
AN EVALUATION OF THE NSW APPREHENDED VIOLENCE ORDER SCHEME

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PREFACE

Since the introduction of the Apprehended Violence Order scheme in New South Wales, the number of Apprehended Violence Orders issued by the courts has increased dramatically. In 1987, a total of 1,426 orders were issued by NSW Local Courts. Last year, 21,599 orders were issued, a fifteen-fold increase in just ten years.

Much of the discussion of Apprehended Violence Orders has focussed on issues of process. In particular, concern has been expressed about the ease with which orders can be obtained and the possible abuse of orders by persons involved in family law matters. With the exception of an earlier Bureau study by Julie Stubbs and Diane Powell, no attention has been paid to the question of whether the orders achieve their legislative objective, namely, to provide people who obtain the orders with protection from violence, abuse and harassment. This is unfortunate, since questions about the administration of the Apprehended Violence Order scheme are secondary to the question of whether the scheme itself is effective.

The present study is the most comprehensive attempt ever undertaken in Australia to gauge whether protection orders designed to prevent domestic (or personal) violence are effective. Although the study did not involve a randomised trial, it obtained standardised measures of the prevalence of violence, abuse and harassment both before and after orders were obtained. Follow-up interviews were conducted one month after the order was served on the defendant. Sub-samples were interviewed three months and six months later. Comparisons based on these measures indicate that Apprehended Violence Orders are very effective, even after controlling for factors such as the level of contact between the parties.

In part, the study determined whether Apprehended Violence Orders were breached, whether breaches were reported to police and whether police were active in dealing with alleged breaches. The results of these issues are disappointing. Only about one-third of the breaches were reported to the police. More disturbingly, police took no action in response to about 70 per cent of the breaches reported to them. Given the effectiveness of Apprehended Violence Orders in preventing violence, the response of police to breaches will clearly need to be reviewed.

Dr Don Weatherburn
Director

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EXECUTIVE SUMMARY

This report presents the results of a survey of a sample of women and men granted Apprehended Violence Orders (AVOs) by Local Courts in Sydney. Survey respondents were interviewed when the order was first granted and one month after the order was served on the defendant. A subsample (of 115 subjects) was interviewed again three months after the order was served. A further subsample (of 59 subjects) was interviewed a fourth time, six months after the order was served. The main findings are summarised below.

- While subjects experienced violence, abuse and harassment from the defendant before applying for an AVO, for the vast majority of subjects, there was a reduction in stalking, physical assaults, threats of physical assault, verbal abuse, nuisance telephone calls, being sent inappropriate letters or flowers or gifts, and 'other' forms of intimidation or harassment up to six months after the order was served on the defendant. This reduction occurred even among subjects who maintained contact with the defendant.
- Only one form of negative behaviour increased after the AVO was served. Consequent upon obtaining the order, a larger proportion of defendants approached the family, social and work networks of all subjects interviewed. This effect occurred only between three and six months after the AVO was served.
- The majority of subjects (77%) were satisfied with the services they received from either the chamber magistrate or the police when they applied for the AVO, but the level of satisfaction varied greatly from one location to another. Satisfaction with chamber magistrates ranged from 58.3 per cent of subjects at one location to 94.3 per cent of subjects at another location; and satisfaction with police ranged from 62.5 per cent to 85.0 per cent of subjects. The reasons given for dissatisfaction were essentially the same regardless of whether the source of dissatisfaction was a police officer or a chamber magistrate. Most commonly, the complaint was that the officer (or chamber magistrate) was unsympathetic, rude or indifferent; provided insufficient information or explanation; or did not take the complaint seriously.
- In one-third of all incidents of physical assault and threats of physical assault, the defendant was alleged to have been drinking alcohol at the time.
- Of all the follow-up interviews conducted with subjects following service of orders on the defendant, subjects reported that 115 breaches had occurred. The majority (77.8%) of the 90 defendants involved breached the order during one follow-up period only, fifteen (16.7%) defendants breached the order during two follow-up periods, and five (5.5%) breached the order during each of the three follow-up periods. The most frequently breached AVO conditions were verbal abuse, coming to the subject's house or work address, or proscribed telephone contact.
- Thirty-six per cent of these breaches were reported to the police. Police took no action in response to 73.2 per cent of the breaches reported to them.
- In 69.0 per cent of cases the first breach of the AVO occurred within four weeks after the order was served.

- At each of the three follow-up interviews, more than 90 per cent of subjects stated that the AVO had produced benefits, including a reduction or elimination of contact with the defendant, feeling safer, experiencing peace of mind, enjoying a better quality of life. At each follow-up interview, approximately three-quarters of subjects stated that the AVO had produced no problems.
- Of the 25 per cent of subjects who stated that the AVO had produced problems, the main problems reported included the defendant being angrier or less cooperative regarding other negotiations (e.g. custody, property settlement) following service of the order, the AVO had complicated various relationships (e.g. between the subject and the defendant, between the subject and mutual third persons, between the defendant and children of the parties), the subject's situation had worsened, breaches were ignored by the police, or the defendant ignored the AVO conditions.
- At each of the three follow-up interviews, approximately 90 per cent of subjects stated that they would seek another AVO if a similar situation arose.
- The report recommends that both the NSW Police Service and the NSW Attorney General's Department make greater efforts to ensure that:
 - clients are provided with accurate and reliable information (in writing, if requested) regarding the options available to redress their specific situation, the ramifications of each option for both the client and the defendant, the procedures and forms associated with each option, the evidence required by a court in the event of the defendant breaching an AVO condition;
 - advice and information are delivered to clients in a courteous and empathic manner;
 - clients have agreed to, and have understood, the course(s) of action undertaken by chamber magistrates or the police;
 - clients are referred or escorted to the necessary health or welfare services;
 - confidential information (for example, the address of the refuge in which the client is living) is not disclosed to the defendants or the defendants' family and friends;
 - clients' needs and questions are dealt with by another officer when the initiating officer is on leave or unavailable;
 - reported breaches of AVO conditions are properly investigated and enforced.

1. INTRODUCTION

The violence experienced by women from their male partners has, in recent decades, been recognised as a significant problem in several countries, including Australia. Recognition of the problem and the concomitant concern for the victims has led to a variety of interventions, some of which attempt to protect the victims from experiencing future violence and abuse, while others attempt to deal with the offenders. One form of legal protection which has emerged is the Apprehended Violence Order or protection order.¹ Finn and Colson (1990, p. 1) assert that:

Properly used and enforced, protection orders can help prevent specific behaviors such as harassment or threats which could lead to future violence. They also can help provide a safe location for the victim, if necessary, by barring or evicting an offender from the household, and establish safe conditions for any future interactions, for example, supervised child visitation.

However, it is not known whether protection orders are effective. The central purpose of this study is to determine whether Apprehended Violence Orders (AVOs) granted by Local Courts in New South Wales (NSW) achieve their objective of protecting individuals against future violence and abuse.

Before describing the AVO scheme operating in NSW, some national studies of the prevalence of violence against women will be briefly described to highlight the magnitude of the problem both in Australia and overseas. In general, prevalence estimates from surveys vary from country to country; for example, 2.4 per cent of Australian women who were married or in a de facto relationship reported having experienced an incident of physical violence during the previous twelve months, compared with 3.0 per cent of Canadian women and 12.1 per cent of women from the USA.

1.1 VIOLENCE AGAINST WOMEN

In the USA, Straus and Gelles (1986) used nationally representative samples to conduct two surveys on the prevalence of violence. The first survey was conducted in 1975 and the second in 1985 involving, respectively, 2,143 and 3,520 households consisting of a currently married or co-habiting couple. Straus and Gelles found that 12.1 per cent of women in the 1975 survey and 11.3 per cent in the 1985 survey had experienced violence from their husbands at least once during the previous twelve months. This violence included minor violence acts (that is, threw something, pushed, grabbed, shoved, slapped) and severe violence acts (that is, kicked, bitten, punched, hit with a fist, hit or tried to hit with something, beaten up, threatened with a gun or knife, used a gun or knife). Severe violence (referred to as 'wife beating' by the researchers) was experienced by 3.8 per cent and 3.0 per cent of women in the 1975 and 1985 surveys, respectively, a difference which is not statistically significant.

In 1993, the first national survey was conducted on violence against women in Canada (Rodgers 1994). The survey, conducted by telephone, included 12,300 randomly selected English and French speaking women aged 18 years or more. The women were interviewed about their experiences of physical and sexual violence since the age of 16 years and their responses were weighted to represent the adult female population of Canada. Rodgers found that three per cent of women who were married or living with

a man in a common-law relationship had experienced violence during the previous twelve months; and 29 per cent of women who had ever been married or in a common-law relationship had been physically or sexually assaulted by their partner at some stage during the relationship.

In Australia, a national survey has recently been conducted to 'provide national estimates of the nature and extent of violence experienced by women' (Australian Bureau of Statistics 1996a, p. 2). Face-to-face interviews were conducted over a three-month period in 1996 with 6,300 women aged 18 years or more. It was estimated that, of the 4.3 million Australian women who were married or in a de facto relationship, 2.4 per cent experienced an incident of physical violence (defined in a similar manner as Straus and Gelles) by their current partner during the previous twelve months; and 7.6 per cent experienced an incident of physical violence by their current partner at some time during the relationship, with 5.5 per cent having been pushed, grabbed or shoved by their partner. Of the 5,964,200 Australian women who had ever been married or in a de facto relationship, it was estimated that 22.5 per cent had experienced physical violence by a partner (either current or previous) at some time during the relationship.

Both the Australian and the Canadian sample surveys suggest that some women are at higher risk of violence from their male partners than are others. The Australian survey, for example, found that, relative to their number in the general population, women who were married or in a de facto relationship and were aged between 18 and 24 years had the highest rate of physical violence by their current partner during the previous twelve months, namely 7.3 per cent. The rate decreased with increasing age with women aged 25 to 34 years having a rate of 3.0 per cent and women aged 55 years or more having the lowest rate of 1.0 per cent.

Rodgers found a similar pattern for age. However, younger Canadian women had a higher rate of violence than their Australian counterparts: 12 per cent of Canadian women aged between 18 and 24 years who were married or in a de facto relationship had experienced violence during the previous twelve months. Rodgers also found that the lowest rate was for older women: one per cent of those aged 45 years or more had experienced violence. The comparable rate for Australian women aged 45 years or more was 1.5 per cent.

Some evidence suggests that women are at particular risk when pregnant. For example, the Australian survey found that, of the estimated 1,639,800 women who had experienced violence (either sexual or physical) by a partner (either current or previous) during the relationship, 17.8 per cent experienced violence during the pregnancy and 8.6 per cent experienced violence for the first time during pregnancy. The comparable figures for Canadian women were 21.0 per cent and 8.4 per cent, respectively.

Violence was also found to be associated with separation. The Australian survey found that 15.7 per cent of the estimated 1,080,800 women who had experienced violence (either physical or sexual) by a previous partner reported that violence occurred while separated.² In Canada, the corresponding figure was 20 per cent of the 1,781,000 women who had experienced violence by a previous partner. Moreover, Rodgers found that, for seven per cent of all women who experienced violence by a previous partner, violence increased in severity at separation.

The finding that women with specific characteristics are at higher risk of being victims of male partner violence is important as it enables resources, services, early intervention and preventative strategies to be more effectively designed and targeted to groups with

high needs, including younger women, pregnant women and women separated from their partner. However, one form of legal intervention which is available to anyone who fears future violence or abuse, irrespective of their age, marital status, or indeed gender, is the protection order. The following section describes the protection order scheme which operates in NSW.

1.2 APPREHENDED VIOLENCE ORDERS

All Australian and many overseas jurisdictions have passed legislation allowing courts to make orders intended to protect individuals from future violence, abuse and harassment from specific persons. Such orders typically prohibit an individual (the defendant) from being violent or threatening violence towards another individual (the protected person). In some jurisdictions, such as NSW, these orders also prohibit intimidation of the protected person, intimidation of persons with whom the protected person has a domestic relationship, and stalking.

In NSW, these orders are called Apprehended Violence Orders (AVOs). Provisions regarding AVOs are contained in Part 15A, Crimes Act 1900, No. 40. This legislation protects not only people in domestic relationships (e.g. spouses/de facto relationships), but also people in personal relationships (e.g. neighbours, colleagues, housemates). The legislation was recently amended by the Crimes Amendment (Apprehended Violence Orders) Act 1996, No. 93. These amendments received assent by the NSW Parliament on 26 November 1996.

Earlier legislation focused on spouses only. In fact, legislation specifically designed to protect a person who feared violence from his/her spouse commenced in NSW in April 1983, namely, Crimes (Domestic Violence) Amendment Act 1982. This early legislation has been gradually extended to include other types of negative behaviours, such as, harassment and molestation, and also other relationships, such as, relatives, former spouses or de factos. A significant change in the legislation occurred in 1989 when the Crimes (Apprehended Violence) Amendment Act 1989, No. 62 extended the availability of orders to all people who fear violence, not only those in a domestic relationship. With this legislation, the more general term, Apprehended Violence Order, was introduced to replace the former term, Apprehended Domestic Violence Order.

A more detailed summary of the development of the legislation can be found in Latham and Phelps (1995) and NSW Attorney General's Department (1995).

In the twelve-month period from January to December 1996, 21,599 AVOs were granted by NSW Local Courts. In the majority of cases (68.7%), the protected person and the defendant were in a domestic relationship and the remaining 31.3 per cent were in a personal relationship.

The following section firstly summarises the legislation dealing with AVOs in NSW (namely, Part 15A, Crimes Act 1900, No. 40) and then reviews the research published on the efficacy of protection orders.

Part 15A, Crimes Act 1900, No. 40 allows an individual in need of protection to apply for an AVO in one of two ways:

1. the individual attends a Local Court personally (or with the assistance of a solicitor) and, following discussion with the chamber magistrate, swears an application for an AVO; or,

2. as a consequence of either the police being called to an incident or an individual attending a police station, a police officer swears an application for an AVO on behalf of the individual.

In the first case, the individual either represents him/herself in court or hires a legal representative; in the second case, the police prosecutor is the individual's legal representative.

An application for an AVO generally:

1. summarises the incident(s) of violence or abuse which led the individual or the police officer to apply for an AVO;
2. outlines the specific restrictions or prohibitions which the individual wishes to place on the defendant; and,
3. summons the defendant to appear at court at a specific time and date so that the complaint can be heard by the court.

A copy of the application is given to the individual in need of protection and a copy is served, typically by the police, on the defendant at the address provided by the individual in need of protection.

The application is generally listed to be heard by a magistrate in an open court on the next day on which AVOs are dealt with by that court. The standard of proof required for an AVO to be granted to the person in need of protection is on the balance of probabilities. Typically, for an AVO (other than a temporary order) to be granted, the defendant or his/her legal representative must be present in court and consent to the order being made. It is not necessary for the defendant to admit the veracity of the incidents of violence or abuse which he/she has been alleged to have committed. If neither the defendant nor his/her legal representative is present in court, typically, written consent must be provided so that the order can be granted. Depending on the severity of the violence or abuse summarised in the sworn written application, an AVO may be granted by the magistrate on an *ex parte* basis, that is, in the absence of the defendant or his/her legal representative. The magistrate may require the person in need of protection to give sworn verbal evidence in open court. Proof must, however, be provided that the defendant has received notification of the proceedings; this is generally in the form of an affidavit of service of the summons.

A temporary or interim AVO is granted by a magistrate in some circumstances, for example, if the defendant requests an adjournment so that he/she has the opportunity to obtain legal advice, or if the defendant intends to contest the application for an AVO.

A magistrate may also grant an interim order on an *ex parte* basis even if there is no evidence of the summons having been served on the defendant. The latter generally occurs if the written complaint alleges that there has been severe violence or abuse; often the person in need of protection is required to provide verbal evidence on oath in an open court. For an *ex parte* interim order to be confirmed as an AVO, the defendant must appear in court on a subsequent date, however, an interim order is as enforceable as an AVO.

A breach of either an interim order or an AVO is a criminal offence and the corresponding standard of proof applies: beyond reasonable doubt.

In cases where the defendant does not consent to an AVO being made against him/her, the magistrate lists the case for hearing at a later date. At the hearing, each

party (or their legal representatives) presents his/her case; the magistrate then makes a decision as to whether, on the balance of probabilities, an AVO is warranted.

Appendix 1 provides an overview of those sections of the NSW Crimes Act dealing with AVOs.

The next section reviews the research which specifically assesses the effectiveness of protection orders.

1.3 EVALUATING PROTECTION ORDERS

The most stringent test for determining whether protection orders are effective is to randomly allocate individuals who are seeking an order to one of two groups: either the control group (in this case, seeking an AVO but not receiving one), or the treatment group (in this case, seeking an AVO and receiving one, and therefore, being protected from future violence). One could then measure the type and frequency of violence or abuse suffered by these individuals from the same defendants during an equivalent period of time both before the order is sought and after the order is served on the defendant (and therefore, becomes effective for enforcement) or the corresponding period for those in the control group. This would enable one to measure changes in violence in the treatment group before and after an order was issued. It would also allow a comparison of violence in treatment and control groups.

However, it would obviously not be ethical to refuse to offer protection to individuals experiencing violence simply to assess the efficacy of such protection.

A less stringent, more ethical and far more feasible method of obtaining information on the efficacy of AVOs would be to interview a large sample of individuals who have sought and been granted an AVO (that is, a sample of protected persons). Using a structured interview schedule, the protected persons could be interviewed regarding the type and frequency of violence or abuse they suffered from the same defendants during an equivalent period of time both before the order is sought and after the order is served on the defendant. The sample would, ideally, be drawn at random from those who obtain an order as this would allow inferences about the effectiveness of the orders in the sample to be generalised to the population of those who obtain an order. The value of information obtained in this way would then be subject only to the constraints of accurate recall and reporting.

Even this sort of test of the efficacy of protection orders, however, has not previously been published. Instead, researchers have attempted to assess whether protection orders safeguard the protected persons from future violence or abuse by a number of other methods, such as:

1. asking protected persons to rate how satisfied they are with the order (for example, Beilin 1983);
2. asking protected persons whether the order they obtained has been violated (for example, Adhikari, Reinhard & Johnson 1993; Chaudhuri & Daly 1992; Fischer 1992; Horton, Simonidis & Simonidis 1987; Stubbs & Powell 1989); or whether the violence has stopped (for example, Kaci 1994);
3. comparing the violence reported by those with a protection order and those without (for example, Grau, Fagan & Wexler 1985; San Francisco Cooperative Restraining Order Clinic, unpublished, no date).³

1.3.1 Overseas studies

Beilin's (1983) study provides an example of the first kind of research. The specific aims of Beilin's research were to 'identify 1) who uses the Domestic Abuse Restraining Orders; 2) for what anticipated purposes; 3) how satisfied they are' (p. 3). Beilin's subjects were 120 victims seeking Temporary Restraining Orders (TROs) in Dane County, Wisconsin, during a four-month period in 1982. Of the 120 victims who applied for a TRO, 53 per cent received an Interlocutory Injunction or protection order following a hearing. An Injunction lasts for up to two years during which time the victim must separate from the defendant.

For the purposes of the present study, only the third aim of Beilin's research is of interest. This was assessed by conducting a telephone follow-up interview with 50 female subjects three months after they received an Interlocutory Injunction. The interview dealt with the preceding three months and included questions regarding:

- the amount of face-to-face contact with the defendant;
- whether the defendant made any unpleasant phone calls or physically abused the subject;
- whether the subject called the police;
- type of abuse suffered from the defendant, for example: thrown anything at the subject, pushed or shoved or grabbed the subject, slapped the subject, kicked or bitten or hit the subject with his fist, hit or tried to hit the subject with something, beaten up the subject, threatened the subject with a knife or gun, used a knife or gun, held the subject prisoner, damaged property;
- the subject's expectations of the order, whether these expectations were met;
- whether the subject intended to revoke the order;
- degree of satisfaction with the order;
- subjective observations regarding whether the conditions of the order were observed or disregarded.

Beilin found that 88 per cent of the 50 subjects in the study still had an order in effect three months after receiving it.

For the three months following the order being granted, of the 50 subjects:

- 50 per cent stated that they were 'very satisfied' with the order and 36 per cent were 'satisfied'. Thus, overall, 86 per cent reported satisfaction with the order. Twelve per cent were 'not satisfied' and one subject (2%) was 'very dissatisfied';
- 94 per cent stated that their decision to obtain an order was a good one;
- 12 per cent reported having been physically abused. For the three months prior to the TRO being granted, 96 per cent of women had reported being physically abused;
- 44 per cent had contacted the police regarding violations of the order; with 18 per cent having called more than once. For the three months prior to the TRO being granted, 26 per cent of women had reported having called the police at least once regarding incidents of abuse with 14 per cent having reported fifteen incidents or more to the police.

Beilin's research is perhaps the most comprehensive interview study published in this field and the most comparable to the current study. Her results suggest that the majority of subjects are satisfied with orders and that orders are effective in reducing future physical abuse: the proportion of women who reported being physically abused decreased from 96 per cent in the three-month period before the TRO was granted to 12 per cent in the three-month period after the TRO was granted. However, Beilin's research has two major limitations from the perspective of guiding the current study.

Firstly, Beilin did not adequately compare the subjects' situation prior to the order being granted with that after the order was granted. While she interviewed subjects regarding the three months prior to the order being granted and the three months after the order was granted, she did not ask her subjects the same questions at the two interviews regarding the type (and therefore, the severity) and frequency of violence suffered. It was, therefore, not possible for Beilin to adequately measure any changes in violence.

Secondly, the granting of an order by a court in Wisconsin has ramifications for the victim's lifestyle: she is required not only to separate from the defendant, but also to have no contact at all with the defendant for two years. These requirements are reflected by the answers given by some of Beilin's subjects: at the telephone interview conducted three months after the order was granted, 38 per cent of the subjects interviewed by Beilin stated that they had no further contact with the defendant; a further 24 per cent stated that they had one contact or less per week with the defendant. Thus, for at least 62 per cent of subjects, it is possible that this factor contributed to their positive satisfaction rating of the protection order and their statement that their decision to obtain an order was a good one: no contact or less contact with the defendant after the order was granted would have eliminated or reduced the potential for future violence or abuse from him. The subjects may have attributed the absence of violence to the existence of the protection order rather than to the absence of contact with the defendant. In fact, while not providing the proportions of subjects involved, Beilin states that 'overall, the more compliant the victims were [with the requirement to separate from, and have no contact with, the defendant] the more satisfied they were [with the order]' (p. 106).

The NSW Apprehended Violence Order system, by contrast, does not require the parties to separate. The level of contact between the defendant and the protected person could remain the same both before the order is sought and after it is granted and served. In fact, some continue to live together. In such circumstances, any reduction or absence of violence or abuse following the order being granted could not be a product of the level of contact; it is more likely to be the effect of the order itself.

While not articulating the specific aims of their study, Adhikari, Reinhard and Johnson (1993) report having sent questionnaires to 226 individuals who had obtained an Order of Protection in 1990 in an Arizona county. Such an order is issued if the court 'finds reasonable cause to believe that the Defendant has committed, or may commit an act of domestic violence against the Plaintiff, or his or her property, and the other persons or property designated' in the order (p. 261).

A total of 41 persons (37 females and four males) responded to the questionnaire sent by Adhikari et al. These subjects were interviewed by telephone regarding:

- violations of the order;
- whether these violations were reported to the police;

- subjective assessment 'about the utility or effectiveness of Orders of Protection' (p. 266).

Adhikari et al. state that 56 per cent of subjects reported violations of the order, with 37 per cent of the sample reporting that violence had occurred and 17 per cent stating that the order had contributed to the violence experienced. The police were called by 39 per cent of the sample.

Adhikari et al. note that 'women victims of domestic violence expressed mixed views and opinions about the utility or effectiveness of Orders of Protection' (p. 266). While 54 per cent said that the order was effective, 'many [number not specified by the authors] expressed the view that an Order of Protection was "just a piece of paper"' (p. 266); others noted 'that possessing one made [them] feel better, more assured, or more in control' (p. 266).

The Adhikari et al. study is also subject to a number of limitations. For example, neither the definition nor the measurement tool of effectiveness of orders is defined. It may have been based on the number of violations, but the researchers do not clarify this. Also, the researchers do not indicate the time lapse between the granting and serving of the order and the interview, or the time period to which questions regarding violations and the victim's assessment of the order's effectiveness refer. Thus it is difficult to gauge the seriousness of the violation rate. The violations recorded by Adhikari et al. could have occurred immediately after the granting and serving of the order or some considerable time afterward; if no violations occurred for some time after the order was issued the subjects at least experienced some temporary respite from the violence.

But the main weaknesses of the study are the small sample size (41 subjects) and the fact that no information was obtained from the subjects regarding their situation prior to the order being sought; thus it is not possible to compare the situation before the order was sought and after it was granted and served.

Chaudhuri and Daly (1992) also focused on violations of orders in an attempt to 'assess whether restraining orders help battered women' (p. 232), 'whether batterers heeded or violated the TRO [Temporary Restraining Order] and whether police responsiveness to battered women changed after they received TROs' (p. 228). The authors interviewed 30 women who had been granted a TRO from the New Haven, Connecticut, Family Court in 1986. Such orders are granted in a civil court after a 'show-cause' hearing in which both parties present their case to the court.

The significance of Chaudhuri and Daly's study is that it made some attempt to obtain baseline data on the severity of the violence suffered before the order was obtained.

Subjects were recruited by approaching women involved in the Family Court proceedings during a two-month period in 1986. Each woman who was granted either a temporary or final order was invited to participate in the research. Of 33 women who were invited to participate, three refused. Each subject was interviewed in the week following the granting of the order.

Interview questions touched on issues such as 'how many times she had called the police for protection from an abusive partner before [seeking] a TRO' (p. 235), the police response and her satisfaction with that response.

Two follow-up telephone interviews were then conducted: one month after the order was granted and two months after the order was granted. These interviews focused

on whether the order had been violated, whether the police were called and the action taken by police.

Chaudhuri and Daly found that, prior to seeking a TRO, all the subjects reported that they had called the police: 30 per cent had called the police once, 40 per cent had called between two and four times and the remaining 30 per cent of subjects had called between five and ten times.

Two months after the order was granted:

- 37 per cent of the 30 male defendants had violated the terms of the order, with 23 per cent having forcibly entered the premises of the subject. Police were called by 27 per cent of subjects; some (the authors do not specify the number) called more than once because the defendant violated the order several times;
- 33 per cent of the subjects in the sample had been beaten or threatened by the defendant; one was also raped.

These results show that substantial and serious violations of the orders occurred, even though the police were not called by all subjects involved. Chaudhuri and Daly were interested, however, in the question of whether orders were more likely to be violated by some men than others. To address this issue, Chaudhuri and Daly compared the male defendants who violated the order with those who obeyed the order on a number of characteristics, including whether he had a prior criminal record, had abused alcohol or drugs, his employment status and his race/ethnicity. Chaudhuri and Daly acknowledge that their sample size was small (11 men violated the order and 19 complied with the order). Nonetheless, they state that whether restraining orders help 'to reduce the chance that a man will batter again ... depends on the man's circumstances and motivation. If he has a prior criminal history, is unemployed or has only a part-time job, and abuses drugs and alcohol, he is more likely to abuse a woman again' (p. 245, emphasis added).

The research conducted by Chaudhuri and Daly has several strengths. Interviewing subjects granted an order on three occasions, for example, allowed the researchers the possibility to measure changes in violence over time. However, the research also has a number of weaknesses. The size of the sample in the study is relatively small, namely, 30 subjects. Furthermore, Chaudhuri and Daly did not ask (or at least did not report whether this occurred) the subjects the same set of questions at each interview. This would have enabled one to quantify changes, if any, over time in the type, severity and frequency of violence experienced.

Finally, Chaudhuri and Daly did not report either the study methodology or results in sufficient detail to permit one to determine:

- the period of time to which interview questions referred;
- the amount of contact between the two parties during the three time periods;
- whether the three interviews dealt with equivalent time periods;
- whether the results of interviews two and three were combined or only the results of interview three were reported.

As with the Adhikari et al. study, this makes it difficult to determine over what period the violations of the order occurred.

Fischer (1992) conducted a study to answer a number of questions, including 'what are women's experiences with their order of protection like' (p. 46).

Fischer's subjects were women who sought an order of protection (against a current or former romantic partner or spouse) from Champaign County court ('a midwestern, medium-sized urban county court', p. 21) during a thirteen-month period in 1990/1991. Of the 173 women who consented to be contacted by the researcher after they had obtained their order, a face-to-face interview was conducted with 83, representing a 48 per cent response rate. The interviews were conducted between two and ten weeks after the order was obtained and dealt with the period since the order was obtained. The order was either an 'emergency order [which is] in effect until the time of the next scheduled court hearing, up to three weeks later, [or] a "plenary" order [which] can be in effect for up to two years' (p. 20).

Interview questions covered issues such as:

- the number of times that the defendant had 'threatened or been emotionally abusive ... in any way' (p. 155) and the number of times he had been 'abusive in any way'. The latter was coded as 'physical, emotional, sexual, property damage' (p. 155);
- how typical the abuse was 'compared to the abuse throughout [the] relationship' (p. 155) in terms of severity (ranging from 'much less severe' to 'much more severe'), frequency (ranging from 'much less frequent' to 'much more frequent') and types ('stopped some types, about the same, included new types', p. 189);
- whether the police were called to enforce the order;
- if not abused, whether the subject believed that 'getting [the] order of protection caused him to stop being abusive' (p. 155);
- whether the subject would advise a friend to apply for an order.

Fischer reports that, at the time of the interview, 38 per cent of subjects responded that the permanent order was violated in some way, with 24 per cent reporting 'abuse/harassment' and 41 per cent reporting that the 'no contact' condition was violated. Of those subjects who reported violations of the permanent order, 40 per cent called the police 'resulting in two immediate arrests' (p. 104). Compared with the pre-order abuse, the post-order abuse was rated as being 'less severe' (68%) and 'less frequent' (77%).

Furthermore, Fischer reports that:

- 87 per cent of subjects who were not abused after obtaining the order attributed the elimination of violence to the order;
- 42 per cent of subjects said they would advise 'a friend/family member [who] was being battered' to apply for an order;
- 78 per cent of subjects reported that the order assisted them in achieving changes in particular aspects of their lives, such as housing, education/job training, employment, legal or financial issues.

Fischer's research suggests that orders of protection are effective not only in eliminating or reducing violence (either in severity or frequency), but also in serving 'as a springboard to positive life changes for many of the women' (p. 110). This is despite the fact that 64 per cent of the subjects had 'in person contact with their abusers since obtaining their orders with 25% having weekly in person contact' (p. 79). It is not clear whether this refers to those subjects with emergency/temporary orders or to those with permanent orders.

However, Fischer's research has a number of limitations, two of which she acknowledges herself:

- 'the time frame for our followup was so short that our conclusion about the legal effectiveness of the orders is somewhat limited ... Longer term followup is needed to fully address this question' (p. 104); and,
- 'the potential bias of women who were found as opposed to not found after they had sought an order of protection' (p. 112).

Two further methodological problems relate to the periods of time to which interview questions referred. Firstly, Fischer notes that the interview was held 'approximately two to ten weeks after the scheduled plenary hearing' (pp. 48 - 49) at which an order is granted and that subjects were asked about the period 'since you obtained your order of protection' (p. 155, emphasis added). The time period to which interview questions referred was, therefore, not consistent across subjects. It is possible that some violations of the order occurred within two weeks of the order being granted (which would have provided the subject with very little respite from the abuse) and that other violations occurred after nine to ten weeks of the order being granted (which would have provided more respite).

Secondly, while Fischer asked subjects to make a subjective assessment about the differences between the pre-order abuse, 'throughout [the] relationship' (p. 155), and post-order abuse, subjects were not asked to compare an equivalent time period before the order and after the order. It is possible that subjects compared a two-week post-order period of abuse with a six-year period of abuse prior to the order (six years was the average length of the relationship). If this occurred, Fischer's finding that the post-order abuse was perceived as less severe and less frequent may be an outcome of the methodology used rather than of the effectiveness of the order.

Horton, Simonidis and Simonidis (1987)⁴ report a study conducted in Sacramento, USA, in which a 25-item questionnaire was sent by mail to 600 victims of domestic violence and abuse who had been assisted by the Victim/Witness Program, Sacramento County District Attorney's Office, in filing for a temporary restraining order during a two-year period from 1981 to 1983.

The aim of the study appears to have been to obtain information on, inter alia, violations reported to the police and how satisfied victims were with the restraining order.

The questionnaire was returned by 144 (24%) of the victims. Horton et al. note that 50 per cent of the sample reported no further contact with the police following the temporary restraining order. They conclude that 'this lack of contact indicates a high level of defendant compliance' (p. 274), 'and the women ... appear to be satisfied' (p. 276, emphasis added).

However, the amount of information provided by the authors to support this claim is minimal. They do not report, for example:

- how frequently the subjects contacted the police prior to seeking an order;
- the time period to which the questions referred;
- the specific questions asked of the subjects;
- how satisfaction was measured;

- the number (or percentage) of subjects expressing satisfaction with the orders;
- the amount of contact between the defendant and the subject following the order and how this differed, if at all, from the period before the order was sought. While Horton et al. note that after having obtained the order 'the victim allowed the defendant to return to the home in only 19% of all reported cases' (p. 274), they do not report the level of contact in the remaining 81 per cent of cases. If there was no contact or significantly less contact between the parties following the order, the need to contact the police would decrease or disappear.
- the severity and frequency of violence suffered before and after the order was granted. Horton et al. state that '26.9% of the sample reported that they were unhurt ... 53% reported that they had only minor injuries' (p. 272). It appears that this refers to the period before the order was granted. If so, it is possible that the sample of 144 women who returned the questionnaire was not representative of the 600 who sought assistance from the Program; they may be those who had experienced less severe forms of violence. This, coupled with the possibility of reduced contact with the defendant following the order, could explain why half of the sample had no further contact with the police following the order.

Kaci (1994) sought to evaluate the effectiveness of the Domestic Violence Temporary Restraining Order scheme operating in California. Her sample consisted of 137 people who presented to the Domestic Violence Temporary Restraining Order Clinic during a five-month period in 1993/1994.

Questionnaires were mailed to subjects on two occasions: one month after the initial visit to the Clinic and four months after the initial visit. In addition, ten subjects were interviewed face-to-face approximately two months after seeking a Temporary Restraining Order.

At the one-month follow-up, 36 subjects returned completed questionnaires, representing a response rate of 26.3 per cent. However, of these 36 subjects, only 42 per cent had completed the court process and obtained a permanent restraining order which was valid for a year or more; a temporary restraining order was valid for only a few weeks. At the four-month follow-up, 14 subjects returned completed questionnaires; of these, 28.6 per cent had obtained a permanent restraining order.

Both the four-month follow-up questionnaire and the in-person interviews asked subjects to rate the 'effectiveness of the TRO and permanent orders' (p. 212). While not stated by Kaci, it appears that, at the one-month follow-up interview, subjects were also asked about the effectiveness of the order. Since the question regarding the order's effectiveness was answered by only nine subjects who had obtained permanent orders (four based on postal questionnaires and five based on the face-to-face interviews) only the results based on temporary orders will be presented here. A total of 33 replies were received from subjects with a TRO. Kaci reports that 20 of the 23 postal replies stated that the order 'helped stop physical violence' (Table 2, p. 213) and seven of the ten replies to the face-to-face interviews stated that 'violence stopped' (Table 2, p. 213). It is not clear whether 'physical abuse' and 'violence' are defined in the same way by Kaci or whether 'violence stopped' and 'helped stop physical abuse' are interchangeable terms. If one assumes that the terms are synonymous, then 81.8 per cent of replies stated that TROs 'helped stop physical abuse' or 'violence stopped'.

Based on these data, Kaci concluded that 'a large majority of those who obtained the orders rated them as helping to stop the physical abuse' (p. 212), although she points out that 'the police were called at least once in 46% of the cases where the respondent indicated on the one-month questionnaire that the violence had stopped' (p. 213).

While Kaci's results appear to suggest that TROs are effective in stopping violence, as with the other studies reviewed, Kaci's research has a number of methodological weaknesses. Firstly, the central question regarding the effectiveness of the order received only 33 replies from those who had a temporary order. Since Kaci admits the possibility of double counting subjects, the same individuals may have both been interviewed face-to-face and responded to the postal questionnaire. If this did occur, the sample size would be even smaller.

Secondly, Kaci does not specify the time periods to which questions referred, or whether the time period began when the order was sought or when the order was served (and, therefore, became effective). If the starting point of the time period was on seeking the order (when it is still not effective), it is possible that any reported decrease or cessation of violence is due to factors other than the order itself. Further, given that a temporary order 'is valid for only two to three weeks' (p. 205), it is possible that when the two-month and four-month interviews were conducted by Kaci, the temporary order had expired. Thus the reported cessation of violence or physical abuse may not be the result of the order, but due to other circumstances. In fact, when asked what 'the plaintiff had done to stop the physical abuse other than seeking a TRO' (p. 215), leaving the defendant was the strategy most frequently selected. The data provided by Kaci are not clear-cut as she combines answers from before the subject visited the Clinic with after the subject visited the Clinic.

From the perspective of the current study, however, the main weakness of Kaci's research is that subjects were not interviewed regarding the type and frequency of violence experienced from the same defendant (and the level of contact between the parties) within an equivalent time period before the order was sought and after the order was served on the defendant. Kaci's research, therefore, does not allow one to quantify the magnitude of the reduction in violence produced by the order.

Grau, Fagan and Wexler (1985) compared 'the incidence of post [Family Violence Demonstration Program] violence in the presence or absence of a restraining order' (p. 20). Their study is one of the few containing evidence that protection orders are not generally effective.

Grau et al. conducted face-to-face interviews in 1980 with 270 battered women who had sought assistance from a Family Violence Demonstration Program (funded by the Law Enforcement Assistance Administration). The interviews were conducted four months after the woman's most recent contact with the Program. While Grau et al. interviewed both those women who obtained an order and those who did not, they did not match the two groups of subjects on variables such as the level of contact between the parties, the type of violence experienced during a specified period of time, length of time over which violence or abuse was suffered, socio-economic status, etc. In fact, Grau et al. state that 'those who seek a restraining order ... are younger, employed women in shorter, less violent marriages, who have a history of prior separations. The presence of children in the home is also associated with receipt of a restraining order' (p. 21).

Of the 270 subjects interviewed, 33 per cent obtained a permanent order and the remaining 67 per cent did not. The researchers used two measures of Program effectiveness: the number of subjects who reported being 'abused' (defined as 'harassment and verbal threats, as well as ... acts of physical violence', p. 20) and the number of subjects who reported 'violence' (defined as 'physical acts of violence', p. 21).

When interviewed, four months after their last contact with the Program, 56 per cent of the 89 subjects who had a protection order reported having been abused compared with 59 per cent of the 165 subjects who did not have a protection order (and who answered the question). As might be expected, this difference is not statistically significant. Approximately a quarter of the 171 subjects who answered the question reported having experienced violence within the four-month period. Again, the presence or absence of a protection order had no effect: 24 per cent of the 51 subjects who had a protection order (and who answered the question) reported violence compared with 27 per cent of the 120 subjects who did not have a protection order (and who answered the question). This difference is not statistically significant.

The researchers also attempted to 'determine whether restraining orders are effective for different types of clients' (p. 21). Grau et al. examined the relationship between the occurrence of post-Program abuse and violence and the subject's previous experience of violence. Two variables were used: the most serious injury suffered by the subject prior to her contact with the Program and whether the defendant was violent towards strangers as well as towards his partner. The first variable, injury, was categorised as either 'low severity (bruises or less) [or] high severity (lacerations or worse)' (p. 21). The researchers specify neither how the second measure was defined nor the source of the information; presumably subjects were asked to comment on their partner's behaviour towards others.

Grau et al. found that, for subjects with a restraining order, there was a statistically significant relationship between the severity of the injuries which they suffered in the past and whether or not they suffered abuse after obtaining an order: 67.4 per cent of subjects with a prior history of severe injuries suffered abuse after obtaining an order compared with 44.2 per cent of those with a prior history of less severe injuries. Grau et al. note that 'restraining orders are likely to be effective in reducing [post-Program] abuse, but only for victims with less severe prior injury' (p. 23). For the subjects who had suffered more severe injury prior to their contact with the Program, the proportion of subjects who were abused post-Program was similar regardless of whether they had a restraining order: 67.4 per cent of those who had a restraining order were abused compared with 65.3 per cent of those without. For subjects with a history of less severe injuries, a restraining order also had no effect on their subsequent abuse: 44 per cent of those with an order were abused compared with 54 per cent of those without; a difference which is not statistically significant.

For post-Program violence, Grau et al. present no data. However, they state that 'the incidence of [post-Program] violence remains the same, regardless of whether a restraining order is in effect and irrespective of injuries [suffered] prior to program intervention' (p. 23).

While there was a significant relationship between severity of prior injury and the experience of abuse after obtaining an order, there was no relationship between the defendant's violence towards strangers and the abuse that subjects suffered after obtaining the order: abuse was experienced by 47 per cent of subjects where the

defendant was not violent towards strangers and by 58 per cent of those where he was violent towards strangers. This difference is not statistically significant.

For subjects with partners who were also violent towards strangers, the presence or absence of a restraining order had no effect on the abuse they suffered later: 57.7 per cent of subjects with an order were abused compared with 56.2 per cent without an order. Similarly, an order had no effect for subjects with partners who were not violent towards strangers: abuse was suffered by 47.1 per cent of those with an order and by 59.2 per cent of those without an order. Neither difference is statistically significant.

While no data are presented on the association between the defendant's violence towards strangers and the violence suffered by the two groups of subjects after their contact with the Program, Grau et al. state that '[post-Program] violence is not predicted by assailants' general tendencies, either in the presence or absence of a restraining order' (p. 24).

Despite the lack of evidence that orders were generally effective, when asked to rate the overall effectiveness of the order in avoiding further abuse and violence on a four-point scale, only 26 per cent of subjects who had obtained a protection order rated them as 'not at all effective' and two per cent replied that it was 'too early to tell'; 43 per cent of subjects rated them as 'very effective' and a further 29 per cent rated them as 'somewhat effective'. It appears that only 50 of the 89 subjects who had a protection order answered this question (p. 22). Thus a total of 36 subjects gave orders a positive rating; it is possible that these subjects comprise most of the group of 39 subjects who did not suffer abuse or violence after obtaining an order (based on the data provided in Tables 1, 2 and 3, pp. 22-24).

The failure by Grau et al. to find that orders are generally effective in reducing abuse or violence may be an outcome of the research design which they employed. The report does not state whether the four-month period for which subjects were asked to recall events (that is, four months after their last contact with the Program) equals four months after the order was served on the defendant. There may have been a gap of time between the subject's last contact with the Program and the order being served. If so, it could be that some, or all, of the women who had a protection order were recalling some abusive or violent events from the period before the order was served.

The San Francisco Cooperative Restraining Order Clinic (a collaborative project for abused women) conducted a telephone survey amongst its clients during February 1988 and February 1989 to establish whether TROs were effective in stopping violence. Of the Clinic's 248 clients over the two periods, 62.5 per cent obtained a TRO; the remaining clients did not. The report presents data for the two groups (those who obtained a TRO and those who did not) on their reports of violence or abuse. The telephone interviews, and subsequent analyses, were conducted by volunteers.

Of the 155 subjects who obtained a TRO, approximately two out of three reported that physical abuse and threats of violence had stopped, and one in five reported a decrease in both physical abuse and threats. More specifically:

- physical abuse was reported to have:
 - stopped in 67.7 per cent of cases;
 - decreased in 22.6 per cent of cases;
 - stayed about the same in 5.8 per cent of cases;

- increased in 3.9 per cent of cases;
- threats of violence were reported to have:
 - stopped in 65.2 per cent of cases;
 - decreased in 19.4 per cent of cases;
 - stayed about the same in 11.0 per cent of cases;
 - increased in 5.8 per cent of cases;
- 87.7 per cent reported that they felt safer since obtaining the TRO.

The report of the survey states that 'the primary finding of the survey is that there is a strong relationship between obtaining a restraining order and the stopping of physical abuse' (p. 1). However, in 37.4 per cent of cases the TRO conditions relating to the subject were violated; and the majority of these subjects (79.3%) called the police, with 8.4 per cent reporting that the defendant was arrested. Furthermore, of the 93 subjects of the clinic who did not obtain a TRO, 'violence' was reported to have:

- stopped in 68.8 per cent of cases;
- decreased in 16.1 per cent of cases;
- stayed the same in 9.7 per cent of cases;
- increased in 4.3 per cent of cases.

These figures suggest that the pattern of violence among those who did not obtain an order was very similar to that among those who did obtain an order. As would be expected, there is no significant difference between the two groups of subjects (using data for 'physical abuse' for subjects with a TRO and for 'violence' for subjects without a TRO). The impact of the TRO in achieving the cessation or reduction of violence is, therefore, questionable.

This study suffers similar methodological shortcomings to those in the other research reviewed.

1.3.2 Australian studies

Stubbs and Powell (1989) assessed the effectiveness of the Crimes (Domestic Violence) Amendment Act 1982. This is the only research study of relevance published in Australia.

Stubbs and Powell undertook an interview study with individuals who applied for an Apprehended Domestic Violence Order (ADVO) in a NSW Local Court in 1986. Chamber magistrates at a number of Local Courts agreed to invite women who applied for an ADVO over a specified period of time to participate in the study. The women who agreed to participate in the research signed a consent form enabling the researchers to contact them directly.

Interviews were conducted with 45 per cent of the 204 applicants who gave their consent to be contacted; some decided not to participate, others moved or did not respond to telephone calls or letters, etc.

Each interview was conducted face-to-face by one of five female researchers at least three months after the case was finalised, irrespective of whether the application for an ADVO was granted or the applicant withdrew her application. Subjects were

interviewed over a seven-month period in 1986/1987. A semi-structured interview schedule was utilised and included the following:

- for those granted an ADVO:
 - the subject's expectations of the order, the most and least satisfactory aspects of having the order;
 - breaches: time lapse between the order and the breach, circumstances of the breach, whether the breach was reported, to whom it was reported, action taken;
- details of the incident which led to the application for this ADVO, whether the police were called, police response;
- history of threats and assaults experienced from this defendant and previous police involvement;
- whether the subject would seek another ADVO in similar circumstances.

Of the 92 interviews conducted, 88 were useable.⁵ An ADVO was obtained by 45 (51.1%) of the 88 cases analysed. In 25 (55.6%) of these cases the order was breached. Of all breaches:

- 28.0 per cent occurred within one week of the order being granted;
- 32.0 per cent occurred between two and four weeks of the order being granted;
- 16.0 per cent were alleged to involve physical abuse; the others were alleged to involve harassment, threats and emotional abuse;
- 64.0 per cent were reported: of those reported, 75.0 per cent were reported to the police and 25.0 per cent to solicitors or chamber magistrates.

When asked 'what did you think the order would do', 68.9 per cent stated 'keep the defendant away' (p. 97); 44.4 per cent stated that 'the ADVO had achieved what they expected' (p. 99).

When asked the 'most satisfactory thing about having the order' (Q. 92, p. 199), 37.8 per cent stated that the 'police would now have to respond and take action if called'; 33.3 per cent stated 'security, safety, peace' (Table 4.38, p. 99). When asked the 'least satisfactory thing about having the order' (Q. 93, p. 99), 48.9 per cent stated 'nothing'; 22.2 per cent stated that 'the violence/harassment did not stop' (Table 4.39, p. 100).

Of the 88 subjects interviewed (including the 43 who did not obtain an order):

- when asked whether 'applying for the Apprehended Domestic Violence Order assisted you in any way' (Q. 136, p. 206), 65.9 per cent of the 85 subjects who answered this question said yes: 18.8 per cent stated that the violence/harassment had decreased; 14.1 per cent referred to protection; and 12.9 per cent stated that it had kept the defendant away;
- when asked whether they would apply for another ADVO in similar circumstances, 90.7 per cent of the 86 subjects who answered this question said yes. The proportion of subjects who gave this response was similar for those with an ADVO and those without: 91 per cent and 86 per cent, respectively. When asked why they would apply for another ADVO, 23.3 per cent stated that they would not tolerate the abuse again; 17.4 per cent stated that the ADVO 'keeps the

defendant away/it's effective'; 16.3 per cent stated that they felt safe, protected, at ease; 11.6 per cent stated that there is no other alternative.

Notwithstanding the fact that it is the most comprehensive Australian study of AVO legislation so far undertaken, the research by Stubbs and Powell has some limitations. Firstly, as with the previous studies reviewed, subjects were not interviewed regarding the type and frequency of violence or abuse experienced during an equivalent period of time before the order was sought and after the order was served. Such a research design does not permit measurement of any changes over the two time periods. Secondly, as with other studies, the number of women granted an order and interviewed by Stubbs and Powell was small, namely 45. Moreover, 56.8 per cent of those interviewed were referred by one particular chamber magistrate. This Local Court may have served a population which differed from the State's profile and thus the evaluation of the ADVO scheme may have been further biased.

Thus despite the fact that a number of studies have been conducted, we still do not know whether protection orders are effective in safeguarding protected persons from future violence or abuse. Most studies have found that the majority of those who obtain protection orders are satisfied that they are 'effective'. However, no study has been able to demonstrate this effectiveness either by reference to a matched comparison group or by reference to trends in violence before and after an order is obtained. In addition, even the 'soft' measures of effectiveness, for example, subject satisfaction, are weakened by small and unrepresentative samples of subjects. The current study sought to deal with these problems in assessing the effectiveness of the NSW Apprehended Violence Order scheme.

1.4 CURRENT STUDY

The principal purpose of the current study was to determine whether AVOs granted by NSW Local Courts reduce the risk, frequency or severity of violence experienced by the protected persons (persons granted an AVO) from the defendants. Two other issues were also addressed:

1. **Satisfaction of protected persons with the services provided by the police and chamber magistrates:** Protected persons who were interviewed in the pilot test of this study volunteered information regarding their interactions with chamber magistrates of Local Courts or police officers. As a result, the study was extended to investigate the protected persons' general level of satisfaction with their discussion with either the chamber magistrate who prepared the application, or the police officer(s) who applied for the AVO on their behalf or who responded to their call for police assistance.
2. **Involvement of alcohol in any reported incidents of violence:** This issue was investigated as a result of a recommendation of the Alcohol and Violence Task Force (January 1995, Recommendation 20, p. 35).

The current study attempted to improve upon the research design and methodology of the previous studies conducted in this field. Firstly, a more stringent test of 'effectiveness' of protection orders was applied. Individuals who were granted an AVO by a NSW Local Court were interviewed, using a structured interview schedule, regarding the type (and, therefore, severity) and frequency of violence or abuse suffered by them from the same defendants during an equivalent period of time both before the order was sought and after the order was served on the defendant.

Secondly, the study involved a large sample of subjects. Two hundred subjects were interviewed on two occasions (regarding the month before the order was sought and the month after the order was served on the defendant).

Thirdly, to test whether the effects of the AVO, if any, dissipate over time, part of the original sample were interviewed on three occasions (regarding the month before the order was sought - Phase 1, the month after the order was served - Phase 2, and the second and third months after the order was served - Phase 3). To test for changes over a longer period, a subset of the original sample was also interviewed on a fourth occasion regarding the fourth, fifth and sixth months after the order was served - Phase 4.

Fourthly, at each interview, subjects were asked the same core questions regarding the type and frequency of violence or abuse suffered from the same defendant. These questions were guided by the legislation and allowed comparisons to be made over time.

Fifthly, the period of time to which interview questions referred was equivalent for the period before the order was sought and the first follow-up period after it was served on the defendant, namely one month.

Sixthly, the interview schedule obtained information on variables which could confound the results, for example, the frequency of contact between the two parties. These questions were asked on each occasion that the subjects were interviewed.

Finally, in an attempt to obtain a more representative sample, subjects were drawn from six Local Courts serving populations with different demographic characteristics. Anyone who was granted an AVO at these courts on the days the interviewers attended court was invited to participate in the research.

2. METHODOLOGY

This research was conducted by means of an interview survey of people granted AVOs. The initial contact with each subject was in person at the court house, immediately after the AVO was granted. The first interview was conducted at this time. Follow-up interviews were conducted by telephone approximately one month, three months and six months after the AVO was served on the defendant.

Data collection began in October 1995 and ended in August 1996.

Six Local Courts in metropolitan Sydney were selected for inclusion in the study. Selection of the courts was guided by two factors. Firstly, courts were selected from areas with different social and demographic characteristics. Secondly, for practical reasons, it was preferred to conduct the interviews at courts dealing with at least ten applications per week and which allotted a specific day each week for hearing AVO applications. It should be noted, however, that there are no courts which set aside a specific day of the week for hearing contested⁶ AVO applications. As a result, this sample, (with one exception), does not include any person who was granted an AVO following a contested hearing. Since only a small proportion of AVO applications are contested, this constraint does not greatly limit the generalisability of the findings.

The six courts selected were Burwood, Campbelltown, Fairfield, Manly, Penrith and Sutherland. Burwood and Fairfield Local Courts are located in Local Government Areas (LGAs) which have resident populations with a high proportion of migrants from non-English speaking countries. Penrith and Campbelltown Courts are in LGAs where a large number of residents are of low socio-economic status and of English speaking backgrounds. Manly and Sutherland Courts service the needs of LGAs where a high proportion of residents are of medium socio-economic status and of English speaking backgrounds.

2.1 PROCEDURE FOR CONDUCTING INTERVIEWS

This study was conducted in four phases with an initial interview being conducted when the AVO was first granted (Phase 1) and three follow-up interviews being conducted with a sub-sample of subjects one month (Phase 2), three months (Phase 3) and six months (Phase 4) after the AVO was served on the defendant.

One or both interviewers were present in each court on its AVO day. After an AVO was granted by the magistrate, the interviewer followed any subject who was unaccompanied by the defendant named in the application, into the court office. The interviewer explained the purpose of the study and asked the subject to take part whilst, at the same time, stressing that participation was voluntary, anonymous and confidential. Those subjects who were accompanied by defendants were not approached because it was feared that to do so might compromise the safety of both the subject and the interviewer.

If an immediate interview was declined by the subject - usually because he/she needed an interpreter, was too distressed, or had work or other commitments to meet - an appointment was made for a later, telephone contact.

These initial (Phase 1) interviews were conducted, so far as possible, in private interview rooms. Where these rooms were unavailable, semi-private spaces or other areas in the court complex where the subject felt comfortable were utilised.

2.2 FOLLOW-UP INTERVIEWS

At the end of the Phase 1 interview, arrangements were made for the subject to be re-interviewed by telephone one month after the AVO was served⁷ on the defendant. Because some subjects continued to live with the defendant after the order was granted, it was necessary for the interviewer to ensure that the follow-up call would not compromise the safety of the subject in any way.

At Phases 2, 3 and 4 attempts were made to contact the subjects from the previous phase, until either the follow-up interview was successfully completed or the interviewer was satisfied that contact could not be made. When the required number of interviews for each follow-up phase had been completed, no further subjects were contacted. Given that contacts with the subjects were attempted when their next interview was due (relative to the date of the granted AVO being served), the subjects in Phases 3 and 4 consisted of those interviewed earliest in Phase 1.

2.3 SAMPLE

At the outset of the study it was decided to interview 250 subjects at Phase 1 to ensure a minimum of 200 subjects at Phase 2, 100 subjects at Phase 3, and 50 subjects at Phase 4. The original sample of 250 subjects was estimated to be sufficient to ensure that at least 200 subjects could be interviewed at Phase 2.

At the first point of contact, a total of 285 subjects were approached in order to obtain the target sample of 250 subjects. This represents a response rate of 87.7 per cent.

At Phase 2, attempts were progressively made to contact subjects who had been interviewed in Phase 1, as the end of their one-month period (after the AVO was served on the defendant) fell due. Attempts were made to contact subjects until at least 200 Phase 2 interviews had been achieved. In all, contacts with 228 subjects were attempted and, of these, 201 subjects were interviewed (a response rate of 88.2%).

A similar procedure was followed at Phases 3 and 4, with a target of 100 interviews at Phase 3 and 50 interviews at Phase 4.

At Phase 3, three months after the AVO was served on the defendant (and two months after the first follow-up interview), attempts were made to contact 143 subjects who had been interviewed in both the earlier phases, and, of these, 115 subjects were interviewed (a response rate of 80.4%).

At Phase 4, six months after the AVO was served on the defendant (and three months after the second follow-up interview), attempts were made to contact 63 subjects who had been interviewed in each of the earlier phases, and, of these, 59 were interviewed (a response rate of 93.7%).

At both Phases 3 and 4, more than the target number of subjects were interviewed because appointments had already been made and it would have been discourteous to cancel them.

Some of the reasons for failing to conclude a follow-up interview with a subject were: the telephone number had been changed or disconnected with no new listing with the telephone company, the subject had moved and left no forwarding address or telephone number, the telephone was not answered, the AVO had not been served on the defendant or the subject declined to be interviewed.

2.4 SURVEY INSTRUMENT

Data were collected using a structured questionnaire which included both closed and open-ended questions. Some questions were pre-coded according to answers given by subjects during the pilot-testing of the questionnaire. The answers to other questions were post-coded at the conclusion of the data collection phase.

In Phase 1, the subjects were asked to define the type and duration of their relationship to the defendant, as well as the status of the relationship at the time of lodging the AVO application. They were then asked to give details of the incident(s) which prompted them to apply for this AVO. Other questions related to the type of violence experienced by the subject from this defendant at any stage during their relationship (based on Rodgers 1994), the subjects' satisfaction with the formal procedures which had to be followed to lodge an application for an AVO (either through the NSW Police Service or a chamber magistrate), how the subject first became aware of the existence of AVOs, the frequency and nature of the violence inflicted by the defendant on the subject during the month before the application was made, and, whether alcohol was consumed by the defendant during incidents of actual or threatened physical assault.

The central questions reflected the types of behaviour prohibited by Part 15A, Crimes Act 1900, No. 40 and it was changes to these behaviours after the granting of the order that were measured to assess the efficacy of the AVOs. The following behaviours were subjected to pre-AVO and post-AVO measurement: stalking; physical assault; threatened physical assault; verbal abuse; unwanted or repeated telephone calls; approaches to family or friends or colleagues to ask about the subject; inappropriate letters, flowers or gifts sent by the defendant to the subject; and 'other' forms of intimidation or harassment.

Items relating to whether the subject had been granted an Interim AVO to ensure his/her safety during part, or all, of the period between the laying of the complaint and the final court determination, were also included in this phase.

The subjects were asked to provide the following demographic information about themselves: their age, gender, country of birth, their parents' country of birth, aboriginality, highest level of education, gross income and its source and the number of financially dependent children living with the subject.

Additional data were collected from the court records of each case. These data included whether the subject and defendant were legally represented and by whom, the precise conditions granted in each order, the duration of the order and the defendant's age.

Phase 2 of the survey was conducted (with one exception) by telephone a month after the AVO was served on the defendant. This phase was designed to establish whether the subject had experienced any reduction in the frequency, severity and nature of any violence during the month after the AVO was served. The questions were the same as those asked during Phase 1, but related to behaviour during the time period since the order.

Other questions included in Phase 2 examined whether the conditions of the AVO were breached by the defendant, and, if so, the nature of the breach and the action, if any, the

subject took in relation to the breach. Where AVO breaches were reported to the police, the subject was asked what the police response had been. Where breaches were not reported to the police, the subject was asked her/his reason(s) for not doing so.

Finally, the subject was asked what had been the main benefits and problems produced by having an order and, whether or not, confronted with a similar situation, he/she would apply for another order.

The questions in Phases 3 and 4 were the same as those asked in Phase 2 but related to the longer time frames of the second and third months after the original service of the AVO (Phase 3), and the fourth, fifth and sixth months after the service of the order (Phase 4).

A copy of the questionnaire is shown in Appendix 2.

The questionnaire was pilot-tested in Fairfield, Manly, Penrith and Sutherland Local Courts during May and June, 1995. Information gained from the pilot interviews suggested that some new variables should be added to the Phase 1 questionnaire. These related to whether the subjects were satisfied with the service provided by chamber magistrates or police officers in the course of lodging the application for the AVO. Also as a result of the information gained from the pilot test, some questions were pre-coded, although provision was made for additional information which had not emerged in the pilot test to be post-coded.

3. RESULTS

These results are presented in six parts. The first part describes the socio-economic characteristics of the subject. The second part details the nature of the violence experienced by the subject in the course of the relationship with the defendant. The third part shows selected details of the process involved in obtaining an AVO from a Local Court and characteristics of the order. The fourth part examines the defendant's behaviour towards the subject during the month before the application for the order and the one-month, three-months and six-months after the order was served on the defendant. The fifth part deals with breaches of the AVOs in each of the phases and finally, the sixth part deals with the subjects' perceptions of the main benefits and problems produced by the AVOs and whether or not in the same circumstances they would apply for another AVO.

3.1 CHARACTERISTICS OF SUBJECT

3.1.1 Gender by age of subject and type of order granted

Table 1 shows the subject's gender and age at the time of the initial interview, as well as the type of order granted. The majority of subjects were women, although the gender disparity was more striking where the order granted was a Domestic Violence Order (DVO), rather than a Personal Violence Order (PVO). Women were the subjects in 93.5 per cent of DVO applications, and 60.8 per cent of PVO applications. Of the overall sample of subjects, women represented 86.8 per cent.

The largest age group for female subjects was 18 - 24 years. This age range accounted for 23.5 per cent of all female subjects and 22.6 per cent of female DVO subjects. By comparison, there were only two men in this age range in the total sample (6.1% of all male subjects).

As can be seen from Table 1, more than half (54.8%) of all subjects were aged 34 years or less. Older subjects - those aged 60 years or over - were few in number; there were twelve (4.8%) people in all, of whom all but one were women.

The mean ages of the survey sample and the overall population of people who received AVOs in NSW Local Courts in 1995 are shown in Table 2.

Appendix 3 compares the age and gender distribution of the survey subjects with the age and gender distribution of the NSW resident population aged 16 years and over. The age distribution of the study subjects is dissimilar to the NSW population in most respects. Almost 70 per cent of the study subjects were aged less than 40 years compared with less than half (47.1%) of the NSW population.

3.1.2 Income

Table 3 shows the distribution of the subject's annual income by type of order granted. As Table 3 shows, this varied greatly according to the type of order.

Slightly more than half of the DVO subjects were on pensions of one sort or another (52.8%). By comparison, only 27.1 per cent of PVO subjects were pensioners. The Sole Parent Pension was cited as the major source of income by 36.4 per cent of all DVO

Table 1: Subject's gender and age by type of order granted

Age (years)	DVO						PVO						AVO TOTAL					
	Female		Male		Total		Female		Male		Total		Female		Male		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
16-17	5	2.7	-	-	5	2.5	-	-	1	5.0	1	2.0	5	2.3	1	3.0	6	2.4
18-24	42	22.6	1	7.7	43	21.6	9	29.0	1	5.0	10	19.6	51	23.5	2	6.1	53	21.2
25-29	25	13.4	3	23.1	28	14.1	4	12.9	4	20.0	8	15.7	29	13.4	7	21.2	36	14.4
30-34	30	16.1	3	23.1	33	16.6	5	16.1	4	20.0	9	17.6	35	16.1	7	21.2	42	16.8
35-39	27	14.5	2	15.4	29	14.6	6	19.4	2	10.0	8	15.7	33	15.2	4	12.1	37	14.8
40-44	23	12.4	2	15.4	25	12.6	3	9.7	3	15.0	6	11.8	26	12.0	5	15.2	31	12.4
45-49	13	7.0	-	-	13	6.5	1	3.2	3	15.0	4	7.8	14	6.5	3	9.1	17	6.8
50-54	7	3.8	1	7.7	8	4.0	1	3.2	1	5.0	2	3.9	8	3.7	2	6.1	10	4.0
55-59	5	2.7	1	7.7	6	3.0	-	-	-	-	-	-	5	2.3	1	3.0	6	2.4
60-64	4	2.2	-	-	4	2.0	1	3.2	-	-	1	2.0	5	2.3	-	-	5	2.0
65-69	2	1.1	-	-	2	1.0	1	3.2	-	-	1	2.0	3	1.4	-	-	3	1.2
70-74	2	1.1	-	-	2	1.0	-	-	1	5.0	1	2.0	2	0.9	1	3.0	3	1.2
75-79	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
80-84	1	0.5	-	-	1	0.5	-	-	-	-	-	-	1	0.5	-	-	1	0.4
Total	186	100.0	13	100.0	199	100.0	31	100.0	20	100.0	51	100.0	217	100.0	33	100.0	250	100.0

Table 2: Mean ages of subjects and general NSW AVO population in 1995

	<i>Survey subjects mean age (years)</i>	<i>All AVO recipients mean age (years)</i>
Domestic AVO - Males	34.5	31.9
Domestic AVO - Females	34.4	31.9
Personal AVO - Males	37.3	34.4
Personal AVO - Females	33.5	32.2

subjects and accounted for 68.8 per cent of the pensioners in the DVO group. (As at June 30 1996, recipients of the Sole Parent Pension represented 2.3 per cent of the NSW resident population aged fifteen years or more (Australian Bureau of Statistics 1996b; Department of Social Security 1996, p. 55)). PVO pensioners were almost evenly distributed between Sole Parent Pension and other pensions, which ranged from sickness and unemployment benefits to aged pensions.

There were also differences between the two groups of subjects as far as salary and wage earners were concerned. For example, although the two groups were quite similar in terms of the proportion which earned annual salaries or wages of \$30,000 or less (DVO 30.7%; PVO 25.0%), they were distinctly different for salaries and wages of more than \$30,000. Only 11.4 per cent of DVO subjects earned more than \$30,000 per year. By comparison, 39.6 per cent of the PVO subjects were in this income range.

Table 3: Subject's income by type of order

<i>Income</i>	<i>DVO</i>		<i>PVO</i>		<i>TOTAL</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Sole Parent Pension	64	36.4	6	12.5	70	31.2
Other pension	29	16.5	7	14.6	36	16.1
Dependent on another's income	9	5.1	4	8.3	13	5.8
\$30,000 or less	54	30.7	12	25.0	66	29.5
\$30,001- \$40,000	13	7.4	13	27.1	26	11.6
\$40,001- \$50,000	3	1.7	3	6.2	6	2.7
\$50,001- \$60,000	0	0.0	1	2.1	1	0.4
\$60,001+	4	2.3	2	4.2	6	2.7
Total	176	100.0	48	100.0	224	100.0

Note: Table 3 excludes 26 subjects who declined to state their income.

In NSW as a whole, 18.1 per cent of residents reported individual incomes above \$30,000 in the 1991 Census of Population and Housing. By comparison, 17.4 per cent of the total study sample reported incomes in this range. When the incomes of those on benefits are included, however, it is clear that the subjects in this study were generally earning far less than the average income of an employed person in NSW.

3.1.3 Educational level

The educational levels recorded by the subjects are consistent with the low levels of income reported in Table 3. The major difference between the two groups of subjects in terms of their educational levels was that substantially more of the DVO subjects had, as their highest level of education, the NSW School Certificate or its equivalent. Slightly more than half (54.2%) of the DVO subjects had proceeded no further than the School Certificate compared with 37.3 per cent of the PVO subjects.

3.1.4 Number of dependent children

Overall, 44.0 per cent of the study sample had no dependent children living with them at the time of the first interview. PVO subjects were considerably more likely than DVO subjects to have no dependent children living with them (PVO 62.8%; DVO 39.2%). No subject had more than four children.

Almost half of the DVO subjects (48.7%) had one or two dependent children compared with one-quarter (25.4%) of the PVO subjects.

3.1.5 Country of birth and aboriginality

Table 4 shows the proportion of subjects according to their place of birth, and the birthplaces of both their mother and father.

Table 4: Country of birth of subject and subject's parents

<i>Country of birth</i>	<i>Subject</i>		<i>Mother</i>		<i>Father</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Australia	187	74.8	155	62.0	147	58.8
Europe	16	6.4	30	12.0	36	14.4
U.K. and Ireland	11	4.4	28	11.2	31	12.4
Middle East	9	3.6	11	4.4	11	4.4
South America	9	3.6	10	4.0	10	4.0
Pacific region	6	2.4	6	2.4	6	2.4
New Zealand	5	2.0	4	1.6	5	2.0
Asia	3	1.2	3	1.2	3	1.2
Other (South Africa, Mauritius, India)	4	1.6	3	1.2	1	0.4
Total	250	100.0	250	100.0	250	100.0

The majority of subjects (74.8%) were born in Australia, as were the majority of their mothers (62.0%) and fathers (58.8%).

The bulk of Australian-born subjects had parents who were also born in Australia. When compared with PVO subjects, proportionally more DVO subjects were born in Australia (DVO 74.8%; PVO 62.0%).

About three per cent of the subjects (2.8%) identified themselves as Australian Aboriginals or Torres Strait Islanders. By comparison, in the 1996 Census, only 1.7 per cent of the NSW population identified themselves as Australian Aboriginals or Torres Strait Islanders.

3.1.6 Relationship of defendant to subject

Table 5 shows the type of relationship which the subject had with the defendant at the time the application was lodged and the type of order the subject was granted.

The relationships described in this table are defined by the order received. That is, the majority of subjects with DVOs were either presently in, or previously in, an intimate relationship with another adult. Almost three-quarters of the DVO sample fell into this category (74.9%). Ten people (5.0%) took out DVOs against their children and 31 subjects took action against other members of their family (15.6%).

Similarly, the relationships existing between PVO subjects and defendants were as one might expect. For example, more than half of the relationships involved neighbours (27.4%), work relationships (17.6%), or strangers (9.8%).

Table 5: Relationship of defendant to subject by type of order

<i>Relationship (DVO)</i>	<i>No.</i>	<i>%</i>
Current partner (spouse, de facto, boy/girlfriend)	34	17.1
Former partner (former spouse, de facto, boy/girlfriend)	115	57.8
Family	41	20.6
Other (e.g. parent of subject's child, daughter's former de facto or fiancée)	9	4.5
Total DVO subjects	199	100.0
<i>Relationship (PVO)</i>	<i>No.</i>	<i>%</i>
Neighbour	14	27.4
Work relationship	9	17.6
Partner's former partner	6	11.8
Current/former friend or acquaintance	5	9.8
Stranger	5	9.8
Flatmate/tenant	4	7.8
Other (e.g. father of subject's client, husband of friend, 'bloke in pub')	8	15.7
Total PVO subjects	51	100.0

3.1.7 Period of separation

Of the 199 subjects in 'domestic' relationships with the defendant, 115 (57.8%) said they were separated from the defendant at the time of their application for this order. Table 6 shows the periods for which these subjects had been separated.

Table 6: Separated DVO subjects: period of separation from defendant at time of AVO application

<i>Period of separation</i>	<i>No.</i>	<i>%</i>
One week or less	18	15.6
> one week - one month	26	22.6
> one month - six months	38	33.0
> six months - one year	14	12.2
More than one year	19	16.5
Total	115	100.0

Separations ranged in duration from one week or less (15.6%) to more than one year (16.5%). Indeed, three subjects (2.6%) had been separated for six, seven and eight years, respectively, when they filed their application for this AVO. However, the two most common periods of separation, which together accounted for more than half of the separated subjects, were more than a week but less than a month before applying for this AVO (22.6%), or more than a month but less than six months before applying for this AVO (33.0%).

3.2 SUBJECT'S EXPERIENCE OF VIOLENCE

3.2.1 Nature of violence

Table 7 shows the types of violence inflicted on the subject by the defendant at some time in their relationship (although not necessarily in the month prior to applying for the AVO) by the type of order granted. The defendant's behaviour towards the subject in the month preceding the subject's application for the AVO will be described in Section 3.4.

The type and level of violence experienced by subjects varied according to the type of order they had received. Subjects who had been granted PVOs were consistently less likely than DVO subjects to have experienced violence at the hands of the defendant with the exception of other forms of violence. For example, while 83.4 per cent of DVO subjects had been pushed or grabbed or shoved by the defendant at some time in their relationship, only 37.3 per cent of PVO subjects had been so treated. Approximately half (49.2%) of DVO subjects had been slapped by the defendant with an open hand, compared with 15.7 per cent of PVO subjects.

Many subjects (44.4%) considered verbal abuse to be a form of violence. As with physical violence, a higher proportion of DVO subjects (48.2%) than PVO subjects (29.4%) reported verbal abuse. Almost one-third of all subjects (31.6%) reported malicious damage to their property or other property offences. There was little difference between the two types of AVOs in this category.

Table 7: Nature of violence experienced by subject during relationship with this defendant, by type of order

<i>Nature of violence</i>	<i>DVO</i>		<i>PVO</i>		<i>TOTAL</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Pushed/grabbed/shoved	166	83.4	19	37.2	185	74.0
Threatened with fist	119	59.8	23	45.1	142	56.8
Verbal abuse	96	48.2	15	29.4	111	44.4
Slapped	98	49.2	8	15.7	106	42.4
Hit with fists/kicked/bitten	89	44.7	13	25.5	102	40.8
Thrown object	79	39.7	7	13.7	86	34.4
Threatened with object	76	38.2	13	25.5	89	35.6
Malicious damage or property offences	64	32.2	15	29.4	79	31.6
Beaten with fists	60	30.1	8	15.7	68	27.2
Choked or tried to choke	60	30.1	5	9.8	65	26.0
Hit with object	42	21.1	4	7.8	46	18.4
Threatened to kill subject	32	16.1	8	15.7	40	16.0
Threatened to use third person to harm or kill subject	14	7.0	3	5.9	17	6.8
Social isolation	15	7.5	0	0.0	15	6.0
Other violence (Includes: had subject evicted, accused subject of infidelity, demanded money from subject, played loud music)	7	3.5	6	11.8	13	5.2

Note: Percentages do not add to 100.0 per cent because of multiple responses.

3.2.2 Sexual assault

Subjects who were the current or former sexual partners of the defendant were asked if the defendant, at any stage in their relationship, had forced or threatened to force them into any sexual activity. Slightly more than one-quarter (26.0%) of the relevant sample said that they had been forced into sexual activity and a further 8.6 per cent said that they had been threatened with undesired sexual activity by the defendant.

3.2.3 Guns and knives

One subject claimed to have been shot by the defendant and 33 (13.2%) said that the defendant had threatened to use a gun against them. It must be stressed in relation to the threats involving guns that the researchers do not know, because they did not ask, whether or not there was an actual gun present when the threat was made, or whether the defendant owned, or even had access to, any gun at the time.

Eight subjects (3.2%) said that the defendant, at some time in the past, had attacked them with a knife and 45 subjects (18.0%) said that the defendant had threatened them with a knife. As with gun threats, the subjects were not asked if there was an actual knife present when the threat was made.

3.2.4 Duration of violence

Thirty-seven subjects (14.8%) had applied for an AVO on the basis of a single incident. The remainder (213 subjects) had experienced abuse over longer periods. Of these subjects, 50.7 per cent had experienced abuse for up to one year and 8.0 per cent for more than ten years.

3.2.5 Triggers of defendant's abuse of subject

Table 8 shows what the subject believed triggered the defendant's abuse or violence towards her/him. These figures suggest the defendant's violence towards the subject was triggered in a variety of ways and situations. The defendant's psychiatric illness or mental instability was suggested by some subjects (8.8%) as the cause, and 22 people (8.8%) said that violence occurred when the defendant was tired or frustrated (at work) or stressed or just in a bad mood.

Violence which emanated from disputes over money or other issues, such as territory or property, together accounted for 16.8 per cent of the subjects. However, the defendant's lack of control over the subject and the defendant's consumption of alcohol appeared to be the common triggers of violent behaviour.

Table 8: Subject's perceived triggers of defendant's abuse

<i>Perceived trigger</i>	<i>No.</i>	<i>%</i>
Defendant's jealousy and possessiveness	64	25.6
Defendant being drunk	63	25.2
Defendant not getting own way	50	20.0
Defendant not accepting separation or being rejected by subject	35	14.0
No consistent reason	31	12.4
Disputes over money	27	10.8
Defendant's psychiatric illness or mental instability	22	8.8
Defendant's irritability/stress/bad mood/frustration	22	8.8
Drugs	17	6.8
Seeing subject	16	6.4
Disputes over territory or other disputes	15	6.0
Defendant's belief that subject has harmed her/him (e.g. defendant believes that subject broke up his/her marriage/relationship)	12	4.8
Other (Includes: other addictions, defendant being paid to harass subject, defendant 'has always been like that')	23	9.2

Note: Percentages do not add to 100.0 per cent because of multiple responses.

One-quarter of the subjects (25.6%) commented that the violence was a result of the defendant's jealous and/or possessive nature. Somewhat related to this category are two groups of responses. The first of these states that the violence followed the defendant not getting his, or her, own way (20.0%), and the second group included defendants who refused to recognise that their relationship with the subject was finished (14.0%).

A number of subjects made comments like, 'He's fine when he's sober', or, 'It's only when he's drunk'. A further 6.8 per cent attributed the defendant's behaviour to drugs - usually when the subject refused to assist the defendant by providing money to buy drugs.

The involvement of alcohol in violent incidents was further reinforced by the responses to subsequent interview questions. More specifically, if a subject reported that a physical assault or a threat of a physical assault had occurred during any of the four phases of the study, she/he was asked whether the defendant had been drinking alcohol at the time. A total of 121 subjects reported that they had been physically assaulted. The majority of these subjects, 117 (96.7%), reported that the assault had occurred during Phase 1 (some of these subjects were not followed up at Phase 2), three (2.5%) subjects reported that the assault occurred during Phase 2, one (0.8%) during Phase 3, and none during Phase 4. More than one-third (37.1%) of these subjects stated that the defendant had been drinking at the time of the assault.

Over the four phases of the study, a total of 190 subjects reported that they had been threatened with physical assault. Of these, 161 (84.7%) subjects reported that the threat had occurred during Phase 1 (again, some of these subjects were not followed up at Phase 2), 17 (8.9%) during Phase 2, seven (3.7%) during Phase 3, and five (2.6%) during Phase 4. Approximately, one-third (32.6%) of these subjects stated that the defendant had been drinking at the time of the threat.

3.3 CHARACTERISTICS OF APPLICATION PROCESS AND ORDER

3.3.1 Referral source for orders

Subjects were asked in Phase 1 how they first heard about AVOs. Table 9 shows the source of that first information.

Slightly more than one-third of the subjects (36.2%) said they were first made aware of AVOs by the police, while approximately one-quarter (26.4%) reported that they had always known about AVOs, although they couldn't remember the original source of the information. A smaller group (8.5%) had been first introduced to AVOs in the course of previous AVO applications.

Almost one-third (32.3%) of DVO subjects first heard about the orders from the police, and 27.7 per cent said that they had always known about the orders, and 8.2 per cent had previous experience of obtaining orders.

The police were the primary source of information for half (51.0%) of all PVO subjects. PVO subjects were less likely than DVO subjects to have always known about the orders (21.6%), or to have learnt about them from either friends or family (5.9%).

The relative importance of the police as a referral point in the process of obtaining an AVO is emphasised by the figures in Table 10. This table records the answers to the question 'Who advised you to see a chamber magistrate about this complaint?'

Table 9: Source of subject's first knowledge of AVOs by type of order

<i>Source of first knowledge</i>	<i>DVO</i>		<i>PVO</i>		<i>TOTAL</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Police	63	32.3	26	51.0	89	36.2
Family/friends	24	12.3	3	5.9	27	11.0
Previous experience with AVOs	16	8.2	5	9.8	21	8.5
Solicitor/doctor	10	5.1	4	7.8	14	5.7
'Always knew'	54	27.7	11	21.6	65	26.4
Other (Includes: court staff, women's support group, Rape Crisis Centre, football coach, school counsellor, social and other community workers, teacher, nurse, colleague, television advertisements)	28	14.4	2	3.9	30	12.2
Total	195	100.0	51	100.0	246	100.0

Note: Table 9 excludes four subjects who did not know where they first heard about AVOs.

As with the initial source of information, members of the NSW Police Service were most frequently (58.3%) the specific source of referral in orders which were initiated by chamber magistrates.

The major difference between DVO and PVO subjects was that DVO subjects were more likely not to have been advised by anyone to approach a chamber magistrate (17.6% versus 7.5%), more likely to have been advised by family or friends (13.2% versus 2.5%), and less likely (45.6% versus 80.0%) to have been advised to see a chamber magistrate by the police.

Table 10: Referral source to chamber magistrate by type of order

<i>Referral source</i>	<i>DVO</i>		<i>PVO</i>		<i>TOTAL</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Police	31	45.6	32	80.0	63	58.3
Self-referred	12	17.6	3	7.5	15	13.9
Family/friends	9	13.2	1	2.5	10	9.3
Solicitor/doctor	9	13.2	3	7.5	12	11.1
Other (Includes: social worker, nurse, women's support group, other AVO applicant)	7	10.3	1	2.5	8	7.4
Total	68	100.0	40	100.0	108	100.0

Table 11: Referral source for DVOs initiated by police

Referral source	No.	%
Self-referred	61	46.6
Family/friends	22	16.8
Police	20	15.3
Solicitor/doctor	3	2.3
Other (Includes: social worker, court staff, support worker)	25	19.1
Total	131	100.0

Police do not normally act for a person who is the complainant in a non-domestic AVO application. In this sample, 142 AVO applications were initiated by the police, of which 11 (7.8%) were PVOs, and 131 (92.2%) were DVOs. Table 11 relates only to the DVO applications in which the police acted, and it shows the frequency with which people advised the subject to approach the police in connection with the current application.

Almost half of the DVO subjects (46.6%) were self-referred to the Police Service. That is, no one advised them to approach the Police Service with their problem, rather they just knew that this was the appropriate course of action. This category was followed by family and friends (16.8%), the police themselves (15.3%), and the remaining three cases involved two solicitors and one doctor (2.3%).

3.3.2 Satisfaction with chamber magistrate

Chamber magistrates initiated 108 of the applications for AVOs lodged by the subjects interviewed in this study. Three courts accounted for 77.8 per cent of all the applications initiated by chamber magistrates.

Overall, 77.8 per cent of all subjects whose application had been processed by a chamber magistrate expressed satisfaction with the way the matter was handled. Satisfaction with the services provided by the chamber magistrate varied greatly from court to court and ranged from 58.3 per cent of subjects being satisfied at one court to 94.3 per cent of subjects at another court.

Twenty-four subjects (22.2%) were not satisfied with the services provided by chamber magistrates. Table 12 shows the reasons these twenty-four subjects gave for their dissatisfaction.

More than half (62.5%) of the subjects who expressed dissatisfaction with the chamber magistrate found him/her to be unsympathetic, rude and/or indifferent. A number of people in this category said things like, 'I was just a number as far as he was concerned', or, 'He rushed me and didn't give me a chance to explain'.

Four people (16.7%) thought that the chamber magistrate was slow in dealing with their matter and/or inefficient in other ways and a further four (16.7%) felt that the chamber magistrate didn't take their complaint very seriously.

Table 12: Reasons why subjects were dissatisfied with chamber magistrates' handling of their AVO applications (N = 24 subjects)

<i>Reason</i>	<i>No.</i>	<i>%</i>
Chamber magistrate was unsympathetic or rude or indifferent	15	62.5
Chamber magistrate didn't take complaint seriously	4	16.7
Chamber magistrate was slow or kept subject waiting	4	16.7
Chamber magistrate gave insufficient information or explanation	3	12.5
Other (Includes: chamber magistrate sent subject back to the police, chamber magistrate would not include conditions requested by subject, chamber magistrate used 'big words')	4	16.7

Note: Percentages do not add to 100.0 per cent because of multiple responses.

Satisfaction with chamber magistrates' handling of their AVO application was analysed by whether or not the subject was born in an English speaking country and compared with the satisfaction expressed by subjects born in non-English speaking countries.

Few differences were found between the two groups, although relatively more subjects born in non-English speaking countries were satisfied (81.8%) with the chamber magistrate than those born in English speaking countries (77.3%).

3.3.3 Satisfaction with police

Satisfaction with police handling of DVO complaints was almost identical to the sentiments expressed about chamber magistrates. That is, 77.1 per cent of DVO subjects whose complaints had been initiated by police officers expressed satisfaction with the way their complaint was handled. The corresponding figure for all matters dealt with by chamber magistrates was 77.8 per cent.

As with chamber magistrates, satisfaction with the service provided by the police varied from location to location, ranging from 62.5 per cent of subjects being satisfied at one location to 85.0 per cent of subjects at another location.

Of the 131 subjects whose DVO application was lodged by the police, 30 subjects (22.9%) expressed dissatisfaction with the way the police had handled their application. The reasons for dissatisfaction are shown in Table 13.

The major complaints were evenly divided between two responses. Thirty per cent of the subjects complained that they had received insufficient information or explanation from the police. Another 30.0 per cent felt that the police had been unsympathetic, rude, or simply indifferent. Five subjects (16.7%) commented on the lack of efficiency shown by the police in processing the complaint. In particular, they commented on the tardiness of serving the defendant with the complaint, going to the wrong address, or the time taken to respond to their initial call for assistance. Six people (20.0%) commented that the police refused to act in some circumstances. That is, the police refused, when requested, to remove the defendant from the family home and/or press criminal charges against the defendant for assault.

Table 13: Reasons why DVO subjects were dissatisfied with police handling of their AVO application (N = 30 subjects)

<i>Reason</i>	<i>No.</i>	<i>%</i>
Police gave insufficient information or explanation	9	30.0
Police were unsympathetic or rude or indifferent	9	30.0
Police refused to take action or to press charges	6	20.0
Police were inefficient or slow or incompetent	5	16.7
Police didn't take complaint seriously	3	10.0
Police gave misleading or confusing information	2	6.7
Other (Includes: police disclosed subject's whereabouts to the defendant, police applied for an AVO for the subject's child without consulting the subject, police pressured subject into proceeding with AVO)	7	23.3

Note: Percentages do not add to 100.0 per cent because of multiple responses in some cases.

As with chamber magistrates, satisfaction with police handling of their AVO application was analysed according to whether a subject was born in a non-English speaking country or an English speaking country. As with chamber magistrates, there were with police, few differences between the two groups: 77.7 per cent of subjects from non-English speaking countries expressed satisfaction with police handling of their AVO application, compared with 76.4 per cent of subjects from English speaking countries.

3.3.4 Subject's legal representation by type of order

Table 14 shows the type of legal representation used by the subject according to the type of order each subject was granted.

Table 14: Subject's legal representation by type of order

<i>Representation</i>	<i>DVO</i>		<i>PVO</i>		<i>TOTAL</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Police prosecutor	142	72.4	16	32.0	158	64.2
Solicitor	23	11.7	7	14.0	30	12.2
Unrepresented	28	14.3	27	54.0	55	22.4
Legal Aid	3	1.5	0	0.0	3	1.2
Total	196	100.0	50	100.0	246	100.0

Note: Table 14 excludes four subjects where legal representation was not established.

As can be seen from Table 14, almost three-quarters of DVO subjects were represented by the police prosecutor. By comparison, only 32.0 per cent of PVO subjects were represented by the police. With the court's permission, a police prosecutor may represent or assist a subject in court even though the application was not formally lodged through the Police Service. The extent to which police prosecutors assist unrepresented subjects varied from court to court. In total, the police prosecutor represented (or assisted) 158 subjects, or 64.2 per cent of the subjects in this sample.

A higher proportion of PVO subjects were unrepresented than DVO subjects. More than half (54.0%) of PVO subjects presented their own case to the court, but only 14.3 per cent of DVO subjects were unrepresented. Thirty subjects (12.2%) were privately represented and there was little deviation from this proportion irrespective of the order granted.

3.3.5 Defendant's legal representation by type of order

The figures in Table 15 show whether or not the defendant was legally represented according to the type of order which was granted against him or her.

Table 15: Defendant's legal representation by type of order

<i>Representation</i>	<i>DVO</i>		<i>PVO</i>		<i>TOTAL</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Unrepresented	142	78.5	40	85.1	182	79.8
Private solicitor	31	17.1	7	14.9	38	16.7
Legal Aid	8	4.4	0	0.0	8	3.5
Total	181	100.0	47	100.0	228	100.0

Note: Table 15 excludes 22 defendants where legal representation was not established.

The eight defendants who qualified for Legal Aid were involved in domestic matters. More than three-quarters of the defendants in DVO cases were unrepresented (78.5%), and, of these, 27 (14.9% of all defendants in DVO cases) were both unrepresented and not present in court on the day of the hearing.

Only 14.9 per cent of PVO defendants had some form of legal representation, and 85.1 per cent were unrepresented. Of the PVO defendants who were unrepresented, ten (21.3% of all defendants in PVO cases) were neither present in court nor represented.

3.3.6 Consent to order

Slightly more than three-quarters of the applications (194 or 77.6% of cases) in this study proceeded with the consent of the defendant. Twenty-two per cent were dealt with *ex parte*, that is, in the absence of either the defendant or his/her legal representative.

It may not be inferred from these study results that AVOs in general are resolved in the proportions reported here. As stated earlier in this report, nearly all defended matters were precluded from the study because it was not possible for the interviewers to be in court on the days when defended matters were being heard.

3.4 VARIATIONS IN DEFENDANT'S BEHAVIOUR TOWARDS SUBJECT

To assess whether there was any change in the defendant's negative behaviour towards the subject from Phase 1 (the month before the subject applied for the AVO) to Phase 2 (the month after the AVO was served on the defendant), the data were analysed in terms of whether each type of negative behaviour in the two phases was the same or different. Each behaviour prohibited by the AVO legislation - stalking; physical assault; threats of physical assault; verbal abuse; nuisance telephone calls; inappropriate letters, flowers or gifts; approaching the subject's family, friends or colleagues to obtain information about the subject; and 'other' forms of intimidation or harassment - was classified as either present or absent in each phase.

Similar analyses were conducted to test whether any change in the defendant's behaviour from Phase 1 to Phase 2 was sustained during Phases 3 and 4 (three months and six months, respectively, after the AVO was served on the defendant).

The level of contact between the parties could provide the defendant with opportunities to be violent or abusive towards the subject and could, therefore, affect the type and frequency of violence and other behaviours which a subject experienced. Thus, at each follow-up interview, subjects were asked whether they saw and/or heard from the defendant and the frequency of such contact. While subjects were not asked directly whether the defendant knew of their current location, some subjects volunteered this information, stressing that it was not possible for the defendant to contact them because they had changed their address in order to avoid him/her.

To test whether subjects experienced negative behaviours from the defendant after the AVO was served on him/her, even when the parties continued to have some contact, the data for each negative behaviour were re-analysed (where appropriate) to exclude those subjects who reported that they did not see or hear from the defendant during each follow-up period.

3.4.1 Stalking

Table 16 compares Phases 1 and 2 in terms of stalking behaviour experienced by the subjects. Of the 201 subjects interviewed at both phases, 75 reported that they had been stalked by the defendant during Phase 1 and the remaining 126 reported that they had not been stalked.

If the AVO had no effect on stalking behaviour, one would expect similar proportions of unchanged behaviour from Phase 1 to Phase 2 for both the 'stalking' and 'no stalking' groups. In other words, if 95.2 per cent of the 'no stalking' group (that is, those subjects

Table 16: Changes in stalking from Phase 1 to Phase 2

<i>Behaviour in Phase 1</i>	<i>Behaviour in Phase 2</i>		<i>Total</i>
	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	
Stalking	13 (17.3%)	62 (82.7%)	75 (100%)
No stalking	120 (95.2%)	6 (4.8%)	126 (100%)

who did not experience stalking during Phase 1) did not experience stalking during Phase 2, then one would expect about 95 per cent of the 'stalking' group (that is, those subjects who experienced stalking during Phase 1) to have been stalked during Phase 2. However, as Table 16 shows, this was not the case. Of those subjects who experienced stalking during Phase 1, only 17.3 per cent also experienced stalking during Phase 2. Alternatively, one can consider the proportions of changed behaviour. During Phase 2, the defendant's behaviour changed in a positive direction for 82.7 per cent of those subjects stalked during Phase 1: 62 subjects who had been stalked during Phase 1 were not stalked during Phase 2. However, during Phase 2 the behaviour changed in a negative direction for 4.8 per cent of those subjects not stalked during Phase 1: six subjects reported that they had been stalked during Phase 2 although they had not been stalked during Phase 1. The difference between these proportions of changed behaviour is statistically significant ($X^2 = 127.5$, 1 df, $p < 0.001$). These results indicate that there was a reduction in stalking behaviour from Phase 1 to Phase 2.

To test whether the reduction in stalking behaviour was sustained over time, similar analyses were conducted comparing Phase 1 with Phase 3 (relating to the second and third months after the AVO was served on the defendant) and Phase 1 with Phase 4 (the fourth, fifth and sixth months after the AVO was served on the defendant). Table 17 shows the results.

Table 17: Changes in stalking from Phase 1 to Phase 3 and from Phase 1 to Phase 4

<i>Behaviour in Phase 1</i>	<i>Behaviour in Phase 3</i>		<i>Total</i>
	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	
Stalking	5 (11.6%)	38 (88.4%)	43 (100%)
No stalking	70 (97.2%)	2 (2.8%)	72 (100%)

<i>Behaviour in Phase 1</i>	<i>Behaviour in Phase 4</i>		<i>Total</i>
	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	
Stalking	3 (14.3%)	18 (85.7%)	21 (100%)
No stalking	35 (92.1%)	3 (7.9%)	38 (100%)

It is clear from Table 17 that the changes in stalking behaviour were sustained over time. More than 85 per cent of those subjects who were stalked during Phase 1 were not stalked during Phase 3, and the same applies for Phase 4. By comparison, the change in the opposite direction (from 'no stalking' to 'stalking') was quite small (2.8% for Phase 3 and 7.9% for Phase 4). In both cases, the differences between these proportions (that is, proportions where the behaviour in the follow-up phase differed from the behaviour in Phase 1) were significant ($X^2 = 86.9$, 1 df, $p < 0.001$ for changes between Phases 1 and 3; $X^2 = 35.7$, 1 df, $p < 0.001$ for changes between Phases 1 and 4).

Table 18: Changes in stalking behaviour where there was some face-to-face contact between subject and defendant

		<i>Behaviour in Phase 2</i>		
<i>Behaviour in Phase 1</i>		<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>
Stalking	12 (27.3%)	32 (72.7%)	44 (100%)	
No stalking	55 (93.2%)	4 (6.8%)	59 (100%)	

		<i>Behaviour in Phase 3</i>		
<i>Behaviour in Phase 1</i>		<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>
Stalking	4 (15.4%)	22 (84.6%)	26 (100%)	
No stalking	37 (97.4%)	1 (2.6%)	38 (100%)	

		<i>Behaviour in Phase 4</i>		
<i>Behaviour in Phase 1</i>		<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>
Stalking	1 (12.5%)	7 (87.5%)	8 (100%)	
No stalking	21 (87.5%)	3 (12.5%)	24 (100%)	

The elimination of subjects who reported no face-to-face contact with the defendant during the period after the AVO was served on him/her did not alter the results. A total of 103, 64 and 32 subjects reported that they saw the defendant during Phases 2, 3 and 4, respectively. For these subjects, Table 18 shows the behaviour comparisons between Phases 1 and 2, between Phases 1 and 3 and between Phases 1 and 4. For the three comparisons, there was a change from 'stalking' to 'no stalking' for more than 70 per cent of those stalked during Phase 1, compared with a relatively small proportion of changed behaviour from 'no stalking' to 'stalking' (at most, 12.5%). For all three phase comparisons, there were statistically significant differences between the behaviour change proportions for the 'stalking' and 'no stalking' groups ($X^2 = 48.2$, 1 df, $p < 0.001$ for changes between Phases 1 and 2; $X^2 = 45.1$, 1 df, $p < 0.001$ for changes between Phases 1 and 3; $X^2 = 15.7$, 1 df, $p < 0.001$ for changes between Phases 1 and 4).

3.4.2 Physical assault

Table 19 compares subjects' experiences of physical assault during Phases 1 and 2. For 96.7 per cent of those physically assaulted during the month prior to the AVO application

Table 19: Changes in physical assault from Phase 1 to Phase 2

		<i>Behaviour in Phase 2</i>		
<i>Behaviour in Phase 1</i>		<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>
Physical assault	3 (3.3%)	88 (96.7%)	91 (100%)	
No physical assault	110 (100.0%)	0 (0.0%)	110 (100%)	

(Phase 1) there was a positive change in the defendant’s behaviour (that is, no physical assault during Phase 2). By comparison, there were no behaviour changes in the opposite direction; that is, of those who were not assaulted during Phase 1, no-one was assaulted during Phase 2. The difference between these two proportions (96.7% and 0.0%) is statistically significant ($X^2 = 189.2$, 1 df, $p < 0.001$) indicating a significant reduction in physical assaults between Phases 1 and 2.

Table 20 provides information to assess whether this change in physical assault behaviour was sustained. It is clear that the reduction in physical assault was sustained throughout the six-month period after the AVO was served on the defendant. For both Phases 3 and 4, there was a positive change in behaviour for 100 per cent of those assaulted during Phase 1, compared with less than a two per cent change in the negative direction (that is, being physically assaulted during the follow-up period though not having been physically assaulted during the month prior to the AVO application). For both Phase 3 and Phase 4 there was a statistically significant difference between the proportions measuring behaviour changes from Phase 1 ($X^2 = 110.9$, 1 df, $p < 0.001$ for changes between Phases 1 and 3; $X^2 = 59.0$, 1 df, $p < 0.001$ for changes between Phases 1 and 4).

Table 20: Changes in physical assault from Phase 1 to Phase 3 and from Phase 1 to Phase 4

<i>Behaviour in Phase 1</i>	<i>Behaviour in Phase 3</i>		<i>Total</i>
	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	
Physical assault	0 (0.0%)	45 (100.0%)	45 (100%)
No physical assault	69 (98.6%)	1 (1.4%)	70 (100%)

<i>Behaviour in Phase 1</i>	<i>Behaviour in Phase 4</i>		<i>Total</i>
	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	
Physical assault	0 (0.0%)	23 (100.0%)	23 (100%)
No physical assault	36 (100.0%)	0 (0.0%)	36 (100%)

As with stalking behaviour, there was a reduction in the subjects’ experiences of physical assault over time even when subjects continued to see the defendant. Table 21 shows that, of those subjects who saw the defendant after the AVO was served and who had been assaulted by the defendant during Phase 1, only two (4.1%) were assaulted during Phase 2 and none was assaulted during Phases 3 or 4. In other words, for those subjects assaulted during Phase 1 who continued to see the defendant, the physical assault ceased for 96 per cent during Phase 2 and for 100 per cent during Phases 3 and 4. On the other hand, of those who had not been physically assaulted during Phase 1 and who saw the defendant after the AVO was served, only one person who had not been physically assaulted during Phase 1 was assaulted during a later phase (Phase 3).

Table 21: Changes in physical assault where there was some face-to-face contact between subject and defendant

		<i>Behaviour in Phase 2</i>		
<i>Behaviour in Phase 1</i>		<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>
Physical assault	2 (4.1%)	47 (95.9%)	49 (100%)	
No physical assault	54 (100.0%)	0 (0.0%)	54 (100%)	

		<i>Behaviour in Phase 3</i>		
<i>Behaviour in Phase 1</i>		<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>
Physical assault	0 (0.0%)	24 (100.0%)	24 (100%)	
No physical assault	39 (97.5%)	1 (2.5%)	40 (100%)	

		<i>Behaviour in Phase 4</i>		
<i>Behaviour in Phase 1</i>		<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>
Physical assault	0 (0.0%)	17 (100.0%)	17 (100%)	
No physical assault	15 (100.0%)	0 (0.0%)	15 (100%)	

The differences between the proportions of changed behaviour from Phase 1 to Phases 2, 3 and 4, respectively, are statistically significant ($X^2 = 95.3$, 1 df, $p < 0.001$ for changes between Phases 1 and 2; $X^2 = 59.9$, 1 df, $p < 0.001$ for changes between Phases 1 and 3; $X^2 = 32.0$, 1 df, $p < 0.001$ for changes between Phases 1 and 4).

3.4.3 Threats of physical assault

Table 22 compares threats of physical assault during Phases 1 and 2. Of the 201 subjects interviewed at both Phases 1 and 2, 128 were threatened with physical assault during the month before applying for an AVO. For 115 (89.8%) of these 128 subjects, there was an improvement in the defendant's behaviour, that is, the subjects were not threatened with physical assault during the month after the AVO was served on the defendant.

Table 22: Changes in threats of physical assault from Phase 1 to Phase 2

		<i>Behaviour in Phase 2</i>		
<i>Behaviour in Phase 1</i>		<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>
Threats of physical assault	13 (10.2%)	115 (89.8%)	128 (100%)	
No threats of physical assault	69 (94.5%)	4 (5.5%)	73 (100%)	

By comparison, there was a change in the reverse direction (from not being threatened during Phase 1 to being threatened during Phase 2) for only a small proportion of subjects: 5.5 per cent of those subjects not threatened during Phase 1 were threatened

Table 23: Changes in threats of physical assault from Phase 1 to Phase 3 and from Phase 1 to Phase 4

<i>Behaviour in Phase 1</i>	<i>Behaviour in Phase 3</i>		<i>Total</i>
	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	
Threats of physical assault	6 (9.0%)	61 (91.0%)	67 (100%)
No threats of physical assault	47 (97.9%)	1 (2.1%)	48 (100%)

<i>Behaviour in Phase 1</i>	<i>Behaviour in Phase 4</i>		<i>Total</i>
	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	
Threats of physical assault	5 (14.7%)	29 (85.3%)	34 (100%)
No threats of physical assault	25 (100.0%)	0 (0.0%)	25 (100%)

during Phase 2. These two proportions measuring behaviour changes (89.8% and 5.5%) are significantly different from each other ($X^2 = 137.0, 1 \text{ df}, p < 0.001$).

Table 23 compares threats of physical assault during Phases 1 and 3 and during Phases 1 and 4. Table 23 shows that the reduction in threats of physical assault experienced between Phase 1 and Phase 2 was sustained over time. Of the 67 subjects who were threatened with physical assault during Phase 1 and who were interviewed at Phase 3, 91.0 per cent were not threatened during the follow-up period. This proportion is significantly different from the 2.1 per cent of those not subjected to threats of physical assault during Phase 1, who were threatened with physical assault during Phase 3 ($X^2 = 89.1, 1 \text{ df}, p < 0.001$). Similarly, a high proportion (85.3%) of those who had been threatened with physical assault during Phase 1 and who were interviewed at Phase 4, were not threatened during this follow-up period (that is, the fourth, fifth and sixth months after the AVO was served on the defendant). For Phase 4, there were no changes in behaviour in the reverse direction (from 'no threats of physical assault' to 'threats of physical assault'). Again the difference in the proportions of behaviour changes (85.3% compared with 0.0%) is significantly different ($X^2 = 41.9, 1 \text{ df}, p < 0.001$).

Table 24 shows comparisons between the phases for those subjects who still heard from the defendant during the follow-up periods (for example, by telephone, facsimile machine or the post, methods by which threats of physical assault could be sent). A total of 83, 50 and 25 subjects reported that they had heard from the defendant during Phases 2, 3 and 4, respectively.

It is clear from Table 24, that there were sustained changes in behaviour for these subjects. At each of Phases 2, 3 and 4, more than 70 per cent of those who had been threatened with physical assault during the month prior to the AVO application were not threatened during the follow-up period. Very few of those not threatened during Phase 1 were subsequently threatened in the follow-up periods, at most 14.3 per cent during Phase 2. The differences between the proportions of changed behaviour are statistically significant for all three follow-up phases ($X^2 = 37.3, 1 \text{ df}, p < 0.001$ for changes between Phases 1 and 2; $X^2 = 29.7, 1 \text{ df}, p < 0.001$ for changes between Phases 1 and 3; $X^2 = 13.1, 1 \text{ df}, p < 0.001$ for changes between Phases 1 and 4).

Table 24: Changes in threats of physical assault where there was some contact between subject and defendant

<i>Behaviour in Phase 2</i>			
<i>Behaviour in Phase 1</i>	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>
Threats of physical assault	9 (16.4%)	46 (83.6%)	55 (100%)
No threats of physical assault	24 (85.7%)	4 (14.3%)	28 (100%)

<i>Behaviour in Phase 3</i>			
<i>Behaviour in Phase 1</i>	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>
Threats of physical assault	5 (17.9%)	23 (82.1%)	28 (100%)
No threats of physical assault	21 (95.5%)	1 (4.5%)	22 (100%)

<i>Behaviour in Phase 4</i>			
<i>Behaviour in Phase 1</i>	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>
Threats of physical assault	4 (26.7%)	11 (73.3%)	15 (100%)
No threats of physical assault	10 (100.0%)	0 (0.0%)	10 (100%)

The data were also re-analysed to eliminate those subjects who did not see the defendant during the follow-up periods. The effect was sustained. Of those subjects who had been threatened with physical assault during Phase 1 and who saw the defendant during the follow-up period, at least three-quarters experienced an improvement in the defendant's behaviour over time: 89.7 per cent, 83.3 per cent and 78.9 per cent were not threatened during Phases 2, 3 and 4, respectively. On the other hand, of those subjects who had not been threatened with physical assault during Phase 1 and who saw the defendant after the AVO was served, at most two subjects (5.7%) were threatened during a follow-up period (Phase 2). The difference between the proportions of changed behaviour from Phase 1 to Phases 2, 3 and 4, respectively, are statistically significant ($X^2 = 66.6$, 1 df, $p < 0.001$ for changes between Phases 1 and 2; $X^2 = 40.1$, 1 df, $p < 0.001$ for changes between Phases 1 and 3; $X^2 = 19.3$, 1 df, $p < 0.001$ for changes between Phases 1 and 4).

3.4.4 Verbal abuse

Table 25 compares Phases 1 and 2 in terms of the verbal abuse experienced by subjects. Of the subjects interviewed at Phases 1 and 2, 79.6 per cent had been verbally abused during Phase 1. Of these 160 subjects, 36 were also verbally abused during Phase 2; thus there was no change in behaviour for 22.5 per cent of the 'verbal abuse' group: they were also verbally abused during Phase 2. For the remaining 124 subjects the defendant's behaviour improved, that is, 77.5 per cent of the 'verbal abuse during Phase 1' subjects were not verbally abused during Phase 2. There was a behaviour change in the negative direction for three of the 41 subjects who had suffered 'no verbal abuse' during Phase 1; thus 7.3 per cent of these subjects were verbally abused during Phase 2.

The difference between the proportions of the two groups experiencing changed behaviour is statistically significant ($X^2 = 69.1$, 1 df, $p < 0.001$). These results indicate a significant reduction in verbal abuse between Phases 1 and 2.

Table 25: Changes in verbal abuse from Phase 1 to Phase 2

<i>Behaviour in Phase 1</i>	<i>Behaviour in Phase 2</i>		<i>Total</i>
	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	
Verbal abuse	36 (22.5%)	124 (77.5%)	160 (100%)
No verbal abuse	38 (92.7%)	3 (7.3%)	41 (100%)

Table 26 compares the subjects' experience of verbal abuse between Phases 1 and 3 and between Phases 1 and 4.

As Table 26 shows, approximately three-quarters of the subjects interviewed at each of the two follow-up periods (Phases 3 and 4) had experienced verbal abuse during Phase 1. However, the reduction in verbal abuse which occurred between Phase 1 and Phase 2 was sustained over these follow-up periods. The situation improved for approximately 70 per cent of subjects who had been verbally abused during Phase 1. Of the 'verbal abuse' group, 61 subjects (69.3%) were not verbally abused during Phase 3, and 31 subjects (68.9%) were not verbally abused during Phase 4. By comparison, the change from 'no verbal abuse' to 'verbal abuse' was small (7.4% for Phase 3 and 0.0% for Phase 4). Again, the differences between the proportions measuring behaviour change (69.3% compared with 7.4% for Phase 3; and 68.9% compared with 0.0% for Phase 4) are statistically significant ($X^2 = 32.0$, 1 df, $p < 0.001$ for changes between Phases 1 and 3; $X^2 = 20.3$, 1 df, $p < 0.001$ for changes between Phases 1 and 4).

Table 26: Changes in verbal abuse from Phase 1 to Phase 3 and from Phase 1 to Phase 4

<i>Behaviour in Phase 1</i>	<i>Behaviour in Phase 3</i>		<i>Total</i>
	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	
Verbal abuse	27 (30.7%)	61 (69.3%)	88 (100%)
No verbal abuse	25 (92.6%)	2 (7.4%)	27 (100%)

<i>Behaviour in Phase 1</i>	<i>Behaviour in Phase 4</i>		<i>Total</i>
	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	
Verbal abuse	14 (31.1%)	31 (68.9%)	45 (100%)
No verbal abuse	14 (100.0%)	0 (0.0%)	14 (100%)

Table 27 compares Phase 1 with each of Phases 2, 3 and 4 in terms of the subject's experience of verbal abuse when the subject continued to hear from the defendant (by telephone, or facsimile machine or the post) during each follow-up period.

As Table 27 shows, the reduction in verbal abuse after the AVO was served was sustained even when subjects continued to hear from the defendant. For the three comparisons (that is, between Phases 1 and 2, Phases 1 and 3, and Phases 1 and 4), there was a positive change in the defendant's behaviour from 'verbal abuse' to 'no verbal abuse' for at least 50 per cent of the subjects who had been verbally abused during Phase 1: 58.8 per cent, 54.5 per cent and 52.2 per cent were not verbally abused during Phases 2, 3 and 4, respectively.

Table 27: Changes in verbal abuse where there was some contact between subject and defendant

		<i>Behaviour in Phase 2</i>			
<i>Behaviour in Phase 1</i>		<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>	
Verbal abuse	28 (41.2%)	40 (58.8%)	68 (100%)		
No verbal abuse	12 (80.0%)	3 (20.0%)	15 (100%)		
		<i>Behaviour in Phase 3</i>			
<i>Behaviour in Phase 1</i>		<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>	
Verbal abuse	20 (45.5%)	24 (54.5%)	44 (100%)		
No verbal abuse	5 (83.3%)	1 (16.7%)	6 (100%)		
		<i>Behaviour in Phase 4</i>			
<i>Behaviour in Phase 1</i>		<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>	
Verbal abuse	11 (47.8%)	12 (52.2%)	23 (100%)		
No verbal abuse	2 (100.0%)	0 (0.0%)	2 (100%)		

For a small number of subjects, the defendant's behaviour deteriorated over time, that is, the behaviour changed from 'no verbal abuse' during Phase 1 to 'verbal abuse' for three (20.0%) subjects during Phase 2 and for one (16.7%) subject during Phase 3; this did not occur during Phase 4. The proportions measuring behaviour changes from Phase 1 to Phase 2 are significantly different from each other ($X^2 = 7.4$, 1 df, $p = 0.006$). While behaviour changes between Phases 1 and 3 and Phases 1 and 4 are not significantly different ($X^2 = 3.0$, 1 df, $p = 0.082$ for changes between Phases 1 and 3; $X^2 = 2.0$, 1 df, $p = 0.157$ for changes between Phases 1 and 4), the direction of the change is the same as that between Phases 1 and 2.

Given that the defendant could potentially verbally abuse the subject during face-to-face contact as well as by telephone, facsimile machine or post, the data were re-analysed to eliminate those subjects who did not see the defendant during the follow-up periods. The effect was sustained. Of those subjects who had been verbally abused during Phase 1 and who saw the defendant after the AVO was served, the situation improved

for 69.9 per cent, 57.4 per cent and 51.8 per cent during Phases 2, 3 and 4, respectively. The defendant's behaviour deteriorated over time for one subject interviewed at each of Phases 2 and 3: although not verbally abused during Phase 1, one person who continued to see the defendant was verbally abused during the follow-up period. This did not occur with any subject during Phase 4. The differences between the proportions measuring changes in the defendant's behaviour from Phase 1 to Phases 2, 3 and 4, respectively, are statistically significant ($X^2 = 27.7$, 1 df, $p < 0.001$ for changes between Phases 1 and 2; $X^2 = 7.6$, 1 df, $p = 0.006$ for changes between Phases 1 and 3; $X^2 = 4.6$, 1 df, $p = 0.032$ for changes between Phases 1 and 4).

3.4.5 Nuisance telephone calls

Table 28 compares Phases 1 and 2 in terms of the subjects' experiences of nuisance (that is, unwanted or repeated) telephone calls from the defendant.

Table 28: Changes in nuisance telephone calls from Phase 1 to Phase 2

<i>Behaviour in Phase 1</i>	<i>Behaviour in Phase 2</i>		<i>Total</i>
	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	
Nuisance telephone calls	13 (19.4%)	54 (80.6%)	67 (100%)
No nuisance telephone calls	119 (89.5%)	14 (10.5%)	133 (100%)

Note: Table 28 excludes information for one subject for whom information for Phase 2 was not recorded.

One-third of the 201 subjects interviewed at both Phases 1 and 2 received nuisance telephone calls from the defendant during Phase 1. For 54 (80.6%) of these 67 subjects, there was a positive change in the defendant's behaviour from Phase 1 to Phase 2; that is, they did not receive nuisance telephone calls during Phase 2. By comparison, for 10.5 per cent of subjects there was a change from 'no nuisance telephone calls' during Phase 1 to 'nuisance telephone calls' during Phase 2. The difference in the proportions measuring behaviour changes (80.6% and 10.5%) is statistically significant ($X^2 = 97.5$, 1 df, $p < 0.001$). These results indicate that there was a reduction in this form of negative behaviour during the month after the AVO was served.

Table 29 compares Phases 1 and 3 and Phases 1 and 4 in terms of the subjects' receipt of nuisance telephone calls.

Table 29 shows that the reduction in this form of negative behaviour was sustained over time. For the majority of subjects, there was a positive change in the defendant's behaviour: 27 (71.1%) of the 38 subjects who had received nuisance telephone calls during Phase 1 did not receive such calls during Phase 3; and 16 (76.2%) of the 21 subjects who received such calls during Phase 1 did not receive them during Phase 4.

By contrast, the change in the opposite direction was small. That is, for a small proportion of subjects, the defendant's behaviour deteriorated over time. While they did not make nuisance telephone calls to the subject during Phase 1, defendants made such calls to 9.1 per cent of subjects during Phase 3 and to 7.9 per cent of subjects during Phase 4.

Table 29: Changes in nuisance telephone calls from Phase 1 to Phase 3 and from Phase 1 to Phase 4

		<i>Behaviour in Phase 3</i>		
<i>Behaviour in Phase 1</i>		<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>
Nuisance telephone calls	11 (28.9%)	27 (71.1%)	38 (100%)	
No nuisance telephone calls	70 (90.9%)	7 (9.1%)	77 (100%)	

		<i>Behaviour in Phase 4</i>		
<i>Behaviour in Phase 1</i>		<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>
Nuisance telephone calls	5 (23.8%)	16 (76.2%)	21 (100%)	
No nuisance telephone calls	35 (92.1%)	3 (7.9%)	38 (100%)	

For both Phase 3 and Phase 4 there is a statistically significant difference between the proportions measuring behaviour changes from Phase 1 ($X^2 = 46.9$, 1 df, $p < 0.001$ for changes between Phases 1 and 3; $X^2 = 28.9$, 1 df, $p < 0.001$ for changes between Phases 1 and 4).

The finding that nuisance telephone calls decreased after the AVO was served on the defendant was maintained even when the data were re-analysed following the elimination of those subjects who did not hear from the defendant after the AVO was served. Table 30 shows these results.

Table 30: Changes in nuisance telephone calls where there was some contact between subject and defendant

		<i>Behaviour in Phase 2</i>		
<i>Behaviour in Phase 1</i>		<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>
Nuisance telephone calls	10 (35.7%)	18 (64.3%)	28 (100%)	
No nuisance telephone calls	47 (85.5%)	8 (14.5%)	55 (100%)	

		<i>Behaviour in Phase 3</i>		
<i>Behaviour in Phase 1</i>		<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>
Nuisance telephone calls	7 (38.9%)	11 (61.1%)	18 (100%)	
No nuisance telephone calls	27 (84.4%)	5 (15.6%)	32 (100%)	

		<i>Behaviour in Phase 4</i>		
<i>Behaviour in Phase 1</i>		<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>
Nuisance telephone calls	5 (50.0%)	5 (50.0%)	10 (100%)	
No nuisance telephone calls	13 (86.7%)	2 (13.3%)	15 (100%)	

For all three phase comparisons, there was a positive behaviour change from ‘nuisance telephone calls’ to ‘no nuisance telephone calls’ for at least 50 per cent of those subjects who had received such calls during Phase 1 and who heard from the defendant after the AVO was served. As with the other negative behaviours, for a small proportion of subjects the defendant’s behaviour deteriorated over time: even though they had not received nuisance telephone calls during Phase 1, eight (14.5%), five (15.6%) and two (13.3%) subjects received such calls during Phases 2, 3 and 4, respectively.

There are statistically significant differences between the proportions of behaviour changes ($X^2 = 21.3, 1 \text{ df}, p < 0.001$ for changes between Phases 1 and 2; $X^2 = 11.0, 1 \text{ df}, p < 0.001$ for changes between Phases 1 and 3; $X^2 = 4.0, 1 \text{ df}, p = 0.045$ for changes between Phases 1 and 4).

3.4.6 Inappropriate gifts, flowers or letters

Table 31 shows a comparison between Phases 1 and 2 in another form of intimidation and harassment by the defendant, namely, sending the subject inappropriate gifts, flowers or letters.

Table 31: Changes in inappropriate gifts, flowers or letters from Phase 1 to Phase 2

<i>Behaviour in Phase 1</i>	<i>Behaviour in Phase 2</i>		
	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>
Inappropriate gifts, flowers or letters	2 (8.3%)	22 (91.7%)	24 (100%)
No inappropriate gifts, flowers or letters	170 (96.0%)	7 (4.0%)	177 (100%)

Of the 201 subjects interviewed at both Phases 1 and 2, 177 (88.1%) did not receive inappropriate gifts, flowers or letters from the defendant during Phase 1, but the remaining 24 (11.9%) did receive such items. For all but two of these 24 subjects, this type of negative behaviour changed in a positive direction between Phase 1 and Phase 2: 91.7 per cent of subjects received such items during Phase 1 but not during Phase 2.

However, for seven out of 177 subjects the situation deteriorated: 4.0 per cent of subjects received such items during Phase 2 although they had not received them during Phase 1.

The difference between the proportions of subjects who experienced behaviour changes between Phase 1 and Phase 2 (that is, 91.7% and 4.0%) is statistically significant ($X^2 = 131.7, 1 \text{ df}, p < 0.001$). These results indicate that there was a reduction in this type of negative behaviour between Phase 1 and Phase 2.

Table 32 indicates that the reduction in this type of intimidating or harassing behaviour was sustained during Phases 3 and 4. Of the subjects who had received inappropriate gifts, flowers or letters during Phase 1, the majority did not receive them during Phase 3 (92.3%) or Phase 4 (100.0%).

The vast majority of subjects who had not received inappropriate items during Phase 1 also did not receive them in the two follow-up periods (97.1% of the subjects interviewed at Phase 3 and 96.1% of those interviewed at Phase 4). For a small number of subjects,

Table 32: Changes in inappropriate gifts, flowers or letters from Phase 1 to Phase 3 and from Phase 1 to Phase 4

<i>Behaviour in Phase 3</i>			
<i>Behaviour in Phase 1</i>	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>
Inappropriate gifts, flowers or letters	1 (7.7%)	12 (92.3%)	13 (100%)
No inappropriate gifts, flowers or letters	99 (97.1%)	3 (2.9%)	102 (100%)

<i>Behaviour in Phase 4</i>			
<i>Behaviour in Phase 1</i>	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>
Inappropriate gifts, flowers or letters	0 (0.0%)	8 (100.0%)	8 (100%)
No inappropriate gifts, flowers or letters	49 (96.1%)	2 (3.9%)	51 (100%)

however, the situation deteriorated. Although they had not received inappropriate items during Phase 1, three (2.9%) subjects received such items during Phase 3 and two (3.9%) subjects received them during Phase 4.

Table 33: Changes in inappropriate gifts, flowers or letters where there was some contact between subject and defendant

<i>Behaviour in Phase 2</i>			
<i>Behaviour in Phase 1</i>	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>
Inappropriate gifts, flowers or letters	2 (28.6%)	5 (71.4%)	7 (100%)
No inappropriate gifts, flowers or letters	71 (93.4%)	5 (6.6%)	76 (100%)

<i>Behaviour in Phase 3</i>			
<i>Behaviour in Phase 1</i>	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>
Inappropriate gifts, flowers or letters	1 (11.1%)	8 (88.9%)	9 (100%)
No inappropriate gifts, flowers or letters	38 (92.7%)	3 (7.3%)	41 (100%)

<i>Behaviour in Phase 4</i>			
<i>Behaviour in Phase 1</i>	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>
Inappropriate gifts, flowers or letters	0 (0.0%)	5 (100.0%)	5 (100%)
No inappropriate gifts, flowers or letters	18 (90.0%)	2 (10.0%)	20 (100%)

The differences between the proportions of subjects experiencing behaviour changes over time are statistically significant ($X^2 = 81.2$, 1 df, $p < 0.001$ for changes between Phase 1 and Phase 3; $X^2 = 45.3$, 1 df, $p < 0.001$ for changes between Phase 1 and Phase 4).

Table 33 compares Phase 1 with each follow-up phase in terms of the subject's receipt of inappropriate items when the subject continued to hear from the defendant by, for example, the post or facsimile machine. Face-to-face contact between the parties was not necessary for this type of negative behaviour to occur: flowers and gifts can be delivered by a third party or a courier. It is sufficient then only to control for 'hearing from' the defendant.

As Table 33 indicates, of those subjects who received inappropriate items from the defendant during Phase 1 and who continued to hear from him/her, at least 70 per cent experienced an improvement in this behaviour over time: 71.4 per cent, 88.9 per cent and 100.0 per cent did not receive such items during Phases 2, 3 and 4, respectively. By comparison, between 6.6 per cent (Phase 2) and 10.0 per cent (Phase 4) of subjects received inappropriate items during the follow-up period although they had not received them during the month prior to the AVO application. The differences between the proportions of subjects experiencing changes from the behaviour during Phase 1 are significant for the three phase comparisons ($X^2 = 25.4$, 1 df, $p < 0.001$ for changes between Phases 1 and 2; $X^2 = 28.6$, 1 df, $p < 0.001$ for changes between Phases 1 and 3; $X^2 = 16.1$, 1 df, $p < 0.001$ for changes between Phases 1 and 4). These results indicate that there was a reduction in this type of intimidating behaviour during the follow-up periods even when subjects continued to hear from the defendant.

3.4.7 Approaches to family, friends, colleagues

Table 34 compares Phases 1 and 2 in another form of intimidation, harassment and molestation: approaches by the defendant to the subject's family, friends or colleagues in an attempt to obtain information regarding the subject.

Table 34: Changes in the defendant's approaches to the subject's family, friends or colleagues from Phase 1 to Phase 2

<i>Behaviour in Phase 1</i>	<i>Behaviour in Phase 2</i>		<i>Total</i>
	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	
Approaches to family, friends, colleagues	33 (38.8%)	52 (61.2%)	85 (100%)
No approaches to family, friends, colleagues	102 (87.9%)	14 (12.1%)	116 (100%)

Of the 201 subjects interviewed, 85 (42.3%) reported that, during the month before seeking an AVO, the defendant had approached her/his family, friends or colleagues to ask about her/him. As Table 34 shows, for 61.2 per cent of subjects there was a positive change in the defendant's behaviour between Phase 1 and Phase 2: the defendant approached the family, friends or colleagues of 52 subjects during Phase 1 but not during Phase 2.

Of 116 subjects whose family or colleagues were not approached during Phase 1, 102 were also not approached during Phase 2. However, for 14 subjects the situation deteriorated during the month after the AVO was served: the defendant approached the family, friends or colleagues of 12.1 per cent of subjects during Phase 2 even though they had not been approached during Phase 1.

The difference between the proportions of behaviour changes is statistically significant ($X^2 = 53.6$, 1 df, $p < 0.001$). These results indicate that there was a reduction in this form of negative behaviour from Phase 1 to Phase 2.

Table 35 compares Phases 1 and 3 and Phases 1 and 4 in terms of the defendant's approaches to the subject's family, friends and colleagues.

Table 35: Changes in the defendant's approaches to the subject's family, friends or colleagues from Phase 1 to Phase 3 and from Phase 1 to Phase 4

<i>Behaviour in Phase 3</i>			
<i>Behaviour in Phase 1</i>	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>
Approaches to family, friends, colleagues	53 (100.0%)	0 (0.0%)	53 (100%)
No approaches to family, friends, colleagues	0 (0.0%)	62 (100.0%)	62 (100%)

<i>Behaviour in Phase 4</i>			
<i>Behaviour in Phase 1</i>	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>
Approaches to family, friends, colleagues	27 (100.0%)	0 (0.0%)	27 (100%)
No approaches to family, friends, colleagues	1 (3.2%)	30 (96.8%)	31 (100%)

Note: Table 35 excludes information for one subject for whom information for Phase 4 was not recorded.

As Table 35 shows, of the subjects interviewed at each of these follow-up periods, during the month before applying for the AVO, the defendant approached the family or work network of 46 per cent of subjects to ask questions about her/him. For all the subjects in this 'approaches to family, friends, colleagues' group, there was no change in this type of negative behaviour between Phases 1 and 3 or between Phases 1 and 4: all the subjects whose family or work network were approached by the defendant during Phase 1 were also approached during Phase 3 and Phase 4.

For the group 'no approaches to family, friends, colleagues' during Phase 1, the behaviour changed in the negative direction for all subjects between Phases 1 and 3 and for 96.8 per cent of subjects between Phases 1 and 4. In other words, all subjects whose family or work network were not approached during Phase 1 were approached during Phase 3; and in only one case did the defendant not approach the subject's network during either Phase 1 or Phase 4.

The difference between the proportions of behaviour changes (0.0% and 100.0% between Phases 1 and 3; and 0.0% and 96.8% between Phases 1 and 4) are statistically significant

($X^2 = 115.0$, 1 df, $p < 0.001$ for changes between Phases 1 and 3; $X^2 = 54.1$, 1 df, $p < 0.001$ for changes between Phases 1 and 4). However, unlike the changes in behaviour between Phases 1 and 2 (where there was a significant reduction over time in this form of behaviour), as the figures in Table 35 show, between Phases 1 and 3 and between Phases 1 and 4, there was a significant increase over time in this form of behaviour.

The data were not re-analysed to control for contact between the subject and defendant as this form of behaviour could occur regardless of the contact between the parties.

3.4.8 Intimidation or harassment

Table 36 shows subjects' experiences of 'other' forms of intimidation or harassment during Phases 1 and 2. Examples of such behaviour include moral, emotional or financial blackmail of the subject (including threatening to commit suicide, threatening to kidnap their child, threatening to slander the subject, threatening to damage the subject's professional reputation); aggressive demeanour or behaviour towards the subject (for example, coming very close to the subject in a belligerent manner, aggressive posture and tone of voice); taunting or mocking the subject; belittling the subject; malicious damage by the defendant of the subject's property; impounding or stealing the subject's property; breaking into, or trespassing onto, the subject's property; using the AVO to stall or impede other negotiations or payments (including refusing to pay child maintenance or to sign custody papers); badgering the subject to revoke the AVO, to reconcile or to withdraw other charges (for example, assault, sex offences); slandering the subject to another person; using another person to intimidate, verbally abuse, threaten, harass or spy on the subject; stalking, assaulting or threatening to assault a third person connected with the subject; verbally abusing, slandering or harassing a third person connected with the subject.

Table 36: Changes in 'other' forms of intimidation or harassment from Phase 1 to Phase 2

<i>Behaviour in Phase 1</i>	<i>Behaviour in Phase 2</i>		<i>Total</i>
	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	
'Other' intimidation or harassment	28 (26.9%)	76 (73.1%)	104 (100%)
No 'other' intimidation or harassment	74 (76.3%)	23 (23.7%)	97 (100%)

Approximately half (51.7%) of the 201 subjects interviewed at both Phases 1 and 2 experienced 'other' forms of intimidation or harassment during Phase 1. Only 26.9 per cent of these subjects continued to experience such behaviour from the defendant during Phase 2. For the remaining 76 (or 73.1%) subjects, the situation improved: while they had experienced these forms of intimidation or harassment during Phase 1, they did not experience them during Phase 2.

However, for 23 subjects (23.7%), the situation deteriorated. While they had not experienced 'other' forms of intimidation or harassment during Phase 1, they were subjected to this negative behaviour during Phase 2.

The proportions measuring behaviour changes between Phase 1 and Phase 2 (73.1% and 23.7%) are significantly different from each other ($X^2 = 48.9$, 1 df, $p < 0.001$). This

indicates that there was a reduction in this form of negative behaviour over the two periods of time.

Table 37 compares the subjects' experiences of 'other' forms of intimidation or harassment between Phases 1 and 3 and between Phases 1 and 4.

Table 37: Changes in 'other' forms of intimidation or harassment from Phase 1 to Phase 3 and from Phase 1 to Phase 4

<i>Behaviour in Phase 1</i>	<i>Behaviour in Phase 3</i>		<i>Total</i>
	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	
'Other' intimidation or harassment	18 (31.6%)	39 (68.4%)	57 (100%)
No 'other' intimidation or harassment	48 (82.8%)	10 (17.2%)	58 (100%)

<i>Behaviour in Phase 1</i>	<i>Behaviour in Phase 4</i>		<i>Total</i>
	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	
'Other' intimidation or harassment	7 (26.9%)	19 (73.1%)	26 (100%)
No 'other' intimidation or harassment	28 (84.8%)	5 (15.2%)	33 (100%)

As Table 37 indicates, approximately 70 per cent of subjects who had experienced 'other' forms of intimidation or harassment during Phase 1 did not experience this behaviour during Phase 3 (68.4%) or Phase 4 (73.1%). The situation had, therefore, improved for these subjects. The remaining 31.6 per cent and 26.9 per cent of the subjects who had been intimidated or harassed by the defendant during Phase 1 continued to experience this behaviour during Phases 3 and 4, respectively.

For a small number of subjects, the situation worsened over time. Although not experiencing 'other' forms of intimidation or harassment during the month before the AVO was sought (Phase 1), the negative behaviour was experienced by ten subjects (17.2%) during Phase 3 and by five subjects (15.2%) during Phase 4.

The differences between the proportions measuring behaviour changes (that is, 68.4% and 17.2% between Phases 1 and 3; 73.1% and 15.2% between Phases 1 and 4) are statistically significant ($X^2 = 30.8$, 1 df, $p < 0.001$ for changes between Phases 1 and 3; $X^2 = 20.2$, 1 df, $p < 0.001$ for changes between Phases 1 and 4). These results indicate that there was a sustained reduction in this type of negative behaviour over time.

Some 'other' types of intimidating or harassing behaviour could occur irrespective of whether the subject and defendant saw or heard from each other, for example, negative behaviours towards a third person connected to the subject, impeding negotiations, slandering the subject to another person. However, contact between the parties is necessary for other behaviours to occur, for example, taunting, belittling or mocking the subject, various forms of blackmail, etc. Thus the data were re-analysed to control for contact between the subject and the defendant.

Table 38: Changes in ‘other’ forms of intimidation or harassment where there was some face-to-face contact between subject and defendant

<i>Behaviour in Phase 2</i>			
<i>Behaviour in Phase 1</i>	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>
‘Other’ intimidation or harassment	18 (30.5%)	41 (69.5%)	59 (100%)
No ‘other’ intimidation or harassment	28 (63.6%)	16 (36.4%)	44 (100%)
<i>Behaviour in Phase 3</i>			
<i>Behaviour in Phase 1</i>	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>
‘Other’ intimidation or harassment	10 (29.4%)	24 (70.6%)	34 (100%)
No ‘other’ intimidation or harassment	22 (73.3%)	8 (26.7%)	30 (100%)
<i>Behaviour in Phase 4</i>			
<i>Behaviour in Phase 1</i>	<i>Same as Phase 1</i>	<i>Different from Phase 1</i>	<i>Total</i>
‘Other’ intimidation or harassment	3 (18.7%)	13 (81.3%)	16 (100%)
No ‘other’ intimidation or harassment	13 (81.2%)	3 (18.8%)	16 (100%)

Table 38 compares Phase 1 with each of the three follow-up phases in terms of the subject’s experience of ‘other’ types of intimidation or harassment for those subjects who continued to see the defendant after the AVO was served.

Of the 103, 64 and 32 subjects who saw the defendant during Phases 2, 3 and 4, respectively, at least half had experienced ‘other’ forms of intimidation or harassment during Phase 1. At each follow-up phase, there was a positive change in the defendant’s behaviour for approximately 70 per cent of these subjects; that is, 69.5 per cent, 70.6 per cent, and 81.3 per cent of subjects who had been intimidated or harassed during Phase 1 did not have this experience during Phases 2, 3 and 4, respectively.

Again, for some subjects, there was a deterioration in the situation over time. Although not experiencing ‘other’ forms of intimidation or harassment during the month before the AVO application (Phase 1) and while seeing the defendant after the AVO was served, 16 (36.4%) subjects experienced such negative behaviour during Phase 2, eight (26.7%) subjects during Phase 3, and three (18.8%) subjects during Phase 4.

The differences between the proportions measuring behaviour changes are statistically significant ($X^2 = 11.2$, 1 df, $p < 0.001$ for changes between Phases 1 and 2; $X^2 = 12.3$, 1 df, $p < 0.001$ for changes between Phases 1 and 3; $X^2 = 12.5$, 1 df, $p < 0.001$ for changes between Phases 1 and 4) indicating that there was a sustained reduction in these forms of behaviour, over time, for subjects who saw the defendants during the follow-up periods.

The analyses reported in the above sections were performed irrespective of the type of relationship between the subject and defendant. In other words, subjects in both domestic and non-domestic (or personal) relationships were combined for each type of negative behaviour analysed; this was due to the fact that the number of subjects in non-domestic relationships was small. In order to confirm whether the results were significant for both domestic and non-domestic relationships, the data were re-analysed for each type of relationship. For every negative behaviour, the direction and the significance of the results were confirmed.

3.5 BREACHES OF AVOS

A breach of an AVO occurs when the defendant fails to abide by one or more of the conditions set by the magistrate when granting the order against the defendant. As previously noted, an order has no legal weight until it is served on the defendant following the court proceedings.

Table 39 shows the number of orders breached in each of the three follow-up phases according to the type of order granted.

Table 39: Number of orders breached in each follow-up phase by type of order

<i>Order breached ?</i>	<i>Phase 2</i>		<i>Phase 3</i>		<i>Phase 4</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
All AVOs						
Yes	62	30.8	34	29.6	19	32.2
No	139	69.2	81	70.4	40	67.8
Total	201	100.0	115	100.0	59	100.0
DVOs						
Yes	54	33.3	32	34.8	17	34.0
No	108	66.7	60	65.2	33	66.0
Total	162	100.0	92	100.0	50	100.0
PVOs						
Yes	8	20.5	2	8.7	2	22.2
No	31	79.5	21	91.3	7	77.8
Total	39	100.0	23	100.0	9	100.0

Of all the orders granted, approximately 30 per cent were reportedly breached in each follow-up phase of the study. Breaches of DVOs were only slightly higher than the overall breach rate with around one-third of orders being breached in each phase.

However, a different and more uneven distribution of breaches occurred with PVOs. Although about one in five of the PVOs were breached in both Phases 2 and 4, in Phase 3 only 8.7 per cent of PVOs were breached.

Overall, 90 subjects reported a total of 115 breaches between Phases 2 and 4. Seventy subjects (77.8%) reported that their order had been breached once only, in any phase, while fifteen subjects (16.7%) reported breaches in two follow-up phases of the study, and there were five cases (5.5%) in which the subject reported that the order was breached in Phases 2, 3 and 4.

3.5.1 Characteristics of breach of AVO

In Table 40 are shown the types of behaviour which constituted the breach(es) of the order during each phase.

Table 40: Characteristics of breach of AVO during each follow-up phase

<i>Characteristic of breach</i>	<i>Phase 2</i>		<i>Phase 3</i>		<i>Phase 4</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Approach subject at home or work or other place	22	35.5	7	20.6	4	21.1
Proscribed telephone contact	19	30.6	11	32.3	5	26.3
Verbal abuse	17	27.4	13	38.2	10	52.6
Threat to assault or kill	10	16.1	2	5.9	1	5.3
Intimidate and harass	7	11.3	6	17.6	2	10.5
Approach drunk	6	9.7	3	8.8	2	10.5
Other proscribed contact	4	6.5	1	2.9	0	0.0
Physical assault	2	3.2	1	2.9	0	0.0
Assault of third person	2	3.2	0	0.0	0	0.0
Stalking	1	1.6	1	2.9	0	0.0
Total orders breached	62		34		19	

Note: Percentages are based on the number of orders breached in each follow-up phase and do not add to 100.0 per cent because of multiple responses in some cases.

As Table 40 shows, during Phase 2 the most common form of breach involved the defendant approaching the subject either at home, at work or at some other proscribed location. This accounted for 35.5 per cent of all breaches during this phase. Proscribed telephone contact and verbal abuse were also common, accounting for 30.6 per cent and 27.4 per cent, respectively, of all breaches during Phase 2.

The pattern during Phases 3 and 4 differed slightly to that for Phase 2. Only one in five breaches during these later follow-up phases involved the defendant approaching the subject at some proscribed location. During Phases 3 and 4, verbal abuse was the most common form of breach, accounting for 38.2 per cent and 52.6 per cent of the breaches, respectively. Proscribed telephone contact was also common, accounting for 32.3 per cent and 26.3 per cent of the Phase 3 and Phase 4 breaches, respectively.

3.5.2 When AVO first breached

For orders which were breached, Table 41 shows how long after the AVO was served on the defendant the order was first breached. It can be seen that, when breaches occur, they occur fairly soon after the AVO is served.

Table 41: Breached orders: time from serving AVO to first breach

<i>Date first breached</i>	<i>No.</i>	<i>%</i>
Same day AVO served	8	9.2
In 1st week after service	29	33.3
In 2nd week after service	11	12.6
In 3rd week after service	6	6.9
In 4th week after service	6	6.9
> 4 weeks - 9 weeks after service	16	18.4
> 9 weeks - 13 weeks after service	8	9.2
More than 13 weeks after service	3	3.4
Total orders breached	87	100.0

Note: Table 41 counts cases only at the point of the initial breach. Breaches subsequent to the initial one are not included. There were 62 AVOs initially breached in Phase 2, 25 in Phase 3, and three in Phase 4. Three of these cases were excluded from Table 41 because the subject could not remember exactly when the breach occurred.

Many of the breaches occurred within a week of the AVO being granted (42.5%). Indeed, within this sample, eight defendants breached their order on the same day that it was granted. Of these, three defendants breached the order before leaving the court complex at the conclusion of the proceedings.

Approximately seven in ten (69.0%) of first time breaches occurred during the first four weeks after the order was served on the defendant. One defendant waited 23 weeks before breaching the order.

3.5.3 Police response to breach of AVO

In the three phases of this study which followed the granting of the AVO and its service on the defendant, there were 115 breaches of which 41 (35.6%) were reported to the police by the subject. Table 42 shows what the police did in response to the call from the subject following the breach of the AVO.

Table 42: Police response to subject's report of breach of order, all follow-up phases

<i>Response</i>	<i>No.</i>	<i>%</i>
Police took no action	30	73.2
Police arrested or proposed to arrest or proposed to summons defendant	9	22.0
Police warned or proposed to warn defendant	4	9.8

Note: Percentages do not add to 100.0 per cent because of multiple responses; 41 subjects reported the breach to police in the three phases: 24 in Phase 2, seven in Phase 3 and ten in Phase 4.

In the vast majority of cases (73.2%) the police took no action in response to the breach of the order. Nine subjects (22.0%) reported that the police had arrested, or proposed to arrest, the defendant or proposed to issue a summons for the defendant to appear in court in relation to the breach and/or other charges. Four subjects (9.8%) said that the police had warned, or proposed to warn, the defendant about the consequences of further breaches.

Subjects reported a variety of reasons why the police did nothing in response to the reported breach and these are shown in Table 43. In twelve of the cases in which the police took no action (40.0%) subjects reported that the police believed that either there

Table 43: Breaches reported to police: reasons for police taking no action, all follow-up phases

<i>Response</i>	<i>No.</i>	<i>%</i>
Police claimed insufficient proof of breach	6	20.0
Police rejected that breach had occurred or considered breach too trivial for action	6	20.0
Subject requested that police take no action	3	10.0
Police claimed order not yet served or claimed order 'not in computer'	3	10.0
Police suggested 'let it go the first time'	2	6.7
Police claimed any action by them would antagonise defendant	2	6.7
Police failed to attend or attended after long delay then did nothing	2	6.7
No reason given by police for their inaction	2	6.7
Other (Includes: police suggested subject see solicitor, police claimed defendant was not in their jurisdiction, police warned subject that she would have to go to court if they proceed)	4	13.3
Total breached orders where police took no action	30	100.0

was insufficient proof of a breach, the reported incident was not a breach, or, was too trivial to warrant any police action. It should be noted that, in three cases (10.0%), the subject requested the police to do nothing other than record that a breach had occurred.

3.5.4 Breaches not reported to police

The majority of breaches were not reported to the police. Seventy-four of the 115 breaches (64.3%) were not reported. In Phase 2, 38, or 61.3 per cent, of breaches went unreported; 27, or 79.4 per cent, of the Phase 3 breaches were not reported; and nine, or 47.4 per cent, of the breaches in Phase 4 were not reported. Table 44 lists the reasons given by the subjects for not reporting the breach to the police.

Table 44: Breaches not reported to police: subject's reasons for not reporting breach, all follow-up phases

<i>Reason</i>	<i>No.</i>	<i>%</i>
Subject suffered no physical injury	13	17.6
Would make matters worse	13	17.6
Waste of time or police couldn't do anything	12	16.2
Subject was dealing with breach or was using other means to deal with breach	11	14.9
Let breach go first time	8	10.8
Insufficient evidence of breach	7	9.5
Past negative experience with police	7	9.5
Don't know why didn't report	6	8.1
Breach didn't bother subject	5	6.8
Other <small>(Includes: police action would threaten other negotiations, police action would have negative implications for other people, subject 'didn't want to cause trouble', insufficient English language skills)</small>	11	14.9

Note: Percentages are based on the 74 breaches not reported to the police. These do not add to 100.0 per cent because of multiple responses.

A number of the reasons given by the subjects for not reporting the breach suggested that they were, at the very least, skeptical about the police ability to assist them in any way. One in six thought that it would be a waste of time, and one in six thought that reporting the breach to the police would make matters worse. A further seven subjects (9.5%) had past negative experiences with the police and therefore sought no further contact with them.

A number of subjects, thirteen (17.6% of those who did not report the breach), mistakenly assumed that since they had sustained no physical injury in the breach, reporting the matter to the police was unwarranted, while another eight (10.8% of those who did not report the breach) proposed to take action if the order was breached a second time.

3.6 PERCEPTIONS OF AVOs

3.6.1 Benefits of AVOs

At each follow-up interview, all subjects were asked what had been the main benefits of the AVOs. Approximately eight per cent of subjects in each phase felt that the AVO had provided no benefit. The vast majority of subjects, over 90 per cent in each phase, said that there had been benefits. These are shown in Table 45.

The figures in Table 45 suggest that a major benefit of the AVO for the subject related to altered levels of contact between the subject and the defendant. More than one-quarter of the subjects in each phase reported lessened contact, or, no contact at all, with the defendant as the major benefit of the AVO.

Table 45: Subject's perceptions of main benefits of AVO, by each follow-up phase

<i>Main benefits</i>	<i>Phase 2</i>		<i>Phase 3</i>		<i>Phase 4</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Reduced or no contact with defendant	53	28.5	34	32.4	16	29.6
Peace of mind	40	21.5	19	18.1	10	18.5
Feeling safer	39	21.0	25	23.8	9	16.7
Knowing defendant cannot approach	28	15.0	11	10.5	5	9.3
Better quality of life	26	14.0	13	12.4	7	13.0
Sense of control or power to act	22	11.8	19	18.1	7	13.0
Elimination of abuse	19	10.2	7	6.7	3	5.6
AVO signals refusal to tolerate abuse	17	9.1	14	13.3	4	7.4
Defendant's fear of law/AVO's power	14	7.5	15	14.3	12	22.2
Catalyst for change in either defendant or subject	10	5.4	7	6.7	3	5.6
Reduction in abuse	9	4.8	7	6.7	1	1.8
Subject's belief in law/AVO's power	9	4.8	9	8.6	2	3.7
Other <small>(Includes: elimination of abuse of third person, elimination of abuse by third person, subject's children feel safer)</small>	16	8.6	7	6.7	1	1.8
Total subjects reporting benefits	186		105		54	

Note: Percentages do not add to 100.0 per cent because of multiple responses in most cases.

3.6.2 Problems produced by AVOs

At each follow-up interview, all subjects were asked what had been the main problems produced by the AVO. Approximately three-quarters of the subjects interviewed at each phase of the study stated that the AVO had produced no problems at all. Table 46 describes the main problems which subjects perceived that the AVO produced.

The general tenor of the comments made by this group of subjects suggested that the AVO, rather than improving their situation, had worsened it. Some others stated that the defendant simply ignored the AVO and/or that the police ignored the breaches of the AVO when they occurred. Some subjects described a displacement effect in which the abuse, about which the AVO was granted, was deflected to a third person, or, in a few cases, inflicted on the subject not by the defendant but by a third person. A small number of subjects in each phase had altruistic concerns about the negative effect of the AVO - generally in terms of employment - on the defendant.

Table 46: Subject's perceptions of main problems produced by AVO, by each follow-up phase

<i>Main problems</i>	<i>Phase 2</i>		<i>Phase 3</i>		<i>Phase 4</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Defendant is angrier or less co-operative <small>(regarding custody, property settlement negotiations)</small>	12	22.6	5	16.7	3	23.1
AVO complicates or damages relationships <small>(between subject and defendant, subject and mutual third persons, defendant and children of parties)</small>	10	18.9	7	23.3	3	23.1
Subject's situation now worse	7	13.2	4	13.3	3	23.1
Breaches ignored by police	5	9.4	5	16.7	2	15.4
Defendant ignores AVO	5	9.4	2	6.7	1	7.7
Abuse of third person	5	9.4	2	6.7	-	-
Abuse by third person	3	5.7	1	3.3	-	-
Negative consequences for defendant	4	7.5	3	10.0	1	7.7
Other <small>(Includes: cost or process of obtaining AVO was negative, subject has taken means to avoid defendant, children miss the defendant)</small>	14	26.4	2	6.7	4	30.8
Total subjects reporting problems	53		30		13	

Note: Percentages do not add to 100.0 per cent because of multiple responses.

3.6.3 Future intentions concerning AVOs

At each follow-up phase, subjects were asked whether or not they would apply for a new AVO should their personal situation warrant such action. Their responses are shown in Table 47.

Table 47: Whether subjects would apply for another AVO, by each follow-up phase

<i>Response</i>	<i>Phase 2</i>		<i>Phase 3</i>		<i>Phase 4</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Would apply	177	88.1	106	92.2	52	88.1
Would not apply	16	8.0	5	4.3	3	5.1
Not sure	8	4.0	4	3.5	4	6.8
Total	201	100.0	115	100.0	59	100.0

Overwhelmingly, subjects replied that they would apply for another AVO if they needed one. However, between approximately eight per cent and twelve per cent in each of the three phases of the study indicated that they definitely would not, or were unsure whether they would or not. Their reasons are shown in Table 48.

Almost half of the subjects (48.6%) related their reluctance to apply for a new AVO to a negative experience with the court process while obtaining the current order. Twenty per cent of the subjects had similarly negative experiences with the police and on this basis would not apply for another AVO.

Table 48: Reasons why subjects would not apply or were unsure of applying for another AVO (N = 35 subjects)

<i>Reason</i>	<i>No.</i>	<i>%</i>
Negative court experience	17	48.6
AVO useless or of no help	11	31.4
Negative police experience	7	20.0
Work it out by self	7	20.0
Other (Includes: AVO stops defendant from seeing child, subject would avoid defendant)	10	28.6

Note: Percentages do not add to 100.0 per cent because of multiple responses. Table 48 excludes five subjects who could not articulate a reason.

4. DISCUSSION

As indicated in Section 1.4, this study had three objectives:

1. to determine whether AVOs granted by NSW Local Courts reduced the risk, frequency or severity of violence experienced by the protected persons (persons granted an AVO) from the defendants;
2. to determine whether protected persons were satisfied with the services provided by the police or chamber magistrates at the time of applying for the current AVO; and,
3. to determine whether the defendant had been drinking alcohol of any kind during any reported incidents of physical assault or threats of physical assault.

The following sections discuss the implications of the results relating to each objective.

4.1 DIFFERENCES IN VIOLENCE BEFORE AND AFTER THE AVO

The results in Section 3.4 are consistent with the hypothesis that AVOs reduce, and in some cases eliminate, the violence and abuse suffered by persons who obtain such orders. Positive changes occurred in the lives of the majority of the subjects after the order was served on the defendant. With one exception, there was a reduction in the prevalence of each behaviour prohibited by the AVO legislation - stalking, physical assaults, threats of physical assault, verbal abuse, nuisance telephone calls, being sent inappropriate letters or flowers or gifts, and 'other' forms of intimidation or harassment. These effects were sustained even among subjects who maintained contact with the defendant. (The effects were not, however, statistically significant for verbal abuse during Phases 3 and 4.) The reduction in the negative behaviours cannot, therefore, be explained as the product of a cessation of contact between the parties and the consequent diminution of opportunities for the defendant to engage in negative behaviours towards the subject.

The one behaviour which was an exception to this general pattern involved the defendant's approach to the subject's family, social and work networks to obtain information regarding the subject. Before applying for the AVO, the networks of about two in five subjects were approached by the defendants. During the month after the AVO was served on the defendant, the situation improved for the majority of these subjects: the defendant did not approach her/his networks. However, as time passed, the networks of all subjects were approached by the defendant in an attempt to obtain information about the subject. In some ways, this effect is not surprising. Since the defendant was often restricted by the AVO in his/her approaches to the subject, one might expect him/her more frequently to approach those who knew the subject. It should not be assumed that these approaches posed a significant threat to the safety of individuals associated with the subject. In fact, often the approach was simply to find out what the subject was doing, rather than to harass or intimidate the subject through his/her family, friends or colleagues.

While the lives of the majority of subjects improved after the AVO was served on the defendant, for a small proportion of subjects there was no improvement. Either they continued to experience negative behaviours from the defendant despite the AVO

prohibitions placed on him/her or the situation deteriorated after the AVO was served. In other words, subjects experienced some form of negative behaviour after the order was served which they had not experienced before applying for the AVO. Such deterioration was manifest in all the behaviours measured in the study, but only affected a small group of subjects in each case.

Of course, given the lack of a control group in the present study, it could be argued that the improvements observed in the lives of people who obtained an AVO would have occurred spontaneously, that is, even in the absence of an AVO. This possibility, however, would seem unlikely, given that most subjects had experienced a continuing pattern of violence prior to applying for the current AVO (see Section 3.2.4). Only 15 per cent of subjects interviewed had experienced a single incident of violence or abuse before applying for the AVO. About half of the remaining subjects had experienced violence or abuse for up to a year before applying for the AVO. In eight per cent of cases the abuse or violence had lasted more than ten years. Thus while dramatic improvements such as those observed could have occurred by chance, the likelihood that this in fact occurred would seem very small.

The question naturally arises as to why AVOs are effective in preventing violence and abuse among the subjects interviewed. One possibility is that AVOs are an effective deterrent. In other words, defendants comply with the order because they fear the ramifications of breaching it. Another possibility is that the subject's request for an order helped defendants realise that the subjects were serious about stopping the violence, harassment, intimidation, etc. It is also possible that the decision to apply for an AVO, the actual application process, the court process or a combination of these processes served as catalysts for changes in the lives of subjects which, in turn, reduced their risk of violence, abuse or harassment. Some subjects, for example, said that they had initiated divorce or separation proceedings, had implemented alternative methods of handing children over to the defendant for access visits, had a third person act as mediator, only met the defendant in open public places, terminated communication (either face-to-face or by telephone) if the defendant's behaviour became negative, or had installed answering machines and vetted all telephone calls, etc.

4.2 SATISFACTION WITH CHAMBER MAGISTRATES AND POLICE

More than three-quarters of the subjects whose application was processed by either the chamber magistrates or the police were satisfied with the service provided. A notable percentage, however, were dissatisfied.

The reasons given by subjects for their dissatisfaction were essentially the same regardless of whether their application was initiated by the police or by a chamber magistrate. The most common reasons were that the officer or chamber magistrate was unsympathetic, rude or indifferent; provided insufficient information or explanation; or, did not take the complaint seriously.

Subjects' comments included:

- 'I felt I was just a number'.
- 'It was all so rushed, the chamber magistrate didn't give me a chance to talk about it.'

- ‘The chamber magistrate said “I’ve only got 20 minutes for you”.’
- ‘The chamber magistrate was abrupt, totally impersonal.’
- ‘The chamber magistrate seemed to be more concerned about how stupid the police were rather than the threats to my children.’
- ‘The chamber magistrate didn’t think that threats of stalking or kicking in the walls was enough. He kept asking me if the defendant had ever hurt me enough that I was hospitalised.’
- ‘The police laughed it off.’
- ‘The police didn’t explain the options available. They disclosed my whereabouts to the defendant. They dumped me at the hospital and left. They applied for an AVO for my son without telling me.’
- ‘The police told me to see the chamber magistrate who kept me waiting for two hours and then sent me back to the police.’
- ‘The police officer told me I was protected from the following day; she didn’t ring me as she promised; she was on leave and no-one else could help me.’

The fact that at least one in five subjects was dissatisfied with the quality of service provided suggests that improvements could be made in the way that chamber magistrates and police officers interact with people who apply for an AVO. The need for such improvements is reinforced by the fact that negative experiences with the court process, the magistrate or the police were the main reasons given by some subjects for not seeking another AVO if they found themselves in a situation similar to the one which led them to apply for the current AVO.

The comments made by subjects in this survey indicate that the NSW Police Service and the NSW Attorney General’s Department should make greater efforts to ensure that:

- clients are provided with accurate and reliable information (in writing, if requested) regarding the options available to redress their specific situation, the ramifications of each option for both the client and the defendant, the procedures and forms associated with each option, the evidence required by a court in the event of the defendant breaching an AVO condition;
- advice and information are delivered to clients in a courteous and empathic manner;
- clients have agreed to, and have understood, the course(s) of action undertaken by chamber magistrates or the police;
- clients are referred or escorted to the necessary health or welfare services;
- confidential information (for example, the address of the refuge in which the client is living) is not disclosed to the defendants or the defendants’ family and friends;
- clients’ needs and questions are dealt with by another officer when the initiating officer is on leave or unavailable.

4.3 INVOLVEMENT OF ALCOHOL IN VIOLENT INCIDENTS

Information regarding the involvement of alcohol in the violent incidents suffered by subjects was obtained from two interview questions:

1. the subject's perceived trigger(s) for the defendant's negative behaviour towards her/him during their relationship. This question was open-ended. If alcohol usage by the defendant was involved in the events leading up to the subject's application for the current AVO, the subject provided the information voluntarily in response to this question. Prior to this question, alcohol was not mentioned in any way in the interview schedule.
2. at each interview, subjects were asked whether the defendant had been drinking alcohol of any kind during any reported incidents of physical assault or threats of physical assault. These questions were closed.

Alcohol was cited by a quarter of the subjects as the perceived trigger(s) for the defendant's negative behaviour towards her/him during their relationship. Furthermore, in approximately one-third of the incidents of physical assault or threats of physical assault reported by subjects, the defendant was reported to have been drinking alcohol at the time.

An association between alcohol use and incidents of violence has also been suggested by others. Hotaling and Sugarman (1986), for example, conducted a comprehensive review of 52 case-comparison⁸ studies on factors associated with a man's use of violence against a woman to whom he was 'married, engaged, or sharing a common domicile presently or in the past' (p. 103). They found that, in seven out of nine investigations, alcohol usage was positively related to the use of violence. Hotaling and Sugarman note that 'this relationship [was] found in samples from nationally representative studies as well as small, matched samples using multiple comparison groups' (p. 111). More recently, both the Australian (Australian Bureau of Statistics 1996a) and the Canadian (Rodgers 1994) sample surveys on the prevalence of violence against women found that alcohol was involved in reported incidents of violence. The Australian survey, for example, found that, of the estimated 338,700 women who reported having experienced physical violence by a man, 41.1 per cent reported that alcohol 'contributed' to the most recent incident. The Canadian survey found that the male partner had been drinking in half of the most recent violent incidents reported.⁹ These results suggest that women are at higher risk of being physically assaulted or threatened with physical assault if alcohol has been consumed.

4.4 DEALING WITH BREACHES

The question of how breaches are dealt with is obviously of relevance to the effectiveness of the AVO scheme. In NSW, breaching or contravening the restrictions or prohibitions specified in an AVO is a criminal offence and the corresponding standard of proof is required, namely, beyond reasonable doubt. Such offences are heard in the Local Court.

Of the 375 interviews conducted with subjects in the follow-up phases (that is, Phases 2, 3 and 4), subjects reported that 115 breaches had occurred. These breaches involved 90 defendants; 70 (77.8%) defendants breached the order during one follow-up period only, fifteen defendants breached the order during two follow-up periods, and five defendants breached the order during each of the three follow-up periods. The

most frequently breached AVO conditions were verbal abuse, coming to the subject's house or work address, or engaging in proscribed telephone contact.

In cases where AVO conditions were breached, the degree of respite provided by the order to subjects can be gauged by the date of the first breach. Two in five (42.5%) of the breached orders were breached for the first time within the first week after the AVO was served on the defendant. A further 26.4 per cent of the breached orders were breached for the first time during the second, third or fourth week after the order was served. Thus, a total of 69.0 per cent of the breached orders were breached for the first time within the first four weeks of the order being in effect. Stubbs and Powell (1989) also found that the majority of breaches (60%) occurred within the first four weeks of the order being granted. The AVO, therefore, afforded these subjects little respite from the negative behaviour of the defendants. In fact, for eight subjects in the current study, or 9.2 per cent of breached orders, the first breach occurred on the same day that the AVO was served on the defendant; for three of these subjects the breach occurred within the court complex after the case was heard - the AVO provided them with no respite.

In the current study, the police allegedly did nothing in response to 30 (73.2%) of the 41 breaches reported to them. A variety of reasons were cited by subjects as having been given by the police officers for their lack of action. These included insufficient proof of a breach having occurred, the breach was deemed to be too trivial to require action, the police did not accept that a breach had occurred, or they stated that 'any police action would worsen the situation or appear confrontational'.

While three subjects requested the police to take no action following their report of a breach, the comments made by others suggest that some police officers were not willing to take decisive action against the defendant. For example, according to one subject, following a report of intimidating and threatening phone calls, the police came to the subject's residence and

were there when [the defendant] rang. [They] told him to come down to the station and talk about it. They then told him not to bother because their records showed that the order hadn't been served. The defendant insisted that he had received the order so the police then summonsed him to appear (emphasis added).

In a second example, the subject reported to the police that she had been informed that the defendant 'was going to arrange to have us both [subject and her boyfriend] knocked off'. According to the subject, the police responded that nothing could be done because the defendant had not committed any offence.

In a third case, following a report to the police that the defendant had verbally abused and made intimidating gestures to the subject, the subject reported that the police did not pursue it because they did not believe that it was a breach. The subject then allegedly contacted another police station to report the same breach, and was told this police officer would contact the defendant regarding his behaviour. At the next follow-up interview, the subject stated that she had reported to the police that she had been verbally abused by the defendant in the presence of their son. According to the subject, the police officer's response was 'the ball is in your [the subject's] court'.

In another case involving intimidating and threatening phone calls, the police allegedly informed the subject that 'the situation may be inflamed if they went to see [the defendant]'. Following a later report of threatening and intimidating phone calls from the same defendant, the police again responded that 'it would be confrontational if they went to see [the defendant]'. The officer in question suggested that '[the subject] speak

to [her] solicitor and get a letter written reminding him of the AVO conditions'. Following a third breach (reported at Phase 4) consisting of verbal abuse by the same defendant, the police officer to whom the report was made replied that since the defendant had moved address and was no longer in the immediate jurisdiction of this particular police station, it would be best for the police to do nothing as any action 'would make it worse, not better'. The day after the subject had reported this breach, the defendant went to the police station on another matter and the police officer 'reminded [the defendant] of the AVO and the importance of not breaching it'.

The low response rate on the part of police to reports of breaches of AVOs is a matter of concern. The type of response made by police to the subject's report of a breach gives both protected persons and defendants an indication of the attitude of authorities towards violations of AVOs and, more generally, to the power of the AVO legislation. Decisive police action may effectively deter not only these defendants, but also other defendants, from breaching the order in the future. Conversely, police inaction or weak responses from the police following the report of a breach may not only encourage defendants to ignore the AVO conditions and prohibitions but could also undermine the sense of security and protection which an AVO is designed to give protected persons. As Hirschel et al (1992, pp. 276 - 277) aptly note:

Not to arrest may communicate to men the message that abuse is not serious and to women the message that they are on their own. It may communicate to children, who very often witness abuse of their mothers, that the abuse of women is tolerated, if not legitimated. It may communicate to the public at large that a level of violence which is unacceptable when inflicted by a stranger is acceptable when inflicted by an intimate.

Previous researchers have also noted the poor enforcement response from the criminal justice system. Fischer (1992), for example, found that of the '40% [who] called the police in response to plenary [permanent] order violations ... two [resulted in] immediate arrests, one of who was eventually charged with a crime, convicted and fined \$200' (pp. 104 - 105). Chaudhuri and Daly (1992) note that 'although the police always came when called, once at the scene, the officers expressed frustration and anger at the women for having called them' (p. 241) for threats or verbal harassment.

Based on the findings of the current study, the enforcement process for breach of orders would appear to be the weakest link in the AVO process. AVOs would be more effective if the criminal justice system, particularly police officers, undertook positive and decisive action when breaches are reported. As Finn and Colson (1990, p. 49) succinctly note:

Enforcement is the Achilles' heel of the civil protection order process, because an order without enforcement at best offers scant protection and at worst increases the victim's danger by creating a false sense of security. Offenders may routinely violate orders, if they believe there is no real risk of being arrested. For enforcement to work, the courts need to monitor compliance, victims must report violations, and, most of all, police, prosecutors, and judges should respond sternly to violations that are reported ... some batterers flout civil protection orders with impunity.

NOTES

1. The generic term, protection order, will be used in this report when referring to court orders (not those granted in NSW) which prohibit an individual (the defendant) from being violent or threatening violence towards another individual (the protected person). When referring to such orders in the context of NSW, the term Apprehended Violence Order (AVO) will be used.
2. Australian Bureau of Statistics note that 'Separation refers to those occasions when a woman left her partner and then returned. It does not refer to the final separation' (Table 6.13, footnote (b), p. 57).
3. Some researchers have used more than one strategy to assess the effectiveness of protection orders (for example, Adhikari, Reinhard & Johnson 1993; Grau, Fagan & Wexler 1985; San Francisco Cooperative Restraining Order Clinic, unpublished, no date).
4. Horton, Simonidis and Simonidis (1987) also report the research conducted by Beilin (1983).
5. Four interviews were excluded for various reasons, for example, the subject was confused regarding events, the matter was not yet finalised, action had been taken under legislation other than the Crimes (Domestic Violence) Amendment Act 1982.
6. A contested AVO application refers to a matter in which the defendant either denies the substance of the formal complaint made by the subject; or, admits that the events contained in the complaint actually occurred, but, notwithstanding this, that an order should not be granted against him or her.
7. An AVO has no legal weight until such time as it is served or handed to the defendant by a police or court officer. In most cases, the defendant is served with the order by a court officer a short time after the end of the court hearing. If, however, the AVO application has been dealt with *ex parte* (that is, in the absence of the defendant from the court hearing), the AVO will be served by a police officer at a later date.
8. That is, either target-sample studies which employed a research design that separated participants into a 'violence' group or 'non violent' group before the data collection and analysis stages; or community survey studies which utilised comparison groups by deriving them, through statistical manipulation, after data collection of responses to standard measures (Hotelling & Sugarman 1986, p. 102).
9. Care must, however, be taken in making comparisons between these sample surveys and the current study. The interview questions were not directly comparable between the three studies. Both the Canadian survey and this study asked the subject whether the defendant had been drinking at the time of the incident. The Australian survey, on the other hand, asked whether alcohol contributed to the incident; it did not distinguish which party - female subject or male defendant or both - had been drinking at the time. Also the data from the Australian survey are not disaggregated by the relationship between the victim and offender - the offender may have been a stranger.

REFERENCES

- Adhikari, R.P., Reinhard, D. & Johnson, J.M. 1993, 'The myth of Protection Orders', *Studies in Symbolic Interaction*, vol. 15, pp. 259-270.
- Alcohol and Violence Task Force 1995, Report, unpublished, Sydney.
- Australian Bureau of Statistics 1996a, *Women's Safety Australia*, Cat. no. 4128.0, ABS, Canberra.
- Australian Bureau of Statistics 1996b, *Australian Demographic Statistics*, June Quarter 1996, Cat. no. 3101.0, ABS, Canberra.
- Beilin, A.L. 1983, *An exploration of victim utilization, expectations and satisfaction with Domestic Abuse Restraining Orders*, PhD thesis, University of Wisconsin-Madison.
- Chaudhuri, M. & Daly, K. 1992, 'Do Restraining Orders help? Battered women's experience with male violence and legal process', in *Domestic Violence: The Changing Criminal Justice Response*, eds E. Buzawa & C. Buzawa, Auburn House, Westport CT.
- Department of Social Security 1996, *DSS Customers: A Statistical Overview*, Canberra.
- Finn, P. & Colson, S. 1990, *Civil Protection Orders: Legislation, Current Court Practice, and Enforcement*, National Institute of Justice, Washington.
- Fischer, K. 1992, *The psychological impact and meaning of court Orders of Protection for battered women*, PhD thesis, University of Urbana-Champaign.
- Grau, J., Fagan, J. & Wexler, S. 1985, 'Restraining Orders for battered women: Issues of access and efficacy', in *Criminal Justice Politics and Women: The Aftermath of Legally Mandated Change*, eds C. Schweber & C. Feinman, The Haworth Press, New York.
- Hirschel, J.D., Hutchinson, I.W., Dean, C.W. & Mills, A-M. 1992, 'Review essay on the law enforcement response to spouse abuse: Past, present and future', *Justice Quarterly*, vol. 9, no. 2, pp. 247-283.
- Horton, A.L., Simonidis, K.M. & Simonidis, L.L. 1987, 'Legal remedies for spousal abuse: Victim characteristics, expectations and satisfaction', *Journal of Family Violence*, vol. 2, no. 3, pp. 265-279.
- Hotaling, G.T. & Sugarman, D.B. 1986, 'An analysis of risk markers in husband to wife violence: The current state of knowledge', *Violence and Victims*, vol. 1, no. 2, pp. 101-124.
- Kaci, J.H. 1994, 'Aftermath of seeking Domestic Violence Protective Orders: The victim's perspective', *Journal of Contemporary Criminal Justice*, vol. 10, no. 3, pp. 204-219.
- Latham, M. & Phelps, M. 1995, *Apprehended Violence Orders: Who are we protecting?* Seminar presented to NSW Legal Convention, 1 Nov.
- NSW Attorney General's Department 1995, *A Review of the Law Pertaining to Apprehended Violence Orders as Contained in Part 15a of the Crimes Act 1900 (NSW): Discussion Paper*, Sydney.
- Rodgers, K. 1994, 'Wife assault: The findings of a national survey', *Statistics Canada*, Cat. no. 85-002, vol. 14, no. 9, pp. 1-22.
- San Francisco Cooperative Restraining Order Clinic no date, *Cooperative TRO Clinic effectiveness follow-up study*, unpublished, San Francisco Neighborhood Legal Assistance Foundation.
- Straus, M. A. & Gelles, R.J. 1986, 'Societal change and change in family violence from 1975 to 1985 as revealed by two national surveys', *Journal of Marriage and the Family*, vol. 48, pp. 465-479.
- Stubbs, J. & Powell, D. 1989, *Domestic Violence: Impact of Legal Reform in NSW*, NSW Bureau of Crime Statistics and Research, Sydney.

Legislation

Part 15A, NSW Crimes Act 1900, No. 40

APPENDIX 1

PART 15 A, CRIMES ACT 1900, NO. 40

(incorporating Crimes Amendment (Apprehended Violence Orders) Act 1996, No. 93)

Purpose of legislation

Part 15A, Crimes Act 1900, No. 40 enables a court to make an Apprehended Violence Order if it is satisfied on the balance of probabilities that a person has reasonable grounds to fear and in fact fears (Section 562 B (1)):

- (a) the commission by another person of a personal violence offence ... ; or
- (b) engagement of another person in ... harassment or molestation of the person ... ; or
- (c) the engagement of another person in conduct ... which ...
 - (i) intimidates the person or a person with whom he or she has a domestic relationship; or
 - (ii) stalks the person.

If the person in need of protection is less than 16 years of age or 'is, in the opinion of the court, suffering from an appreciably below average intellectual function' (Subsection 2b), it is not necessary to prove the fear.

Definitions (Sections 562 A and 562 B)

Some terms are well defined by the legislation, however, in other cases, the legislation provides guidance only.

Domestic relationship is defined in Section 562 A (3):

- a person has a domestic relationship with another person if the person:
- (a) is or has been the spouse or de-facto partner of the other person; or
 - (b) is living with or has lived ordinarily in the same household as the other person (otherwise than merely as a tenant or boarder); or
 - (c) is or has been a relative ... of the other person; or
 - (d) has or has had an intimate personal relationship with the other person.

Section 562 A (1) defines stalking as:

the following of a person about or the watching or frequenting of the vicinity of or an approach to a person's place of residence, business or work or any place that a person frequents for the purposes of any social or leisure activity.

Section 562 A (1) defines intimidation as:

- (a) conduct amounting to harassment or molestation; or
- (b) the making of repeated telephone calls; or
- (c) any conduct that causes a reasonable apprehension of injury to a person or to a person with whom he or she has a domestic relationship, or of violence or damage to any person or property.

Neither harassment nor molestation are precisely defined by the legislation, however, Section 562 B (3) provides the following guidance:

... conduct may amount to harassment or molestation of a person even though:

- (a) it does not involve actual or threatened violence to the person; or
- (b) it consists only of actual or threatened damage to property belonging to, in the possession of or used by the person.

Authorised courts (Section 562 G)

If the defendant (the person 'against whom an order is made or sought to be made', Section 562 A (1)) is 18 years of age or more when the AVO complaint is made, the complaint is heard by a Local Court. The Local Court also has the power to vary or revoke an order made by it or any other court if the defendant is 18 years of age or more when the application for revocation or variation is made (Subsections 1a, 2).

If the defendant is less than 18 years of age when the AVO complaint is made, the complaint is heard by the Children's Court. The Children's Court also has the power to vary or revoke an order made by it regardless of the age of the defendant when the application for revocation or variation is made (Subsections 1b, 3).

If the complaint has been dismissed by either a Local Court or the Children's Court, it is heard by the District Court. However, the application 'must be made within 28 days after the date a Local Court or the Children's Court dismissed the earlier complaint' (Section 562 GA (1)). The District Court also has the power to vary or revoke an order which it has made (Subsections 1c, 4).

If an application for an order or its variation or revocation is made for the protection of a child under the age of 16 years, the court proceedings are conducted in the absence of the public (Section 562 NA (1)) and the child is not required to give direct evidence unless 'the court is of the opinion that in the absence of the child's evidence insufficient evidence about the matter will be adduced' (Subsection 3). In the latter situation, 'children have a right to the presence of a supportive person while giving evidence' (Subsection 4).

AVO proceedings (Sections 562 C and 562 K)

AVO proceedings can be initiated in one of two ways:

1. The person requiring protection can make a complaint to a Justice (Section 562 C (2a)), for example, a magistrate (Section 562 K (4a)). The latter must then either (Section 562 K (1A)):
 - issue a summons for the defendant to appear in court on a specified day (Section 562 K (1a)); or,
 - issue a warrant for the arrest of the defendant if the authorised Justice believes 'that the personal safety of the person for whose protection an order is sought will be put at risk unless the defendant is arrested for the purpose of being brought before the court' (Section 562 K (3)). The warrant may be issued 'even though the defendant is not alleged to have committed an offence' (Subsection 2); and it must be executed within '12 months after the date on which it is issued, unless the court, before the end of the 12-month period, otherwise orders' (Subsection 3A).

2. A police officer can make a complaint on behalf of the person requiring protection (Section 562 C (2 b)). However, a police officer must make a complaint for an order if the person requiring protection is less than 16 years of age at the time of the complaint (Subsection 2A); or, if

the police officer suspects or believes that any of the following offences has recently been or is being committed, or is imminent, or is likely to be committed, against the person for whose protection an order would be made:

- (i) a domestic violence offence,
- (ii) an offence against section 562 AB [stalking, intimidation 'with the intention of causing [the individual] to fear personal injury'; the latter includes 'causing the person to fear personal injury to another person with whom he or she has a domestic relationship' (Subsections 1, 2)],
- (iii) an offence against section 25 (Child abuse) of the Children (Care and Protection) Act 1987 (but only if the person is a child under the age of 16 years).

A police officer does not need to make a complaint for an order in the above circumstances if the individual is at least 16 years of age at the time and the officer believes that:

- the individual intends to make a complaint (Subsection 3A (a)); or,
- there is a 'good reason' not to make the complaint (Subsection 3A (b)). In this case, the officer must provide a written record of the reason.

Orders by consent (Section 562 BA)

An AVO can be granted by a court if both the person requiring protection and the defendant have given their consent to the order being made. In these cases, the defendant does not have to make any admissions regarding the contents of the complaint.

Prohibitions and restrictions

Every AVO prohibits the defendant from 'committing a personal violence offence against the person' (Section 562 B (1a)); and, unless the court orders otherwise (Section 562 BC), from:

- stalking; and,
- intimidating the protected person and from intimidating anyone with whom the protected person has a domestic relationship.

In addition, an AVO can:

- prohibit or restrict the defendant from approaching the protected person (Section 562 D (1a));
- prohibit or restrict access by the defendant (Subsection 1b):
 - (i) to any premises occupied by the protected person from time to time or to any specified premises occupied by the protected person,
 - (ii) to any place where the protected person works from time to time or to any specified place of work of the protected person,

(iii) to any specified premises or place frequented by the protected person, whether or not the defendant has a legal or equitable interest in the premises or place.

If an application is made to prohibit or restrict access by the defendant to any of these places and the court does not impose these prohibitions or restrictions, the court must explain the reasons for that decision (Section 562 DA). However, in the case of prohibiting or restricting access to the defendant's residence, the court must consider (Section 562 D (2)):

- a) the accommodation needs of all relevant parties; and
 - b) the effect of making an order on any children living or ordinarily living at the residence; and
 - c) the consequences for the person for whose protection the order would be made and any children living or ordinarily living at the residence if an order restricting access by the defendant is not made.
- prohibit or restrict the defendant from possessing all or specified firearms (Subsection 1c) and to dispose of firearms in his/her possession and to surrender any licence or permit held by him/her (Subsection 3).

The court also has the power to extend the order to protect a person or a child under the age of 16 years with whom the protected person has a domestic relationship (Section 562 BD).

Implications of orders (Section 562 GC)

The court that makes an order or its variation or revocation must explain to both the defendant and the protected person (if either is present in the courtroom):

- a) the effects of the order (including its prohibitions) or its variation or revocation;
- b) the consequences of contravening the order; and,
- c) the rights of both the defendant and the protected person in relation to the order.

The explanation is given 'in a language that is likely to be readily understood by the person being given the explanation' (Subsection 4).

Duration of orders (Section 562 E)

An AVO remains in force for the period of time specified by the court. If the period is not specified, the duration of the order is six months.

Interim orders (Section 562 BB)

If necessary or appropriate, an interim Apprehended Violence Order can be made by a court. Such an order can be made regardless of whether the defendant is present at the proceedings or whether the defendant has been given notice of the proceedings (Subsection 2). If an interim order is made by a court, the court must summon the defendant to appear at a further hearing to either confirm, vary or revoke the interim order (Subsection 4). When the court order has been made, the interim order ceases to have effect (Subsection 5), however, while it is in force, an interim order is as enforceable as a court order (Subsection 6).

Telephone interim orders (Section 562H)

An application for an interim Apprehended Violence Order can be made by telephone by a police officer to an authorised justice, typically a magistrate (Subsections 1, 16). An application for a Telephone Interim Order (TIO) can be made 'at the request of the protected person or on the police officer's own initiative' (Subsection 14a). It can be made in the following circumstances (Subsection 2):

- if an incident has occurred involving the person who would be protected by the order; and,
- the officer attending the incident believes that 'unless an order is made immediately the person who would be protected by the order may suffer personal injury'; and,
- it is not practicable (due to the time and location of the incident) to apply for an interim order by a court.

A police officer must make an application for a TIO if he/she believes or suspects 'that a domestic violence offence, or an offence under section 25 (Child abuse) of the Children (Care and Protection) Act 1987 against a child under the age of 16 years, has recently been or is being committed, or is imminent, or is likely to be committed, against the person for whose protection an order would be made' (Subsection 2A). However, a police officer need not make an application if the individual is at least 16 years of age at the time of the incident and the officer believes that the individual intends to make a complaint for an order or there is 'good reason' not to make the application. In the latter circumstance, the 'officer must make a written record of the reason' (Subsection 2B).

An application for a TIO can be made by any communication device, including facsimile machine and radio (Subsection 16).

A TIO prohibits a defendant from stalking, intimidating, harassing, molesting or causing personal injury to the protected person (Subsection 4).

If satisfied that there are reasonable grounds for doing so, the authorised justice may also prohibit or restrict the defendant (if aged 16 years or more, (Subsection 15a)) from approaching the protected person or from accessing any premises occupied by the protected person regardless of whether the defendant has a 'legal or equitable interest in the premises' (Subsection 5).

The maximum period for which a TIO remains in force is 'midnight on the fourteenth day after the order is made, unless it is sooner revoked or it otherwise ceases to have effect' (Subsection 9). A TIO ceases to have effect when a court order is made (Subsection 10).

A police officer who makes an application for a TIO may direct the defendant to remain at the scene of the incident; or, if the defendant refuses to stay, the officer may arrest the defendant and detain him/her at the scene of the incident; or arrest him/her, take him/her to a police station and detain him/her there until the order is made and served (Subsection 12).

A TIO must be served personally on the defendant by a police officer (Subsection 8); it contains a summons for the defendant to appear at court for the complaint to be heard by an authorised justice (Subsection 5A). The applicant must be informed of 'the terms of the order, the date of the hearing of the complaint and the date and time when the order was made' (Subsection 6); such information can be provided by facsimile machine (Subsection 7).

A TIO can be revoked by a justice or court (Subsection 11), however, it cannot be renewed nor can a further TIO be made for the same incident (Subsection 15b).

Orders following certain offences (Sections 562 BE, BF)

If the court is satisfied that it is required, then:

- when a person is charged before a court with an offence of stalking, intimidation or a domestic violence offence, the court must make an interim order to protect the person against whom the offence appears to have been committed (Section 562 BF (1)). The court must then summon the defendant 'to appear at a further hearing of the matter on the determination of the charge against the person' (Subsection 2);
- following the conviction of a person for an offence of stalking, intimidation or a domestic violence offence, the court must make an order to protect the person against whom the offence was committed (Section 562 BE).

Concurrent criminal proceedings (Section 562 O)

An AVO can be made against a defendant even if there are concurrent criminal proceedings arising out of the same conduct for which the complaint for the order arose.

Contravention of orders (Section 562 I)

It is a criminal offence to knowingly breach or contravene the restrictions or prohibitions specified in an AVO. However, the defendant is guilty of an offence only if he/she was served with the AVO (including a Telephone Interim Order) or the defendant was present in court when the AVO was made (Subsections 1 and 2).

If a police officer believes 'on reasonable grounds' that an order has been breached, he/she 'may, without warrant, arrest and detain the person' (Subsection 3).

Proceedings for an offence against Section 562 I are heard summarily in a Local Court (Subsection 5). The maximum penalty for contravening a prohibition or restriction specified in an AVO is 50 penalty units or imprisonment for two years or both (Subsection 1). However, 'a person who stalks or intimidates another person with the intention of causing the other person to fear personal injury is liable to imprisonment for 5 years, or to a fine of 50 penalty units, or both' (Section 562 AB (1)).

Unless the court orders otherwise, imprisonment is the penalty (for a defendant aged 18 years or more at the time of the alleged offence) if the breach was an act of violence against the protected person (Section 562 I (2A)). If the court does not impose a sentence of imprisonment, it must provide reasons for this decision (Subsection 2C).

Revocation or variation of orders (Section 562 F)

An application can be made to the court to vary or revoke the AVO. The application can be made by the protected person, the defendant or a police officer (on behalf of the protected person). However, a police officer must make the application if the protected person was less than 16 years of age at the time of the application (Subsection 2).

An AVO can be varied in a number of ways, for example, its duration can be extended or reduced; prohibitions or restrictions can be added, deleted or amended (Subsection 4). However, an AVO cannot be varied or revoked unless notice of the application to vary or revoke has been served on the corresponding party (Subsections 5, 6).

A court:

- may refuse to hear an application to vary or revoke an order if it is satisfied that the circumstances have not changed (Subsection 4A);
- must refuse to grant the application to revoke or vary an order unless it is satisfied that a child under the age of 16 years no longer needs either protection (in the case of revocation) or greater protection (in the case of variation) (Subsection 4C).

Subsection 4B outlines additional provisions for an application to vary or revoke an order protecting more than one person.

Service of order on defendant (Section 562 J)

A written copy of an AVO or of its revocation or variation must be served on the defendant for it to be effective. If the defendant is present in court when the order or its revocation or variation is made, it must be served personally on the defendant by the clerk of the court (Subsection 2). If the defendant is not present in court when the order or its revocation or variation is made, it must be served personally on the defendant by a police officer 'or such other person as the clerk [of the court] thinks fit' (Subsection 2A).

The Commissioner of Police and the protected person must also receive a copy of the application for an order, the order or the variation or revocation of the order (Subsection 3).

Registration of interstate restraint orders (Division 3, Sections 562 S, T, U)

An application can be made to the clerk of the appropriate court to register in NSW a protection order which has been granted by a court in another Australian State or Territory (that is, an 'interstate restraint order', Section 562A (1)). This application must be accompanied by both a copy of the interstate restraint order and evidence of its effective service on the defendant (Section 562 S).

The clerk of the court generally refers an interstate restraint order to a magistrate who may adapt or modify the order so that it can operate effectively in NSW (Section 562 T (1, 2)). It is then registered by the clerk of the court and a copy of the registered order must be sent to the Commissioner of Police (Subsections 3, 4). Unless consent is given by the person applying for registration of an interstate restraint order, notice of registration must not be served on the defendant (Subsection 5).

An interstate restraint order which is registered in NSW has the same effect and is as enforceable as an AVO made by a court in NSW (Section 562 U (1)). If, after it is registered in NSW, an order is varied or revoked by a court in the State or Territory where the order was originally made, the variation or revocation has no effect in NSW (Subsection 2).

The provisions for the variation or revocation of a registered interstate restraint order are similar to those for an AVO made by a court in NSW (Section 562 V).

APPENDIX 2

INTERVIEW SCHEDULE

SUBJECT

Gender: 1. Female 2. Male

Local Court granting AVO:

Date AVO granted:

Date AVO served:

Lag:

TYPE OF ORDER

1. Apprehended Domestic Violence Order 2. Apprehended Personal Violence Order

RELATIONSHIP TO DEFENDANT

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

- | | |
|------------------------------|-------------------------------------|
| 01. my husband/wife | 02. my former husband/wife |
| 03. my de facto husband/wife | 04. my former de facto husband/wife |
| 05. my boyfriend/girlfriend | 06. my former boyfriend/girlfriend |
| 07. my son/daughter | 08. my grandson/grand-daughter |
| 09. my neighbour | 10. my employee |
| 11. my colleague | 12. my de facto's former partner |
| other (specify) | |

1a. If separated/divorced **When did you separate/divorce?** (date)

2. **How long have you known** (name of defendant)? months years

3. **At the time of applying for this Order, were you living in the same house as** (name of defendant)?

1. Yes go to Q6 2. No go to next question
3. From time to time go to next question

4. **In the month before you applied for this Order, how frequently did you see** (name of defendant)?

01. not at all
02. once only
03. 2 - 3 times (about once per fortnight)
04. 4 - 5 times (about once per week)
05. 6 - 10 times (about twice per week)
06. 11 - 15 times (about 3 - 4 times per week)
07. once per day (about 7 times per week)
08. more than once per day (> 1 - 5)
other (specify)

go to next question

18. **Who advised you to see the Chamber Magistrate regarding this complaint?**

- 01. the police at (Police Station)
- 02. I just knew / I've always known / no-one
- 03. my solicitor
- 04. my mother / father
- 05. my sister / brother
- 06. a friend
- 07. my doctor
- other (specify)

19. **In general, were you satisfied with your meeting with the Chamber Magistrate?**

- 1. Yes go to Q28
- 2. No go to next question

20. **Why not?**

- 01. Chamber Magistrate didn't think the complaint was serious enough
- 02. Chamber Magistrate didn't ask me what conditions I wanted
- 03. Chamber Magistrate didn't explain anything to me
- other (specify)

go to Q28

CURRENT APPREHENDED VIOLENCE ORDER - Police

21. **Did the police apply for this Order on your behalf?**

- 1. Yes go to next question
- 2. No go to Q28

22. **Which police station made the application on your behalf?**

23. **On what date did you first see the police regarding this complaint?**

24. **On what date was the application made?**

Lag

25. **Who advised you to see the police regarding this complaint?**

- 01. the police at (Police Station)
- 02. I just knew / I've always known / no-one
- 03. my solicitor
- 04. my mother / father
- 05. my sister / brother
- 06. a friend
- 07. my doctor
- other (specify)

26. **In general, were you satisfied with your meeting with the police?**

- 1. Yes go to Q28
- 2. No go to next question

27. **Why not?**

- 01. police didn't think the complaint was serious enough
- 02. police didn't explain the process to me
- 03. other (specify)

go to next question

28. **How did you first find out that you could get an Order?**

- 01. the police told me
- 02. I just knew / I've always known / no-one
- 03. my solicitor
- 04. my mother / father
- 05. my sister / brother
- 06. a friend
- 07. my doctor
- 08. I am / have been the subject of an AVO
- 09. I've had an AVO before
other (specify)

29. **Are the conditions on this Order the ones which you wanted?**

- 1. Yes go to Q31
- 2. No go to next question

30. **Which conditions did you want?**

31. **Did (name of defendant) consent or agree to this Order?**

- 1. Yes go to Q33
- 2. No go to next question
- 3. Granted ex parte go to Q33

32. **Did (name of defendant) contest this Order, that is, did both you and (name of defendant) or your legal representative have to go back to court for a defended hearing before you were granted this Order (today/date on which Order granted)?**

- 1. Yes go to next question
- 2. No go to next question

33. **Before the court granted this Order (today / date on which Order was granted) did you have an Interim or temporary Order?**

- 1. Yes go to next question
- 2. No go to Q37
- 3. Don't know go to Q37

34. **Was it a Telephone Interim Order?**

- 1. Yes go to Q36
- 2. No go to next question
- 3. Don't know go to Q36

35. **So you / your legal representative went to court and the magistrate granted an Interim Order until today's hearing?**

- 1. Yes go to next question
- 2. No go to Q37
- 3. Don't know go to Q37

36. **On what date was the Interim Order/Telephone Interim Order granted?**

MONTH BEFORE APPLICATION FOR ORDER

I'd like to talk about the **four week period before you applied** for this Order / Interim Order (specify dates based on Q17/24).

37. **Between (state dates for four week period before application for this Order / Interim Order), did (name of defendant) follow you about, for example, did (name of defendant) 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 Q39
- 3. Don't know go to Q39

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

- 88. not at all
- 01. once only
- 02. 2 - 3 times (about once per fortnight)
- 03. 4 - 5 times (about once per week)
- 04. 6 - 10 times (about twice per week)
- 05. 11 - 15 times (about 3 - 4 times per week)
- 06. once per day (about 7 times per week)
- other (specify)

39. **Between** (state dates for four week period before application for this Order / Interim Order), **did** (name of defendant) **verbally abuse you?**

- 1. Yes go to next question
- 2. No go to Q42b

40. **Was this:**

- 1. in person
- 2. by phone
- 3. by letter
- 4. both phone and letter
- 5. some other form (specify)

41. **How frequently did this happen?**

- 88. not at all
- 01. once only
- 02. 2 - 3 times (about once per fortnight)
- 03. 4 - 5 times (about once per week)
- 04. 6 - 10 times (about twice per week)
- 05. 11 - 15 times (about 3 - 4 times per week)
- 06. once per day (about 7 times per week)
- 07. more than once per day (> 1 - 5)
- other (specify)

go to Q42a or Q42b

42a. If verbal abuse by phone:

Between (state dates for four week period before application for this Order / Interim Order), **did** (name of defendant) **make any other type of unwanted or repeated phone calls to you?**

- 1. Yes go to Q43
- 2. No go to Q44

42b. If verbal abuse not by phone:

Between (state dates for four week period before application for this Order / Interim Order), **did** (name of defendant) **make any unwanted or repeated phone calls to you?**

- 1. Yes go to next question
- 2. No go to Q44

43. **How frequently did this happen?**

- 88. not at all
- 01. once only
- 02. 2 - 3 times (about once per fortnight)
- 03. 4 - 5 times (about once per week)
- 04. 6 - 10 times (about twice per week)
- 05. 11 - 15 times (about 3 - 4 times per week)
- 06. once per day (about 7 times per week)
- 07. more than once per day (> 1 - 5)
- other (specify)

44. **Between** (state dates for four week period before application for this Order/Interim Order), **did** (name of defendant) **inappropriately send you letters/ flowers/ gifts?**

1. Yes (specify) go to next question
2. No go to Q46

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

State number of times

46. **Between** (state dates for four week period before application for this Order/Interim Order), **did** (name of defendant) **approach 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 Q48
3. Don't know go to Q48

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

88. not at all
01. once only
02. 2 - 3 times (about once per fortnight)
03. 4 - 5 times (about once per week)
04. 6 - 10 times (about twice per week)
05. 11 - 15 times (about 3 - 4 times per week)
06. once per day (about 7 times per week)
07. more than once per day (> 1 - 5)
other (specify)

48. **Between** (state dates for four week period before application for this Order/Interim Order) **did** (name of defendant) **intimidate or harass you in any other ways?**

1. Yes In what way(s)? go to next question
2. No go to Q50

49. **How frequently did this happen?**

88. not at all
01. once only
02. 2 - 3 times (about once per fortnight)
03. 4 - 5 times (about once per week)
04. 6 - 10 times (about twice per week)
05. 11 - 15 times (about 3 - 4 times per week)
06. once per day (about 7 times per week)
07. more than once per day (> 1 - 5)
08. whenever defendant saw me (specify frequency)
other (specify)

50. **Between** (state dates for four week period before application for this Order/Interim Order), **did** (name of defendant) **physically assault you?**

1. Yes go to next question
2. No go to Q53

61. **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)
- Other (specify)
- Currently studying (specify)

62. **What is your gross income per week or fortnight or year?**

63. **Do you have financially dependent children living with you?**

Statenumberofchildren 0 = No financially dependent children living with applicant

PHASE 2 - MONTH AFTER ORDER SERVED ON DEFENDANT

I'd like to talk about the **past four weeks**, that is, the period **after** this Apprehended Violence Order was **served** on the defendant (specify dates based on Section 1, covering page).

64. **During the past four weeks, did you see** (name of defendant) (in person)?

- 1. Yes go tonextquestion
- 2. No go to Q66

65. **How frequently did this happen?**

- 88. not at all
- 01. once only
- 02. 2 - 3 times (about once per fortnight)
- 03. 4 - 5 times (about once per week)
- 04. 6 - 10 times (about twice per week)
- 05. 11 - 15 times (about 3 - 4 times per week)
- 06. once per day (about 7 times per week)
- 07. more than once per day (> 1 - 5)
- other (specify)

66. **During the past four weeks, did you hear from** (name of defendant) **in any way?**

- 1. Yes go tonextquestion
- 2. No go to Q69

67. **Was this:**

- 1. by phone
- 2. by letter
- 3. both phone and letter
- 4. some other form (specify)

68. **How frequently did this happen?**

- 88. not at all
- 01. once only
- 02. 2 - 3 times (about once per fortnight)
- 03. 4 - 5 times (about once per week)
- 04. 6 - 10 times (about twice per week)
- 05. 11 - 15 times (about 3 - 4 times per week)
- 06. once per day (about 7 times per week)
- 07. more than once per day (> 1 - 5)
- other (specify)

77. **How frequently did this happen?**

- 88. not at all
- 01. once only
- 02. 2 - 3 times (about once per fortnight)
- 03. 4 - 5 times (about once per week)
- 04. 6 - 10 times (about twice per week)
- 05. 11 - 15 times (about 3 - 4 times per week)
- 06. once per day (about 7 times per week)
- 07. more than once per day (> 1 - 5)
other (specify)

78. **During the past four weeks, did (name of defendant) verbally abuse you?**

- 1. Yes goto next question
- 2. No goto Q81b

79. **Was this:**

- 1. in person
- 2. by phone
- 3. by letter
- 4. both phone and letter
- 5. some other form (specify)

80. **How frequently did this happen?**

- 01. once only
- 02. 2 - 3 times (about once per fortnight)
- 03. 4 - 5 times (about once per week)
- 04. 6 - 10 times (about twice per week)
- 05. 11 - 15 times (about 3 - 4 times per week)
- 06. once per day (about 7 times per week)
- 07. more than once per day (> 1 - 5)
other (specify)

goto Q81a or Q81b

81a. If verbal abuse by phone:

During the past four weeks, did (name of defendant) make any other type of unwanted or repeated phone calls to you?

- 1. Yes goto Q82
- 2. No goto Q83

81b. If verbal abuse not by phone:

During the past four weeks, did (name of defendant) make any unwanted or repeated phone calls to you?

- 1. Yes goto next question
- 2. No goto Q83

82. **How frequently did this happen?**

- 88. not at all
- 01. once only
- 02. 2 - 3 times (about once per fortnight)
- 03. 4 - 5 times (about once per week)
- 04. 6 - 10 times (about twice per week)
- 05. 11 - 15 times (about 3 - 4 times per week)
- 06. once per day (about 7 times per week)
- 07. more than once per day (> 1 - 5)
other (specify)

83. **During the past four weeks, did (name of defendant) inappropriately send you letters/ flowers/ gifts?**

1. Yes (specify) go to next question
2. No go to Q85

84. **How frequently did this happen?**

State number of times

85. **During the past four weeks, did (name of defendant) approach 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 Q87
3. Don't know go to Q87

86. **How frequently did this happen?**

88. not at all
01. once only
02. 2 - 3 times (about once per fortnight)
03. 4 - 5 times (about once per week)
04. 6 - 10 times (about twice per week)
05. 11 - 15 times (about 3 - 4 times per week)
06. once per day (about 7 times per week)
07. more than once per day (> 1 - 5)
other (specify)

87. **During the past four weeks, did (name of defendant) intimidate or harass you in any other way?**

1. Yes In what way(s)? go to next question
2. No go to Q89

88. **How frequently did this happen?**

88. not at all
01. once only
02. 2 - 3 times (about once per fortnight)
03. 4 - 5 times (about once per week)
04. 6 - 10 times (about twice per week)
05. 11 - 15 times (about 3 - 4 times per week)
06. once per day (about 7 times per week)
07. more than once per day (> 1 - 5)
other (specify)

89. **During the past four weeks, did (name of defendant) physically assault you?**

1. Yes go to next question
2. No go to Q92

90. **How frequently did this happen?**

88. not at all
01. once only
02. 2 - 3 times (about once per fortnight)
03. 4 - 5 times (about once per week)
04. 6 - 10 times (about twice per week)
05. 11 - 15 times (about 3 - 4 times per week)
06. once per day (about 7 times per week)
07. more than once per day (> 1 - 5)
other (specify)

98. **Why not?**

This AVO hasn't helped, so it's unlikely that another will
This defendant has become more embittered towards me
My situation following this AVO is worse
This defendant has sought an AVO against me
Other (specify)

1=YES; 2=NO

END OF PHASE 2

PHASE 3 questions are identical to those in Phase 2 but relate to the two-month period following Phase 2.

PHASE 4 questions are identical to those in Phase 2 but relate to the three-month period following Phase 3.

APPENDIX 3

Comparison of age and gender distribution of sample and NSW resident population ^a

Age (years)	Males		Females		TOTAL	
	Sample (%)	NSW (%)	Sample (%)	NSW (%)	Sample (%)	NSW (%)
16 - 24	9.1	17.4	25.8	16.2	23.6	16.8
25 - 29	21.2	10.1	13.4	9.8	14.4	9.9
30 - 34	21.2	10.3	16.1	10.0	16.8	10.2
35 - 39	12.1	10.3	15.2	10.0	14.8	10.2
40 - 44	15.2	9.5	12.0	9.2	12.4	9.3
45 - 49	9.1	9.3	6.5	8.8	6.8	9.0
50 - 54	6.1	7.5	3.7	7.0	4.0	7.3
55 - 59	3.0	6.2	2.3	5.8	2.4	6.0
60 - 64	0.0	5.1	2.3	5.0	2.0	5.1
65 - 69	0.0	5.0	1.4	5.2	1.2	5.1
70 - 74	3.0	4.1	0.9	4.8	1.2	4.5
75 - 79	0.0	2.7	0.0	3.6	0.0	3.2
80+	0.0	2.4	0.5	4.6	0.4	3.5
Total	100.0	100.0	100.0	100.0	100.0	100.0

a Australian Bureau of Statistics 1996, *Australian Demographic Statistics, June Quarter 1996*, Cat. no. 3101.0, ABS, Canberra, p. 14.