

**IN THE MATTER OF THE ROYAL COMMISSION
INTO FAMILY VIOLENCE**

STATEMENT OF FIONA LOUISE CALKIN

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Filed on behalf of: State of Victoria
Prepared by:
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I, FIONA LOUISE CALKIN, Leading Senior Constable, Victoria Police, SAY AS FOLLOWS:

1. I am a Leading Senior Constable with Victoria Police.
2. I am currently the Family Violence Court Liaison Officer (**FV Court Liaison Officer**) at Ringwood Magistrates' Court. My position is a full time, gazetted, permanent position. I commenced in this role in October 2012 and am located in the Victoria Police Ringwood Prosecutions Office.
3. Prior to my current role I worked with Victoria Police as a prosecutor for 10 years, primarily at Ringwood Magistrates' Court. I also worked as a prosecutor at Melbourne Magistrates' Court.

SCOPE OF STATEMENT

4. I make this statement in response to a notice from the Royal Commission into Family Violence (**Royal Commission**) requiring me to attend to give evidence at the Royal Commission and to provide a written witness statement.
5. I understand that I am to provide evidence regarding the matters the subject of Module 12: Intervention orders - Application and Order Making Phase. I understand the Royal Commission is particularly interested in my role as a FV Court Liaison Officer and:
 - 5.1 the way in which an intervention order application proceeds through the court process;

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- 5.2 the court experience for a victim;
- 5.3 when risk assessments are undertaken; and
- 5.4 information sharing.

PREVIOUS EXPERIENCE AND TRAINING FOR THE ROLE OF FV COURT LIAISON OFFICER

- 6. While I was working in Prosecutions, I had some involvement in the intervention order process. I prosecuted intervention order breaches as part of my work in the general criminal stream. Intervention order applications were generally prosecuted by one of the sergeants from the Prosecutions Office; however, occasionally I would also prosecute the intervention order applications when rostered to do so.
- 7. My previous experience as a prosecutor was very useful when I took up the role of FV Court Liaison Officer. It meant that I had a sound knowledge of the court processes and the intervention order process.
- 8. The role of FV Court Liaison Officer at Ringwood Magistrates' Court was created while I was working as a prosecutor at that court. I knew and worked with the member who held the role before me. When I commenced in the role of FV Court Liaison Officer in October 2012, most of my training came from working with the previous FV Court Liaison Officer to understand the responsibilities of the role.

THE ROLE OF A FV COURT LIAISON OFFICER

- 9. An explanation of the role and duties of FV Court Liaison Officers is set out in the FV Court Liaison Officer Standard Operating Procedures (**Attachment FC-1**), and includes:
 - 9.1 acting on behalf of the police informant in relation to police-initiated intervention order applications;
 - 9.2 case managing and continuing to risk assess on all police applications; and
 - 9.3 acting as an interface between operational police and the Courts.

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10. By acting on behalf of police informants in relation to police-initiated intervention orders, FV Court Liaison Officers relieve police informants of the need to attend court for the hearing of the applications in the first instance.

Preparing applications for court

11. At Ringwood Magistrates' Court, police-initiated intervention order applications are generally listed on Tuesdays or Fridays, which are the family violence sitting days. Police applicants for intervention orders forward the application and brief to me and/or to the prosecutions office.
12. Prior to the family violence sitting days, I review all the applications that are listed at court for those days. I check my briefs with the court's list and cross-reference to ensure that all matters are listed and I have copies of all applications and other relevant paperwork. I also liaise with the Court Registrar to ensure that the court has the relevant paperwork. If there is a matter listed for which I do not have any police brief, I obtain a copy of the application from the court and chase up the brief from the police applicant.
13. As part of my preparation, I place a cover sheet and case management notes on the file for each application. These documents provide a summary of information relevant to the application. **Attachment FC-2** is a blank copy of the cover sheet and **Attachment FC-3** is a blank copy of the case management notes.
14. The affected family member (**AFM**) is the person on whose behalf the police make the intervention order application. I attempt to contact all AFMs by telephone prior to the hearing to give them information on what to expect when they come to court and to discuss what intervention order conditions they support. I update the cover sheet with this information.
15. In my experience, AFMs often have a lot of questions before the court hearing and can be anxious about attending. I find that speaking to them a day or so before court can encourage them to attend if they are doubtful about attending. I explain to AFMs that Ringwood Magistrates' Court has a protected person's room where they can wait in a separate area and feel comfortable that they will not see, or be seen by, the respondent. There are tea and coffee making facilities and a bathroom in this area. In my experience, the majority of AFMs prefer to wait in this area than in the public areas.
16. If there is a need for further information from the informant, I contact them before the court date. I may need to check the status of related criminal investigations and

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charges pending, or I may wish to get a better understanding of the informant's assessment of the risks relevant to the AFM.

17. I also conduct checks on the Victoria Police LEAP Database to see if there are previous related incidents of family violence. If there are three or more related incidents of family violence reported in the previous 12 months, the matter is classed as "recidivist", in accordance with the Victoria Police *Code of Practice for the Investigation of Family Violence* (3rd ed) (section 6.5.7). I flag this by recording it on the cover sheet, as well as any other indicators of risk to the AFM, such as pregnancy, children present during the incident of family violence, weapons, threats, criminal offences, alcohol or drugs, or mental health issues. If I identify a potential for violence to occur at court, I print an image of the perpetrator and speak with the Protective Service Officers prior to court to flag my concerns and put them on notice.
18. If interpreters are required, I ensure these have been arranged and booked by the court or the informant.

At Court

19. On a typical family violence court sitting day, the number of applications varies; it averages between 30 to 40 police applications. There have been occasions where we have had between 50 to 60 matters listed in a day. I am usually assisted by one or two police members from the Regional Family Violence Unit on these days, who also speak with the AFMs.
20. I first check to see if there have been any new applications received overnight and check with the Court Co-ordinator to ensure we both have relevant paperwork. I then liaise with the Court Applicant worker from Eastern Domestic Violence Service (EDVOS). EDVOS receive Victoria Police L17 forms for a family violence incident where a police applicant has referred the female AFM (or respondent) to their support service. The EDVOS worker lets me know which referrals they have. If I have any additional referrals, I provide the EDVOS worker with those details. They also let me know if they have had contact with the AFM and what the AFM's position is regarding conditions on an intervention order.
21. The EDVOS worker offers support to female AFMs. They discuss options for the AFM, including safety plans, and can provide assistance with tasks such as getting locks changed. They can provide further referral information to AFMs, such as information about the Victims Assistance and Counselling Program, Eastern Access Community Health and Multi Cultural Domestic Violence support services. The EDVOS worker will also discuss the court process with the AFM.

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22. When an AFM arrives at court, the Court co-ordinator marks their appearance on the court list. I check this list regularly throughout the day to determine who has arrived at court. The co-ordinator asks the AFM if they wish to sit in the separate waiting area and informs them that the police will come and speak with them. I speak with the AFM and go through the application with them to confirm the contents are correct, discuss what conditions they would like to have applied to their intervention order and ascertain whether there are children who should also be on the order. If the AFM has not already spoken with EDVOS, I arrange that for them.
23. If the AFM is not supportive of an order and requests me to withdraw the application, I explain to the AFM that I am not representing them, but rather representing the police applicant. I explain they can speak with the duty solicitor. In my experience, most AFMs are not separately represented.
24. The police applicant indicates in the application what conditions are sought. If the police applicant has sought an exclusion order that prevents any contact between the AFM and the respondent, but the AFM does not want an exclusion order, I conduct a further risk assessment and ensure the AFM has spoken with the EDVOS applicant support worker. I establish their reasons for not wanting an exclusion order. For instance, sometimes an AFM may not want an exclusion order because there are children in the relationship. I find that after I explain the exception clauses that still allow contact with the children, the AFM may decide to support the full exclusion conditions. We work with the AFM to tailor the conditions to suit them. If the AFM is still only supportive of limited conditions and I am not satisfied these conditions are sufficient to protect the AFM in the circumstances, I liaise with the family violence civil advocate or prosecutor to discuss which conditions should be sought. The legislation (s 75 of the *Family Violence Protection Act*) does not permit an exclusion order to be made without the consent of the AFM on a final basis, however we can apply for an interim order with full conditions.
25. If the AFM does not want to proceed with any intervention order after being spoken to by me and EDVOS, I conduct a risk assessment. I consider the incident that led to the application and any relevant history of family violence between the parties. I liaise with the civil advocate/prosecutor to discuss the best course of action to take. The AFM may speak with a duty lawyer. The application would most likely be adjourned for a further risk assessment with an interim order applied for. I inform the AFM that the court may still make a final limited order even without their consent. When conducting risk assessments, I refer to and consider the evidence-based risk and vulnerability indicators.

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26. When the respondent arrives at court and does not have their own lawyer, they are given the option of speaking to a duty lawyer. In my experience, most respondents do not have a lawyer at the first mention of the matter and the majority take up the option of speaking to the duty lawyer. There is currently no respondent worker at Ringwood Magistrates' Court, but I believe one will be commencing in the coming months.
27. Once I have spoken to the AFM and confirmed what conditions we are seeking, I then check the respondent's attitude to the application. If the respondent has sought the assistance of the duty lawyer or has brought his or her own lawyer, I liaise with the lawyer. If the respondent is self-represented, I communicate with them directly.
28. Once I have been able to ascertain the position of all parties regarding the application, I let the AFM know how the matter is to proceed in court. Most applications are finalised on an unopposed basis. If a respondent consents to an order being made and the AFM is not comfortable going into the courtroom, I will inform them that they may remain in the protected persons room and are not required to go into court unless specifically required by the magistrate. I will inform the prosecutor or civil advocate that the AFM does not want to be present in the courtroom. Sometimes issues arise that require the AFM's presence in the courtroom to give further instructions; for example, issues regarding children of the relationship and parenting arrangements. The AFM is otherwise not obliged to be in the courtroom if the order is being made by consent.
29. If the respondent is at court at the time the intervention order is made, the intervention order is served on the respondent by a Court Registrar at the counter. Where the respondent is not in court to accept service of the intervention order, the Registrar will fax the intervention order to the Victoria Police Central Data Entry Bureau where the intervention order will be recorded on the LEAP database. The Court Registrar will also fax a copy of the intervention order to the relevant local Victoria Police Station for service to be effected on the respondent.
30. If the respondent does not consent to the order being made, the civil advocate/prosecutor will seek an interim intervention order in the same terms and the matter will be adjourned to a directions hearing, generally in four to six weeks' time. If the respondent consents to the interim order, there is no need for the AFM to give evidence. If the interim order is not consented to, the magistrate may require the AFM to give brief evidence. I inform the AFM that this may occur before they go into court. Sometimes a magistrate will make an interim order based on the

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information contained in the application without the need for the AFM to give evidence.

31. Very rarely do the police agree to resolve a police-initiated intervention order application by way of an undertaking by the respondent to the court. If an AFM is supportive of an intervention order then we generally do not accept an undertaking from the respondent in order to resolve the matter. However, if the matter is in relation to a very minor incident, there is a very low risk of future family violence, and the AFM is supportive of an undertaking, we may consider resolving the matter by way of an undertaking.
32. If the AFM does not attend court, I try to contact them by telephone to find out why they haven't attended and whether or not they are supportive of the intervention order. If the AFM is supportive of the order, and the respondent is present and consents to the order, we will apply for a final order. If the AFM is not supportive of an order, whether or not the respondent attends court, we will generally apply for an interim intervention order and adjourn for a further risk assessment.
33. If I am unable to contact the AFM, we apply for an interim order and the application for a permanent order is adjourned for enquiries with the AFM and a further risk assessment to take place. After court, I contact the informant and their Family Violence Liaison Officer by email and request that they make inquiries with the AFM to find out why they did not attend court and to conduct a case review. I forward an updated risk assessment for them to complete (**Attachment FC-4**) and return prior to the next hearing date. In my experience, most updated risk assessments are returned prior to the next hearing. The civil advocate or I follow up where they have not been received a few days before the hearing.
34. If the AFM is present at court and is supportive of an order, but the respondent has not attended, we normally seek to finalise the application in the absence of the respondent. Often in this situation the AFM will give sworn evidence, although the magistrate will sometimes rely on the evidence contained within the application. We keep AFMs informed as to whether or not the respondent has attended and whether the respondent has requested to see the duty solicitor.
35. The length of time an AFM is at court depends on a number of factors. These include the number of applications listed, whether or not the respondent appears, when the respondent has been spoken to by the duty solicitor and the nature and timing of the discussions involved.

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36. In my role, I work closely with the civil advocate at the Ringwood Magistrates' Court. I find that the civil advocates are great to work with as they specialise in Family Violence intervention order applications and they have an excellent knowledge of the legislation and procedures. Since October 2014, there has been a civil advocate at Ringwood Magistrates' Court; however, the position is currently vacant.
37. I occasionally give sworn evidence in court, however this is happening less as magistrates do not always require oral evidence. When I do give evidence, I confirm that the contents of the application are true and correct to the best of my knowledge. If necessary, I give evidence of conversations I have had with AFMs and their attitude towards the application. I provide any further information I have obtained through conversations with the informant or independent checks I have made on the LEAP database regarding related criminal investigations, charges, and prior history.
38. At court I often make referrals and provide contact details for relevant services to the AFMs. If appropriate, I also make referrals for respondents, or check with the duty lawyer that the respondent has been referred to the right services, including men's behavioural change programs, drug/alcohol counselling and accommodation services.
39. At the Ringwood Magistrates' Court, there is a remote witness facility that AFMs can use to give evidence. It can be pre-booked and is used mainly for witnesses giving evidence in contested hearings. It is not utilised at the first mention hearing as it is required by the court to be booked in advance, given that the courtroom used for family violence mention hearings does not have a remote witness facility. If an AFM is required to give evidence and is fearful of seeing the respondent, there is a witness screen that can be used if requested.

Aboriginal AFMs and Respondents

40. I have been involved in a limited number of matters where the AFM or respondent is of an Aboriginal background.
41. For some time, an Aboriginal Court Applicant worker from the Boorndawan Willam Aboriginal Healing Service (**BWAHS**) was at Ringwood Magistrates Court.
42. The BWAHS Aboriginal Court Applicant worker offered support at court and assisted with explaining the court process and intervention order conditions to AFMs or respondents. The Aboriginal Court Applicant worker would sit with the client for the duration of their attendance at court, which could help them feel less isolated. I ensure that AFMs are not by themselves in court if they do not want to be. During

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initial discussions with them, if they have concerns or I assess that the AFM should not be alone, I arrange for a court applicant worker or a member from the police Family Violence Unit to be in court with them.

43. The arrangement for a BWAHS Aboriginal Court Applicant worker ceased earlier this year due to a lack of funding. Notwithstanding this, I continue to contact the BWAHS and inquire about the availability of Aboriginal Court Applicant workers to attend court to provide support to Aboriginal AFMs or respondents.

Financial abuse

44. I have been involved in a few applications for a Family Violence intervention order where financial abuse has been part of the reason for making the application. The financial abuse has been accompanied by other factors, such as controlling behavior and verbal abuse. I cannot recall any application in which financial abuse has been the sole reason for applying for a Family Violence intervention order.

Directions Hearings

45. Directions hearings and returned mention applications are also listed on the Tuesday and Friday sitting days. Each file is reviewed prior to the return date. For the directions hearings, I confirm if I have received any further requested material from the police applicant. I determine if there have been any further incidents by checking the LEAP database and the status of any criminal investigations. At court, I again liaise with all parties and determine if the matter is still contested or whether it is now consented to.

After court

46. After court, I update the LEAP database, noting the outcome of the hearing and whether it was finalised by consent or in the absence of the respondent. I note any adjournments and the reason for them.
47. If a matter is adjourned to a contested hearing, I notify the informant and the informant's Family Violence Liaison Officer. I inform them about what happened at court, the next court date and the information that they need to forward to prosecutions prior to the next hearing.
48. For matters that I have identified as being high risk or involving recidivist family violence or where there are concerns for any children involved, I contact the police applicant, their Family Violence Liaison Officer, the Family Violence Unit and the Family Violence Adviser. I inform them of what has occurred at court and any

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adjournment dates. If applicable, I also confirm DHHS have been notified and contact them by phone. DHHS sometimes contact me to enquire about the outcome at court and I pass on that information to them. Due to time constraints, not every police applicant is notified via email of the result of their application, only those where some action or attention is required. However, the status of all applications is recorded on the LEAP database.

Applications to vary or revoke a Family Violence intervention order

49. Previously, when an AFM or a respondent applied to vary or revoke a police-initiated intervention order at the Ringwood Magistrates' Court, the Court would send the original police informant a notice, requiring it be returned with a report confirming their position regarding the proposed variation. However, following a recent meeting between the Ringwood Magistrates' Court Registrar, Victoria Police Family Violence Advisors and myself, this process has changed. The Court will now send me any applications for variation or revocation in police-initiated intervention orders to be forwarded to the informant and the FV Liaison Officer. I am now required to request that the informant conduct a further risk assessment regarding the AFM and provide a report confirming their position regarding the proposed variation, at least two days prior to the scheduled hearing date.
50. Applications for variations and revocations of intervention orders are also listed for the family violence sitting days.
51. I receive a copy of the variation or revocation application when I receive the court list. I conduct a risk assessment, even where the police applicant consents to a proposed variation. I check the seriousness of the original application using the evidence based risk and vulnerability indicators. I check if there have been further incidents, ascertain the result of criminal charges and consider the reason the AFM wishes to vary the order. I contact the informant to obtain their views about the proposed variation or revocation. At court, I speak with the AFM and confirm the reasons for the proposed variation or revocation. I ensure that no pressure is being placed on the AFM to vary or revoke the order. I ascertain if the AFM or the respondent has engaged in any counselling or other services and look at what has changed since the reported incident. I ask the AFM if they would like to speak with the EDVOS worker.
52. If, as a result of these checks, there are no concerns, we do not oppose an application for a variation.

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53. If the application is for a revocation of the intervention order, we always recommend that the applicant consider a variation of the intervention order so that it includes only limited conditions, instead of a revocation.

Family Violence Integration Project

54. As a FV Court Liaison Officer at the Ringwood Magistrates' Court, I participated in the regional Family Violence Integration Project (**FVIP**).
55. The FVIP was a two to three year project run by Eastern Community Legal Centre (**ECLC**) aimed at improving communications between legal and support service agencies and the collaborative response of those agencies to victims of family violence. Stakeholders in the FVIP included ECLC, Victoria Legal Aid, Victoria Police, Ringwood Magistrates' Court, Eastern Men's Behaviour Change Consortium, Eastern Victims Assistance and Counselling Program, BWAHS and Court Network.
56. The FVIP had quarterly meetings to discuss issues such as improvement of processes in relation to intervention order applications, safety and referral pathways for AFMs and the need for intervention order information sessions.
57. One of the issues considered as part of the FVIP was the safety of AFMs while waiting in line for extended periods of time to announce their appearance at the Court counter, in light of the increasing number of intervention order applications. In response to this issue, the Ringwood Magistrates' Court now holds an additional Family Violence Court sitting day on Mondays for non-police initiated applications for intervention orders.
58. I believe that the establishment of the protected person space at the Ringwood Magistrates' Court was a result of the FVIP, however this was implemented before I commenced as a FV Court Liaison Officer.
59. The FVIP implemented a practice of having a precourt meeting on the family violence sitting days. These meetings would be attended by EDVOS, ECLC, the Court co-ordinator and myself. At these meetings, we would identify listed matters that we considered to be high risk and deal with safety concerns and discuss referrals accordingly.
60. Part of the work of the FVIP was the creation of an Intervention Order Referral Guide. It is available at court for us to use when speaking to parties to an intervention order application. It is a useful tool and I use it regularly to provide referral information to AFMs and respondents. It is an indexed folder of material that

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is divided into different categories. The material contains information about a range or referrals such as legal services, men and women's counselling services, relationship counselling services, youth services, emergency accommodation contacts numbers and multicultural domestic violence services. Each category page is copied and can easily be provided to a person who requires a referral.

61. The FVIP ran Intervention Order Support Service Information Sessions two or three times a year. The attendees were from a wide variety of agencies and services, including maternal and child health services, community services, indigenous health services and multicultural services. Information was delivered through a panel style format in one of the courtrooms on a non-court sitting day. The Information Sessions provided the agencies with information about the intervention order process and the services available at court for their clients.
62. Although the FVIP ended earlier this year, a number of the participants have continued to meet quarterly and discuss issues and look at ways of improving the response for AFMs at court. We continue to discuss issues such as the safety of AFMs at court and any proposed changes in practice and protocols. Information is shared regarding relevant changes or updates from within each organisation that is relevant to the family violence sitting days. We have also continued to run the Information Sessions I refer to in the previous paragraphs, with the most recent session held on 24 July 2015.

Other forums and training

63. During my time as a FV Court Liaison Officer, I have attended numerous family violence forums and development days, in which I have received training on the L17 risk assessment process.
64. I also attend Family Violence Court User meetings. Since the appointment of the Family Violence Registrar at the Ringwood Magistrates' Court in February of this year, there has been one Family Violence Court User meeting, which I attended. This meeting was also attended by the Chief Magistrate, the Senior Registrar, the Family Violence Court Co-ordinator, the Civil Advocate, a representative of Victoria Legal Aid, a representative of ECLC, the Officer In Charge of the regional Victoria Police Family Violence Unit and Court Network.
65. The purpose of this meeting was to discuss and review matters such as the processes for applications to vary an intervention order and interim intervention order applications, as well as the desirability of another weekly family violence court sitting day in light of the increasing number of applications.

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66. It is anticipated that the Family Violence Court User meetings will continue to be held quarterly.
67. I also attend internal family violence training sessions with the Victoria Police Family Violence Advisor in our region. I consult with Victoria Police Family Violence Liaison Officers and Family Violence Advisors to discuss and address any issues that have been identified in relation to the application process for police-initiated intervention order applications. Such issues may include, for example, the applications not being listed at court, the police brief not being forwarded in full to the prosecutions office or insufficient evidence being referred to in the narrative part of the application.
68. I submit a monthly report to my supervisor. It contains statistics of the number of applications I manage, the number of orders made and the number of AFMs/respondents I have spoken to, the number of meetings I have attended and any emerging issues of note.

BENEFITS OF THE ROLE OF FV COURT LIAISON OFFICER

69. The role of FV Court Liaison Officer serves an important function in maintaining strong lines of communication between the AFM, the police, and the court. We assist AFMs to be properly informed before a hearing and provide assistance on the day of the hearing, which can greatly improve the AFM's experience of the court process.
70. My role is also to facilitate communication between the AFM and the civil advocate, who is appearing in court for most of the day. While the civil advocate is appearing before a magistrate to make the application for an intervention order, discussions and preparation of matters takes place outside of the courtroom. I am responsible for ensuring these discussions and preparations take place, and that all parties are aware of the outcomes and instructions.
71. I am able to ensure the high quality handling of police-initiated intervention order applications by close case management and referral advice to victims and perpetrators. In my role, I am able to assist other prosecutors and police members by providing specialist family violence knowledge.
72. My role is also important in ensuring that matters where an AFM does not attend court are appropriately followed up.

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73. The FV Court Liaison Officer is a busy role and it requires some experience to be able to co-ordinate the applications, conduct risk assessments and ensure that the court process runs smoothly.
74. Building good working relationships with the court and staff from other agencies takes some time, and for this reason, I believe that it is beneficial for the FV Court Liaison Officer position to be a permanent gazetted position. I have also noticed that sometimes AFMs do not feel comfortable disclosing things to an informant, but they might be more open with a support worker or FV Court Liaison Officer.
75. I recently created a document titled *Information for AFMs attending Ringwood Magistrates' Court Intervention Orders - Applications by Police (Information Sheet) (Attachment FC-5)*. The Information Sheet was recently emailed to Family Violence Liaison Officers in the region. I have suggested that police members provide the information sheet to AFMs at the same time that they give them an intervention order application or Family Violence Safety Notice. The information sheet is only intended for use in relation to police-initiated applications at Ringwood Magistrates' Court. As not all members of Victoria Police in the area are familiar with the processes at court, I thought this document could assist them in responding to questions from AFMs, as well as provide the AFMs with information about what is likely to happen at court. Although the Information Sheet has only recently been provided to police members, I have received positive feedback about it.

Signed by

FIONA LOUISE CALKIN

at Melbourne

this 24th day of July 2015

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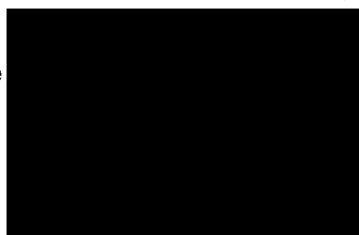
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Before me



An Australian legal practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)