



Magistrates' Court Victoria

Practice Direction

No. 4 of 2019

POSTCODE ELIGIBILITY FOR FAMILY VIOLENCE COUNSELLING ORDERS Family Violence Intervention Order Proceedings at Ballarat, Heidelberg, Frankston, Moorabbin and Shepparton Magistrates' Courts

Background

The *Justice Legislation Amendment (Family Violence Protection and Other Matters) Act 2018* ('the Amendment Act'), is part of the family violence legislative reform. One of the changes being sought by the Amendment Act is the removal of the postcode requirement under s 128 of the *Family Violence Protection Act 2008* (FVPA), which is due for repeal on 30 November 2019.

The intention of this repeal is to broaden the eligibility for respondents to attend Men's Behaviour Change Programs and ensure that respondents and affected family members (AFMs) alike are not subject to 'postcode justice'.

However, the removal of the postcode restriction without an alternative restriction replacing it will result in lengthened waiting lists and significant delays of participants entering the program.

Purpose

This Practice Direction is to ensure that the Court maintains an effective status quo in relation to the catchment area for counselling orders until a new criterion is established for determining eligibility.

Direction

1. If a final family violence intervention order is made by the court at any of the below locations, and the respondent to the intervention order is;

- male,
- either currently or has previously been in an intimate personal relationship with the AFM, and
- their place of residence when the family violence that is the subject of the intervention order was committed, is within one of the below listed postcodes,

the court must make an order for the respondent to attend an Eligibility Assessment, pursuant to section 129 of the FVPA.

2. If the proceeding is being determined at **Ballarat Magistrates' Court**, the eligible postcodes are;
 - 3345, 3350, 3351, 3352, 3355, 3356, 3357, 3363 and 3460.
3. If the proceeding is being determined at **Heidelberg Magistrates' Court**, the eligible postcodes are;
 - 3072, 3073, 3076, 3079, 3081, 3083, 3084, 3085, 3087, 3088, 3089, 3093, 3094, 3095, 3105 and 3752.
4. If the proceeding is being determined at **Frankston Magistrates' Court**, the eligible postcodes are;
 - 3148, 3168, 3192, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 3201, 3910, 3911, 3912, 3913, 3915, 3916, 3918, 3919, 3920, 3926, 3927, 3928, 3929, 3930, 3931, 3933, 3934, 3936, 3937, 3938, 3939, 3940, 3941, 3942, 3943, 3944, 3977, 3978 and 3980.
5. If the proceeding is being determined at **Moorabbin Magistrates' Court**, the eligible postcodes are;
 - 3143, 3144, 3145, 3148, 3161, 3162, 3163, 3165, 3166, 3167, 3168, 3169, 3185, 3186, 3187, 3188, 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3202 and 3204.
6. If the proceeding is being determined at **Shepparton Magistrates' Courts**, the eligible postcodes are;
 - 3610, 3612, 3614, 3616, 3617, 3618, 3620, 3624, 3629, 3630, 3631, 3633, 3634, 3636, and 3638.

This Practice Direction commences 1 December 2019.



Judge Peter Lauritsen
Chief Magistrate

Date: 30 October 2019