

DOMESTIC VIOLENCE – COLLABORATIVE STAKEHOLDER MEETING

Tuesday, 5th June 2018 at 11:00am

Venue: - Hervey Bay Courthouse

Present: - Paul Thomas (Registrar), Meg Duke (Centacare), Jon Dachs (Uniting Care Community), Hayley Skyring (Police), Sacha West (Security), Katie Elder (Aboriginal & Torres Strait Islander Legal Service & Fraser Coast District Law Association), Joe Eggmolesse (Community Justice Group), Eileen Pride (Community Justice Group), Karen Hall (Community Justice Group), Brigita Cunnington (Executive Director, Magistrates Court Service), James Sondergeld (Regional Director, Qld Courts).

Summary of Meeting

1. Welcome to Representative from the Hervey Bay Community Justice Group.

A new Hervey Bay Community Justice Group is in the process of being setup and there has been interest from the group members in regard to various aspects of matters coming before the court including DV matters. Joe Eggmolesse is the current Chairperson, Eileen Pride is the Coordinator, and Karen Hall is a committee member. We look forward to having CJG representatives as part of our regular stakeholder meetings.

2. Application to Vary DV Order is now Online

From 15th May 2018 a new Application to Vary DV Order (Form 4) became available to complete online. Applicants must still print the form and have the declaration witnessed and then lodge it at the court registry.

3. Safe Room Refurbishment

The Domestic and Family Violence Court Program recently funded the refurbishment of a number of safe rooms throughout the state. The Hervey Bay Courthouse safe room was one of those to be refurbished with new furniture, wall art, rug, TV, books, magazines and DVDs. This will hopefully provide a more comfortable space for people utilising the safe room prior to court. The room is utilised for various vulnerable people attending for court matters. One of the chairs and soft cubes previously used in the safe room has been moved to the conference room for use by Uniting Care Community clients attending for court.

4. Special Witness Provisions

Meg raised about if there were differences between the DV aggrieved giving evidence in a proceedings for an application for a protection Order and proceedings for a breach of a protection order. An aggrieved is a "protected witness" in DV application proceedings under section 150(1) of the *Domestic and Family Violence Protection Act 2012*. In proceedings for a breach of an order the aggrieved is a "special witness" under section 21A of the *Evidence Act 1977*. The provisions under both acts are similar for such witnesses. Hearings for Applications for DV protection orders can be different than breach proceedings in that the court is not bound the rules of evidence and directions are usually made for affidavit material to be used as evidence rather than verbal testimony and cross-examination. The directions usually also include that where a party does

want to cross examine a witness they need to provide the other party and the court at least 7 days written notice. In such case the aggrieved would be treated as a protected witness and the court would decide how the aggrieved is to give evidence (e.g. give evidence by video link; or video recorded evidence; or from behind a screen or one-way glass; etc.)

5. Security Officer

DV support staff had trouble finding Sacha during a recent DV callover day to escort a client out of the building.

Sacha response was that he may have been escorting another client out or may have been in toilet.

It is requested that if Sacha can't be found then registry staff should be advised so an announcement can be made to have security officer come to the registry counter. As there is only one security officer, clients may have to wait until the officer is available to escort them out of the building.

6. Children being named on a protection order

Meg raised about a recent matter where a child was not named on a protection order where there appeared to be grounds and at the mention of the matter the condition was not added when the respondent consented to an order being made. Magistrate Guttridge has advised that he will always ask if the aggrieved is happy with the conditions of the order. If the respondent doesn't consent to further conditions being added then the matter will go to hearing to determine the conditions. Parties need to make it clear what conditions they are seeking in court even if they have requested them in the written application. It is suggested that prosecutions raise with the court if additional conditions are requested by the aggrieved. It should be noted there must sufficient grounds for the additional conditions to be included.

7. Court Calendar

DFV court callovers are usually held every Tuesday morning at Hervey Bay. However there are some weeks when there is no DFV callover (e.g. Christmas closure, Magistrates Conferences). The court calendar indicates what dates may be excluded and are published on the courts website (www.courts.qld.gov.au) and are emailed out to court stakeholders.

8. Police Protection Notice

Hayley asked if the court requires both copies of the Police Protection Notices (PPN). Paul will follow up and advise.

9. Safety Form information

Sacha raised that most safety forms don't provide relevant information that could provide an indication if the respondent has a propensity for violence when attending for court. A number of options were discussed such as police criminal history or court staff conducting a QWIC search and using a traffic light system (green – ok, red - violent history). Paul will look into this further.

10. Dept. of Child Safety (DOCs)

DOCs can become involved in DFV matters where children appear to be at risk. Police and Centacare can refer matters to DOCs where deemed necessary.

11. Maryborough Stakeholder Meetings

Peter Blake has now been appointed as the new registrar at Maryborough Courthouse. He has indicated that he will be holding regular DFV stakeholder meetings alternating with the ones held at Hervey Bay on a quarterly basis.

Next meeting will be held in August/September 2018 at Maryborough. Peter will send invites closer to the date.