

Adjournments and timely decision making

It is acknowledged that courts across Australia have different approaches to managing domestic and family violence related proceedings. Where possible the safety and wellbeing of victims, their children and other affected people should be promoted and perpetrators/offenders should be held accountable for domestic and family violence behaviours. Expeditious trial processes are likely to contribute to achieving these outcomes; and may be used by judicial officers, where possible, in the exercise of their power to regulate the court's proceedings. Making adjournment orders is integral to this **case management** power and, in some cases, an adjournment may be necessary to ensure that parties are afforded fair and equal access to justice. Judicial officers should be familiar with any legislative provisions and practice directions in their jurisdiction requiring them to consider issues specific to the management of domestic and family violence related cases and to deal with these matters expeditiously.

Adjournment orders are commonly made by courts dealing with matters involving domestic and family violence for a range of reasons, including to synchronise the civil matter with an associated criminal matter, to allow police to have more detailed discussions with the victim, their children or other affected people, to clarify child and parenting arrangements, or to provide more information about the matter before the court [[Gelb 2015](#)]. Adjournments may also be granted to ensure procedural fairness where a party seeks further and better particulars about the application or where the other party requires an opportunity to fully respond [[VRCFV 2016](#)]; or where a party requires legal representation, an interpreter [[Qld DFV Taskforce 2015](#)] or other support services that are not immediately available. In some cases it may be appropriate to adjourn a matter even though, for example, the applicant or a key prosecution witness has not attended court. In such cases an adjournment will allow inquiries to be made about the safety of the relevant person before concluding the matter.

There may be cases where a party does not have a legitimate reason for seeking to delay proceedings; their motivation may be to abuse court processes as a means of continuing the perpetration of domestic and family violence against the victim (this is also known as “**systems abuse**” [[Vic FVBB 2014](#)]). Tactics include seeking adjournments at short notice, initiating applications or making cross-applications without proper grounds, failing to appear at mentions and hearings, and evading service of orders [[VRCFV 2016](#)]. These tactics may not be readily apparent to a particular judicial officer if used by a party in multiple courts before different judicial officers and, as a consequence, may be difficult to scrutinise and assess [[Gelb 2015](#)]. Courts should carefully scrutinise a party's request for an adjournment. Appropriate case management may include refusing an adjournment if it appears the respondent seeks the adjournment to prolong the proceedings and maintain control over the victim [[Vic FVBB 2014](#)].

When an order for the adjournment of proceedings involving domestic and family violence is made, judicial officers should consider whether it is appropriate to make additional interim orders, directions or arrangements for the duration of the adjournment to ensure the safety and wellbeing of the victim and their children.