

Interim evaluation of the trial specialist domestic and family violence court in Southport

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Acronyms

Acronym	Definition
CWG	Court working group
DCCSDS	Department of Communities, Child Safety and Disability Services
DFV	Domestic and family violence
DJAG	Department of Justice and Attorney-General
DPC	Department of the Premier and Cabinet
DVLO	Domestic Violence Liaison Officer
DVO	Domestic Violence Order
DVPC	Domestic Violence Prevention Centre Inc.
GCDVIR	Gold Coast Domestic Violence Integrated Response
IOMS	Integrated Offender Management System
LAQ	Legal Aid Queensland
OWG	Operational working group
PSBA	Public Service Business Agency
QCS	Queensland Corrective Services
QPS	Queensland Police Service
QWIC	Queensland Wide Interlinked Courts
SLA	Statistical Local Area
TPO	Temporary Protection Order
VIO	Voluntary Intervention Order

Glossary

Aggrieved	Person for whose benefit a domestic violence order is in force or may be made under the <i>Domestic and Family Violence Protection Act 2012</i>
Defendant	Person against whom criminal charges have been laid
Perpetrator	Person who is alleged to have committed domestic and family violence
Respondent	Person against whom a domestic violence order, or a police protection notice, is in force or may be made under the <i>Domestic Violence and Family Protection Act 2012</i>
Victim	Person who is the aggrieved in proceedings under the <i>Domestic and Family Violence Protection Act 2012</i> , or is a person against whom a criminal act is alleged to have been or has been committed by the defendant



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Acknowledgement is given to the women and men who provided their time and thoughts on their experiences of the justice system and their DFV proceedings to help inform this evaluation.

The contribution of the stakeholders involved in the Southport trial is also acknowledged, and those interviewed from similar initiatives. The hard work involved in recruiting victims and perpetrators for interviews is acknowledged and in particular, thanks is extended to Amy Compton-Keen and Michelle Adams from DVPC Inc., Sue Lloyd and Wayne McTaggart from Centacare, and Lucy Rocket (District Manager) and staff at QCS, Probation and Parole, Southport, and Tim Kurz (District Manager) and staff from the Burleigh Heads QCS office. A special thanks also to DFV Registry staff for their support and assistance during the fieldwork period.



Executive summary

The report of the Special Taskforce on Domestic and Family Violence in Queensland (Special Taskforce) – *Not Now, Not Ever: Putting an End to Domestic and Family Violence* (the Taskforce Report) – was delivered to the Honourable Anastacia Palaszczuk MP, Premier and Minister for the Arts, in February 2015. The Queensland Government released its response to the Taskforce Report in August 2015, accepting all 140 recommendations.

The trial specialist domestic and family violence court in Southport

The specialist domestic and family violence (DFV) court was established on 1 September 2015, initially as a six month trial in response to the recommendations contained in the Taskforce Report. The trial was then extended to 30 June 2017. The components of the trial comprise:

- two specialist magistrates in two dedicated court rooms for all civil DFV proceedings (applications for domestic violence orders), and related criminal proceedings¹
- a Court Coordinator to oversee the implementation of the trial and to coordinate all engagement with agencies
- a dedicated court registry, staffed by officers with knowledge and understanding of domestic and family violence
- a dedicated support room for women victims of domestic violence, those who are applicants for domestic violence orders, or those named as respondents on applications
- specialist domestic violence workers
- dedicated duty lawyers on offer to both victim/aggrieved as well as perpetrator/respondents and defendants in criminal proceedings
- dedicated police prosecutors
- a men's court information worker to provide information and referral to programs for perpetrator/respondents
- an information desk staffed by volunteer workers who coordinate access by both victim/aggrieved and perpetrator/respondents to each service available at the court.

The specialist court trial was located in Southport, a demographically diverse community where 35 per cent of residents have overseas born parents, the number of Aboriginal and Torres Strait Islander residents is proportionally lower than in the rest of Queensland, and the rate of unemployment is proportionally higher than the State average. Southport was selected for the trial for four key reasons:

- a group of government and non-government service providers, the Gold Coast Domestic Violence Integrated Response (GCDVIR), is already well established in Southport
- there is a high proportion of domestic violence proceedings coming before the Southport Magistrates Court
- both a Childrens Court and the Federal Circuit Court of Australia sit in Southport, enabling the trial to explore how domestic violence matters before the Magistrates Court might interact with the family law and childrens court jurisdictions
- the physical location of the Court near the Southport CBD, in proximity to all key agencies.

¹ Contravention proceedings (when a party breaches a domestic violence order) and related criminal charges (e.g. assault, property damage, et cetera).



Evaluation of the specialist court trial

This interim evaluation of the trial specialist court is one part of a broader Department of Justice and Attorney-General (DJAG) and Queensland-wide response to the report of the Special Taskforce. It is intended to test the specialist court trial model, to report on the early progress of the trial and to identify any issues for consideration for the remainder of the trial. Additionally, it will contribute to informing the development and design of a specialist approach to DFV proceedings across the State in line with the recommendations of the Special Taskforce.

. This work will make a contribution to the progress of other recommendations of the Special Taskforce, in particular the recommendations relating to the development of an integrated service response, a common risk assessment framework, interpreters and perpetrator programs.

The specific focus of the evaluation was on the specialist magistrates and registry staff, although the other components of this response are necessarily included due to the integration of the DJAG services with other aspects of the model. Some of these additional components are funded by other government departments, and some are not.

The interim evaluation took place after the trial had only been operating for three months. It was guided by a program logic (a planning tool that maps the activities and ideal outcomes of the initiative), which shows the pathways through which activities are expected to achieve the intended outcomes of the initiative. Like similar evaluations conducted in other jurisdictions, a mixed methods approach has been taken in this evaluation comprising:


- structured interviews with representatives of agencies most of whom were involved in the trial at an operational level, individuals with experience of similar initiatives, and also with victims and perpetrators (a total of 41 interviews were conducted with 44 individuals)
- secondary analysis of administrative data already collected by government agencies (data gathered during the trial was compared with the same period in 2014 wherever possible)
- analysis of planning and implementation documents generated during the planning of the trial, and after the trial commenced operation as well as an audit of services involved with the trial.

The results in this report will inform the development of a proposed final evaluation, which is intended to be completed by the end of 2016 and will provide an understanding of the outcomes and impacts of the specialist court.

Results and conclusions of the interim evaluation

This first stage of the trial can be described as developmental, with the overall conclusion being that the project is tracking well. The trial was set up in a short period of time and its operation was impacted by a sharp increase in the number of DFV matters coming before the court in the initial months of its operation. The large number of support services available to parties at the court, as well as limited court space, impacted on the operation of the court. However, the teamwork, leadership and dedication of the agencies involved in the trial, both government and non-government, meant that operational issues were dealt with in a positive and collaborative way.

Comments about the operation of the court were highly positive. Continuity was identified as a key benefit of having dedicated magistrates, and having these magistrates deal only with DFV matters



provides the opportunity for them to develop their existing expertise. For some aggrieved, having a dedicated Magistrate meant a same-day service for applications and, reportedly, consistency in sentencing for perpetrators. An important component of the initiative was the greater access to both the legal and non-legal support services on-site. The magistrates were complimented on how they operated, and the DFV Registry staff were complimented on how they interacted with stakeholders, the aggrieved and respondents. Other valued features of the DFV Registry were that a specialist service was provided, and that the location provided a level of safety and privacy.

It appears there is more work to be done to ensure victims and perpetrators are kept informed of the progress of court matters, particularly criminal matters, to maximise the safety of victims during a time of enhanced vulnerability. This aligns with findings from the *Review of the Victims of Crime Assistance Act 2009* (DJAG 2015) which found that victims are routinely only provided with information when they ask, rather than being proactively informed. The review found widespread support for the onus to be placed on government agencies to provide information without the need for victims to ask for it, and suggested amendment to the *Victims of Crime Assistance Act 2009* to include such an onus within a proposed *Charter of Victims' Rights*. QPS and members of the Public Safety Business Agency have been working collaboratively with DJAG officers to enhance information provided to victims of crime. This work also includes the development of learning products for operational police officers to assist in this regard.

Victims interviewed valued the Domestic Violence Prevention Centre Inc. (DVPC) service provided in the support room at the court, and the magistrates who they described as understanding. Agency interviewees generally thought that victims and perpetrators received procedural fairness, however victims interviewed reported greater satisfaction with procedural fairness than perpetrators.

Comparison of administrative data between the study period and the same period a year prior to the trial found there was an increase in applications, the proportion of applications to vary an order had increased as had the proportion of orders made by consent, and the number of conditions on orders granted.

The evaluation was not able to fully investigate the success of the duty lawyer service due to the small numbers of victims and perpetrators interviewed, and this should be further explored in the final evaluation. The presence of a prosecutor to assist with the flow of matters through the DFV courts has obvious benefits and is worthy of further examination as the trial progresses, as is the new process instituted by the registry for engaging interpreters.

The key learnings from the trial and for any roll out are about people. The interim evaluation has revealed that the critical component in the success of the specialist DFV court is having the right people in key roles, particularly magistrates, who are experienced in the complexities of DFV.

Recommendations

Recommendation 1

To provide clarity for those currently working within the specialist court, to ensure an easy transition for any staff new to the court, and to assist if roll-out of the trial is to occur in other locations in Queensland, that the Court Coordinator lead a project, in consultation with others involved in the trial, to develop a comprehensive set of policies, protocols and practice notes describing the operation of the specialist court, including a clear description of the roles and responsibilities of each agency involved in the court process.



Recommendation 2

That DJAG lead the work to ensure that data collection mechanisms are established (where needed), maintained and potentially expanded to ensure a rich comparative data resource is available for the final evaluation. This would involve the establishment of a minimum dataset that includes information about urgency, type of legal representation, information about who initiates variation applications and why, use of interpreters, communication between the specialist court and other court jurisdictions, information that enables trajectory mapping, and more detailed demographic information. The options to achieve this recommendation are to:

- Adapt existing administrative systems to collect additional data
- Build an additional manual data collection template for Southport registry staff to complete for each matter that comes before the specialist DFV court
- Require any additional data collection to be undertaken by the independent evaluator, and include this in the specification for the final evaluation of the trial DFV court.

Recommendation 3

That the final evaluation of the trial specialist court seeks access to QPS data, and explores the ability to link data between QPS and DJAG, to enable the evaluation to consider the complex inter-relationships between the policing of domestic violence and the court response.

Recommendation 4

Acknowledging the high stress and high workload environment of the specialist court, it is recommended that consideration be given to ensuring that operational staff in the specialist court have adequate support to continue their work. For court officers, this would comprise an induction package that includes a component relating to vicarious trauma, access to professional de-briefing sessions for critical incidents, regular team de-briefing and access to specialist counselling.

Recommendation 5

That clear and consistent information is provided to the aggrieved and respondents to ensure they have a comprehensive understanding of the time it may take the court to hear and finalise DFV matters, so as to reduce the potential for increased uncertainty and stress of parties during these proceedings.

Recommendation 6

That further consideration be given to developing a protocol, in consultation with other relevant agencies, that guides who, how and how often individual victims are kept informed about the progress of criminal matters (particularly contravention matters), to ensure their safety is maximised throughout all legal proceedings.



1. Introduction and context

This interim evaluation of the trial specialist DFV Court took place between November 2015 and January 2016 by DJAG staff experienced in evaluation. It was intended to test the trial model, to report on the early progress of the trial from its commencement on 1 September 2015 to 30 November 2015 and to identify any issues for consideration for the remainder of the trial (due to end on 30 June 2017). Additionally, it will contribute to informing the development and design of a specialist approach to DFV proceedings across the State in line with recommendations of the Special Taskforce on Domestic and Family Violence which reported in February 2015. More broadly this work will contribute to the progress of other recommendations of the Special Taskforce, in particular those relating to the development of integrated service responses, including the common risk assessment framework and multi-agency high risk response, engaging and working with interpreters and designing and implementing perpetrator programs.

The interim evaluation was undertaken early, with the trial still in a developmental stage. Expectations for the trial should therefore not be set too high. It is too early, for example, to provide any comment on the outcomes of the trial or about the fundamental issues of safety and accountability because they cannot be assessed at this stage. Rather, the interim evaluation provides an assessment of the implementation of the trial.

The focus of the evaluation is on the specialist magistrates and registry staff. This report, however, documents the common themes arising from the interviews, which means that other components of the integrated response are presented as part of the results. Components of the model such as the duty lawyers, police prosecutors and support/information workers, have not specifically been the subjects of the evaluation, so are not fully explored as part of this work. Some of these additional components are funded by other government departments, and some are not.

This section of the report provides the background and context of the evaluation of the trial specialist DFV court and describes the methodology employed. The next section of the report details the results, and the final section provides a brief discussion of the findings, outlining recommendations to improve the success of the trial and paving the way for the final evaluation.

1.1 Background

The trial specialist DFV court was established in response to recommendations made by the Taskforce Report (Appendix 1 provides a list of the relevant Special Taskforce recommendations and Appendix 2 provides relevant media announcements). The purpose of the trial is to inform the development and design of a specialist approach to proceedings across the State in line with the Special Taskforce recommendations.

1.1.1 The trial model

The trial model is based on dedicated Magistrates hearing both applications for Domestic Violence Orders (DVOs) and related criminal matters. The dedicated Magistrates are supported by a DFV Registry and a Court Coordinator. Additional duty lawyers through Legal Aid Queensland (LAQ) and prosecutors through Queensland Police Service (QPS) were allocated to support the court convened by the dedicated Magistrates. Local services relevant to the work of the DFV court are co-located, to offer support and information to the aggrieved and information for respondents (see Table 1). No legislative changes were necessary to support the trial.

Table 1: Service audit for the DFV trial

Agency	September-October 2015	Additional resources from November 2015
<i>Magistrates Court</i>	1 Magistrate	1 Magistrate
	1 Court Coordinator (AO7)	
	DFV Registry containing 1 DFV Liaison Officer (AO4), ² 1 Depositions Clerk (AO3) and 3.8 FTE other staff.	4 Court Services Officers (2 x AO3; 2 x AO2).
	1 security guard employed two days per week; 13 hours of additional security guard time.	
<i>QPS</i>	3.5 Prosecutors (PO4)	2 Prosecutors (PO4)
	1 x Senior Sergeant supervisor (PO5 equivalent)	
	3 x Data entry (2 x AO2, 1 x Constable) Constable assisted with data entry/admin training.	1 x A03 Administration Officer
<i>Legal Aid Queensland (funded by DJAG)</i>	Civil: three days a week – duty lawyer for aggrieved and duty lawyer for the respondent. Duty lawyers providing advice only. Advocacy only provided for particularly vulnerable clients. The duty lawyers did not appear at hearings.	Civil: Monday to Friday – additional duty lawyer for aggrieved parties and an additional duty lawyer for respondents. Duty lawyers providing advice, assisting with negotiation, and appearing in Court. The duty lawyers do not appear at hearings. LAQ office provides a duty lawyer for the aggrieved several days a week depending on availability. The other duty lawyers are provided by preferred suppliers funded by LAQ.
	Criminal: two duty lawyers for the criminal breach callover held each Friday.	Criminal: Friday – two duty lawyers available for those charged with criminal breaches. The duty lawyers appear on adjournments, bail applications and pleas of guilty. The duty lawyers do not appear at hearings.
<i>Centacare</i>	Two new behaviour change programs for men (2.5 hours x 2 programs each for 12 weeks). Funded for 2 x 30 hours fortnight men’s worker and 1 x 20 hours fortnight women’s advocate (sub-contracted to DVPC)	
<i>DVPC Inc.</i>	Part time staff were used to meet the demand for service.	Three new full time positions (1 at court; 2 at office)
<i>QCS</i>	Two senior case managers (PO3) to support the specialist Magistrate ³ One supervisor (0.5 x AO6), one surveillance officer (0.2 x AO3) and one intelligence analyst (0.5 x AO4).	

² This role has since been re-cast as the Deputy Registrar of the specialist court.

³ Provide recommendations to the Magistrate regarding perpetrator suitability for supervision on a community based order.

1.1.2 Why Southport?

Southport Magistrates Court was chosen as the trial location for several reasons. Firstly, the Gold Coast Domestic Violence Integrated Response (GCDVIR) – a community-based network that provides an integrated response to domestic violence with the focus being on agencies working together to provide coordinated interventions – was seen as an important existing initiative that could support the work of a specialist court. The GCDVIR has had a presence on the Gold Coast for 18 years and includes duty lawyers (through LAQ), police, court support workers, perpetrator information workers, providers of perpetrator programs and specialist domestic violence counselling.

The high proportion of DFV proceedings coming before this Magistrates Court was a second reason to locate the trial in Southport. In fact, the Southport Magistrates Court deals with the highest proportion of domestic violence proceedings in the State (2,377 applications in 2013–14, 9.4% of statewide applications). Southport Magistrates Court also has a dedicated Childrens Court Magistrate, one of only nine across Queensland. In 2013–14, the Southport Magistrates Court dealt with 1,062 Child Protection Orders (7.83% of the orders made statewide).

In addition, the Federal Circuit Court of Australia, which exercises family law jurisdiction, also sits in Southport. The opportunities for exploring how the court systems for domestic violence matters might be linked with related child protection and family law matters was considered an important aspect of the trial, in line with the Special Taskforce recommendations.

Finally, the physical location of the court in Southport presented itself as ideal. The Southport Magistrates Court is located near the Southport CBD, with easy access to public transport, including light rail and bus. The courthouse is located next door to the Southport Police Station and the local offices of LAQ and Queensland Corrective Services (QCS) are adjacent. The Southport Magistrates Court is one of Queensland's busiest courthouses, with between eight and 10 full time magistrates in addition to the magistrates involved with the trial.

1.1.3 The sociodemographic context of the trial

The Gold Coast population comprises 12 per cent of the total population of Queensland (Table 2), which in turn represents one fifth of the total population of Australia. The Gold Coast Statistical Local Area (SLA) is a more culturally diverse population than Queensland as a whole, but has a smaller Aboriginal and Torres Strait Islander population. Additionally the higher rate of unemployment, higher proportion of low income earners, and higher median rent combined, suggests there is a degree of socioeconomic pressure in this location.

Table 2: Sociodemographic context of the trial

Item	Gold Coast SLA	Queensland
Population	507,642	4.3 million
People with parents born overseas	35.2%	26.3%
Aboriginal and Torres Strait Islander people	1.2	3.6
Unemployment	7.4%	6.1%
Gross weekly income of less than \$600	23.2%	22.8%
Median rent	\$350	\$300

1.1.4 The components of the trial

The trial was originally intended to operate for a period of six months from 1 September 2015. Table 1 shows the composition of the model in place at Southport during the first two months of operation. During these two months, it quickly became apparent that a large and unexpected increase in the court workload required an immediate expansion of the model to cope with the demand. Table 1 shows the additional resources allocated to the trial so that, by November 2015, the components of the trial included:

- two specialist magistrates in two dedicated court rooms for all civil DFV proceedings (applications for DVOs), and related criminal proceedings⁴
- a Court Coordinator to oversee the implementation of the trial and to coordinate all engagement with agencies
- a dedicated DFV court registry, staffed by officers with knowledge and understanding of domestic and family violence
- a dedicated support room for women victims of domestic violence offences, those who are applicants for DVOs, or those named as respondents on such applications
- access to specialist domestic violence workers
- dedicated duty lawyers on offer to both victim/aggrieved as well as perpetrator/respondents and defendants in criminal proceedings
- dedicated police prosecutors
- a men's court information worker to provide information and referral to programs for perpetrator/respondents
- an information desk⁵ staffed with volunteer workers who coordinate access by both victim/aggrieved and perpetrator/respondents to each service available at the court.

In January 2016, an announcement was made that the trial would as to be extended until 30 June 2017 to enable a longer period of operation before evaluating the outcomes (see Appendix 2 for media announcements).

1.2 The evaluation of the DFV court trial

1.2.1 The evaluation framework

This interim evaluation, which commenced in November 2015 after the trial had only been operating for three months, was intended to test the trial model, to report on the early progress of the trial and to identify any issues for consideration for the remainder of the trial. The results of the evaluation will enable the model to be refined and improved and will inform the development of a proposed final evaluation.

In planning the evaluation, a program logic (a planning tool that maps the activities and ideal outcomes of the initiative) was developed showing the pathways through which activities are expected

⁴ Contravention proceedings (when a party breaches a domestic violence order) and related criminal charges (e.g. assault, property damage, etc.).

⁵ The volunteer service is supported by a memorandum of understanding between the Southport Magistrates Court and Centacare.

to achieve the intended outcomes of the initiative (see Appendix 3).⁶ The evaluation proposal was developed from the expected outcomes on this map, in consultation with agencies.

The evaluation encompassed the specialist DFV court and key partners for the court trial (see two inner circles in Figure 1). Although the governance framework for the trial, and changes in service delivery (e.g. perpetrator programs), were also considered within the scope of the initial evaluation due to their ability to impact on the trial, they are peripheral to the operation of the court (see Figure 2). As the DFV court trial was intended to be associated with other courts (Childrens Court, Family Court and Federal Circuit Court), these have also been included in the diagram.

The final evaluation will take place in the second half of 2016, assessing the outcomes and impacts of the trial after a 12-month period, and will inform decisions about whether and, if so, how the model and key aspects of the model might be expanded across Queensland.

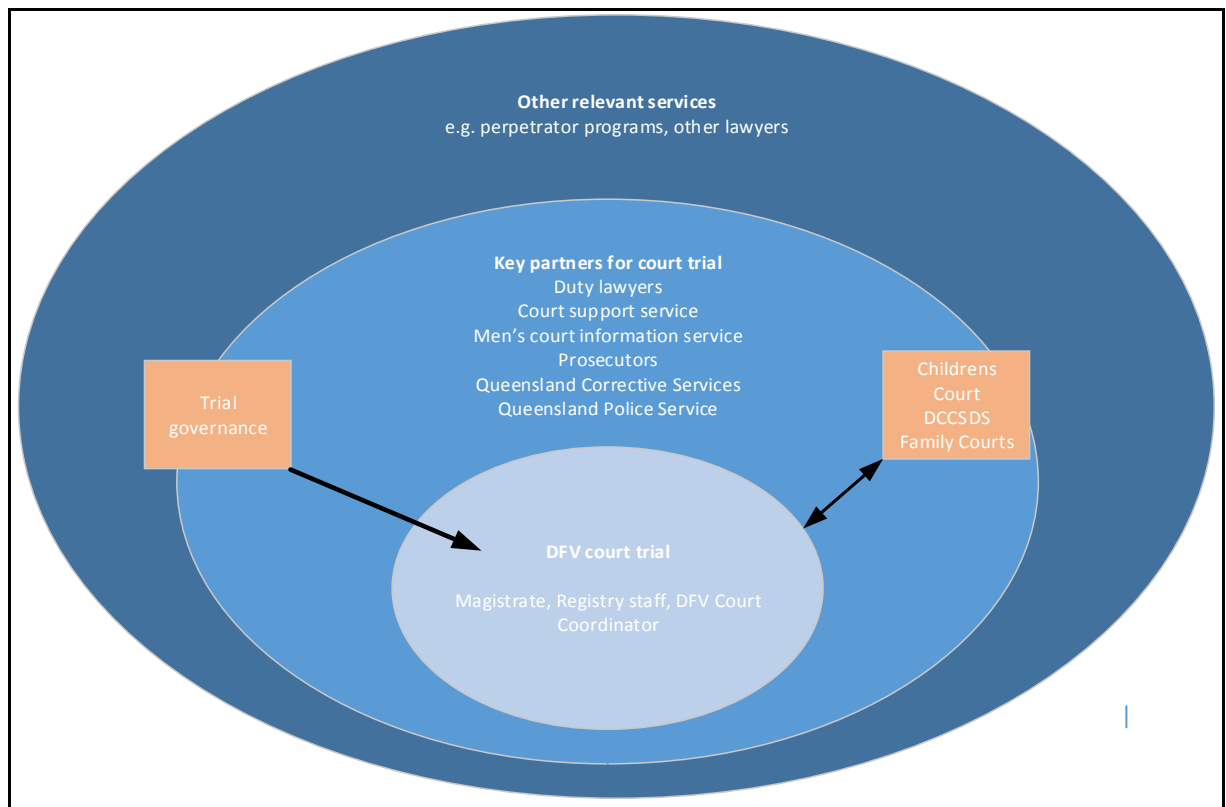


Figure 1: Model of the specialist DFV court trial evaluation

⁶ Since the interim evaluation was conducted, the program logic has been updated to take into account the outcome of increased collaboration. The final evaluation will use the revised program logic to guide its work.



1.2.2 Key findings from the literature

It is clear from a review of the relevant literature on similar approaches in Australia, the United Kingdom, Canada and the United States, that there is no single model for a specialist domestic violence court.⁷ It is also evident, however, that given the complexity of the issue, a systems response⁸ to domestic violence is required.⁹

Although different from other specialist courts in Australia, the Southport trial includes the key elements of a specialist court:

- specialised personnel
- specialised procedures
- an emphasis on specialised support services
- special arrangements for victim safety
- offender programs
- a problem solving approach.

The components of the DFV Court in Southport are listed in section 1.1.4.

The trial Southport court most closely resembles the Victorian Family Law Division model, in that civil and criminal matters are both dealt with, and there are dedicated magistrates, specialist staff and support services. It differs from the Victorian model, however, in the interaction between the DFV court and the family law jurisdiction. In addition, the Victorian court has been established by specific legislation.

The model adopted in the ACT has only a criminal list, with civil matters being dealt with elsewhere. This is also the case in NSW and most New Zealand specialist courts. However, in South Australia, civil and criminal matters are both heard. An earlier model in Western Australia also dealt with both civil and criminal matters, but this has been reduced in scale. Most of these other court models have an integrated approach that frequently incorporates regular meetings, specialist staff, offender programs and support services. Some Australian and New Zealand jurisdictions also have judicial monitoring of offender program participants, and an integrated approach to case tracking.¹⁰


Many of the specialist courts in the USA are limited to operating special civil lists, with one exception being the New York model which combines civil and criminal matters. The District of Columbia model, which has a legislative base for its operation, also hears both civil and criminal matters, but can incorporate family law matters. In Canada there is again diversity in approach, with the Manitoba

⁷ S Moore, *Two Decades of Specialized Domestic Violence Courts. A Review of the literature* (Centre for Court Innovation 2009); D Cook, M Burton, A Robinson, C Valley, *Evaluation of Specialist Domestic Violence Courts/Fast Track Systems* (Department of Constitutional Affairs, United Kingdom 2004).

⁸ The complex social, psychological and economic inherent in domestic violence suggest that a problem-solving approach, rather than a straight forward criminal justice response, is required. At the core of domestic violence is an abusive relationship, with one party exerting a high level of control over another, often involving criminal behaviour. To enable a justice response, victims need to be supported and provided with ongoing services, and perpetrators need to be provided with the opportunity to learn more appropriate behaviour in addition to being held accountable for their actions. A combined legal and non-legal set of services is required, known as a 'systems response'.

⁹ J Stewart 2005. Specialist Domestic/Family Violence Courts within the Australian context (Australian Domestic and Family Violence Clearinghouse 2005); T Cusson and M Lynham 2012 ACT Family Violence Intervention Program review (Australian Institute of Criminology 2012).

¹⁰ Australian Law Reform Commission 2010, *Family Violence: A National Legal Response*.



model incorporating child protection matters as well as domestic violence. The various United Kingdom specialist courts have criminal lists as well as other elements of a specialist court.

The literature appears to suggest that when designing a court response to domestic violence matters, a strong link to victim services, judicial monitoring and a coordinated community response are important.¹¹

Evaluations of similar initiatives undertaken in Australia have used a mixed methods approach that has combined analysis of courts or police data with agency interviews.¹² Some evaluations have included a victim survey or telephone interview.¹³

A critique of evaluations of problem-solving courts has found that:¹⁴

- some evaluations omit significant groups, for example, victims, perpetrators or defence lawyers
- there have been problems with the quality of data used
- some studies have had research design shortcomings such as small sample sizes and the identification of associations rather than causal links
- there is largely a lack of ability to generalise findings due to the lack of a uniform model for family violence courts.

This literature and a consultation process shaped the development of the approach taken for the initial evaluation.

1.2.3 Methodology

Like similar evaluations conducted in other jurisdictions, a mixed methods approach has been taken in this evaluation comprising:

- structured interviews with representatives of agencies (most of whom were involved in the trial at the operational level, some of whom had experience of a similar initiative), and also with victims and perpetrators
- secondary analysis of administrative data already collected by government agencies
- analysis of planning and implementation documents generated during the planning of the trial, and after the trial commenced operation as well as an audit of services involved with the trial.

For ease of understanding the use of technical language in this report has been limited.¹⁵

While acknowledging that both men and women may be perpetrators of domestic violence, a decision was made in this project to define women as victims or aggrieved, and men as respondents, defendants or perpetrators. This approach was taken because in the court system, the majority of

¹¹ R Mazur and L Aldrich. *What makes a domestic violence court work: Key issues* (Centre for Court Innovation 2002); T Cusson and M Lyneham 2012 *ACT Family Violence Intervention Program review* (Australian Institute of Criminology 2012).

¹² For example, L Rodwell and N Smith. *An evaluation of the NSW Domestic Violence Intervention Court Model* (NSW Bureau of Crime Statistics and Research 2008).

¹³ Urbis Keys Young. Research into good practice models to facilitate access to the civil and criminal justice system by people experiencing domestic and family violence: Final report. (Office of the status of Women 2002); T Cusson and M Lyneham 2012 *ACT Family Violence Intervention Program review* (Australian Institute of Criminology 2012); L Rodwell and N Smith. *An evaluation of the NSW Domestic Violence Intervention Court Model* (NSW Bureau of Crime Statistics and Research 2008).

¹⁴ L Thom, A Mills, C Meehan and B McKenna. *Evaluating problem-solving courts in New Zealand: A synopsis report* (Centre for Mental Health Research 2013).

¹⁵ This includes the use of terms associated with evaluation work. It should be noted that this work makes no claim about a theoretical approach, but is firmly grounded in social science.

aggrieved in domestic and family violence proceedings are women and the majority of respondents, perpetrators and defendants are men.¹⁶ Additionally, while multiple terms are used to describe those who experience domestic violence and those who perpetrate it, a decision was made to align the use of terms with the Taskforce Report, which uses the generic terms victim and perpetrator, with exceptions made as needed.

It was identified that ethics approval should be sought for the project, because some interviews were planned with vulnerable individuals (in particular, victims and perpetrators of DFV). Ethics clearance was received from the Gold Coast Hospital and Health Service Human Research Ethics Committee, on 18 November 2015, HREC/15/QGC/262.

1.2.4 Interviews and sample

A total of 41 interviews were undertaken with 44 individuals between 25 November 2015 and 8 January 2016 as outlined in Table 3 (see Appendix 4 for the interview questions).

Table 3: Interview sample

Sub-samples	Number of interviews	Number of interviewees
Agencies directly involved with the trial court	19	19
Individuals with experience in a similar initiative	7	10
Victim/aggrieved	7	7
Perpetrator/respondent	8	8
Total	41	44


Representatives from agencies involved in the trial who were interviewed included court personnel, legal and non-legal court support personnel and representatives from other government departments. Many of the agency representatives interviewed had experience of the court prior to the trial, but some did not. Individuals with experience in a similar initiative included those in metropolitan and regional locations. These interviewees are not described any further, to ensure their identities are protected as far as possible.

Seven victims were interviewed. These individuals reported diverse experiences and situations (see Table A5.1 in Appendix 5), including both private and police applications for orders, cases in which a cross-application¹⁷ had been lodged and/or obtained against the interviewee, cases involving individuals whose first language was not English, and other cases where individuals had experience with a Magistrates Court both prior to and following the introduction of the trial. Additionally some victims reported contraventions of, and variations to their DVO. While the victim sample was small, it was sufficiently diverse to illustrate some of the complexities and challenges that victims of DFV confront.

Eight perpetrators were interviewed, and this sample was also diverse (see Table A5.2 in Appendix 5). Some of the interviewees in this sample were mandated to attend a domestic violence behaviour

¹⁶ Data presented in the Special Taskforce report Special Taskforce report on Domestic and Family Violence, *Not Now Not Ever: Putting an End to Domestic and Family Violence in Queensland* indicate that about three-quarters of applications for protection orders between 17 September 2013 and 16 September 2014 were by women.

¹⁷ A cross-application occurs when the respondent named on a DVO application applies for a DVO against the person named in this DVO application as the aggrieved.



change program, some attended under a Voluntary Intervention Order (VIO) and others voluntarily enrolled in a program prior to their matter being heard. Additional attributes of this group include:

- half of the interviewees reported having contravened a DVO
- two had experience of the Magistrates Court both before and after commencement of the trial
- some had experience only of a (traditional) Magistrates Court and some had experience only of the trial
- all interviewees reported that they consented to the order
- most reported that variations to the order had been made.

Details about the recruitment procedure for interviewees and data analysis are contained in Appendix 6 (Methodology).

Throughout the text of this report, interviewees have been identified by numbers that indicate which group they belong to – agency interviewees are identified by numbers preceded by a #, victim interviewees are identified by numbers preceded by a V, and perpetrator interviewees are identified by numbers preceded by a P. Those interviewed because they had experience of a similar initiative are identified by numbers preceded by SE.

1.2.5 Administrative data

Data was provided by Queensland Courts Services, DJAG from the Queensland Wide Interlinked Courts (QWIC) record and financial management system for two distinct periods covering 1 September 2014 to 31 October 2015, and for up to four months from 1 September 2015. Some data was also provided by QCS from the Integrated Offender Management System (IOMS) for the period 1 September to 30 November 2014 and 2015 (see Appendix 7). The databases used to supply data for the evaluation were designed for operational recording rather than for research purposes, leading to some limitations which are described in Appendix 6.

1.2.6 Document analysis

Key documentation generated during the planning and implementation of the trial was reviewed to understand the purpose of the trial, how each component was intended to operate, and to what degree this occurred. Documents included in this part of the evaluation are listed in Appendix 8.



2 Results

The results component of this report begins by presenting the findings from the planning and implementation document analysis. This, combined with the service audit (see Table 1), provide the context for the second section of the results which is based on the interviews and administrative data.

2.1 An analysis of planning and implementation documents

A document analysis was undertaken to provide some indication of how the trial was tracking from the original planning stage through to 31 December 2015. The analysis involved comparing the material in the planning documents (project plan, program logic, model of DFV court trial evaluation and governance diagram) with the implementation documents to determine whether implementation was broadly faithful to what was planned. Most of the material related to implementation is derived from the minutes of two working groups supporting the trial – the Court Working Group (CWG) and the Operational Working Group (OWG). A list of documents that were provided for this analysis is listed in Appendix 8.

The project plan for the trial, which is consistent with the program logic, shows that the objectives of implementation were to establish a court containing:

1. a Magistrate with experience and interest in domestic and family violence proceedings
2. trained registry staff and court workers
3. specialised, free legal advice through LAQ
4. court support workers for the aggrieved
5. information and liaison workers for respondents
6. interpreters for all parties
7. access to perpetrator programs.

The governance diagram (Figure 2) shows the manner in which the trial was intended to be governed. It shows a strong DJAG presence along with formal interagency relationships across the government and non-government sectors. Government interagency relationships for the trial exist at multiple levels, both at Chief Executive Officer (CEO) level and at officer and operational levels. Interagency relationships in the non-government sector are also in place at the organisational and operational levels. The diagram illustrates that the DFV court is led by a Magistrate, with the DFV Registry, Court Coordinator and working groups supporting the court operation. A DJAG Program Board was also established, comprising a group of Executive Directors, Deputy and Assistant Directors-General.

Following commencement of the trial on 1 September 2015, an unexpected and considerable increase in numbers appearing before the specialist court occurred. Publicity surrounding the deaths of two women in domestic violence incidents in the Gold Coast region in September 2015 contributed to a general increase in public awareness of DFV issues, which undoubtedly contributed to the sharp increase in DFV matters coming before the specialist court.¹⁸ In response to this, a range of service enhancements were made so that, from 2 November 2015, a second specialist DFV court commenced with a second dedicated Magistrate. An additional service commenced on 2 November 2015 – a court volunteer team from Centacare whose role was to coordinate the people outside the

¹⁸ For example. SBS Sydney, World News Australia, 11 September 2015, Anton Enus and Kathy Noval.

DFV court. The OWG minutes indicate that this was considered a successful initiative contributing to the smoother running of the court and the coordination of services outside the court room.

These workload challenges for the trial feature as central issues in the minutes of the two working groups, which cover the following themes:

- coordination (for example, how the agencies can better work together)
- resourcing and the challenges of accommodating the unexpectedly high workload
- the issue of safety at the trial location, including safety for aggrieved parties, respondents, defendants and staff
- perpetrator accountability and how to enhance this
- information sharing to ensure victim safety
- the development of new processes for both identification of current family law court orders in particular matters, and for engaging interpreters
- the role of the prosecutor.

Finally, it is apparent from the timelines document that the trial was implemented with speed.

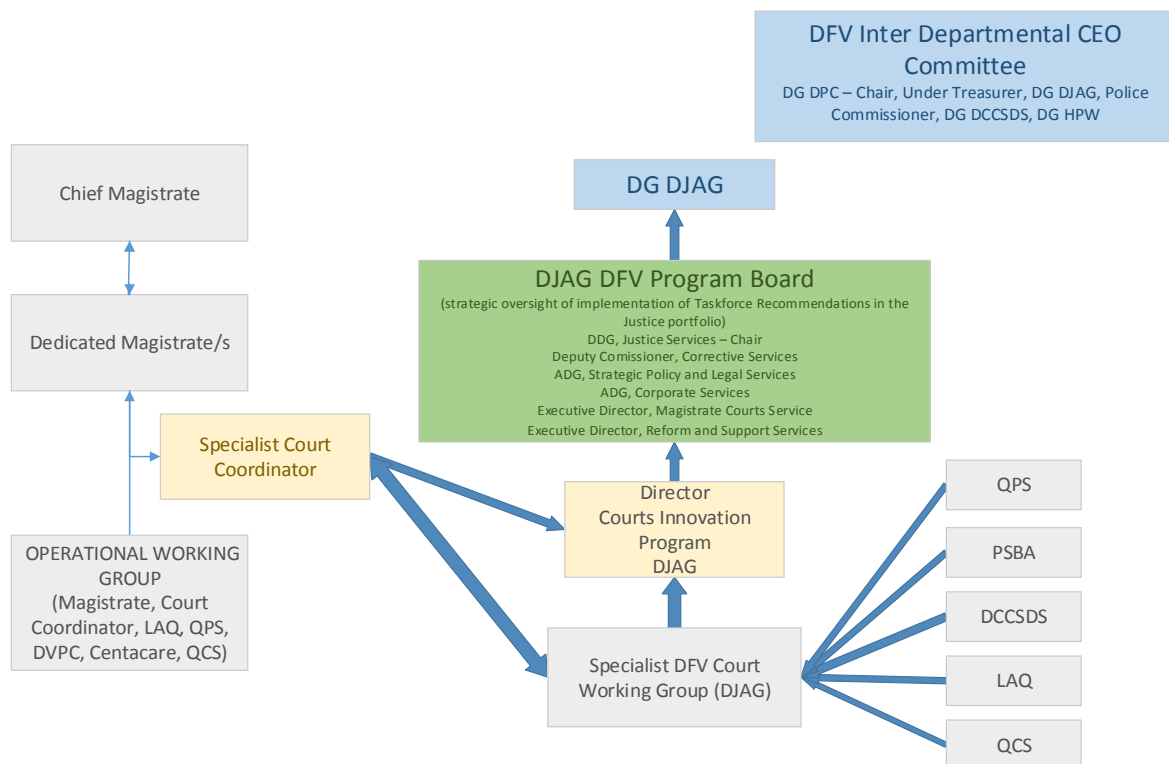


Figure 2: Governance of the specialist DFV court trial



2.1.1 Summary

In summary, it appears that this first stage of the trial is best described as developmental. Significant changes occurred to the model during the first three months due to:

- the unexpected influx of work for the specialist court
- the fast pace at which the trial was set up
- the need to create or adapt many of the procedures and processes for the trial
- the coordination of a large number of services.

Analysis of the implementation documents indicates that the seven project objectives in the project plan have been achieved, suggesting the trial is tracking well. There is evidence in this analysis of progress being made towards meeting the short and medium term outcomes listed in the program logic map. The results from the interviews and administrative data explore in more detail how the objectives were achieved and the progress made towards program logic map goals.

2.2 Overview – an analysis of interviews

2.2.1 Experiences to date

When agency interviewees were asked what they thought the important components of the DFV trial were, the most frequently mentioned items were:

- routinely having duty lawyers for aggrieved and respondents
- dedicated magistrates
- the partnership between all stakeholders
- victim safety.

Almost all stakeholders expressed a strongly positive response when asked what their experience of the trial had been to date. The most notable positive responses included reference to teamwork, openness and receptiveness, and the dedication of staff involved in the trial. The additional Magistrate and services were also mentioned positively, including the addition of a court volunteer role, as was the appropriateness of sentencing. Some negative comments related to the low number of VIOs,¹⁹ the speed of the implementation of the trial, and lack of consultation regarding the role of security.

... everyone, the team, is trying very hard ... there is a sense of a team and that people are trying to make it work, are trying to take on board everything that's happening and get on with it and try to improve it. (#11)

... everyone has worked very well together in trying to make things work, identify where there's issues and not just point them out, but come up with workable solutions. (#1)

¹⁹ Where a court makes or varies a DVO, the legislation (*Domestic and Family Violence Protection Act 2012*) enables the court to also make a Voluntary Intervention Order (VIO), with the consent of a respondents who is present in court, requiring the respondent to attend an approved perpetrator intervention (such as an approved behaviour change intervention program).

Magistrate X has been very attentive... open to questions... X asked us to put questions on the table... hears those questions, if X believes it belongs in the group X [will] continue the conversation. If X believes that we might need to have a more in depth conversation that requires more time X makes the time to do that. X [has] been very, very willing and supportive as well. (#28)

... has been exceptional because I think JAG has driven a very, very good project in the way that they have consulted and taken on board expertise and thinking without blocking it, they've let it actually flow and obviously there's limitations and there's been very good support from DJAG ... has been fantastic at being progressive and not, 'oh no, we can't do that', 'what can we do', 'let's look at this'. ... So they've been very open to exploring and I think that's one of the greatest strengths of this trial, and the fact that you've got a Magistrate you can stand and have a chat to, and you can ask hard questions who will adjust. (#32)

... court, the police prosecutors, the police are, I suppose, yeah, listening, listening to what has been happening for women. And their responses are different. ... The language has changed. Magistrate X ... the way he speaks to women, the way he holds women's stories, the way he values women... (#39)

2.2.2 Challenges

All agency interviewees agreed there had been challenges faced by the trial court (see Table 4).

Table 4: There have been challenges for this DFV court trial

Response	Number
Strongly disagree	-
Disagree	-
Neutral	-
Agree	9
Strongly agree	8
Not asked	2
Total	19

The challenges identified by the agency interviewees were:

- the volume of work until the second Magistrate was appointed
- the ability to coordinate the work of the court in conjunction with the multiple support services
- the short set-up time when trying to operationalise a complex set of services, especially when the volume of court work increased quickly and unexpectedly
- the availability of rooms for legal services
- the small size of the support room
- security in the court waiting area.

... look around the room and say, 'okay, sisters, there's no privacy' and I just get down on my haunches and sit in front of a woman and just start doing a safety assessment with her. And so she's telling me about really personal stuff in front of everyone, but there's no other place to do it. (#37)

2.2.3 Benefits

Agency representatives interviewed for the evaluation were given an opportunity to identify the benefits and beneficiaries of the operation of the specialist DFV court. Tables 5 and 6 summarise their responses.


Table 5: There have been benefits from the DFV court trial

Response	Number
Strongly disagree	-
Disagree	-
Neutral	1
Agree	5
Strongly agree	11
Not asked	2
Total	19

Table 6: Who benefitted and how they benefitted

Who benefitted	How they benefitted
Aggrieved and respondents	<ul style="list-style-type: none"> • Receiving services at a central point • More informed and potentially more calm • Matters are dealt more quickly resulting in less stress • Greater consistency in sentencing
Stakeholders	Increased understanding of the roles of other service providers through the interagency meetings
Criminal justice system	Better understanding of the severity and extent of domestic and family violence
Public service agencies	<ul style="list-style-type: none"> • The court from having better informed and calmer aggrieved and respondents • QPS through being able to be better prepared • The court has added value to the existing integrated service; and 'it's given us a collective voice to better manage what we all know is a very serious problem' (#15)

For those people who are subjected to domestic violence and those people who perpetrate domestic violence, they now have a place to come where they can be provided with help and assistance and guidance. (#16)



I think all the services give the court a great support. ... they take a lot of the explanation and the calming ... I think the parties get benefits because they know what the heck's going on, where I don't think they always have. (#23)

... matters appear to be finalising quicker, so there's not adjournment after adjournment because the same Magistrate tends to be dealing with the same accused... (#1)

... the lawyers for both parties, being there to provide advice straight away just makes the whole process a lot more efficient. ... mainly the aggrieved because the matter is finalised quicker, less stress, less emotional stress... (#3)

... consistency in how the court is dealing with orders, and consistency in sentencing of offenders ... when comparatives are handed up, the court is utilising those comparatives. (#14)

I think their position and situation has been given a sense of credibility that it's a topic now that's very widely discussed, taken seriously, a lot of political force behind it. And it sends a message I think, that domestic violence is important and that ... setting up of this court means that it's being taken seriously, and so therefore, yes, you have every right that this isn't right in society and it's something we need to address. For the respondent, I also think it's a benefit actually because I think they get increased access for information for support services, and, I think that's really important, because really if this is about behavioural change, it's not just about the court, it's about you turning up for court and having to go through that, it has to go beyond that. And I think that this is perhaps a start for that to happen, that they actually have access to that information. (#11)

2.2.4 Summary

While the responses of agency interviewees about the trial were overwhelmingly positive, they did identify areas for development. The short set-up time, and unexpectedly high volume of work which created challenges were exacerbated by the large number of services and limited court space. These appear to be balanced, however, by a positive dynamic and perceived benefits at all levels. The teamwork, leadership and dedication of the agencies appear to have coalesced into a comparatively cohesive, energetic and focused team. The magistrates were singled out for praise about how effectively they interacted with the agencies, the aggrieved and the respondents.

Having services available and located centrally was perceived as providing easier access and ensuring aggrieved and respondents are better informed about their matters and the court process. Reportedly, as a consequence, the parties are often calmer during what is a difficult and confronting process. Agency interviewees believed that matters were dealt with more quickly and there was greater consistency in sentencing.

At the operational level, the coordinated approach has resulted in agencies developing a better understanding of the roles of others. It was felt that the criminal justice system had acquired an improved understanding of the severity and extent of domestic and family violence. The trial is seen to provide a 'collective' voice for agencies involved in service delivery.

While the outstanding issues are few, they are important areas and warrant consideration. Security issues were raised both in the context of concerns about insufficient consultation about security early in the trial period, and concerns that the aggrieved are potentially subject to continued harassment and intimidation from the perpetrator/respondent in the waiting area outside the court. The security issue is being addressed by DJAG and will continue to be actively monitored. The small size of the support room was an issue because expectations about proposed renovations had not yet been met. DJAG has plans in place for a building upgrade that will address this. Comments were also made about the unexpectedly low number of VIOs.

2.3 Court operation

2.3.1 Dedicated magistrates

Agency interviewees were asked to comment on the contribution of the dedicated magistrates (see Table 7). In summary, these comments were that:

- their knowledge, experience and therefore expertise is perceived to have increased
- there are benefits when there are parallel family law matters
- an application can be considered on the day it is filed and an order can be made on the same day
- they provide continuity
- they have a more holistic picture.

Table 7: A key aspect of the DFV court trial is that there are dedicated magistrates. This has changed the process and/or outcomes for victims and perpetrators, and how the integrated response operates.

Response	Number
Strongly disagree	-
Disagree	-
Neutral	-
Agree	4
Strongly agree	13
Not asked	2
Total	19

Agency interviews perceived that the dedicated Magistrate meant potentially having their matter dealt with in one day, and provided continuity by 'having the same Magistrate dealing with your matter as it goes through the process' (#16), and that 'they're not going before someone else and explaining the story again' (#33). This was also seen to enhance perpetrator accountability and consistency in sentencing.

... what I tell a lot of the victims as encouragement when they say, 'is the Magistrate going to understand my matter?' I say, 'they do this day in day out, that's what their job is, this is what they specialise'. So that gives them that little bit of encouragement, rather than just having someone who's just had a parking

fine deal with them and then they walk in and they need that understanding of what they're going through. (#20)

... when the DV order might be saying no contact ... by having a specialist DV Magistrate ... that can look at it from a holistic perspective, makes a bigger difference for potential safety of the victims and children, and can have the potential to make a change to a Family Law Order that might otherwise leave a victim and children at risk. (#32)

... the choice of Magistrate is really important and I think the ones that are doing the DV court stuff are really, really good. Very sensible, very fair, very respectful and very approachable ... they're doing a really good job, and I think that is definitely having a positive impact on the pilot. (#2)

I believe that the magistrates ensure that the aggrieved and the respondents are dealt with in a way that they feel that they've been heard, which I think is important, and respectfully... (#18)

... the one-stop shop ... improve the information available to the parties at the earliest opportunity; maximises access to the DV support workers, the lawyers, DVPC and court information. (#10)

2.3.2 Dedicated DFV Registry

When queried about the dedicated registry and court staff, most often agency interviewees gave a positive response because of the perceived benefits that come from having a specialised service and one that is located away from the general registry office (See Table 8).

Table 8: There are also dedicated registry and court staff. This has changed the process and/or outcomes for victims and perpetrators, and how the integrated response operates

Response	Number
Strongly disagree	-
Disagree	-
Neutral	-
Agree	5
Strongly agree	11
Not asked	3
Total	19

The registry staff are described as 'people who are versed in what we're doing' (#23), and 'specialists dealing with vulnerable people in a secure location' (#16). Having the 'right' people filling the positions also drew positive comment such as this: 'they seem to have chosen the right people for those roles who get it, who get what it's like to be on the other side' (#37). They were described as providing a 'sympathetic' and 'accepting' (#16) environment, where the staff 'can recognise if they're an urgent case or not' (#17), 'they want to be there' (#28), and 'they understand the importance of their role within the whole' (#32). The value of the DFV Registry is that 'they're not standing in line potentially with the perpetrator standing two people behind them' (#28). The location was considered not only safe, but private as well.

In summary, the dedicated DFV Registry is perceived as generating benefits predominantly for the parties. This appears to be because it is located away from the general registry and has specialist staff who have an understanding of the issues.

... they don't have to sit and talk about a very emotionally charged situation with a lot of other people that are in unrelated matters whether that be crime or they might just be getting a birth certificate... (#18)

2.3.3 The contribution of local services

Table 9 shows there was strong agreement by all agency interviewees about the contribution of local services to the work of the specialist court.

Table 9: Local services involved in DFV court trial processes contribute to the court's work

Response	Number
Strongly disagree	-
Disagree	-
Neutral	-
Agree	2
Strongly agree	15
Not asked	2
Total	19

The points made by participants about the contribution of local services are that:

- the coordinated approach of local services represents a coordinated response in action
- the aggrieved and respondents receive information, advice and/or support on the day of the court
- services add value to the court by providing information and calming the aggrieved and respondents.

... it's like you're starting the journey and you're ending it, but okay, it's the initial meet and greet, but through that whole way you're getting your legal advice and then you're also getting advice with regards to what keeps you going, is there a refuge you need, is there an intervention program that may help you, are there other factors, can we send you to - I don't know, a church group or whatever it may be, all of those things ... , so it just doesn't stop here once they leave the court house. (#11)

... the basic tenet of information sharing, coordination, understanding of each other's roles and skill and overtime, becoming more skilled in understanding the risk that's presented and how to manage it. (#32)

2.3.4 DV training and experience of service providers

Service providers were asked to provide information about the nature and extent of their DFV training and experience. Tables 10 to 13 depict the nature and extent of the experience of those interviewed.

Table 10: Do you have experience other than your current role, in domestic and family violence?

Response	Number
Yes	19
No	-
Total	19

Table 11: Previous employment experience in domestic and family violence

Role where experience in DFV occurred	Number of years of experience
Administrative/coordination¹	Over 7 years
Social workers – current and past employment; front line and managerial positions.	1 to 20 years
Diverse front line operational experience where DFV occurred routinely	Up to 20 years
Lawyers – current and past employment, representing aggrieved and/or respondents; also more broadly criminal and family law^{1,2}	Years unknown
Magistrate/s – current and past employment	Over 10 years
Police officer/QPS/Prosecutors – current and past employment; front line and managerial positions^{1,2}	2 to 35 years
QCS - current and past employment	Years unknown

¹ Associations with similar court arrangements

² Educative role

Table 12: Do you have specific training in domestic and family violence?

Response	Number
Yes	12
No	6
Not asked	1
Total	19

Training types ranged from formal education from a university (Bachelors degree, Masters degree, Graduate Diploma), a range of workshops and similar shorter training activities, to on-the-job training. Government departments and professional associations provided some of this training. Of the 12 who reported having received such training, 11 indicated they had used it during the trial.

Table 13: Type of training received

Type of training	Number of times this training was reported
Workshop/seminar/conferences /webinars/certifications	✓✓✓✓✓✓✓✓✓✓

Lectures/formal training	✓✓✓✓✓✓
On-the-job training	✓✓✓✓
Attended behaviour change program as observer	✓✓

2.3.5 Role clarity

The evaluation questions sought information from participants about whether or not there were clear roles and responsibilities for the trial. Table 14 presents these responses.

Table 14: There is clarity around the different roles and responsibilities for each agency

Response	Number
Strongly disagree	-
Disagree	-
Neutral	3
Agree	7
Strongly agree	7
Not asked	2
Total	19


One agency interviewee responded by saying: 'I think we all know, now. Maybe not at the start' (#39). A typical response was: 'Everyone seems to understand what they're here for' (#20). However one person indicated that 'there is still a little bit of room for clarity, and, to me, that's about this is a trial and we need to still further explore what we're doing and learn how we can do it better. ... I think there needs [to be] more training and discussion'. (#32)

2.3.6 Coordination and communication

When questioned about the effectiveness of coordination and communication to support the court process, agency interviewees were positive (see Table 15). Of those who selected 'agree', generally it was because they thought that coordination and communication were improving and evolving: 'there is still work that needs to be done... although we're working on it, we're not there yet' (#28).

Table 15: There is effective coordination and communication to support the court process

Response	Number
Strongly disagree	-
Disagree	-
Neutral	1
Agree	12
Strongly agree	5
Not asked	1
Total	19



The OWG meeting was mentioned, not only because it 'brings all the agencies together, and therefore they can talk about things' (#11), but because of the culture of openness and willingness to hear individuals raise issues.

In summary the points made about the effectiveness of coordination and communication are:

- coordination and communication are improving and evolving
- the OWG meetings are important
- agencies are often moving around the court precinct talking to each other
- the court volunteer coordinates the support services.

We have a working group meeting every Wednesday... where things are put on the table, everyone's encouraged to identify the issues, we work through those. So you've got a process where people are able to communicate and work things out. (#16)

... we had the working group meeting and that's a space where people can talk candidly and people know that they can say anything without being judged or shot down or whatever. They can say what really is the situation and we all look at it rationally and come up with a solution. (#33)

... there's been a development of a sense that people can approach the other - like, if I've got an issue, I don't quite understand what the police prosecutor is doing or whatever, I feel quite comfortable, say, going to X and saying, "I didn't get that, I didn't understand it," ... I think, everybody feels pretty comfortable going to someone in another area and saying, 'I don't know if that's working,' or 'could you help me with that?' I think, that's pretty good, but I think that comes with familiarity and you're building up that team concept, and you're got to have good team players to do that and you haven't got people who are going to subvert something or change it to what you're saying. (#11)

... the DV ladies they come out quite often. I see the young lady that works in the registry, I see her about the place, I see her in the DV ladies' room and I see her walking around to the registry and stuff. And also sometimes I see where the court support are, is that the police officer, X, or someone else might be sitting there as well, so, I think, that there is a high degree of coordination and collaboration between those parties. (#18)

... the people have been afforded firsthand the information, so they're going into the court without any degree of confusion. (#10)

Yeah, the DV Court. It's running like a well-oiled machine ... They've got their procedures and everyone's getting informed of everything they need to know and everyone's getting seen in court. And they're feeling supported and happy about it. (V6)



2.3.7 Summary

Responses about the operation of the court were highly positive. Continuity was identified as a key benefit of having dedicated magistrates, and having the magistrates deal only with DFV matters provides the opportunity for them to develop their existing expertise. For some aggrieved, having a dedicated Magistrate meant a same-day service for applications and consistency in sentencing for perpetrators. The magistrates were again complimented on how they operated, and the DFV Registry staff were complimented on how they interacted with stakeholders, aggrieved and respondents. Other valued features of the DFV Registry were that a specialist service was provided, and that the location provided a level of safety and privacy.

Local services were certainly perceived by these interviewees to contribute to the court's work. The trial is a coordinated response in action, with the aggrieved and respondents receiving information, advice and support on the day. This level of service provision was observed to have a calming effect on parties, which in turn assists the court in exercising its decision-making functions.

Overall the level of coordination and communication was rated highly, and described by one victim as 'a well-oiled machine'. This was attributed largely to the culture of openness and willingness to address issues that emerged. The introduction of the court volunteers to coordinate the court lists was seen as a significant benefit to the overall coordination outside the court, contributing to the smooth running of the court. Some agency interviewees indicated that the coordination and communication were evolving, so there is some work to be done here. While role clarity was also rated positively, some agency interviewees indicated there was room for improvement.

All 19 of the agency interviewees reported previous experience in the sector. Of these, 12 reported specific training in domestic and family violence.

2.4 Court processes

2.4.1 Timeliness

This section focuses on Courts Services data and is supplemented by interview responses. For the timeliness data, four months of data has been used to compare the timeliness of the trial court with the same period in 2014 (1 September to 31 January). Three separate measures of timeliness for civil matters have been used:

- time between filing an application and the first court event
- time between filing an application and receiving a Temporary Protection Order (TPO)
- time between filing an application and receiving a final DVO.

There are other potential measures of timeliness that could have been used to assess the efficiency of the trial Court, for example, the wait time for civil and criminal trials. However, the evaluation was undertaken over a short period of time and soon after the court was implemented, which excluded the use of measures that needed longer periods of time.

The data presented in Tables 16 to 18 shows positive outcomes for the trial court, with timeliness on all three measures improving over the four month period for which data were analysed, to varying degrees.

Table 16: Time between filing a DVO application and the first court event, 1 September to 31 January

Timeliness	2014		2015	
	N	%	N	%
Within 1 week	986	87.6	1,435	93.6
Within 2 weeks	82	7.3	65	4.2
Within 3 weeks	40	3.5	26	1.7
More than 3 weeks	18	1.6	7	0.5
Total TPOs issued	1,126	100.0	1,533	100.0

Note: Excludes registrations of interstate orders as these are finalised the same day they are lodged.

Table 17: Time between filing a DVO application and receiving a TPO, 1 September to 31 January

Timeliness	2014		2015	
	N	%	N	%
Within 1 week	444	85.9	757	95.1
Within 2 weeks	40	7.7	26	3.3
Within 3 weeks	18	3.5	8	1.0
More than 3 weeks	15	2.9	5	0.6
Total TPOs issued	517	100.0	796	100.0

Note: Excludes registrations of interstate orders as these are finalised the same day they are lodged.

Table 18: Time between filing a DVO application and receiving a final DVO, 1 September to 31 January

Timeliness	2014		2015	
	N	%	N	%
Within 1 week	434	52.7	604	58.9
Within 2 weeks	15	1.8	86	8.4
Within 3 weeks	18	2.2	122	11.9
More than 3 weeks	356	43.3	213	20.8
Total filed and received within 3 weeks	823	100.0	1,025	100.0

Note: Data on the number of applications where the time between filing and receiving a DVO was greater than three weeks has been excluded from the analysis because comparable data is not available.

2.4.2 Delay

All agency interviewees who were asked whether or not matters are delayed indicated that this occurred 'sometimes' (see Table 19).

Table 19: Matters are delayed during the court process

Response	Number
Always	-
Very often	-
Sometimes	10
Rarely	-
Never	-
Not asked	9
Total	19

A range of reasons were given for delays, which mostly related to typical court delays. There was a perception of an improvement in timeliness following commencement of the trial.

...prior to the trial there was significant delays, okay. Now there isn't, for the reasons that I've previously outlined about having duty lawyers there, having the advice, no need to get the adjournment. ... the only delay that is still there is ... when the matter can be finally heard ... the trial listings were out until May, June, prior to the trial they're now at March, sometimes you can even get an earlier court date in January, February depending on if other matters have resolved. So that's the only real delay. There's no delay in the actual process in getting a temporary order. So if aggrieved files an application, a temporary order is usually made as soon as the matter is heard and so there's no delay and there's no danger to the aggrieved. ... once you file an application, His Honour X or Her Honour Y generally hear the matter the same day, or if not, the next day depending on the urgency, but generally it's pretty quick ... most of the time it's made without the other person being served. The only real delay is really just getting a trial date, but yeah, that I think is working itself out given that we've just had a second Magistrate. (#3)²⁰

When victims and perpetrators were asked if and why their matters were delayed their responses varied. One victim commented on the difference she experienced when comparing her experience prior to the trial specialist court with her experience after the trial specialist court was in place.

I put it in [to the DFV court] and it got put through that day and I got a temporary protection order then he was served. So I went in on a Thursday and he was served on a Saturday morning. So it happened fairly quickly. ... The final order would have been maybe two weeks when I went back to court and finally got it all finalised. ... before [in the traditional court] it was really slow. It took months to get things into order. ... I think it took me one time to get a protection order in three months. (V7)

²⁰ This interviewee refers to both of the specialist court magistrates – Magistrate X and Magistrate Y.

When perpetrators reported that their matters were delayed, this was most often to enable them to seek legal advice in relation to a criminal matter. However, one perpetrator reported experiencing long delays through adjournments but had not received information about the reasons for this.

2.4.3 Victim and perpetrator expectations of timeliness

Agency interviewees were asked if they thought victims and perpetrators had realistic expectations about how long the court process may take, and victims and perpetrators were asked if their matters took more or less time than they expected.

Table 20: Victims have realistic expectations about the court process

Response	Number
Strongly disagree	1
Disagree	4
Neutral	-
Agree	1
Strongly agree	1
N/A	12

Total	19
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Table 21: Victims: Did your matter take more or less time than you had expected it to?

Response	Number
More	-
Less	4
About expected	1
Not asked	2
Total	7

In responding to questions about expectations, almost all agency interviewees reported that neither victims nor perpetrators have realistic expectations. This was particularly so for those having their first court experience. Most of these interviewees indicated that both victims and perpetrators expected that their attendance at a court event would thought the court process would take much less time than it did. The expectations about hearings varied, with some expecting the hearing to occur sooner, and others later.

Table 22: Perpetrators have realistic expectations of the court process

Response	Number
Strongly disagree	2
Disagree	3
Neutral	2
Agree	-
Strongly agree	-
N/A	11
Not asked	1
Total	19

Table 23: Perpetrators: Did your matter take more or less time than you had expected it to?

Response	Number
More	5
Less	2
About expected	1
Not asked	-
Total	8



2.4.4 Activities perceived to speed things up

A number of agency interviewees reported that having a second Magistrate, more prosecutors and two duty lawyers each for the aggrieved and respondents made the court process move more quickly. Many of these interviewees reported that having respondents consent to a DVO 'without admission' was central to a faster outcome. Others expanded on this, saying that access by respondents to duty lawyers gave them the opportunity to make an informed decision, resulting in more 'by consent' decisions. Additionally because the aggrieved also had access to legal representation, the duty lawyer could discuss an outcome in consultation with the parties they represented. The addition of a 'case conferencing' prosecutor (that is, a prosecutor that liaises outside the courtroom and communicates with the prosecutor inside the courtroom) created the opportunity for the duty lawyer to discuss possible outcomes in respect of police applications. This collective process, described further in section 2.6.2, was seen to help magistrates do their work because the parties are informed, and some matters are resolved before the court mention.

The addition of the court volunteer team who manage the court list by coordinating access to services was seen to make a valuable contribution to speeding up the court process, specifically by bringing order to 'chaos'. The work of the DFV Registry was credited for ensuring matters are ready for court and preventing unnecessary adjournments. Support services (DVPC Inc. and Men's Court Information worker) were credited with information provision which plays a role in smoother operation.

2.4.5 Keeping parties informed

Agency interviewees, victims and perpetrators were asked questions about whether victims and perpetrators are kept informed about their matter. There was a range of responses, and it appears that, on the whole, agency interviewees reported victims and perpetrators have been generally well informed in civil proceedings. In contrast, two of the three agency interviewees who were asked, indicated that victims were 'rarely' kept informed of related criminal matters, and one responded with 'never'. Victims not being kept informed was described as a 'glaring hole that women who are reporting breaches, they're giving their statements and then they don't know what happens from there' (#37). Two other agency interviewees reported that they often heard from women who had no idea what was going on in relation to contraventions. The responses from victims interviewed were consistent with this – generally they reported being kept informed of civil matters but less so with related criminal matters.

When agency interviewees were asked whose responsibility it was to keep victims informed of criminal matters, there was a lack of clarity about this. There appeared to be a range of people who may hold responsibility for keeping parties informed including police, the Domestic Violence Liaison Officer (DVLO), the prosecutor, and the lawyer.

Of the two agency interviewees who were asked if they thought that perpetrators were kept informed, one reported that perpetrators are 'very often' kept informed about the DVO application and the other said 'rarely'. For related criminal matters, one reported that perpetrators are 'always' kept informed and the other that they are 'very often' kept informed. A qualification made by one agency interviewee was that whether or not the defendant was kept informed depended on whether he was representing himself, or how his lawyer was funded.

Four perpetrators were asked if they were kept informed of the DVO application, with three reporting that they were kept informed and one reporting that he was not. With criminal matters, three perpetrators indicated that they were kept informed, however two of these perpetrators were kept

informed by watch-house staff. One indicated that on several occasions more than a month had elapsed between a contravention and when he was advised of it.

It's a lot more in sync. It flows a lot better. ... the Court staff seem to be on top of printing orders quicker, seem to be getting all the notice of adjournments out quicker, the hearing directions out quicker, so just those things that people need for the next step, it's just flowing better ... Today even I saw the court staff walk out, and she sort of yelled out to everyone, is anyone waiting for orders. She was checking to make sure that someone wasn't sitting there who she'd forgotten or was waiting too long for their orders. So it's just keeping on top of that which previously wasn't the case ... now it's seriously within 15, 20 minutes and they're out. So it's just that flow is a lot quicker. (#20)

2.4.6 What works well for victims and perpetrators

In responding to questions about what works well for victims, all the on-site services were most often mentioned. These are:

- the DVPC workers
- duty lawyers
- the support room
- the men's court information worker
- the DFV registry.

Having access to duty lawyers and the behaviour change program were most frequently mentioned by agency interviewees when they were asked what parts of the DFV court trial experience they thought worked well for perpetrators.

... you are providing that more one stop shop for people with - because domestic violence isn't a standalone issue. You've got - many of them are associated with family law matters, or residential tenancy matters or something like that. Now there is the option to talk to people about those matters and help them with that, because it was really hard back before the 1st September it was really hard saying to someone, look, I know you haven't seen your children in a while, I'm really sorry about that, but we just have to focus on this today. ... Whereas now ... that provides such a greater service and they can walk away feeling just like they've got ... a direction to go. So that's what works well for the victims, is just having a one stop shop. (#20)

...not only in ... help with preparation of their application but that advocacy ... trying to bring about a level playing field where the lawyers can do the discussion ... and it ... separates the parties to a point where the intimidation doesn't necessarily play such a major role. (#16)

In responding to questions about positive aspects of the court experience, the strongest responses from victims interviewed were in relation to the DVPC workers, the support room and the understanding magistrates. The workers were described as knowledgeable, informative and supportive. The support room was considered essential. The magistrates were described as

understanding, speaking in a way that is understandable and being prepared to listen. The importance of the support room was also emphasised by these participants.

The fact that you had a domestic violence support worker who was knowledgeable about the situation you were coming from and what you were going to expect in court. The camaraderie of women who have spent the better part of their life shutting up because of domestic violence, to be laughing and speaking and sharing battle scar wound stories and then supporting each other as each person went through the court process, no matter who you were. And you never met any of them before that day. The fact that you have judges, like the judges you have in Southport that are understanding, that are very informative, that speak in a language that you can understand even when they use big complicated terms, they – all of the people in the whole process including having a safe room 'cause to me, that was priority. Having a shotgun to your face is the most unpleasant experience in the world. (V1)

I came into the court room basically was looking around the place to see if he was there and ... I ducked behind the law worker that was there ... he was a large man, I jumped in behind him and made my way through the whole of the courts to get into that safe room. ... I wouldn't do it again if there was no safe house there, unless I was in a situation where I could hire someone to go with me and assure me of my protection, it's that serious. (V2)

Because it was the first time that I felt like someone was listening to me and realising what was going on and sort of believing me. All of that was a part of me coming to terms with what was going on, but it was the first time I felt like I had some type of support or belief or that everything wasn't just going X's way and that they reiterated over and over that it wasn't my fault ... And [DVPC] gave me instructions on how I could help myself, services I could get in contact with, you know like - yeah, it was a great relief to me. Because I was so stressed at the time. And they were just really calm and helpful and believed me, you know? Which was great, because - well I had only just started believing myself about it. (V6)

2.4.7 Procedural fairness

All interviewees were asked questions about procedural fairness. Tables 24 and 25 show responses by agency interviewees to these questions, which were positive on the whole (see Appendix 9 for more detail about victim and perpetrator responses to procedural fairness questions).

Table 24: Victims experience procedural fairness (prompts: court outcome was fair; court process was fair; treated with respect and dignity during the court process; adequate information was provided)

Response	Number
Always	1
Very often	5
Sometimes	1
Rarely	-
Never	-
Not applicable	11
Not asked	1
Total	19

Table 25: Perpetrators experience procedural fairness (prompts: court outcome was fair; court process was fair; treated with respect and dignity during the court process; adequate information was provided)

Response	Number
Always	2
Very often	2
Sometimes	-
Rarely	-
Never	1
Not applicable	6
Not asked	8
Total	19

Of the victims who were asked these questions, most indicated that their overall impression of the way their domestic violence case was handled was good. One victim indicated that it was poor. Four of the six victims felt they had time to explain their side of the story, and of the four victims asked if they thought the court process was fair, all agreed.

Five of the eight perpetrators reported that their overall impression of the way their domestic violence case was handled was good. When perpetrators were asked if the court gave them adequate time to explain their side of the story, their responses varied across the answer spectrum. Six of the eight perpetrators agreed that the court outcome was fair as was the court process.

2.4.8 Having the same Magistrate

The importance of the question about having the same Magistrate was somewhat reduced when the court expanded from one to two magistrates, so priority was given to the victims' and perpetrators' experiences, although agency interviewees were also asked if having the same Magistrate would make a difference. One agency interviewee indicated that it was how the Magistrate responded rather than whether or not it was the same Magistrate. Another agency interviewee indicated that if the same Magistrate sat for the duration of the matter in the 'very intimidating' court environment, for women who had 'been through a traumatic experience', then hearing that Magistrate recall the woman's story and demonstrate 'a knowledge and an understanding of their situation' may convey to them that 'their story is important' (#16). This notion of consistency was reiterated by two victims.

Several agency interviewees indicated that the benefits of consistency in approach that occur with having the same Magistrate also applied to perpetrators.

... that's a huge outcome for the court system in the continuity. So he's met me, he's seen how I behave, he's seen what level of respect I have in society and for the court system. He's read my application, he has seen what reasons I have been forced to go before the court in my application, he's then meeting the respondent, he's able to judge the respondent's level of aggression towards the court process and towards hearing what I'm bringing before the court in my application, so he's able to see both sides of the story, he or she, that's got to be a huge outcome for the court process itself. There is some sense of, for want of another word, but fairness in one person looking at the whole of your matter, there's got to be, because this person has no bias towards one of you, they're seeing both sides of the story. (V2)



2.4.9 Family law and Childrens Court matters

When agency interviewees were asked questions about whether or not family law orders were in place when DVO applications were made, whether or not they were changed, and questions about child protection orders or the retrieval of evidence, the responses were few. The DFV Registry reported that five requests had been forwarded to the family law courts from the specialist DFV court since 1 September 2015. It was during the period of the evaluation that an email template was created with which to make this request. It is also noted that there were no child protection orders issued by the specialist court during the period of the evaluation.

2.4.10 Quality of evidence

Of the six agency interviewees who were asked if all relevant evidence is included (covering civil and criminal matters), two responded with 'very often', and three also reported that this 'sometimes' occurs. One agency interviewee commented that while there were a lot of experienced people in the court, this did not amount to a lot of expertise. Of those who gave the ranking 'sometimes', one agency interviewee said that 'If it's a police application, all the evidence is usually provided ... but with private applications usually lacked evidence, but it depended on whether they had legal representation' (#3). The other agency interviewee who gave this rating gave a similar reason, with the comment, 'just comes down to people not knowing what they need to put in' (#20).

Of the eight agency interviewees asked about the quality of evidence, none provided a rating. Most responses indicated that it was dependent on circumstances. Two agency interviewees reported that the quality of evidence varied depending on whether a lawyer was used. Another two indicated that the quality of the evidence depended on the officer. One indicated that the quality of evidence in the DVO applications was variable and another reported that the quality of the evidence was not particularly high.


2.4.11 Criminal history

When asked if the domestic violence and relevant criminal history of the person who was the subject of the order, is presented to the court as part of the DVO matter, agency interviewees were generally unclear as to whether this happened or not, and whether they could expect it to occur. Some indicated that on occasions they have observed this happening. Others indicated that the prosecutors now had the capacity to do criminal history checks while at the bar table.

2.4.12 Summary

Comparing timeliness of court processes between the two periods shows that the trial specialist court has achieved some improvements. However, while there is varied evidence from agency interviewees in relation to whether or not victims and perpetrators have realistic expectations about timeframes, overall it appears that expectations are unrealistic. Delays in DFV matters appeared to be similar to those one would ordinarily expect in court, such as the need to secure legal advice.

The reported lack of realistic expectations about the time court and court processes take suggests there is an opportunity to undertake further work to provide information to parties to manage their expectations in what has been described as an emotionally charged environment.



Several court processes reportedly appear to assist in having the matters move quickly. Agency interviewees and perpetrators reported the process of allowing perpetrators to consent without admission has expedited matters. The opportunity for discussions between lawyers and prosecutors, allowing some matters to be resolved before mention, was also raised in this context. However, because only limited data was collected on this part of the process, conclusions cannot be drawn. Finally, the court volunteer's coordination of the court list ensures that the parties access the on-site services, and that the court knows when matters are ready to proceed.

As well as providing parties with information about the court process more generally, there also appear to be some issues with keeping victims and perpetrators informed about their specific matters and whose responsibility it is to undertake this, particularly in respect of criminal matters. Key to the safety of an aggrieved is the response of the perpetrator to having been served with the application, and equally important is a perpetrator's response to police action taken when a contravention is reported. There is an opportunity to clarify roles and responsibilities, particularly with respect to keeping the aggrieved informed in criminal proceedings and breach matters. Development of a protocol to guide this may assist in enhancing safety for victims of DFV and their families.

On-site services were seen to be of great benefit to victims and perpetrators. For the victims interviewed, the services they valued were: the DVPC service, the support room and understanding magistrates. For the perpetrators interviewed, there was no single aspect they valued. Agency interviewees generally thought that victims and perpetrators received procedural fairness. The victims reported greater satisfaction here than did the perpetrators.

Comments on the quality of evidence provided to the Magistrates Court and whether or not all the relevant information was included were varied. There is scope for further investigation of this issue in the final evaluation.

2.5 Court outcomes

During 1 September 2015 to 31 October 2015, 96 per cent of civil DFV applications and 42 per cent of criminal charges relating to DVO applications were heard in the DFV court. The data reported in this section compares the early months of the specialist trial court with the same period in 2014.

It is important to note that the second Magistrate in the specialist court commenced from 2 November 2015, so for the bulk of the evaluation period, there was only one DFV Court operating. The second Magistrate, once appointed, was responsible for most of the criminal matters (contraventions and any related criminal charges). Until that point, all criminal matters were being listed in the mainstream Magistrates Courts at Southport leading to less than half of DFV-related criminal matters being heard in the specialist court.

2.5.1 Numbers of applications

Applications

Table 26 shows there was an increase in the total number of DVO applications between the 2014 and 2015 periods, with the proportion of police applications increasing and the proportion of private applications decreasing. This increase is reflected in a steady increase in lodgments statewide (see Appendix 9 Results).

Table 26: DVO applications by applicant type, 1 September to 31 October

Applicant type	2014		2015	
	N	%	N	%
Police application	259	58.9	396	66.2
Private application	180	41.0	202	33.8
Total	439		598	

Note: Excludes registrations of interstate orders as these are finalised the same day they are lodged.

Table 27 indicates there has been an increase in the proportion of applications for variation of orders. This represents a near doubling in the number of applications to vary.

Table 27: DVO applications by application type, 1 September to 31 October

Application type	2014		2015	
	N	%	N	%
New application	338	76.9	398	66.6
Variation application	101	23.0	200	33.4
Total	439		598	

When the applications to vary a DVO were examined further (Table 28), the overall increase is accounted for by a small proportional decrease in police applications to vary, with the balance accounted for by private applications to vary which increased slightly in the 2015 period.

Table 28: Variation applications by applicant type, 1 September to 31 October

Applicant type	2014 period		2015 period	
	N	%	N	%
Police applicant	67	66.3	124	62.0
Private applicant	34	33.7	76	38.0
Total	101		200	

The interview data provides some insights into the nature of the variations. Three of the seven victims interviewed reported variations to their orders; two had conditions added and one had a condition removed, with the latter being to enable co-habitation. Six of the eight perpetrators interviewed reported having variations made to the order with four having conditions removed (one to resume co-habitation, one to allow contact to assist during a pregnancy, one to allow contact, one with 16 of 17 conditions removed) and two had conditions added with both of the latter being 'no contact' conditions (one for the respondent's extended family, and one because of an attempted strangulation of the aggrieved). Data was not collected on who initiated the applications to vary.

The proportional increase in variations and the proportional increase in the private applications to vary warrants further investigation. That the number of conditions on orders more than doubled between the 2014 and 2015 period may (or may not) be a factor influencing the number of variations (see Table 32). Furthermore the addition of two duty lawyers for aggrieved and two for respondents, which occurred after the QWIC data were extracted, may have the potential to influence the number of applications to vary an order.

Applications withdrawn

There was a decrease in applications to withdraw from 28 in 2014 to 17 in 2015. In 2014, all but one of these applications was a private application and, in 2015, all were private applications (see Appendix 9). Consistent with the QWIC data when agency interviewees were asked about applications being withdrawn, those who could provide an answer indicated that it happened only rarely now. Comments were made mainly in relation to withdrawals as part of an undertaking, where victims had been 'pressured into signing an undertaking' (#20), with the problem being that 'undertakings are not enforceable (#23). One agency interviewee indicated that 'police don't do undertakings ... because they offer no protection ... and are done by private lawyers' (#14).

Applications dismissed

There was a large decrease in the number of DVO applications dismissed between 2014 (n=82) and 2015 (n=22), with almost all of those dismissed in both years being private applications (see Appendix 9).

When agency interviewees were asked about applications being dismissed they generally reported that it happened 'sometimes'. The reasons may be that the application does not meet the criteria under the *Domestic and Family Violence Protection Act 2015*, sometimes because of a lack of evidence, and sometimes because of errors in the DVO application.

Cross-applications

Table 29 shows there were 15 cross-applications in the 2014 period and 27 in the 2015 period. It is notable that while in 2014 almost three quarters of all first applications were private applications, in 2015 this decreased to less than half. The proportional split between police and private applicants for second applications was almost the same across both years, with just over half being private applications.

Table 29: Cross-applications by applicant type, 1 September to 31 October

Applicant type	2014		2015	
	N	%	N	%
1st person to make the application				
Private application	11	73.3	12	44.4
Police application	4	26.7	15	66.4
2nd person to make the application				
Private application	8	53.3	15	55.6
Police application	7	46.7	12	44.4
Total	15		27	

When agency interviewees were asked about the application and granting of cross-orders, generally they reported that it happened 'sometimes'. None of the perpetrators interviewed reported taking out a cross-order, however two of the victims reported that orders had been granted against them. One victim with an order against her said initially she intended contesting it but due to not being able to get an interpreter for three court visits (prior to the DFV court) she found on the fourth court appearance when her lawyer took the role of interpreter, that the respondent had a 'very strong lawyer ... sometimes nasty lawyer', her main witness was her adult daughter and she did not wish her daughter to have the experience of being cross-examined, because she was 'very uncomfortable at court' (V3), and finally because there was to be a seven-month wait for the hearing.

2.5.2 Domestic Violence Orders made

Table 30 indicates that the number of DVOs increased from 306 in 2014, to 368 in 2015 with police applications comprising more than three-quarters in both years. A small proportional increase in orders from police applications is observed, with a corresponding decrease in private applications.

Table 30: DVOs by applicant type, 1 September to 31 October

Applicant type	2014 period		2015 period	
	N	%	N	%
Police applicant	244	79.7	311	84.5
Private applicant	62	20.3	57	15.5
Total	306		368	

The number of DVOs made by consent (lodged and finalised) between the two periods increased from 28.4 per cent (n=87) of DVOs in 2014, to 43.5 per cent (n=160) in 2015. All eight of the perpetrators interviewed reported having consented to the order. Comparable data was not collected for the victims interviewed.

2.5.3 Conditions

The number of additional conditions on orders, aside from the 'standard condition', increased substantially between the two relevant periods, with almost all condition types increasing proportionally between 2014 and 2015 (Table 31). Clearly there are more conditions being attached to orders. Also, while not a condition of a DVO, an increase was also observed in the number of DVOs naming children from 55 per cent of orders in 2014 (n=157) to 60 per cent in 2015 (n=283).

Table 31: DVOs by conditions category, 1 September to 31 October

Type of condition	2014		2015	
	N	%	N	%
Standard condition	285	100.0	473	100.0
Restricting contact	101	35.4	170	35.9
Restricting approaching aggrieved	17	6.0	46	9.7
Ouster	99	34.7	192	40.6
Prohibiting attempts to locate aggrieved	26	9.1	69	14.6
Prohibiting attendance at a school / child care centre	5	1.8	38	8.0
Recover property	2	0.7	15	3.2
Return property	3	1.1	3	0.6
Other	10	3.5	5	1.1

2.5.4 Behaviour change programs

Domestic violence perpetrators can attend behaviour change programs in three ways. They may voluntarily elect to attend a program, they may be required to attend a program as part of a probation order, or they may enter into a VIO (a VIO is an order the court may make under the *Domestic and Family Violence Protection Act 2012* with the consent of a respondent who is present in court, requiring the respondent to attend an approved perpetrator intervention such as an approved behaviour change intervention program).

The number of VIOs made decreased from 19 over the period 1 September to 30 October 2014, to 13 in the same period for 2015. In both periods, the majority of VIOs arose from police applications.

Agency interviewees were unable to answer questions about the proportion of people who were subject to VIOs, or who were mandated or directed to attend behaviour change programs. The implementation documents indicated that VIOs were not used early in the trial, but that this had changed at the time of the evaluation. This is another area for closer attention in the final evaluation

Three of the perpetrators reported volunteering for a behaviour change program prior to their matters being heard. Centacare, which offers this program, recruited four perpetrators from that program for the study. One of these perpetrators said he had misunderstood and had initially thought that if he did the program the order would be removed. Having now understood that is not the case, he said he was nevertheless continuing with the program 'because I do get benefit from it' (P1) Another perpetrator reported that the hearing date for the DVO application had been set to allow for course completion. The other four perpetrators were recruited by Probation and Parole (QCS) for the mandated behaviour change program.

When asked to indicate the best thing about the behaviour change program, one perpetrator responded by saying:

The tools – the tools I’m getting, you know what I mean, I’ve never had these tools before, you know what I mean, how to – how to react and how to act out towards my partners and – and, you know what I mean ... Because if – if I had those tools back in July of this year I wouldn’t be sitting here talking to you guys. (P4)

QCS data shows that in 2014, from 1 September 2014 to 30 October 2014, there were 47 people who were convicted of contravening a DVO and were then the subject of a Community Based Order or QCS supervision, at Southport Magistrates Court. For the same period in 2015, this number increased to 133. Of this group, in 2014, 55.3 per cent were mandated to attend a behaviour change program as a special condition of their order, and, in 2015, 50.4 per cent were mandated.²¹

As I say, it’s not weekly, it’s a forever. They say it’s a 24 week course but in my books, it’s a forever course. ... some people they’re coming up in the end 22 weeks, 23 weeks and they think that’s it. It’s not even, you’re still learning for the rest of your life. ... Twenty-four weeks doesn’t in my book, I’ll be learning the rest of my life. ... It’s good to sit down with other men in the same sorts of situations, didn’t know where to go, didn’t know, ‘cause we’re men, we take on all the problems of our families as you know and ... Program is good because ... listening to their stories and how they’re handling different situations gives me more insight on how to handle my situations. Even with the two wheels and the teachers, the real teachers are everybody in the course. (P7)

Oh, it’s just a waste of time, I guess. I don’t know. ... The amount of blokes that I’ve seen come and go from that course while they’re in the course like I was, they’re just there one week, they’re not there the next week, and then they end up rocking up again, like, a couple of months later and whatnot when they get out [of jail]. ... I don’t know. I guess you just have to be the right kind of person if you like to take that kind of thing in, like listening to what other people have to say. Like, I don’t like listening to other people’s opinion on my life. Every time I walk out of there I’m mad, I’m angry at them. (P6)

Oh, it was magical. ... I learned so much about myself. ... Just everything I believe in was pretty much wrong. What I thought men were, what we believe that we are, or, with the changing society, sort of thing, it’s all different to what I thought it was. ... Oh, it’s mind-blowing. ... I’m learning to change them [beliefs]. So I’m coming a very good way. (P8)

Yeah, it’s good; it was good for me... there’s so much that I learned. I went, wow, every single relationship I’ve ever had – except for the ones in primary school, they’ve all had domestic violence in them... It’s amazing what it’s done, just realising what I am, what I became, and, what is it, cognitive learning, it’s pretty much changing everything in my brain. (P4)

²¹ Program completion data is available on the IOMS database for individual offenders. QCS also holds paper based records at relevant District Offices. Further, the DVPC also holds data pertaining to perpetrator records of attendance.

No conclusions have been drawn about this material. While there is dissent in the literature about the effectiveness of behaviour change programs, they are used extensively for male perpetrators. It is noted interventions for female perpetrators appear to be fewer.

2.5.5 Contraventions

Courts Services data for DVO contraventions used for this evaluation reports only the most serious penalty imposed rather than the total penalties. This leaves a gap in our understanding about the full range of penalties that may be imposed, and whether there has been any change to penalty patterns with the introduction of the specialist court.

Table 32 shows there has been a proportional shift between the two periods in the mix of penalties for contravention of a DVO. A near doubling in the proportional use of Probation Orders in 2015 is paired with a large reduction in prison sentences. Monetary Orders, however, continue to be the most common penalty for both periods.

Table 32: Count of defendants convicted of a contravention of a DVO by most serious penalty, 1 September to 31 October

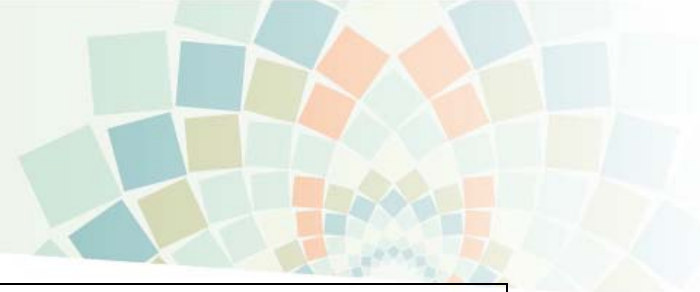
Most serious penalty	2014		2015	
	N	%	N	%
Imprisonment/Detention	31	22.3	20	14.1
Custody in the community	2	1.4	-	-
Community Service Order	10	7.2	-	-
Probation Order	24	17.3	43	30.3
Monetary Order (fine)	48	34.5	55	38.7
Good behaviour/Recognition	14	10.1	15	10.6
Other	10	7.2	9	6.3
Total	139		142	

2.5.6 Victim safety

The four agency interviewees who were asked if victims used the support room reported that this ‘always’ happened, although further questions identified that there were exceptions (including where the female victim had a male partner in attendance, and when the victim was male). All of the victims interviewed reported using the support room.

Of the five agency interviewees who were asked if victims expressed concerns about their safety coming to and/or leaving the court house, one reported that they ‘always’ did, one reported that this ‘rarely’ occurred and one was non-committal. It was reported that often the aggrieved were escorted by security to the support room.

Five of the seven victims reported having safety concerns when either coming to or leaving the court house. One victim added that ‘to find out that they actually had a service whereby they could have a police officer or whatever walk you to the car ... it just made me feel 10 times safer’ (V1). Another victim reported that she always brings a family member to increase her safety (V3), while another reported that she had no safety concerns at all because DVPC always accompanied her (V6). In contrast another said ‘I’ve always got concerns of my safety if I’m in the same State as this man. I’ll always have concerns’ (V7).



I would say they rarely express it ... but what you do see is their demeanour, and usually ... they won't make a statement, 'I'm afraid' or 'I'm feeling very insecure' ... they'll say things like ... 'has he or she arrived?' ... they'll do it that way ... They'll be tense, they'll be looking around. (#11)

I don't think it's made too much of a difference in that regard. They were always safe but I think that they feel a bit more safe knowing that they can come up, make an application and it's heard straight away. I think that's one of the biggest things with the trial. So that would probably be the main difference between a trial, prior to the trial and now. (#3)

Agency interviewees were generally unable to respond to the question about special witness arrangements.²² This was in part because this is most likely to apply to hearings of which there have been comparatively few since the trial started, compared to mentions. Additionally special witness arrangements would apply to criminal matters and there were few who could respond to this aspect.

This evaluation is unable to make any comment about victim safety post-court or in the longer term. Again, the impact of the trial court on the longer term safety of victims may be an issue the final evaluation can incorporate.

2.5.7 Services that make a difference

All participants were asked about services making a positive or negative difference to the court experience as well as which services they could not do without. Most indicated that the services contributed to a positive experience. The services mentioned most often were receiving legal advice and the DVPC, however all the court-based services were mentioned. The victims interviewed spoke very highly of their experience of the DVPC workers at the court.


... they tell you what court is going to be like and what's going to happen ... they will be with you every step of the way and that's what they promise you and they are. They are with you every step of the way. When you take that breath and you walk into the court room, they're right beside you or they're right there so that if you're going to fall, you've got someone there. (V1)

The ladies from the DVPC. I considered myself very blessed really and I even mentioned it to a couple of other ladies in the waiting room and I said, "What if we were in another country?" I did, I felt very blessed. (V5)

... she [DVPC worker] was brilliant. As far as explaining procedure and being there for you and listening. And they're so busy and they never make you feel sort of stressed or worried and they're all very efficient and friendly. They're happy and friendly and you feel really safe and supported there, which is a really good thing. ... and she's really got your back. It's really good, she's brilliant. (V6)

But when it comes to mental healing and everything like that, that's where these guys come in. I can't big note these guys enough. They are a Godsend. They're amazing. (V7)

²² Special witness arrangements involve using mechanisms to ensure the witness is unable to see the respondents. This can involve a video link with the witness in a separate room.



Four of the perpetrators indicated that the behaviour change program was the one service they could not do without, with one referring to it as ‘my rock’ (P5) and another saying ‘that’s the only place that I’m getting my knowledge from’ (P7) and a third saying ‘the domestic violence court ... because I don’t think I would have ever been able to have a successful, happy relationship without learning what I’ve learned in there’ (P8).

In responding to the same question, five of the victims identified the DVPC service as most important along with the support room. One victim indicated that, without this support, the experience would have been quite different.

I don't know, if I'd had to do it all by myself, without that sort of service, that sort of help. Yeah, I don't know how it would have gone, really. Because some of the days, I had - because I've got bad anxiety and PTSD thanks to X. But panic attacks and things and it would have been so much worse. And just sitting there with me made me able to sort of think and talk and speak for myself and you know? Which if she hadn't been there, I probably just would have fainted or something. (V6)

2.5.8 Summary


The Courts Services data indicates that the number of DVO applications in the two month period of data retrieved for 2015 was greater than for 2014, consistent with the statewide increase in applications (see Appendix 9). If this increasing trend was to continue, it would present ongoing workload pressure on the court.

While relatively consistent across the two time periods, the proportion of police applications to private applications increased. During the study period the proportion of new applications decreased from more than three-quarters of all applications, to two-thirds, with the balance being applications for variation. This raises the following issue for the final evaluation to explore: is the doubling in the number of applications to vary observed in this study related to the increase in the number of conditions per order?

Consistent with the increase in applications, the number of DVOs increased, with a proportional increase in police applications. It was observed that the proportion of orders made by consent also showed a large proportional increase. Finally, there was an increase in the number of conditions on DVOs, and the penalty patterns for contraventions have changed – there was a proportional decrease in the most severe penalty (imprisonment/detention) and an almost doubling of the proportion receiving probation orders. As contraventions are an important aspect of perpetrator accountability, a stronger focus should be given to this in the final evaluation.

There was a decrease in the number of applications withdrawn when the 2014 and 2015 periods were compared, and a large decrease in the number of applications dismissed. While these are changes in a desirable direction, it is interesting to note that the number of cross-applications increased.

Both agency and victims interviewed reported that victim safety is a priority while the aggrieved are in the court. It appears that the arrangements in place at court (the support room, security escorts within the court precinct and police escorts to vehicles) are working, certainly for the victims interviewed.



The safety of victims post-court and in the longer term would be a valuable issue for the final evaluation to explore.

Agency interviewees felt the duty lawyer and DVPC services were most important to the parties. For the victims interviewed, the DVPC service and support room were most valued and for the perpetrators interviewed, the services mentioned most often were the behaviour change programs.

2.6 Services

2.6.1 Lawyers

Agency interviewees were asked a series of questions about access to legal advice, but the importance of this question was reduced when two duty lawyers were made available for aggrieved and two for respondents in the third month of the trial, for advice pre-court and representation in court for mentions. While no one could be definitive, most agency interviewees indicated that they thought most victims and most perpetrators took up the opportunity to access free legal advice, with a small minority of victims using private lawyers. Perpetrators were thought to be more likely to access private lawyers for criminal matters. With the introduction of the court volunteers to manage the court lists and referral to services at the court, access to legal advice and other services was enhanced. The delivery of services changed over time and is detailed throughout this document. This section focuses on the responses of recipients of the services.

When victims were asked, six of the seven reported accessing a lawyer. Two of these were publicly funded and three were privately funded. One victim reported having a lawyer for only the last of four court events. The lawyer took the role of interpreter as well because she had been unable to access an interpreter (prior to DFV court trial).


When perpetrators were asked the same series of questions all eight reported accessing a lawyer. Five reported seeing a publicly funded lawyer, two paid for a private lawyer and one was not asked this question.

2.6.2 Prosecutor

Agency interviewees were asked a series of questions about prosecutors. It is important to note the increase in prosecutors over the trial period, as well as changes to the services they provided. At the time of the interviews, the role of the prosecutor in court was under discussion within QPS, including the role of the prosecutor in private applications. Due to the limited data collected on prosecutors generally, and the emerging nature of their role, no conclusions about the role of the prosecutor can be drawn at this time.

Nevertheless, it is useful to reflect those comments that were made by interviewees about the prosecutor role. The role of the prosecutor was described as fluid – if the aggrieved chose to see a duty lawyer, the prosecutor does not become involved. If the aggrieved chose not to see a duty lawyer, however, then the prosecutor will provide information to assist them to understand court etiquette and perhaps assist with articulating the conditions the aggrieved would like on the order.

It was made clear that police applications are not withdrawn, even when the aggrieved makes this request.



A 'case conferencing prosecutor' role was also identified by some interviewees. The 'case conferencing prosecutor' appears to play a role in discussing matters with the aggrieved prior to the hearing, and then conveying that information back to the prosecutor in the courtroom before the matter proceeds. The discussions with the aggrieved appear to relate to how a matter is to proceed prior to mention, but also between the respondent's lawyer and the prosecutor (for police applications). The matters discussed may be, for example, the length of the order or the naming of a child or relative. A goal of this appears to be preparation prior to the matter being mentioned, which may result in a shorter court process for the parties. Whether or not there are other goals is unclear because of the limited information gathered on this issue. The second aspect of the role appears to be advising the court about which parties have seen the services they wish to see and are therefore ready to proceed (the goal being to enhance the flow of matters before the court). The emerging 'case conferencing prosecutor' role requires further investigation in the final evaluation.

2.6.3 Interpreters

When asked about the use of interpreters, interviewees raised the following issues:

- the timeliness of engaging an interpreter
- difficulty locating an interpreter who speaks the required language
- matters proceeding without an interpreter, even after it has been requested.


Both of the victims interviewed with the use of an interpreter said that for some of their appearances, their matters proceeded even though an interpreter was not available; for one this occurred prior to the trial, for the other this occurred prior to and during the trial. One victim reported three court attendances without an interpreter after repeatedly requesting one. Any new procedure²³ for engaging interpreters that is being used in the specialist court trial should be documented, along with other court procedures.

As part of the establishment of the trial court, it was agreed that for all police applications for DVOs, QPS would be responsible for organising an interpreter for the first court mention, and the Magistrates Court would be responsible for organising an interpreter for all subsequent court events. For private applications for DVOs, the Magistrates Court is responsible for the use of interpreters for all court events. As with the duty lawyer and prosecutor services, recent changes have been made to the process for engaging interpreters, by both the courts and by QPS. This means comments made about interpreters during the interim evaluation may or may not reflect the current procedure for engaging interpreters.

While Courts Services does not formally collect data on the use of interpreters, all magistrates courts' registries are required to maintain a register of interpreters engaged. The DFV Registry at Southport provided information from the register for the evaluation (see Appendix 9), showing that an interpreter is arranged:

1. when the application form for a private application indicates a need for one
2. when the Magistrate indicates at a mention that an interpreter is required.

²³ From the commencement of the trial, an approved interpreter procedure has been implemented, which was developed in consultation with QPS and the Chief Magistrate. This procedure is itself being trialled at Southport with the intention of wider roll out across Queensland.



While the data in respect of interpreters is incomplete, it provides useful information. The number of times an interpreter was used for hearings increased from once in 2014 to seven times in 2015, although small numbers prevent any strong conclusions from being made.

2.6.4 Summary

Almost all the aggrieved/respondents interviewed reported having availed themselves of lawyers, a mix of publically and privately funded. This confirms the value placed on receiving legal advice. While these findings indicate that the service is valuable, the level of analysis that was able to be undertaken was limited by the small number of interviewees. These early findings will need to be more closely explored in the final evaluation.

A new case conferencing prosecutor role has emerged in this trial and may experience further changes as the trial continues.

Any new procedure for arranging interpreters that has been developed in the specialist court trial needs to be documented, along with other procedures, to enable it to be reviewed in the final evaluation. Data on the use of interpreters will need to be systematically collected to assess the ongoing use of interpreters by the specialist court.

Access to services was difficult to draw conclusions about due to the small victim and perpetrator samples, and the fact that they were recruited through two of the services.

2.7 The future

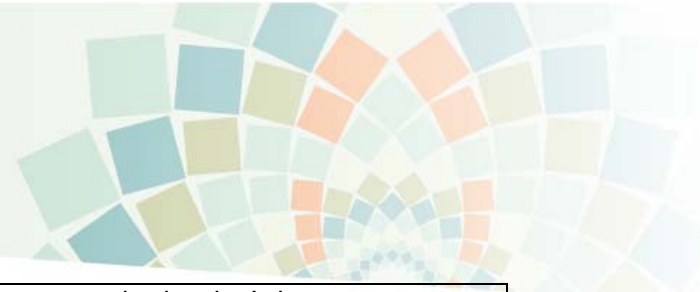
2.7.1 Important enablers for this trial

When agency interviewees were asked what they thought the important enablers were for the success of the DFV trial, there was a range of responses. Communication and coordination was mentioned most often. Related to this was the importance of openness and innovation, and that people were working as a team, and all moving in the same direction. The dedication and flexibility of people was also considered an important enabler.

I guess the communication and coordination with everyone involved. Everyone's been there for the same goal, making it work, helping the people getting this up and running. So everyone - it's not like you've had people with different intentions or anything like that. So everyone's been working together towards the same direction and that really makes it work. When we go to the little workshop meeting things on Wednesdays, everyone's there to brainstorm new ideas and how things are going. So everyone's in the same frame of mind. That really works. ... The flexibility of people... So I think the people involved ... the stakeholders are what have made it work and their attitude and their motive for being part of this. (#20)

And the accessibility, the people who make up this whole thing everyone's heading in the same direction. I said to you before there's no naysayers in this process. (#16)

So the first part would be ... ensuring that you've got the right agencies at the table and being open to bringing new agencies on as identified that can contribute to the trial, so that's been happening ... that's a really big enabler. There's not been any barriers to anybody being a part of it, so that can enable



and help the program. I think the open transparent communication that's been happening ... is building trust between the partners ... that's an enabler... (#32)

... everyone working from a perspective of respectful working relationships, everyone must respect each other, that they come from different roles and how to successfully communicate and each other's role and where they stand in their position as to effectively get the best outcome ... (SE3/4)

... I think any coordinated response from anywhere ... revolves around respect and knowing the differences, working with bureaucracies is different from working with communities, it's different from working with people from a faith background, it's different from schools or whatever. So we've had to adapt our message to make it suit the listener and I think that's always an important thing to do when you're working with a diverse group of people. But before you can do any of that ... you have to get that diverse group of people together somehow, hopefully in reality but virtually if you must, so that they're talking to each other so that they're not thinking that they're the only person who's able to fix this problem. (SE3/4)

It was apparent during the conduct of interviews that individuals involved in the trial are devoting great energy to it. This is captured in the following quote: 'it's exciting people and motivating them to do things, maybe look at things differently from how they have before' (#28).

Interviewees from similar initiatives also stressed the importance of relationships. One interviewee commented that this made them agile '[we] are so well structured together we are able to respond to new initiatives ... because all the relationships are in place ... and we're on a lot of networks' (SE2). The theme of relationships included both developing and maintaining respectful working relationships. One interviewee also described the importance of relationships in gaining respect in the local community and acceptance of their role as a specialist service provider.

Other important enablers discussed by interviewees were:


- having dedicated magistrates providing continuity
- having strong leadership.

2.7.2 Summary

The primary enabler for this trial appears to have been the coordination and communication between agencies. Because this is a committed team with energy for the work, they have been responsive to change. This appears to be what allowed them to deal promptly and effectively with the operational challenges brought by the unexpectedly high workload. This is consistent with the views of those from similar initiatives who reported that having effective relationships was key to their longevity and in gaining the respect of others as a specialist service. Another important enabler is clearly the continuity that having dedicated magistrates provides.

2.8 Key learnings from the trial

Some interviewees commented that it is too early for learnings to have occurred. Of those who did speak of learnings, for both the agency interviewees and those from similar initiatives, the importance of training in domestic violence was most frequently mentioned. While some participants referred to



the importance of magistrates receiving this specialist training, others indicated it was needed for all those working in the area.

I think you need to have a really well trained, really well trained people who are rolling this out ... it's ... about specialist training. (#39)

... training is a very important concept of recognising the emotional state that these people are in, whether they're the aggrieved or the respondent. (#18)

... the level of their [magistrates] training around understanding the dynamics of DV, not just their understanding their role as a Magistrate. (SE3/4)

... my fear for the women and even some of the men is that they're going to get a Magistrate who has no understanding of DV ... so training is just crucial. (SE9/10)


However several agency interviewees indicated that having the 'right' people in these roles was very important: 'You want prosecutors who want to do it because it's domestic violence' (#14), and one said 'you're going to have trouble getting people to put their hand up' (#23). The work was described as stressful and something people did not want to do every day; additionally one agency interviewee that it had been difficult to recruit staff for the trial. In response to being questioned about what the 'right' person is one participant said 'the right person is someone with passion, compassion, training and understanding and a willingness and buy-in to share that information to give the court a holistic picture' (SE7).

With magistrates it was stated that 'a specialist DV Magistrate is absolutely crucial, because you've got someone on the bench that know that legislation inside out ... [and] is supportive of getting respondents into programs or intervention orders' (SE8). Additionally 'the Magistrate would have to commit to be a part of the integrated response' (SE 9/10).

Both agency interviewees and participants from similar initiatives emphasised the importance of a coordinated response 'right from the start' (#1), including 'engaging all of those partners' (#15). This refers to the need for multiple services being an inherent requirement when responding to domestic violence, and the need for individual services to work as a team with a common understanding. A similar initiative interviewee reported they delivered their service agreement to develop an integrated response through community development, while engaging decision-makers at both the regional level and developing respectful relationships at the operational level. Related to this, several participants indicated the importance of having sufficient time to plan any roll out.

... if it's rolled out elsewhere, that there be a little bit more lead in time to bring everyone to the table, so that we're not coming at it in the rate of knots in the way that we did, I think, the timing of the roll-out was part of the issue. And, I think, with the amount of things that are going on in the domestic and family violence sector at the minute, it's just another layer of pressure on services that are already stretched. (#32).

Associated with comments about service provision was the importance and challenge of resourcing a roll out, with the recruitment and retention of staff being an issue. For larger agencies it was claimed there would be logistical challenges. So workforce development issues have been identified,



exemplified by the comment, 'it's attracting and retaining the people out there' (SE7). One interviewee (SE7) listed the following workforce development strategies which could be considered.


Do we go to those undergraduate courses and identify people that might be really good in a men's program? ... that have that passion and that inkling towards that, and do we drive them towards that?

Are we identifying people within ... UQ and all of the institutions that we have around the state? Are we plugging into that in terms of attracting and retaining our people in these rural and remote areas?

Difficulties with funding for services was identified, particularly in relation to the constant need to submit for funding. When agency interviewees spoke of rolling out specialist DFV courts, most often they indicated that the model would need to be adapted to local conditions, beginning with a 'framework built around developing a common understanding' (#32), and 'identifying those core fundamentals and make sure they're well-articulated' (#28). Several interviewees indicated that where there were large populations of Aboriginal and Torres Strait Islander people or culturally and linguistically diverse communities, this would need to be taken into account.

When agency interviewees indicated what they thought the essential services in a model would be the following components were listed:

- a dedicated Magistrate
- linking civil and criminal matters
- prosecutor
- support room
- legal representation for the aggrieved and respondents
- support services for aggrieved (including women's shelters) and respondents
- administrative support (for such things as data entry).



Concerns were expressed that due to the challenges of resourcing, smaller regional courts replicating the Southport model would be impossible, and they 'will be forgotten or not seen as important' (SE9/10). Three specific suggestions for a model were:

1. Manage applications centrally from a hub with an on-call Magistrate.
2. Replicate what has happened with the Childrens Court – dedicated magistrates in major centres.
3. Build the model in stages.

Option 2 refers to building the foundations, by getting the support services in place, then having those services build rapport with the community, then the legal services and prosecutors, and finally the DFV court. This approach appears to reflect earlier sentiments expressed about building relationships between services and with the community over a period of time.

2.8.1 Summary

The key learnings from the trial and for any roll-out are about people. It's about having the 'right' people and it's about having people, particularly magistrates, trained in order to understand the complexities of domestic and family violence. Additionally, a specialist DFV Magistrate was considered crucial.

If a roll out of the trial is being considered, important factors identified in this evaluation are having sufficient time to plan and having a coordinated approach from the outset. That a DFV court is resource intense was acknowledged.

The development of a specialist court model clearly needs to be undertaken collaboratively in order to develop a common understanding of its objectives.

2.9 Final comments

While a range of comments were made when final comments were requested, the majority reiterated points already made. The following quotes have been selected because of the perspective they provide. These comments serve as reminders that, while the DFV court is an important intervention, it is just one part of a larger system, and importantly that domestic and family violence is well entrenched in society.

I think, that it is a fantastic initiative, that it's well overdue, but it needs to be thought about very carefully in terms of its application to rural and remote Queensland, as much as domestic violence is an issue across the entire Australia, I understand that, but I would hate to see it fail for whatever reason. ... So this needs to be underpinned as a whole of community and a whole of government initiative that is aimed at eradicating domestic violence once and for all. (SE7)

And unless we take a stand against it right now and try and - in the homes, in the workplaces, in everything that we do, then, like I said, it's going to be the same people talking about the same issues in 20 years time, and there'll be how many more people dead? (SE7)



3 Discussion and recommendations

This section draws together the key findings of the interim evaluation and makes recommendations to strengthen the trial and to prepare for the final evaluation.

3.1 Implementation of the trial

The specialist court trial was implemented quickly. Just seven months after the Taskforce Report was released, the specialist DFV court was in place. The establishment of the specialist court trial in such a short timeframe, bringing so many agencies together to forge a coherent approach, resulted in many operational issues that were dealt with as they emerged.

While there were sound reasons for locating the trial in Southport, particularly co-location with the well-established GCFVIR, the sudden influx of DFV matters coming before the Southport Magistrates Court created logistical problems for the trial to overcome.

The resulting pressure on the specialist court created operational issues which were addressed quickly. The trial was constrained by the physical layout of the building, and solutions were found to address most accommodation shortfalls and initial security concerns. The renovation of the first floor of the Southport Court is likely to go some way to relieving the problems with inadequate space for the support room and meeting rooms for legal advocates.²⁴

Despite these challenges, the overwhelming response from the majority of those involved in the implementation of the specialist court trial has been strongly positive. While many of those interviewed have acknowledged the challenges in implementing the trial, most individuals interviewed as part of this evaluation commented with enthusiasm about the way in which the trial model has made a difference to the way DFV matters are heard and dealt with in the Southport Magistrates Court.

3.2 What has worked well?


A key achievement is that the trial commenced on the date planned with the services in place and was sufficiently agile to address large operational challenges effectively. There is evidence that significant progress has been made in achieving one of the three long-term outcomes, that 'the specialised court provides a coordinated, consistent and timely response to DV matters'.

3.2.1 Having 'the right people' and collaboration

Much of the success of the trial court is undoubtedly the dedication and commitment of all those individuals involved with the specialist court. The energy and goodwill of those involved have seen most of the issues arising in the trial resolved quickly. This has required those involved to be flexible, consultative, and able to adapt their approach. This commitment, and the collaboration that has been forged during the court trial, is a particular strength. It is clear that the personal attributes of those involved and their genuine interest in the complex issue of DFV, appear to have been critical in ensuring an effective and coordinated response.

The inter-agency collaboration evident in the weekly OWG meetings (led by the Court Coordinator, attended by one of the dedicated magistrates and including court staff, police, legal advocates, non-

²⁴ Renovations to the Southport Magistrates Court are expected to be completed during 2016.



government support workers and volunteers) were identified as critical to finding solutions to operational challenges. The establishment of the CWG at the outset, consisting of officers in central agencies including LAQ, laid the ground work for a collaborative approach to the trial, and the continued operation of this group has supported the work of the OWG.

3.2.2 Coordination – ‘a well-oiled machine’

Coordination was an early challenge, but has been largely resolved. At the trial outset, there were a large number of services that needed to be coordinated, which had not previously operated in this way before. This is despite the trial building on an integrated response where coordination of services was pivotal. For many agency interviewees the innovation that made the greatest difference to coordination was the introduction of the court volunteer, creating a new coordinated system. The dedicated DFV Registry was another key component of the effective coordination.

3.2.3 Benefits to the aggrieved and respondents

Having all of the services centrally located clearly improved access for the aggrieved and respondents, leading to parties being better informed and therefore calmer, which in turn assisted the court in doing its work.

For the aggrieved interviewed, the support room was particularly highly valued. For perpetrators interviewed, the behaviour change programs were described mostly positively. The work of DJAG and DCCSDS in implementing recommendation 122 of the Taskforce Report relating to perpetrators’ participation in interventions is acknowledged here.

An additional benefit for parties reported in agency interviews was that their matters were seen to be dealt with more quickly than prior to the trial. What reportedly contributed to this were the discussions that take place between the lawyers, or between the lawyer and prosecutor, ensuring that matters are well prepared prior to being heard. Consenting to a DVO without admission was reported as another way of ensuring that matters are dealt with more quickly, although it is acknowledged that there may be a conflict in facilitating consent without admission in the context of the long-term aim of the specialist court to hold perpetrators to account.

3.3 What are the areas for development?

There were a number of areas for further development that became apparent through interviews and analysis of administrative data. Recommendations are made following a summary of each of these areas.

3.3.1 Documentation of procedures and protocols

It was apparent that, while court staff are operating under existing policies and procedures, including domestic violence protocols,²⁵ there are few written protocols specifically governing the specialist court, and in particular the roles of each component of the specialist court, at this stage in its development. It is acknowledged that dealing with the high operational demands and creating new procedures and systems to assist this were the priority. Nevertheless now that these systems and procedures are finalised there would be significant value in documenting them. This may help build role clarity and responsibility, and would certainly be of benefit to new staff.

In addition, this will become important documentation once the trial has been in place for a full 12 months and will assist in a consideration of whether, and if so how, a specialist approach to DFV proceedings can be delivered in other locations in Queensland.

Recommendation 1

To provide clarity for those currently working within the specialist court, to ensure an easy transition for any staff new to the court, and to assist if roll-out of the trial is to occur in other locations in Queensland, that the Court Coordinator lead a project to develop, in consultation with other involved in the trial, a comprehensive set of policies, protocols and practice notes describing the operation of the specialist court, including a clear description of the roles and responsibilities of each agency involved in the court process.

3.3.2 Administrative data

The data used for this interim evaluation provides basic measures that have been used to comment on some aspects of the trial to date. However, the data is limited and there is an expectation that administrative data collection will need to be assessed and expanded (potentially beyond the government agencies) for the purposes of the final evaluation. For example, there is a need for urgent applications to be marked in the system from the initial application stage, to be able to track whether the trial court is responding more quickly to these more urgent situations. Unfortunately, the data obtained for the interim evaluation did not enable an evaluation of this question. This, and the following additional data (as a minimum) are needed for the final evaluation:

- whether there was legal representation for each of the parties to proceedings, and if so whether representation was privately or publicly funded
- when a variation of an order is sought, the party seeking the variation and the nature of the variation being sought
- whether a party indicates they need an interpreter (police and private applicants), as well as whether an interpreter was used
- any action in a matter that led to family law orders or Childrens Court orders being identified, made or varied

²⁵ http://www.courts.qld.gov.au/data/assets/pdf_file/0014/162230/domestic-violence-protocols-for-staff.pdf (Domestic Violence Protocols 2012)

- demographic information about the parties, such as age, gender, Aboriginal or Torres Strait Islander status, whether from a culturally and linguistically diverse background
- information that enables a clear trajectory of matters to be mapped (i.e. to enable a matter to be tracked across the system from first mention, to any additional event that occurred, through to finalisation of the matter).

It would also assist the final evaluation to have access to a documented data dictionary and standard data collection protocols to ensure consistency and standardised data collection by all agencies involved in the specialist court.

Recommendation 2

That DJAG lead the work to ensure that data collection mechanisms are established (where needed), maintained and potentially expanded to ensure a rich comparative data resource is available for the final evaluation. This would involve the establishment of a minimum dataset that includes information about urgency, type of legal representation, information about who initiates variation applications and why, use of interpreters, communication between the specialist court and other court jurisdictions, information that enables trajectory mapping, and more detailed demographic information. The options to achieve this recommendation are to:

- 1. Adapt existing administrative systems to collect additional data**
- 2. Build an additional manual data collection template for Southport registry staff to complete for each matter that comes before the specialist DFV court**
- 3. Require any additional data collection to be undertaken by the independent evaluator, and include this in the specification for the final evaluation of the trial DFV court.**

Access to data that will provide measures of perpetrator accountability would be invaluable for the final evaluation, considering the importance of this measure in the evaluation. This would include further exploration of the QCS offender database. Additionally, QPS data would be expected to add value by enabling:

- comparison between arrests and prosecutions for domestic violence perpetrators
- examination of the types and patterns of offences associated with DVO applications
- an understanding of offence data associated with DVO contraventions
- data matching using the Single Person Identifier to track offenders between QPS (QPRIME), Courts Services (QWIC) and QCS (IOMS) in relation to domestic violence related criminal offences and contravention offences.

Recommendation 3

That the final evaluation seeks access to QPS data, and explores the ability to link data between QPS and DJAG, to enable the evaluation to consider the complex inter-relationships between the policing of domestic violence and the court response.



3.3.3 Workforce recruitment and retention

This study has shown that individuals are pivotal to the success of the trial to date, with most focus on those at the operational level. This multi-disciplinary team of DFV specialists in Southport would not be easily replaced, more so because it is apparent that this is difficult and stressful work. It is therefore appropriate to place a high value on retaining experienced staff. Should specialist DFV courts be rolled out, the study highlights the importance of recruiting the 'right' people. Therefore consideration will need to be given to how recruitment and retention can be well designed in a roll-out situation.

The operational environment in this trial has been fast-moving, complex and changeable, providing services to angry, frightened and confused parties appearing in court. This can be a stressful and volatile environment for operational staff. The intensity of the work, particularly for the magistrates who deal only with DFV matters, needs to be factored in to any staff support initiatives. This should contribute to greater retention of specialist staff.

The issue of security at the trial has also been raised and actions are being undertaken, however the issue remains on the agenda and will need to be monitored over the remainder of the trial. Security will be an important issue when thinking through the issues for statewide roll-out. Consideration of how security could be managed in small regional courts will be needed.

Recommendation 4

Acknowledging the high stress and high workload environment of the specialist court, it is recommended that consideration be given to ensuring that operational staff in the specialist court have adequate support to continue their work. For court officers, this would comprise an induction package that includes a component relating to vicarious trauma, access to professional de-briefing sessions for critical incidents, regular team de-briefing and access to specialist counselling.

3.3.4 Court processes

The court processes are important in driving outcomes, and even though, as documented, many of these are working well, there is the opportunity for further work to be undertaken.

An important aspect of this trial is the discussions that take place prior to court between lawyers and prosecutors, or lawyers for the aggrieved and respondents, to have matters well prepared prior to court. The enhanced role of the prosecutor in this process and the role of solicitors (both publicly and privately funded) are important, however limited data was collected in the interim evaluation on these aspects. One of the largest changes in the administrative data was the increase in the proportion of DVOs made by consent, which may be associated with these pre-court discussions.

A valued change for many agency interviewees is that as a consequence of increased access to legal and non-legal services on-site, the aggrieved and respondents are better informed and calmer at court. However the results show that the aggrieved and respondents do not have realistic expectations about the timeliness of the court process. This includes how long they may be at court on the day their matter is heard and how long their matter may take from when a civil or criminal matter is commenced until there is a final outcome.

Recommendation 5

That clear and consistent information is provided to the aggrieved and respondents to ensure they have a comprehensive understanding of the time it may take the court to hear and finalise DFV matters, so as to reduce the potential for increased uncertainty and stress of parties during these proceedings.

3.3.5 Victim safety

Key to the safety of an aggrieved is the response of the perpetrator to having been served with the application, and equally important is a perpetrator's response to police action taken on advice of a contravention. The results indicate there is an opportunity to clarify roles and responsibilities about who keeps the aggrieved informed, particularly in criminal proceedings and contravention matters. While it is acknowledged that there has been, and continues to be, consultation between PSBA and DJAG on the issue of keeping victims abreast of information relating to the investigation and prosecution of a perpetrator, a documented formal procedure about this may assist in enhancing safety for victims of DFV and their families. This aligns with findings from a review of the *Victims of Crime Assistance Act 2009* (DJAG 2015) which found that victims are routinely only provided with information when they ask, rather than being proactively informed. The review found widespread support for the onus to be placed on government agencies to provide information without the need for victims to ask for it, and suggested amendment to the Victims of Crime Assistance Act to include such an onus within a proposed *Charter of Victims' Rights*.

QPS and members of PSBA have been working collaboratively with DJAG officers to enhance an increase of information provided to victims of crime. This work also includes the development of learning products for operational police officers to assist in this regard.


Recommendation 6

That further consideration be given to developing a protocol, in consultation with other relevant agencies, that guides who, how and how often individual victims are kept informed about the progress of criminal matters (particularly contravention matters), to ensure their safety is maximised throughout all legal proceedings.

3.3.6 Issues for attention in the final evaluation

There were several issues and findings in the interim evaluation that require closer attention in the final evaluation. These are:

1. Further investigation of the increase in applications for variation is warranted, firstly to understand the benefits or potentially adverse impacts that this might have, and also what is driving the increase.
2. There was limited investigation into perpetrator accountability. For example, a change between 2014 and 2015 in the sentencing pattern for contraventions was observed in this study, but it was difficult to understand these changes with the limited amount of data to hand at this point. Any



changes (particularly any increase) in the use of VIOs may also form part of this picture. Additional work in the final evaluation will also need to further examine the accessibility to and use of behaviour change programs by perpetrators.

3. The procedure for pre-court discussion between lawyers, prosecutors and the parties could be further explored, to better understand how these discussions contribute to the smooth running of the court and the outcomes for all parties. A specific focus could be given to the impact of the duty lawyer service for this trial, and how that compares with services provided by other, privately funded legal advisers.
4. The impact of the trial on the quality of evidence coming to court to support applications for orders, and whether there needs to be additional work to achieve better court preparation for parties when making applications.
5. The process for involving interpreters requires further investigation in the final evaluation. Additionally, this interim evaluation has not had the opportunity to explore whether the needs of Aboriginal and Torres Strait Islanders and people from culturally and linguistically diverse backgrounds are adequately addressed under the specialist court in Southport, or whether additional or different services might be required to address the needs of these groups. This would be an important area of additional attention in the final evaluation, providing that sufficient data can be collected to enable comparison between the outcomes for this group and others.
6. Similarly, limited information was collected regarding the interaction of the specialist court with the Family law and Childrens Court jurisdictions. This aspect of the trial will need to be explored further when there is more data and information to understand the opportunities for these interactions to occur.
7. There is a need to examine patterns in the criminal charges being referred to the specialist DFV court, to understand the scope of the criminal matters being heard in the specialist court and why. The short period of time that was the focus for the interim evaluation, where for the bulk of the time there was only one Magistrate with most criminal matters being dealt with in other courts, prevented a close examination of the operation of the trial court in relation to criminal matters
8. The impact of the specialist court on the post-court and longer term safety of victims of DFV is an issue that deserves increased focus; this would be valuable for the final evaluation, but examination of this can only be effectively done over a longer period of time.

3.4 Conclusion

To revisit the purpose of the initial evaluation, it was to test the trial model, to report on the early progress of the trial and to identify any issues for consideration for the remainder of the trial.

There is clear evidence that the trial is on track to meeting the long-term outcomes of a 'specialised court that provides a coordinated, consistent and timely response to DV matters'. The strength of the trial appears to be communication and coordination, and having the 'right' people involved the trial. In this context the model is effective.

While it is difficult to be conclusive on the matter of 'Enhanced safety for victims of domestic violence', effective communication and coordination make a positive contribution to this, and potentially the observed improvements in the timeliness of matters being heard, the expertise of the magistrates, access to legal services and continued access to the co-located non-legal services.

Appendix 1 – Specialist domestic violence court-related recommendations

Rec. no.	Text copied from 'Not Now Not Ever' – Putting an End to Domestic and Family Violence in Queensland, report
96	The Queensland Government establishes specialist domestic violence courts in legislation with jurisdiction to deal with all related domestic and family violence and criminal/breach proceedings.
97	Specialist courts should include specialist divisions or programs and utilise specialist magistrates with specialised expertise in domestic, family and intimate partner sexual violence to improve the efficacy of responses to domestic and family violence. This recommendation is to be considered in combination with the other recommendations in this Report and in particular recommendations 116 (interpreters), 124 (court support workers), 126 (duty-lawyers) and 80 (perpetrator interventions).
98	The Queensland Government considers providing for related family law children's matters (by consent) and child protection proceedings to be dealt with by the same court.
100	The Queensland Government utilises trained and specialist circuit magistrates, in areas where a specialist court is not feasible (e.g. rural and remote areas), with a good knowledge of the relevant legislation and knowledge and understanding of domestic and family violence and its impact on victims of the violence, including children who witness the violence.

Appendix 2 – Media statements

Announcement of DFV court



Media release

Attorney-General and Minister for Justice and Minister for Training and Skills
The Honourable Yvette D'Ath

Southport domestic and family violence court trial begins today

Queensland Magistrates will lead the legal crackdown on family violence with the specialist court trial starting in Southport today supported by a new bench book and best practice report to deliver better decisions and outcomes.

Attorney-General and Minister for Justice Yvette D'Ath said a team led by Magistrate Colin Strofield would trial the effectiveness of establishing specialist family violence courts.


Mrs D'Ath said every Magistrate in Queensland would also be supported by the court's new bench book on domestic and family violence, as recommended by Dame Quentin Bryce in her landmark report *Not Now, Not Ever*.

"The new bench book provides Magistrates with a clear judicial and procedural framework for dealing with family violence matters so they can deliver a high level of consistency in how the law is applied statewide," Mrs D'Ath said.

"Our top priority is the safety, protection and wellbeing of people who fear or suffer from family violence, including children.

"Offenders must be held accountable for their use of violence and its impact on others, but they should also be provided with an opportunity to change if possible.

"The bench book covers physical and sexual abuse, emotional and psychological abuse, economic abuse and threatening or coercive behaviour.



"I'd also like to thank the Chief Magistrate and Queensland Magistrates for their commitment to implementing this important recommendation."

Mrs D'Ath said the Southport trial coincided with the State Government's \$1.1 million commitment to expand the domestic violence duty lawyer service across 14 locations in Queensland through Legal Aid Queensland.

The Magistrates Court has also developed a detailed report to support judicial officers in dealing with family violence by:

- documenting the key elements of best practice;
- identifying services that are available throughout Queensland; and
- promoting legal mechanisms to link victims and offenders to such services.

Chief Magistrate Ray Rinaudo condemned family violence as "a horrendous blight on the community" and described the *Not Now, Not Ever* report as empowering.

"Queensland courts and many other agencies have been wrestling with these issues for some time and Dame Quentin Bryce has delivered the catalyst, the blueprint and community mood for change," Judge Rinaudo said.

"Magistrates are confronted with the human tragedy of family violence on a daily basis and will do everything we can to be part of the solution."

The Bench Book and Best Practice Report for the *Domestic and Family Violence Protection Act 2012* can be accessed online at www.courts.qld.gov.au.

Media contact: 3719 7415



Media release

Attorney-General and Minister for Justice and Minister for
Training and Skills
The Honourable Yvette D'Ath

Southport domestic and family violence court trial extended

A trial of Queensland's first dedicated specialist domestic and family violence court at Southport has been extended, Attorney-General and Minister for Justice Yvette D'Ath announced today.

Mrs D'Ath said the Palaszczuk Government is extending the trial of the domestic violence court until June 30, 2017. This is far beyond the six-month period initially proposed.

She said the extension came as a result of a substantial increase in the number of domestic violence applications since the trial began on September 1, last year.

"This increase in applications suggests that people who have experienced domestic and family violence feel more confident in coming forward, which is a great outcome," Mrs D'Ath said.

"To meet this increased need, Southport now has two specialist Magistrates dedicated to hearing domestic and family violence matters.


"We have also increased duty lawyer services and support staff numbers to ensure that people receive the best possible support while navigating the court process.

"We were going to evaluate the six-month trial and use the results to inform a Statewide specialist approach.

"Due to the significant growth in applications in the first few months, it is necessary to extend the trial to allow us adequate time to assess the long-term needs."

Mrs D'Ath said the trial would be evaluated once it had been operating for a full 12-month period. This will give a better understanding of the outcomes and impacts of the trial and better clarity about where and what to invest in for a Statewide approach.

Mrs D'Ath said that funding had been provided so that the trial could continue to run while the evaluation was considered and a Statewide approach developed.



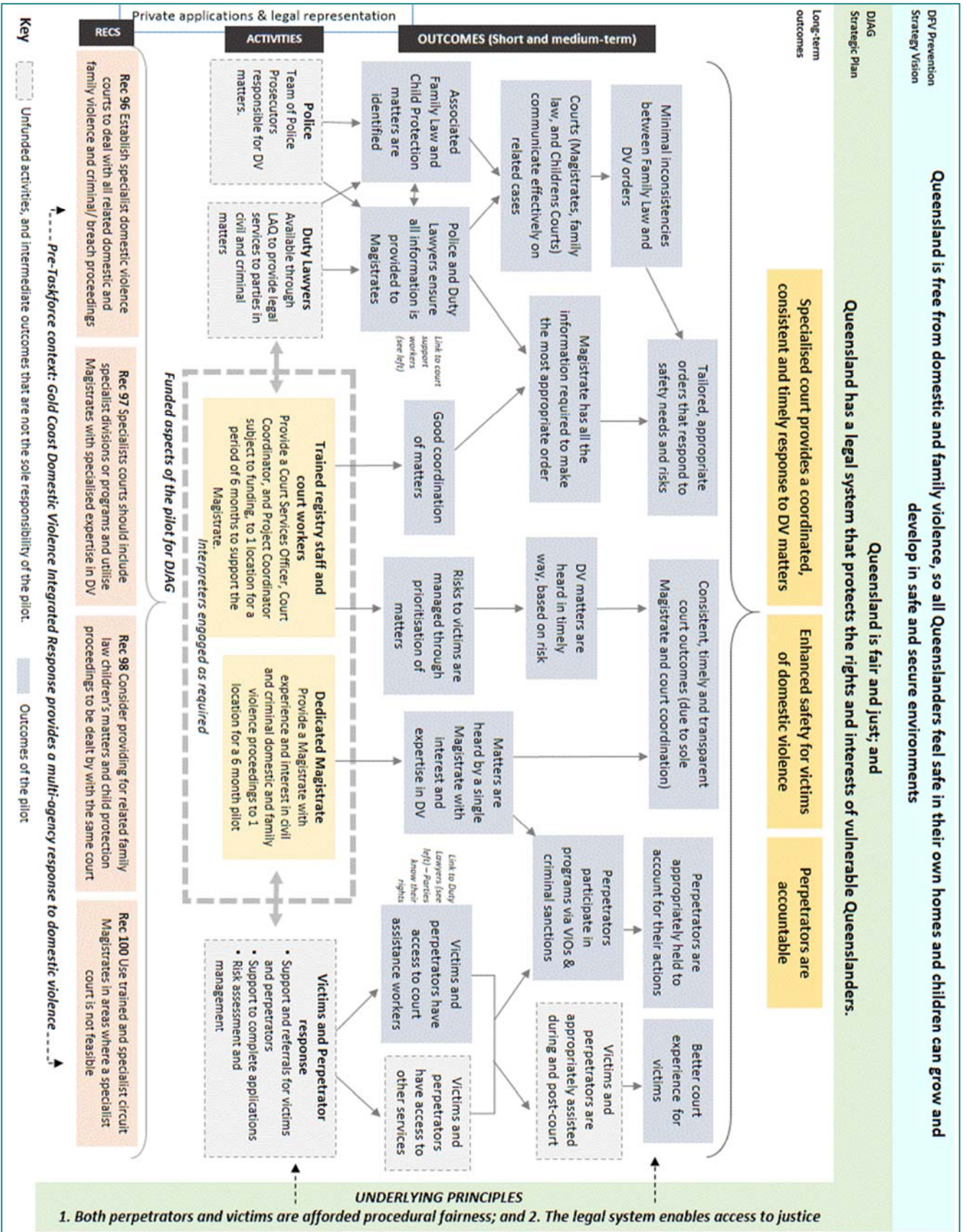
Minister for the Prevention of Domestic and Family Violence Shannon Fentiman said the trial was a key feature of the Palaszczuk Government's strong position against domestic and family violence.

"The Palaszczuk Government is committed to holding perpetrators of domestic and family violence to account, and ensuring that people who have suffered from domestic violence are offered the protection they need to feel and be safe," Ms Fentiman said.

"Southport's specialist courts are an important element of this Government's work towards implementing the recommendations of the landmark report *Not Now, Not Ever*, delivered by Dame Quentin Bryce."

Media contact: 0400 774 303

Appendix 3 – Program logic map



Appendix 4 – Interview questions

Interview questions – victim/aggrieved

1	When thinking about your experience of the court, when you applied for a DVO, do you think it happened in a <u>timely</u> way?		
	I understand that you did get a Domestic Violence Order. Is this the first time you have been granted a DVO? (for interview, discuss most recent)	Y	N
	Did the police make the application or did you do it?	Po	Pr
	Was this by consent/agreement or did it go to a hearing?	C	H
	Was your matter delayed at any point in the process?	Y	N
	If so, do you know why it was delayed? (adjournments; evidence gathering; criminal matters; matters being heard in other courts; service of court papers)		
	Do you remember how many court events there were before a final decision was made? (note: may not have attended all events)		
	Do you know of any activities that made the process move more quickly? And who are the people who helped this happen?		
	Did your matter take more or less time than you had expected it to? Tell me about that. (more; less; as expected)	M	L AE
	Do you have any <u>comments</u> you would like to make about whether or not your DVO application was dealt with in a timely way?		
2	In your opinion did any part of the court process or outcome <u>increase</u> or <u>decrease</u> your safety or your children's safety? I would like to ask about some parts of the process that could be related to safety		
	Were you required to appear in court as a witness, for the Domestic Violence Order hearing?	Y	N
	<i>If yes, were special arrangements <u>offered</u> to you to give evidence? (e.g. another room)</i>	Y	N
	<i>If yes, did you take up this offer? If not, why not?</i>	Y	N
	Were you <u>offered</u> the use of the support room at the court house?	Y	N
	<i>If yes, did you use it? If not, why not?</i>	Y	N
	Did you have concerns about your safety coming to and/or leaving the court house? Did anyone help you with that? Tell me about that.	Y	N
	<i>If yes, were you assisted in any way to improve your safety?</i>	Y	N
	<i>If yes, by whom and how?</i>		
	If you had concerns and expressed them and were not assisted, tell me about that?		
	At that time were there any family law orders in place that were related to the Domestic Violence Order application.	Y	N



	If yes, were these orders changed as part of the Domestic Violence Order application court process?	Y	N
	Was the domestic violence and relevant criminal history of the person who you applied for the order against, presented to the court as part of the Domestic Violence Order matter?	Y	NA
	Were you kept informed about the progress of the criminal matters related to their 1) DVO application? and/or 2) contravention/s?	Y	NA
	<i>If yes, by whom?</i>		
	Were you kept informed about the progress of your DVO application?	Y	N
	<i>If yes, by whom?</i>		
	Do you have any comments you would like to make about safety in relation to your DVO application and court process, or anything else about safety at the court?		
3	Now I want to ask you about the evidence the Magistrate received.		
	At that time were there any matters, including court orders, related to the Department of Communities, Child Safety and Disability Services, usually known as Child Safety, or the Childrens Court in place?	Y	N
	If yes, were these identified during the Domestic Violence Order proceedings?	Y	N
	Just a second question about Child Safety, do you know if any information was requested from this department?	Y	DK
	If it was, do you know what information was provided? What was that?	Y	DK
	Do you think all the relevant evidence was included? Tell me about that.	Y	N
	Do you have any <u>comments</u> you would like to make about the evidence the Magistrate received in relation to your DVO application and court process, or anything else about evidence?		
4	I want to ask about the court processes and outcomes.		
	When there was a Domestic Violence Order made, or for a criminal matter, did the person who you made the application against attend a <u>domestic violence program</u> ? Tell me about how that came about and whether the person completed the program.	Y	N
	<i>Do you know if the attendance at the program was ordered by the court, by Queensland Corrective Services, or did this person agree to attend the program as part of a VIO? (court; QCS; VIO)</i>	C	V
	<i>If it was by VIO, when in the court process was it agreed to and how was it used? (early as an incentive to be taken into account; other)</i>	A	O
	<i>Did that person complete the program?</i>	Y	DK
	If there were criminal matters, were you asked to provide a 'victim impact statement' to help you tell your story to the court?	Y	N
	Did you provide one?	Y	N



	Did the person who you applied for an order against, apply for a DVO against you?	Y	N
	<i>If so was it granted?</i>	Y	N
	Did you have the same Magistrate every time you attended court?	Y	N
	<i>If yes, did this make a difference? And why?</i>	Y	N
	<i>If no, do you think it would have made a difference? And why?</i>	Y	N
	Do you have any <u>comments</u> you would like to make about your court experience and the outcome?		
5	These questions are about services you may have received, before, during and after court and whether or not these were useful		
	Did you see a lawyer? Tell me about that; how did it come about; why you went; when you saw them; and did it make a difference.	Y	N
	<i>If you did see a lawyer, did you pay for the service or was it a free service?</i>	F	P
	<i>What was the purpose of your contact with the lawyer when you saw him/her?</i>		
	<i>Did you receive legal advice on related legal issues?</i>	Y	N
	<i>When did you see the lawyer, was it <u>before</u> court?</i>	Y	N
	<i>Were you represented by the lawyer <u>in court</u>?</i>	Y	N
	<i>Did you see the lawyer <u>after</u> court?</i>	Y	N
	<i>Did it make a difference?</i>	Y	N
	Did you see a Prosecutor? Tell me about that; how did it come about; why you went; when you saw them; and did it make a difference.	Y	N
	<i>Before court?</i>	Y	N
	<i>Did it make a difference? Tell me about that.</i>	Y	N
	Did you see a court support <u>volunteer</u> ? (desk on Level 1 for trial sample) If yes, what did that involve?	Y	N
	Did you see a court support <u>worker</u> (from the domestic violence service)? Tell me about that; how did it come about; why you went; when you saw them; and did it make a difference.	Y	N
	<i>If yes, did you see a court support worker <u>before</u> court?</i>	Y	N
	<i>Did a court support worker <u>attend court</u> with you?</i>	Y	N
	<i>Did you see a court support work <u>after</u> court?</i>	Y	N
	<i>Did it make a difference? Tell me about that.</i>	Y	N
	Did you have any contact with the <u>security service</u> at the court? If yes, what did that involve?	Y	N



Did you receive any <u>other service</u> in relation to the court processes? Tell me about that; how did it come about; why you went; when you saw them; and did it make a difference.		Y	N			
<i>If yes, who was this/they?</i>						
<i>What was the reason for seeing this person/people?</i>						
Did it make a difference?		Y	N			
Did having any of these services that we have talked about make a difference to your court experience, either positively or negatively? Tell me about that.						
Out of all the people and services we have talked about, what is the <u>one service</u> that you could not have done without?						
Do you have any <u>comments</u> you would like to make about services you did or didn't receive, before during and after the court process?						
6 This is a set of questions where I will give you answers to choose from.						
What was your overall impression of the way that your domestic violence case was handled by the court?		E	G	F	P	
How was the waiting time to hear your case?		E	G	F	P	
The court gave me adequate time to explain my side of the story. (Strongly disagree; Disagree; Neither disagree nor agree; Agree; Strongly agree)		SD	D	N	A	SA
The court outcome was fair.		SD	D	N	A	SA
I would describe the court process as fair.		SD	D	N	A	SA
I feel the Magistrate was concerned with my side of the story.		SD	D	N	A	SA
I think that I was treated with respect and dignity during the court process.		SD	D	N	A	SA
Adequate information was provided to me.		SD	D	N	A	SA
I think that the court's response to domestic violence cases is too easy, too harsh, or just right? (prompt: which answer best resembles your experience?)			TE	TH	JR	
Would you like to comment on any of that?						
7 Now just some final questions						
Did you understand the legal process as it was occurring? If yes, did anyone help with this? Tell me about that		Y	N			
<i>And who was this?</i>						
<i>How did this person/service help you to understand?</i>						
<i>If not, what part/s did you not understand?</i>						
Do you now understand the legal process?		Y	N			



	Some of the language used in court processes can be complex. Some of the conditions and exceptions in the orders can be long. Did you understand exactly what they meant?	Y	N
	While the court process for a DVO is not considered a positive experience we are interested in knowing what in the court process worked well for people who have applied for DVOs. So if there were any positive parts of your court experience, could you tell me about those please?		
	What do you think the court could do to improve the court experience for people who apply for DVOs?		
	Do you have any final comments?		

Interview questions – perpetrators/respondents/offenders

1 I want to ask about the court processes and outcomes			
	I understand that a Domestic Violence Order has been made against you. Is this your first DVO? (for interview discuss most recent)	Y	N
	What were the conditions on this order?		
	Was is by consent/agreement or did it go to a hearing?	C	H
	Were there ouster conditions?	Y	N
	Were children named on the order?	Y	N
	Was there was a variation to the order?	Y	N
	If yes, what conditions were varied?		
	Were there family law orders in place when the application was made, that were relevant to the DVO appl.?	Y	N
	Were family law orders changed as part of the DVO application court process?	Y	N N/A
	Did you apply for a Domestic Violence Order against the person who applied for one against you?	Y	N
	If yes, was it granted?	Y	N
	Were there criminal matters related to the DVO, ie other criminal matters or a contravention of this order? (No; DVO; contravention)	N	D C
	If those matters have been finalised, was it by guilty plea or hearing? Tell me about that.	G	H
	If there were criminal matters, is this the first time there have been criminal matters related to domestic violence?	Y	N
	Did you attend a domestic violence program under a Voluntary Intervention order, were your ordered to by the court, or directed to by Queensland Corrective Services?	C	Q V
	If you agreed to a VIO, when in the court process was the Voluntary Intervention Order agreed to? (early as an incentive to be taken into account; other)	N/A	E O



	Did you have the same Magistrate every time you attended court?	Y	N
	<i>If yes, did this make a difference? And why?</i>	Y	N
	<i>If no, do you think it would have made a difference? And why?</i>	Y	N
	Do you have any <u>comments</u> you would like to make about your court experience and the outcome?		
2	When thinking about your experience of the court when the last DVO application was taken out against you (and related criminal matters if any), do you feel it happened in a <u>timely</u> way?		
	Was your matter delayed at any point in the process?	Y	N
	If so, do you know why it was delayed? (prompts: adjournments; evidence gathering; criminal matters; matters being heard in other courts; service of court papers)		
	Do you remember how many court events there were, both civil and criminal (if applicable), before a final decision was made? (note: may not have attended all events)		
	<i>Number of civil; number of criminal</i>	Ci	Cr
	Do you know of any activities that made the process go more quickly? And who were the people who helped this happen?		
	Did your matter take more or less time than you had expected it to? (more; less; as expected)	M	L E
	Do you have any <u>comments</u> you would like to make about whether or not the DVO application and related matters were dealt with in a timely way?		
3	These are questions about your experience of court		
	Were you kept informed about the progress of the DVO application?	Y	N
	By whom?		
	Were you kept informed about the progress of the criminal matters related to the 1) DVO application? and/or 2) contravention/s?	N/A	Y N
	By whom?		
4	Now I wanted to ask about what services you received if any, before, during and after court and whether or not these were useful.		
	Did you see a lawyer? For civil matters, criminal or both? Tell me about that.	Civil	Crim Both N
	<i>If you did see a lawyer, did you pay for the service or was it a free service?</i>	F	P
	<i>What was the purpose of your contact with the lawyer when you saw him/her?</i>		
	<i>Did you receive legal advice on related legal issues?</i>	Y	N
	<i>When did you see the lawyer, was it <u>before</u> court?</i>	Y	N



Were you represented by the lawyer <u>in court</u> ?	Y	N			
Did you see the lawyer <u>after court</u> ?	Y	N			
Did you see a court support <u>volunteer</u> ? (desk on Level 1 for trial sample) If yes, what did that involve?	Y	N			
Did you see a Men's Court Information worker? Tell me about this.	Y	N			
If yes, did you see this person <u>before court</u> ?	Y	N			
Did this person <u>attend court</u> with you?	Y	N			
Did you see this person <u>after court</u> ?	Y	N			
Did you have any contact with the <u>security service</u> at the court? If yes, what did that involve?	Y	N			
Did you receive any <u>other service</u> in relation to the court processes? Tell me about that; how did it come about; why you went; when you saw them; and did it make a difference.	Y	N			
If yes, who was this/they?					
At what point in the court process did you see this person/people?					
What was the reason for seeing this person/people?					
Did having any of these services that we have talked about make a difference to your court experience, either positively or negatively? Tell me about that.					
What is the <u>one service</u> that you could not have done without?					
Do you have any <u>comments</u> you would like to make about services you did or didn't receive, before during and after the court process?					
5 This is a set of questions where I will give you answers to choose from.					
What was your overall impression of the way that your domestic violence case was handled by the court? (Excellent; Good; Fair; Poor)	E	G	F	P	
How was the waiting time to hear your case?	E	G	F	P	
The court gave me adequate time to explain my side of the story.	SD	D	N	A	SA
The court outcome was fair/just.	SD	D	N	A	SA
I would describe the court process as fair/just.	SD	D	N	A	SA
I feel the Magistrate was concerned with my side of the story.	SD	D	N	A	SA
I think that I was treated with respect and dignity during the court process?	SD	D	N	A	SA
Adequate information was provided to me.	SD	D	N	A	SA



	I think that the court's response to domestic violence cases is too easy, too harsh, or just right? (prompt: which answer best resembles <u>your</u> experience?)	TE	TH	JR
	Would you like to comment on any of that?			
6	Now just some final questions			
	Did you understand the legal process as it was occurring? If yes, did anyone help with this? Tell me about that.		Y	N
	<i>And who was this?</i>			
	<i>How did this person/service help you to understand?</i>			
	<i>If not, what part/s did you not understand?</i>			
	Do you now understand the legal process?		Y	N
	Some of the language used in court processes can be complex. Some of the conditions and exceptions in the orders can be long. Did you understand exactly what they meant?		Y	N
	While the court process for a DVO and related criminal matters is not considered a positive experience we are interested in knowing what in the court process worked well for people who the order is taken out against. So if there were any positive parts of your court experience, could you tell me about those please?			
	What could the court do to improve the court experience for people who the order is taken out against?			
	Do you have any final comments?			

Interview questions – generic stakeholder version

1	Opening questions about the DFV court trial				
	What is your role in this DFV court trial?				
	Do you have experience other than your current role, in domestic and family violence? If yes, can you tell what that was please?		Y	N	
	What is your <u>understanding</u> of the purpose of the DFV court trial?				
	What are the <u>important components</u> of the DFV court trial?				
	What is your <u>experience</u> of the DFV court trial, to date?				
	Have you had specific training in domestic and family violence? If yes, can you tell what that was please?		Y	N	
	Have you used this training in your role in the DFV court trial? How?		Y	N	
	My expectations of the DFV court trial have been met. Please explain why you chose this answer.	SD	D	N	A SA
2	Opening questions about the people who are victims and perpetrators of domestic and family violence.				



	What parts of the DFV court trial experience do you think work well for <u>victims</u> of domestic and family violence?					
	How does this compare to prior to the trial?					
	<u>Victims</u> of domestic and family violence have realistic expectations about how long the court process may take. Tell me about that.	SD	D	N	A	SA
	How does this compare to prior to the trial?					
	What parts of the DFV court trial experience do you think work well for <u>perpetrators</u> of domestic and family violence?					
	How does this compare to prior to the trial?					
	<u>Perpetrators</u> of domestic and family violence have realistic expectations about how long the court process may take. Tell me about that.	SD	D	N	A	SA
	How does this compare to prior to the trial?					
3	When thinking about the court experience of victims and perpetrators, do you think since the DFV court trial commenced that it happens in a <u>timely</u> way?					
	Matters are delayed during the court process. (Always; Very often; Sometimes; Rarely; Never)	A	VO	S	R	N
	At what points, and why, do you know? (adjournments; evidence gathering; criminal matters; matters being heard in other courts; service of court papers)					
	What activities make the court process move more quickly? And who are people who helped this happen?					
	Does having the <u>victim</u> represented in court make a difference to the <u>process</u> or the <u>time</u> the matter takes?					
	Does having the <u>perpetrator</u> represented in court make a difference to the <u>process</u> or the <u>time</u> the matter takes?					
	If yes, does it make a difference if the representation is by private, grant of aid or duty lawyer?					
	How does this compare to prior to the trial?					
	Do you have any <u>comments</u> you would like to make about whether or not matters are dealt with in a timely way?					
4	Do you think that any part of the DFV court process or outcome <u>increases</u> or <u>decreases</u> the safety of the victim, or the safety of their child/children?					
	Where the person who is a <u>victim</u> is appearing as a witness, special arrangements are offered for them to give evidence, e.g. another room.	A	VO	S	R	N
	<u>Victims</u> take up this offer.	A	VO	S	R	N
	<u>Victims</u> are offered the use of the support room at the court house.	A	VO	S	R	N
	Why do <u>victims</u> choose to use, or choose not to use this support room?					
	<u>Victims</u> express concerns about their safety coming to and/or leaving the court house. Tell me about this.	A	VO	S	R	N
	<i>Of those who express concerns and are assisted to improve their safety, how does this happen and by whom is it done?</i>					



<i>Of those who express concerns and are not assisted, why does this occur?</i>					
How does this compare to prior to the trial?					
There are family law orders in place when the application is made, that are relevant to the DVO appl.	A	VO	S	R	N
When present, family law orders are changed as part of the DVO application court process. Please explain why you chose this answer.	A	VO	S	R	N
The domestic violence and relevant criminal history of the person who was the subject of the order, is presented to the court as part of the DVO matter.	A	VO	S	R	N
<u>Victims</u> are kept informed of the progress of their DVO appl.	A	VO	S	R	N
If at all, by whom?					
<u>Victims</u> are kept informed about the progress of the criminal matters related to their 1) DVO application and/or 2) contravention/s.	A	VO	S	R	N
If at all, by whom?					
How does all this compare to prior to the trial?					
5 I want to ask you about the DFV court process and outcomes					
<i>Firstly I want to ask about applications:</i>					
Police applications result in DVOs.	A	VO	S	R	N
Private applications result in DVOs	A	VO	S	R	N
When applications do not result in an order, what are the reasons for this?					
How does this compare to what happened prior to the trial?					
Cross-applications are made.	A	VO	S	R	N
Cross-applications are granted.	A	VO	S	R	N
Applications are withdrawn.	A	VO	S	R	N
Applications are withdrawn as part of an undertaking.	A	VO	S	R	N
What are other reasons for applications to be withdrawn?					
If an application for withdrawal is made, how is this dealt with and who is involved in the decision?					
Applications are dismissed	A	VO	S	R	N
Why are applications dismissed?					
If an applicant <u>fails to attend for a hearing</u> , how is this dealt with and who is involved in the decision?					



How does all this compare to what happened prior to the trial, ie cross-applications, withdrawals and dismissals?					
<i>These questions are about victims and perpetrators experiences of court:</i>					
With criminal matters, 'victim impact statements' are used to help the people who are victims of domestic violence, to tell their story.	A	VO	S	R	N
How does this compare to what happened prior to the trial?					
<u>Victims</u> experience procedural fairness. (prompts: court outcome was fair; court process fair; treated with respect and dignity during the court process; adequate information was provided to them)	A	VO	S	R	N
<u>Perpetrators</u> experience procedural fairness. (prompts: court outcome was fair; court process fair; treated with respect and dignity during the court process; adequate information was provided to them)	A	VO	S	R	N
How does this compare to what happened prior to the trial?					
Victims have the same Magistrate every time they attend court.	A	VO	S	R	N
Perpetrators have the same Magistrate every time they attend court.	A	VO	S	R	N
<i>If yes, did this make a difference? And why?</i>					
<i>If no, do you think it would have made a difference? And why?</i>					
<u>Perpetrators</u> are kept informed of the progress of their DVO appl.	A	VO	S	R	N
If at all, by whom?					
<u>Perpetrators</u> are kept informed about the progress of the criminal matters related to their 1) DVO application and/or 2) contravention/s.	A	VO	S	R	N
If at all, by whom?					
<i>These questions are about <u>DV programs</u> for perpetrators.</i>					
When a person attends a domestic violence program, what proportion of these are court <i>ordered</i> , what proportion are <i>directed</i> by Queensland Corrective Services, and what proportion agree to this as part of a VIO?			C	Q	V
When a domestic violence program is undertaken as part of a VIO, when in the court process is this agreed to and how is it used? (early as an incentive; to be taken into account; other)			N/A	E	O
How does all this compare to what happened prior to the trial?					
When perpetrators are <i>directed</i> or <i>ordered</i> to attend a perpetrator program or attend under a VIO, there are legal consequences if they did not attend and/or complete it.	A	VO	S	R	N
How does this compare to what happened prior to the trial?					
6 I want to ask you about the <u>evidence</u> the Magistrate receives.					



	Matters, including court orders, related to the Department of Communities, Child Safety and Disability Services (usually known as Child Safety), the Childrens Court and/or the Family Court, are identified during the Domestic Violence Order proceedings.	A	VO	S	R	N
	How were these dealt with?					
	Information is requested from Child Safety under s55 of Act (power of the court to obtain information about child).	A	VO	S	R	N
	In your view what is the quality of the evidence?					
	All the relevant evidence is included. Please explain why you chose that answer?	A	VO	S	R	N
	When this occurs, what is provided?					
	How does all this compare to prior to the trial, about the evidence the Magistrate receives?					
7	I wanted to ask about what <u>services</u> the people who are victims and perpetrators of domestic violence receive if any, before, during and after the DFV court and whether or not these are useful.					
	Firstly I want to ask about the contact victims of domestic violence may have with a lawyer or Prosecutor, and perpetrators with a lawyer.					
	Victims see a lawyer.	A	VO	S	R	N
	Lawyers who see victims are privately engaged.	A	VO	S	R	N
	Lawyers who see victims are publicly funded.	A	VO	S	R	N
	Victims receive legal advice on related legal issues, apart from the DVO matter. If so, what are these issues?	A	VO	S	R	N
	Victims see a lawyer <u>before court</u> .	A	VO	S	R	N
	Victims are <u>represented</u> in court.	A	VO	S	R	N
	Victims see a lawyer <u>after</u> court.	A	VO	S	R	N
	Victims with a police application meet with the Prosecutor before court.	A	VO	S	R	N
	Victims with a private application meet with the Prosecutor before court.	A	VO	S	R	N
	What is the role of the Prosecutor in applications? (i.e. private and police)					
	How does all this compare to what happened prior to the trial?					
	Perpetrators see a lawyer.	A	VO	S	R	N
	Lawyers who see perpetrators are privately engaged.	A	VO	S	R	N
	Lawyers who see perpetrators are publicly funded	A	VO	S	R	N
	Perpetrators receive legal advice on related legal issues, apart from the DVO matter. If so, what are these issues?	A	VO	S	R	N
	Perpetrators see a lawyer <u>before court</u> .	A	VO	S	R	N



	Perpetrators are <u>represented</u> in court.	A	VO	S	R	N
	Perpetrators see a lawyer <u>after</u> court.	A	VO	S	R	N
	What are the proportions of (legally) assisted and unassisted victims and perpetrators? How does this compare to prior to the trial?	A	VO	S	R	N
	How does all this compare to what happened prior to the trial?					
8	Now I want to ask about other support services that may be accessed.					
	Victims who could benefit from the use of an interpreter, have an interpreter.	A	VO	S	R	N
	Perpetrators who could benefit from the use of an interpreter, have an interpreter.	A	VO	S	R	N
	Victims see a court support worker. Tell me about that.	A	VO	S	R	N
	Perpetrators see a Men's Court Information worker. Tell me about that.	A	VO	S	R	N
	Victims see a court support volunteer. (Desk on Level 1 for trial sample) If yes, what did that involve?	A	VO	S	R	N
	Perpetrators see a court support volunteer. (Desk on Level 1 for trial sample) If yes, what did that involve?	A	VO	S	R	N
	Victims have contact with the security service at the court. If yes, what does that involve?	A	VO	S	R	N
	Perpetrators have contact with the security service at the court? If yes, what does that involve	A	VO	S	R	N
	Do victims or perpetrators receive any <u>other services</u> in relation to the court processes? Tell me about this/these. If yes, who is this/they? At what point in the court process are the services provided? What is the reason for receiving this/these service/s?					
	Who refers them to each of the services you have mentioned?					
	How does all this compare to what happened prior to the trial?					
	Does having any of these services make a difference to the court experience of <u>victims</u> , either positively or negatively? Tell me about that.					
	Does having any of these services make a difference to the court experience of <u>perpetrators</u> , either positively or negatively? Tell me about that.					
	Out of all the people and services we have talked about, what is the <u>one service</u> that <u>victims</u> could not have done without?					
	Out of all the people and services we have talked about, what is the <u>one service</u> that <u>perpetrators</u> could not have done without?					
	How does this compare to what happened prior to the trial?					
9	Just some final questions					



A key aspect of the DFV court trial is that there are dedicated Magistrates. This has <u>changed</u> the process and/or outcomes for victims and perpetrators, and how the integrated response operates. Please explain why you chose this answer.	SD	D	N	A	SA
There are also dedicated registry and court staff. This has <u>changed</u> the process and/or outcomes for victims and perpetrators, and how the integrated response operates. Please explain why you chose this answer.	SD	D	N	A	SA
Local services involved in DFV court trial processes contribute to the court's work. If so, how does this occur, and which services are you referring to? Please explain why you chose this answer.	SD	D	N	A	SA
There is <u>clarity</u> around the different roles and responsibilities for each agency. Please explain why you chose this answer.	SD	D	N	A	SA
There is effective <u>coordination</u> and <u>communication</u> to support the court process. Please explain why you chose this answer. This refers to 1) within the court system, 2) between agencies/services, and 3) between the courts and these agencies.	SD	D	N	A	SA
There were <u>pre-trial protocol</u> , <u>procedural</u> or <u>practice</u> changes, and/or <u>service enhancements</u> made specifically for the trial. Please explain why you chose this answer.	SD	D	N	A	SA
There have been protocol, procedural or practice changes, or service enhancements since the trial commenced , specifically for the trial. Please explain why you chose this answer.	SD	D	N	A	SA
What were the reasons for these changes?					
There have been challenges for this DFV court trial. Please explain why you chose this answer.	SD	D	N	A	SA
There have been benefits from this DFV court trial. Please explain why you chose this answer, including who the benefits have been for.	SD	D	N	A	SA
What do you think are the important enablers for the success of this DFV court trial?					
If there were to be more specialist domestic and family violence courts with a dedicated Magistrate, what are the learnings from this trial, at the policy and operational levels?					
Do you have any final comments?					

Appendix 5 – Sub-sample details

Table A5.1: Aggrieved sub-sample

Code	Traditional court	DFV court	Cross-order	Interpreter	Type of application	Contravened	Variation to order
V1	✓ ¹	✓			Private	No	New order
V2	✓	✓			Private	✓	✓ ⁷
V3 ^{2,9}	✓	✓	✓	✓	Police	Unknown	Unknown
V4 ³							
V5	✓	No	✓ ¹⁰		Police	Did not know conditions	Unknown
V6	no	✓	✓ ⁶		Police	✓	✓ ⁸
V7	✓	✓	✓		Private	Previous, not current	Unknown
V8 ^{4,5}	✓	no		✓	Private	✓	✓ ⁷
Summary							
Group			Number				
Traditional and DFV trial court			4				
DFV trial court			5				
Cross-orders			4 (one a TPO)				
Police applications			3				
Private applications			4				
Interpreters used			2				
Contraventions			3				
Variations			2 with conditions added; 1 with conditions removed				

¹ Not Southport

² Requested assistance with addressing concerns about QPS service

³ Interview terminated: upset; language barrier

⁴ Requested assistance having Family Law Court matter dealt with

⁵ Family law matters in progress

⁶ Temporary Protection order

⁷ Conditions added

⁸ Conditions removed

⁹ Requested assistance with understanding the court process

¹⁰ Interviewee's husband was granted a DVO on her; interviewee withdrew her cross-order application

Table A5.2: Respondent sub-sample

Code	Traditional court	DFV court	VIO	Volunteered to attend behaviour change program	Mandated to attend behaviour change program	Reported consenting to DVO	Contravened DVO	Reported variation to DVO/TPO
P1 ⁷	✓	Unknown	✓			✓	Reported nil	No; TPO
P2	no	✓		✓		✓	✓	✓ ⁶
P3	✓	no	✓			✓	Reported nil	✓ ⁶ ; TPO
P4	✓ ^{1,3}	no			✓ (completed)	✓	Reported nil	No
P5	no	✓		✓		✓	✓	✓ ⁶
P6	✓ ¹	✓ ²			✓ (twice)	✓	✓	✓ ⁶
P7 ⁴	✓	no		✓	✓	✓	Reported nil	✓ ⁶
P8	✓	✓			✓ (completed)	✓	✓	✓ ⁵
Summary								
Group				Number				
Traditional and DFV trial court				2				
DFV trial court				4				
VIO				2				
Volunteered to attend behaviour change program				3				
Reported consenting to DVO				8				
Contravened DVO				4				
Reported variations				6				

¹ For DVO

² For DVO and a criminal matter

³ Subsequent DVO from another applicant

⁴ Reported voluntarily attending program run as a mandated program

⁵ Condition added

⁶ Condition removed

⁷ Considering contesting



Appendix 6 – Methodology

As described, this study employed a mixed method approach, which is consistent with the approach taken in evaluations of similar initiatives in other jurisdictions. The activities undertaken were:

1. Interviews. Most interviewees (n=19) were from agencies and were asked to comment on the DFV court trial.²⁶ Another 10 who had experience with similar domestic violence initiatives were interviewed to gain insights from their work.²⁷ Victims (n=7) identified and recruited by the DVPC, and perpetrators (n=8) identified and recruited by QCS and Centacare were also interviewed. Victims and perpetrators were advised through the recruiting organisations that they were welcome to have a support person attend the interview with them.
2. A service audit. Because some services provided enhanced services for the trial, an audit was conducted as part of the data collection.
3. Analysis of administrative data. Items were drawn from existing Magistrates Court data and QCS data (Appendix 7) for the period 1 September to 30 October 2014, and for up to a four month period from 1 September 2015, to enable comparison. For some items data was available only for 2015. Not all of the proposed data items were available.
4. Analysis of planning and implementation documents. The purpose of this analysis was to compare the trial as planned to the trial as implemented.

Interviews

Sampling


A purposive sample²⁸ was drawn for this evaluation. The rationale is that only those organisational stakeholders with direct experience of the court or those who work closely with those who have direct experience are in a position to report on court operations and related support services.

Due to the short time between the commencement of the DFV trial and the initial evaluation, many of those involved in the trial (with the exception of victims and perpetrators) were involved in the traditional court.

²⁶ Trial participants were advised at the meeting at the Southport Magistrates court on 6.8.2015 that the trial would be evaluated and indicated that they supported the evaluation. Further to this, the Director-General of DJAG sought and received from relevant Directors-General, the Commissioner of Police, the CEO of Legal Aid Queensland and the CEO of the Public Safety Business Agency their staff permission to participate in the evaluation. These documents were tabled at the court working group meetings.

²⁷ These individuals were identified through their current or past roles and by referral.

²⁸ Purposive sampling refers to the method in which individuals were identified for inclusion in the study. Purposive sampling is a sample that has been gathered because the individuals have a specialist knowledge (in this case, the individual has been involved in the specialist court trial), or that they are willing and have the capacity to be interviewed. This is different to random sampling (where individuals are randomly identified for inclusion in the study), or stratified sampling (where a set number of individuals in particular sub-groups are selected for inclusion).



Victims and perpetrators with experience of the traditional court and those with experience of the trial were sampled. Due to the majority of people who experience domestic and family violence in Queensland being women, in this study the sample of victims was women, and the sample of perpetrators was men. This is consistent with the approach taken by the Special Taskforce.

Development of the interview schedule

Interview questions were developed specific to this study as there were no existing interview tools in the literature that could be replicated. The available literature was, however, used as a guide. Additional questions and terminology were included to reflect Queensland legislation.

Interview questions were developed in consultation with the CWG.

Once a draft evaluation framework was developed, this was provided to government agencies (DPC, DCCSDS, QPS, QCS, PSBA and LAQ) and a group of magistrates for feedback. Additional feedback was provided internally by the DJAG Legal Advice and Advocacy and Right to Information and Privacy units. Suggested changes were incorporated before the interview schedule was finalised (interview schedules are provided in Appendix 4).

Data collection and analysis

Interviews took up to 60 minutes, and all participants were provided with a copy of the interview questions in advance of the interview to ensure that:

- interviewees would be in the best position to provide informed consent to participate in the interview, and for victims to ensure any unexpected emotional distress that may emerge as a result of the interview could be better managed
- representatives of public service agencies could manage any legislative constraints associated with responding to interview questions.

All interviews, with one exception, were digitally audio-recorded; notes were taken, with permission when the interviewee refused to have the interview recorded. Only one participant – a stakeholder – did not agree to be interviewed. As victims and perpetrators were recruited by other agencies the number of refusals is unknown, but was reportedly high.

The victims and perpetrators of domestic violence were interviewed in person (at the DVPC, Centacare or the Probation and Parole offices (QCS) at Southport and Burleigh Heads). The recruiting organisations arranged an interview schedule and provided prospective participants with an information sheet and consent form. The interviewer attended the interview, conducted the consent process, then proceeded with the interview. The other participants were interviewed by telephone or in person with the information sheets and consent forms provided in advance.

All interview audio recordings were transcribed, following which NVivo software was used to assist with data analysis. Responses to closed questions were coded per question, and responses to open-ended questions were thematically analysed. Descriptive analysis was undertaken on close questions.



Confidentiality of data

The interview data was de-identified through coding using numbers to enable differentiation between agency interviewees, interviewees from similar initiatives, victims and perpetrators. Only the investigators have access to the document that links the codes with individual interviewees. This document and the consent forms are held separately from the data.

Because the project evaluates a trial where a small number of people are involved, the correct identity of evaluation participants could be guessed. Once approval has been given by the Director-General of DJAG, for the draft final report, relevant sections were sent to professionals interviewed for their review and feedback and to ensure that any concerns about the identification of individuals or potential adverse comments about individuals or groups of individuals involved in the trial can be addressed. Then the draft final report was sent to all government and non-government agencies for the same purpose.

Raw data is stored at DJAG electronically and some in hard copy. DJAG electronic and paper storage is protected by compliance with the provisions of the *Information Privacy Act 2009*, which ensures that personal information is appropriately collected, stored and disposed of.

Service audit

The purpose of the service audit was to document what legal and non-legal support services, in addition to the Magistrate's Court and DFV Registry, were operating at the Southport Magistrates Court during the evaluation period. After the second month of the trial court's operation, additional services were introduced as a response to the unexpectedly high workload. To conduct the service audit each of the services named below were asked to list the services they provided for the court trial. The services were asked to provide the information in February 2016. While not the purpose of the service audit (detailed in the report Introduction), it does illustrate the high level of additional resourcing required for the trial.

Administrative data

Administrative data was requested from the Magistrates Court and QCS (refer to Appendix 7), and was received by email after interviews had commenced. Additional questions were required to clarify the data, with final data provided in late February 2016. The administrative data was received in a non-identifiable format. Descriptive analysis was undertaken of the administrative data.

Planning and implementation documents

The purpose of this analysis was to compare the trial as planned, to the trial as implemented, as at the time the evaluation was conducted. The Courts Innovation Program, within the Magistrates Courts Service, Justice Services, DJAG, led the planning of the trial, but was supported by Strategic Policy and Legal Services, DJAG. Officers from both of these divisions were involved in the implementation of the DFV trial court, again led by the Courts Innovation Program and supported by Strategic Policy and Legal Services. Officers from these sections were invited to provide copies of their planning documents, as well as documents that would provide evidence of how the trial was being implemented. These planning and implementation documents are listed in Appendix 8.



Notes on the use of data triangulation

To evaluate the trial, triangulation of methods and data has been undertaken, to enhance the validity of findings.²⁹ Triangulation³⁰ was first used in the social sciences by arguing that using more than one method in the validation process ensured that the variance reflected the trait and not the method.³¹ The concept was expanded by Denzin³² by identifying different types of triangulation, all of which have the purpose of strengthening confidence in the findings by overcoming the bias inherent in a single method, investigator, data source or theory, and increasing the accuracy of the findings because different methods highlight different aspects of a phenomenon. By using multiple methods, investigators, data and/or theories to examine the same phenomenon, it is thought that comparable findings indicate increased accuracy of the findings.

Limitations of the methodology

While a strength of this study is the use of both qualitative and quantitative data, there are nevertheless limitations to each. The QWIC and IOMS databases, though extensive, are maintained for a purpose unrelated to evaluation. This means a comprehensive analysis is not always possible, either because particular aspects of the court process are not currently captured in the databases, or individual data items cannot be disaggregated.

A second limitation relates to timing, resourcing and the evolution that occurred during the early months of the trial. Interviews were conducted during months three and four of the trial, and prior to acquisition of the QWIC data. This meant that any issues arising from the QWIC data analysis could not be included in the interview schedule. Data available for the final evaluation will not be limited in this way, as the trial will have been running for a longer period.

The key limitation with the interview data is the small sample size for both victim and perpetrator groups. Despite the significant efforts by the recruiting organisations, they reported difficulty in recruiting interview participants, particularly in relation to having experience of both the traditional and trial courts. Some explanations include that potential participants may not wish to revisit their court experiences (which are expected to have been traumatic), the interviews were conducted close to the Christmas period (a difficult time for families in crisis), and interviewees with children found it difficult to participate due to the school holidays. Both organisations also reported that they needed more time than was available to conduct recruitment activities.

A second limitation with the interview data was that due to the large number of questions for all interviewees, and the need to keep interview times to one hour, not every question was asked of every interviewee. Additionally, some agency interviewees were unable to comment on some areas of the interview schedule.

²⁹ M Miles and A Huberman, *Qualitative Data Analysis* (Sage Publications Ltd, 1994)

³⁰ D Campbell and D Fiske 'Convergent and discriminant validity by multitrait-multimethod matrix' (1959) 56 *Psychological Bulletin*, 81.

³¹ T Jick 'Mixing qualitative and quantitative methods: triangulation in action', (1979) 24 *Administrative Sciences Quarterly*, 602.

³² N K Denzin, *The research act in sociology: a theoretical introduction to sociological methods* (Butterworths 1970).

Appendix 7 – Administrative data items

QWIC

	Questions
1	What was the time between filing to the time it was listed (defined as going before a Magistrate) for an urgent (defined as requesting a TPO on DVO application) matter? (2015)
2	What was the time between filing to the time it was listed (defined as going before a Magistrate) for a non-urgent (defined as not requesting a TPO on DVO application) matter? (2015)
3	What was the time between filing and receiving a TPO? (2014 and 2015)
4	What was the time between filing and receiving a DVO? (2014 and 2015)
5	How many (victim) appearances (for criminal & for civil) before final (Domestic Violence Order) decision made? (2014 and 2015)
6	What was the timing of Domestic Violence Order contraventions? (2014 and 2015)
7	What was the timing of related criminal matters (related, defined as criminal matters commencing on same date as the contravention)? (2014 and 2015)
8	<u>How many</u> conditions to restrain, restrict and prohibit the behaviour of the perpetrator were put in place with the Domestic Violence Order? (2014 and 2015)
9	Were there ouster conditions? (2014 and 2015)
10	Were children named in the Domestic Violence Order? (2014 and 2015)
11	Were perpetrators <i>ordered</i> ³³ by the court to attend a perpetrator program?
12	How many times was information about a <u>child requested</u> by the court under section 55 of the <i>Domestic and Family Violence Protection Act 2012</i> ? (2015)
13	What number of parties (at each court event) (victim [private] and perpetrator separately) were <u>unassisted</u> by a <u>lawyer</u> ? (2014 and 2015)
14	What number of parties were represented by a prosecutor? (2014 and 2015)
15	What number of parties (victim [private] and perpetrator separately) were <u>represented</u> in court by a <u>lawyer</u> ? (1 and both parties) (2014 and 2015)
16	Did the civil application result in a final Domestic Violence Order? (2014 and 2015)
17	How many applications were there to vary the Domestic Violence Order? (2014 and 2015)
18	How many Domestic Violence Order applications were withdrawn? (2014 and 2015)

³³ Court order may include a condition under the Penalties and Sentences Act (1992 (PSA) or The Bail Act 1980.

	Questions
19	How many Domestic Violence Order applications were dismissed? (2014 and 2015)
20	How many Domestic Violence Order applications were dismissed where the applicant failed to attend? (2014 and 2015)
21	Number of Voluntary Intervention Orders that were made? (2014 and 2015)
22	When in the process are Voluntary Intervention Orders agreed to? (2014 and 2015)
23	Number of times a matter (contravention of a DVO) is finalised by a guilty plea? (2014 and 2015)
24	How many Domestic Violence Order contraventions were there? (this is by penalty) (2014 and 2015)
25	How many cross-applications were there? (2014 and 2015)
26	How many private vs police Domestic Violence Order applications were there? (2014 and 2015)
27	What proportion of DV matters (criminal and civil) went to the dedicated court?
28	Were interpreters used? (2015)
29	How many Family law orders changed? (2015)
30	Number of DVOs by consent

IOMS

	Questions
1	Number of contraventions of a DVO
2	Number of people <i>directed</i> to attend a perpetrators program



Appendix 8 – List of planning and implementation documents

Planning documents

1. Project plan to establish the specialist DFV court.
2. Program logic
3. Model of the DFV court trial evaluation (see Figure 1 in report)
4. Governance diagram (see Figure 2 in report)

Implementation documents

1. Implementation steps, activities and decisions
2. Diagram highlighting implementation steps (and timeline)
3. Minutes from Operational Working Group
4. Minutes from Court Working Group
5. Agenda for 6.8.15 meeting and list of attendees (Chief Magistrate meeting with stakeholders)
6. Email template for request from Family Law Courts
7. Court Coordinator, Specialist DFV Court (Southport) role description
8. Pre-commencement workshop attendance list and agenda
9. Specialist DFV Court stakeholder list

Appendix 9 – Results

Table A9.1: Victims' perceptions of receiving procedural fairness

(Excellent; Good; Fair; Poor)	E	G	F	P	N/A	
What was your overall impression of the way that your domestic violence case was handled by the court?	2	1	1	1	1	
How was the waiting time to hear your case?	3	-	1	1	1	
(Strongly disagree; Disagree; Neither disagree nor agree; Agree; Strongly agree)	SD	D	N	A	SA	N/A
The court gave me adequate time to explain my side of the story.	-	1	-	2	2	1
The court outcome was fair.	-	1	1	3	1	1
I would describe the court process as fair.	-	-	1	3	1	1
I feel the Magistrate was concerned with my side of the story.	1	-	-	-	4	1
I think that I was treated with respect and dignity during the court process.	1	-	-	-	4	1
Adequate information was provided to me.	1	-	-	1	3	1
		TE	TH	JR		
I think that the court's response to domestic violence cases is too easy, too harsh, or just right? (prompt: which answer best resembles your experience?)		1	-	2	2	

Table A92: Perpetrators' perceptions of receiving procedural fairness

(Excellent; Good; Fair; Poor)	E	G	F	P	N/A	
What was your overall impression of the way that your domestic violence case was handled by the court?	-	5	1	2	-	
How was the waiting time to hear your case?	2	3	1	2	-	
(Strongly disagree; Disagree; Neither disagree nor agree; Agree; Strongly agree)	SD	D	N	A	SA	N/A
The court gave me adequate time to explain my side of the story.	2	1	2	1	2	-
The court outcome was fair.	2	-	-	4	2	-
I would describe the court process as fair.	2	-	-	4	1	-
I feel the Magistrate was concerned with my side of the story.	3	2	-	1	2	-
I think that I was treated with respect and dignity during the court process.	1	1	-	3	2	-
Adequate information was provided to me.	1	1	1	4	1	-
			TE	TH	JR	
I think that the court's response to domestic violence cases is too easy, too harsh, or just right? (prompt: which answer best resembles your experience?)			1	1	6	-

Table A9.3: The timing for dealing with DVO contraventions

Items	2014	%	2015	\$
Number of times DVO contravention charge filed (with court by police) to final decision within 2 weeks	41	56.16	35	53.85
Number of times DVO contravention charge filed (with court by police) to final decision within 4 weeks	19	26.03	22	33.85
Number of times DVO contravention charge filed (with court by police) to final decision within 8 weeks	13		8	
Total number of charges filed and finalised within 8 weeks	73		65	

* Data on the number of times a charge was filed to a final decision after 8 weeks has been excluded from this analysis because comparable data is not available. The 2014 data is completed with 68 charges finalised after 8 weeks. By 31.10.2015, 148 charges had been file but were not finalised.

Table A9.4: DVO applications withdrawn (policy and private)

How many Domestic Violence Order applications were withdrawn?

Items	2014	%	2015	%
Number of police applications	1		0	
Number of private applications	27	96.43	17	100.0
Total applications withdrawn	28		17	

Table A9.5: DVO applications dismissed (police and private)

How many Domestic Violence Order applications were dismissed?

	2014	%	2015	%
Number of police applications	7	8.53	3	13.64
Number of private applications	75	91.47	19	86.36
Total applications dismissed	82		22	

Table A9.6: The use of interpreters based on requests on private applications and Magistrates' request at a mention

Language	Sep-14	Oct-14	Nov-14	Menti on	Heari ng	Sep-15	Oct-15	Nov-15	Menti on	Heari ng
Auslan	1		1	2						
Armenian/Arabic	1			1						
Arabic			1	1						
Thai	2	1	1	4				2	2	
Farsi		1		1						
Punjabi			2	2						
Tagalog			2	1	1	1	2	1	3	1
Portugese			1	1		1				1
Indonesian						1			1	
Denka						1			1	
Hindi						1		1	1	1
Vietnamese						1		1		2
Tigrinya						1			1	
Acholi						1			1	
Mandarin							3	1	3	1
Indian							2		2	
Japanese							1			1
Amharic								1	1	
Polish								1	1	
Column totals	4	2	8	13	1	8	8	8	17	7
Total number of interpreters per period	14 - 2014					24 - 2015				

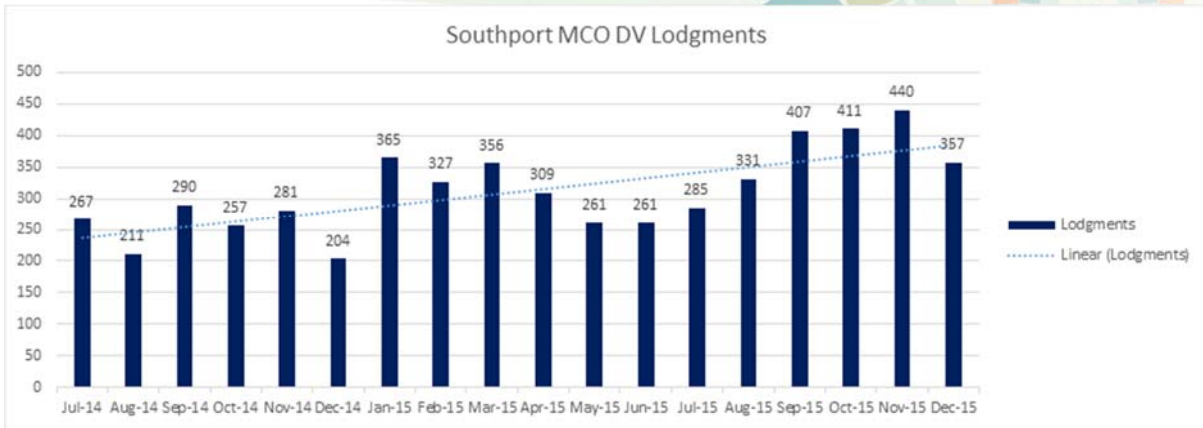


Figure 3: Southport Magistrates Court DV lodgments³⁴

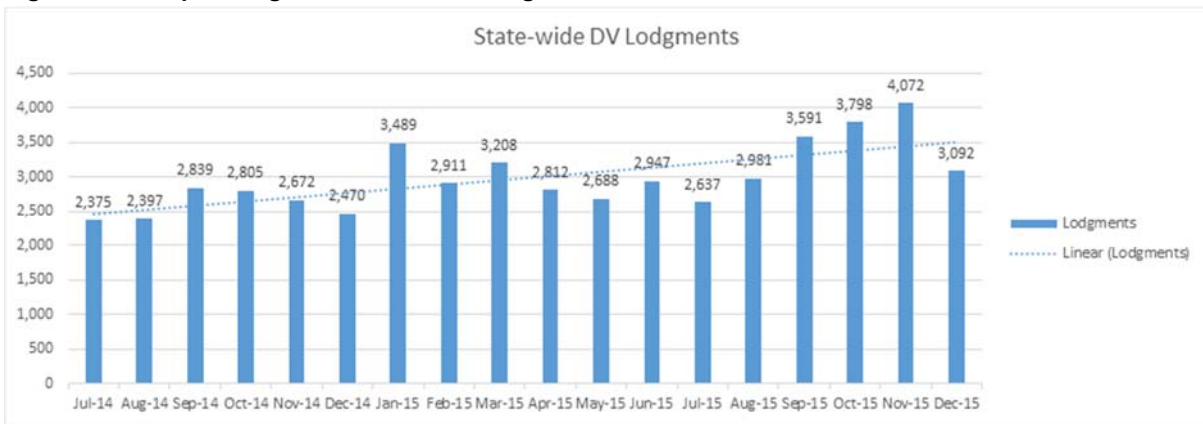


Figure 4: Statewide DV lodgments

1. Data includes initiating <u>and subsequent</u> applications.
2. Applications counted include the following:
Police Protection Notice
DV Register interstate order
DV Protection Order Application
DV Application to withdraw (Rule 50)
DV Application to extend detention period
DV Application to vary intervention order
DV Application to revoke intervention order
DV vary Domestic Violence Order Application
DV Application to vary a registered interstate order
DV Police Urgent Temporary Protection Order Application
DV Application to cancel a registered interstate order

³⁴ Data inclusions – see table.