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**CHARACTERISTICS OF PARTIES  
INVOLVED IN DOMESTIC VIOLENCE  
PROTECTION ORDERS:  
AN ANALYSIS OF COURT AND POLICE DATA**

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## List of abbreviations

ABS	Australian Bureau of Statistics
ANCO	Australian National Classification of Offences
CJC	Criminal Justice Commission
CJIS	Criminal Justice Information Integration Strategy (Queensland Government)
CRISP	Crime Recording Information System for Police
CRS	Case Register System
DFYCC	Department of Families, Youth and Community Care
DVA	Domestic Violence Act
DVI	Domestic Violence Index
DVPO	Domestic Violence Protection Order
NCVAW	the National Committee on Violence Against Women
QCR	Queensland Criminal Records (data base)
QPI	Persons of Interest system (data base)
QPS	Queensland Police Service
SEIFA	Socio-Economic Indexes for Areas
VAWIP	Violence Against Women Indicators Project

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# Executive Summary

## **Introduction**

Queensland statistics demonstrate the continuing incidence of domestic violence, applications for protection orders increasing from 517 in the Act's first full year of operation in 1990-91 to 1024 in 1995-6. Studies suggest that women who are most likely to be victims of domestic violence have no independent incomes, no friends or family close by, and are often isolated, either in rural areas or because they do not speak English. Aboriginal and Torres Strait Islander women are also at risk.

Reports of both the National Committee on Violence Against Women (1990-1993) and the National Committee on Violence (1990) called for more research, monitoring and evaluation, and more comprehensive and adequate statistics. In its comprehensive study of *The Effectiveness of Protection Orders in Australian Jurisdictions*, the National Committee on Violence Against Women (NCVAW) (1993:8) noted 'there has been little systematic research undertaken to evaluate the effectiveness of such orders', pointing to inadequate methodologies and lack of comparative longitudinal data (NCVAW, 1993:8-9; see also Australian Law Reform Commission, 1994:211).

In the Australian Institute of Criminology's recent report *Violence Against Women in Australia*, the authors noted that a national survey of data collections was analysed 'to assess the nature of the information contained within them, and to establish the major obstacles that prevent or inhibit the comparison and coordination of data'. The report presented a summary of data currently available and problems of data coordination and comparison (Putt and Higgins, 1997:xiv) with the 'twin goals of obtaining a national perspective on violence against women and improving the legal response to violence against women' (Putt and Higgins, 1997:ix). The Australian Institute of Criminology report recommended that the Violence Against Women Indicators Project develop models for longitudinal analysis, particularly tracking either individuals over time or cases through different agencies. The report also calls for 'an outline and



evaluation of tracking models' (Putt and Higgins, 1997:11,39). The research developed in this study seeks to address some of these data concerns in Queensland by providing a statistical profile of those involved in domestic violence applications, both in terms of multiple appearances before Magistrates Courts and their contact with the Queensland Police Service, particularly in relation to assault and breach of protection orders.

### **Method**

This report is based on data collected in relation to individuals involved in the 602 appearances for domestic violence protection orders in January 1994 in the Magistrates Courts Districts of Beenleigh, Brisbane, Southport and Ipswich. Any contact individuals had in relation to domestic violence matters prior to or subsequent to that month with those Magistrates Courts was also recorded, searching by name and date of birth, to establish the level of involvement in multiple and cross applications, information that has not previously been available. The names and dates of birth of the sampled individuals were then searched in the computerised Queensland Police Service Persons of Interest database. The appearance of those individuals in various police records, including criminal history records, was searched and recorded. Searches of the criminal histories established this sample's involvement in criminal activities, for example assault and breaches of domestic violence orders. While other studies have sought to identify the relationship between respondents to protection order applications and criminal activity, the research reported here provides more extensive and detailed data. A further valuable contribution of this research method is the information it provides concerning victims, given the present very limited information available in this area (Putt and Higgins, 1997:15). The understanding gained about individuals and their interactions with the criminal justice system provides insights into the effectiveness of the current systems from which further suggestions for the prevention of violence may be developed.

The unique data set generated by the research was a result of the research team's access to three data sets from three different government agencies, Department of Families, Youth and Community Care (DFYCC), the Department of Justice and the Queensland Police Service (QPS). The first agency provided access to data on domestic violence applications for the period during which the legislation has been in force, since 1989. The Department of Justice provided access to Magistrates Court District data records and the Queensland Police Service provided access to their records describing contact with the QPS and criminal histories. Access to these three data sets was a product of close liaison with members of the steering committee from each agency.

However, detailed and dispersed data sets such as these required considerable time and energy to compile. Access to highly sensitive records required negotiation to ensure that privacy for individuals was guaranteed. Recording data which has been collected for operational purposes rather than for research objectives involved considerable labour time. Criminal justice agencies' information systems focus on individual incidents rather than individuals, and a number of data bases had to be searched, some of which were not computerised. The time-intensive nature of the method has implications for using these operational data bases for research purposes. However, with increasing computerisation of databases and the integration of information systems further inter-agency data collection should be facilitated. On the other hand, the particular and dynamic nature of the data collection systems used in this research suggests that it may be difficult to replicate the method.

## **Findings**

### *Socio-demographic profiles*

In the sample of 602 appearances, 85.5% of the aggrieved were female and correspondingly 85.5% of respondents were male. When the sub-sample applications matched with a cross-application (58 appearances) is excluded, 93% of the aggrieved were female and 93% of respondents were male. In comparison with the Queensland

population (census data for 1991), those appearing as both aggrieved and respondents are more likely to be from disadvantaged socio-economic backgrounds (based on the SEIFA index), less likely to be Australian-born, more likely to speak another language instead of or in addition to English at home and more likely to be of Aboriginal and Torres Strait Islander background. As the DFYCC data on aggrieved for the whole of Queensland does not suggest over-representation of those from non-English speaking backgrounds, it is quite likely that this group is not disproportionately represented in our sample, but rather is clustered in south-east Queensland, where the courts in our sample were located.

#### *Number of appearances*

A high proportion of those involved in domestic violence applications are involved in more than one appearance and, more significantly, more than one application order, either with the same party or with a different party. The 602 appearances for a protection order in the sampled month produced 787 adjournments, 157 applications to revoke the protection order and 93 adjournments of applications to revoke the protection order. When any contact that either the aggrieved or the respondent had with the court prior to or subsequent to the sampled month was added to the data set, there was a total of 897 appearances producing 1048 adjournments, 224 applications to revoke the protection order, and 151 adjournments of applications to revoke the protection order. Thus, over the history of the legislation in the four courts sampled, a total of 2324 appearances involved a party to one of the 602 appearances in the sampled month. Respondents more so than aggrieved were involved in multiple protection orders with different individuals (30 respondents, 4 aggrieved).

#### *Cross-applications*

The sample was divided into two subsamples, those involved in an application without a corresponding cross-application (544 appearances) and those who were involved in both an application and a cross-application (58 appearances). In terms of demographic characteristics, individuals involved in cross-applications are similar to

those involved in applications. However, females involved in cross-applications are more likely to have contact with the police as offenders (29.6%, compared with 22.2% of female respondents and 8.8% of female aggrieved where there is no cross-application; c.f. 43.6% of males involved in cross applications, compared with 48.9% of male respondents and 8.8% of male aggrieved where there is no cross-application). Both males and females involved in cross-applications had criminal histories of a longer average duration (calculated from the earliest offence date to the most recent offence date) than those of each sex involved as either aggrieved or respondent in applications where there was no cross-application. Males involved in cross-applications had an average criminal history of 11.9 years, females involved in cross applications of 4.3 years (compared with 6.1 years for male respondents and 3.4 years for female respondents to applications). Female but not male cross-applicants have a high rate of incarceration (5.6%, compared with 0% of female respondents and 1.2% of female aggrieved; c.f. 18.2% of male cross-applicants, compared with 20.4% of male respondents and 5.9% of male aggrieved). This data suggests that the cross-application sample is different from the whole sample.

The police are active in taking out cross-applications, suggesting particular use by police of the cross-application facility under the legislation. A police officer was the applicant in 57% of cross-applications, compared with an overall rate in which police officers were applicants in 34% to 51% of cases, varying between the courts. Furthermore, police officers were particularly active in taking out cross-applications on the same day. In 20.7% of cross-applications, the police are both the first and the second applicant; two-thirds of these cross-applications were taken out on the same day. Eight of the 40 cross-applications not taken out on the same day were originated by males, a higher proportion of males being first applicants than in the sample of applications which resulted in no cross applications (20% compared with about 7%).

### *Length of protection orders*

Protection orders are generally granted, although there is variation between courts in terms of the length of the order, Ipswich Magistrates Court granting much shorter orders than the other three courts (42 weeks compared with around 70 weeks in the other three courts). A protection order is more likely to be made where a police officer was the applicant and less likely to be dismissed/struck out or adjourned. The average duration of the protection order when the applicant was a police officer was 74.1 weeks (no cross-application) or 69.3 weeks (cross-application), while it was 53.5 weeks (no cross-application) or 56.4 weeks (cross-application) when the applicant was the aggrieved person. In comparison with the other courts, police officers are more likely to apply for protection orders in the Beenleigh Magistrates Court which operates in close liaison with police officers whose particular role is to work with the domestic violence legislation.

### *Involvement with police and criminal histories*

The sample of individuals in this study appear considerably more likely than the total population to have involvement with the police. This includes criminal involvement and even gaol sentences. Comparative data for the whole population are not available. However, the Royal Commission into Aboriginal Deaths in Custody found that in its survey month in 1988 only 2.4% of the Queensland population was taken into custody (Johnston, 1991:223) while the Queensland Police Service holds fingerprint records for a maximum of about 3% of Queensland females and 25% of Queensland males. In contrast, over half the respondents in this study had a criminal history (62.5% of male respondents and 33.3% of female respondents). More male aggrieved (35.4%) than female aggrieved (25.8%) had a criminal history. Of recipients of protection orders involving a cross-application, 35.9% of female recipients and 55.5% of male recipients had a criminal history. Male aggrieved had a far higher number of contacts as offenders (an average of 6.3 for males, 2.8 for females). Males had a longer average criminal history than females, the longest being for males involved in cross-applications at 11.9 years. This was also the group of females with the longest

average criminal history, at 4.3 years. The group most likely to be gaoled for either personal or property offences are male respondents, at 9.0% for personal offences and 18.2% for property offences.

Much of this criminal history relates to minor offences. The most commonly recorded charges against females are theft (40.0% of females charged with an offence were charged with theft), illicit drug offences (31.1%), and offences against justice procedures (34.1%). For males, the most common offences were theft (50.8% of males charged with an offence were charged with theft), illicit drug offences (41.8%), road traffic offences (52.4%) and offences against justice procedures (50.2%). However, males and respondents (a largely overlapping group) are almost as likely to be charged with acts intended to cause injury (41.8% of males and 42.2% of respondents with charges were charged with this offence) and public order offences (40.6% of males and 39.9% of respondents). Furthermore, about 20% of the total male sample was charged with acts intended to cause injury (131 males in the original sample of 506 males).

#### *Breaches of protection orders*

Those who have been charged with breaching a protection order are more likely to have a criminal history and of a longer period than those who have not. Although their criminal histories are not significantly longer (8.9 years compared with 7.8 years), overall those who breach orders have significantly more total charges (19.5 compared with 13.2) and significantly more charges for personal offences (3.9 compared with 1.3) than non-breachers. A high percentage of assaults (36.1%) and of unlawful wounding (82.1%) are committed on those with whom the assailant is in a relationship, as opposed to other family member, other known or unknown persons.

## **Interpretation**

This study identifies some of the characteristics of those who appear before Magistrates Courts in January 1994 in relation to applications for protection orders. Therefore these findings **cannot** be interpreted to indicate that criminal behaviour is more likely to be found among couples who are disadvantaged in terms of income, occupation, education, ethnicity. While studies suggest that women at risk of domestic violence are vulnerable in terms of lacking material and cultural resources (money and English language skills for example) (Matchett, 1988; Putt and Higgins, 1997:3; Australian Law Reform Commission, 1994:210), not all categories of women use (or are used by) the criminal justice system in responding to domestic violence. Victim surveys or hospital reports indicate 'a marked degree of underreporting to police' of domestic violence (Putt and Higgins, 1997:4) and that domestic violence occurs across all classes and ethnic groups.

Women with an independent income have greater access to alternatives besides applying for a protection order. They are more able to move geographically and to seek alternative solutions such as private counselling. Furthermore, people living in disadvantaged areas (SEIFA is the measure of disadvantage used in this study) could be more exposed to police intervention when domestic violence occurs. Houses tend to be smaller and closer together, increasing the likelihood that disputes will come to the attention of neighbours or spill over into public spaces (in contrast with middle class and rural areas where neighbours are less likely to see or hear domestic violence). Respondents, and aggrieved too, may be drawn into the criminal justice system against their wishes. The concept of labelling, well-known in criminology, identifies the strong likelihood that people from disadvantaged backgrounds are more subject to policing than those from more privileged backgrounds. Households in disadvantaged areas are more likely to need access to public health and welfare facilities, suggesting that structural or society-wide factors are at work. This may provide part of the explanation for why there is a disproportionate likelihood that those with a protection order application history will also have increased interaction with

government agencies, such as welfare, hospitals, police and the courts. A similar pattern was found in the United States. A survey of Boston police data found that, in contrast with non-domestic disturbance households, those that have requested assistance for domestic problems also report far more assaults, medical emergencies and unspecified disturbances, producing about twice the level of requests for police assistance as non-domestic disturbance households (Pierce and Spaar, 1992: 73-4).

To fully explore the validity of this proposal in Australia would require a comparative study of individuals who are and are not involved in protection orders, and a comparison of individuals involved in protection orders who have and do not have a criminal history in terms of their exposure to other risk factors such as illness, accidental or deliberate property damage, interaction with medical, welfare and educational services as well as the justice administration system. Therefore the question which must be asked, and which cannot be answered by the data from this research sample, is 'To what extent are these individuals accessing and using the justice administration system in relation to domestic violence and to what extent are they used by it or resort to it because of lack of preferred alternatives?' Is it possible that some police, for whom enforcement in relation to criminal activity is often a fundamental priority, are applying the domestic violence legislation more stringently in those cases where respondents are of interest to the police because of their criminal histories? If they had the option, would some aggrieved prefer to relocate in another suburb or state rather than seek a protection order, when the capacity of such an order to guarantee protection from harm must be questioned? A contextual analysis which compares the wider social and economic environment of individuals who are involved in domestic violence order applications with those who are not is required. Such a study could explore the ways in which the legislation and its implementation might be modified to more effectively protect individuals from domestic and other violence.



## **Recommendations**

The following recommendations are based on a review of the findings and consultation with the Steering Committee. Each item has legislative, policy, implementation and evaluation implications for each of the stakeholders involved in the domestic violence order processes. Therefore each recommendation must be viewed in this light and would require further consultation with all parties to produce effective implementation.

### *1. Integration of data bases*

The results produced by this research highlight the importance of developing integrated or at least compatible data systems across agencies. Clearly operational personnel will not have the time or resources to replicate a study of such a labour-intensive nature as this one. Thus a recommendation for further development and secure funding of POLARIS and CJIS is supported by this study. The data base generated by this research has implications for operational personnel, policy makers and researchers, demonstrating the significance of data produced by integrated systems.

### *2. Protection orders and criminal histories*

Given both the number of individuals involved in more than one protection order and the percentage of respondents with histories of acts intended to cause injury, it is important for magistrates to have before them the criminal histories and protection order histories when determining whether to grant an order and under what conditions or when considering the punishment for breaching an order. This point becomes more important given the variability between courts in the length of protection orders granted. Therefore there is also a possible further opportunity for informing magistrates of the complex issues surrounding domestic violence and the protection of those at risk. Further, given that criminal histories can be time-consuming to compile in the present data recording framework, this further reinforces the value of an inter-

agency computerised individual-based data recording system which will allow the ready compilation of such information.

### *3. Court process*

Given that the 602 original applications generated 2324 appearances involving at least one of the parties to one of the original applications, consideration should be given to strategies which will reduce court time in dealing with domestic violence order applications. About half these appearances were in relation to adjournments, which may occur because the respondent fails to appear in court or flees from service of the application and the magistrate is then reluctant to decide the case in his (or her) absence. However, in the light of this research, greater reliance on *ex parte* orders may be called for. That 57 individuals were involved in three or more protection orders, either with the same or different parties suggests that in these cases at least the present legislation and/or its implementation might be reviewed to make it more effective.

### *4. Police and Magistrate Court linkages*

When police officers are applicants it increases both the probability of a protection order being granted and the likely length of the protection order, suggesting the value of the Beenleigh Magistrates Court system which works in close co-operation with specially trained police officers. It is recommended that a similar system be considered in other Magistrates Courts where this is practicable.

Three further areas of research are strongly indicated from this analysis of only one month's data in only four Magistrates Courts, research which should allow the development of policy and prevention strategies, more effective intervention programs and responses to breaches.

### *5. Further research*

Further research on the characteristics of those involved in cross-applications, the processes by which cross-applications are taken out, and the rationale of the parties involved in taking out cross-applications is indicated. This research has the potential significantly to inform the development of further policy and prevention strategies, more effective intervention programs and responses to breaches of domestic violence orders.

First, the area of cross-applications requires intensive investigation. The data on cross-applicants in this research is based on a very small sample, which becomes almost entirely suggestive when divided into sub-categories. However, it does appear that cross-applicants are different from applicants in terms of criminal histories. The reasons for this require further research. For example do police officers take out a cross-application against a female 'aggrieved' if they know she has a criminal history? Whether females do respond to an application with a cross-application more often than males requires further research, as well as the reasons for such a response. Many reasons suggest themselves as possibilities. It could be the best defence to a vexatious initiating application; it could be a sign of women's greater familiarity with the court system; it could be an expression of the felt need for court and police protection in circumstances of domestic violence.

Furthermore, given the police activity in taking out cross-applications particularly on the same day, police use of the cross-application facility requires further investigation, research which should have policy implications for the QPS in relation to the domestic violence legislation. The police perhaps are unable to ascertain who the real aggrieved is and so take out applications against both parties; the police may enforce the legislation differentially depending on whether they are dealing with respondents 'known' to them because of their criminal histories. However, such suggestions can only be tested with additional data. A research project which compares the antecedents to the cross-application and the criminal histories for three categories of

individuals - respondents first in time, respondents second in time and respondents to applications taken out at the same time - could be designed to explore these questions. However, caution must be exercised with such a classification, as the first applicant in time is not necessarily the 'genuine' aggrieved.

Second, further research on the characteristics of multiple applicants is called for, particularly given the time in Magistrates Courts devoted to this group of individuals. Are they more likely to have criminal histories? If so, of what type? What other involvement do they have with state agencies and what are their demographic characteristics? What are the implications of these findings for court procedures?

Thirdly, the relationship between data on domestic violence applicants and respondents and criminal histories requires further exploration. Little can really be said about why applicants and respondents to domestic violence applications are more likely to have criminal histories than the population at large without a study which compares these individuals (or households) with those who are not involved in domestic violence orders. This calls for quite a different study from the present one, a study which moves beyond an analysis of criminal justice statistics to incorporate an exploration of the comparative resources, life chances, options and strategies of those who respond differently to domestic violence and asks whether different responses are made by justice administration officers to domestic violence among households or individuals from different demographic backgrounds.

# Introduction: Background to the Research

## 1.1. Antecedents to the CRC application

On 27 June 1994, two of the chief investigators met with a group of stakeholders from the Department of Family Services Aboriginal and Islander Affairs, Queensland Health Department, Women's Policy Unit (Department of the Premier and Cabinet), Department of Justice, Queensland Police Service, Office of the Director of Prosecutions and Women's Legal Service. The views they expressed concerning data collection and retrieval in relation to domestic violence formed the backbone of the research proposal. Given that the two major agencies responsible for the implementation of the legislation, the Magistrates Courts (Department of Justice) and the Queensland Police Service, did not have interactive computerised data-recording systems, there was no record of the entire history of a domestic violence incident and its outcomes. There was no centralised record of the whole history which might commence with police arrival at the scene or an application by an aggrieved person, whether or not an application was made, the outcome of the application, police patterns of response to calls by the aggrieved that an order was breached, or sentencing patterns where a respondent is arrested for breach of an order. Moreover there was no way of analysing assault and other criminal activities associated with breaches of the legislation and thus any effects this might, or should, have on sentencing patterns.

Another concern expressed was that the time taken by officers to record domestic violence data in stressful work situations meant that police officers were sometimes reluctant to act on a case of domestic violence or breach of an order because of the paper-work involved. A Criminal Justice Commission (David Brereton, pers.comm., August 1997) analysis of the 6676 calls recorded on the Incident Management System by the Beenleigh Police Station in the twelve months to June 1997 found that the

estimated average time to fully complete an initial complaint of domestic violence is 2 hours and 4 minutes (with a range of 14 seconds to 7 hours 37 minutes; the less than .05% of calls which exceeded a normal working shift were not included in the calculations on the basis of presumed data entry error). A call for service for a breach of a domestic violence order was estimated as 1 hour and 45 minutes (range: 18 minutes to 5 hours and 33 minutes). Before officers attend a domestic violence complaint, they check the Domestic Violence Index, the Persons of Interest Index and the Weapons Index. Following attendance at the scene, entries should be made in the Domestic Violence Index, the Entry and Search Register and the Custody Index (if the assailant is detained). These indices are not interactive and so do not transfer related information automatically between screens. Given this amount of time, police are sometimes reluctant to take action which will invoke the Act (Commissioner's Inspectorate, 1995:158). Although the QPS' computerised data system, POLARIS, is intended to overcome these problems, its complete introduction has been delayed due to funding and other difficulties.

The chief investigators also met with Dr David Brereton, Director, Research and Co-ordination Division, Criminal Justice Commission (CJC), who endorsed the project and agreed to facilitate access to Queensland Police Service data. Dr. Brereton suggested that the project's results would contribute to the Queensland government's Criminal Justice Information Integration Strategy (CJIIS) and longer-term investigation of the establishment of a Crime Statistics Bureau.

It was decided to develop a proposal to research the status and uses of domestic violence indicators and the information they provided. A number of these stakeholders became members of the reference group who guided the evolution of the project and ensured access to extremely confidential and sensitive data.

## 1.2. Objectives of the study and research questions

The major objectives of the project were to:

- provide a statistical profile of the criminal justice system's response to domestic violence and related offences (assault and breach of protection orders);
- provide a preliminary evaluation of the completeness, accessibility and utility of the data bases which record information in relation to domestic violence;
- identify patterns from Magistrates Courts data bases, specifically concerning outcomes of applications for an order and variability across a selection of courts;
- extract case histories of a sample of applications from the Magistrates Courts and track these backwards and forwards through both the Magistrates Courts and the Queensland Police Service databases.

The following major data bases were interrogated to pursue these objectives.

- The Domestic Violence Data Base under *the Domestic Violence (Family Protection) Act (Qld) 1989* and described as part of 'a unique data base' (Robins, 1994:16). From 1993, the data base includes details of the applicant's and respondent's age, ethnic background, and their relationship. This data base provides summary statistics concerning the operation of the Act and the backgrounds of those involved, and is discussed in Chapter One below.
- Records kept in a sample of Magistrates Courts allowed collection of the following data: applications for orders and the outcome of these, the number of revocations and variations of orders; who the applicant was; the conditions of the order; characteristics of the applicant and respondent, and other relevant information.
- Various data bases held by the Queensland Police Service identified charges for breach of domestic violence orders and other offences.

The original proposal suggested that 300 cases of applications for an order would form the initial data base for the research and that a selection of magistrates and police officers would also be interviewed. However, the final number of cases was 602 appearances for protection orders in January 1994 across the four selected Magistrates Courts at Brisbane, Beenleigh, Southport, Ipswich.

### 1.3. Reference group meetings

Once Criminology Research Council approval for the project was granted, a steering committee was established (See Appendix 1 for membership). The committee met on 20 December 1995 and 22 March 1996 to consider the issue of privacy, discuss draft variables for data collection and data collection procedures, and on 8 August 1997 to discuss the draft report.

At the first meeting the steering committee decided to refocus the project in several ways. Given amendments to the Domestic Violence Act which created a new form for domestic violence applications in September 1993, it was decided to extract the sample of domestic violence order applications for January 1994, allowing two years from that date during which a breach was possible (orders being in force for up to two years). It was suggested that searching the Case Register System (CRS) would not provide any useful additional data, and it was thus decided not to attempt to link assault data records in the Magistrates Courts with QPS data systems. It was also decided, due to the expected low number of applications in January 1994 in the courts of Maroochydore and Toowoomba, not to collect data from these courts as the small number of applicants anticipated may have created breaches of confidentiality provisions.



It was also decided to invite a representative from the Department of Family Services and Aboriginal and Islander Affairs (now named Department of Families, Youth and Community Care) to become a member of the steering committee. This Department has responsibility for domestic violence legislation and associated policy development and implementation, and was represented on the Criminal Justice Integration Information Strategy (CJIS) group (which has proposed another project for the integration of domestic violence data across the three agencies). At the second meeting, to ensure privacy and confidentiality in relation to data collection, the project researcher was employed by the CJC (who conducted a security clearance) to collect data from the Magistrates Courts. The confidentiality provisions tabled at the meeting were accepted and the process for data collection was discussed and approved.

Due to both current projects and research conducted during the period following the application to the CRC to conduct this project, several members of the steering committee encouraged a redefinition of the project's orientation. In particular, the Queensland Police Service was undertaking an extensive analysis of its information recording systems using resources far beyond those of the present project. It therefore seemed inappropriate that this project would assess either the completeness of data recorded in relation to domestic violence or its accessibility via computerised systems. Secondly, given that a number of police personnel were interviewed in the process of researching *Only a Domestic* (Commissioner's Inspectorate, 1995), the researchers decided that it would not be fruitful to cover familiar ground again so soon by interviewing police officers. The larger number of applications for a protection order in the original data set than had been anticipated and the time required to collect the data for the project also militated against conducting interviews with magistrates and police officers.

#### **I.4. Significance of the research**

The unique value of this research lies in its development of statistical histories of both domestic violence aggrieved and respondents to protection orders. These histories cover not only previous incidents of domestic violence but also assault and other related offences, revealing a strong connection between involvement in domestic violence orders and breaches and criminal histories, particularly for males and respondents. In order to gain access to such sensitive data sets, the development of stringent processes to guarantee the privacy of individuals was required. Without the co-operation of three key agencies - the Queensland Police Service, Department of Justice, and the Criminal Justice Commission - access to these data sets would have been impossible. The support of Steering Committee members from the various agencies involved was invaluable in this process, as well as in providing feedback on interpretation of the results. Their contributions and comments have been greatly appreciated throughout the process of this project.

# Chapter One: Literature Review

## 1.1. Domestic violence - overview of social responses

It is unnecessary to rehearse the literature on the high costs of domestic violence. Estimates include over \$50,000 per domestic violence victim (Mugford et al, 1989:107); including estimated costs to QPS of between \$3 million and \$26 million per year (Commissioner's Inspectorate, 1995:161). The average cost of a homicide is \$1 million per homicide and \$296 million per annum for assaults (National Committee on Violence, 1990:15). Costs include support services, detriment to women's well-being and the preoccupation of police time with this issue (Mason, 1994:14), which contributes to explaining the large variability in costs estimated by the Commissioner's Inspectorate.

In the 1980s, starting with New South Wales in 1982, every state and territory enacted new domestic violence legislation, with refuge workers either on the committees of enquiry or acting as expert consultants (McGregor and Hopkins, 1991:xix,22). All jurisdictions now offer civil protection or restraining orders to deal with domestic violence matters (Putt and Higgins, 1997:xi). Jocelyne Scutt (in Graycar and Morgan, 1990:305) has been a staunch opponent of special legislation to cover domestic violence, noting that assault law readily covered the situation. Special legislation both justified police in thinking that without this legislation their hands had been tied and constituted breach of a protection order as a breach by a man of a court order, not of a woman's right to bodily integrity. Restraining orders have been obtained with increased frequency, for example from 4.6 a week in 1983 to 27.4 a week in 1987 in New South Wales (Graycar and Morgan, 1990:303). Applications under the *Domestic Violence (Family Protection) Act 1989* Queensland have increased every year from its first full year of operation in 1990-1 (4 667) to 1994-5 (11 442) (Table 1.1a).

Numerous studies note the failure of law enforcement agencies to understand the particular position of a woman who lives in constant fear of domestic violence (for example McGregor and Hopkins, 1991:74-84; Rathus, 1993:78-79). The Australian Law Reform Commission on *Equality Before the Law: Justice For Women* (1994:209) 'received many complaints about the effectiveness of those protection orders', which included police unwillingness to act on a breach, limitations on the scope of orders, inadequate penalties imposed by the court for a breach and a lack of understanding by law enforcement agencies and legal practitioners of the disempowering effects of violence on women. Patricia Easta's (1994:89) review of the literature also reports that in three-quarters of violent incidents in a 1992 study in Victoria the police failed to take any action where a breach of order was reported, and notes variation between magistrates in their interpretation of 'sufficient grounds' for granting an order, some requiring physical signs of abuse.

In most states police are now trained in responding to domestic violence situations and there are more policewomen to deal with domestic violence. A recent survey of defendants' perceptions of the investigation and arrest process in Queensland, and which included the four Magistrates Courts sampled in the present study, found that 40% of defendants at Magistrates Courts made positive comments about the police officers' handling of their case, most commonly that police were friendly, reasonable and polite. Positive responses varied between courts, ranging from 23% to 49% (Criminal Justice Commission, 1996:49,52). The Queensland Taskforce on domestic violence estimated that about 20% of calls to police concern domestic disputes; the figure is 35% of calls in Sydney's western suburbs. In New South Wales as a whole domestic disputes are second only to traffic offences in terms of police time taken, while some calculations put the figure at 50% of police time (McGregor and Hopkins, 1991:88-9). On the other hand, the Criminal Justice Commission (David Brereton, pers.comm., August 1997) analysed 6676 calls recorded on the Incident Management System by the Beenleigh Police Station in the twelve months to June 1997 and found

that only 3.4% of calls related to domestic violence or breach of domestic violence orders. However, because of the considerable amount of time spent on domestic violence-related calls, this was the second highest category in terms of total police time, about half the time spent on break and enter calls (\$43,884 on servicing domestic violence calls and about \$80,000 on break and enter calls in a total of \$513,029).

Despite the police time involved in domestic violence, it has been claimed for Queensland that police 'are reluctant to use criminal proceedings' (NCVAW, 1993:25). Eastal (1994:89) notes 'a general attitude of minimising or trivialising domestic violence exists that translates into limited legal intervention'. The Queensland Task Force estimates that figures in the late 1980s, prior to the enactment of the present legislation, suggested that for 50% of domestic violent situations the police had attended the premises before (McGregor and Hopkins, 1991:76-7). In one survey in New South Wales, in 29% of cases where a court order was granted the police at the scene did nothing and in 18% merely asked the man to leave. Some women had to wait six weeks for their order while 55% were breached within the first four weeks (Graycar and Morgan, 1990:303).

Following the Strathfield massacre on 17 August 1991, the Federal Government approved a \$12.7 million package of measures aimed at changing the culture of violence in Australia. In Queensland the first government policy on violence against women was released in 1992 (Office of the Status of Women, 1992:55). Initiatives around Australia taken to reduce domestic violence include the introduction of training by statutory agencies, additional services (for example women's legal centres, networks and services for particular groups such as women from non-English speaking backgrounds and Aboriginal and Torres Strait Islander women), police units devoted specifically to domestic violence, strategies to develop inter-agency protocols and integrated and multidisciplinary services. Legislative amendments have included stalking laws across Australia (Putt and Higgins, 1997:xii), while proposals for alternative dispute resolution or special courts have also been made (Putt and Higgins, 97:8).

The innovative Domestic Abuse Intervention Project was established in Duluth USA in the early 1980s. It was based on input from police, the court, the women's shelter, probation officers, gaol and mental health agencies. Arrest of offenders by police is mandatory; sentences may be up to 90 days imprisonment; charges are rarely dropped even if the woman is reluctant to proceed; offenders under probation undergo long-term counselling; support and education are also available for women. Similar projects have been introduced in New Zealand, in Armadale in Perth and in the Northern Territory (Australian Law Reform Commission, 1994:210-211). The Hamilton Abuse Intervention Project in New Zealand attempts to increase police responsiveness to domestic violence by providing mandatory arrest of abusers even without a complaint from the victim when there is a prima facie case made out that an assault occurred. The victim is not required to give evidence in court unless this is necessary to make a case. Breaches of orders must lead to charges rather than warnings, and offenders charged with assault or breach are not released on bail but kept in custody until their case is heard (Commissioner's Inspectorate, 1995:44).

The recent interim report *Equality Before the Law* by the Australian Law Reform Commission (1994:47) pointed to the 'community's tolerance of violence' as an underlying cause of the systemic widespread nature of violence, which could not therefore be solely explained as a series of individual acts. Furthermore, 'the links between inequality and violence are so strong that women's equality cannot be ensured unless violence is addressed' (Australian Law Reform Commission, 1994:42). The report identifies a series of obstacles to women's access to the law. These include women's lack of awareness of the law and legal services; police lack of awareness of women's needs and experiences; legal service providers' failure to provide accurate and appropriate assistance (from refusing to take women's cases to questioning their credibility); legal costs; inaccessibility of services due to barriers of time, place and lack of childcare services at courts, and alienating court environments (Australian Law Reform Commission, 1994:53,16-30).

The Australian Law Reform Commission (1994:56-66) made a series of recommendations as part of the National Women's Justice Program, including pilot legal resource and advocacy centres for Aboriginal and Torres Strait Islander women (but not women of non-English speaking backgrounds instead suggesting better responses for this group), a toll free telephone legal advice service, community legal education developed through consultation with community groups, bringing accurate and relevant information about women's lives into the court room through funding of test cases, and the development of court charters to promote better client focus in the delivery of court services with special attention to the needs of women and child carers. Recommendation 9.13 (Australian Law Reform Commission, 1994:212) called for a 'best practice' model for law and procedure relating to protection orders.

## 1.2. The Domestic Violence (Family Protection) Act Queensland

The *Domestic Violence (Family Protection) Act* (Qld) was passed in 1989. It was substantially amended in 1992, amendments being implemented in 1993, to allow protection of others besides a spouse, to include powers for the search and seizure of weapons by police (s23,s73) and 'mandatory revoking of firearms' although the penalties remained at a maximum of 40 penalty units, at present \$3000 or 12 months in gaol, and to allow for the registration and variation of interstate orders (s40-46 inclusive). The Department of Families, Youth and Community Care (DFYCC) (formerly Family Services, and Aboriginal and Islander Affairs) maintains a data base of all applications and orders granted since 1989. Results from the DFYCC provide a point of comparison with data collected across the four courts in this study.

Tables 1.1a to 1.5b provide a description of the applications and outcomes under the *Domestic Violence (Family Protection) Act, 1989* for the period 1989-96, although - as can be seen from comparing the totals for the year - the data in the 'a' tables and the 'b' tables are not drawn from exactly the same data base. Table 1.1a indicates that

during 1989-96 a total of 59,088 applications for protection orders were submitted, 59.7% by the aggrieved person. 40,801 protection orders were granted. Tables 1.2 through 1.5 provide similar data for the Beenleigh, Ipswich, Brisbane and Southport Magistrates Courts. Beenleigh and Brisbane have the highest number of applications (5,859 and 5,208 respectively) with less than 10% of orders being withdrawn or refused in each court. Additionally, Beenleigh Magistrates Court had the highest number of police applications for protection orders for the period 1989 to 1996.



Table 1.1a Applications under the Domestic Violence (Family Protection) Act 1989, Queensland 1989-96

Year	Applicant			Total
	Aggrieved person	Authorised person	Police	
1989-90 (a)	1,230	63	1,664	2,957
1990-91	2,637	114	1,916	4,667
1991-92	4,040	95	2,937	7,072
1992-93	5,498	104	3,392	8,994
1993-94	7,069	145	3,868	11,082
1994-95	7,404	132	3,906	11,442
1995-96	7,396	91	5,387	12,874
Total	35,274	744	23,070	59,088
(%)	(59.7)	(1.3)	(39.0)	(100.0)

(a) Collected from the commencement date of the Domestic Violence (Family Protection) Act on 21 August 1989.

Table 1.1b Outcomes of applications under the Domestic Violence (Family Protection) Act, Queensland, 1989-96

Year	Interim/Temporary Protection Orders	Protection Orders	Orders refused	Applications withdrawn	Other (a)	Total
1989-90 (b)	1,107	2,017	62	243	269	3,698
1990-91	2,486	3,356	103	510	608	7,063
1991-92	3,066	4,670	92	750	459	9,037
1992-93	4,735	6,306	56	873	1,130	13,100
1993-94	6,852	7,724	45	959	1,877	17,457
1994-95	7,341	7,804	32	939	2,032	18,148
1995-96	7,505	8,924	37	1,092	2,207	19,765
Total	33,092	40,801	427	5,366	8,582	88,268
(%)	(37.5)	(46.2)	(0.5)	(6.1)	(9.7)	(100.0)

(a) includes adjourned sine die, dismissed and struck out.

(b) Collected from the commencement date of the Domestic Violence (Family Protection) Act on 21 August 1989.

Source: Department of Families, Youth and Community Care

Produced by: Statistical Services Branch

Table 1.2a Beenleigh Magistrates Court: Applications under the Domestic Violence (Family Protection) Act 1989, Queensland 1989-96

Year	Applicant			Total
	Aggrieved person	Authorised person	Police	
1989-90 (a)	61	-	258	319
1990-91	245	64	208	517
1991-92	378	-	599	977
1992-93	427	-	487	914
1993-94	510	4	546	1,060
1994-95	496	1	551	1,048
1995-96	489	1	534	1,024
Total	2,606	70	3,183	5,859
(%)	(44.5)	(1.2)	(54.3)	(100.0)

(a) Collected from the commencement date of the Domestic Violence (Family Protection) Act on 21 August 1989.

Table 1.2b Beenleigh Magistrates Court: Outcomes of applications under the Domestic Violence (Family Protection) Act, Queensland, 1989-96

Year	Interim/Temporary Protection Orders	Protection Orders	Orders refused	Applications withdrawn	Other (a)	Total
1989-90 (b)	198	199	1	7	39	444
1990-91	483	390	1	8	65	947
1991-92	505	576	-	-	-	1,081
1992-93	795	675	2	26	151	1,649
1993-94	940	726	4	67	204	1,941
1994-95	894	776	2	29	272	1,973
1995-96	803	746	3	123	260	1,935
Total	4,618	4,088	13	260	991	9,970
(%)	(46.3)	(41.0)	(0.1)	(2.6)	(9.9)	(100.0)

(a) includes adjourned sine die, dismissed and struck out.

(b) Collected from the commencement date of the Domestic Violence (Family Protection) Act on 21 August 1989.

Source: Department of Families, Youth and Community Care

Produced by: Statistical Services Branch

Table 1.3a Ipswich Magistrates Court: Applications under the Domestic Violence (Family Protection) Act 1989, Queensland 1989-96

Year	Applicant			Total
	Aggrieved person	Authorised person	Police	
1989-90 (a)	40	1	62	103
1990-91	106	1	84	191
1991-92	205	-	113	318
1992-93	258	1	137	396
1993-94	299	4	117	420
1994-95	404	1	83	488
1995-96	311	-	144	455
Total	1,623	8	740	2,371
(%)	(68.5)	(0.3)	(31.2)	(100.0)

(a) Collected from the commencement date of the Domestic Violence (Family Protection) Act on 21 August 1989.

Table 1.3b Ipswich Magistrates Court: Outcomes of applications under the Domestic Violence (Family Protection) Act, Queensland, 1989-96

Year	Interim/Temporary Protection Orders	Protection Orders	Orders refused	Applications withdrawn	Other (a)	Total
1989-90 (b)	45	58	2	10	23	138
1990-91	71	144	-	34	73	322
1991-92	88	196	11	53	27	375
1992-93	231	405	5	55	63	759
1993-94	234	332	-	54	79	699
1994-95	370	387	1	86	84	928
1995-96	396	494	-	71	97	1,058
Total	1,435	2,016	19	363	446	4,279
(%)	(33.6)	(47.1)	(0.4)	(8.5)	(10.4)	(100.0)

(a) includes adjourned sine die, dismissed and struck out.

(b) Collected from the commencement date of the Domestic Violence (Family Protection) Act on 21 August 1989.

Source: Department of Families, Youth and Community Care

Produced by: Statistical Services Branch

Table 1.4a Brisbane Magistrates Court: Applications under the Domestic Violence (Family Protection) Act 1989, Queensland 1989-96

Year	Applicant			Total
	Aggrieved person	Authorised person	Police	
1989-90 (a)	152	12	253	417
1990-91	266	7	258	531
1991-92	392	2	396	790
1992-93	446	16	353	815
1993-94	510	51	390	951
1994-95	553	26	287	866
1995-96	601	11	226	838
Total	2,920	125	2,163	5,208
(%)	(56.1)	(2.4)	(41.5)	(100.0)

(a) Collected from the commencement date of the Domestic Violence (Family Protection) Act on 21 August 1989.

Table 1.4b Brisbane Magistrates Court: Outcomes of applications under the Domestic Violence (Family Protection) Act, Queensland, 1989-96

Year	Interim/Temporary Protection Orders	Protection Orders	Orders refused	Applications withdrawn	Other (a)	Total
1989-90 (b)	133	299	13	39	52	536
1990-91	327	349	1	42	116	835
1991-92	409	543	1	111	58	1,122
1992-93	587	588	6	83	122	1,386
1993-94	870	728	8	101	182	1,889
1994-95	792	579	5	138	150	1,664
1995-96	786	590	4	169	163	1,712
Total	3,904	3,676	38	683	843	9,144
(%)	(42.7)	(40.2)	(0.4)	(7.5)	(9.2)	(100.0)

(a) includes adjourned sine die, dismissed and struck out.

(b) Collected from the commencement date of the Domestic Violence (Family Protection) Act on 21 August 1989.

Source: Department of Families, Youth and Community Care

Produced by: Statistical Services Branch

Table 1.5a Southport Magistrates Court: Applications under the Domestic Violence (Family Protection) Act 1989, Queensland 1989-96

Year	Applicant			Total
	Aggrieved person	Authorised person	Police	
1989-90 (a)	38	19	123	180
1990-91	172	10	196	378
1991-92	203	2	237	442
1992-93	406	1	289	696
1993-94	494	-	265	759
1994-95	522	-	276	798
1995-96	591	-	400	991
Total	2,426	32	1,786	4,244
(%)	(57.2)	(0.8)	(42.1)	(100.0)

(a) Collected from the commencement date of the Domestic Violence (Family Protection) Act on 21 August 1989.

Table 1.5b Southport Magistrates Court: Outcomes of applications under the Domestic Violence (Family Protection) Act, Queensland, 1989-96

Year	Interim/Temporary Protection Orders	Protection Orders	Orders refused	Applications withdrawn	Other (a)	Total
1989-90 (b)	68	168	-	4	10	250
1990-91	254	332	1	4	18	609
1991-92	194	307	1	27	22	441
1992-93	301	403	-	81	123	908
1993-94	597	602	1	73	200	1,473
1994-95	524	610	-	73	168	1,375
1995-96	548	689	-	100	244	1,581
Total	2,486	3,111	3	362	785	6,747
(%)	(36.8)	(46.1)	(0.0)	(5.4)	(11.6)	(100.0)

(a) includes adjourned sine die, dismissed and struck out.

(b) Collected from the commencement date of the Domestic Violence (Family Protection) Act on 21 August 1989.

Source: Department of Families, Youth and Community Care

Produced by: Statistical Services Branch

In a Queensland phone-in, 68% of domestic violence victims reported either physical (68%) or emotional (70%) abuse (Simpson, 1991:9). Under the *Domestic Violence (Family Protection) Act 1989*, domestic violence is wilful injury of a spouse, wilful damage to the spouse's property, intimidation or harassment of the spouse, indecent behaviour to the spouse without consent, or a threat to commit any one of these acts (s11). Through the mechanism of a protection order the Act provides protection from further violence, abuse, harassment or threats to a spouse and if necessary to their relatives and associates. Special police powers of entry into premises exist in all cases except for Western Australia and South Australia. Specific powers relating to firearms are available in the ACT, Northern Territory, Queensland, Tasmania and Victoria (Putt and Higgins, 1997:56).

An order is either a protection order or a temporary protection order. If a police officer apprehends likely violence or continued violence, a temporary order can be granted, even by facsimile or telephone if necessary, while the offender is held in custody for no more than four hours (ss31,54 and 69). Orders can be applied for by the aggrieved spouse, a person authorised by the spouse or a police officer, and can also be granted by a court while hearing a case concerning other offences. (For copies of Applications for Protection Order forms see Appendix 2.) The rate of applications initiated by police officers in Queensland, at about 40%, is second to South Australia (97%) (Table 1.1; NCVAW, 1993:51). It has been suggested that a higher rate of police applications is correlated with a higher success rate for applications, 75% in South Australia, compared with 66% in Queensland, 60% in Victoria and 63% in New South Wales according to the NCVAW's (1993:52) data. Lower rates for withdrawal and dismissal of applications also occur where there is legal representation (NCVAW, 1993:19-20). In Queensland, a higher percentage of police applications were not withdrawn; in some jurisdictions the non-withdrawal rate occurs at a ratio of between 4:1 to 6:1 (Commissioner's Inspectorate, 1995:172-4).

Under the order the respondent must be of good behaviour toward the spouse, not commit acts of domestic violence, be of good behaviour towards anyone else mentioned in the order, and not possess a weapon for the duration of the order, unless the court otherwise orders (ss22,23). Other conditions may be added, for example relating to conduct toward the aggrieved or the aggrieved's children (s25). Failure to comply with the order 'can' lead to being charged with an offence (s80(1)). Except in special circumstances orders are not to last more than two years (s34).

In Queensland, only existing or former defacto or de jure spouses or one of the biological parents of a child can apply for an order under the Queensland legislation although 'relatives' and 'associates' can be included in an order applied for by a spouse (Putt and Higgins, 1997: Appendix III), where the definition of a 'relative' is inclusive of the Indigenous Australian concept of relative and includes children. Although fears have been expressed concerning enforced marital separation based on a child's action, 'mischievous' actions and so on, a number of jurisdictions allow children to initiate proceedings, for example Victoria (children over the age of 14), New South Wales (children over the age of 16), South Australia, the Northern Territory and Australian Capital Territory. The Family Law Act also allows children to seek orders for personal protection on their own behalf (see Simpson, 1991).

Some police officers see the protection order system as a civil substitute for the criminal system in relation to assault, rather than construing the two systems as mutually supportive (NCVAW, 1993:5-6). Alternatively, it was suggested in the early 1990s, 'there were many cases where there may well have been a breach of a domestic violence order where the police in fact arrested and prosecuted the respondent for other, quite unrelated offences, such as possession of a bong, possession of dangerous drugs, obscene language, assaulting police, and wilful damage' (Commissioner's Inspectorate, 1995:208).

A survey in 1993 of 128 officers (only 2% of police in 8% of stations) asking police officers the circumstances in which they should take out an order revealed that at least one third of sergeants and more than three-quarters of constables suggested one should not take out an order where there were only minor assaults, there was lack of time, lack of staff, the police had attended previously and the order had been withdrawn, damage to property was minimal, police were regularly attending at that address, or the incident was 'stand-over tactics only' (Commissioner's Inspectorate, 1995:191). The survey also discovered that about half the officers knew where the Act was at their station and about half knew where the Domestic Violence Strategic Plan was. An analysis of occurrence sheets suggested that police at some stations were attending domestic violence incidents where orders were in existence without charging the respondent with breaching the order, although this varied from station to station. In Cairns in 1993, 178 breaches were prosecuted for 125 orders issued while in Mackay 33 breaches were prosecuted for 173 orders issued (Commissioner's Inspectorate, 1995:79).

This was a small survey conducted in 1993 and so should be treated with caution in interpreting the present situation. Since then, the responsiveness of the QPS to domestic violence situations has improved considerably, as is suggested by the increase in applications for protection orders made by police officers. Thus between 1994/95 and 1995/6, when total applications for orders increased from 11,400 to 12,900, applications initiated by police officers increased from 3,900 to 5,400, or from 34% to 42% of applications (see Table 1.1a). The Act identifies it as 'the duty of a police officer' to investigate a situation where the police officer reasonably suspects a person is an aggrieved spouse, on the conclusion of which the police officer 'may' apply for a protection order against the spouse of the aggrieved spouse (s67(1)).

There are suggestions that 'vexatious' cross-applications may be increasing, often encouraged by lawyers acting for the husband because they see it as a useful bargaining tool, for example in custody applications. Solicitors for the aggrieved



spouse may encourage her to accede, believing that conciliation and consensus should be achieved in a matrimonial settlement. The question of who committed the breach becomes problematic. The Queensland Domestic Violence Council (1994:19) notes difficulties, including that the Police Prosecutor can no longer represent the aggrieved spouse who is now a respondent spouse, thus representing a conflict of interest; mutual orders send the message to the genuine victim that the violence she has suffered is not taken seriously by the court; and the respondent receives the message that he can continue to use the system to abuse his female partner; enforcement is almost impossible as any breach of the order by the violent spouse can be turned into an apparent breach by the other spouse. The Council recommended that aggrieved spouses should be encouraged by lawyers and court support workers not to consent to mutual orders and that cross-applications should be heard on a different day from the 'genuine' application. From the perspective of the magistrates, however, it may seem desirable in the interests of administrative efficiency and receiving the 'full picture' to hear the application and the cross-application together. There is no conclusive picture with respect to the pattern of cross-applications in Queensland. These issues are explored further in Chapter Three.

### 1.3. Socio-demographic characteristics of aggrieved and respondents

#### i. Findings from the literature review

A Queensland study suggested that the women who are most likely to be victims of domestic violence have no independent incomes, no friends or family close by, and are often isolated, either in rural areas or because they do not speak English (Matchett, 1988; see also Easteal, 1994:88). Other studies confirm that women from some non-English speaking backgrounds, Aboriginal women, isolated and rural women are particularly at risk of violence, more so if their situation combines risk factors (Putt and Higgins, 1997:3; Australian Law Reform Commission, 1994:210; NCVAW,

1993:12,48,53,55; Eastal, 1994:87). Table 1.6 provides an overview of selected demographic characteristics of the aggrieved spouse in applications for orders for Queensland for the period 1993/94 to 1995/96. Most aggrieved are non-Aboriginal women, born in Australia, aged between 20 and 40 years and either married and separated or in defacto relationships and separated. A comparison of the data in Table 1.6 with the Queensland figures suggests that the aggrieved are disproportionately born in Australia (82.7% of aggrieved in 1993/94 compared with 80.6% of the Queensland population at the 1991 Census), Aboriginal or Torres Strait Islander (10.0% compared with 2.4% of the total Queensland population), and less likely to speak a language other than English at home (5.8% compared with 6.3%, although note the 1995/96 figure of 6.4%). Thus, while women in particular risk categories may be more exposed to domestic violence, not all categories of women use (or are used by) the criminal justice system in response.

Women in remote areas have special needs, often being distant from information, lacking access to police and police aides, rape counsellors and solicitors (who often have the husband as a business client), or lacking timely access to courts for the granting of orders (Eastal, 1994:91; Australian Law Reform Commission, 1994:31-6). Services are oriented to the 'average' person and so have an inherent class and cultural bias (Putt and Higgins, 1997:2). Legal services may not be provided by people of one's own cultural background, there may be insensitivity to cultural issues by lawyers, police and judges. Thus 'women's business' must be discussed only before women while 'many cultures have strong prohibitions against a woman leaving her husband or taking direct action against him'. One magistrate failed to understand that spitting in the face of a Muslim woman was 'a gross violation and extremely frightening in its suggestion of future violence' (Australian Law Reform Commission, 1994:34,35,36).

Table 1.6 Selected demographic characteristics of applications for orders by the aggrieved spouse for Queensland for the period 1993/94 to 1995/96.

Characteristic of aggrieved spouse	1993/94	1994/95	1995/96
Sex:			
male	11.8	13.9	13.4
female	88.2	86.1	86.6
<b>Total</b>	<b>8131</b>	<b>7419</b>	<b>7925</b>
Aboriginality:			
non-aboriginal	90.0	89.9	88.3
Aboriginal, Torres Strait Islander	10.0	10.2	11.7
<b>Total</b>	<b>8017</b>	<b>7275</b>	<b>7796</b>
Age:			
under 19	4.5	5.1	4.8
20-29	37.8	37.1	37.8
30-39	35.3	34.6	34.5
40-49	16.9	16.8	17.0
50-59	4.5	5.1	4.6
60-69	.8	.9	1.0
70 and over	.2	.3	.3
	<b>7908</b>	<b>7217</b>	<b>7758</b>
Birthplace:			
Australia	82.7	82.6	83.7
Other	17.3	17.4	16.3
	<b>7967</b>	<b>7245</b>	<b>7778</b>
Language spoken at home:			
English only	94.2	94.2	93.8
Other language	5.8	5.8	6.4
	<b>8013</b>	<b>7278</b>	<b>7831</b>
Relationship to respondent:			
Married	19.0	17.0	17.4
Married/separated	23.2	24.6	21.5
Divorced	4.6	4.9	4.4
De facto	23.2	22.9	27.0
Defacto/separated	29.0	30.7	29.7
	<b>7852</b>	<b>7129</b>	<b>7590</b>

Source: Department of Families, Youth and Community Care. Statistical Services Branch

Note: Because of missing data, numbers do not sum to the same totals.

Because of both the incidence of violence perpetrated by men against each other and by women, particularly on less powerful children (National Committee on Violence, 1990:52), Raymond Evans (1992:212-3) revives the claim that it is poverty, discrimination, and unemployment which produce violent *people* rather than men, although male violence may be reinforced by more rigid gender stereotypes among the working class. Such claims are difficult to test as prosecution appears to be greater in the cases of vertical rather than horizontal violence<sup>1</sup>. An interesting study in Phoenix in Arizona suggests that punishment for violence between intimates depends not so much on the sexual hierarchy as the fact of racial and class homogeneity which typically applies between victim and offender. A comparison of responses to non-intimate and intimate assault suggests that in both cases only assaults which crossed racial, economic and social categories as an 'upward' crime were treated seriously by the legal system (Ferraro and Boychuk, 1992:222-223).

Similarly, anecdotal evidence from Australian community groups suggest that some police officers, at least in the early 1990s, select and judge how much action to provide in response to a complaint concerning domestic violence based on socio-economic status and ethnicity of the aggrieved and the respondent, the involvement of alcohol, whether previous attendance has led to a withdrawal of the application by the aggrieved, whether police consider the respondent threatening to themselves, the behaviour of the aggrieved (hysterical or upset behaviour is disadvantageous) and the behaviour of the respondent (calm and respectful behaviour is advantageous) (Commissioner's Inspectorate, 1995:195-6).

On the other hand, a U.S. study of thirty women who received temporary restraining orders from the New Haven Family Court in 1986 suggested that offenders with prior convictions for other violations were far more likely to violate the order and were far more likely to batter women (this depending also on employment status and

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<sup>1</sup> Vertical violence means violence between people of different status in terms of class or ethnicity, for example a working class assailant and a middle class victim or a black offender and a white victim. Horizontal violence occurs within the same socio-economic and ethnic categories.

substance abuse). About two-thirds of the men complied with the order (Chaudhuri and Daly, 1992:229). The men who adhered to the order were more likely to have no prior record and to be employed (Chaudhuri and Daly, 1992:240). In a survey of the legislation in Delaware, Denver and the District of Columbia, 65% of respondents had a previous record for any crime and 53% for violent crimes. These men were more likely to violate the order, while those with arrest histories for drug and alcohol related crime and violent crime tended to engage in more intense abuse of their partners than did other respondents (Keilitz et al (1996:9); see also Eastal (1994:87,89) and Criminal Justice Commission (1994:7) for correlations between domestic violence and other offences, including homicide). This suggests the value for magistrates of having criminal arrest histories available when making an order (Keilitz et al, 1996:10). In a survey of Boston police data, in contrast with non-domestic disturbance households, those that have requested assistance for domestic problems also report far more assaults, medical emergencies and unspecified disturbances, producing about twice the level of requests for police assistance as non-domestic disturbance households. In a United States household which generates two requests concerning domestic problems, there is a 60% probability of a third such request within twelve months (Pierce and Spaar, 1992: 73-4).

Proposals have been made for studies of women's 'help seeking strategies' or what factors aid or prevent women from achieving their own goals (Putt and Higgins, 1997:10), either inside or outside the legal system. The study of thirty women who received temporary restraining orders from the New Haven Family Court in 1986 suggested that orders increased police responsiveness to calls for assistance, and that women who were economically and emotionally independent felt empowered to end the relationship (Chaudhuri and Daly, 1992:229). Where men worked, their average income was higher than that of the women, but the men were more likely to be unemployed than the women. They were also on average older but less well educated, more likely to abuse alcohol or drugs and far more likely to have a prior record. It was suggested that their relative financial independence distinguished these women from

those who do not seek restraining orders, while their relationships are of a shorter duration with more separations (Chaudhuri and Daly, 1992:233). In another survey, men rated their relative power in the relationship as having fallen as a result of the issue of the protection order (Dutton et al, 1992:120). In the comparative study of Delaware, Denver and District of Columbia, women whose partners had a history of violent crime reported a greater feeling of well-being as a result of the protection order but also more problems associated with breaches of the order, thus indicating the need for criminal prosecution to curb this behaviour (Keilitz et al, 1996:11). In Australia some women also reported that a protection order 'gave them a basis from which to bargain over custody, access, financial conditions' (NCVAW, 1993:54). The relationship between involvement in domestic violence orders and criminal activity is explored in Chapter 3.

#### ii. Comparison of Magistrates Courts catchment areas and sample characteristics

There is considerable variation in magistrates' responses to applications for protection orders. This is despite domestic violence seminars offered by the Domestic Violence Policy Unit (Robins, 1994:15). Some magistrates in Queensland construe the dual use of civil and criminal charges as 'double jeopardy'. '(S)ome magistrates in Queensland are either unaware of their powers under the Act or else unwilling to exercise the full range of those powers' (NCVAW, 1993:25). In Queensland in 1989-1990, 54% of convictions incurred a fine, 23% a good behaviour bond and 23% a gaol sentence (NCVAW, 1993:25). NCVAW (1993:35) reports Wearing's interviews with 40 magistrates in Victoria in which a majority were unwilling to give ex parte orders in the belief that it increased the likelihood of violence, while a majority also indicated reluctance to give sole occupancy orders to the extent that 'they would never prohibit the offender from attending the home'. Eastal (1994:92), speaking of the situation in Australia generally, suggests that the 'courts almost always bail' offenders who breach an order and a 'gaol sentence is rare', a source of frustration to police, although the legislative framework requires the judiciary to treat gaol as the punishment of last resort.

As Table 1.1a indicates, although police applications for protection orders fell from 56.2% (1989-90) to 41.8% (1995-96) there is variation between courts. As Tables 1.2 - 1.5 show, at Beenleigh Magistrates Court police applications for 1995-96 comprised 534 or 52.1% of the total while the 144 police applications at Ipswich Magistrates Court made up 31.6% of the total. In another study, during the period January to September 1994, only 23 of 162 applications (14.2%) were initiated by the police (Commissioner's Inspectorate, 1995:172-4). In 1990-1, 73.3% of applications resulted in an order being issued, 2.3% of applications were refused and 11.1% were withdrawn. In 1994-5, 72.2% of applications resulted in an order being issued, 0.3% were refused, 8.7% of applications were withdrawn (Putt and Higgins, 1997:30; see also Table 1.1b). In 1993, of those charged with breaches of a domestic violence order in a Magistrates Court, 14% were discharged or withdrawn and 76% led to a summary conviction with the remainder resulting in no conviction recorded with or without punishment (Putt and Higgins, 1997:31). Of those males convicted, 54% were fined or ordered to pay money, 16% were imprisoned, 13% ordered to do community service, and the remainder placed on probation or a bond of good behaviour or recognisance (apart from 3% who were convicted but not punished) (Putt and Higgins, 1997:31).

#### 1.4. Summary

Queensland statistics demonstrate the continuing incidence of domestic violence, applications for protection orders increasing from 517 in the Act's first full year of operation in 1990-91 to 1024 in 1995-6. Studies suggest that women who are most likely to be victims of domestic violence have no independent incomes, no friends or family close by, and are often isolated, either in rural areas or because they do not speak English. Aboriginal and Torres Strait Islander women are also at risk. However, the data on applications for protection orders demonstrates that where statistics are available, of these risk categories, only Indigenous Australian women are disproportionately represented among the aggrieved. In Chapter Three, it will be

suggested that women and men from lower socio-economic backgrounds are also disproportionately represented among applicants and respondents to domestic violence applications.

Reports of both the National Committee on Violence Against Women (1990-1993) and the National Committee on Violence (1990) called for more research, monitoring and evaluation, and more comprehensive and adequate statistics on which to base these activities. In its comprehensive study of *The Effectiveness of Protection Orders in Australian Jurisdictions*, the National Committee on Violence Against Women (NCVAW) (1993:8) noted 'there has been little systematic research undertaken to evaluate the effectiveness of such orders', pointing to inadequate methodologies and lack of comparative longitudinal data (NCVAW, 1993:8-9; see also Australian Law Reform Commission, 1994:211). In the Australian Institute of Criminology's recent report *Violence Against Women in Australia*, the authors noted that a national survey of data collections was analysed 'to assess the nature of the information contained within them, and to establish the major obstacles that prevent or inhibit the comparison and coordination of data'. The report presented a summary of data currently available and problems of data coordination and comparison (Putt and Higgins, 1997:xiv) with the 'twin goals of obtaining a national perspective on violence against women and improving the legal response to violence against women' (Putt and Higgins, 1997:ix).

The Australian Institute of Criminology report recommended that the Violence Against Women Indicators Project develop models for longitudinal analysis, particularly tracking either individuals over time or cases through different agencies. The report also calls for 'an outline and evaluation of tracking models' (Putt and Higgins, 1997:11,39). The research developed in this study seeks to address some of these data concerns in Queensland by providing a statistical profile of those involved in domestic violence applications, both in terms of multiple appearances before



Magistrates Courts and their contact with the Queensland Police Service, particularly in relation to assault and breach of protection orders.

# **Chapter Two: Method and Methodology**

## **2.1 Introduction**

Large quantities of data are collected by official agencies in relation to violence against women. Putt & Higgins (1997:13) categorise this data according to three dimensions: firstly methodology (surveys, routine statistical collections); secondly, the source of the data (criminal justice agencies, service providers); thirdly, scale (national, state and local). They also note the need to assess 'the quality of information contained in each set', regularity of collection, accessibility and other such factors' (Putt and Higgins, 1997:15). The data in this study was accessed from routine statistical collections of the Department of Justice and the Queensland Police Service. The methodology used in this project involved secondary data analyses of these operational government databases. The process by which this data is collected is presented in section 2.2.

The use of operational databases for research raises a number of methodological dilemmas and issues. Some of these are intrinsic to the methodology and some are specific to the research presented in this report. Section 2.3 offers a brief overview of the use of official statistics for research purposes and examines issues associated with the quality of official data available for research. In section 2.4 some of the difficulties experienced in accessing these databases are addressed, particularly difficulties encountered when tracking through different official databases. The utility and feasibility of the methodology used in this report is reviewed.

## **2.2 Method**

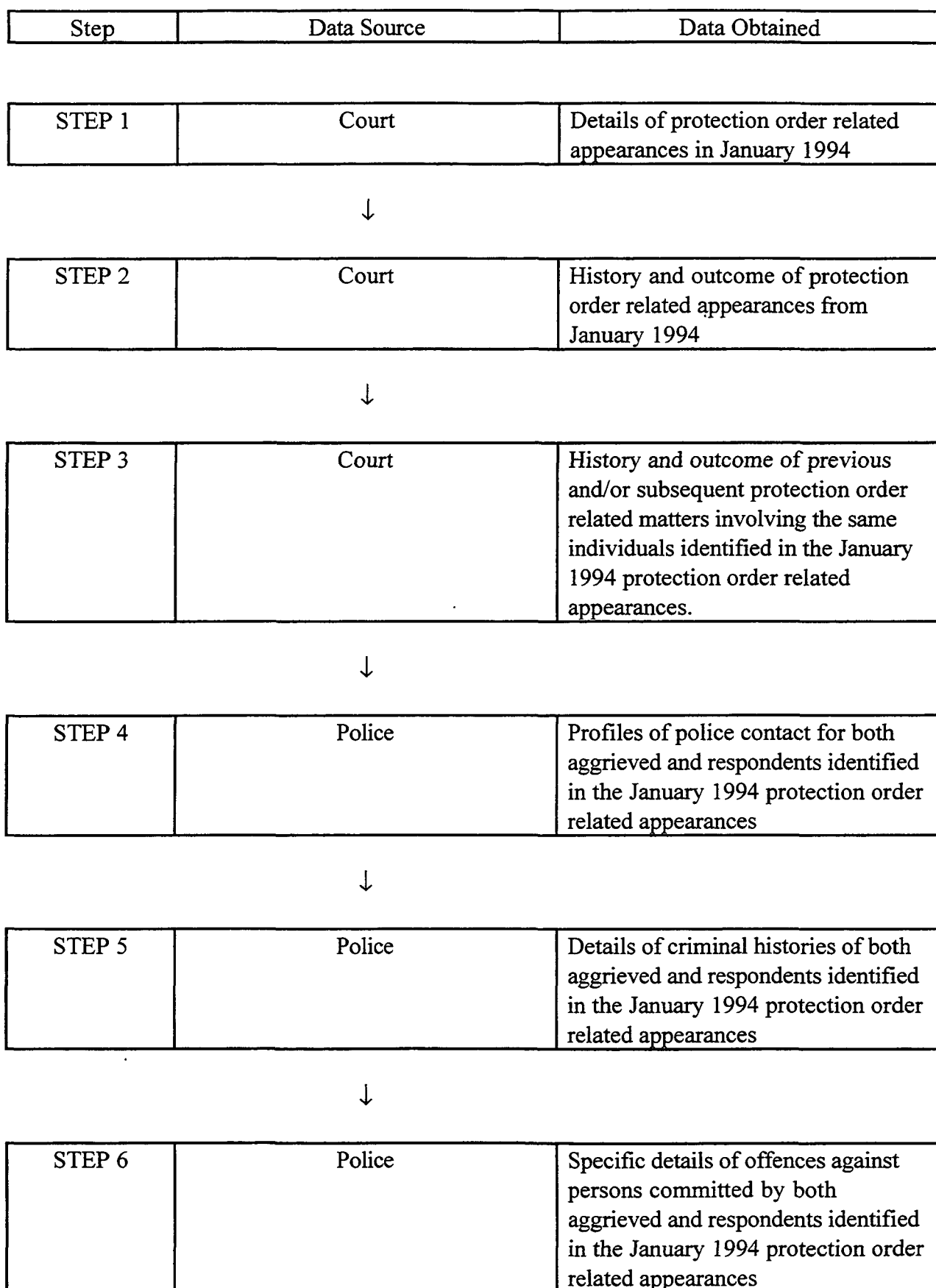
The data collection process is summarised in Figure 2.1 and is briefly outlined here, with more detailed explanations provided below. Information was gathered from both the Magistrates Courts and the Queensland Police Service databases.

There were three stages to the court data collection process. Stage one involved obtaining information on all protection order related appearances which occurred in a one month period, across four Magistrates Courts in South-east Queensland. Stage two involved tracking those appearances through the court system to obtain information on any prior or subsequent court contact relating to the protection order matters identified in stage one. The final component of the court data collection involved tracking the individuals, both aggrieved and respondents, named in the protection order appearances identified in stage one, to obtain information on any other protection order related matters that they had been involved in, either prior or subsequent to the initial sample month.

There were also three stages to the data collection in the Queensland Police Service. Stage one involved utilising the computerised databases to develop profiles of police contact for all of the individuals identified as either aggrieved or respondents in the court data collection. Stage two of the police data collection involved obtaining details of the criminal histories of any of these individuals and stage three involved recording specific details of any offences against persons which had been committed by any of the aggrieved or respondents.

Data collection took place over a fifteen month period. Access to the Magistrates Courts data was obtained in March 1996 and data collection was completed by July 1996. Although provisional permission to access the police data was granted at this time, final negotiations with the Queensland Police Service were not completed until December 1996. Collection of the police data took place between January and April 1997. More specific details of the information gathered at each stage of the data collection are reported below.

Figure 2.1. Data collection process



i. Court Data

As mentioned previously, stage one of the data collection process involved examining the court records of Magistrates Courts Districts in South-east Queensland. Due to the large number of domestic violence related matters dealt with by the courts, data collection was limited to four courts. These courts were selected to ensure that data from a variety of populations, including urban and semi-urban populations, were examined. Because of the need for confidentiality rural courts were excluded. The four Magistrates Courts Districts examined were Beenleigh, Brisbane, Southport and Ipswich. Data collection was limited to all records in a one month period. January 1994 was selected as an appropriate sampling month as this time period was subsequent to amendments to the Domestic Violence Act which led to the development of new Domestic Violence Application forms in September 1993. In addition, this allowed two years from that date during which a breach of the order was possible, given that orders could be in force for up to two years.

The purpose of the court data collection was to identify a sample of individuals who appeared in court in relation to protection order matters. The unit of interest was any appearance relating to a protection order made before the magistrate during the sampling month. This included all appearances in relation to an application for a protection order, all adjournments in relation to matters relating to a protection order and all applications to revoke or vary existing orders. The appearance involved two individuals, the aggrieved and the respondent. For some appearances there were also associated cross-application appearances. A cross-application is the name given to a previous or subsequent application which involves the same two individuals named in the original application but in the opposite position, that is, the aggrieved becomes the respondent and the respondent becomes the aggrieved. To reduce the double counting of individuals, if a cross-application appeared before the magistrate within the sampling month, it was counted with its counterpart as one appearance, as both involved the same individuals. There were 58 such cross-applications. In these instances individuals were designated as respondent and aggrieved depending on their position in the first of the two court appearances. In total, initial data for 602 appearances for protection order related

matters was recorded across the month of January 1994. Appearances in each court were as follows: Beenleigh - 193, Brisbane - 165, Southport - 157 and Ipswich - 87.

Data for each appearance was collected on one of three data collection forms depending on the nature of the appearance. Thus there were three data collection forms, one for the original appearance for an application for a protection order, one for an appearance for an adjournment in relation to a protection order related matter and one for the original appearance for an application to revoke or vary an existing order. The court data collection forms are at Appendix 3.

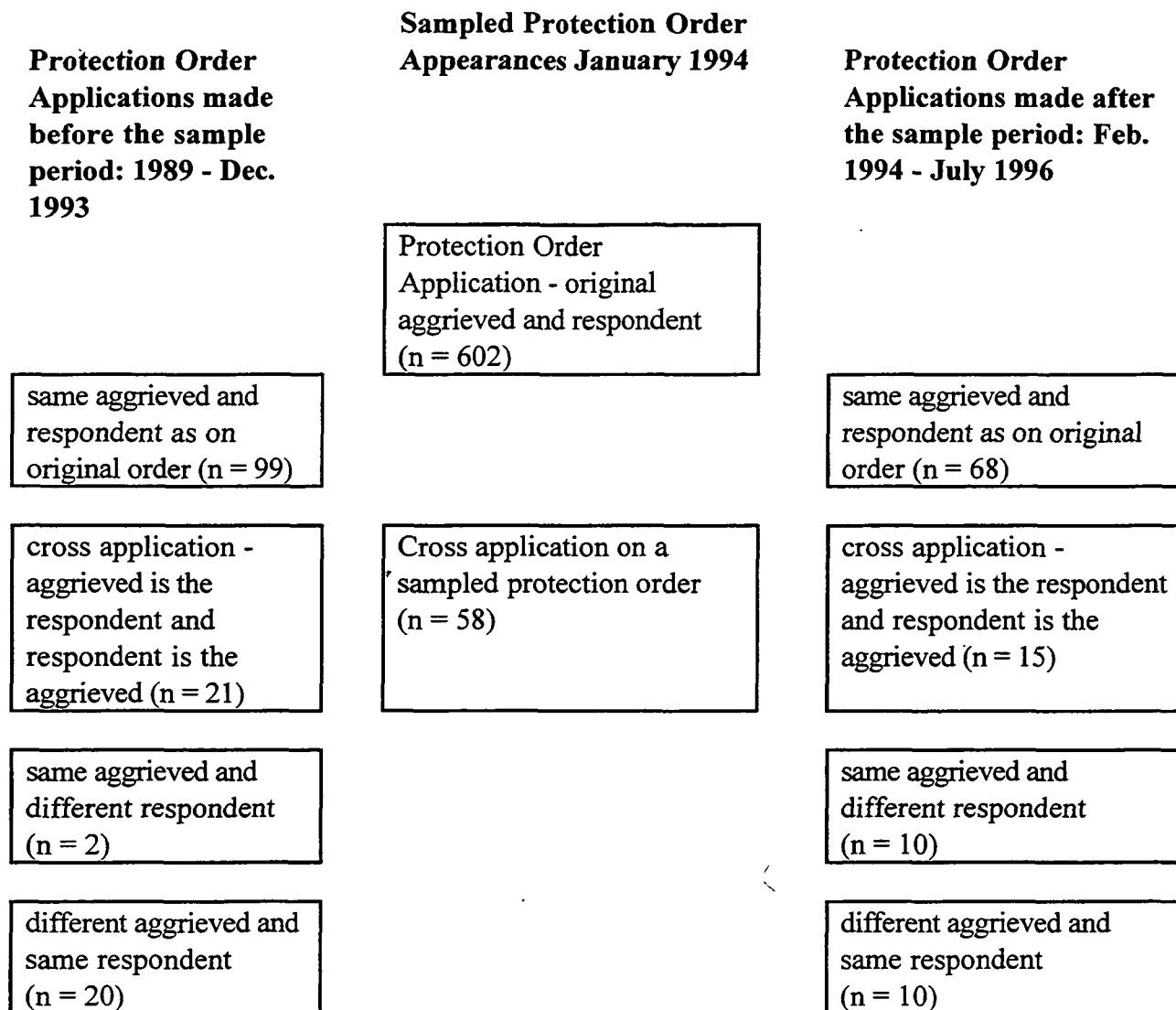
The application for order data collection form recorded details about the application and its court appearance including data on the applicant, the basis for the application, details surrounding the most recent domestic violence incident, who appeared in court, the outcome of the appearance and details of the protection order if granted. The form utilised for collecting information about court appearances relating to adjournments of protection order related matters recorded information on who appeared in court, the outcome of the appearance and the details of the protection order if one was granted. The application to revoke or vary an existing order form recorded information on the applicant requesting the changes, details of the changes being requested, who was present in court and the outcome of the appearance.

In addition to the details surrounding the January 1994 appearances, details of the history and outcome of those appearances were collected, utilising the same forms as those used for the original January appearance. Initial appearances for application for protection orders were followed and details of all subsequent appearances relating to that application were collected. For appearances which were adjournments of matters relating to protection orders, the details of the matter prior to the January appearance were collected, as were the details of any subsequent court appearances relating to that same matter. Similarly for appearances relating to applications to revoke or vary an existing order, details of the original order and its history and details of subsequent appearances relating to the application to revoke or vary were also gathered. A small number (three) of the applications from the original sample were transferred away from the original court and therefore could not be followed.

The final component of the court data collection involved searching the computerised court database. All individuals identified in relation to the January appearances were searched on the Court Record System to identify any prior or subsequent protection order applications in which they were involved. Only matters dealt with in that court would have been identified by this search. If an individual was involved in a protection order in another court or another state, this information would not have been identified. Details including the history and outcome of all prior and subsequent protection order applications were collected, utilising the same forms and processes as previously discussed for the original January appearances. Figure 2.2 outlines the types of protection orders included in the sample, and the number of cases for each.

This court data collection process yielded information on 2324 court appearances, relating to 897 protection order applications. Information on breaches of protection orders and related court involvement was not available through these processes. Information on breaches was gathered in the subsequent Queensland Police Service data collection.

Figure 2.2: Protection orders included in the sample



ii. Police Data

The individuals, both aggrieved and respondents, involved in the 602 appearances for protection order related matters recorded across the month of January 1994 in the four South-east Queensland Magistrates Courts, formed the sample for the data collection within the Queensland Police Service databases. 602 aggrieved and 602 respondents were identified from the court data collection.

The purpose of the police data collection was to develop profiles of both the aggrieved and the respondents in relation to domestic violence and other offences. All of the individuals



identified in relation to protection order appearances during the sampling month were searched through the Persons of Interest (QPI) database. At this stage information was recorded about the existence of a criminal history for that individual, although actual details of the criminal history, if it existed, were not recorded until a later stage. In addition, information was collected on the number of QPI entries which existed for each individual. These entries were totalled according to the classification system used on the QPI. Event entries are categorised according to the individual's role in the event as one of the following: witness, informant, complainant, offender, or suspect. Categories also exist for outstanding warrants or for unspecified records. Record numbers of all event entries were recorded so that details of these events could be collected from the Queensland Criminal Record (QCR) database. The data collection form utilised for this stage of the data collection is contained in Appendix 4.

The QCR system was searched by event record number to obtain specific details of each of the events. Details were recorded for all events, except when an individual had more than 15 entries. In these circumstances, the details were only recorded for the first 15 entries. Data for each entry was collected on one of seven data collection forms, depending on the nature of the entry. That is, there was a separate data collection form for each of the event categories listed previously, for example, offender, witness etc. These forms are contained in Appendix 5. The data collected on all forms was essentially the same. Information was recorded about the nature of the event, with all events being classified according to the Draft Australian National Classification of Offences (ANCO) crime classification system (see Appendix 6 for a summary of these). The ANCO system categorises crimes into one of 16 divisions: homicide and related offences, acts intended to cause injury, negligent or reckless acts harming persons, abduction and related offences, robbery, extortion and related offences, burglary and break and enter, theft and related offences, deception offences, illicit drug offences, weapons and explosives offences, offences against justice procedures and government operations and miscellaneous offences. In addition, information was recorded about any relationship to other individuals involved in the event and the outcome of the event.

In addition to obtaining information about all entries on the QCR, information was collected about the specifics of the criminal history for all individuals who were found to have a criminal history. Unfortunately, 15% of criminal histories could not be examined due to missing records. The data collection form utilised in this stage of the data collection is contained in Appendix 7. Information was collected on the length of the criminal history, the number and type of court appearances and the number and nature of the crimes with which the individual was charged. These crimes were classified according to the 16 ANCO crime classifications described previously. A note was also made of the number of breaches of protection orders which were recorded. In addition, data was collected on whether the individual had been sentenced to and/or spent time in jail for any offences.

In addition to gathering this information for all individuals with criminal histories, more specific information was recorded for any crimes which were considered offences against persons. The data collection form, called a QP9 by the Queensland Police Service, is contained in Appendix 8. Information was collected on the nature of the victim, details of the offence and the outcome of the charge. Information on specific offences was not available on 15% of offences due to missing records.

### **2.3 Official statistics**

The use of official statistics has a long tradition in the social sciences (Alba, Muller and Schimpl-Neimanns, 1994:58), a recent resurgence of interest being mainly attributable to the growing use of computer technology. Computer technology has substantially increased the scope of government data collections and enabled researchers to access the data directly. In terms of the quality of data collected, official data has its own strengths and weaknesses. The strengths lie in the size of the data sets, the low or non-existent sample bias, the relevance and continuity of the data, and replication of the research.

The weaknesses arise from the lack of control the researcher has over the conceptualisation, measurement and reliability of the data (Jacob, 1985; Alba et al, 1992: 634). The problems associated with the use of official statistics, both within and across agencies, include:

- lack of reliability and accuracy within collections, for example information on race and ethnicity may rely on impressions of the recorder and have to be further coded by the data coders
- changes to data collection over time in response to a changing political and social climate, for example changes to counting rules, definitions or procedures
- restricted access, due to non-retrievable data (stored in manual records in narrative form and thus requiring an 'inordinate' amount of time for conversion to a useable format) or because of privacy considerations, perceived particularly as a risk to victims
- limited resources and organisational priorities - collection and analysis of statistical information is often a low priority task
- differences in definitions, classification and counting, including counting rules and even offence classifications, such as the type and scope of protection orders issued particularly due to legislative differences between the states
- the sensitivity of comparative analysis (Putt and Higgins, 1997:33-6).

Because domestic violence statistics are collected for operational and managerial requirements, information of interest to researchers is not always collected. For example, there is relatively more data on the defendant or offender than the complainant (Putt and Higgins, 1997:13). Except for South Australia, jurisdictions do not have a special category of domestic assault. The Queensland Police Service does not specifically record the relationship between the victim and offender on any of their computerised data bases (apart from whether the victim and offender are divorced). The relationship can only be identified by a manual search of microfiche records of the reports police officers present in court. The Victorian Police: Family Incident Report records information on the relationship between victim and offender, hazard factors such as alcohol and firearms, referral information and intervention/protection order status, presence of children at the incident and their age brackets (Putt and Higgins,

1997:53). In fact, most criminal justice data relating to domestic violence is confined to breach of domestic violence orders, and even these are sometimes classified within the general category of breach of court order. Thus information on applications for protection orders (within the civil system) 'assumes a great importance' (Putt and Higgins, 1997:15,24-5).

Another disadvantage of using official statistics for research concerns access to the appropriate level of data - unit record data. Unit record data is the information collected at the primary level of data collection which may be a criminal charge, an appearance in court or a police call out. Government departments produce and publish aggregated data for their own operational purposes, which often does not allow for the identification of specific individuals, thus preserving the privacy of these individuals. Some research purposes, however, require statistical histories of individuals. Information systems do not always contain identifying information which allows individuals to be tracked across data sets. However, without individual unit based records across the criminal justice system it is not possible to readily access data concerning the fundamental dimensions of crime, prevalence, frequency, duration and severity of offending by individuals (Ferrante, 1993:232).

Collecting unit record data from a number of government departments is an expensive process, costs being incurred by both researchers and service providers. The researchers' costs include the cost of the research personnel who require sophisticated computer skills in order to quickly understand a range of systems and who must be able to work without supervision. The costs to the organisation include the costs in training the researcher in their systems, and providing the researcher with a work space, often including a computer work station.

While a growing number of data bases store information on domestic violence and methods of storage and retrieval have become more sophisticated, 'this progress has occurred within organisations and not between organisations ... Coordination, integration and uniformity are lacking' (Putt and Higgins, 1997:xiii). Since the Duluth project attained 'worldwide prominence', the need for inter-agency cooperation and integrated responses to domestic violence has been promoted (Putt and Higgins, 1997:5). Even so, 'there is little published

debate on the kind of integration and cooperation which should occur, and explanations for the factors which militate against it occurring' (Putt and Higgins, 1997:5). At present the Northern Territory is the only jurisdiction to have a comprehensive justice information system which allows agencies, including the police, correctional services, Office of Court Administration and the Attorney-General's Department, to accomplish their tasks and interact with one another through the facilities of the system. Additionally, fifteen agencies have agreed to collect data for a unified data collection system coordinated by the Northern Territory Office of Women's Policy's Domestic Violence Data Collection Project (Putt and Higgins, 1997:33,51-2). In South Australia, individuals can be tracked concerning their contact with police and corrections. 'In other jurisdictions, however, it appears no formal links exist yet between justice agencies' (Putt and Higgins, 1997:33). The Queensland government is developing a cross-agency process to facilitate the implementation of a data collection system, the Criminal Justice Information Integration Strategy (CJIS), described in more detail below.

That not all criminal behaviour is processed by the criminal justice system is a third concern to researchers using official data to examine crimes such as family violence and sexual assault. Despite the 'wealth of operational information that is resident in police data bases' (Putt and Higgins, 1997:24), comparisons with other sources, such as victim surveys or hospital reports, indicate 'a marked degree of under-reporting to police' of domestic violence (Putt and Higgins, 1997:4). The 1996 Women's Safety Survey conducted by the Australian Bureau of Statistics (ABS), examined 6,300 women's experiences with violence. In the twelve months prior to the administration of the survey only 18.6% of women who experienced a physical assault by a man reported the assault to the police. The police charged the perpetrator in 33.5% of these assaults (ABS, 1996:35). Thus, not only is domestic violence an under-reported crime, a reported incident may not be recorded on a police data base, and a recorded incident may not lead to a charge. This demonstrates the need for comparison of statistics collected in the criminal justice system in relation to domestic violence with other systems, for example the health and welfare systems.

A further deficiency of secondary data is measurement error. These errors may arise from mistakes in conceptualisation of abstract constructs as concrete measures or from structural

characteristics of the data collection processes (Jacob 1985:15). Two factors which may affect the validity of the official data are that the definitions used by researchers may not match the data collected by the government agency (construct validity) and there may be changes in information collected over time in response to changes in the legislation, policy, procedures, or understandings of social phenomena.

Threats to reliability arise from clerical errors, changing collection procedures, and instrumentation. Simple clerical errors are a major concern, given that organisations may not always give data collection a high priority in terms of personnel training and quality control. Changes in technology, the data collection sheets used, and the types of questions asked may influence the quality of the data collected. Thus any researcher who is relying on other people to collect their data must be vigilant about the quality of the data collected, taking time to understand the conceptual frameworks and perceived function of the information and the process by which the data is collected and to seek corroborative evidence for the findings from the data.

The completeness of data bases in Queensland has been questioned, at least in terms of studies completed in the early 1990s: 'it appears that not every case with an existing protection order is recorded on the domestic violence index' (DVI) (Criminal Justice Commission, 1994:7). Similar findings were recorded for a comparison of occurrence sheets, the DVI and the Entry and Search Register, suggesting that call-outs leading to no action were often not entered on the DVI. The status field often conflicted with the expiry date provided on the screen (so that a large number of expired orders were displayed as 'current' status), and terminology used to describe types of orders varied considerably between regions. There were problems with data recording and access, for example when a new order type was entered, the previous orders were removed thus removing the history. There was no field for individual officers so that officers could not access information on the status of their cases. At that time there appeared to be inadequate documentation concerning how to interpret and update the index. There was also evidence of failure to complete the Entry and Search Register, particularly when attendance at the premises did not lead to an application for a protection

order (Commissioner's Inspectorate, 1995:56,95, 66-7,90-1) which is required by Section 73(7) of the Act.

Published data on court matters has been described as on the whole 'quite rudimentary' (Putt and Higgins, 1997:26). Courts do not routinely release data on applications for protection orders, and even data on breaches may not be distinguished from breaches of other court orders (Putt and Higgins, 1997:27). Victoria has the most comprehensive system which covers age, gender and relationship between the aggrieved family member and the defendant, statistics on interim orders, elapsed time between complaint and hearing, court determinations for final intervention orders, details on victims of stalking, whether there were previous applications under the legislation, breaches of bail, final intervention orders, and an analysis of cases where an intimate personal relationship was recorded (Putt and Higgins, 1997:3). Although limited to the Brisbane office and to matters committed for trial or sentence from Magistrates Courts, the Queensland Office of Director of Public Prosecution is the only public prosecutions office in Australia to have a specific violence against women database. This holds information on the age and gender of both victim and offender, the occupation of the offender, the offender's previous criminal history, and the relationship between the victim and the offender as well as special circumstances, such as whether either party has a physical or intellectual disability (Putt and Higgins, 1997:32). Due to recent administrative changes in the unit, this data base is presently difficult to access and about eighteen months out of date. There are plans to introduce a computer system which will enhance data storage and retrieval.

## 2.4 Considerations relating to accessing the data

For this research, data from three criminal justice departments and a number of databases, both criminal and civil, were accessed. Domestic violence protection orders are not a criminal matter but rather a civil matter. However, breaches of an order are a criminal matter. Data collection was further complicated as all three government departments were in an ongoing process of reviewing their data collections. Some of these changes impacted on the current data collection and the direction of these changes will have a substantial effect on the

likelihood of replicating the research. This section describes the process by which the data collected for this project enters the system and is stored across the system, the processes each government department has in place to review their data collections and the difficulties encountered in accessing the data.

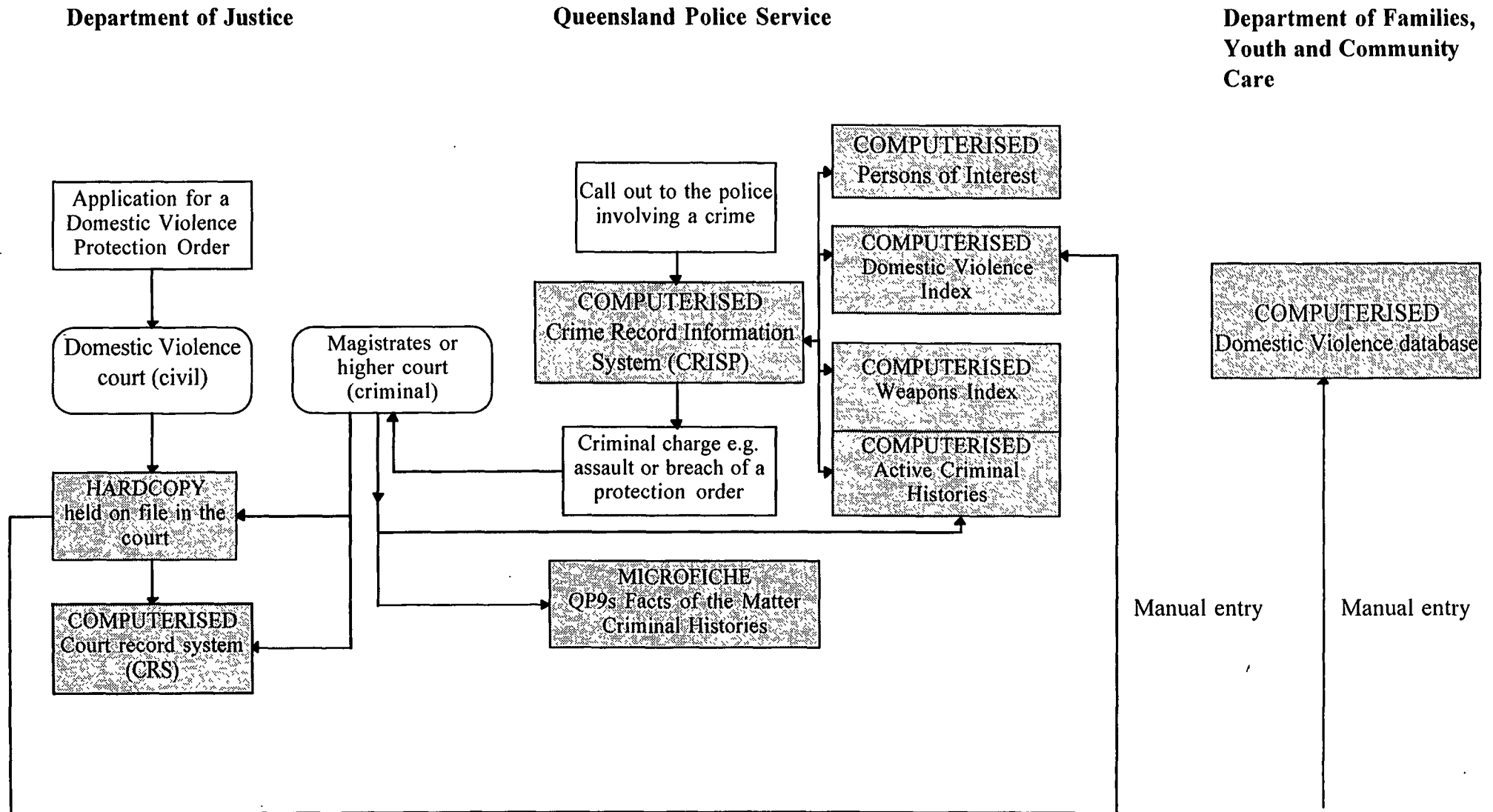
As previously outlined, data concerning the recipients of Domestic Violence Protection Orders was extracted from a range of databases across the government departments involved in the legislation. Figure 2.3 provides a summary of the information flow through the three government departments and the different government databases accessed.

The Department of Justice has a limited computerised data collection system for Magistrates Courts. Currently, only 12 of the 82 Magistrates Courts use the computerised Case Register System (CRS), which captures 60% to 70% of the information concerning Magistrates Courts. This system is a centralised system for the management of sentences. Although only the Brisbane Magistrates Court had on-line data collection when the domestic violence protection legislation was introduced in 1989, the other three courts involved in the study came on-line on the following dates: Beenleigh - 23 June 1991, Ipswich - 5 December 1991, Southport - 28 February 1990. Consequently, for these courts it was not possible to cover the entire period in which individuals may have gained a protection order. Furthermore, it was not possible to search across the court boundaries. Courts also hold extensive hard copy files of their transactions and these were searched for details of cases which appeared on the CRS.

The names of the people involved in the original protection orders were then searched through a range of databases held by the Queensland Police Service. For this study the recipients were matched through the systems based on name and date of birth, Ferrante (1993:237) finding these to be the most useful variables for linkage. No attempt was made to verify the match. There is no way of estimating how many non-matches occurred, although it is reasonable to assume that most of the matches were accurate matches. Non-matches would occur where an individual identified in the original court sample was in the QPS data base but the name or date of birth was entered incorrectly. Ferrante (1993), using surname, given names, date of birth, sex and race, achieved an 87% match with police criminal history records.



Figure 2.3: Overview of the information flow in relation to domestic violence



The Queensland Police Service has a state-wide computerised Crime Recording Information System for Police (CRISP) database which deals with all crime reports. As CRISP came on-line in December 1994, only the histories of people who have offended since the inception of the computerised database are held on this centralised data base. For histories of people who have not offended since the inception of the computerised data base, a centralised microfiche system must be searched. Every time a person appears in court, criminal history details and the police facts of the matter report (QP9) are archived on microfiche. The microfiche system holds details of both current offending and offending prior to the inception of the computerised database. This microfiche database was searched for the criminal history details.

A final database containing information about domestic violence protection orders is held by the Department of Families, Youth and Community Care, the department responsible for the legislation. Until May 1993 this database only held summary statistics which were forwarded from the individual courts. Since this time the courts have provided photocopies of all information pertaining to the administration of domestic violence protection orders.

All the systems accessed in this study were subject to reviews or major changes in their information collection systems. The police are in the process of reviewing the introduction of their integrated database system, POLARIS. The Department of Justice is currently reviewing their data collection systems in the court modernisation program. The Queensland Government has a process in place to explore integration across the different systems, the Criminal Justice Information Integration Strategy (CJIS).

POLARIS is the result of the findings of the Fitzgerald Commission in 1989 that the information and support systems within the then Queensland Police Department were deficient and that extensive improvements of the information systems were of vital importance. The QPS conceptualised POLARIS as an integrated information system

for the police service, a single database for operational services made up of a series of modules which would be fully integrated across the range of QPS functions and other criminal justice agencies. Unfortunately, POLARIS has only been partially implemented, mainly due to financial limitations and rapidly developing database technologies. The domestic violence aspect of POLARIS is presently unfunded, with 1999 being the earliest time at which funding might become available. The only module of POLARIS so far released includes Warrants, Drivers Licences and access to the National Exchange of Police Information (NEPI) system. Offender histories and persons charged are expected to be released in 1998. These systems are based on the concept of a unique identifier for individuals which will greatly facilitate the tracking of offenders through the systems.

The Queensland Department of Justice is currently undergoing a review of its information systems in the court modernisation project. One of the aims of this project is to develop an effective computerised database for the Magistrates Courts. This will help the courts to function more effectively and allow sharing of information with other criminal justice agencies. At the time of preparing this report, it was hoped that a software, hardware and network supplier would be chosen by late 1997.

A desired outcome for CJIS under the auspices of the Queensland Government is to develop a strategic plan which will improve the exchange of information across the criminal justice system. One of the major functions of this process is the introduction of system-wide identifiers, especially identifiers of persons. The use of these identifiers will enable a person to be tracked across and through the criminal justice system. This will facilitate tracking for a single series of actions, including arrest, charge, trial, sentence and penalty, and enable access to multiple series of actions concerning an individual.

A major concern of both researchers and the data owners when accessing official data is ensuring the confidentiality of the information provided. This issue was

particularly significant in this research as names of individuals were required to match cases across departmental data bases. Government departments are legally constrained in their use and publication of data. Thus section 82 of the *Domestic Violence (Family Protection) Act* covers the 'publication' of data from court hearings (which are closed) and by implication information on the domestic violence application forms. Exceptions to the publication offence include research.

In this project, confidentiality and privacy of the information contained in the databases were ensured in several ways. To ensure confidentiality and anonymity for individuals, no names were included on any documentation associated with the study. Each protection order in the sample was assigned a three digit research code. These research codes and the relevant personal details of both the aggrieved and respondent were maintained on a separate list. This list was only used for searching the relevant databases to gather the information required for the study. The list was stored separately from the data except when in use for data collection purposes and was available only to the senior research assistant, who underwent a CJC security clearance. At the completion of the data collection this name-code list was destroyed.

The research code assigned to the protection order at the beginning of the study appeared in place of the names of individuals on all data collection instruments relating to the specific protection order. All matching was done via these research codes. Similarly no names were used in any publication resulting from the research and all information presented on individual protection orders was provided in a manner that does not allow for the identification of any specific individual.

Researchers wishing to use government databases for their research are caught in a catch 22 situation. They may have some idea about the information collected by the department but not enough detail in order to make an application to access the data. However, without approval to access the data they often cannot acquire the information to make an application. A researcher needs to know what information is

available, the quality, and in what format to determine if the information held by the department is suitable to answer the research questions. This information is necessary for the development of their data collection strategies, to estimate the cost of the data collection for the purposes of funding and to find the data literacy skills necessary to access the data.

Different organisations have different protocols for gaining access to their data. Furthermore these protocols change as the political and administrative environments in government departments change. The research in this report required access to data from three government departments, the Queensland Police Service, the Department of Justice and the Department of Families, Youth and Community Care. One of the reasons for establishing a steering committee containing representatives from each of these departments was to facilitate access to the data held by these departments.

Access to data held by the Magistrates Courts was organised through steering committee members. Initially the Department of Justice had some justifiable reservations concerning the confidentiality of this data. The senior researcher from the project was employed by the Criminal Justice Commission on a casual basis to meet the requirements of the Act that only legitimate researchers should have access to court data in relation to domestic violence. The researcher was bound by and subject to the security requirements of the Criminal Justice Commission, ensuring that the provisions of the Criminal Justice Act 1989 applied to protecting the confidentiality of the material to which she had access. Data collection from the Magistrates Courts commenced in April 1996 and was completed in July 1996.

Access to the QPS data was sought formally through an application for access to the Research Committee of the QPS, following feedback from steering committee members on the contents of the application. This application was submitted on 29 March 1996. Approval was granted on 1 May 1996. Unfortunately when the researchers approached the QPS to commence data collection in August 1996, access

was not immediately possible. The QPS were reviewing their access and security requirements and this review took precedence over the research project. It was not until January 1997 that the researcher gained access to the QPS databases. This phase of the data collection was completed in April 1997.

## 2.5. Conclusions - significance of the method

The research provided a unique opportunity to 'track' individuals involved in protection orders through different criminal justice agencies' data collections, the Department of Justice and the Queensland Police Service. This process of tracking individuals within and across systems and the subsequent information obtained is unique, providing a database that will address many of the issues raised by Putt and Higgins (1997:14). This small window into the extent of a group of people's involvement into the criminal justice system provides valuable insights into the effectiveness of the current systems and suggestions for the prevention of violence.

Individuals involved in protection orders were tracked through the court record system for their involvement in any other domestic violence protection orders, searching by their names and dates of birth. The resulting matches give some indication of the level of involvement individuals have in multiple and cross applications, information that has not previously been available. The names and dates of birth of the sampled individuals were then searched in the computerised QPS Persons of Interest database and the microfiche records of criminal histories. While other studies have sought to identify the relationship between respondents to protection order applications and criminal activity, the research reported here provides more extensive and detailed data (for example Eastal, 1994:87,89; Criminal Justice Commission, 1994:7).

One of the most valuable contributions of this research method is its capacity to provide information about victims, given the present very limited information available in this area (Putt and Higgins, 1997:15). A range of information about the

aggrieved is collected on the application form for a domestic violence protection order. When this information is matched to assault data, including information about the relationship between the victim and the offender, in many situations it is possible to build a statistical profile of the victim.

One of the major limitations of criminal justice agencies' information systems is, without doubt, their focus on individual incidents and not on individuals. This limits the ability to provide in-depth analysis of phenomena and develop more problem-orientated or pro-active strategies to address problems. Only with integrated information systems will it become possible to provide information, both within or across agencies, which concerns individuals rather than incidents.

The research method required a substantial outlay in both time and money. However, with increasing computerisation of databases, inter-agency data collection should be facilitated. Unfortunately, the particular and dynamic nature of these data collection systems makes it extremely difficult to assess the likelihood of replicating this method, both within the Queensland jurisdiction and across jurisdictions.

The critical factor in ensuring the feasibility of this type of research is excellent working relationships between the researchers and a range of information technology personnel across a number of government departments. Without this good will, the collection and interpretation of the data would not have been possible. The development and maintenance of such relationships with a diverse range of people in dynamic organisations is extremely difficult, in Queensland the process being facilitated by a seminar series run by the Crime Statistics Unit of the Queensland Statistician's Office.

## Chapter Three: Results

This chapter discusses first the results from the data collected in the Magistrates Courts and second the results of the data collected from QPS. The Magistrates Courts data is divided into three areas: the biographical characteristics of the recipients of a protection order, shown for each court in the sample; the time spent in the Magistrates Courts on protection orders; and factors affecting the outcomes of orders. The QPS data is divided into two areas: the nature of contact aggrieved and respondents had with the criminal justice system, and the criminal records of the aggrieved and respondents.

### 3.1 Biographical characteristics of respondents and aggrieved

There were 602 appearances for protection orders during the sampled month in the four courts chosen for analysis. These comprised 544 appearances for which there was no cross-application and 58 appearances for which there was a cross-applications. These 602 appearances, after tracking backwards and forwards for the presence of either party in any other protection order, produced a total sample of 897 protection orders. Generally, four groups are represented in the tables below, the respondents and the aggrieved in the sample of applications where there was no cross application (544) and the respondents and the aggrieved in the sample of the cross-applications (116)<sup>1</sup>.

The composition of these groups by gender is shown in Table 3.1. Ninety-three per cent of aggrieved spouses were female, compared with 88.2% for Queensland in 1993/4 (See Table 1.6). The DFYCC data shown in Table 1.6 includes cross-applications. If these are included, 85.5% of the January 1994 sample of aggrieved were female.

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<sup>1</sup> The numbers in the tables below do not always sum to these totals because of missing data for the variables represented.



Table 3.1 Gender of respondent and aggrieved

gender of aggrieved	applications (excluding cross)			cross-applications	
	gender of respondent		total	gender of respondent	
	male	female		male	female
male		38	38		58
female	506		506	58	
total	506	38	544	58	58
					116

The data was sub-divided into the two categories of applications where there were no cross-applications and cross-applications. This was because it was difficult to ascertain who was the 'real' aggrieved in a cross-application situation and because there has been much discussion of lawyers encouraging their clients to take out protective cross-applications, in essence vexatious applications. Table 3.2 below throws some light on this suggestion. It identifies who is the first applicant in time (first column) and who is the second applicant, or cross-applicant (second column). The third and fourth columns identify the gender of the aggrieved in the first application (when the cross-application is not made on the same day). The fifth column identifies the number of cross-applications taken out on the same day. Thus it can be seen that in 20.7% of cross-applications, the police are both the first and the second applicant, and that two-thirds were taken out on the same day, suggesting the police perhaps are unable to ascertain who is the real aggrieved and so take out applications against both parties. Eight of the 40 cross-applications not taken out on the same day were originated by males, a higher proportion of males being first applicants than in the sample of applications which resulted in no cross applications (20% in Table 3.2 compared with about 7% in Table 3.1). Thus females appear more likely than males to respond to an application with a cross-application, although the reasons for this are speculative. It could be the best defence to a vexatious initiating application; it could be a sign of women's greater familiarity with the court system; it could be an expression of the felt need for court and police protection in circumstances of domestic violence. Clearly this aspect of cross-applications requires further exploration.

Table 3.2 Characteristics of cross-applications: Applicant, gender of first applicant and timing of cross-application.

first applicant	second applicant	cross-application on a different day: gender of aggrieved in first application				cross application on same day		TOTAL	
		female		male		N	%	N	%
		N	%	N	%	N	%	N	%
police	police	4	12.5	0	0.0	8	44.4	12	20.7
police	aggrieved	12	37.5	0	0.0	4	22.2	16	27.6
aggrieved	police	1	3.1	1	12.5	3	16.7	5	8.6
aggrieved	aggrieved	15	46.9	7	87.5	3	16.7	25	43.1
total		32	100	8	100	18	100	58	100

Tables 3.3, 3.4, 3.5 and 3.6 show that, except for age, the biographical data of applicants and respondents are not substantially different in the two categories of applications and cross-applications. The different results for age are an effect of the older age of men (on average) in partnerships and the higher proportion of men among the cross-application sample. A comparison of the characteristics of the aggrieved and respondents with the general population reveals they are disproportionately born overseas (the percentage for the population of Queensland from the 1991 Census is 19.4%), of Aboriginal or Torres Strait Islander background (compared with 2.4% for Queensland at the 1991 Census), more likely to speak another language at home (compared with 6.3% for Queensland at the 1991 Census). Because of the lack of fit between Australian Bureau of Statistics collector's districts and the Magistrates Courts Districts we were unable to compare the biographical characteristics of our sample with the general population in the Magistrates Courts Districts. Given that Table 1.6 suggests that only Indigenous Australians are over-represented among the aggrieved for domestic violence order applications, the data suggesting over-representation of those from non-English speaking backgrounds are likely to be an artefact of comparing our data on South-east Queensland with its higher proportion of people born overseas with that of the whole of Queensland.

Table 3.3 Place of birth of aggrieved and respondent

Place of birth	applications (no cross-applications)		cross-applications	
	aggrieved	respondent	aggrieved	respondent
born in Australia	76.4%	77.2%	76.8%	77.2%
other	23.6%	22.8%	23.2%	22.8%
total	533	536	112	114

Table 3.4 Language spoken at home

	applications (no cross-applications)		cross-applications	
	aggrieved	respondent	aggrieved	respondent
only English	92.9%	92.9%	88.4%	86.6%
other language	7.1%	7.1%	11.6%	13.4%
total	537	553	112	116

Table 3.5 Whether Aboriginal or Torres Strait Islander

	applications (no cross-applications)		cross-applications	
	aggrieved	respondent	aggrieved	respondent
Aboriginal or Torres Strait Islander	5.3%	4.7%	3.6%	8.1%
Other	94.7%	95.3%	96.4%	91.9%
total	531	527	116	111

Table 3.6 Average age of aggrieved and respondents

	applications (no cross-applications)		cross-applications	
	aggrieved	respondent	aggrieved	respondent
mean age	31.86	33.97	35.60	35.53
range	16-78	15-75	16-62	15-62
total	533	523	116	111

As applications for protection orders do not collect the occupation of the respondent and the aggrieved, a rough approximation of socio-economic status was developed by matching the postcodes of respondents and aggrieved to a measure of socio-economic disadvantage developed by the Australian Bureau of Statistics in 1971, and elaborated using the 1986 Census data as SEIFA (Socio-Economic Indexes for Areas). The indexes summarise the variables related to the economic resources of households,

education and occupation. The higher the score on the index of relative socio-economic disadvantage, the less disadvantaged the areas represented by the postcode.

Table 3.7 clearly shows the disproportionately disadvantaged nature of the postcode areas from which the aggrieved and respondents in the present study were drawn. If the sample matched the general population, the rate would be 25% in each category (with most highly disadvantaged and highly disadvantaged being combined) as the population has been divided into equal categories. In fact, a disproportionate percentage of respondents and aggrieved are in the most highly disadvantaged and highly disadvantaged categories, this particularly being the case for aggrieved in the highly disadvantaged category. Similar conclusions were drawn by Hyndman (cited in Ferrante et al, 1996:Table 2.9) for Perth data. The rate of reported domestic violence varied according to the level of social disadvantage; generally the more socially disadvantaged the group, the higher the rate of reported domestic violence.

*Table 3.7a: Incidents of respondents in the Brisbane area, classified by postcode-based socio-economic status.*

Postcode-based social disadvantage category	Population	Number of Respondents (percentage)	Rate of Respondents per 100,000 relevant population
most highly disadvantaged	186,264	141 (18.4%)	75.7
highly disadvantaged	250,659	135 (17.6%)	53.9
disadvantaged	427,911	213 (27.7%)	49.8
less disadvantaged	422,903	152 (19.8%)	35.9
least disadvantaged	442,063	127 (16.6%)	28.7
<b>Total</b>	<b>1,729,800</b>	<b>768 (100.0)</b>	<b>44.4</b>

*Table 3.7b: Incidents of aggrieved in the Brisbane area, classified by postcode-based socio-economic status*

Postcode-based social disadvantage category	Population	Number of Aggrieved	Rate of Aggrieved per 100,000 relevant population
most highly disadvantaged	156,507	121 (14.5%)	77.3
highly disadvantaged	232,079	197 (23.7%)	84.9
disadvantaged	399,753	211 (25.4%)	52.8
less disadvantaged	379,579	161 (19.3%)	42.4
least disadvantaged	388,395	142 (17.1%)	36.6
<b>Total</b>	<b>1,556,313</b>	<b>832 (100.0%)</b>	<b>53.5</b>

The urban index of relative socio-economic disadvantage for urban Queensland is 983 while it is 988 for Queensland as a whole. The range in urban Queensland is an average of 888 for the most disadvantaged 10% to 1099 for the least disadvantaged 10% (Australian Bureau of Statistics, 1991:5). Table 3.8 below shows the mean values of socio-economic disadvantage for respondents and aggrieved, again confirming their lower average socio-economic status than the population as a whole.

Table 3.8: Postcode based socio-economic status of respondents and aggrieved: mean and range

	applications (no cross-applications)		cross-applications	
	aggrieved	respondent	aggrieved	respondent
mean postcode socio-economic status	979.35	981.23	982.03	977.22
range	798.27-156.14	798.27-1156.14	873.32-1154.62	836.42-1154.62

Table 3.9 indicates that applications for protection orders were more likely to arise in defacto than marital cohabitations. Not surprisingly, most applications come from those who are no longer cohabiting.

Table 3.9 Relationship of respondent to aggrieved

relationship	No cross application				Cross application			
	cohabiting		total		cohabiting		total	
	n	%	N	%	n	%	N	%
married	67	76.1	88	17.0	2	6.7	30	26.1
defacto	108	78.8	137	26.4	19	95.0	20	17.4
married/separated	7	5.8	120	23.2	4	11.8	34	29.6
defacto/separated	6	4.0	150	29.0	0	0.0	25	21.7
divorced	0	0.0	23	4.4	0	0.0	6	5.2
total	188	36.3	518	100	45	39.1	115	100

Tables 3.10 and 3.11 provide a comparison of the sample in each of the four courts for the applications for a protection order (cross-applications are not represented in these tables). From these tables it can be seen that both aggrieved and respondents in the Southport sample are more likely to be born overseas and the respondents less likely to

speak only English at home in comparison with the other court samples. The lowest percentage of aggrieved who speak only English at home occurs in the Brisbane Magistrates Court sample. The highest percentage of Aboriginal and Torres Strait Islander applicants and aggrieved appear in the Ipswich Magistrates Court.

Table 3.10 Ethnicity indicators for aggrieved and respondent by court

	aggrieved			respondent		
	place of birth - not Australia	English the only language spoken at home	Aboriginal or Torres Strait Islander	place of birth not Australia	English the only language spoken at home	Aboriginal or Torres Strait Islander
Beenleigh	24.8%	92.8%	5.4%	21.6%	95.8%	3.7%
Ipswich	19.8%	96.3%	6.3%	17.5%	95.1%	8.8%
Southport	26.9%	94.3%	0.7%	26.2%	89.9%	2.1%
Brisbane	22.9%	89.9%	9.0%	23.6%	91.1%	6.3%

From Table 3.11 it can be seen that both aggrieved and respondents in the Brisbane court came from significantly less disadvantaged areas than recipients from the other three courts.

Table 3.11 Socio-economic status of respondents and aggrieved (all applications)

	aggrieved			respondent		
	no.	mean	range	no.	mean	range
Beenleigh	212	964.4	873.3 - 1079.8	198	969.3	798.3 - 1084.4
Ipswich	89	975.2	798.3 - 1050.0	83	975.0	798.3 - 1121.7
Southport	163	974.1	846.4 - 1061.1	150	976.4	846.4 - 1061.1
Brisbane	157	1012.6	836.1 - 1156.1	156	1005.3	836.4 - 1156.1
Total	621	980.7	798.3 - 1156.1	587	981.5	798.3 - 1156.1

In terms of place of birth, English as the only language spoken at home and Aboriginal or Torres Strait Islander status, the samples for the four courts appear to be representative when compared with the data collected by DFYCC for the 12 month period 1994/95 (Table 3.12). Although there are some differences in the percentages, the ranking of courts on the various indicators follows the same pattern in both the one month sample and the 1994/5 period.

Table 3.12 Ethnicity indicators for aggrieved by court - 1994/5

	place of birth - not Australia	English only language spoken at home	Aboriginal or Torres Strait Islander
Beenleigh	24.8%	92.9%	4.6%
Ipswich	16.6%	94.7%	7.7%
Southport	24.9%	93.1%	1.2%
Brisbane	24.8%	90.1%	6.8%

Source: Statistical Services Branch, Department of Families, Youth and Community Care.

In summary, those appearing as both aggrieved and respondents are disproportionately from disadvantaged backgrounds, less likely to be Australian-born, more likely to speak another language instead of or in addition to English at home and more likely to be of Aboriginal and Torres Strait Islander background in comparison with the Queensland census data for 1991. However, given the DFYCC data on aggrieved for the whole of Queensland which only suggests over-representation of Indigenous Australians, it is likely that the higher representation of those from non-English speaking backgrounds reflects a higher representation of this group in South-east Queensland (where the Magistrates Courts in this research are located) than the whole State being a result of their over-representation among aggrieved and respondents in comparison with the population in the Magistrates Courts' catchment areas. Those appearing before the courts in the sample are predominantly in married or defacto relationships, although no longer living together. The data on cross-applications in Table 3.2 raises some interesting questions about the use of cross-applications by police as well as both male and female parties to the order.

### 3.2 Time in Magistrates Courts devoted to applications for protection orders

The tables in this section indicate that a considerable amount of time in the Magistrates Courts is devoted to a small number of persons and appearances and that usually more

than one appearance is required to finalise an application for a protection order (Table 3.13). Thus when the 602 original applications for protection orders were traced forwards and backwards to assess other court activities in relation to these aggrieved and respondents, a total of 897 protection orders and 2324 court appearances were associated with the people involved in the original 602 applications for protection orders. This is partly a reflection of the common procedure of granting a temporary protection order while the matter is adjourned for a later hearing. Protection order applications may also be adjourned because the respondent fails to appear in court or flees from service of the application and the magistrate is reluctant to decide the case in his (or her) absence. Thus the number of adjournments exceeds the number of applications in the first three categories in Table 3.13 and in the total, 1048 adjournments being associated with 897 protection orders. 224 applications to revoke a protection order were also associated with the total number of 897 protection orders, or about one in four protection orders was subject to an application for revocation. 151 adjournments occurred in relation to the applications for revocation.

Furthermore, as Table 3.13 shows, a number of aggrieved and respondents are involved in other protection orders. There were 58 orders deriving from cross-applications, 83 orders granted subsequent to the sampling period (68 applications and 15 cross-applications) and 120 orders granted prior to the sample period (99 applications and 21 cross-applications). As the legislation came into effect in August 1989, the period prior to the sample period is just under 5 years (1989-1993) while the period after the sample period is about 4 years (1994-1997). Additionally 34 orders involved one of the parties to the original protection order and a different aggrieved or respondent.



Table 3.13 Type of appearance

	Source				total
	protection order	adjournment	application to revoke an order	adjournment application to revoke	
first appearance	602	787	157	93	1639
first appearance cross application	58	61	12	16	147
future application same people	68	76	17	7	168
future application cross application	15	10	4	9	38
past application same people	99	69	24	16	208
past application cross application	21	18	7	5	51
future application same aggrieved/ different respondent	2	2	0	0	4
past application same aggrieved/ different respondent	2	2	0	0	4
future application same respondent/ different aggrieved	10	9	1	2	22
past application same respondent/ different aggrieved	20	14	2	3	39
<b>Total</b>	<b>897</b>	<b>1048</b>	<b>224</b>	<b>151</b>	<b>2324</b>

Table 3.14 reveals that over 50% of the applicants were involved in multiple protection orders (or, that 44.4% were involved in only one protection order), including a number of cross-applications. Thus a small percentage of the sample account for a considerable amount of court time, with 57 individuals being involved in 3 or more protection orders and generating 22.6% of the protection orders (that is, the total of 602 individuals minus the 397 individuals involved in one protection order and the 148 involved in two protection orders).

*Table 3.14 Number of aggrieved and respondents who were involved in multiple protection orders*

no. of protection orders	aggrieved and respondents - individuals					Total - protection orders	
	Beenleigh	Ipswich	Southport	Brisbane	Total	N	%
1	122	62	99	114	397	398	44.4
2	53	19	40	36	148	296	33.0
3	14	4	9	11	38	114	12.7
4	2	2	5	4	13	52	5.8
5	1	0	1	0	2	10	1.1
6	1	0	1	1	3	18	2.0
7	0	0	0	0	0	0	0.0
8	0	0	0	0	0	0	0.0
9	0	0	1	0	1	9	1.0
total individuals	193	87	157	165	602		
total protection orders	289	121	246	241		897	100

Table 3.15 shows the kind of applications which account for the reappearance of either the aggrieved or the respondent, for each of the courts. This suggests that the high percentage of aggrieved or respondents involved in multiple protection orders for Southport is largely attributable to a high proportion of past applications involving the same aggrieved and respondent. Table 3.15 also indicates that it is respondents more so than aggrieved who are involved in multiple protection orders with different individuals (30 respondents, 4 aggrieved). This suggests the need for courts to have before them a domestic violence protection order history for respondents when making protection orders.

Table 3.15 Type of applications accounting for multiple appearances by court (percentages)

	Beenleigh		Ipswich		Southport		Brisbane	
	no.	%	no.	%	no.	%	no.	%
first appearance	193	66.8	88	72.7	156	63.7	165	68.2
first appearance cross application	23	8.0	6	5.0	13	5.3	16	6.7
future application same people	24	8.3	6	6.6	20	7.8	16	6.7
future application cross application	4	1.4	3	2.5	6	2.4	2	0.8
past application same people	26	9.0	10	8.3	37	15.1	26	10.9
past application cross application	3	1.0	4	3.3	8	3.3	6	2.5
future application same aggrieved	2	0.7	0	1.7	0	0	0	0
past application same aggrieved	1	0.3	0	0	1	0.4	0	0
future application same respondent	7	2.4	0	0	1	0.4	2	0.8
past application same respondent	6	2.1	2	1.7	4	1.6	8	3.3
Total (N)	289	100	121	100	246	100	241	100

Thus a considerable amount of court time is taken up with various aspects of processing the application - adjournments in fact exceeding the number of protection orders granted. Furthermore, more than half the individuals associated with one of the original 602 appearances appeared a second time, and a good proportion more than twice. Furthermore about 25% of the protection orders granted were the subject of a application to revoke or vary the order.

### 3.3 Factors affecting the outcome of applications

Table 3.16 summarises the outcomes of applications, revealing that protection orders are generally granted. Table 3.17 shows that applications for protection orders are most likely to be struck out in the Ipswich and Southport Magistrates Courts, although there is little variation in the outcome. This is not, however, the case when duration of protection orders is examined, Table 3.18 revealing that Ipswich Magistrates Court granted much shorter protection orders than the other three courts.

Table 3.16 Outcome of application for 602 original applications for protection orders

	applications (not cross-)		cross-applications	
	no.	%	no.	%
dismissed/struck out	15	2.8	2	3.4
adjourned	10	1.8	2	3.4
withdrawn	15	2.8	1	1.7
protection order made	430	79.0	41	70.7
adjourned temporary order made	74	13.6	12	20.7
total	544	100	58	100

Table 3.17 Outcome of application for 897 applications for protection orders (percentages)

	Beenleigh		Ipswich		Southport		Brisbane	
	no.	%	no.	%	no.	%	no.	%
dismissed/struck out	6	2.1	8	5.7	14	5.7	9	3.8
adjourned	7	2.4	1	4.1	10	4.1	4	1.7
withdrawn	8	2.8	4	2.8	7	2.8	9	3.8
protection order made	229	79.3	91	72.0	177	72.0	188	77.9
temporary protection order	39	13.4	17	15.4	38	15.4	31	12.9
total	289	100	121	100	246	100	241	100

Table 3.18 Mean length of time of order made by court (weeks)

	Beenleigh	Ipswich	Southport	Brisbane
mean duration of protection order	69.68	41.54	71.52	73.57
range	2-104	1-104	2-104	1-104

Table 3.19 shows that police officers are more likely to apply for protection orders in the Beenleigh Magistrates Court than in the other courts. Table 3.20, showing the outcomes of the order depending on the applicant, indicates that the higher percentage of applications made by police in the case of Beenleigh has an effect on the outcome. A protection order is more likely to be made where a police officer is the applicant and less likely to be dismissed/struck out or adjourned.

Table 3.19 Applicant for each court

	Beenleigh		Ipswich		Southport		Brisbane		Total
	no.	%	no.	%	no.	%	no.	%	
police	147	50.9	41	33.9	92	37.4	88	36.5	368
aggrieved person	142	49.1	80	66.1	154	62.6	153	63.5	529
total (N)	289	100	121	100	246	100	241	100	897

The differences between the courts are significant based on chi-squared test.

Table 3.20 Outcome of application by applicant

	Police		Aggrieved Person	
	no.	%	no.	%
dismissed/struck out	8	2.2	29	5.6
adjourned	11	3.0	10	1.9
withdrawn	15	4.1	13	2.5
protection order made	296	80.3	391	73.9
temporary protection order	38	10.3	86	16.2
total	368	100	529	100

Table 3.21 reveals the impact of the police officer as applicant on the duration of the protection order. The average duration of the protection order when the applicant was a police officer was 74.1 weeks (no cross-application) or 69.3 weeks (cross-application), while it was 53.5 weeks (no cross-application) or 56.4 weeks (cross-application) when the applicant was the aggrieved person.

Table 3.21: Duration of protection order by applicant

	no cross-application		cross-applications	
	mean	range	mean	range
Police	74.1	2-104	69.3	2-104
Aggrieved	53.5	1-104	56.4	1-104
Total	63.0	1-104	61.6	1-104

Table 3.22 identifies whether the outcome of the application depends on who is present in court. The results are not surprising given the legislation. The application is slightly more likely to be struck out if any of the aggrieved, respondent or police are not present in court, although the difference is greatest for the police. Adjournment is more likely if either aggrieved or respondent are present, but less likely if a police officer is present. As one would expect, more applications are withdrawn without the presence of these individuals. A temporary protection order is more likely when the aggrieved, respondent and police are not in court. These results again suggest the significance of police involvement in the outcome of protection orders.

Table 3.22: Who was present in court by outcome of the application

			no cross application					
present in court			outcome					total
			dismissed struck out	adjourned	withdrawn	protection order	temp. order	
aggrieved	yes	n	3	6	7	261	35	312
		%	1.0	1.9	2.2	83.7	11.2	100
	no	n	10	3	8	155	30	206
		%	4.9	1.5	3.9	75.2	14.6	100
respondent	yes	n	3	5	5	208	23	244
		%	1.2	2.0	2.0	85.2	9.4	100
	no	n	10	4	9	218	42	283
		%	3.5	1.4	3.1	77.0	14.8	100
police	yes	n	5	4	4	278	31	322
		%	1.6	1.2	1.2	86.3	9.6	100
	no	n	8	5	11	148	33	205
		%	3.9	2.4	5.4	72.2	16.1	100
other	yes	n	1	0	3	41	6	51
		%	2.0	0.0	5.9	80.4	11.8	100
	no	n	1	0	0	3	0	4
		%	25.0	0.0	0.0	75.0	0.0	100
			cross application					
aggrieved	yes	n	3	4	2	46	18	73
		%	4.1	5.5	2.7	63.0	24.7	100
	no	n	2	0	2	32	4	40
		%	5.0	0.0	5.0	80.0	10.0	100
respondent	yes	n	3	4	2	46	17	72
		%	4.2	5.6	2.8	63.9	23.6	100
	no	n	2	0	2	33	5	42
		%	4.8	0.0	4.8	78.6	11.9	100
police	yes	n	2	4	2	45	8	61
		%	3.3	6.6	3.3	73.8	13.1	100
	no	n	3	0	2	36	22	55
		%	5.5	0.0	3.6	65.5	25.5	100
other	yes	n	0	2	1	4	4	11
		%	0.0	18.2	9.1	36.4	36.4	100
	no	n						
		%						

Thus there is significant variability in the duration of protection orders between the courts, although not in the outcome of orders. An order is more likely to be made and to be of longer duration if a police officer is the applicant, suggesting the significance of procedures at the Beenleigh Magistrates Court which operates in close liaison with police officers whose particular function is to work with the domestic violence legislation, attempting to ensure that the aggrieved is protected from future likely domestic violence.

### 3.4 Involvement with the Queensland Police Service

The previous sections described the characteristics of aggrieved and respondents who were a party to a protection order in January 1994, and all the protection orders in which at least one of these parties was involved from the inception of the legislation in 1989 until mid 1996 when the data was collected. The data in this section are based on two QPS systems, CRISP and criminal histories. CRISP, the Crime Recording Information System for Police, was introduced in December 1994 and only records those who have come in contact with the QPS since that date. These contacts with the QPS are not only for offending but may include a range of non-offending contacts such as complainant, witness, informant, or suspect. The other data source used for the next two sections is that of criminal histories. These are collected over the life time of the individuals concerned.

Table 3.23 below shows the number of aggrieved and respondents who were entered on CRISP and the percentages who either had some or no contact with the QPS since the inception of CRISP. The table also shows the number of aggrieved and

respondents for whom a criminal history is recorded based on searching the Queensland Persons of Interest data base. This table provides an indication of the level of contact the recipients of a protection order have with the QPS. Of recipients of protection orders without a cross application, 66.6% of the aggrieved, 58.3% of the female respondents, and 76.6% of male respondents had some contact with the QPS. More male aggrieved had a criminal history (35.4%) than female aggrieved (25.8%) and over half of the respondents had a criminal history (65.2% of male respondents and 33.3% of female respondents). Of recipients of protection orders with a cross application, more than 75% had some contact with the QPS and 35.9% of female recipients and 55.5% of male recipients had a criminal history. In terms of the data for contact, but not for criminal histories, it is possible that some of the contact was a result of an application for a protection order in which a police officer acted as the applicant. However, as a protection order is not a criminal matter, this caveat does not apply to contact with the QPS as an offender, and it is this data which is of more interest in the present study.

Table 3.23: Aggrieved and respondents' contact with the QPS

CRISP	Criminal history	No cross application											
		Aggrieved				Respondent				Cross Applicant			
		Female		Male		Female		Male		Female		Male	
		N	%	N	%	N	%	N	%	N	%	N	%
Yes	Yes	100	21.0	8	23.6	11	30.5	253	54.8	18	34.0	27	50.0
No	Yes	23	4.8	4	11.8	1	2.8	48	10.4	1	1.9	3	5.5
Yes	No	191	40.0	11	32.3	9	25.0	53	11.4	21	39.6	13	24.1
No	No	163	34.2	11	32.3	15	41.7	108	23.4	13	24.5	11	20.4
	Total	477	100	34	100	36	100	462	100	53	100	54	100
	Missing	29		4		2		44		5		4	
	Total	506		38		38		506		58		58	



Tables 3.24 to 3.26 show all types of involvement for the aggrieved and respondents with the QPS over the period from December 1994 to mid 1996 (that is entries recorded on CRISP). Table 3.24 describes the contact of the aggrieved in the non-cross-application sample. From the table it can be seen that 8.8% of male aggrieved and 17.0% of female aggrieved had at least one contact with the QPS as an offender. Male aggrieved had a far higher number of contacts as offenders (an average of 6.3 for males, 2.8 for females). Most of the contact the male aggrieved had was as a complainant (23.5%) while for the female aggrieved it was as a witness (18.3%).

*Table 3.24: Distribution of CRISP entries for aggrieved with non-cross-applications*

Type of CRISP entry	Frequency of persons		Minimum no. of entries		Maximum no. of entries		Average no. of entries	
	Male N (%)	Female N (%)	Male	Female	Male	Female	Male	Female
Offender	3 (8.8%)	82 (17.0%)	4	1	9	41	6.3	2.8
Complainant	8 (23.5%)	78 (16.2%)	1	1	3	16	1.9	1.7
Informant	7 (20.6%)	82 (17.0%)	1	1	2	8	1.3	1.4
Witness	2 (5.9%)	88 (18.3%)	1	1	1	2	1.0	1.1
Suspect	0 (0.0%)	16 (3.3%)	0	1	0	5	0	1.4
CO	0 (0.0%)	7 (1.5%)	0	1	0	1	0	1.0
Other	0 (0.0%)	7 (1.5%)	0	1	0	1	0	1.0
No CRISP contact	15 (44.1%)	186 (38.7%)						
<b>Total*</b>	<b>34</b>	<b>481</b>						

\*Note There were 4 missing male and 25 missing female records

\*Numbers do not total as a person may have contact in more than one CRISP category

From Table 3.25 it can be seen that (non-cross application) respondents' contact with the QPS occurs mainly as offenders in the case of male respondents and as complainants in the case of female respondents. Thus 48.9% of male respondents had contact as offenders and 27.0% as complainants. 22.2% of female respondents had contact as offenders and 38.9% as complainants. The average number of contacts as offenders for male respondents was 3.8 and for female respondents was 2.3, with contacts of an average of 1.6 (males) and 2.8 (females) as complainants.

*Table 3.25: Distribution of CRISP entries for respondents for non-cross-applications*

Type of CRISP entry	Frequency of persons		Min. no. of entries		Max. no. of entries		Average no. of entries	
	Male N (%)	Female N (%)	Male	Female	Male	Female	Male	Female
Offender	228 (48.9%)	8 (22.2%)	1	1	15	6	3.8	2.3
Complainant	126 (27.0%)	14 (38.9%)	1	1	5	10	1.6	2.8
Informant	36 (7.7%)	9 (25.0%)	1	1	6	12	1.6	2.6
Witness	19 (4.1%)	4 (11.1%)	1	1	2	1	1.1	1.0
Suspect	49 (10.5%)	5 (13.9%)	1	1	3	2	1.1	1.2
CO	23 (4.9%)	0 (0.0%)	1	0	5	0	1.4	0
Other	23 (4.9%)	0 (0.0%)	1	0	5	0	1.4	0
No CRISP contact	161 (33.5%)	24 (66.6%)						
<b>Total*</b>	<b>466</b>	<b>36</b>						

\* There were 40 male and 2 female missing entries

\*Numbers do not total as a person may have contact in more than one CRISP category

From Table 3.26, it can be seen that contact for parties involved in cross-applications was also primarily as either offender or complainant. 43.6% of males and 29.6% of females had contact as offenders, while 63.6% of males and 55.5% of females had contact as complainants. Given that the percentage of females having contact as offenders is higher in the cross-application category than in non-cross-applications, in combination with the data in Table 3.2 indicating key police involvement in cross-applications, the circumstances surrounding and the participants in cross-applications deserve further study.

Table 3.26: *Distribution of CRISP entries for cross-applications*

Type of CRISP entry	At least one entry		Minimum no. of entries		Maximum no. of entries		Average no. of entries	
	Male N (%)	Female N (%)	Male	Female	Male	Female	Male	Female
Offender	24 (43.6%)	16 (29.6%)	1	1	12	15	3.7	4.1
Complainant	35 (63.6%)	30 (55.6%)	1	1	5	7	1.9	1.9
Informant	10 (18.2%)	12 (22.2%)	1	1	6	3	1.6	1.3
Witness	4 (7.3%)	3 (5.6%)	1	1	1	1	1.0	1.0
Suspect	5 (9.1%)	4 (7.4%)	1	1	3	2	1.5	1.3
CO	5 (9.1%)	3 (5.6%)	1	1	3	1	1.5	1.0
Other	5 (9.1%)	3 (5.6%)	1	1	3	1	1.5	1.0
No CRISP contact	24 (43.6%)	22 (40.7%)						
<b>Total*</b>	<b>55</b>	<b>54</b>						

\*There were 3 missing male records and 4 missing female records

\*Numbers do not total as a person may have contact in more than one CRISP category

Given that the highest amount of contact female aggrieved had with the QPS, as recorded by CRISP, was as a witness, Table 3.27 below analyses the contact type by whether the contact was in relation to personal offence, property offence, drug offence, other offences or a breach of a domestic violence order. The recipients of an order had a total of 2470 contacts in the two year period. For non-cross applications, the majority of contact the aggrieved had was as a complainant either for a personal or a property offence or as a property offender. For the respondents, the majority of the contacts were as an offender either for a personal and a property offence or as a complainant in a property offence. For cross-applicants the majority of contact was as an offender or a complainant for a personal or a property offence.

Table 3.27 CRISP entries by offence type and contact type

no cross application - aggrieved (n = 544)							
offence type	type of contact						total
	offender	complainant	informant	witness	suspect	other	
personal	32	77	12	15	2	0	138
property	110	255	28	7	12	2	414
drug	27	2	0	0	1	0	30
other	73	32	6	1	6	3	121
breach p.o	0	39	84	0	0	0	123
<b>total</b>	<b>244</b>	<b>405</b>	<b>130</b>	<b>23</b>	<b>21</b>	<b>5</b>	<b>826</b>

no cross application - respondent n = (544)							
type of offence	type of contact						total
	offender	complainant	informant	witness	suspect	other	
personal	193	43	4	11	6	9	266
property	222	176	51	11	29	14	503
drug	91	1	0	0	0	0	92
other	290	19	12	2	15	5	343
breach p.o	94	0	13	0	12	1	120
<b>total</b>	<b>890</b>	<b>239</b>	<b>80</b>	<b>24</b>	<b>62</b>	<b>29</b>	<b>1324</b>

cross application (n = 116)							
type of offence	type of contact						total
	offender	complainant	informant	witness	suspect	other	
personal	26	28	4	1	0	2	61
property	59	73	8	3	5	3	151
drug	13	1	0	1	2	0	17
other	40	8	5	0	2	0	55
breach p.o	10	10	12	1	2	1	36
<b>total</b>	<b>148</b>	<b>120</b>	<b>29</b>	<b>6</b>	<b>11</b>	<b>6</b>	<b>320</b>

### 3.5 Criminal histories of parties to domestic violence order applications

Where the above set of tables identifies any record in CRISP noting parties to a domestic violence application as an offender, complainant and so on, Tables 3.28, 3.29 and 3.30 provide summary data on those individuals who have a criminal history with the QPS. 59.5% of males in the total court sample have a criminal history while 30.6% of females have a criminal history (Table 3.23). This surprising data bears comparison with the total population.

Unfortunately, there is almost no data on the general population's criminal involvement with the criminal justice system. The Royal Commission into Aboriginal Deaths in Custody found that in its survey month in 1988, 1.1% of the general population and 28.6% of the Aboriginal population was taken into custody. For Queensland the overall rate was 2.4% (Johnston, 1991:221,223). David Brereton (pers.comm., 1997) indicated that the QPS have 430,000 finger prints on record. While this number must include accumulated (dead or now out of state) people, 40,000 were added over the last three years. Thus in a Queensland population of 2,977,813 at the 1991 Census, the maximum percentage who could have fingerprint records are 14.4%. Given a stable split of 84% male and 16% female (the percentage who appear in Magistrates Courts - Criminal Justice Commission, 1996:10), a maximum of about 3% of Queensland females and 25% of Queensland males have fingerprint records. In a recent survey of defendants before Magistrates Courts, 63% of the sample indicated that they 'had previously been in trouble with the police' (Criminal Justice Commission, 1996:13). Clearly, then, those involved in domestic

violence applications, both men and women, and as either aggrieved or respondent are more likely to have a criminal history than the population at large. This is in line with the findings reported in Chapter One for the United States, where a survey found that 65% of respondents had a previous record for any crime and 53% for violent crimes (Keilitz et al,1996:9).

Table 3.28 reveals the length of criminal histories, counted as the most recent entry subtracted from the earliest entry. The table shows that in all groups males had a longer average criminal history than females, the longest being for males involved in cross-applications at 11.9 years. This was also the group of females with the longest average criminal history, at 4.3 years, again demonstrating the unusual nature of the cross-application group.

*Table 3.28: Length of criminal history ( years)*

	Aggrieved			Respondent			Cross-application		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Minimum	< 1	< 1	< 1	< 1	< 1	< 1	< 1	< 1	< 1
Maximum	36	10	36	16	18	18	27	21	27
Average	8.2	1.3	8.0	6.1	3.4	3.7	11.9	4.3	9.0

Table 3.29 shows that the contact most individuals have with the criminal justice system does not lead to gaol sentences. Thus only 47 males in the total sample and 3 females had been gaoled for offences against the person, although 90 males and 7 females had been gaoled for offences against property. The group most likely to be gaoled for either personal or property offences are male respondents, at 9.0% for

personal offences and 18.2% for property offences. Female cross-applicants also have a high rate of incarceration for personal offences, again suggesting the particular characteristics of the cross-application sample.

*Table 3.29: Number of individuals gaoled for offences*

	Aggrieved		Respondent		Cross-application	
	N (%)		N (%)		N (%)	
	Male	Female	Male	Female	Male	Female
Personal	1 (2.9%)	2 (0.4%)	40 (9.0%)	0	6 (10.9%)	1 (18.5%)
Property	2 (5.9%)	4 (.8%)	81 (18.2%)	0	7 (12.7%)	3 (5.6%)
Ever	2 (5.9%)	6 (1.2%)	91 (20.4%)	0	10 (18.2%)	3 (5.6%)
Missing records	4	29	44	2	4	5
<b>Total</b>	<b>34</b>	<b>477</b>	<b>462</b>	<b>36</b>	<b>54</b>	<b>53</b>

Tables 3.30 and 3.31 show the distribution of charges across ANCO categories for those who have a criminal history in each category. (See Appendix 6 for a summary of the ANCO or Australian National Classification of Offences Categories). There were a large number of missing criminal histories, that is entries that identified the individual as having a criminal history on the QPI but for whom no criminal history could be found. These are likely to be individuals who had only one or two contacts with the QPS.

Most charges are in the property and minor offence categories, for example burglary and break and enter, theft, illicit drug offences, traffic offences, public order and property damage. In Table 3.30, showing offences for aggrieved and respondents (no-



cross-application), the most common charges for aggrieved are theft (43.0%), offences against justice procedures (35.6%) and illicit drug offences (32.6%). For respondents, the most common offences are road traffic offences (50.8%), theft and offences against justice procedures (49.5%). But acts intended to cause injury are also high, 42.2% of the sample with criminal histories having an offence of this sort. 132 respondents (of a total sample of 544) had been charged with an act intended to cause injury, or over 20% of the total sample. In terms of all appearances in Magistrates Courts 1993-94 (not directly comparable because of under-representation of crimes), acts intended to cause injury are disproportionately represented in the present sample. Thus appearances for homicide (less than 1%), sexual assault (1%) and assault (9%) in the total sample may be compared with 42.2% of the sample in this study with criminal histories who had been charged for acts intended to cause injury. The total Magistrates Court data on appearances also reveals a high incidence of theft (14%), drug offences (16%) and public order offences (27%) (Criminal Justice Commission 1996:13).

Table 3.30 Distribution of charges across ANCO categories for aggrieved and respondents for non - cross-applications

ANCO Category	Number with charges		Maximum number of charges		Average number of charges	
	Aggrieved N (%)	Respondent N (%)	Aggrieved N (%)	Respondent N (%)	Aggrieved N (%)	Respondent N (%)
Homicide	1 (0.7%)	6 (1.9%)	1	3	1.0	2.6
Acts intended to cause injury	23 (17.0%)	132 (42.2%)	3	20	1.5	2.6
Sexual Assault	2 (4.5%)	23 (7.3%)	5	17	3.0	2.8
Negligent or reckless acts harming persons	2 (4.5%)	13 (4.1%)	1	8	5.0	3.2
Abduction	0 (0.0%)	14 (4.5%)	0	8	0.0	1.6
Robbery and extortion	2 (4.5%)	15 (4.8%)	1	26	1.0	3.2
Burglary and break and enter	17 (12.6%)	95 (30.3%)	168	36	12.9	4.3
Theft	58 (43.0%)	155 (49.5%)	127	30	5.2	4.8
Deception offences	30 (22.2%)	71 (22.7%)	102	98	5.4	6.5
Illicit drug offences	44 (32.6%)	129 (41.2%)	14	18	2.6	3.4
Weapons and explosives offences	3 (2.2%)	41 (13.1%)	2	5	1.3	1.6
Property damage	19 (14.1%)	96 (30.7%)	3	12	1.4	2.3
Public order	34 (25.2%)	125 (39.9%)	13	30	2.1	2.8
Road Traffic	25 (18.5%)	159 (50.8%)	10	26	2.1	4.6
Offences against justice procedures	48 (35.6%)	155 (49.5%)	7	23	2.1	3.7
Miscellaneous	7 (5.2%)	27 (8.6%)	1	10	0.9	2.4
Breach of a Protection Order	0 (0.0%)	88 (28.1%)	0	8	0.0	1.7

NB: There were 29 and 42 missing records for the aggrieved and respondents respectively

NB: Percentages are based on a total of 135 and 313 aggrieved and respondents respectively

Table 3.31 shows a similar picture for gender, not surprising given that most respondents are male and most aggrieved female. Again females with a criminal history are most likely to be charged with theft (40.0%), illicit drug use (31.1% or offences against justice procedures (34.1%). On the other hand, males, while also charged with these offences, are likely additionally to be charged with acts intended to cause injury (41.8%). 131 males were so charged in a total sample of 506 males, again about 20% of the total male population in the original Magistrates Court sample.

When the criminal histories of the recipients of cross applications are examined, females are less likely than males to have a criminal history involving violent offences (Table 3.32). The categories of offences that females are most frequently charged with are theft (47.5%) and offences against justice procedures (42.1%). Male recipients of a cross application were most frequently charged with acts intending to cause injury (50.0%).

Table 3.31: Distribution of charges across ANCO categories for males and females for non - cross-applications

ANCO Category	Number with charges		Maximum number of charges		Average number of charges	
	Male N (%)	Female N (%)	Male N (%)	Female N (%)	Male N (%)	Female N (%)
Homicide	6 (1.9%)	1 (0.7%)	3	1	2.3	1.0
Acts intended to cause injury	131 (41.8%)	24 (17.8%)	20	3	2.6	1.5
Sexual Assault	24 (7.7%)	1 (0.7%)	17	1	2.9	1.0
Negligent or reckless acts harming persons	12 (4.1%)	2 (1.5%)	8	1	3.2	0.5
Abduction	14 (4.5%)	0 (0.0%)	8	0	1.6	0.0
Robbery and extortion	15 (4.8%)	2 (1.5%)	26	1	3.2	1.0
Burglary and break and enter	98 (31.3%)	14 (10.4%)	36	168	4.2	15.2
Theft	159 (50.8%)	54 (40.0%)	30	127	4.8	5.1
Deception offences	73 (23.3%)	28 (20.7%)	98	102	6.3	5.7
Illicit drug offences	131 (41.8%)	42 (31.1%)	18	14	3.4	2.6
Weapons and explosives offences	41 (13.1%)	3 (2.2%)	5	2	1.6	1.3
Property damage	99 (31.6%)	16 (11.8%)	12	3	2.3	1.3
Public order	127 (40.6%)	32 (23.7%)	30	13	2.8	2.2
Road Traffic	164 (52.4%)	20 (14.8%)	26	5	4.6	1.6
Offences against justice procedures	157 (50.2%)	46 (34.1%)	23	7	3.7	2.0
Miscellaneous	27 (8.6%)	7 (5.2%)	9	10	2.4	2.1
Breach of a Protection Order	84 (26.8%)	4 (3.0%)	8	2	1.8	1.3

NB: There were 27 and 44 missing records for the males and females respectively

NB: Percentages are based on a total of 135 and 313 females and males respectively

ANCO Category	Number with charges		Maximum number of charges		Average number of charges	
	Male N (%)	Female N (%)	Male N (%)	Female N (%)	Male N (%)	Female N (%)
Homicide	2 (6.6)	0	1		1.0	
Acts intended to cause injury	15 (50.0)	6 (31.6)	10	2	3.1	1.3
Sexual Assault	3 (10.0)	0	1		1.0	
Negligent or reckless acts harming persons	6 (20.0)	0	4		2.3	
Abduction	1 (3.3)	0	1		1.0	
Robbery and extortion	2 (6.6)	0	1		1.0	
Burglary and break and enter	12 (40.0)	4 (21.0)	46	16	5.7	5.0
Theft	17 (56.7)	9 (47.4)	25	14	5.8	3.9
Deception offences	7 (23.3)	5 (26.3)	27	11	7.0	3.4
Illicit drug offences	7 (23.3)	5 (26.3)	13	15	5.6	5.2
Weapons and explosives offences	3 (10.0)	2 (10.5)	4	1	2.3	1.0
Property damage	8 (26.7)	2 (10.5)	4	1	1.6	1.0
Public order	11 (36.7)	7 (36.8)	9	3	3.4	1.7
Road Traffic	14 (46.7)	5 (26.3)	17	18	5.4	5.0
Offences against justice procedures	13 (43.3)	8 (42.1)	14	8	4.5	2.4
Miscellaneous	3 (10.0)	0	3		2.3	
Breach of a Protection Order	10 (33.3)	5 (26.3)	5	2	1.8	1.2

NB: There were 5 female and 4 male missing records

NB: Percentages are based on a total of 19 females and 30 males

We now turn to breaches of domestic violence orders within the context of overall criminal histories. Table 3.30 showed that 28.1% of respondents who had a criminal history had been charged with a breach of a domestic violence order, suggesting a strong relationship between criminal activities in general and the likelihood of breaching a domestic violence order. This percentage represents 88 individuals, or 16.2% of the total sample. 84 males had been charged with breaches of domestic violence orders, 26.8% of the sample with a criminal history and 16.7% of the total sample.

From Table 3.33 it can be seen that those who breach domestic violence orders are consistently more 'criminal' than those who do not. Although their criminal histories are not significantly longer (8.9 years compared with 7.8 years), overall they have significantly more total charges (19.5 compared with 13.2). Furthermore, they have significantly more charges for personal offences compared with non-breaches (3.9 compared with 1.3). This compares with the survey reported in Chapter One, which found that men with criminal histories were more likely to violate the order, while those with arrest histories for drug and alcohol related crime and violent crime tended to engage in more intense abuse of their partners than did other respondents (Keilitz et al, 1996:9).

Table 3.33: Respondents' criminal history by whether they have breached a domestic violence protection order

	D.V.O. breached		D.V.O. not breached	
	mean	SD	mean	SD
length of criminal history (years)	8.9	8.7	8.0	8.1
total personal offences*	3.9	4.3	1.3	2.6
total property offences	7.3	18.3	4.6	9.5
total drug offences	1.3	2.8	1.4	2.7
total other offences	7.0	11.0	6.0	8.5
total offences*	19.5	29.0	13.2	18.6
Total number	103		259	

\* p&lt;.05

If a recipient had a conviction relating to a violent offence or a conviction for a breach of a protection order information concerning this offence was also collected from the QP9s concerning facts of the matter. Overall, information was collected on 542 such offences. In Table 3.34 it can be seen that a high percentage of assaults (36.1%) and of unlawful wounding (82.1%) are committed on those with whom the assailant is in a relationship.

Table 3.34: Distribution of offence by relationship of victim to offender

Relationship of victim to offender	Nature of offence			
	Assault	Breach of protection order	Unlawful wounding	Other
	N (%)	N (%)	N (%)	N (%)
Police	62 (26.1%)			1 (2.3%)
Relationship	86 (36.1%)	165 (96.5%)	23 (82.1%)	22 (50.0%)
Other family	19 (8.0%)	1 (0.6%)		8 (18.2%)
Other known	36 (15.1%)	2 (1.2%)	3 (10.7%)	10 (22.7%)
Unknown	38 (16.0%)		2 (7.1%)	3 (6.8%)
Missing records	31 (11.5%)	10 (5.5%)	9 (24.3%)	11 (20%)

In summary, this data indicates that the recipients of domestic violence protection orders have considerable contact with the Queensland Police Service. While much of

this contact is in relation to offending, they also have contact with the police as complainants, witnesses and suspects. It is apparent from examining this data that the recipients of a cross-application have more, and more severe contact with the criminal justice system than recipients of a protection order where there is no cross-application

### 3.6 Summary

The police are active in taking out cross-applications, suggesting particular use by police of the cross-application facility under the legislation. Furthermore, police officers were particularly active in taking out cross-applications on the same day. Eight of the 40 cross-applications not taken out on the same day were originated by males, a higher proportion of males being first applicants than in the sample of applications which resulted in no cross applications.

Protection orders are generally granted, although there is variation between courts in terms of the length of the order. A protection order is more likely to be made where a police officer is the applicant and the order is of an average longer duration. In comparison with the other courts, police officers are more likely to be the applicant for a protection order in the Beenleigh Magistrates Court.

A high proportion of those involved in domestic violence applications are involved in more than one appearance and, more significantly, more than one application order, either with the same party or with a different party. Respondents more so than aggrieved are involved in multiple protection orders with different individuals.

Individuals involved in protection orders appear considerably more likely than the total population to have involvement with the police. This includes criminal involvement and



even gaol sentences. Males were more likely than females to have a criminal history and respondents more likely than aggrieved. Males had a longer average criminal history than females, the longest being for males involved in cross-applications. The group most likely to be gaoled for either personal or property offences are male respondents. Much of this criminal history relates to minor offences, although males are almost as likely to be charged for acts intended to cause injury and public order offences. 42.2% of respondents with a criminal history had been charged with offences for acts intended to cause injury, and about 20% of the total male sample was so charged.

In terms of demographic characteristics, individuals involved in cross-applications are similar to those involved in applications. However, females involved in cross-applications are more likely to have contact with the police as offenders than are female aggrieved and respondents. Both males and females involved in cross-applications had criminal histories of a longer average than those of each sex involved as either aggrieved or respondent in applications where there was no cross-application. Female, but not male, cross-applicants have a high rate of incarceration. This data suggests the cross-application sample is a different sub-sample from the general sample.

Those who have been charged with breaching a domestic order are more likely to have a criminal history and of a longer period than those who have not. A high percentage of assaults and of unlawful wounding are committed on those with whom the assailant is in a relationship, as opposed to other family member, or other known or unknown persons.

This study identifies some of the characteristics of those who appeared before four Magistrates Courts in relation to applications for protection orders; the study does not describe all those who experience domestic violence, which occurs in all classes and ethnic groups. Thus these findings **cannot** be interpreted to indicate that domestic violence and other acts intended to cause injury are more likely to be found among

individuals who are disadvantageded in terms of income, occupation, education, ethnicity. Women with an independent income have greater access to other alternatives besides applying for a protection order. Furthermore, people living in disadvantaged areas (which is the measure of disadvantage used in this study) are probably more exposed to police intervention when domestic violence occurs. Respondents, and aggrieved too, may be drawn into the criminal justice system against their wishes. Households in disadvantaged areas are not only at more risk of police intervention, but also of accidents and illnesses (Pierce and Spaar, 1992: 73-4), suggesting that structural or society-wide factors are at work in explaining the disproportionate likelihood that those with a protection order application history will also have a criminal history. This research suggests the need to explore the extent to which people involved in protection order applications have chosen this solution to their domestic violence situation and the extent to which they have become involved in this process through lack of alternative strategies.

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## **Appendix 1**

### **Steering Committee Membership**

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Humanities, Griffith University

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Mr. Bruce MacGregor,  
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Department of Justice and Attorney General

Mr Bruce Mortimer  
Manager, Information Planning Branch,  
Queensland Police Service (from February 1996)

Heather Nancarrow,  
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Domestic Violence Policy Unit,  
Department of Family Services and  
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Senior Sergeant Judi Newman,  
Officer in Charge of Domestic Violence Co-ordination Office,  
Queensland Police Service

Mr. Barry Read,  
Executive Manager Magistrates Court Branch,  
Department of Justice and Attorney General

Dr. Anna Stewart (Co-Principal Investigator)  
School of Justice Administration, Griffith University

**Appendix 2**

**Application Form for Protection Order**





# Respondent Spouse details

A respondent spouse is the person against whom the protection order is sought.

If unsure of the respondent spouse's full details, provide as much information as possible.

6 Family name

Given name/s

Address (if known)

---

---

---

Postcode

Suggested other places where respondent may be contacted

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Male  Female  (please tick)

Date of Birth

 /  / 19

Place of Birth (please tick)

Australia

Overseas Country  please specify below

7 Does the respondent spouse speak a language other than English at home? (please tick)

No

Yes  please specify below

8 Is the respondent spouse of Aboriginal or Torres Strait Islander origin? (please tick)

No

Yes

Aboriginal

Torres Strait Islander

# Applicant details

9 Is the applicant

The aggrieved spouse  1 go to 12

A member of the Qld Police Service  2 go to 10

A person authorised by the aggrieved spouse  3 go to 11

# Applicant Police Officer details

To be completed by a member of the Queensland Police Service only.

10 Family name

Given name/s

Rank

Station

Registered Number

Has the aggrieved spouse been advised of this application?

No  Yes  (please tick)

Has this application resulted from the detention of the respondent spouse?

No  Yes  (please tick)

Has a temporary order been sought under Section 54?

No  Yes  (please tick)



## Weapons details

- 16** Does the respondent spouse possess any weapons or items used or threatened to be used as weapons?  
(please tick)

No

Yes  give details

Type of weapon                      Current location of weapon

Type of weapon	Current location of weapon

- 17** Were weapons used or threatened to be used in the latest incident? (please tick)

No

Yes  give details


If the aggrieved spouse/police officer/authorised person does not wish to disclose the address of any relatives/associates to be protected, insert an address where correspondence can be sent. A copy of this application will be given to the respondent spouse.

Child/ren / Other relative/s name/s and address/es  
(show relationship in brackets)


Associate/s name/s and address/es


## Relatives and Associates details

**Associated Domestic Violence** is defined under Queensland law as any of the following acts that a respondent spouse has committed against any relatives or associates of the aggrieved spouse - wilful injury, wilful damage to property of the relative or associate, intimidation or harassment, or a threat to commit any of the acts mentioned above.

If relatives or associates of the aggrieved spouse are also subject to domestic violence by the respondent spouse, they can be named in a protection order issued as a result of an application by or on behalf of the aggrieved spouse. They cannot make an application on their own behalf under the Domestic Violence (Family Protection) Act 1989.

- 18** Are any relatives or associates of the aggrieved spouse to be protected by any order made as a result of this application? (please tick)

No  go to 20

Yes

State the name and address of relatives or associates in the next column.

- 19** What are the reasons for requesting protection for these relative/s or associate/s? (please tick)

The respondent spouse has committed one or more of the following acts and is likely to commit the act/s again.

Wilful injury to a relative or associate  1

Wilful damage to the property of a relative or associate  2

Intimidation or harassment of a relative or associate  3

The respondent spouse has threatened to commit one or more of the following acts and the threat is likely to be carried out.

Wilful injury to a relative or associate  4

Wilful damage to the property of a relative or associate  5

Intimidation or harassment of a relative or associate  6

# Other Orders

**20** Are there any other orders? (please tick)

No

Yes

(please tick)

Current Not Current

Children's Court orders

Queensland Domestic Violence order

Interstate Domestic Violence order

Family Court orders (Access to children as per the Family Law Act 1975 can be arranged by a third party)

Other orders (please specify)

\_\_\_\_\_    
 \_\_\_\_\_

Residence


Work


Other frequented place/s


# Protection Conditions sought by applicant

Conditions A, B, C, D, are set conditions

**A** The respondent spouse must be of good behaviour towards the aggrieved spouse and not commit domestic violence;

**B** The respondent spouse must be of good behaviour towards any aggrieved relative/s or associate/s and not commit an act of associated domestic violence against the aggrieved relative/s or associate/s;

**C** The respondent spouse must not possess a weapon for the duration of the order;

**D** All weapons licences issued in the name of or in relation to the respondent spouse to be cancelled.

Conditions E, F, G, H, I, may also be sought by the applicant.

**21** Which of the following conditions do you also require? (please tick)

**E** Do you wish to prohibit the respondent spouse from entering or remaining in specified premises?

No  go to F

Yes  give address details in next column

**F** Do you wish to prohibit the respondent spouse from approaching the aggrieved spouse or any aggrieved relative/s or associate/s (including a specified distance?)

No  go to G

Yes  give details


**G** Do you wish to prohibit the respondent spouse from contacting the aggrieved spouse or any aggrieved relative/s or associate/s?

No  go to H

Yes  give name/s


**H** Do you wish to prohibit specified behaviour of the respondent spouse towards a child/ren of the aggrieved spouse?

No  go to I

Yes  give details of child/ren's name/s and behaviour to be prohibited


**I** Other conditions (if insufficient space, please attach an additional sheet)


## Court Process

Does the aggrieved spouse require Police Officer representation at the hearing of the application?  
(please tick)

No  Yes

**COURT:** The court process is intended to be straightforward. However, applicants may prefer to engage a solicitor. If the applicant is the aggrieved spouse, a member of the Queensland Police Service may appear and act in court on behalf of the applicant. If assistance is being sought a Police Officer should be contacted at least 7 days before the hearing, or as early as possible. If the applicant is an authorised person, the applicant must have at the court hearing the written authority of the aggrieved spouse and must seek the leave of the court to proceed with the application.

The application should be lodged with the Magistrates Court where a time and place for the hearing will be allocated.

A copy of this application and summons must be served on the respondent spouse. The Clerk of the Court will arrange service of the application and summons by delivering two copies to the Police Officer in charge of the area in which the respondent spouse lives or was last known to reside. The Police Officer will then serve the papers on the respondent spouse.

**COSTS:** Costs will not be awarded upon this application except where the court dismisses the application as malicious, deliberately false, frivolous or vexatious, when it may award costs against the applicant.

## DECLARATION

*The applicant must sign this application in the presence of a Justice of the Peace.*

I, the abovenamed applicant, do solemnly and sincerely declare that I have authority to make this application and that the details set out in the preceding paragraphs are true to the best of my knowledge and belief.

AND I hereby apply for a protection order against the abovementioned respondent spouse.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act 1867.

Applicant's signature

--

Signed at:

Place

--

Date

	/	/
--	---	---

before me

Witness

--

Justice of the Peace







# Temporary Protection Order

Domestic Violence (Family Protection) Act 1989

Court File No.	/
Police System Index No.	

In the Magistrates/ District/ Supreme Court of Queensland at:

In the matter of an application for a protection order / a person guilty of an offence involving domestic violence / a domestic violence order by consent

AGGRIEVED SPOUSE \_\_\_\_\_  
and  
RESPONDENT SPOUSE \_\_\_\_\_

*Domestic Violence is defined under Queensland law as any of the following acts that a person has committed against his or her spouse - wilful injury, wilful damage to the spouse's property, intimidation or harassment of the spouse, indecent behaviour to the spouse without consent, or a threat to commit any of the acts mentioned above.*

*Associated Domestic Violence is defined under Queensland law as any of the following acts that a respondent spouse has committed against any relatives or associates of the aggrieved spouse - wilful injury, wilful damage to property of the relative or associate, intimidation or harassment, or a threat to commit any of the acts mentioned above.*

WHEREAS it appears to the court that an act of domestic violence has been committed against the aggrieved spouse:

and  
the aggrieved spouse/ aggrieved person is in danger of personal injury or  
the property of the aggrieved spouse/ aggrieved person is in danger of substantial damage:

**THE COURT DOES HEREBY ORDER:**

- 1 The respondent spouse must be of good behaviour towards the aggrieved spouse and must not commit domestic violence;
- 2 The respondent spouse must be of good behaviour towards any aggrieved person named in this order and not commit an act of associated domestic violence against the aggrieved person;
- 3 The respondent spouse must not possess a weapon for the duration of the order;
- 4 All weapons licences issued in the name of or in relation to the respondent spouse are hereby suspended and the name of the respondent spouse endorsed on any weapons licence as the representative of a body corporate or firm is hereby removed;

*(Insert other conditions imposed on the respondent spouse)*

**PEOPLE PROTECTED BY THIS ORDER:**

Aggrieved spouse \_\_\_\_\_  
Aggrieved persons  
Child/ren of aggrieved spouse \_\_\_\_\_  
\_\_\_\_\_  
Other relative/s of aggrieved spouse \_\_\_\_\_  
\_\_\_\_\_  
Associate/s of aggrieved spouse \_\_\_\_\_

This order shall, unless sooner revoked or varied, continue in force up to and including ..... 19 ..  
*(next appearance date)*

Application made by: *(if applicable)*

*\*Aggrieved spouse/ Police Officer/ Authorised person*

*\*Delete whichever is not applicable*

**NOTES TO THE RESPONDENT SPOUSE**

**Penalty:** If you knowingly fail to comply with any conditions listed in this order, you commit an offence against the Act, and will be liable to a penalty of up to 40 penalty units or imprisonment for one year or both.

**Weapons:** If this order suspends all licences held by you under the Weapons Act 1990, you are required to deliver those licences immediately to the officer in charge of the Police Division in which you usually live, and to arrange with a Police Officer to give promptly to the Officer any weapons you possess and, in any case, no later than one day after the day this order was made or served on the respondent spouse.

**Portability:** This order may be enforceable in other States and Territories of Australia without further notification.

**INFORMATION ABOUT WEAPONS THE RESPONDENT SPOUSE POSSESSES:**

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

**SUMMONS**

To .....  
*(respondent spouse)*  
of .....  
*(address)*

This order constitutes a summons and you, the respondent spouse, are hereby directed to appear before the Magistrates Court at:

Place: ..... in the State of Queensland, on

Date: ..... / ..... /19..... at

Time: ..... am so that you may be heard on the matter of the making of a protection order.  
pm

A copy of the application is attached.

If you fail to appear before the court at the hearing of the application, the court may:-

- (a) proceed to hear and determine the matter of the application in your absence; or
- (b) if, in the circumstances of the case, the court believes it appropriate that you be heard, order the issue of a warrant for you being taken into custody by a Police Officer and brought before the court.

Order made at:

Place: ..... in the State of Queensland, on

Date: ..... 19.....

.....  
*Judge/ Magistrate/ Justice of the Peace*

*\*Delete whichever is not applicable*

# OATH OF SERVICE

I

(full name)

of

(address)

..... do swear that on the ..... / ..... /19.....  
(occupation)

I served the within-named respondent spouse

(name)

with the within temporary protection order and summons and a copy of the application by:

- (a) delivering a copy of the temporary protection order and summons and a copy of the application to the respondent spouse personally at:

.....  
(place)

- (b) leaving a copy of the temporary protection order and summons and a copy of the application with:

(name)

for the respondent spouse at: .....  
(place)

the usual place of business / the place of business last known to me of the respondent spouse  
residence residence

who could not reasonably be found.

(Signature)

Signed and sworn at:

Place:

Date: / /19

before me,

.....  
(Signature of Justice)

NOTE: If the taking of an oath is objectionable to you and you satisfy the requirements of section 17 of the Oaths Act 1867, you may be permitted to make a solemn affirmation.

Delete whichever is not applicable

# Temporary Protection Order Section 54 Application

Domestic Violence (Family Protection) Act 1989

FORM DV6

Court File No. /

Police System Index No.

Date of application

/ / 19

Time of application

am/pm

How were particulars received? (please tick)

Telephone  Other

What is the relationship of the aggrieved spouse to the respondent spouse? (please tick)

Married

De facto

Married/  
Separated

De facto/  
Separated

Divorced

Natural parent of a  
child of the relationship

## Applicant Police Officer details

1 Family name

Given name/s

Rank

Station

Registered Number

## Respondent Spouse details

3 Family name

Given name/s

Address

Postcode

## Aggrieved Spouse details

2 Family name

Given name/s

Address

Postcode

Male  Female  (please tick)

## Basis of application

4 What are the reasons for making this application?

(Please tick)

The respondent spouse has committed one or more of the following acts and is likely to commit the act/s again:

Wilful injury

Wilful damage to the spouse's property

Intimidation or harassment of the spouse

Indecent behaviour to the spouse without the spouse's consent

The respondent spouse has threatened to commit one or more of the following acts and the threat is likely to be carried out:

Wilful injury

Wilful damage to the spouse's property

Intimidation or harassment of the spouse

Indecent behaviour to the spouse without the spouse's consent

## History of domestic violence

- 5 List brief history of domestic violence as provided by the applicant.


- 6 Does the respondent spouse possess any weapons or items used or threatened to be used as weapons?

(please tick)

No

Yes  give details

Type of weapon                      Current location of weapon

Type of weapon	Current location of weapon

- 7 Were weapons used or threatened to be used in the latest incident? (please tick)

No

Yes  give details


## Relatives and Associates details

- 8 Are any relatives or associates of the aggrieved spouse to be protected by any order made as a result of this application?

No  go to 10

Yes

State the name and address of relatives or associates for service of the Protection Order

Child/ren / Other relative/s name/s and address/es (show relationship in brackets)


Associate/s name/s and address/es


9 What are the reasons for requesting protection for these relative/s or associate/s? (please tick)

The respondent spouse has committed one or more of the following acts and is likely to commit the act/s again.

Wilful injury to a relative or associate  1

Wilful damage to the property of a relative or associate  2

Intimidation or harassment of a relative or associate  3

The respondent spouse has threatened to commit one or more of the following acts and the threat is likely to be carried out.

Wilful injury to a relative or associate  4

Wilful damage to the property of a relative or associate  5

Intimidation or harassment of a relative or associate  6

## Other Orders

10 Are there any other orders? (please tick)

No

Yes

(please tick)

	Current	Not Current
Children's Court orders	<input type="checkbox"/>	<input type="checkbox"/>
Queensland Domestic Violence Order	<input type="checkbox"/>	<input type="checkbox"/>
Interstate Domestic Violence Order	<input type="checkbox"/>	<input type="checkbox"/>
Family Court orders (Access to children as per the Family Law Act can be arranged by a third party)	<input type="checkbox"/>	<input type="checkbox"/>

Other orders (please specify)

_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

## Protection Conditions sought

Conditions A, B, C, D, are set conditions

A The respondent spouse must be of good behaviour towards the aggrieved spouse and not commit domestic violence;

B The respondent spouse must be of good behaviour towards any aggrieved relative/s or associate/s and not commit an act of associated domestic violence against the aggrieved relative/s or associate/s;

C The respondent spouse must not possess a weapon for the duration of the order;

D All weapons licences issued in the name of or in relation to the respondent spouse to be suspended.

Conditions E, F, G, H, I, may also be sought by the applicant.

11 Which of the following conditions does the applicant also require? (please tick)

E Does the applicant wish to prohibit the respondent spouse from entering or remaining in specified premises?

No  go to F

Yes  give address details

Residence


Work


Other frequented place


**F** Does the applicant wish to prohibit the respondent spouse from approaching the aggrieved spouse or any aggrieved relative/s or associate/s (including a specified distance?)

No  go to G

Yes  give details


**G** Does the applicant wish to prohibit the respondent spouse from contacting the aggrieved spouse or any aggrieved relative/s or associate/s?

No  go to H

Yes  give names


**H** Does the applicant wish to prohibit specified behaviour of the respondent spouse towards a child of the aggrieved spouse?

No  go to I

Yes  give details of child/ren's name/s and behaviour to be prohibited


**I** Other conditions








# Copy of the Temporary Protection Order

FORM DV7

Domestic Violence (Family Protection) Act 1989

Court File No.	/
Police System Index No	

IN THE MATTER OF AN APPLICATION FOR A TEMPORARY PROTECTION ORDER UNDER SECTION 54

AGGRIEVED SPOUSE

(name and address)

and

RESPONDENT SPOUSE

(name and address)

WHEREAS upon an application made by a Police Officer to order against the respondent spouse, it appeared to the Magistrate that:

, a Magistrate, for a protection

(a) an act of domestic violence has been committed against the aggrieved spouse, and

(b) because of 1  Distance 2  Time

3  Other circumstances (please specify)

it was not practicable to apply to a court for a protection order and for it to be heard and determined quickly,

THE MAGISTRATE DID ORDER:

- 1 The respondent spouse must be of good behaviour towards the aggrieved spouse and not commit domestic violence,
- 2 The respondent spouse must be of good behaviour towards any aggrieved person named in this order and not commit an act of domestic violence against the aggrieved person;
- 3 The respondent spouse must not possess a weapon for the duration of the order;
- 4 Any weapons licence issued in the name of or in relation to the respondent spouse is hereby suspended and the name of the respondent spouse endorsed on a weapons licence as the representative of a body corporate or firm is hereby removed;

(Tick the box adjacent to any other condition that applies, and provide the appropriate details)

- 5  The respondent spouse is prohibited from entering or remaining in specified premises (describe premises)
- 6  The respondent spouse is prohibited from approaching the aggrieved spouse or any aggrieved person (please specify)
- 7  The respondent spouse is prohibited from contacting the aggrieved spouse or any aggrieved person (please specify)
- 8  Other conditions (please specify)

## PEOPLE PROTECTED BY THIS ORDER:

Aggrieved spouse

Aggrieved persons

Child/ren of aggrieved spouse

Other relative/s of aggrieved spouse

Associate/s of aggrieved spouse

## PARTICULARS OF WEAPONS IN POSSESSION OF THE RESPONDENT SPOUSE

ORDER MADE ON / /19 at \*am pm

This order shall, unless it is sooner revoked or varied, continue in force to and including / / 19 .

\*Delete whichever is not applicable

**NOTES TO THE RESPONDENT SPOUSE**

**Domestic Violence** is defined under Queensland law as any of the following acts that a person has committed against his or her spouse - wilful injury, wilful damage to the spouse's property, intimidation or harassment of the spouse, indecent behaviour to the spouse without consent, or a threat to commit any of the acts mentioned above.

**Associated Domestic Violence** is defined under Queensland law as any of the following acts that a respondent spouse has committed against any relatives or associates of the aggrieved spouse - wilful injury, wilful damage to property of the relative or associate, intimidation or harassment, or a threat to commit any of the acts mentioned above.

**Penalty:** If you knowingly fail to comply with any conditions listed in this order, you commit an offence against the Act, and will be liable to a penalty of up to 40 penalty units or imprisonment for one year or both.

**Weapons:** If this order suspends any licence held by you under the Weapons Act 1990, you are required to deliver that licence immediately to the officer in charge of the Police Division in which you usually live, and to arrange with a Police Officer to give promptly to the Officer any weapon you possess and, in any case, no later than one day after the day this order was made or served on the respondent spouse.

**Portability:** This order may be enforceable in all States and Territories of Australia without further notification.

**SUMMONS**

This order constitutes a summons and you, the respondent spouse, are hereby directed to appear before the MAGISTRATES COURT at  
 Place: \_\_\_\_\_ in the State of Queensland, on

Date: \_\_\_\_ / \_\_\_\_ /19 at

Time: \_\_\_\_\_ \*am with a view to you being heard on the matter.  
 pm

A copy of the application is attached.

If you fail to appear at the hearing of the application, the Court may:

- (a) proceed to hear and determine the matter of the application in your absence; or
- (b) if, in the circumstances of the case, the court believes it appropriate that you be heard, order the issue of a warrant for you being taken into custody by a member of the Queensland Police Service and your production to the court.

Application made by \_\_\_\_\_ Rank \_\_\_\_\_ of \_\_\_\_\_ Police Station

\_\_\_\_\_  
*Signature of Applicant*

\*Delete whichever is not applicable

**OATH OF SERVICE**

I, \_\_\_\_\_, of \_\_\_\_\_,  
 (full name) (address)  
 a member of the Queensland Police Service, do swear that on \_\_\_\_ / \_\_\_\_ /19 I served the within-named respondent spouse  
 with the within temporary protection order and a copy of  
 (name of respondent spouse)  
 the application in connection with which the temporary protection order was made, by

\*(a) delivering a copy of the temporary protection order and a copy of the application to the respondent spouse personally at:-

(b) leaving a copy of the temporary protection order and a copy of the application with \_\_\_\_\_ (name)  
 for the respondent spouse at

\*the usual place of \* business residence / the place of \* business residence (place) last known to me of the respondent spouse who could not reasonably be found.

Signed and sworn at:- Place: \_\_\_\_\_

\_\_\_\_\_  
 (Signature)

Date: \_\_\_\_ / \_\_\_\_ /19 before me,

\_\_\_\_\_  
 (Signature of Justice)

\* Delete whichever is not applicable

**NOTE.** If the taking of an oath is objectionable to you and you satisfy the requirements of section 17 of the Oaths Act 1867, you may be permitted to make a solemn affirmation.

**Appendix 3**

**Court Data Collection Forms**



<u>Details of Aggrieved:</u>		
Postcode:		
Sex:	Male Female Missing	1 2 0
Date of Birth:		
Place of Birth:	Australia Other (Specify _____) Missing	1 2 0
Other language:	No Yes (Specify _____) Missing	1 2 0
Aboriginal or Torres Strait Islander	No Yes Missing	1 2 0
Relationship:	Married Defacto Married/separated Defacto/separated Divorced Biological Parent Other (Specify _____) Missing	1 2 3 4 5 6 7 0
At time of application are aggrieved and respondent living together	No Yes Missing	1 2 0
<u>Details of Respondent:</u>		
Postcode:		
Sex:	Male Female Missing	1 2 0
Date of Birth:		
Place of Birth:	Australia Other (Specify _____) Missing	1 2 0
Other language:	No Yes (Specify _____) Missing	1 2 0
Aboriginal or Torres Strait Islander	No Yes Missing	1 2 0
If police application:		
Has Aggrieved been advised of application	No Yes Missing	1 2 0

Is application result of detained respondent	No Yes Missing	1 2 0
Temp PO sought under Section 54	No Yes Missing	1 2 0
Basis of Application:		
Willful injury	Commit Yes	1
No		2
Threat	Yes	1
No		2
Willful damage to property	Commit Yes	1
No		2
Threat	Yes	1
No		2
Intimidation/harassment of spouse	Commit Yes	1
No		2
Threat	Yes	1
No		2
Indecent behaviour towards spouse	Commit Yes	1
No		2
Threat	Yes	1
No		2
Missing		0
History of Violence	No Yes Missing	1 2 0
Date of latest incident:		
Duration of Relationship:	< 6 months 6-12 months 1-2 years 2-5 years 5-10 years >10 years missing	1 2 3 4 5 6 0
Duration of Violence:	Missing	0
Circumstances surrounding incident:		
Medical attention required:	No Yes Hospital Doctor Unspecified	1 2 3 4
Alcohol mentioned:	No Yes	1 2
Drugs mentioned:	No Yes	1 2
Violence likely to occur again:	No Yes Missing	1 2 0

Precipitating events mentioned:			
	Children maltreated	Yes	1
		No	2
	Access disputes	Yes	1
		No	2
	Stalking	Yes	1
		No	2
	Money	Yes	1
		No	2
	Jealousy	Yes	1
		No	2
	Birth of baby	Yes	1
		No	2
	Sex	Yes	1
		No	2
	New Partner	Yes	1
		No	2
	Damage to personal property	Yes	1
		No	2
	Violation settlement arrange	Yes	1
		No	2
	Other (Specify: _____)	Yes	1
Other orders:			
	No		01
	Yes	QLD DV order	Current
			02
			Not current
			03
		Interstate DV order	Current
			04
			Not current
			05
		Chn's Court	Current
			06
			Not Current
			07
		Family Court	Current
			08
			Not current
			09
		Other	Current
			10
			Not current
			11
	Missing		00
Conditions requested:			
	Standard		1
	Extra (Specify _____)		2
Cross-application:			
	No		1
	Yes		2
Date initial summons served:			
Served by:			
	Clerk		1
	Police officer		2
	Other (Specify _____)		3



FOLLOW-UP COURT HISTORY

Research Code: _____ Appearance No: _____		
Date of Appearance: _____		
Outcome of Appearance:	Adjourned Temp Order Enlarged Temp Order Made (Dur _____) PO made (Dur _____) Adj + Temp Ord made/enlarged Dismissed/Struck out Withdrawn Other (Specify _____)	1 2 3 4 5 6 7 8
If adjourned, date until:		
reason: _____		
Present in court:	Aggrieved                      Yes No Missing Respondent                      Yes No Missing Solicitor (Agg)                      Yes No Solicitor (Res)                      Yes No Police                                      Yes No	1 2 0 1 2 0 1 2 1 2 1 2
IF Temp PO/PO made, where conditions:	Same as previous Different to previous (Specify: _____)	1 2
Date PO/summons served: _____		
served by:	Clerk Police Officer Other (Specify _____)	1 2 3

APPLICATION TO REVOKE/VARY

Research Code:		
Date of Court Appearance:		
Details of Applicant:		
Member of the Police:	Yes No	1 2
Postcode:		
Nature of Applicant:	Aggrieved Respondent Police Ind named in order Other (Specify _____)	1 2 3 4 5
If police application, has aggrieved been advised:	Yes No	1 2
Nature of Existing Order:	Temporary PO Interstate Missing	1 2 3 0
Date of Existing Order:		
Wish to revoke:	No Yes Missing	1 2 0
Wish to add conditions:	No Yes (Specify _____) Missing	1 2 0
Wish to cancel conditions:	No Yes (Specify _____) Missing	1 2 0
Wish to change conditions:	No Yes (Specify _____) Missing	1 2 0
Reason for application:		
Outcome of Application:	Adjourned (Until _____) Withdrawn Dismissed/Struck out Varied Revoked	1 2 3 4 5
Nature of Outcome:	Same as requested Different to requested (Specify _____)	1 2

Present in court:	Aggrieved	Yes	1
		No	2
		Missing	0
	Respondent	Yes	1
		No	2
		Missing	0
	Solicitor (Agg)	Yes	1
		No	2
	Solicitor (Res)	Yes	1
		No	2
	Police	Yes	1
		No	2

**Appendix 4**

**QPI Data Collection Form**

POLICE DATA - POI

RESEARCH CODE: \_\_\_\_\_ DATA for: Aggrieved 1  
Respondent 2

Entries exist on system for this individual: Yes 1  
No 2

If Yes: Number of records as witness: \_\_\_\_\_  
 Number of records as informant: \_\_\_\_\_  
 Number of records as complainant: \_\_\_\_\_  
 Number of records as offender: \_\_\_\_\_  
 Number of records as warrants: \_\_\_\_\_  
 Number of records as suspect: \_\_\_\_\_  
 Number of records as CO: \_\_\_\_\_  
 Other records (Specify: \_\_\_\_\_): \_\_\_\_\_

CRIMINAL HISTORY Yes 1 REF NO: \_\_\_\_\_  
No 2

Event numbers for Crisp:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Entries on other systems: Yes 1  
No 2

If yes:

Weapons	Yes 1	Driver's Licence	Yes 1
	No 2		No 2
Drug Index	Yes 1	Veh. Reg.	Yes 1
	No 2		No 2
Fire Index	Yes 1	Traffic Incident	Yes 1
	No 2		No 2
Domestic Violence Index	Yes 1		
	No 2		
	Number of entries _____		

## **Appendix 5**

### **QCR Data Collection Forms**

POLICE DATA -COMPLAINANT INFORMATION SHEET

RESEARCH CODE: \_\_\_\_\_

DATA for: Aggrieved 1  
Respondent 2

Complainant Event Number: \_\_\_\_\_ Date of Event: \_\_\_\_\_

Nature of Event Complainant for:

Division 1	No	1	Division 7	No	1	Division 13	No	1
	Yes	2		Yes	2		Yes	2
Division 2	No	1	Division 8	No	1	Division 14	No	1
	Yes	2		Yes	2		Yes	2
Division 3	No	1	Division 9	No	1	Division 15	No	1
	Yes	2		Yes	2		Yes	2
Division 4	No	1	Division 10	No	1	Division 16	No	1
	Yes	2		Yes	2		Yes	2
Division 5	No	1	Division 11	No	1	Breach of PO	No	1
	Yes	2		Yes	2		Yes	2
Division 6	No	1	Division 12	No	1	Dom Assault	No	1
	Yes	2		Yes	2		Yes	2

Other (Specify \_\_\_\_\_)

Suspect in Case: No 1  
Yes 2

If Yes, Nature of Suspect: Other ind. mentioned in research PO 1  
Other ind. known to complainant 2  
Other ind. not known to complainant 3  
Missing/unknown 9

Status/Outcome: Solved 1  
Unsolved 2  
Withdrawn 3  
Unsubstantiated 4  
Other 5 (Specify \_\_\_\_\_)  
Missing 9

POLICE DATA -INFORMANT INFORMATION SHEET

RESEARCH CODE: \_\_\_\_\_ DATA for: Aggrieved 1  
 Respondent 2

Informant Event Number: \_\_\_\_\_ Date of Event: \_\_\_\_\_

Nature of Event Informant for:

Division 1	No	1	Division 7	No	1	Division 13	No	1
	Yes	2		Yes	2		Yes	2
Division 2	No	1	Division 8	No	1	Division 14	No	1
	Yes	2		Yes	2		Yes	2
Division 3	No	1	Division 9	No	1	Division 15	No	1
	Yes	2		Yes	2		Yes	2
Division 4	No	1	Division 10	No	1	Division 16	No	1
	Yes	2		Yes	2		Yes	2
Division 5	No	1	Division 11	No	1	Breach of PO	No	1
	Yes	2		Yes	2		Yes	2
Division 6	No	1	Division 12	No	1	Dom Assault	No	1
	Yes	2		Yes	2		Yes	2

Other (Specify \_\_\_\_\_)

Suspect in Case: No 1  
 Yes 2

If Yes, Nature of Suspect: Other ind. mentioned in research PO 1  
 Other ind. known to informant 2  
 Other ind. not known to informant 3  
 Missing/unknown 9

Status/Outcome: Solved 1  
 Unsolved 2  
 Withdrawn 3  
 Unsubstantiated 4  
 Other 5 (Specify \_\_\_\_\_)  
 Missing 9



POLICE DATA - OFFENDER INFORMATION SHEET

RESEARCH CODE: \_\_\_\_\_ DATA for: Aggrieved 1  
 Respondent 2

Offender Event Number: \_\_\_\_\_ Date of Event: \_\_\_\_\_

Nature of Event Offender for:

Division 1	No	1	Division 7	No	1	Division 13	No	1
	Yes	2		Yes	2		Yes	2
Division 2	No	1	Division 8	No	1	Division 14	No	1
	Yes	2		Yes	2		Yes	2
Division 3	No	1	Division 9	No	1	Division 15	No	1
	Yes	2		Yes	2		Yes	2
Division 4	No	1	Division 10	No	1	Division 16	No	1
	Yes	2		Yes	2		Yes	2
Division 5	No	1	Division 11	No	1	Breach of PO	No	1
	Yes	2		Yes	2		Yes	2
Division 6	No	1	Division 12	No	1	Dom Assault	No	1
	Yes	2		Yes	2		Yes	2

Other (Specify \_\_\_\_\_)

Nature of other ind. in event: Other ind. mentioned in research PO 1  
 Other ind. known to complainant 2  
 Other ind. not known to complainant 3  
 Missing/unknown 9

Status/Outcome: Solved 1  
 Unsolved 2  
 Withdrawn 3  
 Unsubstantiated 4  
 Other 5 (Specify \_\_\_\_\_)  
 Missing 9

POLICE DATA -SUSPECT INFORMATION SHEET

RESEARCH CODE: \_\_\_\_\_ DATA for: Aggrieved 1  
Respondent 2

Suspect Event Number: \_\_\_\_\_ Date of Event: \_\_\_\_\_

Nature of Event Suspect for:

Division 1	No	1	Division 7	No	1	Division 13	No	1
	Yes	2		Yes	2		Yes	2
Division 2	No	1	Division 8	No	1	Division 14	No	1
	Yes	2		Yes	2		Yes	2
Division 3	No	1	Division 9	No	1	Division 15	No	1
	Yes	2		Yes	2		Yes	2
Division 4	No	1	Division 10	No	1	Division 16	No	1
	Yes	2		Yes	2		Yes	2
Division 5	No	1	Division 11	No	1	Breach of PO	No	1
	Yes	2		Yes	2		Yes	2
Division 6	No	1	Division 12	No	1	Dom Assault	No	1
	Yes	2		Yes	2		Yes	2

Other (Specify \_\_\_\_\_)

Nature of other ind. in event: Other ind. mentioned in research PO 1  
Other ind. known to complainant 2  
Other ind. not known to complainant 3  
Missing/unknown 9

Status/Outcome: Solved 1  
Unsolved 2  
Withdrawn 3  
Unsubstantiated 4  
Other 5 (Specify \_\_\_\_\_)  
Missing 9

POLICE DATA -WARRANT INFORMATION SHEET

RESEARCH CODE: \_\_\_\_\_ DATA for: Aggrieved 1  
Respondent 2

WARRANT Event Number: \_\_\_\_\_ Date of Event: \_\_\_\_\_

Nature of Event WARRANT for: Traffic 1  
Other 2

.....

POLICE DATA -WARRANT INFORMATION SHEET

RESEARCH CODE: \_\_\_\_\_ DATA for: Aggrieved 1  
Respondent 2

WARRANT Event Number: \_\_\_\_\_ Date of Event: \_\_\_\_\_

Nature of Event WARRANT for: Traffic 1  
Other 2

.....

POLICE DATA -WARRANT INFORMATION SHEET

RESEARCH CODE: \_\_\_\_\_ DATA for: Aggrieved 1  
Respondent 2

WARRANT Event Number: \_\_\_\_\_ Date of Event: \_\_\_\_\_

Nature of Event WARRANT for: Traffic 1  
Other 2

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POLICE DATA -WITNESS INFORMATION SHEET

RESEARCH CODE: \_\_\_\_\_

DATA for:

Aggrieved  
Respondent

1  
2

Witness Event Number: \_\_\_\_\_

Date of Event: \_\_\_\_\_

Nature of Event Witness for:

Division 1	No	1	Division 7	No	1	Division 13	No	1
	Yes	2		Yes	2		Yes	2
Division 2	No	1	Division 8	No	1	Division 14	No	1
	Yes	2		Yes	2		Yes	2
Division 3	No	1	Division 9	No	1	Division 15	No	1
	Yes	2		Yes	2		Yes	2
Division 4	No	1	Division 10	No	1	Division 16	No	1
	Yes	2		Yes	2		Yes	2
Division 5	No	1	Division 11	No	1	Breach of PO	No	1
	Yes	2		Yes	2		Yes	2
Division 6	No	1	Division 12	No	1	Dom Assault	No	1
	Yes	2		Yes	2		Yes	2

Other (Specify \_\_\_\_\_)

Suspect in Case: No 1  
Yes 2

If Yes, Nature of Suspect:

Other ind. mentioned in research PO 1  
Other ind. known to witness 2  
Other ind. not known to witness 3  
Missing/unknown 9

Status/Outcome:

Solved 1  
Unsolved 2  
Withdrawn 3  
Unsubstantiated 4  
Other 5  
Missing 9

(Specify \_\_\_\_\_)

## **Appendix 6**

### **ANCO Crime Classification Summary**

## ATTACHMENT 5

### SUMMARY OF THE CHARACTERISTICS OF DIVISIONS IN DRAFT STRUCTURE

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**Division 01 HOMICIDE AND RELATED OFFENCES** contains all offences that result in a person's death, whether intentional or otherwise culpable, or have the potential to result in a person's death where the intention was to cause death.

**Division 02 ACTS INTENDED TO CAUSE INJURY** contains offences in which there was intent to cause physical harm to a specific individual, excluding those involving sexual acts or intent.

**Division 03 SEXUAL ASSAULT AND RELATED OFFENCES** contains offences causing either physical or non-physical harm involving sexual acts or intent against a particular individual. Sexual acts against public decency and moral standards such as streaking, indecent exposure, engaging in intercourse in front of a minor (unless there is intent to force the child to watch) have been treated as 'offensive behaviour' against the public and placed in Division 13 Public Order.

**Division 04 NEGLIGENT OR RECKLESS ACTS HARMING PERSONS** contains only those culpable offences actually causing physical or non-physical harm. The alternative structure **DANGEROUS, NEGLIGENT OR RECKLESS ACTS ENDANGERING PERSONS** contains offences causing harm or potentially causing harm through dangerous, negligent or reckless acts. The main distinction between these two divisional structures is that the scope of the second option (Dangerous, Negligent Or Reckless Acts Endangering Persons) is broader. It contains driving offences which do not cause injury, although the acts involved are reckless and potentially could cause injury, and other negligent or reckless acts which, in the former structure, are placed under health and safety regulations in Division 16. As a result two alternative structures are presented for Division 14 which relates to road traffic and motor regulatory offences.

**Division 05 ABDUCTION AND RELATED OFFENCES** contains those offences causing non-physical harm to an individual as a result of unlawful seizure or detaining of that individual.

**Division 06 ROBBERY, EXTORTION AND RELATED OFFENCES** primarily contains offences involving violent acquisitive acts against property. Thus robbery, blackmail and extortion offences are distinguished from non-violent acquisitive acts. Divisions generally avoid mixing offences where the intent is acquisitive with offences where the primary intent is not acquisitive. However, the exception to this rule is Blackmail/Extortion which is grouped together with Robbery and doesn't necessarily involve an acquisitive intent.

**Division 07 BURGLARY, BREAK AND ENTER** contains offences involving acts of unlawful entry. As there may be different types of criminal intent associated with unlawful entry offences, it was difficult to reflect a legally based structure for this division. As a result of this limitation, the structure for this division has been restricted to one group.

**Division 08 THEFT AND RELATED OFFENCES** contains non violent acquisitive actions not involving threat of violence or force, coercion or deception. It was decided that illegal use of motor vehicles and other types of conveyances offences should be distinguished from theft of similar vehicles. It is acknowledged that illegal use offences do not fit under the complete (legal) definition of theft, which requires an intention to permanently deprive the owner of his/her property. In addition, it was felt that the illegal use of conveyances other than motor vehicles eg boats, was of interest to users of these data. Theft of intellectual property has been regarded as conceptually closer to theft than dishonesty offences and as such placed in this division rather than in Division 09 Deception Offences, despite the fact that it is not possible to permanently deprive a person of his/her intellectual property.

**Division 09 DECEPTION OFFENCES** contains acquisitive offences acted without violence and with deception. Prescription drug fraud has been placed in this division because it satisfies the criteria and definition set for this division. Similarly, drug theft is located in the previous Division Theft And Related Offences. It was decided to distinguish the types of forgery in terms of 'Make or use false/illegal financial instrument or transaction', and 'Make or use other false illegal instrument'. The former category was created to identify forgery related offences involving the use of financial instruments or transactions whereas the latter group captures other types of forgeries. This is to cater explicitly for important forms of dishonesty offence which are partly fraud and partly forgery, such as passing valueless cheques, forging signatures on title deeds or use of another person's credit card. It remains to be seen whether this distinction is sustainable in practice.

**Division 10 ILLICIT DRUG OFFENCES** is devoted to illicit drug offences, because of the continuing high user interest in these offences against the community. By and large, the basic structure for these offences has been retained from the 1985 edition of ANCO. However, in redrafting ANCO, it was felt that the previous fine level of disaggregation (ie. a mini classification of illicit drugs) was not necessary in the new classification. The structure was updated to distinguish between dealing or trafficking in commercial and non-commercial quantities and effectively reflect the criminal code in this regard.

**Division 11 WEAPONS AND EXPLOSIVES OFFENCES** contains offences against the community in respect of the regulation of weapons and explosives from other regulations designed to protect the public at large. It was considered that weapons and explosives offences justified a separate division in their own right from other types of offences against the community on the grounds of high user interest and the desire by law enforcement agencies generally to move to implementing national uniform weapons legislation.

**Division 12 PROPERTY DAMAGE AND ENVIRONMENTAL POLLUTION** combines property damage and environmental pollution which were seen as conceptual related. The distinction between them is based on the damage being to private property on the one hand (property damage) and 'property' held in common by the community on the other (pollution). Environmental pollution was disaggregated into three groups to distinguish the type of pollution (i.e. air, water and noise). This concept works better for water and air pollution than for noise pollution which in fact has more in common with disorderly conduct offences. Under the definition for environmental pollution, all forms of motor vehicle pollution are placed in this division together with other pollution related offences rather than be treated as motor vehicle roadworthiness offences.

**Division 13 PUBLIC ORDER** This title may be a little misleading as a number of other divisions in the structure also list public order offences. Trespass offences have been separately shown and vagrancy offences are placed with other offensive behaviour offences such as offensive language on the basis that they are conceptually closer to offensive behaviour offences than to trespass offences. Offences against public order sexual standards are distinguished from sexual offences against individuals, but the difficulty remains in separating some of these offences from non-contact sexual offences or privacy offences.

**Division 14 ROAD TRAFFIC AND MOTOR VEHICLE REGULATORY OFFENCES** identifies road traffic and motor vehicle regulatory offences from other regulatory offences to meet user needs. However, two structures are presented for this division, with identical titles. All driving related offences not causing injury (but with the potential to do so) have been brought together in this Division 14. However, negligent or reckless driving acts that cause actual injury have been placed in the structure for Division 04 as acts causing harm to persons. The alternative ANCO structure for this division has been restricted to driving licence offences, registration and roadworthiness offences and other traffic offences. Acts such as driving under the influence of alcohol or drugs, dangerous, negligent or reckless driving and exceeding the legal speed limit, irrespective of causing injury or not, have been placed in the alternative structure for Division 04 according to the criteria applied to that division. Effectively, the concept of the alternative Division 04 captures all dangerous, negligent or reckless acts endangering persons, which also includes dangerous, negligent or reckless acts under health and safety regulations that endanger persons. That is, all such acts are centralised to that division. Even though two alternative structures are presented for this division, both contain similar additional categories (in different locations depending on the criteria used) not previously catered for by the 1985 edition of ANCO. For example, separate categories have been included for offences relating to driving under the influence of alcohol or drugs, exceeding prescribed content of alcohol limit, exceeding the legal speed limit, pedestrian and bicycle offences. The disaggregation of these offences was seen as necessary to meet user requirements.



**Division 15 OFFENCES AGAINST JUSTICE PROCEDURES AND GOVERNMENT OPERATIONS** comprises another 'against the community' criteria at the division level, however it was felt that acts which were prejudicial to the operation of justice procedures or government operations were significantly important to be shown separately from other 'against the public' type offences. Categories of offences against justice procedures were itemised on perceived user requirements.

**Division 16 MISCELLANEOUS OFFENCES** contains offences which did not fit in any of the above ANCO divisions. The offences have been categorised by type of regulatory offence. Harassment offences such as offences against privacy, harassment and private nuisance and threatening behaviour could not be placed comfortably in the preceding divisions and have been placed here. It is acknowledged that the regulatory offences in this division are 'against the community' and that some of the harassment offences are 'against the person'. It is recognised that there are probably many other areas that need to be identified. Consequently, the categories in this division will probably need to be reviewed to identify categories of offences which may require their own groups.

**Appendix 7**

**Criminal History Data Collection Forms**

POLICE DATA - CRIMINAL HISTORY

RESEARCH CODE: \_\_\_\_\_ DATA for: Aggrieved 1  
Respondent 2

Date of first Appearance: \_\_\_\_\_

Date of Most Recent Appearance: \_\_\_\_\_

Number of Magistrate's Courts Appearances: \_\_\_\_\_

Number of High Court Appearances: \_\_\_\_\_

Number of Children's Court Appearances: \_\_\_\_\_

Number of Other Court Appearances: \_\_\_\_\_

(Specify type: \_\_\_\_\_)

Number of Div.01 Charges: \_\_\_\_\_ Number of Div. 09 Charges: \_\_\_\_\_

Number of Div.02 Charges: \_\_\_\_\_ Number of Div. 10 Charges: \_\_\_\_\_

Number of Div.03 Charges: \_\_\_\_\_ Number of Div. 11 Charges: \_\_\_\_\_

Number of Div.04 Charges: \_\_\_\_\_ Number of Div. 12 Charges: \_\_\_\_\_

Number of Div.05 Charges: \_\_\_\_\_ Number of Div. 13 Charges: \_\_\_\_\_

Number of Div.06 Charges: \_\_\_\_\_ Number of Div. 14 Charges: \_\_\_\_\_

Number of Div.07 Charges: \_\_\_\_\_ Number of Div. 15 Charges: \_\_\_\_\_

Number of Div.08 Charges: \_\_\_\_\_ Number of Div. 16 Charges: \_\_\_\_\_

Number of Breaches of PO: \_\_\_\_\_

Other entries (Specify \_\_\_\_\_): \_\_\_\_\_

For offences to persons:

Time in Jail:	No	1			
	Yes	2	If yes:	Suspended	1
				Not suspended	2
				Both	3

For offences to property:

Time in Jail:	No	1			
	Yes	2	If yes:	Suspended	1
				Not suspended	2
				Both	3

## **Appendix 8**

### **QP9 Data Collection Forms**

POLICE DATA - OP9

RESEARCH CODE: \_\_\_\_\_ DATA for: Aggrieved 1  
Respondent 2

Date in Court: \_\_\_\_\_ Date of Event: \_\_\_\_\_

Nature of Offence: \_\_\_\_\_

Relationship of Offender to Victim: Police 1

Spouse	2
Ex-spouse	3
Defacto	4
Ex-defacto	5
Boyfriend/fiance/girlfriend	6
Child	7
Sibling	8
Parent	9
Other family	10
Friend	11
Neighbour	12
Employer	13
Unknown individual	14
Other	15
Missing	16

Gender of Victim: Male 1  
Female 2  
Missing 9

Victim ind. in research PO: No 1  
Yes 2  
Missing 9

PO mentioned: No 1 If Yes: Research PO 1  
Yes 2 Associated PO 2  
Other PO 3  
Unknown 4

Place of Offence: Home 1 Medical Attent Req: Yes 1  
Outside 2 No 2

Weapon used: Yes 1 If Yes: Gun 1  
No 2 Other 2 (Specify: \_\_\_\_\_)

Presence of Witness: Yes 1 If Yes: Children 1  
No 2 Other 2

Finalised: No 1  
Yes 2

Outcome: Withdrawn 1 If guilty: Fine No 1  
Not Guilty 2 Yes 2  
Guilty 3 Custodial No 1  
Dismissed 4 Yes 2  
No convict recorded 5 Non-custodial No 1  
Yes 2