

Response to the Family Violence Reform Implementation Monitor's Call for Submissions: Monitoring the Family Violence Reforms – July 2020

Submission #005 – Individual practitioner – Sole Legal Practitioner

Q1. What are the major changes you have seen in the family violence service system since the Royal Commission into Family Violence made its final report and recommendations in 2016?

I am a sole legal practitioner with 35 years post-admission practice and experience. I have practiced in this Family Violence jurisdiction for over 20 years. A major and positive change has been the implementation of the Specialist Family Violence Court (SFVC) at Ballarat and with a dedicated senior Magistrate and quality registry staff including the applicant's support practitioner and respondent's support practitioner.

Q2. How has the experience of accessing services and support changed since the Royal Commission for victim survivors, including children, and perpetrators of family violence?

Whilst the quality and range of Services are available here in Ballarat and district, they are still difficult for people to contact and then to access. This is for many reasons which are often personal for the person wanting to access a service, and then which service that suits them. Perpetrators of FV are generally restricted to accessing the CAFS service for Men's Behaviour Change Program once an Intervention Order has been made. Perpetrators should be referred to a program or a men's support service locally as soon as an Application for an Intervention Order has been filed and at the first return date at court rather than waiting until an Order is made.

Q3. What are the most critical changes to the family violence service system that still need to occur?

As above, in regards to getting perpetrators to access a Men's Behaviour change program once an Application is first heard at the SFVC and before a final order is made.

Also, somehow making it more 'user friendly' to the applicant who more often than not does not want to be seen accessing the SFVC building on their own and making an Application for the first time. This is a big step for an applicant to make and often they want the lawyer to do it for them, which is not possible.

Q4. Are there any parts of the family violence reforms that have not yet progressed enough and require more attention?

Same issues as above.

Q5. Are there any improvements that could be made to the implementation approach of the family violence reforms?

As above. The main improvement would be to have the perpetrator/respondent access suitable and accessible programs early in the application/court process. This would mean an extension of the program funding at CAFS.

**Q6. What has been the biggest impact of the COVID-19 pandemic on your organisation or sector?
How have the services that your organisation or sector provides had to change?**

As a sole legal practitioner, I have been able to more readily adapt to the Covid-19 pandemic restrictions and changes and implementation of protective measures in my daily legal practice.

Q7. Has the COVID-19 pandemic highlighted any strengths or weaknesses in the family violence service system?

I suppose the biggest issue at present is the fact that defended hearings or even the first return date semi-hearing/submissions to the Magistrate is very restricted. The SFVC and the Magistrates Court protocols mean that after the 1st return date then all matters are adjourned administratively until December 2020. This means that both parties are waiting for the remainder of the year in order to have their FV application dealt with. This places a lot of extra stress and anxiety on both parties.

Q8. Are there any changes resulting from the COVID-19 pandemic that you think should be continued?

I think that having less matters listed in the SFVC on any one day is a good idea as it lessens the bad behaviour of some parties and their supporters in the Court precinct and it means less people and parties in the SFVC area and also in the main court building.

Q9. The Monitor invites you to make any final general comments around the family violence service system reform.

I think that the implementation of the Specialist Family Violence Court at Ballarat has been a good step in the improvement of the FV service system. I undertook the training program conducted in Ballarat in 2019 by the Judicial College of Vic and the SFVC Magistrate [REDACTED]. I do not hesitate in referring clients to the SFVC registry and applicant's support practitioner (I generally act for applicants. However when acting for respondents I refer my client to the respondent's support worker for support).