



Royal Commission
into Family Violence

WITNESS STATEMENT OF KAREN FIELD

I, Karen Field, Registrar, of 10 Foundry Road, Sunshine, in the State of Victoria, say as follows:

1. I make this statement on the basis of my own knowledge, save where otherwise stated. Where I make statements based on information provided by others, I believe such information to be true.

Current role

2. I am currently the Registrar of the Specialist Family Violence Service at the Sunshine Magistrates' Court. I have acted in the position since around 2008.
3. In my role, I am the first port of call for people seeking to make an application for a family violence intervention order (**intervention order**). I coordinate intervention order applications made at Sunshine Magistrates' Court and manage the Specialist Family Violence Service's registry staff, being a Victorian Public Service Grade 3 registrar, a trainee registrar, an Applicant Support Worker and a Respondent Worker (when the position is filled).
4. The Grade 3 registrar's role is predominantly to interview applicants to assist with their intervention order applications. She would usually have around 10 appointments each day, which I oversee. The trainee registrar is a very junior member of staff, so it is my role to ensure she is equipped with the knowledge and support to manage her job. The trainee is the bench clerk for the family violence court sitting days, and so she hears around 40 applications made each day in court and is responsible for entering orders into the court computer system in accordance with the decisions made by the sitting magistrate. I oversee the trainee to ensure that she correctly enters the intervention orders made by the court.

Background and qualifications

5. In 2002, I started as a Trainee Court Registrar at the Melbourne Magistrates' Court. As part of my two year traineeship, I rotated through the family violence court and jurisdiction.

6. After completing my traineeship at the Melbourne Magistrates' Court, I transferred to Sunshine Magistrates' Court where I worked as a registrar in the general registry. When the Specialist Family Violence Service commenced at Sunshine Magistrates' Court in June 2006, I worked as a VPS Grade 3 registrar in the service, working under the VSP Grade 3.2 registrar. As noted above, I then became the VSP Grade 3.2 registrar in around 2008. My position was upgraded to a VPS Grade 4 in 2015.

The Specialist Family Violence Service

7. The Specialist Family Violence Service was introduced at Sunshine Magistrates' Court in July 2006. It is a specialist initiative designed to enhance the existing services already in place at the court to simplify access to the justice system and increase safety for affected family members and affected children.
8. Key features of the Specialist Family Violence Service include:
 - 8.1. dedicated family violence registrars and an applicant support worker;
 - 8.2. specially trained police prosecutors to represent police in applications for a family violence intervention order that has been made by a police officer; and
 - 8.3. specialist family violence training for magistrates and court staff.
9. At Sunshine Magistrates' Court, the Specialist Family Violence Service lists intervention order applications on Monday to Wednesday each week, and on these days, I am responsible for managing the court list. On Mondays, police initiated applications for intervention orders are heard. Applications initiated by affected family members are heard on Tuesdays, and a combination of police-initiated and affected family member-initiated applications are heard on Wednesdays. Usually, around 40 applications are heard on each of those days.
10. Thursday at Sunshine Magistrates' Court is the personal safety list, which is not family violence related. We do not list family violence matters on Thursdays, generally because there are no family violence support services available at the court on that day. Werribee Court (part of the Sunshine region) has a family violence list on Thursdays and support services are located there on that day. There are also no listings on Fridays at Sunshine Magistrates' Court, however we schedule a full day of appointments on Fridays with affected family members wanting to make an intervention order application. Again, the family violence

support services are not available on Fridays, except for the applicant support worker.

11. If an affected family member has an appointment with my staff on a day that court is not sitting (i.e. on a Friday), it is still possible for the affected family member to obtain an interim order from the court on that day. As discussed further below at paragraph 21, I always offer applicants the option of seeking an interim order from the court.

Registry practice

12. In practical terms, on days when the Specialist Family Violence Service lists intervention order applications, I stand at the counter in the courthouse and people will line up to tell me about their matter. I will listen to each person, one by one, and will speak to them numerous times throughout the day. This necessarily requires me to quickly triage the applications, and determine the next steps for that person. In the first instance, I will ask questions such as whether the person requires a translator, whether the police have made the application, and whether they require legal advice. The services available at the court include Legal Aid, Western Community Legal Service, the applicant support worker, Women's Health West, Intouch and Court Network. I will guide people through these services before their application is heard by the magistrate.
13. If an affected family member presents to me at the counter of the courthouse wanting to make an application for an intervention order, I will guide that person through the following process.
14. I will firstly determine whether the affected family member has an appointment with the Grade 3 registrar to make their application. Most courts run on an appointment system. If a person does not have an appointment, we could nevertheless have an application made and heard on the same day (if court is sitting).
15. Where the affected family member does not have an appointment, I will quickly assess the facts of the application and determine the immediate level of risk. For example, if there has been an incident the previous night which has led to the affected family member coming to court to make an application, I would not schedule an appointment for that person the following week. In these high risk cases, I will often refer the affected family member to the police when I am aware that police were involved in the family violence incident, so that the police can make

the intervention order application. The police station is next door to the Sunshine Magistrates' Court and the police prosecutors at court have an office right next to the Family Violence counter.

16. If there does not appear to be a high or immediate risk to the affected family member, we will schedule a half hour appointment for the applicant with the Grade 3 registrar. We will give the applicant the intervention order application form, and ask them to have a go at completing it themselves prior to the appointment. During the appointment, the Grade 3 registrar will go through the form with the applicant and make sure that they have included all the necessary and relevant information.
17. Once the applicant has completed the form, registry staff will enter the details from the application form into the online system. The online system only allows us to enter two paragraphs of detail, so we usually need to summarise the content of the intervention order application. Because of this limitation, we will prioritise including details of the parties involved, relationship status, housing status and details of any children, and also describe the most recent incident. We will then summarise the rest of the information included in the application form. In the narrative the Registrar will include any identified risk factors including pregnancy, weapons, choking etc. Also when processing the application the Registrar will ask the applicant for instructions and feedback about what details they most want to include and emphasise. The handwritten application and anything attached to the form will be kept on the physical court file.

Referrals

18. As noted above, when a person presents at the counter with an application, I will refer them to the various services available at the court on sitting days. Duty lawyers are available on Mondays to Wednesdays. We generally refer respondents to Legal Aid and applicants to Western Community Legal Service. On Tuesdays, when generally all applications are affected family member-initiated (not police-initiated), the duty lawyers are very pushed to see everyone who is not represented or has not received legal advice. On Wednesdays, when there is a combination of police and affected family member applications, we find that approximately 80% of applications are police-initiated, so the available legal resources for Applicants are less stretched.

19. Applicants will also be referred to the applicant support worker. We do not have a respondent support worker, although we are currently going through a recruitment process to fill this new position. The fact that we do not have a respondent support worker is a big gap in the service we provide. From what I have heard of the respondent support workers at Ballarat and Heidelberg Magistrates' Courts, they play a significant role in calming the respondent down, explaining what has happened and the court process. The respondent support worker is also able to provide the respondent with other support, such as assisting with accommodation arrangements if required, and drug, alcohol and mental health support and referrals. However, with the introduction of the respondent support workers in courts throughout Victoria, it must follow that there is more funding for Men's Behaviour Change programs. I believe that waiting lists for Men's Behaviour Change programs are currently full for 2015.
20. When people present to me at the counter, it is regularly the case that they will ask me for advice. In particular, a lot of respondents will ask me how the intervention order will affect their relationship with their children, and whether they can still see their children. I am often asked for legal advice, but of course, I cannot give this. On most days however, there is a duty lawyer at Sunshine Magistrates' Court for people to see.

Interim orders

21. For most people who come to the court wanting to apply for an intervention order, their application will be listed on a subsequent day. However, in cases where there is an appropriate degree of urgency and risk, the applicant can apply for an interim order, which is made effectively ex-parte and made returnable on the next date the application is listed. Given my experience, I am generally able to gauge how urgent an application is. However, I will always offer the applicant the opportunity to seek an interim order from the court on the day their application is made. I don't consider it my role to be the gatekeeper of who can or cannot seek an interim order. Although I can make an assessment of the facts, it is not my position to judge the risk that an applicant is feeling. Out of 10 appointments heard on a day, around half will seek an interim order. The granting of an interim order is wholly dependent on the magistrate.

How applications are finalised

22. The majority of applications for intervention orders ultimately resolve by consent without admission. Very few matters are contested. Although a lot of matters may be initially contested and will go to a directions hearing, they will then settle at that hearing. Of approximately a dozen contested matters at Sunshine per month that go to a directions hearing, around half will then settle at that hearing. Sometimes that is because there is no court time available for the contest and that encourages parties to reach the kind of settlement they could probably have reached at an earlier stage.

Cross-applications

23. I have observed that recently the number of respondents making cross-applications has increased. Cross-applications are an application for an intervention order made by a respondent against the same person (i.e. the affected family member) who is making the original application. I consider that this trend is partly driven by the legal advice given to respondents by the duty lawyers.
24. If a respondent presents with a cross-application that on its face, appears to be completely tactical, the registry has no ability to refuse the application. We don't have any gatekeeping power and will send every application made through to the magistrates.
25. In my experience, magistrates are generally well attuned to applications that are made purely for tactical purposes. To assist the magistrate, the registry staff member processing the respondent's cross-application should make enquiries in the system on both the applicant's and respondent's names to determine whether there are any related matters. If there are, the registrar should note these on the file so the magistrate can know the context of the new application.

Intervention order applications made by Victoria Police

26. It is my observation that there has been a significant increase in the number of intervention order applications made by police. When the Specialist Family Violence Service was started in 2006, it was not common for applications to be police-initiated, so there has definitely been an improvement in this regard. I estimate that around 70% of all intervention order applications heard at Sunshine Magistrates' Court on Mondays to Wednesdays are police-initiated. In my

experience, it is not always the case that police-initiated applications are brought to court more quickly than affected family member-initiated applications. Sometimes there are delays caused by an inability to serve the warrant or summons on the respondent.

27. In circumstances where police have made an intervention order application, it is not uncommon for the affected family member to come to court saying that she never wanted the application made, and asking for it to be withdrawn. Sometimes the affected family member and the respondent turn up hand in hand in the queue in front of me.
28. In these situations, my response is to always send the affected family member to meet with the applicant support worker (without the respondent present). I will also explain that the police have made the application because of concerns for the person's safety, and that because police have made the application, they may be very reluctant to withdraw the application entirely. I am generally sceptical in these situations where the affected family member presents to court requesting that the application be withdrawn – in my experience, they are often being forced to do this by the respondent. This is also often the case when final orders are made by the court, but the parties come back to court a short time later seeking a variation of the final orders. It is sometimes the case that the affected family member wants me to explain to the respondent that the application is out of their hands, and rests with the police and/or the court. In these scenarios, you need to have a real appreciation for the dynamics of family violence.
29. In respect of police liaison officers, I think there has certainly been an improvement in how police liaison officers understand and deal with family violence matters. I can see that there is more training, more understanding and generally more willingness to help. However, while there are some really great officers, there are still some pockets of the police force where there is a lot of room for improvement. For example, I often deal with circumstances where police have attended a family violence incident, but told the victim to go to the court to make an intervention order application themselves. This is not appropriate – the police should be making the application in these circumstances. Although there has been a significant increase in the number of police-initiated intervention order applications, there is definitely scope for more work to be done.

Security at Sunshine Magistrates' Court

30. Surprisingly, there have been relatively few serious incidents at Sunshine Magistrates' Court as a result of security failings. Although there are no purpose-built areas for family violence victims and perpetrators, it is generally the case that the respondents speak to Legal Aid, which is located outside Court 2, while all the women's services are located at the other end of the court building. By reason of this division of the services, applicants and respondents are somewhat separated. However, of course we cannot prevent respondents from walking down to the applicants and talking to them. This is not ideal, and ultimately, there should be safe rooms for applicants so they can be completely separated from respondents. There is also only one exit so applicants still have to walk up past the respondents if they need to go outside.
31. The most serious safety risk at Sunshine Magistrates' Court is for those applicants wanting to give evidence via remote witness, which is located near the Children's Court. Except on Thursdays, this is the most isolated area of the court precinct. There is generally no security there, and the police officers and police liaison officers are in the main area of the court. There have been a couple of instances where the respondent has been waiting around that area for the applicant. Although I can ask Court Network to sit with the applicant, there is ultimately nothing to prevent the respondent from walking into that area, and this could easily lead to a terrible incident occurring. I understand there is new "mobile" video link technology coming soon that will allow Applicants to use the facility in a more secure location, for example, from a room at Women's Health West or Court Network.

Child-minding service at Sunshine Magistrates' Court

32. A lot of applicants come to court with their children. Generally, magistrates do not allow children in the courtroom, and even if the children are allowed in the courtroom, the children are then placed in a situation where they are exposed to the re-telling of incidents of family violence. Although we generally advise an applicant to bring a family member to court to watch their children, this is not always possible.
33. The Court Play Worker Program was established at Sunshine Magistrates' Court, because the Specialist Family Violence Service and McAuley Community Services for Women recognised an increasing need to protect children from the stress associated with accompanying their mother to court. A worker from McAuley Community Services for Women provides this child-minding service on Mondays.

34. The Program has a dual function in that children do not have to hear the content of the application being discussed in court, but it also allows the applicant to focus on their appointments and the proceedings at hand. Currently, the worker will sit and play with the children, usually just outside the courtroom door or in the same room as appointments are being held. The Program is not currently designed for the children to be taken to a separate room to play, although this would be ideal.

Aspects of the Specialist Family Violence Service that could be improved or changed

35. It is absolutely necessary that applicants have the option of giving evidence via remote witness or even from a remote location, completely separate to the courthouse. This is especially so in respect of applicants who are at very high risk. Although I recognise that doing this would present some logistical difficulties, our primary focus needs to be the safety of people.
36. Resourcing is a huge issue and I consider that Sunshine Magistrates' Court is very understaffed, given the number of applications heard on a daily basis. For example, I know that there are Grade 4 registrars at other Courts that have small listings and workloads, compared to at Sunshine, where we usually have 40 applications each sitting day. The busiest courts need more registrars and support services. At Sunshine, we need an extra registrar at least on Mondays to Wednesdays.
37. Alternatively, a cap on listing numbers needs to be considered, where busier courts like Sunshine cap their lists at a suitable number to ensure effective service and support is given to court users and to eliminate the understaffing issue. However, unless additional resources were also to be allocated, a consequence of capping lists would be delays in the return dates for intervention order applications.
38. I think that better support services (such as more supervision and debriefing) for registrars should be implemented. This professional support is given to (for example) applicant support workers, but nothing is provided to the registry staff. Given the nature of work in the family violence list, there needs to be a recognition that registry staff are dealing with high volumes of confronting issues on a daily

basis. I think there is a risk that staff can suffer vicarious trauma if they are not properly supported, with less experienced staff members particularly at risk.

39. The intervention order application form needs to be completely overhauled. The current form is too long and confusing. We also need to consider having the form or parts of the form available in different languages. The Sunshine Magistrates' Court serves a very diverse community – it is not uncommon that we use up to six different translators in one day.
40. While some magistrates have an excellent understanding of family violence and its associated issues, there is definitely room for improvement. Some magistrates are not experienced in the jurisdiction and have little knowledge of the dynamics of family violence. More needs to be done to educate magistrates in this regard.
41. A child-minding service, such as that currently provided by McAuley Community Services for Women, should be available on all days that family violence matters are listed. It would be preferable if there was a room or separate space available at the court for the child-minding service to run.
42. There should be better systems for sharing information between the Magistrates' Court and other agencies, such as the Department of Human Services, Corrections and Victoria Police, and also the Family Court, Federal Circuit Court and Children's court. We can't access any information held by these agencies which would no doubt be relevant to an intervention order application. On the other hand, at Sunshine, we are constantly processing requests from these agencies for information about intervention orders.



Karen Field

Dated: 31 July 2015