



Submission to the Royal Commission into Family Violence

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Court Services Victoria
William Cooper Justice Centre
11/223 William Street
Melbourne 3000

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About Court Services Victoria

Court Services Victoria (CSV) is an independent statutory body established on 1 July 2014 under the *Court Services Act 2014* (Vic) to provide administrative facilities and services to the Supreme, County, Magistrates¹, Coroners and Children's Courts, Victorian Civil and Administrative Tribunal (VCAT) and the Judicial College of Victoria (JCV).

Prior to this time administrative facilities and services were provided by the Department of Justice (now the Department of Justice and Regulation).

CSV has 1615 (full time equivalent) staff, is responsible for \$847 million in assets and has an annual budget of \$467 million. It operates across 66 locations across Victoria encompassing the Central Business District (CBD), regional and metropolitan courts (See Appendix 1).

About this submission

The submission draws on the work of CSV as an administrative body supporting the courts, VCAT and the JCV and has been structured by reference to its organisational areas. The detail around court process and procedures in response to family violence matters will be in the individual court submissions, which should be read alongside the CSV submission in order to provide a complete picture. The submission seeks to complement key issues and themes detailed in individual submissions from each jurisdiction, VCAT and JCV.

Court Services Victoria prepared this submission in consultation with delegated representatives from each of the jurisdictions and JCV. The submission was approved by the CSV Courts Council.

The submission is based on the key considerations that inform CSV's work including ensuring the safety of court users; improving community members' access to justice, supporting the independence of the judiciary and ensuring efficient courts.

The submission is informed by the understanding that family violence includes a family member perpetrating a range of different forms of violence including physical, sexual, emotional, financial, neglect and verbal, against another family member.² International and Australian research has documented that while any member of a family can enact violence against another, it is more likely that men will perpetrate violence against women and children, therefore family violence is viewed as a gendered crime.³

CSV considered the key questions detailed in the Royal Commission's *Issues Paper* and has responded to areas where CSV has specific and relevant knowledge in relation to:

- Question 8: *Gaps or deficiencies in current responses to family violence, including legal responses?*

¹ Including the Victims of Crime Assistance Tribunal (VOCAT).

² *Family Violence Protection Act 2008* (Vic) Section 5: Meaning of Family Violence.

³ Australian Bureau of Statistics. (2013). *Personal Safety Survey*. Retrieved from <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0>

- Question 9: *Does insufficient integration and coordination between the various bodies hinder assessment of risk or the effectiveness of support provided?*
- Question 10: *What practical changes improve integration and co-ordination?*⁴

How family violence matters may appear in the different jurisdictions

As briefly detailed below, all the jurisdictions currently respond to a range of family violence matters. In addition, one family may have matters being heard across the Victorian jurisdictions and the Family Court or Federal Circuit Court that include issues of family violence.

Table 1

Court / Tribunal	Role
Supreme Court	The Trial Division hears among the most serious criminal and civil cases in Victoria, including family violence homicides and attempted murder. The Court of Appeal hears appeals from criminal trials heard in the Supreme and County Courts.
County Court	The Court hears serious crimes which have been committed as part of family violence including intentionally or recklessly causing injury or serious injury, sexual assault and threats to kill. The County Court also hears appeals from the Magistrates' Court, the criminal and family division of the Children's Court in addition to appeals relating to family violence intervention orders.
Magistrates' Court	The Criminal jurisdiction includes the hearing of all summary offences, family violence related crime, some indictable offences, and committal hearings in relation to more serious indictable offences to be listed for trial in the County and Supreme Courts. The civil jurisdiction hears applications for intervention orders. The Magistrates' Court also has a limited family law jurisdiction. VOCAT hears applications in relation to family violence related crimes. The MCV provides specialist responses to family violence matters including the Family Violence Court Division, Specialist Family Violence Service, Family Violence Counselling Orders Program; Koori and Drug Courts; and the Court Integrated Services Program (CISP).
Children's Court	The Family Division hears applications relating to the protection and care of children and young persons at risk, and applications for intervention orders. The Court also provides child protection conciliation conferencing. The Criminal Division hears matters and determines

⁴ Royal Commission into Family Violence (2015). *Issues Paper*, Melbourne: Author.

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	charges against young people aged between 10 and 17 years.
Coroners Court	The Court investigates family violence homicides to identify the medical cause of death and the circumstances surrounding the death.
Victorian Civil and Administrative Tribunal	The Tribunal provides a dispute resolution service and relevant matters include residential tenancy and guardianship issues.
Judicial College of Victoria	The College provides education and training on family violence matters to judicial officers, produces the Family Violence Bench book and practice manuals.

Introduction

The Victorian courts and VCAT are the cornerstone of an effective integrated legal response to family violence. Investment in systems and facilities that can have an impact in reducing family violence and assist victims of family violence to achieve safety, security and stability in their lives provides intrinsic benefit for individuals and economic benefit for the community. Investment in the jurisdictions and the support provided to them by CSV is part of that equation.

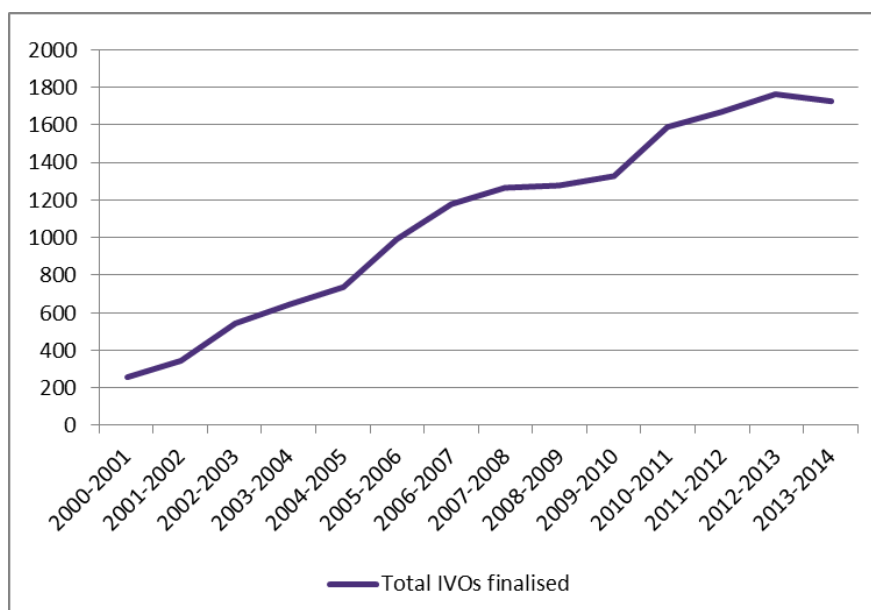
One of the most significant themes from the submissions of the jurisdictions is the exponential increase in applications for Family Violence Intervention Orders, and the numbers of Family Violence Safety Notices issued by Victoria Police and proceedings for breach of orders. Illustrating this point, there were 65,393 family incidents reported to Victoria Police in 2013/14, an increase of 83 per cent since 2009/10.⁵

For CSV, addressing increasing demand and supporting the jurisdictions as they explore opportunities to improve how family violence cases are dealt with, requires increased human resources, increased and improved physical facilities, improved information technology and data collection systems, improved security arrangements and support for judicial officers and court staff. This work also requires a nuanced understanding of individual adult and child victims and perpetrators who have diverse gender, sexuality, age, cultural, geographical and socio economic backgrounds.

The increased demand on court facilities is illustrated by the following data on the number of applications for an Intervention Order (IVOs) relating to a family member heard in the Children's and Magistrates' Court of Victoria (MCV). The following figure demonstrates the increase in the total number of IVOs relating to family members finalised in the Children's Court. In 2000 – 2001, the Court finalised **263** which increased to **1725** in 2013-2014.

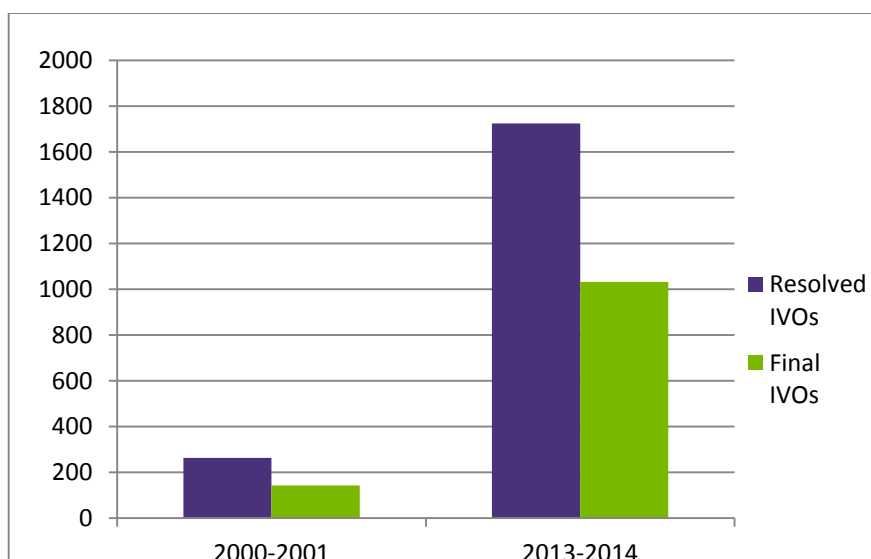
⁵ Victoria Police. (2014). *Annual Report 2013-2014*. Melbourne: Author.

Figure 1: Children's Court: 2000 – 2014: Total number of finalised IVOs relating to a family member.



In 2000 – 2001, the Children's Court finalised **263** IVO matters, of which there were **143** final IVOs. In 2013 – 2014, the court finalised **1725** IVO matters and made **1,033** final IVOs.

Figure 2: Children's Court: Total number of finalised and Final IVOs relating to a family member

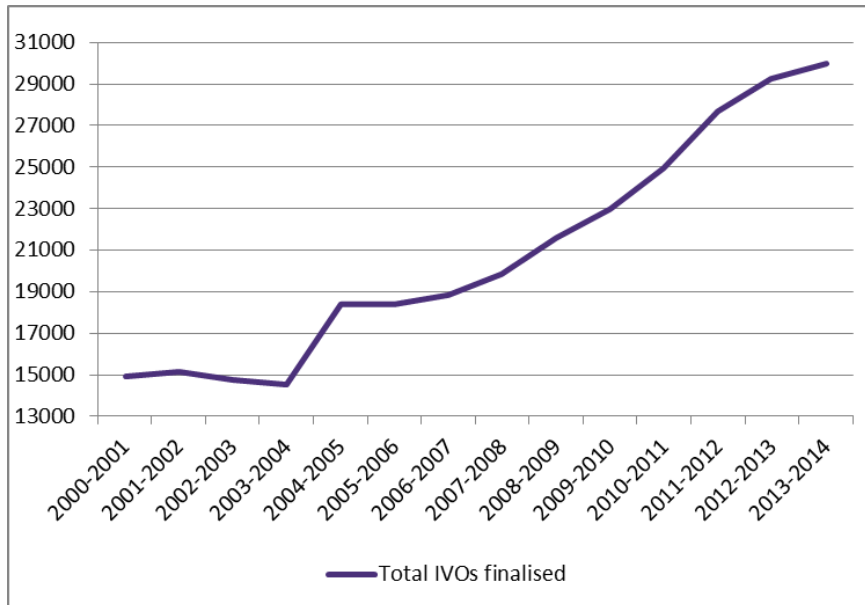


In total, between 2000 and May 2015, the Children's Court resolved **16,733** IVO matters and made **8,651** Final IVOs.⁶

⁶ Data provided by the MCV (2015). Please note, the figures refer to new final Intervention Orders and do not reflect secondary applications which include applications to vary, extend or revoke an order. Secondary applications are a significant component of the work of the Children's Court.

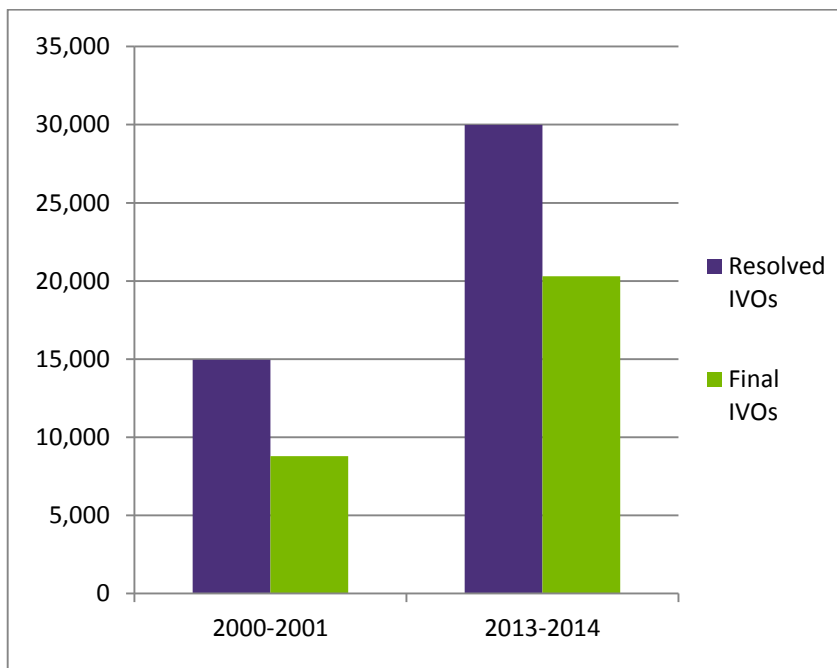
The following figure demonstrates the increased numbers of total IVOs finalised by the Magistrates' Court of Victoria (MCV) from **14,948** in 2000-2001 to **29,978** in 2013-2014. This is an increase of 100% over the period.

Figure 3: MCV: 2000 – 2014: Total finalised IVOs relating to a family member



In 2000-2001 the MCV finalised **14,948** IVO matters and made **8,790** final IVOs. In 2013 – 2014, the court finalised **29,988** IVO matters and made **20,310** final IVOs.

Figure 4: MCV: Total number of finalised and Final IVOs relating to a family member



In total, from 2000 – May 2015, the MCV finalised **318,283** IVO matters and made **193,991** final IVOs.⁷

In some MCV family violence intervention order lists, Magistrates are hearing up to sixty matters per day. FV IVO's are heard at all venues, with some headquarter courts running IVO lists five days per week. Limited time and information adversely impact on women and children's access to legal advice and support services and the effectiveness of the legal process. In addition, limited time may also negatively impact on Magistrates' access to information relevant to risk or assessment advice when making Intervention, Counselling or Sentencing Orders or ordering offenders to attend targeted programs.

The joint submission from the MCV and Children's Court provides detailed data in relation to Family Violence Intervention Orders and other family violence matters including criminal matters and breaches.

The submission is structured around CSV's four areas of responsibility:

1. Asset planning and management
2. Human Resources
3. Information Technology, and
4. Financial analysis, planning and reporting.

1. Limited facilities to respond to family violence

1.1 Current assets

CSV identified that current court facilities present a significant challenge in responding effectively to family violence matters. Court and tribunal users have a right to be safe when accessing court facilities in relation to family violence matters. Judicial officers and court staff require a secure environment in which to work. In addition, judicial officers, court staff and court users all require appropriate facilities and spaces to hear and respond appropriately to family violence matters. Staff, parties and witnesses require sufficient hearing rooms, interview rooms, mediation spaces and offices. Courts also require space for the accommodation of key agencies including the Victoria Police, Office of Public Prosecutions, Victorian Legal Aid and ancillary services including family violence services. Limited physical space and facilities negatively impacts on the safety of court users and staff, reduces efficient responses to matters and can reduce opportunities for key agencies to work collaboratively and provide 'wrap around' support services to victims, offenders and families.

CSV has 66 court facilities in Victoria (51 are owned and 15 are leased). The courts are distributed across the CBD, metropolitan, regional centres and smaller rural locations. While the courts are geographically spread across Victoria, not all regional courts operate every day or every week. The age of each building ranges from one year (State Coronial Centre, Southbank) to 161 years old

⁷ Data provided by the MCV (2015). As noted in Footnote 6, the figures only refer to new final Intervention Orders. Similar to the Children's Court, secondary applications are a significant component of the work of the MCV.

(Portland Court). The CSV asset base shows a bias towards aged and heritage facilities with 41 per cent of the portfolio older than 50 years, and 78 per cent of those buildings older than 100 years. Due to the traditional and solid construction of many existing courts, it is difficult or impossible to retrofit buildings for courts to meet current demand and future needs.

CSV conclude that the poor overall asset condition is the result of very low spending on maintenance.⁸ The poor condition of assets across the portfolio can have a negative impact on court users, specifically family violence victims including for example:

- Lack of space to accommodate a large volume of people.
- Lack of security including no fixed entry screening in place (and in many court locations, no room to install them); lack of space for the separation of parties, jurors and witnesses and lack of separate building entrances and exits.
- Lack of privacy and screening at registry counters to make enquiries, take appearances, file applications, issue intervention orders, process payments, issue and certify documents and discuss sensitive matters.
- Lack of safe spaces for witnesses and applicants including separate and confidential interview rooms and separate waiting rooms.
- Lack of technology infrastructure to support modern solutions (e.g. video conferencing discussed in a later section).
- Lack of amenity: a number of courts do not have any public amenities for court users, requiring court users to exit the building and to find services elsewhere. Other courts with amenities offer only limited facilities which are not compliant with current standards.
- Lack of compliance with *Disability Discrimination Act 1992* (Vic) requirements making accessibility difficult or impossible for some court users.
- Lack of space to accommodate support agencies to deliver a range of support services.

While acknowledging that family violence matters are heard across the jurisdictions, the majority of matters are heard in the Magistrates' and Children's Courts. Such matters include intervention orders, child protection, criminal offences and applications to the Victims of Crime Assistance Tribunal (VOCAT). CSV acknowledges the recent State Government investments which are focused on Magistrates' Courts facilities across Victoria. However, there are opportunities to further support the MCV and Children's Court to address increased demand. An improved capacity to respond to family violence at the lower courts may reduce the likelihood of more grievous physical and sexual assaults and family homicides, thus reduce demand on the higher courts.

CSV is currently conducting a comprehensive strategic asset planning process across the entire Victorian court portfolio to understand service need, demand, utilisation and other priority issues to

⁸ There are two current major projects under development: Broadmeadows Children's Court and redevelopment of Shepparton Law Courts.

inform a CSV Asset Service Strategy and Multi-Year Investment Strategy. This strategy will be a key resource to inform future investment and development across the courts and VCAT.

1.2 Facilities

In the 2015-2016 Victorian State Budget, the Victorian Government committed \$2.75 million to the MCV for the 'Family Violence Initiative' to improve court facilities. CSV has confirmed that the funds will be used to make a number of improvements to existing facilities in the Magistrates' Court. The project will consider improvements to many courts; however the funding will only allow safety issues to be addressed at a small number of venues. These improvements will include for example separate waiting areas; separate entries into courtrooms, separate interview rooms and facilities for legal aid, accommodation for additional staff and other family violence services.

In addition, the Victorian Government, as part of their election commitment to address family violence, committed \$80,000 for CSV to conduct a Safety Audit of all courts. The outcomes of the Safety Audit will contribute to strategic planning and future development to improve safety of court users and service delivery across the jurisdictions.

Acknowledging the Governments' investment in the improvement of the headquarter courts and the safety audit, CSV suggests there are opportunities to improve the facilities at the remaining government owned regional and suburban courts and leased facilities. For example, in suburban and regional centres, the Children's Court shares facilities with the MCV. However, the Magistrates' Courts have limited facilities and resources to respond to the diverse and specific needs of children, young people and their families across both the Family and Criminal Divisions.

Current safety measures for women, children and court staff include Security staff and Protective Service Officers, CCTV cameras and security screening. However such measures vary across all the courts and VCAT. CSV is aware there are no security staff and limited or non-existent security screening in most regional courts. In addition, security requests are a standard procedure if the remote witness room is required. However, if an applicant is providing evidence via remote witness facility at the same court as the respondent, she could be at risk once she leaves the witness facility.

A recent study by Deakin University found that concerns about safety were prevalent in regional areas.⁹ The authors noted that 'most interviewees had safety concerns in relation to court buildings. Older courts are particularly problematic because of the small size of waiting areas and the high level of visibility and lack of privacy in small towns'.¹⁰ The study recommended that courts 'be, at the very least, outfitted with offsite remote witness capabilities'.¹¹

⁹ George, A. and Harris, B. (2014) *Landscapes of Violence: Women Surviving family violence in regional and rural Victoria*, Geelong: Deakin University, page. 4. Retrieved from http://www.deakin.edu.au/__data/assets/pdf_file/0003/287040/Landscapes-of-Violence-online-pdf-version.pdf

¹⁰ Ibid page 12.

¹¹ Ibid, page 12.

The Magistrates' Court of Victoria also identified the limitations due to the small size of some court rooms for family violence related contested hearings. For example at Court 6, Frankston Magistrates' Court there is space for 12 -14 people and currently no remote facilities. Many jurisdictions reported that judicial officers and court staff employ informal and 'ad hoc' measures across different courts to address the safety needs of victims and family members during hearings. For example, court staff may use a whiteboard to screen victims from perpetrators in the courtroom or the respondent may be required to leave the court room each time the applicant enters or leaves. In some cases, a judicial officer may hear a matter in Chambers or a person may contribute to a hearing by phone.

The jurisdictions identified some key areas of need including Melbourne's growth corridors in the south-west, north and south-east and in some regional centres. For example in Bendigo, due to demand at the Magistrates' Court; the Children's Court currently leases external office space. In addition, VCAT currently use a range of community venues in suburban Melbourne and regional Victoria for Residential Tenancy matters. Examples include the Global Learning Centre in Broadmeadows; the Intercultural Centre in Preston and the Moe Town Hall. As identified previously, recent investments in mobile remote witness facilities will assist with demand.

Many living in rural Victoria may find it difficult to attend regional courts due to distance, limited public transport and/or access to a private vehicle. Some regional courts currently operate on limited timetables – for example once or twice per month, so those seeking access to the courts must travel further for access. This limits both access and efficiency of processing family violence matters in rural communities.

The joint submissions from the MCV and Children's Court and individual submission from the Supreme Court, will consider the impact of limited court facilities within their jurisdictions in relation to family violence matters.

In conclusion, the majority of existing buildings used for court and tribunal hearings into family violence matters inadequately address safety needs of court users, judicial officers and staff. In addition, due to increased demand, there is a need to build new court facilities in key areas as identified through the CSV strategic planning process.

Recommendations:

- Recommendation 1: Note that CSV will undertake a 2015/16 Safety Audit, which has been funded by the Government in 2015/16 and advise Government of the funds required to upgrade existing court facilities to overcome safety shortcomings.
- Recommendation 2: Note that CSV will undertake a review of security measures, systems and resources at existing court facilities as part of the 2015/16 Safety Audit and advise Government of the funding requirements to achieve satisfactory security requirements.

Case Study 1

The following incident occurred at the Bendigo regional court that has no security screening at the front entry and no dedicated security staff within the court.

Security Incident

A woman approached registry staff in distress, asking to take out an intervention order. Court staff directed her to the relevant public waiting area, where she was taken hold of by a man and taken to the seats below the main stairs. As she was visibly upset, court staff approached her, asking if she was all right. Although the woman asserted she was all right, court staff suspected that she was being held against her will and may have required assistance, and subsequently summoned the police.

On seeing a police officer approach, the woman was able to leave the man and was taken to an interview room. The man left the building as soon as he saw the police officer arrive. After being taken to an interview room, the woman confirmed that the man was her partner and that he had been holding her against her will at court. The woman also described how she had fled her house that morning and driven directly to court. The woman disclosed a long history of physical violence against her by her partner. A family violence complaint and an arrest warrant were subsequently issued against the man.

2. Human Resources

Family violence is a very challenging issue for the community, including court staff and judicial officers working across the different jurisdictions. Many court staff respond daily to court users who may be victims of family violence or respondents in family violence matters. CSV provides a learning and development program to CSV employees including opportunities for training and professional development. In addition, CSV provides staff with access to external counselling and support through the Employee Assistance Program (EAP) and critical incident debriefing and has commenced a vicarious trauma project, involving representatives from across the jurisdictions. The provision of counselling, debriefing and other support programs builds resilience, improves emotional wellbeing and can address secondary or vicarious trauma.

CSV has identified the need for additional training and education on contemporary family violence issues for CSV staff including front line staff such as Registrars, Clerks, Associates and security officers across the jurisdictions, headquarters, regional and rural courts. The Deakin University study also identified the need for increased training for court and security staff.¹² Professional development programs will assist staff to respond appropriately to complex family violence matters, manage conflict and ensure the safety of victims and other court users and staff.

¹² George, A. and Harris, B. (2014) Op Cit. page 14.

The Judicial College of Victoria (JCV) submission provides substantive comments on a family violence curriculum for judicial officers across the jurisdictions.

The Supreme Court submission to the Commission also highlights the importance of specialised judicial education on family violence and the need to support judicial officers and staff in relation to the accumulated effect of hearing trials and appeals in relation to family violence matters.

Recommendations:

Recommendation 3: Note that CSV will undertake a review to assess the funding required to expand the existing Learning and Development programs to include contemporary family violence issues for all CSV staff.

Recommendation 4: Note that CSV will outline to Government the additional support required to address the impact of family violence on judicial officers and court staff.

3. Improving access to technology for family violence matters

Case study 2

Use of video conferencing in the MCV

A woman's partner was in prison for family violence offences. When her partner was due for release, the woman applied to the MCV for a FVIO. This was based on her fear that upon release, he would return to the small country town where they lived and she would be at risk of further harm.

The woman applied for an order to prevent him contacting her and coming back to the town. While he denied that he was a threat to the woman and her daughter, he did not oppose the FVIO and attended court via a video link from prison. This saved the cost of transporting him to the court for a non-contested hearing and also ensured that the woman did not have to undergo the stress of facing him in person at court.

Many witnesses and applicants in family violence matters wish to physically attend and contribute to court hearings. In addition, many judicial officers wish to directly address an offender when making orders or sentencing. However for many witnesses, such attendance may place them at risk of further harm and exacerbate feelings of fear and anxiety. Modern and efficient Information Technology (IT) systems can improve women's safety, improve access to the justice system, deliver efficient services through streamlining operating processes and support the diverse needs of each

court and tribunal. The following discussion focuses on: in court technology and information sharing.

3.1 In court technology

There is a range of in court technologies, which assist the courts and tribunal to hear and respond to family violence matters. Most court houses, except for small rural courts, have remote witness facilities and some court users elect to use these facilities. This enables vulnerable witnesses and applicants to provide evidence and contribute to hearings from remote and safe locations. In addition, video-link facilities to prisons provide an option for defendants to appear remotely.

The quality of video conferencing has improved with the use of high definition technology; however it is worth noting that due to the varying quality of network access, the quality of both sound and visual evidence can vary across venues.

The appeal of options utilised by the courts to reduce stress and provide a safer environment for victims of family violence to participate court proceedings is clear. All jurisdictions reported an increased use of remote witness facilities, with demand exceeding available supply.

In some suburban and regional areas, Children's Court and VCAT matters are heard in the regional Magistrates' Court. Due to the high numbers and competing demands within the Magistrates' Court, Children's Court and VCAT, some witnesses and applicants are unable to access remote witness facilities.

The Victorian Government has committed funds for the upgrade of video conferencing facilities and provision of additional videoconferencing capacity and mobile conferencing units in 41 Magistrates' Courts from 2015 – 2017.¹³ The mobile units are placed on a trolley and can be wheeled into a designated safe space that could be temporarily used to enable vulnerable witnesses to give evidence remotely. These units demonstrate the innovative ways videoconferencing facilities could be implemented across the courts. This investment will greatly improve access to remote witness facilities in Magistrates' Courts across Victoria.

Illustrating the use of the mobile units, the MCV, specialist women's services and the Federation of Community Legal Centres are currently collaborating on a pilot project to enable more vulnerable witnesses to attend Family Violence Intervention Order hearings remotely. The witness can log into a courtroom and provide evidence from a remote location, via a laptop and the mobile videoconference unit. In addition, the mobile unit will enable witnesses to consult remotely with a lawyer prior to a hearing and for debriefing. The pilot project highlights the creative use of IT to enhance access and improve safety for vulnerable witnesses. It is also encourages consideration of the possible use of different spaces, including women's refuges or police stations, from which witnesses could provide their evidence.

¹³ Department of Treasury and Finance. 2015. Budget paper 3 Service Delivery. Retrieved from <http://www.dtf.vic.gov.au/Publications/State-Budget-publications/2015-16-State-Budget/2015-16-Budget-Papers>.

The joint MCV and Children's Court submission provides additional information on the levels of need, current practices and opportunities for improvements in relation to in court technology and additional support for the MCV After Hours service.

Of possible interest to the Royal Commission is technological research and development completed by the University of Western Sydney. The team have created a mock trial which simulates the court environment, where all key people, including the judge and other court officials, contribute to the hearing remotely, from multiple sites. The process is described 'stitching together' the images into a virtual court scene.¹⁴

Improved access to equipment and supporting technology will enable more witnesses or defendants to provide evidence remotely and reduce the risk of harm. In addition, investment in modern technology could enhance current networks managing data across the jurisdictions.

3.2 Sharing information

A single family experiencing family violence may have matters proceeding in multiple jurisdictions at the same time. It is not uncommon for there to be overlapping intervention order proceedings in the Magistrates' Court, child protection proceedings in the Children's Court and family law proceedings in the Family Court or Federal Circuit Court. This can result in confusion around orders for family members or inconsistent court orders.

Management of such matters would benefit from improved information sharing across jurisdictions. Currently, the jurisdictions use different case management systems, with each either managed by the jurisdiction or by an external party. In early 2015 CSV completed a systemic review of the existing systems across the jurisdictions and concluded that the case management systems are built on several ageing technologies, which pose risks to each of the courts and VCAT. In addition, there are numerous gaps resulting in a strong reliance on paper files and manual processes. Consequently it is difficult for jurisdictions to access and share information.

There are opportunities to modernise the information platforms across the jurisdictions, integrate systems, improve case management and coordination and the sharing of relevant information across the jurisdictions. The Coroners Court submission to the Royal Commission also highlights the need to improve communication, coordination and integration across the courts, corrections and police in relation to family violence matters.

An investment in information sharing systems across jurisdictions could also facilitate sharing of relevant information with external bodies including Child Protection; Human Services and Health; Victoria Police, Office of Public Prosecutions, Victorian Institute of Forensic Medicine and Office of Corrections.

While acknowledging the sharing of information could improve outcomes for court users, consideration needs to be given to appropriate forms of data sharing in the context of different court proceedings. Privacy is also an important consideration and the constraints of privacy

¹⁴ Professor David Tait from the University of Western Sydney demonstrated the virtual court at the Australasian Institute of Judicial Administration 'Justice without borders: Technology for greater access to justice' Conference in Brisbane on 21 May 2015.

legislation need to be addressed. To ensure the rights of court users are protected and there is procedural fairness, it is essential that there is detailed examination of such issues prior to any investment in data sharing systems.

CSV is aware that there are e-Forms and e-Lodgement projects across the jurisdictions. Depending on the outcomes of the pilot projects, there are possible efficiencies that could be gained from expanded use of e-documents in addition to the development of an electronic court file (ECF).

In addition there is an opportunity to improve the current provision of information and support services to court users. Magistrates noted the limited availability of current information about the nature and availability of referral services for court users in family violence matters. The existing challenges faced by courts and tribunals when responding to family violence matters is exacerbated when information about referral services such as case conferencing for children, victim support groups, anger management and behaviour change programs for offenders is difficult to access. Information about location of services (particularly in regional areas), referral pathways and availability of services could be made more easily available. The creation and maintenance of a publically accessible centralised database could assist in addressing this problem.

CSV is aware of the proposed national database of family violence orders. If implemented, the MCV would need to develop protocols and processes to enable integration with the MCVs and Children's Court current case management systems.

The joint MCV and Children's Court submission discusses these issues in greater detail and provides evidence of current innovative practices and key opportunities to improve information sharing.

Recommendations:

- Recommendation 5: Note that CSV will outline the requirements and options to investigate the opportunities for jurisdictions to share data internally and with relevant external agencies and advise Government of funding requirements.
- Recommendation 6: Note that CSV will present business cases to Government for CSV to replace and modernise ICT capability across the jurisdictions.
- Recommendation 7: Note that CSV will explore the opportunities and cost implications involved in creating and maintaining a new centralised web-based publically accessible referral service database in specialist family violence services.

4. Analysis, planning and reporting

There are significant gaps in data collection and quality in relation to family violence across almost all jurisdictions. This limits CSV's ability to identify, analyse, report and forecast in relation to family violence matters. This means that evidence driven optimisation of service delivery, funding and staffing levels and skill sets is limited.

Data is generally collected from case management systems. Each jurisdiction has a different case management system and they are primarily designed to serve the immediate administrative needs of the jurisdictions. Cases are generally categorised on these systems according to objectively ascertainable information on the face of the legal documents filed (i.e. the offence charged, the nature of the application made) rather than the underlying circumstances (family violence). This contributes to the gaps in available data on the number and nature of family violence matters currently being addressed across the jurisdictions.

Family violence “flags” have been introduced in some jurisdictions for the purposes of data collection. There are opportunities to explore furthering this approach, but in that context there are several issues that would need to be considered. These include who determines whether a matter is flagged as ‘family violence’; using what criteria and on the basis of what information. In addition, further examination is required to identify the possible changes to existing case management systems to accommodate additional data.

The MCV and Children’s Court joint submission provides more substantive comment on this issue including recent improvements which have been implemented to assist in better identification and management of family violence matters.

The VCAT submission provides specific comment in relation to the identification of family violence matters heard in both the courts and VCAT.

The dramatic increase in demand experienced in the Magistrates’ and Children’s Courts in relation to intervention order matters as a result of legislative reform, changes in police resourcing, and investment in community awareness demonstrates the need for such reforms to take into account the impact on jurisdictions and to resource them to meet increased demand. Without appropriate resourcing of the jurisdictions and other agencies, the success of reforms and investments in policing and raising public awareness are placed in jeopardy.

Recommendations:

- Recommendation 8: Note that CSV will outline to the Government the necessary requirements to improve the quality and quantity of data captured and reporting of family violence matters across the jurisdictions.
- Recommendation 9: Note that CSV will provide an outline to the Government on the funding required to develop a cross jurisdictional courts demand analysis and forecasting model.
- Recommendation 10: Note that CSV will assess the potential impact on the courts and tribunals and will conduct a thorough analysis of the resources required to meet increased demand and to provide appropriate facilities and services.

Recommendations

- Recommendation 1: Note that CSV will undertake a 2015/16 Safety Audit, which has been funded by the Government in 2015/16 and advise Government of the funds required to upgrade existing court facilities to overcome safety shortcomings.
- Recommendation 2: Note that CSV will undertake a review of security measures, systems and resources at existing court facilities as part of the 2015/16 Safety Audit and advise Government of the funding requirements to achieve satisfactory security requirements.
- Recommendation 3: Note that CSV will undertake a review to assess the funding required to expand the existing Learning and Development programs to include contemporary family violence issues for all CSV staff.
- Recommendation 4: Note that CSV will outline to Government the additional support required to address the impact of family violence on judicial officers and court staff.
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- Recommendation 7: Note that CSV will explore the opportunities and cost implications involved in creating and maintaining a new centralised web-based publically accessible referral service database in specialist family violence services.
- Recommendation 8: Note that CSV will outline to the Government the necessary requirements to improve the quality and quantity of data captured and reporting of family violence matters across the jurisdictions.
- Recommendation 9: Note that CSV will provide an outline to the Government on the funding required to develop a cross jurisdictional courts demand analysis and forecasting model.
- Recommendation 10: Note that CSV will assess the potential impact on the courts and tribunals and will conduct a thorough analysis of the resources required to meet increased demand and to provide appropriate facilities and services.

Appendix 1: Location of metropolitan and regional courts across Victoria

