



Royal Commission
into Family Violence

WITNESS STATEMENT OF KERRY GENEVIEVE MARY WALKER

I, Kerry Genevieve Mary Walker, Director of the Neighbourhood Justice Centre of 241 Wellington Street, Collingwood in the State of Victoria, say as follows:

1. I am authorised by the Neighbourhood Justice Centre (**NJC**) to make this statement on its behalf.
2. 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.
3. I adopt the contents of the document entitled '*Neighbourhood Justice Centre – Submission to the Royal Commission into Family Violence 2015*' which is attached to this statement and marked "**KW 1**". I note that the NJC also provided the Royal Commission into Family Violence with videos as part of its submission.

Current role

4. I am the Director of the NJC. My role involves creating innovative ways to deliver and integrate our diverse services and programs. I am responsible for ensuring that the Centre provides good and just outcomes for our clients. I am also responsible for public and community engagement. Other aspects of my role include the general management of the staff and Centre.

Background and qualifications

5. I am a lawyer and trained social welfare worker. I have worked in program design and advocacy. I have tended to work on the fringe of traditional systems. For instance, instead of working within Child Protection I worked in Street Work Project.

NJC Submission

6. I note that the submission at “**KW 1**” includes a video containing the following topics:
 - 6.1. Part 1 ‘*No More Silos*’: in this video I discuss the centre's novel initiatives to tackle family violence and to provide women with access to justice.
 - 6.2. Part 2 ‘*Justice in the Digital Age*’: Maree Foelz discusses the NJC's online application system for a family violence protection order, which incorporates the CRAF.
 - 6.3. Part 3 ‘*Looking out for Her*’: this video discusses the NJC's initiative to ensure that women feel comfortable, secure and protected during violence protection order hearings.
 - 6.4. Part 4 ‘*Thinking Clearly*’: in this video Magistrate David Fanning discusses and clarifies the Court's role in family violence.
 - 6.5. Part 5 ‘*Triage*’: in this video Senior Registrar Damian James discusses the NJC triage process and the support services available to provide better client outcomes.
 - 6.6. Part 6 ‘*Client Services*’: this audio file summarises the NJC's client services and initiatives.
 - 6.7. Part 7 ‘*Better Community Outcomes*’: in this video NJC staff discuss networks and initiatives including the Yarra Family Violence Network and White Ribbon Day.
 - 6.8. Part 8 ‘*Epilogue*’: an overview of the NJC's recommendations to the RCFV

Benefits of Integrating Services

7. At the NJC we are focused on integrating community services. We have 20 independent treatment agencies with staff located at the NJC. The range of in-house services and victim support strategies we provide include:
 - 7.1. Victims Assistance and Counselling Program;
 - 7.2. On-site Berry Street Court Support Worker;

- 7.3. On-site Court Network workers and a Salvation Army Chaplain (who provide information and support to victims);
 - 7.4. Onsite legal advice and advocacy services;
 - 7.5. Intervention Response Team comprising Registry, Dispute Settlement Centre and Client Services; and
 - 7.6. Newly arrived and refugee victims of trauma support via New Hope Foundation.
8. Additionally, we have two financial counsellors, housing support workers, a generalist counsellor and a victim's counsellor. On Family Violence list days we have an alcohol and drug clinician as well as a mental health clinician.
9. The way we integrate our services is different to all other courts. For instance, CISP workers are employed by the court, whereas our staff work for both an agency and the NJC. We fund the agencies to employ staff who work from the NJC and the agencies provide professional development for the staff. The benefits of this approach are that the workers are able to retain access to contacts and networks of their own agencies and thus quickly refer clients directly to these external services if required. We have staff on-site from the Brotherhood of St Lawrence, Merri Community Health Services, Women's Legal Service, Fitzroy Legal Service and the Family Law Clinic (mostly to provide support for family violence issues).

Triage and Family Violence

10. We view the individuals who attend the NJC and use our services as our clients. All our services are focused on the client and are philosophically aligned in their commitment to support them. The Client Services team provide integrated assessment, treatment and referral services to the client, whether they be self-referred Yarra residents or referred through the justice process. If an individual's case has been listed prior to the date they attend court, they will have been triaged in advance to determine which service is the right one to be their initial contact at the NJC. Generally, the first point of call for the client is a generalist social worker from Cohealth Community Health Centre who greets the individual and determines if any other workers or services are required to assist them.
11. The NJC prioritises time to triage family violence clients. Triage allows Client Services to ensure the required services are on hand to manage the complex

psycho-social needs of family violence. The particular services the individual will require on the day are identified from the text of the intervention order application. Triage enables us to flag high risk respondents. We ensure that the relevant workers are alert to the case on the day. We ensure that Client Services, Registry and security know who will need the most protection or supervision.

12. I believe that planning prior to family violence hearings should be an essential component of court operations. The overarching benefits of handling family violence matters strategically are that women who require court protection receive it, and in turn, their confidence in the justice system increases.
13. The underlying philosophy behind providing clients with a range of services is that individuals attending court are under a great deal of stress. The urgency they feel is overwhelming. To work with people at that time when everything is in colour and acute is in some ways the best time to get an 'in'. Waiting for a day, a week or three months to provide them with the services they need is too long a wait. To put them on hold makes them feel that their story isn't important, that the urgency they are experiencing isn't felt by others. Once the urgency has passed, the client's defences are up again, life has changed and the services can seem unnecessary or irrelevant. They are likely to engage in services at the start of the hearing process, not 3 months down the track.

Police Applications for Intervention Orders

14. At the NJC we have both individual and police initiated intervention order applications. There are fewer police applications made at the NJC than in any other jurisdiction in Victoria.
15. From my perspective, there are philosophical and ideological issues with police making intervention order applications. Police safety notices were designed as a system to be implemented where a woman was in such danger that it was right for the state to protect her by taking out an application. What has happened now is that police have extended their duty of care artificially and are very quick to make an application. They take them out just on the basis of attending. This is mostly because they're frightened for their own risk if they do not make the application. This confuses the role of the police, which is to enforce intervention orders.
16. There is a significant lack of clarity around the role of the police in family violence matters. Police should be protecting women, rather than making them witnesses to

their own application. Giving police the role of applying for intervention orders is another expression of patriarchy and of the legal system treating women like children.

17. When filling out an application for an intervention order, the police have five interplaying forms that they have to figure out. They have to focus on the level of risk to the woman and whether there has been a crime. We have found that the variation of risk assessments in family violence cases by police is enormous. It is very difficult for the police to make an informed decision on the spot.
18. Furthermore, it is the Senior Sergeant who decides whether the application should proceed or not. The decision making is quite remote from the woman involved. As a result, sometimes a woman may turn up to court, not knowing that Senior Sergeant decided not to pursue the application.

The intersection between criminal matters and Intervention Order matters

19. There is a significant lack of clarity around the role of the court and police in family violence law matters. Unlike the delineations clear in civil law, or 'traditional' criminal law, there is a tension between the different aspects of the court's role: on the one hand, it is the impartial arbitrator of a dispute between the parties and on the other it has supervisory role and a duty to ensure that those affected by family violence are kept safe.
20. Whether a matter enters the civil or criminal arena depends largely on police processes. If the police choose to prosecute the perpetrator of family violence (where the family violence is conduct which is a criminal offence) it is a much longer process compared to a civil application for an intervention order, which proceeds very quickly. Most intervention orders at the NJC involve a perpetrator who is still in the community. Not many are arrested at all. Keeping perpetrators in the civil jurisdiction rather than charging them with offences raises issues regarding their accountability. You would not issue an intervention order if someone had punched another person down at the pub. Our current approach makes me question whether we have really moved on from family violence being only a private or civil issue.

Breaches of Intervention Orders

21. The criminal justice system only really kicks in when there are breaches of intervention orders. There is great inconsistency regarding what kind of breach of

intervention order warrants action by the police. Part of the problem is the wording of the intervention orders themselves. They are worded in non-specific language, which serves the purpose of covering a broad range of behaviour, but at the same time makes it difficult to prove breaches.

22. Currently, family violence orders are a blunt instrument, with limited scope for tailoring the order to the particular circumstances of the applicant. Importantly, the law does not distinguish between episodic violence and ongoing, systemic violence. If there is systematic violence, the threshold for breaches must be extraordinarily low. If the violence is episodic, there should be further analysis to determine whether another episode is likely to occur. The threshold for breach should be much higher if the violence is episodic. The court or police could even take a more restorative approach in these situations, such as relationship counselling. There is currently no scope to have a positive intervention order which compels the respondent to do things rather than merely tells him what *not* to do. Some women want to make the relationship work and choose to continue living with the perpetrator. The justice system should offer them support in this context.
23. It seems that the current threshold for breach of intervention order is too low. There are other ways we could enforce intervention orders. For instance, breaches usually involve the respondent making some form of contact with the applicant. This is often by way of text messages, rather than physical contact. The police force could tailor their response to the type of breach. For example, if digital mechanisms are used to contact the applicant the police could intercept the person texting the victim and confiscate their phone. An innovative application has been developed in America by Robin McGraw (Dr Phil McGraw's wife), whereby the applicant for an intervention order can set the benchmark for what constitutes a breach of the order. The applicant then briefs a number of relevant parties, including friends, family and police, as to what that threshold is. If the applicant feels that they require assistance then they can send a message to the parties, via the application, signalling them to come and help. There could be room for us to implement something similar for breaches that fall short of criminal conduct. Breaking the anonymity of the respondent's behaviour is a key element to breaking the cycle of abuse.

Proactive Initiatives to Reduce Incidents of Family Violence

24. At the NJC we have found that many intervention order breaches occur in public housing. In response, we have implemented a new system with the Office of

Housing Department of Services (the **Department**) to support and protect vulnerable parties living in Yarra's public housing estates. We now send a copy of the resident's intervention order to the Department, who then sends it to Wilson Security. In this way, security are empowered to prevent respondents from entering the building. Previously security were saying they felt like the "meat in the sandwich" but now they can tell the respondent "I have the order, if you breach it you'll end up in the criminal system, so step away or we'll have to call the police." We also coordinated with the police and arranged for them to attend the premises if they are contacted by Wilson Security. This system makes the women feel much safer because someone other than themselves is enforcing the order.

25. This innovative approach to integrated services has reduced the number of intervention order breaches; the City of Yarra has the lowest number of reported intervention order breaches than anywhere in Victoria. It also provides the respondent with time and the capacity to rethink their decision to breach the order.

NJC's Online Intervention Order Form

26. The NJC is trying to enhance the agency of women to make an application for an intervention order where and when they feel safest. Thus we have introduced a secure online intervention order form service. This provides women with the option to apply for an intervention order online, as well as making an application in the usual way, by coming to the NJC. In this way women can apply for the order when and where it's suitable for them; from a friend's place, at work or even from a public library. It doesn't have to be in the midst of a crisis situation. The form is password protected (applicants must come to the court to get a new password), protecting them from hacking by their abusive partner. There is even a "quick escape" button which quickly closes the form and opens an innocuous Google search page.
27. The form provides the client with the option of free text or tick boxes when entering their information. Any narrative is auto summarised and is sent straight to Court Link. The system has the capacity to capture key terms in the free text. We have a built-in risk assessment which flags the urgency and level of the risk the applicant is facing, according to the information provided. These flags come from the Common Risk Assessment Framework (**CRAF**).
28. The magistrate and court staff are provided with a one page form which shows the relevant flags for the individual. For instance, the form flags if the perpetrator of

violence has a gun or whether young children are involved. This mechanism also enable the courts to prioritise applications. Attached to this statement and marked “KW 2” is a copy of the form.

29. Our online application is very different to a standard intervention order application form. The form is intuitive and is designed to mimic the way a woman would naturally tell her story. We changed the “emotional logic” of the form so that the woman gets to tell her story quite fluently. We have received feedback that this works well for women, who appreciate being able to share their experiences without being interrupted by official questions. The form is also capable of finding the appropriate court for each applicant according to the postcode provided. This feature will prove useful once the application form is implemented across multiple jurisdictions.
30. The digital format of the form means that it is flexible. If the CRAF is amended, we can easily update the form to reflect the changes. We have discussed our online intervention order form with the police to see whether they would include this part of the digital model in their system. They’re interested in doing so. This would standardise risk assessment across both systems.
31. The police have done a lot of work to open up Court Link. They have room for explanatory text that never gets filled in. The digital intervention order form would enable the police to fill in the details with the woman or have her fill it in. At the end of the form there is a section where the police officer who assisted the woman can be named, so it can be traced back to that officer. This process would mean that our systems would be streamlined, without needing to overhaul the current police system completely.

Services for Respondents

32. We do not have any workers on site specifically for respondents. However, respondents are welcome to access the range of support services offered at the NJC, such as the Salvation Army and Court Network. If we know about the respondent we will make them a part of the triage as well. The NJC offers an “even handed” service.
33. We also have a men’s behaviour change program in the City of Yarra and at the Centre. These are not run by the NJC itself; one program is run by a community organisation for Vietnamese men. However, these programs cannot be seen as a

wholesale solution to family violence. Men's behaviour change programs are not suitable for all respondents. There is a need to discern who it is a waste of time for, otherwise it just becomes another little industry.

34. Although we are able to access services such as Life Works and Relationships Australia can provide relationship counselling, we don't profess to be relationship focused. There is some capacity to recognise that a couple may want to remain together, even if there are allegations of family violence. The take up from respondents is pretty good, particularly where there's been an isolated episode. The men are often very remorseful and the women are sorry too. There is a real adult capacity to understand what's happened. Relationship counselling after an initial episode can be a form of early intervention, steering relationships away from the path of violence. We already do this in the criminal field, for example through diversion programs, where we effectively convey to the offender "we're not writing you off or asking everyone to shun you".

Innovative Physical Environment at the NJC

35. We believe that the courts must be a safe place with secure entry and exit from the premises for women attending family violence matters. Although our building was not purpose built for family violence, we have made improvements to provide women with greater levels of security and confidence to use the court.
36. We have a "dynamic security" system at the NJC. We made a conscious decision not to have security screening at the front door. Instead we have a concierge function built into the security contract. There is always a security guard on the court floor and another security guard who roams the building. The security guards will talk to and interact with every person who comes into the building. They are the first port of call. They also attend staff meetings and professional development. We are the only court in Victoria with such a concierge system.
37. We have created a security protected "quiet room" for women with children applying for family violence orders. One part of the room is a place where women can speak with their lawyers or social workers and the other part is a playroom for toddlers. The two areas are separated by glass walls so that the children can see their mothers, whilst the mothers can have some privacy when discussing their matter. We wanted to minimise the separation anxiety felt by children and at the same time, make women feel they are able to take care of their children throughout the ordeal.

38. Additionally, we have separate rooms for applicants and respondents and safe entries and exits for applicants. We try to list matters so that we can manage the spaces and not have them shared by multiple applicants. No rooms are bookable at the NJC. Every room is kept available for whoever needs it. There was a lot of resistance to this approach at first from (for example) duty lawyers who insisted they needed a room kept solely for them. Now they are entirely supportive of our non-bookings approach.

NJC Court Listing

39. Courts do not have any notion of granularity of time. An applicant might arrive at court at 9.00 am, wait all day and then find that their case is not reached and adjourned at 4.00 pm. Part of the problem is that only the magistrate and bench clerk are informed of what's going on in court and this information is not easily shared with the parties.
40. At the NJC we have designed a court coordination digital piece which connects the Magistrate and bench clerk with registry, lawyers, police, client services and the court user. In this way the clients are kept up to date with the status of their case and whether there is anything further they are required to do. For instance, they will be made aware of any outstanding report or whether they have missed an appointment. This information is provided to them in real time whilst they are in the queue. This system enables them to have a more active role in their case.
41. We are trialling a digital court coordination approach which was picked up under the last government who funded the program for \$400,000. An independent assessment showed that this system will save \$3.17 million per year, per court room. This assessment was conducted by Dr George Rivers from Rivers Economic Consulting. Given that there are 176 magistrates' courtrooms in Victoria, it is a system worth investing in; it would provide extraordinary scope for reinvesting funds and reconfiguring the way courts do business.
42. Furthermore, the more registry and client services know about who is on the court list and what their needs are, the better chances of the list working best for those who are there. As with all courts, there will always be a spanner in the works. However the staff, lawyers and court users at the NJC all work together to quickly attend to any issues and work out how other cases will be rearranged. Through teamwork we can get the cases in and out quickly.

The Role of the Courts and the Community

43. Courts need to find a contemporary role in society and play a leadership role in communities. The Magistrates' Court has been established and operating for hundreds of years and has had little scope to examine themselves.
44. The separation of powers should not result in courts being absent in leading positive culture change in the community. Courts must be cultural and behavioural leaders. They need to modernise and activate a meaningful dialogue with the community. Courts need to reflect trends and concerns of the public and be solutions focused. Magistrates and judges can only better contextualise their decision making if they are better connected to the general population and have community input into the way they operate. This would lead to courts behaving better, organising themselves better, diverting some of their funds into preventative programs and being actively involved in crime prevention. Many services are very interested in being better connected to the courts, however they do not know who to talk to or how to navigate the court system.
45. With courts it is easy to invert well established principles but hard to get traction to implement them in practice. It's extraordinarily difficult to gain traction. Modernism of the court system is required but we are still not there. Community courts haven't made a great dent of influence on the mainstream system.
46. The great thing about the NJC is that we constantly re-examine our systems and are finding novel and innovative ways to deliver services to the community. The NJC plays a key leadership role in the City of Yarra. Our aim is to create and maintain an environment where people feel comfortable. Community members come to the NJC seeking guidance and support. They say to us "we're concerned about what's happening in this part of the neighbourhood" or "we're having trouble as a community board, can the mediator come?"
47. The Centre also gets used by many different community groups. For example, the Chinese Young Mothers Group meets at our Centre and have even asked if they can cook traditional food for everyone to share their culture. Additionally, the NJC

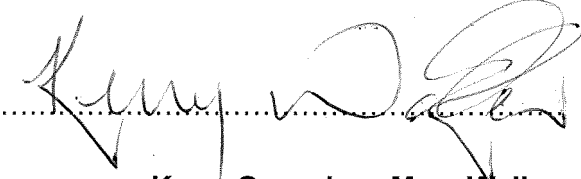
hosts two small agencies from the African community because they could not afford rent in the northern suburbs. The Centre is seen as a place where the residents of the City of Yarra feel safe and welcome.

Suggestions for Magistrates' Court Reform

48. I believe that everything we do at the NJC can be replicated by any other court throughout Australia. However, it will be a real challenge. It would help if courts took up internal zoning which is in fact cost neutral. It goes beyond a docketing system. It would mean that courtroom 1 deals with specific postcodes. In this way the court system feels a bit more like a community. Court and staff, members of the public and local services have the opportunity to interact and get to know each other.
49. Additionally, it would be beneficial for courts to internally decentralise, rather than building a suite of specialist courts that are "add-ons" to a remote, monolithic court system. Magistrate specialisation does not solve issues regarding isolation and remoteness. It may be better to have more skilful magistrates who can cover the field, who are better connected to the community the court is attempting to serve and deal with the multiplicity of its issues. It all goes back to the question of what the role of the courts is. As a community we need to re-examine the purpose of the courts and our expectations of them.
50. Courts can also do more to keep applicants and respondents separate. The reality is that every court does have a second entrance/exit – the one the magistrates use. So it should be possible to offer applicants a separate and secure way out of the building when they are at risk.
51. The volume of matters before the Magistrates' Court requires examination. We estimate that on mention days 50% to 80% of matters result in adjournments. We need to analyse why this is the case.
52. In 2013 to 2014 the second largest volume of offences in the Magistrates' Court were toll offences; either driving without a toll device or driving with no money on a toll device. It is questionable whether this meets with societal expectations about the role of the courts. In 2013 and 2014 the Magistrates' Court also issued 1.8 million enforcement warrants for financial defaults. Similarly, this might differ from the role society believes the courts should have. Offences that come before the courts need

to be reprioritised by the legislature. The courts should have discussions with parliament regarding which type of cases actually need to go to court. We could redirect many cases that are bogging the courts down to other government bodies, organisations and services. For instance, we could have licence restorations dealt with by VicRoads or Justices of the Peace. Similarly, toll road debts could be dealt with by civil debt mechanisms that are already available to business and customer transactions. If family violence is the area of most concern for society, then courts must be enabled by the legislature to use their resources to tackle this issue.

53. The courts complain about not having enough resources. However simply adding labour resources can become a bottomless pit. The answer will be found by talking about societal trends, court values, what the courts thinks the problems are and how society should be. It requires forward thinking and vision. Well-resourced courts are not an end in themselves.
54. Court congestion can be improved with the right coordination processes. There is no need for all parties listed on a particular day to attend court at 9.30 am. One option could be to let individuals leave the court and alert them when we are ready to hear to their case.
55. Courts could adopt some of the innovative approaches used by other organisations and agencies. For instance, the National Information Communications Technology Centre has a virtual counter which makes you feel as though you are on the other side of the desk, with virtual document trays etc. Adopting contemporary approaches could overcome many of the issues we have with our court systems, particularly in regional areas.



Kerry Genevieve Mary Walker

Dated: 3 August 2015