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Legal service for defendants in Apprehended Domestic Violence Order (ADVO) proceedings: An evaluation

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Aims: *To determine: 1) whether providing legal advice to defendants in Apprehended Domestic Violence Order (ADVO) proceedings reduces the frequency with which ADVOs are breached; 2) what defendants and stakeholders think about the pilot legal advice service provided to defendants by Legal Aid NSW.*

Methods: *The effect of the ADVO on proscribed behaviours was compared before and after the introduction of the intervention (i.e. provision of a Legal Aid duty service to defendants in ADVO proceedings) to see whether the intervention resulted in a larger reduction in proscribed behaviours. Interviews were conducted with defendants who received legal advice and key stakeholders involved in the provision of the pilot service to ascertain their perceptions of the service.*

Results: *The size of the reduction in proscribed behaviours did not differ significantly before and after the introduction of the legal aid service. Most of the 29 defendants interviewed said they understood the ADVO conditions as explained to them by their solicitor and the serious consequences that would result from breaching the ADVO conditions. Most would also recommend the legal service. Almost all of the 20 stakeholders interviewed believed there was a need for a legal service targeting defendants in ADVO matters and that the service was effective and valuable.*

Conclusions: *Providing legal advice and representation to ADVO defendants does not result in fewer breaches of ADVOs, but defendants receiving legal advice and those associated with its provision were strongly supportive of the service. Stakeholders reported that the new legal service had a beneficial effect on court processes.*

Keywords: *ADVOs, breaches, Legal Aid NSW, violent offenders, pilot legal aid service*

INTRODUCTION

Domestic violence has been recognised as a significant social problem, both nationally and internationally (e.g. Krug et al., 2002; NSW Attorney General and Justice Department, 2012). It encompasses a range of behaviours, including physical violence, emotional abuse, verbal abuse, intimidation, and economic and social deprivation. Domestic violence has serious social, economic, health and financial consequences. For example, in 2001, intimate partner violence was found to contribute eight per cent to the total disease burden of Victorian women aged between 15 and 44 years, and to be the leading preventable contributor to death, disability and illness in women aged in this range (VicHealth and the Department of Human Services, 2004). In 2002-2003, the estimated total annual cost of domestic violence in Australia was $8.1 billion (Access Economics, 2004).[1] The main components of these costs were pain, suffering (e.g. depression, anxiety), premature death (suicide, femicide) and consumption costs (e.g. replacing damaged property, defaulting on bad debts and loss of economies of scale in consumption due to reduced household size).

In NSW, one of the primary responses to domestic violence is the Apprehended Domestic Violence Order (ADVO). These orders have been found to be effective in reducing and, in some cases, even eliminating the violence and abuse suffered by people who obtain them (Trimboli & Bonney, 1997). However,

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although ADVOs are generally effective, breaches continue to occur. This study examines an attempt to increase the effectiveness of ADVOs by providing free legal advice and representation to defendants in ADVO proceedings in one metropolitan Local Court.

The next section examines the prevalence of domestic violence in Australia. This is followed by a description of the legislation designed to protect people from domestic violence and the services available for victims of domestic violence in NSW. The subsequent section describes the pilot legal service which is the focus of this evaluation. This service was developed by Legal Aid NSW for defendants in ADVO matters appearing in Burwood Local Court.

EXTENT OF DOMESTIC VIOLENCE IN AUSTRALIA

Although a substantial proportion of domestic violence goes unreported (Australian Bureau of Statistics, (ABS), 2014a), some information about the incidence and prevalence of domestic violence can be obtained from a combination of both victimisation surveys and administrative databases maintained by criminal justice agencies.[2] Victimisation surveys provide perhaps the most comprehensive measure of violence experienced by adults because, unlike administrative databases, they capture information on violence regardless of whether the incidents have been reported to the police or any service. These surveys also provide some information regarding the relationship between the victims and offenders, and the location of the incidents.

According to the Australian component of the International Violence Against Women Survey, which was conducted across Australia between December 2002 and June 2003, ten per cent of surveyed women aged 18 years or over reported experiencing at least one incident of physical and/or sexual violence in the previous 12 months (Mouzos & Makkai, 2004). About three in five (57%) women surveyed reported experiencing at least one incident of physical and/or sexual violence over their lifetime. These women reported that the most common types of physical violence they experienced from a man over their lifetime were threats of physical violence, followed by being pushed or grabbed, having their arm twisted or their hair pulled. The risk of violence, however, differed according to the woman's relationship status. During their lifetime, the risk of experiencing violence from a former partner was much higher than from a current partner (36% vs 10%). Women were also more at risk of injury from a former partner than a current partner – 42 per cent of women who experienced violence from a former partner reported having sustained injuries (e.g. bruises and associated swelling) compared with 35 per cent of women who experienced violence from a current partner. Mouzos and Makkai (2004) found that the strongest risk factors for intimate partner physical violence were associated with the man's behaviour – his drinking habits, general levels of aggression and controlling behaviours.

The most recent Crime Victimisation Survey conducted by the ABS (2014a) between July 2012 and July 2013 estimates that, in the 12 months prior to being interviewed, 498,000 (2.7%) Australians aged 15 years and over were victims of at least one physical assault,[3] 511,700 (2.8%) experienced face-to-face threatened assault and 208,200 (1.1%) experienced non-face-to-face threatened assault.[4] For NSW, the corresponding figures were, respectively, 133,500 (2.2%), 144,300 (2.4%) and 54,800 (0.9%) people (ABS, 2014a).

When asked about the most recent incident of physical violence, most female victims reported that the offender was male (77.3%) and known to the victim (75.6%). The relative frequency of different victim-offender relationships in these incidents of physical violence was as follows: current partner (9.1% of incidents), a previous partner (16.2% of incidents), other family member (18.3% of incidents), boyfriend/ex-boyfriend/date (9.2% of incidents), professional relationship (9.9% of incidents) and friend (5.6% of incidents). In 28.9 per cent of incidents, the female victim was living with the offender. The victim's own home was the location of almost half (47.8%) of the most recent incidents of physical violence involving female victims; the workplace or a place of study was the location for a further 21.2 per cent of these incidents. Almost half (48.4%) of the most recent incidents were not reported to the police (ABS, 2014a, Table 10).

LEGISLATION

Each Australian state and territory has legislation which empowers courts to make ADVOs or restraining orders to protect victims of domestic violence or those at risk of domestic violence. The legislation in each jurisdiction is broadly similar in key areas, such as the grounds on which orders may be made; the types of orders that may be made; the kinds of prohibitions, restraints and conditions that an order may impose on the person against whom it is made; the capacity for temporary orders to be made without the need for a court appearance; and the criminal effect of contravening a domestic violence protection order (National Council to Reduce Violence against Women and their Children, 2009a). In NSW, the legislation governing ADVOs is the *Crimes (Domestic and Personal Violence) Act 2007*.

Crimes (Domestic and Personal Violence) Act 2007 (NSW)

The *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (the Act), which commenced on 10 March 2008, replaced Part 15A of the *Crimes Act 1900* (NSW). It is designed to reduce and prevent violence; its objectives include 'ensur[ing] the safety and protection of all persons, including children, who experience or

witness domestic violence' (s 9(1)(a)); and 'ensur[ing] the safety and protection of all persons who experience personal violence outside a domestic relationship' (s 10(1)).

The Act empowers courts to make apprehended violence orders to protect people both within and outside domestic relationships. These are called 'apprehended domestic violence orders' (ADVOs) (see Part 4) and 'apprehended personal violence orders' (APVOs) (Part 5), respectively, and are made if the court is satisfied, on the balance of probabilities, that the applicant has reasonable grounds to fear and, in fact, fears violence, intimidation or stalking by the other party (ss 16(1); 19(1)). An ADVO prohibits the defendant from engaging in a range of behaviours targeting either the protected person (s 35) or a person with whom the protected person has a domestic relationship (s 38). These proscribed behaviours include assaults, molestation, harassment, threats, stalking and intimidation (s 36). The legislation prohibits intimidation 'by telephone, telephone text messaging, e-mailing and other technologically assisted means' (s 7(1)(b)). In addition, an ADVO may prohibit or restrict the defendant from:

- approaching the protected person;
- accessing any premises occupied by the protected person (or any place where the protected person works or frequents);
- approaching either the protected person or specific premises within 12 hours of consuming intoxicating liquor or illicit drugs; and/or
- possessing firearms or prohibited weapons (s 35(2)).

When making an ADVO, a court can make an 'ancillary property recovery order' (s 37) if either the protected person or the defendant has left personal property at the premises occupied by the other party. This order allows the removal, at a pre-arranged time, of their own personal property from the premises involved (s 37(2)).

Since ADVOs are the specific focus of the current study, the legislative definition of 'domestic' relationship is crucial. The legislation recognises a wide range of relationships as 'domestic'. The defendant could be a current or former spouse of the person seeking protection; a current or former de facto partner; currently or previously in an intimate relationship with the protected person; currently or previously living in the same household as the protected person; currently or previously a long-term resident in the same residential facility as the protected person; currently or previously dependent on the paid or unpaid care of the protected person; currently or previously part of the protected person's Indigenous kinship system or extended family; and/or currently or previously a relative of the protected person (including step- and in-law relationships) (ss 5-6).

If the defendant and/or the protected person are present in court when a final ADVO or interim order is made, the Act requires the court to explain to them, in the relevant language and in writing, the effect of the order (including any prohibitions and restrictions imposed by the order); the rights of both the defendant and the protected person in relation to the order; and the consequences that could follow from contravening the order (s 76). The maximum penalty for breaching an ADVO in NSW is a term of imprisonment of two years and/or 50 penalty units (s 14). At present, a penalty unit is worth $110 (*Crimes (Sentencing Procedure) Act 1999* (NSW), s 17), so the maximum penalty is $5,500.

The following section summarises the number of ADVOs granted in NSW over the last five years, with particular focus on Burwood Local Court, which is the site of the pilot program evaluated.

ADVOs IN NSW

Table 1 shows the number of ADVOs granted in NSW Local Courts and, more specifically, in Burwood Local Court in the five-year period from 2009 to 2013. Table 1 also shows the number of ADVO breaches both state-wide and in Burwood Local Court during each of these five years.

As Table 1 shows, on average, 24,605 ADVOs were granted by NSW Local Courts in each of the past five years. Of these, on average, 3.9 per cent were granted each year at Burwood Local Court. Table 1 also shows that, on average, 8,891 ADVO breaches occurred during each of these five years; on average, 3.6 per cent of these breaches were dealt with at Burwood Local Court.

Table 1. Number of ADVOs granted and ADVO breaches in NSW and Burwood Local Court, 2009 – 2013

	ADVOs granted			ADVO breaches [a]		
	All NSW Local Courts	Burwood Local Court		All NSW Local Courts	Burwood Local Court	
Year	N	N	% of NSW	N	N	% of NSW
2009	24,303	934	3.8	7,773	273	3.5
2010	24,368	876	3.6	8,746	303	3.5
2011	24,902	974	3.9	9,064	309	3.4
2012	23,919	1,003	4.2	9,277	371	4.0
2013	25,535	1,043	4.1	9,593	359	3.7
Average	24,605	966	3.9	8,891	323	3.6

[a] These figures refer to the number of charges brought, rather than the number of persons charged.

Source: NSW Bureau of Crime Statistics and Research (2014 data request)

SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE

Services are available within the criminal justice system to provide assistance to victims of domestic violence, most of whom are women and children. Legal Aid NSW administers state government funding for a number of services to assist these victims in court proceedings. For example, under the auspices of Legal Aid NSW, the Women's Domestic Violence Court Advocacy Program (WDVCAP) funds the Women's Domestic Violence Court Advocacy Services (WDVCASs) that service Local Courts in NSW. These are locally-based, independent services for women and children who are, or have been, experiencing domestic violence, to obtain effective legal protection through applications for ADVOs. WDVCAS staff provide information and assistance before and at court. At court, staff ensure that women have a safe place to wait and inform them about the progress of their matter. WDVCAS staff do not provide legal advice, but they can refer women to solicitors and can assist with other needs, including accessing support services (e.g. financial assistance and advice, housing, counselling and support with family law issues).

Legal Aid NSW also funds the Domestic Violence Practitioner Service (DVPS), a state-wide specialist service providing free independent advice to clients on ADVOs, including in relation to family law, care and protection, and victims' compensation matters. The DVPS uses solicitors from the private profession who are scheduled to attend court on AVO list days to represent private ADVO applicants. This service operates in a number of metropolitan and regional Local Courts and the solicitors work closely with WDVCAS staff.

Pilot ADVO defendant legal service

A number of factors prompted Legal Aid NSW to design a pilot program providing legal advice and representation to ADVO defendants. These factors included the *Stop the Violence End the Silence NSW Domestic and Family Violence Action Plan* (NSW Department of Premier and Cabinet, 2010), which noted the need for 'standardised domestic violence-related information for victims and perpetrators about the court process and legal issues' (p. 38).

The Action Plan (Action 24, p. 42) recommended that Legal Aid NSW:

> explore the option of an evaluated pilot AVO-Defendant lawyer scheme in two regions… to ensure better outcomes for victims and defendants

as a means of meeting the priority of achieving 'consistent, improved responses from legislation, courts, police and legal representatives'.

In November 2011, Legal Aid NSW commenced a 13-week pilot program in Mount Druitt to:

> test the proposition that providing holistic minor assistance and duty representation to defendants in AVO matters reduces future legal problems (in crime, civil and family law areas). (Cipants, 2014, p. 5).

The inception of this pilot program coincided with the commencement of an inquiry by the NSW Parliament Legislative Council Standing Committee on Social Issues (2012). One of the key terms of reference for the Committee was to 'inquire into and report on domestic violence trends and issues in New South Wales, and in particular … [e]arly intervention strategies to prevent domestic violence' (p. iv). Following its inquiry, the Committee recommended (Recommendation 63, p. 283):

> That the Department of Attorney General and Justice review the Legal Aid NSW Apprehended Domestic Violence Order Defendant Pilot Program and take into account other approaches taken in New South Wales and Victoria with a view to implementing a best practice respondent legal advice and support program across NSW local courts.

The launch of *The NSW Domestic Violence Justice Strategy 2013-2017* (NSW Attorney General and Justice Department, 2012) in December 2012 and an internal evaluation of the Mount Druitt pilot conducted in early 2013 provided Legal Aid NSW with further impetus to develop a second pilot program targeting ADVO defendants. The Domestic Violence Justice Strategy stated that (p. 25):

> If they are eligible, Legal Aid NSW will provide defendants with advice to enable them to enter a plea at or before the second mention. This may include advice provided by Legal Aid solicitors, private solicitors funded by Legal Aid NSW or through pilot domestic violence clinics where advice is provided to defendants on ADVO matters.

This was designed to achieve the Strategy's intended outcome that 'abusive behaviour [be] stopped and perpetrators [be] held to account' (NSW Attorney General and Justice Department, 2012, p. 24).

As a result of these various influences, Legal Aid NSW negotiated with relevant stakeholders dealing with ADVO matters at Burwood Local Court to develop a second pilot program targeting ADVO defendants appearing at that court. The NSW Bureau of Crime Statistics and Research (BOCSAR) agreed to evaluate this pilot program.

For a period of 15 weeks (26 July 2013 – 8 November 2013 inclusive), Legal Aid NSW employed two female private defendant duty solicitors at Burwood Local Court every AVO list day (Friday). These defendant duty solicitors were selected from the DVPS Panel, and had extensive experience in crime

(especially AVO matters) and family law. In their role description, the solicitors were instructed to:

> advise and represent all unrepresented ADVO defendants (with both stand-alone ADVOs and related charges), on AVO list day at Burwood Local Court.
>
> *Nature of advice and representation:*
>
> - implications of ADVO application, considering any children involved, housing arrangements, work arrangements etc and appropriate referrals made;
> - take instructions in relation to the orders sought; and
> - advocate to achieve a workable order that both protects the applicant and is able to be reasonably complied with by the defendant.
>
> *Defendants with associated charges:* The Solicitor will run simple guilty plea matters on a duty basis. All other charge matters and not guilty plea matters are referred to Legal Aid, after the defendant has been advised and assisted re the ADVO.
>
> *Source:* Legal Aid NSW, document entitled 'Roles and Contacts' (22.7.2013)

For the duration of the pilot program, the Legal Aid NSW policy guidelines were amended to allow the defendant duty solicitors to provide such advice and minor assistance without the need to apply a means or 'exceptional circumstances' test to clients.[5] All other charge matters were referred to the Legal Aid NSW Criminal Law Duty Service solicitors; however, the defendant duty solicitors may have advised the defendants about the ADVO before referring them to the Crime duty solicitors (Cipants, 2014).

THE CURRENT STUDY

This evaluation had two primary objectives:

1. To determine whether the provision of legal advice by a duty solicitor to ADVO defendants reduces the likelihood of breaches.
2. To determine the level of satisfaction amongst defendants and key stakeholders with the operation and implementation of the defendant solicitor pilot program at Burwood Local Court.

METHOD

IMPACT OF PILOT PROGRAM ON BREACHES

Research Design

The impact of the pilot program on breaches of ADVOs was assessed by conducting interviews with two groups of persons seeking an ADVO. The first group of protected persons (non-intervention phase, n = 82) was interviewed regarding their experiences during the month prior to applying for an ADVO and the month after the ADVO was granted. The objective of these interviews was to obtain a baseline measure of the reduction in various proscribed behaviours (e.g. stalking, verbal abuse, threats of physical assault) that normally follows the granting of an ADVO. During this phase, no pilot Legal Aid NSW duty service was provided to defendants. The second group of protected persons (intervention phase, n = 65) was also interviewed regarding the month before applying for an ADVO and the month after the ADVO was granted. However, defendants involved in these proceedings were provided with the pilot Legal Aid NSW duty service. The pre-/post-ADVO changes in proscribed behaviours in the two groups of protected persons were compared to determine if the provision of legal aid to defendants in ADVO proceedings reduces the frequency of order breaches.

The first interview with each 'person in need of protection' (PINOP) in both phases was conducted either on the day that the interim or final ADVO was granted or within a few days and dealt with the four-week period prior to the application for the order. The second interview was conducted four weeks after the order was served on the defendant and it dealt with the previous four weeks, that is, the period during which the order was effective.

Research Site

This study was conducted at one site – Burwood Local Court, a metropolitan Local Court. Legal Aid NSW selected this Court for various reasons: the intervention being assessed was not already being provided (either formally or informally); for several years, Burwood Local Court has granted a high number of ADVOs per week; it has a specific list day (Friday) allocated for AVOs; key stakeholders were willing to co-operate in implementing the legal service; some PINOPs attend court and were therefore available to consent to be interviewed; and no procedural changes which could potentially affect the results were projected to occur over the data collection period. In addition, Burwood Local Court is one of two pilot sites for the Court Referral of Eligible Defendants into Treatment (CREDIT) which helps defendants engage in treatment or rehabilitation programs in an attempt to reduce their re-offending (see Trimboli, 2012, for a description of CREDIT). CREDIT was therefore a potential referral point for the defendant duty solicitors to use with ADVO defendants who had associated charges. Given the ethnically and linguistically diverse local population, the Local Court appointed additional qualified interpreters for the duration of the pilot program.

Interview schedule

A short, structured interview schedule was developed, consisting mainly of closed questions and using plain language (see Appendix A1). The same core questions were asked in each of the two interviews (i.e. pre-ADVO and post-ADVO) for both cohorts of PINOPs (i.e. non-intervention and intervention research phases). These questions reflect the types of behaviour which are prohibited by the legislation and which form the

mandatory conditions of an ADVO. The behaviours which were subjected to pre-ADVO and post-ADVO measurement were: stalking; verbal abuse; approaches to family, friends or colleagues; intimidation; physical assault; and threats of physical assault. If the PINOP responded that a proscribed behaviour had been experienced within the reference period, she/he was then asked how frequently that behaviour had been experienced within that period.

In addition to these core questions, PINOPs were asked about the status of their relationship with the defendant at the time of applying for the order (e.g. husband, boyfriend, etc); their demographic characteristics (age, country of birth, mother's and father's country of birth, Aboriginality and highest level of education) and some demographic characteristics of the defendant (if known). In the second interview, dealing with the four-week period after the ADVO was served on the defendant, the PINOPs in both research phases were asked whether any of the conditions of the order had been breached and, if so, which specific conditions had been breached. In this interview, PINOPs were also asked what had been the main benefits and problems that the order had produced and whether they would apply for another order if a similar situation occurred again. The interview took about ten minutes to administer, and slightly longer when an interpreter was involved.

For each PINOP interviewed, the court registry provided a copy of the ADVO granted, outlining the duration of the order and the specific conditions imposed on the defendant.

Procedure

PINOPs granted ADVOs at Burwood Local Court over a 30-week period (mid-April 2013 to early November 2013) were invited to participate in the study. They were asked to participate in two separate interviews, which were conducted by two female interviewers. The interviewer either introduced herself to the PINOP or was introduced to her or him by a Domestic Violence Liaison Officer (DVLO), who is a member of the NSW Police Force, or a staff member of the local WDVCAS. Generally, the introduction occurred after the DVLO or WDVCAS staff member had informed the PINOP of the outcome of their matter. The interviewer explained the purpose of the study to the PINOP, emphasising that participation was voluntary and confidential. This explanation was summarised briefly in an information sheet, which was also translated into Mandarin, Cantonese, Korean and Arabic.[6] The information sheet was presented to the PINOPs at this initial meeting.

If practical, the first interview was conducted face-to-face at the courthouse on the day that the interim or final order was granted. This interview was conducted in a private room. If an interpreter was required, or if the PINOP could not be interviewed immediately due to other commitments, an appointment was made to conduct the interview by telephone within a few days of the ADVO being granted. At the end of the first interview, an appointment was made to conduct the second interview by telephone four weeks after the ADVO was served on the defendant. At the end of the second interview, the PINOP was sent a $25 supermarket gift card as reimbursement.

Sample

A total of 147 PINOPs were interviewed: 82 during the 15-week non-intervention research phase and the remaining 65 during the 15-week intervention phase. An additional 32 PINOPs were invited to participate in the research, but declined to do so. Of these, ten PINOPs declined during the non-intervention research phase and the remaining 22 during the intervention phase. Some of the reasons given for declining to participate included: having small children and not being able to have a conversation; being too distressed; and not wanting the ADVO. There was also some attrition between the two interviews. During the non-intervention phase, an additional six PINOPs were interviewed regarding their experiences before applying for their ADVO; however, they could not be contacted for the second interview. During the intervention phase, there were 11 such PINOPs. Therefore, overall, of a total of 196 PINOPs (including those who were invited to participate in the research and declined and those who participated in only one of the two interviews), 147 PINOPs were successfully interviewed twice. This represents a response rate of 75 per cent.

Analysis

Analyses of changes in proscribed behaviours pre- and post-ADVO application were conducted using generalised estimating equation regression models. Generalised estimating equation (GEE) methods were used because they can account for the correlation between repeated observations for a given person when comparing outcomes. Comparisons were first made for the pre-/post-ADVO changes for the non-intervention research phase. Comparisons were then made for the pre-/post-ADVO changes for the intervention research phase. A more complete model was then generated accounting for group effects. In order to obtain estimates of relative risks, a log link function and a Poisson distribution were specified. Robust estimation of standard errors was used.

DEFENDANT AND STAKEHOLDER SATISFACTION

Defendant interview schedule

A short, structured interview schedule was developed, consisting mainly of closed questions and using plain language (see Appendix A2). The key questions asked of the defendant related to how difficult it was to understand the ADVO conditions imposed by the magistrate (using a five-point Likert scale);

whether the defendant believed he/she could abide by these conditions; and what information the pilot solicitor provided regarding the consequences of breaching the conditions (open-ended). The defendant was asked to use five-point Likert scales to rate how respectfully he/she was treated by the pilot solicitor and how satisfied he/she was with how the solicitor dealt with his/her matter before the magistrate. The defendant was also asked whether he/she would recommend the legal service to other people in a similar situation. The last few questions of the interview dealt with the defendant's demographic characteristics (age, country of birth, mother's and father's country of birth, Aboriginality and highest level of education). This interview schedule also took approximately ten minutes to administer.

Procedure

Any defendant who received advice from one of the two defendant duty solicitors at Burwood Local Court was eligible to participate in this component of the research. The defendant's research eligibility was irrespective of the outcome of the matter and irrespective of whether the associated PINOP had been interviewed by BOCSAR.

Since most defendants were male, the interviews were conducted by a male interviewer. Defendants were recruited into the research over a five-week period, from 11 October to 8 November 2013. As the defendant left the office of the defendant duty solicitor and before entering the courtroom, the interviewer approached him/her. Using a prepared script, the interviewer informed the defendant of the research and invited his/her participation. The interviewer stressed that participation in the research was voluntary and confidential. A brief information sheet was translated into a number of languages other than English (Arabic, Cantonese, Greek, Korean, Mandarin, Turkish and Vietnamese) and given to non-English speaking defendants at this initial meeting. If the defendant agreed to participate, the interviewer made an appointment for a telephone interview to take place within the next few working days. This provided the interviewer with the opportunity to book a qualified interpreter, if necessary.

Sample

Over the five-week data collection period, 45 defendants who had received legal advice were invited for an interview; of these, 36 agreed to be interviewed by phone at a later date. Successful interviews were completed with 29 of these 36 defendants; six defendants could not be contacted by phone and one defendant became distressed during the interview and was unable to complete the interview. Therefore, of the 45 eligible defendants who had been invited for an interview, 64 per cent were successfully interviewed.

Stakeholder interviews

Semi-structured telephone interviews were conducted with key stakeholders after the pilot program ended. The objective of the interviews was to determine stakeholders' degree of satisfaction with the operation and implementation of the program. Stakeholders who were invited to participate in the research included magistrates, registrars, police prosecutors, DVLOs, defendant duty solicitors, Legal Aid NSW solicitors, other Legal Aid NSW staff and staff of the WDVCAS. All stakeholders were asked five core questions:

1. Do you think there is a need for this legal service for ADVO defendants?
2. What aspects of the pilot program *worked well*? What were the *positive* features of the program?
3. What aspects of the pilot program did not *work well*? What were the *negative* features of the program?
4. What *improvements* could be made in the operation of the program?
5. Overall, what is your opinion of the program?

A total of 20 stakeholders were interviewed regarding their perceptions of the legal service for ADVO defendants.

RESULTS

CHARACTERISTICS OF PINOPS

Table 2 shows the characteristics of the PINOPs who were granted an ADVO and who were interviewed regarding their experiences during both the four weeks before applying for the ADVO and the four weeks after the order was served on the defendant. Table 2 also shows the characteristics of the associated defendants as provided by the PINOPs. This information is presented for the groups in each of the two research phases – the non-intervention phase and the intervention phase.

As Table 2 shows, of the PINOPs in each research phase who were interviewed on two separate occasions, the majority were female (92.7% and 92.3% in the non-intervention phase and intervention phase, respectively), spoke English (85.4% and 70.8%, respectively) and were aged 44 years or less (74.4% and 76.9%, respectively). While at least one-third of the PINOPs in each research phase were born in Australia (39.0% and 33.9%, respectively), a number of PINOPs were born in various non-English speaking countries, including China (8.5% and 15.4%, respectively), Bangladesh (3.7% and 6.2%, respectively) and South Korea (2.4% and 4.6%, respectively).

For about three in five of the PINOPs in each research phase (64.6% and 63.1%, respectively), at the time of their ADVO application, the defendant was either their current or former

Table 2. Characteristics of the PINOPs interviewed and the associated defendants in the two research phases

	Research Phase							
	Non-intervention phase				Intervention phase			
	PINOP		Defendant		PINOP		Defendant	
	N	%	N	%	N	%	N	%
Gender								
Female	76	92.7	10	12.2	60	92.3	8	12.3
Male	6	7.3	72	87.8	5	7.7	57	87.7
Age at time of interview (years)								
< 24	14	17.1	8	9.8	14	21.5	11	16.9
25 – 34	29	35.4	26	31.7	18	27.7	16	24.6
35 – 44	18	22.0	26	31.7	18	27.7	18	27.7
45 – 54	11	13.4	12	14.6	8	12.3	12	18.5
55 – 64	6	7.3	8	9.8	6	9.2	4	6.2
> 65	4	4.9	2	2.4	1	1.5	4	6.2
Language spoken								
English	70	85.4	-	-	46	70.8	-	-
Arabic	3	3.7	-	-	4	6.2	-	-
Cantonese	1	1.2	-	-	3	4.6	-	-
Mandarin	2	2.4	-	-	7	10.8	-	-
Korean	2	2.4	-	-	1	1.5	-	-
Other [a]	4	4.9	-	-	4	6.2	-	-
Country of birth								
Australia	32	39.0	36	43.9	22	33.9	26	40.0
China	7	8.5	4	4.9	10	15.4	7	10.8
New Zealand	6	7.3	7	8.5	2	3.1	1	1.5
Bangladesh	3	3.7	4	4.9	4	6.2	5	7.7
Turkey	4	4.9	3	3.7	-	-	2	3.1
Fiji	1	1.2	1	1.2	3	4.6	3	4.6
Iraq	1	1.2	2	2.4	3	4.6	2	3.1
Philippines	1	1.2	-	-	3	4.6	1	1.5
South Korea	2	2.4	1	1.2	3	4.6	2	3.1
Other [b]	25	30.5	24	29.3	15	23.1	16	24.6
Indigenous	1	1.2	2	2.4	-	-	2	3.1
Highest level of education attained		[c]						
Primary school or less	3	3.7	-	-	1	1.5	-	-
Part secondary school	6	7.5	-	-	11	16.9	-	-
School Certificate (Year 10) or equivalent	6	7.5	-	-	8	12.3	-	-
Higher School Certificate (Year 12) or equivalent	8	10.0	-	-	11	16.9	-	-
Technical college certificate	21	26.2	-	-	8	12.3	-	-
University/College of Advanced Education degree	23	28.7	-	-	13	20.0	-	-
Currently studying	8	10.0	-	-	10	15.4	-	-
Other	5	6.2	-	-	3	4.6	-	-
Defendant's relationship to PINOP at time of ADVO application								
Current spouse/partner [d]	30	36.6	-	-	25	38.5	-	-
Former spouse/partner [e]	23	28.0	-	-	16	24.6	-	-
Boy/girlfriend	7	8.5	-	-	8	12.3	-	-
Former boy/girlfriend	4	4.9	-	-	4	6.2	-	-
Relative [f]	16	19.5	-	-	8	12.3	-	-
House mate/guest, co-tenant, landlord/neighbour	2	1.2	-	-	4	6.2	-	-
Defendant received legal advice from pilot solicitors	NA	-	1[g]	1.2	-	-	28	43.1
Defendant's associated charges [h]				[i]				
ADVO only, no associated charges	-	-	58	71.6	-	-	35	53.9
ADVO plus 1 associated charge	-	-	15	18.5	-	-	12	18.5
ADVO plus 2 associated charges	-	-	5	6.2	-	-	11	16.9
ADVO plus 3 or more associated charges	-	-	3	3.7	-	-	7	10.8

[a] Other = Vietnamese, Turkish, Spanish, Italian, Burmese, Hindi, Bengali and Pashto.
[b] Other includes Croatia, Egypt, England, Ghana, Vietnam, Italy, Lebanon, Korea, Netherlands, Cook Island, Liberia, Nepal, Syria.
[c] Information was missing for two PINOPs, thus the percentage is based on n = 80.
[d] This includes de facto relationships and gay partnerships.
[e] This includes former de facto relationships, former gay partnerships, separated, divorced.
[f] This includes son, daughter, mother, father, sister, brother, sister/brother-in-law, cousin, aunt, uncle, niece, nephew.
[g] One defendant received legal advice from the pilot solicitors; however, the relevant PINOP was granted an ADVO during the non-intervention phase of the research.
[h] The source of this information was the weekly court list produced by Burwood Local Court registry staff.
[i] Information was missing for one defendant, thus the percentage is based on n = 81.

spouse or partner, and 87 per cent of the defendants in each research phase were male. Approximately two in five of the defendants were born in Australia (43.9% of the defendants in the non-intervention phase and 40.0% of the defendants in the intervention phase), and about seven in ten defendants were aged 44 years or less (73.2% and 69.2%, respectively).

Table 2 also shows that the majority of the defendants in each research phase had no associated charges (71.6% and 53.9%, respectively). About one in five defendants (18.5%) in each research phase had one charge in addition to the ADVO; this was generally a common assault charge.

Table 3 shows the characteristics of the ADVOs granted during the two research phases.

As Table 3 shows, during the non-intervention research phase, 59.8 per cent of the ADVOs granted to the PINOPs interviewed were final orders; compared with 49.2 per cent during the intervention phase. The majority of ADVOs were

Table 3. Characteristics of the ADVOs granted: Non-intervention phase versus intervention phase

	Research phase			
	Non-intervention phase		Intervention phase	
	N = 82 PINOPs		N = 65 PINOPs	
Type of ADVO at time of interview	**N**	**%**	**N**	**%**
Interim	33	40.2	33	50.8
Final	49	59.8	32	49.2
Duration of final ADVO				
< 12 months	2	4.1[a]	3	9.4
12 months	43	87.8	26	81.3
≥ 2 years	4	8.2	3	9.4
ADVO conditions granted [b]				
Defendant must not assault, molest, harass, intimidate, threaten or otherwise interfere with, stalk the protected person(s) or a person with whom the protected person(s) has/have a domestic relationship. [Mandatory condition]	82	100.0	65	100.0
Defendant must not reside at the premises at which the protected person(s) may from time to time reside, or other specified premises.	5	6.1	5	7.7
Defendant must not enter the premises at which the protected person(s) may from time to time reside or work, or other specified premises.	11	13.4	13	20.0
Defendant must not go within x metres of the premises at which the protected person(s) may from time to time reside or work, or other specified premises.	29	35.4	10	15.4
Defendant must not approach or contact the protected person(s) by any means whatsoever except through the defendant's legal representative or as agreed in writing or as permitted by an order or directions under the *Family Law Act 1975* (Cth), as to counselling, conciliation, or mediation.	10	12.2	3	4.6
Defendant must not approach or contact the protected person(s) by any means whatsoever except through the defendant's legal representative or as authorised by a current parenting order under the *Family Law Act 1975*.	1	1.2	2	3.1
Defendant must not approach or contact the protected person(s) by any means whatsoever, except through the defendant's legal representative.	23	28.1	20	30.8
Defendant must surrender all firearms and related licences to Police.	2	2.4	0	-
Defendant must not approach the school or other premises at which the protected person(s) may from time to time attend for the purposes of education or child care, or other specified premises.	3	3.7	2	3.1
Defendant must not approach the protected person(s) or any such premises or place at which the protected person(s) from time to time reside or work within twelve (12) hours of consuming intoxicating liquor or illicit drugs.	15	18.3	8	12.3
Defendant must not destroy or deliberately damage or interfere with the property of the protected person(s).	22	26.8	19	29.2

[a] Percentage of those granted a final ADVO (n = 49 for the non-intervention research phase and n = 32 for the intervention phase).
[b] The source of this information is copies of the ADVOs as provided by the Burwood Local Court registry staff.

granted for a period of 12 months (87.8 per cent during the non-intervention phase and 81.3 per cent in the intervention phase). In addition to the mandatory ADVO condition, defendants were most commonly instructed not to 'approach or contact the protected person(s) by any means whatsoever, except through the defendant's legal representative' (28.1% and 30.8%, respectively). About three in ten defendants in each research phase (26.8% and 29.2%, respectively) were instructed not to 'destroy or deliberately damage or interfere with the property of the protected person(s)'. For 35.4 per cent of those interviewed during the non-intervention phase, the defendant was not permitted to go within a certain distance of the PINOP's residence or workplace; however, this applied to only 15.4 per cent of the defendants in the intervention phase.

IMPACT OF PROGRAM ON BREACHES

Table 4 shows the number and percentage of PINOPs in each research phase who reported experiencing various proscribed behaviours in the four weeks before applying for their ADVO and the four weeks after the ADVO was served on the defendant.

Table 4 shows that, during the four weeks after the ADVO was served, there was a reduction in the proportion of PINOPs who reported experiencing each type of behaviour proscribed by the legislation, compared to the four weeks before applying for their ADVO. For both research phases, these reductions were statistically significant, as evidenced by the relative risks estimated by the GEE models. For example, in the non-intervention research phase, there was a 20.7 percentage point reduction in the number of PINOPs who reported being stalked during the period after the ADVO was served; in the intervention phase, this behaviour reduced by 16.9 per cent. In terms of being verbally abused after the ADVO was served, there was a 64.4 percentage point reduction in the number of PINOPs who reported this behaviour during the non-intervention research phase, and a 56.9 percentage point reduction during the intervention phase. Reductions also occurred in the number of PINOPs who reported being intimidated after the ADVO was served (35.1% and 41.5%, respectively).

The reduction in proscribed behaviours occurred regardless of whether PINOPs were interviewed during the non-intervention research phase or during the intervention phase. There were no significant differences between the two research phases. This suggests that providing legal advice to defendants in ADVO proceedings does not enhance the effectiveness of ADVOs.

One potential explanation for the null effect is that not all defendants accessed the pilot legal service during the intervention phase. Indeed, further investigations revealed this to be the case. Only 28 (43.1%) of the defendants associated with PINOPs who were interviewed during the intervention phase received advice from the defendant duty solicitors. The remaining defendants (56.9%) did not access the pilot legal service.

Table 5 shows the number and percentage of PINOPs interviewed during the intervention research phase who reported experiencing various proscribed behaviours before and after the ADVO was granted, by whether the associated defendant had received legal advice from the solicitors engaged in the pilot program.

Table 4. Experience of proscribed behaviours by PINOPs before applying for an ADVO and after the ADVO was served: non-intervention phase versus intervention phase

Type of proscribed behaviour	Non-intervention phase (N = 82)					Intervention phase (N = 65)					
	Pre-ADVO application		Post-ADVO served		Post vs Pre	Pre-ADVO application		Post-ADVO served		Post vs Pre	Intervention vs Non-intervention
	N	%	N	%	Relative risk[a] (95% CI)	N	%	N	%	Relative risk[a] (95% CI)	Relative risk[b] (95% CI)
Stalking	20	24.4	3	3.7	0.15 (0.05, 0.46)	18	27.7	7	10.8	0.39 (0.20, 0.77)	1.28 (0.75, 2.20)
Verbal abuse	65	79.3	13	15.9	0.20 (0.12, 0.33)	46	70.8	9	13.9	0.20 (0.11, 0.36)	0.89 (0.72, 1.09)
Contact others	33	40.2	12	14.6	0.36 (0.22, 0.60)	19	29.7	10	15.4	0.53 (0.29, 0.95)	0.79 (0.51, 1.23)
Intimidation	45	54.9	16	19.8	0.36 (0.23, 0.56)	39	60.0	12	18.5	0.31 (0.18, 0.52)	1.06 (0.80, 1.40)
Physical assault	47	57.3	1	1.2	0.02 (0.00, 0.15)	48	73.9	0	0	0.00 (0.00, - [c])	1.24 (0.98, 1.57)
Threats of physical assault	39	47.6	2	2.4	0.05 (0.01, 0.21)	30	46.2	5	7.7	0.17 (0.07, 0.40)	1.07 (0.75, 1.51)

[a] All comparisons of proscribed behaviours in the pre- and post- periods, for both the non-intervention and intervention research phases, were statistically significant at the p<.05 level.

[b] Adjusted for pre-post effects; no significant effects were found between the intervention and non-intervention phases, p>.05.

[c] Since there were no cases of physical assault in the post-AVO phase, the model did not converge and reliable estimates could not be obtained.

Table 5. Intervention phase: Experience of proscribed behaviours by PINOPs before applying for an ADVO and after the ADVO was served by whether the associated defendant received legal advice

Type of proscribed behaviour	Defendant received legal advice (N = 28)					Defendant did not receive legal advice (N = 37)					Received legal advice vs Did not receive legal advice
	Pre-ADVO application		Post-ADVO served		Post vs Pre	Pre-ADVO application		Post-ADVO served		Post vs Pre	
	N	%	N	%	Relative risk[a] (95% CI)	N	%	N	%	Relative risk[b] (95% CI)	Relative risk[c] (95% CI)
Stalking	7	25.0	3	10.7	0.43 (0.13, 1.47)	11	29.7	4	10.8	0.36 (0.16, 0.80)	0.87 (0.40, 1.88)
Verbal abuse	19	67.9	4	14.3	0.21 (0.08, 0.53)	27	73.0	5	13.5	0.19 (0.08, 0.43)	0.95 (0.67, 1.33)
Contact others	8	29.6	3	10.7	0.38 (0.13, 1.10)	11	29.7	7	18.9	0.64 (0.31, 1.30)	0.83 (0.40, 1.73)
Intimidation	17	60.7	5	17.9	0.29 (0.12, 0.70)	22	59.5	7	18.9	0.32 (0.16, 0.62)	1.01 (0.67, 1.50)
Physical assault	22	78.6	0	0	0.00 (0.00, - [d])	26	70.3	0	0	0.00 (0.00, - [d])	- [d]
Threats of physical assault	14	50.0	1	3.6	0.07 (0.01, 0.49)	16	43.2	4	10.8	0.25 (0.09, 0.68)	1.01 (0.60, 1.71)

[a] Of those who received legal advice, statistically significant pre-post differences were found for verbal abuse, intimidation and threats of physical assault at the p<.05 level.

[b] Of those who did not receive legal advice, statistically significant pre-post differences were found for stalking, verbal abuse, intimidation and threats of physical assault at the p<.05 level.

[c] Adjusted for pre-post effects; no significant effects were found for any of the proscribed behaviours between those who received legal advice and those who did not.

[d] Since there were no cases of physical assault in the post-AVO phase, the models did not converge and reliable estimates could not be obtained.

As Table 5 shows, the pattern of results was similar to that shown in Table 4. During the four weeks after the ADVO was served, there was a reduction in the proportion of PINOPs who reported experiencing each type of behaviour proscribed by the Act except for the defendant contacting others (where the numbers were small), compared to the four weeks before applying for their ADVO. This was regardless of whether their associated defendant had received legal advice from the defendant duty solicitors. In terms of the number of breaches, there were no significant differences between those PINOPs whose associated defendant received legal advice and those who did not receive legal advice.

These results reinforce the impression that the provision of legal advice to the defendants had no beneficial effect in the four weeks immediately after the ADVO was served.

DEFENDANT AND STAKEHOLDER SATISFACTION

Defendant interviews

Table 6 shows the characteristics of the 29 defendants who were interviewed and summarises their responses to the key interview questions.

As Table 6 shows, 89.7 per cent of the defendants interviewed were male, with an average age of 38 years, and 31.0 per cent were interviewed with a qualified interpreter. About half of the defendants (51.7%) were at court for both the ADVO and associated charges; the majority of these charges were classified as 'acts intended to cause injury' and included common assault, assault occasioning actual bodily harm and stalking.

More than half of the defendants (51.7%) expected the service to provide them with either legal advice or representation in court. With one exception, all defendants interviewed stated that the solicitor explained the ADVO conditions and they believed that they could abide by the conditions. The one defendant who stated that he could not abide by the conditions explained that he could not imagine being unable to see the PINOP, who was his partner, for the duration of the ADVO. About three in five (57.1%) of the defendants stated that it was either 'easy' or 'very easy' to understand the ADVO conditions imposed by the magistrate. However, 21.4 per cent stated that it was either 'hard' or 'very hard' to understand the conditions.

The majority of defendants (86.2%) understood that breaching the ADVO conditions would result in serious consequences. In response to the open-ended question '*What did the solicitor say would happen if you breach or break any of the ADVO conditions?',* 58.6 per cent of defendants stated that the solicitor had explained that they would spend two years in gaol and be fined $5,500; 24.1 per cent of defendants reported that the solicitor told them they would be arrested/prosecuted; and 3.5 per cent of defendants stated that the solicitor had informed them that a breach would result in gaol time. However, nearly one in seven defendants (13.8%) either stated that the solicitor had told them nothing about the consequences of a breach (6.9%) or indicated they could not remember what the solicitor had said (6.9%).

Table 6. Defendants' characteristics and responses to key interview questions regarding the pilot legal service accessed

Defendant	N = 29	%
Gender		
Male	26	89.7
Female	3	10.3
Age at time of interview (years)		
< 24	3	10.3
25 – 34	11	37.9
35 – 44	5	17.2
45 – 54	8	27.6
> 65	2	6.9
Indigenous	0	-
Interviewed with interpreter	9 [a]	31.0
Highest level of education attained		
Part secondary school	7	24.1
School Certificate (Year 10) or equivalent	4	13.8
Higher School Certificate (Year 12) or equivalent	5	17.2
Technical college certificate	3	10.3
University/College of Advanced Education degree	7	24.1
Currently studying	2	6.9
Other	1	3.4
ADVO and associated charges	15	51.7
What did you expect to get out of the legal service? [open-ended]		
I had no expectations	6	20.7
Legal representation in court	5	17.2
Legal advice, information, someone to talk to about the law	10	34.5
Other	8	27.6
Did the solicitor explain the ADVO conditions to you?		
Yes	28	96.6
No	1	3.5
How hard or easy was it to understand the ADVO conditions imposed on you by the magistrate?		[b]
Very hard/hard to understand	6	21.4
Neither easy nor hard to understand	6	21.4
Easy/very easy to understand	16	57.1
Do you think you can stick to the ADVO conditions?		[c]
Yes	26	96.3
No	1	3.7
What did the solicitor say would happen if you breach or break any of the ADVO conditions? [open-ended]		
Two-year gaol term	1	3.5
Fine of $5,500 and two years gaol	17	58.6
I was told nothing	2	6.9
I would be arrested/prosecuted/back in court/in more serious trouble than now	7	24.1
I don't remember	2	6.9
Apart from the ADVO, did you receive advice from the solicitor about any other issues?		
Yes	8	27.6
No	21	72.4
About which issues did you receive advice? [open-ended]		
Assault charge	2	6.9
Family law	1	3.4
Referred to other services (e.g. immigration, counselling)	5	62.5
How respectfully were you treated by the solicitor when you met with her in her office?		
Disrespectfully	1	3.5
Respectfully/very respectfully	28	96.6
How satisfied were you with how the solicitor dealt with your matter in the courtroom in front of the magistrate?		[d]
Very dissatisfied	1	3.6
Neither satisfied nor dissatisfied	3	10.7
Satisfied/very satisfied	24	85.7
Would you recommend this legal service to other people in a similar situation to you?		
Yes	25	86.2
No	4	13.8

[a] Languages included Mandarin (3), Cantonese (1), Korean (1), Pashtu (1).

[b] Information is missing for one defendant, thus percentages are based on n = 28.

[c] Two defendants stated that the question was not applicable because they had not consented to the ADVO and the matter had been adjourned, thus percentages are based on n = 27.

[d] Information is missing for one defendant, thus percentages are based on n = 28.

All but one defendant (96.6%) felt that the solicitor had treated them respectfully or very respectfully and 85.7 per cent were satisfied or very satisfied with the manner in which the solicitor dealt with their matter in the courtroom. The majority (86.2%) stated that they would recommend the legal service to other people in a situation similar to their own. Their reasons for recommending the use of this service included: being provided with information and options; having legal representation in court; and having their matter handled professionally. The main reason given by the four defendants who would not recommend the service was the limited time that the solicitor could spend with them because of the large number of other defendants waiting for the service.

Stakeholder interviews

Need for the legal service

Stakeholders were asked '*Do you think there is a need for this legal service for ADVO defendants?*' All but two of the stakeholders interviewed stated that there was a clear need for defendants in ADVO applications to receive free legal advice and to be represented in court at the first mention. Several stakeholders noted that defendants often do not understand the court process, their rights and obligations, the consequences of consenting to an ADVO or the ramifications of breaching an ADVO. Stakeholders believed that, in order to prevent defendants from breaching the ADVO conditions, they should be given a detailed explanation of the implications and ramifications of the ADVO and that, instead of this explanation being given by DVLOs, who are not impartial (because they represent the interests of the PINOPs), the explanation should be given by someone who represents the interests of the defendants and whom they can trust.

Stakeholders stressed that unrepresented defendants often waste the court's time by using the courtroom as a forum to outline their position, asking questions of the magistrate, not understanding questions asked by the magistrate, or requesting adjournments in order to seek legal advice or to obtain a qualified interpreter. Such adjournments also require the associated PINOPs to return to court on numerous occasions, causing them additional stress. Some stakeholders believed that this type of legal service is particularly necessary in areas such as Burwood, which have a high proportion of people of non-English speaking backgrounds who may not understand the language or the Australian legal system. It was noted that, for example, there is a lack of understanding that federal law prevails where there is a conflict between federal law and state law. This means that family law (which is federal) prevails over state laws dealing with ADVOs. There is also a lack of understanding that some conditions on ADVO applications may be inconsistent with bail conditions. Some stakeholders observed that defendants often have a number of associated legal, social or health issues (e.g. criminal charges, family law matters, civil matters such as tenancy and mental health conditions) which could be identified by this legal service and defendants could then be referred to the appropriate services/resources.

Of the two stakeholders who were doubtful about the need for the legal service, one suggested that the service constituted 'double-dipping' since the Legal Aid NSW Criminal Law Duty Service practitioners were available at court. This stakeholder did, however, acknowledge that the service was needed for unrepresented defendants who are not eligible for legal aid, especially if they do not speak English. This stakeholder also noted that some defendants believe that an ADVO application is a criminal conviction or a charge, so

> a legal service could provide defendants with advice about what to do and the consequences of an AVO in an attempt to speed up the process in court.

The second stakeholder who did not see a need for the legal service acknowledged that this opinion was based on being aware of the preliminary research results, which indicated that ADVOs were equally effective for PINOPs interviewed during both the intervention and the non-intervention research phases.

Positive features of the legal service

Stakeholders' responses to the question '*What aspects of the pilot program worked well? What were the positive features of the program?*' encompassed not only the operation of the program itself, but also the pre-implementation consultation process, the positive consequences to others in the system and the qualities of the solicitors employed to provide legal advice to the defendants.

Stakeholders remarked that, due to the pilot program, defendants who would previously have been unrepresented had the advantages of receiving legal advice regarding their specific circumstances and of being represented in court. As a result, negotiated and practicable ADVOs were developed that reflected the unique needs of both the PINOPs and their associated defendants. Defendants left the courthouse with a clear understanding of the ADVO conditions, the implications of each condition and the ramifications of breaching any condition. Some stakeholders observed that, by having solicitors available to advise and represent them, the defendants' tension levels were reduced, which improved the general court environment. Stakeholders remarked on the fact that the pilot program provided the solicitors with an opportunity to deal with issues surrounding the ADVO at an earlier stage. An additional positive feature of the program was the post-court contact between the solicitor and the defendant. This allowed the solicitor to make referrals to other services, if required. It also allowed the defendant to discuss which behaviours would and would not constitute a breach.

Stakeholders noted that the program had a number of positive consequences for the court, the PINOPs and other stakeholders. Since defendants were represented, magistrates received clear and concise advice regarding the matters, ensuring the court process ran smoothly and matters were disposed of efficiently. In fact, many stakeholders commented that matters which were handled by the defendant solicitors proceeded more smoothly in the courtroom and were finalised more quickly due to the prior negotiation and resolution of issues. The defendant solicitors identified the need for qualified interpreters earlier in the court process, thus reducing the need for adjournments in order to appoint an interpreter. With legal advice and the early appointment of interpreters, defendants could make informed decisions at the first mention; as a result, PINOPs were not required to return to court on numerous occasions, so the process was less stressful and inconvenient for them. It was also noted that some PINOPs were relieved that their partner had received free legal advice and was represented in court.

Several stakeholders observed that the pilot program also eased the workload of others in the system. For example, the defendant solicitors handled some matters that would otherwise have been the responsibility of the Legal Aid NSW Criminal Law Duty Service practitioners, thereby creating capacity within the Crime Duty Service.

Stakeholders noticed that the implementation of the pilot program prompted relevant stakeholders to work more collaboratively and to devise new streamlined processes so that the program would operate efficiently and smoothly. For example, the DVLOs designed an instruction sheet for defendants early in the implementation of the pilot program, which outlined the ADVO conditions being sought, whether the PINOP was present at court and whether charges would be laid in the future. It formed the basis for negotiations between the various parties. Another time-saving process which was noted by some stakeholders was the triage system which was devised and implemented by the defendant duty solicitors. This system had two functions; firstly, it identified which defendants were eligible for the pilot program rather than for the Legal Aid NSW Criminal Law Duty Service solicitors; and secondly, it identified which of the two defendant solicitors was the most appropriate to provide advice based on the specific needs of the defendant (e.g. criminal charges or family law matters). A third practical process resulting from the pilot program and noted by stakeholders was the creation of a list of defendants who were registered to consult the defendant solicitors. This list was regularly updated and given to the court officer so that these defendants would not be called into the courtroom until the solicitors were ready to represent them.

Stakeholders commented that Legal Aid NSW held constructive pre-implementation consultations with the relevant agencies and staff, incorporating their suggestions in the design of the pilot program. While these initial discussions were not a feature of the program itself, they laid the foundation for the development of respectful, collegial, supportive and co-operative working relationships and excellent communication channels between the key stakeholders. These relationships were perceived to be crucial to the successful operation of the pilot program.

Numerous stakeholders emphasised that the experience and skill set of the two defendant solicitors was fundamental to the efficient operation of the pilot program. Together, the solicitors had expertise in family and criminal law and ADVOs, all of which were relevant to the needs of the defendants they represented. Due to their extensive prior experience as panel solicitors in the DVPS, both solicitors understood the dynamics of family and domestic violence from the perspective of the protected persons and their children. Both solicitors had considerable experience in dealing with high volume courts, such as Burwood Local Court, and were familiar with that court, the key court personnel and the local WDVCAS. They also had prior experience in utilising interpreters effectively. The same two solicitors were available for the duration of the pilot program, ensuring consistency in the services provided and continuity for other key stakeholders. Several stakeholders remarked that the solicitors had effective interpersonal, communication and negotiation skills; and willingly provided advice to other professionals, such as DVLOs, regarding, for example, family law matters.

Negative features of the legal service

Some stakeholders reported that the legal service had no negative features. Among the stakeholders who noted negative features of the pilot program, the emphasis was on processes which occasionally did not operate smoothly. The main issue resulted from the high volume of matters on AVO list day; this led to time delays for key participants, including the PINOPs and DVLOs, who had to wait for the solicitors to mention their matters after consulting with the relevant defendants. Some stakeholders observed that there was disarray when defendants did not obtain a completed instruction sheet from the relevant DVLO prior to consulting the solicitors. At times, interpreters in the relevant languages had not been appointed, necessitating adjournments. On some occasions, only one solicitor was available to advise all defendants, with the second solicitor unavailable due to prior court commitments. The lack of continuity of some key staff affected relationship-building, their understanding of the service and the smooth operation of the procedures which had been established. Both the defendant duty solicitors and DVLOs experienced difficulties when the main court list was split and matters were run in other courtrooms because of the availability of other magistrates.

Improvements in the operation of the legal service

In response to the question '*What improvements could be made in the operation of the program?*', stakeholders suggested various administrative improvements to make the program operate more efficiently on AVO list day. These suggestions included making some arrangements prior to list day, for example, informing defendants about the legal service prior to their court day (e.g. via a brochure), identifying the specific languages spoken by non-English speaking defendants so that the relevant interpreters could be arranged, and developing clearer referral pathways directing defendants to the solicitors' offices. Other stakeholders suggested that the service be promoted on relevant websites, clearly outlining the defendants' eligibility criteria. It was noted that relevant stakeholders need to be educated about the objectives and procedures of the service; and that the respective roles and responsibilities of all relevant stakeholders (including WDVCAS staff, DVLOs, police prosecutor, court staff) should be clarified.

Stakeholders made a number of suggestions designed to improve service delivery and to decrease the waiting time for both defendants and PINOPs. For example, the court list could be staggered, so that some defendants attend court in the morning and some in the afternoon, or alternatively, increasing the number of solicitors to deal with high volumes of defendants. Another suggestion was to employ a service co-ordinator to deliver a more formalised triage process. It was noted that PINOPs should attend court on list day in order to facilitate negotiations and written agreements between the PINOPs' and defendants' respective solicitors, particularly regarding contact arrangements. Others suggested that necessary resources be made available for defendants on AVO list day, for example, qualified interpreters and mental health resources/nurses.

Overall opinion of the legal service

All stakeholders believed that the legal service was valuable and effective. Several stakeholders stated that there was a noticeable difference in the weeks after the pilot period ended.

Summary of results

The legal service which was provided to ADVO defendants at Burwood Local Court for a 15-week period did not produce the benefits which were anticipated in terms of reduced breaches. During the first four weeks that the ADVO was active, the order was equally effective for the majority of all PINOPs interviewed, regardless of whether they were interviewed before the legal service was implemented or during its implementation, and regardless of whether the associated defendant had received legal advice. Providing free legal advice to ADVO defendants did not result in fewer breaches of the proscribed behaviours.

Despite this finding, the legal service was very well received by both defendants and key stakeholders. Most of the 29 defendants interviewed believed that they could comply with the ADVO conditions and reported that the solicitors had explained the ramifications of breaching these conditions. Most defendants were satisfied with how the solicitor dealt with their matter in the courtroom, reporting that they would recommend the legal service to other people in a situation similar to their own.

Stakeholders' views about the service were also positive. The vast majority of stakeholders believed that there was a clear need for a legal service for defendants in these matters, noting that legal representation made the court process much smoother and eased the workload of several categories of stakeholders. The main negative feature of the service was the delay in calling matters because the solicitors were advising defendants. While a number of suggestions were made about improving the efficiency of the service, all stakeholders believed that the service was effective and valuable.

DISCUSSION

During the first four weeks after ADVOs were served on defendants, the situation improved for most of the protected persons interviewed – they experienced a reduction in, or even an elimination of, the negative behaviours they had experienced prior to applying for the order. However, contrary to expectation, this reduction was no greater for the protected persons whose associated defendants had the advantages of receiving free legal advice from experienced and highly skilled solicitors, having ADVO conditions tailored to the specific circumstances of the individuals involved, receiving an explanation of each condition as well as information regarding the ramifications of breaching any condition, being referred to relevant agencies to receive assistance regarding social issues which could be affecting their offending behaviour and being professionally represented in court. ADVOs were equally effective for protected persons whose associated defendants did not enjoy any of these advantages.

It is somewhat surprising that the provision of specialised legal advice to defendants did not produce more substantial benefits for the protected persons. However, these results are consistent with other NSW research in showing that AVOs, in and of themselves, appear to be effective in reducing violence. Trimboli and Bonney (1997) found that, for the vast majority of protected persons interviewed, there was reduction in stalking, physical assaults, threats of physical assaults, verbal abuse, nuisance phone calls and other forms of intimidation or harassment after the AVO was served on the defendants. These positive changes occurred even among the protected persons who maintained contact with the defendant. While some of the defendants in Trimboli and Bonney's study may have received legal advice from private practitioners, none had received the specialised legal advice and representation which was provided to the defendants in the current study and still most did not breach their order.

It is possible that the legal advice provided by Legal Aid NSW at Burwood Local Court had no additional impact on compliance levels because defendants in ADVO matters already know the potential ramifications of breaching an ADVO and therefore comply with the specified conditions. In fact, about half of the defendants interviewed in the current study stated that they were already aware of the consequences of breaching an ADVO prior to receiving legal advice from the duty solicitors; half of these defendants stated that they had read this information on the documents given to them by the police or had been informed by the police; some had been defendants in previous ADVOs and others stated that they were aware of the consequences through the media.

Another potential explanation for the null effect is that the four-week follow-up period for interviews was too short. Had it been possible to measure breaches over a longer period, an effect of the intervention may have been detected on breaches occurring late in the order. However, Trimboli and Bonney's (1997) research casts doubt on this possibility. They found that, when breaches occurred, they did so soon after the ADVO was served. In fact, 42.5 per cent of the breaches reported by those interviewed occurred within the *first week* of the order being served on the defendant and seven in ten (69.0%) occurred within the first four weeks. The reduction in the defendants' negative behaviours which the researchers observed at four weeks was sustained up to six months after the AVO was served on the defendant (even in the absence of any specialist legal advice). This is not to say that ADVOs stop the violence entirely. It is likely that, in some cases, defendants resume their negative behaviours after the ADVO has expired, obliging protected persons to again apply for an ADVO. However, it does appear from this research that the defendants' negative behaviours toward the protected person are significantly reduced while the order is in place.

Although the Legal Aid NSW intervention had no clear short-term impact on breaches, the pilot legal service did produce a number of other beneficial outcomes. Stakeholders noted that different agencies within the courthouse worked together constructively, initiating procedures to streamline court processes. Matters proceeded more smoothly in the courtroom, saving time and ultimately cost. The workload of several categories of stakeholders was eased with the operation of this legal service. Receiving legal advice at an early stage meant that defendants were able to make informed decisions about how to proceed at first mention, thus eliminating the need for adjournments and eliminating the need for both the defendant and the associated protected person to return to court; this, in turn, made the courthouse less crowded, the court process less stressful and more efficient for all parties, including the court. The recruitment to the pilot service of a specialist family law practitioner allowed the development of ADVOs which could operate cohesively with parenting and contact orders to ensure the safety of all parties. Obviously, if the orders do not operate in conjunction with each other, the protection they offer could be compromised. The specialist family law knowledge of the duty solicitors was also a valuable resource for the DVLOs at court.

The legal service had the added advantage of identifying other issues which could be affecting defendants' offending behaviour (e.g. issues relating to housing, mental health, relationships, drug and alcohol and immigration), enabling defendants to be referred to the appropriate agencies. Resolution of these issues at this early stage may have reduced, or even eliminated, future offending associated with one or a combination of these issues.

Another benefit of the service is that it allowed Legal Aid NSW Criminal Law Duty Service practitioners to focus on their core services, namely, providing advice and representing defendants in custody and facing gaol for more serious criminal matters. In fact, Legal Aid NSW attribute a reduction in expenditure on 'assigned duty' for the Burwood Office during the intervention phase to the fact that the solicitors in the pilot legal service advised and represented ADVO defendants who would otherwise have approached the Legal Aid NSW Criminal Law Duty Service practitioners for assistance.

The legal service was described as valuable and effective by all stakeholders. The absence of the legal service at the end of the pilot period was lamented by several stakeholders, who perceived that more matters were adjourned so that defendants could seek legal advice or apply for legal aid.

CONCLUSION

While the provision of legal advice and representation to ADVO defendants did not result in fewer breaches during the first four weeks after the orders were served, a significant benefit of the new legal service on court processes was reported by all stakeholders and the vast majority of defendants accessing the service reported high levels of satisfaction.

ACKNOWLEDGEMENTS

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NOTES

1 Domestic violence was responsible for more of the disease burden than high-risk factors such as illicit drug use, alcohol harm, high blood pressure and obesity. In 2008-2009, it was estimated that violence against women and their children cost the Australian economy $13.6 billion (National Council to Reduce Violence against Women and their Children, 2009b, p. 4). However, the two estimates are not directly comparable. The estimate for 2002-2003 refers only to domestic violence between adult intimate partners including that perpetrated against men; it excludes both violence directed against children of the relationship and violence between family members who are not partners (Access Economics, 2004, p. 3). On the other hand, the 2008-2009 estimate refers to reported domestic (intimate and ex-intimate partner) and non-domestic violence against women and their children; it includes sexual assault but excludes violence perpetrated against men.

2 Each of these data sources has limitations, including under-reporting – sub-samples of the population may not be reached (e.g. those living in institutional care, those without access to a telephone, those in custody, those with limited English language skills unless arrangements are made for qualified interpreters), barriers to reporting (e.g. perceptions that the violence is minor, fear of the perpetrator, fear of not being believed), and difficulties with recall and disclosure.

   Often, surveys which have been designed to describe the patterns and prevalence of domestic violence in Australia have produced divergent estimates because they vary in terms of the sample size and the response rate and have used different reference periods (e.g. 3 months, 4 months, 6 months), different data collection methods (e.g. telephone interview, personal interview, written questionnaires) or included different types of offences.

3 Physical assault is defined as 'an act of physical force or violence by an offender/s against a victim. Examples of physical force or violence include being beaten, pushed, grabbed, shoved, slapped, hit with an open hand or fist, kicked, bitten, choked, stabbed, shot, burnt, being hit with something such as a bat or being dragged or hit deliberately by a vehicle. Includes assault that occurred while the victim was at work. Excludes incidents that occurred during the course of play on a sporting field or organised sport, verbal abuse, incidents where the person did not encounter the offender face-to-face, and incidents of sexual assault or threatened sexual assault which also involved physical assault.' (ABS, 2014a, Chapter 2).

4 Threatened assault is defined as 'a verbal, written and/or physical threat to inflict physical harm where the person being threatened believed the threat was able and likely to be carried out. Threatened assault may occur face-to-face or via non face-to-face methods (such as e-mail). Includes any threat or attempt to strike the person which could cause pain; situations where a gun or other weapon was left in an obvious place (including fake or toy guns/weapons where the victim thought it was real) or if the person knew the perpetrator had access to a gun (including toy guns, starter pistol etc). Also includes incidents where the victim was threatened in their line of work. Excludes any incident of name calling or swearing which did not involve a physical threat and threats that resulted in an actual assault.' (ABS, 2014a, Chapter 2).

   Face-to-face threatened assault is defined as' any verbal and/or physical threat, made in person, to inflict physical harm where the person being threatened believed the threat was able and likely to be carried out. Excludes any incident where the victim did not encounter the offender in person (e.g. via telephone, text message, e-mail, in writing or through social media).' (ABS, 2014a, Chapter 2).

   Non face-to-face threatened assault is defined as 'any threat to inflict physical harm where the person being threatened believed the threat was able and likely to be carried out and where the victim did not encounter the offender in person. Non face-to-face threatened assault may occur via telephone, text message, e-mail, in writing or through social media.' (ABS, 2014a, Chapter 2).

5 For defendants in ADVO matters, Legal Aid NSW defines 'exceptional circumstances' in the following way:

   > In determining whether there are exceptional circumstances, Legal Aid NSW may consider there are exceptional circumstance where:
   >
   > - Legal Aid NSW is satisfied that the defendant in the apprehended domestic violence order proceedings is a victim of domestic violence.
   >
   > Legal Aid NSW will be satisfied that a defendant is a victim of domestic violence if any of the following criteria are satisfied:
   >
   > - the application for legal aid is supported by a Domestic Violence Practitioner Scheme solicitor or Women's Domestic Violence Court Advocacy Service co-ordinator, or
   > - the applicant for legal aid has previously been an applicant in an ADVO matter, or
   > - the applicant for legal aid is currently living in a women's refuge or in alternative accommodation due to a domestic violence situation, or

- the applicant for legal aid provides evidence to support their application,

or

- Legal Aid NSW is satisfied the applicant for legal aid is 'at special disadvantage'.

Definition of 'at special disadvantage' under the ADVO policy

An applicant for aid is at special disadvantage if,

- the applicant is a child or acting on behalf of a child, or
- the applicant is a person who has substantial difficulty in dealing with the legal system by reason of:
  - a psychiatric condition
  - a developmental disability
  - an intellectual impairment, or
  - a physical disability.

(Source: Legal Aid NSW, 2011).

6 Based on the 2011 Census of Housing and Population, 64.2 per cent of the population living in the Burwood Local Government Area speaks a language other than English at home. The key languages are Mandarin (spoken by 12.2% of the local population), Cantonese (8.8%), Korean (4.5%) and Arabic (4.4%).

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Legal service for defendants in Apprehended Domestic Violence Order (ADVO) proceedings: An evaluation

Lily Trimboli

Appendix A1: Person in need of protection (PINOP): Interview schedule for intervention research phase

1. **On what date did you or the police apply for this Order?** ☐☐/☐☐/☐☐☐☐

2. **At the time of applying for this Order, what was your relationship to** *(defendant's name)*? ☐☐
Defendant was:

01.	my husband/wife	02.	my former husband/wife
03.	my defacto husband/wife	04.	my former defacto husband/wife
05.	my boyfriend/girlfriend	06.	my former boyfriend/girlfriend
07.	my son/daughter	08.	my grandson/grand-daughter

09. other *Specify*.....

Go to next question

THIS ORDER

3. **Are the conditions on *this* Order the ones you wanted?** ☐
1. Yes *Go to Q 5*
2. No *Go to next question*

4. **Which safety issues are not covered by this Order?** [open-ended] ☐☐

5. **Did** *(defendant's name)* **consent or agree to this Order?** ☐
1. Yes
2. No
3. Granted ex-parte

Go to next question

6. **Before the court granted this Order** (*today/date on which Order was granted),* **did you have an Interim or a temporary Order, perhaps made over the telephone?** ☐
1. Yes *Go to next question*
2. No *Go to next Section [Month before AVO application]*
3. Don't know *Go to next Section [Month before AVO application]*

7. **Was it a Provisional Order, made over the telephone?** ☐
1. Yes
2. No
3. Don't know

Go to next question

8. **On what date was the Interim Order/Provisional Order granted?** ☐☐/☐☐/☐☐☐☐
Go to next question

MONTH BEFORE APPLICATION FOR ORDER

9. **Between** *(dates for four-week period before application for this Order/Interim Order)*, **did** *(defendant's name)* **follow you about**, **for example, did** *(defendant's name)* **watch or approach or hang around the place where you live or where you work or any place where you normally go for social or leisure activities?**

1. Yes — *Go to next question*
2. No — *Go to Q 11*
3. Don't know — *Go to Q 11*

10. **How frequently did this happen? Was it**

Rarely	Sometimes	Often	All the time
[1 – 3 times over 4 weeks]	[once or twice per week]	[3 – 4 times per week]	[at least once per day]
1	2	3	4

Go to next question

11. **Between** *(dates for four-week period before application for this Order/Interim Order)*, **did** *(defendant's name)* **verbally abuse you in any way, for example, in person or by phone or text messages or email or Facebook posts?**

1. Yes — *Go to next question*
2. No — *Go to Q 13*
3. Don't know — *Go to Q 13*

12. **How frequently did this happen? Was it**

Rarely	Sometimes	Often	All the time
[1 – 3 times over 4 weeks]	[once or twice per week]	[3 – 4 times per week]	[at least once per day]
1	2	3	4

Go to next question

13. **Between** *(dates for four-week period before application for this Order/Interim Order)*, **did** *(defendant's name)* **contact your friends/your children/your family/your mutual friends/your co-workers to ask about you?**

1. Yes — *Go to next question*
2. No — *Go to Q 15*
3. Don't know — *Go to Q 15*

14. **How frequently did this happen? Was it**

Rarely	Sometimes	Often	All the time
[1 – 3 times over 4 weeks]	[once or twice per week]	[3 – 4 times per week]	[at least once per day]
1	2	3	4

Go to next question

15. **Between** (*dates for four-week period before application for this Order/Interim Order*), **did** *(defendant's name)* **intimidate, approach or interfere with you in any *other* way, for example, in person or by phone or text messages or email or Facebook posts?**

1. Yes — *Go to next question*
2. No — *Go to Q 18*
3. Don't know — *Go to Q 18*

16. **How frequently did this happen? Was it** ☐

Rarely	Sometimes	Often	All the time
[1 – 3 times over 4 weeks]	[once or twice per week]	[3 – 4 times per week]	[at least once per day]
1	2	3	4

Go to next question

17. **In what way(s)?** [open-ended]

Go to next question

18. **Between** (*dates for four-week period before application for this Order/Interim Order*)**, did** *(defendant's name)* **physically assault you?**

1. Yes *Go to next question* ☐
2. No *Go to Q 20*

19. **How frequently did this happen? Was it** ☐

Rarely	Sometimes	Often	All the time
[1 – 3 times over 4 weeks]	[once or twice per week]	[3 – 4 times per week]	[at least once per day]
1	2	3	4

Go to next question

20. **Between** (*dates for four-week period before application for this Order/Interim Order*)**, did** *(defendant's name)* ***threaten*** **to physically assault you?**

1. Yes *Go to next question* ☐
2. No *Go to next section [Demographic Information]*

21. **How frequently did this happen? Was it** ☐

Rarely	Sometimes	Often	All the time
[1 – 3 times over 4 weeks]	[once or twice per week]	[3 – 4 times per week]	[at least once per day]
1	2	3	4

Go to next question

22. **How old are you?** ☐☐

Go to next question

23. **In which country were you born?** ☐☐

01.	Australia	07.	Vietnam
02.	New Zealand	08.	China
03.	England	09.	Greece
04.	Scotland	10.	Italy
05.	Wales	11.	Lebanon
06.	Ireland		

other *Specify*.....

Go to next question

24. **In which country was your *mother* born?** ☐☐

01. Australia
02. New Zealand
03. England
04. Scotland
05. Wales
06. Ireland
07. Vietnam
08. China
09. Greece
10. Italy
11. Lebanon

other *Specify*.....

Go to next question

25. **In which country was your *father* born?** ☐☐

01. Australia
02. New Zealand
03. England
04. Scotland
05. Wales
06. Ireland
07. Vietnam
08. China
09. Greece
10. Italy
11. Lebanon

other *Specify*.....

Go to next question

If the answer to either *Q 24* or *Q 25 is* Australia, *go to Q 26*
If the answers to both *Q 24* and *Q 25* are *not* Australia, *go to Q 27*

26. **Are you of Aboriginal or Torres Strait Islander origin?** ☐

1. Yes
2. No

Go to next question

27. **What is the highest level of education that you have attained?** ☐☐

01. Primary school
02. Part secondary school
03. Secondary school : *School* Certificate (Year 10/4th Form) or equivalent
04. Secondary school : *Higher* School Certificate (Year 12/6th Form) or equivalent
05. Technical college certificate *Specify*.....
06. University degree *Specify*.....
07. College of Advanced Education degree *Specify*.....
08. Other *Specify*.....
09. Currently studying *Specify*.....

28. **How old is** *(defendant's name)***?** ☐☐

Go to next question

29. **In which country was** *(defendant's name)* **born?** ☐☐

01.	Australia	07.	Vietnam
02.	New Zealand	08.	China
03.	England	09.	Greece
04.	Scotland	10.	Italy
05.	Wales	11.	Lebanon
06.	Ireland		

other *Specify*.....

Go to next question

30. **In which country was** *(defendant's name)* ***mother*** **born?** ☐☐

01.	Australia	07.	Vietnam
02.	New Zealand	08.	China
03.	England	09.	Greece
04.	Scotland	10.	Italy
05.	Wales	11.	Lebanon
06.	Ireland		

other *Specify*.....

Go to next question

31. **In which country was** *(defendant's name)* ***father*** **born?** ☐☐

01.	Australia	07.	Vietnam
02.	New Zealand	08.	China
03.	England	09.	Greece
04.	Scotland	10.	Italy
05.	Wales	11.	Lebanon
06.	Ireland		

other *Specify*.....

Go to next question

If the answer to either *Q 30* or *Q 31 is* Australia*, go to Q 32.*
If the answers to both *Q 30* and *Q 31* are *not* Australia*, end of interview.*

32. **Is** *(defendant's name)* **of Aboriginal or Torres Strait Islander origin?** ☐

1. Yes
2. No

MONTH AFTER ORDER SERVED ON DEFENDANT

33. **Have any of the conditions of the Order that you were granted on** *(date)* **been *breached/broken*?** ☐

1. Yes *Go to next question*
2. No *Go to Q 35*

34. **Which conditions were breached?** [open-ended]

1=YES; 2=NO

Defendant physically assaulted me ☐

Defendant molested me ☐

Defendant threatened me ☐

Defendant intimidated me ☐

Defendant stalked me/followed me about ☐

Defendant physically assaulted someone with whom I had/have a domestic relationship ☐

Who?.....

Defendant molested someone with whom I had/have a domestic relationship ☐

Who?.....

Defendant threatened someone with whom I had/have a domestic relationship ☐

Who?.....

Defendant intimidated someone with whom I had/have a domestic relationship ☐

Who?.....

Defendant stalked someone with whom I had/have a domestic relationship ☐

Who?.....

Defendant came to my house ☐

Defendant came to my place of work ☐

Defendant approached me whilst under the influence of intoxicating liquor ☐

Defendant approached me whilst under the influence of drugs ☐

Other *Specify*..... ☐

.....

.....

.....

Go to next question

35. **During the past four weeks, did** *(defendant's name)* **follow you about**, **for example, did** *(defendant's name)* **watch or approach or hang around the place where you live or where you work or any place where you normally go for social or leisure activities?** ☐

1. Yes *Go to next question*
2. No *Go to Q 37*
3. Don't know *Go to Q 37*

36. **How frequently did this happen? Was it** ☐

Rarely	Sometimes	Often	All the time
[1 – 3 times over 4 weeks]	[once or twice per week]	[3 – 4 times per week]	[at least once per day]
1	2	3	4

Go to next question

37. **During the past four weeks, did** *(defendant's name)* **verbally abuse you in any way, for example, in person or by phone or text messages or email or Facebook posts?**

1. Yes — *Go to next question*
2. No — *Go to Q 39*
3. Don't know — *Go to Q 39*

38. **How frequently did this happen? Was it**

Rarely	Sometimes	Often	All the time
[1 – 3 times over 4 weeks]	[once or twice per week]	[3 – 4 times per week]	[at least once per day]
1	2	3	4

Go to next question

39. **During the past four weeks, did** *(defendant's name)* **contact your friends/your children/your family/ your mutual friends/your co-workers to ask about you?**

1. Yes — *Go to next question*
2. No — *Go to Q 41*
3. Don't know — *Go to Q 41*

40. **How frequently did this happen? Was it**

Rarely	Sometimes	Often	All the time
[1 – 3 times over 4 weeks]	[once or twice per week]	[3 – 4 times per week]	[at least once per day]
1	2	3	4

Go to next question

41. **During the past four weeks, did** *(defendant's name)* **intimidate, approach or interfere with you in any *other* way, for example, in person or by phone or text messages or email or Facebook posts?**

1. Yes — *Go to next question*
2. No — *Go to Q 44*
3. Don't know — *Go to Q 44*

42. **How frequently did this happen? Was it**

Rarely	Sometimes	Often	All the time
[1 – 3 times over 4 weeks]	[once or twice per week]	[3 – 4 times per week]	[at least once per day]
1	2	3	4

Go to next question

43. **In what way(s)?** [open-ended]

Go to next question

44. **During the past four weeks, did** *(defendant's name)* **physically assault you?**

1. Yes — *Go to next question*
2. No — *Go to Q 46*

45. **How frequently did this happen? Was it**

Rarely	Sometimes	Often	All the time
[1 – 3 times over 4 weeks]	[once or twice per week]	[3 – 4 times per week]	[at least once per day]
1	2	3	4

Go to next question

46. **During the past four weeks, did** *(defendant's name)* ***threaten*** **to physically assault you?**

1. Yes — *Go to next question*
2. No — *Go to Q 48*

47. **How frequently did this happen? Was it**

Rarely	Sometimes	Often	All the time
[1 – 3 times over 4 weeks]	[once or twice per week]	[3 – 4 times per week]	[at least once per day]
1	2	3	4

Go to next question

48. **What have been the main *benefits*, if any, that this Order has produced**? [open-ended]

Go to next question

49. **What have been the main *problems*, if any, that this Order has produced?** [open-ended]

Go to next question

50. **If you found yourself in a situation similar to that which led you to apply for *this* Order, would you seek another Order?**

1. Yes — *Go to Q 52*
2. No — *Go to next question*
3. Don't know — *Go to next question*

51. **Why not?** [open-ended]

Go to next question

52. **Was it useful that** *(defendant's name)* **had a solicitor?**

1. Yes
2. No

Go to next question

53. **Why?** [open-ended]

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Legal service for defendants in Apprehended Domestic Violence Order (ADVO) proceedings: An evaluation

Lily Trimboli

Appendix A2: Defendant: Interview schedule

1. **Who first told you about the ADVO legal service?** [open-ended]

   Go to next question

2. **What did that person tell you about the service?** [open-ended]

   Go to next question

3. **What did you expect to get out of the service?** [open-ended]

   Go to next question

4. **After you went through the main door to the courthouse and then through the metal detector, did you receive instructions about what you should do?** ☐

Yes	No
1	2
Go to next question	*Go to Q 7*

5. **How clear were those instructions?** ☐

Very *un*clear	*Un*clear	Neither clear nor unclear	Clear	Very clear
1	2	3	4	5

   Go to next question

6. **How long did you wait before you received those instructions?** [open-ended]

   Go to next question

7. **Did the police officer at the courthouse give you instructions about how to get to the solicitor?** ☐

Yes	No
1	2
Go to next question	*Go to Q 9*

8. **How clear were those instructions?** ☐

Very *un*clear	*Un*clear	Neither clear nor unclear	Clear	Very clear
1	2	3	4	5

   Go to next question

9. **How hard or easy was it to understand the ADVO conditions imposed on you by the magistrate?** ☐

Very *hard* to understand	*Hard* to understand	Neither easy nor hard to understand	*Easy* to understand	Very *easy* to understand
1	2	3	4	5

   Go to next question

10. **Did the solicitor explain these conditions to you?** ☐

Yes	No
1	2

Go to next question

11. **Do you think you can stick to these conditions?** ☐

Yes	No
1	2
Go to Q 16	*Go to next question*

12. **Why do you think that you can't stick to these conditions?** [open-ended]

Go to next question

13. **Did you raise this issue with the solicitor?** ☐

Yes	No
1	2
Go to Q 15	*Go to next question*

14. **Why not?** [open-ended]

Go to Q 16

15. **How was it sorted out?** [open-ended]

Go to next question

16. **What did the defendant solicitor say would happen *to you* if you breach or break any of the ADVO conditions?** [open-ended]

Go to next question

17. **Did you already know this before you saw the solicitor last Friday?** ☐

Yes	No
1	2
Go to next question	*Go to Q 19*

18. **How did you know this?** [open-ended]

Go to next question

19. **Apart from the ADVO, did you get advice from the defendant solicitor about any other issues?** ☐

Yes	No
1	2
Go to next question	*Go to Q 21*

20. **Which issues?** [open-ended]

Go to next question

21. **As you were leaving her office, did the solicitor tell you what to do next?** ☐

Yes	No
1	2

If this interview is being conducted with an interpreter, go to next question.

If this interview does **not** *involve an interpreter, go to Q 24.*

22. **Did the solicitor use a qualified interpreter in your meeting with her?** ☐

Yes	No
1	2
Go to Q 24	*Go to next question*

23. **Why not?** [open-ended]

Go to next question

24. **As you were leaving the courtroom after the magistrate had dealt with your matter, were you told what to do next?** ☐

Yes	No
1	2
Go to next question	*Go to Q 26*

25. **What were you told?**[open-ended]

Go to next question

26. **How respectfully were you treated by the defendant solicitor when you met with her in her office?** ☐

Very *dis*respectfully	*Dis*respectfully	Neither respectfully nor disrespectfully	Respectfully	Very respectfully
1	2	3	4	5

Go to next question

27. **How satisfied were you with how the defendant solicitor dealt with your matter in the courtroom in front of the magistrate?** ☐

Very *dis*satisfied	*Dis*satisfied	Neither satisfied nor dissatisfied	Satisfied	Very satisfied
1	2	3	4	5
Go to next question	*Go to next question*	*Go to next question*	*Go to Q 29*	*Go to Q 29*

28. **Why were you dissatisfied?** [open-ended]

29. **Would you recommend this service to other people in a similar situation to you?** ☐

Yes	No
1	2

Go to next question

30. **Why?** [open-ended]

Go to next question

31. **How old are you?** ☐☐

Go to next question

32. **In which country were *you* born?** ☐☐

01. Australia
02. New Zealand
03. England
04. Scotland
05. Wales
06. Ireland
07. Vietnam
08. China
09. Greece
10. Italy
11. Lebanon

other *Specify*.....

Go to next question

33. **In which country was your *mother* born?** ☐☐

01. Australia
02. New Zealand
03. England
04. Scotland
05. Wales
06. Ireland
07. Vietnam
08. China
09. Greece
10. Italy
11. Lebanon

other *Specify*.....

Go to next question

34. **In which country was your *father* born?** ☐☐

01. Australia
02. New Zealand
03. England
04. Scotland
05. Wales
06. Ireland
07. Vietnam
08. China
09. Greece
10. Italy
11. Lebanon

other *Specify*.....

Go to next question

If the answer to either *Q 33* or *Q 34 is* Australia*, go to Q 35*
If the answers to both *Q 33* and *Q 34* are *not* Australia*, go to Q 36*

35. **Are you of Aboriginal or Torres Strait Islander origin?** ☐

Yes	No
1	2

Go to next question

36. **What is the highest level of education that you have attained?** ☐☐

01. Primary school
02. Part secondary school
03. Secondary school : *School* Certificate (Year 10/4th Form) or equivalent
04. Secondary school : *Higher* School Certificate (Year 12/6th Form) or equivalent
05. Technical college certificate *Specify*.....
06. University degree *Specify*.....
07. College of Advanced Education degree *Specify*.....
08. Other *Specify*.....
09. Currently studying *Specify*.....

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