



Magistrates' Court
Victoria

Telephone: (03) 9628 7792
Facsimile: (03) 9628 7793

Chief Magistrate's Chambers
Melbourne Magistrates' Court
233 William Street
Melbourne, Vic 3000

8 May 2017

GPO Box 882
Melbourne, Vic 3001
(Ausdoc 350080)

Judge Sara Hinchey
State Coroner
Coroners Court of Victoria
65 Kavanagh Street
Southbank Vic 3006

DX 212560



Dear Judge Hinchey,

Re: Kelly Ann Thompson

This letter comprises the response of the Magistrates' Court of Victoria to the recommendation 3 of Judge Gray concerning the Court. The Court makes this response because the recommendation concerns a matter of administration in the Court and not upon its judicial functions. In any event, I apologise on behalf of the Court for the delay in not responding earlier.

In March 2014, the Court and Victoria Police set up an electronic exchange of information about family violence intervention orders. At present, the following information is exchanged:

- (a) details of all intervention orders made, both family violence intervention orders and personal safety intervention orders. The Court gives these details to the police. These details include the Court's case number, any information about the respondent appearing in the order, the names of the protected persons, the conditions to the order and the duration of the order;
- (b) details of service of family violence intervention applications and orders. This information is given by the Court to the police and vice versa;
- (c) details of police applications for family violence intervention orders. The police give these details to the Court. They include details about the parties, description of the orders sought and the narrative of the circumstances underlying the application. These details are given electronically. The application itself is faxed, emailed or delivered in person to the Court.

The Court supports giving to the police relevant information contained in privately made applications for family violence intervention orders. The Court acknowledges the current limits in sharing such information but will continue to work with the police to overcome those restrictions.

The delay in replying has seen two developments. In the recent State Budget, there will be monies to set up a new case management system for the Court and the Children's Court. This will take four years to establish. Once done, it will allow the relevant contents of such applications to be shared promptly with Victoria Police.

Second, Parliament is considering the Family Violence Protection Amendment (Information Sharing) Bill 2017. If passed, this will allow easier sharing of information. At present, Part 8 of the Family Violence Protection Act 2008 places restrictions on the publication of a report of a proceeding or an order. Although arguable that s 166 of the Act does not prevent the Court providing such information to Victoria Police, Part 5A of the Bill enables the process, assuming the Court is prescribed as an "information sharing entity", which is likely.

Apart from the recommendation, the additional ways of description by Judge Gray of the circumstances leading up to the death are instructive in, at least, two ways: the repeated attendance on Ms Thompson's home, in the company of police, to obtain his alleged personal property; and the failure of a lawyer to tell the Court of breaches of the interim family violence order. The former gives a clear example of the need for the greater use of the personal property condition as recommended by the Royal Commission into Family Violence (see recommendation 118). I have issued a Practice Note in that regard, referring to that circumstance in Ms Thompson's case. The latter should not re-occur in the specialist family violence courts.

Yours faithfully,



Peter Lauritsen
Chief Magistrate