

Parliamentary Inquiry into a Better Family Law System to Support and Protect those Affected by Family Violence

The Judicial College of Victoria welcomes the opportunity to make a submission to the Commonwealth Parliamentary Inquiry into a Better Family Law System to Support and Protect those Affected by Family Violence. The College is particularly pleased that one of the terms of reference is to consider “how the capacity of all family law professionals—including judges, lawyers, registrars, family dispute resolution practitioners and family report writers—can be strengthened in relation to matters concerning family violence”.

Judicial officers play a key role in preventing and responding to family violence, and the interaction between family law and family violence within state courts is complex. This complexity, combined with the pace of reform, means that support for state judicial officers exercising federal jurisdiction through specialised education and resources is vital. Such education and resources should be developed in close partnership with the courts, as well as key stakeholders within the family violence sector, academia and the legal profession.

The College is in a unique position to be able to deliver such education and resources to judicial officers in Victoria. The College is a national leader in judicial education and professional development and is well regarded by Victorian judicial officers. The College is also one of the Victorian entities represented on the advisory committee that is being consulted on the development of the proposed National Domestic and Family Violence Bench Book; a recognition of its experience in developing family violence resources.

JCV education programs

The College has conducted multiple family violence education programs for judicial officers, including a two-day program for all Victorian magistrates, and has a dedicated staff member responsible for developing family violence programs. We anticipate that family violence will be a particular focus of the College’s work over the coming years, with it charged with delivering on the recommendations of the Victorian Royal Commission into Family Violence in relation to the provision of comprehensive family violence education for all jurisdictions, as well as training for the new specialist court multidisciplinary teams.

The College would welcome the opportunity to be involved in developing material on the interaction between family law and family violence, and the strong relationships already established between the College and Victorian courts positions the College’s Family Violence team well to deliver the material to Victorian judicial officers.

JCV publications and resources

The College also maintains a number of resources that support Victorian judicial officers in their work: in particular, the Family Violence Bench Book; a publication dedicated to discussion of family violence-related issues for Victorian judicial officers. The Bench Book contains material on the interaction of family law and family violence to assist Victorian judicial officers in their exercise of federal jurisdiction. It is critical that this resource is regularly revised and updated, in order to keep pace with developments in the family violence and family law sectors, so that the justice

sector's response to family violence in Victoria is appropriate and effective. Commonwealth support for this task would be a priority for the College.

In addition, the Family Law Manual, developed by the Magistrates' Court with assistance from the College, is a crucial resource for Victorian magistrates, assisting them in the exercise of their family law jurisdiction. At present, there are no resources available to maintain and update this publication. The College considers that federal resourcing to support the updating and maintenance of the Manual to assist magistrates exercising their federal jurisdiction would be a sound investment in improving efficiencies and outcomes across the system, and should be considered a priority.

Training for family violence professionals

In addition to our primary focus on judicial officers, the College considers that the development of resources and training for court staff and other professionals who work in the area of family violence is crucial. Helping court users navigate the dual systems of family violence and family law is a complex task. Court staff play a critical role in assisting people experiencing family violence, as do child protection workers, family violence specialist staff, legal professionals and other family law professionals. Thus, training to implement any proposed family law amendments must extend beyond judicial officers to encompass court registry staff, child protection workers, family violence specialists, legal assistance providers and other family law professionals.

The College is keen to support coordinated and collaborative models for training and resource development and delivery across the sector, to ensure that all professionals working in the court system in Victoria are well supported. This is in line with the recommendations of the Victorian Royal Commission into Family Violence to foster collaborative ways of thinking and working together to prevent and respond to family violence.

Finally, we would suggest that any Commonwealth training package on family violence and family law be developed in close consultation with states and territories. This would ensure that the training package meets the needs of individual states and territories and builds on, or complements, training already in place, or training that is proposed or under development in states and territories.

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