

History of the Domestic Violence Court Assistance Network

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Welcome

I'd like to acknowledge the traditional owners of this land and to thank Aunty Mulinjali for welcoming us at the pre-conference training day yesterday.

I'd like to thank the Working Party for organizing the conference and the Department of Families Violence Prevention Unit for the funding and for their assistance on the Working Party.

I'd like to welcome you all to the conference and especially those people who traveled many kilometers to be here and the speakers who have taken time out to prepare for the conference. We have representatives who've travelled from Thursday Island, Bamaga, Hopevale, Mt. Isa, Ingham, Atherton, Townsville, Whitsunday, Mackay, Rockhampton, Bundaberg, Roma, Gold Coast...so as you see, this will be an excellent time for getting to know workers in all areas of the State.

Many of you here would know Carol Dagley, who passed away last year and you would know her especially with the hibiscus flowers she always wore above her ear. I'd just like to mention our sadness that she cannot be here today. She was a wonderful advocate for and supporter of women affected by domestic violence. Carol put into practice the principles of reconciliation long before the word had its current meaning. She was a very warm and positive person who attended I think all of our conferences. She will be missed today but I'm sure her positive spirit lives on and is supporting us.



Who are domestic violence court assistance workers?

Court assistance workers differ throughout the state and you will hear from 3 of them this afternoon. They include workers from unfunded services, refuges, domestic violence services and other community organizations, and workers employed through the Department of Families Court Support Program. The workers located in the courts endeavour to have an impact on the whole court process. In their day to day work they are educating the police, court workers and magistrates about domestic violence. They lobby and negotiate with other staff around a whole range of things which include court times which are suitable for women with children, safe rooms, timely service of orders, urgent orders. They assist the women to negotiate with the prosecutors regarding their needs. The aim is that women are supported to get an order within the best possible process so that women feel empowered and supported by the worker's intervention and they are safer.

There has been much made of the importance of primary intervention such as educating the community and young people in preventing domestic violence, and this is very important. However, I think that if women can be helped to gain safety for themselves and their children at the time of seeking a protection order, or at any intervention which promotes safety and stops the cycle of violence, then this type of intervention is pivotal to prevention.

Some court assistance workers are linked to co-ordinated or integrated responses such as the Gold Coast Integrated Response or the Wynnum Co-ordinated Community Response (which has sadly now closed). These services do and have done an incredible amount of work on a low budget. They have developed an infrastructure around protection which broadens the safety net for the women and children. These services have a basic core which allows for the continual building of new initiatives which strengthen the safety net. Christine Potito from the Gold Coast will talk this afternoon about such a service.

History of the Network

When the Domestic Violence (Family Protection) Act was introduced 1989 for the first time it made the gaining of protection orders and their enforcement much more accessible for women and the small percentage of men affected by domestic violence. While legal aid was available for legal representation and the police had the power to take out protection orders, there was no court assistance available apart from the assistance and support of some community agencies, mainly from refuge.

It became very clear to those workers that without support to tell their stories, getting a protection order could be a 'hit and miss' affair and the process could be abusive, leaving the women with even less protection than before.

In 1992 the Women's Legal Service undertook a pilot project in the Brisbane Magistrates Court. We assisted the women to complete applications; gave them support through the court mentions; helped link them to other resources in the community and observed the process. It was clear that this type of support was very much needed but at that stage not financially possible.

However, a number of the recommendations from the pilot were implemented including the development of safety protocols for magistrates courts; (*these have been recently updated*), magistrates' information sessions; domestic violence training for court staff; at the time a separate domestic violence court was established in Brisbane; and safe waiting areas have been established in many but not all of the courts. We heard yesterday that particularly rural and remote courts are without safe waiting areas.

With the funding of regional domestic violence services in 1992, more organizations started to provide court assistance but within the limitations of their funding. And, after working voluntarily at the Beenleigh Magistrates Court, in 1994 Carolyn Steiner became the first independently funded court assistance worker but the funding was non-recurrent and couldn't be relied on for more than 12 months at a time.

These workers were independently carving out a role within a very male orientated legal system. They were privy to constantly hearing the terrible stories of women living in fear. And of the violence from their partners. They became staunch supporters of the women who in turn gave them the confidence to go with them to the bar table, to intervene with the prosecutor and to at times speak out in court. This was a very new role for the courts and there had been no prior agreements at any level about what they could and couldn't do in the magistrates' courts. However, on the whole they came to be accepted, and very much, relied upon.

In 1996 the first conference of court assistance workers was held in Brisbane. Although it was intended as a south east corner event, the need for court workers to get together was so great that it attracted workers from as far as Emerald and Roma.

This conference saw the beginnings of the development of a Network and paved the way for the Department of Justice to provide us with a temporary part time worker who could explore funding options and organize the next conference.

The 1997 conference in Brisbane allowed us to build on our lobbying activities for funding domestic violence court assistance work and for a Training and Support Unit. Annette Bain from the *NSW Women's Court Assistance Scheme* (at the time their scheme was funded with \$1.5m) helped us to convince our politicians of the need for court assistance funding. Fortunately, with politicians from both sides of government represented at the conference, we were still in front when there was a change of government in 1998. I'm pleased to say that you will shortly hear from Monica Neville of the NSW scheme.

After continual lobbying, in mid 1998 the Office for Women's Policy allocated \$350,000 for domestic violence court assistance with \$310,000 being recurrent over 4 years. \$25,000 was for training and \$15,000 for the development of practice standards. As the Office for Women's Policy did not have the infrastructure to manage the funding, an agreement was reached with the Department of Families, Youth and Community Care for them to administer it.

The Network applied for a Co-ordinator to assist with the development of the new services among other things as we thought a Training and Support Unit would be too ambitious. Although the department could see value in such a position, we were unsuccessful.

Because of the overwhelming need for court assistance demonstrated by the number of applications, Anna Bligh, the then Minister for Families, increased the amount available. In 2001/2002, \$564,631 was spent on court assistance. This has since increased to cover the amendments but no increase was made for spousal violence. The \$25,000 for training purposes was never used. However, we have continued to ask for the training funding and the money we received from the Department of Families has been a key factor in being able to run this conference.

Out of that 1997 conference the Department of Justice agreed to fund teleconferences which meant that DVCAN workers across Queensland could meet on a 6 weekly basis for 2 hours a time.

Between late 1997 and early 1999 the Department of Justice made funding available to five domestic violence court related services through a Victims of Crime pool of money. This enabled more court services to be provided on a non-recurrent basis but ceased when the other money became available.

Barbara Shaw of Ingham and Lynda Dunn of Rockhampton took the main responsibility for organizing the next conference at Magnetic Island in 1999. A Dept. of Justice worker helped with the administration and we obtained monies from Families Youth and Community Care and from Office of Women's Policy to assist with the costs and to subsidise travel.

We were aware at the time that funding had been advertised and a number of the participants had applied and were eagerly waiting to hear of the result. A key recommendation of this conference was to obtain funding for a consultancy which looked at models of court assistance. The purpose of this was to explore which were the most effective ways of assisting women through the court process and providing them with enough support to be safe.

Issues which we'd been grappling with such as the use of volunteers, contact with the respondents, integrated and co-ordinated responses, could be examined as part of the consultancy.

And in line with our philosophy of working side by side with indigenous women, it was recommended that there be two consultancies – one mainstream and one indigenous. They would be separate but linked.

We suggested the money allocated for the practice standards be used for models development as we considered the models development needed to precede the practice standards. However, we were unsuccessful. Last year we applied for end of financial year money to evaluate court assistance. Although we gained departmental support for this, we were also unsuccessful. We plan to continue negotiations with the Department on this.

It was shortly after the 1999 conference at Magnetic Island that recurrent funding was allocated to 14 services across Queensland

How do we operate?

We've continued to meet on 6 weekly basis through the Justice teleconferences. Women's Legal Service has agreed that a certain amount of my time is spent on Network issues and I have been convening the meetings.

We have achieved a range of things apart from the funding. We've developed a NESB kit and protocols for working with NESB women. This was with the help of the Immigrant Women's Support Service. We've developed a standardized data collection form for individual services to use. We've contributed to the development of practice standards, participated in the new legislation reference committee and have had negotiations and discussions about the need for police prosecutor practice standards.

As mentioned previously, we have a policy of working side by side with indigenous women. This was developed at a time when more indigenous women were able to participate in the Network. Yesterday we were privileged to have the indigenous women contribute to the discussions and new workers are keen to be part of the network.

Although we've made some progress since we first began meeting, it is very slow. Our meetings are time limited and can only be attended by workers when the times don't clash with court. One worker has worked for 2 years and has not met another court assistance worker in person. Some workers only get to 1 or 2 teleconferences a year.

When dealing with life threatening situations it is crucial to develop the best possible response. Planning and collaborating for the safest outcomes is essential. This can't happen effectively when services are isolated from each other and without adequate training and resourcing. I believe that at this stage annual conferences are necessary.

Regroup, refresh, reclaim

The purpose of this conference is in its name – *Regroup, Refresh, Reclaim*. We are regrouping together as a network and as a sector. Tomorrow afternoon there will be time for discussion around further bringing the sector together. These two days will be a great opportunity for us to get to know other workers throughout the State, introduce yourself to others and learn from each other.

We are expecting to hear stimulating ideas and discussions which will refresh and invigorate us in our work.

And finally, many of us have concerns that a gender analysis has been sidelined. When I first started at the Women's Legal Service in 1991 the feminist perspective was vibrant and crucial to an understanding of violence against women. There was a very active and public Women's Policy Unit in the State, the Commonwealth Office of the Status of Women was well staffed and public. There was a National Committee on Violence Against Women; a national immigrant women's body; the women in the community sector had a more public voice. All these and other areas were contributing to an analysis, a knowledge base and system reform which was attempting to reduce male violence and empower women affected by violence.

Little did we know it was to be shortlived. Staffing numbers would be shaved, national women's bodies defunded, government women's policy units sidelined or dissolved like the essential Violence Against Women Unit in the Queensland Director of Public Prosecutions office.

At the Women's Legal Service 15 year celebration and acknowledgement of volunteers, Bridgit Houston, a long serving volunteer made the comment that "There have been many changes over that period of time, that we have more to offer the women but there is a bleakness with women coming with the same problems and in some areas things have got worse.

How do we continue to keep our work relevant and the importance of women's issues which are specific for women being properly considered, informing policy development, informing judicial decision making, informing the way services operate whether they are government or community?

As Veronica said yesterday "What would we be hoping would change in 2018 – in 15 years time?" What might be the issues and how could we change things to get there?

I leave you with these ideas to think about over the next two days.