

'She said...' 'He said...': Cross Applications in NSW Apprehended Domestic Violence Order Proceedings

VOLUME TWO: APPENDICES

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**“HAVE YOU APPLIED FOR AN AVO ONLY TO HAVE
 THE OTHER PERSON APPLY FOR ONE AGAINST YOU?”**
**- The study of cross applications in domestic violence AVO proceedings –
 - Consent to be contacted -**

You are invited to participate in a research project that will examine the use of cross applications in Apprehended Domestic Violence Order (AVO) proceedings. A cross application takes place when one person applies for an AVO against another person who has already applied for one to protect them from the first person.

Ask yourself the following questions:

- Have you applied for an AVO against a person with whom you have (or had) a domestic relationship (for example your husband/wife; your boyfriend/girlfriend; your de facto)?
- Has that person also applied for an AVO against you around the same time?

If you answered yes to these two questions then you may be interested to participate in this research project. This research project is being conducted by Jane Wangmann for a PhD in law at the University of Sydney.

The project involves interviewing people who have been involved in cross applications. The person against whom you have applied for an AVO will **NOT** be interviewed. The interview will take place at a time and place that is suitable to you. It is possible to conduct the interview at a courthouse or coffee shop near where you live or in an office at the university.

Interviews will take approximately one-and-a-half hours and subject to your consent the interview will be tape-recorded. At all stages the interview is voluntary - you do not have to answer questions you do not want to answer or that you feel uncomfortable answering. It is also possible for you to stop the interview at any stage. All information gathered in the interview will remain confidential and anonymous except as required by law. The interview will be transcribed and given a code number or name and any identifying information contained in the interview will be removed. All information will be stored in a locked filing cabinet in the Faculty of Law, University of Sydney. Only the researcher, Jane Wangmann will have access to the locked filing cabinet.

These interviews form one part of the research project that will also involve interviews with people who work in this area (for example magistrates, chamber magistrates, police, lawyers and domestic violence workers), observing court proceedings and examining court files. Over the page you will find details about how to contact Jane Wangmann, the researcher if you want to know more about the project or if you want to arrange a time to be interviewed.

Any person with concerns or complaints about the conduct of a research study can contact the Manager of Ethics and Biosafety Administration, University of Sydney, on (02) 9351 4811.

**The study of cross applications in AVO proceedings
- Consent to be contacted -**

If you are interested in participating in this project or you wish to find out more information about it you can contact Jane Wangmann, the researcher.

You can contact her by phone, email or by completing the following form and sending it to her.

Telephone: XXXR
Email address: XXXR

Or complete the following details and send to the following address:

Jane Wangmann
PO Box XXXR

NAME: _____

ADDRESS: _____

PHONE : _____

What is the safest way to contact you to provide you with more information about the research project or to arrange a suitable time and place for an interview. For example, is it best to phone you between certain hours; send a letter to a relative or friend's address?

Is it okay to leave a message on your answering machine?

Yes No

SIGNATURE: _____

DATE: _____

Any person with concerns or complaints about the conduct of a research study can contact the Manager of Ethics and Biosafety Administration, University of Sydney, on (02) 9351 4811.

**STUDY OF THE USE OF CROSS APPLICATIONS IN AVO
PROCEEDINGS
Interview Schedule – Victims – Semi structured**

Interview code No.: _____
 Date of interview: _____
 Age: _____
 Background (ie CALD; ATSI): _____
 Suburb where participant lives: _____
 Sex: male female

Part One: Talking about the relationship

This part of the interview is designed to allow the participant to describe the relationship in their own terms. It will provide a background to the length of the relationship; a general introduction to the nature of the violence in the relationship; how the participant describes the relationship and sees his or her role in the relationship. It is perhaps the most open ended part of the interview as it is also designed to allow for a period in which the participant can start to feel comfortable in discussing personal and sensitive matters before asking more direct questions about violence.

I want to start the interview by asking you some general questions about your relationship with the person against whom you sought an AVO.

- 1.1 What was your relationship with the person against whom you sought an AVO (ie current/ ex spouse; current/ex de facto; current/ex boy/girlfriend)?
- 1.2 How long were you with him/her?
- 1.3 Do you have any children together (if so: how many; ages; sex)?
- 1.4 When did you separate (if applicable)? Have you separated before, if so how many times?
- 1.5 How would you describe your relationship?
- 1.6 How do you think you (ex) partner would describe the relationship?
- 1.7 What does the term domestic violence mean to you? Have those things happened to you during your relationship? Is it a term you would use? Why/why not?

Part Two: Your application for an AVO

Hopefully this section will be supplemented by the actual documents. However, it should also be expected that some people may not have retained their original documents (particularly the application if they were successful in obtaining an order) and some of this may simply be recall.

I want to now ask you questions about the AVO that you applied for against [inset here the person that they have described above ie 'your ex husband']. Later in the interview I

will ask you about the AVO that he/she applied for against you – but at this stage I just want to focus on the one that you applied for.

- 2.1 Can you tell me when you applied for the AVO?
- 2.2 Was this the first AVO you had applied for? Or had you applied for one before? [*against the person in the cross application; check how many AVOs have been applied for*]
- 2.3 Was there a particular incident or thing that happened that prompted you to apply for an AVO at this time? *Please describe.*
- 2.4 Did the police apply for the AVO for you or did you do it yourself through the chamber magistrate?
 - *If the police applied for the AVO – did they attend an incident? Did they apply for an urgent TIO?*
 - *If the chamber magistrate – how long after the above incident did you see the chamber magistrate?*
- 2.5 In addition to the incident that you described that prompted you to apply for an AVO at this time – did your application for the AVO contain any information about other incidents or behaviour that you wanted the AVO for? If so can you tell me what they were?
 - How often did these sorts of things happen to you?
 - How did these sorts of things make you feel?
- 2.6 What court did you go to? *Did you always go to the same court?*
- 2.7 How long after you made the application for the AVO did you attend court for the first time?
- 2.8 What orders were you seeking against [insert here the person they have described above, ie ‘your ex husband’] to protect you?
- 2.9 Were you also seeking to protect other people with your AVO (eg children; new partner; relatives)?
- 2.10 What were you hoping that the AVO would achieve?

Part Three: The AVO against you

I now want to ask you some questions about the AVO that [insert here the person they have described above, ie ‘your ex wife’] applied for against you.

- 3.1 Is this the first time someone has applied for an AVO against you? *If not, how many and what was their relationship to you? What happened to that AVO?*
- 3.2 When did [insert here the person they have described above, ie ‘your ex husband’] apply for an AVO against you – or when did you find out that [he/she] had applied for an AVO against you?

3.3 So, was that before or after you had applied for your AVO against [insert here the person they have described above, ie ‘your ex wife’]?

3.4 Was this AVO against you applied for by the police or had it come through the chamber magistrate?

3.5 Please tell me what the complaint for the AVO against you said that you had been doing to [insert here the person they have described above, ie ‘your ex partner’]?

- Do you have any comments to make about that?
- Do you agree with any of the things that he/she said?
- Do you disagree with any of the things that he/she said?

3.6 When you were served with this application for an AVO against you, or when you first became aware of it, how did it make you feel?

3.7 What orders was [insert here the person they have described above, ie ‘your ex husband’] seeking against you?

3.8 Was [insert here the person they have described above, ie ‘your ex wife’] seeking to protect any other people with his/her AVO?

3.9 What do you think he/she wanted to achieve by applying for an AVO against you?

Part Four: The AVOs come to court

This section is designed to try to tease out the court process. It is sometimes difficult for people to remember steps in the court process, as it is something not familiar to them and they may also have had a number of court actions taking place at the same time (eg related criminal charges against the interview participant or against their current/ex partner; family court matters etc). This research will take as its primary focus those cross applications that are made within six months of each other. However, it is hoped that the research might also capture some that are made after that period of time (for matters not listed together this section may of necessity change a bit). This part of the interview can roughly be divided into four sections: (a) when?; (b) legal representation; (c) other support; and (d) process at court.

4.1 WHEN ETC...?

4.1.1 On the first day that you attended court – were you there for:

- Only your own AVO;
- Only the other person’s AVO;
- Both applications?

4.1.2 If only one AVO came to court on the first day – when did the other AVO come to court [*ie the next time the cases were listed at court? Some other time later?*]

4.1.3 Were the matters eventually put together [*ie listed*] at court?

4.1.4 Were there any other related cases (such as criminal charges or family law) at court at the same time? If so what were they? *The family law case will be dealt with later in the interview.* The criminal charge: What was it? Who was it against? What happened? Were the AVOs put on at the same time as the charge?

4.2 LEGAL REPRESENTATION?

4.2.1 In your AVO against your [insert 'ex husband' etc] did you have an did you have any legal representation at court?

- *Prompts:*
- *Police prosecutor*
- *Solicitor*
- *If a solicitor did you have legal aid?*

4.2.2 *If you did have legal representation:* Can you describe to me how you felt about that representation.

- Were you satisfied with your representation? Why/why not?
- Did you feel that they had a good understand of domestic violence?
- Did they may any comments to you about the cross application? What were they? How did that make you feel?

4.2.3 *If you didn't have legal representation:* Can you tell me how you felt about representing yourself in court? Did you feel that you understood the process; what people were asking you? What you were meant to do?

4.2.4 What about in relation to the cross application where you were a defendant, did anyone represent you in that matter (ie the police prosecutor; a solicitor; yourself)?

4.2.5 Did [the person who applied for an AVO against you] have any legal representation? Do you know what kind?

- *Prompts:*
- *Police prosecutor*
- *Solicitor*
- *If a solicitor, do you know whether they had legal aid?*

4.3 OTHER SUPPORT?

4.3.1 Did you have any other support with you when you went to court (eg court support worker; refuge worker; friend; family etc)?

- *If yes, did that support help you? If so, in what ways?*
- *Do you feel that they have a good understanding of domestic violence?*
- *Did they say anything about the cross application? If so, how did that may you feel?*
- *Was there any other support that you would have liked at court?*

4.3.2 Did the other person have any support at court? *If so, how did that make you feel?*

4.4 PROCESS AT COURT (AVOs LISTED TOGETHER)

The two AVO applications have now been listed at court together.

4.4.1 I want to take you to the first day that the AVOs were at court together. Can you describe to me what happened on that first occasion?

- Did both of you consent to mutual orders?
- Did both of you withdraw your applications for AVOs?
- Were both AVOs adjourned (put over to another day at court – for mention or for hearing)?

4.4.2 Were you required to say anything in court on this day – as evidence? Were you cross-examined? If so, can you recall what you were asked about? Were you asked any questions about what was contained in the AVO against you?

4.4.3 What about the other person – were they asked anything in court? Did they have to give evidence? Were they cross-examined? Were they asked anything about the allegations that were contained in your AVO application against them?

4.4.4 On this first day at court – can you describe to me how the magistrate dealt with your cases? How did you feel about that? Do you think that the magistrate had a good understanding about domestic violence? Did the magistrate make any comments about the cross application?

4.4.5 In summary how did you feel about that first day at court?

4.4.6 *If you were required to attend court again* (ie the case was adjourned) – how many times did you come to court again for the AVOs? Did you have the protection of an interim order during the time of the adjournments? What about your [insert ‘ex wife’ etc] have the protection of an interim order? If you, or he/she, were granted an interim order – was this by consent; or did you have to give evidence?

4.4.7 *If these adjournments were for **mentions**:*

- How did you feel about the magistrate(s) who dealt with these short appearances? Did they say anything about the cross application? How did they make you feel about the domestic violence that you experienced?

4.4.8 *If the case went to **hearing**:*

So your AVO was adjourned to a full hearing.

- Did this hearing involve both AVO applications?
- If yes, which application was heard first?

4.4.9 What happened as a result of the hearing (*ie both granted an AVO; one person only granted an AVO; both dismissed*)?

4.4.10 Can you tell me a bit about the process At the hearing?

- Did you give evidence? At what point in the hearing did you give evidence (ie beginning; middle; end)?
- Were you cross-examined? How did that make you feel?
- Were you asked any questions about the cross application and the allegations contained in that application?
- Were there any other people who gave evidence for you? Who were they? Were they asked any questions about the cross application and the allegations contained in that application?
- Did the magistrate make any comments or ask any questions?

4.4.11 If the other AVO application was also heard:

- Was the other AVO heard before or after your AVO?
- Did you [insert ‘ex husband’ etc] give evidence? Was he/she cross examined? Was he/she asked questions about the allegations contained in your application?
- Did [insert ‘ex husband’ etc] call other witnesses? Who were they? Were they asked questions about the cross application?

- Did the magistrate make any comments or ask any questions?

4.4.12 Do you have any comments to make about the magistrate(s) that dealt with your cases? Were you satisfied with them? Do you think that they had a good understanding of domestic violence?

4.4.13 When deciding whether or not to grant an AVO, one of the factors that the magistrate is to consider is whether or not the person asking for the AVO is fearful of the other person.

- Do you think that the magistrate considered whether you were fearful of [insert 'your ex partner' etc]?
- Do you think that the magistrate considered whether your [insert 'your ex partner' etc] was fearful of you?
- If so, what makes you say that? Ie how?

4.4.14 How would you sum up how you felt about the way that both AVOs were dealt with at court (taking into account the magistrate; the legal representation and the general process)?

4.4.14 Did you think your AVO was dealt with any differently to the other AVO? If so, how? What impact do you think that had on the decision to make or not make an AVO for you?

4.4.15 Do you think it would have been different if there was only your AVO at court?

Part Five – Results

This part of the interview is in four parts – and depends on the outcomes of the cross application process discussed in part four of the schedule. Only one section will be applicable to each interview participant. The four parts are: (a) mutual orders; (b) withdrawal; (c) you obtained an AVO and the other person didn't; 9d) the other person obtained an AVO and you didn't.

5.1 MUTUAL ORDERS

So you both obtained an AVO against each other. *From the answers to part four should know whether these are mutual consent orders or mutual orders made after a hearing – if not clear confirm.*

5.1.1 How do you feel about the fact that [insert 'ex wife' etc] has an AVO against you? What about the fact that you also have an AVO against that person?

5.1.2 Did you obtain the orders that you asked for? If not, which orders were not granted and why?

5.1.3 Were there any negotiations about the orders that were contained in the cross application? If so, what were they? Were you consulted in these negotiations?

5.1.4 Do you think that having mutual orders will assist you (ie provide protection, other benefits)?

5.1.5 Since obtaining your AVO, has it been breached in any way?

- If yes, what happened?
- Did you report it to the police? If yes, what happened? Did the police take any action?
- Were there any problems because both of you have AVOs against each other?

- If the other person was charged, what was the result of that?
- 5.1.6 Have there been any allegations that you have breached the other person's AVO?
- If yes, what happened?
 - Were you charged?
 - Were there any difficulties about there being two AVOs?
- 5.1.7 Do you have anything to say about whether the fact that both of you have an AVO against each other has impacted on any future allegations of violence, either by or against you?

5.2 MUTUAL WITHDRAWAL

So both of you withdrew your AVOs against each other when they came to court. *Answers to part four should have made it clear at what point the AVOs were withdrawn – if not clarify.*

- 5.2.1 Can you tell me the reasons why both AVOs were withdrawn?
- 5.2.2 How did you feel about that?
- 5.2.3 Since withdrawing your AVO, have you experienced any violence or threats (*like what you described in your original AVO application*)? If yes, what happened? Did you report that incident to the police? Why/ why not? Did you apply for another AVO against [insert 'ex partner' etc]? Why/ why not?
- 5.2.4 If you haven't experienced any further violence: If you were to experience violence or threats from [insert 'ex husband' etc] again what do you think you would do? Report to the police? Apply for another AVO? If you wouldn't apply for another AVO, why not?
- 5.2.5 Has [insert 'ex wife' etc] applied for an AVO against you since the mutual withdrawal? If yes, what happened? What was the result of that application?

5.3 YOU OBTAINED AN AVO AND THE OTHER PERSON DIDN'T

You were successful in obtaining an AVO against your current/ex partner. *Answers to part four should make it clear whether this took place at a mention or after a hearing – if not clarify.*

- 5.3.1 How did it make you feel that you were successful in obtaining an AVO when [insert 'ex partner' etc] was unsuccessful?
- 5.3.2 Why do you think you were successful and [insert 'ex partner' etc] was not?
- 5.3.3 Since obtaining your AVO, has it been breached in any way?
- If yes, what happened?
 - Did you report it to the police? If yes, what happened? Did the police take any action?
 - Were there any problems because both of you had previously had AVO applications against each other?
 - If the other person was charged, what was the result of that?
- 5.3.4 Have there been any allegations that you have been violent towards or threatened you [insert 'ex partner' etc] since he/she did not obtain an AVO?

- If yes, what happened?
- Were you charged?
- Was another AVO applied for against you? If so, what happened to that?

5.4 THE OTHER PERSON OBTAINED AN AVO AND YOU DIDN'T

Your current/ ex partner was successful in obtaining an AVO against you. *Answers to part four should make it clear whether this took place at a mention or after a hearing – if not clarify.*

5.4.1 How did it make you feel that you were not successful in obtaining an AVO when [insert 'ex husband' etc] was successful?

5.4.2 Why do you think that you were unsuccessful and [insert 'ex husband' etc] was?

5.4.3 Since [insert 'ex husband' etc] obtained an AVO against your – has there been any allegations that you have breached this AVO?

- If yes, what happened?
- Did you report it to the police? If yes, what happened? Did the police take any action?
- Were there any problems because both of you had made applications for an AVO against each other?
- If the other person was charged, what was the result of that?

5.4.4 Since not obtaining an AVO against [insert 'ex husband' etc] have you experienced any violence or threats again (like what you had described in your original AVO application)? If yes, what happened? Did you report that incident to the police? Why/ why not? Did you apply for another AVO against [insert 'ex husband' etc]?

5.4.5 *If you haven't experienced any violence from [insert 'ex husband' etc] since you did not obtain an AVO – would you apply for another AVO against [insert 'ex husband' etc] if you did experience any violence or threats? Why/ why not?*

Part Six – Other legal proceedings

I asked you earlier about whether or not there were any other related cases happening around the same time as both your AVO applications. I now want to ask you a bit more about that. We have already spoken about any related criminal charges – so I now want to focus on other legal proceedings.

6.1 Were there any:

- (a) family law;
- (b) immigration; or
- (c) child protection

cases taking place around the same time as your AVO applications?

6.2 If there were, can you tell me briefly what those cases were about (ie in family law was it about residence and access) and what happened in them?

- 6.3 Was the AVO(s) mentioned in any of these proceedings? If so, how?
- Was the fact that there were cross applications mentioned in these proceedings – if so how?
 - How would you describe that the domestic violence was considered in these proceedings?

6.4 How would you describe the manner in which the cross application was dealt with in these other proceedings? Did you feel that it had any effect on the way in which the domestic violence was considered?

Part Seven – Talking about the violence

This part of the interview is designed to allow the participant to describe generally the violence that was in the relationship – it is to provide some background to the more specific questions around violence, the AVO process and the cross application.

I want to take you back to some more general questions about the violence that took place during your relationship.

7.1 Can you remember when you first experienced behaviour from your current/ ex partner like what you described in your AVO complaint?

7.2 How often would you say you experienced that sort of behaviour from your current/ ex partner?

7.3 What would you describe that 'behaviour' as? How did, being subjected to that 'behaviour' make you feel?

7.4 Given what you have just described to me – what was the most common thing your current/ ex partner did to you that made you feel like this?

7.5 What would you describe as the worst thing that your current/ ex partner did to you? How did this make your feel?

7.6 Did you sustain any injuries or what you would describe as long term impacts as a result of the violence?

7.7 Did you tell anyone about the things that you were experiencing? Who did you tell? What was their response? How did you feel about that?

7.8 There are also allegations (through the application for an AVO against you) that you did things to [insert 'ex partner' etc]. We have already talked about whether you agree or disagree with the allegations that he/she has made about you – Do you have anything that you want to say about that, particularly in the context of what you have just been saying about your experiences in the relationship?

7.9 Given what you have told me just now about what you experienced from your current/ ex partner in the relationship – how did you feel about the cross application against you?

Part Eight – Closure

8.1 Is there anything else that you want to add or explain? Do you feel that you have left anything out etc?

8.2 I also want to ask a couple of questions about how you felt about this interview:

- Did you feel comfortable during the interview?
- How did you find it to answer and talk about sensitive topics of relationships and violence?
- Is there anything that you would recommend that I change in the interview format?



The University of Sydney

Faculty of Law



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**“HAVE YOU APPLIED FOR AN AVO ONLY TO HAVE
THE OTHER PERSON APPLY FOR ONE AGAINST YOU?”**
- The study of cross applications in domestic violence AVO proceedings –
- Consent to be interviewed -

You have been invited to participate in a research project that will examine the use of cross applications in Apprehended Domestic Violence Order proceedings. A cross application takes place when one person applies for an AVO against another person who has already applied for one to protect them against the first person.

Jane Wangmann is conducting this research project for a PhD in law at the University of Sydney.

This information sheet and attached form seeks to ensure that you have full information about the interview and the use of the information gathered during the interview.

The project involves interviewing people who have been involved in cross applications. The person against whom you have applied for an AVO will **NOT** be interviewed.

Interviews will take approximately one-and-a-half hours and will be conducted at a time and place suitable to you (most likely at a courthouse or coffee shop near you or in an office at the University of Sydney). Subject to your consent the interview will be tape-recorded. At all stages the interview is voluntary - you do not have to answer questions you do not want to answer or that you feel uncomfortable answering. It is also possible for you to stop the interview at any stage. All information gathered in the interview will remain confidential and anonymous except as required by law. The interview will be transcribed and given a code number or name and any identifying information contained in the interview will be removed. Only Jane Wangmann will have access to the material that contains your name, address and other contact details. All information will be stored in a locked filing cabinet at the University of Sydney. Information gathered through the interviews that is used in the resulting report will not contain identifying information about you or any other people that you might have mentioned (or other information that would make it easy for people to identify who you are).

These interviews form one part of the research project that will also involve interviews with people who work in this area (for example magistrates, chamber magistrates, police, lawyers and domestic violence workers), observing court proceedings and examining court files.

Jane Wangmann will conduct all the interviews. If you have any questions or wish to discuss issues with Jane after the completion of the interview you can contact her by telephone on xxxr or email xxxxr or by writing to her at PO Box xxxr.

Any person with concerns or complaints about the conduct of a research study can contact the Manager of Ethics and Biosafety Administration, University of Sydney, on (02) 9351 4811.

The study of cross applications in ADVO proceedings

**- Consent to be interviewed -
Participant's copy**

I agree to participate in an interview for the research project that examines the use of cross applications in Apprehended Domestic Violence Order (ADVO) proceedings:

Yes No

I understand that I can stop the interview at any time for any reason and that I do not have to answer any questions I do not feel comfortable answering:

Yes No

I agree to the interview being tape-recorded:

Yes No

I agree that information gathered in this interview can be used in any report or article resulting from this research on the use of cross applications in ADVO proceedings provided that no identifying information is contained in that report about myself or any other person:

Yes No

It may be necessary to contact you again to check that the information that has been gathered is correct, or to clarify things that you said; it may also be necessary to find out about any future developments that you may have mentioned (eg an upcoming court case). Do you consent to being contacted again?

Yes No

What is the safest way to contact you again (for example is it best to phone you between certain hours; send a letter to a friend's or relatives address)?

Is it okay to leave a message on your answering machine?

Yes No

I have read the information about this research (or had it explained to me) and I understand that information, the purpose of the study and the consent form.

Signature: _____

Name: _____

Date: _____

Signature of the researcher: _____

Jane Wangmann

STUDY OF THE USE OF CROSS APPLICATIONS IN ADVO PROCEEDINGS

INTERVIEW SCHEDULE PROFESSIONALS

The interview schedule is divided into five parts:

- **Part One: Work experience**
- **Part Two: Understandings of domestic violence**

This part is divided into four different sections depending upon the occupational group of the professional being interviewed (ie these sections are alternatives – however the questions asked are largely similar, they vary simply around the wording having regard to each professional’s role in domestic violence cases)

- Magistrates;
- Solicitors/ police prosecutors;
- Domestic violence liaison officers (police); and
- Court Assistance Scheme Workers and Men’s Group workers;

- **Part Three: Cross applications within the work setting**

This part is divided into four different sections depending upon the occupational group of the professional being interviewed (ie these sections are alternatives)

- Magistrates;
- Police (police prosecutors and Domestic Violence Liaison Officers);
- Solicitors; and
- Court Assistance Scheme Workers and Men’s Group workers;

- **Part Four: Outcomes for cross applications**
- **Part Five: Any recommendations**

Interview Code No.: _____

Date of interview: _____

Occupation: _____

Male Female

Part One: Work experience

This part of the interview is designed to gather general background information about the nature of the work performed; how much involves domestic violence work; and how long they have been performing this role.

1.1 How long have you been in the position that you are currently employed in?

1.2 How much of the work that you do, would you estimate, involves domestic violence?

1.3 Does your work involve contact with victims of domestic violence, or perpetrators of domestic violence or both?

1.4 How would you describe your role concerning domestic violence?

1.5 What do you see as your responsibilities in performing that role?

Part Two: Understandings of domestic violence

This part of the interview schedule is designed to gather some general information about how this professional understands domestic violence; the level of training and education that they receive about this issue etc.

2.1 How do you define, or understand domestic violence, within the context of your occupation?

2.2 Do you receive training about domestic violence? How do you feel about this training? Is it sufficient or insufficient? Are there any topics you would like more information about? Are there any topics you would like less information about?

2.3 MAGISTRATES

As you are aware my research primarily focuses on the use of cross applications – in doing this I am also seeking to briefly gather people's general views about ADVOs – as a way to place the use of cross applications in context. Note that the focus of my research is domestic relationships and not PVOs.

2.3.1 What proportion of the matters that you deal with each week are ADVOs?

2.3.2 Do you think that complainants in ADVOs experience any difficulties in seeking assistance from the legal system regarding domestic violence? If so, what are those difficulties?

2.3.3 When defendants in ADVO matters appear before you in court, how would you describe their general response to an ADVO application against them? I.e how do they respond to the allegations?

2.3.4 Have you ever presided over an ADVO matter where you did not think that the allegations contained in the ADVO were truthful? What made you think that? What happened in that case?

2.3.5 Do you think that ADVOs are useful in preventing domestic violence? If so, how? If not, are there any reasons for your view?

2.3.6 Are there any sections of Part 15A that you think should be changed in your experience? Or do you generally think that the legislation works well?

2.3.7 How do you feel about making decisions in ADVO matters in the local court?

2.4 SOLICITORS / POLICE PROSECUTORS

As you are aware my research primarily focuses on the use of cross applications – in doing this I am also seeking to briefly gather people’s general views about ADVOs – as a way to place the use of cross applications in context. Note that the focus of my research is domestic relationships and not PVOs.

2.4.1 What proportion of your work involves ADVOs?

2.4.2 Do you act for, or give advice, to both complainants and defendants in ADVOs? Or only complainants OR only defendants? If it is only one or the other – what is the reason for this decision/policy?

2.4.3 If you act for complainants, do you think that they experience any difficulties in telling you about the violence that they have experienced? If so, what are those difficulties?

2.4.4 If you act for defendants, what is their general response to an ADVO application against them? How do they respond to the allegations?

2.4.5 Have you ever acted in a matter (either for the complainant or the defendant) where you did not think that the allegations contained in the ADVO were truthful? What made you think that? What happened in that case?

2.4.6 Do you think that ADVOs are useful in preventing domestic violence? If so, how? If not, are there any reasons for your view?

2.4.7 Are there any sections of Part 15A that you think should be changed in your experience? Or do you generally think that the legislation works well?

2.4.8 How do you feel about acting in, or giving advice about, ADVOs?

2.5 DOMESTIC VIOLENCE LIAISON OFFICERS (POLICE)

As you are aware my research primarily focuses on the use of cross applications – in doing this I am also seeking to briefly gather people’s general views about ADVOs – as a way to place the use of cross applications in context. Note that the focus of my research is domestic relationships and not PVOs.

2.5.1 What proportion of your work involves ADVOs?

2.5.2 When you have contact with complainants, do you think that they experience any difficulties in telling you about the violence that they have experienced? If so, what are those difficulties?

2.5.3 When you have contact with defendants, what is their general response to an ADVO application against them? How do they respond to the allegations?

2.5.4 Have you ever been involved in an ADVO where you did not think that the allegations contained in the ADVO were truthful? What made you think that? What happened in that case?

2.5.5 Do you think that ADVOs are useful in preventing domestic violence? If so, how? If not, are there any reasons for your view?

2.5.6 Are there any sections of Part 15A that you think should be changed in your experience? Or do you generally think that the legislation works well?

2.6 COURT ASSISTANCE SCHEME WORKERS & MEN'S GROUP WORKERS

As you are aware my research primarily focuses on the use of cross applications – in doing this I am also seeking to briefly gather people's general views about ADVOs – as a way to place the use of cross applications in context. Note that the focus of my research is domestic relationships and not PVOs.

2.6.1 What proportion of your work involves supporting people in ADVOs matters?

2.6.2 Do you provide support to both complainants and defendants in ADVOs? Or only complaints OR only defendants? If it is only one or the other – what is the reason for this decision/policy?

2.6.3 If you provide support to complainants, do you think that they experience any difficulties in telling you about the violence that they have experienced? If so, what are those difficulties?

2.6.4 If you provide support to defendants, what is their general response to an ADVO application against them? How do they respond to the allegations?

2.6.5 Have you ever provided support in an ADVO (either for the complainant or the defendant) where you did not think that the allegations contained in the ADVO were truthful? What made you think that? What happened in that case?

2.6.6 Do you think that ADVOs are useful in preventing domestic violence? If so, how? If not, are there any reasons for your view?

2.6.7 Are there any sections of Part 15A that you think should be changed in your experience? Or do you generally think that the legislation works well?

2.7 ALL PROFESSIONAL GROUPS

2.7.1 How would you define a 'cross application'?

2.7.2 When I say 'cross application'? What are the first three things that spring to mind?

2.7.3 Do you see cross applications as being positive, negative or neutral? Or does it depend on the case – if so, why?

2.7.4 Do you receive any training about cross applications?

2.7.5 How many cross applications, in 'intimate' ADVO matters, do you estimate would arise on a given list day?

2.7.6 Do you think that dealing with cross applications has had any impact on your understanding of domestic violence? If so, how?

Part Three: Cross applications within the work setting

I have already asked you a few general questions about cross applications – I now want to ask you some more specific questions about how they appear in the work that you do and how you approach them or deal with them when they arise.

3.1 MAGISTRATES

3.1.1 How do you become aware that an application for an ADVO might be a cross application?

3.1.2 Do you experience any difficulties in identifying a cross application? *Prompts: time delay between applications; applications made at different courts; both applications being made simultaneously by the police?*

3.1.3 When you become aware that a matter is a cross application, how do you approach it? *Is it any different to other ADVO matters?*

3.1.4 What proportion of ADVO matters that you deal with involve cross applications (as a rough estimate)?

3.1.5 Do you think cross applications are increasing or decreasing or staying the same?

3.1.6 Do you think that cases involving cross applications are different to those that do not involve cross applications? If so, how?

The following four questions are about what you think – not what is the end result at court

3.1.7 Have there been cases involving cross applications before you, where *you think* that **only one person** requires the protection of an ADVO? Why did you think this? Can you give a brief description of this case example, what happened and what you did?

3.1.8 Have there been cases involving cross applications before you, where *you think* that **both parties** should obtain an ADVO? Why did you think this? Can you give a brief description of this case example, what happened and what you did?

3.1.9 Have there been cases involving cross applications before you, where *you think* that **neither party** should obtain an ADVO? Why did you think this? Can you give a brief description of this case example, what happened and what you did?

3.1.10 In terms of the three possibilities I have just asked you about (one person deserves the ADVO; both parties deserve the ADVO; neither party deserves the ADVO) which is the most common and which is the least common from your point of view? *Remember this is what you think about the cross applications – not necessarily how they are resolved at court.*

Where both applications are before the court at the same time...

3.1.11 If both parties have an application for an ADVO before you at the same time, how would you describe your approach to both parties?

3.1.12 What do you see as your role when both parties are applying for protection from the other party?

3.1.13 Sometimes the police apply for an ADVO for both parties arising out of the same incident. Have these types of cases come before you? If yes, what do you think about these cases? How do you deal with them?

3.1.13 If the cases are to be adjourned, what would you see as the most desirable way in which the cases are adjourned? *ie with or without interim orders?*

3.1.14 How do you think most cross applications are disposed of in your court?

- mutual consent?
- mutual withdrawal?
- mutual dismissal?
- one person obtaining an ADVO and the other one not?

3.1.15 How many cross applications, in your court, proceed to a full hearing?

3.1.16 In those cases that do proceed to a full hearing – how do you approach those cases? What is the most likely outcome if there is a defended hearing (ie mutual dismissal; dismissal of one order and the granting of one; granting of mutual orders)?

3.1.17 What do you think is the best way in which cross applications should be finally disposed of? Why?

3.1.18 Do you think that cross applications have any impact on the parties before you? If so, how?

3.1.19 Do you have any comments about the way in which the following key players deal with cross applications:

- Police
- Lawyers
- Chamber magistrates/ clerks of the court
- Court assistance scheme workers

If you provided negative comments – in what ways do you think that the way in which the above key players approach to cross applications could be improved/changed?

3.2 POLICE (POLICE PROSECUTORS AND DOMESTIC VIOLENCE LIAISON OFFICERS)

3.2.1 How do cross applications arise in your work?

3.2.2 What proportion of ADVO matters that you deal with involve cross applications (as a rough estimate)?

3.2.3 Do you think cross applications are increasing or decreasing or staying the same?

3.2.4 Do you think that cases involving cross applications are different to those that do not involve cross applications? If so, how?

3.2.5 Sometimes the police apply for an ADVO for both parties arising out of the same incident. What do you think about these types of cases? Have you had to deal with these types of cases in your work? If yes, what did you do?

3.2.6 Sometimes the police apply for a cross application some period of time after the original ADVO was granted. What do you think about these types of cases? Have you had to deal with these types of cases in your work? If yes, what did you do?

The following four questions are about what you think – not what is the end result at court

3.2.7 Have there been cases of cross applications that you have been involved in, where *you think* that **only one person** requires the protection of an ADVO? Why did you think this? Can you give a brief description of this case example?

3.2.8 Have there been cases of cross applications that you have been involved in, where *you think* that **both parties** should obtain an ADVO? Why did you think this? Can you give a brief description of this case example?

3.2.9 Have there been cases of cross applications that you have been involved in, where *you think* that **neither party** should obtain an ADVO? Why did you think this? Can you give a brief description of this case example?

3.2.11 In terms of the three possibilities I have just asked you about (one person deserves the ADVO; both parties deserve the ADVO; neither party deserves the ADVO) which is the most common and which is the least common from your point of view? Remember this is *what you think* about the cross applications – not necessarily how they are resolved at court.

3.2.13 How do you think most cross applications are disposed of at court?

- mutual consent?
- mutual withdrawal?
- mutual dismissal?
- one person obtaining an ADVO and the other one not?

3.2.14 What do you think is the best way in which cross applications should be finally disposed of? Why?

3.2.12 Do you think that cross applications have any impact on the parties? If so how?

3.2.13 What do you think about the way in which the following key players deal with cross applications:

- Lawyers
- Magistrates
- Chamber magistrates/ clerks of the court
- Court assistance scheme workers

If you provided negative comments – in what ways do you think that the way in which the above key players approach to cross applications could be improved/changed?

3.3 SOLICITORS

3.3.1 How do cross applications arise in your work?

3.3.2 What proportion of ADVO matters that you deal with involve cross applications (as a rough estimate)?

3.3.3 Do you think cross applications are increasing or decreasing or staying the same?

3.3.4 Do you think that cases involving cross applications are different to those that do not involve cross applications? If so, how?

3.3.5 Have you ever advised a person to make a cross application? If so, what were your reasons for doing so? What did you hope the making of the cross application would achieve?

3.3.3 Do you apply for legal aid on behalf of your clients in ADVO applications? What proportion of you clients receive legal aid? If you are representing a client in a cross application does legal aid, in general, cover both cases? Have you ever had a client refused legal aid where there is a cross application? If so, what were the reasons for this refusal?

3.3.6 When you represent a person in an ADVO application where there is a cross application, how do you approach the case? Is there any issues that arise in these cases that do not arise in those cases where there is no cross application?

3.3.7 When the cross applications first appear at court together – what do you do? Do you attempt to negotiate with the other party? If so, what would that negotiation be about?

3.3.8 If the cases are to be adjourned – what do you think should happen for the period of the adjournment – ie with or without interim orders?

3.3.9 How do you think most cross applications that you act in are finally disposed of?

- mutual consent?
- Mutual withdrawal?
- One person obtaining an ADVO and the other one not?

3.3.10 Have you ever been involved in a case which involved cross applications where the case proceeded to a defended hearing? Can you please tell me about this case and what happened?

3.3.10 What do you think is the best way in which cross applications should be finally disposed of? Why?

The following four questions are about what you think – not what is the end result at court

3.3.11 Have there been cases involving cross applications that you have acted in, where *you think* that **only one person** requires the protection of an ADVO? Why did you think this? Can you give a brief description of this case example, what did you do, what happened in the end?

3.3.12 Have there been cases involving cross applications that you have acted in, where *you think* that **both parties** should obtain an ADVO? Why did you think this? Can you give a brief description of this case example, what did you do, what happened in the end?

3.3.13 Have there been cases involving cross applications that you have acted in, where *you think* that **neither party** should obtain an ADVO? Why did you think this? Can you give a brief description of this case example, what did you do, what happened in the end?

3.3.14 In terms of the three possibilities I have just asked you about (one person deserves the ADVO; both parties deserve the ADVO; neither party deserves the ADVO) which is the most common and which is the least common from your point of

view? *Remember this is what you think about the cross applications – not necessarily how they are resolved at court.*

3.3.15 How do you think cross applications impact on the clients that you represent?

3.3.16 Do you see cross applications making any difference to the court process?

3.3.17 Do you have any comments about how magistrates approach/ or deal with cross applications? Is this different to how they deal with cases that do not involve cross applications?

3.3.18 If the police are acting in one ADVO application and the other ADVO application has been made by way of private complaint – is there any difference to how these cases are approached by the court?

3.3.19 What do you think about the way in which the following key players deal with cross applications:

- Police
- Magistrates
- Chamber magistrates/ clerks of the court
- Court assistance scheme workers

If you provided negative comments – in what ways do you think that the way in which the above key players approach to cross applications could be improved/changed?

3.4 COURT ASSISTANCE SCHEME WORKERS & MEN'S GROUP WORKERS

3.4.1 How do cross applications arise in your work?

3.4.2 What proportion of ADVO matters that you deal with involve cross applications (as a rough estimate)?

3.4.3 Do you think cross applications are increasing or decreasing or staying the same?

3.4.4 Do you think that cases involving cross applications are different to those that do not involve cross applications? If so, how?

3.4.2 What do you do when there is a cross application? Ie what information do you give the person you are assisting?

3.4.3 How do you think cross applications impact on your clients?

3.4.4 Sometimes the police apply for an ADVO for both parties arising out of the same incident. Have you assisted people in this situation? If yes, what do you think about these cases, the police decision? How do you deal with these?

3.4.5 Sometimes the police apply for a cross application some period of time after the original ADVO was granted. Has you assisted people in this situation? If yes, what do you think about these cases, the police decision? How do you deal with these?

The following four questions are about what you think – not what is the end result at court

3.4.6 Have there been cases involving cross applications in which you have assisted a party, where *you think* that **only one person** requires the protection of an ADVO? Why did you think this? Can you give a brief description of this case example?

3.4.8 Have there been cases involving cross applications in which you have assisted a party, where *you think* that **both parties** should obtain an ADVO? Why did you think this? Can you give a brief description of this case example?

3.4.9 Have there been cases involving cross applications in which you have assisted a party, where *you think* that **neither party** should obtain an ADVO? Why did you think this? Can you give a brief description of this case example?

3.4.10 In terms of the three possibilities I have just asked you about (one person deserves the ADVO; both parties deserve the ADVO; neither party deserves the ADVO) which is the most common and which is the least common from your point of view? *Remember this is what you think about the cross applications – not necessarily how they are resolved at court.*

3.4.11 If the cases are to be adjourned – what do you think should happen for the period of the adjournment – ie with or without interim orders?

3.4.12 How do you think most cross applications that you act in are finally disposed of?

- mutual consent?
- Mutual withdrawal?
- One person obtaining an ADVO and the other one not?

3.4.13 Have you ever provided support to a client whose case (involving a cross application) proceeded to a defended hearing? If yes, can you please tell me about one of these cases and what happened.

3.4.14 What do you think is the best way in which cross applications should be finally disposed of? Why?

3.4.15 What do you think about the way in which the following key players deal with cross applications:

- Police
- Lawyers
- Magistrates

If you provided negative comments – in what ways do you think that the way in which the above key players approach to cross applications could be improved/changed?

Part Four: Outcomes for cross applications

I have already asked you questions about what you think is the most common outcome when there are cross applications before the court – and also about what you think is the most desirable outcome from your perspective. I now want to ask you some questions about the impact of the way in which cases are finally disposed of have for the parties.

4.1 If both applications are withdrawn – have you ever had contact with a person who has subsequently reapplied for an ADVO? *What do you think about those cases? Does it cause you to think about the earlier cross application – if so in what way?*

4.2 If both applications result in mutual orders – what do you think about this? do you see this as having any impact on either party? If so how?

4.3 Do you identify any issues in terms of the enforcement of mutual ADVOs? *Has this emerged in your work? If so can you provide an eg?*

4.4 Do you identify any issues for other legal proceedings (eg Family Law; immigration; or child protection) where there have been cross applications (whether or not resulting in mutual orders)?

Part Five: Any recommendations

5.1 Do you have any recommendations about how cross applications should be dealt with?

- By the police?
- By the chamber magistrate?
- By lawyers?
- By magistrates?

5.2 Do you think that cross applications should continue to be available? Why?

5.3 Do you think that the legislation should address cross applications or mutual orders in any way?

5.4 Do you have any other comments or suggestions that you wish to make about cross applications in ADVO proceedings?

CLOSURE

Court File Analysis Data Sheet

Code No.:

Date AVOs at court:

Court:

Matter No. (if possible):

Complainant One

Male or female	
Present at court	
Complainant represented	
Application (police or private)	
Date of application	
Defendant present at court	
Defendant represented	
Type of relationship between the parties	
Types of violence	
<i>Contents of complaint:</i>	
Does the complaint detail DV over a period of time?	
Date defendant served	

Dates of how the matter proceeded at court	
How was the matter resolved on the final date at court?	
If an AVO was made were the orders originally sought granted? If not what was omitted?	
Any other comments about this complaint	

Complainant Two

Male or female	
Present at court	
Complainant represented	
Application (police or private)	
Date of application	
Defendant present at court	
Defendant represented	
Type of relationship between the parties	
Types of violence	
<i>Contents of complaint:</i>	
Does the complaint detail DV over a	

period of time?	
Date defendant served	
Dates of how the matter proceeded at court	
How was the matter resolved on the final date at court?	
If an AVO was made were the orders originally sought granted? If not what was omitted?	
Any other comments about this complaint	

COURT OBSERVATION RECORD SHEET

Date: _____

Court: _____

Magistrate: (name if known) _____

M/F

Time commenced observation: _____

Time completed observation: _____

Plaintiff/ Victim	M/F
Police Application	Y/N
If not a police application is the victim represented?	Y/N
Is the victim present at court?	Y/N
Interpreter for victim?	Y/N
Defendant	M/F
Is defendant represented?	Y/N
Is the defendant present at court?	Y/N
Interpreter for defendant?	Y/N

Relationship between parties (if Known):

Length of hearing

Is there any mention of types of violence experienced:

Is any evidence taken:

Are any questions asked of plaintiff/ victim?

Are any questions asked of the defendant?

Demeanour of the magistrate: good natured; bureaucratic; firm; condescending; harsh
Is this demeanour directed differently to victims and defendants?

Are any explanations offered for the use of violence? Causal representations? Excuses?

Result:

Any other comments/ notes: