

Court Assistance Presentations

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ISSUES FROM COURT ASSISTANCE WORKERS

A number of court assistance workers from throughout Queensland were contacted prior to the conference and they raised the following issues:

Police:

- Applicant Police Officers mostly tell women not to come to court - do not explain the court process or that if she wants anything different from what is written on her application she must come and discuss it with the police prosecutor.
- Police Prosecutors (PPs) do not arrive till the last minute before DV Court starts and therefore do not have time to see either the Aggrieved or the Respondent to explain the court process or listen to any amendments the woman wants to the Order.
- PPs do not speak to either the aggrieved or respondent before court begins, even if he or she arrives early.
- PPs have not read through the applications and therefore cannot adequately respond to the Magistrate or the woman as they have no idea of the degree of seriousness of the domestic violence involved or the woman's circumstances or the conditions that are requested
- PPs assign a low priority to DV matters generally.
- Sometimes the Police Officer at DV Court is not a trained Police Prosecutor but rather just a uniformed officer who therefore is less experienced in court matters and DV matters in particular.
- PPs won't represent a woman who is an aggrieved in a private DVA at the Hearing date unless they are convinced they will win the case.
- Court list is too long for the one police prosecutor to be able to talk to all the women before the court starts.
- Applicant Police officer neglects to tell the woman that she **must** come to court if she wants an ouster condition (and it is requested on the application) otherwise she will not get it, especially if the address of the aggrieved and the respondent on the application is the same (the only exception would be when there is a release from custody form and it is shown that his address is different to hers and the release from custody conditions are that he have no contact with her).
- Interpreters are not ordered for mentions.

Magistrates:

- Inappropriate times scheduled for DVAs to be heard.
- Inconsistencies between Magistrates where there are several magistrates as in the larger court houses.
- Attitudes of magistrates - making inappropriate comments out loud at court in the presence sometimes of both aggrieved and respondent - blaming the woman - indicating that intimidation and harassment are at the lower end of the scale of domestic violence.

- Evidence of lack of understanding of dynamics of domestic violence by comments made about women removing conditions from orders and then returning to court with Variations to add conditions once again or withdrawing DVA and reapplying - in some instances even refusing to hear the matter again.
- Interpreters are not ordered for mentions.

Court Design:

- Physical layout of court house means that both aggrieved and respondent have to wait in close proximity to one another before going into the court room.
- Smaller court houses have no special safe room for women - worker has to get to court early and claim the available room for her clients otherwise it is used by solicitors. The room that is available often is unsuitable in terms of proximity to the respondent or has glass windows/doors through which the women can be seen.

Registry Staff:

- Often Registry staff do not see the court assistance worker as having a role to play - the court assistance worker is treated as a non-entity.
- Some Registry staff do not make an effort to tell the woman that there is a court assistance worker who is able to assist her with the application and/or give her support during her court appearance.

General:

- Insufficient numbers of court assistance workers - the one CAW has to cover several courts

In Aboriginal Safe Houses, not enough workers to take women to court.