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House of Representatives Standing Committee
on Family and Community Affairs

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Secretary: _____

JOHN MEDINA J.P. (QUAL)
31 KARINA ST
GAILES 4300 Q
3424 0053

To:
The Committee of Inquiry
Child Custody / Care & Residence
Parliament House
Canberra.

24-9-03

I would like to add some further comments to my previous letter to the Child Custody (Care & Residence) Inquiry.

In Queensland we have had some recent incidents that are indirectly connected to the issues that you will have, or will be addressing

As I pointed out, I am a Justice of the Peace (QLD) and in this position as a volunteer at the Brisbane Registry of the Family Court. In this position I see possibly a lot more of the background and issues to cases than would be if I was only operating from home as a JP (QUAL).

I have a particular interest in the area of Family Court where there is a Domestic Violence issue present in the case.

Each year there are in QLD (and other states) incidents of Murders and Child Murders that result from family breakdown.

I do not attribute blame to the Family Court as they are only arbitrating on circumstances that have deteriorated to the point of out of control violence. Often this is due to a decision that has gone against the person who commits these crimes. Normally it should be seen as a vindication of the wisdom of such decisions, however attaching any blame to any one phase of the history of such cases does nothing to find a solution to prevent these events.

I would like to propose some suggestions for consideration and discussion, whether by committee or inquiry is not important, what is, is the solution is found.

Common to such events (Murder - Murder/Suicide) is a history of Domestic Violence. Due to the enormous frequency of these cases and the time involved by Police in DVO matters Police and the Magistrates Courts who deal with these matters, are not always aware of the potential for the case deteriorating to Murder / Seizure / Murder/Suicide and Hostage incident. There are limits to the Courts ability to

influence the thinking of a violent person. Such violent people do not absorb the instructions given to them by either courts or Police; as rational thinking is no longer there for them.

There is, I believe, solid grounds for in addition to the issue of Domestic Violence Orders by Police or Magistrates Courts, a good case to be made for compulsory counselling as close as possible to the issue date of the DVO.

A benefit of this is the opportunity for the violent Party to discuss his/her concerns and allow the pressure cooker of built up emotions to be talked about by a person of authority. This is the Social Gap of No Fault Divorce that shuts out the ability of anyone of violent disposition to talk with anyone.

Rather than alter the No Fault system as a whole unit, perhaps some thought could be given to making any case that has Domestic Violence Orders as a part of the case, bring in a compulsory and immediate counselling with a Qualified + Court Registered/Examined Counsellor. It may be that this

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will result in an increase in the staff requirement for the Family Court / Fed. Mag's Ct. but it would result in less serious incidents.

The only other method would be to encourage State AC's to introduce compulsory counselling as a part of the Domestic Violence Order being issued. The best method is to hand the responsibility for this to the Mag. Court where the DVO is heard. Police although they issue the order, it still has to be formally registered and dealt with through the Court (STATE) rather than the Police (Qld)

Whichever approach is taken it will lessen the incidence of resultant Murders and associated events.

There appears to be no compulsion for a person subject to a DVO to seek any form of help.

Solve this aspect of Family Breakdown and the results will be worth the costs.

Thank you for your time

Yours sincerely

JOHN MEDINA



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