecting consistent, high-quality family violence information, and,
- identifies opportunities to improve the family violence evidence base in Victoria to support decision-making and service provision.

At a micro level, there are specific advantages and disadvantages associated with the way data is collected within each of the datasets included in the FVDB. However, the gap analysis presented here focuses on general themes and practices across the Database and provides recommendations based on its key overarching limitations. It also highlights agencies that undertake best practice data collection activities, with the aim of promoting consistency across datasets to ultimately improve the overall quality and efficacy of the data contained in the FVDB.

About the datasets

At present, the following datasets are included in the Victorian FVDB:

- The Law Enforcement Assistance Program (LEAP) – Victoria Police
- Lizard (Court Services Victoria)
- Courtlink (Court Services Victoria)
- Victorian Emergency Management Dataset (VEMD) – Department of Health and Human Services
- Victorian Legal Aid datasets (VLA)
- Victims Assistance Program (VAP) and Victims of Crime (VoC) helpline – Department of Justice and Regulation
- Integrated Reporting Information System (IRIS)
- Supported Accommodation Assistance Program(SAAP)/Specialist Housing Services Collection(SHSC) – Department of Health and Human Services and the Australian Institute of Health and Welfare

These datasets are described in more detail in Chapter 2. Datasets are derived from different systems, and the age and technological capacity of the systems used to generate the data varies greatly across agencies. This means that data collection activities are more difficult for some agencies than others.

Overview of data collection activities

In general, information collected by each agency was of a high quality, as all agencies reliably recorded the relevant family violence indicators and primary personal characteristics of people. Each of the 6 agencies (across 11 datasets) made family violence data collection a priority, and because of this, each of the data custodians interviewed were acutely aware of technical aspects of data collection activities, as well as the strengths and limitations of their datasets.

The following table provides an overview of information provided by agencies in relation to key characteristics of their datasets and variables collected. This information was obtained through interviews with FVDB data providers. Key demographic characteristics (e.g. age and sex variables) were consistently collected across datasets. However, there were differences across agencies because data items collected by some agencies were peripheral or irrelevant to another agency's core business needs, or because the circumstances under which an individual came into contact with a particular agency were not conducive to the collection or recording of specific data items.

137 An overview of family violence in Victoria

Table 59. Overview of family violence datasets

	LEAP	Lizard	Courtlink	VEMD	VLA	IRIS	VAP/ VoC	SAAP/ SHSC
Size of staff responsible for data entry (approx)	LGE	SML	LGE	LGE	MED	LGE	SML	LGE
Collection of specific variables:								
Age	✓	✓	✓*	✓	✓	✓	✓	✓
Sex	✓	✓	✓	✓	✓	✓	✓	✓
Aboriginal/ Torres Strait Islander Status	P	P	P**	X	✓	P	✓	✓
CALD indicators	P	✓	P	P	✓	✓	P	✓
Disability status	X	P	X	X	✓	P	✓	P
Relationship between parties	✓	✓	✓	X	P	X	X	X
Geographic location	P	✓	✓	✓	✓	✓	✓	✓
Identifiers recorded that are used across other datasets	P	P	✓	X	X	X	X	X
Data can be linked to other datasets	P	✓	✓	X	P	X	X	X
Automated date fields generated and used	✓	✓	✓	✓	✓	✓	✓	✓
High priority data items are mandatory	✓	✓	✓	✓	✓	✓	✓	✓
Data is compliant with relevant standards and classifications	P	P	P	✓	P	✓	✓	✓
Data quality processes in place to ensure data consistency	P	P	P	✓	P	P	✓	✓

✓ - Yes; X - No; P- Partially collected or quality issues with data

* Courtlink collects approximate age where date of birth cannot be obtained

** Courtlink began collecting Indigenous status information since 2014

*** VEMD contains 4 options for recording sex but if the patient is unconscious staff assign a sex based on appearance

Gaps and opportunities to improve the Victorian Family Violence Database   138

As noted, the overall quality of the data contained in the Database was of a good quality, with all datasets containing basic demographic characteristics recorded in similar ways. However, some data items contained less reliable information. These primarily included Aboriginal and Torres Strait Islander status, and CALD and LGBTI indicators. Only some datasets complied with relevant data standards and classifications. Data quality assurance processes differed between agencies and the existence of such processes was largely dependent upon the size and scale of the dataset, and the priority placed on data quality by the agency.

It should be noted that the CSA has not conducted full quality assurance audits on each of the datasets to assess the accuracy of recording and data input within each agency. Rather, the assessments in this section are based on information provided by data custodians through consultation, along with the CSA's assessment of the level of unknown or missing data in data provided to the FVDB.

Improving the family violence evidence base in Victoria

Through the course of the gap analysis, a series of potential enhancements emerged that would serve to ensure the Database is comprehensive. In turn, these improvements would help to ensure that the Database is of maximum utility as an evidence base to inform family violence related policy and service delivery. The identified enhancements include:

- inclusion of additional data sources
- application of common identifiers to be used for statistical linkage (if deemed feasible)
- more consistent and regular data collection and process audits across all family violence datasets, to improve or retain existing high levels of data quality
- introduction of a family violence data governance group, to facilitate further enhancement to the FVDB into the future, and to enable sharing of best practice amongst data custodians
- compilation of a family violence data framework, which utilises a nationally consistent set of common data items for collection
- clear articulation of whole of government information sharing protocols to reduce the challenges arising from sharing data relating to family violence between agencies for statistical purposes
- commitment to improving the data capture and quality of information in relation to Indigenous and CALD communities, mental health and those with a disability.

At the core of all current and potential future activities related to the Victorian Family Violence Database is an acknowledgment that any data relating to an individual's experience of family violence should be considered privileged and sensitive, and as such should be treated under the appropriate privacy and confidentiality principles outlined by the Victorian Commissioner for Privacy and Data Protection.

Each of these opportunities are discussed in more detail below.

Inclusion of additional data sources

While the current datasets included in the FVDB provide a broad base of information on the prevalence and incidence of family violence relative to specific services or programs delivered by participating agencies, other data holdings are potentially available that would further enhance the evidence available through the Database. Inclusion of additional data may serve to fill gaps identified in existing datasets. Examples of other datasets that may support the current data holdings include:

- Call and Dispatch (CAD) data, specifically related to police and ambulance callouts;
- Ambulance Victoria data;
- Child Protection data;
- Criminal courts data (currently only civil courts data are collected);
- Corrections Victoria data (relating to custodial and community corrections);
- Youth Justice (relating to custodial and community corrections).

Other ancillary datasets, for example, relating to the housing establishment fund, or to family violence identified through emergency responses to natural disasters, may also be useful inclusions. This is not necessarily a comprehensive list of potential datasets that may broaden the scope of the Database.

Additionally, it should be noted that the potential inclusion of further datasets is based on the assumption that family violence related incidents or events can be differentiated in some way from the general events contained in these datasets. This may be by way of an indicator that flags those records related to family violence, or by linking data with other datasets to identify an individual's experience of family violence. For example, police data may be used to identify which individuals under corrections supervision have been involved in a family incident prior to their corrections episode.

Inclusion of additional data sources would of course be dependent upon agreement of data custodians to provide their data in line with FVDB requirements. This may involve preliminary work by FVDB administrators and custodians to ensure their data is prepared appropriately for inclusion.

A Victorian family violence data framework

Although the FVDB incorporates a range of data sources from multiple agencies, the availability of data items and frequency with which this data is collected and disseminated varies. Further, the datasets included in the Database are collected and used independently, without cross-agency consideration of data recording practices or standards.

A family violence data framework could consolidate data activities under an overarching strategic plan that guides the collection, provision and output of timely and relevant family violence information. A framework would also assist in identifying and prioritising key data gaps, and providing a structured set of activities to address these gaps and further improve the FVDB.

The Australian Bureau of Statistics has produced a series of information papers about the collection of nationally consistent family violence data.

Gaps and opportunities to improve the Victorian Family Violence Database   140

These papers could provide the basis for a similar data framework to be designed and implemented in Victoria. Of particular relevance are the following publications:

- Defining the data challenge for family, domestic and sexual violence, Australia, 2013 (Australian Bureau of Statistics, 2013a)
- Bridging the data gaps for family, domestic and sexual violence in Australia, 2013 (Australian Bureau of Statistics, 2013b); and
- Foundation for a National Data Collection and Reporting Framework for family, domestic and sexual violence, 2014 (Australian Bureau of Statistics, 2014a)

Defining the data challenge provides a conceptual framework for family, domestic and sexual violence information. *Bridging the data gaps* outlines an inventory of the current issues associated with data collection and highlights data gaps present at the national level. It presents priority family violence related policy and research questions that currently remain unanswered due to the lack of consistently available data, and offers strategies and actions required to address critical data gaps. This publication could be used to direct discussions about the utility of Victoria's current family violence data holdings, to align and prioritise current data gaps to those identified as a high priority at the national level, and to identify strategies to address these gaps.

The National Data Collection and Reporting Framework built on the gap analysis, and provides a systematic way of organising data about experiences of family, domestic and sexual violence into information units for statistical collection. It also provides a set of common variables and national standards relating to the person, event and transaction information units relevant to the collection of family violence data. The principles and concepts outlined in this publication could be used to as a foundation document for the compilation of a localised data framework for the consistent collection of high quality family violence data in Victoria.

The purpose of a Victorian family violence data framework document would be to provide a consolidated, single point of reference about the data collection activities and priorities for family violence data in Victoria, including frequency of information provision. A framework would also ensure that any additional dataset or data item inclusions were in line with agreed standards and definitions.

Application of common identifiers

One of the key drawbacks of the current database is the inability to use the same identifiers across the datasets to determine whether individuals are held in common across the datasets. This makes it difficult at present to use the various datasets together to better understand how an individual comes into contact, and interacts, with and across services in Victoria. With the exception of LEAP and Courtlink which share common identifiers in some cases, each of the other datasets contain identifiers that are specific to that dataset. This means that it is currently difficult, for example, to identify through the data which individuals who have come into contact with police, homelessness services and victim assistance programs, and which service they first contacted.

While it is impractical in the current service delivery and ICT environment to expect each agency to implement an identifier that is common amongst all services, and there is often difficulty in reaching agreement as to how the common identified should be constructed, post-hoc statistical linkages between some datasets may be a feasible option to more effectively understand system pathways of affected family members and perpetrators.

Statistical linkage is a process by which a combination of a person's identifiable details (i.e. name, date of birth, sex for example) are combined to create a de-identified, unique key. Once created, this key can be applied and used across multiple datasets to link information from one dataset to another, through the use of probabilistic matching. As such, it is a way of connecting disparate datasets to create a more useful source of information without significant investments in system upgrades or significant data manipulation.

141 An overview of family violence in Victoria

Linked family violence datasets would allow researchers and data analysts to better understand the lived experience of individuals experiencing family violence, to track their engagement with multiple services through the system and to identify where people are most likely to become disengaged or lose contact with service providers or support programs. Linkages also offer potential utility in terms of enabling identification of the characteristics of high-risk clients (such as those who come into contact with multiple services and programs over extended periods of time). Such information would likely add value to the evidence base for service planning and delivery.

Data consistency and quality

As noted above, the majority of data items currently collected within the FVDB are of a good quality. However, there are particular items that have high proportions of unknown or missing values, which means it is not necessarily possible to use these data items for decision-making.

The overall consistency and quality of the data included in the family violence database varies depending on the agency collecting the data, the demands of their core business and the number of staff responsible for data entry. The gap analysis found that those agencies that restrict data entry to a small number of staff (for example, courts clerks entering data on the Courtlink system, and victims support call takers in entering data into VAP and the victims of crime helpline) had higher levels of quality across their datasets than those agencies who had a large number of staff entering data (for example, Victoria Police).

There are some examples in Victoria of best practice initiatives that agencies have used to address data quality issues in order to ensure data are collected consistently over time. The data in the Victorian Emergency Management Dataset (VEMD), for example, is collected by a number of hospital emergency departments with a variety of IT systems and software. However, a systematic data audit is undertaken across each hospital once every three years, which assists in maintaining consistency and quality between systems and over time. The aim of the audit is to assess each hospital's business processes and data collection activities to ensure compliance with the requirements of the VEMD, and identify business process improvements where required. Such a process could be considered by other agencies collecting family violence related data and scaled relative to the size of the agency to ensure feasibility.

Other examples of quality assurance activities that could be implemented include making key data variables mandatory for completion and/or aligning responses to particular data items to set industry-specific, state, national or international standards.

Data Governance

A transparent governance structure is fundamental to successful implementation of any planned improvements to the FVDB. Data governance involves the overall management of the availability, usability, integrity and security of data assets to ensure that these assets are used appropriately and effectively.

Butler (2011) describes the main objectives of data governance, which are to:

- define, approve, and communicate data strategies, policies, standards, architecture, procedures, and metrics;
- track and enforce conformance to data policies, standards, architecture, and procedures;
- sponsor, track, and oversee the delivery of data management projects and services;
- manage and resolve data related issues; and
- understand and promote the value of data assets.

Gaps and opportunities to improve the Victorian Family Violence Database 142

Senior level steering input is key to an effective data governance structure, in order to set strategic direction and provide an authorising environment for the overall management of data assets in a systematic and accountable way. Some centralisation and coordination of data management, improvement and output activities, and creation of standards and classifications for use across government can be beneficial in coordinating across portfolios and agencies.

At present, the FVDB is managed by two entities (the CSA and the Community Operations and Victims Support Agency) within the Department of Justice and Regulation. The CSA manages the data assets within the Database in line with general data management policies and procedures, and the Community Operations and Victims Support Agency utilise this data in order to create and publish external reports and publications. Under recent changes to FVDB custodianship arrangements, the CSA and the Community Operations and Victims Support Agency have established two working groups to assist in the delivery of data for the database, and to enable broad involvement in the development of content scheduled for output. The primary aim of these groups is to provide advice, comment and feedback to both agencies on outputs to ensure data are being accurately portrayed, and advise about areas where data quality issues may exist on an ongoing basis.

Functionally, these groups are intended to play a key role in the collection, maintenance and output of information from the Database. However, a high level steering committee whose role is to set strategic directions for coordinated family violence data activities across the state does not currently exist. High level leadership can be influential in ensuring coordination and alignment with cross-government needs. It is important for garnering commitment across government and helps to ensure efforts to improve Databases are afforded appropriate levels of authority and priority.

143 An overview of family violence in Victoria

Information sharing across government

Historically, information sharing across government agencies for the purposes of collection, collation and release of findings has been challenging for the FVDB project. While agencies have supported the project and endorsed its value, lack of shared understanding about what data can and cannot be shared between agencies has resulted in lengthy negotiations and timeframes for the provision of data and release of reports summarising findings from the Database. Clarity for data owners about the appropriate processes for data sharing would smooth and speed the process for future iterations of the Database, enabling provision of broader and timelier data for use.

High priority data items

Other sections of this gap analysis have discussed overall data consistency and quality, and the promotion and use of data standards. However, it is worth discussing some specific data items with varying quality, which are collected by some agencies and are of high priority for decision-makers.

This particularly applies to data items collected in relation to the following:

- Aboriginal and Torres Strait Islander Status
- Culturally And Linguistically Diverse (CALD) indicators
- health and disability indicators

A key outcome of more consistently collected data in these areas would enable the development of more tailored and culturally appropriate services and programs. The following sections discuss these in more detail and outline considerations specific to each indicator.

Aboriginal and Torres Strait Islander status

Understanding the experience of family violence as it relates to those who identify as Aboriginal and/or Torres Strait islander is highly desirable information for policy making that informs operations and service planning. The collection of an individual's Aboriginal and Torres Strait Islander status has been standardised by the ABS, who suggest the following standardised question and series of responses be used to determine an individual's Aboriginal and/or Torres Strait Islander status:

Do you identify as Aboriginal or Torres Strait Islander?

- Yes, Aboriginal
- Yes, Torres Strait Islander
- Yes, both Aboriginal and Torres Strait Islander
- Neither Aboriginal nor Torres Strait Islander

According to the ABS, a person should be asked whether they identify as Aboriginal or Torres Strait Islander each time they come into contact with a service, as it is reasonable to assume that a person's Indigenous status and willingness to self-identify as Aboriginal or Torres Strait Islander may change over time. Hence, information should continue to be collected even if a person comes into repeat contact with a service, and should be stored appropriately so that a history of responses can be kept within the data.

It is acknowledged that it may not always be possible to record a person's Indigenous status for every incident where an individual comes into contact with an agency or service. However, there is significant room to improve the quality of Aboriginal and Torres Strait Islander data before coverage will be sufficient to enable robust statistical and research use across datasets within the FVDB.

Gaps and opportunities to improve the Victorian Family Violence Database   144

Culturally and Linguistically Diverse (CALD) indicators

The extent to which information pertaining to family violence experienced by people from CALD backgrounds is available varies, and collection methodologies differ amongst data sources that comprise the FVDB. For example, some agencies collect information about an individual's country of birth or main language spoken at home, while others use operational information to estimate the number of people who come into contact with a service from CALD backgrounds. Most often this information relates to incidents or events where an interpreter is required, where the use of an interpreter is used as a proxy CALD indicator. As a result, there is an opportunity to increase the consistency of CALD data item collection across datasets (though this may be dependent on service context).

Health and disability indicators

Health and disability indicators relate to information collected on whether an individual has a health-related concern or disability that may require a service provider or support agency to provide other facilities or services to accommodate these needs. This relates not only to physical disabilities, but also to mental health.

This information needs to be collected with careful consideration and appropriate sensitivity, and could be collected as a voluntary data item as opposed to being a mandatory field for data collection. This area is a significant challenge from a data collection perspective, but should not be precluded from data enhancement activities.

Conclusion

Overall, the CSA's assessment of the FVDB identified significant value in the existing data holdings. However, there are a number of clear areas where the Database can be strengthened to provide a higher value evidence base to support policy development and operational decision-making. Consideration of the opportunities for improvement identified in this chapter is important in ensuring the continued relevance and utility of the Database going forward.

16. Conclusion

The Victorian FVDB has existed for 15 years, documenting family violence across an increasing range of datasets through a period of immense legislative, cultural, policy and procedural change. The Database remains the sole whole of government project providing a statistical overview of family violence demand and service provision recorded by key agencies involved in responding to family violence in the state. It provides information about the profiles and characteristics of victims and offenders, their service requirements and interactions.

This report has provided an overview of the period of time since the last significant findings from the Database were released, focusing on the 2009-10 to 2013-14 period. In this time increasing demand for family violence-related service has been visible across the datasets included in the Database and across all areas of the state.

The findings in this report indicate that family violence still remains a gendered crime, with the proportion of male and female victims of family violence stable across all agencies in the past 5 years. In 2013-14, three quarters of affected family members in family violence incidents attended by police, two-thirds of the patients presenting to emergency departments for family violence reasons and 69% of family violence victims accessing the Victims Assistance Program were female. In 2013-14, 77% of other parties in family violence incidents attended by police and 78% of respondents to intervention orders in the Magistrates' Court were male.

Family incidents recorded by police show family violence most likely to arise in the context of intimate partnerships for female affected family members, whereas male affected family members who were more likely to be a family member of the other party. The different picture arising for children as victims and witnesses of family violence and for parents and siblings as victims of family violence shows the complexity of the types of incidents the service system has been recording and responding to in the past 5 years.

For the first time in Victoria, the CSA has conducted a recidivism study of alleged family violence perpetrators using Victoria Police data, showing the high proportion of repeat incidents. The analysis revealed that recidivist perpetrators were more likely to be male, younger, perpetrate violence against a current of former partner and have a history of family violence incidents or offences recorded for breaching family violence orders. This study highlights factors predictive of future reappearance in Victoria Police data in relation to a family incident and highlights a range of further work which could shed more light on the factors correlating with recidivism.

The Victorian FVDB has a robust core of datasets and represents a valuable source of diverse information from across government relating to family violence. However, there are elements where the Database can be expanded and improved to ensure it can make an even more significant contribution to the evidence base relating to family violence for Victoria, informing policy, research and decision-making. This paper outlines key gaps and opportunities for enhancement of the Database.

Gaps and opportunities to improve the Victorian Family Violence Database 146

17. Explanatory notes

Reference periods

The data contained within this report covers an annual breakdown of the period from July 2009 to June 2014. Each dataset uses a different date variable to determine which year each counting unit belongs to. The following table outlines the date that is used to determine the relevant year.

Table 60. Date variable used in each data source to determine the relevant reference period

Data source	Date variable
Victoria Police	Create date – date incident was entered into LEAP
Magistrates' and Children's Court	Hearing date – date of the final hearing
Specialist Family Violence Services	First contact date – date of first contact with client
Integrated Reports and Information System	Referral date – referral date of the case
Victorian Emergency Minimum Dataset	Date patient presented at emergency department
Victims Assistance Program	
Victims of Crime	Date of phone call
Victoria Legal Aid	Date of service – date service was provided
Specialist Homelessness Services Collection	Date support period commenced
Supported Accommodation Assistance Program	Date support period commenced

Rates per 100,000 population

Rates per 100,000 population are derived using the family incident count for the reference period and the most recent Estimated Resident Population (ERP) data.

The family incident rate per 100,000 is calculated using the following formulae:

$$\text{Family incident rate} = (\text{Family incident count}/\text{ERP count}) *100{,}000$$

ERPs for both Victoria and Local Government Areas are based on populations provided by the Australian Bureau of Statistics. ERPs for the data in the current reference period are based on population projection estimates developed by the Department of Economic Development, Jobs, Transport and Resources 'Victoria in Future' program. For years prior to the current reference period, the ERP used to calculate offence rates comes from the Regional Population Growth (3218.0) publication.

Regional statistics

In order to produce statistics at a regional level based on a person's residential postcode a concordance was done to map the postcode to a Local Government Area and then to the relevant region.

The postcode to Local Government Area concordance was obtained from the Australian Bureau of Statistics publication, Australian Statistical Geography Standard (ASGS): Correspondences, July 2011 (1270.0.55.006). Where a postcode boundary crossed multiple Local Government Area the area that contained the largest proportion of the postcode was selected.

The regional statistics in this report do not include units that did not have a postcode or had a postcode outside of Victoria.

147 An overview of family violence in Victoria

Table 61. Department of Health and Human Services Regions

Eastern Metropolitan Region	Southern Metropolitan Region	Gippsland Region
Boroondara	Bayside	Bass Coast
Knox	Cardinia	Baw Baw
Manningham	Casey	East Gippsland
Maroondah	Frankston	Latrobe
Monash	Glen Eira	South Gippsland
Whitehorse	Greater Dandenong	Wellington
Yarra Ranges	Kingston	
	Mornington Peninsula	
	Port Phillip	
	Stonnington	

Grampians Region	Barwon South Western Region	Loddon Mallee Region
Ararat	Colac-Otway	Buloke
Ballarat	Corangamite	Campaspe
Golden Plains	Glenelg	Central Goldfields
Hepburn	Greater Geelong	Gannawarra
Hindmarsh	Moyne	Greater Bendigo
Horsham	Queenscliffe	Loddon
Moorabool	Southern Grampians	Macedon Ranges
Northern Grampians	Surf Coast	Mildura
Pyrenees	Warrnambool	Mount Alexander
West Wimmera		Swan Hill
Yarriambiack		

North & West Metropolitan Region	Hume Region	
Banyule	Alpine	
Brimbank	Benalla	
Darebin	Greater Shepparton	
Hobsons Bay	Indigo	
Hume	Mansfield	
Maribyrnong	Mitchell	
Melbourne	Moira	
Melton	Murrindindi	
Moonee Valley	Strathbogie	
Moreland	Towong	
Nillumbik	Wangaratta	
Whittlesea	Wodonga	
Wyndham		
Yarra		

Explanatory notes 148

Table 62. Victoria Police Regions

Eastern Region	Western Region	Southern Metro Region	North West Metro Region
Boroondara	Greater Geelong	Port Phillip	Melbourne
Manningham	Queenscliffe	Stonnington	Yarra
Monash	Surf Coast	Bayside	Hobsons Bay
Whitehorse	Colac-Otway	Glen Eira	Maribyrnong
Knox	Glenelg	Kingston	Wyndham
Maroondah	Southern Grampians	Cardinia	Brimbank
Yarra Ranges	Corangamite	Casey	Melton
Benalla	Moyne	Greater Dandenong	Hume
Mansfield	Warrnambool	Frankston	Moonee Valley
Mitchell	Ballarat	Mornington Peninsula	Moreland
Strathbogie	Pyrenees		Banyule
Greater Shepparton	Golden Plains		Darebin
Alpine	Hepburn		Nillumbik
Moira	Moorabool		Whittlesea
Wangaratta	Hindmarsh		
Indigo	Horsham		
Towong	West Wimmera		
Wodonga	Ararat		
Bass Coast	Northern Grampians		
South Gippsland	Yarriambiack		
Baw	Greater Bendigo		
Latrobe	Campaspe		
East Gippsland	Central Goldfields		
Wellington	Loddon		
	Macedon Ranges		
	Mount Alexander		
	Mildura		
	Buloke		
	Gannawarra		
	Swan Hill		

Confidentialisation

Confidentialising data involves removing or altering information or collapsing detail (through application of statistical disclosure controls) to mitigate the risk that a person or organisation may be identified in the data (either directly or indirectly).

Where data contained in this report uses person-based variables and include demographics information the datasets are subject to confidentialisation to ensure the anonymity of individuals is protected. Where cells in a table are between 1 and 3 and there is a reasonable likelihood that a person may be identified from the data published the value is denoted by the figure "≤ 3".

For the purpose of calculating row and column totals, each cell between 1 and 3 is assigned a value of 2, regardless of the true number of that cell. This methodology allows for totals to be calculated in tables with small cells, but does mean that totals for certain variables may not be the same across tables within a set of data tables.

149 An overview of family violence in Victoria

18. Glossary

Family incident

An incident attended by Victoria Police where a Risk Assessment and Risk Management Report (also known as an L17 form) was completed. The report is completed when family violence incidents, interfamilial-related sexual offences, and child abuse are reported to police.

Family incident flag

A family incident flag is attached to any offence arising from an incident where Victoria Police completed a Risk Assessment and Risk Management Report (L17 form). The family incident flag allows the identification of offences that are related to a family incident.

Affected family member – Victoria Police

An 'affected family member' is the individual who is deemed to be affected by events occurring during the family incident. Where an affected family member has been affected by more than one other party within a family incident, they will be counted for each involvement.

Other party

The other individual involved in a family incident is referred to as the 'other party'. The other party could be a current partner, former partner or a family member. Where the other party is involved with multiple affected family members, they will be counted for each involvement.

Police region

A Police Region is a geographical area defined by Victoria Police for operational purposes. There are 4 regions across Victoria each contains a number of Police Service Areas.

L17 Victoria Police Risk Assessment and Risk Management Report

An L17 form refers to the Victoria Police Risk Assessment and Management Report that Victoria Police are required to complete after they have attended a family incident. The report is completed when family violence incidents, interfamilial-related sexual offences, and child abuse are reported to police.

Offence

Any criminal act or omission by a person or organisation for which a penalty could be imposed by the Victorian legal system.

For the purposes of this report, an offence is counted and included in the data where it:

- occurred in Victoria;
- was reported to or detected by Victoria Police; and,
- was first recorded in LEAP within the reference period.

Offences related to a family incident

Offences relating to a family incident refer to those offences that have been linked to a family incident by Victoria Police.

Hazards/Risk factors

The risk factors identified on the Risk Assessment and Risk Management Report are the evidence-based risk and vulnerability factors outlined in the Victoria Police Code of Practice for the Investigation of Family Violence. There are three types of hazards, those relating to the AFM, those relating to the perpetrator and those present in the relationship.

Applicant/Affected family member – Magistrates' and Children's Court/Specialist Family Violence Services

An applicant or affected family member is the person/people who have applied for a family violence and have applied for a family violence intervention order. There can be multiple affected family members on the one application.

Respondent

A respondent is the person responding to the application for a family violence intervention order. There is only one respondent on each application.

Duty lawyer services

Duty lawyers provide free legal information, advice and representation to clients. Duty lawyers do not represent everyone and VLA prioritise serious cases, including people who are in custody or at risk of going into custody and people who need intensive support

Legal advice services

Legal advice services include sessions over the telephone or face-to-face at Victoria Legal Aid offices or via outreach services. (Victoria Legal Aid, 2014)

Minor work

Minor work includes assistance and advice (including advocacy services) where there is a need for ongoing assistance and there is a tangible benefit for the client. (Victoria Legal Aid, 2014)

Legal help

Legal help is a service provider of VLA that can give legal advice over the telephone. (Victoria Legal Aid, 2014)

Substantive grants

VLA provide grants of legal assistance to people who are experiencing a legal problem and meet the agency's eligibility criteria. Grants are provided for certain criminal, family and civil law matters. (Victoria Legal Aid, 2014)

Specialist family violence services

The Specialist Family Violence Service aims to simplify access for affected family members and affected children's access to the justice system and enhance the safety of affected family members and affected children.

Support worker

Applicant and respondent support workers are available to adults who have experienced family violence and have a case in the Family Violence Court Division.

151 An overview of family violence in Victoria

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153 An overview of family violence in Victoria

Understanding family violence court proceedings: the impact of family violence on the Magistrates' Court of Victoria

In recent years there has been a big increase in the number and complexity of family violence–related matters initiated in the Magistrates' Court of Victoria. This has placed unprecedented pressure on the operations of the court and on court users. The Commission wanted to gain a better understanding of the substance and outcomes of particular hearings than could be understood from existing data, as well as of the daily impact of family violence cases on the court and its lists. As part of that, we sought to determine whether courts have sufficient capacity to give adequate time and attention to each matter, provide a considered and appropriate outcome, and ensure safety for victims. This information was used to inform many recommendations made by the Commission.

In collaboration with the Magistrates' Court, the Commission engaged Dr Karen Gelb, a researcher and criminologist, to conduct the research, which involved observation of a number of courts in metropolitan and regional locations and analysis of de-identified case data. Access to individuals' files was restricted to court personnel, so ethics approval was not required.

The courts were chosen on the basis of a 'typical' spread of family violence cases in each type of court. The locations chosen were as follows:

▷ Ballarat, Family Violence Division—a large regional court; the region's headquarter court; 1044 family violence intervention order applications finalised in 2014–15

▷ Geelong—a large regional court; the region's headquarter court; neither a Family Violence Division nor a specialist court; 1879 FVIO applications finalised

▷ Wangaratta—a mid-size regional court; neither a Family Violence Division nor a specialist court; 334 FVIO applications finalised

▷ Maryborough—a small regional court; neither a Family Violence Division nor a specialist court; 142 FVIO applications finalised

▷ Melbourne—a large metropolitan court; the region's headquarter court, with specialist family violence services; 2656 FVIO applications finalised

▷ Sunshine—a busy suburban court, with specialist family violence services; 2907 FVIO applications finalised

▷ Dandenong—a large suburban court; neither a Family Violence Division nor a specialist court but does have community-based family violence service providers; the busiest court for finalised FVIO applications in 2014–15, with 3228 finalised applications.

The research methodology included interviews with judicial officers, court staff, duty lawyers from Victoria Legal Aid and community legal services, police, representatives of specialist family violence services, Court Network volunteers and representatives of other services at each court. Applicant and respondent workers were also interviewed in locations where these services are provided. The Commission thanks participants— and, in particular, the Magistrates' Court of Victoria—for their cooperation and assistance.

UNDERSTANDING FAMILY VIOLENCE COURT PROCEEDINGS:
THE IMPACT OF FAMILY VIOLENCE ON THE MAGISTRATES' COURT OF VICTORIA

PREPARED FOR THE ROYAL COMMISSION INTO FAMILY VIOLENCE BY

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The views expressed in this report are entirely those of Dr Gelb.

CONTENTS

EXECUTIVE SUMMARY

Recent years have seen a significant increase in the number of family violence-related matters initiated in the Magistrates' Court of Victoria. This increase has placed unprecedented pressure on the court and associated personnel such as court staff, duty lawyers and service providers.

In order to understand the impact of family violence on the court, the Magistrates' Court of Victoria has collaborated with the Royal Commission into Family Violence ('the Commission') in research to provide a better understanding of the family violence workload of the Magistrates' Court. In particular, the Commission's research aims to determine if there is sufficient capacity for dealing with cases properly, both in terms of dedicating adequate time and attention to each matter, and in providing a considered and appropriate outcome.

Analysis of data from the courtroom observations and the file reviews identified a number of key findings about the characteristics of people attending court for family violence matters, about the outcome of family violence cases, and about court processes in these matters. These key findings may be summarised as follows:

- Lists in the busier courts are very large, with two courts (Ballarat and Dandenong) hearing more than 40 matters in a day, while the average number of matters across all courts is 30.

- Applications in intervention order matters are brought by the police in just under two-thirds (64 per cent) of all matters.

- The vast majority of victims of family violence who appear in court are female (76 per cent), and the vast majority of perpetrators are male (82 per cent).

- Intervention orders are most commonly sought against former partners (35 per cent) and current partners (33 per cent).

- More than half of all matters (53 per cent) involve people with a history of prior family violence, but only one-quarter (25 per cent) had previously called police or sought an intervention order from the court, highlighting the significant attrition between experiencing family violence and seeking assistance from the police or the courts.

- Just over half (53 per cent) of all parties had some sort of private or legal aid representation, or representation by the local community legal centre, leaving 47 per cent unrepresented.

- In two-thirds of all matters (67 per cent) an order is imposed, but there are still many adjournments (14 per cent) where no order is made. These adjournments are commonly made due to lack of information, with the magistrate adjourning the matter for the police to follow up with further investigation.

Analysis of the interviews uncovered several consistent themes that were discussed time and again by interview participants. Broadly, these may be summarised as follows:

- The **time pressures** imposed by the increase in family violence are felt throughout the system. The implications of these pressures may be felt both in court outcomes and in court processes. Court outcomes may be compromised if registry staff, support staff and duty lawyers are unable to elicit the complete story from a victim of family violence, so that the magistrate must make a decision with less than complete information. Court processes may be compromised if parties at court feel that they have not had the time to make themselves heard, or if support staff cannot spend sufficient time with a client to undertake assessments, create a safety plan, provide support at court or make proper referrals. This is the foundational issue in dealing with family violence matters: it underlies most of the issues identified in the research.

- Further **professional development** is needed for all people who deal with family violence matters. Participants identified a need for ongoing education about the nature and impact of family violence for magistrates, police, duty lawyers and court staff. Lack of experience and understanding was blamed for dismissive responses to victims and for continuing difficulty in securing protection from perpetrators. In particular, the data show significant inconsistencies among magistrates in the way they approach family violence matters and manage their interactions with the parties involved. For example, there is substantial variation in both magistrates' practices regarding the inclusion of children on intervention orders, and in the level of detail provided by magistrates in their explanations of intervention orders.

- Associated with education is the value of **specialisation**: magistrates, police, duty lawyers and court staff who have a deeper understanding of family violence are able to respond more appropriately and to provide a more efficient and effective service. In particular, specialist experience allows police, duty lawyers and court staff to elicit precisely the sort of information that the magistrate will require in order to make an informed decision, and specialist experience among magistrates enhances the court craft used to engage with parties and provide appropriately tailored responses to family violence. In addition, specialist units in the police provide better opportunities for engagement with affected family members, more effective investigation and better outcomes at court when a family violence court liaison officer is employed.

· Better **information** is needed in family violence matters. Police need to improve their collection of information from affected family members so that police prosecutors can be fully briefed about the circumstances of both the affected family member and the respondent, to be ready to answer the magistrates' questions at court. Arrangements need to be implemented to facilitate sharing of information between the Department of Health and Human Services and the courts, and among the courts, on matters involving child protection issues and family law issues. This would reduce the number of matters that need to be adjourned for follow-up investigation or for 'further and better particulars'.

· Improved **service provision** is needed to meet the demands of family violence matters. Part of an improved response is the installation of both applicant and respondent support workers (ASWs and RSWs) in more courts around Victoria. More broadly, inadequate funding for family violence services means that there are not enough workers available to support clients effectively. Duty lawyers are unable to provide legal representation to all parties, resulting in a high proportion of unrepresented people. Family violence service providers and behaviour change program providers also struggle to keep up with demand. The end result is that clients do not have enough time with their support workers, so many issues remain unresolved. This has potentially serious implications in terms of the capacity to reduce family violence and protect its victims.

· Better **coordination** is needed within the court to manage existing time constraints more effectively. Instituting morning coordination meetings would help to ensure that duty lawyers and registry staff identify who will be seen and the order in which this will happen, while additional staff would assist in seeing more people more quickly, rather than allowing some parties to wait all day before being seen. List management practices also need to be reviewed to identify possible ways to reduce the ever-increasing numbers of matters that need to be heard by a single magistrate in a single day.

· Improved **court structures** are needed to enhance the safety of victims of family violence when they attend court. Renovations to allow greater use of remote witness facilities, separate waiting areas and separate entrances would allow victims of family violence to feel more secure when attending court, and would improve their confidence in being able to seek the court's assistance. The current physical layout in some of the courts visited increases the risk of further intimidation and control.

"I think we have the skeleton
 of a really effective service.
 But it's crushed by demand".

Anonymous Magistrate
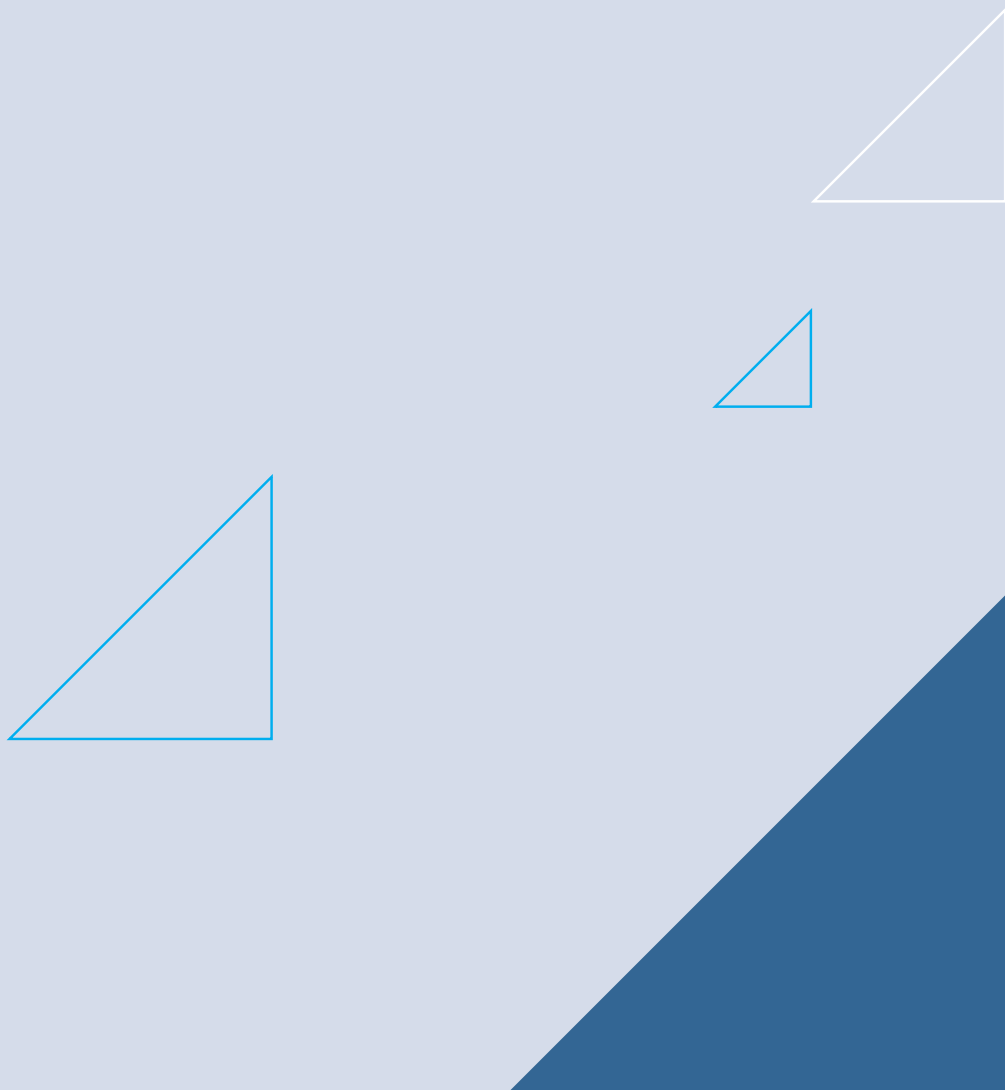
1. INTRODUCTION

Recent years have seen a significant increase in the number of family violence-related matters initiated in the Magistrates' Court of Victoria. In 2013–14 the Magistrates' Court finalised just over 35,000 applications.[1] Breaches of family violence intervention orders were the fifth most common criminal offence heard in the Magistrates' Court during the year, with 15,016 charges of contravention of a family violence intervention order in 2013–14.[2]

According to the Magistrates' Court itself, the 'significant increase in numbers and complexity of proceedings has placed unprecedented pressure on the operations of the Court and upon court users'.[3] The Court seeks to ensure that community safety is not being compromised in this environment.

The Magistrates' Court of Victoria has collaborated with the Royal Commission into Family Violence ('the Commission') in research to provide a better understanding of the family violence workload of the Magistrates' Court. In particular, the Commission requires a better understanding of the daily impact of family violence cases on the court and its lists in order to determine if there is sufficient capacity for dealing with cases properly, both in terms of dedicating adequate time and attention to each matter, and in providing a considered and appropriate outcome.

1.1   AIM OF THE RESEARCH

The aim of this research was to gain a better understanding of the demands placed on the Magistrates' Court by family violence cases. In particular, the research aimed to identify the implications of these cases for courts and for their capacity to provide effective, appropriate and just responses to promote the safety of Victorian families.

The following issues were identified by the Magistrates' Court and the Commission as being priority areas for investigation in this research:[4]

· the characteristics of parties appearing for family violence matters

· the size of family violence court lists

· outcomes for family violence matters

· the prevalence of cross-applications and consent orders in family violence matters

· the way family violence orders are explained in court by the magistrate

· the duration of each matter in the family violence list and the duration of the court day as a whole

· the processing of family violence cases through the courts

· the use of services at court by alleged victims and perpetrators in family violence matters

· the amount of time available for parties to spend with services related to family violence matters.

1.2   SCOPE OF THE RESEARCH

The focus of this research was on understanding the impact of family violence on the workload of the Magistrates' Court as it currently stands. That is, the focus was on current court cases, rather than either broader historical patterns or future projections.

The bulk of the research was undertaken in the civil jurisdiction of the Magistrates' Court, although the criminal jurisdiction was included in those court locations where both civil and criminal matters share the list.[5]

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1   Magistrates' Court of Victoria, *Annual Report 2013/2014* (Magistrates' Court of Victoria, 2014) 91. In 2013–14, 23,210 applications were made by Victoria Police (66 per cent of all applications) and 11,925 were private applications, for a total of 35,135 applications. This figure includes both family violence intervention orders that were granted and those that were not (for example, after being withdrawn or struck out or otherwise not being successful).

2   Ibid 84.

3   Memorandum from Magistrates' Court to the Royal Commission into Family Violence, 14 May 2015.

4   Memorandum from Magistrates' Court to the Royal Commission into Family Violence, 14 May 2015.

5   It is difficult to identify those cases in the criminal jurisdiction that involve some element of family violence from the court's Courtlink database. While Victoria Police has implemented a family violence flag in their LEAP database, this information has only been collected since December 2014 and has only been reliably transferred to the Magistrates' Court since about April 2015. Nonetheless, criminal matters involving family violence were identified during courtroom observations.

The research was designed to concentrate on proceedings within the courtroom itself. Processes and procedures outside the courtroom (such as time spent by registry staff preparing files for court, or time spent by service providers with clients) were not included in the observational data collection itself, although they were discussed with interview participants.[6] That is, the research did not involve tracking individual matters from beginning to end to ascertain the time taken at each point. Where information about practices in the broader court was made available via the interviews, this is included in the report. As practices and processes outside the courtroom inevitably affect those within, the court could consider undertaking additional research in the future.

1.3   METHODOLOGICAL APPROACH

There were three main phases of this research, using three primary methodologies:

Phase 1: Courtroom observations

The only way to assess courtroom interactions is to observe actual matters appearing before the court. This approach, while time-consuming, allows for the collection of data that cannot be collected in any other way (such as the nature of the interaction between the magistrate and the parties) and allows for a more qualitative understanding of family violence matters in the court. The observations thus provide some measure of the court experience from the perspective of the court user.

For this phase, courtroom observations were conducted primarily in the civil jurisdiction[7] of various Magistrates' Court locations, although criminal matters were also included in those courts where criminal and civil cases were heard in the same courtroom on the day.[8] For each court location, all matters being heard in a given courtroom were observed over one or two days to build up a small sample of family violence cases. While this sample was not representative of every family violence-related matter to come before the courts, it may be considered broadly typical, and therefore informative to the Commission.

The courts that were observed were selected in such a way as to allow for a range of approaches to be observed— those with specialist lists, those without any specialisation, regional[9] and metropolitan courts of varying size, and the family violence division of the court.

Following consultation with the Magistrates' Court, the court locations involved in this research were:

1.   Ballarat—Family Violence Division (a large regional court—the region's headquarter court).

2.   Geelong (a large regional court—the region's headquarter court—but neither a family violence division nor a specialist court).

3.   Melbourne (a large metropolitan court—the region's headquarter court—with specialist family violence services).

4.   Sunshine (a large suburban court, with specialist family violence services).

5.   Dandenong (a large suburban court—not a Family Violence Division or specialist court but does have community-based family violence service providers).

6.   Wangaratta (a mid-size regional court—neither a family violence division nor a specialist).

7.   Maryborough (a small regional court—neither a family violence division nor a specialist).

8.   The Neighbourhood Justice Centre (NJC) (chosen on the basis of its unique, problem-solving approach to justice more generally).

Table 1 shows the number of original intervention order applications finalised in each of these eight courts during 2013–14. An application is considered 'finalised' if it is struck out, withdrawn, refused, or if a final intervention order is made.[10]

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6   This research in no way constitutes a process evaluation of the court.

7   As the intervention order process is the main entry point to the courts for most family violence cases, this represents an appropriate method for the research.

8   Criminal and civil matters were heard together in Ballarat, Wangaratta, Maryborough and the Neighbourhood Justice Centre.

9   Observations in a smaller regional court were considered important to allow assessment of both issues particular to regional areas and also those particular to Indigenous families. Indigenous status data are now collected in Courtlink for all private applicant intervention order (IVO) applications. However, given that these private applications comprise only about one-third of all IVO applications, Courtlink data on Indigenous status should not be considered complete, and findings from this research with regard to Indigenous parties in family violence matters should not be considered representative.

10   'Original' applications exclude secondary applications for variation, extension or revocation. 'Finalised' applications exclude interim orders. These figures therefore do not represent the total family violence workload of the courts and do not reflect the total number of people coming before the court for family violence matters. A final intervention order is typically preceded by multiple appearances at court before being finalised.

TABLE 1: NUMBER OF ORIGINAL INTERVENTION ORDER APPLICATIONS FINALISED IN EACH COURT, 2013–14

COURT	NUMBER OF IVOS 2013–14
Ballarat	956
Geelong	1533
Melbourne	1988
Sunshine	2568
Dandenong	2738
Wangaratta	295
Maryborough	113
NJC	253

The days of courtroom observation were selected in such a way as to be able to assess a 'typical' spread of family violence cases in each court. For example, two days of observation were undertaken in Ballarat: one on the police application day and the other on the private applicant day. A single day of observation was undertaken at each of the other courts.

A detailed observation protocol was created in order to ensure that each observation resulted in the collection of the same set of information.[11] The observational data collection was conducted using this protocol.

Phase 2: File reviews

Phase 2 involved a review of court documents and associated data collected for each of the observed cases.[12]

In order to address ethical considerations associated with privacy issues, the Magistrates' Court itself conducted this part of the research. The court was provided with the names of cases observed on each day, along with the observational data. The court then matched these data to the appropriate files, entered the data from the files, then de-identified the spread sheet to return it to the researcher for analysis.

A detailed coding guide was developed to ensure that each case was coded according to set standards and definitions.

Phase 3: Interviews with key personnel

The final phase of the research involved a series of 74 interviews with almost 100 key personnel who play a role in family violence matters in each of the court locations visited. The following types of people were identified as key personnel for this phase of the research:

· magistrates
· court registrars and registry staff
· duty lawyers
· community family violence service providers
· Victoria Police personnel
· applicant and respondent support workers
· interpreters
· security staff.

A full list of the organisations that participated in the interviews for this research is included at Appendix A.

Participants were interviewed about the nature of their family violence work, allowing them to reflect on how the demand on their time affected the quality of their services.

The observations and interviews were undertaken from 13 July 2015 to 20 August 2015. The file reviews were conducted from 21 July 2015 to 4 September 2015. This report thus reflects observations undertaken, comments received from interview participants and available Courtlink data during these periods.

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11 At least the potential was the same for each matter; given variation across matters and among magistrates, the exact nature of the data able to be collected varied considerably from court to court and matter to matter.

12 'Court documents' includes both hard copy files kept at each court location and also the court's electronic Courtlink database.

1.4 METHODOLOGICAL LIMITATIONS

While every effort was made to record all required data from both the observations and the Magistrates' Court's Courtlink database, not all data were able to be collected reliably. In particular, the observations were not successful in identifying each person's Indigenous status, disability status, and whether people were from a culturally and linguistically diverse background. The observational data presented in this report on these factors are based on clear visual identification only, unless the issue was raised during courtroom discussions. Likewise, information from the Courtlink database was not always available for these factors. The numbers should therefore be considered an underestimate of the true numbers of Indigenous people, people with a disability and people from a culturally and linguistically diverse background who appeared at court for intervention order matters.

In addition, the one or two days of observation undertaken at each court do not necessarily reflect every single day in that court. The observation days should be broadly reflective of a typical day in that court, but there will be fluctuation on any given day in the number of matters listed, the nature and outcomes of the matters being heard and the characteristics of the people appearing in court.[13]

1.5 STRUCTURE OF THE REPORT

This report is structured around the original issues identified by the Commission and the Magistrates' Court as priority areas for investigation. Each of the issues is allocated its own chapter, in which discussion is presented based on the observational data, the file review data and the consultation process.

The issues are divided broadly into those relating to the people and matters appearing before the court, those relating to outcomes for family violence matters, and those relating to court processes in dealing with family violence matters.

Table 2 presents an overview of the contents of each chapter.

TABLE 2: REPORT STRUCTURE

CHAPTER	SUBJECT	ISSUES
Chapter 2	People	· the size of family violence court lists · the characteristics of parties appearing for family violence matters · the prevalence of cross-applications in family violence matters · the use of services at court by people appearing for family violence matters
Chapter 3	Outcomes	· outcomes of family violence matters
Chapter 4	Processes	· the processing of family violence cases through the courts · the way family violence orders are explained in court by the magistrate · the duration of each matter in the family violence list and the duration of the court day as a whole · the amount of time available for parties to spend with services related to family violence matters

To account for variations across court types, the discussion is presented individually for each court, with a synthesis of the findings at the end of each chapter.

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13   The focus of the report was on providing a descriptive overview of family violence court proceedings. More detailed analysis, such as examining interactions between various measures, is not included but may warrant consideration in future research.

2. CHARACTERISTICS OF PEOPLE WHO ATTEND COURT FOR FAMILY VIOLENCE MATTERS

This chapter draws on the courtroom observations and associated file reviews to examine the characteristics of people who attend court for family violence matters, and the characteristics of their matters. The findings are presented separately for each court location in order to identify potential differences in court communities across the state and to highlight variations that may exist based on the levels of family violence specialisation in each court.

2.1   BALLARAT

Two days of observation were undertaken in Ballarat: a day of police applications and a second day of private applications.

The police application day included 45 matters on the list, which was the largest list seen in any court included in the research. The 45 matters included eight family violence-related criminal matters and six that were actually private applications. The private applicant day included 23 matters on the list.

Tables 3A (police matters) and 3B (private matters) present the key data from Ballarat.

TABLE 3A: CHARACTERISTICS OF PEOPLE WHO ATTEND COURT FOR FAMILY VIOLENCE MATTERS— BALLARAT POLICE APPLICATION DAY (SUMMARY DATA)

45 MATTERS (37 IVO; 8 CRIMINAL)—(6 PRIVATE IVO; 31 POLICE IVO)				
	Applicants (of 37 IVO matters)		**Respondents** (of 45 police matters)[a]	
People present	18	49%	23	51%
People absent	19	51%	21	47%
	Applicants (of 37 IVO matters)		**Respondents** (of 45 police matters)	
Average age	35		34	
Gender				
Female	33	89%	6	13%
Male	4	11%	39	87%
Respondent type (of 37 IVO matters)				
Current partner	14	38%		
Former partner	12	32%		
Parent/child	6	16%		
Other family	5	14%		
Prior history of violence				
Prior FV incident	17	38%		
Prior calls to police	3	7%		
Prior IVO sought	1	2%		
Prior IVO issued	1	2%		
	Applicants (of 18 present)		**Respondents** (of 23 present)	
Legal representation	2	11%	19	83%
In-court service support	8	44%	2	9%
Referral to ASW/RSW	7	39%	8	35%
Access court FV services	21[b]	100%	18	78%

Note: The numbers under 'people present/absent', 'gender' and 'respondent type' should sum to the number of matters but may not, due to missing data.
a   The 45 police matters include both civil intervention order matters and criminal matters.
b   Observational data indicate that 18 applicants were present in court but Courtlink data record

TABLE 3B: CHARACTERISTICS OF PEOPLE WHO ATTEND COURT FOR FAMILY VIOLENCE MATTERS—BALLARAT PRIVATE APPLICATION DAY (SUMMARY DATA)

23 MATTERS (ALL PRIVATE)				
		Applicants		**Respondents**
People present	21	91%	15	65%
People absent	2	9%	8	35%
		Applicants		**Respondents**
Average age	41		45	
Gender				
Female	19	83%	10	43%
Male	4	17%	13	57%
Respondent type				
Current partner	0	0%		
Former partner	10	43%		
Parent/child	2	9%		
Other family	10	43%		
Prior history of violence				
Prior FV incident	21	91%		
Prior calls to police	2	9%		
Prior IVO sought	3	13%		
Prior IVO issued	unknown			
	Applicants (of 21 present)		**Respondents** (of 15 present)	
Legal representation	16	76%	12	80%
In-court service support	2	10%	2	13%
Referral to ASW/RSW	0	0%	1	7%
Access court FV services	9	43%	5	33%

Note: The numbers under 'people present/absent', 'gender' and 'respondent type' should sum to the number of matters but may not, due to missing data.

On the police day, the applicant[14] was present for 18 matters and absent for 19 (eight matters were criminal matters so it was not clear if the affected family member was present in court). The respondent was present for 23 matters (including six of the criminal matters) and absent for 21 matters (including two of the criminal matters).[15] There were no children in the courtroom, although children were included as affected family members on the intervention order in two out of the 37 intervention order matters.[16] It was not possible from the observations to identify the number of matters where there were children in the relationship but where they were not included on the intervention order.

14   The definition of 'applicant' is those people who are listed as applicants on the day. In some instances this may not be indicative of the broader story behind the matter. In particular, people who are respondents on an intervention order who then seek to vary the order become applicants on the day of the variation hearing. They are recorded as applicants for the purposes of this research as this is their defined role on the day of observation.

15   Note that the numbers do not always tally to the total as there are times when a definitive response to the observation question was unable to be determined. For example, it was not always clear if the affected family member was present in the courtroom when a police prosecutor was applying for the order.

16   Section 4L of the *Magistrates' Court Act 1989* (Vic) and ss 67 and 150 of the *Family Violence Protection Act 2008* (Vic) regulate the presence of children in family violence intervention order proceedings. The combined effect of these sections is that a child who is the affected family member or protected person, or is a child of an affected family member, protected person or respondent in a family violence intervention order matter, may not be present in the courtroom without the leave of the court. Thus the observed absence of children in these matters should be seen as standard. Across all the observation days there were only three matters in which a child was present in the courtroom. In one, the child was a very young infant who attended in his pram with his mother, while in another the magistrate ordered that an older child, of about four or five years of age, be removed from the courtroom (she was taken out by someone who appeared to be an older relative). Outside of the courtrooms, however, a number of children were observed in various court locations but were not counted in the observation process. The restrictions placed on the presence of children in court make the provision of appropriate childcare facilities at court essential.

On the private applicant day, the applicant was present for 21 matters and absent for two matters. The respondent was present for 15 matters and absent for eight matters. Children were included as affected family members on the intervention order in three of the 23 matters

The average age of applicants across both days was 37, with respondents being slightly older (38). However, the average age was higher on the private applicant day (41 for applicants and 45 for respondents) than on the police day (35 for applicants and 34 for respondents). It is unclear why this difference exists. On both police and private applicant days, the vast majority of applicants or affected family members were female (in 33 out of 37 intervention order matters on the police day and 19 of the 23 matters on the private day), while the majority of respondents were male (39 out of 45 respondents/defendants on the police day and 13 of the 23 respondents on the private day).[17]

On the police day, three applicants and three respondents were identified by the observer as being from a culturally and linguistically diverse background, with two matters requiring a Farsi interpreter (both matters related to a single respondent, and the affected family members were his wife and sister). On the private applicant day, one applicant appeared to be from a culturally and linguistically diverse background, but no interpreter was required. This is based on visual identification only, so for many parties this was unclear.

Of the 37 intervention order matters on the police day, 14 were current intimate partners and 12 were former partners. A further six involved a parent-child relationship (including step children and in-laws) while five involved other family, including four sisters/sisters-in-law.

Of the 23 intervention order matters on the private applicant day, 10 matters were being sought against a former domestic/intimate partner and one against a former (unspecified) relative. Two matters involved parent-child relationships and one a cousin. A single family with eight matters across four people (all with cross-applications) involved four sisters and a niece.

Courtlink data indicated that one applicant had a mental health disability and two a physical disability, while four respondents had a mental health disability, two had a cognitive disability, one had both and two had a physical disability. However, given the amount of missing data, this should be interpreted with caution.

A prior history of family violence was common among parties appearing at Ballarat Magistrates' Court, especially on the private applicant day. Seventeen of the 45 police day matters (38 per cent) and 21 of the 23 private day matters (91 per cent) involved people with prior family violence incidents, some of them lasting as long as 15 years. The difference across the two days in the proportion of people with previous family violence incidents is notable, although the reasons for this discrepancy are unclear. Data showed that victims of family violence often did not call the police: only three of the people involved in police applications and two involved in private matters had previously called police, although most of the data were missing so these data should be treated with caution. Only one person from the police day and three from the private day seem to have previously applied for an order (all under either the *Family Violence Protection Act 2008* (Vic) or the *Crimes (Family Violence) Act 1987* (Vic)), although again there is much missing data.[18] One person from the police day had four previous orders imposed under this act but no information was available on people from the private day.

Data on whether parties had a related matter in the court were not entirely clear from the courtroom observations, but it appears that 11 of the 37 intervention order respondents from the police day had criminal matters, one had a custody matter and one a child protection matter. One person from the 23 matters on the private applicant day seemed to have a related criminal matter (he was the respondent in one matter and the applicant in the cross-application). No data were available from Courtlink.[19]

There were two cross-applications recorded in Courtlink from the police day and 13 were observed on the private applicant day, all sought by respondents. There was a single family that had eight applications—three sisters and a niece had all sought an intervention order against a fourth sister, and she had sought an intervention order against each of the four.

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17   The 10 female respondents out of 23 on the private applicant day is unusual when compared with the other courts. This is likely due to a single family in which four women sought an intervention order against a sister, and the sister sought an intervention order against each of the four. This single family accounted for 8 of the matters heard in the list that day.

18   Courtlink does not differentiate between the *Family Violence Protection Act 2008* (Vic) and the *Crimes (Family Violence) Act 1987* (Vic). Data on previous intervention orders sought and imposed thus can only be presented about the two acts combined.

19   Across all the courts visited, it was difficult to gather an accurate measure of the number of people with related criminal, custody or child protection matters. For the most part, this information was only available from observations if the magistrate specifically asked about related matters. Courtlink contained some limited data on related matters, but the data were not always reliable, with much missing information. Criminal matters that have not yet been initiated would not yet be recorded in Courtlink. The figures on the number of people with related matters are thus likely to represent a conservative estimate.

Given that Ballarat is a specialist family violence division court with a well-developed service model in place, there is extensive use of services within court and referrals to services outside of court. Observational data indicated that, on the police day, eight applicants and two respondents had support in court from a service provider.[20] The magistrate for the police day at Ballarat made frequent use of referrals to the in-court support services, particularly the applicant support workers.[21] On that day, 16 people out of the 18 applicants and 23 respondents who were present were referred to services by the magistrate—eight to the respondent support worker and seven to the applicant support worker and Berry Street family violence services. One was encouraged to continue with a psychiatrist and ACSO (Australian Community Support Organisation) and another with counselling for alcohol abuse in addition to seeing the respondent support worker.

Even though there was a substantial use of referrals to services in Ballarat, the frequency of referrals may still reflect the limited capacity of support services to deal with the large number of people on the list. Magistrates are likely aware of the impact of large lists on service providers, so may undertake some level of triage in their referral process, only referring those parties deemed most in need of support. Nonetheless, the availability of support services in Ballarat is an important part of the local response to family violence.

On the private applicant day (under a different, non-specialist magistrate), one person out of the 21 applicants and 15 respondents who were present was referred to the respondent support worker. Observational data indicated that two applicants and two respondents had support in court from a service provider.

Courtlink data for Ballarat provide a more accurate and detailed picture of the use of services that may not always be evident from the courtroom discussions. The data showed that 21 applicants[22] and 18 respondents from the police day and nine applicants and five respondents from the private applicant day had accessed specialist family violence services at court.[23] In addition, two applicants on the police day had seen a police prosecutor and one a civil advocate.[24] Five applicants on the police day had also been referred to services outside court: one to legal services, one to counselling, one to children's services/counselling and two to 'other' services. On the private day, two applicants were referred to welfare services. On the police day, four respondents had been referred to services outside court: one to drug and alcohol services, one to welfare, one to disability services and one to children's services/counselling. On the private day, three respondents were referred to services outside court: one to legal services, one to children's services and one to some other service. The Courtlink data do not record whether people accessed these services on the basis of a referral made by the magistrate in court or by one of the workers outside the courtroom (such as the applicant support worker or registry staff).

Even with the significant presence of service providers in Ballarat, the number of people accessing these services remains limited by the providers' capacity to cope with substantial demand.

Of the police day applications, two affected family members had legal representation (these were two of the six private applications that were heard on the police day). No affected family members had legal representation in addition to the police. Nineteen respondents of the 23 present in court had legal representation. On the private application day, of the 21 applicants present in court, 16 had legal representation. Of the 15 respondents present in court, 12 had legal representation. This pattern is replicated in the other courts: while most applicants on private days are represented by duty lawyers, it appears that affected family members in police matters are not receiving additional legal representation, but are being deemed to be 'represented' by the police. This may cause difficulties in those matters where the affected family member does not wish the matter to proceed, but the police prosecutor continues to seek an order nonetheless.

The amount of time people actually spend with the various services is highly constrained due to the number of matters coming before the court. This issue is discussed in Chapter 4, as part of a broader discussion of time pressures on the courts with regard to family violence matters.

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20   Data were not collected on whether the service provider was the applicant support worker, the respondent support worker, a person from Court Network or someone from an external family violence service provider. In addition, the presence or absence of a support worker was not always easily determined, with observations relying on an obvious indication (such as a Magistrates' Court of Victoria lanyard or a Court Network identity card) that the person accompanying the party was indeed a support provider.

21   The magistrate for the police day at Ballarat was the same magistrate who was observed at Sunshine. At both locations, the magistrate frequently made referrals to in-court and community support services.

22   Observational data indicate that 18 applicants were present in court. It is possible that the observations were not able to identify every applicant in the courtroom, or that the applicant had accessed the services at court but had not attended the hearing itself.

23   While the data show whether a person accessed services, they do not provide information on what that access entailed—whether an extended discussion with appointments made for subsequent meetings, or a brief chat about court processes, or some other discussion. The data also do not record which specialist service was used or when the services were accessed (either on the hearing day, prior to or following the hearing day). Such nuanced information was not collected as part of the research.

24   Some people received multiple referrals to a number of different types of support service.

2.2   GEELONG

Of the 21 matters in the list in Geelong, there was a private applicant in 12 matters and a police applicant in the remaining nine.[25] Table 4 presents the key data from Geelong.

TABLE 4: CHARACTERISTICS OF PEOPLE WHO ATTEND COURT FOR FAMILY VIOLENCE MATTERS—GEELONG (SUMMARY DATA)

21 MATTERS (12 PRIVATE; 9 POLICE)				
	Applicants		**Respondents**	
People present	14	67%	7	33%
People absent	6	29%	11	52%
	Applicants		**Respondents**	
Average age	**34**		**37**	
Gender				
Female	17	81%	4	19%
Male	4	19%	17	81%
Respondent type				
Current partner	6	29%		
Former partner	6	29%		
Parent/child	8	38%		
Other	1	5%		
Prior history of violence				
Prior FV incident	10	48%		
Prior calls to police	6	29%		
Prior IVO/other order sought[a]	5	24%		
Prior IVO/other order issued	3	14%		
	Applicants (of 14 present)		**Respondents** (of 7 present)	
Legal representation	5	36%	6	86%

Note: The numbers under 'people present/absent', 'gender' and 'respondent type' should sum to the number of matters but may not, due to missing data.
a   In some courts, prior orders sought or issued were not intervention orders but were some form of family law order. These are clearly identified in the text.

For 14 matters the applicant was present and for six the applicant was absent, while the respondent was present for seven matters and absent for 11.[26] Of the police applications, seven of nine applicants were present (78 per cent), compared with seven of 12 for the private applications (58 per cent).[27] Children were included as affected family members on the intervention order in seven matters.

The average age of applicants was 34, with respondents being slightly older (37), probably reflecting the fact that most applicants (17 out of 21) were women and most respondents (also 17 out of 21) were men. Although Courtlink data on Indigenous status should not be considered entirely reliable,[28] it appears that one respondent was Indigenous. No one was recorded as being from a culturally and linguistically diverse background, with no interpreters required.

Most of the applications were being made against current (six) or former (six) intimate partners, although there were also eight matters that involved parent/child relationships. One application involved a current partner's former partner.

25   Geelong was observed on a Friday, which is notionally designated as a day for police applications for family violence intervention orders. However, private applications are also allowed, which is reflected in the data.

26   Note that the numbers do not always tally to the total as there are times when a definitive response to the observation question was unable to be determined. For example, it was not always clear if the affected family member was present in the courtroom when a police prosecutor was applying for the order.

27   For one private application, it was unclear whether the applicant was present.

28   There was a large amount of missing information for this in Courtlink.

Courtlink recorded three applicants as having a disability (one cognitive, one mental health and one physical), while six respondents were recorded as having a disability (three mental health, two drug/alcohol and one combined).

About half of the matters (10) involved people with previous experience of family violence incidents, most of which involved 'numerous' individual incidents. In six of the cases someone had previously called police for a family violence incident, while in three someone had previously sought a family violence intervention order. In addition, two people had previously sought a Family Court order under the *Family Law Act 1975* (Cth). Finally, in three of the cases, a court order had previously been issued (two family law orders under the *Family Law Act 1975* (Cth) and one family violence intervention order under either the *Family Violence Protection Act 2008* (Vic) or the *Crimes (Family Violence) Act 1987* (Vic)).[29]

Data on whether parties have a related matter in the court were not entirely clear from the courtroom observations, although Courtlink data indicated that two respondents and one applicant had a related criminal matter and one respondent had a related child protection matter. The observational data seemed to indicate that one respondent and three applicants also had another intervention order matter pending. There seemed to be only a single cross-application among matters heard on the day, although again this was difficult to determine from either observations or Courtlink, due to missing data.

Most people seem not to be accessing available services in Geelong, although as Geelong is neither a specialist division nor a specialist court, this is perhaps to be expected. The most common service accessed was the police prosecutor, with Courtlink data indicating that seven applicants spoke with the prosecutor, while five were recorded as having sought legal services. Of the seven respondents present at court, three accessed legal services (duty lawyers) at court. There are no data available in Courtlink on whether parties had accessed relevant services prior to attending court, although the reason for this omission is unclear. Given the large amount of missing data on the use of services in Geelong, these data are not included in the summary table.

Of the private applicants, five had legal representation, while none of the police applications also had legal representation in addition to the police. Of the seven respondents present in court, six had legal representation.

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29   The Magistrates' Court asks people who apply for a family violence intervention order whether they have previously sought or been granted any family law orders. Where a person discloses such an order, it is recorded in Courtlink. When the police apply for the family violence intervention order, however, this information is not available. The data relating to orders under the *Family Law Act 1975* (Cth) are therefore not a complete count of all people who have previously had family law orders; rather, they are an undercount to some (unknown) extent.

2.3   MELBOURNE

Of the 32 matters in the list in Melbourne, there was a private applicant in six matters and a police applicant in 25, with one being unclear.[30] Table 5 presents the key data from Melbourne.

TABLE 5: CHARACTERISTICS OF PEOPLE WHO ATTEND COURT FOR FAMILY VIOLENCE MATTERS— MELBOURNE (SUMMARY DATA)

32 MATTERS (6 PRIVATE; 25 POLICE; 1 UNCLEAR)				
	Applicants		**Respondents**	
People present	17	53%	15	47%
People absent	9	28%	15	47%
	Applicants		**Respondents**	
Average age	38		39	
Gender				
Female	25	78%	4	12.5%
Male	7	22%	28	87.5%
Respondent type				
Current partner	16	50%		
Former partner	9	28%		
Parent/child	3	9%		
Other family	3	9%		
Prior history of violence				
Prior FV incident	16	50%		
Prior calls to police	10	31%		
Prior IVO sought	8	25%		
Prior IVO issued	8	25%		
	Applicants (of 17 present)		**Respondents** (of 15 present)	
Legal representation	6	35%	7	47%

Note: The numbers under 'people present/absent', 'gender' and 'respondent type' should sum to the number of matters but may not, due to missing data.

For 17 matters the applicant was present and for nine the applicant was absent, with the remaining six unclear. The respondent was present for 15 matters and absent for 15, with two being unclear. Of the police applications, 12 of 25 applicants were present (50 per cent), compared with five of the six private applications (83 per cent). Children were included as affected family members on the intervention order in 12 matters.

The average age of applicants was 38, with respondents being slightly older (39). Most applicants (25 out of 32) were women and most respondents (28 out of 32) were men. No one was recorded in Courtlink as being Indigenous and one respondent was recorded as pregnant. Courtlink data showed that 12 applicants and 16 respondents were from a culturally and linguistically diverse background, and two interpreters were required—one for an applicant (language unknown) and one for a respondent (in Japanese).

Most of the applications were being sought against current (16) or former (nine) intimate partners, although there were also three matters that involved parent/child relationships and three other family members.

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30   Melbourne was observed on a Monday, which is notionally designated as a day for police applications for family violence intervention orders. However, private applications are also allowed, which is reflected in the data.

Courtlink recorded one applicant with a cognitive disability, but there was a significant amount of missing data. The data were somewhat better for respondents: eight respondents had a disability (one cognitive, three mental health, three drug and alcohol and one physical disability).

Half of the matters (16) involved people with previous experience of family violence incidents, most of which involved 'numerous' individual incidents. The longest period over which family violence had occurred was 26 years. In 10 of the cases someone had previously called police for a family violence incident, while in eight someone had previously sought a family violence intervention order. Finally, in eight of the cases, a family violence intervention order had previously been issued under either the *Family Violence Protection Act 2008* (Vic) or the *Crimes (Family Violence) Act 1987* (Vic). In one of these matters a person had previously been issued a family law order under the *Family Law Act 1975* (Cth) as well.

Courtlink data indicated that one respondent and two applicants had another intervention order matter, while three respondents had a related criminal matter. There seemed to be only a single cross-application among matters heard on the day, although again this was difficult to determine from either observations or Courtlink, due to missing data.

Some of the people appearing at Melbourne had accessed available services. The most common service accessed was legal services, with Courtlink data indicating that 17 applicants spoke with legal services, as did 15 respondents. It appears that no one accessed family violence services at court, although it may be that, while services were accessed, the data were not recorded in Courtlink.[31]

Courtlink showed that six applicants had also already accessed other services: three legal services, one Court Network and two family violence specialists, while two respondents had accessed legal services. As Melbourne has both an applicant and a respondent support worker, it is possible that these were the family violence specialists accessed, although Courtlink data did not include such a fine level of classification. In addition, three applicants and three respondents were referred to counselling services outside court.

Of the private applicants, six had legal representation, while none of the police applications also had legal representation in addition to the police. Of the 15 respondents present in court, seven had legal representation.

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31   Observational data indicate that only one person was supported in the courtroom by a family violence support worker, although there was too much missing data on this
      measure to make any definitive statement. Given the uncertainty around the data quality for these measures in Melbourne, they are not included in the summary table.

2.4   SUNSHINE

Sunshine had a large list on the day of the courtroom observation, with 35 matters. Of these, there was a police applicant in 26 matters and a private applicant in the remaining nine.[32] Table 6 presents the key data from Sunshine.

**TABLE 6: CHARACTERISTICS OF PEOPLE WHO ATTEND COURT FOR FAMILY VIOLENCE MATTERS—
SUNSHINE (SUMMARY DATA)**

35 MATTERS (9 PRIVATE; 26 POLICE)				
	Applicants		**Respondents**	
People present	18	51%	22	63%
People absent	17	49%	13	37%
	Applicants		**Respondents**	
Average age	37		36	
Gender				
Female	29	83%	7	20%
Male	6	17%	28	80%
Respondent type				
Current partner	17	49%		
Former partner	6	17%		
Parent/child	7	20%		
Other family	3	9%		
Prior history of violence				
Prior FV incident	24	69%		
Prior calls to police	5	14%		
Prior IVO sought	6	17%		
Prior IVO issued	6	17%		
	Applicants (of 18 present)		**Respondents** (of 22 present)	
Legal representation	10	56%	12	56%
In-court service support	2	11%	1	5%
Referral to ASW/RSW	1	6%	n/a	
Access court FV services	3	17%	0	0%

Note: The numbers under 'people present/absent', 'gender' and 'respondent type' should sum to the number of matters but may not, due to missing data.

Applicants were present for about half the matters (18 present and 17 absent), while the respondent was present for 22 matters and absent for 13. Of the police applications, 12 of 26 applicants were present (46 per cent), compared with six of the nine private applications (67 per cent). Children were included as affected family members on the intervention order in 11 matters.

The average age of all parties was very similar, at 37 for applicants and 36 for respondents. Most applicants (29) were female, while most respondents (28) were male. Courtlink data showed that one respondent was Indigenous and one applicant was pregnant.

Court participants reflected the culturally diverse community that is found in the Sunshine area, with eight applicants and nine respondents being recorded as having a culturally and linguistically diverse background. Interpreters were required in three matters, for both applicant and respondent: two in Tamil and one in Urdu. This was the highest number of interpreters seen in any of the courts visited.

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32   Sunshine was observed on a Wednesday, which is notionally designated as a day for police applications for family violence intervention orders. However, private applications are also allowed, which is reflected in the data.

Half of all applications (17) were being sought against current intimate partners, while six were against former partners. There were also seven matters that involved parent/child relationships and three involving siblings.

Courtlink recorded one applicant as having a mental health disability, while six respondents were recorded as having a drug and alcohol disability.

Two-thirds of the matters (24) involved people with previous experience of family violence incidents, most of which involved 'numerous' individual incidents. In five of the cases someone had previously called police for a family violence incident, while in six someone had previously (once or twice) sought a family violence intervention order under either the *Family Violence Protection Act 2008* (Vic) or the *Crimes (Family Violence) Act 1987* (Vic). In each of these six matters, an order had been issued.

Courtlink data indicated that five respondents had a related criminal matter, but observational data suggested that this was actually eight. There was also one child protection matter. There were two cross-applications among matters heard on the day, one by a private applicant and one by police.

Sunshine seems to have much greater use of services among people who attend court for family violence matters than most of the other courts. Courtlink indicated that 17 applicants accessed services at court: three family violence services only, two police prosecutor plus legal services, and 12 legal services only. Almost all applicants (32) accessed additional services: two a family violence specialist[33] and 30 a police prosecutor.[34] In addition to services accessed at court, eight applicants were referred to services outside court: two to children's services/counselling, two a family violence specialist, one to a legal/family law service and three 'other' (unspecified) services. Among respondents, 13 accessed legal services at court, while three respondents accessed other services and six referrals were made to services outside court: two legal/family law and four unspecified. Although the magistrate made an explicit referral to the applicant support worker as part of her decision in only one matter, in the vast majority of cases where the affected family member was present, early in the hearing the magistrate asked whether she had yet seen the applicant support worker. Thus the data for referrals do not represent the full conversation that was occurring in the courtroom and should be treated with caution.[35]

Of the nine private applicants, six had legal representation,[36] while one of the 26 police applications also had legal representation in addition to the police. Of the 22 respondents present in court, 12 had legal representation.

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[33]　Courtlink does not identify which type of family violence specialist service was accessed, just that a 'family violence specialist' was seen.

[34]　There were 26 police initiated matters in Sunshine but Courtlink records that 30 people had accessed 'other' additional services. These services include those accessed outside of court at different times, so are not expected to reflect directly the number of people at court on the observation day.

[35]　In most of the matters observed, the applicant support worker had already been visited. In those where the affected family member had not yet seen the applicant support worker, the magistrate would sometimes adjourn proceedings to allow her to do so, providing the opportunity for her to return to the courtroom having had this discussion. No data were collected on this form of referral.

[36]　It was not possible to identify whether the legal representatives were from Victoria Legal Aid or from the Western Community Legal Centre.

2.5   DANDENONG

Dandenong had the second largest list of all courts on the day of the courtroom observation, with 42 matters, including one criminal matter. Of the 41 intervention order matters, there was a police applicant in 39 matters and a private applicant in only two.[37] Table 7 presents the key data from Dandenong.

TABLE 7: CHARACTERISTICS OF PEOPLE WHO ATTEND COURT FOR FAMILY VIOLENCE MATTERS—DANDENONG (SUMMARY DATA)

42 MATTERS (41 IVO; 1 CRIMINAL)—(2 PRIVATE IVO; 39 POLICE IVO)				
	Applicants (of 41 IVO matters)		**Respondents** (of all 42 matters)	
People present	15	37%	17	40%
People absent	26	63%	24	57%
	Applicants (of 41 IVO matters)		**Respondents** (of all 42 matters)	
Average age	36		33	
Gender				
Female	34	83%	3	7%
Male	7	17%	39	93%
Respondent type				
Current partner	15	36%		
Former partner	12	29%		
Parent/child	6	14%		
Other family	8	19%		
Prior history of violence				
Prior FV incident	18	43%		
Prior calls to police	8	19%		
Prior IVO sought	11	26%		
Prior IVO issued	9	21%		
	Applicants (of 15 present)		**Respondents** (of 17 present)	
Legal representation	1	7%	2	12%

Note: The numbers under 'people present/absent', 'gender' and 'respondent type' should sum to the number of matters but may not, due to missing data.

The applicant was present in 15 matters and absent in 26, while the respondent was present for 17 matters and absent for 24. Of the police applications (including both the 39 civil intervention order matters and the one criminal matter), 13 of 40 applicants were present (33 per cent) and one was unclear, compared with both of the private applicants being present (100 per cent). It is unclear why so many family violence victims were absent in Dandenong, but it is possible that police had told them that they were not required at court. Children were included as affected family members on the intervention order in 21 matters. This is the highest proportion of matters in which children were included (50 per cent); for most of the other courts, about one-third of matters included children on intervention orders.[38]

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37   Dandenong was observed on a Thursday, which is notionally designated as a day for police applications for family violence intervention orders. However, private applications are also allowed, which is reflected in the data

38   This was not the case, however, in Ballarat, where children were included on intervention orders in two of the 37 intervention order matters on the police day and three of the 23 private matters. Maryborough also saw a small proportion of matters with children included on the order, in two out of the 10 intervention order matters heard that day. It is unclear whether there are any particular reasons for these disparities, or whether they are in fact artefacts of differential Courtlink recording practices.

The average age of applicants was 36, with respondents being somewhat younger (33). Most applicants (34) were female, with seven male applicants. Most respondents (39) were male, with three female respondents. Courtlink was not able to provide reliable data on Indigenous status, pregnancy status or culturally and linguistically diverse status, however observations suggested that eight applicants and seven respondents could be clearly classified (on the basis of visual identification only) as having a culturally and linguistically diverse background.[39] Five people needed interpreters: one applicant and one respondent in Farsi, one applicant in Dari, one respondent in Sinhalese and another respondent in Burmese.

Most of the applications were being sought against current (15) or former (12) intimate partners, although there were also six matters that involved parent/child relationships and eight that involved other family members.

While Courtlink data on disability were unreliable, observations suggested that one applicant had a cognitive disability and five respondents had a disability (one physical, one drug and alcohol, one cognitive, and two with a combination of mental health and drug and alcohol issues).

Almost half of the matters (18) involved people with previous experience of family violence incidents (although there was also a lot of missing data in Courtlink for this). In eight of the cases someone had previously called police for a family violence incident, while in 11 someone had previously sought a family violence intervention order (usually once or twice, but up to seven times), all of which were sought under either the *Family Violence Protection Act 2008* (Vic) or the *Crimes (Family Violence) Act 1987* (Vic). Finally, in nine of the cases, a family violence court order had previously been issued (usually once or twice), all of which were also issued under either the *Family Violence Protection Act 2008* (Vic) or the *Crimes (Family Violence) Act 1987* (Vic).

Courtlink data indicated that five applicants had a related proceeding: two family law, two another intervention order and one unknown. In addition, the observational data indicated one child protection matter as well. For respondents, 18 had related matters: 11 had additional intervention orders, eight had criminal matters and there were two family law matters (with some having more than one related matter). Observational data showed two additional child protection matters. There seemed to be only a single cross-application among matters heard on the day.

Courtlink data on service access are unreliable for Dandenong, due to missing data. While four applicants appeared to have support in the courtroom from a service provider, only one of the respondents appeared to have such support. A formal referral to a family violence support service was made in only one case, however in the vast majority of matters discussions with both the affected family member and the respondent included mention of the value of seeking assistance from Relationships Australia.[40] Indeed, the representative of this organisation entered court to answer the magistrate's questions at times. The limited data available from the observations indicated that legal representation was not used much in Dandenong: of the two private applicants, neither had legal representation, while one of the 39 police applications also had legal representation in addition to the police. Of the 17 respondents present in court, only two had legal representation. The reasons for this lack of use of legal services is not clear from the observational data, but may be due to the very large number of people in Dandenong Magistrates' Court generally. The proportion of parties—especially respondents—using duty lawyers in this court is significantly lower than in the other courts.

2.6 WANGARATTA

There were 11 intervention order matters and two family violence-related criminal matters on the list in Wangaratta. This is the second smallest list in the observational data, next to Maryborough, where there were 12 matters, including two family violence-related criminal matters.

Of the 11 intervention order matters, seven were private applicants (including one who was the parent of the affected family member) and four were police applications. Among all the courts observed, Wangaratta had the lowest proportion of all applications that were led by police (four of 11 intervention order matters, or 36 per cent), with only Geelong also having less than half (nine of 21 matters, or 43 per cent) of all matters being brought by the police. The small number of matters on the list in Wangaratta may mean that this proportion fluctuates substantially.

Table 8 presents the key data from Wangaratta.

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39   This is based on visual identification only, and might thus be missing a large number of people who identify as culturally and linguistically diverse but who do not immediately appear so. These data should therefore be treated with much caution.

40   Data were not collected on the precise number of these mentions of Relationships Australia. Due to the lack of reliable data on referrals or services accessed at court, these measures are not included in the summary table.

TABLE 8: CHARACTERISTICS OF PEOPLE WHO ATTEND COURT FOR FAMILY VIOLENCE MATTERS— WANGARATTA (SUMMARY DATA)

13 MATTERS (11 IVO; 2 CRIMINAL)—(7 PRIVATE IVO; 4 POLICE IVO)				
	Applicants (of 11 IVO matters)		**Respondents** (of all 13 matters)	
People present	8	73%	5	38%
People absent	3	27%	6	46%
	Applicants (of 11 IVO matters)		**Respondents** (of all 13 matters)	
Average age	33		40	
Gender				
Female	7	64%	1	8%
Male	4	36%	12	92%
Respondent type (of 11 IVO matters)				
Current partner	1	9%		
Former partner	7	64%		
Parent/child	1	9%		
Other	1	9%		
Prior history of violence (of all 13 matters)				
Prior FV incident	7	54%		
Prior calls to police	unknown			
Prior IVO/other order sought	5	38%		
Prior IVO/other order issued	4	31%		
	Applicants (of 8 present)		**Respondents** (of 5 present)	
Legal representation	4	50%	3	60%

Note: The numbers under 'people present/absent', 'gender' and 'respondent type' should sum to the number of matters but may not, due to missing data.

The applicant was present for eight matters and absent for the remaining three. In three of the intervention order matters the respondent was present and in both criminal matters the defendant was present. The respondent was absent for six of the intervention order matters and the remaining two were unclear. Of the four police applications, the applicant was present in half, compared with six of the seven private applicants being present (86 per cent). Children were included as affected family members on the intervention order in four matters.

The average age of applicants was 33, with respondents being significantly older (40). This age gap is not seen in the other court locations. It is unlikely to be explained by the gender of the applicants and the respondents; while all but one of the respondents (and the two defendants) were male, the gender difference among the applicants was less stark, with seven females and four males. Courtlink data on Indigenous status, pregnancy status, culturally and linguistically diverse status and disability were too unreliable to be analysed, but on the basis of visual identification only, no parties were from a culturally and linguistically diverse background and no interpreters were required. This likely reflects the demographics of the local population in Wangaratta. Observational data suggest that no applicants had a disability but one respondent had a combination of cognitive, mental health and drug and alcohol issues.

Most of the applications (seven) were being sought against former intimate partners, with one against a current partner. One matter involved a parent/child relationship and one a former partner's new partner.

More than half of the matters (seven) involved people with previous experience of family violence incidents, although the data do not clearly identify the number who had previously called police. People in five matters had previously sought a family law order under the *Family Law Act 1975* (Cth) and orders had previously been issued under this act in four matters. According to Courtlink data, there were no previous family violence intervention order applications made or orders issued among the people appearing at Wangaratta Magistrates' Court on this day.

The observational data seemed to indicate that three respondents had related criminal matters and one had a related custody matter. While Courtlink identifies only a single cross-application among matters heard on the day, observational data suggest there may have been two.

Based on the observational data only, four of the eight applicants present and three of the five respondents/defendants present had legal representation (one of the criminal defendants and two of the intervention order respondents). There are no data available on whether parties had accessed relevant services prior to attending court and whether they had been referred to services.

2.7   MARYBOROUGH

Of the 10 intervention order matters in the list in Maryborough, there was a private applicant in four matters and a police applicant in the remaining six. Table 9 presents the key data from Maryborough.

TABLE 9: CHARACTERISTICS OF PEOPLE WHO ATTEND COURT FOR FAMILY VIOLENCE MATTERS— MARYBOROUGH (SUMMARY DATA)

12 MATTERS (10 IVO; 2 CRIMINAL)—(4 PRIVATE IVO; 6 POLICE IVO)				
	Applicants (of 10 IVO matters)		**Respondents** (of all 12 matters)	
People present	6	60%	7	58%
People absent	2	20%	2	17%
	Applicants (of 10 IVO matters)		**Respondents** (of all 12 matters)	
Average age	42		38	
Gender				
Female	6	60%	4	33%
Male	4	40%	8	67%
Respondent type (of 10 IVO matters)				
Current partner	4	40%		
Former partner	3	30%		
Parent/child	3	30%		
Other family	0	0%		
Prior history of violence (of all 12 matters)				
Prior FV incident	8	67%		
Prior calls to police	6	50%		
Prior IVO sought	4	33%		
Prior IVO issued	5	42%		
	Applicants (of 6 present)		**Respondents** (of 7 present)	
Legal representation	4	67%	2	29%

Note: The numbers under 'people present/absent', 'gender' and 'respondent type' should sum to the number of matters but may not, due to missing data.

For six of the intervention order matters the applicant was present and for two the applicant was absent, while the respondent was present for seven matters (including one of the criminal matters) and absent for two. The remainder were unclear for both applicants and respondents. Of the six police applications, the applicant was present in two (33 per cent), although two were unclear, compared with all of the four private applicants being present (100 per cent). Children were included as affected family members on the intervention order in two matters.

The average age of applicants was 42, with respondents being somewhat younger (38). Of the applicants in the 10 intervention order matters, six were female and four male, while four of the respondents were female and six were male. Both defendants in the criminal matters were male. Courtlink data recorded no Indigenous people and no pregnant parties, but there was substantial missing data. No one was recorded as being from a culturally and linguistically diverse background, with no interpreters required.

Applications were being sought against current (four) or former (three) intimate partners, with three matters that involved parent/child relationships.

Courtlink recorded six respondents as having a disability (three with drug and alcohol issues, two with mental health problems and one with both). This is the highest proportion (50 per cent of respondents/defendants) found in all the courts.

Two-thirds of the matters (eight) involved people with previous experience of family violence incidents, all of which involved 'numerous' individual incidents. In six of the cases someone had previously called police for a family violence incident, while in four someone had previously sought a family violence intervention order, up to five times (under either the *Family Violence Protection Act 2008* (Vic) or the *Crimes (Family Violence) Act 1987* (Vic)). Finally, in five of the cases, a family violence court order had previously been issued (under either the *Family Violence Protection Act 2008* (Vic) or the *Crimes (Family Violence) Act 1987* (Vic)). The additional order imposed was possibly a police-led application, so may not have been recorded under 'previous applications'.

Courtlink data indicated that four out of the 10 intervention order respondents had a related criminal matter. Again, this is the highest proportion seen among the various courts.

There were two matters with cross-applications.

There is no information available in Courtlink of services accessed. From observations, all of the four private applicants had legal representation, while none of the police applications also had legal representation in addition to the police. Of the seven respondents present in court, two had legal representation, including in one of the criminal matters.

2.8   NEIGHBOURHOOD JUSTICE CENTRE

The Neighbourhood Justice Centre (NJC) heard both intervention order (16) and criminal matters (one that was family violence-related) on the day of observation. Of the intervention orders, half (eight) were sought by private applicants and half (eight) by police. Table 10 presents the key data from the Neighbourhood Justice Centre.

TABLE 10: CHARACTERISTICS OF PEOPLE WHO ATTEND COURT FOR FAMILY VIOLENCE MATTERS— NEIGHBOURHOOD JUSTICE CENTRE (SUMMARY DATA)

17 MATTERS (16 IVO; 1 CRIMINAL)—(8 PRIVATE IVO; 8 POLICE IVO)				
	Applicants (of 16 IVO matters)		**Respondents** (of all 17 matters)	
People present	8	50%	7	41%
People absent	8	50%	9	53%
	Applicants (of 16 IVO matters)		**Respondents** (of all 17 matters)	
Average age	34		37	
Gender				
Female	12	75%	3	18%
Male	4	25%	14	82%
Respondent type (of 16 IVO matters)				
Current partner	5	31%		
Former partner	7	44%		
Parent/child	3	19%		
Other family	1	6%		
Prior history of violence (of all 17 matters)				
Prior FV incident	6	35%		
Prior calls to police	5	29%		
Prior IVO/other order sought	5	29%		
Prior IVO/other order issued	4	24%		
	Applicants (of 8 present)		**Respondents** (of 7 present)	
Legal representation	7	88%	6	86%

Note: The numbers under 'people present/absent', 'gender' and 'respondent type' should sum to the number of matters but may not, due to missing data.

The applicant was present in half of the matters, while the respondent was present for seven matters and absent for nine. Of the eight police applications, the applicant was present in only one (13 per cent), compared with seven of the eight private applicants being present (88 per cent). Children were included as affected family members on the intervention order in three matters.

The average age of applicants was 34, with respondents being slightly older (37). Most of the applicants (12 out of 16) were women and most respondents (14) were men. Courtlink data indicate that two applicants were Indigenous, although there is a substantial amount of missing data. Five applicants and seven respondents are recorded as being from a culturally and linguistically diverse background, with one interpreter required, for a Vietnamese applicant.

Most of the applications were being sought against former (seven) or current (five) intimate partners, although there were also three matters that involved parent/child relationships and one that involved extended family.

From the observational data, two respondents appeared to have a disability: one with a drug and alcohol issue and the other with a combined mental health and drug and alcohol problem.

Although there was substantial missing data in Courtlink, six matters seemed to involve people with previous experience of family violence incidents. In five of the cases someone had previously called police for a family violence incident and in five someone had previously sought a family law order under the *Family Law Act 1975* (Cth). In four of the cases, an order had previously been issued under this act. According to Courtlink data, there were no previous family violence intervention order applications made or orders issued among the people appearing at the Neighbourhood Justice Centre on this day.

Courtlink data indicated that three respondents and one applicant had another intervention order matter, while the observational data seemed to indicate that two respondents had a related criminal matter and one couple had a child protection matter. There were four cross-applications among matters heard on the day, two of which seemed to be police applications and two of which were unclear.

In contrast to all the other courts, most people at the Neighbourhood Justice Centre had accessed services at some point. On the day, seven of the eight private applicants present had legal representation, as did six of the seven respondents who were present. This is likely due to the higher level of service provision available at this court, with its focus on holistic, wrap-around support.

Courtlink data show nine applicants accessed services at court: four people saw a police prosecutor (all of these also saw a family violence service provider), one saw legal services only, one saw both legal services and a family violence service provider, and one saw a family violence service provider only. Other service types were accessed by seven applicants. A referral to a community-based service was made for eight applicants: four to a family violence service provider, two to a non-specialist service, two to counselling, and one to drug and alcohol services.[41]

Among respondents, seven accessed services at court—one accessed legal services and one spoke with Court Network plus legal services (data were not available on the other five respondents). These same seven respondents also had other legal services involved, while six of them were referred to services outside court: three to a family violence service provider, four to a non-specialist service, four to counselling, one to a drug and alcohol service provider and three to some other (unspecified) form of service.

The significant use of services among both applicants and respondents at the NJC reflects the unique approach of the Centre, which is to provide referrals and services to parties in a holistic, immediate fashion. The ability to link people with support on the day of court and beyond is one of the key characteristics of this more therapeutic approach to justice.

2.9 DISCUSSION: UNDERSTANDING THE CHARACTERISTICS OF PEOPLE WHO ATTEND COURT FOR FAMILY VIOLENCE MATTERS

To facilitate direct comparison across the eight courts visited, Table 11 compiles the data from Sections 2.1 to 2.8, and includes an overall average percentage on each measure.[42]

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41   Data allow for people to have accessed more than one type of service provider.

42   Only those measures that are relevant across all eight courts are included in the comparison table. Therefore, data are not included on the proportion of parties being supported in court by support workers, being referred to applicant or respondent support workers, or accessing court family violence services as these services are only available in some of the courts.

TABLE 11: CHARACTERISTICS OF PEOPLE WHO ATTEND COURT FOR FAMILY VIOLENCE MATTERS: SUMMARY

	BALLARAT (2 DAYS)	GEELONG	MELBOURNE	SUNSHINE	DANDENONG	WANGARATTA	MARYBOROUGH	NJC	AVERAGE
Total number of FV matters	68	21	32	35	42	13	12	17	30
Number FV-related criminal matters	8	-	-	-	1	2	2	1	-
Private applicants	43%	57%	19%	26%	5%	54%	33%	47%	35%
Police applicants	57%	43%	78%	74%	95%	46%	67%	53%	64%
Applicant present	65%	67%	53%	51%	36%	73%	60%	50%	57%
Applicant absent	35%	29%	28%	49%	62%	27%	20%	50%	38%
Respondent present	56%	33%	47%	63%	40%	38%	58%	41%	47%
Respondent absent	43%	52%	47%	37%	57%	46%	17%	53%	44%
Female applicant	87%	81%	78%	83%	81%	64%	60%	75%	76%
Male applicant	13%	19%	22%	17%	17%	36%	40%	25%	24%
Female respondent	24%	19%	12.5%	20%	7%	8%	33%	18%	18%
Male respondent	76%	81%	87.5%	80%	93%	92%	67%	82%	82%
Respondent: Current partner	23%	29%	50%	49%	36%	9%	40%	31%	33%
Respondent: Former partner	37%	29%	28%	17%	29%	64%	30%	44%	35%
Respondent: Parent/child	13%	38%	9%	20%	14%	9%	30%	19%	19%
Respondent: Other	25%	5%	9%	9%	19%	9%	0%	6%	10%
Prior FV incident	56%	48%	50%	69%	43%	54%	67%	35%	53%
Prior police call	6%	29%	31%	14%	19%	-	50%	29%	25%
Prior IVO/other order sought	6%	24%	25%	17%	26%	38%	33%	29%	25%
Prior IVO/other order issued	1%	14%	25%	17%	21%	31%	42%	24%	22%
Applicants represented (of those present)	46%	36%	35%	56%	7%	50%	67%	88%	48%
Respondent represented (of those present)	82%	86%	47%	56%	12%	60%	29%	86%	57%

Note: The averages for each measure do not necessarily sum to 100 per cent, due to missing data. The averages for the three measures under 'prior family violence incident' are subsets of the proportion for which there was a prior incident, so should not sum to 100 per cent.

Police versus private applications

According to interview participants, about 70 per cent of all intervention order applications across Victoria are made by police rather than by individuals. This figure is generally supported by the data, which show that an average of 64 per cent of all applications on the observation days were brought by police. This ranged from a low of 43 per cent in Geelong to a high of 95 per cent in Dandenong.[43]

Many participants felt that police should be the applicant in more intervention order matters than they are currently. There are still severe incidents of family violence in which affected family members are being told to seek their own court orders. In court, the role of the police was seen as more than a prosecutorial role, but serving an important symbolic role as well. Having a police officer in uniform at the table lends an air of authority to the situation and makes it clear that this is a matter with the State, not with the individual victim. This can send a powerful message to the abuser that may not exist in private applicant matters.

Presence of parties at court

In many cases the respondent did not appear in court: on average, respondents were present in less than half of all matters (47 per cent). This can be problematic, as without a respondent present there is no opportunity for the court to impart the seriousness of the order and the consequences of breach and to hold the perpetrator accountable. Respondent absence also raises concerns with regard to procedural justice:[44] if the respondent is absent, there is no opportunity for him (and the vast majority of respondents are men) to be heard at court.

Although affected family members were more likely to attend court than were respondents, there was still a sizeable number of matters where the affected family member (even when she was listed as the applicant) did not appear, with an average of 57 per cent of applicants being present. When comparing applicant presence for police versus private applications, however, there are significant differences: on average, applicants are present in 44 per cent of police applications compared with 84 per cent of private applications. While affected family members may not be attending court in police-led matters, as they believe that the police can represent them properly and have maintained good communication with them, their absence nonetheless raises concerns about the effectiveness of the court process, its impact on women's safety and procedural justice issues. It also raises issues of court structure, as some women may be too frightened to come to a court that cannot provide safe, separate entrances, exits and waiting areas for victims of family violence.

Without an affected family member present—or at least without her consent—the police are not able to seek a 'comprehensive' intervention order.[45] Instead, a 'limited' order may be sought, prohibiting the respondent from committing further family violence and damaging property. While these orders clearly still include the most important prohibition—no family violence— they may be less effective in promoting safety in that they are not able to prevent contact and surveillance and cannot exclude the respondent from where the affected family member resides or works.

The question of whether affected family members should be required to attend court is fraught. On the one hand, the legislative limit on the form of the order means that police prefer the affected family member to be present. Attending court allows a family violence victim to be heard and to feel that the law is working to protect her. This is important for procedural justice and confidence in the system. Attending court also allows a family violence victim to access support services and to be provided with specialist advice to facilitate making informed decisions. On the other hand, attending court can be a traumatic experience for victims of family violence, especially in those courts where safe facilities are limited and the court building itself places the victim in danger. For example, Dandenong Magistrates' Court provides a single waiting area that is cramped and crowded, and where physical assaults have been known to occur. Maryborough Magistrates' Court is a single room so people all have to wait out the front of the building until their matter is called, or else sit in the courtroom. Even at Ballarat Magistrates' Court, where there are separate waiting areas for applicants (downstairs) and respondents (upstairs), there is still only one entrance and abusers can peer down on victims from the balcony.

Relationship between victim and perpetrator

The most common relationship seen between applicants and respondents was between former intimate partners, comprising an average of 35 per cent of all relationships. The second most common relationship was current intimate partners, comprising 33 per cent of all matters. There was a significant minority of parent/child relationships as well, accounting for 19 per cent of the relationships overall.

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43   The visit to Dandenong was undertaken on a notionally dedicated police application day. Different courts have different approaches to managing their two lists.

44   Procedural justice refers to the idea of fairness of process in the administration of justice and legal proceedings. It relates to participants' perceptions of fairness in the process itself (such as the opportunity to have one's say in court), rather than in the outcome.

45   A 'comprehensive' intervention order is one that includes clauses 1 through 8 of the legislation. A 'limited' order is one that involves fewer conditions than the full list, typically clauses 1 (no family violence) and 2 (no damaging property) and perhaps 8 (no causing others to do so). See Appendix B for a list of conditions that may be attached to intervention orders.

There was substantial variation across the courts in the nature of relationships among family violence intervention order matters. Current partner relationships accounted for half of all matters in Melbourne and almost half (49 per cent) in Sunshine, but only nine per cent in Wangaratta, where former partner relationships were seen in 64 per cent of all matters. On the other hand, former partners were involved in only 17 per cent of matters at Sunshine. In Geelong, the most common relationship (in 38 per cent of matters) was between a parent and a child.

The reasons for this variation are unclear, but interview participants suggested that there has been an increase in the number of matters brought by parents against their adult children—particularly their sons—due to violence associated with drug use, especially methylamphetamine, or 'ice'. The use of this drug had also resulted in an increase in the severity of family violence injuries.

History of family violence

Many of the parties were not new to family violence, with some having not only called police before but also having been involved with intervention orders previously. On average, just over half (53 per cent) of all matters involved people who had experienced family violence previously. This varied across the courts, from a low of 35 per cent at the Neighbourhood Justice Centre to a high of 69 per cent in Sunshine. Despite more than half of all matters involving prior family violence, only one quarter (25 per cent) involved prior calls to the police and prior intervention order applications (also 25 per cent). Intervention orders had previously been issued in 22 per cent of matters.

There is thus significant attrition in the figures between the prevalence of family violence in the observed sample and the prevalence of people seeking assistance from the police or the courts. This may indicate a lack of confidence in the system's ability to respond effectively to family violence, or perhaps a level of fear on the part of the affected family member to report the violence to authorities. It may also be indicative of insufficient support for women who are seeking to take action against the perpetrator.

Courtlink data show that some people had been experiencing family violence for many years—up to 26 years in one instance in Melbourne. Data from Geelong, Sunshine and Maryborough show that people had experienced 'numerous' incidents over the years, and data from Dandenong show that one person had sought an intervention order on seven previous occasions. One applicant at Ballarat had been granted an intervention order on four previous occasions. The data on prior experiences thus indicate that victims of family violence are often repeat victims, but that they suffer multiple incidents of violence before calling police or coming to court.

This raises questions not only for the court but for the family violence system as a whole: why are we unable to break the cycle of family violence for some people? Although intervention orders are but one mechanism within the system for preventing family violence, the repeated use of these orders does raise the issue of the extent to which intervention orders are actually effective in preventing family violence.

In some of the locations included in this research, Victoria Police has a dedicated 'family violence unit'.[46] While each station adopts its own approach to the work of the family violence unit, for some the focus is on these repeat offenders and high-risk families who appear time and again in family violence incidents. It would also be useful for the court and its associated services to have an understanding of its repeat clients, to identify what else may be done to stop the violence among this group.

Service provision

Despite there being a range of services available in some courts, the most common service that was accessed was legal in nature. That is, many people (an average of 48 per cent of applicants and 57 per cent of respondents, or an average of 53 per cent overall) had some sort of private or legal aid representation, or representation by the local community legal centre. Not all parties, however, were represented, with enormous variation across the courts in the proportion of respondents represented, ranging from a very low 12 per cent in Dandenong to a high of 86 per cent in Geelong[47] and at the Neighbourhood Justice Centre.

Self-represented parties often struggle to keep up with court processes. Their matters tend to take additional court time as the magistrate has to explain both substantive (content) issues and more administrative (procedural) ones. Where additional services were available—such as applicant or respondent support workers—they were frequently used, with both the magistrate and the registry staff making referrals. Not all of the courts observed, however, have these support workers: a respondent support worker is only available in Ballarat, while applicant support workers are available in Ballarat, Melbourne, Sunshine and Dandenong. Interview participants unanimously highlighted the value of these staff. For example, representatives from one community legal centre felt that support workers 'make a big difference', contributing to perceptions of fairness among respondents and to perceptions of having their voices heard among applicants. Courts Services Victoria has also identified their value, with respondent support workers currently being installed in all of the state's headquarter courts.

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46   The family violence unit that has been established in some police stations typically comprises a small team of two or three people dedicated to investigation, follow-up and liaison with victims in family violence matters.

47   The low proportion of legal representation in Dandenong may be partly due to the very high proportion of police applicants, with fully 95 per cent of all matters being led by police. In contrast, Geelong had the highest proportion of private applicants (57 per cent, despite the observation occurring on a notional police application day), which may partly explain the widespread use of legal representation at that court.

The only court where a greater range of services was accessed, and where most parties had accessed services at court and also in the community, was at the Neighbourhood Justice Centre. Given that the fundamental approach of the Centre revolves around holistic service provision, this is to be expected, but it would require significant input of resources and funding to allow this approach to be adopted elsewhere.

Demographic characteristics

Gender

Across all the court locations visited, the vast majority of applicants were female[48] (76 per cent) and respondents, male (82 per cent), with Dandenong having fully 93 per cent of respondents being male. This is consistent with the general understanding that in family violence, while both men and women may be victims, the vast majority of victims are women and the vast majority of perpetrators are men.

Compared with these overall figures, there was a higher proportion (28 per cent, or 14 out of 51 matters) of female respondents in cases involving non-intimate partner violence.[49] These cases typically involved a parent or parent figure (such as a step-parent) applying for an intervention order against an adult daughter (eight matters), although there were also a handful of cases (three matters) involving applications sought by one sister against another. In the 37 matters where an intervention order was sought against a male non-intimate partner, a similar pattern emerged, with most (24 matters) being sought by a parent or parent figure against an adult son and some (nine matters) being sought by a sibling against a brother.

Cultural and linguistic diversity

Although varying significantly by court location, the number of people of culturally and linguistically diverse background was small overall, with only a handful requiring interpreters. The most diverse court populations seemed to be in Dandenong and Sunshine, reflecting their local communities. This has implications for the family violence service providers in those areas, in that specialist providers need to ensure that they are able to provide services that are both culturally appropriate and linguistically suitable. For example, inTouch Multicultural Centre Against Family Violence—a service provider for people of non-English speaking backgrounds—provides assistance at both Dandenong and Sunshine Magistrates' Courts one day per week. There is also a dedicated South Asian men's behaviour change program that is designed specifically for perpetrators from this community.[50]

While there were few Indigenous people identified in this research, a culturally appropriate response needs to be available for this community as well. Women's Resource Information and Support Centre (WRISC) Family Violence Support Service provides a service to Indigenous women one day a week at Ballarat Magistrates' Court in order to address issues particular to this community. For example, Indigenous women tend not to seek help or report family violence as readily as non-Indigenous women. By the time the police are notified or assistance is sought from WRISC, the violence has typically escalated to severe levels.

In both of these instances, it is clearly important not only for service providers to be able to provide a culturally sensitive response, but for the court itself to do so. In particular, magistrates must understand the subtleties of family violence in various communities in order to appreciate the dynamics of the violent situations and to tailor an appropriate response in the circumstance.

Disability

Given the difficulty of collecting data on disability status through observation (as the presence of a disability is not always obvious), and the paucity of reliable data in the court's Courtlink system, little may be determined about the prevalence of disability among parties in family violence matters. Where data are available, they indicate that, when there is a disability, it tends to co-exist with drug and alcohol abuse.

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48   More than two-thirds (68 per cent) of the applicants were current or former intimate partners of the respondent.

49   The counts in this paragraph exclude the group of eight matters involving the single family of four women in Ballarat as they would substantially skew the data: this one family accounted for eight of the 23 matters (35 per cent) heard in Ballarat on the day of observation.

50   South Asian victims of family violence tend to experience significant pressure from their own families and those of their husbands to withdraw their applications for intervention orders. They are often subject to pressure via Facebook and telephone, with concerns about 'saving face' taking priority over concerns about the safety of women and their children.

2.10 IMPLICATIONS FOR THE FAMILY VIOLENCE SYSTEM

Presence of parties at court

Given the importance of affected family members attending court—both in terms of the type of order that may be imposed and in terms of having an opportunity to be heard—the court experience should be made as simple and safe as possible. All participants, even at the newest courts, bemoaned the lack of appropriate facilities for family violence matters. Court should be a safe environment for people to attend and have their matters heard. Instead, in most of the courts visited, there were obvious and significant problems with court layout and architecture that clearly could compromise people's safety.

One magistrate said that the physical structure of the court is a 'real issue'. In some courts there is no safe haven and people are in a confrontational situation where anxiety levels are high. In small regional courts where there is no waiting area, or even larger courts where the layout is poor and cramped, affected family members 'have to run the gauntlet at the courthouse when they go in to seek their orders'. At the very least, the availability of a separate family violence counter would seem a useful addition.

While the new court building under development at Shepparton is being built with precisely such safety considerations at the fore, the older and smaller buildings remain in dire need of renovation to provide a safe, secure and calm environment.

While a wholesale rebuilding of all courts to make them safer is unlikely to be possible, the Magistrates' Court may nonetheless be able to introduce changes that can help victims of family violence to feel more confident in attending court. These might include an improvement to (or installation of) remote witness facilities, as well as greater and easier use of such facilities. For example, there is a remote witness facility in Sunshine, but it is somewhat isolated from court staff and people waiting to be called can feel as if they have been forgotten. This sort of isolation is unlikely to help victims' feelings of safety.

A greater separation of spaces for applicants and respondents would also be helpful, with careful consideration being given to the location of associated services. Again Sunshine may be used to illustrate this point, as applicant support services are located at the far end of the waiting area, such that victims of family violence must walk past everyone (possibly including the perpetrator) to reach them.

Some of the courts make use of side entrances when there are safety concerns, allowing security personnel to escort women into and out of the building without risking being seen. This is only possible in those building that provide a side entrance, but thought could be given to installing additional entrances in those without them.

History of family violence

Given that more than half of all matters involved people with a history of family violence, a focus on repeat offenders and high-risk families might provide an effective way to address a substantial proportion of family violence incidents. Some of the dedicated family violence units within Victoria Police focus specifically on families with a history of family violence as a way of reducing repeat offending. Interview participants in those areas where a dedicated unit exists believe that it contributes significantly to the system's response to family violence, providing improved investigation, better communication with affected family members and better outcomes at court. A focus on high-risk families is consistent with research from other fields such as community treatment and supervision of offenders, which shows that more intensive interventions work better with higher-risk people.

The data also highlight the attrition in family violence matters, with only one-quarter of victims reporting their prior incidents to police or applying for orders in the courts. If this reticence is based on lack of trust in the authorities to respond appropriately or effectively, then both police and courts need to examine their processes and practices to ensure that obstacles are not being placed in the way of people reporting.

Service provision

Providing a broader range of services, and more staff from each provider, depends on the availability of funding. Legal services in particular should be sufficiently funded to ensure that all parties are represented at court, and having dedicated family violence support services is critical as well.

All interview participants were supportive of having, at the very least, applicant support workers at court, as well as respondent support workers where possible. The value of this sort of service lies in easing people through the court process and referring and linking them with support services.

In some courts, such as Ballarat, extensive referrals were made to local services. This is possibly due in part to a certain confidence that magistrates have in the service providers, likely based on a good relationship between the Magistrates' Court and the support services. The value of such a relationship means that magistrates can have confidence that the referrals they make will result in people being successfully linked in with support. Having support services attend court gives them a presence that undoubtedly contributes to fostering this relationship.

Demographic characteristics

Although the data were not able to provide an accurate picture of the prevalence among family violence matters of people from a culturally and linguistically diverse background or people with a disability, interview participants nonetheless identified a need for more targeted service provision, such as men's behaviour change programs in different languages, but also in terms of having more interpreters available at court. Service provision for Indigenous communities was also identified as requiring additional funding, especially given the reluctance of Indigenous women to seek help until the violence has become severe.

2.11   ISSUES FOR FURTHER CONSIDERATION

While some of the issues identified during the research were beyond the original remit of the work, they are included within this section in each chapter as a way of reflecting the full range of issues that were raised.

These issues for further consideration (and those throughout this report—in Chapter 3 and Chapter 4) are based primarily on the interviews, having been raised by various participants. The points raised were all supported by the observations.

Based on both the data and the interviews, the following issues offer opportunities for further consideration and discussion:

1. Improve court structure: Undertake a review of court facilities to determine if any improvements can be made to improve safety, thus facilitating the presence of affected family members at court.

2. Focus on repeat offending: Implement a permanent, dedicated family violence unit within Victoria Police stations to focus on high-risk families (but not to the exclusion of others) and to improve investigation of family violence matters, to enhance communication with family violence victims and to facilitate better outcomes at court.

3. Address lack of trust in the family violence system: Review police and court processes and practices to ensure that they do not present obstacles to people seeking help. For example, ensure that the Victoria Police Code of Practice is being adhered to as intended.

4. Increase service provision at court: Implement applicant and respondent support workers at additional courts, provide sufficient funding to legal services so that all parties can have representation, and provide funding to family violence support services so that they can be active both in the court and in the community.

5. Provide culturally appropriate services: Increase the funding available for culturally and linguistically appropriate support services, including those for Indigenous communities.

3. OUTCOMES OF FAMILY VIOLENCE MATTERS

This chapter draws on the courtroom observations and associated file reviews to examine the outcomes[51] of family violence matters heard in the various court locations. As in Chapter 2, the findings are presented separately for each court location in order to allow for any differences among courts to become evident.

3.1 BALLARAT

Tables 12a (police matters) and 12b (private matters) present the key data on outcomes of family violence matters from Ballarat.[52]

TABLE 12A: OUTCOMES OF FAMILY VIOLENCE MATTERS—BALLARAT POLICE APPLICATION DAY (SUMMARY DATA)

37 IVO MATTERS	
Struck out/withdrawn	4
Adjourned with order	2
Adjourned no order	1
Interim order	14
Final order	17
Variations	6
Extensions	1
Revocations	3
Orders with conditions	24
Full (clause 1–8) conditions	10
Limited conditions	10
Other condition combinations	4
Referral to services	17
Orders of 12 months	9
Orders more than 12 months	7
Orders less than 12 months	2
Consent orders	14 of 17 respondents present (82%)

Note: The numbers indented under 'orders with conditions' should sum to the number of orders with conditions but do not necessarily, due to missing data.
Generally, the numbers in the table do not sum to the number of matters due either to missing data or, in some instances, where more than one outcome was recorded for a particular case.[a] The data in this table refer to intervention order matters only.
a   Some matters included more than one outcome. For example, matters could be adjourned and then later in the day, struck out. There is also double counting of the 'adjourned with order' matters, which are also counted in the 'interim order' category as these matters were adjourned with an interim order in place. Thus the values in the tables in this chapter should not be expected to sum to the number of matters in each table.

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51   Data on the number and nature of orders issued (interim versus final and whether a variation, extension or revocation) have largely been taken from Courtlink rather than from the courtroom observations, as these were not always clear on the day.
52   In each of the tables in this chapter, outcomes relating to criminal matters (that is, 'adjourned criminal proceedings' and 'sentence imposed') have been removed for the sake of clarity of focus on intervention order matter outcomes.

TABLE 12B: OUTCOMES OF FAMILY VIOLENCE MATTERS—BALLARAT PRIVATE APPLICATION DAY (SUMMARY DATA)

23 MATTERS	
Struck out/withdrawn	4
Adjourned with order	10
Adjourned no order	2
Interim order	14
Final order	3
Variations	1
Extensions	3
Revocations	0
Orders with conditions	17
Full (clause 1–8) conditions	16
Limited conditions	1
Other condition combinations	0
Referral to services	1
Orders of 12 months	2
Orders more than 12 months	0
Orders less than 12 months	10
Consent orders	12 of 15 respondents present (80%)

Note: The numbers indented under 'orders with conditions' should sum to the number of orders with conditions but do not necessarily, due to missing data.
Generally, the numbers in the table do not sum to the number of matters.

Of the 45 matters (37 intervention order and eight criminal matters) heard on the police application day, eight matters were adjourned with criminal proceedings on foot while in three criminal matters a sentence was imposed: one matter that included three breach charges and two resist emergency worker charges was sentenced to a community correction order (CCO) with judicial monitoring, including conditions to participate in mental health treatment and men's behaviour change program; one matter including assault, breach, recklessly causing injury charges was sentenced to a 12 month CCO with a Justice Plan (intellectual/cognitive impairment); the third criminal sentence was also given a CCO for breach of intervention order, with the full order remaining in place.[53] In one criminal matter of contravention of an intervention order the accused failed to appear, so an arrest warrant was issued.

One additional intervention order matter was adjourned with no intervention order in place and two were adjourned but with an interim variation made. Four matters were struck out or withdrawn, three of which had been applications for revocation.

Of the remaining police applications, 14 interim and 17 final orders were made, with 24 of the orders having conditions imposed. No conditions were imposed to attend a men's behaviour change program, but six people were ordered to be assessed for a men's behaviour change program order.[54] After assessment, according to the respondent support worker, one person did not require the program (reason not stated) but was being referred to additional services; two were eligible and would sign up for a program; one had already completed a men's behaviour change program so was receiving referrals only; and two would be assessed the next day (the matters finished too late to be assessed on the day).

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53   There were only five sentences imposed across all the courts: the three in Ballarat and two in Wangaratta. While the three in Ballarat were definitely CCOs, one of the two in Wangaratta was probably a CCO and the other was possibly a CCO. None was clearly a prison term. Based on the observations, it appears that imprisonment is not commonly imposed for a breach of an intervention order. While the very small sample of sentences imposed means that no definitive statement may be made on this issue, the observations do accord with interview participants' views that threats of imprisonment for breach that are made when the order is imposed are rarely followed through when the order is breached.

54   Only the family violence division courts at Ballarat and Heidelberg may issue an order that a respondent attend a men's behavior change program.

Of the police-initiated intervention orders imposed, 10 orders had 'full' conditions, while 10 were clause 1 (no family violence) and 2 (no damaging property) or clauses 1, 2 and 8 (no causing others to act) orders.[55] Two orders had an additional condition— an exclusion order from the affected family member's home or work. One order included clauses 1, 2, 8 and an exclusion, as well as conditions prohibiting surveillance or electronic publication of information about the affected family member. Finally, one order had only clause 1 as a condition. There was thus quite a bit of variation among conditions imposed, being tailored to the specific circumstances of each case.

In seven matters the affected family member was referred to the applicant support worker and/or Berry Street, while in 10 the respondent was referred to the respondent support worker.

Of the 31 orders made on the police day, nine were for 12 months, four were for five years, two were 'until further order', one was for 24 months, one was for six months and one was a three-week extension. The remainder were unclear. These orders were among the longest made in any of the courts.

Of the 23 private matters, four were struck out or withdrawn and two were adjourned with no order made. Fourteen interim orders and three final orders were made. All 17 of the orders had conditions imposed. No conditions were imposed to attend a men's behaviour change program and no respondents were referred for men's behaviour change program assessment.[56] One respondent was referred to the respondent support worker. All but one of the orders was a 'full' order (16), while one was a clause 1, 2 and 8 order.

Of the 17 orders made on the private application day, two were issued for 12 months. Ten short-term orders (eight weeks or shorter) were imposed 'until the case is finalised' and then adjourned—eight of them, involving a single family, for 'further and better particulars'. The durations of the remainder were unclear, but overall they were far shorter than on the police application day.

Fourteen of the police matters and 12 of the private applicant matters were finalised by consent (17 of the intervention order respondents were present on the police day and 15 on the private applicant day).[57]

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55   See Appendix B for a full description of conditions available under each clause.

56   While six people from the police day were ordered to be assessed for a men's behavior change program, none was on the private applicant day. It is unclear whether this is a function of the type of applicant (police versus private) or whether the difference reflects different approaches and preferences of the individual magistrates.

57   This count—replicated in the Ballarat table in this section—excludes six of the defendants in the criminal matters who were also present at court. The number of respondents in Table 12a therefore differs from the number seen in Table 3a in Section 2.1 above, which includes the 17 intervention order respondents plus the six criminal defendants who were present.

3.2 GEELONG

Table 13 presents the key data on outcomes of family violence matters from Geelong.

TABLE 13: OUTCOMES OF FAMILY VIOLENCE MATTERS—GEELONG (SUMMARY DATA)

21 MATTERS	
Struck out/withdrawn	2
Adjourned with order	4
Adjourned no order	4
Interim order	7
Final order	7
Variations	3
Extensions	0
Revocations	2
Orders with conditions	14
Full (clause 1–8) conditions	4
Limited conditions	10
Other condition combinations	0
Referral to services	0
Orders of 12 months	5
Orders more than 12 months	0
Orders less than 12 months	4
Consent orders	3 of 7 respondents present (43%)

Note: The numbers indented under 'orders with conditions' should sum to the number of orders with conditions but do not necessarily, due to missing data.
Generally, the numbers in the table do not sum to the number of matters.

Of the 21 matters heard at Geelong, two of the matters were struck out or withdrawn, while eight were adjourned or stood down, with four having just an adjournment and four with both an adjournment and an order made. There were 15 orders made: seven interim orders and seven final orders with one unclear, three of which were variations, while two were revocations. Fourteen orders had conditions imposed, four of which included all eight of the main legislated clauses. None of the orders included a condition to attend a men's behaviour change program and none involved a referral to services.[58] Geelong was one of only two courts (in addition to Sunshine) to issue a condition to cancel or suspend a firearm license in one matter.

Of the 15 orders made, five were for 12 months, one was for one month, and three were until the next hearing or until the order would be finalised. The remainder were unclear. These orders are generally shorter than those seen on the police day at Ballarat.

Of the seven matters where the respondent was present, three were finalised by consent.

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58   While the power to issue a counseling *order*, requiring assessment of suitability to attend a men's behavior change program, is vested only in Ballarat, Heidelberg, Frankston and Moorabbin courts, magistrates at some other courts have the practice of imposing a *condition* to an intervention order that requires attendance at such a program. If the respondent consents to this condition, it is enforceable.

3.3 MELBOURNE

Table 14 presents the key data on outcomes of family violence matters from Melbourne.

TABLE 14: OUTCOMES OF FAMILY VIOLENCE MATTERS—MELBOURNE (SUMMARY DATA)

32 MATTERS	
Struck out/withdrawn	4
Adjourned with order	0
Adjourned no order	4
Interim order	6
Final order	16
Substituted service	1
Variations	3
Extensions	1
Revocations	0
Orders with conditions	22
Full (clause 1–8) conditions	7
Limited conditions	8
Other condition combinations	1
Referral to services	10
Orders of 12 months	7
Orders more than 12 months	2
Orders less than 12 months	5
Consent orders	10 of 15 respondents present (67%)

Note: The numbers indented under 'orders with conditions' should sum to the number of orders with conditions but do not necessarily, due to missing data. Generally, the numbers in the table do not sum to the number of matters.

Of the 32 matters heard at Melbourne, four of the matters were struck out or withdrawn, while four were adjourned or stood down with no order made and one was adjourned with criminal proceedings on foot. There were 22 orders issued: six interim orders and 16 final orders, as well as one order made for substituted service. Three of the orders were variations. All of the 22 orders had conditions imposed, seven of which included all of the main legislated clauses and eight of which were 'limited' orders, with clause 1 and 2 or clause 1, 2 and 8. Of these 'limited' orders, two also included a condition of contacting the Men's Referral Service. One of the orders was more tailored, containing clauses 1, 2 and 8 as well as a specified distance condition and an exclusion condition. In addition, six people were referred to services: two to a victims' assistance program, one to the Department of Health and Human Services, one to ISIS Primary Care and one to mediation. Finally, two of the orders included a condition to attend a men's behaviour change program.[59]

Only the family violence division courts at Ballarat and Heidelberg, and more recently the courts at Frankston and Moorabbin, may issue a counselling order that requires a respondent to be assessed for suitability to attend a behaviour change program. Those respondents ordered for assessment at Ballarat were typically assessed on the day and, upon returning to the courtroom immediately after assessment, were mandated to attend.[60] However, magistrates at other courts are being innovative in the way they craft their orders, attaching conditions to attend programs in place of orders. Hence the magistrate in Melbourne imposed conditions on two respondents to contact the Men's Referral Service and on two other respondents to attend a behaviour change program.

59 In the summary table for Melbourne, 'referral to services' includes both a condition to contact a service provider and a referral to a service provider without a discrete condition being imposed.

60 Only one person in Ballarat did not see the respondent support worker on the same day for assessment, due to the lateness of the hour when his matter was first heard. He was ordered to return the next day for assessment.

Of the 22 orders made, seven were for 12 months, three were for six months, two were until the next hearing or until the order is finalised, one was indefinite, one was for two years and four were unclear.

Of the 15 matters where the respondent was present, 10 were finalised by consent.

3.4   SUNSHINE

Table 15 presents the key data on outcomes of family violence matters from Sunshine.

TABLE 15: OUTCOMES OF FAMILY VIOLENCE MATTERS—SUNSHINE (SUMMARY DATA)

35 MATTERS	
Struck out/withdrawn	3
Adjourned with order	0
Adjourned no order	14
Interim order	5
Final order	13
Variations	3
Extensions	0
Revocations	1
Orders with conditions	18
Full (clause 1–8) conditions	8
Limited conditions	8
Other condition combinations	1
Referral to services	31
Orders of 12 months	7
Orders more than 12 months	1
Orders less than 12 months	3
Consent orders	14 of 22 respondents present (64%)

Note: The numbers indented under 'orders with conditions' should sum to the number of orders with conditions but do not necessarily, due to missing data. Generally, the numbers in the table do not sum to the number of matters.

Of the 35 matters heard at Sunshine, three of the matters were struck out or withdrawn, while 14 were adjourned or stood down, apparently without orders made.[61] There were 18 orders issued: five interim orders and 13 final orders, three of which were variations, while one was a revocation. All 18 of the orders had conditions imposed, nine of which included a condition to attend a men's behaviour change program. Of the 18 orders, eight could be classified as 'comprehensive' or 'full' orders while eight were a version of a 'limited' order, with just clause 1 (no family violence), clause 1 and 2 (no damage property), or clause 1, 2 and 8 (no causing others to do so). In addition, six orders involved a condition to contact the Men's Referral Service. Sunshine was the only other court (in addition to Geelong) to issue a condition to cancel or suspend a firearm license in one matter.

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61   While these matters were clearly adjourned, it was unclear from observations whether an order was also made, and Courtlink did not have data on any orders. As such, these adjournments are counted as being with no orders made.

The magistrate at Sunshine made much use of referrals to specialist family violence services either within the court or in the community. Of all the parties at court, 13 were referred to services of some kind: one respondent was referred to both the Courts Integrated Services Program (CISP) for drug and alcohol assistance and to the mental health nurse, one matter involved respondent referrals to both CISP and a men's behaviour change program as well as applicant referral to the in-court applicant support worker, seven respondents were referred to the Men's Referral Service, one to both the South Asian men's behaviour change program and family violence services, two to both the South Asian men's behaviour change program and inTouch Multicultural Centre Against Family Violence, and one person was referred to Relationships Australia. In addition, every one of the 18 applicants or affected family members present at court was asked if she had spoken with the applicant support worker, whose role in Sunshine Magistrates' Court is clearly pivotal. The availability of comprehensive support services both within Sunshine Magistrates' Court and in the local community is obviously a valuable resource.

The extensive use of referrals to family violence services in Sunshine may also be partly due to the specialist family violence knowledge and experience of the magistrate, who also sat at Ballarat's Family Violence Court Division on one of the observation days.[62]

Of the 18 orders made, seven were for 12 months, one was for six months, two were for one month or less and one was 'until further order'. Durations for the remainder of the cases were unclear.

Of the 22 matters where the respondent was present, 14 were finalised by consent, although many were unclear.

3.5   DANDENONG

Table 16 presents the key data on outcomes of family violence matters from Dandenong.

TABLE 16: OUTCOMES OF FAMILY VIOLENCE MATTERS—DANDENONG (SUMMARY DATA)

41 IVO MATTERS	
Struck out/withdrawn	4
Adjourned with order	4
Adjourned no order	0
Interim order	17
Final order	20
Variations	7
Extensions	3
Revocations	0
Orders with conditions	37
Full (clause 1–8) conditions	20
Limited conditions	12
Other condition combinations	0
Referral to services	7
Orders of 12 months	11
Orders more than 12 months	5
Orders less than 12 months	1
Consent orders	13 of 17 respondents present (77%)

Note: The numbers indented under 'orders with conditions' should sum to the number of orders with conditions but do not necessarily, due to missing data.
Generally, the numbers in the table do not sum to the number of matters. The data in this table refer to intervention order matters only.

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62   Pursuant to s 4H(3) of the *Magistrates' Court Act 1989* (Vic), the Family Violence Court Division courts may only be constituted by magistrates assigned to the Division by the Chief Magistrate, who must have regard to the magistrates' knowledge and experience relating to family violence. As a 'gazetted' role, it is a defined position for which particular candidates are selected and in which they work for an indefinite period, rather than being a task that is allocated to different magistrates at different times as part of an ordinary magistrate's duties. In practice, this means that more highly specialised and experienced magistrates fill the role in the Family Violence Court Division courts, making the role part of a specific career path for those individuals.

Of the 42 matters (41 intervention order matters and one criminal matter) heard at Dandenong, four were struck out or withdrawn, one was adjourned with criminal proceedings on foot and four were adjourned or stood down but resulted in orders being issued. Altogether, there were 37 orders issued: 17 interim orders and 20 final orders, three of which were extensions, seven were variations, plus an additional one that was both an extension and a variation. All of the orders had conditions imposed. From observations, two matters included a condition to attend a men's behaviour change program. Of the 37 orders, 20 were 'full' orders, one was clause 1 only, while 11 were 'limited' orders, with clause 1, 2 and 8. The remainder were unclear.

There were a number of referrals made to Relationships Australia,[63] which had a support worker present on the day either in the courtroom itself (to answer questions directly from the magistrate) or in the building. Seven people were referred to services of some kind: two were referred to legal representation, one to both the Victims Register with regard to the release of her abuser from prison and to the applicant support worker to develop a safety plan, and five were referred to a combination of a men's behaviour change program, Relationships Australia and/or the Salvation Army.

Of the 37 orders made, 11 were for 12 months, four were for five years, one was 'until further order' and one was for 10 months. Durations for the remainder of the cases were unclear. The Dandenong orders, like those at Ballarat, thus tended to be long.

Of the 17 matters where the respondent was present, 13 were finalised by consent, although others were unclear.

3.6 WANGARATTA

Table 17 presents the key data on outcomes of family violence matters from Wangaratta.

TABLE 17: OUTCOMES OF FAMILY VIOLENCE MATTERS—WANGARATTA (SUMMARY DATA)

11 IVO MATTERS	
Struck out/withdrawn	3
Adjourned with order	1
Adjourned no order	2
Interim order	3
Final order	3
Variations	2
Extensions	0
Revocations	0
Orders with conditions	6
Full (clause 1–8) conditions	6
Limited conditions	0
Other condition combinations	1
Referral to services	0
Orders of 12 months	2
Orders more than 12 months	0
Orders less than 12 months	2
Consent orders	2 of 3 respondents present (67%)

Note: The numbers indented under 'orders with conditions' should sum to the number of orders with conditions but do not necessarily, due to missing data.
Generally, the numbers in the table do not sum to the number of matters. The data in this table refer to intervention order matters only.

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63   Relationships Australia is the men's referral service and men's behaviour change program provider for Dandenong Magistrates' Court.

Of the 13 matters (11 intervention order and two criminal matters) heard at Wangaratta, each of the two criminal matters received a sentence,[64] while three of the intervention order matters were struck out or withdrawn. One matter was adjourned with an interim order and two were adjourned with no order. Six orders were issued: three interim orders and three final orders, two of which were variations. All of the six orders had conditions imposed, none of which included a condition to attend a men's behaviour change program. All of these orders were 'full' orders. In one matter an additional condition was imposed relating to not hacking the other party's Facebook account and not stealing their identity. No referrals to services were made in court.

Of the six orders made, two were for 12 months, two for one month and the remainder were unclear.

There were three intervention order matters where the respondent was clearly present, six where the respondent was clearly absent and in two it was unclear.[65] Of the three matters where the respondent was clearly present, two were finalised by consent.

3.7   MARYBOROUGH

Table 18 presents the key data on outcomes of family violence matters from Maryborough.

TABLE 18: OUTCOMES OF FAMILY VIOLENCE MATTERS—MARYBOROUGH (SUMMARY DATA)

10 IVO MATTERS	
Struck out/withdrawn	0
Adjourned with order	0
Adjourned no order	2
Interim order	2
Final order	5
Unknown order type	1
Variations	2
Extensions	0
Revocations	0
Orders with conditions	8
Full (clause 1–8) conditions	3
Limited conditions	2
Other condition combinations	1
Referral to services	0
Orders of 12 months	4
Orders more than 12 months	0
Orders less than 12 months	2
Consent orders	5 of 6 respondents present (83%)

Note: The numbers indented under 'orders with conditions' should sum to the number of orders with conditions but do not necessarily, due to missing data. Generally, the numbers in the table do not sum to the number of matters. The data in this table refer to intervention order matters only.

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64   In one matter involving an assault the defendant was to be assessed for a community correction order. The other matter involved multiple charges, including assault and recklessly causing injury. The defendant was already in prison on remand and had a long history of offending, as well as an acquired brain injury and bipolar disorder. He had a sentence indication that he was likely to receive a prison term, but he was also to be assessed for a community correction order. For both, courtroom observations suggested that the matters were adjourned pending the assessments, but Courtlink data recorded a sentence imposed for each. While the first matter would most likely have been a community correction order, it is not possible to deduce the sentence for the second matter.

65   This count—replicated in the Wangaratta table in this section—excludes the defendants in the two criminal matters. The number of respondents in Table 17 therefore differs from the number seen in Table 8 in Section 2.6 above, which includes the three intervention order respondents plus the two criminal defendants who were present.

Of the 12 matters (10 intervention order and two criminal matters) heard at Maryborough, two matters were adjourned or stood down with no orders being issued, while two matters were adjourned with criminal proceedings on foot. Altogether, there were eight orders issued: two interim orders, five final orders and one that was unclear. All eight of the orders had conditions imposed: three were 'full' orders, two were 'limited' orders, with clause 1 and 2, and one order included clauses 1 and 2 plus a prohibition on electronic publication about the affected family member. No referrals were made to services (there are very limited services available in Maryborough) and no conditions were imposed to attend a men's behaviour change program.

Of the eight orders made, four were for 12 months, one was for six months and one was for one month. The remainder were unclear.

Respondents were present for six of the intervention order matters and one of the criminal matters. Of the six intervention order matters where the respondent was present, five were finalised by consent, although the other was unclear.[66]

3.8   NEIGHBOURHOOD JUSTICE CENTRE

Table 19 presents the key data on outcomes of family violence matters from the Neighbourhood Justice Centre.

TABLE 19: OUTCOMES OF FAMILY VIOLENCE MATTERS—NEIGHBOURHOOD JUSTICE CENTRE (SUMMARY DATA)

16 IVO MATTERS	
Struck out/withdrawn	2
Adjourned with order	1
Adjourned no order	0
Interim order	6
Final order	8
Variations	5
Extensions	0
Revocations	0
Orders with conditions	14
Full (clause 1–8) conditions	1
Limited conditions	4
Other condition combinations	1
Referral to services	8
Orders of 12 months	6
Orders more than 12 months	3
Orders less than 12 months	0
Consent orders	4 of 6 respondents present (67%)

Note: The numbers indented under 'orders with conditions' should sum to the number of orders with conditions but do not necessarily, due to missing data. Generally, the numbers in the table do not sum to the number of matters. The data in this table refer to intervention order matters only.

Of the 17 matters (16 intervention order matters and one criminal matter) heard at the NJC, two of the matters were struck out or withdrawn, one was adjourned but an interim order was issued and one was adjourned with criminal proceedings on foot. There were 14 orders issued: six interim orders and eight final orders, five of which were variations. All 14 of the orders had conditions imposed: two with clause 1 only, two with clauses 1 and 2, one 'full' order and one with clauses 1, 8 and an exclusion clause. The remainder were unclear. No orders included a condition to attend a men's behaviour change program.

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66   This count—replicated in the Maryborough table in this section—excludes the defendants in the two criminal matters. The number of respondents in Table 18 therefore differs from the number seen in Table 9 in Section 2.7 above, which includes the six intervention order respondents who were present plus the one criminal defendant who was present.

Courtlink data show that there were some referrals made to specialist family violence services either within the court or in the community. Of all the parties at court, eight were referred to services of some kind: six to CoHealth community health centre, three to the Salvation Army, six to Berry Street, four to Victoria Legal Aid, one to Court Network, one to Fitzroy Legal Service, and one to the Koori Justice worker.[67]

Of the 14 orders made, six were for 12 months, two were for two years, one was indefinite and the remainder were unclear.

The defendant in the criminal matter was present in court, as were six of the respondents from intervention order matters. Of these six matters where the respondent was clearly present, four were finalised by consent.[68]

3.9   DISCUSSION: UNDERSTANDING OUTCOMES OF FAMILY VIOLENCE MATTERS

To facilitate direct comparison across the eight courts visited, Table 20 compiles the data from Sections 3.1 to 3.8, and includes an overall average on each measure. The data in the table are proportions of the number of matters, except for the order duration data, which are proportions of the number of orders imposed.

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67   Some of the people were referred to more than one service.

68   This count—replicated in the Neighbourhood Justice Centre table in this section—excludes the defendant in the criminal matter. The number of respondents in Table 19 therefore differs from the number seen in Table 10 in Section 2.8 above, which includes the six intervention order respondents who were present plus the one criminal defendant who was present.

TABLE 20: OUTCOMES OF FAMILY VIOLENCE INTERVENTION ORDER MATTERS—SUMMARY

	BALLARAT (60 MATTERS)	GEELONG (21 MATTERS)	MELBOURNE (32 MATTERS)	SUNSHINE (35 MATTERS)	DANDENONG (41 MATTERS)	WANGARATTA (11 MATTERS)	MARYBOROUGH (10 MATTERS)	NJC (16 MATTERS)	AVERAGE
Struck out/withdrawn	13%	10%	13%	9%	10%	27%	0%	13%	12%
Adjourned with order	20%	19%	0%	0%	10%	9%	20%	6%	11%
Adjourned no order	5%	19%	13%	40%	0%	18%	20%	0%	14%
Interim order	47%	33%	19%	14%	41%	27%	20%	38%	30%
Final order	33%	33%	50%	37%	49%	27%	50%	50%	41%
Interim + Final	**80%**	**71%**	**69%**	**51%**	**90%**	**55%**	**80%**	**88%**	**73%**
Variations	12%	14%	9%	9%	17%	18%	20%	31%	16%
Extensions	7%	0%	3%	0%	7%	0%	0%	0%	2%
Revocations	5%	10%	0%	3%	0%	0%	0%	0%	2%
Orders with conditions	68%	67%	69%	51%	90%	55%	80%	88%	71%
Full conditions	43%	19%	22%	23%	49%	55%	30%	6%	31%
Limited conditions	18%	48%	25%	23%	29%	0%	20%	25%	24%
Other condition combinations	7%	0%	3%	3%	0%	9%	10%	6%	5%
Referral to services	30%	0%	31%	89%	17%	0%	0%	50%	27%
Orders of 12 months	23%	33%	32%	39%	30%	33%	50%	43%	35%
Orders more than 12 months	15%	0%	9%	6%	14%	0%	0%	21%	8%
Orders less than 12 months	25%	27%	23%	17%	3%	33%	25%	0%	19%
Consent orders	26 of 32 respondents present (81%)	3 of 7 respondents present (43%)	10 of 15 respondents present (67%)	14 of 22 respondents present (64%)	13 of 17 respondents present (77%)	2 of 3 respondents present (67%)	5 of 6 respondents present (83%)	4 of 6 respondents present (67%)	69%

Note: The figures for interim plus final orders for Geelong and Maryborough include one additional order of unknown type.

Orders imposed

Overall, the most common outcome in the court is for an order to be issued: in almost three-quarters of matters (73 per cent) an interim or final order was issued. Final orders were more common than interim orders (41 per cent of matters received a final order, compared with 30 per cent receiving an interim order). Depending on the progression of the matter through the court, an interim order was often imposed until a final order could be put in place.

Only a small proportion of matters were struck out or withdrawn (12 per cent), often in police matters where the affected family member had failed to appear multiple times. In one police application for variation from a safe contact order to a full no contact order, the affected family member did not appear. The magistrate did not want to grant the variation without her being at court, asking 'why would I change the order if no one is here?' before striking out the application. Matters were also struck out or withdrawn in private applications when the applicant failed to appear and had not contacted the court about her preferences, or when the court had been notified that the parties had reconciled or mediation had been successful. Applications for variation were generally struck out if the applicant did not appear at court.

Overall, 16 per cent of matters involved the variation of an existing order, although this varied substantially by court location, from nine per cent in Melbourne and Sunshine to 31 per cent at the Neighbourhood Justice Centre. Very few extensions or revocations were recorded, with each accounting for only two per cent of matters.

Adjournments

While the court most commonly issues an order in intervention order matters, there are still many adjournments being made. An adjournment without any order imposed was made in 14 per cent of matters overall, ranging from none in Dandenong and the Neighbourhood Justice Centre to 40 per cent in Sunshine. This significant variation may be a function of the ability of the local police prosecutor or civil advocate to provide the magistrate with the information needed to make an informed decision about the matter at hand; without adequate information, a matter is often adjourned for 'further and better particulars'. A further 11 per cent of orders were adjourned, but with an interim order issued as well.

In some instances, matters are adjourned in order to synchronise with the hearing date for an associated criminal matter. In others, though, adjournments are made to allow police to undertake further discussions with the affected family member, to find out about related custody matters, or to provide more information on the precise circumstances of the incident. The use of adjournments for either purpose may be problematic, both for the court (in terms of requiring additional court resources when matters are relisted) and for the parties (especially the affected family member, who must return to court time and again).

Adjournments for criminal hearings

Although only occurring in five per cent of matters across the eight courts, interview participants were particularly concerned about adjourning intervention order matters until criminal matter hearings when there is a substantial delay in bringing a criminal matter before the court. Criminal matters can take months before they are heard, while intervention order matters can be brought to court within days. The delay in hearing a family violence-related criminal matter has implications for the affected family member in terms of the trauma involved with returning to court, and also for police, who find it more difficult to run a successful prosecution after a substantial delay. With the passing of time, affected family members may change their mind and request that charges or intervention orders be withdrawn, or they may refuse to provide a statement to police, or they may be pressured to change their minds about proceeding. The burden of proof required for a criminal charge contributes to this delay, in that police must spend more time on a criminal matter than a civil one, investigating it to a level of 'beyond reasonable doubt'. This then becomes a resourcing issue, as more police time is required for the investigation.

To address this problem, Dandenong has recently implemented a 'fast-track' program that aims to reduce the time required to bring family violence-related criminal matters to court. Since 1 January 2015, police have prioritised family violence-related criminal matters, working to complete investigations on these matters as soon as possible. Anecdotally, this pilot program has been a great success, with defendants pleading guilty earlier in the process. According to police, the pilot has been having excellent results at court. They are having significantly more success in running a matter at contest because matters are coming to court faster and there are 'significantly fewer withdrawals'. When a matter takes too long to come to court, affected family members typically lose confidence in the system, so this pilot has likely had broader positive consequences as well.

Adjournments for further information

Most of the adjournments, though, seemed to be needed to allow police to conduct additional investigation for the civil application.[69] At times this involved providing further and better particulars about the incident—perhaps when police had not had sufficient time with the victim to elicit the full details of what happened. Other times the police prosecutor or civil advocate was not able to inform the magistrate about the affected family member's wishes with regard to the intervention order. For example, if the police informant had not spoken to the victim since the initial police report, then it could be unclear to the prosecutor if the conditions sought by police would be appropriate. In these circumstances, the matter was adjourned to allow the police to contact the victim to ascertain her or his wishes. One police prosecutor noted that these briefs tend, on the whole, not to contain as much information as criminal briefs, and suggested a mandatory checklist for police informants to complete when preparing briefs. There were also many adjournments to allow police to determine if any other orders were in place in a matter—orders such as family law orders or child protection orders.

The lack of adequate information in some applications—especially around the associated orders—was a source of particular frustration for every magistrate interviewed and for many of the police prosecutors. Magistrates bemoaned the problem of 'silo data', and often had to ask about related family law or child protection matters, experiencing significant frustration when told the police did not know. The concern for magistrates was two-fold: they did not want to issue an order that would be contrary to an order already in place (especially with regard to child contact orders made under the *Family Law Act 1975* (Cth)), and they felt they could not adequately tailor an order without knowing what else was happening with the family. According to one magistrate, this lack of information means that 'it takes too long to work out what's going on'.

Magistrates noted that there is no information sharing even within the courts environment. The Children's Court Conciliation Conference, for example, includes an extensive risk assessment. None of this information, however, is available to magistrates hearing related family violence intervention order matters, with one magistrate lamenting that a lack of information sharing means she has no access to the valuable information therein. Part of this issue is the different court management systems used by the courts; while Magistrates' Court clerks use Courtlink to enter their information, the Children's Court uses LEX, to which the clerks only seem to have limited access.[70]

Police prosecutors felt a similar sense of frustration. One police prosecutor sends a copy of the next day's list to the Department of Health and Human Services (DHHS) to ask if any of the list people are also DHHS clients. But he is only able to do that as he has a personal relationship with the DHHS employee. According to this police prosecutor, a 'big glitch in the system is I don't know what DHHS is up to'. He suggests that DHHS should appear in court each week on intervention order list days, as 'that's the missing link'. Other prosecutors also suggested that DHHS be directly involved, sharing information more readily and participating in better coordination across agencies, allowing for a more collective approach to family violence.

With inadequate sharing of information across systems, the intersections among them can be obscured. Outcomes in related criminal matters, child protection matters or family law matters can affect both risk management and safety planning for victims of family violence. Decisions may be made that do not take into account all relevant circumstances. The consequences of lack of information sharing are thus potentially substantial. Instead, a magistrate suggested that a more holistic, integrated approach is needed, using a 'public health model' that allows proper information sharing. Family violence is not just a justice issue, but an issue for health, mental health, education, human services, homelessness, drug and alcohol services and youth support workers. Information sharing across fields is critical.

The RAMPS trial—adopting a multi-agency approach to developing risk assessment management plans for high-risk families—allows agencies to come together to discuss holistic approaches to particular families. It would be useful to expand this integrated model, but, according to one participant, 'piecemeal silo funding causes significant issues for an integrated sector'. Without integration, a more holistic approach remains elusive.

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69   An exact count of these matters was not recorded.

70   It is unclear how much access the Magistrates' Court has to the Children's Court case management system, as this was not discussed in interviews. Regardless, though, the court does not have time for the clerk to be looking up the name of every individual in every matter.

Conditions

In the majority of matters (71 per cent), an order was imposed with conditions that were clearly articulated by the magistrate. In every court except Ballarat and Geelong, every order imposed clearly included at least one condition.[71] There are two main combinations of orders used: the 'full' or 'comprehensive' order that typically includes clauses 1 to 8 (with or without exceptions, as appropriate), and the 'limited' order that typically includes clauses 1 (no family violence) and 2 (no damaging property), with or without clause 8 (no causing others to do so).[72] While occasionally additional conditions were attached to address specific circumstances of a family, these were uncommon. In addition, when children were included as affected family members on intervention orders, their conditions were the same as the parent's conditions—they did not have a separate regime of conditions attached.

The absence of affected family members had a substantial impact on the conditions imposed, as police cannot seek to exclude the respondent from his home without the affected family member's consent. In a number of matters, the affected family member was not present and so police, even though wanting a comprehensive order, had to be willing to seek a more limited order instead. In one interesting matter, the affected family member was adamant that she did not want an intervention order at all. She testified that she understood the consequences of this and that, as an articulate and thoughtful person, she appreciated police concern but did not want an order in place. This was an interesting example of how police interests are not always the same as those of the victims of family violence. Indeed, one police prosecutor recommended that every family violence victim should have her own legal representation, as police are not there to represent the victim but to represent the State.

Few conditions included referrals to men's behaviour change programs, Men's Referral Service or other providers. While magistrates may have mentioned such services in their remarks to the parties, the referrals seemed informal rather than a formal requirement of a condition. This may be a function of the availability of services in the local area, or else may be reflective of the general approach of each magistrate. Those who did impose conditions for a respondent to connect with a support service were being creative in attempting to tailor an appropriate response for people who seemed in need of access to such services.

Consent orders

Most of the orders where respondents were present were finalised by consent (69 per cent), with only a small proportion of matters being adjourned for contest. For example, only one matter was adjourned for a directions hearing at Geelong, Melbourne, the Neighbourhood Justice Centre, and Maryborough, with no such adjournments on the day of observation at Wangaratta. At Dandenong, three of the 41 matters were adjourned for a directions hearing, while at Sunshine there were four (although two of these were cross-applications, so matters were contested for two families). There were more such adjournments at Ballarat: on the police application day, one matter was adjourned for directions and two were adjourned to hear the intervention order matter and the criminal matter at the same time. On the private applicant day, there were 10 adjournments for preparing 'further and better particulars' for the directions hearing (this was the family of three sisters plus a niece, all of whom had cross-applications, and another family of two with cross-applications). A further one was adjourned to the criminal hearing date.[73]

There seems to be no (observable) specific relationship between the nature of the conditions imposed and the willingness of the respondent to consent to the order.[74] Consent orders were observed in matters where limited conditions were imposed, in matters where comprehensive conditions were imposed and in matters where a men's behaviour change program order or condition was included.

The most common duration for orders was 12 months (35 per cent of orders imposed were for 12 months), although 19 per cent were for less than 12 months, with some extremely short orders, such as a one-week adjournment with an interim order issued until the next hearing. Only eight per cent of orders were for more than 12 months, with some being extremely long (indefinite, or 'until further order').

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71 In Ballarat, 41 out of the 48 orders imposed appeared to have conditions included. However, the inclusion of conditions was not always clear during courtroom observations. In Geelong, 14 out of 15 orders appeared to have conditions included. Given that every intervention order must include at least one condition, this finding is a function of the difficulty of observation rather than the nature of the orders imposed.

72 Many people used the terminology of 'full' and 'limited' orders during both the courtroom observations and the interviews. This is not to suggest that a 'limited' order is less adequate or effective in protecting victims of family violence. As one magistrate noted, it is clause 1—no family violence—that is the most important of all the conditions. The terminology is replicated here to provide an accurate representation of the information that was collected for this research.

73 Although it is not uncommon for magistrates to adjourn an intervention order matter so that it can be heard alongside a criminal matter, a real problem arises when the police are unsure of the date of the criminal hearing. This occurred several times in Ballarat, such that the magistrate said it was a 'waste of everyone's time' to be hearing matters with no parties present and with police unable to say when the criminal matter was listed.

74 No specific relationship was observed in the courtroom: the nature of the conditions and the willingness of the respondent to consent to the order are both likely to be subject to negotiations outside the courtroom.

Referrals to support services

Another issue to become evident from the observational and file review data is the differential use of referrals to support services across the courts. In all courts there was little use of conditions to attend a men's behaviour change program or to contact the Men's Referral Service. Some courts made more use of local community or in-court services, such as the prolific referrals to Relationships Australia seen in Dandenong or the regular referral to the applicant support worker in Sunshine and the respondent support worker in Ballarat.

Although Ballarat, as the only family violence division court included in this research, was the only court able to order participation in a men's behaviour change program, the order was used less frequently than expected. On the police application day, six respondents were ordered to be assessed for a men's behaviour change program order. As part of her decision making, the magistrate checked whether respondents were eligible for the program, based initially on their postcodes (as the order is only available for respondents who live within nine postcodes around the Ballarat local area).[75] From observations, it seemed as though the postcode restriction disqualified a number of respondents from being considered for this order, which would have had implications for the magistrate's decisions about the nature of the order to be imposed.

A number of participants felt that the ability to order participation in a men's behaviour change program (to impose a counselling order) should be expanded. One magistrate suggested it would make 'a huge difference' to be able to do so. Participants at Ballarat were split on whether the ability to order program participation has an impact on consent rates. For some, respondents may be less likely to consent to an order if they think they will be made to undertake a program, but by the time they get to a directions hearing, they are likely to consent. For others, consent rates are not affected by these orders; the big issue in Ballarat is gun licensing, with people refusing to consent as they become 'prohibited persons' under law.[76] For these interviewees, the ability to order program participation should be expanded to other courts and should also be expanded to include same-sex and non-intimate partner relationships.[77]

Referral to services does not take place in a vacuum. Magistrates seem well aware of the services available and do not refer people to non-existent services. In those parts of the state where services are limited, referrals are not used. But in those areas where services are good, referrals are common. The Neighbourhood Justice Centre is a good example of this, where the combination of community organisations and in-court wrap-around services mean that the magistrate can be confident that his referrals are acted upon. One legal service provider was proud to say that 'people get much more holistic service provision here than in other courts', with the Neighbourhood Justice Centre 'much better at making links between family violence and interrelated issues'.

Adequate resourcing of service providers was a common theme among interview participants. One community family violence service provider, whose organisation has been working at 60 per cent above capacity for the last year, says that staff cannot cope. She herself says that 'I don't feel I'm giving clients the best I can give'. As another support worker said, without additional resources, 'women are going to slip through the cracks and be left behind'. She felt that her service could be duplicated and still struggle to meet the demand. For her, the pressure of increasing demand has been felt acutely: 'it's just getting ridiculous', and 'calls are coming in all the time'.

The need for better resourcing for men's behaviour change programs was also noted. Some programs have wait lists of seven or eight months (one location reported that, as of April 2015, no places were available until February 2016). To address demand for these programs more generally (in the context of both family violence and criminal sentencing), Corrections Victoria is currently in the process of purchasing additional programs for men who have been sentenced and placed on a community correction order. In addition, the court is considering the option of purchasing additional places through the current arrangements of the court-mandated counselling programs.

Timely initiation in these programs is seen as critical. One magistrate noted that the research shows that the speed of responding to the action, certainty of consequences and monitoring of behaviour all work to reduce reoffending, but for this to work a program must be available in a timely fashion. If a respondent has to wait many months to join a program, the window of opportunity to involve him while he's open to intervention may close. As one community legal centre participant said, there is a need to ensure that 'everyone who wants to help themselves can help themselves'.

One of the solicitors interviewed suggested that there is an 'illusion of safety' in the court: magistrates feel that they are helping to protect the community by ordering men to complete programs, but programs are simply not available. The lack of availability of programs is a significant gap in responding to family violence.

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75   In addition to the postcode criterion, orders may only be imposed if the relationship is with a current or former intimate partner (not, for example, with a parent or sibling), if the respondent is male and the affected family member female (therefore not in same-sex intimate relationships), and if the respondent is over the age of 18.

76   On the two observation days in Ballarat, none of the orders made included a condition to cancel or suspend a firearm license. Across all the courts observed, this condition was only imposed in two matters: one in Geelong and one in Sunshine.

77   These cohorts would likely require a different program model, as men's behaviour change programs have been designed for addressing intimate partner violence in the context of heterosexual relationships.

Lack of availability of support services in court may have unforeseen but serious consequences. In those courts where support services are only present in court on family violence listing days, there may be differential court outcomes based on the day one's matter is heard. Assessment of risk levels will be affected by whether the person can be linked in with support; if the matter is heard on a day when support services are not present at court, the person may be assessed as presenting a greater risk. According to a police prosecutor, this 'changes the dynamic of how decisions are made' and is essentially a form of 'postcode justice'. The prosecutor called for more consistent availability of support services, so that their presence or absence does not differentially affect decision making.

As one magistrate said, 'if the court hasn't made a referral, what are we doing?'

Participants also noted the value of having an applicant support worker, and expressed a desire to have respondent support workers as well, as in Ballarat. Having specialist in-court support makes 'a massive difference' to people's perceptions that they are being supported. It facilitates the 'best possible outcome in court' and 'makes the process a lot smoother for everybody', as people feel 'less angry because they feel they're being heard'.

The applicant support worker is important in helping the applicant to understand court processes and outcomes. This is particularly important as applicants need to be fully informed about the conditions of the order and to participate in the tailoring of conditions to provide the best protection possible in the specific circumstances of the case. Some participants expressed concern that, at times, women do not understand what they are agreeing to, especially when they agree to accept an undertaking. An undertaking does not provide the protection of an *order*, and can seriously compromise safety.[78] Without dedicated support, victims who are confused, or who have a poor command of the language, or who are pressured by others may accept an undertaking when an intervention order would be more appropriate. And according to a family violence service provider, an undertaking is 'not worth the paper it's written on'. Even a police prosecutor said that he 'never agrees' to an undertaking as it simply cannot protect properly. Having an applicant support worker can therefore have implications for applicants' safety, as well as helping them through the difficult court process.

3.10 IMPLICATIONS FOR THE FAMILY VIOLENCE SYSTEM

Adjournments

There seems to be substantial value in reducing the time required to bring family violence-related criminal matters before the court. The fast-track pilot in Dandenong began on 1 December 2014.[79] It was implemented following recognition of research and experience both in Australia and internationally that lengthy delays in responding to family violence can lead to further, possibly more severe offending. Since its inception, the program has expanded to include Broadmeadows, Shepparton, Ringwood and Ballarat, with Frankston to join in 2016. It represents a significant investment of resources by both the Magistrates' Court and Victoria Police.

The fast-track program appears to be working well to bring matters before the court substantially faster, improving outcomes for police and, presumably, for affected family members as well, who are more likely to remain willing to take part in the court process. By facilitating participation in court, affected family members are less likely to lose confidence in the process. Indeed, the Magistrates' Court has seen a significant decrease in the number of cases being withdrawn in the fast-track courts, dropping dramatically from 30 per cent to just under four per cent.[80]

This approach could be implemented in other locations around the state, with the support of the police, to expedite the progression of family violence matters through the courts. This would not only make the justice process easier on victims of family violence, but would also save the court time and resources with fewer contested matters.

There is clearly a need for better information sharing between the courts and DHHS. Magistrates are attempting to craft orders without access to compete information, which may have implications for the effectiveness of the intervention orders and ultimately for people's safety. Even within the courts environment itself, information sharing could be improved. Better flows of information between the Magistrates' Court and the Children's Court, for example, could provide magistrates with far better information on the family situation. While there would certainly be jurisdictional issues to be addressed before information could be shared more readily, the role of information in effective decision making renders this issue an urgent one.

There is also an argument for the police informants providing better information to police prosecutors or civil advocates, in order to reduce the need for adjournments to seek further and better particulars. Having complete information readily available at court would significantly reduce the work of the court in family violence matters.

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78   Police may still respond to criminal offences committed in the context of family violence, but they are not responding to the breach of an order per se.

79   The pilot program was given effect under Practice Direction No. 10 of 2014.

80   Documentation provided by the Magistrates' Court of Victoria, 30 September 2015.

Conditions

Given the restriction that a comprehensive order may not be imposed without the affected family member present, some of the police interviewed suggested that this requirement be removed. However, this may be a contentious issue, as in a handful of matters the affected family member did not appear because they objected to police intervention. Nonetheless, it may be worthy of further consideration.

On a related issue, some participants suggested that affected family members in police applications should have their own legal representation. This was rare in the matters observed, with only a handful of people in police applications being represented separately. While most of the time this arrangement may work, as police typically act in the best interests of the affected family member, there were several matters where the affected family member made it extremely clear that she did not want the application to proceed. This presented a difficulty to the magistrate when the affected family member was in court, as discussed in section 3.9 above.[81]

Referrals to legal and support services

One of the most consistent messages to come from this research is the need for service providers to be better funded, which would allow them to operate with more staff. While the number of family violence incidents both in the community and in the justice system has increased 'exponentially' over the last few years, there has been little or no concomitant increase in the amount of funding, meaning that service providers are being stretched ever more thinly. This applies both to in-court providers, such as community legal centres and Victoria Legal Aid, and to community-based organisations as well.

There are particular issues around funding for service provision in small regional areas such as Maryborough. Interview participants noted the unique nature of such towns that makes the need for local services more pressing. Services such as duty lawyers attend Maryborough Magistrates' Court from Bendigo or Ballarat, but the local community maintains a certain disconnection from the work of outsiders. Maryborough residents tend to 'look after their own stuff', with a common attitude of 'why would you go to the cops?' In a community without trust in the justice system (or perhaps institutions more generally), a lack of local service providers adds an additional obstacle to people seeking help for family violence issues.

The implications of this are significant and worrying. Lack of sufficient service provision for respondents means that men are not able to access programs in a timely way, increasing the likelihood of subsequent violence. Lack of sufficient service provision for applicants means that women are more likely to find it difficult to deal with violent situations and to keep their children safe, having to manage violent partners without access to appropriate services or support. Lack of sufficient legal support in court means that applicants may accept orders that they do not fully understand and that do not fully protect them, and that respondents are unlikely to appreciate fully the consequences and terms of their orders.

Additionally, and perhaps less a matter of funding than organisational priorities, every participant at a court where the local police had a dedicated family violence court liaison officer was strongly supportive of the need for this position. The court liaison officer is critical in assisting negotiations, following up with affected family members both before and after hearings, and generally ensuring that court processes run far more smoothly. The need for permanent, gazetted court liaison officers within the police is clear.

Additional court resources dedicated to family violence would clearly be extremely valuable. For example, the placement of respondent support workers in every headquarter court has just commenced, which will make a substantial difference. With this worker in place, the door is opened for the possibility of expanding the ability of the court to order participation in a men's behaviour change program; in Ballarat, the magistrate first orders an assessment with the respondent support worker and, if deemed suitable, will then order program participation. Although not all participants were sure of its influence on consent rates, and actual participation would of course be limited by the practical constraints on the availability of placements in these programs, the value of the order in pushing respondents to seek help seems undeniable.

With the obvious value that applicant and respondent support workers bring to parties in those courts where they are present, it is clear that their presence should be expanded as much as possible around the state. In small courts this is not necessarily practicable, but in the larger, busier courts, they could provide a valuable service indeed.

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81   In those matters where the affected family member was not in court but had expressed her wishes not to have an order in place, her absence meant that the magistrate took the word of the police prosecutor and granted an interim order, albeit a 'limited' one, per legislative requirements.

As well as allocating additional court resources, one magistrate suggested that the court needs to focus more on what she called 'trifecta men'—men who are subject to an intervention order, who are facing criminal charges and who have an associated child protection matter for the children to be removed. These men often have unresolved mental health issues and substance abuse problems, are unemployed and are angry. 'Statistically, they produce the most amount of work for the court': they appear in lots of variations (the applicant may have her own mental health and other issues), they often breach intervention orders and bail conditions, and they have many secondary child protection matters as the child is removed, then returned, then removed again, and so on. Adding to the complexity, the applicant may decide to reconcile, then change her mind, then change it once again. This magistrate has spent substantial time convincing both service providers and the court (via its therapeutic justice project) that a special focus is needed on these men: 'If we provided a better level of service to his problems, the flow on for our throughput of work would be much more dramatic'.

If the court and services providers could make better use of triage processes based on risk assessment, then the small proportion of men who account for a large proportion of the workload of the court could be better serviced, potentially having a significant impact on reducing demand on the court across criminal, civil and child protection spheres.

3.11   ISSUES FOR FURTHER CONSIDERATION

Based on both the data and the interviews, the following issues offer opportunities for further consideration and discussion:

1. Fast-track family violence-related criminal matters: Consider expanding the program into other courts to reduce the delay in bringing family violence-related criminal matters to court. This will have substantial resource implications for both police and the court.

2. Improve information-sharing across agencies: Investigate mechanisms for allowing police and the courts to access information from, in particular, the Department of Health and Human Services, possibly by asking DHHS to attend court. This would facilitate the magistrate making a more informed decision and also a more integrated response to family violence.

3. Improve information-gathering within Victoria Police: Develop both a checklist of information for police officers to investigate and include in their briefs, as well as a training course on preparing briefs of evidence in family violence matters. Develop guidelines for the Police Code of Practice stipulating timelines for completion of follow-up investigations.

4. Review the need for affected family members to be at court: Consider the appropriateness of the requirement for affected family members to be present to be able to grant a comprehensive order. Enable affected family members to attend court via secure, remote video facilities that still allow them to participate in the process—with its potential to empower victims of family violence—while not compromising safety.

5. Review the counselling order: Expand the ability of courts beyond the family violence divisions to make counselling orders for men to attend behaviour change programs. Such programs must be sufficiently funded so that they may adopt best practice principles based on research about the effectiveness of programs of varying duration and intensity.[82]

6. Institute family violence court liaison officers: Work with Victoria Police to insert a family violence court liaison officer in more court locations to negotiate between parties, assist police prosecutors and provide an additional specialist service to family violence victims.

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82   See, for example, Durham University's Project Mirabal research (available at https://www.dur.ac.uk/criva/projectmirabal/).

4. COURT PROCESSES IN FAMILY VIOLENCE MATTERS

This chapter draws primarily on the interviews conducted with key personnel to examine court processes in family violence matters heard in the various court locations. Once again, the findings are presented separately for each court location as differences in court specialisation are likely to have a profound effect on court processes.

4.1 BALLARAT

Ballarat is one of Victoria's two specialist family violence court divisions. As such, it has a high level of specialisation across all aspects of the court: specialist magistrates with significant family violence experience, a functionally and physically separate family violence registrar, separate waiting areas for applicants and respondents, both an applicant and a respondent support worker, a police family violence unit and family violence court liaison officer, and family violence service providers in the community that attend court.

Tables 21a (police matters) and 21b (private matters) present the key data on court processes in family violence matters for Ballarat.[83]

TABLE 21A: COURT PROCESSES IN FAMILY VIOLENCE MATTERS—BALLARAT POLICE APPLICATION DAY (SUMMARY DATA)

45 MATTERS	
Entering as IVO	37
Entering as criminal	3
IVO applicant present	18
IVO respondent present	17
Explanation given—total	15
Explanation given—terms only	0
Explanation given—penalties only	3
Explanation given—both	12
Average duration	6:59

Note: The numbers in this table for how cases originally entered the court should sum to the number of matters but do not, due to missing data.

TABLE 21B: COURT PROCESSES IN FAMILY VIOLENCE MATTERS—BALLARAT PRIVATE APPLICATION DAY (SUMMARY DATA)

23 MATTERS	
Entering as IVO	23
Entering as criminal	0
IVO applicant present	21
IVO respondent present	15
Explanation given—total	0
Explanation given—terms only	0
Explanation given—penalties only	0
Explanation given—both	0
Average duration	7:10

Of the 45 matters listed on the police day, 37 entered the courts as intervention order matters, while there were three that originated as criminal matters. Five were unclear.[84] On the private applicant day, all 23 matters entered as intervention orders.

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83 Data on how matters entered court were taken from Courtlink. The remaining data in the tables are based on observations.

84 While there were eight criminal matters heard in Ballarat Magistrates' Court on the day, it is not necessarily the case that they all entered the court system initially as criminal matters: some may have originated as intervention order matters. As Courtlink data for the remaining five matters are missing, the entry status has not been inferred but has been left as unknown.

The magistrate on the police day was a very experienced magistrate with significant specialisation in (and understanding of) family violence matters. Her knowledge and understanding were reflected in her efforts to explain her orders to those respondents who were present. In 12 of the 17 intervention order matters where the respondent was present, the magistrate explained both the terms of the order (going through each condition) and the consequences of failure to comply, including quite specific information about the maximum fine amount and the maximum prison term for first and subsequent breaches. In a further three matters the magistrate explained only the consequences of breach.[85]

On the following day, with a magistrate who was filling in and does not specialise in family violence matters, orders were not explained.

Ballarat highlighted the differences in court processes that can happen when different magistrates hear family violence matters. Indeed, one family violence service provider noted that having a non-specialist magistrate makes it 'very noticeable—the lack of understanding and awareness of family violence'. For this provider, lack of awareness causes problems for trust but is also disempowering, when coming to court should be an 'empowering experience': 'it's your chance to have a voice'. One participant saw this disparity particularly in differential responses to breach: if a breach is heard by a family violence division magistrate, the breach is usually taken seriously, but if there is a non-specialist on the bench, it becomes 'flip a coin'.

The issue of specialisation and education is further discussed below in section 4.9, as it applies across all courts participating in this research.

The average duration for matters heard at Ballarat Magistrates' Court on the police day was six minutes and 59 seconds, while for private matters the average was seven minutes and 10 seconds. The police list started at 9:45am and the last family violence matter was completed at 5:35pm. This was the longest sitting day of all courts observed. The private applicant list began at 10:06am and finished at 1:07pm.[86]

The police list at Ballarat was extremely long, with 45 matters, and took almost seven hours to complete.[87] While other courts, such as Dandenong, had lists that were almost as long, none took as long to complete. Even with a shorter average duration for each matter, the Ballarat list, being so very long, brought with it a very long day for all concerned.

With such a full list, it quickly becomes apparent to the observer that there is insufficient time available for everyone in the court to be able to provide the best service that they can. Almost every participant in the consultations—both in Ballarat and in other courts—expressed frustration at the time constraints they face on a daily basis. While not all lists were as big as Ballarat's, magistrates, court staff, solicitors and support services all felt the pressure of trying to see as many people as possible in too short a time.

This issue is also further discussed below in section 4.9, as it applies across all courts.

4.2 GEELONG

While Geelong is a large and busy regional court, it is neither a family violence division nor a specialist court. On the day of observation, 21 matters were listed.

Table 22 presents the key data on court processes in family violence matters for Geelong.

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85   In all the courts, magistrates explained the consequences of breach only when respondents were present as this information is arguably primarily relevant for the respondent, rather than the affected family member. In cases where the respondent was absent, magistrates did still tend to identify every condition that was being imposed, for the benefit of the affected family member. In some instances there was extensive discussion about the appropriateness of each condition in addressing the fears of the affected family member, while in other instances the magistrate provided a brief listing. Magistrates may be able to use their experience to identify whether the respondent understands the conditions being imposed and the consequences of non-compliance, and will typically tailor their explanations accordingly.

86   The times recorded during observations do not necessarily reflect the total workload of the court for the day as criminal matters that were not related to family violence may have been heard before the first family violence matter or after the last family violence matter. Each of the eight courts observed included criminal matters that were not related to family violence or intervention order matters that were regarding personal safety (such as disputes between neighbours) rather than family violence.

87   There was a one hour break for lunch.

TABLE 22: COURT PROCESSES IN FAMILY VIOLENCE MATTERS—GEELONG (SUMMARY DATA)

21 MATTERS	
Entering as IVO	21
Entering as criminal	0
IVO applicant present	14
IVO respondent present	7
Explanation given—total	1
Explanation given—terms only	0
Explanation given—penalties only	0
Explanation given—both	1
Average duration	3:43

Of the 21 matters heard at Geelong, all entered the court as intervention order applications.

Of the seven intervention order matters where the respondent was present, the magistrate explained the terms of the order and the consequences of failure to comply in one matter only.

The average duration for matters heard at Geelong Magistrates' Court on the day of observation was three minutes and 43 seconds, with the longest being eight minutes. The magistrate began working through the list starting at 9:34am and the last family violence matter was completed at 1:10pm.

4.3   MELBOURNE

Melbourne is not a family violence division court but it does provide specialist family violence services. With its central location, parties in Melbourne have access to a range of services that are not necessarily available in the less populated parts of the state.

Table 23 presents the key data on court processes in family violence matters for Melbourne.

TABLE 23: COURT PROCESSES IN FAMILY VIOLENCE MATTERS—MELBOURNE (SUMMARY DATA)

32 MATTERS	
Entering as IVO	30
Entering as criminal	2
IVO applicant present	17
IVO respondent present	15
Explanation given—total	7
Explanation given—terms only	0
Explanation given—penalties only	0
Explanation given—both	7
Average duration	6:23

Of the 32 matters heard at Melbourne, 30 entered the court as intervention order applications while the remaining two entered as criminal proceedings.[88]

In the 15 intervention order matters in which the respondent was present, the magistrate explained the terms of the order and the consequences of failure to comply in seven of them.

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88   On the day of the Melbourne observations, there were no criminal hearings. However, two of the matters heard in the civil jurisdiction as intervention order matters had originally entered the court as criminal matters, according to Courtlink data. Both of these originating criminal matters were related to the respondent.

The average duration for matters heard at Melbourne Magistrates' Court on the day of observation was six minutes and 23 seconds. The magistrate began working through the list starting at 10:05am and the last family violence matter was completed at 4:14pm.

4.4 SUNSHINE

Sunshine is an extremely busy suburban court, with specialist family violence services. Although Sunshine is not formally a specialist court (but provides a number of specialist family violence services), it has developed a high level of specialisation across all aspects of the court: magistrates with significant family violence experience, a functionally and physically separate family violence registrar, an applicant support worker, a police family violence unit and family violence court liaison officer and family violence service providers in the community that attend court. Sunshine also has an on-site Court Integrated Services Program office that provides assessment and referral to treatment for drug and alcohol issues, acquired brain injury support services, accommodation services, disability support and mental health care.[89]

Table 24 presents the key data on court processes in family violence matters for Sunshine.

TABLE 24: COURT PROCESSES IN FAMILY VIOLENCE MATTERS—SUNSHINE (SUMMARY DATA)

35 MATTERS	
Entering as IVO	34
Entering as criminal	1
IVO applicant present	18
IVO respondent present	22
Explanation given—total	12
Explanation given—terms only	2
Explanation given—penalties only	3
Explanation given—both	7
Average duration	8:16

Of the 35 matters heard at Sunshine, all but one entered the court as intervention order applications, with one entering as a criminal matter.[90]

In the 22 intervention order matters where the respondent was present, the magistrate provided explanations in 12 matters: in seven, this was both the terms of the order and the consequences of failure to comply, in three the focus was on the consequences and in two the terms of the order were explained.

The average duration for matters heard at Sunshine Magistrates' Court on the day of observation was eight minutes and 16 seconds.[91] With many services available both within the court and in the community in Sunshine, the magistrate was able to make heavy use of referrals. Indeed, the magistrate pointed out relevant pamphlets on the bar table to many of the parties and encouraged them to seek further assistance. The average duration, while not the longest observed among the different courts, may also be a function of the number of matters where people required interpreters (three matters), which slows down the progress of a hearing significantly.[92]

The large number of matters on the list resulted in a slightly longer day than usual for the court, with the magistrate starting to work through the list at 10:09am and completing the last family violence matter at 4:14pm.

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89   CISP (the Court Integrated Services Program) is available at the Latrobe Valley, Melbourne and Sunshine Magistrates' Courts to provide accused people with access to services and support to reduce rates of reoffending. Referrals to CISP may be made by the police, lawyers, magistrates, court staff, support services or people may refer themselves.

90   As with Melbourne, no criminal matters were heard in Sunshine on the day of observation. However, one intervention order respondent had a related criminal matter and was recorded in Courtlink as having entered the court system for that matter.

91   As this is an average, it is subject to particularly high or low values. One of the matters in Sunshine lasted for 32 minutes—more than twice the length of the next longest matter. This one value will have dragged up the average. Conversely, all the courts heard matters where neither the applicant nor the respondent appeared, and these tended to be dealt with very quickly—often in a matter of seconds, typically being struck out. Such low values will drag down the average. Average matter duration should therefore not be equated with either quality of decision or fairness of process.

92   However, the average duration for Sunshine without these three matters did not differ significantly from the overall average, reducing only slightly to seven minutes and 26 seconds.

4.5 DANDENONG

Like Sunshine, Dandenong is a large suburban court. Unlike Sunshine, it does not have specialist family violence services within the court, but it does have community-based family violence service providers. While Dandenong has some magistrates who are very experienced in family violence, it does not have a separate family violence registry (although on family violence listing days the regular registry counter becomes a de facto specialist family violence counter). An applicant support worker has recently started at Dandenong and there are dedicated police family violence units and court liaison officers.

The court building itself at Dandenong is highly problematic, with a small, cramped and crowded waiting area where the potential for intimidation and even physical assault is significant.

Table 25 presents the key data on court processes in family violence matters for Dandenong.

TABLE 25: COURT PROCESSES IN FAMILY VIOLENCE MATTERS—DANDENONG (SUMMARY DATA)

42 MATTERS	
Entering as IVO	41
Entering as criminal	1
IVO applicant present	15
IVO respondent present	17
Explanation given—total	7
Explanation given—terms only	0
Explanation given—penalties only	2
Explanation given—both	5
Average duration	6:09

Of the 42 matters heard at Dandenong, all but one entered the court as intervention order applications, with one entering as a criminal matter.

Of the 17 intervention order matters where the respondent was present, the magistrate provided explanations in seven matters: in five, this was both the terms of the order and the consequences of failure to comply, while in two the focus was on the consequences of breach.

There was one matter where safety was an issue, in that the court was warned before the matter was called that there was potential for aggression and danger. Security staff were posted nearby, outside the door of the courtroom, but no issues arose. The applicant was not present in this matter. This was the only instance of obvious safety issues throughout the courtroom observations.

The average duration for matters heard at Dandenong Magistrates' Court on the day of observation was six minutes and nine seconds. There were two applicants and three respondents who required interpreters, again potentially affecting the average duration of matters.[93] The magistrate starting to work through the list at 11:01am and the last family violence matter was completed at 4:40pm.[94]

4.6 WANGARATTA

Wangaratta is a mid-size regional court without any specialisation. As a small building it has limited options for separating parties and very few options for private discussions.

Table 26 presents the key data on court processes in family violence matters for Wangaratta.

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93   The average duration excluding these matters was five minutes 32 seconds.

94   Magistrates cannot begin hearing matters until there are matters that are ready to be heard. This delay is a function of the number of people who need to be dealt with outside the courtroom—people need to be seen by registry staff, need to have access to support workers and need to speak with legal representatives. The substantial amount of work that takes place outside the courtroom thus has a direct impact on the time required for each matter in the courtroom. However, data on time spent outside the courtroom was not collected as part of this research.

TABLE 26: COURT PROCESSES IN FAMILY VIOLENCE MATTERS—WANGARATTA (SUMMARY DATA)

13 MATTERS	
Entering as IVO	11
Entering as criminal	2
IVO applicant present	8
IVO respondent present	3
Explanation given—total	3
Explanation given—terms only	0
Explanation given—penalties only	1
Explanation given—both	1
Explanation given—other	1
Average duration	10:17

Of the 13 matters heard at Wangaratta, two entered as criminal matters and the remaining 11 as intervention order matters.

There were three intervention order matters where the respondent was clearly present, six where the respondent was clearly absent and in two it was unclear. The magistrate provided explanations in the three matters in which the respondent was clearly present, explaining only the consequences of failure to comply in one instance, both the consequences and the terms of the order in a second, and the consequences of breach, order terms, and conditions of contact with children in the third.

The average duration for matters heard at Wangaratta Magistrates' Court on the day of observation was 10 minutes and 17 seconds, although there was significant variation across cases, as the shortest matter was less than one minute and the longest was over 45 minutes. This is the longest average duration of all the courts observed, and may be a function of the very small list alleviating some of the time pressures faced by magistrates hearing larger lists. The magistrate starting to work through the list at 9:59am and the last family violence matter was completed at 1:21pm.

4.7   MARYBOROUGH

Maryborough is the smallest of the courts visited, without any specialisation, although it is served by a police family violence court liaison officer. Its single room means that parties either wait outside or in the courtroom itself, and there are no options for separate, safe entry to and exit from the building.

Table 27 presents the key data on court processes in family violence matters for Maryborough.

TABLE 27: COURT PROCESSES IN FAMILY VIOLENCE MATTERS—MARYBOROUGH (SUMMARY DATA)

12 MATTERS	
Entering as IVO	11
Entering as criminal	1
IVO applicant present	6
IVO respondent present	6
Explanation given—total	4
Explanation given—terms only	0
Explanation given—penalties only	0
Explanation given—both	4
Average duration	9:13

Of the 12 matters heard at Maryborough, all but one entered the court as intervention order applications, with one entering as a criminal matter.[95]

The magistrate defined family violence in every intervention order matter and provided explanations in four of the six matters where the respondent was present about both the terms of the order and the consequences of failure to comply.

The average duration for matters heard at Maryborough Magistrates' Court on the day of observation was nine minutes and 13 seconds. Once again, the longer average duration may be a function of the smaller list at Maryborough. In addition, taking the time to define family violence, as well as providing explanations of the order, took some time. The magistrate started to work through the list at 10:32am.The court's end time was not recorded, but it continued well past 3:30pm.

4.8   NEIGHBOURHOOD JUSTICE CENTRE

The Neighbourhood Justice Centre has a unique, problem-solving approach to justice more generally. Its on-site services allow parties to be linked into a range of services at the time of their court hearing, such that a wrap-around service can be provided.

Table 28 presents the key data on court processes in family violence matters for the Neighbourhood Justice Centre.

TABLE 28: COURT PROCESSES IN FAMILY VIOLENCE MATTERS—NEIGHBOURHOOD JUSTICE CENTRE (SUMMARY DATA)

17 MATTERS	
Entering as IVO	16
Entering as criminal	1
IVO applicant present	8
IVO respondent present	6
Explanation given—total	2
Explanation given—terms only	0
Explanation given—penalties only	2
Explanation given—both	0
Average duration	9:24

Of the 17 matters heard at the Neighbourhood Justice Centre, all but one entered the court as intervention order applications, with one entering as a criminal matter.

In the six intervention order matters where the respondent was clearly present, the magistrate provided explanations in two about the consequences of failure to comply.

The average duration for matters heard at the Neighbourhood Justice Centre on the day of observation was nine minutes and 24 seconds, although the longest matter—an extremely complicated one that was stood down several times—went for one hour 14 minutes. The presence of in-court support services and multiple solicitor services meant that most matters were able to be dealt with fairly quickly in court. The magistrate starting to work through the list at 10:22am and the last family violence matter was completed at 4:48pm.

4.9   DISCUSSION: UNDERSTANDING COURT PROCESSES IN FAMILY VIOLENCE MATTERS

To facilitate direct comparison across the eight courts visited, Table 29 compiles the data from Sections 4.1 to 4.8. The data in the table are numbers; percentages have not been included other than for the proportion of matters with a respondent present where an explanation was given, due to missing data in some instances and to very small numbers in many table cells.

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95   On the day of observation there were two criminal matters heard at Maryborough Magistrates' Court. Only one, however, originated in the court as a criminal matter, while the other originated as an intervention order matter.

TABLE 29: COURT PROCESSES IN FAMILY VIOLENCE MATTERS: SUMMARY

	BALLARAT (45 POLICE MATTERS)	BALLARAT (23 PRIVATE MATTERS)	GEELONG (21 MATTERS)	MELBOURNE (32 MATTERS)	SUNSHINE (35 MATTERS)	DANDENONG (42 MATTERS)	WANGARATTA (13 MATTERS)	MARYBOROUGH (12 MATTERS)	NJC (17 MATTERS)
Entering as IVO	37	23	21	30	34	41	11	11	16
Entering as criminal	3	0	0	2	1	1	2	1	1
IVO applicant present	18	21	14	17	18	15	8	6	8
IVO respondent present	17	15	7	15	22	17	3	6	6
Explanation given: total	15 out of 17 (88%)	0	1 out of 7 (14%)	7 out of 15 (47%)	12 out of 22 (55%)	7 out of 17 (41%)	3 out of 3ᵃ (100%)	4 out of 6 (67%)	2 out of 6 (33%)
Explanation given: terms	0	0	0	0	2	0	0	0	0
Explanation given: penalties	3	0	0	0	3	2	1	0	2
Explanation given: both	12	0	1	7	7	5	1	4	0
Average duration	6:59	7:10	3:43	6:23	8:16	6:09	10:17	9:13	9:24

a   In addition to these two explanations, Wangaratta had a third 'other' explanation given that is not shown in this table.

Processing of family violence cases

Across all courts, the most common entry point for intervention order matters was the intervention order application itself. Some matters (11 of them) entered as criminal ones, but no other entry point was seen in any of the courts.

Consistent approaches to family violence matters

There were only two broad consistencies seen in all courts throughout the observations: magistrates are acutely aware of the time pressures they face and feel the need to talk quickly and keep the day progressing; and magistrates are reluctant to articulate in open court the nature of the family violence incident.

The first consistency—the pressure of time—is further discussed below. The second matter raises quite different issues.

The magistrate always began by reading the intervention order application silently. Subsequent questioning of either the applicant or the police prosecutor or civil advocate did not focus on the nature of the past incident, but instead was directed at finding the most appropriate order to protect the person into the future. At times the incident was mentioned if the magistrate was questioning the nature of the application being sought. For example, if the victim was seeking a revocation to allow contact due to reconciliation, the magistrate might express reluctance to revoke the order due to the 'serious violence' involved. While magistrates quite frequently referred to the severity of the violence in general terms, there were no more than a few matters in which the magistrate either read from the application or in some other way identified the specific acts involved.

This reticence to state aloud the details of the violent incident may reflect an effort to protect the victim from further trauma. It may also reflect the fact that, at that point, the respondent had not had an opportunity to be heard on the allegations. However, by not articulating what has actually occurred, the court is missing an opportunity to validate the victim and to hold the perpetrator to account. The power of the magistrate speaking about what has occurred is being forsaken. While encouraging magistrates to announce the details of the family violence in court may not be appropriate due to reasons of privacy and sensitivity, it is worth considering whether there might be times that such a statement could be of use.

Inconsistent approaches to family violence matters

Court processes vary according to the experience, understanding and personal preferences of the magistrate, and are influenced by external factors such as availability of services. There were four main ways in which magistrates varied in their approaches to family violence matters:

1. their choice of conditions to impose
2. their explanations of orders to respondents who were present in court
3. their attempts at applying a therapeutic justice approach
4. their referrals to support services.

Choice of conditions

Some magistrates seemed to have a standard response to applications of imposing comprehensive orders in most matters, unless a limited order was specifically sought (such as in instances involving a police application but with no affected family member present). Others made more use of limited orders, with only clause 1 (no family violence) or perhaps clauses 1 and 2 (no damaging property). Other magistrates, however, were more creative with their use of conditions. For example, one magistrate added a modified exclusion condition banning the respondent from the house only when he was affected by, or had been using, alcohol. Another magistrate was able to ensure that the respondent attended a men's behaviour change program by adding it as a condition to the order, even in the absence of the ability to impose a counselling order. The flexibility currently afforded magistrates means that the more creative ones do not need any more options added to their conditions toolbox—they are able to use their court craft skills to tailor their orders more closely.

Explanations of orders

The quality of explanations of orders varied substantially.[96] Across all the courts, explanations of intervention orders—their terms or the consequences or breach or both—were provided in just under one-quarter (23 per cent) of all matters (51 of 224 intervention order matters). One magistrate made it a point to define family violence in every single matter, while another ensured that every matter with children involved included an explanation of the impact of family violence on children. In one court respondents were told the specifics of the consequences of breach—the fine amount and the maximum prison term for first and subsequent breaches. In another court, they were told that penalties involved a fine and possibly imprisonment, but without specific details.

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96   It is unclear why there was variation in the explanation of orders. It is likely that some of the variation may be explained by the magistrates' perceptions of each respondent's ability to understand what is being said in court. The presence or absence of legal representation, support workers or family members may also affect the explanations provided. The individual preferences of each magistrate are also likely to have play a role.

Magistrates with more specialised experience of family violence matters seemed to take more time to explain orders: while the time taken on each matter varied from three minutes 43 seconds in Geelong to 10 minutes and 17 seconds in Wangaratta, the average time per matter across all courts was seven minutes and 34 seconds. In interviews, a number of the magistrates expressed concern that respondents were not fully understanding what was being said in court and what they were agreeing to. Observations suggested that this might indeed be the case, as some respondents seemed rather dazed and confused by the whole process. For those with legal representation, this may not be an issue as the duty lawyer may have been able to provide better explanations during previous discussions. For those without legal representation, however, there is a real risk that the consequences of the order have not been fully appreciated and that the opportunity to provide clear messages about family violence has been missed.

Opportunities for therapeutic justice

One of the magistrates had a personal preference for applying some therapeutic intervention to the situation, seeking to engage the respondent in a deeper understanding of his behaviour. For example, in one matter she asked the respondent about his violent response to conflict, and whether there might be better ways to respond. She suggested alternatives for him, such as going for a walk when he felt angry. Although the discussion lasted only two or three minutes, she was able to raise with him the idea that there are more appropriate ways to manage conflict.

This was the only court at which this approach was adopted. Even so, this magistrate would have preferred to have more time to be able to have a more meaningful conversation, as she felt she could only just touch on a small fraction of the issues that were apparent.

Referrals to support services

There was substantial variation in magistrates' use of referrals to support services, either those present at the court or those in the community. This was not simply a function of whether services were available; even in locations where there were services in the local community, some magistrates simply did not refer very much. Overall, the use of referrals to support services was fairly low. This may be for a range of reasons that were not evident from the observations alone.

Even when there were referrals, they tended to differ. Some pointed out a support service that was located in an office in the court, gave the support worker's name and strongly suggested that the applicant or respondent make contact. Others pointed to leaflets that were located on the table and suggested that the person call the number listed. But overall, referrals were made in only about one-quarter of all matters.

Addressing inconsistency in responses to family violence

Two of the strongest messages arising from the interview process were the need for some level of specialisation in the response to family violence, and further education for all people dealing with family violence matters: magistrates, registry and other court staff, duty lawyers, police, support workers and security personnel. While all participants acknowledged that system responses to family violence have improved tremendously over the years, they all lamented that there remains more work to be done in ensuring that family violence is properly understood. In particular, both specialisation and further training on the nature and dynamics of family violence and the impact of family violence were seen as critical to improving the system's response.

The value of specialisation

Specialisation was seen by most respondents as a valuable approach to dealing with family violence. This did not necessarily mean having a specialist family violence division court (although a separate family violence court was suggested by one participant), but that people with specialised experience, understanding and knowledge in family violence matters be involved in all aspects of responding to family violence.

Specialisation is valuable in every role. For example, in every court where Victoria Police had a separate Family Violence Court Liaison Officer (FVCLO), the value of this role was seen as significant. The FVCLO facilitates negotiations, ensures affected family members have the opportunity to tell police what they wish to happen at court, and acts as a go-between, communicating between the police prosecutor or civil advocate and the affected family member. According to one magistrate, the FVCLO makes things run more smoothly for the court, allowing the process to become 'more streamlined' and, by speaking with both parties to understand what they would like on the day, the magistrate is better able to tailor the order appropriately.

Having specialist police prosecutors or civil advocates makes an enormous difference to the court. With specialist experience, police are able to come to court prepared with all the necessary information that the magistrate is likely to seek: information on risk factors, prior violence, related orders (such as family law orders) and a clear understanding of the wishes of the affected family member. This ensures that the magistrate has the required information to make an efficient and appropriate decision. Without specialist experience in the prosecution role, there is evidently a lack of appreciation of the information needed by the magistrate. Courtroom observations revealed that, without this sort of experience, the answer to many of the questions from the bench is 'I don't know'. In some of the courts observed many of the matters were adjourned to allow police to undertake further investigations to provide 'further and better particulars', to speak with the victim to clarify her wishes, or to determine if and when criminal charges were to be heard. This clearly has implications for the smooth running of the court, as multiple adjournments due to lack of information is simply a waste of court time. On the observation days, a number of magistrates were obviously frustrated in court by the inability of a police prosecutor or civil advocate to provide answers to their questions.

Specialisation among duty lawyers is also valuable, allowing solicitors to elicit the most relevant information from people under significant time constraints. The same may be said of registry staff, for whom a specialist family violence registrar allows a more efficient, and also more effective, application process, where all relevant information is included.

Specialisation among magistrates means that they have a detailed understanding of the nature and impact of family violence, can quickly elicit required information on the key facts of a case, and can craft a tailored order that has the greatest chance of preventing family violence and enhancing safety. The courtroom observations showed how specialist experience can work to enhance courtroom outcomes. Although every magistrate worked under significant time pressures, with lengthy lists and the tension between efficiency and fairness, the most effective magistrates were able to communicate meaningfully with both respondents and affected family members. Victims of family violence were told that they were brave for coming to court to seek an order. They were reminded that they should contact police if there is any fear for their safety. They were reminded of the definition of family violence, and that family violence is harmful for children even if they are not directly physically abused themselves. Family violence perpetrators were also told the definition of family violence and were warned that their continued violence could see their own children ending up as abusers in the future. The conditions of the order were carefully and clearly explained to them, and they were asked if they understood. The consequences and penalties of breach were explained. One magistrate was even able to undertake some therapeutic lawyering, initiating discussion about the causes and consequences of angry outbursts. Although there was no single magistrate who combined all of these approaches into her or his work, most magistrates observed adopted at least one of these, in a genuine effort to engage with the parties and provide an effective response.

The value of specialisation and ongoing education was emphasised by every participant in the consultations. Representatives from a community legal centre felt that further training is essential for everyone working in the family violence sphere, but especially for magistrates and police.

Professional development for magistrates

Several magistrates noted that, as family violence is 'pervasive' throughout the courts, more judicial professional development is needed. In particular, according to one magistrate, there needs to be an understanding that the capacity of witnesses to communicate properly is compromised where there has been severe violence. A communication style that may be seen as apologetic or incongruent is often seen, such that there's a disjunction between 'what they're saying and what we traditionally expect from a witness'. Magistrates need to understand 'the impact of family violence on communication skills when we're hearing evidence'. This is especially the case with inarticulate private applicants who are not represented, those with mental health issues and people with other disabilities.

Specialist magistrates can quickly identify risk factors in family violence applicants and respondents, and can address therapeutic and procedural justice concerns. Without specialisation, there are still those who do not appreciate the complexity and nuances in this space. For example, some magistrates are reluctant to include a child on an intervention order if there is no direct physical violence—they do not see exposure to violence as family violence. A health services provider felt that some magistrates still do not believe the applicant, leaving women to feel that they 'didn't have enough bruises' for the allegations to be taken seriously.

The response to breaches of intervention orders was an area of particular concern for some participants, in particular for service providers. A health services provider has seen magistrates warn of the penalties of breach when an intervention order is granted, but on breach the offender is treated overly leniently. Others from a family violence service provider echoed this sentiment, feeling that the magistrates are saying the right things when the order is issued, but then sending the wrong message when the threatened response to breach does not happen.[97] The message that family violence will not be tolerated thus seems to be missing: 'lots of good strong words are being spoken by magistrates to perpetrators, but [there's] not a lot of action'. In these circumstances, the respondent 'walks out with a smirk', except, according to some interview participants, in the case of Indigenous men, when he is likely to be imprisoned.

With some community-based service providers there was much discussion about the differential response of the courts to Indigenous and non-Indigenous respondents. Indigenous men in particular were seen as being treated much more harshly and were more likely to be sent to prison for breach (and indeed, to be charged with breach in the first place). While the gross over-representation of Indigenous people throughout the justice system is beyond the scope of this report, these interviewees believed that there are substantial disparities in legal responses to family violence among Indigenous peoples.

Professional development for police

Although all participants acknowledged that the police have 'come a long way' in their responses to, and understanding of, family violence, many agreed that further training and professional development remains a priority. A family violence service provider said that it is still difficult to get the police to apply for an intervention order if there is no evidence of physical violence—bruises, cuts and the like. A community legal centre representative felt that police are applying for many intervention orders now but they are not enforcing them, failing to take action on breach. Thus the focus on immediate safety may be coming at the expense of follow-up of criminal incidents. This is seen as problematic in the message that is sent when the police do not enforce orders: 'it's easier for the offender to take it seriously if the police take it seriously'.

While the general police members still need to shift their attitudes and beliefs, the specialist family violence units within police are very good, as they understand that 'emotional, cultural and spiritual violence' can exist.

Many participants valued the presence of family violence units in police, as well as dedicated police family violence court liaison officers who have the time both to liaise with affected family members and to ensure that the material presented at court is of a high standard. According to registry staff, their presence 'makes things run more smoothly…they know what they're doing so things run smoothly in court'. This sort of specialisation means that people are more likely to have a good experience with the police and will have sufficient confidence to call them if needed. A representative of a community legal centre believed that this confidence in the police is critical: 'an intervention order is not just a piece of paper if you make a phone call'.

Police themselves also acknowledge the need for further training. As a police prosecutor noted, they often become cynical and desensitised to family violence. Further training may assist with maintaining a certain level of empathy. It would also assist police to provide the best information possible to the court. For the magistrate to be able to make an informed decision, a quality narrative is needed, with strong evidence and information about the respondent's prior history. According to a police civil advocate, police informants—those attending family violence incidents—need more training to be able to provide more detailed and relevant information: family violence incidents 'need to be treated as seriously' as criminal investigations. This benefits not only the magistrate but also the respondent, who is then able to determine whether to consent to an order or to contest it. According to the police civil advocate, 'it's all about information in this context'.

Police also need ongoing training around how to conduct risk assessments and proper interviews. Part of this issue is the associated issue of resourcing—with more police officers, a greater level of specialisation can be achieved.

An interpreter suggested that police responses to family violence can be particularly problematic with regard to areas with a high proportion of non-English speaking people. He provided the example of an incident where police attend and the only person who speaks English is the alleged offender. Under these circumstances, the abuser (typically the man) may manipulate the story told to police, resulting in the female victim being accused of family violence and having an intervention order taken out against her. The interpreter has seen such cases a number of times; it is only when the matter comes to court that the story is able to be accurately described with the assistance of the interpreter.

While the traditional role of the police was to find criminals—to 'catch crooks'—it has evolved such that new skills are required to respond to family violence in an appropriate and skilled manner, suitable to an offence that typically occurs in the private rather than the public domain. This move from 'an enforcement role to a welfare role' needs to be acknowledged and incorporated into police training.

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97   Indeed, in the handful of matters where a breach of an intervention order was sentenced, the most common outcome was a community correction order, at times with the same conditions that were on the intervention order in the first place.

Managing time constraints in family violence matters

By far the biggest concern for interview participants was the lack of time available to provide the best possible service. Over recent years, the number of family violence matters in the courts has 'increased exponentially'. Time constraints affect everyone in the courts, and with large lists, people end up having to rush through their work, like 'chooks with no heads', according to one family violence registrar.

Ultimately, the impact of insufficient time is that people can only provide a bare minimum service: registry staff, duty lawyers, police, support services and even magistrates have to limit their time to working on the bare necessities, foregoing the additional time that would be required to provide a more detailed, thorough and complete interaction. Despite this, it should be noted, every one of the people observed for this research is clearly passionate about the importance of their work in assisting people affected by family violence, making every effort to do the best possible job within existing constraints.

Pressures on registry staff

For family violence registry staff, 'it's just relentless, non-stop client engagement at the counter', with some courts seeing up to 60 matters on the list on a family violence listing day.[98] Other registry work has to be foregone in order to deal with the demand, with many family violence days going past 4:00pm, sometimes even to 6:00pm. Some registries are considering a second day of listings for family violence to address this: 'when do we say enough's enough?'. One family violence registrar feels she is 'not doing all the other stuff' she should be doing in that role, such as community engagement work, as there is simply no time available. It is this broader engagement that is seen as critical to effective collaboration and integration within local family violence systems.

For many registry staff, time pressures mean that they have less time to listen. They used to have more time to help with applications and refer people to relevant services, but now are limited to finding out the few core facts that need to go into the narrative. Their approach used to be more therapeutic as they could listen more; there's no time to do that now. Even with multiple registry staff, 'You just feel like you're spreading yourself very thin'.

Some courts have introduced caps on their family violence lists (at around 30) to allow space for extra matters that arise at the last minute. Once the list grows to more than 40, it becomes more difficult for all involved to deal with each matter well. Security can also become a concern, as more and more people have to wait longer and longer for their matter to be called.

Some courts have also introduced an appointment system for the lodging of intervention order applications, and Court Network can provide extra assistance to people in filling out the forms. Given how 'cumbersome' and 'clunky' the intervention order application form is, it is often very difficult for people to complete on their own, especially when they experiencing emotional distress. The Neighbourhood Justice Centre's online application form aims to address this problem, and is seen by the Centre's staff as a potentially valuable contribution to making the whole court process easier and more accessible for victims of family violence.[99]

Pressures on duty lawyers

The standard number of clients for a duty lawyer used to be about four or five a day, allowing them to negotiate broader issues such as parenting plans. Currently, however, it is not unusual for a duty lawyer to see 10 or 15 clients, allowing as little as five or six minutes with each client. One particularly busy community legal centre regularly has 30 to 35 cases on a police application day and 12 to 15 on a private applicant day. Another centre has had as many as 60 clients on a police application day. At the same time as the demand for legal services has increased, access to the Family Court has become ever more difficult. As a result, people are using the family violence list to try to resolve child access issues as well. This added complexity means that the lack of time available (about 10 to 15 minutes per client) has an even greater impact on the lawyers' ability to address all the legal needs of their clients.

A lawyer at another court also talked about the increasing complexity of cases. The time pressure has become more pronounced as cases have become more complex. One lawyer felt that the court is 'a bit like a sausage factory sometimes', with people agreeing to things they do not necessarily understand. Another lawyer suggested that, in addition to a 'huge increase in family violence intervention orders' over the last 15 years, there has been an increase in methylamphetamine use and thus drug-related family violence. The increase in drug use means that he sees a 'dramatically different type of family violence respondent than 10 years ago'—one who is more aggressive and more dangerous to families. Thus the increased volume, combined with the increased complexity and potential dangerousness of cases, is felt acutely in the time pressures faced by legal practitioners.

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98   There were no direct observations of processes that take place outside the courtroom, such as those occurring with registry staff, duty lawyers and support services. Instead, issues facing individuals in these sorts of roles were discussed during the interviews. Consideration could be given to undertaking research in the future on processes outside the courtroom.

99   As the development of the online form is a relatively new initiative, it has yet to be formally evaluated.

According to one community legal centre representative, without adequate time legal service providers are not able to delve deeply into people's experiences so cannot receive optimal instructions, which has an impact on their ability to negotiate. Every one of the legal services providers suggested that they would like more time to spend with their clients— at least 30 minutes is required to get quality instructions and to have a proper discussion about the intervention order process and the person's wishes, and also to discuss additional issues such as family law concerns and referral to appropriate services. For clients who come from a culturally and linguistically diverse background, even more time is needed: ideally, an hour should be spent with these clients, not just to allow time for interpreters, but to explain the whole court process and culture. With only 10 to 15 minutes with each person, only the essential service is provided. 'You run everywhere', having to 'push things through' to get the job done. Duty lawyers 'can't go into all the details, which would take half an hour'; instead, they have to focus simply on 'the basics'. In private practice, getting proper instructions takes about an hour. With far less time on court days, duty lawyers may miss some of the key details; if that happens, they have to ask for the matter to be stood down so they can take instructions. And without proper instructions, the order cannot be tailored as effectively, which means that more matters are then contested.

The lack of time for duty lawyers was summarised by a lawyer from a community legal centre: 'To get an interim order you need to get proper instructions. That's the difference. If you've only spent 10 to 15 minutes, you've only got the bare bones'. While this does not necessarily compromise safety as in most cases the order is still granted, it does mean that applicants have to come back to court more often. In addition, if the affected family member has sought legal advice and has not been given enough time to have her voice heard, this may affect her future willingness to seek assistance from the police and the court.

Inadequate time to speak with clients also has implications for legal representatives' ability to undertake 'therapeutic lawyering'. That is, clients are less likely to feel that they have had a voice and been properly heard, instead feeling that their lawyer has had to rush off to another case. A perception may arise that the lawyer 'doesn't give a damn about me' as he dashes off to the next client. While the matter at hand might not be affected in such circumstances, there would surely be implications for people's confidence in the justice system.

Even at the Neighbourhood Justice Centre, where smaller lists, on-site services and multiple legal practitioners means that people have more time to spend with clients (around 30 to 60 minutes for average cases and one to two hours for complex ones), more time would still be useful to manage various family violence-related legal issues more comprehensively, such as family law and housing issues: 'The best practice model would be that legal services are better funded to deal with not only family violence legal issues but all the other legal issues intertwined'. The focus remains on the crisis of the day at court; the bigger issues behind it remain unresolved.

The inability to deal with broader issues was reiterated by representatives from Loddon Community Legal Centre. While the duty lawyers working at Maryborough Magistrates' Court do not face the same large lists as at other courts—typically seeing two to five clients in a day—they are still constrained in the service they can provide. They can 'do the basic job' and explain court processes to clients and assist them with their immediate matter, but they are not able to adopt the 'preferable model', which involves both contact with the client in the days prior to the hearing and follow-up with the client in the weeks and months after the hearing. For these duty lawyers, there are essentially two different services required: the basic duty service on the day of court and the ongoing legal casework that allows a more consistent and better quality response. While the former is manageable due to the smaller lists, they are unable to achieve the latter due to funding constraints. This is where external specialist family violence services can help to 'fill the gap' and provide valuable support services, when they are funded sufficiently to send their staff to court.

Insufficient time with a duty lawyer also means that some respondents do not fully understand the consequences of breach. This is where a respondent support worker is helpful, explaining the order and ensuring understanding of its terms.

Pressures on police

Police civil advocates and prosecutors are also under considerable time pressure, with some spending about five to 10 minutes with each affected family member, such that the discussion 'has to be done quite efficiently'. For one police civil advocate, this means that he must 'control the conversation' to get just the essential information. This might result in the person feeling that her voice has not been heard and that she has not been given enough time or attention, but it is all the time that he can afford.

Police stations that have a family violence court liaison officer are able to alleviate this pressure to some degree. The liaison officer will speak with affected family members about their wishes and conduct negotiations with respondents' legal representatives outside court. Some matters, such as where the respondent wants to consent to the order, can be resolved very quickly, in just five minutes. Other more complex matters, particularly those involving children, take far longer. With some courts hearing around 45 cases on a typical day, the time pressure is significant: as with duty lawyers, this potentially results in instructions that are not entirely accurate or complete.

In addition to a family violence court liaison officer, some police stations also have a dedicated family violence unit. While the police prosecutor has little time with individuals in court, the police family violence unit has primary responsibility for investigating family violence and providing a summary of agreed instructions to the prosecutor to use in court. Thus the police family violence unit takes substantial time to conduct the background work and liaise with the affected family member, providing the prosecutor with the relevant information required for a succinct and expeditious appearance in court. This system seems to work well for participants, who suggested that it combines the benefits of a detailed preparation process with a clear and concise appearance at court, alleviating the time pressures for the prosecutor while allowing the victims of family violence to feel they have had the opportunity to tell their story.

Pressures on support services

Service providers who support women in court have seen family violence 'increase dramatically each year', such that they sometimes need to send more than one worker to court to manage the list (if they have the resources to do so). Supporting more than three women at a time is too much: 'it's not a personal service' if there are more than that. According to the service providers interviewed, one of the most concerning implications of support services not having enough time and attention for victims of family violence is that women may end up agreeing to something that they do not understand. In particular, a woman might agree to accept an undertaking rather than an intervention order, which is not as effective in keeping them safe. While service providers are used to managing with a lack of funding—'we're a crisis service, we're used to stretching ourselves quite thin'—there are potentially serious implications if they are unable to do their job properly.

The lack of time 'limits the depth of contact you can have'. The increase in matters means there is an 'inevitable impact on what you can do as a single person'. More time would allow a more comprehensive risk assessment and full discussion of all legal issues, as well as linking in with services for the other ongoing issues.

The lack of sufficient time to speak with a victim of family violence at length about her needs is a particular concern in some courts with regards to Indigenous women, who tend not to seek help until they have become absolutely desperate, by which time the violence is severe and they become at high risk of serious injury. Responding appropriately to these women requires significant time.

For one service provider who attends court from an external service, the time spent with each person varies dramatically depending on the level of risk, whether the applicant is on her own and her individual needs. While this provider spends anywhere from 20 minutes to 90 minutes with a person, ideally she would like to have more time to be able to undertake a comprehensive risk assessment and fully discuss all the associated legal issues.

For the applicant support workers interviewed, the time required with each person is substantial. For one support worker, explaining the nature of family violence and the process of applying for an intervention order, making referrals to support services and assisting with completing the intervention order application requires about an hour with each person. Another applicant support worker requires about 40 minutes with each person to undertake a risk assessment, create a safety plan and provide referrals to the local external family violence support agencies. In addition, the applicant support workers may accompany women in the courtroom itself. While it would be 'ideal' to see only four people each day, one applicant support worker has previously seen as many as nine, while another generally sees about eight people each day, averaging about 20 to 30 minutes with each. For all the applicant support workers interviewed, the key to managing the demand is to work closely with others in the court, especially the police and services such as Court Network.

The demands on respondent support workers' time may be even greater, with one worker seeing 12 to 15 men on a busy day. After spending 10 minutes with a respondent to explain court processes, briefly discuss his concerns and determine if he is eligible for assessment for a counselling order, a further 30 minutes is required to undertake the assessment itself.

One of the health service providers interviewed also expressed concerns about insufficient time with victims of family violence. Although only having about 20 minutes per client, discussions need to include explanations of the court process, safety planning, referrals to accommodation and counselling services and linking people with legal services. The provider acknowledged that more time would be valuable to be able to discuss these issues in greater depth.

Pressures on registry staff

For registry staff, the work at the counter is relentless, with dozens of people seeking assistance. Some of the registries have implemented an appointment system for new intervention order applications, with 10 or 12 half-hour appointments scheduled throughout the day. Applicants arrive with the form largely completed, allowing time for the staff to ask further questions to clarify the situation and to type up the application. This helps with managing the pressure imposed by new applications, but there can still be 60 or 70 people requiring attention through the day. Thus while the appointment system allows registry staff to manage new applications, it does nothing to alleviate the ongoing pressures created by the large number of matters on the list. As one registrar noted, with a list of 50 to 60 matters, there is the potential for more than 100 people to come to court and seek assistance from the registry.

Pressures on magistrates

One magistrate felt that family violence intervention orders have gone from being a small part of the court's work (five to seven per cent) to being a significant proportion (about 30 per cent). But it is 'only recently that people [in the courts] have seen it as a key component of Magistrates' Court work'.

According to one magistrate, court philosophy has traditionally been that 'a good magistrate is a fast magistrate'. But this makes it exceedingly difficult to do the job well—a magistrate needs to stand up to this sort of pressure and take the time to triage and elicit the information needed. Without sufficient time to elicit the whole story, underlying issues may be missed and orders may not be as effective in preventing future incidents of family violence as they may otherwise be. This is particularly important with some culturally and linguistically diverse communities, especially the South Asian ones, where family violence is seen as an issue to keep hidden within families and substantial pressure is exerted on women by both their in-laws and their own families to keep the matter quiet. Magistrates need to have this cultural understanding and background information in order to tailor orders appropriately, such as including prohibitions on shaming women on Facebook. Insufficient information from the duty lawyers—and lack of time to elicit the information in court—makes it more difficult to tailor orders optimally.

One magistrate reported that she spends an average of seven minutes on each case in court, but would prefer to have 15 to 20 minutes on each. The lack of time means that she is 'operating so fast in such a closed environment' that she does not have time to ask questions about what really happened. Another magistrate said she has to work 'quicker and smarter'— she starts reading cases as witnesses are being sworn in, as there is 'really limited time to capture as much information as possible'. She herself asks questions of witnesses or affected family members to make the process more efficient than when practitioners control the questioning; she knows what to ask and can 'cut to the chase'. This magistrate spends only a few minutes on each case, erring on the side of caution with interim orders by simply accepting the affected family member's evidence.

The time magistrates spend on each matter depends on the nature of the issues. According to one magistrate, straightforward matters in which the respondent does not appear are very quick, requiring only three to five minutes. If the respondent is present, more time is required. If he is not represented, magistrates must take the time to explain both processes and outcomes. If the matter is contested, it can take five to ten minutes for an interim order to be made and the matter adjourned to a later date. A directions hearing can take somewhere between 15 and 30 minutes. For this magistrate, a large list simply has to be managed: 'I'll sit until my list is done'.

Time pressures on magistrates mean that they may be unable to get a complete picture of the circumstances involved in a matter. At times this may compromise matters beyond the Magistrates' Court. For example, one magistrate said that she is aware that intervention order applications can be used strategically by perpetrators, for example in family law matters, where an intervention order being in place can have implications for child custody. Intervention order applications may also be used by perpetrators to continue to control victims of family violence. In such circumstances, according to the magistrate, intervention orders are being used 'as a sword, not a shield'. Without adequate time, the magistrate may not be able to identify such issues.

Even at directions hearings, magistrates do not 'have the opportunity to be proactive and encourage settlement' as it's a 'sausage factory'. One magistrate noted that she can only give people quick advice about getting a lawyer for the contest; she does not have the time to discuss the underlying issues and is therefore unable to attempt any therapeutic interventions. The whole process becomes more about administrative decisions than about dealing with content and seeking resolution, but 'we shouldn't be dealing with them in such a sausage factory way'.

These sentiments were echoed by another magistrate who always feels under pressure with matters and would like more time, but does not want to keep people waiting if they are ready. He would like to have more time to ensure that people are understanding his explanations, as he thinks there are many who are not: he still thinks 'am I getting through here?'. While this magistrate feels his decision-making is not compromised by the time pressure, he would like more time around explaining his decisions. It is this therapeutic part that is sometimes missing due to time pressures. Another magistrate agreed with this concern about how well respondents understand their orders, feeling that participants often leave court feeling 'bewildered' and not understanding the implications of the order (for example, that an intervention order makes a respondent a 'prohibited person' under the laws regulating firearm use and possession).

One of the key consequences, then, of lack of time for magistrates is that therapeutic interventions are missing and procedural justice is missing. This is problematic: procedural justice 'is not just a nice thing to do—it's part of the courts excellence framework'. Research has shown that there is more likely to be compliance with orders if there is perceived to be procedural justice, so this has significant implications for both immediate safety and reoffending. And with 45 matters on the list, there simply is no time for those cases that perhaps need a bit more effort: 'You've got to have space for the one that needs more intensive intervention'. A real concern for magistrates is that 'a Batty case will come up and you'll miss it' in the rush to keep the list progressing. This magistrate suggested that, while her court tries to keep its list at a maximum of around 45 matters per day, a list of about 30 would allow her to perform better.

The pressures faced by magistrates were illustrated poignantly by a magistrate who, on the day of observation, was rather unwell. Rather than stay home to recover and miss the dozens of matters she knew would be on her list, she chose instead to come to court to ensure that people would be heard. The demand creates a perception that magistrates cannot afford to be ill—they cannot afford to stay at home as there is simply too much work to be done.

It is also important for magistrates to have the time to make normative statements about family violence, to say that this is not acceptable. This is an important message for magistrates to impart, but they need time to be able to do that properly.

One magistrate summarised the situation thus: 'I think we have the skeleton of a really effective service. But it's crushed by demand'. She felt that the key issue was a lack of resources to manage it all properly. In an ideal world, each person would have at least 15 minutes with the magistrate for an interim order, plus time with a duty lawyer and a support worker. A mention hearing would have at least 10 to 15 minutes, with parties having had independent legal advice. Her ideal would be to have 25 mention matters per day on the list, plus 10 to 15 applications (interim applications, applications to vary, applications to revoke, etc.), for an absolute maximum of 40 matters per day. But that would be 'a pragmatic figure—it's not a perfect figure'.

Appropriate resourcing would make the job easier for this magistrate, who would like to 'feel like I had done justice to each person, rather than shoving people through a cattle market. When the numbers get huge I don't feel comfortable that that's happened'.

She continued: 'The greatest thing that I hope comes out of this Royal Commission is that the system isn't broken—it's a very good system—but it needs to be appropriately resourced… in order to appropriately deal with matters. I'm hoping this time and motion study will show the discord between the time that is actually given and what, in an ideal world, should be afforded to each person, and how much time that adds up to (and different resources) to guide a reasonable response'.

Clearly there are substantial and varied resources required in responding to family violence in the court. While time spent in the courtroom is one measure of the resources required, it is entirely interdependent with time spent outside the courtroom in preparation. The courtroom is the end point of an extensive court system that responds to family violence: registry staff, applicant and respondent support workers, court support services, community family violence and health service providers, duty lawyers, and police family violence liaison officers and prosecutors all play critical roles in ensuring that both the people and the matters are as ready as possible for their appearance in the courtroom. While the scope of the observational data collection in this research was limited to proceedings inside the courtroom, clearly there is significant time spent outside the courtroom as well.[100]

Alternative legal responses to family violence

As part of the interviews, some participants suggested that there may be better ways for the law to respond to family violence. They offered two alternatives: for police to be able to issue intervention orders and for magistrates to be able to order formal mediation.

Police to issue intervention orders

One participant suggested that police should be able to issue intervention orders themselves: if this were possible, it might remove the need for affected family members to attend court when seeking an interim order. This would address the problem of applications being struck out due to the absence of the affected family member. This was quite a controversial idea when proposed in subsequent interviews, with most people expressing concern at taking the decision-making process (and the associated opportunities for making normative statements) out of the hands of the magistrate. It would also make the intervention order 'feel like an infringement notice', which is not appropriate. Some thought it might be useful to extend the duration of family violence safety notices instead, to allow a one-week order to be issued, potentially offering greater protection.

Magistrates to order mediation

A number of those who participated in interviews suggested that legal options and processes that are used in other areas could be expanded to include family violence. For example, a magistrate and a lawyer both suggested that the option to order formal mediation—as is available in the Family Court—would be a useful tool for family violence matters as well. They suggested that, in order to facilitate this, the current criterion for mediation—that it cannot be used if a person is violent—should be changed to allow family violence perpetrators to participate.

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100 As the scope of the research did not include tracking individual matters from start to finish to ascertain the time taken at each step in the complete court process, the actual time spent outside the courtroom is not known.

4.10 IMPLICATIONS FOR THE FAMILY VIOLENCE SYSTEM

Observations readily identified differences in approach between those magistrates with more experience in the family violence sphere, and with a greater understanding of family violence issues, and those whose main workload lies in other areas. These differences highlighted the need for ongoing education and training for members of the judiciary in family violence issues. Every magistrate interviewed supported the need for further training, regardless of the level of experience. Given that the Judicial College of Victoria already conducts training programs with the Magistrates' Court in family violence issues, it would likely not be overly onerous to develop further training, in conjunction with those magistrates and family violence specialists who can provide expertise input into designing further training programs. For example, the workshop run by the Women's Legal Service, in conjunction with a mock trial led by Magistrates Hawkins and Gleeson from Melbourne, was said by consultation participants to be of enormous value. This workshop could be expanded to be run with staff and judiciary from all over Victoria.

In addition to broader training, the issue of specialisation should also be considered. While some of the people interviewed advocated a fully separate family violence court, others suggested that it is not so much the formal specialisation that is required as the specialisation of experience, knowledge and understanding. For example, specialist family violence registrars undertake triage, identifying high-risk affected family members and referring them immediately to support services. Specialist magistrates have a proper understanding of the nature and complexities of family violence. Specialist legal representatives and police can quickly identify key aspects of the story that the magistrate will need to be in the narrative. Across all these roles, specialisation fundamentally allows a common understanding of the risk factors involved with family violence.

Specialisation—in terms of the development of a strong, cohesive and experienced team—was seen as an integral part of the court's response to family violence. Indeed, one magistrate praised the specialist experience and knowledge at her court, saying 'it's the local team that makes the difference'. Close teamwork is critical in this arena. For example, the morning meetings held in Ballarat—where the day's list can be divided among the solicitors and everyone can agree on how to tackle the day—were held up as critical components of their approach to managing an enormous number of matters. This integrated approach, ensuring that registry staff, solicitors and support workers work as a unified team in assisting people through the day, has been implemented in only some of the courts visited. It seems a simple mechanism to implement, but one that could significantly improve the court experience for all concerned, ameliorating the negative impact of severe time constraints.

At those courts where morning coordination meetings take place, successfully managing the demand imposed by family violence matters seems a more realistic goal. Participants from courts without these meetings knew about them and emphasised their value. They allow police prosecutors and duty lawyers to meet with clients in the same order, so that everyone from a particular matter is ready to proceed at the same time. Without them, police and solicitors meet with clients in a different order, so that one party may be ready early but the other party may not, requiring a lengthy wait. This also facilitates the optimal use of interpreters; as they tend to be booked until lunchtime, if both parties are not ready at the same time and the interpreter leaves, a matter tends to be adjourned. Morning coordination meetings also facilitate optimal use of magistrate time, reducing the time spent waiting for matters to be ready to be heard. Implementing these meetings would not be a difficult reform for the court to make, but seems to make a significant difference to managing daily time constraints.

In addition, though, there is clearly a need for more staff, particularly in the registry offices. All registry staff felt that they struggled to deal with the continual flow of family violence applications. Registrars were not able to fulfil their other job roles, and additional staff had to be brought in from other counters. The implications of this deficit may be profound. Information that should be included on the application might not be, meaning that the magistrate may not have complete information upon which to base a decision, potentially leading to less protection than there should be. The registrar may not have sufficient time to determine whether safety precautions need to be in place when the applicant attends court (such as use of the remote witness facility), potentially putting people at risk. The registrar may also not have sufficient time to explain the court process to the applicant, with a potential impact on aspects of procedural justice. With a relentless demand, this seems a priority area for the courts to address.

Specialisation, however, can be a 'double-edged sword' according to some registry staff: the experience, understanding and knowledge contributes to a better court experience for the parties involved, but it 'takes a toll emotionally— you wouldn't want to do it day in and day out'.

Several potential reforms were suggested by consultation participants to assist with managing the volume of matters. Many suggested changing list management practices: having morning and afternoon lists, adding an additional listing day, capping list sizes, or removing non-family violence-related criminal matters, or even all criminal matters, from the list. Even non-family violence intervention order matters (that is, personal safety intervention orders) could be removed as they 'dilute the seriousness of the day'.[101] As one participant said, 'It's indefensible in this day and age' for people to have to wait all day for their matter to be called. Indeed, some people leave court and are absent for their hearings.[102] Some suggested alternatives include having an appointment-based attendance system and allowing more than one courtroom to deal with family violence matters, or perhaps hearing police applications first, as they tend to be more succinct and streamlined, and therefore faster.

While staggered listing times seem logical in theory, a magistrate lamented that 'our experience tells us people don't turn up when they're supposed to'. She suggested that pragmatism is needed: with lists being 'so out of control at the moment, we can't have efficient listing practices—we lose capacity to be efficient'. The problems are then compounded because 'matters get adjourned that should have been resolved'. This magistrate is a 'great advocate of capping lists' so that they can be managed properly and allow sufficient time to be spent with each party. Other options such as docketing systems, or having magistrates designated to deal with family violence matters so that there is greater familiarity with each case, might also assist.

An improved information technology infrastructure would also assist with list management issues. In particular, having a unique identifier for each individual would allow the magistrate to have information about all the various cases in which the person is involved. This in turn would facilitate a more efficient and 'much safer' system. An updated or completely overhauled Courtlink system might also be able to provide information about orders from other courts, which is seen as a critical 'missing link' in the current system.

4.11 ISSUES FOR FURTHER CONSIDERATION

Based on both the data and the interviews, the following issues offer opportunities for further consideration and discussion:

1. Provide further professional development and training for all people involved in responding to family violence: Victoria Police, duty lawyers, court staff and magistrates could all benefit from additional and ongoing training about the nature and impact of family violence.

2. Increase the level of specialisation in family violence: In conjunction with further professional development, increasing the number of people who have a deeper understanding of, and greater experience with, family violence—including the placement of police family violence court liaison officers more widely—should both improve individuals' experiences of the system and increase the efficiency and effectiveness of system responses.

3. Change practices to manage time constraints more effectively: Adopting a three-pronged approach should allow more efficient court practices, including a) introducing morning meetings to coordinate moving through the list; b) providing additional staff in key roles such as registry and duty lawyer positions, as well as applicant and respondent support workers; and c) examining listing practices to consider such options as having morning and afternoon lists, adding an additional listing day, capping list sizes, removing non-family violence-related criminal matters and personal safety intervention order matters from the list, and allowing more than one courtroom to deal with family violence matters.

4. Improve the information technology infrastructure: Implement a unique identifier into the Magistrates' Court to allow magistrates access to all matters relating to any given person.

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101 One participant even suggested a $10 filing fee for personal safety intervention orders applications as a way to reduce petty neighbourhood disputes that take up valuable court time on 'unnecessary and frivolous matters'. This might discourage more vexatious litigants from filing applications, opening up the court's and lawyers' time for the serious matter of family violence.

102 This is particularly the case as 3:00pm looms, as people have to pick up children from school or childcare.

APPENDIX A: INTERVIEW PARTICIPANTS

Ballarat	• Magistrates • Registry staff • Applicant and respondent support workers • Victoria Police family violence unit and prosecutor • Victoria Legal Aid • Central Highlands Community Legal Centre • Berry Street • WRISC
Geelong	• Magistrate • Registry staff • Court Network • Victoria Police family violence liaison officer and prosecutor • Victoria Legal Aid • Barwon Community Legal Centre
Melbourne	• Magistrate • Registry staff • Court Network • Applicant support worker • Interpreter • Women's Legal Service
Sunshine	• Magistrate • Registry staff • Applicant support worker • Interpreter • Courts Integrated Services Program • Court security staff • Victoria Police family violence court liaison officer and civil advocate • Victoria Legal Aid • Western Community Legal Centre • Women's Health West
Dandenong	• Magistrate • Registry staff • Applicant support worker • Victoria Police family violence court liaison officer and civil advocate • Victoria Legal Aid • Springvale Monash Legal Service

Wangaratta	• Magistrate
	• Registry staff
	• Court Network
	• Victoria Police family violence unit and prosecutor
	• Victoria Legal Aid
	• Hume Riverina Community Legal Centre
	• Centre Against Violence
	• Gateway Community Health
Maryborough	• Magistrates
	• Registry staff
	• Victoria Police family violence court liaison officer and prosecutor
	• Victoria Legal Aid
	• Loddon Community Legal Centre
Neighbourhood Justice Centre	• Magistrate
	• Director, NJC
	• Registry staff, project staff and program staff
	• Court support program staff
	• Court Network
	• Restorative Justice Pilot program staff
	• Yarra Family Violence Network
	• Victoria Police family violence court liaison officer and prosecutor
	• Victoria Legal Aid
	• Fitzroy Legal Service
	• Berry Street

APPENDIX B: INTERVENTION ORDER CONDITIONS— CLAUSES 1 THROUGH 8

The respondent may not:

1. Commit family violence against the protected person.

2. Intentionally damage the protected person's property or threaten to do so.

3. Attempt to locate or follow the protected person or keep them under surveillance.

4. Publish on the internet or by email or other electronic communication any material about the protected person.

5. Contact or communicate with the protected person by any means.

6. Approach or remain within a certain distance of the protected person.

7. Go to or remain within a certain distance of where the protected person lives, works or attends school or childcare.

8. Get another person to do anything the respondent must not do under the order.

The term 'family violence' means harmful behaviour that is used to control, threaten, force or dominate a family member through fear. It includes sexual, psychological, emotional and financial abuse.[103]

Other conditions are also possible, such as those relating to firearm possession or those requiring contact with a support service. Exceptions may also be made, typically relating to other orders already in place (primarily relating to child access), allowing contact via lawyers or for the purposes of mediation or counselling, and allowing contact in the presence of police for the purpose of collecting one's property. Magistrates may also create conditions specific to the circumstances of a particular matter. For example, in one matter with two sisters involved, a condition on each sister's order specified times during which each sister was allowed to visit the mother in her nursing home. Orders may thus be quite individually tailored.

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103 The wording used in this list of conditions is not the same as that found in the legislation itself. Rather, it is a plain English version, which, along with the definition of family violence, is taken from the Victoria Legal Aid website, at https://www.legalaid.vic.gov.au/find-legal-answers/family-violence-intervention-orders (last accessed 23 September 2015).

Royal Commission
into Family Violence