



Department of Justice

Secretary

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20 Feb 2012

Judge Jennifer Coate
State Coroner
Coroners Court of Victoria
Level 11, 222 Exhibition Street
MELBOURNE VIC 3000

Our ref: CD/12/8693

Dear Judge Coate

Inquest into death of James Thomas Smith (23/1/2008), Court Reference 359/08

I am writing to respond to your recommendation, made on 2 November 2011, in the Finding into the Death of James Thomas Smith (23/1/2008). In the Inquest, you recommended that the Department of Justice (the department) consider extending Applicant Support Workers (ASWs) to each Magistrates' Court in Victoria that is required to deal with Family Violence Intervention Order (FVIOs) applications.

The department has considered your recommendation carefully and greatly appreciates your support for ASWs. However, the department is unable to implement your recommendation at this time due to unresolved issues relating to the recommendation. These issues pertain to the need to consider ASWs as part of a suite of other interrelated court based reforms, not as a strategy that can be isolated and expanded independently, and current financial constraints on an expansion of these programs.

The ASW is one important component of a host of complementary court based family violence initiatives, trialled as part of a broader family violence reform strategy that has been taking place in Victoria since 2005. ASWs are not a program that can be extended on its own; instead, ASWs operate most effectively as part of a suite of other family violence reform initiatives within a specialised court setting, which necessarily features other corresponding resources such as a respondent worker, outreach service and/or a specially trained magistrate.

Implementation of your recommendation would involve expanding ASWs and all of the necessary associated court based resources and supports that comprise either the Family Violence Court Division (Ballarat and Heidelberg) or the Specialist Family Violence Services (Sunshine, Melbourne and Frankston), to all the other 47 Magistrates' Courts across Victoria as all of these courts hear FVIOs. The provision of the ASW and associated initiatives to all the headquarter courts alone would be at a significant cost to government. Implementation of this recommendation requires policy and associated budget commitments from government that are not currently available.

Existing family violence services and supports in Victoria are to be maintained, and the department will be working with the Magistrates Court of Victoria on strategies to prioritise cases for those programs based on need, not just geography. The impact of family violence on Victorians, particularly women and children, is a serious issue and one that the Victorian Government will continue to prioritise.

Should you wish to discuss this further please contact Ms Kylie Kilgour, Assistant Director, Courts and Tribunals Unit, by email, Kylie.Kilgour@justice.vic.gov.au, or on (03) 9032 0813.

Yours sincerely



PENNY ARMYTAGE
Secretary