

Kempsey Women's Domestic Violence Court Assistance Scheme
PO Box W126
West Kempsey
NSW 2440

House of Representatives Standing Committee on Family and Community Affairs
Supp. Submission No: 1249
Date Received: 20-11-03
Secretary:

House of Representatives
Standing Committee on Family and Community Affairs
Parliament House
Canberra ACT 2600

19.11.2003

Dear Ms Mitchell,

Re: Coffs Harbour Hearing 50/50 custody transcript.

Further to our conversation on Monday 17th, I am requesting consideration regarding questions put forward by Mr Cadman. I would like to clarify and rectify some information I gave regarding Apprehended Violence Orders and applying for them through the Chamber Magistrate.

I did not intentionally give misleading evidence, but felt stressed by the proceedings and did not give sufficiently clear information.

1. I refer specifically to page FCA 31 of the Hansard script of Monday 27 October 2003, at Coffs Harbour.

Regarding the need for proof for women seeking AVO's through the Chamber Magistrate, women do not need proof when making an application. When making an application the Chamber Magistrate will need information about the abuse. This includes what has happened, how often, for how long this has been happening, has he threatened children or put them at risk, damage to property and so on. **However, when the matter appears before the Magistrate they must satisfy him they have reasonable grounds to fear for their safety. The Magistrate will only grant an AVO on these grounds.** The women to get an AVO must go through the court process, and the defendant is given the opportunity to refute the claims. In this way, each case is individually addressed, as is necessary because each client's situation is different. Women can provide evidence of violence through medical evidence, photographs of injuries, medical history or statements from witnesses.

For AVO's applied for by the Police, it is in response to claims of assault, or a response by the Police to a Domestic Incident. In this way, Police are generally involved in the incidents as they occur and are often exposed to the results of Domestic assaults or violent events.

If it is shown that a woman has made a vexatious complaint, she can be charged and also made to pay court costs.

2. On Page FCA 32, my reply to Mrs Irwin, second from the bottom of the page. As I said in my opening statement, we give legal information, not legal advice as I have stated here.

I believe I have addressed all the issues which I feel were inaccurate, after examining the transcript. If there is anything you need me to clarify further, please do not hesitate to call me on (02) 65 631 479.

Yours sincerely

Maria Reason
Coordinator.