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AUSTRALIA'S NATIONAL RESEARCH  
ORGANISATION FOR WOMEN'S SAFETY

*to Reduce Violence against Women & their Children*

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Domestic and family violence protection orders in Australia:  
an investigation of information-sharing and enforcement  
with a focus on interstate orders: *Final report*



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## **Acknowledgement of Country**

ANROWS acknowledges the traditional owners of the land across Australia on which we work and live. We pay our respects to Aboriginal and Torres Strait Islander elders past, present, and future; and we value Aboriginal and Torres Strait Islander history, culture, and knowledge.

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**Domestic and family violence protection orders in Australia: an investigation of information-sharing and enforcement with a focus on interstate orders: Final report**

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# Key acronyms, abbreviations and terms

Throughout the body of this report, the following acronyms, abbreviations and terms are used:

Term	Meaning (for the purposes of this research report)
ANROWS	Australia's National Research Organisation for Women's Safety.
CALD	Culturally and linguistically diverse.
COAG	The Council of Australian Governments.
Cross-border protection order	A protection order issued in one jurisdiction but registered in another jurisdiction.
DFV	Domestic and family violence. The emphasis in this report is on intimate partner violence as a reflection of the prevalence of this phenomenon while acknowledging "domestic and family violence" relates to a range of relationships.
Protection order	Domestic violence protection orders under family violence legislation in Australia are described as: domestic violence orders, apprehended violence orders, family violence intervention orders, violence restraining orders, family violence orders, and domestic violence restraining orders.
Enforcement	The relevant post-application processes including breaches and actions taken to enforce a domestic violence protection order by the victims, police, courts, and victim advocates involved.
Indigenous	Aboriginal and Torres Strait Islander people. Respectfully acknowledging the diversity of the distinct groups and people that form Australia's Indigenous population.
Information-sharing	The sharing of information may occur against the backdrop of state and territory and Commonwealth privacy legislation; specific legislation relating to government agencies such as police, corrections and child welfare authorities; professional obligations and ethics; requirements for mandatory reporting (or disclosure), particularly in relation to child protection issues; and the possible risk of civil or criminal liability for disclosure of information outside the scope of what is permissible.
Jurisdiction	An Australian state or territory.
LGBTIQ	Lesbian, gay, bisexual, transgender, intersex, and questioning/queer.
Legal personnel/professionals	Magistrates, lawyers, and police.
Participants/interviewees	Victims/survivors and service providers participating in Study Two (interviews).
Perpetrators	The offenders, or respondents, responsible for the DFV and named on the DFV protection order.
Professionals	Police, magistrates, lawyers, and victim advocate respondents in Study One (online survey).
Respondents	Professionals who responded to questions in Study One (online survey).
Service providers	Victim advocates, refuges, and community and women's legal services participating in Study Two (interviews).
Study One	The online survey which comprised the first empirical research study.
Study Two	The semi-structured qualitative interviews which comprised the second empirical research study.
Victim/survivor	Women who have experienced violence from a partner; however, this does not imply that these women are not survivors. The term is used here for consistency throughout the paper and should be understood as synonymous with survivor.
Victim advocates	Specialist women's services who work to support victims of DFV.

# Executive summary

In December 2014, Australia's National Research Organisation for Women's Safety (ANROWS) commissioned the Queensland Centre for Domestic and Family Violence, CQUniversity, to undertake an investigation of information-sharing and enforcement of domestic violence protection orders in Australia.

## Purpose of the research

The purpose and design of this research focused on three areas:

- enforcement of protection orders;
- information-sharing specific to protection orders; and
- cross-border issues of enforcement of protection orders.

## Research design

The research design comprised a literature review followed by empirical research. The research had three distinct components:

1. A review of the literature (state of knowledge paper) which investigated the current knowledge about enforcement of protection orders within and across borders. It scoped Australian literature to understand legislation underpinning enforcement, current knowledge on information-sharing in relation to protection orders, and the perspectives of victims, advocates, police, magistrates, and lawyers who work to enforce protection orders. The findings then informed:
2. An online survey of police, magistrates, lawyers and victim advocates across Australia who work with victims or perpetrators regarding protection orders and enforcement. The survey was mainly quantitative but also had open-ended questions; and
3. Semi-structured qualitative interviews with victims and service providers across New South Wales, Queensland, Northern Territory, and Victoria. The interview augmented the survey and bridged a gap in research, with victims being heard concerning cross-border protection orders and enforcement.

## Key findings

The key findings from the research are presented under three thematic groupings:

1. the knowledge, skills, and attitudes of professionals;
2. information-sharing between courts, police agencies, and service agencies; and
3. interagency co-ordination and co-operation.

### 1. Knowledge, skills, and attitudes of professionals and experiences of victims

- Safety may be impacted by inconsistent police and judicial decision-making and behaviours.
- Where professionals and systems respond effectively to the safety needs of victims and with full understanding of the dynamics of domestic violence, women's lives may change for the better.
- The consequences of ineffective responses can be disempowering for victims, risk their re-victimisation, and may deter them from reporting domestic violence in the future.

### 2. Information-sharing between courts, police agencies, and service agencies

- There was inconsistent information-sharing between courts and all agencies, within and across borders, impacting on safety needs of victims.
- Legislation and policies are not always applied in practice in the manner legislators and policy-makers intended.

### 3. Interagency coordination and cooperation

- Co-ordination and co-operation between agencies potentially supports victims and holds perpetrators accountable.
- Integrated responses need frameworks, tools, and resources that enable a holistic response to victims and perpetrators.

## Future directions

### Messages for policy-makers

- The Council of Australian Governments' continued commitment to legislative reforms, information-sharing improvements, and integrated responses is critical to improving the safety of victims.
- Legislative review of specific measures, such as aiding and abetting, is needed.
- Jurisdictions take proactive steps to ensure decisions made under the legislation by agencies are consistent, particularly in regards to penalties and breaches.

### Messages for practice

Police, magistrates, lawyers, and victim advocates working in this field require:

- sufficient resources available to enable responses to meet levels of demand;
- appropriate training to enable a good working knowledge of DFV dynamics; and
- information-sharing mechanisms to be in place to allow the sharing of police and court protection order information and case information.

### Messages for researchers

There needs to be:

- evaluation of the impact of new legislation and information-sharing mechanisms to ascertain intended and unintended consequences;
- further research that hears the voices of the victims, perpetrators, and front line staff in relation to enforcement of protection orders to understand the impact of the system; and
- further research on the nexus of family law, DFV, and child protection legislation.

# Introduction and background

## Purpose of the research

Australia's National Research Organisation for Women's Safety's national research agenda recognised that a multi-jurisdictional comparison of legal and justice system responses across Australia is required to identify how the law can work to promote the safety of women and their children (2014). "Improving legal and justice responses to violence against women" was therefore named as a research priority (4.1) in the ANROWS research priorities 2014-15, released in May 2014.

Subsequently, this research priority was addressed in the ANROWS research program 2014-2016, with the Queensland Centre for Domestic and Family Violence Research (QCDFVR) commissioned to investigate the enforcement of protection orders in Australia, including information-sharing and cross-border enforcement issues.

Following consultation by ANROWS with the 4.1 Justice Responses Advisory Group, three areas of investigation were identified, which underpin the purpose and design of this research:

- enforcement of protection orders;
- information-sharing between enforcement personnel and specific to protection orders; and
- cross-border issues of enforcement of protection orders.

A comprehensive literature review, which included an analysis of jurisdictional legislative differences in the enforcement of protection orders, was undertaken in order to inform the research focus and design. The research consisted of two studies: an online survey of professions, including police, magistrates, lawyers, and victims' advocates (Study 1); and semi-structured interviews with victims and service providers (Study 2).

This research report begins by summarising the learnings from the literature review, links this to the research design and methodology, and then describes the key findings from both the quantitative and qualitative investigation. The report concludes with analysis and triangulation of these findings, and presents a discussion of their implications for research, policy, and practice.

## Literature review: state of knowledge paper

The state of knowledge paper illustrated how in Australia and elsewhere the main statutory and legal mechanisms aimed at ensuring women's immediate and ongoing safety are protection orders and criminal law.<sup>1</sup> The administration of protection orders relies on key statutory response agencies, particularly the police and judicial agencies. In addition, domestic violence support services in the non-government or not-for-profit sector have, since the feminist movement in the 1960s and 1970s, played a crucial role in advocating for women and supporting them through legal redress and their recovery. Such services continue to provide practical, psychological, and emotional support throughout the enforcement process.

Domestic and family violence legislation and protection orders have been in place in Australia over the last 27 years, and, during this time, significant concerns have been raised about the degree to which protection orders and their administration adequately meet the safety needs of women and children (Douglas, 2008). Effective enforcement by the relevant authorities—that is, by police and the courts—is required to uphold the integrity of the orders. Failure to effectively enforce orders—for example, by failing to act on breaches of orders—places victims, including children, at risk of harm and weakens confidence in a system designed to protect victims from violence.

Although cross-border issues in the enforcement of protection orders and registration of these orders have, in recent years, become a major concern for the domestic violence sector and the Australian government, little attention has been paid to these issues by researchers (Australia, Department of Social Services, 2014; Egger & Stubbs, 1993).

As part of the national discussion and debate on how to more effectively address DFV, the Australian Law Reform Commission (ALRC) and the New South Wales Law Reform Commission (NSWLRC) produced an extensive report that noted there is overall fragmentation in DFV law in Australia, with inconsistencies in statutes and practice among the states and territories (ALRC & NSWLRC, 2010). This includes differences in specific protection

1. Some text in this section is taken directly from our state of knowledge paper. See Taylor, Ibrahim, Wakefield, & Finn (2015).

order conditions and penalties for breaches, which can create confusion for enforcement personnel, particularly where they are involved with interstate protection orders (Fleming & Sarre, 2011).

Family violence can “fall between the cracks” of family law, and protection order law and the legal framework are characterised by operational silos, which means that victims of family violence have to engage with several different elements of the legal system (ALRC & NSWLRC, 2010). “Fragmented practice” has been referred to, a circumstance in which victims are faced with referrals to different courts and to different agencies with the risk that they are unable to access protection (ALRC & NSWLRC, 2010, p. 138). More recent Australian research has identified variation in DFV legislation between jurisdictions in the degree to which respective legislation has a victim safety focus (Jeffries, Bond, & Field, 2013). Variation between jurisdictions was also found in the degree to which protection orders provide protection to children in domestic violence situations (Jeffries, Field, & Bond, 2015). This last study led the authors to recommend strengthening protection orders so that they offer more consistent and stronger protection to children (Jeffries et al., 2015).

The Second Action Plan (of the National Plan to Reduce Violence Against Women and Their Children, 2011) for the period 2013-16 has identified as a key priority the implementation of a “national scheme for family and domestic violence protection orders” (DSS, 2014, p. 29). In June 2014, the Senate Standing Committees on Finance and Public Administration invited submissions to an inquiry into the prevalence and impact of domestic violence in Australia. A women’s legal service’s submission, among others, added its voice for a “national domestic violence protection orders scheme” (Central Australian Women’s Legal Service, 2014, p. 13). To progress this priority, it is essential to gain an understanding of the existing experiences and views of victims and criminal justice professionals in the enforcement of protection orders, particularly cross-border situations. Such an understanding will support the implementation of this priority.

Since the state of knowledge paper was written, two further critical reports of national relevance have been published: the *Final Report from the COAG Advisory Panel on Reducing Violence Against Women and Children* (Commonwealth of Australia, 2016) and the *Victorian Royal Commission Report* (State of Victoria, 2016). Given the importance of these two latest reports, selected key findings are listed below, particularly as they relate to the parameters of this study of enforcement of protection orders in Australia:

- There is a high level of demand on frontline response services with services ill-equipped to respond.
- Greater consistency in policing is required to improve victims’ safety.
- Complex legal provisions related to protection orders are combined with uneven understanding of DFV impact on the legal response.
- Strengthening of penalties for breaches of protection orders is particularly in order, to reflect increased use of technology in the abuse of women.
- Investment in developing integrated responses and coordination between services to create seamless service provision for victims and accountability of perpetrators
- Greater information-sharing is required in order to facilitate effective responses to women and children.
- A stronger focus is needed on the situation of children in the context of DFV, and on recognising their needs.
- The development of a common risk assessment framework is needed in order to strengthen integrated responses and perpetrator accountability.
- There is a need for attitudinal change in terms of the minimisation of violence against women and children where more complex forms of violence are insufficiently recognised.
- Greater choices and range of interventions are needed to support accountability of perpetrators.
- Trauma-informed approaches are important for services to work effectively with Indigenous women and communities.
- There is a need for greater engagement with culturally and linguistically diverse (CALD) communities and more effective approaches in working with victims.
- The intersection between family law, child protection, and family violence legal systems needs improving in order to enhance victims’ safety and hold perpetrators accountable.

(Commonwealth, 2016; State of Victoria, 2016)

Of particular relevance to this report is the attention that is paid to information-sharing in both reports, its purpose, and what may be needed to facilitate this across jurisdictions. The purpose of information-sharing in the legal context as stated in the recent COAG report (Commonwealth of Australia, 2016, p. 124) is to improve how the family law, child protection, and family violence legal systems work together. Various types of information are

implied in the COAG report (Commonwealth of Australia, 2016) such as the proposed national domestic violence order information-sharing system and information-sharing between family courts and associated agencies. Specifically, there is reference to a national database of court orders (Commonwealth of Australia, 2016, p. 124). However, in other sections of this report, information-sharing is recommended more widely across government and non-government sectors in order to support the safety of women and children. Information-sharing is associated with underpinning integrated responses to DFV, where the aim is to increase collaboration across sectors and between services. Specific mention is made of the need to remove barriers to information-sharing between corrective services and “all parts of the system that are involved with cases relating to violence against women” (Commonwealth of Australia, 2016, p. xix), which implies another potential national database with particular reference to perpetrators.

### National legal context

An in-depth review of the legal provisions that exist in domestic violence legislation across Australia highlighted the fact that there is a national approach to the protection of victims of domestic violence (Taylor et al., 2015). This approach consists of a mix of civil and criminal responses for breaches of protection orders. The balance between civil and criminal responses varies across jurisdictions.

The intent of the legislation across jurisdictions is the protection of victims and their children, and indeed other family or friends who may be at risk in a domestic violence situation. However, legislation and legal frameworks cannot, in and of themselves, ensure effective implementation and interpretation of the law (ALRC & NSWLRC, 2010).

Practical implementation is influenced by a multitude of factors—ranging from jurisdictional policy frameworks, policing policy and procedures, and the existence of courtroom resources (such as bench books). Additional factors include training and professional development opportunities, levels of understanding of DFV, and individual perceptions and values.

Our review of domestic violence legislation found wide variance, for example, in the scope of behaviours covered, range of potential conditions available, approaches to aiding and abetting, penalties for breaches, approach to information-sharing, and differences in practice. It also found that state and territory legislative responses are dictated by local policy imperatives and the particular understanding and perspective on the dynamics of domestic violence held by those operating within the jurisdictions.

### Cross-border domestic violence protection orders

Specific implementation and enforcement issues have been found to operate in situations where victims may flee to another state. When implementing and enforcing cross-border domestic violence protection orders, police not only face geographical challenges but also encounter the difficulties associated with the differing legislation, policies, authorities, and protocols of each jurisdiction (Fleming & Sarre, 2011). These challenges are further exacerbated when offenders cross borders to escape apprehension and when victims cross borders in pursuit of safety from offenders (Eigenberg, McGuffee, Berry, & Hall, 2003; Fleming & Sarre, 2011). Further difficulties are encountered where offenders live in one state and work in another or if the protection order is not enforceable in another jurisdiction (Eigenberg et al., 2003; Fleming & Sarre, 2011).

An Australian example of cross-border cooperation between justice systems was analysed and key factors were drawn from this (Fleming & Sarre, 2011; Sarre & Putt, 2016). Broadly, these included issues related to collaborative working relationships across borders, strong communication channels between jurisdictions, and a high degree of sharing of information and intelligence as key elements supporting effective responses (Fleming & Sarre, 2011; Sarre & Putt, 2016). More specific elements that were identified as necessary included: having a single point of contact in each jurisdiction, the increased use of real-time video links, increased awareness among local residents of the criminal consequences of domestic violence, improved information-sharing across borders, and increased visibility of police working collaboratively across jurisdictions (e.g. responding to calls for assistance across borders) (Fleming & Sarre, 2011; Sarre & Putt, 2016). Further detail on this cross-border initiative may be found in our state of knowledge paper (Taylor et al., 2015, pp. 20-22).

The present study sought to enquire into the perceptions of police, the judiciary, lawyers, and victim advocates who are the key professionals involved in enforcement of protection orders across borders in order to understand further the role of information-sharing, multi-agency case management, and support for victims. The study design included qualitative interviews with victims of domestic violence in cross-border situations so that the voices of victims may aid in the formation of policy responses.

## The role of professionals involved with enforcement of protection orders

The review of research and writing on victims' perspectives of enforcement of protection orders in the state of knowledge paper illuminated how critical the role of victims' advocates were in supporting women through court processes, including applications about orders and criminal breach proceedings. Equally, the role of police was pivotal in victims' experiences, and heavily influenced the decisions of victims, including whether to report further violence (such as breaches of protection orders) or whether to pursue private applications for protection orders.

Also highlighted in the state of knowledge paper were concerns about victims' emotional and psychological safety within court settings (Taylor et al., 2015). Examples of where victims felt re-traumatised included where they had been cross-examined by perpetrators and defence counsel, and where screens were not available to protect their privacy (Douglas & Stark, 2010). The actions of professionals can profoundly affect victims' experience of civil and criminal court systems, and directly impact on their safety.

Factors identified in the state of knowledge that influenced the quality of judicial and police responses to domestic violence included their level of training and education in the dynamics of DFV, their level of resourcing to be able to respond, their attitudes and beliefs towards victims, and the support these professionals received from their respective organisations (Goodman-Delahunty & Corbo Crehan, 2016; Logan, Shannon, & Walker, 2006; Wakefield & Taylor, 2015). In regards to cross-border enforcement and the role of professionals, key elements identified as necessary for effective practice included information-sharing, interagency cooperation, and shared enforcement protocols (Sarre & Putt, 2016).

## Concluding comments: state of knowledge paper

In conclusion, key issues related to enforcement from victims' perspectives included how their safety was directly impacted by police and judicial decision-making and behaviours, and how their experiences of the outcomes of justice and legal systems have a lasting impact on their life trajectories (Robertson et al., 2007). Where individuals and systems respond effectively to the safety needs of victims, women's lives may change for the better, but the consequences of ineffective responses can be frustrating, disempowering, and potentially lead to lethal consequences. Examples of effective police practice cited in enforcement-related research have included pro-arrest, pro-charge policies, with

cases fast-tracked through the courts; and information shared between agencies about domestic violence (Holder & Caruana, 2006; Rollings & Taylor, 2008). Other researchers have raised concerns about the unintended consequences of pro-arrest policies and the possibility that they may deter some victims from reporting DFV (Frye, Haviland, & Rajah, 2007; Iyengar, 2009). Braaf and Sneddon's (2007) review of pro-arrest practices in Australia strongly recommends further research in order to establish their effect.

The extensive review of literature and reports in the state of knowledge paper (Taylor et al., 2015) led to the research team developing a set of specific research questions which underpinned the inquiry methods adopted for this research. This Horizon report describes the empirical research undertaken to investigate the perceptions of police, magistrates, lawyers, and victim advocates concerning enforcement of orders across the majority of states and territories in Australia. It also explored the experience of women who have crossed borders and sought legal protection from domestic violence. In line with the two most recent government reports briefly summarised above (Commonwealth of Australia, 2016; State of Victoria, 2016), the key issues of information-sharing and integration of services comprised additional lines of enquiry. To our knowledge, this is the first exploratory study concerning the experiences of victims who have been involved in cross-border enforcement in Australia.

# Research design and methodology

## State of knowledge paper

The state of knowledge paper informed the empirical research investigating the perspectives of key stakeholders of domestic violence protection order enforcement in Australia. The literature review built on other reviews of protection orders in Australia and specifically on those sections in existing reports that related to enforcement of orders. A detailed analysis of legal provisions pertaining to protection orders across Australian jurisdictions was also undertaken. It found that there were inconsistencies in DFV legislation across Australia, with different approaches to many of the conditions, such as aiding and abetting, and penalties for breaches of protection orders. It found that inconsistencies in police and legal responses and lack of understanding of the dynamics of DFV potentially reduced the safety of victims. Where systems worked in coordinated and collaborative ways and held perpetrators accountable, safety of victims was more likely to be achieved. The literature indicated gender bias in the attitudes of the judiciary, which influenced its decision-making in regards to victims and perpetrators. It also illustrated the power of the courts when they worked well, which resulted in increased safety of victims. Overall, four critical themes for enforcement of protection orders that emerged from legislation and practice were:

- interagency coordination and cooperation;
- information-sharing between courts, police agencies, and service agencies;
- the knowledge, skills, and attitudes of professionals; and
- risk assessment and risk management.

The state of knowledge paper identified a lack of research in Australia with victims, and, in particular, victims who have experienced cross-border protection orders. In addition, a paucity of comparative research concerning the experience of professionals engaged with enforcement was identified. The findings of the state of knowledge informed the design of the empirical investigation of the enforcement of protection orders, the development of the survey questions to administer with professionals, and the qualitative interviews to be conducted with victims.

The three overarching research questions drawn from the findings for the empirical research were:

1. What are the perceptions of professionals and victims in the enforcement of domestic violence protection orders, including cross-border situations?
2. What do professionals and victims perceive to be the facilitators of and barriers to protection order enforcement within and across borders?
3. What are the perceptions of professionals and victims regarding information-sharing strategies, within and across borders, in the enforcement of protection orders?

This research used a mixed multi-method approach that involved collecting and analysing qualitative and quantitative data (Creswell, 2009; Teddlie & Tashakkori, 2003). By combining insights from multiple data sets and multiple worldviews a better understanding of enforcement of protection orders could be achieved than using one dataset alone (Creswell, 2009; Teddlie & Tashakkori, 2003).

Collection of data for this study was carried out through two discrete studies. Study One surveyed professionals (that is, police, magistrates, lawyers, and victim advocates) using an online survey. Respondents were asked about their perceptions of enforcement of protection orders in general, using closed-ended questions (quantitative) and some selected open-ended questions (qualitative). Self-administered surveys play an important role in improving the response rate when investigating sensitive issues (Fink, 2006) and hence were appropriate for this investigation of protection orders. Study Two consisted of semi-structured interviews with DFV victims on their experiences with cross-border enforcement of protection orders. A later addition to the sample interviewed were service providers. Their inclusion was to further strengthen findings around perceptions about the enforcement of cross-border protection orders.

## Research methods

### Study One: online survey

#### Online survey design and administration

For the purposes of data collection, a self-administered online survey was constructed to answer the three research questions, with a particular focus on the perceptions of professionals across Australia of the enforcement of protection orders and barriers and facilitators to cross-border enforcement (see Appendix A for a copy of the survey). The survey comprised 40 questions that related to demographic details and enforcement-related issues. The enforcement-related issues included perceptions of legislation, policing, legal services, and victim advocacy, and views about victims and perpetrators. Questions pertaining to cross-border enforcement and information-sharing were also posed and will be addressed in combination with Study Two findings, which focused on cross-border enforcement and information-sharing.

The questions were constructed using existing literature on enforcement of protection orders. The justice responses advisory group also provided critical review and comment. The online survey was then pilot-tested with magistrates, police, and victim advocates, similar to the intended respondents, with the aim of ensuring content and design validity (see Appendix B for additional details on the survey methodology).

Following the pilot testing, the survey link was sent to all the professionals (police, magistrates, lawyers, and victim advocates) recruited for the dissemination of the survey. LimeSurvey was employed for the final survey administration, with the time estimated to complete the questionnaire being 30 minutes. The online survey remained active for 4-and-a-half months, and consisted of closed-ended questions (quantitative) and some selected open-ended questions (qualitative). From the 1922 submitted responses, 1034 cases were deleted, as respondents had either entered the survey and not recorded any responses, or had completed the demographic section but no further questions. After these deletions, 888 responses remained. Due to the snowball sampling employed, the survey link had been sent to some professionals outside the four occupational groups, such as researchers or policy workers. Once the 52 responses from these other professionals were removed, a final 836 surveys where at least one of the questions regarding the enforcement of protection orders had been answered were, once cleaned and coded, used for final data analysis.

#### Online survey participants

To compose the sampling frame, police, magistrates, lawyers, and victim advocates directly or indirectly involved in the enforcement process of protection orders across Australia were contacted to assist in the dissemination of the survey link within their professions and jurisdictions. The final sample included police, magistrates, lawyers, and victim advocates from all jurisdictions, except for police from South Australia and Northern Territory, and magistrates from Tasmania, as they declined to participate. Due to the snowballing of the survey dissemination, it was not possible to know how many individuals received the link.

#### Online survey measures

The survey began with a section capturing socio-demographics of participants, including gender, age, and details of education and work histories. The survey then included closed-ended and open-ended questions within four distinct areas: protection order enforcement, the barriers and facilitators to enforcement (these two areas will be explored in the results section of Study One), cross border enforcement, and information-sharing (these two areas will be explored together with the findings of Study Two), identifying the perceptions of professionals relating to these themes. Each participant received the same survey questions; for example, police and magistrates gave their perceptions of police and magistrates in the enforcement of protection orders.

### Study Two: semi-structured qualitative interviews

The scope of the survey was considerably wider than the scope of the qualitative interviews, which were confined to consideration of cross-border enforcement of protection orders and information-sharing. The interviews were exploratory, as there has been limited research on cross-border enforcement. Similarly, the interviews with support services for victims broke new ground in focusing on this element of protection order enforcement.

#### Interview design and participants for interviews

While Study One covered all jurisdictions in Australia, it was not feasible within the time frame of this project to do likewise for Study Two. Therefore, the study area comprised:

- New South Wales;
- Victoria;
- Queensland; and
- the Northern Territory.

The four jurisdictions were chosen after consideration and advice from ANROWS that these jurisdictions would be most likely to provide a robust sample of victims that had exposure to cross-border protection orders. It was also considered that these target jurisdictions were optimally placed to identify enforcement issues for general protection orders as well as cross-border issues.

Study Two focused primarily on the cross-border experiences of women in relation to protection orders, capturing the views of 20 victims and 20 service providers regarding the enforcement of cross-border protection orders, thereby identifying facilitators of and barriers to the efficacy of enforcement, as well as views on information-sharing within and across borders. The focus on victims sought to rectify a gap in research relating to their perceptions about protection orders, recognising the importance of exploring victims' experiences (Bell, Perez, Goodman, & Dutton, 2011).

The sample of 20 victims was recruited through key women's services in Queensland, New South Wales the Northern Territory and Victoria. There was also a snowball effect as the initial cohort of services approached to recruit participants referred to other services working with cross-border clients. Fourteen participants nominated to be interviewed by phone, indicating this enabled them to stay at home and maintain their schedule or respond to their children's needs (see Appendix C for letter of greeting, information sheet, and consent form). The remaining six participants requested face-to-face interviews and predominantly chose cafes as the venue to meet the researcher. No victims availed themselves of the offer of support before, during, or after interviews (see Appendix D for information sheet for support person) but each was made aware of services available to them.

A sample of service providers was not included in the original project plan. However, during the course of the study it became apparent that the recruiting service providers held valuable information and insights that would benefit the study greatly. The research team had already contacted the service providers in the course of recruiting for the victim interviews. Thus, the mechanisms by which service providers were invited to participate were a follow-up phone call and email. All service providers approached agreed to be interviewed with a view to adding further context to the experiences of victim interviewees. Suitable times and interview processes were established at the discretion of the services. Ultimately, 14 phone and six face-to-face interviews were recorded after verbal consent was obtained.

#### Measures for interviews

A semi-structured questionnaire for the researchers to use in their interviews with victims (see Appendix E) was developed drawing on the state of knowledge paper and the questions

posed in the online survey in order to capture demographic information about participants. Open-ended questions enabled the capture of women's stories about their experiences and were used as cues, rather than being asked in a linear, prescriptive manner. To ensure a consistent approach across the team of interviewers, a protocol was developed, tested, and applied in interviews (see Appendix F).

The recruitment email for interviews with service providers also contained the questionnaire that the researchers would use in the interviews (see Appendix G for information sheet, consent form, and questionnaire), which aligned with the questions asked in the interviews with victims (see Appendix E).

## Data analysis

### Study One: online survey

Data analysis preparation and processing was conducted using the Statistical Package for the Social Sciences (SPSS). Preparation and cleaning processes included data coding, recoding, and screening for errors (Coakes, Steed, & Ong, 2009; Field, 2009; Hair, Black, Babin, Anderson, & Tatham, 2006; Pallant, 2007; Tabachnick & Fidell, 2007). Some variables were collapsed into smaller categorical variables (for example, years of experience and work location) for ease of analysis. Descriptive statistics were then used to investigate the research questions. Thematic analysis of the seven open-ended qualitative responses followed analysis of the quantitative responses.

### Study Two: semi-structured qualitative interviews

Coding was undertaken manually and through the use of NVivo software (NVivo qualitative data analysis Software; QSR International Pty Ltd. Version 10, 2012), known for its capacity to assist in the management and analysis of qualitative information. Both methods were helpful to ensure rigour, given differences between interviews. Qualitative coding, and subsequent analysis, was based on the study's open-ended questions.

Multiple methodologies were used to examine the qualitative information, including semantic, thematic, and latent analyses. Braun and Clarke (2006, p. 13) define the semantic analysis approach as one where "themes are identified within the explicit or surface meanings of the data and the analyst is not looking for anything beyond what a participant has said or what has been written" and a latent approach as that which "goes beyond the semantic content of the data, and starts to identify or examine the underlying ideas, assumptions, and conceptualisations—and ideologies".

It should also be noted that whilst analysis was generally sequential, it also became iterative at various points: the voices of the women who had experienced cross-border protection order enforcement also raised important considerations for protection order enforcement as a whole.

The research team prioritised the confidentiality and anonymity of data collected in the interest of women's safety. In this report, pseudonyms are used when relating direct quotes, including the naming of protection order respondents, and, where circumstances could be recognised, minor alterations have been made to further maintain anonymity while not compromising the integrity of the data. Furthermore, to further minimise any chance of identifying the victims interviewed, jurisdictions are not named in some quotes. Service providers quoted verbatim are referred to by number (e.g. SP1, SP2 etc.).

## Ethics approval

Ethics approval for Study One was sought and granted according to CQUniversity Human Research Ethics (CQU-HREC) requirements. Study One was considered low-risk and received approval (H15/04-052) for data collection to proceed. In addition, Study One required ethics approval from relevant police authorities, and this was received from all jurisdictions except South Australia and the Northern Territory.

Study Two was assessed by CQUniversity as being of a high-risk nature and approval was provided under Ethics Approval H15/04-067. A modification of ethics approval was granted in December 2015 to include interviews with service providers, as endorsed by the ANROWS Advisory Group.

## Limitations

Although Study One yielded extensive data, a number of limitations need to be acknowledged. The sample size was adequate, but some professionals were over-represented, as were some jurisdictions. Consequently, the heterogeneity of professionals' experiences across the different states and territories could not be captured. This may limit the generalisability across jurisdictions. The generalisability of research findings may also be limited due to sample selection biases where those who had an interest in the topic would have been more interested in completing the survey.

The nature of the survey, with predominantly quantitative responses, means that some areas may have benefited from further exploration. While further detail from participants was captured by open-ended questions, time pressures and availability of the participants may have restricted responses to these questions. Finally, only a small number of respondents

identified as Indigenous Australians or were from a CALD background. As such, findings related to Indigenous, CALD, and also LGBTIQ communities must be considered in the context that responses were not necessarily from professionals from within those communities.

In Study Two, although recruitment strategies intended to identify a diverse range of interviewees, including Indigenous victims and those from CALD backgrounds, this was not possible in the research timeframe. Consequently, there were no interviews with Indigenous women and only two women identified as being from CALD backgrounds. The victims interviewed constituted a small sample, and each victim was interviewed only once, so findings need to be considered as exploratory. Further research would be needed using a larger sample of victims to validate the findings of this study.

## Research respondents and participants

The majority of participants in the sample for Study One was comprised of police, followed by victim advocates, lawyers, and magistrates (see Table 1 below). These categories will be used in the description of key findings.

Gender ratios across the entirety were balanced (46% females and 52% males; see Table 1). The majority of police were male (67%), 59 percent of magistrates were female, most lawyers (77%) were female, and the majority of the victims' advocates (91%) were female.

Approximately half of the participants identified as being between 31 and 50 years of age, with a small percentage of the sample identifying as Indigenous or CALD. The majority (84%) of the sample had a tertiary qualification, with over 50 percent possessing a diploma, advanced diploma, associate degree, or bachelor's degree, and one-fifth of the sample having a postgraduate qualification (see Appendix H: Table H1).

The length of experience participants had in their occupation varied, with almost one-fourth (23%) possessing more than 20 years' experience in their respective field, and approximately half (49%) having 6-20 years' experience (see Table H1). About one-fifth of the participants worked mainly with victims of domestic violence and 17 percent worked mainly with perpetrators, although one-third worked with victims and perpetrators of DFV as well as other family members.

The highest representation of participants (37%) was from Victoria, followed by Queensland and the ACT (see Table 1). The majority (69%) of the professionals were located in capital cities or metropolitan areas, with a quarter (25%) working in rural areas (see Table H1).

More detailed descriptive statistics for participants are presented in Appendix H: Table H1.

Study Two comprised a sample of 20 female victims of DFV and 20 service providers. Of the victims, seven were from Victoria and Queensland respectively, five from New South Wales, and only one was from the Northern Territory.

The age range of victims was 18-50, with nine being 18-30 years of age, seven being 31-40 years of age, and four being between 41-50 years of age.

In terms of occupation, 14 were totally or partially reliant on some form of Centrelink benefits. The remaining six were in paid work, predominantly in the retail and hospitality industries.

Most (nine) lived in a metropolitan centre, while seven lived in a capital city, another three lived in a large rural centre, and only one identified as living in a remote centre.

None of the sample identified as an Indigenous Australian and two respondents identified as being from a CALD background.

Of the 20 service providers, six hailed from Victoria and Queensland respectively, another four were based in New South Wales, and the remaining four were from the Northern Territory. The sample comprised nine legal services (Women's Legal Services and Community Legal Services), nine victim advocate services, and two services from the women's refuge sector. It should be acknowledged that this cohort may have also been respondents in the online survey; however, this was neither a question asked of them nor something to which they referred.

The next section in this report addresses the research questions and methodology overall, including the ethical issues that arose in planning and executing the research.

**Table 1** Summary statistics of final sample participants  
(n=836)

Variable	Frequency	Percentage
<b>Gender:</b>		
Female	386	46.2%
Male	439	52.2%
Undisclosed	11	1.3%
<b>Age categories:</b>		
18–30 years	124	14.8%
31–40 years	218	26.1%
41–50 years	277	33.1%
51 and over	213	25.5%
Undisclosed	4	0.5%
<b>Indigenous or CALD status:</b>		
Indigenous	19	2.2%
Culturally and linguistically diverse	98	11.7%
<b>Occupation:</b>		
Police <sup>a</sup>	588	70.3%
Magistrate <sup>b</sup>	54	6.5%
Lawyer	96	11.5%
Victims' advocate	98	11.7%
<b>State/territory:</b>		
Queensland	161	19.3%
New South Wales	96	11.5%
Victoria	309	37.0%
South Australia	13	1.6%
Western Australia	83	9.9%
Northern Territory	13	1.6%
Tasmania	43	5.1%
Australian Capital Territory	113	13.5%
Undisclosed	5	0.6%
<b>Work mainly with:</b>		
Victims	166	19.9%
Perpetrators	142	17.0%
Women	59	7.1%
Men	13	1.6%
Children	21	2.5%
All of the above	300	35.9%
Other	135	16.3%

Note: <sup>a</sup>Police in this study does not include South Australia and Northern Territory

<sup>b</sup>Magistrates in this study does not include magistrates from Tasmania

# Description of key findings: Study One

This section presents the findings of the online survey focusing on perceptions of professionals regarding the enforcement of protection orders, and facilitators and barriers to enforcement. Selected results are described with further contextualisation and synthesis of findings discussed later in this report. The reader is referred to the respective tables for each subsection below for the full results.

Throughout this report, survey responses to questions will not always equal the total number of participants. To increase the numbers of valid responses to each question, analysis of survey information was not limited to those surveys where all questions were completed, meaning some questions will not have answers from all participants. Survey responses (n = 836) were included if some answers were given to demographic information for sampling purposes (e.g. professional work area) and one or more valid responses to survey questions were obtained. Furthermore, in the qualitative data reported for Study One, there is no attribution of quotes to professional groups. This preserves the anonymity of respondents, particularly when there are small numbers of responses.

## Perceptions of professionals about enforcement of protection orders

Table 1 provides a summary of the demographic characteristics of respondents in Study One. The frequency of responses is grouped under occupational differences presented in the tables following. Findings grouped under jurisdictional differences are not presented, as results generally did not vary between states or territories. In addition, due to small sample sizes from some jurisdictions (e.g. Northern Territory, where n = 13), reporting perceptions by jurisdiction would risk identification of respondents. Therefore, all results are presented by professional group to ensure the anonymity of respondents, as the smallest sample size for the professional groups was 54 (magistrates).

All of the professional groups in this study worked with both victims and perpetrators in cases of protection order breaches. Table 2 shows that, in these cases, police were equally likely to work with perpetrators (51%) and victims (48%); magistrates worked predominantly with perpetrators (81%); and lawyers (67%) and victim advocates (89%) worked predominantly with victims.

**Table 2** Frequency of exposure to protection order breaches at work

Statement	Occupation							
	Police		Magistrates		Lawyers		Victim advocates	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
Exposure to cases of protection order breaches at work								
Yes: perpetrators	297	51	42	81	29	31	9	9
Yes: victims	281	48	7	13	63	67	87	89
No	8	1	3	6	2	2	2	2
Total (excludes non-response)	586		52		94		98	

Note: *n* = sample, % = frequency of responses. Due to rounding, percentages might not add to 100 percent.

## Sufficiency of protection order legislation and breaches

Table 3 presents data illustrating the frequency with which respondents to the online survey thought that “the definition of domestic violence (in my state/territory’s legislation) adequately captures behaviours of people perpetrating domestic violence”.

About a third of magistrates and a quarter of the lawyers in this sample considered protection orders “often” provided safety, as did 22 percent of police and 18 percent of victim advocates. The majority of each professional group were of the view that protection orders only “sometimes” kept victims safe.

Across all of the professional groups there were indications that they were generally aware (95-98%) of the penalties for breaches

(see Appendix I: Table I1). Table 4 sets out their perceptions about the frequency with which the:

- implementation of breach penalties kept victims safe;
- enforcement of breach penalties was sufficient to deter further breaches; and
- implementation of breach penalties reflected the severity of the breach.

Most (50-66%) of the professionals perceived the implementation of breach penalties kept victims safe only “sometimes”. However about a third of police (33%), lawyers (31%), and victim advocates (35%) believed the implementation “rarely” or “never” kept victims safe—in contrast to 8 percent of magistrates in this sample.

**Table 3** Perceptions regarding sufficiency of protection order legislation and victim safety

Statement	Occupation							
	Police		Magistrates		Lawyers		Victim advocates	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
<b>Definition of DFV adequately captures behaviours of people perpetrating DV</b>								
Always	125	21	13	25	23	24	9	9
Often	298	51	33	62	51	53	44	46
Sometimes	132	23	6	11	17	18	30	31
Rarely	29	5	1	2	5	5	12	13
Never	1	0	0	0	0	0	1	1
<b>Total (excludes non-response)</b>	<b>585</b>		<b>53</b>		<b>96</b>		<b>96</b>	
<b>Protection orders keep victims safe</b>								
Always	6	1	0	0	1	1	0	0
Often	129	22	18	33	23	24	18	18
Sometimes	360	62	32	59	63	66	67	68
Rarely	82	14	4	7	7	7	12	12
Never	7	1	0	0	1	1	1	1
<b>Total (excludes non-response)</b>	<b>584</b>		<b>54</b>		<b>95</b>		<b>98</b>	

*Note:* *n* = sample, % = frequency of responses. Due to rounding, percentages might not add to 100 percent.

In regards to enforcement of breach penalties functioning as a deterrent to further breaches, half of the police surveyed and 60 percent of victim advocates indicated this “rarely” or “never” occurred. Most magistrates (78%) believed breach penalties functioned as a deterrent to further breaches, with magistrates stating this happened “sometimes” (57%) or “often” (21%); however, 21 percent of magistrates stated this deterrence “rarely” happened. Fifty-seven percent of lawyers believed the enforcement of breach penalties deterred further breaches “sometimes” or “often”, as did half of the police and 40 percent of victim advocates surveyed.

The majority of magistrates (85%) thought that implementation of breach penalties reflected the severity of the breach “sometimes” (33%) or “often” (52%), in contrast to the 43 percent of victim advocates who shared these views (34% “sometimes” and 9% “often”). Indeed, more than half of the victim advocate group (55%) considered penalties “rarely” or “never” reflected the severity, and 47 percent of police concurred.

**Table 4** Perceived adequacy of breach penalties

Statement	Occupation							
	Police		Magistrates		Lawyers		Victim advocates	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
<b>Implementation of breach penalties keeps victims safe</b>								
Always	3	1	0	0	3	3	1	1
Often	100	17	14	26	12	13	10	10
Sometimes	290	50	35	66	49	53	52	54
Rarely	175	30	4	8	27	29	29	30
Never	16	3	0	0	2	2	5	5
Total (excludes non-response)	584		53		93		97	
<b>Enforcement of breach penalties is sufficient to deter further breaches</b>								
Always	5	1	0	0	1	1	0	0
Often	75	13	11	21	8	9	5	5
Sometimes	216	37	30	57	45	48	34	35
Rarely	256	44	11	21	32	34	51	52
Never	33	6	1	2	7	8	8	8
Total (excludes non-response)	585		53		93		98	
<b>Implementation of breach penalties reflects the severity of the breach</b>								
Always	3	1	3	6	1	1	1	1
Often	60	10	28	52	19	20	9	9
Sometimes	245	42	18	33	42	45	33	34
Rarely	246	42	5	9	30	32	43	44
Never	30	5	0	0	2	2	11	11
Total (excludes non-response)	584		54		94		97	

*Note:* *n* = sample, % = frequency of responses. Due to rounding, percentages might not add to 100 percent.

An open-ended question in the survey captured respondents' views on legal considerations, which assists to further explain the quantitative findings above. A total of 262 respondents commented on legislative considerations in their working roles and experiences, with 175 police, 43 victim advocates, 31 lawyers, and 13 magistrates making comment. Of this group, 128 (89 police, 22 victim advocates, 13 lawyers, 4 magistrates) commented on the implementation of law. Respondents generally felt that the legislation, while it could be refined, was adequate, but the implementation of the legislation was lacking, as summed up in the following quote:

The legislation is quite good; however, the application implementation by the police and courts lets the victims down.

Many of the 128 respondents viewed practice and decisions by police and magistrates as being inconsistent and often inadequate. Examples provided within the comments identified deficiencies in identifying the person most in need of protection and low penalties imposed for breaches. While the respondents felt that the legislation was generally adequate, 44 respondents (35 police, five lawyers, three victim advocates, one magistrate) expressed a view that a review of legislation in the area of breaches, with greater acknowledgement of penalties, would be beneficial.

Difficulties with breaches and penalties are evident in the themes already identified, but were specifically commented on by 82 respondents (51 police, 20 victim advocates, nine lawyers, two magistrates) who described breaches not being taken seriously enough by police and magistrates, resulting in perpetrators seeing the protection order as a "piece of paper only" with penalties being "laughable in most cases". These findings highlight a potential issue with DFV reform legislation, in that the implementation of the law may undermine the intended purpose of any new legislation.

### Police knowledge and action

The findings of Study One indicate a disparity in professionals' perceptions about the adequacy of police knowledge on DFV dynamics and action in relation to protection orders.

Respondents were asked to indicate their level of agreement with two statements relating to police knowledge and action in relation to victims:

- police had adequate knowledge of DFV dynamics; and
- police provided victims with useful information on actions they could take when a protection order is breached.

Respondents were also asked to rate the frequency with which:

- police responded to and enforced protection order breaches in a manner that held perpetrators accountable; and
- police were consistent in their policing of protection order breaches.

Both police and other professionals were asked these questions. By having data for both police and their colleagues, insights were available regarding which areas there was a common understanding regarding the knowledge and actions of police officers.

Table 5 shows that the majority of police (88%) perceived they had adequate knowledge of the dynamics of DFV while 40 percent of magistrates were uncertain this was the case. Forty-seven percent of lawyers and 53 percent of victim advocates disagreed that police had sufficient knowledge.

When asked about whether police provide victims with useful information or actions they could take when a protection order has been breached, a quarter to almost a third of magistrates, lawyers, and victim advocates expressed uncertainty. There was a difference among the professional groups (police: 94%; magistrates: 56%; lawyers: 41%; victim advocates: 43%) who agreed that police provided adequate options to victims on actions they could take for protection order breaches (see Table 5).

Of the 356 respondents (215 police, 63 victim advocates, 52 lawyers, 25 magistrates) who provided an answer to the open-ended question about the role of police in DFV incidents, 59 respondents (21 police, 20 victim advocates, 16 lawyers, two magistrates) commented that more dedicated training was needed, particularly for front line officers in relation to the dynamics of DFV. Responses included:

Further education and training is required, particularly for first response officers.

More than a few days DV training is needed, as it is 40 percent of police work. The training needs to fit the hands-on work.

However, 58 respondents (53 police, three victim advocates, one lawyer, one magistrate) commented on the expectations of police and their role in DFV matters, questioning whether the expectations were appropriate. Comments included:

External stakeholders who work in the DFV sphere are always wanting police to have more and more DFV training; however, police have to balance other competing demands—road policing, social order, drugs, et cetera, et cetera. The DFV cohort only view police via their narrow prism of DFV and not in the wider context of policing.

Police are seemingly thought of as counsellors, instead of protectors and enforcers. Police have been lumped with a larger job than should be theirs. Enforcement yes, intervention yes, consistent follow up and support should be relative to that.

Table 5 illustrates the perceptions of professionals about the frequency and consistency with which police respond to and enforce protection order breaches in a manner which holds perpetrators accountable. In terms of holding perpetrators accountable, the majority of police (85%) and magistrates (75%) were of the view that this was “often” or “always” the case. In contrast, less than a third of lawyers and 22 percent of victim advocates shared this view.

In terms of consistency in policing of protection orders, almost three-quarters of police regarded policing as consistent, whereas only 14 percent of victim advocates and 18 percent of lawyers agreed with this view. In contrast, 44 percent of lawyers and 45 percent of victim advocates responded that police were “rarely” or “never” consistent in policing of breaches.

The open-ended question relating to the role of police in domestic violence matters elicited answers from 356 respondents. The theme with the highest response rate (70 respondents: ten police, 31 victim advocates, 22 lawyers, seven magistrates) related to inconsistent responses by police, with the following quote encompassing the overall sentiment expressed across this cohort of respondents:

Some police are wonderful and others are terrible. There is no uniform police response to DFV; it really is the luck of the draw and which particular officer a victim gets. They may be lucky enough to get one who “gets it”, or they may get one who treats the victim dismissively or rudely or as if they are making [it] up or deserved it by provoking the perpetrator or some such similar response.

It should be noted that a high number (46 respondents: 24 police, 11 victim advocates, seven lawyers, four magistrates) specifically commented positively on the police response, noting that there has generally been improvement in the policing response in the past few years. There was, however, some reference to some officers being reluctant to change their methods, as evidenced in the following comment:

I think police are becoming better at dealing with DFV thanks to updated and stronger legislation making them more accountable, but there are still police who have archaic methods, especially the older male officers.

Another theme from 49 respondents (37 police, seven lawyers, three victim advocates, two magistrates) was around advocating for the need for review of current policy and process for police, including:

Powers under legislation rarely rely upon adequate investigation and are skewed by police service policy.

Police processes are too lengthy and complex and should be simplified.

Additionally, there was a sub-theme of feeling that police taking out DFV applications took up needed resources that could be better deployed elsewhere, including responding to breaches, as reflected in the following comment:

Police should not be required to make application of protection orders for victims because this is a civil process and will impact on the front line responder’s resources significantly, enabling police to focus on breaches of protection orders to ensure perpetrator accountability.

Other responses included content related to:

1. difficulties with involved parties (34 responses: 32 police, two lawyers);
2. encouraging more police action (32 responses: 15 lawyers, six police, six victim advocates, five magistrates);
3. civilian specialists needed (24 responses: 21 police, two lawyers, one victim advocate); and
4. problems with the court system post police action (20 responses: 19 police, one lawyer).

**Table 5** Perceptions of police knowledge and action in relation to protection orders

Statement	Occupation							
	Police		Magistrates		Lawyers		Victim advocates	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
<b>Police have adequate knowledge of DFV dynamics</b>								
Strongly agree	130	25	2	4	1	1	0	0
Agree	330	63	24	48	23	26	25	28
Uncertain	31	6	20	40	23	26	17	19
Disagree	31	6	2	4	36	40	37	42
Strongly disagree	1	0	2	4	6	7	10	11
Total (excludes non-response)	523		50		89		89	
<b>Police provide victims useful information on actions they can take for protection order breaches</b>								
Strongly agree	156	30	3	6	2	2	2	2
Agree	332	64	25	50	34	39	37	41
Uncertain	24	5	15	30	24	27	28	31
Disagree	9	2	6	12	23	26	17	19
Strongly disagree	1	0	1	2	5	6	6	7
Total (excludes non-response)	522		50		88		90	
<b>Police respond to and enforce protection order breaches in manner that holds perpetrators accountable</b>								
Always	163	31	5	11	3	3	2	2
Often	279	54	30	64	25	28	18	20
Sometimes	70	14	10	21	41	46	51	57
Rarely	6	1	2	4	19	21	17	19
Never	0	0	0	0	2	2	2	2
Total (excludes non-response)	518		47		90		90	
<b>Police are consistent in policing protection order breaches</b>								
Always	123	24	5	11	1	1	3	3
Often	249	48	18	39	15	17	10	11
Sometimes	117	23	18	39	34	38	37	41
Rarely	21	4	5	11	29	33	35	38
Never	5	1	0	0	10	11	6	7
Total (excludes non-response)	515		46		89		91	

Note: *n* = sample, % = frequency of responses. Due to rounding, percentages might not add to 100 percent.

## Perceptions regarding legal personnel and their understanding of domestic and family violence and approaches to protection order breach decision-making

Professionals were asked about their views on legal personnel; Table 6 presents data that illustrate professionals' perceptions about the frequency with which:

- legal personnel demonstrated an understanding of risk factors that predicted future DFV;
- legal professionals were well-trained in understanding and responding to the needs of victims when making decisions on protection order breaches;
- magistrates took protection order breaches as seriously as criminal offences between strangers;
- child custody decisions in family law reinforced the safety provisions of protection orders; and
- legal professionals supported the needs of diverse communities in their practice.

The majority of professionals agreed that magistrates and lawyers “sometimes” or “often” understood the dynamics of DFV (see Appendix J: Table J1). In regards to police prosecutors, lawyers and victim advocates generally shared the view that prosecutors only “sometimes” had an understanding of the dynamics of DFV, while police and magistrates believed that police prosecutors “often” had an understanding (see Appendix J: Table J1).

In terms of adequate training to work with victims and perpetrators, a significant proportion of all professionals (police: 46%; magistrates: 49%; lawyers: 50%; victim advocates: 48%) believed that legal personnel “sometimes” had adequate training. A number of police (25%), lawyers (25%), and victim advocates (35%) believed that legal personnel did not have adequate training in working with victims or perpetrators (see Appendix J: J1).

Table 6 indicates the majority of magistrates (79%) believed they “often” or “always” took protection order breaches as seriously as criminal offences between strangers, as compared with police (37%), lawyers (40%), and victim advocates (18%). Approximately one-third of police, magistrates, and lawyers, and a quarter of victim advocates (24%), agreed that legal personnel “often” or “always” demonstrated an understanding of risk factors that predict future DFV.

There were varying responses to the question relating to legal professionals' training in understanding and responding to

needs of victims when making decisions about protection order breaches. Across all professional groups, close to a majority held that “sometimes” legal professionals had this understanding but a third of victim advocates and a quarter of the police and lawyers surveyed indicated this was “rarely” or “never” the case.

The open-ended question about legal considerations revealed opinions about the judiciary, with 21 respondents (eight police, six lawyers, five victim advocates, two magistrates) commenting on the need for police, and particularly the judiciary, to have a better understanding of DFV. Two respondents' comments ably capture the tone of this theme:

Some members of the judiciary would benefit from more training in DFV to have a better understanding of the dynamics. If magistrates get it wrong, prosecution could appeal—which they seldom do.

Very often it is personality dependent—there are great prosecutors/police/solicitors/magistrates who get it, and there are some who really don't, and end up re-traumatising clients and inflicting system abuse on victims simply because they don't get it.

For the enforcement of protection orders, knowledge about legislation related to DFV and how it intersects with family law is essential. However, almost half of the victim advocates believed that child custody decisions in family law “rarely” or “never” reinforced the safety provisions of protection orders, compared with their police (29%), magistrate (22%), and lawyer (22%) counterparts. Indeed, most police (51%), magistrates (58%), and lawyers (57%) thought that these decisions “sometimes” reinforced safety and held consequences for family court enforcement of protection orders.

Family court concerns also elicited 17 responses (nine police, three victim advocates, three lawyers, two magistrates) to the open-ended question about legal considerations. Within the 17 responses were two contrasting opinions. The majority of responses noted the tension between DFV concerns and family court decisions in the following terms:

Some magistrates do not seem to have a good understanding of DFV dynamics and the seriousness of harm to women and children. Also, concerns about some of the Family Reports and the lack of understanding of DFV dynamics, and the impact on children recommended to spend substantial periods of time with the perpetrator.

**Table 6** Perceptions of legal personnel and their decision-making regarding protection orders

Statement	Occupation							
	Police		Magistrates		Lawyers		Victim advocates	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
<b>Magistrates take protection order breaches as seriously as criminal offences between strangers</b>								
Always	48	10	28	57	16	19	3	4
Often	135	27	11	22	18	21	12	14
Sometimes	200	41	7	14	32	38	35	42
Rarely	92	19	2	4	14	17	25	30
Never	17	3	1	2	4	5	9	11
Total (excludes non-response)	492		49		84		84	
<b>Legal personnel have an understanding of risk factors that predict future DFV (e.g strangulation, sexual violence, history of violence)</b>								
Always	24	4	2	4	6	6	0	0
Often	184	31	17	33	31	32	23	24
Sometimes	246	42	23	44	47	49	49	51
Rarely	121	21	10	19	12	13	24	25
Never	10	2	0	0	0	0	1	1
Total (excludes non-response)	585		52		96		97	
<b>Legal professionals are well-trained in understanding and responding to the needs of victims when making decisions on protection order breaches</b>								
Always	14	3	3	6	5	6	2	2
Often	126	26	13	27	16	19	13	15
Sometimes	225	46	24	49	42	50	40	48
Rarely	114	23	7	14	20	24	28	33
Never	11	2	2	4	1	1	1	1
Total (excludes non-response)	490		49		84		84	
<b>Child custody decisions in family law tend to reinforce the safety provisions of protection orders</b>								
Always	4	1	1	2	3	3	0	0
Often	114	20	9	18	16	17	11	11
Sometimes	294	51	29	58	54	57	38	39
Rarely	150	26	11	22	20	21	44	45
Never	18	3	0	0	1	1	4	4
Total (excludes non-response)	580		50		94		97	
<b>Legal professionals support the needs of diverse communities in their practice</b>								
Always	16	3	3	6	5	6	1	1
Often	106	22	11	22	21	25	11	13
Sometimes	270	55	24	49	45	54	44	52
Rarely	84	17	11	22	12	14	26	31
Never	14	3	0	0	1	1	2	2
Total (excludes non-response)	490		49		84		84	

Note: *n* = sample, % = frequency of responses. Due to rounding, percentages might not add to 100 percent.

The current family law system allows controlling behaviours to be displayed in relation to child access. Often perpetrators are using a dual system to seek revenge, retribution.

In terms of legal professionals' support of diverse communities' needs, legal professionals were viewed consistently by a significant proportion of respondents across all professional groups (police: 55%; magistrates: 49%; lawyers: 54%; victim advocates: 52%) as only "sometimes" understanding and responding to the needs of diverse communities in their practices. However, a third of victim advocates and 20 percent of police said this "rarely" or "never" happened. In contrast, a quarter of the police, 28 percent of magistrates, and 31 percent of lawyers believed legal professionals "often" or "always" supported these needs.

## Victim advocates' role in protection order enforcement

Table 7 indicates that across all professional groups (police: 81%; magistrates: 84%; lawyers: 86%; victim advocates: 95%) there was agreement that specialist victim advocacy services were necessary for supporting victims to report protection order breaches. Many respondents (police: 43%; magistrates: 48%; lawyers: 54%; victim advocates: 67%) held the view that victim advocate services were not adequately resourced to support those who needed them. A similar proportion of police (39%), magistrates (42%), and lawyers (30%) were "uncertain" about the adequacy of resources (see Table 7).

**Table 7** Perceptions of victim advocates' role in protection order enforcement

Statement	Occupation							
	Police		Magistrates		Lawyers		Victim Advocates	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
<b>Specialist victim advocacy services are necessary for supporting victims to report protection order breaches</b>								
Strongly agree	158	34	19	40	33	41	55	67
Agree	221	47	21	44	36	45	23	28
Uncertain	67	14	5	10	6	8	4	5
Disagree	22	5	3	6	4	5	0	0
Strongly disagree	3	1	0	0	1	1	0	0
Total (excludes non-response)	471		48		80		82	
<b>Victim advocates are adequately resourced to support all who need them</b>								
Strongly agree	12	3	1	2	4	5	3	4
Agree	70	15	4	8	9	11	9	11
Uncertain	185	39	20	42	24	30	15	18
Disagree	148	31	16	33	31	39	36	44
Strongly disagree	56	12	7	15	12	15	19	23
Total (excludes non-response)	471		48		80		82	

*Note:* *n* = sample, % = frequency of responses. Due to rounding, percentages might not add to 100 percent.

## Victims and perpetrators

Table 8 presents data that illustrate the perceptions of professionals about the frequency with which:

- standard conditions on protection orders kept victims safe;
- there was a robust court process to determine whether real consent had been given by victims to revoke a protection order; and
- the human rights of perpetrators were respected in current enforcement practices of protection orders.

Table 8 indicates that most respondents across all professional groups believed that “standard conditions” “sometimes” kept victims safe (police: 54%; magistrates: 58%; lawyers: 62%; victim advocates: 61%). However, a quarter of victim advocates held that this “rarely” or “never” happened, as did a similar proportion (23%) of police.

There was far less perceived confidence in the robustness of the court process to determine “whether real consent has been given by victims to revoke a protection order” with half of victim advocates and lawyers believing this “rarely” or “never” occurred, compared with 37 percent of police and 24 percent of magistrates.

Regarding perpetrators, it was generally thought by professionals (police: 75%; magistrates: 76%; lawyers: 55%; victim advocates: 83%) that the human rights of perpetrators were “always” or “often” respected in current enforcement practices. However, one-third (35%) of lawyers felt this happened only “sometimes”.

## Perceptions of professionals about facilitators and barriers to enforcement

The following section focuses on the factors that assist or detract from the enforcement of protection orders. Police, magistrates, lawyers, and victim advocates were surveyed for their opinions regarding the factors that were most significant in the enforcement process. Given that the survey contained lengthy lists of influencing factors for each of the professional groups, the majority of tables in the following section are presented in the appendices for further reference.

### Police

To understand the context of police action in protection order breaches, the survey included a list of 19 factors, and professionals were asked to nominate which factors they believed influenced police action. The perceptions of professionals regarding these 19 factors appear in Appendix K: Table K1. Table K1 shows that the majority of each professional grouping believed that the listed factors (such as injuries to victims, available evidence, and property damage) had an influence on police action, aside from two listed factors: “perpetrator fulfilling their parenting responsibilities” and “cooling off period”. There was a high amount of uncertainty among lawyers, victim advocates, and especially magistrates if “administrative police procedures associated with breaches”, “limited resources available to police”, and “high volumes of police workload” affected the action taken by police on protection order breaches. This contrasted with the police responses that were more likely to indicate these factors did affect their actions (see Table K1).

There were divergent opinions expressed. For example, 84 percent of police proposed that “likelihood of future violence” influenced their action, compared with 38 percent of victim advocates who agreed with this. Most police (70%) agreed that “record of previous injury to victim” affected their action, while only 36 percent of victim advocates shared this view.

### Policing protection order breaches for Indigenous and CALD communities

Respondents were provided with a list of nine factors which may facilitate the enforcement of protection order breaches in Indigenous communities. It must be noted that very few of the respondents identified as Indigenous Australians or from CALD backgrounds, so this must be considered when interpreting these findings.

**Table 8** Perceptions of protection order processes for victims and perpetrators

Statements	Occupation							
	Police		Magistrates		Lawyers		Victim advocates	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
<b>Standard conditions on protection orders keep victims safe</b>								
Always	3	1	0	0	1	1	2	3
Often	99	22	12	27	13	17	9	11
Sometimes	238	54	26	58	47	62	48	61
Rarely	94	21	5	11	14	18	16	20
Never	8	2	2	4	1	1	4	5
Total (excludes non-response)	442		45		76		79	
<b>There is a robust court process to determine whether real consent has been given by victims to revoke a protection order</b>								
Always	19	4	5	11	4	5	1	1
Often	82	19	10	22	10	13	10	13
Sometimes	172	39	19	42	25	33	28	36
Rarely	143	33	9	20	29	39	33	42
Never	23	5	2	4	7	9	6	8
Total (excludes non-response)	439		45		75		78	
<b>Human rights of perpetrators are respected in current enforcement practices of protection orders</b>								
Always	144	33	7	16	12	16	23	29
Often	183	42	26	60	29	39	43	54
Sometimes	80	19	5	12	26	35	14	18
Rarely	23	5	5	12	7	9	0	0
Never	2	0	0	0	0	0	0	0
Total (excludes non-response)	432		43		74		80	

*Note:* *n* = sample, % = frequency of responses. Due to rounding, percentages might not add to 100 percent.

In contrast with magistrates (81%), lawyers (85%), and victim advocates (97%), approximately half of the police perceived that cultural sensitivity training facilitated policing of protection order breaches for Indigenous communities (see Appendix K: Table K2). There was greater uncertainty among police (25%) and magistrates (27%) if improved access to interpreters would facilitate the enforcement of protection order breaches for Indigenous communities (compared with 15% and 12% of their lawyer and victim advocate counterparts respectively). Furthermore there was greater confidence in the effectiveness of banning alcohol by the police (57%) and magistrates (52%) groups, compared to lawyers (35%) and victim advocates (26%) (see Table K2).

Respondents were also provided with a list of factors that may facilitate the enforcement of protection order breaches in CALD communities. Table K3 in Appendix K shows that generally professionals (80-99%) held similar views, with all groups highlighting “improved access to interpreters” as an issue in facilitating enforcement of protection order breaches for this community. “Greater availability of DFV services for police initiated referrals” and improved collaboration between, and access to, local service providers was also rated highly by all professional groups. As in the case of Indigenous communities, fewer police (60%) perceived cultural sensitivity training facilitated policing of protection order breaches for CALD communities, in contrast to magistrates (83%), lawyers (89%), and victim advocates (95%) (see Table K3).

There was more uncertainty among police (24%) and magistrates (23%) as to whether “improved access to settlement services” would facilitate enforcement of protection order breaches for CALD communities, but most professionals in each group thought this would. A significant proportion of all professionals were uncertain if “higher/increased police presence” (magistrates: 41%; lawyers: 38%; victim advocates: 33%) and banning intoxicants (magistrates: 48%; lawyers: 46%; victim advocates: 42%; police: 34%) in CALD communities would facilitate protection order breach enforcement (see Table K3).

## Legal personnel

Respondents were provided with a list of nine factors that may influence magistrates’ sentencing in cases of protection order breaches. In making sentencing decisions for protection order breaches, despite uncertainty amongst police and victim advocates about some of the factors, the majority of respondents across each of the professions believed that magistrates were influenced by:

- the “sufficiency of evidence available about a breach” (police: 80%; magistrates: 88%, lawyers: 79%; victim advocates: 83%);
- the “severity of the breach” (police: 67%; magistrates: 94%, lawyers: 85%; victim advocates: 72%);

- the “history of breaches of protection orders” (police: 68%; magistrates: 94%, lawyers: 85%; victim advocates: 62%);
- the “history of DFV between involved parties” (police: 62%; magistrates: 90%, lawyers: 70%; victim advocates: 56%); and
- the “involvement of children in breach cases” (police: 58%; magistrates: 87%, lawyers: 64%; victim advocates: 57%) (see Appendix L: Table L1).

Variations were found about the influence of other factors. Lawyers (51%) and victim advocates (57%) perceived that “beliefs regarding mutual responsibility for DFV” influenced magistrates, compared with the police (39%) and magistrates (25%). There was as much uncertainty about this factor (police: 47%; magistrates: 31%; lawyers: 43%; victim advocates: 41%) as there was about “time pressures” (police: 52%; lawyers: 38%; victim advocates: 46%) and “being overburdened by DFV cases” (police: 47%; lawyers: 40%; victim advocates: 43%).

Over a third of police (36%) and victim advocates (35%) held the view that “community expectations on penalties to be imposed for breaches of protection orders” did not influence the sentencing decisions of magistrates in regards to protection order breaches, while most magistrates (62%) and lawyers (48%) believed these expectations influenced their decisions (see Table L1).

## Victim advocates

When asked to rank the factors that they perceived as affecting advocates’ capacity to provide support to those who needed it, the professionals ranked the five most important factors as “high volumes of work”, “lack of funding”, “positive relationships with police, court personnel, magistrates, and legal practitioners”, “service delivery constraints/limitations”, and “skills/abilities of advocates” (see Appendix M: Table M1). The table indicates that the professionals perceived the least important factors affecting advocates’ capacity to provide support as “low retention rates”, “unreliability or limited availability of technology in remote areas”, and “adequate supervision”.

## Supporting factors for diverse communities to be considered by police, legal personnel, and victim advocates

In order to provide respondents with an opportunity to further discuss supportive factors for enforcement of protection orders in Indigenous and CALD communities, two open-ended questions were posed, as outlined below. In addition, a third question was posed concerning enforcement within the LGBTIQ community to allow respondents an opportunity to discuss factors of concern, given there was insufficient space in the survey to include closed questions about the LGBTIQ community.

### Indigenous Australian people

There were 221 responses (133 police, 40 victim advocates, 27 lawyers, 21 magistrates) provided to the open-ended question, “In which ways do you believe the needs of Aboriginal and Torres Strait Islander people could be better supported?”. It bears noting again that very few respondents identified as Indigenous in the survey, which needs to be considered in the interpretation of these findings.

The major theme from 78 respondents (39 police, 16 victim advocates, 12 magistrates, 11 lawyers) involved advocacy for better liaison and education for the Indigenous community. Responses included:

Working collaboratively with Aboriginal elders and professionals.

...DV needs to be addressed in schools so that children learn to solve problems without resorting to violence

Advocacy for appropriate and dedicated support for the Indigenous community was the second dominant theme (49 respondents: 25 police, 13 victim advocates, 6 magistrates, 5 lawyers). The common views are captured in the two following comments:

There should be better support for victims from within their own support system, as well as more information about the court process, etc.

Additional Aboriginal/Torres Strait advocates and support workers.

Forty responses (29 police, six victim advocates, three magistrates, two lawyers) made suggestions for specific changes beyond DFV legislation, such as addressing drug and alcohol use, support for ongoing education, and engagement with the psychological and developmental impacts of exposure to violence.

Twenty-nine respondents (nine victim advocates, eight police, seven lawyers, five magistrates) commented on the need for better training and education for judicial officers, police, and support services. The training was also seen as needing to involve cultural awareness. The following comment encompasses the general view expressed by this group of respondents:

Improved training for all support staff that may encounter DFV experience by [Aboriginal and Torres Strait Islander] clients. Better cultural understanding among court staff, police, and magistrates.

In contrast to the views expressed above, 21 respondents (21 police) felt that Indigenous people should be treated the same or as equals by the system, saying there “should be no difference”

and “treated like everyone else and not a special category”.

Other responses included the need for:

- an increase in or a focus on perpetrator intervention (11 responses: seven police, two lawyers, one victim advocate, one magistrate);
- increased funding (nine responses: four victim advocates, three police, one lawyer, one magistrate);
- no changes needed (eight responses: 8 police);
- improved interpreter services (seven responses: seven lawyers);
- improved legal services (six responses: four lawyers, two police); and
- research (four responses: two victim advocates, one police, one magistrate).

### Culturally and linguistically diverse peoples

One hundred and eighty-seven professionals (114 police, 35 victim advocates, 23 lawyers, 15 magistrates) responded to the open-ended question about ways they believed the needs of CALD people could be better supported. Within that number, 71 respondents (44 police, 12 victim advocates, eight lawyers, seven magistrates) identified education and awareness-raising relating to DFV for linguistically diverse populations as important. They viewed these approaches as part of a package of support to assist settlement, involving community elders and inclusive of information about local services and access to interpreters.

The theme of improving interpreter access was the second strongest, with 49 responses (19 police, 15 lawyers, 11 victim advocates, four magistrates) calling for “improved access to trained interpreters”. There was also a perceived need to improve timely access to interpreters. Amongst the responses were some cautions about using untrained interpreters known to the victim who might filter comments or encourage a withdrawal of complaint so as not to cast shame on the community.

Forty-four respondents (23 police, nine victim advocates, nine magistrates, three lawyers) advocated for improvements to support services so as to enhance awareness of and accessibility to these supports for both victims and perpetrators. Comments included the need for:

Targeted and specific services.

Victim support workers and clear pathways to access assistance...

Better education for victims about support services and better education for offenders about human rights in Australia.

A number of participants (21: eight police, seven victim advocates,

five lawyers, one magistrate) articulated the need for dedicated training (including cultural training) for police, legal, and support staff. The general view was that there was a need for “training for all stakeholders in providing culturally appropriate services” in order to be effective.

The theme above also intersects with 21 respondents (12 police, eight victim advocates, one magistrate) specifically identifying that liaison with community members is needed in order for improved responses. They called for “work with community leaders” as being an essential strategy by which to improve responses to DFV in a culturally appropriate manner.

Similarly to responses about Indigenous Australians, a small cohort (ten respondents: ten police) suggested treating “them the same”. Other themes included:

- changes to policy and processes needed (ten responses: nine police, one lawyer);
- increased funding needed for specialist workers within services (eight responses: four police, three victim advocates, one magistrate); and
- no changes needed (four responses: four police).

### LGBTIQ community

There were 134 responses (88 police, 29 victim advocates, 12 lawyers, five magistrates) to the open-ended question about the needs of the LGBTIQ community and how LGBTIQ people could be better supported. The need for training or education for judicial officers and support services was identified by 34 respondents (18 police, nine victim advocates, six lawyers, one magistrate). Two respondents summarised these views:

Training for domestic violence support organisations, police, and courts in the specific issues/barriers facing LGBTIQ people experiencing domestic violence.

Better training/reinforcement of the EEO legislation and principles.

Similarly to the responses for Indigenous and CALD communities, there were a small cohort of respondents (34 respondents: 31 police, two victim advocates, one magistrate) who expressed the view that LGBTIQ people experiencing or perpetrating violence should be treated the same as other victims and perpetrators, with a particular focus on ensuring perpetrator accountability.

### Victim attitudes and related factors that affect protection order enforcement

The legislation and practice related to protection orders are designed fundamentally to keep victims safe from further violence. In enforcement of protection orders, victim-related

factors such as their behaviours have been shown to impact on the protection order enforcement process.

Table 9 presents data which illustrate the perceptions of professionals about the frequency with which:

- victims took protection order breaches seriously;
- the family law system could be manipulated by victims;
- victims used protection order breaches to aid their case in family law matters; and
- victims had adequate support to be able to report protection order breaches.

Almost two-thirds of victim advocates (62%) believed that victims “often” or “always” took breaches seriously, compared with 42 percent of lawyers, 51 percent of magistrates, and 37 percent of police who shared this view. Police (55%) believed this happened “sometimes”, as did 49 percent of magistrates, 51 percent of lawyers, and 28 percent of victim advocates.

A large proportion of magistrates (72%) believed that the family law system could “sometimes” be manipulated by victims. Police (61%), however, were the only group that largely perceived victims “often” or “always” manipulate the family law system, with 36 percent believing this was “sometimes” the case. In contrast, victim advocates were mostly of the view that this was “rarely” (52%) or “never” (10%) the case.

In terms of victims’ use of protection order breaches to aid their case in family law matters, most police believed this happens “always” (7%) or “often” (47%), in addition to the 43 percent who thought it happened “sometimes”. Most magistrates (67%) held that this occurred “sometimes”, as did more than half of the lawyers (53%) surveyed. More than a third of victim advocates (39%) indicated that “sometimes” victims used breaches, and 38 percent regarded this as “rarely” occurring.

Regarding the open-ended question about legislation, a small number of respondents viewed protection orders as being used “as a leverage tool in child custody matters” and perpetrators “feeling frustrated when custody is not shared equally [having] a follow on effect [with] a degree of DFV falling back to the family law system”.

Victims “rarely” had adequate support to be able to report protection order breaches, according to more than a quarter (28%) of the study’s victim advocates and lawyers. The majority (61%) of advocates suggested, though, that victims “sometimes” had such support, and 49 percent of magistrates and 45 percent of lawyers shared this view.

In terms of the factors that assisted victims to continue engaging in the process of prosecuting protection order breaches, it was generally agreed that factors such as the attitudes, helpfulness, and availability of court staff and police, as well as the approachability of the court environment, were “sometimes” or “often” helpful in assisting victims to continue proceedings (see Appendix N: Table N1).

When considering victim-related factors that affected protection order enforcement, there was some level of agreement across professionals that victims wanted to drop charges when the situation de-escalated and that their level of fear of consequences or threats made by the perpetrator “often” affected protection order enforcement (see Appendix N: Table N2). The table also shows that police (59%) and magistrates (49%) shared a similar response rate in agreement that the lack of cooperation of victims with police “often” affected enforcement, even though lawyers (54%) and victim advocates (59%) believed this was only “sometimes” the case. Police (60%) differed from magistrates (40%), lawyers (37%), and victim advocates (15%), believing that “often” there were situations in which victims assisted a perpetrator to breach a protection order, which affected protection order enforcement (see Appendix N: Table N2).

For the qualitative responses to the open-ended question about legal considerations, there were expressions of frustration by 21 respondents (16 police, two lawyers, two magistrates, one victim advocate) about a perceived lack of victim cooperation and victim manipulation of the system. Victims not reporting breaches or not abiding by the protection orders themselves meant that policing of protection orders was made more difficult.

In some jurisdictions there are aiding and abetting clauses whereby victims can be charged for assisting perpetrators to breach protection orders. Table N3 in Appendix N indicates a variation among professionals in their views related to aiding and abetting. Police held stronger views that aiding and abetting clauses were necessary (76%), fair (64%), maintained safety for both parties (62%), and deterred victims from contacting perpetrators (62%).

Although there was an amount of uncertainty expressed by magistrates, lawyers, and victim advocates, the table shows that a higher percentage of magistrates, lawyers, and victim advocates believed that aiding and abetting clauses:

- are unnecessary (magistrates: 31%; lawyers: 44%; victim advocates: 42%);
- deter victims from reporting breaches (magistrates: 40% [additional 51% uncertain]; lawyers: 56% [additional 36% uncertain]; victim advocates: 65% [additional 26% uncertain]); and
- show lack of understanding about DFV dynamics (magistrates: 60% [additional 24% uncertain]; lawyers: 61%; victim advocates: 82%) where victims may not necessarily be consenting to the contact with the perpetrator (magistrates: 51% [additional 33% uncertain]; lawyers: 56% [additional 28% uncertain]; victim advocates: 82%) (see Appendix N: Table N3).

**Table 9** Perceptions of victims and their support systems in protection order enforcement

Statement	Occupation							
	Police		Magistrates		Lawyers		Victim Advocates	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
<b>Victims take protection order breaches seriously</b>								
Always	15	3	3	7	2	3	12	15
Often	150	34	20	44	30	39	37	47
Sometimes	243	55	22	49	39	51	22	28
Rarely	33	7	0	0	5	7	6	8
Never	0	0	0	0	0	0	1	1
Total (excludes non-response)	441		45		76		78	
<b>The family law system can be manipulated by victims</b>								
Always	58	13	1	2	4	5	1	1
Often	211	48	4	9	13	18	7	9
Sometimes	157	36	31	72	27	36	22	28
Rarely	14	3	5	12	27	36	41	52
Never	0	0	2	5	3	4	8	10
Total (excludes non-response)	440		43		74		79	
<b>Victims use protection order breaches to aid their case in family law matters</b>								
Always	29	7	3	7	1	1	3	4
Often	207	47	5	11	17	22	9	11
Sometimes	188	43	30	67	40	53	31	39
Rarely	16	4	6	13	17	22	30	38
Never	0	0	1	2	1	1	6	8
Total (excludes non-response)	440		45		76		79	
<b>Victims have adequate support to be able to report protection order breaches</b>								
Always	81	18	0	0	4	5	1	1
Often	208	47	16	36	16	21	8	10
Sometimes	131	30	22	49	34	45	48	61
Rarely	21	5	6	13	21	28	22	28
Never	0	0	1	2	1	1	0	0
Total (excludes non-response)	441		45		76		79	

Note: *n* = sample, % = frequency of responses. Due to rounding, percentages might not add to 100 percent.

**Table 10** Perceptions of perpetrators and their support systems in protection order enforcement

Statement	Occupation							
	Police		Magistrates		Lawyers		Victim Advocates	
	n	%	n	%	n	%	n	%
<b>Protection order breaches are not taken seriously by perpetrators</b>								
Always	26	6	1	2	2	3	16	20
Often	250	58	24	53	46	61	48	60
Sometimes	138	32	19	42	23	31	12	15
Rarely	15	3	1	2	4	5	4	5
Never	2	0	0	0	0	0	0	0
Total (excludes non-response)	431		45		75		80	
<b>Family law system can be manipulated by perpetrators</b>								
Always	29	7	1	2	3	4	16	20
Often	168	39	9	20	30	41	39	49
Sometimes	190	44	32	73	32	43	24	30
Rarely	42	10	2	5	8	11	1	1
Never	1	0	0	0	1	1	0	0
Total (excludes non-response)	430		44		74		80	
<b>Perpetrators usually receive sound advice when pleading their case in court</b>								
Always	16	4	1	2	1	1	9	11
Often	160	37	14	32	30	41	30	38
Sometimes	217	51	25	57	36	49	37	47
Rarely	36	8	4	9	7	9	3	4
Never	0	0	0	0	0	0	0	0
Total (excludes non-response)	429		44		74		79	
<b>Perpetrators have access to adequately trained support in court when defending a protection order breach</b>								
Always	43	10	1	2	4	5	11	14
Often	184	43	13	29	18	24	28	36
Sometimes	164	38	20	44	33	45	34	44
Rarely	33	8	9	20	17	23	5	6
Never	5	1	2	4	2	3	0	0
Total (excludes non-response)	429		45		74		78	

Note: n = sample, % = frequency of responses. Due to rounding, percentages might not add to 100 percent.

## Perpetrators

The attitudes of perpetrators could also be a barrier to the enforcement of protection orders. Four questions were asked about perpetrators, and Table 10 contains data about the frequency with which professionals perceived that:

- perpetrators did not take protection order breaches seriously;
- the family law system could be manipulated by perpetrators;
- perpetrators usually received sound advice when pleading their case in court; and
- perpetrators had access to adequately trained support in court when defending protection order breaches.

More than half of all professional groups (police: 64%; magistrates: 55%; lawyers: 64%; victim advocates: 80%) felt that perpetrators “often” or “always” avoided taking protection order breaches seriously, although 15 percent to 42 percent of the professional groups felt this was only “sometimes” the case (victim advocates: 15%; lawyers: 31%; police: 32%; magistrates: 42%).

The professional groups were divided over whether the perpetrators could manipulate the family law system, with only 22 percent of magistrates believing this happened “often” or “always”, and 46 percent of police, 45 percent of lawyers, and 69 percent of victim advocates agreeing that this happened “often” or “always”. Similar proportions of police (44%) and lawyers (43%) thought this manipulation occurred “sometimes”, whereas only 30 percent of victim advocates but 73 percent of magistrates believed this manipulation occurred “sometimes”.

Approximately half of the professionals believed that perpetrators only “sometimes” received sound advice when pleading their case in court (police: 51%; magistrates: 57%; lawyers: 49%; victim advocates: 47%). One-third or more of each of the professional groups thought that perpetrators “often” or “always” received sound advice when pleading their case (police: 41%; magistrates: 34%; lawyers: 42%; victim advocates: 49%).

Around 40% of professionals (police: 38%; magistrates: 44%; lawyers: 45%; victim advocates: 44%) thought that perpetrators only “sometimes” had access to adequately trained support in court when defending a protection order breach. While 24 percent of magistrates and 26 percent of lawyers believed this was “rarely” or “never” the case, similar proportions of these same professions thought this was “often” or “always” the case (magistrates: 31%; lawyers: 29%). A larger proportion of police (53%) and victim advocates (50%) thought that perpetrators “often” or “always” had access to adequately trained support staff.

## Concluding comments: Study One

In conclusion, the survey questions in Study One elicited the views of professionals on many factors that potentially impact on quality of enforcement. In the responses, there were wide discrepancies between the views of the professional groups across the survey results. These have been considered in interpreting the findings. Overall the results in Study One need to be read in their entirety, as this summary reports on selected key findings only.

Research Question One concerned professionals' perceptions of the enforcement of protection orders and the following list summarises the findings related to this question. There was wide agreement that DFV legislation was adequate but that protection orders keep victims safe only sometimes, and that:

- implementation issues, particularly as they relate to police and courts, impacted adversely on victims' safety, particularly in terms of consistency in policing and judicial decision-making;
- lack of knowledge of the dynamics of DFV impacted on effective service delivery and further education and training is needed, particularly for police and police prosecutors;
- protection order breaches needed to be taken more seriously in their implementation compared with other criminal offences so that perpetrators are held more accountable;
- decisions made in the family law arena impacted adversely on the safety provisions of protection orders;
- legal personnel (magistrates and lawyers) have inadequate understanding of the risk factors associated with DFV; and
- specialist victim services are necessary for supporting victims to report, and these services need adequate resourcing.

In terms of Research Question Two and the perceptions of professionals about facilitators and barriers of enforcement, the difference in responses from professional groups was more pronounced in some questions in this cluster. As an example, it is understandable that police would have an "insider" view of the resources available to them that impact on their ability to respond to DFV, whereas the other professions may have had less knowledge of police capacity. Findings included:

- in regards to Indigenous communities, cultural sensitivity training is needed, particularly for police, and banning alcohol in communities would increase effectiveness of DFV responses;

- with respect to CALD communities, access to interpreters and improved access to settlement services would facilitate enforcement;
- enforcement of protection orders would be enhanced in diverse communities by greater community involvement, and relationships between police and the legal profession and diverse communities;
- attitudes towards victims' perceived behaviour and motivations influence the actions of police, magistrates, and lawyers—for example, the perception that victims manipulate the family law system and that they assisted perpetrators;
- there was a widely agreed perception that perpetrators generally failed to take protection orders seriously; and
- fewer magistrates than any of the other professions believed that perpetrators could manipulate the family law system.

This concludes the summary of the key findings from Study One. A small section of findings from Study One, specifically in relation to cross-border enforcement and information-sharing, will be found aligned with Study Two findings that follow. This placement logically positions all findings regarding cross-border aspects of enforcement together, making for greater coherence in presenting the findings. Further synthesis, contextualisation, and analysis of Study One findings, in conjunction with other findings in the research, will be discussed later in the report.

# Description of key findings: Study Two

The focus of this section is the findings from interviews conducted with 20 victims and 20 service providers who had experience of cross-border protection orders, triangulated with pertinent findings from literature and Study One.

Findings from interviews with victims are presented first, with insights from service providers used to support or extend on the comments made by victims. While the latter group are significant in their own right, the findings from their interviews have been triangulated with findings from the victim interviews. In this way, practice experience complements the voices of the victims, enabling richer understandings relating to the experiences and enforcement of protection orders, as well as the facilitators of and barriers to cross-border protection orders and information-sharing.

## Findings regarding lived experiences of women in the enforcement of protection orders

As previously identified in the methodology section, 20 victims and 20 service providers who had experience of cross-border protection orders were interviewed as part of the second phase of this project. At the time of interviewing, all victims in the sample either currently or had previously held a protection order in more than one jurisdiction. A thematic analysis of victims' narratives focused on the "what" and "how" in relation to enforcement of cross-border protection orders. The helpfulness or otherwise of "who" it was that supported them during their cross-border experience was also analysed to determine the barriers and facilitators of enforcement, which are examined later in this results section.

In presenting the key findings, there has been a deliberate attempt to ensure the voices of the victims speak for themselves in conveying what affected them and how they perceived their experiences. To this end, verbatim quotations are used to provide:

- deeper understandings aligned with key themes;
- a greater impact in relating victims' experiences;
- some degree of empowerment for victims; and
- enhanced readability in writing the findings (Corden & Sainsbury, 2006).

## Overall impressions of cross-border protection orders

The process of being able to obtain a protection order, including a cross-border protection order, was seen as relevant and important for all victims as an acknowledgement that the abuse they had endured was unacceptable. This is reflected in the comments below, as two victims said:

I guess it's the process really. It's the process of going through and telling your story and have someone write it down and take it to a law court and have it believed and be taken seriously. It needs to count no matter where you are. (Anna)

I did that just for the fact to show him that the law could protect me and could actually punish people doing that type of violence. Even when I moved I was protected. (Jennifer)

However, despite all victims valuing the process, they said the protection order, in and of itself, generally did not make them feel safe. Instead they talked about the potential for police to respond to breaches as a major driver in their following through with registering a protection order across a border:

I don't know that it made me feel safer, but I don't think that a piece of paper will ever make someone feel safe when there's abuse involved. However, I do understand that it gives the police more rights. And I think that knowing that it gave the police more right to act on my behalf when I was not able to do it myself meant that maybe it wasn't safe but it was a comfort. It didn't stop him from breaching but it meant that every time he did breach and every time I reported it, it went on record no matter where I was. (Bronwyn)

Analysis revealed two distinct victim cohorts regarding experiences of registration and enforcement of protection orders across borders. One was a small group of four victims for whom the system "worked" in relation to their cross-border protection order, which was in direct contrast to the majority of victim participants who experienced difficulties. The two distinct cohorts will be compared in the following sections, with supporting comments from service providers, where relevant, in terms of their experiences of: registering protection orders, finalising protection orders, reporting breaches, legislative issues, and the impact of other legal and bureaucratic proceedings.

From the group of four victims who found their experience of cross-border protection orders to be effective, two women, Clarissa and Jade, said that everything “worked in the way it’s meant to” in their experience of cross-border protection orders. The remaining two, Zoe and Judy, also indicated the cross-border protection order process had met their needs, albeit with some challenges. These challenges related to a lack of information about the processes involved and the subsequent need for following up documentation. Judy described her experience in the following terms:

I didn’t know that I had to cross the border to register the same order in New South Wales, or that it would be a problem. I actually was not aware of that until the lady on the first day of court told me to do so. The last time when I went to the other magistrate’s court, and I did [submitted] my paper, I needed to give another paper which I didn’t have and nobody gave me, so I had to go back to the other court to have that paper [submitted]. I think it was a service thing... to be sure that he has this served. And when I went over there it was pretty much a week after the court date where the order was actually done. And they said, “Sorry, we don’t have that paper yet, I guess the police haven’t typed it yet”. (Judy)

In contrast to the four victims previously described, the rest of the interview sample used words such as “frustrating”, “exhausting”, “time-consuming”, and “debilitating” to describe their experience of cross-border protection order processes. Their narratives conveyed feelings of powerlessness and a lack of control over the processes in which they were involved. They talked of not knowing, understanding, or being able to influence the requirements and processes in relation to registering or enforcing their protection order across a border. Furthermore, this disempowerment eroded victims’ feelings of safety.

How on earth can anyone understand all the palaver that goes on with them... cops, lawyer man [magistrate], and the like. The slightest glitch, like when they couldn’t find Fred [perpetrator] ended up affecting me not him... delay, delay, delay. Means we aren’t safe when that happens. I had no say over any of it, and it went on and on, and I bet most you’ll talk to will tell you the same thing. Guarantee it (Cheryl).

These results mirror the findings in Study One, where the survey results revealed that most professionals felt that the legislation adequately captured perpetrator behaviours but that protection orders only sometimes kept victims safe. The qualitative comments made in the survey also indicated that the legislation was generally adequate, but practice within and across some professions was not. This ultimately then lets victims down.

To begin the description of key themes that emerged from the interviews with victims, a snapshot relating to Sarah and her story is provided. The three particular states relevant to Sarah’s are not named, since this could identify her. Instead the jurisdictions in question are presented as “home jurisdiction”, “holiday jurisdiction”, and “third jurisdiction”. While Sarah’s story was unique to her, it highlighted recurring research themes.

The lack of information-sharing across borders impacted greatly on Sarah, who described her situation in the following terms:

There were going to be interstate problems... they briefed me about what that will involve on top of trying to get a protection order with the interstate borders. I was, like, just sick by it; I just wanted to walk away then and there and just forget about it. And that’s what happens. Victims get forgot about, you know, their voices don’t get heard, nothing gets changed, and that’s why we’re in that situation (Sarah).

In Sarah’s case, the application was initiated on a trip to a regular holiday destination for her family, serving as an example of the varied circumstances that exist in contemporary Australia where victims need cross-border protection orders to ensure their safety.

## Registering protection orders

Registering their protection order in a second state or territory (instead of applying for a new protection order which would alert the perpetrator to their location) is a necessary step in victims having police and court protection in an additional jurisdiction. It became apparent through the interviews with victims that there was a diverse range of circumstances which led to victims registering a cross-border protection order. While many victims had relocated to another jurisdiction to flee violence, other reasons for needing a cross-border protection order included:

- cross-border travel for work or business reasons;
- the perpetrator also travelling across the border; and
- visiting family or friends across borders on a regular basis.

For some who lived on or near a border, they (or the perpetrator) crossed the border on a daily basis. Fleming (2011) and Eigenberg et al. (2003) have been cited previously in identifying some of these circumstances and recognising the subsequent geographical challenges in implementing and enforcing protection orders.

### Sarah's story

Sarah had been increasingly worried about DFV over time but had not applied for a protection order in her home jurisdiction. She was unsure whether emotional abuse was a sufficient cause to apply for an order, but recognised the abuse was having a major toll on her mental health after she was diagnosed with depression. As physical abuse had not occurred, her family had advised her not to make a fuss. Sarah held high hopes of relaxing on a regular family break to a holiday jurisdiction. Instead, her partner began drinking excessively on arriving at their holiday unit. When Sarah objected, he assaulted her. During the altercation, the police were called. Sarah was then hospitalised in a third jurisdiction. The next day, her partner, after being arrested and released, boarded a flight back to their home. The remainder of Sarah's holiday was spent at a police station in the holiday jurisdiction, making statements, applying for a protection order, and appearing in court. On returning to her home, she attempted to register the protection order but found that she did not have the required documentation. Sarah described systems and processes between police and courts across borders where "none of it relates, none of it has any connection...they can't computerise documents (between jurisdictions) or serve (documentation to the perpetrator)".

Victims found that when they did not live in the state where a DFV incident occurred, police and magistrates sometimes struggled to see the need for a protection order (as in Sarah's case) or in registering a protection order from another jurisdiction. Sarah was asked "Do you really need to do the order here? Why not wait till you go back to [jurisdiction of origin]?" This type of query forces victims to go to some lengths to explain and justify circumstances regarding safety to police and magistrates.

Service providers emphasised that the vast majority of victims they encountered had not registered their protection order in another jurisdiction. They suggested that victims often see moving across borders and remaining anonymous and in hiding as the best safety mechanism, as opposed to registering a cross-border protection order. Service providers talked about victims being worried that registering a protection order in another jurisdiction could alert the perpetrator to their new location. While it should not be the case that the perpetrator would be notified (unless a variation to the protection order was requested), service providers nevertheless found many victims were not convinced. Furthermore, service providers said that many victims want to move to another jurisdiction but cannot for a range of reasons, including a lack of finances, parenting agreements, and migration matters.

### Finalising a protection order

Victims' experiences of finalising protection orders in their jurisdiction of origin differed, often affecting their registration of a cross-border protection order. Some were required to appear in court, while others were not. If police had applied for the protection order and were prosecuting the case, the victims spoke of not being required to appear, but where victims had submitted a private application or the application was being contested by the perpetrator, a court appearance was generally required.

There can potentially be advantages for the victim to be present in court proceedings, such as the opportunity to not only receive advice and support, but also the ability to then provide instructions or give evidence to potentially reach a more appropriate protection order. Nevertheless, court is somewhere victims do not want to be, which was reflected in comments by both victims and service providers. Indications were they may sometimes choose not to appear in court for a range of reasons.

Some reasons dovetailing with findings in literature (Taylor et al., 2015) and Study One were that all professionals were of the opinion that the attitudes and behaviours of court staff and police were important factors for victims to continue engaging in the process of prosecution of protection order breaches. The

accessibility, approachability, support, helpfulness, and attitudes of court staff and police were all important contributors to the victim's experience of the legal system. Victims and service providers indicated that police applying and prosecuting the case for protection meant that the victim did not always have to appear in court, as police statements appeared to hold a great deal of weight with magistrates. This suggests that having clarification of police roles and consistency across jurisdictions would assist victims and service providers alike and this topic would benefit from further research.

Service providers spoke of differences and inconsistencies in relation to who applied for and prosecuted protection orders. In some jurisdictions, service providers said that, in their experience, approximately 70 percent of protection order applications were made by police, while in other jurisdictions, service providers reported a much lower proportion. While service providers attributed these variances to the levels of resources police received, different legislative requirements for police across jurisdictions also played a role. For instance, an application for a protection order in Victoria “*may be made by a police officer*” (*Family Violence Protection Act 2008* (Vic.), s. 45; emphasis added) compared to New South Wales, where there are circumstances when police must *make* [an] application for [an] order (*Crimes (Domestic and Family Violence) Act 2007* (NSW), s. 49).

Service providers noted a further difficulty in finalising orders, that is, interim protection orders, emphasising the safety risks for victims and their children:

And I guess the other issue that would have been named to you numerous times, I'm sure, is in relation to...if he has an interim order out then that actually isn't recognised, it's only at final order, and that's really problematic because, as we know, that process between an interim order and a final order, it's perhaps one of the most dangerous times. (SP16)

Victims' narratives highlighted the stress involved for them in attending court and with ongoing legal and policing issues. While the focus of this report is on the policing and legal system, it is nevertheless worthwhile noting the impact these systems potentially have on the health and wellbeing of women. One victim summed it up as:

It's too much stress...it's too much [expletive] stress that I didn't want to go to court, I didn't want to make a statement. I just wanted to go home. I'd had enough. (Rebecca)

An aspect that was clear early in the interviews and reinforced as interviews progressed was the notion of “secondary victimisation”. Secondary victimisation refers to inappropriate responses and injustices occurring after the trauma of DFV (Brown, 2013;

Hattendorf & Tollerud, 1997, as cited in Laing, 2016). It became very apparent across the findings that the complexities and fragmentation of multiple services and systems, with which victims had no choice but to engage, created another facet of further victimisation for all but the four victims previously mentioned.

## Breaches

Breaches of protection orders, and the enforcement of breaches, take on an additional dimension when they occur across borders. However, the enforcement processes encountered by victims both intrastate and interstate were such that victims labelled them inadequate overall. There were numerous examples provided by victims of police telling them they required strong evidence to enforce a breach, as illustrated in the following quote:

Now, the day that I had to go to court this last time, a woman had been killed and her family were there, rallying for her, because he was in court that day. And I remember walking in, looking at the family going, “That could have been me, thank God it wasn't”. And now all these people have to suffer because of his actions...but the point of the matter is, is that it takes for someone to die before it's taken, like, seriously, and that's the issue. So I said to the police that day, “So the only way that he [ex-partner] will be charged is if I walked in with multiple stab wounds or I've been killed, is that where we're at?” And they said, “Pretty much”. I said, “Well, that's great, that's fantastic [sarcastic tone]”. (Belinda)

Most victims experienced ongoing abuse via telephone calls, often by a perpetrator living in another jurisdiction. Police would almost always tell victims they were powerless to act because of a lack of “hard” evidence or because the perpetrator was not in the same jurisdiction. According to one victim, a common response from police was along the lines of:

They just said there was nothing they could do. I should change my phone, and calls couldn't hurt me, and they didn't know if he was in the state. They were [expletive] death threats, but I was too frazzled to record them and the calls came up as from a private number. (Sharon)

Findings indicated that police generally acted promptly regarding incidents of physical abuse or when clear evidence of abuse was apparent. Conversely, when there was no “substantial” evidence, victims perceived police were reluctant to act. In the case of abuse over the phone, for example, victims believed it was important to persevere in recording phone calls to demonstrate perpetrators' patterns of behaviour. They saw this as crucial to ensure the system responded to the breaching, and Cheryl summed it up in the following terms:

I think that they're only doing something because I have been so persistent and so annoying about recording everything.

It was not clear from the interviews whether gaps in legislative protection also contributed to difficulties in prosecuting or seeking protection against abuse perpetrated by using technology. The survey results revealed that approximately half of lawyers and victim advocates thought that police did not have adequate knowledge of the dynamics of DFV, which may contribute some explanation to police reluctance to act on non-physical acts of DFV. However, qualitative comments on the same survey revealed that high expectations are placed on police in the realm of DFV by other professionals, especially as police have many other types of crimes to respond to, and are not trained counsellors. This may contribute to perceptions of police inadequacy when in actual fact the expectations of other professionals far exceed police capacity.

Victims also identified inconsistencies between jurisdictions in terms of police actions on breaches and penalties imposed:

So there's been five breaches (in the new jurisdiction) but he's only been charged with two so far. He only got charged after I'd complained to the police that nothing had been done. They weren't active in pursuing the breaches. Where I come from, the breaches were pretty much jumped on straightaway. There he was fined \$2,000. Over here, even after I complained it took them 6 weeks and he only got a tiny fine. (Jane)

Relating these comments to the findings from Study One, the survey results demonstrated that approximately 40 percent of lawyers and victim advocates felt that police were rarely or never consistent in their policing of protection order breaches. However, differences in legislation and police policy may be implicated in at least some of these inconsistencies.

A strong theme across the service providers was a belief that there were inconsistencies in the imposition of penalties for breaches within their particular jurisdictions, dependent on the magistrate of the time. Similarly, service providers working close to, or across, borders considered that there was a lack of consistency in relation to penalties imposed by magistrates across borders in relation to breaches. This matches the findings from the survey, where 55 percent of victim advocates and approximately 40 percent of police and lawyers disagreed or strongly disagreed that there was general consistency in penalties imposed by magistrates across jurisdictions when a cross-border protection order was breached (see Appendix O: Table O1). Other service providers in the interview sample expressed a view that they didn't know because they had no information with which to compare. Once again, in the online survey, professionals indicated a high level of uncertainty about the consistency of penalties in relation to

cross-border protection orders (see Table O1).

There was a divergence in victims' opinions regarding what penalties should be in place for the perpetrator. Some felt that remedial support and programs were needed rather than criminal charges and convictions:

Nothing was done to help him. I didn't like what he'd done, but I didn't want him to go to jail. I may have known that I needed to get me and the kids away, but that doesn't mean I wanted it that way. I reckon if he'd had help to clean up and had someone else tell him what he was doing was wrong early on maybe it would have been different. (Anna)

In contrast, others called for stricter and more consistent approaches in instituting criminal charges for breaches.

They had strict rules: three breaches and they go to jail. There were no ifs or buts. If they had three breaches they were jailed for 6 months... here I don't believe that rule is in place. They can breach 100 times and nothing will happen, and that's not right. (Jennifer)

Regardless of the preference for remedial support or a stricter approach, there was strong agreement across all victims that behaviour change programs for perpetrators were lacking.

## Legislative issues

Service providers spoke of the differences in legislation between jurisdictions and the associated difficulties in registering a protection order. As one service provider explained:

So you can register an interim Victorian protection order in New South Wales, but you cannot register an interim New South Wales protection order in Victoria. Another anomaly is that in Victoria, their court can make an indefinite order, so it doesn't have a 12 month time period. But if the woman goes across to New South Wales to try and get that order registered, they actually can't register an indefinite order. So they would have to go back to the Victorian court to have that varied if they really want to register it in New South Wales. (SP3)

A useful report was provided to the research team in the course of the interviews (Murray Mallee Community Legal Service, 2015). It identified a number of further concerns, relating to inconsistencies in legislation and enforcement across borders. The report was based on a survey of one hundred local residents on the Victoria–New South Wales border to identify their frequency of crossing the border and their biggest cross-border issues. While this survey was not specific to DFV results, it showed that “inconsistency of legislation between the two border states

and the resultant impact on enforcement of the law across the two borders was a primary concern stressed by the participants” (MMCLC, 2015, p. 1). Comments relating to protection orders in this report included:

- protection orders not being enforceable across the two states;
- inconsistency in responses “dependent on who you get”; and
- lack of extradition, and no extradition for minor breaches. (MMCLC, 2015)

It appears that that even if legislation were consistent across jurisdictions, it may not mean that consistency in enforcement of protection orders would necessarily follow, bearing in mind that the implementation of legislation would still rest on the police and courts of each individual jurisdiction.

### **Impact of other legal and bureaucratic proceedings**

Further complexities for victims related to the intersection of protection order breach processes with other legal proceedings. For example, victims also were involved in criminal proceedings relating to physical assault.

Three of the women interviewed were mothers of young children, and violence occurred at the hands of their children’s fathers. They spoke at length of the tensions between family law and the conditions of the protection order. They, and others, also talked about tensions between what Child Safety required of them, what they perceived as being necessary for the safety of their children, and the difference in approaches to responding to domestic violence in the family law and child protection systems. These tensions are illustrated in the following “snapshot” of Susan’s story.

These views of victims were congruent with service providers’ perspectives that the nexus between DFV, family law, and child protection was a fraught one. Susan’s story highlights, for example, the conflicting requirements and responsibilities for victims involving contact with the perpetrator. Service providers concurred with the views previously expressed by victims, emphasising that family law decisions need to recognise the safety needs of victims, including children. They were of the opinion this frequently was not the case. These findings accord with the results of the survey in Study One, where approximately half of victim advocates, and close to one-fourth of police, magistrates, and lawyers, believed that child custody decisions in family law rarely or never reinforced the safety provisions of protection orders.

### **Susan's story**

Susan, a mother of one, had a significant history with DFV, including the protection of four protection orders over the period of 15 years. There was also a history of the perpetrator being charged for breaches of the protection orders. The perpetrator had also committed other criminal offences not related to Susan and her child, for which he is currently imprisoned. However, the current protection order still allowed him to maintain contact by phone with his daughter. The contact with his daughter was suggested by police, who advised Susan that men tend to do stupid things if they cannot contact their children. Susan attempted mediation under family law with a view to stopping contact, but her ex-partner would not participate. There is no parenting order in place. Susan moved across the border, with support of victim advocate services, while her ex-partner was in prison. A family member then alerted Susan to her ex-partner's impending release, and that he was likely to seek to have his daughter returned. Legal advice to Susan has confirmed the likelihood of an order for her to return being put in place. On receiving that advice Susan has since returned to the jurisdiction in which the perpetrator resides, but is in hiding and assessing whether to apply to have the protection order extended, as it is coming up for renewal. She is concerned that she may not have sufficient evidence, since his imprisonment has meant the breaches have been minimised.

In Susan's words:

Originally what I had been told is that if I had not left Frank when I did, and if I had have continued having contact with him, then Charlotte would have been taken off me by child protection because there would have been fears for her safety, having contact with him. But I leave him and then I'm required to let her have contact with him. And it just seems a little bit silly. It's counterintuitive, because I'm trying to do the right thing by the law and keep my child safe, and then the law is still telling me that until proven otherwise he can contact his children. And because he's been in jail, the simple fact is that they [family law court] will see it as rehabilitation, which it was not.

## Findings regarding barriers and facilitators to enforcement

### Overall barriers and facilitators to enforcement

Victims spoke of certain people who supported them and facilitated their cross-border protection order process. A broad and disparate group of individuals, professional and otherwise, were named. The people victims perceived had provided support were those who had listened to, believed in, and respected them. The importance of this respect and belief in facilitating legal processes for victims, but also in terms of supporting their health and wellbeing, was expressed in both explicit and implicit terms in each and every interview.

One group of professionals whom victims discussed more than any other were police officers. This is understandable given the key role of police in responding to DFV events and enforcing breaches. Victims expressed diverse views about police, and sometimes officers within the same unit. The pivotal role police play is reflected in the two following comments from victims:

Fabulous. The lady [police officer] who applied for it was amazing. She wouldn't let me back out of it...because I had pressure from my ex-partner to back out, to tell them I didn't want it anymore. And she wouldn't back down. And that changed my life. (Jenny)

Police can be OK. I don't think it's fair they always get a bad rap. Mind you, I've also seen plenty that flick you aside unless you're standing there bleeding. Anyway, when I moved, this cop said "I can see you don't know the system. Let me fill you in. Here's what you've got to do." He picked up the phone and rang the cop shop where I'd come from and asked them questions about where things were. Gee, that made a difference. Why can't they all be like that? (Belinda)

Conversely, there were numerous comments that police did not provide information or support and thus were a barrier in the protection order process.

Training also emerged as an issue in these interviews. Service providers identified that not all professionals working with victims and perpetrators had received specific DFV training relevant to their role, and that impacted on their responses to victims. In support of these findings, qualitative comments on the survey indicated that police and magistrates required more training in DFV.

Moving across a border involved enormous financial stress, in one form or another, for victims. For some it also involved homelessness and unemployment, as well as a loss of previous financial (and social) supports. While the economic impacts of cross-border moves were not the subject of this study, they nevertheless were a theme that emerged and bears mentioning: it was important for victims to have support, financial and otherwise, to cover costs associated with the need to move.

Service providers conveyed a strong commitment to supporting victims if they wanted to move to another jurisdiction. They emphasised the point that they "would never leave a women unsupported if she is moving interstate". They also gave examples of linking women with cross-border services to ensure support was in place. However, in the absence of protocols or integrated responses, the process of linking with services across borders was not always easy:

I supported a woman a while back to go to another state. I contacted services down there to find out who could support her. I had to make about five phone calls and the response from crisis DV services was that they couldn't help her, but did not give me any information about appropriate services to call or to link in with. It was just, basically, we can't help her, it's not our area. I found that kind of frustrating. I think it was about six calls later and anyway someone from a refuge met her at the train station. But it was, yeah, a bit of a challenge to just get that stuff in place. (SP7)

The issue of limited resources was of concern to service providers, with rising demands and a view that "it's a fact of life everyone is drowning under the demand". These findings match the findings of the online survey, in which a lack of funding was ranked as the second most important factor affecting victim advocates' capacity to provide support. To assist victims in cross-border situations, service providers advocated for additional funds to support victims, with costs related to representation in the legal system as well as re-establishing themselves after moving across borders.

## Registering protection orders

One major facilitating factor in registering a protection order in another jurisdiction was the victim's proximity to the border of the states or territories where they were attempting to register their order. Regarding the small cohort of four for whom the system worked, "chasing the paperwork wasn't a big deal" for Zoe and Judy, who both lived near the border, and their resultant cross-border protection order registration process was finalised in a relatively short time period, during which no further abuse occurred. While Zoe and Judy viewed "chasing paperwork" as a relatively easy task, an opinion which was certainly influenced by their accessibility to both sides of a border, this opinion was not shared by the remainder of victims interviewed.

An analysis of the narratives of Judy, Clarissa, Zoe, and Jade revealed common intrinsic and extrinsic characteristics that facilitated the registration process. All shared the following features:

- the victims had short histories of DFV and did not express continued trauma;
- the victims or police had indisputable evidence of DFV to present in court;
- the perpetrators of their violence did not contest or oppose the primary order and there were no subsequent breaches;
- there were no court adjournments, so police action and court finalisation of the protection order was perceived to be quick and efficient;
- they received timely and useful information about processes and decisions;
- no children were involved;
- victims had no additional legal processes to consider, such as family law, child safety, or other criminal matters;
- victims lived on or close to a border;
- victims had access to professionals who understood the interstate processes and legislation;
- victims had confidence that the relevant respondent would abide by the conditions of the order, or, if not, that police from either side of the border would act in their interests; and
- necessary documents, including proof of protection order service, were provided to them or follow-up was relatively easy.

As already indicated, these characteristics were in direct contrast to the circumstances of the 16 remaining victims (more than three-quarters of the sample of interviewees). An analysis of this larger cohort showed that, at best, only a small number of the same intrinsic and extrinsic factors applied to their experiences. This broader group of victims dealt with much more complexity

in terms of their personal circumstances and protection order processes than their four counterparts described above.

Service providers concurred with the views of victims regarding the cross-border protection order processes working seamlessly only when an optimal set of circumstances was in place. Additionally, they observed that ideal circumstances, such as the 11 "success" indicators listed above in relation to the experiences of Judy, Clarissa, Zoe, and Jade, were rare in their experience.

## Finalising original protection order

Jurisdictions have varying requirements for protection order applicants' appearances at court hearings. Study Two revealed this to be a major barrier for victims who were required to make a court appearance in the jurisdiction of origin, but were living in another jurisdiction. In the example below, the victim could not physically return for the court hearing but was required to appear by video link.

I had to do it all. The interstate stuff; there was not much help basically. I had legal aid but when I moved over here I couldn't get the funding for a video link by the time court came around...legal aid refused basically...and so the order was nearly dismissed because I couldn't appear in court. Finally a service used some of their money so I could video link in. Thank God for that. By then I was a nervous wreck. (Sharon)

Another barrier for victims was the time involved. The processes of finalising a protection order can be lengthy in their own right, even without cross-border considerations and requirements. The circumstances contained in the example below were reflected by a number of victims:

Everything, every single thing was difficult. That's before I left New South Wales and after. I was the one who applied for the protection order. Then he [perpetrator] couldn't be found, and then he was. Then he said he wanted to contest what I said, and then he said he didn't—but by then there had been delays...adjournments they're called. Then you wouldn't believe it: the magistrate was sick and the one filling in said he wanted to adjourn it again. It went on and on... they don't tell you that, do they? (Leigh)

Some victims talked of delaying relocating interstate because of ongoing court commitments while others chose to move prior to the finalisation of the protection order, which for some created difficulties with registering the protection order.

Once again, service providers concurred with the views of victims regarding the delays and difficulties that can occur in finalising the protection orders:

...you may actually have to go back to the court in which the order was made to get proof the order has been served. You have to take the whole lot [necessary documentation]. You may be looking at a couple more attendances, and people don't like the court that much, so not only do you go once to register you've got to go again and again. (SP 18)

One new barrier to the enforcement of protection orders that was captured in service provider interviews was the fact that perpetrators will on occasion move across a border with the victim prior to a protection order application as a means of eluding police and child protection authorities. While this circumstance had not been expressly articulated by victims, a further examination of transcripts revealed that it appeared to have been a strategy employed by perpetrators for two of the victims interviewed. One service provider explained the use of the "tactic" in the following terms:

Women moving interstate is sometimes the tactic of the perpetrator. He moves his partner and children interstate because they're then out of reach of authorities. So this is women that aren't necessarily at point of full separation; there's just been like police intervention or investigation. They [perpetrator] know that people are closing in on them. I know that there are ways and means of between police and between child safety and family and community services; however, you know, we've had families that have been allocated and there are serious concerns for children's safety. But they've gone across the border and child safety have not picked them up; they have not allocated them, or anything to that effect. So it is quite a successful tactic on the part of perpetrators. (SP 11)

## Breaches

One major barrier to the enforcement of breaches was a lack of understanding by the various criminal justice systems involved as to who was responsible for responding to the breach. Comments made by police to victims highlighted an apparent lack of understanding as to which police jurisdiction was responsible when the breach involved a cross-border protection order. Monica captured the general view of victims, saying police across jurisdictions "played ping-pong, saying the other one should take action". Service providers also commented on the frequency with which they encountered different police jurisdictions expressing a view that the enforcement did not fall under their mandate. This was further complicated when the nature of the breach had taken place by phone or electronic means, as was often the case in cross-border situations. One service provider summarised the general view, emphasising:

But the verbal and the emotional, it's just as important, that's

lost. But then it comes to "Well, which police is going to prosecute, which state?" (SP 8)

A case study (Ange's Story) was also provided by a service provider, highlighting the issues relating to cross-border protection orders with which police and magistrates grapple.

## Duration of orders

Another barrier to the enforcement of protection orders is expiration of the protection orders. This is as a result of most jurisdictions issuing defined term protection orders. Some victims were facing imminent expiration of their protection order in the jurisdiction of origin. While victims wanted a continuation of protection by way of a protection order, they described the thought of having to put evidence together as "nerve-wracking". For one participant, the decision had to be made only 12 months after relocating interstate (the protection order had been granted for 12 months), while others talked about having a 2-year or 3-year protection order.

The responsibility to apply for an extension raised worries for the interviewees about having the evidence they would be required to put in their application. The following example is reflective of the general concerns of victims in this situation:

The only thing worrying me at the moment is that it's coming up. I'm worried about it. I know he'll contest it this time, I know he will. And I'm just very worried about the outcome. But I keep telling myself, don't worry about it... I can tell you without a shadow of a doubt, if that's it's not in place he will be here whenever he feels like it; it's just going to be terrible. Trouble is he hasn't breached it recently. But, you know, this is where people don't know him like I do. They go, you know what, "You know, he hasn't really done anything". And I'm thinking, well he hasn't done anything because he's got a protection order in place, but as soon as it's gone... I just feel sick about it... (Leigh)

Victims were unsure if the application for renewal had to be made in the original jurisdiction, and professionals they were in contact with also appeared to be uncertain of the processes required, as they had not received advice despite requesting information.

Service providers generally felt that the nature of DFV should necessitate an enduring protection order. They considered that the current onus on the victim to produce evidence as to why a protection order should be renewed, in what can be a relatively short timeframe, required review. Service providers concurred with the views of victims that often in the lead up to renewal perpetrators would breach in a manner that was difficult to

### Ange's Story

Ange and the perpetrator live in the same town. Ange remains on an interim protection order due to an adjourned hearing. The perpetrator complies with the interim protection order in their home jurisdiction, but resorts to stalking Ange when she frequents places in a second jurisdiction, across the nearby border. The interim nature of the protection order means the second jurisdiction will not register the protection order, but lodging an application for a protection order there has also not met with success. The magistrate ruled against the application on the grounds that the police in Ange's home jurisdiction should be able to breach the perpetrator, even when he crosses the border. Conversely, the police in her home jurisdiction have a different view, telling Ange they cannot legally take action to breach the perpetrator when the stalking occurs across the border. A final protection order in her home town should resolve the issue, enabling her to then register the protection order across the border without problems. However, even a final protection order may not in and of itself solve the differing opinions of the magistrate and police in such cases. Once the protection order is finalised, it seems unclear which jurisdiction is responsible for the enforcement of breaches.

prove when victims applied for a renewal of a protection order. Service providers noted that this was another area where different jurisdictions had different requirements and there was sometimes limited recognition that a protection order may need to continue in place because it was working. One service provider said:

It's interesting because, in Victoria, the legislative requirements to renew an intervention order, the test is not whether there has been any breaches; the test is whether that person is likely to commit the family violence again in the future—but it is different in other states. (SP5)

### Legislative Issues

There was variable knowledge across service providers in relation to legislation, policy, and enforcement outside their own jurisdiction. Service providers who worked on or near a border had a strong knowledge of cross-border legislation and practices on the other side of the border. In contrast, service providers not located near a border identified they “did not know legislation in other states”. It also followed that agencies more removed from a border identified that victims who had crossed or were crossing a border formed a tiny component of their workload.

This lack of knowledge is reflected in the findings from Study One, where 45-70 percent across occupations chose “uncertain” as the category that best expressed their understanding of whether victims found it easy to register their protection orders in another state or territory (see Appendix O: Table O1). Even the question as to whether victims found it easy to register their

protection orders from another state or territory generated a response of between 32-47 percent in the uncertain category. In addition, 33-58 percent of professionals were uncertain of how easy it would be for victims to access legal assistance if a cross border protection order was breached (see Table O1). Most service providers worked in small agencies, with limited resources, funded by their respective jurisdictions to only focus on a particular locality within that jurisdiction. While this “silo” approach can increase the likelihood of victims experiencing information gaps, it would seem unreasonable to suggest that service providers should know the nuances of legislation and associated practices outside their own jurisdiction.

In the online survey, when asked about the factors that would improve cross-border enforcement of protection orders, professionals rated the top four factors as “consistency between state/territory legislations”, “open shared data access between agencies that is monitored across systems/agencies”, “consistency in police policy of protection orders”, and “information-sharing protocol guided by national legislation and shared operational procedures manuals” (see Appendix P: Table P1).

## Findings regarding information-sharing

### Information-sharing and support

Both the lack of information received by victims and lack of information-sharing between agencies in jurisdictions emerged as key themes in Study two. Victims spoke of being unaware of:

- the ability to register the protection order across borders without the perpetrator being given notification;
- other requirements of the “new” jurisdiction they had moved to, such as showing proof of service or certification of documents; and
- which jurisdiction was responsible when subsequent breaches occurred.

In relation to information-sharing between jurisdictions, most victims expected, as in Sarah’s example, that computer systems of the police and courts in one jurisdiction could be easily accessed by another jurisdiction. Even if computer systems were not used, victims hoped that a professional would be able to expedite the required paperwork on their behalf. Instead, they often found this was not the case, and they faced the burden of resolving the information impasse themselves:

So I basically had to do it myself, fish around, go to all the different court places, look up online, seeing what’s out there for myself. But if someone had kind of sat me down and said, “This is what happens, these are your rights, these are his rights, this is how it is.” Do you know what I mean? (Bridget)

Understandably, victims felt strongly that electronic access to records such as protection orders, proof of service (on the perpetrators), police statements, and court orders across jurisdictions should be available to avoid undue responsibility being placed on them. For some victims, these issues were further exacerbated by other factors, such as the timing of an interstate relocation in relation to the protection order process. An example that stood out was when victims moved across borders prior to the finalising of a protection order (see Sarah’s story), with such a move immediately escalating the need for timely and accurate information, and information-sharing between jurisdictions.

Service providers were also in agreement with the views expressed by victims that there was a lack of information-sharing across borders relating to protection orders by police and courts. These presented difficulties for victims if they could not provide the necessary documentation relating to their protection order or evidence of the protection order being served when attempting to register across borders.

As evident in interviews with victims, police featured to a large extent in the interviews with service providers. Again, this reflects the pivotal role police play in relation to general protection orders, and in cross-border protection orders. Service providers considered that there was a great deal of variability in the provision of information by individual police officers. This view is reflected in the following quotation:

The police were pretty highly involved, which I think was a good thing in this instance, because they spoke to her about the process for registering her order within another state. And they actually agreed to give her a call when she’d made it over and speak her through the process and talk to police over in the other state. And that was a really, really good example I can give, because you don’t usually have that response from the police. (SP14)

Service providers also spoke about case information that could be shared across borders to support victims. Some said that there were protocols in place across borders to share information about individual cases (which were not always followed); others said that protocols did not exist to their knowledge. This exploratory study could not determine whether or not there were protocols between jurisdictions at the time of the interviews or if they were used in practice, but it does suggest these questions have implications for practice and require further research.

Service providers emphasised the need for effective information-sharing both within and across jurisdictions to assist in providing women’s safety. However, they conveyed that, in practice, confidentiality requirements often stood in the way of effective information-sharing. Service providers called for legislative changes in relation to privacy requirements to support greater information-sharing within and across borders, as highlighted below:

I think a lot of us have worked in silos for a long time, a lot of services. I think there has been a real focus on confidentiality of women; I see why that is and, like I said, I am a strong believer in it. However, I think we’ve, you know, we’ve moved beyond that and actually need to look at what can we do in sharing information to enhance women’s safety—you know, still complying with privacy. But also if there’s something that somebody’s holding on to, and they can prevent serious harm or death, then I think it’s really important that they do some training around what’s appropriate to share; that’s here and across our border. (SP 2)

The finding from the online survey for Study One was that a large proportion of professionals (68-81%) perceived the need for specific legislation that facilitates the process of information-sharing between states and territories on protection orders (see Appendix O: Table O1).

Five (three police, one lawyer, one magistrate) of 53 (38 police, seven victim advocates, six lawyers, two magistrates) respondents to the open-ended question about cross-border enforcement specifically referred to the need for improvement and connections to systems that record information on cross-border protection orders, including:

*One system is needed to share information.*

*We need to increase our communication between agencies and remove the burden of frontline police having to do more paperwork.*

*Immediate electronic access by police to cross border criminal records. Delays of up to weeks are the norm.*

### Portability of protection orders

A strong theme emerged relating to the portability of protection orders in Australia. The ability for victims to move across borders knowing they have uniform protection was the predominant message that victims asked to be conveyed. They viewed this as overcoming the current situation where victims frequently do not realise they have to register a protection order when they cross borders. The quote below succinctly captures the consensus opinion of victims:

*It would be a nationwide thing, if you do have an AVO [protection order], you don't have to worry about putting it interstate and things like that, because a lot of people don't even know that. (Jemima)*

As the research was being conducted, a number of jurisdictions began to take action towards increasing the portability of orders. These jurisdictions included:

- New South Wales: *Crimes (Domestic and Personal Violence) Amendment (National Domestic Violence Orders Recognition) Act 2016* (NSW) (Bill passed in April 2016);
- Queensland: *Domestic and Family Violence Protection and Other Legislation Amendment Bill 2016* (Qld) (passed in October 2016);
- Victoria: *National Domestic Violence Order Scheme Bill 2016* (Vic.) (passed in October 2016); and
- Tasmania: *Domestic Violence Orders (National Recognition) Bill 2016* (Tas.) (passed in August 2016).

Service providers also advocated for a nationwide approach

to protection orders so that an order from one jurisdiction would be recognised on crossing borders without the need for a victim to register it. Associated considerations highlighted by service providers included changes to facilitate the appropriate sharing of information and national polices to enable consistent responses by police and magistrates in relation to enforcement and penalties across jurisdictions. They also conveyed a view that the child protection legislation should also be consistent across all jurisdictions and that a review of the family law legislation should be considered. As noted in the introduction to this report, jurisdictions have moved to introduce model laws so that there is automatic recognition and enforcement of all protection orders made in Australia.

In concluding the key findings relating to interviews with victims, it would be remiss not to identify that the 16 victims also talked at length about the psychosocial impacts of DFV. They spoke of the continuation of poverty, depression, insomnia, migraines, and post-traumatic stress disorder, attributing these both to the DFV they experienced, as well as the nature and length of their involvement with the civil and criminal legal systems in trying to find justice and safety.

## Concluding comments: Study Two

Overall, the findings revealed that the cross-border protection order process was one that was fraught with issues for victims and service providers alike. Study Two revealed inherent failures within the current cross-border protection order systems, and strongly held beliefs, by women and service providers, that the negative impacts of this system fall disproportionately on victims' shoulders.

A clear recommendation by all interviewees related to the need for a national protection order. This recommendation aligns with the findings from Study One, where 68-81% across all professional groupings showed agreement or strong agreement that information-sharing in regards to protection orders was more likely if specific legislation supported the process. At the same time, the findings of both studies indicate that there are myriad intersecting complexities that also need to be considered. A national protection order scheme by itself will not overcome a lack of information-sharing, or inconsistent policies and practice across jurisdictions.

It is not often that a research study can identify significant steps towards enacting the recommendations emerging from the study. However, in this case, such steps occurred late in the course of the study. At the December 2015 COAG meeting, jurisdictions agreed to introduce model laws to automatically recognise and enforce protection orders nationally. Additionally, the newly formed Australian Criminal Intelligence Commission (ACIC) is exploring options to develop a system that will support information-sharing and enforcement of protection orders between courts and police across Australia.

The findings of Study Two also highlight a need for professionals to receive specific DFV training and to have resources at their disposal to support victims of DFV. For a system to work, all of its components must be integrated and enabled to cooperate. Currently there are barriers in place within and across systems that negatively impact on victims.

Following is a discussion of key findings across the two studies, aligned with literature, and consideration of the implications of the findings.

# Discussion of key research study findings

This section synthesises and contextualises the key findings from the research study regarding enforcement of protection orders across Australia. The discussion particularly focuses on the implementation of legislation and policies across professions and borders in Australia and the recognition that enforcement of protection orders is not always keeping victims safe. The findings as a whole highlighted that current practice of professionals and experiences of professionals and victims alike revealed a range of inconsistent implementation. Findings are captured under three thematic groupings:

- existing knowledge, attitudes, and experiences;
- information-sharing (between courts, police, and service agencies);
- interagency co-ordination and co-operation, within and across borders.

## Knowledge

Professionals need knowledge about legislation, policies, and procedures to carry out their role. They also need knowledge regarding DFV dynamics. Victim advocates were understood as having an intimate knowledge of all aspects of DFV dynamics, risk assessment, and court processes that was used in practice in their responses to other professionals and victims. As such, the services were valued by other professionals and victims, and were viewed as a critical component in responding to DFV and enforcement.

In contrast, other professionals (police, magistrates, and lawyers) were viewed as sometimes having a lack of knowledge that impacted on their actions regarding enforcement. Knowledge and associated responses of police and magistrates in particular were deemed to be very variable, with the quality and level of enforcement dependent on the individual professional—for instance, which police officer or magistrate was responding to or making a decision about a breach, rather than each profession as a whole.

The nature of the inconsistencies was shown to have strong association with an inadequate knowledge of DFV dynamics. An adequate comprehension of the dynamics of DFV (Sentencing Advisory Council, 2013) is important, as it gives responding officers and sentencing magistrates a better understanding that some victims may want to drop charges when the situation de-escalates (Crime and Misconduct Commission, 2005). It can also make a difference in understanding their level of fear of consequences or threats made by the perpetrator. Inaction or

delayed response by legal authorities may encourage perpetrators to ignore protection order conditions and may undermine the security and protection the protection order is designed to offer the victim (Trimboli & Bonney, 1997).

While there is a degree of consistency in protection order legislation across jurisdictions, there is variability in the details relating to specific measures that may be provided (Taylor et al., 2015). Variations in legislative guidelines, the nature of the breach, the risk assessment tools available, and the subjective skills of responding officers (Sentencing Advisory Council, 2013) and sentencing judges (Andrews & Bonta, 2010; Monahan & Skeem, 2014) all contribute to inconsistent practice. Also shown to contribute to inconsistent implementation was variability of knowledge pertaining to risk factors (such as strangulation, sexual violence, history of violence) that is predictive of future DFV.

Knowledge across all professionals was particularly impacted when registration and enforcement of protection orders involved a cross-border component. A large number of respondents agreed with statements regarding a general lack of understanding by professionals about what was involved for a victim if they needed to register a protection order in another jurisdiction, and whether they could easily access legal assistance in the case of breaches. While this perception of a lack of knowledge somewhat decreased when asked if it was easy for a victim to register an order from another jurisdiction in their own jurisdiction, a great deal of uncertainty remained.

Cross-border breaches of protection orders take on additional complexities relating to enforcement when the breach was one where psychological and emotional violence was perpetrated by a means not easily demonstrable to police or magistrates, such as unrecorded phone calls from a private number. What was often deemed insufficient evidence to enforce the protection order was a particularly fraught matter for victims and a frustrating one for service providers. This type of abuse and breach was shown to detract from the capacity of police to respond and the court prosecution of these breaches (Sentencing Advisory Council, 2009). It was also shown to expose the lack of knowledge across professions, particularly with regards to which jurisdiction had the responsibility to enforce the breach. This resulted in victims receiving a range of conflicting information from police and magistrates across jurisdictions.

Police face difficulties associated with differing legislation, policies, authorities, and protocols of various jurisdictions (Fleming & Sarre, 2011). Unfortunately, when the breach is not enforced, the

findings show that victims, as well as some professionals, have a view of it as merely being a “piece of paper”. It loses its weight as a legal document that has legal consequences, as has also been highlighted in literature (Rollings & Taylor, 2008; Sentencing Advisory Council, 2013).

## Attitudes

Knowledge that translates to accurate information provided to victims should be a key premise of professionals’ practice. However, attitudes that accompany practice, or that may influence practice, should also be seen as critical elements of enforcement. Professionals agreed that the attitudes, helpfulness, approachability, availability of assistance, and ongoing support from court staff were important factors in encouraging victims to continue following through with enforcement of protection orders.

An interesting facet that was revealed in the survey findings was the polarised views across professional groups in relation to aspects of enforcement, revealing a range of differing attitudes. Police and magistrates were generally shown to have greater confidence about the efficacy of their actions than was conveyed by lawyers and victim advocates about the police and judiciary. For instance, in the survey, the majority of police and magistrates indicated that police often or always responded and enforced breaches in a manner that held perpetrators accountable. In contrast, 46 percent of lawyers and 57 percent of victim advocates conveyed this only happened sometimes (see Table 5).

While views were frequently polarised between two groups—police and magistrates versus lawyers and victim advocates, with lawyers somewhere in the middle but leaning towards the views of victim advocates—this was not always the case. For instance in the case of responses to the statement of implementation of breach penalties reflecting the severity of the breach, only 11 percent of police and 10 percent of victim advocates indicated they felt this often or always happened, as opposed to 58 percent of magistrates (see Table 4). Yet the responses to the statement that the family law system could be manipulated by victims reversed opinions of police and magistrates, with 61 percent of police agreeing contrasting with only 5 percent of magistrates and 10 percent of victim advocates (see Table 9).

Some of these views reflect misconceptions regarding the dynamics of DFV (Douglas & Walsh, 2010; Wangmann, 2008; Hunter, 2006). A small minority of survey respondents indicated beliefs about victims that demonstrated double standards for abused women compared to male perpetrators, a belief in the “leave” ultimatum (which presumes the only valid solution is for the victim to leave), and mother blame (for exposing children to the violence) (see Humphreys & Absler, 2011). When combined

with findings of inconsistent responses and decisions by some professionals, it is understandable that confidence in the efficacy of protection orders for victims and professionals alike can be eroded, a point also raised in previous research (Douglas & Stark, 2010; Robertson et al., 2007).

Findings from the survey in relation to attitudes towards diverse communities did not come from professionals from those cultures, but they nevertheless provide an important level of insight about attitudes and perceptions. There was a high level of agreement that improved access to local service providers, collaboration between local service providers, more police liaison officers, and improved access to interpreters were factors that would facilitate enforcement of protection orders in Indigenous and CALD communities. A point of clarification regarding interpreters was that they needed to have an understanding of DFV dynamics and legal language (Gillis et al., 2006; Judicial Council on Cultural Diversity, 2016). Previous research (Goodman-Delahunty & Corbo Crehan, 2016; Mitchell, 2011; Queensland Indigenous Family Violence Legal Service, 2014) has indicated that there can be fear and distrust of police, the justice system, and government agencies. A lack of cultural sensitivity on the part of agency personnel can heighten the anxiety experienced by members of CALD groups and Indigenous peoples when they are obliged to engage with enforcement systems. Police are the applicants in more than 95 percent of protection orders in remote Indigenous communities (QIFVLS, 2014) and cultural sensitivity on their part is essential.

This research revealed pockets of deficits of knowledge, varying attitudes, and inconsistent actions within and across professions. In Study One in particular, some participants would assess understanding of DV and legal processes as strong for a particular profession and then include free text material that showed a minimal understanding of these topics. In contextualising the findings pertaining to variable knowledge and attitudes, the adage of “you don’t know what you don’t know” resonates, but also highlights the need for training of professionals who work in this field regarding DFV dynamics. Such education and training needs to be related to their position and role, including a clear connection to what it will mean for changes to practice after the training.

This study indicated that there was a perception that legal professionals were not adequately trained in understanding and responding to the needs of victims (and diverse communities). In their research concerning protection orders (Douglas and Stark have indicated the need for judicial education in DFV dynamics and the need for consistency in approaches of magistrates towards protection orders (2010). That is not to say that education and training is not occurring, with examples such as *AVERT Family*

Violence training and the White Ribbon organisational accreditation program both providing individual and organisational upskilling. More broadly, the recent commissioning of a Domestic and Family Violence Bench Book for Australia and the extensive information provided in the Bench Book on theoretical understandings and the latest research on DFV stands to better inform judicial decision-making.

## Experiences

This investigation also sought to find out more about the impacts of enforcement for victims who move across borders. The voices of victims and service providers revealed a basic truth that the practice they encounter can be very different from articulated legislation and policies, and practice varies within and across professional groups, across agencies, and jurisdictions. This understanding of “the coalface” is critical if DFV reforms occurring across Australia are to be successful. There were instances where victims described feeling disbelieved, dismissed, or simply told nothing could be done because there was a lack of evidence. Victims provided graphic examples of the ongoing traumatisation affecting their health (mental, emotional, and physical) when the DFV service system responds in this way.

The perspectives of victims and service providers exposed specific areas where the variation of law, programs, and policies have unintended, negative impacts for victims who have cross-border protection orders or were attempting to register a protection order in another jurisdiction (Fleming & Sarre, 2011; QIFVLS, 2014). This was particularly apparent when victims moved across a border prior to obtaining a finalised protection order, only to find in some jurisdictions it was not enforceable (see also Eigenberg et al., 2003) or that a longer duration of protection order did not meet the requirement in another jurisdiction that the order should be “substantively the same”.

Findings highlighted the multiple agencies and systems that victims were involved in; this was particularly so when moving across a border involved a whole new set of agencies. This would often mean there was more than one court system involved, as well as sometimes child protection, housing, counselling, health, legal, financial, and child care service providers (Commonwealth of Australia, 2016) in victims’ lives. The engagement of multiple agencies and service providers often occurs when victims are in crisis (State of Victoria, 2016), emphasising the need for responsive services working together to meet victims’ needs.

Furthermore, victims and service providers identified that,

frequently, family law and child protection may be also involved. The often fraught intersection between DFV legislation and family law was well recognised in our review literature (refer to Taylor et al., 2015) and supports other recommendations (Bagshaw et al., 2010; Douglas & Fitzgerald, 2013) for a congruent prioritisation of victims’ safety across DFV and family law systems.

The tensions between not only family law and DFV legislation but also child protection were also emphasised in this empirical study. In the qualitative study, Susan’s story encapsulated some of the complexities impacting on victims (including children) when there is a division of power between the Commonwealth and the states and territories, with neither having “exclusive legal competence” (ALRC & NSWLRC, 2010, p. 12). Susan’s story clearly reflected a fragmented legal system where children are involved. Siloed approaches are taken, resulting in a less than optimal response in which DFV issues are overlooked in the overlap between systems (ALRC & NSWLRC, 2010). Victims spoke of having to contend with differing orders, requirements, and processes that were not congruent and sometimes in direct contrast with regard to access to children (Humphreys, 2007; Humphreys & Absler, 2011).

Meyer (2014) indicated in her study that responding to the long-term needs of women at risk requires a much stronger focus on perpetrator accountability. Previous research by Hirschel and Buzawa (2013) highlights the view held by lawyers and victim advocates in our study that the failure of police to follow up with offenders who flee an intimate partner violence scene is a primary factor in failing to prosecute intimate partner violence offences. If the enforcement of protection orders is to be effective, it is imperative that police act in a manner that holds offenders accountable for their actions, record the circumstances that surround the breach, and take decisive action when breaches are reported, especially given that offenders who breach are generally not difficult to locate (Hirschel & Buzawa, 2013).

While not the prime focus of the empirical work in this study, it needs to be acknowledged that there may be a range of work-related factors that can impact on professionals’ performance, many of which were identified in the state of knowledge report. Increased police workloads can impact on response timeliness (Rollings & Taylor, 2008) and, in Australia, it has been reported that police domestic violence call-outs have increased by 7 percent between 2015 and 2016 (Blumer, 2016). The increased volume of recorded incidents of violence and the complexity of domestic violence matters may prevent officers from responding in a timely fashion (Rollings & Taylor, 2008). Police also must rely on the amount and quality of information provided to the

3. See <http://plan4womenssafety.dss.gov.au/commonwealth-announces-national-family-violence-bench-book/>

attending officer by police dispatch systems, and, in many cases, it is not clear as to whether this information has been received and understood by the responding officer (Rollings & Taylor, 2008).

In the case of judicial officers, it has been acknowledged that they frequently operate under heavy workloads and time pressures and, similar to police, have increased caseloads with greater diversity (Gray, 2008; Mack, Roach Anleu, & Wallace, 2011). Factors such as budgetary constraints and time pressure also may impact on their opportunities to facilitate or attend training (Parker, 2014).

In regards to work-related factors that may impact on lawyers, Chan, Poynton, and Bruce's research (2014) identified an increased risk of mental health issues for legal practitioners. In this study, the "perceived job demands" of lawyers was identified as a key stressor (Chan et al., 2014, p. 1075). In the United States, it has been found that there are higher levels of vicarious trauma, stress, and burnout for lawyers working with domestic violence victims and criminal defendants (Levin & Greisberg, 2003).

## Information-sharing

The inadequacy of information provided by police was expressed by many victims as a major difficulty in their cross-border experience. Douglas and Stark's (2010) study of women's experiences of the criminal prosecution of domestic violence also revealed that none of the women could recall receiving referral information from police about available general support services.

Jurisdictions have also taken steps to improve information-sharing within their borders. One example is the New South Wales Charter of Victims Rights (Victims Rights and Support Act 2013 (NSW), Part 2, Div 2) which spells out the rights of the victim to receive information in relation to processes pertaining to the crime that has occurred. In providing information, police need to consider whether the referrals to services they are making when a protection order has been breached adequately meet the needs of victims and their families (QIFVLS, 2014).

In practice, legislation has to be supported by clarification of expectations of limits of privacy and practical guides, memoranda of understanding, and protocols on how to share information. This ensures that critical information is shared, including (but not limited to) information to enable protection order breach enforcement, particularly for the safety of victims and their dependants (CAWLS, 2014; Mulroney, 2003; QIFVLS, 2014). For information-sharing systems to be effective, the knowledge and participation of officers and staff is essential (ALRC & NSWLRC, 2010).

Additionally, during the course of this research, and as part

of a suite of recommendations being implemented from the Special Taskforce on Domestic and Family Violence's 2015 report *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland*, amendments have been made to the Domestic and Family Violence Protection Act 2012 (Qld). These amendments have included the addition of Part 5A, which provides a comprehensive, enabling framework for information-sharing to support the assessment and management of domestic and family violence risk, particularly facilitating sharing of information in the context of high-risk cases. The act now provides legislative protection for agencies providing specialist domestic violence services and other prescribed entities to share determined relevant information, including on protection orders, and is intended to support the safety of women and their children. Supporting practical guidelines to the amended act are also being developed.

Information-sharing guided by ethical conduct and the professional bodies' own policies and procedures was seen as important by service providers interviewed. This can be complicated by the risk of civil or criminal liability for the discloser, which often constrains disclosure of information by some professionals. Further research is required to identify what actually promotes safety where information-sharing is concerned. This needs to examine how to share information, what is shared and with whom, and what ethical issues are cited to resist change or impede taking responsibility for difficult decisions involving information-sharing.

Improved information-sharing is needed to improve the efficacy of enforcement of protection orders as well as improve the experience of victims to avoid re-victimisation. A proposed national domestic violence order scheme (ALRC & NSWLRC, 2010; Law, Crime, and Community Safety Council, 2014) that seeks to eliminate the need for registering is not new. Nor is the call for a robust national information-sharing model that would facilitate a process whereby action is taken promptly, particularly for high-risk cases of domestic violence (Finn & Compton-Keen, 2014). This would assist responding officers' information to better support vulnerable victims, to continuously identify risks, and to report them.

In addition, recording of information about services provided to victims may identify service gaps, thereby decreasing service duplication. Professionals voiced views that consistency between states' and territories' legislation or a national protection order would help eliminate some of the risks attached to registering and enforcing an order across borders.

Jurisdictions have taken action in relation to the portability of protection orders during the course of the research. To date, this has seen a number of jurisdictions passing legislation

enabling portability of protection orders across borders, which as discussed in Study Two. Legislation and protocols similar to those that exist in New South Wales (Taylor et al., 2015, p. 42) will be necessary in order to assure professionals that they will not be liable to prosecution in any way for helping to inform integrated responses. The relevant professional bodies' ethical standards may need to be reviewed and training provided in order to enable practitioners to protect victim safety and hold perpetrators accountable.

Fundamental to a national scheme is the ability for police jurisdictions to be able to share information on the terms and statuses of protection orders across state and territorial boundaries. The National Plan to Reduce Violence against Women and their Children (COAG, 2011) funded CrimTrac to develop such an information-sharing system (LCCSC, 2014). During the course of the study, CrimTrac merged with the Australian Crime Commission, forming the Australian Crime Intelligence Commission (ACIC) in July 2016. The ACIC is currently exploring options to develop a system to support information-sharing and enforcement of protection orders between courts and police across Australia. Currently, an interim solution is being developed that will use the National Police Reference System (NPRS), which already exists and is used by police and other law enforcement agencies. It is hoped to then extend access to courts in all jurisdictions. An aim is that information inputted by police about protection orders into the system will be improved, giving both police and courts a greater situational awareness on which to take action (Australia. Australian Criminal Intelligence Commission, 2016).

## Interagency coordination and cooperation

Interagency cooperation and information-sharing is crucial for consistency across agencies and jurisdictions and continuity of responsiveness across services and systems (Angus, 2015; Salter, 2012). The National Plan to Reduce Violence against Women and their Children acknowledges that success will only be achieved if all parts of the system are joined and work together seamlessly (sixth outcome area of the plan) (COAG, 2011). Each jurisdiction in Australia has committed to integrated responses, and across government and non-government sectors, better coordination is captured in policies (Breckenridge, Reese, valentine, & Murray, 2015).

Integrated systems and information-sharing require a degree of trust and common understanding in order to function. The divide between the attitudes of different professional groups towards domestic violence will continue to create difficulties in

the smooth operation of integrated systems. It is recommended that in the establishment of integrated responses, some time and resources are spent on developing shared professional and operational standards and values.

Polarised views could impact how joined services work together to potentially benefit the safety and wellbeing of victims. This is particularly so when considering victims have to interact with multiple service providers when they are in crisis (State of Victoria, 2016), as is the case when enforcement of protection orders is needed. This emphasises the need for responsive agencies and services working together to meet victims' needs. While police may be the first point of contact for victims in reporting abuse or breaches of protection orders, there are myriad points at which victims will first seek advice or support, as well as multiple referrals between agencies (government and non-government). For instance, a victim could be involved with more than one court system and child protection and need to access housing, counselling, health, legal, financial, and child care services (Commonwealth of Australia, 2016), as previously noted.

Multi-agency systems and integrated responses are bringing professionals together and opening the doors to collaborative risk assessment (Stanley, Miller, Richardson Foster, & Thomson, 2011). This emphasis on a higher level of integrated practice is particularly evident at the interface of child protection, police, and the DFV sector (Stanley & Humphreys, 2014). This trend indicates Australia is moving towards the ideal of creating "an integrated, multi-faceted, and cooperative system where victims are spared from having to locate the services they need, and perpetrators have fewer opportunities to evade justice" (UN Women, 2012, p.45).

The findings of this research highlight the need to engage with some of the historical, cultural, philosophical, and systemic barriers that exist in order for integrated responses to truly operate as intended. Within integrated approaches, all professionals must have a level of specialisation and training in relation to DFV dynamics. Our research indicates that some police could benefit from systemic supports and greater or enhanced appropriate training on the nature and dynamics of DFV to support the actions they take when there is a breach of a protection order. Findings gleaned from interviews revealed a need for training in gathering evidence when technology-facilitated stalking and abuse occurs that both victims and service providers said was frequently dismissed by police as being difficult to prove. A better understanding of DFV dynamics and support structure for police in making decisions would ideally alleviate delays in police response, failure to investigate domestic violence incidents, and inadequate follow-up with victims (Goodman-Delahunty & Corbo Crehan, 2016; SAC, 2009).

# Conclusion and future directions

Above all, this research concerns the protection of women and children from domestic violence and their safety and wellbeing. These must be at all times the underpinning and overriding legislative and practice goals of a service system response to domestic violence. However, as has been stated throughout this research report, achieving safety is often complex and difficult in the context of the many and varied individuals and organisations that have a part to play in the enforcement of protection orders.

In keeping with the final report from the COAG Advisory Panel (Commonwealth of Australia, 2016, p. 111) enforcement of protection orders will be strengthened by:

- reducing cultural barriers by continuing to increase cultural awareness and engagement of professionals with diverse communities;
- resourcing specialist and generalist domestic violence victim support services adequately and sustainably in order to respond to increased workloads;
- investing in capacity and capability of organisations and their professionals to work collaboratively in developing integrated response models;
- resourcing professionals to be able to respond in a well-informed, timely, and consistent fashion with greater knowledge and understanding of DFV;
- creating more coherent and consistent approaches to risk assessment and information-sharing mechanisms to facilitate safety of victims and accountability of perpetrators;
- ensuring that legislation consistently serves the purpose of safety of victims and accountability of perpetrators across family law, child protection law, privacy laws, and domestic violence laws; and
- continuing to build the evidence base, particularly in terms of unintended consequences of legislation, policies, and professional practice.

In closing, the research underscores the importance of work under the auspices of COAG, prevention work under the auspices of Our Watch, and research under the auspices of ANROWS. In highlighting professional practice in this study, and the impact on victims when cross-border enforcement is needed, it provides timely and useful insights for consideration as the agendas of the above stakeholders' progress.

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# Appendix A: Online survey questionnaire

ANROWS

AUSTRALIA'S NATIONAL RESEARCH  
ORGANISATION FOR WOMEN'S SAFETY  
*To Reduce Violence against Women & their Children*



## Perceptions of enforcement of domestic violence protection orders in Australia

### INFORMATION SHEET

#### Project Overview

Under the ANROWS (Australia's National Research Organisation for Women's Safety) Research Program 2014-16, the Queensland Centre for Domestic and Family Violence Research (CDFVR) is investigating current enforcement of domestic violence protection orders, information sharing, interagency cooperation, and cross - border issues to establish an understanding of existing practices. The National Domestic Violence Research Agenda recognised that a multi-jurisdictional comparison of legal and justice system responses across Australia is required to identify how the law can work to promote the safety of women and their children. "Improving legal and justice responses to violence against women" was therefore identified as a research priority (4.1) in the ANROWS Research Priorities 2014-15, released in May 2014.

#### Participation procedure

As a professional who has had some experience or exposure to domestic and family violence protection orders, you will be asked to share your experiences anonymously and voluntarily about the efficacy of protection orders. Questions relate to your knowledge, attitudes and experiences of what facilitates domestic violence protection order enforcement, as well as any hindrances to the process. A demographic section requesting participant background information (gender, age, occupation, etc.) is also included.

The survey will primarily be conducted online, but if you have any difficulty partaking, please contact the researchers below for alternative means to participate.

It is anticipated the survey will take approximately 30 minutes of your time to complete dependent, on the amount of information you choose to provide.

#### Benefits and risks

This research supports the ANROWS mission to deliver relevant and translatable research evidence which drives policy and practice, leading to a reduction in the levels of violence against women and their children.

As a working professional in this area you are in a key position to respond to people experiencing domestic and family violence and provide knowledge on the effectiveness of the protection order system and the experiences of the people involved.

Participants may experience discomfort from recounting domestic and family violence incidences. There are services available if you require assistance or support. Domestic violence support can be obtained by phoning 1800 RESPECT: 1800 737 732, 24 hrs, 7 days.

### Confidentiality/Anonymity

Only a limited amount of demographic information will be collected, such as your age group, state's location, and years of experience. Participation is voluntary and any concern with identifiable information will be addressed through the removal/withholding of that information.

Data will be stored securely on the CDFVR and CQUniversity servers. Data will be securely stored for five (5) years after the publication date of the last publication based upon the data in accordance with the CQUniversity policy.

### Publication of Results

It is intended that this information will be used in project reports and journal articles where possible, to showcase the findings of the research.

### Consent

You are under no obligation to consent to participate in this survey. Non-participation will not involve any penalty. If you choose to participate you may later discontinue participation at any time without penalty or without providing an explanation. By completing or partly - completing the survey, you have consented to participate in this research.

### Right to withdraw

Participants have the right to withdraw at any time during the survey and all information provided will be withdrawn at the discretion of the participant.

### Questions/further information

If you require any further information, please contact the researchers using the details below:

**Researchers:** Dr Nada Ibrahim/A./ Prof Annabel Taylor  
**Telephone:** (07) 3295 1177/(07) 4940 3312  
**Email:** cdfvrresearch@cqu.edu.au

### Concerns/complaints

This project has been approved by CQUniversity's Human Research Ethics Committee (clearance number H14/09-205) Please contact CQUniversity's Office of Research (Tel: 07 4923 2603; email: ethics@cqu.edu.au; mailing address: Building 32, CQUniversity, Rockhampton, Qld 4702), quoting the clearance number should there be any concerns about the nature and/or conduct of this research project.

## CONSENT FORM

I consent to participation in this research project and agree that:

1. Information on the project has been provided to me that I have read and understood;
2. I have had any questions I had about the project answered to my satisfaction by the information provided and any further verbal explanation provided;
3. I understand that my participation or non-participation in the research project will not affect my academic standing or my employment;
4. I understand that I have the right to withdraw from the project at any time without penalty;
5. I understand the research findings will be included in the researcher's/funding bodies' publication(s) on the project and this may include conferences and articles written for journals and other methods of dissemination stated in the information sheet;
6. I understand that to preserve anonymity and maintain confidentiality of participants that names and other identifying information will not be used;
7. I am aware that results of the study can be made available to me when the reporting requirements of the project have been finalised.

I agree that I am providing informed consent to participate in this project.

Yes       No

ANROWS

AUSTRALIA'S NATIONAL RESEARCH  
ORGANISATION FOR WOMEN'S SAFETY  
*to Reduce Violence against Women & their Children*



**2015**  
Perceptions of enforcement of domestic violence  
protection orders in Australia  
Survey

Your responses to this survey will be kept confidential and will not be used to identify you or your family.

## Section A: Your background.

This information will be used to group data collected and will not identify you personally or your family.

(Please TICK (✓) the boxes or PRINT clearly in the space provided)

1. Do you identify as male or female?  
 Male  Female
2. What was your age on your last birthday?  
 18-30 years  31-40 years  41-50 years  > 50 years
3. Do you identify as an Indigenous Australian?  
 No  
 Yes, Aboriginal  
 Yes, Torres Strait Islander  
 Yes, Aboriginal and Torres Strait Islander
4. Do you identify as being from a culturally and linguistically diverse background?  
 Yes  No
5. Which of the following best describes the *highest* level of education that you have *completed*?  
(Please ✓ ONE only)  

<input type="checkbox"/> No formal schooling	<input type="checkbox"/> Primary school (grades 1-7)
<input type="checkbox"/> Junior high school (grades 8-9)	<input type="checkbox"/> High school (grade 10)
<input type="checkbox"/> Senior high school (grade 11)	<input type="checkbox"/> Senior high school (grade 12)
<input type="checkbox"/> Certificate (I-IV)	<input type="checkbox"/> Diploma/Adv. diploma/Assoc. degree
<input type="checkbox"/> Bachelor degree	<input type="checkbox"/> Graduate certificate/graduate diploma
<input type="checkbox"/> Master's degree	<input type="checkbox"/> PhD degree/ doctoral degree
6. What is your current occupation?  
 Police  Magistrate  Lawyer  Victims' advocate  
 Other:  
.....

1. If applicable, what is your role/rank in your organisation? For example: manager, director, counsellor, coordinator, sergeant, senior constable etc.
  
2. How many years' experience have you had in the occupation nominated in Question 6?  
 .....
  
3. In which state/territory do you live? (Please ONE only)  
 .....
 

<input type="checkbox"/> Queensland	<input type="checkbox"/> New South Wales
<input type="checkbox"/> Victoria	<input type="checkbox"/> South Australia
<input type="checkbox"/> Western Australia	<input type="checkbox"/> Northern Territory
<input type="checkbox"/> Tasmania	<input type="checkbox"/> Australian Capital Territory
  
4. Which of the following best describes your work location?
  - Capital city
  - Other metropolitan centre (urban centre population > 100,000)
  - Large rural centre (urban centre population 25,000-99,999)
  - Small rural centre (urban centre population 10,000-24,999)
  - Other rural area (urban centre population <10,000)
  - Remote centre (urban centre population > 4999)
  - Other remote area (urban centre population <5000)
  
5. In which field do you predominantly work? (You can choose more than one category.)
  - Domestic violence matters
  - Family court matters
  - Criminal matters
  - Civil matters
  - Indigenous services and support
  - Culturally and linguistically diverse services and support
  - Other, please specify: .....
  
6. With whom do you mainly work? (You can choose more than one category)
 

<input type="checkbox"/> Victims	<input type="checkbox"/> Perpetrators	<input type="checkbox"/> Women
<input type="checkbox"/> Men	<input type="checkbox"/> Children	<input type="checkbox"/> Other: .....

The next set of questions explores your knowledge, perceptions, and experiences about the enforcement of domestic violence protection orders. These questions are presented in groups relating to a number of areas: legal considerations, police, legal personnel, victims' advocates, victims/survivors, perpetrators, cross-border, and information sharing.

You may find some of these questions confronting, but they are designed to elicit a range of opinions and there is an opportunity for personal input. At the end of the survey, you have an option to comment on any of the questions.

*For the purposes of consistency, throughout the survey the term domestic violence protection order (DVPO) is used to refer to domestic violence civil protection orders (different states/territories in Australia may describe them as domestic violence orders, apprehended violence orders, family violence intervention orders, violence restraining orders, family violence orders, and domestic violence restraining orders).*

*Please remember that your answers are anonymous and confidential and will not identify you.*

## Section B: Legislative experience

13. What are your views about the legislative considerations related to enforcement of domestic violence protection orders? Please select the option that mostly reflects your opinions and experience of domestic violence protection orders in YOUR state or territory.

Statement	Always	Often	Sometimes	Rarely	Never
a) Domestic violence protection orders keep victims and children safe from domestic violence	1	2	3	4	5
b) The definition of domestic violence (in my state/territory's legislation) adequately captures behaviours of people perpetrating domestic violence	1	2	3	4	5
c) Legal personnel have an understanding of the risk factors that predict future domestic violence (e.g. strangulation, sexual violence, history of violence)	1	2	3	4	5
d) Child custody decisions in family law tend to reinforce the safety provisions of domestic violence protection orders	1	2	3	4	5

14. Are you aware of the penalties for breaches of domestic violence protection orders in YOUR state/ territory?

- Yes       No       Unsure

15. Please select the option that mostly reflects your views about adequacy of penalties for breaches of domestic violence protection orders in YOUR state/territory.

Statement	Always	Often	Sometimes	Rarely	Never
a) Implementation of penalties for breaches of domestic violence protection orders keeps victims safe	1	2	3	4	5
b) Enforcement of penalties for breaches of domestic violence protection orders is sufficient to deter further breaches	1	2	3	4	5
c) Implementation of penalties for breaches of domestic violence protection orders reflects the severity of the breach	1	2	3	4	5

16. In your work, have you been exposed to cases of domestic violence involving breaches of domestic violence protection orders in YOUR state/territory?

- Yes, working with perpetrators  
 Yes, working with victims  
 No

17. Other comments about legal consideration in your working role/experiences?

## Section C: Police

Please remember that your answers are anonymous and confidential and will not identify you.

18. Police play a key role in the enforcement of domestic violence protection orders. Here we ask you about your observations about police in the enforcement of domestic violence protection orders in YOUR state or territory. Please indicate your level of agreement with the following statements.

Statement	Strongly agree	Agree	Uncertain	Disagree	Strongly disagree
a) Police have adequate knowledge of the dynamics of domestic violence	1	2	3	4	5
b) Police provide victims/survivors with useful information (e.g. to contact police, referral to services for support) on actions they can take for breaches of domestic violence protection orders	1	2	3	4	5

Please add any other comments about the role of police in domestic violence matters.

19. Please select the option that mostly reflects your experiences of police action in YOUR state or territory.

Statement	Always	Often	Sometimes	Rarely	Never
a) Police respond to and enforce breaches of domestic violence protection orders in a manner which holds perpetrators accountable for their actions	1	2	3	4	5
b) There is consistency in policing of breaches of domestic violence protection orders	1	2	3	4	5

20. A number of factors contribute to police action in response to breaches of domestic violence protection orders. Please select an option for each of the factors below that reflects your views/experiences.

Yes	No	Unsure	Factors affecting police action in cases of breaches of domestic violence protection orders may be:
			Physical evidence at the scene
			Availability of evidence (e.g. film and texts)
			Presence of a weapon in the breach scene
			Damage to property
			Presence of serious injury to victim
			Presence of minor injury to victim
			Record of previous injury to victim
			Heightened emotional state of victim
			Heightened emotional state of offender
			Likelihood of future violence
			Offender affected by alcohol/drugs
			Victim wants perpetrator charged
			Perpetrator fulfilling their parenting responsibilities
			Presence of children
			Limited resources available to police
			Police record of other offences committed by perpetrator
			Frequent calls for police assistance from household
			High volumes of police workload
			Administrative police procedures associated with breaches
			Cooling off period
			Others (please specify):

21. There are particular vulnerabilities and concerns when police enforce domestic violence protection orders in Aboriginal and/or Torres Strait Islander communities. Please indicate how police can facilitate enforcement of domestic violence protection orders for these communities.

Please select the option which best reflects your view.

Factors that will facilitate enforcement of domestic violence protection orders for Aboriginal and/or Torres Strait Islander communities may be:	Yes	No	Unsure
Higher/increased police presence			
Banning alcohol			
Cultural sensitivity training for police			
Improved access to interpreters			
Improved local project funding			
More police liaison officers (police personnel with knowledge/ background in specific cultural groups)			
Improved access to local service providers			
Improved collaboration between local service providers			
Greater availability of domestic violence services for referrals			
Others (please specify):			

22. There are particular vulnerabilities and concerns when police enforce domestic violence protection orders in culturally and linguistically diverse communities. Please indicate how police can facilitate enforcement of domestic violence protection orders for these communities.

Please select the option which best reflects your view.

Factors that will facilitate enforcement of domestic violence protection orders for culturally and linguistically diverse communities may be:	Yes	No	Unsure
Higher/increased police presence			
Banning intoxicants			
Cultural sensitivity training for police			
Improved access to interpreters			
Improved local project funding			
More police liaison officers (police personnel with knowledge/ background in specific cultural groups)			
Improved access to local service providers			
Improved access to settlement services			
Improved collaboration between local service providers			
Greater availability of domestic violence services for referrals			
Others (please specify):			

## Section D: Legal personnel

*Please remember that your answers are anonymous and confidential and will not identify you.*

23. Legal personnel (e.g. magistrates, lawyers, and police prosecutors) also play a key role in the enforcement of domestic violence protection orders. Here we ask you about your observations about the legal personnel in the legal administration of domestic violence protection orders in YOUR state or territory. Please select the option that mostly reflects your views.

Statement	Always	Often	Sometimes	Rarely	Never
Magistrates have a good understanding of the dynamics of domestic violence	1	2	3	4	5
Lawyers have a good understanding of the dynamics of domestic violence	1	2	3	4	5
Police prosecutors have a good understanding of the dynamics of domestic violence	1	2	3	4	5
Legal personnel have adequate training in working with victims	1	2	3	4	5
Legal personnel have adequate training in working with perpetrators	1	2	3	4	5

24. There are a number of factors that may affect magistrates' sentencing decisions on breaches of domestic violence protection orders. Please select an option for each of the factors below that reflects your views.

Yes	No	Unsure	Magistrates' decisions on breaches of domestic violence protection orders in MY state/territory are influenced by:
			Involvement of children in breach cases
			Beliefs regarding mutual responsibility for domestic violence
			Sufficiency of evidence available about a breach
			Community expectations on penalties to be imposed for breaches of domestic violence protection orders
			The seriousness or severity of the breach
			History of domestic violence between the involved parties
			History of breaches of the domestic violence protection order
			Time pressures
			Being overburdened by domestic violence cases
			Others (please specify):

25. Based on your experiences please select an option for each of the STATEMENTS below that reflects your views.

Yes	No	Unsure	Magistrates' decisions on breaches of domestic violence protection orders in MY state/territory are influenced by:
			Involvement of children in breach cases
			Beliefs regarding mutual responsibility for domestic violence
			Sufficiency of evidence available about a breach
			Community expectations on penalties to be imposed for breaches of domestic violence protection orders
			The seriousness or severity of the breach
			History of domestic violence between the involved parties
			History of breaches of the domestic violence protection order
			Time pressures
			Being overburdened by domestic violence cases
			Others (please specify):

## Section E: Victims' Advocates

*Please remember that your answers are anonymous and confidential and will not identify you.*

26. Victims' advocates also play a role in the indirect enforcement of domestic violence protection orders. Here we ask you about your observations about victims' advocates in YOUR state/territory. Please select the option that mostly reflects your views and experiences.

Statement	Strongly agree	Agree	Uncertain	Disagree	Strongly disagree
a) Specialist victim advocacy services are necessary for supporting victims to report a breach of a domestic violence protection order	1	2	3	4	5
b) Victim advocates are adequately resourced to support all who need them	1	2	3	4	5
c) Specialist victim advocacy services are a valued part of the justice system for their role of supporting victims of domestic violence	1	2	3	4	5

27. There are number of factors that influence the capacity of victim advocates to provide support to domestic violence related cases. Based on your experiences please rank the importance of each of these issues from 1-16, with 1 being the most important.

Rank	Factors which affect advocates' capacity to provide support to those who need it are:
	High volumes of work
	Lack of funding
	Workplace conditions associated with funding (e.g. wages, job security, etc.).
	Adequate supervision
	Time to network
	Access to professional development (time, cost, location, etc.)
	Service delivery constraints/ limitations
	Positive relationships with police, court personnel, magistrates, and legal practitioners
	Formalised MOU to communicate with police and courts
	Capabilities/training
	Low retention rate
	Difficulty recruiting staff
	Skills/ abilities of advocates
	Geographical isolation that affects ability to engage with clients
	Unreliability or limited availability of technology in remote areas
	Inaccessibility of services
	Others (please specify):

## Section F: Victims/survivors

*Please remember that your answers are anonymous and confidential and will not identify you.*

28. Some issues related to victims/survivors of domestic violence impact on the enforcement of domestic violence protection orders. Please read the following statements and select the response that mostly reflects your experiences/views about YOUR state/territory.

Please select an option that best describes your views about the following statements.

Statement	Always	Often	Sometimes	Rarely	Never
a) Standard conditions on domestic violence protection orders keep victims safe	1	2	3	4	5
b) There is a robust court process to determine whether real consent has been given by victims to revoke a domestic violence protection order	1	2	3	4	5
c) The family law system can be manipulated by victims	1	2	3	4	5

29. Breaches of domestic violence protection orders impact on the enforcement of the orders. Please read the following statements and select the response that mostly reflects your experiences/views about victims' attitudes towards breaches of domestic violence protection orders in YOUR state/territory

When domestic violence protection orders are breached:	Always	Often	Sometimes	Rarely	Never
a) Victims take breaches of domestic violence protection orders seriously	1	2	3	4	5
b) Victims use breaches of domestic violence protection orders to aid their case in family law matters	1	2	3	4	5
c) Victims have adequate support to be able to report breaches of domestic violence protection orders	1	2	3	4	5

30. There are a number of victim-related factors that may affect the enforcement of domestic violence protection orders. Please select an option that best reflects your views

Victim-related factors that may affect the enforcement of domestic violence protection orders are:	Always	Often	Sometimes	Rarely	Never
Lack of cooperation of victims with police	1	2	3	4	5
Victims wanting to drop charges when the situation de-escalates	1	2	3	4	5
Situations when a victim assists a perpetrator breach a domestic violence protection order	1	2	3	4	5
Victim's level of fear of consequences or threats made by the perpetrator	1	2	3	4	5
Others (please specify):					

31. There are number of factors that may support victims to continue with prosecution for a breach of a domestic violence protection order. Based on your experience, please select an option for each of the factors below that reflects your views about YOUR state/territory.

The factors that support victims/survivors to continue with prosecution include:	Always	Often	Sometimes	Rarely	Never
Prosecutors' attitudes	1	2	3	4	5
The helpfulness of court staff	1	2	3	4	5
The approachability of the court staff	1	2	3	4	5
The availability of culturally appropriate legal services/ advice	1	2	3	4	5
An approachable court environment	1	2	3	4	5
A safe court environment	1	2	3	4	5
Support to meet the personal costs of attending court (e.g. childcare, transportation, missing out on wages, time away from work)	1	2	3	4	5
The involvement of children	1	2	3	4	5
Ongoing support/contact with the investigating police officer	1	2	3	4	5
Others (please specify):					

32. Some states/territories currently have, in their domestic violence legislation, aiding and abetting clauses (i.e. when victims assist/endorse offenders to breach a domestic violence protection order). Please select an option for each of the statements that reflects your views.

Yes	No	Unsure	Aiding and abetting clauses (i.e. when a victim contributed to an offender breaching a domestic violence protection order):
			Are needed
			Are fair to both parties if victims can be charged
			Contribute to effective use of police resources
			Deter victims from contacting perpetrators
			Help to maintain safety for both parties if police are able to charge victims
			Deter victims from reporting breaches
			Show a lack of understanding of the dynamics of domestic violence
			Do not capture the power dynamics between perpetrators and victims
			Do not consider the likelihood that the victim is not consenting to contact with the perpetrator of their own choice
			Do not take into account the perpetrators' parental responsibilities that should be considered alongside the conditions of the domestic violence protection order
			Are safe and helpful for victims
			Others (please specify):

## Section G: Perpetrators

*Please remember that your answers are anonymous and confidential and will not identify you.*

33. Issues related to perpetrators named in domestic violence protection orders may also affect the enforcement of the orders. Please read the following statements and select the response that mostly reflects your views.

Statement	Always	Often	Sometimes	Rarely	Never
a) The human rights of perpetrators are respected in the current enforcement practices of domestic violence protection orders	1	2	3	4	5
b) Breaches of domestic violence protection orders are not taken seriously by perpetrators	1	2	3	4	5
c) Perpetrators usually receive sound advice when pleading their case in court	1	2	3	4	5
d) The family law system can be manipulated by perpetrators	1	2	3	4	5
e) When defending a breach of a domestic violence protection order, perpetrators have access to adequately trained support in court	1	2	3	4	5

## Section H: Cross border and information sharing

*Please remember that your answers are anonymous and confidential and will not identify you.*

34. Please select the option that mostly reflects your views and experiences about the cross-border enforcement of domestic violence protection orders in YOUR state/territory (i.e. domestic violence protection orders that have been registered in a state other than the state where the order was made).

Statement	Strongly agree	Agree	Uncertain	Disagree	Strongly disagree
a) It is easy for victims from my state/territory to register their domestic violence protection orders in another state/territory	1	2	3	4	5
b) It is easy for victims from another state/territory to register their domestic violence protection orders in my state/territory	1	2	3	4	5
c) It is easy for victims to access legal assistance if the interstate domestic violence protection order has been breached in my state or territory	1	2	3	4	5
d) Information-sharing between states/territories in regards to domestic violence protection orders is more likely to happen when there is specific legislation to support this process	1	2	3	4	5
e) There is general consistency in penalties imposed by magistrates across jurisdictions when a domestic violence protection order is breached	1	2	3	4	5

35. There are a number of factors that may improve the enforcement of domestic violence protection orders across interstate boundaries. Please rank the importance of each of these issues from 1 - 7 with 1 being the most important.

Rank	Factors that may improve the enforcement of domestic violence protection orders across state boundaries:
	Consistency between states' and territories' legislation
	Consistency in police policy on domestic violence protection orders
	Open shared data access between agencies that is monitored across systems/agencies (e.g. health records, police records, history of domestic violence related behaviour of victims and perpetrators)
	Shared risk assessment protocols between agencies for domestic violence incidents (e.g. instruments to predict risk of harm, injury or death)
	Open communication channels (e.g. regular meetings, correspondence) between agencies involved with enforcement of domestic violence protection orders
	Information sharing protocols guided by national legislation and shared operational procedures manuals
	Consistent collaboration between police, magistrates, lawyers, and victim advocates

36. If there are other factors (not listed above) that may improve the enforcement of domestic violence protection orders across interstate boundaries, please list these here:

37. Is there anything else you would like to share about the enforcement of CROSS-BORDER domestic violence protection orders in YOUR state/ territory?

38. The following statements examine your personal experiences following exposure to cases of domestic violence. Please select the option that mostly reflects your views.

STATEMENT	Strongly agree	Agree	Uncertain	Disagree	Strongly disagree
a) I experience personal stress from involvement in domestic violence cases.	1	2	3	4	5
b) If I experience/d stress from exposure to domestic violence cases, I have good networks to support me	1	2	3	4	5
c) The supervision in my workplace is adequate for, and supportive of, my work in domestic violence.	1	2	3	4	5

39. Thinking about the enforcement of domestic violence protection orders, in what ways do you believe the needs of the following community groups could be better supported?

a) Aboriginal and Torres Strait Islander people

.....

b) Culturally and linguistically diverse people

.....

c) LGBTIQ people

.....

40. Is there anything else that you would like to share about the enforcement of domestic violence protection orders that hasn't been asked in this survey? Please use the space below to share any other comments you may have.

.....  
 .....  
 .....

**Please remember that your answers are anonymous and confidential and will not identify you.**

*This completes the questionnaire.*

**Thank you** again for taking part in this research. Your input is valuable and is anticipated to inform the enforcement of Domestic Violence Protection Orders across Australia.

*Remember to keep the Information Sheet.*

# Appendix B: Additional details of methodology for Study one

## Research design

This research used a mixed multi-method approach that involves collecting and analysing qualitative and quantitative data (Creswell, 2009; Teddlie & Tashakkori, 2003) to answer the respective research questions presented under each study. By combining insights from multiple data sets, and multiple worldviews, a better understanding of enforcement of DVPOs can be achieved than using one dataset alone (Creswell, 2009; Teddlie & Tashakkori, 2003). Collection of data for this study was carried out through two specific studies. Study one surveyed professionals (that is, police, magistrates, lawyers, and victim advocates, – which included service providers) using an online survey. Respondents were asked about their perceptions of enforcement of DVPOs in general, using closed-ended questions (quantitative) and some selected open-ended questions (qualitative). Study two interviewed DFV victims and service providers on their experiences with cross-border enforcement of DVPOs.

## Study 1

### Participants for Study one

It was planned at the outset that in order to obtain the perspectives of Australian professionals on DVPO enforcement, the sample for the survey would include police, magistrates, lawyers, and victim advocates from all Australian states and territories. The final sample included police, magistrates, lawyers, and victim advocates from all jurisdictions except for police from South Australia and Northern Territory and magistrates from Tasmania, as they declined to participate.

To compose the sampling frame, police, magistrates, lawyers, and victim advocates directly or indirectly involved in the enforcement process of DVPOs across Australia were contacted to assist in the dissemination of the survey link within their professions and jurisdictions. The great majority of those contacted were supportive of the research; however, there was a small number of professionals who declined to assist in the survey link distribution process.

### Measures for online survey

The survey began with a section capturing socio-demographics of participants including gender, age, and details of education and work histories (please see Table 1 page 14, for specific categories)

The survey then included questions on DVPO enforcement in a number of key areas, including: DFV legislative considerations, the role of policing, the role of legal personnel, and victim advocates' capacities. The survey also asked participants questions about their understanding and beliefs regarding victims and perpetrators of DFV and more specifically about their understanding of cross-border DVPOs and information-sharing. Finally, open-ended questions throughout the survey allowed participants to share any additional information about their own experiences with the enforcement of DVPOs. All participants were asked questions in relation to their professional areas and that of the other professions, meaning each survey was identical for each participant. For example, police and magistrates were asked the same questions about policing as well as the same questions about legal professionals and victim advocates.

### Enforcement of DVPO subject areas

Questions for the survey targeted specific subject areas pertaining to respondents' perceptions of the enforcement of DVPOs including:

- Legislative considerations: questions in relation to DFV legislation (for example the definition of DFV and perceptions about the adequacy of penalties for breaches).
- Police: questions about perceptions of police knowledge and actions taken in the enforcement of breaches.
- Legal personnel: questions in relation to perceptions of legal personnel and their understanding of the dynamics of DFV, as well as the adequacy of their DFV training and decision making around breaches.
- Victim advocates: questions were asked about perceptions of the importance and funding of advocacy services.
- Victims/survivors: questions were asked about the safety of victims with DVPOs as well as respondents' perceptions about the consent process for revoking DVPOs.
- Perpetrators: questions were also asked about whether the human rights of perpetrators were respected in the enforcement of DVPOs.
- Cross-border DVPOs: a portion of the online survey concerned perceptions of cross-border issues related to DVPO enforcement, such as ease of registering interstate DVPOs, including whether it was easy to access legal assistance and the consistency of penalties imposed across jurisdictions.

## **Facilitators and barriers to enforcement of DVPOs**

Respondents to the survey were asked about factors that they perceived facilitated or hindered the enforcement of DVPOs. These factors were grouped according to the following categories:

- **Police:** questions were asked about the factors perceived to affect police decision-making when investigating a breach of a DVPO. Questions about perceptions of enforcement in relation to Aboriginal and Torres Strait Islander people and culturally and linguistically diverse (CALD) communities were also posed.
- **Legal personnel:** questions were asked about the factors that were perceived to influence magistrates' decisions related to DVPO breaches.
- **Victim advocates:** respondents were asked to rank the factors they perceived to affect the capacity of advocates to provide support.
- **Victims/survivors:** questions about victim-related factors that were perceived to affect enforcement of DVPO breaches were included, along with factors that were perceived to support victims to continue the process of prosecution. Attitudes towards aiding and abetting clauses were also covered.
- **Perpetrators:** questions were asked about issues specific to perpetrators that influenced DVPO breach enforcement, such as whether perpetrators took breaches seriously and whether they had adequate support and advice when in court.
- **Cross-border DVPOs:** questions were also asked about factors that may improve enforcement of DVPOs across state boundaries.

## **Information-sharing**

A portion of the online survey concerned the role of information-sharing. Questions were designed to investigate:

- perceptions of information-sharing related to cross-border enforcement; and
- any additional information professionals were prepared to share on their personal experiences of DVPO enforcement.

### **Pre-data-collection procedures**

Procedures related to the construction of the online survey and pilot testing of the survey are presented here.

## **Sample recruitment**

Police ethics offices or senior managers within the police, chief magistrates' offices, Women's Legal Services, Legal Aid and domestic violence service providers in all states or territories

across Australia were contacted in-person, by phone calls, and by email over a period of 3 months. The recruitment of participants varied dependent on the professionals being recruited, as described below.

### *Police*

To recruit police from the majority of jurisdictions across Australia, ethics applications were submitted to the required police research ethics offices or other relevant officers, such as senior managers, for consideration. The response time for approval or disapproval varied depending on the police ethics committee meeting times and took approximately 4 months to complete. Survey link dissemination within each jurisdiction was staged dependent on when appropriate police ethics approval was received. Approval to conduct research with police was received from all jurisdictions except South Australia and the Northern Territory. A contact person was provided from each jurisdiction for survey link distribution if the survey was approved for dissemination. The researchers requested that 100 general duties officers be asked to participate in the survey, but recruitment was subject to the needs and availability of the police services participating. Thus in some instances, officers from different areas within a state may have been unavailable to participate, meaning a truly randomised sample was unachievable.

### *Magistrates*

The process of recruitment of magistrates across Australia involved engaging the chief magistrate's office in each state/territory. None of the jurisdictions required an ethics process additional to that which was obtained from the CQUniversity Human Ethics Committee. All jurisdictions initially agreed to participate; however, Tasmania later declined. The chief magistrate's office in each jurisdiction was the contact point for the survey link dissemination to all available magistrates in that jurisdiction.

### *Lawyers*

Lawyers who worked with DFV cases were recruited via Women's Legal Services (WLS) and Legal Aid in each jurisdiction across Australia. To represent Aboriginal and Torres Strait Islanders across Australia, the National Aboriginal and Torres Strait Islander Legal Services (NATSILS) was engaged for the dissemination of the survey link. The principal lawyer for WLS in each jurisdiction was the main contact person for survey link dissemination to available lawyers in the corresponding legal service.

### *Domestic violence advocates*

Domestic violence advocates were recruited via telephone helplines (national and jurisdictional). National organisations such as ANROWS and the Australian Women Against Violence Alliance (AWAVA) were also used to reach out to DFV advocates

across Australia. Key specialist domestic violence services in each state and territory were also contacted directly. Organisations that provided CALD specific services were also engaged to disseminate the survey link through designated contact people.

#### *Online survey design*

The survey adhered to appropriate methodological and ethical considerations specific to the participant groups as supported by well-known research methodology specialists (e.g. see Babbie, 2010; Dillman, 2007; Fink, 2006; Hagan, 2012; Leedy & Ormrod, 2010; Parten, 1966). For example, an introductory information sheet was designed to inform participants about the study and allow them to make an informed decision about participating in the research. This information sheet included information on the research ethics approval and the research team, as well as issues pertaining to confidentiality, anonymity, voluntary participation, informed consent, benefits of the research, ethical conduct, associated risks, and feedback on research as per CQU-HREC guidelines. To ensure anonymity of participants, incentives could not be provided, although incentives may have increased the response rate (Dillman, 2007; Hagan, 2012; Parten, 1966). A mandatory question that required participants to check a box if they wished to proceed with the survey ensured only participants who provided consent could proceed.

Self-administered surveys play an important role in improving the response rate when investigating sensitive issues (Fink, 2006) and hence were appropriate for this investigation of DVPOs. The survey lay-out was based on moving the respondent from the general to the specific – that is, from their demographic details through to items on each aspect of enforcement of DVPOs. The survey was divided into eight sections (see Appendix A). Section - A began by asking non-threatening information about the socio-demographic details of the participant. Section - B to Section - E included questions on DVPO enforcement comprising DFV legislative considerations, the role of policing, legal services' role, and victim advocates' capacities (described in more detail above under measures). Section - F and Section - G concerned victims/survivors and perpetrators and their influence on DVPO breaches and enforcement. Section - H specifically asked about cross-border experiences and information-sharing. As mentioned before, a limited selection of qualitative questions were included so that respondents could describe innovative practices along with additional concerns.

#### **Pilot: content face validity**

The draft survey was pilot-tested with a group of professionals (magistrates, police, and victims' advocates) who reflected the occupational demographics of the sample population to seek their comprehensive feedback on the content of the online survey. The feedback that was requested via email responses included: clarity, wording, and difficulty of questions; length of the survey and time taken to complete it; and any suggestions for extra topics to be included in the survey.

Upon receiving feedback from seven respondents, the draft survey was amended. The amended survey draft was reviewed further by the research team and the ANROWS advisory group and changes were incorporated to finalise the content of the survey.

#### **Pilot: design validity**

After the draft survey was finalised for content face validity, it was sent to eight individuals for comprehensive feedback on design; asking them to evaluate the ease of navigation, flow, completion time, overall format, design of the survey, and comprehensiveness of instructions.

After a thorough examination of the feedback, the design of the survey was modified, certain sections reconstructed, skips incorporated for better flow, clearer instructions provided for each question, and assurance of confidentiality and anonymity restated throughout the survey. Although the survey draft was pilot tested in SurveyMonkey, due to concerns about data storage and security raised by one police jurisdiction, LimeSurvey was employed for the final survey administration. The time estimated to complete the questionnaire was 30 minutes depending on the amount of information respondents wished to share. The final survey was pre-tested before being activated online.

#### **Field data collection procedures**

Following the assurance of integrity of the online survey from the pilot study, the survey link was sent to all the professionals recruited for the dissemination of the survey. The online survey remained active for 3 months. At the first closing date, 1776 responses had been received. By re-launch closing date (see "re-launch of online survey" below), an additional 146 responses were received. From the submitted responses, 1034 cases were deleted as respondents had either entered the survey and not recorded any responses or had completed the demographic section but no further questions. A final 836 surveys, where at least one of the questions regarding the enforcement of DVPOs had been answered, were used for final data analysis once cleaned and coded.

### **Reminders to encourage participation**

Determining the appropriate time to send reminder letters was based on when daily returns had declined. To increase the response rate, two follow-up reminders were sent to encourage participation and the closing date for the online survey extended a further month due to the low number of fully complete surveys received.

### **Re-launch of online survey**

Because of an internal technical problem for Tasmania police and low numbers from Queensland police, the online survey was re-launched for 6 weeks to encourage their participation. A reminder letter was sent 2 weeks prior to the closing date to encourage those who had not yet participated in the study to do so. This resulted in a significant increase in respondents (Queensland police from 11 to 83).

## **Study 2**

### **Research approach**

The research design and researchers' approach to qualitative interviews were premised on the following principles of engagement with participants:

- respect;
- sharing control;
- reciprocity; and
- support for victim participants.

These principles were conveyed in a letter of greeting and invitation, which was sent to potential interviewees via service providers offering them a choice of how, when, and where interviews could take place and some control over the duration of the interview. A small gift, which was both personal and practical, was offered as a token of appreciation to each participant. The decision to provide a body-care pack, containing toiletry items such as a nail file, lotion, shampoo, and conditioner, was informed by service providers. Participants expressed gratitude for this gesture which far outweighed the modest cost of the gift.

### **Qualitative semi-structured interviews: victims**

A questionnaire was developed drawing on the state of knowledge paper and the questions posed in the online survey. Open-ended questions enabled the capture of women's stories about their experiences and were used as cues, rather than being asked in a linear, prescriptive manner. To ensure a consistent approach across the team of interviewers, a protocol was developed, tested,

and applied in interviews.

The research team had already contacted this group of interviewees in the course of recruiting for the victim interviews. Thus, the mechanisms by which service providers were invited to participate were a follow-up phone call and email. The email revisited information about the intent of the study and provided a questionnaire, the questions in which aligned with the interviews with victims.

All service providers approached agreed to be interviewed with a view to adding further context to the experiences of victim interviewees. Suitable times and interview processes were established at the discretion of the services. Ultimately, 14 phone and six face-to-face interviews were recorded after verbal consent was obtained.

### **Interview mechanisms**

Fourteen participants nominated to be interviewed by phone, indicating this enabled them to stay at home and maintain their schedule or respond to their children's needs. The remaining six participants requested face-to-face interviews and predominantly chose cafes as the venue to meet the researcher. No victims availed themselves of the offer of support before, during, or after interviews but each was made aware of services available to them.

### **Service provider participants in cross-border interviews**

A sample of service providers was not included in the original project plan. However during the course of the study it became apparent that the recruiting service providers held valuable information and insights that would benefit the study greatly. Endorsement for inclusion of 20 service providers in the study was provided by the ANROWS Advisory Group and Ethics approval followed.

Six service providers hailed from Victoria and Queensland respectively, another four were based in New South Wales, and the remaining four were from the Northern Territory.

The sample comprised nine legal services (Women's Legal Services and Community Legal Services), nine victim advocate services, and two services from the women's refuge sector. It should be acknowledged that this cohort may have also been respondents in the online survey; however this was neither a question asked of them nor something to which they referred. This may be attributable to the fact that the interviews were identified as "Study Two" and focused on cross-border DVPOs, while, in contrast, the survey canvassed a wider range of issues.

### Service provider interviews

The research team had already contacted this group of interviewees in the course of recruiting for the victim interviews. Thus, the mechanisms by which service providers were invited to participate were a follow-up phone call and email. The email revisited information about the intent of the study and provided a questionnaire, the questions in which aligned with the interviews with victims.

All service providers approached agreed to be interviewed with a view to adding further context to the experiences of victim interviewees. Suitable times and interview processes were established at the discretion of the services. Ultimately, 14 phone and six face-to-face interviews were recorded after verbal consent was obtained.

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# Appendix C: Letter of greeting, information sheet, and consent form for victim interviewees

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AUSTRALIA'S NATIONAL RESEARCH  
ORGANISATION FOR WOMEN'S SAFETY



## Domestic violence protection orders: cross-border experiences of women

Greetings! A research team from the Queensland Centre for Domestic and Family Violence Research (QCDFVR) is currently conducting interviews to learn more about victims/survivors who have moved interstate because of domestic and family violence and their experience of protections offered to them.

### The reason for the research: keeping women and their children safe

We know that domestic and family violence has a great impact across Australian communities. If we are to improve how we respond to the needs of women and their children, we need to hear every point of view. Because little is known about women's experiences of protection orders after moving interstate, we are very interested in learning about their positive and negative experiences of support they received and information processes.

We are also interested in hearing what may have stopped women from seeking assistance from police, courts, lawyers, and domestic violence advocates.

The findings of this research will have great benefits. It will allow women to voice their experiences of cross-border situations. It will help us to learn more about current information sharing strategies, what is useful, and what can be improved to support women and children's safety. We hope the material from interviews may inform future reforms, so improving the value of cross-border orders to keep women and children safe.

### If I am interested, what happens now?

Because your privacy is very important to us, we are contacting you through an agency, which is willing to support you to engage in this research. The research will involve an interview process that could take two hours, depending on how much you would like to say.

Your identity is protected: the interview will be anonymous and confidential. What you tell us will be grouped together with the responses of others. The information collected from the interviews will be reported in general themes and will not involve anything that will identify you. All data will be managed and stored securely to comply with very strict CQUniversity guidelines.

The person interviewing is likely to be remote from where you live so it will be up to you whether you wish to talk over the phone, link up via the wonders of technology (like Skype), or would prefer a face to face interview. We are grateful for your time, so as a thank you, we would like to send you a small self-care gift as a token of our appreciation.

Further information about the study is contained in the information sheet and consent form, which accompanies this letter.

We ask that you read all the information provided fully before agreeing to proceed with an interview. It is important that you understand all of this information. If you have any questions or concerns regarding this study please contact Ms Heather Lovatt, or request Heather contacts you. Heather will be very happy to talk with you further about this project and make arrangements for the interview that suit you, if you agree to proceed. The support agency can also help with this. Heather's details are:

**Phone:** (07) 49403322  
**Mobile:** 0409623718  
**Email:** h.lovatt@cqu.edu.au

### More about the research team and the interviewers



I am Annabel Taylor and I would like to introduce myself and the other two Senior Researchers in the team, Nada Ibrahim and Heather Lovatt. I have been a social worker in a women's prison for many years and then I began teaching and researching in the University of Canterbury in New Zealand. I helped to set up a house for women on release from prison and a family support service too. I am now Director of the Queensland Centre for Domestic and Family Violence and undertaking research. I have two grown up-children of my own and two step children.

Nada Ibrahim has had a range of experiences working in the area of elderly care, providing relationship counselling, running workshops ,and teaching at Griffith University. Nada continues to work with faith-based communities who come from culturally and linguistically diverse backgrounds on domestic violence related issues. Nada's interest is how to meet the needs of these communities at a grass roots level.

I have already mentioned Heather as the primary contact in the first instance. Heather comes with a community welfare background. Along with a number of roles as a carer, including being a mother and grandmother, Heather has worked in a range of non-government and government agencies, including those related to domestic and family violence. She too, has experience of teaching at universities as well as conducting research.

We are all very excited about the prospect of learning more about your cross-border experiences and look forward to one of us talking to you, should you accept our invitation.

*Yours sincerely*

**Annabel Taylor**

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## Domestic violence protection orders: Cross-border experiences of women

### Information sheet: interviews

#### Project overview

Under the ANROWS (Australia's National Research Organisation for Women's Safety) Research Program 2014-2016, the Queensland Centre for Domestic and Family Violence Research (CDFVR) is seeking to find out more about women's experiences of cross-border domestic violence protection orders to establish an understanding of existing practices in, and between, states and territories in Australia.

Domestic and family violence has a great impact across Australian communities and, to keep women and children safe, it is important to consider every viewpoint when re-forming and re-designing effective service responses. However little is known about women's experiences of cross-border protection orders. Through interviews with women who have moved interstate we want to hear about their positive and negative experiences of moving across borders. We are also interested in hearing what may have stopped women from seeking assistance and how practices relating to cross-border orders can better serve the needs of women and children across states and territories.

#### Participation procedure

We would like to learn about your experience of cross-border domestic violence protection order(s). We will ask you to participate in an interview where a researcher will ask a number of questions relating to your experience. The questions are "open-ended" so you can tell us in your words about what worked and what didn't in relation to your protection order and obtaining information and support.

We expect the interview will take approximately an hour of your time dependent on the amount of information you choose to share. So that we do not miss any of your valuable input we will ask your permission to record the interview.

If you experience discomfort from talking about your experiences in relation to cross-border protection and require additional assistance or support, there are services available and we can assist with ensuring you receive the support you need.

#### Confidentiality/anonymity

Your participation is voluntary, and while we will record what you say, your interview is anonymous and confidential. Only a limited amount of personal information will be collected, such as your age group and state location. If there are any concerns with sharing information which may identify you, this material will be withdrawn/withheld.

As per CQUniversity policy, your interview recording and documents will be stored securely at CQUniversity Brisbane campus for five (5) years after the last publication based upon the data.

#### Publication of results

The information you provide may be used in project reports and journal articles where possible to showcase the findings of the research. These reports and articles may be shared on research websites, at conferences and other research-related events.

#### Consent

It is important that you understand all the information about this study before providing your consent and a consent form follows.

#### Right to withdraw

You have the right to cease your participation at any time during the interview. The information you provided can be withdrawn at your request.

#### Feedback

You can ask to have the overall results of the study sent to you. This request can be made on the following consent form.

#### Concerns/Complaints

This project has been approved by the CQUniversity's human research ethics committee (H14/09-205). Should you have any concerns about the process please contact:

Associate Professor Annabel Taylor, Director, Queensland Centre for Domestic and Family Violence Centre, 07 4940 3320.

Should your concerns remain regarding the ethics of the process you can contact CQUniversity's Office of Research (Tel: 07 4923 2603; email: ethics@cqu.edu.au; mailing address: Building 32, CQUniversity, Rockhampton, Qld 4702).

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## Domestic violence protection orders: Cross-border experiences of women

### Consent form

**I consent to participation in this research project and agree that:**

1. I have read and understood the letter of introduction and information sheet provided to me.
2. I have had any questions I had about the project answered to my satisfaction by these documents and any further verbal explanation provided.
3. I understand that I have the right to withdraw from the project at any time.
4. I understand the research findings will be reported on and shared in a number of ways as stated in the Information Sheet.
5. I understand that at no time will my name, or any identifying features, be used in any report or publication(s).
6. I agree that I am providing informed consent to participate in this project.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name (please print): \_\_\_\_\_

#### OPTIONAL

If you would like us to provide a copy of the overall results please supply a postal or email address that you are comfortable with for us to send it.

Postal address: \_\_\_\_\_

Email address: \_\_\_\_\_

# Appendix D: Information sheet for support person for victim interviewees

## Information sheet: support person

### Project overview

Under the ANROWS (Australia's National Research Organisation for Women's Safety) Research Program 2014-2016, the Queensland Centre for Domestic and Family Violence Research (CDFVR) is investigating current enforcement of protection orders, information sharing, interagency cooperation, and cross-border issues to establish an understanding of existing practices.

The national research agenda recognised that a multi-jurisdictional comparison of legal and justice system responses across Australia is required to identify how the law can work to promote the safety of women and their children. "Improving legal and justice responses to violence against women" was therefore identified as a research priority (4.1) in the ANROWS research priorities 2014-2015, released in May 2014.

### Participation procedure

It is important to note that the interview is being conducted between the researchers and the victim of domestic and family violence. Although you may wish to provide extra information or knowledge on the victim's experience, please refrain from doing so, as any outside information could affect the consistency of the information obtained. You are welcome to provide emotional support to the victim during the interview if needed, and also the victim may wish to engage in conversation following the interview process. The victim may also feel confident in conducting the interview by themselves and the researcher and may just need some assistance with setting up the interview. They may also feel supported knowing that you are not too far away if needed.

The confidence of domestic and family violence (DFV) victims/survivors in the criminal justice system is an important issue to be considered when exploring intervention and prevention strategies towards deterring DFV. Information on the experiences of DFV victims/survivors with the criminal justice system is extremely important to better understand how cross-border protection orders are enforced. The purpose of this study is to identify facilitators and barriers to the enforcement of cross-border protection orders as well as any hindrances to the process.

The interviews will likely be conducted face-to-face or through online software such as Skype at a time convenient. You may have been called upon to assist with this process. If you foresee any difficulty for the victim participating in the interview please contact the researchers below. It is anticipated the interview will take approximately 1 to 2

hours of your time dependent on the amount of information the person you are supporting chooses to provide.

### Benefits and risks

This research supports the ANROWS mission to deliver relevant and translatable research evidence which drives policy and practice, leading to a reduction in the levels of violence against women and their children.

Participants may experience discomfort from the information that is being recounted. There are services available if you require assistance or support. You may either contact your agency or DV Connect: 1800 811 811, 24 hrs, 7 days.

### Confidentiality/anonymity

No identifying information related to you or the interviewee would be collected that may identify either of you. All information from the interviewee will be voluntary and any concern with identifiable information will be addressed through the removal/withholding of that information.

Data will be stored securely at CQU Brisbane campus and following the closure of the project the data will likely be filed with ANROWS, Sydney. Data will be securely stored for five (5) years after the publication date of the last publication based upon the data in accordance with the CQUniversity policy.

### Publication of results

It is intended that this information will be used in project reports and journal articles where possible, to showcase the findings of the research.

### Consent

A consent form will be provided for the interviewee to sign.

### Right to withdraw

Participants have the right to withdraw at any time during the interview.

### Concerns/complaints

This project has been approved by the university's human research ethics committee (clearance number H14/09-205) Please contact CQUniversity's Office of Research (Tel: 07 4923 2603; email: ethics@cqu.edu.au; mailing address: Building 32, CQUniversity, Rockhampton, Qld 4702).

# Appendix E: Semi-structured questionnaire for victim interviewees

## Demographics

1. What was your age on your last birthday?
  - 18-30 years     31-40 years     41-50 years     > 51 years
2. What is your usual occupation?
3. Do you identify as an Indigenous Australian?
  - .....  No.....
  - Yes, Aboriginal
  - Yes, Torres Strait Islander
  - Yes, Aboriginal and Torres Strait Islander
4. Do you identify as being from a culturally and linguistically diverse background?
  - Yes                       No
5. What state or territory do you live in? (Please ✓ ONE only)
  - Queensland                       New South Wales
  - Victoria                               Northern Territory
6. How big is the town or city you now live in?
  - Capital city
  - Other metropolitan centre (urban centre population > 100,000)
  - Large rural centre (urban centre population 25,000-99,999)
  - Small rural centre (urban centre population 10,000-24,999)
  - Other rural area (urban centre population <10,000)
  - Remote centre (urban centre population > 4999)
  - Other remote area (urban centre population <5000)

## Original state

### Circumstances of order

1. Why did you leave the state of your original order? How did that feel?
2. When did you first apply for a protection order in your state of origin? How many orders have you had?
3. What happened that made you (or the police) apply for a domestic violence protection order (i.e. circumstances of the need for the order)?

### Breaches of order

4. Was your protection order breached in the state it was originally applied for? How many times?
5. Did you report it? If not, can you tell us why?

### Action taken

6. What action did the police take to assist you in the state where the original order was granted?
7. Do you think the conditions on your original protection order kept you safe?
8. Do you think enough was done to change the behaviour of your partner?
9. What or who has been most helpful in keeping you safe? (Prompt: DV services, legal services.)
10. Did they also help with information about moving interstate?
11. What were some of the obstacles in keeping you safe?

## New State

### Circumstances of order

1. When was the first time that you applied for, or registered, the protection order in the state you live in now?
2. Tell me about your experiences in registering your DVO when you moved to another state? Was this process easy/difficult and for what reasons?
3. Who has been most helpful in registering your order after you crossed to this state? (prompt: women's legal services, police, judges, lawyers, DV advocacy services.)
4. Did you apply for a variation to the conditions of your original protection order? Tell me about the circumstances that made you seek a variation.
5. Did you/do you know about the process of who to go to if the order is breached in the current state you live in?

### Breaches of order

6. Was that order breached in the state you live in now? How many times?
7. What were the behaviours that breached the order?
8. Did you report this breach of the order? If not, tell me why you chose not to report?
9. Who has helped you stay safe in the state you are now in?

### Policing of cross-border order

1. What action have the police taken to assist you in the state that you moved to? Did this differ in any way from police assistance from your original location?
2. Do you feel that breaches of protection orders are taken seriously by police? What can they do to make you feel safer?
3. If there was a breach of your protection order, what evidence was provided? Was this difficult to provide/demonstrate/communicate? Was this evidence taken seriously by police/magistrate?
4. Police are able to share information relating to your case. Did this happen for you? How could the process have been made easier for you? (Prompt: identify obstacles victim might have faced.)

### Response services: legal

1. Did a legal support agency (for example the women's legal service) play a role in assisting you with your protection order or breaches of the order? (Please describe your experience.)
2. Do you feel that breaches of protection orders are taken seriously by magistrates? What can they do to make you feel safer?
3. In your experience, did the court do enough to assist you in cases of breach of your protection order interstate? Was the action they took sufficient to make you feel safe? (Prompt: differences between courts of the two jurisdictions.)

## Parenting responsibilities

1. How many dependent children do you have?
2. Did you face any difficulties on parenting rights with your ex-partner with your order being registered in another state? (i.e. how their protection order aligns with any family court orders and how that affects current order – status of family court orders)
3. In cases where there was a breach of the order in the state you are from, were there any family court matters as well? If so, how did the police/magistrate respond?
4. Did you feel that any action taken on your interstate order was enough to protect your family?

## Overall cross-border experience

### Justice and fairness

1. Were you fairly treated?
2. Were you respected?
3. Were your cultural needs met?
4. What do you believe is the benefit of a domestic violence order? (Did you experience these benefits during the duration of your order?)
5. Overall do you feel safer?
6. Do you think enough was done to change the behaviour of your partner?
7. Is there anything else you would like to tell us about your experience?

# Appendix F: Interview protocol for victim interviewees

## Interview protocol

### 1. Introduce ourselves: professional and personal.

### 2. Reason for the research:

Little is known about women's experiences of cross-border protection orders. Through interviews with women who have moved interstate we want to hear about their positive and negative experiences of moving across borders. We are also interested in hearing what may have stopped women from seeking assistance and how practices relating to cross-border orders can better serve the needs of women and children across states and territories.

We would like to learn about your experience of cross-border domestic violence protection order(s) and will ask a number of questions relating to your experience. The questions are "open-ended" so you can tell us in your words about what happened to you.

### 3. Information and consent

Do you have any further questions?

Reinforce:

- confidentiality;
- right to not answer some questions;
- right to withdraw;

### 4. Conduct of interview:

You can take a break at any time.

Feel free to interrupt and ask for clarification.

(If support person is in the room): Feel free or check with your support person at any time but we will ask that your support person does not answer for you.

### 5. Questionnaire

### 6. Concluding remarks

Thank you

Any questions?

What happens now? We will be interviewing other women and collecting all the information. We then put what you have told us into a report which will be given to Australia's National Research Organisation for Women's Safety. The report will be used to inform governments and other decision-makers. It will be put on websites so that others can also see the information about what works and what doesn't from the views of victims/survivors.

# Appendix G: Information sheet, consent form and questionnaire for service providers

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*to Reduce Violence against Women & their Children*



## Domestic violence protection orders: Experiences of service providers supporting victims with cross-border domestic violence protection orders

### Information sheet: interviews

#### Project overview

Under the ANROWS (Australia's National Research Organisation for Women's Safety) Research Program 2014-2016, the Queensland Centre for Domestic and Family Violence Research (CDFVR) is seeking to find out more about women's experiences of cross-border domestic violence protection orders to establish an understanding of existing practices in, and between, states and Territories in Australia. We are interviewing victims who have protection orders across borders. At the same time we are also aware that service providers such as yourself provide much needed information and support to victims in relation to cross-border protection orders.

As such, we are very interested in hearing your perceptions of practices relating to cross-border orders, including information-sharing. We want to know more about what may have stopped victims from seeking assistance and the positive and negative experiences that victims encounter when registering and/or enforcing a protection order across borders.

#### Participation procedure

We understand your time is very valuable and want this to be as easy as possible for you, so we are suggesting a phone interview to talk to us at your convenience. We will ask a number of questions (attached) related to information-sharing and your perceptions of what is working and what is not for victims who have cross-border protection orders.

The interview will take approximately an hour of your time, dependent on the amount of information you choose to share. So that we do not miss any of your valuable input, we will ask your permission to record the interview.

#### Confidentiality/anonymity

Your participation is voluntary, and while we will record what you say, your interview is **anonymous** and **confidential**. We will not be collecting personal information from you. If there are any concerns with sharing information which may identify you, this material will be withdrawn/withheld.

As per CQUniversity policy, your interview recording and documents will be stored securely at CQUniversity Brisbane campus for five (5) years after the last publication based upon the data.

#### Publication of Results

The information you provide may be used in project reports and journal articles where possible, to showcase the findings of the research. These reports and articles may be shared on research websites, at conferences, and other research-related events.

#### Consent

It is important that you understand all the information about this study before providing your consent, and a consent form follows.

### Right to withdraw

You have the right to cease your participation at any time during the interview. The information you provide can be withdrawn at your request.

### Concerns/complaints

This project has been approved by the CQUniversity's human research ethics committee (H14/09-205). Should you have any concerns about the process please contact:

Associate Professor Annabel Taylor, Director, Queensland Centre for Domestic and Family Violence Centre, 07 4940 3320.

Should your concerns remain regarding the ethics of the process, you can contact CQUniversity's Office of Research (Tel: 07 4923 2603; email: [ethics@cqu.edu.au](mailto:ethics@cqu.edu.au); mailing address: Building 32, CQUniversity, Rockhampton, Qld 4702).

ANROWS

AUSTRALIA'S NATIONAL RESEARCH  
ORGANISATION FOR WOMEN'S SAFETY  
*to Reduce Violence against Women & their Children*



## Domestic violence protection orders: Experiences of service providers supporting victims with cross-border domestic violence protection orders

### Consent form

**I consent to participation in this research project and agree that:**

1. I have read and understood information provided to me.
2. I have had any questions I had about the project answered to my satisfaction and any further verbal explanation provided.
3. I understand that I have the right to withdraw from the project at any time.
4. I understand the research findings will be reported on and shared in a number of ways as stated in the information sheet.
5. I understand that at no time will my name, or any identifying features, be used in any report or publication(s).
6. I agree that I am providing informed consent to participate in this project.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name (please print): \_\_\_\_\_

## Questionnaire: service providers

### Information sharing:

When women move to/from your state/territory as a result of DFV:

1. What supports and information sharing mechanisms are currently in place?
2. To what extent does information sharing take place with:
  - a. Specialist services and police from the state/territory the woman is moving from/to?
  - b. within the locality in which you work?

### Protection Orders

1. Do most victims/survivors register an order after moving interstate?
2. If not, why not?
3. How important is a protection order to a woman's sense of wellbeing and safety?
4. What do women tell you about the importance of having a protection order, and of having this registered in a new state after moving? What are the key facilitators and barriers to women moving interstate registering an order or lodging a new order?
5. What are your views about the behaviour of perpetrators after a victim has fled and enforcement issues?

### Parenting

1. How many of the victims/survivors have dependent children with them?
2. Of those that do, what impact does the family law court have on their experience of keeping children safe?

### Justice and fairness

Overall do you believe victims/survivors who have moved:

1. Have faith in the system? (ie that they have been treated fairly and respectfully)
2. If not, why not?
3. What impact does this have on carrying out a cross-border registration or lodging of a new order?

### Additional information:

Do you feel that adequate resources and training are provided to you to support women/children who move across borders? If not, can you describe what is needed?

Are there any other factors that you identify as being important to the safety and support of women and children in relation to their cross-border experience and protection orders?

Are there any groups, models, or documentation that you are aware of that provides further information relating to cross-border protection?

# Appendix H: Additional summary statistics of final sample

**Table H1** Further summary statistics of final sample participants (n = 836)

Variable	Frequency	Percentage
<b>Indigenous</b>		
Yes	19	2.2%
No	803	96.1%
Undisclosed	14	1.7%
<b>Culturally and linguistically diverse</b>		
Yes	98	11.7%
No	728	87.1%
Undisclosed	10	1.2%
<b>Highest educational level</b>		
Grade 11 or less	41	4.9%
Grade 12	90	10.8%
Tertiary certificate	58	6.9%
Diploma/adv diploma/associate degree	274	32.8%
Bachelor's degree	210	25.1%
Graduate certificate/diploma	103	12.3%
Master's/PhD/doctoral degree	59	7.1%
Undisclosed	1	0.1%
<b>Years of occupational experience</b>		
< 1 year	6	0.7%
1-5 years	212	25.4%
6-10 years	187	22.4%
11-15 years	134	16.0%
16-20 years	89	10.6%
21-25 years	67	8.0%
26-30 years	79	9.4%
More than 30 years	49	5.9%
Undisclosed	13	1.6%

Variable	Frequency	Percentage
<b>Field of work:</b>		
Domestic violence matters	240	28.7%
Family court matters	27	3.2%
Criminal matters	330	39.5%
Civil matters	29	3.5%
Indigenous services and support	9	1.1%
CALD services and support	6	0.7%
Domestic violence and family matters	19	2.3%
Children's court/child custody	12	1.4%
Criminal and domestic violence matters	43	5.1%
Civil and criminal matters	24	2.9%
All or most of above categories	82	9.8%
Undisclosed	15	1.8%
<b>Work mainly with:</b>		
Victims	166	19.9%
Perpetrator	142	17.0%
Women	59	7.1%
Men	13	1.6%
Children	21	2.5%
<b>All of the above</b>	<b>300</b>	<b>35.9%</b>
Policy role/government/agencies/police focused	34	4.1%
Victim/perpetrator	54	6.5%
Women/children	5	0.6%
Women/victims	8	1.0%
Women/victims/children	4	0.5%
Undisclosed	30	3.6%
<b>Work location:</b>		
Capital city/metropolitan	574	68.7%
Rural	212	25.4%
Remote	36	4.3%
Undisclosed	14	1.7%

# Appendix I: Awareness of breach penalties

**Table I1** Awareness of breach penalties by occupation ( $n = 827$ )

Statement	Occupation							
	Police (n = 581)		Magistrates (n = 54)		Lawyers (n = 95)		Victim advocates (n = 97)	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
<b>Awareness of penalties of breaches</b>								
Yes	562	97	53	98	90	95	92	95
No	19	3	1	2	5	5	5	5

Note: *n* = sample, % = frequency of responses.

# Appendix J: Perceptions of legal personnel

**Table J1** Perceptions of legal administration of protection orders

Statement	Occupation							
	Police		Magistrates		Lawyers		Victim advocates	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
<b>Magistrates have good understanding of DFV dynamics</b>								
Always	22	4	3	6	8	9	1	1
Often	152	31	33	67	29	33	24	29
Sometimes	215	44	9	18	45	51	44	52
Rarely	93	19	4	8	6	7	15	18
Never	12	2	0	0	0	0	0	0
Total (excludes non-response)	494		49		88		84	
<b>Lawyers have good understanding of DFV dynamics</b>								
Always	14	3	2	4	7	8	1	1
Often	107	22	18	37	18	20	17	20
Sometimes	207	42	25	51	53	60	50	60
Rarely	142	29	4	8	9	10	16	19
Never	23	5	0	0	1	1	0	0
Total (excludes non-response)	493		49		88		84	
<b>Police prosecutors have good understanding of DFV dynamics</b>								
Always	96	20	3	6	8	9	3	4
Often	276	56	29	59	24	27	34	40
Sometimes	107	22	13	27	47	53	39	46
Rarely	11	2	4	8	9	10	8	10
Never	2	0	0	0	0	0	0	0
Total (excludes non-response)	492		49		88		84	

Statement	Occupation							
	Police		Magistrates		Lawyers		Victim advocates	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
<b>Legal personnel have adequate training in working with perpetrators</b>								
Always	10	2	2	4	2	2	1	1
Often	104	21	7	14	13	15	9	11
Sometimes	218	44	26	53	36	41	36	43
Rarely	138	28	11	22	33	38	33	39
Never	22	4	3	6	4	5	5	6
Total (excludes non-response)	492		49		88		84	
<b>Legal personnel have adequate training in working with victims</b>								
Always	9	2	2	4	3	3	0	0
Often	114	23	8	16	14	16	8	10
Sometimes	228	46	23	47	40	46	39	46
Rarely	120	24	13	27	28	32	31	37
Never	22	4	3	6	2	2	6	7
Total (excludes non-response)	493		49		87		84	

*Note:* *n* = sample, % = frequency of responses.

# Appendix K: Factors influencing police action

**Table K1** Perceptions of factors influencing police action in protection order breaches

Factors	Occupation							
	Police		Magistrates		Lawyers		Victim advocates	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
<b>Presence of serious injury to victim</b>								
Yes	509	98	49	100	83	92	84	94
No	9	2	0	0	1	1	1	1
Uncertain	3	1	0	0	6	7	4	4
Total (excludes non-response)	521		49		90		89	
<b>Physical evidence at the scene</b>								
Yes	512	99	45	88	79	88	83	93
No	4	1	1	2	1	1	1	1
Uncertain	0	0	5	10	10	11	5	6
Total (excludes non-response)	516		51		90		89	
<b>Availability of evidence</b>								
Yes	509	99	45	88	74	83	64	74
No	4	1	0	0	2	2	5	6
Uncertain	6	1	4	8	13	15	17	20
Total (excludes non-response)	519		49		89		86	
<b>Damage to property</b>								
Yes	500	96	45	92	72	81	66	76
No	8	2	0	0	4	4	9	10
Uncertain	12	2	4	8	13	15	12	14
Total (excludes non-response)	520		49		89		87	
<b>Presence of minor injury to victim</b>								
Yes	489	94	37	77	55	61	40	47
No	11	2	3	6	11	12	14	16
Uncertain	19	4	8	17	24	27	32	37
Total (excludes non-response)	519		48		90		86	

Factors	Occupation							
	Police		Magistrates		Lawyers		Victim advocates	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
<b>Presence of weapon in breach scene</b>								
Yes	475	92	43	90	65	72	75	85
No	22	4	0	0	5	6	3	3
Uncertain	22	4	5	10	20	22	10	11
Total (excludes non-response)	519		48		90		88	
<b>Likelihood of future violence</b>								
Yes	437	84	35	74	40	44	33	38
No	39	8	1	2	15	17	21	24
Uncertain	43	8	11	23	35	39	32	37
Total (excludes non-response)	519		47		90		86	
<b>Offender affected by alcohol/drugs</b>								
Yes	423	81	40	83	65	72	52	60
No	50	10	1	2	6	7	12	14
Uncertain	47	9	7	15	19	21	23	26
Total (excludes non-response)	520		48		90		87	
<b>Frequent calls to police assistance from household</b>								
Yes	389	75	36	75	60	67	43	49
No	74	14	2	4	9	10	13	15
Uncertain	56	11	10	21	21	23	31	36
Total (excludes non-response)	519		48		90		87	
<b>Presence of children</b>								
Yes	379	73	34	71	61	68	48	55
No	73	14	1	2	8	9	16	18
Uncertain	67	13	13	27	21	23	23	26
Total (excludes non-response)	519		48		90		87	
<b>Record of previous injury to victim</b>								
Yes	360	70	32	67	40	45	31	36
No	70	14	2	4	13	15	15	17
Uncertain	87	17	14	29	36	40	40	47
Total (excludes non-response)	517		48		89		86	
<b>Heightened emotional state of offender</b>								
Yes	335	65	30	63	43	48	26	30
No	88	17	2	4	13	15	16	18
Uncertain	95	18	16	33	33	37	45	52
Total (excludes non-response)	518		48		89		87	

Factors	Occupation							
	Police		Magistrates		Lawyers		Victim advocates	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
<b>Heightened emotional state of victim</b>								
Yes	337	65	30	63	35	39	24	28
No	86	17	2	4	23	26	33	38
Uncertain	96	18	16	33	31	35	30	34
Total (excludes non-response)	519		48		89		87	
<b>Victim wants perpetrator charged</b>								
Yes	316	61	31	66	36	40	35	40
No	129	25	6	13	21	24	18	20
Uncertain	74	14	10	21	32	36	35	40
Total (excludes non-response)	519		47		89		88	
<b>Administrative police procedures associated with breaches</b>								
Yes	287	55	9	19	34	38	44	51
No	171	33	8	17	8	9	10	11
Uncertain	60	12	31	65	48	53	33	38
Total (excludes non-response)	518		48		90		87	
<b>Limited resources available to police</b>								
Yes	260	50	16	33	50	56	49	56
No	168	33	9	19	8	9	10	11
Uncertain	88	17	23	48	32	36	29	33
Total (excludes non-response)	516		48		90		88	
<b>High volumes of police workload</b>								
Yes	242	47	17	35	48	53	57	64
No	206	40	9	19	8	9	9	10
Uncertain	71	14	22	46	34	38	23	26
Total (excludes non-response)	519		48		90		89	
<b>Perpetrator fulfilling their parenting responsibilities</b>								
Yes	155	30	4	8	21	23	13	15
No	213	41	11	23	22	24	28	33
Uncertain	150	29	33	69	47	52	45	52
Total (excludes non-response)	518		48		90		86	
<b>Cooling-off period</b>								
Yes	108	21	8	17	20	22	21	24
No	285	55	12	25	16	18	15	17
Uncertain	125	24	28	58	53	60	50	58
Total (excludes non-response)	518		48		89		86	

Note: *n* = sample, % = frequency of responses.

**Table K2** Perceptions of factors that facilitate enforcement of protection orders in Aboriginal and Torres Strait Islander communities

Factors	Occupation							
	Police		Magistrates		Lawyers		Victim advocates	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
<b>Greater availability to domestic violence services for police-initiated referrals</b>								
Yes	398	77	47	98	72	82	77	89
No	32	6	0	0	1	1	1	1
Uncertain	84	16	1	2	15	17	9	10
Total (excludes non-response)	514		48		88		87	
<b>Improved collaboration between local service providers</b>								
Yes	373	73	45	94	75	85	80	92
No	34	7	0	0	3	3	1	1
Uncertain	103	20	3	6	10	11	6	7
Total (excludes non-response)	510		48		88		87	
<b>Improved access to local service providers</b>								
Yes	369	72	43	88	73	83	76	87
No	43	8	0	0	3	3	1	1
Uncertain	102	20	6	12	12	14	10	11
Total (excludes non-response)	514		49		88		87	
<b>More police liaison officers</b>								
Yes	322	63	44	92	80	91	81	93
No	77	15	0	0	1	1	1	1
Uncertain	115	22	4	8	7	8	5	6
Total (excludes non-response)	514		48		88		87	
<b>Improved access to interpreters</b>								
Yes	300	59	30	63	74	84	75	87
No	81	16	5	10	1	1	1	1
Uncertain	130	25	13	27	13	15	10	12
Total (excludes non-response)	511		48		88		86	

Factors	Occupation							
	Police		Magistrates		Lawyers		Victim advocates	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
<b>Cultural sensitivity training for police</b>								
Yes	271	53	39	81	75	85	84	97
No	133	26	1	2	3	3	0	0
Uncertain	107	21	8	17	10	11	3	3
Total (excludes non-response)	511		48		88		87	
<b>Improved local project funding</b>								
Yes	291	57	40	82	67	77	69	79
No	74	14	1	2	3	3	4	5
Uncertain	146	29	8	16	17	20	14	16
Total (excludes non-response)	511		49		87		87	
<b>Higher/increased police presence</b>								
Yes	290	57	24	50	45	51	40	47
No	79	15	4	8	11	13	14	16
Uncertain	143	28	20	42	32	36	32	37
Total (excludes non-response)	512		48		88		86	
<b>Banning alcohol</b>								
Yes	294	57	25	52	31	35	22	26
No	64	12	5	10	16	18	30	35
Uncertain	156	30	18	38	41	47	33	39
Total (excludes non-response)	514		48		88		85	

Note: *n* = sample, % = frequency of responses.

**Table K3** Perceptions of factors that facilitate enforcement of protection orders in CALD communities

Factors	Occupation							
	Police		Magistrates		Lawyers		Victim advocates	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
<b>Improved access to interpreters</b>								
Yes	408	80	39	83	81	91	84	99
No	38	7	1	2	0	0	0	0
Uncertain	63	12	7	15	8	9	1	1
Total (excludes non-response)	509		47		89		85	
<b>Greater availability of domestic violence services for police-initiated referrals</b>								
Yes	413	81	41	89	74	84	77	90
No	27	5	1	2	2	2	0	0
Uncertain	70	14	4	9	12	14	9	10
Total (excludes non-response)	510		46		88		86	
<b>Improved collaboration between local service providers</b>								
Yes	397	78	41	87	76	85	78	91
No	29	6	1	2	2	2	1	1
Uncertain	83	16	5	11	11	12	7	8
Total (excludes non-response)	509		47		89		86	
<b>Improved access to local service providers</b>								
Yes	396	78	41	85	76	86	76	88
No	35	7	1	2	1	1	0	0
Uncertain	78	15	6	13	11	13	10	12
Total (excludes non-response)	509		48		88		86	
<b>More police liaison officers</b>								
Yes	354	70	42	91	80	90	76	88
No	62	12	1	2	1	1	0	0
Uncertain	93	18	3	7	8	9	10	12
Total (excludes non-response)	509		46		89		86	

Factors	Occupation							
	Police		Magistrates		Lawyers		Victim advocates	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
<b>Improved access to settlement services</b>								
Yes	351	69	36	75	72	81	70	81
No	37	7	1	2	2	2	1	1
Uncertain	122	24	11	23	15	17	15	17
Total (excludes non-response)	510		48		89		86	
<b>Cultural sensitivity training for police</b>								
Yes	303	60	38	83	79	89	82	95
No	118	23	2	4	2	2	0	0
Uncertain	86	17	6	13	8	9	4	5
Total (excludes non-response)	507		46		89		86	
<b>Improved local project funding</b>								
Yes	328	65	35	78	67	75	66	77
No	56	11	1	2	3	3	3	3
Uncertain	124	24	9	20	19	21	17	20
Total (excludes non-response)	508		45		89		86	
<b>Higher/increased police presence</b>								
Yes	295	58	22	48	41	46	39	46
No	95	19	5	11	14	16	18	21
Uncertain	121	24	19	41	34	38	28	33
Total (excludes non-response)	511		46		89		85	
<b>Banning intoxicants</b>								
Yes	253	50	18	39	26	29	20	24
No	86	17	6	13	22	25	29	34
Uncertain	171	34	22	48	41	46	36	42
Total (excludes non-response)	510		46		89		85	

Note: *n* = sample, % = frequency of responses.

# Appendix L: Factors influencing magistrates' decisions

**Table L1** Perceptions of factors influencing magistrates' sentencing decisions of protection order breaches

Factors	Occupation							
	Police		Magistrates		Lawyers		Victim advocates	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
<b>Sufficiency of evidence available about a breach</b>								
Yes	388	80	42	88	69	79	68	83
No	23	5	2	4	5	6	3	4
Uncertain	76	16	4	8	13	15	11	13
Total (excludes non-response)	487		48		87		82	
<b>Severity of the breach</b>								
Yes	329	67	46	94	74	85	60	72
No	49	10	1	2	5	6	5	6
Uncertain	111	23	2	4	8	9	18	22
Total (excludes non-response)	489		49		87		83	
<b>History of breaches of protection orders</b>								
Yes	334	68	45	94	74	85	51	62
No	51	10	0	0	3	3	7	9
Uncertain	105	21	3	6	10	11	24	29
Total (excludes non-response)	490		48		87		82	
<b>History of DFV between the involved parties</b>								
Yes	302	62	43	90	61	70	47	56
No	69	14	0	0	4	5	12	14
Uncertain	118	24	5	10	22	25	25	30
Total (excludes non-response)	489		48		87		84	
<b>Involvement of children in breach cases</b>								
Yes	284	58	41	87	56	64	47	57
No	35	7	0	0	6	7	7	8
Uncertain	171	35	6	13	25	29	29	35
Total (excludes non-response)	490		47		87		83	

Occupation								
Factors	Police		Magistrates		Lawyers		Victim advocates	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
<b>Beliefs regarding mutual responsibility for DFV</b>								
Yes	190	39	12	25	44	51	47	57
No	70	14	21	44	6	7	1	1
Uncertain	228	47	15	31	37	43	34	41
Total (excludes non-response)	488		48		87		82	
<b>Community expectations on penalties to be imposed for breaches of protection orders</b>								
Yes	157	32	29	62	42	48	20	25
No	174	36	11	23	14	16	28	35
Uncertain	156	32	7	15	31	36	32	40
Total (excludes non-response)	487		47		87		80	
<b>Being overburdened by DFV cases</b>								
Yes	150	31	5	10	34	40	37	45
No	110	22	32	67	18	21	10	12
Uncertain	229	47	11	23	34	40	35	43
Total (excludes non-response)	489		48		86		82	
<b>Time pressures</b>								
Yes	120	25	7	15	39	45	36	44
No	113	23	33	70	15	17	8	10
Uncertain	253	52	7	15	33	38	38	46
Total (excludes non-response)	486		47		87		82	

Note: *n* = sample, % = frequency of responses.

# Appendix M: Factors influencing the capacity of victim advocates

**Table M1** Perceptions of factors that affect advocates' capacity to provide support

<b>Factors</b>	<b>Rank</b>
High volumes of work	1
Lack of funding	2
Positive relationships with police, court personnel, magistrates, and legal practitioners	3
Service delivery constraints/limitations	4
Skills/abilities of advocates	5
Capabilities/training	6
Inaccessibility of services	7
Formalised MOU to communicate with police and courts	8
Geographical isolation that affects ability to engage with clients	9
Workplace conditions associated with funding	10
Access to professional development	11
Time to network	12
Difficulty recruiting staff	13
Low retention rates	14
Unreliability or limited availability of technology in remote areas	15
Adequate supervision	16

Note:  $n = 597$

# Appendix N: Victim related attitudes/behaviours

**Table N1** Perception of factors that support victims to continue engaging in the process of prosecution of protection order breaches

Factors	Occupation							
	Police		Magistrates		Lawyers		Victim advocates	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
<b>Prosecutors' attitudes</b>								
Always	43	10	5	11	16	22	13	16
Often	224	51	29	66	30	41	43	54
Sometimes	125	29	10	23	22	30	21	27
Rarely	38	9	0	0	5	7	2	3
Never	6	1	0	0	1	1	0	0
Total (excludes non-response)	436		44		74		79	
<b>The helpfulness of court staff</b>								
Always	34	8	3	7	11	15	17	22
Often	193	44	22	50	22	30	38	48
Sometimes	152	35	15	34	33	45	20	25
Rarely	49	11	2	5	7	9	3	4
Never	7	2	2	5	1	1	1	1
Total (excludes non-response)	435		44		74		79	
<b>The approachability of court staff</b>								
Always	34	8	3	7	12	16	16	21
Often	177	41	22	50	23	31	33	42
Sometimes	160	37	15	34	30	41	23	29
Rarely	54	12	2	5	8	11	6	8
Never	8	2	2	5	1	1	0	0
Total (excludes non-response)	433		44		74		78	
<b>The availability of culturally appropriate legal services/advice</b>								
Always	37	8	3	7	15	20	20	26
Often	169	39	26	59	39	53	38	49
Sometimes	177	41	14	32	15	20	18	23
Rarely	50	11	1	2	5	7	2	3
Never	4	1	0	0	0	0	0	0
Total (excludes non-response)	437		44		74		78	

Factors	Occupation							
	Police		Magistrates		Lawyers		Victim advocates	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
<b>An approachable court environment</b>								
Always	41	9	4	10	12	16	21	27
Often	193	44	26	62	35	48	35	44
Sometimes	145	33	11	26	19	26	19	24
Rarely	51	12	1	2	7	10	4	5
Never	7	2	0	0	0	0	0	0
Total (excludes non-response)	437		42		73		79	
<b>A safe court environment</b>								
Always	77	18	12	27	25	34	27	35
Often	203	47	24	55	33	45	36	46
Sometimes	114	26	7	16	10	14	12	15
Rarely	34	8	1	2	6	8	3	4
Never	8	2	0	0	0	0	0	0
Total (excludes non-response)	436		44		74		78	
<b>Support to meet the personal costs of attending court</b>								
Always	39	9	4	10	10	14	17	22
Often	160	37	21	50	36	49	35	45
Sometimes	157	36	16	38	21	28	18	23
Rarely	67	15	1	2	6	8	6	8
Never	14	3	0	0	1	1	2	3
Total (excludes non-response)	437		42		74		78	
<b>The involvement of children</b>								
Always	33	8	1	2	8	11	9	12
Often	189	43	25	57	28	38	29	37
Sometimes	183	42	12	27	34	46	35	45
Rarely	27	6	6	14	4	5	5	6
Never	4	1	0	0	0	0	0	0
Total (excludes non-response)	436		44		74		78	
<b>Ongoing support/contact with the investigating police officer</b>								
Always	49	11	3	7	21	28	15	19
Often	204	47	24	56	32	43	39	50
Sometimes	156	36	16	37	18	24	19	24
Rarely	24	5	0	0	3	4	5	6
Never	5	1	0	0	0	0	0	0
Total (excludes non-response)	438		43		74		78	

Note: *n* = sample, % = frequency of responses.

**Table N2** Perceptions of victim-related factors that may affect protection order enforcement

Factors	Occupation							
	Police		Magistrates		Lawyers		Victim advocates	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
<b>Lack of cooperation of victims with police</b>								
Always	31	7	1	2	3	4	2	3
Often	259	59	22	49	29	38	19	24
Sometimes	139	32	20	44	41	54	47	59
Rarely	9	2	2	4	3	4	11	14
Never	0	0	0	0	0	0	0	0
Total (excludes non-response)	438		45		76		79	
<b>Victims wanting to drop charges when the situation de-escalates</b>								
Always	54	12	0	0	2	3	1	1
Often	293	67	29	66	42	55	33	42
Sometimes	83	19	14	32	31	41	44	56
Rarely	7	2	1	2	1	1	1	1
Never	0	0	0	0	0	0	0	0
Total (excludes non-response)	437		44		76		79	
<b>Situations when a victim assists a perpetrator breach a protection order</b>								
Always	33	8	0	0	1	1	3	4
Often	264	60	18	40	28	37	12	15
Sometimes	132	30	24	53	41	54	35	44
Rarely	9	2	3	7	5	7	26	33
Never	0	0	0	0	1	1	3	4
Total (excludes non-response)	438		45		76		79	
<b>Victim's level of fear of consequences or threats made by the perpetrator</b>								
Always	27	6	4	9	8	11	18	23
Often	215	49	18	40	46	61	41	52
Sometimes	173	40	22	49	20	27	18	23
Rarely	21	5	1	2	1	1	2	3
Never	1	0	0	0	0	0	0	0
Total (excludes non-response)	437		45		75		79	

Note: *n* = sample, % = frequency of responses.

**Table N3** Perceptions of aiding and abetting clauses in legislation

Statement	Occupation							
	Police		Magistrates		Lawyers		Victim advocates	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
<b>Are needed</b>								
Yes	330	76	16	36	25	33	14	18
No	50	11	14	31	33	44	33	42
Uncertain	57	13	15	33	17	23	32	41
Total (excludes non-response)	437		45		75		79	
<b>Are fair to both parties if victims can be charged</b>								
Yes	280	64	12	27	17	23	11	14
No	66	15	16	36	33	45	40	51
Uncertain	91	21	17	38	23	32	27	35
Total (excludes non-response)	437		45		73		78	
<b>Contribute to effective use of police resources</b>								
Yes	242	56	11	26	14	19	12	15
No	87	20	15	35	30	40	31	40
Uncertain	105	24	17	40	31	41	35	45
Total (excludes non-response)	434		43		75		78	
<b>Deter victims from contacting perpetrators</b>								
Yes	272	62	15	33	25	33	19	24
No	70	16	9	20	26	35	27	35
Uncertain	95	22	21	47	24	32	32	41
Total (excludes non-response)	437		45		75		78	
<b>Help to maintain safety of both parties if police are able to charge victims</b>								
Yes	269	62	9	20	19	25	14	18
No	76	18	13	29	34	45	43	55
Uncertain	89	21	23	51	22	29	21	27
Total (excludes non-response)	434		45		75		78	

Occupation								
Statement	Police		Magistrates		Lawyers		Victim advocates	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
<b>Deter victims from reporting breaches</b>								
Yes	155	36	18	40	42	56	50	65
No	123	28	4	9	6	8	7	9
Uncertain	158	36	23	51	27	36	20	26
Total (excludes non-response)	436		45		75		77	
<b>Show a lack of understanding of the DFV dynamics</b>								
Yes	151	35	27	60	46	61	63	82
No	171	39	7	16	15	20	4	5
Uncertain	113	26	11	24	14	19	10	13
Total (excludes non-response)	435		45		75		77	
<b>Do not capture the power dynamics between perpetrators and victims</b>								
Yes	142	33	27	60	48	64	66	85
No	146	34	7	16	12	16	3	4
Uncertain	144	33	11	24	15	20	9	12
Total (excludes non-response)	432		45		75		78	
<b>Do not consider the likelihood that the victim is not consenting to contact with the perpetrator of their own choice</b>								
Yes	132	30	23	51	42	56	64	82
No	148	34	7	16	12	16	2	3
Uncertain	156	36	15	33	21	28	12	15
Total (excludes non-response)	436		45		75		78	
<b>Do not take into account the perpetrator's parental responsibilities that should be considered alongside the conditions of protection orders</b>								
Yes	105	24	11	24	27	36	36	46
No	149	34	8	18	19	25	9	12
Uncertain	182	42	26	58	29	39	33	42
Total (excludes non-response)	436		45		75		78	
<b>Are safe and helpful for victims</b>								
Yes	172	40	6	13	3	4	12	15
No	101	23	19	42	39	52	38	49
Uncertain	162	37	20	44	33	44	28	36
Total (excludes non-response)	435		45		75		78	

Note: *n* = sample, % = frequency of responses.

# Appendix O: Cross-border enforcement and information-sharing

**Table O1** Perceptions of cross-border enforcement of protection orders

Statement	Occupation							
	Police		Magistrates		Lawyers		Victim advocates	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
<b>It is easy for victims to register their protection orders in another state/territory</b>								
Strongly agree	19	4	1	2	4	5	2	3
Agree	87	20	9	21	18	24	13	16
Uncertain	206	48	30	70	35	46	36	45
Disagree	89	21	3	7	19	25	22	28
Strongly disagree	25	6	0	0	0	0	7	9
Total (excludes non-response)	426		43		76		80	
<b>It is easy for victims from another state/territory to register their protection orders</b>								
Strongly agree	19	4	3	7	7	9	2	3
Agree	122	29	17	40	27	36	17	22
Uncertain	173	41	20	47	24	32	32	41
Disagree	89	21	3	7	17	23	21	27
Strongly disagree	22	5	0	0	0	0	7	9
Total (excludes non-response)	425		43		75		79	
<b>It is easy for victims to access legal assistance if the interstate protection order has been breached</b>								
Strongly agree	17	4	0	0	3	4	1	1
Agree	79	19	12	28	15	20	9	11
Uncertain	222	52	25	58	25	33	39	49
Disagree	86	20	6	14	30	39	24	30
Strongly disagree	19	4	0	0	3	4	7	9
Total (excludes non-response)	423		43		76		80	
<b>There is general consistency in penalties imposed by magistrates across jurisdictions when a cross-border protection order is breached</b>								
Strongly agree	5	1	0	0	1	1	3	4
Agree	35	8	3	7	3	4	7	9
Uncertain	225	53	34	79	40	53	25	32
Disagree	104	24	5	12	21	28	26	33
Strongly disagree	56	13	1	2	11	14	17	22
Total (excludes non-response)	425		43		76		78	

Statement	Occupation								
	Police		Magistrates		Lawyers		Victim advocates		
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	
<b>Information sharing between states/territories in regards to protection orders is more likely to happen when specific legislation supports this process</b>									
Strongly agree	115	27	9	21	21	28	20	25	
Agree	188	44	20	47	40	53	34	43	
Uncertain	100	24	12	28	8	11	19	24	
Disagree	14	3	2	5	6	8	5	6	
Strongly disagree	7	2	0	0	0	0	2	3	
<b>Total (excludes non-response)</b>	<b>424</b>		<b>43</b>		<b>75</b>		<b>80</b>		

*Note:* *n* = sample, % = frequency of responses.

# Appendix P: Cross-border enforcement and information-sharing

**Table P1** Perceptions of factors that improve enforcement of cross-border protection orders (*n* = 573)

Factors	Rank
Consistency between states'/territories'/ legislations	1
Open shared data access between agencies that is monitored across systems/agencies	2
Consistency in police policy on protection orders	3
Information sharing protocols guided by national legislation and shared operational procedures manuals	4
Open communication channels between agencies involved with enforcement of protection orders	5
Consistent collaboration between police, magistrates, lawyers, and victim advocates	6
Shared risk assessment protocols between agencies for DFV incidents	7

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ANROWS

