

Specialist family violence courts Victoria

Author: Jane Holford
Email: jane@smithfamilylaw.com.au
Date: **Monday July 19, 2021**

The specialist family violence courts operate at various Magistrates' Courts across Victoria. They were recommended by the Royal Commission into Family Violence to address ongoing systemic issues within the judicial space and have staff specialised in family violence (both legal and non-legal) and access to support services. In this blog, we look at their structure, purpose and role, locations and how you can have your matter listed in one of these specialist courts.

What are the specialist family violence courts?

The specialist family violence courts operate in the same buildings as the Magistrates' Courts of Victoria. The processes differ from the regular Magistrates' Courts approach in the following ways:

Specialist family violence courts staffing: legal and non-legal

They have specialist Magistrates, Registrars and applicant and respondent workers to assist parties with making applications for Family Violence Intervention Orders and, if necessary, subsequent contravention proceedings.

All appointed judicial officers, court staff and support staff receive specialised and ongoing training into the nuances and issues relating to family violence.

Applicant and Respondent Practitioners (also known as applicant or respondent workers) is a relatively new concept that has been introduced to assist people navigate the Family Violence Intervention Order process. They are not lawyers and usually come from a social work or

psychology background.

Applicant Practitioners assist applicants (or affected family members) by providing information about the court and intervention order process. They can assist you to fill out the application form and lodge it with the court. They can also refer you to a range of support programs and support agencies to assist you.

Respondent Practitioners perform the same role as the Applicant Practitioners; however, they are there to help the respondents named in a Family Violence Intervention Order.

Dedicated police prosecutors and advocates

There are dedicated police prosecutors and civil advocates.

The prosecutors appearing for applications brought before the court by police (as opposed to applications brought by members of the public) are dedicated to the specialist family violence list (that is, the list of matters scheduled to be heard on any day).

The idea behind this is that the police prosecutors in the family violence lists are experienced in family violence matters and understand the things to look out for. These prosecutors are further assisted by Victoria Police family violence liaison officers to facilitate communication between the prosecutor, the affected family members and legal representatives of the parties where appropriate.

Specialist service providers, including lawyers

Providing access to specialist family violence service providers and legal representation for both applicants and respondents.

Specialist legal representation available at the Magistrates' Court (lawyers known as 'duty lawyers'), can help by providing legal advice about the intervention order application process, explaining the court processes and assisting parties at court (for example, through advocacy).

Some courts will have in-court family violence support service workers there to help you through the process and link you into further supports outside of court. In locations where there is not an in-court family violence support worker, the Applicant and Respondent Practitioners are able to provide appropriate referrals and pathways to connect with these services.

Magistrates' powers

Magistrates' have the power to make Counselling Orders.

In making a counselling order, the Magistrate can order the respondent to attend an interview with a family violence Respondent Practitioner to determine the respondent's eligibility for a behaviour change program. The aim of these orders is to provide respondents with the opportunity to receive a therapeutic and holistic response.

Similar to other orders in a Family Violence Intervention Order, any breach of a Counselling Order without a reasonable excuse is a criminal offence.

Remote witness facilities

The inclusion of remote witness facilities for applicants.

Remote witness facilities for applicants means that victim survivors are not required to be in the same room as the respondent for hearings. They are able to attend the hearing from another room, via videoconference.

The Magistrates' Court is also trialing an option for applicants to appear via a separate facility, in order to reduce issues which arise when an applicant and respondent are in close proximity. This is to respond to the ongoing work to improve usability and choices available to victim survivors.

Some courts will even have separate entrances and exits for applicants and respondents to use when attending court.

What do the specialist family violence courts do?

The specialist family violence courts do what the normal Magistrates' Courts do. Simply put, they hear applications for family violence intervention orders and conduct contravention hearings. But they do so with a specialised staff trained to be tuned into the relevant issues.

By having family violence matters heard in a specialist court, the aim is to improve victim survivors' experiences of the court system.

Since the Royal Commission into Family Violence, additional funding by the Victorian Government has resulted in more specialist violence courts being established in Magistrate Court facilities across Victoria.

Where are the specialist family violence courts?

Currently, specialist family violence courts in Victoria are up and running in Shepparton, Ballarat and Moorabbin.

There are plans to introduce these specialist courts to Heidelberg and Frankston in 2021, expanding into Bendigo and Wyndham in the future.

How can I have my matter heard at a specialist family violence court?

Only matters listed in the catchment areas of the specialist family violence courts can be heard there. Other courts will still hear family violence matters, but may not have the dedicated amenities that are present at the specialised courts.

When submitting an application to the Magistrates Court, whether that be online or in person, your residential/home address will be used to determine what court catchment you are in and whether the case will be heard at a specialist family violence court.

How a family lawyer can help

No matter whether your family violence matter is heard in a specialised family violence court or a regular Magistrates' court, the law is the same. A Family Violence Intervention Order can have significant impacts upon both an applicant and a respondent.

The process can be difficult to navigate and it is always prudent to seek legal advice specific to your unique circumstances. Our lawyers can talk to you about making or responding to a family violence intervention order, including linking you to support services available at the court and in your community.

Contacting Smith Family Law

03 8625 8957

info@smithfamilylaw.com.au

Find this blog interesting or useful?

You may also like to read:

- Family violence and support services during COVID-19 (also related to non-COVID times)
- The impact of Family Violence Intervention Orders on family law proceedings

---

This blog is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.