



New risks in family violence reforms

Victoria has led the way nationally on family violence reform but, warns Alison MacDonald, the momentum has stalled and is putting women and children at risk.

There is no doubt that justice system responses to family violence have come a long way in recent decades, and most dramatically so during the past 10 years in Victoria. Where, in the past, the prevailing paradigm within justice systems was of family violence being a private relationship matter or 'just a domestic', it is now 'an Australasian policing priority'¹ and core business for our Magistrates' Courts. This reflects a shifting community expectation that it is clearly the State's responsibility to respond to the prevalence of violence against women and children in our communities. However, as the true rate of violence within families increasingly manifests across justice and human service systems, we have to question our capacity to effectively deal with the demand it presents.

The Victorian family violence reform of the past decade was in many ways ground-breaking for the unprecedented collective efforts of non-government and government agencies to improve the system for victims of family violence. Reform was premised on integration between crisis-focused elements of the system including police, family violence services and the court system. But is the family violence reform now victim of its own success? Do we have the safety net for victims of family violence that we were aiming to achieve when we embarked on these ambitious reforms?

In 2006 the Victorian Law Reform Commission published an extensive report proposing the drafting of new legislation governing the family violence intervention order system, along with a suite of accompanying non-legislative recommendations. In subsequent years, the Victorian Government established pilots of two Family Violence Divisions in Heidelberg and Ballarat Magistrates' Courts and specialist Family Violence Services in Melbourne, Frankston, Sunshine and Werribee courts. Key elements of these models include having Applicant and Respondent support workers available at court to provide advice, make referrals, and explain the legal process.

The two Family Violence Court Divisions are the closest example of a 'one stop shop' model for victims of family violence in Australia. As it is a pilot, however, access is available only where victims or offenders are residing in, or the family violence was committed in, postcodes specified by a gazetted notice. Funding for the specialist courts has continued beyond the pilot terms; however despite the early intention to roll out the specialist model across the state, they have not been adopted in the 50-odd other Magistrates' courts in Victoria, effectively creating a two-tiered level of service provision.

In late 2008 the Victorian Parliament enacted the *Family Violence Protection Act 2008*. This Act was the result of an extensive consultation process which is widely recognised as enshrining family violence best practice into law; indeed it has been identified as the benchmark in family violence protection in Australia².

1. Australian Police Leaders, *Australasian Policing Strategy on the prevention and Reduction of Family Violence*, Commonwealth of Australian and New Zealand, Sydney, 2008.

2. Australian/NSW Law Reform Commissions, *Family Violence, a national legal response*, Commonwealth of Australia, 2010.

At the same time, Victoria Police implemented its *Code of Practice for the Investigation of Family Violence* and has subsequently introduced other targeted and effective initiatives such as police powers to issue Family Violence Safety Notices which have dramatically improved policing responses to family violence in Victoria.

We are now several years down the track and the early work of the family violence reform is now manifesting in incredible demand on all parts of the system. Victoria Police responded to over 50,000 family violence incidents last year, a 24 per cent rise on the previous year, and expects those figures to continue to rise to 64,000³ this year with no indication they will plateau any time soon. Applications for Family Violence Intervention Orders and related hearings make up a huge proportion of cases in the Magistrates' Court jurisdiction with, we understand, some of the state's busiest courts hearing 60–70 family violence matters per day. There were 31,332 family violence intervention granted orders across the state last year, an 89 per cent increase over 10 years⁴.

This demand on the justice system was not unpredicted. In undertaking the ambitious family violence reform agenda and implementing the recommendations of the VLRC Report the members of the then Statewide Steering Committee to Reduce Family Violence understood that a significant increase in family violence reporting and intervention order applications was to be expected. The inadequate response to these figures are now not only threatening to unravel the advances that have been achieved, but increase risk to women and children in often extremely dangerous situations. We make assurances that the system will provide the safety net they need, and then fail to deliver because its resources are spread so thin.

Recent Domestic Violence Victoria research⁵ with a group of women who had experienced family violence and had been through the justice system elicited extensive recommendations about the need for further reform to improve safety for women and children and the accountability of perpetrators. The work found that individual experiences of the justice system are

inconsistent and highly dependent on circumstance; while a number of women in the group reported positive interactions with the justice system in line with the reform objectives, others found the process confusing, unsupportive and in a number of cases contributed to their feelings of vulnerability and victimisation. One of the group's key recommendations was a roll-out of specialist family violence models, including support workers across all courts. Last year, following an inquest into the death of a perpetrator, then State Coroner Jennifer Coate recommended all courts hearing family violence matters include support workers. The Department of Justice responded that this would require 'policy and associated budget commitments from government that are currently not available'.

The Victorian family violence reform was extremely ambitious: working together to improve the system for victims of violence, hold perpetrators accountable and, in time, prevent violence from occurring. Strong leadership and political will was instrumental in achieving this vision. Many of the critical legislative changes and policy drivers have been put in place, but addressing such a complex social problem as family violence takes time and many more years of work remain. Unfortunately the wheels have come off the momentum for change and the system is faltering in the face of unparalleled demand. It is critical that the Victorian Government does not back away from ongoing reform now and instead opt for solutions that dampen 'demand', and put women and children at risk. We must continue to build stronger systems accountability for violence that creates such disadvantage for women and children in Victoria.

Alison MacDonald is Policy Officer at Domestic Violence Victoria



3. N Bucci, *Police Chief Warns on Rising Cases*, The Age, 22 April 2013.

4. Magistrates' Court of Victoria, 2011-2012 *Annual Report*

5. Domestic Violence Victoria, *Women Steering Justice Reform Report*, 2013.