



Griffith Criminology Institute

# Evaluation of the Specialist Domestic and Family Violence Court Trial in Southport

## Summary and Final Reports

*Christine Bond  
Robyn Holder  
Samantha Jeffries  
Chris Fleming*





Griffith Criminology Institute

# SUMMARY REPORT

## Evaluation of the Specialist Domestic and Family Violence Court Trial in Southport

*Christine Bond  
Robyn Holder  
Samantha Jeffries  
Chris Fleming*

**February 2017**

# TABLE OF CONTENTS

KEY LESSONS LEARNED .....	iii
KEY RECOMMENDATIONS .....	iii
INTRODUCTION .....	1
WHAT DO WE KNOW ABOUT SPECIALIST DOMESTIC AND FAMILY VIOLENCE COURTS? .....	1
WHAT IS THE SOUTHPORT APPROACH? .....	2
THE EVALUATION .....	3
WHAT DID WE FIND?.....	5
FINAL COMMENTS .....	18

## ACKNOWLEDGEMENTS

The project team gratefully thanks the Domestic and Family Violence Court Reform Team (Magistrates Courts Service), the Court Working Group (Southport Domestic and Family Violence Court Trial), Queensland Police Service, Legal Aid Queensland, Courts Performance and Reporting (Department of Justice and Attorney-General), the Chief Magistrate, and the Southport and Ipswich Magistrates Courts for their assistance in facilitating this evaluation.

We acknowledge the work of our dedicated team of research assistants (Larissa Christensen, Angelique Richards, Nicole Ryan, Antoinette Smith, Jessica Tyzack and Shannon Walding).

Finally, we would like to sincerely thank all our survey participants, focus groups members and interviewees who freely gave their time. The evaluation has benefited from the willingness of all participants to contribute their experiences of the processing of domestic and family violence matters in our courts. We also recognise those judicial officers and departmental staff, both in Queensland and interstate, who provided further background context about domestic violence specialist courts for this evaluation.



## SUMMARY

The Domestic and Family Violence Specialist Court in Southport was implemented in response to the recommendations in the February 2015 report of the Queensland Special Taskforce on Domestic and Family Violence. The specialist court handles both civil applications for protection orders, as well as criminal matters related to domestic and family violence within the Magistrates Court jurisdiction.

By comparing the specialist court to a conventional court model, the 12-month evaluation found that overall, the Southport specialist court has made strong progress on its short and medium-term process outcomes. Both from stakeholders as well as those who use the courts, there have been strongly positive assessments of the specialist court. Importantly, it was clear from the interviews and focus group discussions that a culture of innovation has developed at the specialist court. Particular outcomes include:

- the role of the specialist magistrates was vital to facilitating collaborative change process in establishing the specialist court.
- the enhancement of strong collaborative relationships between the court, domestic violence services, police prosecutors and duty lawyers resulted in improved coordination of matters and services.
- ratings of satisfaction and perceived procedural justness of the process reported by victims was higher at the specialist court, compared to the comparison court.
- levels of self-reported understanding of court outcomes for both victims and perpetrators, (although the findings were more mixed for perpetrators) were higher at the specialist court, compared to the comparison court.
- there were indications that perceptions that offenders were being held accountable were higher at the specialist court, compared to the comparison court.
- the achievements to date suggest that the fairly modest additional cost of the specialist court may be justified.

Although the specialist court had made considerable progress, some issues for improvement were identified. Suggested improvements unique to the specialist court model include:

- most of the focus has been on the enhancement of the civil process. It would be timely to consider what more could be done in the criminal jurisdiction.
- due to the volume of matters appearing before the two specialist magistrates, the wait times for the scheduling of hearings and trials for contested matters is a concern.

In most cases, the issues identified were present at both the specialist and comparison court, such as:

- the continuing “hit and miss” around the identification and information sharing around domestic violence applications, family law and child protection
- the lack of necessary information in private civil applications
- although universally agreed, the lack of attendance by parties where referrals and support is dependent on presence at the courthouse (especially the case for respondents)
- the limited coordination and use of support before court appearance, and follow-up after appearance
- a lack of support at the courthouse for male aggrieveds and female respondents
- a need for better responses (such as behavioural change programs) for perpetrators from diverse backgrounds.

Finally, the application of a specialist *approach* to domestic and family violence in other communities was seen as feasible. This may mean a specialist court in some locations, but different strategies in other locations. In other words, the approach needs to be adapted to local needs and circumstances:

- support and assistance is even more crucial to ensure access for diverse populations.
- collaborative consultation with Aboriginal and Torres Strait Islander communities is needed to ensure culturally appropriate adaptations.
- a tiered approach to specialisation, based on rural/remote, regional and urban, would allow for local conditions to be considered in any implementation of a specialist approach.

Based on these findings, 16 recommendations are proposed for the specialist court in Southport, as well as a specialist approach state-wide.

## KEY LESSONS LEARNED

In considering the evaluation findings, three important lessons emerged that have implications for further development of a specialist approach to domestic and family violence by the courts:

- leadership, collaboration and partnerships played a crucial role in promoting a workplace culture that was supportive of change and continual improvement.
- the ability to provide sustained support, information and legal advice for victims and perpetrators is vital to access to courts, and improved justice experiences for victims.
- specialisation provides a way of managing the complexity of domestic and family violence matters in the courts, as well as providing a meaningful service to victims and perpetrators.

After 12-months of operation, the evaluation results about the progress of the specialist court are promising. Longer-term, it is critical that the impact of the specialist court, especially on perpetrator accountability and victim safety, is evaluated.

## KEY RECOMMENDATIONS

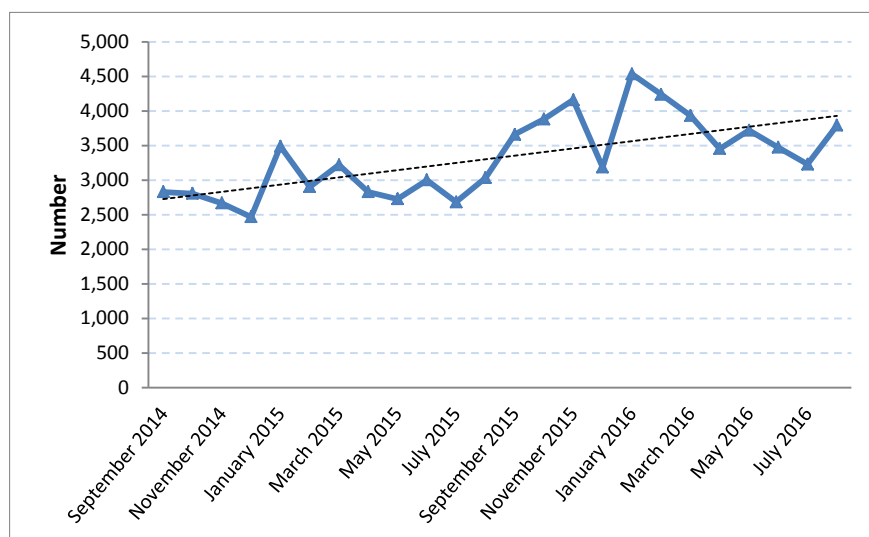
In total, based on the evaluation results, 16 recommendations were made. The key recommendations are:

- [Recommendations #1 and 2] the Southport specialist court should continue:
  - as a hub of innovation for continual improvement of the processing of domestic and family violence matters.
  - and include a re-examination of its criminal jurisdiction
  - revision of the program logic and the identification of performance indicators for routine monitoring.
  - and the long-term outcomes and impact of the Southport specialist court should be evaluated.
- [Recommendations #4, 6, 7 and 13] client-focused support framework for prior, during and after court should be developed and implemented:
  - Include strategies to improve engagement and participation in the process
  - such a framework should take account of the increased needs and challenges experienced by diverse communities.
- [Recommendations #14, 15 and 16] a tiered specialisation approach should be rolled out across the state:
  - using a staged implementation strategy that focuses on adapting to the local context and building partnerships and collaborations
  - including further engagement and research with Aboriginal and Torres Strait Islander communities, victims and perpetrators to develop culturally appropriate justice responses.

## INTRODUCTION

Increasing reports of domestic and family violence nationally has resulted in greater awareness and attention on how we respond to this violence, especially the justice system. The volume of civil applications for domestic violence orders flowing into the Queensland court system continues to grow. As Figure 1 shows, there has been an upward trend in the number of all civil applications (original, variations, revocations) in the past 24 months. For the courts and the agencies supporting the courts, the challenge behind these numbers is being able to meet demand in ways that are responsive, timely, appropriate and proportionate (Ministry of Justice 2014).

**Figure 1: Number of all types of civil applications for domestic violence orders filed per month, Queensland, September 2014 to August 2016**



Source: Department of Justice and Attorney-General

**Notes:** All applications are included: originating, variations and revocations. The total number of applications between July 2014 and August 2016 is 84,696. The dotted line represents the linear trend in applications.

In September 2015, the Department of Justice and Attorney-General established the Domestic and Family Violence Specialist Court in Southport, as a response to the recommendations in the February 2015 report of the Queensland Special Taskforce on Domestic and Family Violence. The specialist court handles both civil applications for protection orders, as well as criminal matters related to domestic and family violence (breaches, and associated criminal offending) within the Magistrates Court jurisdiction.

This report summarises the results of the 12-month evaluation of the progress of the Domestic and Family Violence Specialist Court at Southport. For further details on the 12-month evaluation, its findings and implications, see the full report (*Evaluation of the Specialist Domestic and Family Violence Court Trial in Southport: Final Report*), available from the Department of Justice and Attorney-General.

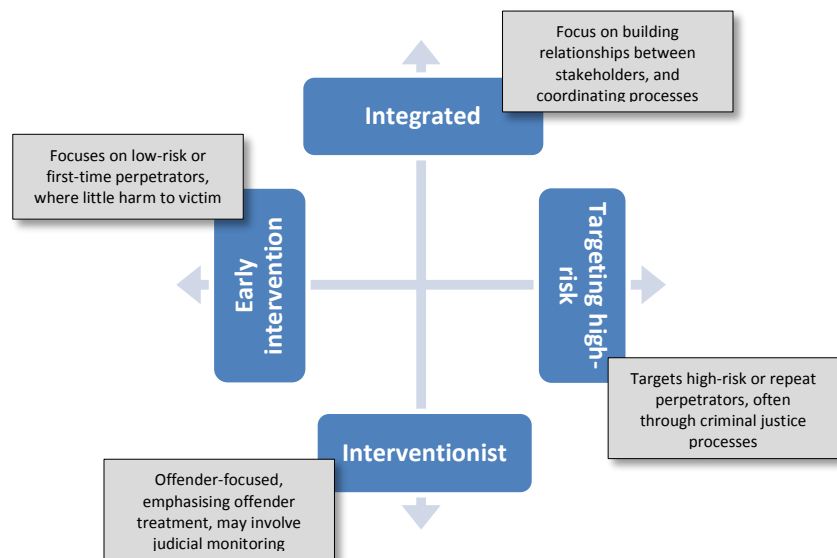
## WHAT DO WE KNOW ABOUT SPECIALIST DOMESTIC AND FAMILY VIOLENCE COURTS?

The implementation of specialist domestic and family violence courts is increasing across western English-speaking jurisdictions. A National Portrait of Domestic Violence Courts in the United States (Labriola et.al. 2012) found 208 such courts. Canada has approximately 100 specialist domestic and family violence courts with the province of Ontario having over half of these (Johnson & Fraser 2011; Ursel et al. 2008). Between 2008 and 2013, specialist domestic violence courts in the U.K. had exploded from 23 locations to 138 (Crown Prosecution Service 2008; Centre for Justice

Innovation/New Economics Foundation 2014). An early Australian review examined 12 sites (Stewart 2005), but there has been no recent published audit. It is important to note that internationally most domestic violence courts are criminal courts, processing domestic violence-related offending (primarily intimate partner violence).

A review of past research and evaluations on domestic violence courts shows that although there is no single model of a specialist domestic violence court, we can think about specialist domestic violence courts as consisting of clusters of practices that sit on a continuum between integrated and interventionist,<sup>1</sup> and between early intervention and targeting of high-risk or repeat perpetrators approaches (see Figure 2). In other words, for example, a specialist domestic violence court in a particular jurisdiction may not be fully interventionist, but may contain elements of an integrated approach.

**Figure 2: Dimensions of specialist domestic court approaches**



Sources: Jane Doe Legal Network n.d; Ministry of Justice 2014.

Although there is considerable variation in specialist domestic violence courts in practice, research suggests that specialist domestic violence courts can improve efficiency outcomes and enhance victim and perpetrator satisfaction with court processes, at least in the processing of domestic violence-related criminal offending. Evidence of their impact on the reduction of re-offending is mixed.

As a result of this evidence, a set of “good practice principles” are emerging, which include: dedicated and safe courthouses; interventions that prioritise victim safety and reduce perpetrator repeat offending; specialised case processing for domestic violence cases; and comprehensive multi-agency support and information services for victims. Importantly, we note that these principles have emerged primarily from the implementation of *criminal* domestic violence courts.

## WHAT IS THE SOUTHPORT APPROACH?

Specialisation is not a new practice for the courts. In particular, dedicated court lists for protection order applications, with support services present at the courthouse on the day, is a common practice in many Queensland magistrates courts in urban areas. The Southport specialist court is best described as using an “integrated model” for the processing of domestic and family violence matters, which differs from current court practices in several ways:

<sup>1</sup> These terms have been adopted from the report by the Jane Doe Legal Network (n.d.).



- specialist magistrates in dedicated courtrooms to hear all civil domestic and family violence order applications, and breaches of orders and related criminal charges proceedings
- in the civil jurisdiction, cases follow the magistrate (i.e. adjourned to a time when the matter can be heard by the same magistrate)
- in general, more time to consider civil applications
- a dedicated court registry, with staff who have an understanding of domestic and family violence and protection order proceedings
- increased support (both for victims and perpetrators) at the courthouse through enhanced legal representation by duty lawyers as well as a registry staff member in the support/safe room to access files and print out orders
- a dedicated information desk on the same floor staffed by volunteers to assist both victims and perpetrators with accessing assistance, but to also coordinate the flow of victims and perpetrators through support services into court
- an emphasis on enhanced coordination through weekly stakeholder meetings which are attended by at least one of the specialist magistrates.

Based on international experience, the combination of civil and criminal jurisdictions is somewhat unique. Most domestic violence specialist courts are criminal courts, processing domestic violence-related offending. There are exceptions, such as the Victorian Family Violence Court Division (Magistrates Court) (civil applications/breaches/related criminal), Integrated Domestic Violence Court (Toronto, Canada) (crime and some family law) and the Domestic Violence Unit (District of Columbia, United States) (civil, crime and some family law).

## THE EVALUATION

The evaluation has four main objectives:

- to assess the 17 short and medium-term outcomes of the specialist court (see Figure 3, next page, for a summary of the outcomes)
- to assess the effectiveness of the implemented model as it might be applied to diverse communities
- to assess the applicability of the model across the state
- to assess the cost-effectiveness of the implemented model.

To do this, the specialist court was compared to a conventional court model of processing domestic violence matters. After discussions with the Department of Justice and Attorney-General, Ipswich Magistrates Court was selected as the comparison site.<sup>2</sup> Ipswich Magistrates Court processes domestic and family violence matters in a manner that is currently standard for an urban high volume court: a separate domestic violence civil applications list with legal and support services in attendance, and criminal and contested civil matters assigned to general lists. Similar to Southport, there has been considerable development of partnerships in the provision of domestic violence support services. These developments are summarised. Thus, Ipswich Magistrates Court provides a good comparison site to assess the achievements of the Southport specialist court in terms of its short and medium-term outcomes.

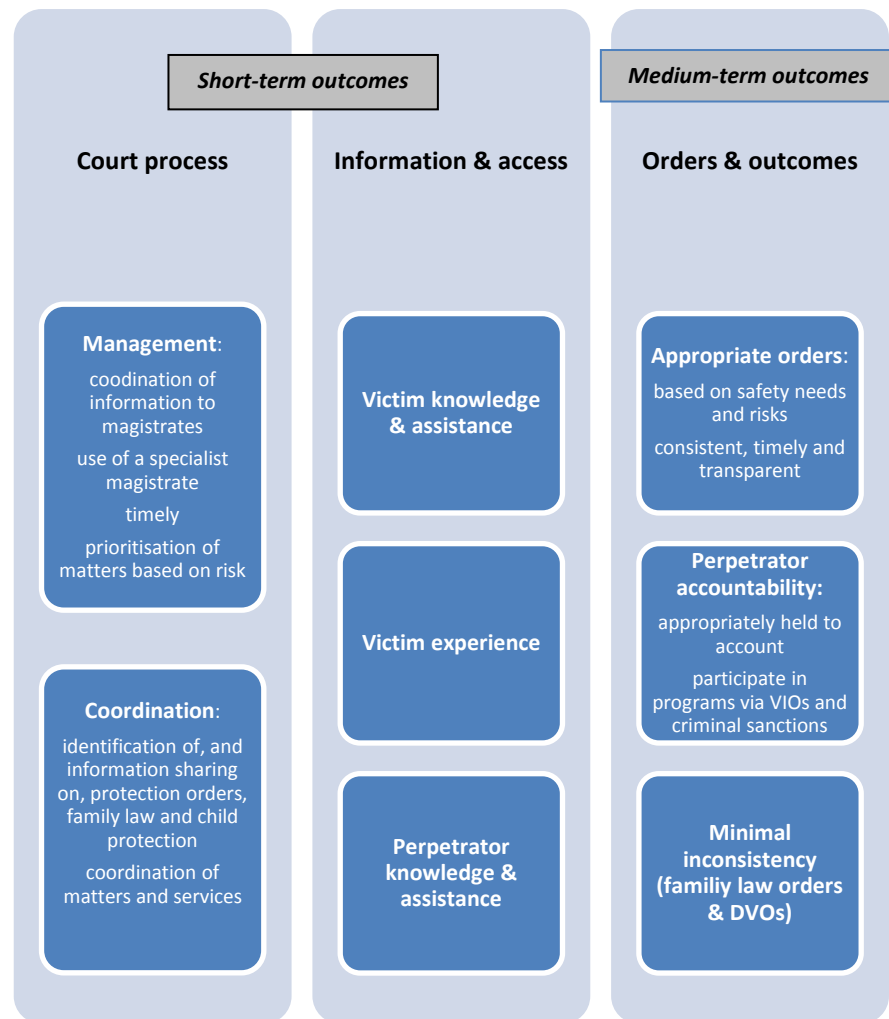
---

<sup>2</sup> A list of potential sites, with information on their current practices around the processing of domestic and family violence cases, as well as the volume of civil applications and breaches, was supplied to the evaluators by the Department of Justice and Attorney-General. In consultation with the Department, these sites, including their demographic profiles, were assessed.

**Figure 3: Summary of short and medium-term outcomes**

Notes:

- a These outcomes were developed by the Department of Justice and Attorney-General.
- b. DVO = domestic violence protection order; VIO = voluntary intervention order



The evaluation relied on six main data sources (see Figure 4):

1. administrative data collected by Department of Justice and Attorney-General, Queensland Police Service and Legal Aid Queensland
2. data coded from a sample of case files for domestic violence protection orders, breaches and related criminal charges
3. a survey of a sample of victims and perpetrators of domestic and family violence who have recently been before the courts
4. focus groups with registry staff, police prosecutors, duty lawyers, and service providers
5. qualitative interviews with magistrates and other key stakeholders
6. financial data from key stakeholders involved in the process.

**Figure 4: The 12-month evaluation design**

	<i>Pre</i>	<i>During</i>	<i>At 12 months</i>
<b>Southport (trial)</b>	Administrative data	Administrative data	Administrative data
	Case file data	Case file data	Case file data Survey data Focus groups & interview data
	Financial data	Financial data	Financial data
<b>Ipswich (comparison)</b>	Administrative data	Administrative data	Administrative data
	Case file data	Case file data	Case file data Survey data Focus group & interview data
	Financial data	Financial data	Financial data
<b>External stakeholders</b>			Interview data

## WHAT DID WE FIND?

### Overall assessment

Our overall conclusion is that the Southport specialist court has made strong progress on its short and medium-term process outcomes. Both from stakeholders as well as those who use the courts, there have been strongly positive assessments of the specialist court. Importantly, it is clear from the interviews and focus group discussions that a culture of innovation has developed in the specialist court. In particular, the specialist court, compared to the comparison court, evidenced a shared problem-solving orientation to improving court and related processes.

What is important to note is that missing in most of the interviews and focus groups was a discussion of the criminal jurisdiction. Instead the primary focus of interviewees was the civil jurisdiction, with most examples and issues being drawn from civil matters. Although subsequent feedback revealed that more was occurring in the criminal jurisdiction than emerged in the focus groups and interviews, it was also clear that much of the focus of the first 12-months has been on the civil jurisdiction. It would now be timely for the specialist court to consider the further development of the role of the criminal jurisdiction in the specialist approach.

- Specialisation of all professionals (development of specialised processes).
- Services integrated (present, collaborating, weekly meetings, specialist registry, improved ability to liaise outwards).
- Explicit management of clients on the day (information desk, checking prepared).

### Key evaluation findings

Three particular themes emerged from the evaluation results. These are related to:

- the management and coordination of the process
- the court experience for victims and perpetrators
- the implications for a state-wide adoption of a specialist approach.

## ***Managing and coordinating the process***

Although there are broadly similar civil court processes occurring at the courthouse for victims and perpetrators in both the specialist and comparison court, there were noticeable ways in which the specialist court enhanced the management of the process, information-sharing, and coordination of support. The analysis of interviews and focus group discussions particularly highlighted:

- the role of the specialist magistrates
- strong collaborative relationships resulting in effective coordination of matters and services to support the court.

### *The role of the specialist magistrates.*

There was a strong consensus in the focus groups and interviews at the specialist court that the role of the specialist magistrate was vital to the operation of the specialist court, including achieving consistency in court process and outcomes. The specialist magistrate was seen as providing important leadership in facilitating improved processing of domestic and family violence matters. According to stakeholders, the characteristics of a specialist domestic and family violence magistrate include:

- an in-depth of knowledge of the legislation
- a good knowledge of legal and procedural issues, including the intersection of domestic and family violence with other areas of law
- a strong understanding of the dynamics of domestic and family violence, and its impact
- detailed knowledge of the available support systems and services
- ability to respond to the diversity of victims and perpetrators.

Importantly, the interviews and focus group discussions at the specialist court identified how collaborative change was accelerated because of the leadership of the specialised magistrates. While they did not direct the change process itself, the specialist magistrates were regarded as ‘owning’ the changes in important ways. In particular, there was a sense that magistrates accepted responsibility for making changes, for collaborating with and keeping their colleagues involved and informed, and generating consistency, stability and predictability.

### *Strong collaborative relationships resulting in effective coordination of matters and services to support the court.*

Interviews and focus groups discussions clearly demonstrated the development of strong relationships between stakeholders within the specialist court. These relationships had four important characteristics:

- highly collegial
- collaborative
- court-involved
- focused on problem-solving.

Unlike the stakeholder meetings at the comparison site, the weekly working group meeting has a focus on solution-focused development of the specialist court. These meetings were described as a positive forum in which concerns, grievances and ideas could be openly discussed and debated. For many these meetings have been critical in breaking down silos and

*“So before ... People always worked in silos to varying degrees.”*

*(service provider)*

*“It’s a strength that everyone meets and we collaborate and we’re able to ... we’re able to talk and have that relationship and share information so much more freely now and that continually improves...”*

*(service provider)*

creating an environment in which everyone is working to improve court efficacy.

The specialist registry was also identified as providing a central role in the building of these relationships, and facilitating enhanced coordination of processes.

### Issues and improvements

Although the specialist court had considerably enhanced the management and coordination of process, some issues for improvement were identified, including:

- the timeliness in criminal trials and civil hearings
- the identifications and information sharing around domestic violence applications, family law and child protection
- the quality of information in private civil applications.

*The timeliness in criminal trials and civil hearings were identified as a critical concern in the specialist court.*

Timeliness in criminal trials and contested civil hearings were identified as a recent concern at the specialist court, with waiting lists stretching out to six months at the time of data collection. Although the proportion of matters affected is small, the importance of the issue was well-recognised by all stakeholders at the specialist court.

The issue of the wait time for contested civil hearings and criminal trials is, in part, a consequence of the number of matters going before the specialist court. The volume of work was noted to have increased substantially since the specialist court commenced operations, with increases of 11.7 per cent in original applications, 46.5 per cent in applications to vary, and 37.7 per cent in breach charges. The specialist court, with two specialist magistrates, processes approximately 14 per cent of the civil applications (original and other) lodged in Queensland.

At the end of the evaluation period, a number of strategies (such as case management/negotiations, accelerated evidence) had commenced, but it was too early to assess their impact.

*Identification and information sharing around domestic violence applications, family law and child protection remains “hit and miss” at both the specialist and comparison courts.*

Despite the improvements evident at the specialist court, the information pathways between the family law and specialist courts were not necessarily seamless. There was some confusion evident in focus group discussions about how this process works (although a protocol to streamline the process at Southport exists).<sup>3</sup> While the parties are expected to provide this information on their applications, they often neglected to do so. The onus was then placed on court staff including the magistrates to elicit this information from parties, often in the courtroom. A specialist magistrate commented that the information was more likely to “pop up” than be offered by parties, through a process of discussion in the courtroom.

---

<sup>3</sup> This is not surprising as many processes have evolved over time at Southport. A full set of documentation of processes, policies and protocols have been completed, but this has occurred primarily since May 2016 (a recommendation of the interim evaluation report). Thus, it might be timely for a broader dissemination to policies and processes to stakeholders outside the registry.

*The quality of information in private civil applications was identified in both sites as a key problem.*

Across all groups and sites, interviewees and focus group participants identified the lack of relevant and detailed information in private civil applications as one of the top problems in the court processing of domestic and family violence. However, the need for more support and assistance in this area was generally recognised.

*"I think what would be good if there was somewhere where people could go when they come here, to provide them with assistance to draft their application, because what I think is important is if they're here, they've made that step ... they might not come back ..."*

(magistrate)

### ***Court experience for victims and perpetrators***

The importance of information and support for victims through the process was clearly recognised in the interviews and focus group discussions.

Based on self-evaluations of victims' and perpetrators' experiences at court,<sup>4</sup> the specialist court has improved the support and assistance available to victims in three key ways:

1. access and experience with support services at the courthouse
2. levels of satisfaction and perceived procedural justness of the process by victims
3. reported understanding of the court outcome.

#### ***Access and experience with support services at the courthouse.***

Both victims and perpetrators reported positive assessments of their experience at court on the day.

Although the data suggests good engagement and access of support services at the courthouse across both sites by victims, a striking difference is the reported access to legal advice: about 83 per cent of participants reported accessing a duty lawyer at Southport, compared to around 36 per cent at Ipswich (see Table 1). Overall, at both sites, the victim participants rated these services positively.

*"[victims] don't understand the court process and I suspect that a lot of them are very surprised that just writing their application is not the end of the matter ..."*

(magistrate)

**Table 1: Aggrieved participants' reported use of services at court (Southport and Ipswich)**

	% using service		Mean assessment of service	
	Southport	Ipswich	Southport	Ipswich
A court support worker	74.0	76.5	3.69 (0.47)	3.57 (0.51)
A duty lawyer or other publicly funded lawyer	83.0	36.4	3.59 (0.64)	3.57 (0.53)
An interpreter	0.0	0.0	---	---
The support/safe room	91.8	90.9	3.61 (0.68)	3.4 (0.70)
<b><u>Service only available at Southport</u></b>				
The information desk	70.5	---	3.38 (0.78)	---
The specialist court registry	62.2	---	3.46 (0.64)	---

Source: Victim survey.

Notes:

- a. Standard deviations reported in brackets.
- b. Responses ranged from 1 (Poor) to 4 (Excellent). Higher scores mean stronger agreement.
- c. Red circles indicate the difference in proportions between the trial and comparison sites was statistically significant at  $p < 0.05$ . Small sample tests were calculated.

Perpetrator reported use of services is summarised in Table 2. Over three-quarters of respondent/offender participants at the specialist court reported accessing court support workers

<sup>4</sup> Due to the small sample sizes (especially at the comparison court), the findings may be limited.



and duty lawyers, suggesting good access to support and legal services.<sup>5</sup> In contrast, of the small sample of participants at the comparison court (n=9), only 5 participants reported using a service, and that was talking with the male liaison court support worker. Overall, respondent/offender participants at the specialist court reported positive assessments of these services with mean scores above 3.0 (“good”).

**Table 2: Perpetrator participants’ reported use and assessment of services at court (Southport and Ipswich)**

	% using service		Mean assessment of service
	Southport	Ipswich	Southport
A court support worker	89.5	55.6	3.76 (0.60)
A duty lawyer or other publicly funded lawyer	73.7	0.0	3.13 (0.50)
An interpreter	2.6	0.0	---
<b>Services only available at Southport</b>			
The information desk	2.6	---	---
The specialist court registry	21.1	---	3.38 (0.52)

Source: Perpetrator survey.

**Notes:**

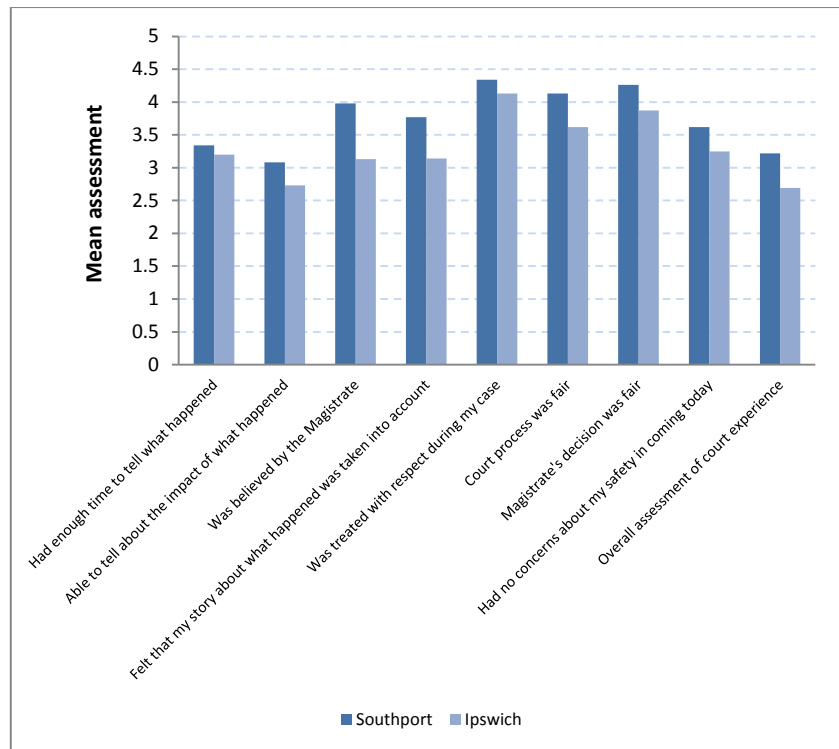
- Standard deviations reported in brackets.
- Responses ranged from 1 (Poor) to 4 (Excellent). Higher scores mean stronger agreement.
- Due to the small numbers of participants at Ipswich, means are not reported, and statistical tests were not estimated. Means are also not presented the numbers reporting use is too small for meaningful analysis.

*Higher ratings of satisfaction and perceived procedural justness of the process by victims.*

On all measures, victim participants attending at the specialist court self-reported a more positive experience than those at the comparison court (see Figure 5). Just over 81 per cent of victim participants at Southport rated their court experience as “excellent”, compared to 50.0 per cent of victim participants at Ipswich. At the specialist court, 73 per cent of victim/aggrieved participants felt that they were believed by the Magistrate, compared to 40 per cent at the comparison court. Similarly, a higher proportion felt that the impact of what had happened to them was taken into account by the Magistrate at the specialist court, compared to the comparison court. There were also high levels of perceived procedural justice in the Southport sample, with over 85 per cent of participants agreeing or strongly agreeing that they were “treated with respect”, “the court process was fair”, and the decision was “fair”. In the Ipswich sample, fewer participants agreed that the court process was fair (61.5% compared to 85.2% at Southport).

<sup>5</sup> Lower use of the specialist court registry is not unexpected, given the nature of the court process. Contact with the parties would generally only occur at the time of filing of applications, if copies of orders are required, or if parties had specific queries about their application or the process. Much of the work of the registry is behind the scenes in coordinating paperwork for court, facilitating the transfer of applications and orders between the court and the police, and managing the court lists.

**Figure 5: Aggrieved participants' reported experience at court (Southport and Ipswich)**



Source: Victim survey.

**Notes:**

- Responses ranged from 1 (strongly disagree) to 5 (strongly agree). Higher scores mean stronger agreement. The overall assessment of the court process ranged from 1 (poor) to 4 (excellent), with higher scores indicating more positive assessments.
- Red circles indicated a statistically significant difference at  $p < 0.10$ . Small sample tests were calculated.

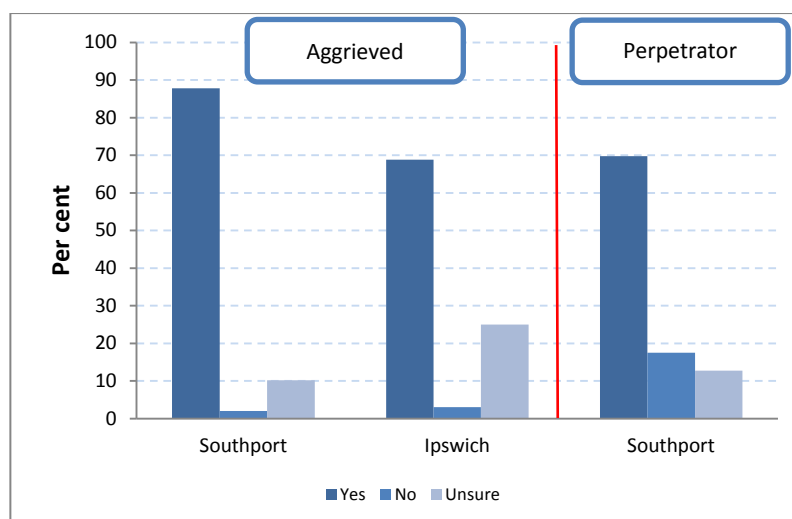
*Improved self-reported understanding of court outcomes.*

An important aspect of supporting and informing victims as well as perpetrators is ensuring that they understand not only what to expect in terms of process, but also what has been decided and its implications to them. In the survey of victims, we asked those who received an order whether they understood that order. Table 4 indicates a reported higher level of victim/aggrieved understanding of the court outcome at the specialist court. Of those who were granted orders, 88 per cent of aggrieved participants at the specialist court, compared to 64 per cent at the comparison court reported that they understood the court order. Of particular interest is the proportion of participants who indicated that they were unsure about whether they understood the outcome of their appearance on that day, 25 per cent of participants at the comparison court compared to 10 per cent at the specialist court reporting that they were unsure.

Although the majority of respondent/offender participants who received orders indicated that they understood the orders, there remained a substantial proportion of participants who reported that they had not understood, or were unsure about, the court order. As shown in Figure 6, just under one-third (30%) of our participants reported they did not understand or were unsure. It does suggest that a lack of understanding may be greater among respondents/offenders than victim aggrieveds at Southport, despite the increased information and support available at the specialist court.

**Figure 6: Reported understanding of the court order (Southport and Ipswich)**

Source: Victim and perpetrator surveys.  
 Note: Due to small numbers, percentages are not reported for perpetrators at Ipswich.



Overall, the survey data suggests that respondent/offenders have mixed views on the information and support available to them. Interviews and focus groups discussions described the provision of assistance to perpetrators as falling short of that provided to the aggrieved (particularly at the comparison court).

*"It's top heavy in that it's all about the aggrieved..."*  
 (police prosecutor)

#### *Impact on perceptions of perpetrator accountability?*

An important outcome, both medium term and long term, of the specialist court is increasing perpetrator accountability.<sup>6</sup> Conventionally, offender accountability is equated to the severity of the sanction imposed by the court. In other words, it focuses on what the court does to hold perpetrators responsible for their actions. More recently, an alternative definition of accountability emphasises the offenders', rather than the courts', response: i.e. that offenders take "responsibility for ... [their] actions and ... [accept] the possibility for change" (Gilligan & Lee 2005: 144). A final point needs to be noted: these definitions of offender accountability have emerged from the context of responding to criminal behaviour. Consequently, there is a question about how civil justice responses may fit within these conceptualisations of offender accountability.

There are indications that the specialist court may have had an impact on perceived perpetrator accountability (see Figure 7). Compared to the comparison court, victim participants in the specialist court reported higher levels of agreement that the wrongfulness of the behaviour had been communicated in the courtroom. Although victim assessments that the perpetrator had been held to account are not as positive, the specialist court sample had higher levels of agreement (victim participants in the specialist court had a higher proportion (45.1%) agree or strongly agree that the perpetrator "was held responsible for the incident by the Magistrate" than in the comparison court (38.5%)). Around one-quarter in both samples agreed that the perpetrator personally took responsibility for the behaviour (26.4% and 25.0%).

In contrast, 54 per cent of perpetrator participants at the specialist court strongly agreed or agreed that their behaviour needed to change (see Figure 7). Two out of 9 perpetrator participants at the Ipswich similarly agreed.

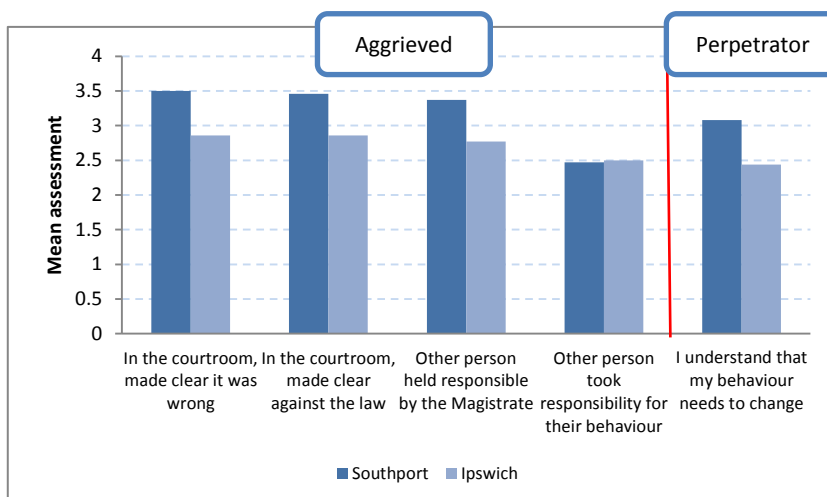
<sup>6</sup> A review of the research on domestic and family violence courts shows that offender, or perpetrator, accountability is a common goal for this type of court.

**Figure 7: Reported assessment of perpetrator accountability at court (Southport and Ipswich)**

Source: Victim and perpetrator surveys.

**Notes:**

- a. Responses ranged from 1 (strongly disagree) to 5 (strongly agree). Higher scores mean stronger agreement.
- b. Small sample tests were calculated for the differences in the proportions for victims. No differences were large enough to achieve statistical significance at conventional levels ( $p < 0.05$ ). Due to sample size, no statistical tests were calculated for the perpetrator sample comparisons, as only 2 (out of 9) participants at Ipswich agreed that their behaviour needed to change. Inferences about differences must be made cautiously.



For those stakeholders working at the specialist court, there was a strong sense that the specialist nature of the court contributes to offender accountability.

*"I think people have a sense that when they're appearing in this jurisdiction [the specialist court] that it's a kind of a big deal, so I think that probably increases their sense of accountability"*  
(criminal duty lawyer)

### Issues and Improvements

Despite the successes in the support and information provided to victims/aggrieveds and perpetrators/offenders, there were some continuing issues, including:

- the need for better preparation before, and follow-up after, court
- low levels of attendance, when referrals and support is dependent on presence at the courthouse
- lack of support for "non-traditional" victims and perpetrators
- lack of responses for perpetrators from diverse backgrounds.

#### *Need for better preparation/support before court appearance, and follow-up after appearance.*

The issue that emerged from a consideration of the focus group discussions was the need for structured pro-active contact with victims and perpetrators prior and after court. Clearly, support, legal aid and community legal services are available outside the courthouse. However, our understanding from the interviews and focus groups at both sites is that this is primarily victim or perpetrator-initiated contact. Proactive contact with victims and perpetrators appeared ad hoc, although some examples of it occurring were identified. However, the importance of structured support prior, during and post court appearance is that it provides a key engagement strategy for including victim participation in the process, as well as encouraging accountability for perpetrators.<sup>7</sup>

We need to distinguish between information assistance and independent support and advocacy. Currently, in the specialist court, a form of independent support and advocacy is provided through domestic violence support workers and duty lawyers.<sup>8</sup> An information assistance role, which may be

<sup>7</sup> Additionally, the *Victims of Crime Assistance Act 2009* is currently under review. A possible amendment being considered will shift the onus onto relevant agencies to proactively provide information to victims, rather than upon request.

<sup>8</sup> Although we recognise that this does not provide an independent victim advocate role in criminal matters for victims.

located in the court differs from domestic violence support workers and duty lawyers in that its role is related solely to providing information about the legal processes at key stages, and ensuring that individuals have been provided with links and referrals to relevant support and legal services. The purpose is to proactively contact parties in matters before the court to ensure that they have been able to access information about the case, its progress and outcomes, as well as information about relevant services, if required. (In the past, courts waited for individuals to contact court registries for information.) As such, the role and responsibilities do not differ by type of matter. Responsibilities may end where relevant parties have been followed-up post court to ensure that they have a copy of any orders, understand the content of that order, and have links to any follow-up support and legal services.

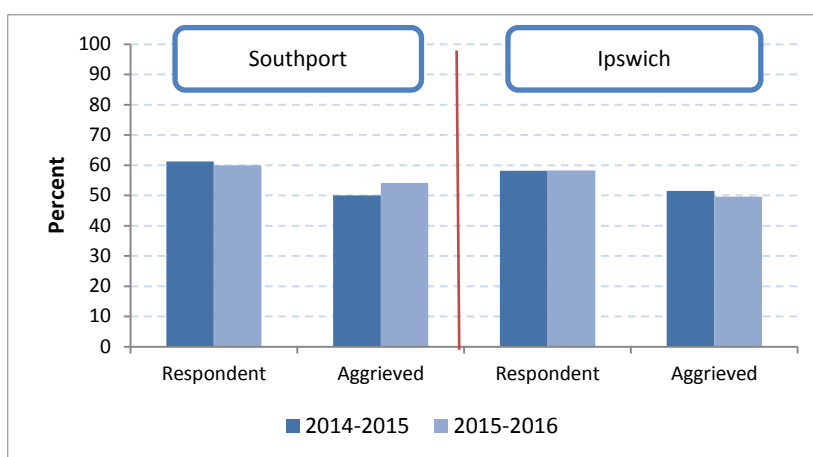
In developing a client information assistance service framework, we suggest that the courts may be an appropriate location, but other options may also be viable. Although it is important for courts to provide good service to the public, maintaining its neutrality is also a vital consideration in identifying how such a service would operate. Likewise, it is important that the parties continue to have independent (as distinct to court-based) support and advocacy.

*Lack of attendance is a problem where referrals and support is dependent on presence at the courthouse, especially for respondents.*

The non-attendance in civil matters was consistently identified in interviews and focus groups discussions as a concern at both sites.<sup>9</sup> This is supported by recorded attendance data for civil applications (regardless of type) (see Figure 8), which shows that close to 60 per cent of respondents and 50 per cent of aggrieved parties, were recorded as *not* attending. There are minimal differences over time, or across court sites.

**Figure 8: Percentage of non-attendance for all civil applications (Southport and Ipswich)**

Source: Court administrative data  
**Note:** Missing (or unrecorded) were not included in the calculations. Information on attendance was missing for 2% of applications for respondents, and 1% of applications in 2014-2015, and 2% (Southport) and 3% (Ipswich) in 2015-2016 for aggrieved parties. Total number of applications (including missing): 20,824 (2014-2015); 29,474 (2015-2016).



Overall, there were different views identified about the desirability of the attendance of the aggrieved and respondent at court, especially in the case of the aggrieved for reasons around safety and trauma. However, a lack of court attendance means that a substantial numbers of aggrieved and respondents were not accessing the legal advice or support/assistance provided at court, including the opportunity to discuss the practical implications of any order. For aggrieveds, it may also result in minimising victim preferences in terms of how they would like the matter handled, which in turn

<sup>9</sup> The issue of non-attendance is different in criminal matters. Given that most criminal matters are resolved by guilty plea, the non-attendance (or failure to attend) of victim witnesses was not perceived by stakeholders as an issue. Further, a failure to appear by a criminal defendant may result in a warrant for arrest.

may mitigate victim agency. While for respondents, attendance at court may facilitate increased perpetrator accountability.

*Lack of support for male aggrieveds and female respondents.*

Although not the view in all interviews and focus groups, there was disquiet expressed in both courts about the nature of the support and assistance for others who might not fall within the usual demographic categories of aggrieved or respondent. For example, during the first 12 months of the specialist court, about a quarter of aggrieved parties were male (25.6%) and respondents were female (25.3%) at the specialist court.

Focus groups with registry staff and duty lawyers in the specialist court observed that there were inadequate facilities for male aggrieveds. Similarly, female respondents were described as ‘falling through the gaps’ in service provision and assistance. Magistrates in both courts concurred that there was scope for improvement with the assistance and support for males at court as well as for female respondents. Across both sites, court support workers attempted to assist as best they could even though the nature of their services is clearly gendered (female victim/male perpetrator).

*“Men [respondents] are not turning up to court. There were 74 male respondents listed this week and only 19 attended. This needs to be dealt with; they are not accessing services, they are not going before the court .... Coming to court provides a window of opportunity, a time when they might actually talk to someone, a time where there might actually be an opportunity for change...”*  
(service provider)

*“[Then there is the] issue of female respondents, they are put in the safe room with the aggrieved and not provided with the same level of service as male respondents, for example MensLine”*  
(service provider)

*Lack of responses (such as behavioural change programs) for perpetrators from diverse backgrounds.*

Just under a third (31.7%) of the perpetrator participants at Southport in our survey reported that they had agreed to a voluntary intervention order (which is an order requiring attendance at an approved ‘program’ and/or counselling that work to assist respondents to change their behaviour). It was commonly observed in the focus groups with service providers and duty lawyers at the specialist court that the use of voluntary intervention orders had increased substantially.

However, at both sites, issues around the programs themselves were raised in interviews and focus groups. In particular, concerns about waiting times for the approved programs were frequently raised. Waiting lists at the comparison court had now stretched out to eight weeks, while in the specialist court they were between two (day-time program) and six weeks (night time program).<sup>10</sup> This is concerning because as one of the magistrates noted, when respondents are expressing a willingness to change, it is important to “strike while the iron is hot”.

*“... but last time I was in DV court they had a delay of about 8 weeks ... [for an opening in the program], which I personally think is not a good idea. I tend to think that ... you need to strike while the iron’s hot; ... if they decide they want to go then they really need to go within about a week, because otherwise I think the impetus falls behind”*  
(magistrate)

The lack of options for female respondents and perpetrators of family violence (discussed earlier), as well as the Anglo-centric nature of many existing group programs (a point discussed later) was

<sup>10</sup> While waiting for a space, one-to-one counselling could be available to perpetrators. These waiting times were at the time of data collection, and may now be longer. For instance, at the time of the completion of the final report, respondents at the specialist court were waiting for eight weeks for an opening to the evening program.



identified by interview and focus group participants in both court locations. Our further concern is that there is a limited robust evidence base on the effectiveness of perpetrator interventions: that is, what works and for whom (Mackay et al. 2015).<sup>11</sup> In other words, courts may be relying on perpetrator programs that may not yet have a strong empirical assessment of long-term effectiveness in changing perpetrator behaviour. Thus, we strongly suggest that as part of judicial education on domestic and family violence, information on program effectiveness is provided to magistrates.

Criminal sanctions can also be viewed as a type of intervention with perpetrators. The interviews, particularly at the specialist court, did indicate that broader options for dealing with domestic violent criminal offending were needed.<sup>12</sup> Looking at other jurisdictions, strategies could include: systematic risk assessment at bail; conditional bail programs (e.g. referral to substance abuse programs as a condition of bail); and ‘treatment’ programs for first-time offenders. However, the current research base for understanding the relationship between the nature of domestic violence-related offending and criminal sanctions remains limited.

### ***Implications for a state-wide approach to specialisation***

There are a number of challenges to providing a specialised justice response to domestic and family violence state-wide. These include:

- responding to the needs of diverse populations
- responding to the different needs of Aboriginal and Torres Strait Islander communities, victims and perpetrators
- integrating key domestic and family violence court principles in rural and regional locations.

### ***Responding to the needs of diverse populations***

There is minimal information routinely collected to identify individuals before the courts who are members of diverse communities, especially those from culturally diverse communities or those with disabilities. However, *from the data available*, there was minimal diversity among the victims and perpetrators who appeared in the Southport specialist court. (This assessment is limited by what is recorded; for example, if victims do not identify as belonging to particular groups, then the data will undercount the extent of diversity in the court.) However, based on interviews with those working with members of these communities, there are some common themes about the processing of domestic and family violence for these groups emerged, including:

- many are wary in their engagement with the police and justice system
- issues of support and availability of appropriate interventions become more critical.

Thus, the value and strength of partnerships among the justice agencies and other support services is vital to providing pathways into and out of the justice system for members of these communities. In these circumstances, the specialist services wrapped around a court process were considered essential. It was through these services that more detailed conversations were had with aggrieved and respondent persons about their particular situation, the different issues confronting them, what

---

<sup>11</sup> We recognise the ongoing work by ANROWS to develop a rigorous evidence base for perpetrator interventions.

<sup>12</sup> In an evaluation of the domestic violence courts in the United Kingdom, interviews indicated that Magistrates were frustrated in about not knowing “what effective sentences ought to look like for particular cases” (NEF/Centre for Justice Innovation 2014, p. 15). This evaluation concluded that there was an “over-reliance” on perpetrator programming given that there is “limited” evidence that these programs have an impact on repeat offending (p.17).

they thought legal intervention might achieve, and what they wanted to achieve. The key point is that the specialist domestic and family violence services can act as a hub to actively build and maintain communication and support for clients that will assist them in their interactions with the justice system.

#### *Responding to the needs of Aboriginal and Torres Strait Islander victims and perpetrators*

Our consultations identified similar issues in considering the development of specialised models of responding to domestic and family violence for Aboriginal and Torres Strait Islander victims and perpetrators:

- lack of culturally appropriate perpetrator programs and interviews, as well as victim support resources.
- lack of ongoing culturally appropriate court processes, such as the participation of Elders or other respected people, especially for civil applications.
- different needs and expectations of Aboriginal and/or Torres Strait Islander victims of domestic and family violence, compared to non-Indigenous victims.

Although there was also some support for a Murri-court style Indigenous Domestic and Family Violence Court amongst interview and focus group participants, we must work with Aboriginal and/or Torres Strait Islander communities to develop appropriate frameworks for our justice responses to domestic and family violence.

#### *Integrating key domestic and family violence court principles in regional and rural locations*

The challenge of equal access to specialist domestic violence justice approaches to victims in rural and regional locations is a critical one for Queensland, and other parts of Australia<sup>13</sup>. It is also one that is being wrestled with in Canada and the United States. From past research and experience in Canada and the United States (e.g. Wisniewski et al., 2016; Barton et al., 2015; Nugent-Borakove, Mahoney & Whitcomb, 2011; Aldrich & Mazur, 2005), and the lessons from Southport, we can identify a number of strategies for providing a specialist response in rural and regional locations:

- further developing partnerships between stakeholders and service providers delivering services in regional and rural areas.
- using online tools and communication strategies as part of a broader victim support framework to allow for participation of regional and rural victims
- using online technologies to enhance access to legal advice and court for rural and remote victims
- providing ongoing specialist education for those involved in court processes in these locations.

Coordination and partnerships among stakeholders, integrating specialisation into regular practice, and thinking creatively about the use of technology and resources are keys in providing better access to justice responses for domestic and family violence victims in rural and remote locations (Aldrich & Mazur, 2005; see more generally Nugent-Borakove, Mahoney & Whitcomb, 2011).

Overall, the delivery of specialised court responses to domestic and family violence matters at a state-wide level requires tiered approach (see Figure 9). In adapting a specialist court approach

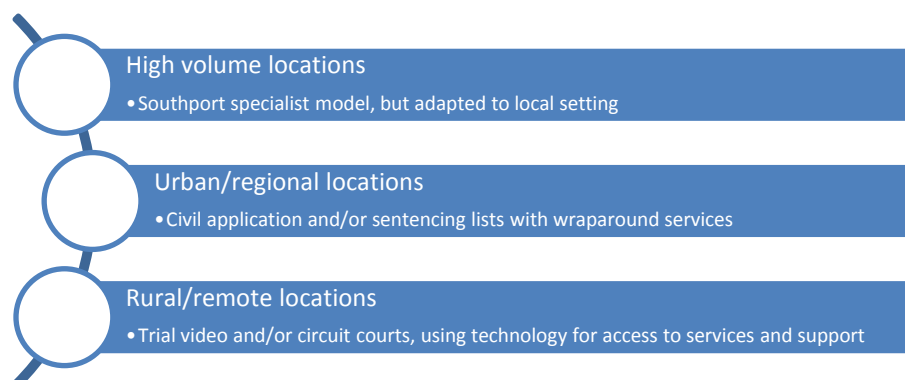
---

<sup>13</sup> For example, see New South Wales ([www.crimeprevention.nsw.gov.au/domesticviolence/Documents/domestic-violence/DVJS.pdf](http://www.crimeprevention.nsw.gov.au/domesticviolence/Documents/domestic-violence/DVJS.pdf)).

across the state, the following principles should be used as a guide to the development of an implementation strategy:

- combining judicial leadership with local service innovation
- evidence-led innovation
- developing consistent approaches that can be replicated
- supporting sites with practice development.
- integrating problem-solving with changing court technology (Centre for Justice Innovation 2016).

**Figure 9 : A tiered approach to specialisation across the state**



As part of any implementation plan, routine monitoring and evaluation are vital. This includes the development of performance indicators. There are two dimensions to these indicators:

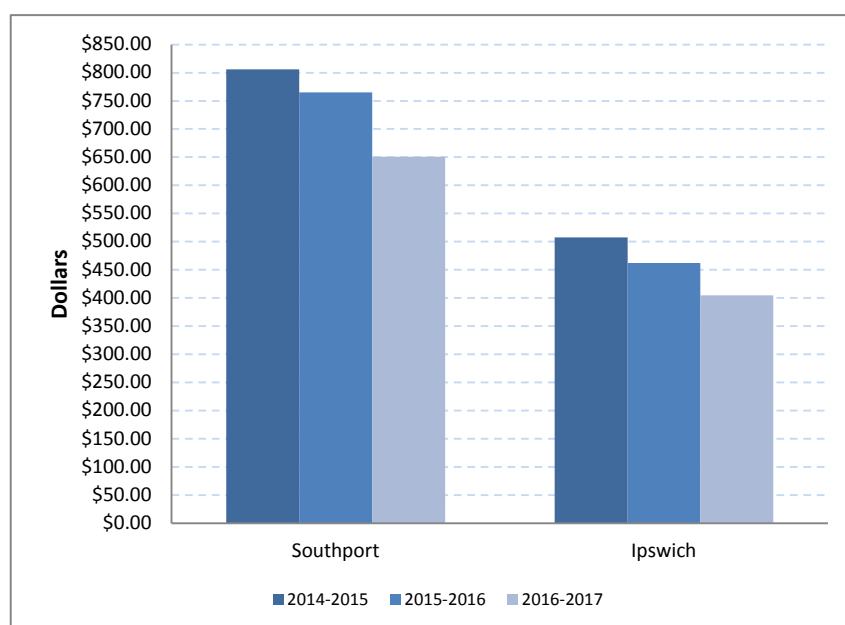
- *activity* indicators: This type of indicator allows the routine monitoring that processes are operating in an appropriate manner, and often rely on data that is routinely collected by agencies.
- *outcome* indicators: These indicators, which often require independent data collection, measure outcomes. For these indicators, courts might consider the development of short 1-page questionnaire that could be administered each 6 months or 12 months to key groups (e.g. victims, perpetrators, key stakeholders).

### **Cost-effectiveness of the Southport specialist court**

Cost-effectiveness analysis is an alternative to the more widely used cost-benefit analysis. Simply, cost-effectiveness analysis assesses the cost of a project or program relative to the outcomes (benefits) it generates. At this stage, identifying the costs of particular processes that are occurring in the specialist court was not possible as many of these processes have evolved over the first 12 months and only recently stabilised. Thus, the analysis estimated the incremental cost of the specialist court model itself (compared to a conventional approach in a high volume court). Figure 10 shows the estimated cost per domestic and family violence matter (“per activity cost”) processed through the specialist (Southport) and comparison (Ipswich) courts.

**Figure 10 : Summary of estimated average per-activity cost for domestic and family violence matters, specialist (Southport) and comparison courts (Ipswich)**

Source: Based on data supplied by Department of Justice and Attorney-General, Queensland Police Service, Legal Aid Queensland, and domestic violence service providers.  
Notes: These costs are an average for all types of matters. Excludes costs related to overtime and accrued or flex time, use of volunteers, and the planning and implementation of the specialist court.



In both courts, the average per-activity cost declined by approximately 20%. Some decline was not unexpected, as it is in part influenced by the increase in volume of matters in both courts. However, the cost difference per matter between the two courts has narrowed over time, from a difference of \$298.21 in 2014-15 to a difference of \$245.80 in 2016-17 (an 18% reduction). The processing of domestic and family violence matters has consistently been more costly in Southport compared to Ipswich, both before and during the specialist court trial.

In summary, the evaluation data indicated that the specialist court (compared to traditional processing approaches of the comparison court) achieved a range of benefits, including: improved management and coordination; enhanced strong proactive partnerships between stakeholders; indications of improved victim experience and support at the courthouse; as well as increased reported understanding of court outcomes by victims and perpetrators. These achievements to date suggest that the fairly modest additional cost of the specialist court may be justified. However, we cannot yet assess the cost savings that might accrue with any long-term outcomes (e.g. fewer domestic violence offenders re-offending).

## FINAL COMMENTS

In considering the evaluation findings, three important characteristics were identified that have implications for further development of a specialist approach to domestic and family violence by the courts:

- the critical role of leadership, collaboration and partnerships in facilitating the development a workplace climate that supported change.
- the importance of sustained support, information and legal advice for victims and perpetrators is vital to access to courts, and improved justice experiences for victims.
- the function of specialisation as a way to manage the complexity of domestic and family violence matters in the courts.

After 12-months of operation, the evaluation results indicate that the specialist court has made considerable progress in terms of its short and medium-term outcomes. Longer-term, the impact of the specialist court, especially on perpetrator accountability and victim safety, needs to be evaluated.

For a full discussion of the issues and implications of the 12-month evaluation, see the final report (*Evaluation of the Specialist Domestic and Family Violence Court Trial in Southport: Final Report*).

## REFERENCES

- Aldrich, L., & Mazur, R. (2005). *Domestic Violence in Rural Communities: Applying key principles of domestic violence courts in smaller jurisdictions*. Center for Court Innovation. Retrieved from: <http://www2.uregina.ca/ipv/Research%20Documents/AB%20-%20IPV%20Community%20Report%20-%20Feb%208%202016%20FINAL.pdf>
- Barton, S., Hungler, K., McBride, D., Letourneau, N., & Mailloux, S. (2015). *Alberta Research Project Report for Provincial Stakeholders: Rural and Northern Community Response to Intimate Partner Violence*. University of Alberta, Faculty of Nursing. Retrieved from: <http://www2.uregina.ca/ipv/Research%20Documents/AB%20-%20IPV%20Community%20Report%20-%20Feb%208%202016%20FINAL.pdf>
- Centre for Justice Innovation/New Economics Foundation (2014). *Better Courts: A snapshot of domestic violence courts in 2013*. London: Centre for Justice Innovation.
- Crown Prosecution Service (2008). *Justice with Safety: Specialist domestic violence courts review*, London. Retrieved from [www.cps.gov.uk/publications/equality/sdvc\\_review.html](http://www.cps.gov.uk/publications/equality/sdvc_review.html).
- Gilligan, J., & Lee, B. (2005). The Resolve to Stop the Violence Project: Reducing violence in the community through a jail-based initiative. *Journal of Public Health*, 27(2), 143-148.
- Jane Doe Legal Network. (n.d.) *Imaging Courts that Work for Women Survivors of Violence*. Retrieved from [d3n8a8pro7vhm.cloudfront.net/pivotlegal/pages/196/attachments/original/1353968413/Imaging\\_Courts\\_Web.pdf?1353968413](https://d3n8a8pro7vhm.cloudfront.net/pivotlegal/pages/196/attachments/original/1353968413/Imaging_Courts_Web.pdf?1353968413).
- Johnson, H., & Fraser, J. (2011). *Specialized Domestic Violence Courts: Do they make women safer? Community Report: Phase I*. Retrieved from [endvaw.ca/wp-content/uploads/2015/12/dvc-do-theymake-women-safer.pdf](http://endvaw.ca/wp-content/uploads/2015/12/dvc-do-theymake-women-safer.pdf).
- Labriola, M., Bradley, S., O'Sullivan, C. S., Rempel, M., & Moore, S. (2012). *National Portrait of Domestic Violence Courts*. New York: Center for Court Innovation.
- Mackay, E., Gibson, A., Lam, H., & Beecham, D. (2015). *Perpetrator Interventions in Australia: State of knowledge paper*. Landscapes: State of knowledge series, issue PP01/2015. Sydney: ANROWS. Retrieved from: [anrows.org.au/publications/landscapes/perpetrator-interventions-in-australia](http://anrows.org.au/publications/landscapes/perpetrator-interventions-in-australia)
- Ministry of Justice, British Columbia. (2014). *Framework for Domestic Violence Courts in British Columbia*. Retrieved from [www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/victims-of-crime/vs-info-for-professionals/public/dv-courts-framework.pdf](http://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/victims-of-crime/vs-info-for-professionals/public/dv-courts-framework.pdf).
- Nugent-Borakove, E., Mahoney, B., & Whitcomb, D. (2011). *Strengthening Rural Courts: Challenges and Progress*. National Center for State Courts. Retrieved from: [www.ncsc.org/sitecore/content/microsites/future-trends-2011/home/Specialized-Courts-Services/3-2-Strengthening-Rural-Courts.aspx](http://www.ncsc.org/sitecore/content/microsites/future-trends-2011/home/Specialized-Courts-Services/3-2-Strengthening-Rural-Courts.aspx)
- Stewart, J. (2005). *Specialist Domestic/Family Violence Courts within the Australian Context*. Australian Domestic and Family Violence Clearing House, Issues Paper 10. Retrieved from [www.austdvclearinghouse.unsw.edu.au/PDF%20files/Issuespaper\\_10.pdf](http://www.austdvclearinghouse.unsw.edu.au/PDF%20files/Issuespaper_10.pdf).
- Ursel, J., Tutty, L., & LeMaistre, J. (eds.) (2008). *What's Law Got To Do With It? The Law, Specialized Courts and Domestic Violence in Canada*. Toronto: Cormorant Books.
- Wisniewski, A., Arseneault, R., & Paquet, M. (2016). *Rural Realities Faced by Service Providers and Women Survivors of Intimate Partner Violence When Navigating the Justice System*. Fredericton, New Brunswick: Muriel McQueen Fergusson Centre for Family Violence Research. Retrieved from: <https://www.unb.ca/fredericton/arts/centres/mmfc/resources/pdfs/ruralrealitiesfinalenglishmarch2016withtitlepageincolour.pdf>







Griffith Criminology Institute

# FINAL REPORT

## Evaluation of the Specialist Domestic and Family Violence Court Trial in Southport

*Christine Bond  
Robyn Holder  
Samantha Jeffries  
Chris Fleming*

**January 2017**

### Project Team

Dr Christine Bond (*Griffith Criminology Institute, Griffith University*)

Dr Samantha Jeffries (*Griffith Criminology Institute, Griffith University*)

Dr Robyn Holder (*Griffith Criminology Institute, Griffith University*)

Associate Professor Chris Fleming (*Griffith Business School, Griffith University*)

### Research Assistants

(in alphabetical order)

Larissa Christensen

Angelique Richards

Nicole Ryan

Antoinette Smith

Jessica Tyzack

Shannon Walding

# TABLE OF CONTENTS

EXECUTIVE SUMMARY .....	vi
1. INTRODUCTION.....	1
1.1 Processing domestic and family violence matters.....	2
1.2 Scoping the challenges.....	2
1.2.1. Behind the numbers.....	4
1.2.2. Experience with ‘the system’ .....	5
1.3 Report structure.....	6
2. MODELS OF DOMESTIC AND FAMILY VIOLENCE SPECIALIST COURTS .....	7
2.1 Specialist court models for domestic and family violence.....	7
2.1.1. Why domestic violence courts? .....	8
2.1.2 What is a specialist domestic violence court? .....	9
2.1.3 Approaches to domestic and family violence specialist courts .....	10
2.2 Goals or objectives for domestic and family violence courts .....	14
2.2.1 The goal of offender accountability.....	14
2.2.2 The goal of victim safety .....	15
2.2.3 The goals of procedural justice and increasing confidence in the justice system .....	15
2.2.4 The goals of efficient case processing.....	16
2.3 Current evidence: Can domestic and family violence specialist courts make a difference? 16	
2.3.1 For perpetrators.....	16
2.3.2 For victims.....	17
2.3.3 For justice agencies .....	17
2.4 Final comments.....	18
3. FRAMEWORK FOR THE 12-MONTH EVALUATION OF THE SOUTHPORT TRIAL.....	19
3.1 Evaluation design .....	19
3.1.1 Program outcomes.....	20
3.1.2 Hierarchy of program outcomes.....	21
3.2 Key data sources .....	21
3.2.1 Administrative data.....	22
3.2.2 Case file data .....	23
3.2.3 Victim and perpetrator survey data.....	23
3.2.4 Focus group data.....	25
3.2.5 Interview data .....	25
3.2.6 Financial (cost) data .....	25
3.3 Summary .....	25

4. COMPARING DOMESTIC AND FAMILY VIOLENCE PROCESSING IN SOUTHPORT AND IPSWICH.....	26
4.1 Implementing the specialist court at Southport.....	26
4.2 The Southport approach .....	28
4.2.1 The scope of the specialist court .....	28
4.2.2 The use of specialist professionals and services .....	28
4.3 Comparing the Southport and Ipswich approaches .....	30
4.3.1 What makes the Southport specialist court model “different” from the Ipswich approach? .....	32
4.4 Assessing the interim evaluation recommendations.....	33
4.5 Comparing Southport (trial site) and Ipswich (comparison site).....	34
4.5.1 Types of domestic and family violence matters at Southport and Ipswich.....	36
4.6 Summary .....	41
5. EVALUATION RESULTS: MANAGING AND COORDINATING THE PROCESS .....	42
5.1 Overall assessment .....	42
5.2 Did the court achieve the process-related outcomes?.....	45
5.2.1 Hearing of matters by Magistrates with interest and expertise in domestic violence.....	46
5.2.2 Strong collaborative relationships resulting in effective coordination of matters and services to support the court.....	48
5.2.3 Role of specialised legal (including prosecutorial) and other support at court on timeliness of finalising domestic violence matters.....	51
5.2.4 Persisting issues .....	53
5.3 Summary .....	61
6. EVALUATION RESULTS: VICTIM AND PERPETRATOR ASSESSMENTS AND EXPERIENCES .....	62
6.1 Did the court achieve the information and support-related outcomes? .....	62
6.1.1 Victims’ knowledge and support.....	63
6.1.2 Perpetrators’ knowledge and assistance .....	66
6.1.3 Persisting issues .....	70
6.3 Did the court achieve the outcome and order-related outcomes?.....	77
6.2.1 Better court experience and outcomes for victims .....	77
6.2.2 Consistent, tailored and appropriate orders .....	78
6.2.3 Perpetrator accountability.....	81
6.2.4 Persisting issues .....	83
6.3 Does the specialist court model work for diverse populations? .....	85
6.3.1 Responding to cultural diversity .....	86
6.3.2 Responding to the needs of parties with disabilities.....	89
6.3.3 Aboriginal and Torres Strait Islander victims and perpetrators.....	90

6.4	Summary .....	92
7.	THE COST EFFECTIVENESS OF THE SOUTHPORT MODEL .....	93
7.1	Summary of costs .....	93
7.1.1	Total cost of processing domestic and family violence matters in Southport.....	94
7.1.2	Total cost of processing domestic and family violence matters in Ipswich.....	95
7.2	Comparing the costs of the specialist and comparison courts .....	97
7.3	What are the benefits? .....	98
7.4	Final comments.....	98
8.	REFLECTIONS AND CONCLUSIONS.....	100
8.1	How does specialisation help? .....	100
8.1.1	Managing complexity.....	102
8.1.2	Collaborative change management .....	103
8.2	What's next? Reflections on court responses to domestic and family violence .....	104
8.2.1	Fundamental goals and principles .....	105
8.2.2	Development of performance indicators.....	108
8.2.3	The challenge of integrating key domestic and family violence court principles in rural and regional locations.....	109
8.2.4	Key principles for an implementation strategy for expanding specialist domestic and family violence court responses .....	111
8.3	Summary of the key evaluation findings and recommendations.....	113
	REFERENCES.....	118
	APPENDIX A.....	125
	APPENDIX B.....	126
	APPENDIX C.....	130
	APPENDIX D.....	133
	APPENDIX E .....	134
	APPENDIX F .....	135
	APPENDIX G.....	143
	APPENDIX H.....	144

## ABBREVIATIONS

ALRC	Australian Law Reform Commission
ANROWS	Australian National Research Organisation for Women's Safety
DVO	Domestic violence order
FTE	full-time equivalent
NSWLRC	New South Wales Law Reform Commission
Queensland Taskforce	Queensland Special Taskforce on Domestic and Family Violence
VoCC	Victim of Crime Commissioner, Australian Capital Territory

## GLOSSARY

Aggrieved	Person for whose benefit a domestic violence order may be made, or is in force, under the <i>Domestic and Family Violence Protection Act 2012</i> .
Defendant	Person against whom criminal charges have been filed.
Duty lawyers	Publicly funded lawyers whose role is to attend Magistrates Court to provide legal advice, in some cases representation, to persons.
Operational working group	The group of stakeholders who are involved in the day to day operations of the Southport domestic and family violence specialist court trial. The purpose of the working group is to coordinate processes; it does not case manage any particular matters before the specialist court.
Ouster condition	A condition that can be included on a domestic violence order that restricts a perpetrator from staying in, entering or approaching within a stated distance a particular premises (usually the residence of the aggrieved).
Perpetrator	Person who has committed domestic and family violence.
Respondent	Person against whom a domestic violence order, or a police protection notice, may be made, or is in force, under the <i>Domestic and Family Violence Protection Act 2012</i> .
Victim	Person against whom a domestic and family violence act has been committed.

## **ACKNOWLEDGEMENTS**

The project team would like to thank those who participated in this research. We thank the Domestic and Family Violence Court Reform Team (Magistrates Courts Service) for their assistance in the development and management of this evaluation, as well as the Court Working Group (Southport Domestic and Family Violence Court Trial), Queensland Police Service, Legal Aid Queensland, Courts Performance and Reporting (Department of Justice and Attorney-General), and the Chief Magistrate who facilitated the evaluation, and in particular access to data. We also thank Southport and Ipswich Magistrates Courts for their role in the evaluation.

We acknowledge the work of our dedicated team of research assistants in data collection and entry (Larissa Christensen, Angelique Richards, Nicole Ryan, Antoinette Smith, Jessica Tyzack and Shannon Walding). Shannon Walding also significantly contributed to the analysis of the quantitative data under tight timelines.

Finally, we would like to sincerely thank all our focus groups members and interviewees who freely gave their time. In particular, we acknowledge the valuable contribution of our survey participants who responded to our questionnaire on their court experience, at a time of considerable stress. The evaluation has benefited from the willingness of all participants to contribute their experiences of the processing of domestic and family violence matters in our courts. We also recognise those judicial officers and departmental staff, both in Queensland and interstate, who provided further background context about domestic violence specialist courts for this evaluation.

# EXECUTIVE SUMMARY

In September 2015, the Department of Justice and Attorney-General established the Domestic and Family Violence Specialist Court in Southport, as a response to the recommendations in the February 2015 report of the Queensland Special Taskforce on Domestic and Family Violence. The specialist court handles both civil applications for protection orders, as well as criminal matters related to domestic and family violence (breaches, and associated criminal offending) within the Magistrates Court jurisdiction.

The Southport specialist court differs in several ways from regular court practices in Queensland, including:

- specialist magistrates in dedicated courtrooms to hear all civil domestic and family violence order applications, and breaches of orders and related criminal charges proceedings
- in the civil jurisdiction, cases follow the magistrate (i.e. adjourned to a time when the matter can be heard by the same magistrate)
- in general, more time to consider civil applications
- a dedicated court registry, with staff who have an understanding of domestic and family violence and protection order proceedings
- increased support (both for victims and perpetrators) at the courthouse through enhanced legal representation by duty lawyers as well as a registry staff member in the support/safe room to access files and print out orders
- a dedicated information desk on the same floor staffed by volunteers to assist both victims and perpetrators with accessing assistance, but to also coordinate the flow of victims and perpetrators through support services into court
- weekly stakeholder meetings which are attended by at least one of the specialist magistrates.

Based on international experience, the combination of civil and criminal jurisdictions is somewhat unique. Most domestic violence specialist courts are criminal courts, processing domestic violence-related offending. There are exceptions, such as the Victorian Family Violence Court Division (Magistrates Court) (civil applications/breaches/related criminal), Integrated Domestic Violence Court (Toronto, Canada) (crime and some family law) and the Domestic Violence Unit (District of Columbia, United States) (civil, crime and some family law).

A review of past research and evaluations on domestic violence courts shows that there is no single model of a specialist domestic violence court. Most domestic violence courts, especially internationally, are criminal courts, processing domestic violence-related offending (primarily intimate partner violence). Recent reviews indicate that a set of “good practice principles” may be emerging, including: dedicated and safe courthouses; interventions that prioritise victim safety and reduce perpetrator repeat offending; specialised case processing for domestic violence cases; and comprehensive multi-agency support and information services for victims. Importantly, we note that these principles have emerged primarily from the implementation of *criminal* domestic violence courts.



Although there is considerable variation in specialist domestic violence courts in practice, research suggests that specialist domestic violence courts can improve efficiency outcomes and enhance victim and perpetrator satisfaction with court processes, at least in the processing of domestic violence-related criminal offending. Evidence of their impact on the reduction of re-offending is mixed.

This report provides a 12-month evaluation of the progress of the Domestic and Family Violence Specialist Court at Southport. The evaluation has four main objectives:

- to assess the short and medium-term outcomes of the specialist court trial
- to assess the effectiveness of the implemented model as it might be applied to diverse communities
- to assess the cost-effectiveness of the implemented model
- to assess the applicability of the model across the state.

The short and medium-term outcomes, developed by the Department of Justice and Attorney-General, are a mix of efficiency, victim safety and satisfaction, and offender accountability goals which have emerged as common goals for specialist domestic violence courts. We have clustered these outcomes (and the additional evaluation questions) into five groups based on their focus: court process-related; victim-related; perpetrator-related; applicability; and cost effectiveness.

To do this, an intervention/comparison group design was used, supplemented with cross-sectional interviews and focus groups with key stakeholders. After discussions with the Department of Justice and Attorney-General, Ipswich Magistrates Court was selected as the comparison site.

The evaluation relies on six main data sources:

- administrative data collected by Department of Justice and Attorney-General, Queensland Police Service and Legal Aid Queensland
- data coded from a sample of case files for domestic violence protection orders, breaches and related criminal charges
- a survey of a sample of victims and perpetrators of domestic and family violence who have recently been before the courts
- focus groups with registry staff, police prosecutors, duty lawyers, and service providers
- qualitative interviews with magistrates and other key stakeholders
- financial data from key stakeholders involved in the court processing of domestic and family violence.

Additional consultations were undertaken with interstate magistrates and departmental staff, as well as staff working in the broader domestic violence sector.

## **Summary of evaluation findings**

Below, we summarise our responses to the evaluation questions set out in the evaluation terms of reference. In this table, we provide a brief assessment of the progress of the Southport model in achieving its short and medium-term outcomes; an overview of the applicability of this model to other contexts; and an assessment of its cost effectiveness.

Prescribed evaluation questions	What did the court achieve?
<i>Progress on interim evaluation recommendations</i>	Yes – but victim/respondent follow-up needs further consideration.
<i>Progress on short and medium-term outcomes:</i>	
Court processes	Yes, strong collaborative partnerships; innovative culture – role of risk assessment remains unclear; although improved, family law and child protection issues still a concern to some stakeholders; primary focus on civil jurisdiction.
Assistance and information	Yes, within the courthouse for victims – consider role of support for perpetrators as well as assistance and engagement before and after the court appearance/hearing for both parties.
Outcomes and orders	Yes, to some extent – in this context, for stakeholders, consistency meant other stakeholders were able to provide better information and advice; difficult to measure whether civil orders and criminal outcomes are tailored appropriately.
<i>Applicability to diverse groups</i>	Principles underlying specialisation applicable to diverse groups - few victims/perpetrators from these groups in data.
<i>Cost effectiveness of model</i>	Costs of court processing of domestic and family violence cases have increased at both sites, due to increases in volume. However, there has been a slower increase at Southport.
<i>Considerations for state-wide court responses</i>	Build from underlying principles – need for planned and staged implementation, building of stakeholder partnerships, and broader engagement with victims and perpetrators. Consider staged and flexible approach to resource allocations as needs change from start-up to broad-based inter-agency integration and targeted improvements.

## Recommendations

Based on this assessment, we identified 16 recommendations for consideration in the future development of court responses to domestic and family violence. These are listed below, clustered by their primary aim. Twelve recommendations focus primarily on the Southport specialist court; the remaining four recommendations centre on the implementation of statewide initiatives. Thus, some recommendations are not in numerical order.

### For Southport

#### Recommendation 1:

- (1) The Southport specialist court should continue, with a role as a hub of innovation in developing initiatives in the processing of domestic and family violence matters through the courts.
- (2) In enhancing the Southport model, it is timely:
  - to review short, medium and long term outcomes in light of the evaluation results
  - to specify core service deliverables to victims and perpetrators within the civil justice processes
  - to develop routine ongoing monitoring measures from existing data systems, and in relation to these core deliverables
  - to consider redeveloping the coordinator role from responding and managing problems emerging from the trial, to one which focuses on developing and coordinating innovations.

- (3) The long-term outcomes of the Southport specialist court should be evaluated in a further 3 years from 30 June 2017.

**Recommendation 2:**

- (1) To further enhance the criminal jurisdiction within the Southport specialist court, its role and purpose, initial focus should be on an early referral approach. Consideration should be given to formally evaluating a conditional bail approach in the criminal jurisdiction, including screening and assessment processes as well as linking to broader court treatment and referral pathways (such as the Queensland Integrated Court Referral (QICR) pathway).
- (2) More broadly, in exercising criminal jurisdiction, further development should include:
- building further on the work of the Queensland Police Service at Southport in strengthening the collection of evidence in domestic and family violence cases and increasing charging for substantive criminal offences.
  - building on the current specialist prosecutorial model, to identify core components that may contribute to developing specialised police prosecution of domestic violence criminal matters.
  - refining of protocols about where non-domestic violence-related charges, that may be before the court at the same time, are heard.
  - to specify core service deliverables to victims and perpetrators within the criminal justice processes, and identifying short, medium and longer term outcomes for each.
  - to consider what makes effective post-sentence practice in the supervision of offenders on community-based orders, in the context of domestic and family violence offending.

**Recommendation 3:**

To better ensure information about family law orders and child safety matters is before the court, further strategies need to be developed that allow the identification of this information before court appearances. To monitor the issue, consideration should be given to the tracking of the proportion and profile of cases affected.

**Recommendation 4:**

To assist victims and perpetrators in preparing for, and understanding, the civil and criminal court processes, develop and implement a broader pro-active assistance and preparation service (see also recommendation 7).

**Recommendation 5:**

A clear risk screening and assessment framework for use at court should be developed.

**Recommendation 6:**

To further improve the appropriateness of outcomes, and the effectiveness and efficiency of the court experience for perpetrators and victims, strategies that provide more engagement with perpetrators and victims in the process, including court attendance and increased participation, should be developed (see also recommendation 7).

**Recommendation 7:**

To provide more proactive structured contact with, and support for, victims and perpetrators, a “client”-focused service framework for providing information assistance prior, during and after court should be developed and trialled.

The specification of a client service framework will require the development of clear policy and procedures about what matters are included, timeframes for first and subsequent contact, the precise nature of the deliverables, and criteria for individuals to opt out. A second step beyond the service framework will require specification of standards that clients can expect.

The service framework would need to:

- recognise diversity in victim/aggrieveds and perpetrator/respondents (such as gender, type of violence, culture)
- provide precise court information about their upcoming case(s) and service information should they wish to opt out of the assistance service and make their own arrangements.
- provide, or give a referral to, assistance with the completion of required paperwork.
- provide clear referrals or pathways to legal personnel (police prosecutors, duty lawyers) to ensure

that the wishes of the client are communicated in a clear and timely manner for decision-making within the civil and/or criminal process.

- provide follow-up information to victims and perpetrators about the progress, any decisions and the final outcomes of their cases. This should include checking whether victims and perpetrators have understood court decisions, and any referrals to relevant resources to assist them.

The Southport specialist court would be an appropriate location for the trialling of this information assistance service.

**Recommendation 8:**

- (1) To improve experiences at court for both victims and perpetrators, pre-court preparation must include clear communication of expectations on the day (including wait times), as part of the provision of support to victims and perpetrators (see also recommendation 7).
- (2) Given the vital importance of the volunteer coordinator role in managing the parties through the process at the courthouse, consideration should be given to creating this as a registry position. This will provide continuity to the position.

**Recommendation 9:**

As the state agency responsible for perpetrator program funding in the community, the Department of Communities, Child Safety and Disabilities Services should:

- examine the type of programs currently available in Queensland for responses to perpetrators. These may include group-based or one-to-one responses. These should be reviewed for the nature of the response, its appropriateness for the behaviour, the profile of those undertaking the programs, and their connections (if any) with domestic violence service providers.
- based on this review, consider the availability of these resources across the state, and their use by courts. It may be that the distribution and availability needs to be increased. However, this must be considered in conjunction with domestic violence service providers.

**Recommendation 10:**

To enhance the criminal jurisdiction of the Southport specialist court, broader existing voluntary programs and interventions referral pathways (such as the Queensland Integrated Court Referral (QICR) pathway) should include a pathway from the domestic and family violence specialist court. This will embed a specialist approach within broader court strategies.

**Recommendation 11:**

To clarify the issues around family law orders and protection orders, discussions between family law courts and Magistrates Court to develop a clear protocol should be initiated (see also recommendation 3).

**Recommendation 13:**

In developing the client service framework (see recommendation 7), culturally appropriate, as well as ability-appropriate, engagement and support strategies must be developed, in consultation with relevant service providers and community stakeholders.

## **For statewide**

The recommendations for enhancing the Southport model should also be considered in implementing state-wide initiatives.

**Recommendation 12:**

To improve the court processing of domestic and family violence cases, the fast tracking of interpreter requests protocol should be implemented across other locations and courts.

**Recommendation 14:**

Further action research is needed to develop specialist court/justice models or interventions for domestic and family violence matters involving Aboriginal and/or Torres Strait Islander persons, using appropriate and respectful research methodology, discussions that are specific to victim, perpetrators as well as the wider community, and collaborative engagement with communities.

**Recommendation 15:**

(1) Using the above principles as a guide, a tiered approach to specialisation of justice responses to domestic and family violence throughout the state should be adopted:

- where possible, specialisation and support should be embedded in existing broader court structures and victim networks so that it is broadly and consistently available across the state.
- develop a framework for the core deliverables to victims and perpetrators from justice agencies and specialist justice support services within which local areas may specify and advance according to local needs and local priorities (recommendation 6)
- consider the need for continuing the development of enhanced police evidence-gathering in domestic and family violence cases, as well as the role of specialist domestic and family violence police prosecutors.
- develop a framework from these core deliverables for their ongoing routine monitoring.

In developing a tiered approach:

- in high volume locations, the adoption of the Southport model, adapted to local circumstances and needs, should be considered.
- in other urban/regional locations, civil application list and/or a sentencing list for cases involving guilty pleas with wraparound services available at court, adapted to local needs, should be considered.
- in rural and remote locations, a strategy for the use of technology for access to courts and support and legal services for civil applications should be developed, and a specialist circuit court for other matters (especially criminal) trialled.

(2) To allow for continuous improvement, a staged implementation process should be used:

- to introduce specialist courts in high volume locations
- to introduce civil and sentencing lists in regional locations
- to introduce video and circuit courts in rural locations.

(3) In implementing specialist processes, the provision of safe courthouses should be ensured. Safe courthouses include increased or dedicated security, safe waiting places (room or other arrangements) for victims, and safe entry and exit points (both the courtroom itself as well as the courthouse), as well as appropriate rooms for legal and support services.

(4) To ensure fidelity of implementation, continual innovation and flexibility to changing conditions, central coordination, including the establishment of a Domestic and Family Violence Court Implementation team, should be considered.

**Recommendation 16:**

To allow for continuous improvement and the embedding of cultural change within the court, implementation processes should include:

- consulting and collaborating with communities and relevant stakeholders
- building partnerships to share the design of specialised responses
- scoping existing support resources, both specialist and generic
- ensuring mechanisms for regular interaction between key stakeholders in the court process (e.g. regular court-led stakeholder meetings)
- scoping problems, concerns and issues for parties, and related system problems
- continuing education and training for all stakeholders, including joint professional development recognising best practice activities within the courts.

# 1. INTRODUCTION

The Domestic and Family Violence Specialist Court was established in Southport on 1 September 2015, in response to the recommendations<sup>1</sup> in the February 2015 report of the Queensland Special Taskforce on Domestic and Family Violence (Queensland Taskforce). Initially, the trial was for 6 months, but later extended to 30 June 2017. The key elements of the specialist court trial include:

- specialist magistrates in dedicated courtrooms to hear all civil domestic and family violence order applications, and breaches of orders and related criminal charges proceedings
- a dedicated court registry, with staff who have an understanding of domestic and family violence and protection order proceedings
- dedicated support (both for victims and perpetrators) and legal staff (police prosecutors, duty solicitors) available at the courthouse
- an information desk staffed by volunteers to assist both victims and perpetrators with accessing assistance (a need identified during the implementation of the trial program).

An interim evaluation, focusing primarily on the specialist magistrates and registry staff, was conducted after the first three months of the operation of the specialist court. Overall, the interim evaluation found that assessments of the court were very positive, especially in the context of the short period in which it was set up (Department of Justice and Attorney-General 2016). However, a key challenge identified by the interim evaluation was the need for better communication of the progress of proceedings to both parties. The six recommendations resulting from the interim evaluation relate to:

- the development of a comprehensive set of policies and protocols
- the development of appropriate data collection mechanisms
- the provision of adequate support to court staff in light of the stresses and workload of working in this area
- the exploration of the ability to link Queensland Police Service and Department of Justice and Attorney-General data (anticipating the needs of further evaluations)
- the improvement of information to both aggrieved and respondent
- the possible development of a protocol for how to keep victims informed about the progress of criminal matters (2016: 3-4).

In May 2016, Department of Justice and Attorney-General contracted with a research team from Griffith University to conduct the 12-month evaluation of the specialist court trial. The purpose of the 12-month evaluation is to assess progress on the short and medium-term outcomes of the specialist court in Southport. However, this assessment is being completed within a changing environment: as part of the ongoing management of the specialist court, continual improvements are made as part of an ongoing monitoring process through the operational working group. (The operational working group consists of representatives of the stakeholders involved in the day to day

---

<sup>1</sup> In particular, recommendations 96 and 97 (Queensland Taskforce, 2015). There were also a range of recommendations made about duty lawyers, the availability of perpetrator programs, increasing access to court support for both victims and perpetrators, as well as improved policing responses.

operations of the Southport domestic and family violence specialist court trial (namely, specialist magistrates, specialist registry, duty lawyers, specialist police prosecutors, domestic violence service providers, probation and parole, and the specialist trial coordinator). Their purpose is to coordinate process and practice in the specialist court. More broadly, the context around the justice response to domestic and family violence continues to change, with a number of initiatives are being introduced. For example, in the last month, there has been a bill passed with amendments to the *Domestic and Family Violence Protection Act 2012* (including changes to Police Protection Notice provisions); the funding of a trial of high risk integrated response in the Logan area; as well as the expansion of specialist domestic and family violence legal services on the Gold Coast.

## **1.1 Processing domestic and family violence matters**

Under Queensland law, domestic and family violence occurs when a person uses abuse to control a person with whom they have an intimate personal, family or informal care relationship (past or present) (ss.13-20 *Domestic and Family Violence Protection Act 2012*). Abuse has been broadly defined, to include physical, sexual, emotional, psychological and financial behaviours that are abusive, threatening or coercive (ss.8-12 *Domestic and Family Violence Protection Act 2012*).

For those unfamiliar with court responses to domestic and family violence, there are two main approaches: a civil and a criminal response. The civil response involves applying to the court for a protection order (known in Queensland as a domestic violence order). This order is made by the court to stop threats or acts of domestic or family violence against a victim, through a range of conditions determined to be appropriate. Conditions can include that the perpetrator is not allowed to: contact the victim; approach the victim's residence or workplace; approach friends or relatives within a certain distance; and stay in a residence shared with the victim. Applications can be initiated by victims themselves, a police officer, or other authorised person. It is also possible to apply to vary the conditions of, or revoke, an existing order. Applications are heard in the Magistrates Court. In Queensland, the domestic violence protection order process is governed by the *Domestic and Family Violence Protection Act 2012*.

Breaches of a domestic violence order, and any criminal offences committed in a domestic or family violence context, are dealt with through a criminal response, by filing criminal charges. The majority of breaches and more minor criminal offending will appear in the Magistrates Courts.<sup>2</sup> However, serious criminal offending will be dealt with in the higher courts (i.e. District or Supreme Courts).

## **1.2 Scoping the challenges**

Increasing reports of domestic and family violence nationally has resulted in greater awareness and attention on how we respond to this violence, especially the justice system. In the last 18 months alone, there has been a Royal Commission in Victoria, the Special Taskforce in Queensland, as well as a range of national and state initiatives, with the federal government committing \$30 million over the next three years. The Queensland Government, which committed to the implementation of the recommendations of the Special Taskforce, introduced the *Domestic and Family Violence Prevention*

---

<sup>2</sup> The penalty for breaches of a domestic violence order can be up to five years of imprisonment, where there has been repeat offending. Some indictable matters, if the sentence is three years or less can be dealt with in a Magistrates Courts; otherwise breaches are dealt with in the higher courts.

*Strategy 2016-2026*. Thus, the implementation of the specialist court at Southport has occurred within a broader context of change in Queensland and Australia.

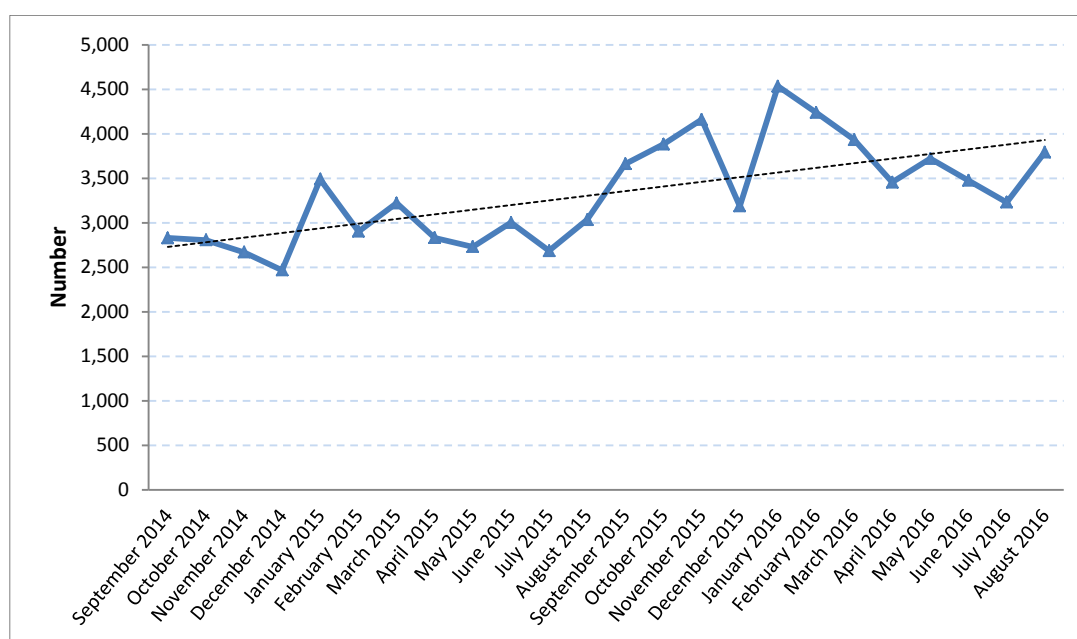
Submissions about specialist domestic and family violence courts to the Queensland Taskforce Report (the Bryce Report) note different existing specialist court models, referencing the different legal frameworks, different components within legal systems, different aspects of legal processes, and the activities of different professionals within these systems and processes. The Taskforce considered that there was “merit” in “combining jurisdictions”, observing that “careful analysis of existing practices” was important (Queensland Taskforce 2015: 278-284).

The Taskforce acknowledged the complexity of legal systems as well as the complexity of domestic and family violence matters coming before it. It urged the need to “think creatively” about adapting and shaping “existing powers and functions ... to impose sanctions and responses that will give practical protection to victims, hold perpetrators to account, and give both the best opportunity to turn their lives around” (Queensland Taskforce 2015: 339).

The volume of civil applications for domestic violence orders flowing into the court system continues to grow. As Figure 1.1 shows, overall, there has been an upward trend in the number of all civil applications (original, variations, revocations) in the past 24 months. The growth in the number of domestic and family violence civil matters was frequently mentioned by stakeholders during the evaluation. As one magistrate mentioned:

*When I first came in, we had 70 applications in a day, it was absolutely brutal, so we didn’t have a lunch break for 4 and a half months, so we just did them until we dropped ... (external magistrate).*

**Figure 1.1: Number of *all* types of civil applications for domestic violence orders filed per month, Queensland, September 2014 to August 2016**



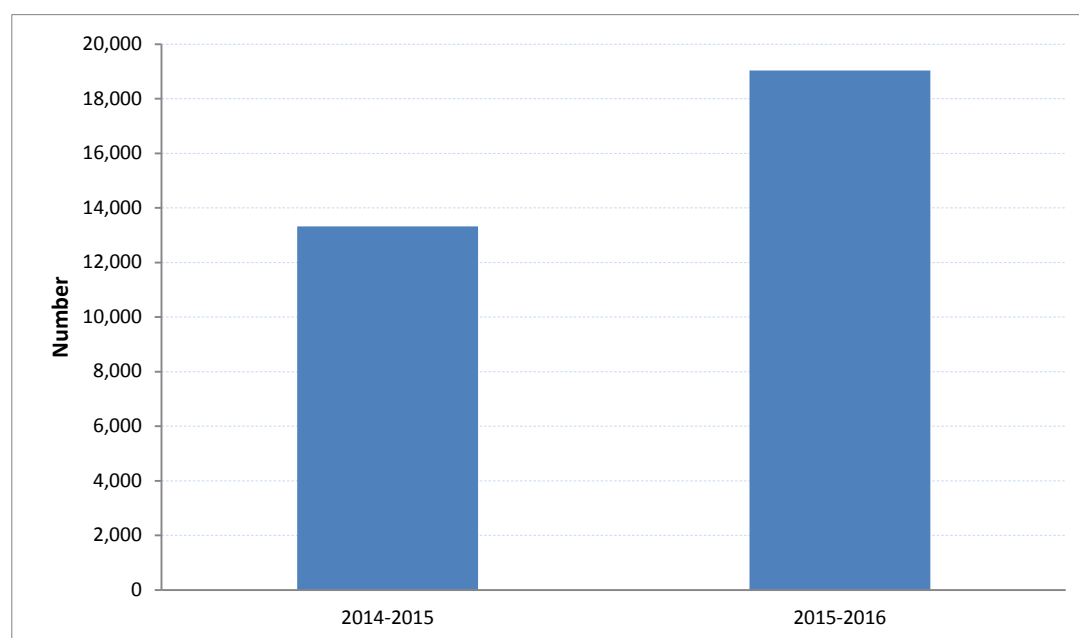
Source: Department of Justice and Attorney-General

**Notes:** All applications are included: originating, variations and revocations. The total number of applications between September 2014 and August 2016 is 79,929. The dotted line represents the linear trend in applications.



Similarly, there has been a growth in the number of charges filed for breaches of domestic violence orders state-wide (see Figure 1.2).<sup>3</sup>

**Figure 1.2: Number of charges for breaches of domestic violence orders filed, Queensland, 2014-2015 and 2015-2016**



Source: Department of Justice and Attorney-General

For the courts and agencies supporting the courts, the challenge behind these numbers is being able to meet demand in ways that are responsive, timely, appropriate and proportionate (Ministry of Justice 2014).

### **1.2.1. Behind the numbers**

The numbers, however, tell only part of the story. Behind these are stories from a great variety of personal relationships and circumstances. One Queensland study revealed women's experience of physical abuse included "pushing, shoving, throwing something, punching, kicking, belting, burning, cutting or choking the victim, and the use of weapons or weapon-like objects" (n=29 women) (Meyer 2011: 274). Another study, relying on in-depth interviews with 20 women across the state, suggests that the realisation that their experience was domestic violence came over time and was often 'only fully understood retrospectively' (Douglas & Stark 2010: 16). Interviews with Aboriginal and Torres Strait Islander women in Queensland often describe serious abuse that is contextualised by histories of social and family violence (Cunneen 2010).

Qualitative studies show that there is a complex interplay of factors influencing women's disclosing their abuse to others, and their help-seeking from both informal and formal networks. Research

---

<sup>3</sup> Importantly, these numbers reflect an increase in the demand for a legal response, and not necessarily an increase in the underlying incidence of domestic and family violence. An increase in access to the court for domestic violence orders, especially private-initiated applications, may suggest increased confidence in the community about reporting of, and accessing help through legal intervention for, domestic and family violence. It may also reflect changing police practices.

consistently shows that women predominately seek help from friends and family (e.g. Johnson et al., 2008). For all types of violence against women, abuse perpetrated by a current partner is least likely to be reported (Johnson et al. 2008: 138). Barriers include fear of child safety officers removing children, fear of the perpetrator, blame from families and communities, fear of authorities, plus the challenge of distance and of past negative experiences (Cunneen 2010). However, when women do seek police intervention, research indicates that they themselves are most likely to initiate the call (Crime and Misconduct Commission<sup>4</sup> 2005; Holder 2007).

### **1.2.2. Experience with ‘the system’**

Victims’ expression of their ‘agency’ in making decisions about formal assistance is as important as their ability to participate and influence decisions that directly affect them (such as police and court responses to their victimisation). The extent to which victims have participated often has an impact on their assessments of their experiences with the justice system. Large scale and small qualitative studies in Queensland show mixed experiences with justice system responses. These studies show that what is valued by women as victims of domestic and family violence, from police attendance at incidents through to experiences of courts, is respectful, professional, timely, and inclusive responses that show the violence and the victim is taken seriously. Equally, the experience of indifferent and unhelpful responses that do not adequately account for diversity and the complexity of real lives can lower engagement by victims with the justice system in general (e.g. Crime and Misconduct Commission 2005; Cunneen 2010; Douglas & Stark 2010; Meyer 2011).

In victims’ engagements with courts for legal protection, research suggests that victims:

- often perceive others’ (especially justice professionals) questions about the circumstances of the abuse as a lack of understanding of the dynamics of their experience of abuse
- experience the prioritising of the perpetrator’s access to children over their safety
- view sentence outcomes as not fitting or appropriate to the offence (see, e.g., Meyer 2011).

The problems identified by women with inadequate criminal and civil justice responses are well known (Douglas & Godden 2003; Holder 2001). Douglas and Stark (2003) found that women wanted to be informed about decision-making, information about the progress of the matter, better evidence gathering, a re-think on plea negotiations, and charges that represented the substantive offence(s). Interviewees (n=20 women) described attending court itself as terrifying, confusing, and intimidating. They did not know where to go and what to do; waited ‘ages’; found little information that was practically helpful; and did not understand the process or the outcomes (Douglas & Stark 2003).

These findings are not unique to Queensland. Indeed, domestic violence specialist courts have in part been implemented as a strategy to address these concerns.

---

<sup>4</sup> Now known as the Crime and Corruption Commission.

### **1.3 Report structure**

After this introductory chapter, Chapter 2 provides an overview of models of specialist domestic and family violence courts based on prior research, as well as what we know from past evidence about the impact of these courts.

Chapter 3 briefly sets out the evaluation design, describing the trial (or evaluation) site and main data sources.

Chapter 4 summarises the key elements of the Southport model, identifying how it differs from the approach of regular courts in Queensland. It provides an assessment of the implementation of the interim evaluation recommendations.

Chapters 5 and 6 reports the results of the 12-month evaluation in achieving its short and medium-term outcomes, as well as considers how the Southport model applies to members of diverse communities.

Chapter 7 summarises the findings of the cost effectiveness analysis of the specialist court.

Chapter 8 concludes by reflecting on broader issues raised by the evaluation results for the court processing of domestic and family violence in Queensland, summarises the key evaluation findings and lists the recommendations.

## 2. MODELS OF DOMESTIC AND FAMILY VIOLENCE SPECIALIST COURTS

Specialised courts comprise part of a history of justice initiatives to address the problem of domestic and family violence. Since the 1970s, there has been considerable focus on the role and activities of police and, in the decades that followed, attention was given to pro-arrest policies (Maxwell, Garner & Fagan 2002) and subsequently to prosecution (Garner & Maxwell 2009). In addition, a number of jurisdictions have trialled domestic violence initiatives related to repeat victimization (Robinson 2006), inter-agency risk assessments (Nicholls et al. 2013), perpetrator programs (Akoensi et al. 2013; Eckhardt et al. 2013), death reviews (Bugeja, Dawson, McIntyre & Walsh 2015), victim participation and advocacy (Bybee & Sullivan 2002; DePrince et al. 2012; Holder 2008), and coordinated responses (Shorey, Tirone & Stuart 2014).

The implementation of specialist domestic and family violence courts is increasing across western English-speaking jurisdictions. A National Portrait of Domestic Violence Courts in the United States (Labriola et al. 2012) found 208 such courts. Canada has approximately 100 specialist domestic and family violence courts with the province of Ontario having over half of these (Johnson & Fraser 2011; Ursel et al. 2008). Between 2008 and 2013, specialist domestic violence courts in the U.K. had exploded from 23 locations to 138 (Crown Prosecution Service 2008; Centre for Justice Innovation/New Economics Foundation 2014). An early Australian review examined 12 sites (Stewart 2005), but there has been no recent published audit.<sup>5</sup> It is important to note that most overseas developments and research on specialist domestic and family violence courts focus on the criminal jurisdiction. We discuss the implications of this focus where relevant in this report.

In this section, we overview:

- the rationale for, and definition of, domestic and family violence specialist courts
- the types of models for domestic and family violence specialist courts that have developed in western English-speaking jurisdictions
- the common objectives of domestic and family violence courts in these jurisdictions
- the current evidence about the impact of specialised domestic and family violence courts.

### 2.1 Specialist court models for domestic and family violence

Specialisation is not a new practice for the courts, with specialised jurisdictions (e.g. family, criminal, civil) a standard part of legal practice. However, although at times combined with punishment goals (Roach Anleu & Mack 2007), specialist *courts* may be underlined by ideas of therapeutic and restorative justice (Winick 2000), envisaging a more active role for judicial officers:

Therapeutic jurisprudence [justice] asks all judges to recognize that they can be important agents of change, and to acknowledge that their words, actions, and demeanour will invariably have an impact on the people who come before them in the courtroom. (Goldberg 2005:4).

---

<sup>5</sup> A current count of the number of family and domestic violence courts in Australia is not part of this report.

In specialist courts, this “therapeutic ethos” is demonstrated through “a more individualised ... remedy or intervention” in cases, with an emphasis on “assistance, guidance and treatment” (Roach Anleu & Mack 2007: 175). While not an entirely comfortable fit, this orientation is typically joined with justice system goals related to court processing and case management, such as processing large volumes of cases efficiently, quickly, and as far as possible, effectively.<sup>6</sup>

These court-based initiatives can be separated into two categories (Frieberg 2001):

- *problem-solving specialist courts* are commonly understood as offender-focused. It may typically involve a form of judicial monitoring of the offender’s involvement with treatment or rehabilitation as well as a team approach to the intervention (Payne 2006; Courts and Programs Development Unit 2006; Berman & Feinblatt 2005).
- *problem-oriented specialist courts* place ‘the problem’ (e.g. mental health, drug abuse, domestic violence) as the defining characteristic of the court. This approach can accommodate both victims as well as offenders as core to the court mission (Ursel & Hagyard 2008).

### **2.1.1. Why domestic violence courts?**

Domestic and family violence specialist courts are a response to concerns that traditional courts, both civil and criminal, are not well-equipped to respond to the needs of victims of violence in a domestic or family context (see e.g. Queensland Taskforce 2015; Ministry of Justice 2014; Hoffart & Clarke 2004; Jane Doe Legal Network n.d.). Although these needs are well-documented (e.g. Queensland Taskforce 2015; Stubbs & Wangmann 2015; Ministry of Justice 2014; Ursel 2012; Stewart 2005; Jane Doe Legal Network n.d.), these needs introduce several complexities, including:

- domestic violence commonly involves multiple incidents, with little physical evidence, escalating seriousness, and few if any witnesses
- often some continuing relationship between victim and perpetrator
- victim safety
- lack of support and services to assist victims engagement with the justice system
- the fragmentation of issues, such as child custody, child protection, criminal charges and civil applications across legal jurisdictions, making it difficult for victims to navigate the legal processes.

In particular, specialised courts are now seen as a means to manage, if not overcome, this legal fragmentation. The Queensland Taskforce recommended that the model “deal with all related domestic and family violence and criminal/breach proceedings” (2015: Recommendation 96). While this core recommendation was accompanied by others including specialist personnel, training, cross-vesting powers, development of guidelines, new services, pro-active investigation and protection practices, it was relatively silent on the detail of the proposed specialised court.

In addition, arguments for specialisation have pointed towards what are perceived as inadequate civil orders made in relation to respondents, and lenient sentences for offenders in criminal court

---

<sup>6</sup> See, for example, Courts and Programs Development Unit (2006).

matters. Some commentators have also argued that the benefits are not just for victims: from a therapeutic or restorative perspective, specialisation can be beneficial for perpetrators (Berman & Feinblatt 2005; Blagg 2008).

### 2.1.2 What is a specialist domestic violence court?

The definition of a specialised domestic and family violence court is not entirely clear. A review of current commentary and research reveal considerable variation behind the label of the ‘domestic violence court’. The term ‘domestic violence’ court has become a label for a range of services that support courts which focus on domestic and family violence (Stewart 2005). At the very least, the label recognises the different nature of the offences, the relationship between the principal parties, the impact on victims and children, as well as the complex personal and social dynamics that create challenges for legal responses. Some commentators have expressed concern about the significant variation in what is being labelled a ‘domestic violence court’:

Consequently, defining any type of specialized process or calendar for domestic violence cases a “domestic violence court” has raised concern among judges, court managers, domestic violence advocates, and others seeking to assure that public and private resources are allocated to domestic violence responses that are effective as well as innovative (Karan et al 1999: 76).

Amongst the diversity of domestic violence courts, a set of common features have been identified (Ministry of Justice 2014; Jane Doe Legal Network n.d.). Table 2.1 summarises the typical differences and similarities observed between domestic violence courts.

**Table 2.1: Typical differences and similarities between features of domestic and family violence courts**

Differences	Similarities
Definition of domestic violence (intimate partner vs family violence)	Some specialisation of staff
Focus (victim vs offender)	Informed, consistent judicial decision-making
Eligibility criteria for inclusion in the court list	Information sharing and coordination of responses
Scope of law (civil/family, criminal, both)	Some type of associated support (victim, offender, or both)
Degree of specialisation of key personnel	Concern with timeliness of processing
Type of judicial role (judicial monitoring vs ‘umpire’)	
Type of court process (first appearances or applications only, sentencing and so on)	

Adapted from Ministry of Justice (2014).

Based on these similarities, many commentators would endorse the definition provided by the U.S. Centre for Court Innovation (Labriola et al. 2009) which defines a specialist domestic violence court as a court that:

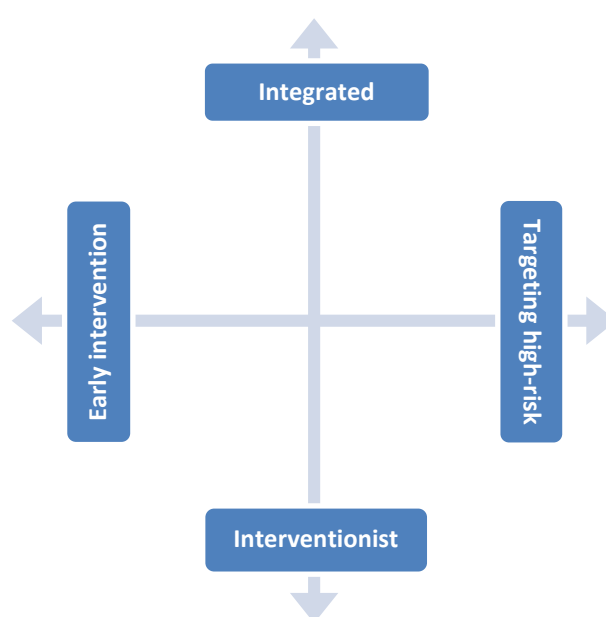
- processes domestic violence cases “on a separate calendar or assign[s] domestic violence cases” to a single or group of dedicated judicial officers (p.iv).
- engages associated specialists such as dedicated prosecutors and victim advocates (pp.38-39).

Similar points have been made by Tutty and colleagues (2008: 83-84), and Stewart (2005: 9-17) in the Canadian and Australian context, respectively. The separate ‘list’ days for civil protection order applications, implemented in Australian and many overseas jurisdictions, are largely not described as ‘specialist domestic violence courts’ within research on specialist domestic violence courts. This may be due to the lack of broader specialisation among legal professionals in the court (such as judicial officers and prosecutors). However, these definitions do not reflect the diversity in the practice across jurisdictions (Ministry of Justice 2014).

### 2.1.3 Approaches to domestic and family violence specialist courts

Rather than categorising specialist domestic violence courts into separate models, a better approach might be to think about specialist domestic violence courts as consisting of clusters of practices that sit on a continuum between integrated and interventionist,<sup>7</sup> and between early intervention and targeting of high-risk or repeat perpetrators approaches (see Figure 2.1). In other words, for example, a specialist domestic violence court in a particular jurisdiction may not be fully interventionist, but may contain elements of an integrated approach.

**Figure 2.1: Dimensions of specialist domestic court approaches**



The characteristics of these dimensions are:

- *Interventionist*: This approach is offender-focused, with an emphasis on offender treatment rather than conviction. Typically, this will involve some form of judicial monitoring of offenders’ treatment or rehabilitation. In one version of this model (the Calgary (Canada) Domestic Violence Court), low-risk offenders could have their charges stayed with a peace bond if they attended rehabilitation programs (Ursel et al. 2008). (This conceptualisation of a domestic violence court is closer to a *problem-solving* type of specialist court, as described above.)

<sup>7</sup> These terms have been adopted from the report by the Jane Doe Legal Network (n.d.).

- *Integrated*: This approach focuses on the relationships between the justice agencies involved in the process in particular, and, in some versions, the support and other services for both victims and offenders. In the United States and Canada, this type of domestic court generally relies on proactive police and prosecution models, emphasising investigation techniques and evidence that is less reliant on the victim (Jane Doe Legal Network n.d). (This model best falls into the *problem-oriented* specialist court type, as described above.)
- *Early intervention*: In general, this approach focuses on first-time or low-risk perpetrators where there has been little harm to the victim, usually working on a guilty plea model (Ministry of Justice 2014).
- *Targeting high-risk*: Under this approach, high-risk or repeat perpetrators are targeted, primarily through criminal justice processes, such as “vigorous prosecution” (Ministry of Justice 2014: 5).

As much of this discussion about types of domestic violence courts is international, there is an emphasis in these approaches (and the language used to describe them) on the *criminal* processing of domestic violence offenders. However, in New York (U.S.) and Toronto (Canada), the specialist courts combine criminal charges for domestic violence incidents with related family matters. Table 2.2 (next page) shows the differences internationally in the types of features typically found in domestic violence courts.

Recent Australian domestic violence courts (namely, Queensland, South Australia and Victoria) have generally adopted a broader approach to specialist domestic and family violence courts, incorporating both civil and criminal aspects of domestic and family violence, often within a more integrated framework. Those jurisdictions with a criminal justice focus include the Australian Capital Territory, New South Wales and Western Australia. However, in all these jurisdictions, their courts also maintain dedicated court processes for applications for civil protection orders. The Australian Capital Territory (ACT) Family Violence Court forms part of a wider Family Violence Intervention Program that is criminal justice focused. In New South Wales, two pilot specialist courts are continuing and the lessons learned from them have been incorporated across their criminal courts more generally.<sup>8</sup> The Western Australian domestic violence courts<sup>9</sup> were also criminal justice focused. All Australian jurisdictions have variations of ‘domestic violence list days’ for protection orders applications, as well as processes for managing and hearing allegations of criminal conduct. The variations are about how these civil and criminal processes are ordered, with what associated allied specialists, and with what particular emphases. Table 2.3 sets out some of the features of Australian specialist domestic violence courts.

---

<sup>8</sup> For the Australian Capital Territory, see Holder & Caruana (2006); for New South Wales, see *The NSW Domestic Violence Justice Strategy 2013-2017*, New South Wales Attorney General and Justice.

<sup>9</sup> These courts are currently being re-developed, following an evaluation (Western Australian Department of Attorney-General 2014).



**Table 2.2: Features of selected overseas specialist domestic violence criminal courts**

	Designated court list	Criminal case focus	Identifying & fast tracking cases	Coordinated case tracking	Designated judicial and court personnel	Designated law enforcement & prosecution personnel	Increased victim advocacy & support	Increased focus on victims' safety	Compliance monitoring of orders & sentences	Special perpetrator programs
U.K.	✓	✓	✓	✓	✓	Varies	✓	Mixed	Mixed	Varies
U.S.A.	✓	✓	Varies	Varies	✓	Varies	Varies	✓	Mixed	✓
Canada	✓	✓	Varies	Varies	✓	Varies	✓	✓	Mixed	Varies

Sources:

Canada: Johnson & Fraser 2011; Tutty et al. 2008; Ussel et al. 2008

U.S.A.: Labriola et al. 2009; Gover et al. 2003; Katz & Rempel 2011; Cissner et al. 2015

U.K.: Centre for Justice Innovation/New Economics Foundation 2014; Crown Prosecution Service 2008; Cook et al. 2004

Note: "Varies" means that site specific studies reveal differing degrees of specialisation amongst justice personnel. "Mixed" means that site specific or program-specific research has revealed different results.

**Table 2.3: Features of recent specialist domestic violence courts in Australian jurisdictions**

		Designated court list	Jurisdiction	Designated magistrate	Designated prosecutors	Safe room	Increased victim support & advocacy	Compliance monitoring of orders	Perpetrator programs
ACT	Family Violence Intervention Program	Yes	Criminal	Yes	Yes	Not specified	Yes	No	Yes
NSW	Domestic Violence Intervention Court Model	No	Criminal	Not specified	Not specified	Yes	Yes	No	Yes
SA	Family Violence Court	Yes	Combined	Yes	No	Not specified	Yes	Progress reports (pre-sentence)	Yes
Vic	Family Violence Court Division	Yes	Combined	Yes	Yes	No	Yes	Not specified	Yes
WA	Family Violence Courts	Yes	Criminal	Yes	Yes	Not specified	Yes	Yes	Yes
	Family Violence list (pilot)	Yes	Criminal	Yes	No	Not specified	Yes (increased contact & follow-up)	In transition	Yes
Qld	Domestic & Family Violence Specialist Court Trial	Yes	Combined	Yes	Yes	Yes	Yes	No	Yes

Sources: ALRC/NSWLRC (2010); Cussen & Lyneham (2012); Department of Justice and Attorney-General (2016); WA Department of Attorney General (2014); [www.magistratescourt.vic.gov.au/jurisdictions/intervention-orders/family-violence-court-programs](http://www.magistratescourt.vic.gov.au/jurisdictions/intervention-orders/family-violence-court-programs); [www.lsc.sa.gov.au/dsh/ch04s09.php](http://www.lsc.sa.gov.au/dsh/ch04s09.php)

**Notes:**

- Not all listed courts may be currently operating.
- The Victorian Family Violence Court Division has the most extensive jurisdiction, including protection orders, summary criminal matters, committals for indictable offences, civil personal injury claims, compensation and restitution, and family law and child support (to the degree conferred on the Magistrates Court). In contrast, Queensland has an administrative (not court-based) scheme for compensation for victims.
- The South Australian Family Violence Court may request progress reports on the defendant's compliance with bail and program requirements.
- The Western Australian Family Violence Courts are still operating; however, due to an evaluation demonstrating no significant impact on perpetrator recidivism, a revised model (Family Violence List) is now being trialled in one site.

## 2.2 Goals or objectives for domestic and family violence courts

Similarly, there appears a lack of consensus about goals or objectives for domestic violence courts. Labriola and her colleagues found convergence in the United States on the dual “goals of victim safety and offender accountability” (2009: iv). In the United Kingdom, a third objective of “increasing public confidence in the criminal justice system” supplemented these two objectives (Crown Prosecution Service 2008). In Australia, Stewart identified an emphasis by some judicial officers towards objectives that focus on “early intervention with perpetrators and treatment programs using a therapeutic justice model” (2010: 1); while other Australian judicial officers emphasised the courts’ more established role in upholding the criminal law and therefore accountability to the law (Holder 2006). Recognised as a blind spot in problem-solving courts is the role and place of the victim, beyond simply the provision of support (Blagg 2008: 15).

### 2.2.1 The goal of offender accountability

Offender accountability is typically associated with sanctions. For example, offender accountability is increased when there is evidence of (compared to non-domestic violence related offending, or past domestic violence related offending): increased arrests for more serious offences, increased prosecution; the imposition of more severe sentences and swift responses to non-compliance of orders (see e.g. Moore 2009; Labriola et al. 2007; Bledsoe, Sar & Barpee 2006). In other words, accountability can become equated to severity of sanction.<sup>10</sup> Thus, offender accountability is conceived in terms of the actions of the justice system. In this context, it focuses on what the specialist court does to hold perpetrators responsible for their actions.

Another definition focuses on the offenders’ response: i.e. “taking responsibility for one’s actions and accepting the possibility for change” (Gilligan & Lee 2005: 144). Daly (2016) argues that offender accountability is a distinct aspiration for victims, that may or may not derive from justice system responses (which include vindication and punishment). This orientation aligns with what research suggests victim perceive as offender accountability. From the perspective of victims, offender accountability consists of three elements (Holder 2016):

- *Wrongfulness*: The offender acknowledges the wrongfulness of the actions.
- *Culpability*: The offender admits culpability for the actions.
- *Intention*: The offender intends to change their behaviour.

This definition of offender accountability means that specialist courts need to be supported by a range of sanctions that are proportionate and appropriate to the conduct alleged whether these are custodial or community-based.<sup>11</sup>

A final point needs to be noted: these definitions of offender accountability have a criminal emphasis. Consequently, there is a question about how civil justice responses may fit within these conceptualisations of offender accountability. For example, protection orders are commonly made

---

<sup>10</sup> We recognise that any individual sentencing decision involves the judicial balancing of sentencing goals, and the consideration of a range of factors, as set out in relevant sentencing legislation (such as the *Penalties and Sentencing Act 1992 (Qld)*).

<sup>11</sup> The Victorian and Tasmanian Sentencing Advisory Councils have released examinations of sentencing practices in the context of domestic violence offending (Victorian Sentencing Advisory Council 2009, 2013, 2015 2016; Tasmanian Sentencing Advisory Council 2015). The Victorian reports focus on the sentencing of breaches of intervention orders, rather than substantive domestic and family violence offences.

with consent but without admissions. Thus, from a legal perspective, there is no admission by the perpetrator of culpability (the second element of accountability). However, perpetrator engagement with the court process, and perpetrator understanding and compliance with orders might be part of how offender accountability may work in the civil context.

### 2.2.2 The goal of victim safety

Most specialist domestic violence courts include victim safety as a key objective. However, this goal frequently fails to distinguish between two types of safety:

- *short-term safety* (at the courthouse and in the short-term).<sup>12</sup> Through safe courtrooms, temporary protection orders, bail conditions or remand, courts may be able to provide a period of reprieve, allowing victims the space to consider their options.
- *long-term safety*. As Johnson (2010: 11) points out, what the justice system can do to ensure the long-term safety of domestic violence victims is “limited”. For instance, the effectiveness of protection orders is mixed (e.g. Klein 1996); arrest has, at most, a small effect on perpetrator recidivism for certain groups only (e.g. Maxwell, Garner, & Fagan 2002); and the impact of court-mandated behavioural intervention programs is small and inconsistent (e.g. Feder & Wilson 2005). Long-term security requires the development of resources and coping strategies, through access to counselling, information, housing and financial assistance (Minaker 2001). Specialist courts can play an important role by facilitating victim access and referral to support and other assistance agencies and programs.

Overall, few have explored what safety means to victims of domestic violence (Johnson & Fraser 2011). Understanding ‘safety’ from the victim’s perspective is in its infancy (Putt, Holder and O’Leary, forthcoming). Most research tends to assume that safety equals the cessation of offender behaviour. While this is obviously important for victims, it may or may not be a full meaning of ‘safety’ from their perspective. Further, there is considerably little discussion or debate about what and how to measure victim interests in criminal or civil justice. Looking specifically at sexual victimisation, Daly has suggested victim interests consist of: participation, voice, validation, vindication, and offender accountability (Daly 2016).<sup>13</sup>

### 2.2.3 The goals of procedural justice and increasing confidence in the justice system

Emerging from a psychological perspective of citizen encounters with legal authorities, the concept of procedural justice broadly focuses on citizen perceptions of fairness of the process. Procedural justice is generally conceptualised as having four dimensions: fairness, “voice”, respect and impartiality (Tyler 2006). In short, research shows that those who feel more fairly treated will be more likely to comply with legal authorities (Tyler 2006; Tyler & Huo 2002; cf. Murphy & Cherney 2011 which demonstrates that this might not be the case for all sub-groups, at least in the context of policing).

---

<sup>12</sup> We could also distinguish *immediate safety* (i.e. safety at the point of crisis or first response), where Police Protection Notices, arrests and other police responses on scene may provide strategies for victim safety. However, we recognise that not all victims access the police at points of crisis.

<sup>13</sup> Some of these interests resonate with the concept of procedural justice.

Researchers have noted the importance of procedural justice as part of the mix of ‘success’ in specialist domestic violence courts for perpetrators and victims (Epstein 2002; Gover et al. 2007). For example, research has shown that victim satisfaction with specialist court processes is dependent on perceptions of fair treatment (Harrell et al. 2007).

#### **2.2.4 The goals of efficient case processing**

Efficient case processing is a common goal of specialist domestic violence courts (Ministry of Justice 2014; Moore 2009), although it may take different forms, such as fewer delays or increased prosecution and conviction. These efficiency goals are not antagonistic to the goals of victim safety and offender accountability (Mirchandani 2005). Rather, specialisation enables the justice system to work *with* service providers and other stakeholders to harness the routine of case processing for other substantive justice goals. The object of efficient case processing has also been underpinned by improvements in police evidence gathering, providing better evidence early in the process, and more proactive prosecution practices, which on average increase early pleas of guilt and, consequently reduce the need for fully contested trials. (e.g. Holder & Caruana 2006).

### **2.3 Current evidence: Can domestic and family violence specialist courts make a difference?**

The effectiveness or impact of domestic violence courts depends on what is being implemented, how well it is implemented, what the court’s objectives are, and how these objectives are measured (Robinson 2008; Westmarland & Kelly 2012). Given the primary criminal focus of most domestic violence courts, much of this evidence is related to the effect on perpetrators and victims in specialist domestic violence criminal courts.

#### **2.3.1 For perpetrators**

Research examining the effect of domestic violence courts on perpetrators is difficult to compare because the nature of the ‘intervention’ varies considerably between court locations. Some studies emphasise the importance of judicial oversight and compliance monitoring whereby offenders are brought back before the sentencing judge (Burton 2006; Vera Institute 2006); others examine rates of rearrest (Gover et al. 2003) and re-offending (Cissner, Labriola & Rempel 2013); and finally there is the focus on stand-alone perpetrator programs (Gondolf 2009).<sup>14</sup>

Evidence of the impact of specialist courts on perpetrator recidivism (re-offending in a domestic violence context) is ambiguous, with some studies showing no reduction (e.g. WA Department of Attorney General 2014). However, there is some evidence to suggest that certain models of domestic violence court may reduce repeat offending by perpetrators, when sanctions are combined with effective judicial supervision of the perpetrator (Mazur & Aldrich 2003; Cissner, Labriola &

---

<sup>14</sup> The research in this area is now substantial in volume, though mixed in quality of evaluation method. Australia’s National Research Organisation for Women’s Safety (ANROWS) has published two literature reviews and is funding further research (see: [anrows.org.au/publications/landscapes/perpetrator-interventions-in-australia](http://anrows.org.au/publications/landscapes/perpetrator-interventions-in-australia)).

Rempel 2013).<sup>15</sup> Some specialist domestic violence courts have also been found to increase perpetrator satisfaction with court processes (e.g. Petrucci 2002).

### **2.3.2 For victims**

Research shows victims value (Holder & Caruana 2006: 56):

- intensive practical support
- timely information and updates
- being heard and understood by justice personnel
- the focus on their safety
- support at court
- knowledge that agencies work together
- independent advocacy with justice agencies.

In the U.K., there continues to be a particular emphasis on dedicated and independent victim advocacy, with substantial (though admittedly insufficient for demand) investment in specialist advisors and specialist services (Centre for Justice Innovation/New Economics Foundation 2014). These have been shown to be highly valued by victims in Australia (Rodwell & Smith 2008; Western Australian Department of Justice 2014), Canada (Tutty et al. 2008), and the U.K. (Bowen & Whitehead 2016; Cook et al. 2004). In the United States, research has shown that independent advocacy increases victim involvement with and satisfaction with criminal justice processing (DePrince et al. 2012). In general, victims have been found to have positive perceptions of domestic violence court processes (Moore 2009; cf. Davis et al. 2001). However, the provision of support services does not necessarily translate to greater feelings of safety among victims. An evaluation of the specialist domestic violence courts in Michigan, Wisconsin and Massachusetts found that victims with services did not report higher perceptions of safety than the comparison group without services (Visser et al. 2008).

### **2.3.3 For justice agencies**

Overall, the research on domestic violence courts reveals that the primary focus of most overseas specialist domestic violence courts is the criminal jurisdiction (see Table 2.2, earlier). Thus, much site-specific research tends to focus on the impact of specialist domestic violence courts on long-standing concerns about arrest and prosecution rates, as well as conviction rates and re-offending rates. For example, a recent U.K. review shows a steady increase in the number of domestic violence convictions from just under 30,000 in 2005-06 to over 50,000 in 2012-13 (Centre for Justice Innovation/New Economics Foundation 2014: 10).<sup>16</sup> Reductions in the number of cases dismissed and increases in the proportion of guilty pleas have also been found in the United States (Mazur & Aldrich 2003) and in Australia (see the evaluation of the Australian Capital Territory Inter-agency Family Intervention Program [Keys Young 2000]).

---

<sup>15</sup> Although judicial monitoring of compliance with orders was an element of the Western Australian Family Violence Court, the evaluation documents that this was not completely implemented (Western Australian Department of Attorney General 2014).

<sup>16</sup> This review notes the 77% increase in convictions but a plateauing in the years 2011 to 2013.

In short, there is now strong evidence that specialist domestic violence courts have a positive effect on dealing with volume, timeliness and efficiency (Birdsey & Smith 2012; Cissner et al. 2013; Centre for Justice Innovation/New Economics Foundation 2014; Holder & Caruana 2006; Katz & Rempel 2011; Ursel 2013). However, as identified by the Australian and NSW Law Reform Commissions (2010), the impact and consequences for victims and perpetrators of dealing with criminal and civil processes within one court is yet to be clearly determined.

## **2.4 Final comments**

There is no single model of a specialist domestic violence court. Indeed, specialist courts can vary across two dimensions: interventionist—integrated; early intervention—targeted high-risk approaches. Recent reviews indicate that a set of “good practice principles” may be emerging, including: dedicated and safe courthouses; interventions that prioritise victim safety and reduce perpetrator repeat offending; specialised case processing for domestic violence cases; and comprehensive multi-agency support and information services for victims (e.g. Centre for Justice Innovation/New Economics Foundation 2014; Ministry of Justice 2014).

However, due to the variation in specialist domestic violence courts in practice, more research is needed to systematically link particular elements of the specialist domestic violence court to outcomes. What we do know is that research suggests that, at least in particular contexts, specialist domestic violence courts can improve efficiency outcomes and enhance victim and perpetrator satisfaction with court processes. The caveat is that much of this evidence comes from specialist domestic violence *criminal* courts.

There remain a number of challenges facing specialist courts (Ministry of Justice 2014):

- delivering a specialist model in rural and remote communities, especially in communities with diverse needs
- enhancing access and use of specialist domestic violence courts by vulnerable or marginalised groups
- building a rigorous body of empirical research that links elements to outcomes.

# 3. FRAMEWORK FOR THE 12-MONTH EVALUATION OF THE SOUTHPORT TRIAL

This section summarises the evaluation design for the 12-month evaluation of the Domestic and Family Violence Specialist Court Trial at Southport. The evaluation has four main objectives:

- to assess the short and medium-term outcomes of the specialist court trial
- to assess the effectiveness of the implemented model as it might be applied to diverse communities
- to assess the cost-effectiveness of the implemented model
- to assess the applicability of the model across the state.

It will also establish baseline data for a longer-term evaluation. This will be achieved through an intervention/comparison group design, supplemented with cross-sectional interviews and focus groups with key stakeholders. In this section, we describe the key components of the design, including the intervention and comparison sites, and set out the key measures for the short and medium-term outcomes. The long-term outcomes of the specialist court trial are not a part of the 12-month evaluation.

## 3.1 Evaluation design

The 12-month evaluation is an outcome evaluation focusing on the effectiveness of the specialist court trial in terms of its short and medium term outcomes. It also includes a cost-effectiveness assessment to identify the costs and relevant ‘social benefits’ of the specialist court trial. To do this, we have adopted a quasi-experimental design (the intervention/comparison group design) as the most feasible framework, although this approach will not provide ‘true’ causal evidence linking the intervention to particular impacts or outcomes. After discussions with the Department of Justice and Attorney-General, Ipswich Magistrates Court was selected as the comparison site.<sup>17</sup> Ipswich Magistrates Court processes domestic and family violence matters in a manner that is currently standard for an urban high volume court: a separate domestic violence civil applications list with legal and support services in attendance, and criminal and contested civil matters assigned to general lists. This makes Ipswich a good comparison site to assess the impact of the specialist court model (see Chapter 4 for further discussion of the sites).

This trial/comparison group design was adopted, as other designs that would provide stronger evidence are not feasible. The strongest evidence of causal processes is provided by a randomised trial design (also known as a field experiment). However, as the trial has already commenced, this option is not possible. Similarly, as the trial is currently live, a longitudinal pre/post design is also not possible. Thus, in these circumstances, an intervention/comparison group design provides the best

---

<sup>17</sup> A list of potential sites, with information on their current practices around the processing of domestic and family violence cases, as well as the volume of civil applications and breaches, was supplied to the evaluators by the Department of Justice and Attorney-General. In consultation with the Department, these sites, including their demographic profiles, were assessed.



evidence to assess program effectiveness in terms of the short and medium-term outcomes (assuming social, legal and other factors are similar at the intervention and comparison sites). This design will be supplemented by a longitudinal component (where data before the commencement of the trial is available as it is routinely collected by organisations), as well as cross-sectional focus groups and interviews with key stakeholders.

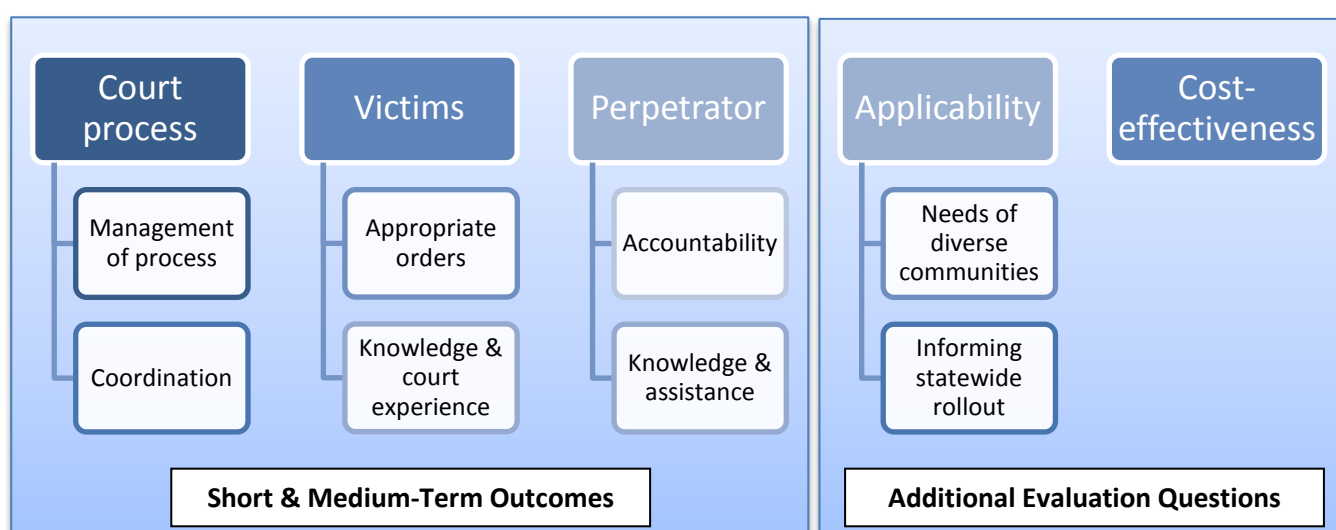
### 3.1.1 Program outcomes

The Domestic and Family Violence Specialist Court Trial has four long-term objectives or outcomes as set out in its program logic (see Appendix A):

- the provision of a coordinated, fair, consistent and timely response to domestic and family violence matters by the specialist court
- enhanced safety and better court safety for victims of domestic and family violence
- perpetrators are more accountable and demonstrate behaviour change
- the development of strong local service provider partnerships.

In support of these overall objectives, the program logic, developed by the Department of Justice and Attorney-General in 2015, sets out 17 short and medium-term outcomes, which are the focus of this evaluation. The short and medium-term outcomes are a mix of efficiency, victim safety and satisfaction, and offender accountability goals which have emerged as common goals for specialist domestic violence courts. The outcomes do not make a distinction between the civil or criminal processes. We have clustered these outcomes (and the additional evaluation questions) into five groups based on their focus: court process-related; victim-related; perpetrator-related; applicability; and cost effectiveness (see Figure 3.1).

**Figure 3.1: Groups of outcomes for the 12-month evaluation**



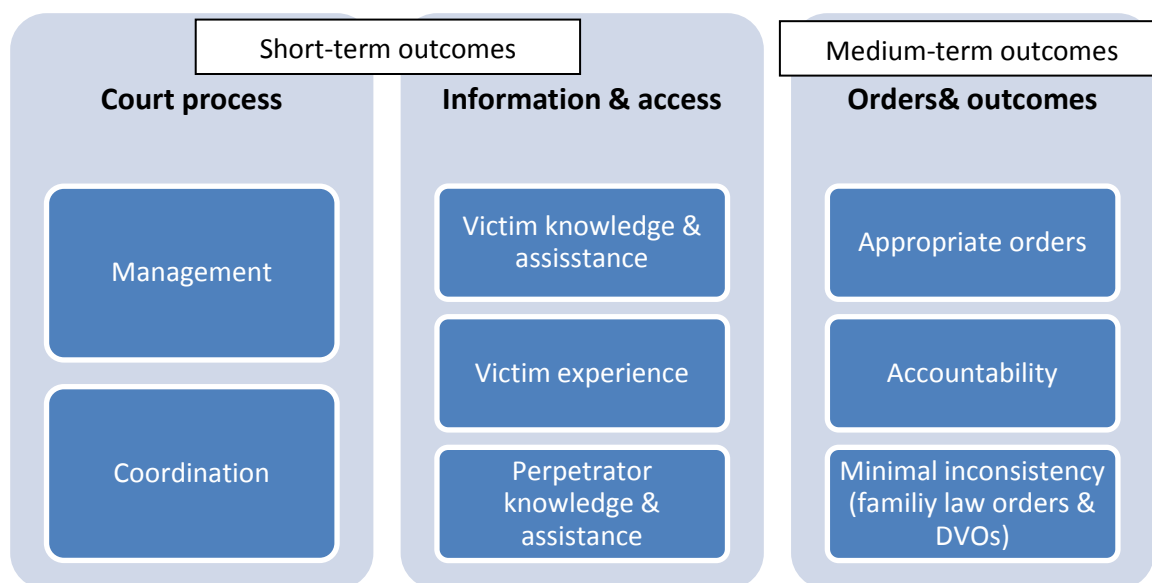
Note: A full list of the short and medium-term outcomes is provided in Table 3.3.

### 3.1.2 Hierarchy of program outcomes

Figure 3.2 summarises the hierarchy of the program outcomes, based on discussions with the Department of Justice and Attorney-General. The short-term outcomes are considered ‘preconditions’ to the achievement of the medium-term outcomes. Importantly, assessing to what extent the short-term outcomes have assisted in achieving the medium-term outcomes is vital to interpreting the results of the evaluation of the long-term outcomes of the trial.

Appendix B lists the key measures for each of the short and medium-term outcomes.

**Figure 3.2: Hierarchy of program outcomes**



Note: DVO = domestic violence protection order.

## 3.2 Key data sources

The evaluation relies on six main data sources:

- administrative data collected by Department of Justice and Attorney-General, Queensland Police Service and Legal Aid Queensland
- data coded from a sample of case files for domestic violence protection orders, breaches and related criminal charges
- a survey of a sample of victims and perpetrators of domestic and family violence who have recently been before the courts
- focus groups with registry staff, police prosecutors, duty lawyers, and service providers
- qualitative interviews with magistrates and other key stakeholders
- financial data.

In addition, a range of specialist court policies and procedures were examined.

The logic of the 12-month evaluation, including data sources, is summarised in Figure 3.3.

**Figure 3.3: Logic of the 12-month evaluation design**

	<i>Pre</i>	<i>During</i>	<i>At 12 months</i>
<b>Southport (trial)</b>	Administrative data Case file data  Financial data	Administrative data Case file data  Financial data	Administrative data Case file data Survey data Focus groups & interview data Financial data
<b>Ipswich (comparison)</b>	Administrative data Case file data  Financial data	Administrative data Case file data  Financial data	Administrative data Case file data Survey data Focus group & interview data Financial data
<b>External stakeholders</b>			Interview data

A brief description of the data source is provided below. Further details on the design and data sources are provided in Appendix C.

### 3.2.1 Administrative data

The evaluation uses official data recorded by agencies (Department of Justice and Attorney-General, Legal Aid Queensland, and Queensland Police Service) about their responses to domestic and family violence.

- ***Court administrative data.***

We analysed event-level court data for all domestic violence order applications, and all personal offences processed through Ipswich and Southport Magistrates Courts. There were a total of 18,236 events across 10,581 civil cases from 1 September 2014 to 31 August 2016. As the family violence indicator for substantive domestic and family violence-related criminal offences has only been available in the court administrative data since 1 December 2015, our analyses examine 3,929 cases across Southport and Ipswich from 1 December 2015 to 31 August 2016. We supplemented this data with court registry activity data (e.g. interpreter registry, court list attendance) for this period.

- ***Duty lawyer activity data.***

For the period of the trial (1/9/2015-31/8/2016), information on the type of matters handled through the duty lawyer scheme in Southport and Ipswich Magistrates Court was supplied. The data is in aggregate form (i.e. number per month).

- ***Calls for service and police charge data.***

We accessed Queensland Police Service calls for service data within the Southport Magistrates Court boundaries from 1 September 2014 (12-months before the trial) to 31 August 2016 (12 months during the trial). There were 10,967 calls within this period.

In addition, we explored individual offender data for breaches and other personal (violent) offences within the Southport and Ipswich Magistrates Court boundaries recorded by the Queensland Police Service. Across the 24-month period, there were 5,434 breaches (3,027 in Southport; 2,407 in Ipswich). Domestic violence-related criminal charges is only available for a 9-month period from 1 December 2015 to 31 August 2016, as an indicator for offending in a domestic and family violence context has only been available since December 2015. During this period, there were 465 charges recorded (342 in Southport; 123 in Ipswich).

### 3.2.2 Case file data

We coded a random sample stratified by site, and type of matter (domestic violence applications, breaches of domestic violence orders) finalised in Ipswich and Southport Magistrates court from 1 March 2015 (6 months before, to 31 August 2016).<sup>18</sup> Information on the nature of the violence, reasons for events, presence of children, presence of family law matters, as well as demographic details of the aggrieved and the respondent. In total, we analysed 308 case files (see Table 3.1).

**Table 3.1: Sample for the case file review**

Files finalised during:	March-August 2015		September 2015-August 2016		Total
	Southport (n)	Ipswich (n)	Southport (n)	Ipswich (n)	
Civil applications	24	27	43	49	143
Breaches	40	36	40	49	165
Total	64	63	83	98	308

### 3.2.3 Victim and perpetrator survey data

Information was also collected from aggrieved and respondents/offenders about the court experience. Questionnaires were completed at the courthouse at the conclusion of their appearance or hearing. To minimise the risk of re-traumatising victims, the 15-minute questionnaire focused on their experiences (current/past) as a participant of the court process, rather than the abuse events that resulted in the court appearance. In total, 132 participants completed the questionnaire (53 (Southport) and 16 (Ipswich) aggrieveds; 54 (Southport) and 9 (Ipswich) respondents/offenders). However, care must be taken in making inferences due to the small numbers of participants in the sample from the Ipswich Magistrates Court. Table 3.2 summarises the demographic profile of the participants.

<sup>18</sup> Criminal cases with substantive criminal charges committed in the context of family violence were initially included in the sample. However, analysis revealed that few of these cases in our sample did not also include a breach charge. Consequently, due to the small number of cases, we focus on breaches.

**Table 3.2: Characteristics of the sample of victims and perpetrators**

Characteristics	Southport	Ipswich
<b>Aggrieved participants</b>	<b>(n=53)</b>	<b>(n=16)</b>
<i>Demographics</i>		
Female	92.3%	100.0%
Indigenous	5.9%	5.9%
Age group		
Under 25 years	13.5%	17.6%
25-65 years	86.5%	82.4%
Born in Australia	64.7%	94.1%
English as first language	82.7%	94.1%
Have children under 18 years	83.0%	94.1%
<i>Case characteristics</i>		
Incident reported to police	73.1%	76.5%
First time at court for DV	48.2%	35.3%
Type of matter		
Protection order	96.2%	100.0%
Breach	3.8%	0.0%
Police initiated civil application	38.8%	42.9%
Relationship		
Intimate partner (ex or current)	92.0%	93.8%
Family/relative	8.0%	6.3%
Male respondent/offender	83.3%	87.5%
<b>Respondent/offender participants</b>	<b>(n=54)</b>	<b>(n=9)</b>
<i>Demographics</i>		
Male	80.8%	77.8%
Indigenous	11.8%	11.1%
Age group		
Under 25 years	13.5%	22.2%
25-65 years	84.6%	77.8%
Over 65 years	1.9%	0.0%
Born in Australia	69.2%	88.9%
English as first language	96.2%	100.0%
Have children under 18 years	54.2%	77.8%
<i>Case characteristics</i>		
First time at court for DV	8.8%	37.5%
Type of matter		
Protection order	77.8%	100.0%
Breach only	14.8%	---
Related criminal	5.6%	---
Police initiated civil application	56.4%	37.5%
Relationship		
Intimate partner (ex or current)	88.0%	100.0%
Family/relative	12.0%	---
Female aggrieved/victim	72.7%	100.0%

### **3.2.4 Focus group data**

All personnel involved in the court processing of domestic and family violence matters at the two evaluation sites were asked to participate in focus groups. This included: registry staff, security, duty lawyers, police prosecutors, as well as domestic violence service providers and volunteers (a total of 12 focus groups, ranging from 2 to 10 persons). The focus groups asked participants their views and assessment of the management of court processes for domestic violence matters, the relationships between key stakeholder groups, the impact on victims and perpetrators, as well as any gaps. Focus groups were recorded and transcribed (with consent). Those interested in participating, but unable to attend a focus group, participated in a 20 to 30-minute interview.

### **3.2.5 Interview data**

Similarly, magistrates working in the Southport specialist court, Ipswich Magistrates Court domestic violence list, as well as other judicial officers with particular interest in domestic violence matters were interviewed. Interviews ranged from 30 to 60 minutes, and were recorded and transcribed (with consent). These interviews focused on the management of the court process and the role of the magistrate. Phone interviews (average of 60 minutes in length) were also conducted with stakeholders who work with diverse communities in the delivery of domestic violence services, external to the two evaluation sites. These interviews were particularly focused on the needs of individuals belonging to diverse communities, to assess the applicability of the Southport model to other locations. In total, 23 interviews were completed.

### **3.2.6 Financial (cost) data**

The cost effectiveness analysis requires operating costs for the processing of family violence cases for the Southport domestic and family violence specialist court and the domestic violence list<sup>19</sup> for Ipswich Magistrates Court for the 12-month period of the trial. This includes costs of direct support by other agencies of the court process (e.g. police prosecutors, court support workers, duty lawyers). We acknowledge other agencies (such as Legal Aid Queensland and the Queensland Police Service) also contribute indirectly to the court processing of domestic violence through broader domestic and family violence strategies; however, these costs are outside the scope of the project.

## **3.3 Summary**

The 12-month evaluation of the short and medium term outcomes uses an intervention/comparison group design, supplemented with cross-sectional interviews and focus groups of key stakeholders. It compares the processing of domestic and family violence matters at the Southport specialist court (the intervention site) with Ipswich Magistrates Court.

---

<sup>19</sup> i.e. comparing similar court processes.

## **4. COMPARING DOMESTIC AND FAMILY VIOLENCE PROCESSING IN SOUTHPORT AND IPSWICH**

This chapter compares the processing of domestic and family violence matters in Southport specialist court and Ipswich Magistrates Court. The selection of the comparison site is critically important to ensuring that good quality evidence about the short and medium-term outcomes is obtained. Examination of the comparison site allows assessment of whether any changes observed in Southport (the specialist court) can be attributed to its specialisation, rather than broader changes in legal social contexts. This chapter provides:

- an overview of the implementation of the specialist court and assessment of the interim evaluation recommendations
- an assessment of the differences between the two approaches and what makes the practices of the specialist court different from the regular court
- a description of typical case profiles for domestic and family violence matters in each site.

This assessment relies on information from interviews, focus groups and consultations, as well as the coded case file information for a sample of civil applications, breaches and associated criminal offending.

### **4.1 Implementing the specialist court at Southport**

The implementation of the specialist court at Southport occurred under very short timelines (with planning and set-up occurring in two months before the trial's commencement). As one interviewee noted, the specialist registry was not fully set-up when the court opened for its first day. Interviews with stakeholders as well as discussions with other staff suggest that there was a steep learning curve over the first 3 to 4 months of the court's operation. This often resulted in long days for many legal, court and DV support staff involved. Also, it is during this period that key processes were being developed (although, as the interim evaluation noted, not necessarily well-documented).

Those working in and with the specialist court all spoke about the continuing developments and changes they wanted to make. The challenge of re-engineering processes so as to re-orient a whole system was clearly not simple, not solely dependent on one or two of the components, and certainly not finished. As one interviewee commented, "getting universal agreement" on myriad and interconnecting processes was not simple.

However, it is clear from the focus groups and interviews with key stakeholders at Southport that the weekly court working group meetings were critical for navigating this period, developing workable processes and identifying emerging problems. Pre-existing capacity and partnerships at Southport in the domestic violence sector (both legal and support services) were fundamental to the implementation of the specialist court, as was the significant engagement of stakeholders, under

these time conditions (a point that many stakeholders acknowledged). As shown in Figure 4.1, the development of partnerships within the domestic violence sector in Southport has been occurring since the early 1990s.

**Figure 4.1: Development of domestic violence partnerships at the Gold Coast (1991-2016)**

1991	Queensland Government called for submissions from the community for a domestic violence telephone service and for 5 'shopfront' style services	The Domestic Violence Action Group, a subgroup of the Gold Coast Welfare Inter-agency Group, lobbied strongly for a domestic violence service to be located on the Gold Coast. The Domestic Violence Action Group also lobbied for a second women's refuge for the Gold Coast. Submissions for both the domestic violence service and for the women's refuge were successful in receiving funding to establish the 2 new services.
1992	Domestic Violence Service, under the auspices of the Gold Coast Women's Centre  New Southport courthouse	The Domestic Violence Service was first time Queensland had "shopfront" style domestic violence services. Information from ACT and Victoria helped shape the model of service. Operations commenced from premises in the Gold Coast Hospital grounds.  Domestic Violence Prevention Centre Gold Coast Inc. contributed to the design of a secure domestic violence office and safe waiting room at Southport courthouse alongside the domestic violence court. The DVCSIA program works from this office.
Aug 1993	Combined Women's Crisis Services Gold Coast Inc. formed as a new incorporated entity to manage the Domestic Violence Service, Domestic Violence Action Group Refuge and the Sexual Assault Support Service.	
1996	The Gold Coast Domestic Violence Integrated Response (GCDVIR) is a community-based multi-agency response to domestic violence	The GCDVIR operates within a justice reform model. It includes court assistance programs, men's domestic violence education and intervention program and a police assisted referral program.
1998	Fax Back Project – a partnership between the Queensland Police Service Gold Coast District and the Domestic Violence Prevention Centre Gold Coast Inc. Police Assisted Referrals Program  Domestic Violence Court Support Information Advocacy Program (DVCSIA) works from the Southport and Coolangatta Magistrates Courts.	When the police attend an address for domestic violence they will seek the consent of the victim to refer the details of the incident and her personal information to the Domestic Violence Prevention Centre Gold Coast Inc. The domestic violence worker will contact the woman to determine the risks and undertake safety planning, refuge referral and support if required.  This program provides information and support to women accessing the court for legal protection.. The program supports women to take action to protect themselves and their children. The Court Assistance Program works closely with the police, court registrar and court staff. This collaborative approach to domestic violence prioritises women and children's safety.
2000	Men's DV Education & Intervention Program	Program is a sanction for the court to use for men convicted of domestic violence related offences in lieu of a fine. The program is ordered as a condition of a probation order or a parole order for men who are convicted of a domestic violence related offence.
2003	Project SAFER (Phase 1 and 2) was a collaboration between Queensland Police Gold Coast District and the Domestic Violence Prevention Centre Gold Coast Inc	The project involved developing and implementing a specialised domestic violence investigation worksheet. Phase 2 targeted the Northern end of the Gold Coast and involved 3 police divisions: Southport, Runaway Bay and Coomera. The trial period ran for one year from 1st July 2005 until 30th June 2006.
2004	Criminal Justice Reform Pilot Project (developed but not implemented)	Gold Coast Domestic Violence Integrated Response lobbied for a Criminal Justice Reform Pilot Project for the Gold Coast to sit within the existing Gold Coast Domestic Violence Integrated Response (GCDVIR).
2005	The Domestic Violence Service became the Domestic Violence Prevention Centre Gold Coast Inc.	
2014	Evaluation of the Gold Coast Domestic Violence Integrated Response	

Sources: Gold Coast Domestic Violence Prevention Centre (see [www.domesticviolence.com.au](http://www.domesticviolence.com.au)); O'Leary et al (2007)



## 4.2 The Southport approach

Based on the definition of specialist domestic violence courts (discussed in Chapter 2), the key defining features of the Southport specialist domestic and family violence court are its scope (both civil and criminal jurisdictions) and its use of specialist professionals and services. Some of these features have evolved over the 12 months of its operation.

### 4.2.1 The scope of the specialist court

Running five days a week, it deals with:

- all civil protection order applications
- hearings of contested civil applications
- all proceedings for breaches of protection orders
- for criminal matters appropriately heard in the Magistrates Court, proceedings for criminal charges for behaviour that occurs in a domestic and family violence context.<sup>20</sup>

It currently operates from two courtrooms on the same floor, allowing for a civil applications list (applications court) as well as a hearings/trial/sentencing list (hearings court). On Fridays, a breach list runs in the second courtroom. The 'applications court' has an attached safe room (for women appearing in that court) with a separate entrance to the courtroom. The safe room (called a support room) can also be used by women with matters (either civil or criminal) appearing in the 'hearings court'.

### 4.2.2 The use of specialist professionals and services<sup>21</sup>

To support the operation of the specialist court, there are a range of specialist professionals:

- ***specialist magistrates.***

There are two dedicated magistrates in the specialist court.<sup>22</sup> The lists are organised so that magistrates can follow civil applications through to resolution. In addition, a range of outreach activities (such as speaking engagements and contributing to professional development) are also undertaken by the specialist magistrate.

- ***specialist police prosecutors.***

The dedicated police prosecutors (who may be sworn or unsworn personnel) only work in the specialist court. Their role includes preparing for and appearing in police-initiated civil protection order matters, preparing for and appearing in breaches and related criminal matters, providing assistance to the court as required, as well as liaising with court staff and operational police. They also are increasingly participating in case negotiations (in both civil and criminal matters) with respondent or defendant lawyers.

---

<sup>20</sup> Other non-domestic violence-related criminal charges may also be heard, if they are determined to be associated in some way with the other criminal matters proceeding before the court.

<sup>21</sup> Further details on the roles of these professionals can be found in Appendix H.

<sup>22</sup> The second magistrate was appointed in November 2015, due to the volume of matters coming before the specialist court.

- ***civil and criminal duty lawyers.***

A criminal duty lawyer service is provided to advise and represent criminal defendants on the dedicated breach list. Enhanced representation services are also available to *both* the aggrieved and respondent parties to a civil application by specialist civil duty lawyers. Under the enhanced legal representation approach in civil applications, parties are able to access legal advice on the day of court prior to their appearance, and if determined necessary by the lawyer, this may include representing that party in the courtroom.<sup>23</sup> This enhanced service has allowed for the development of greater case negotiation with police prosecutors and/or respondent lawyers.

- ***domestic violence court support.***

Domestic violence court support is a gender-based service. The Domestic Violence Prevention Centre provides court support for women at the courthouse five days a week, including managing the support/safe room, safety planning, accompanying women into the courtroom, and providing links to other services and resources (if needed). These workers will also provide support for women appearing as the respondent party. For male respondents, support and information (especially about behaviour change programs) is provided by a Men's Liaison Court Worker, who works 15 hours a fortnight. Although available to male aggrieved parties, the primary focus of the role is the provision of information to male respondents.

- ***specialist "concierge" information desk.***

As part of coordinating services on the day of court, two volunteers assist in the management of the waiting list on the day. Sitting at an information desk in the specialist court waiting area, these volunteers provide a check-in point for parties on the day; ensure parties are referred through to domestic violence court support and duty lawyers; and provide a central coordination point for registry staff, duty lawyers, police prosecutors and court support workers to track the "readiness" of their clients for appearances. This role was not part of the original elements of the specialist court, but was introduced in the early months of the trial to deal with identified issues in managing the flow of aggrieved and respondent parties within the courthouse.

- ***specialist court registry.***

The specialist registry, located in its own space on the same floor as the specialist court, manages and coordinates the files and paperwork, as well as the lists, for the specialist court. A registry clerk is also located in the support/safe room while the court is in session to assist with providing missing paperwork, copies of orders to both parties, and any further information required by the court. In addition, the registry responds to queries (online, phone, and over-the-counter) about the processes for domestic and family violence matters, and status of matters before the court, from victim/aggrieved and offender/respondent parties.

---

<sup>23</sup> The enhanced legal representation approach for civil applications commenced in November 2015. Publicly funded legal representation for contested matters requires an application to Legal Aid Queensland. Applicants for legal aid must meet set criteria and priorities.

- ***probation and parole court support.***

In addition to their traditional role in bringing prosecutions associated with breaches of community based orders due to domestic and family violence, the case management of domestic and family violence offenders on community-based orders, probation and parole court support now attends court on breach list day, provides information where relevant to the magistrate, and coordinates services between Queensland Corrective Services and other stakeholders.

- ***security.***

Initially, security officers on the ground floor were used to monitor the waiting area, as there was a clear line of visibility to the specialist courtrooms. However, based on feedback from stakeholders, an additional security officer has now been located on the same floor as the specialist court. (In addition, security alarms have been installed in interview rooms.)

For all stakeholders (except security), their roles include broader engagement through the operational working group, which meets weekly to discuss and resolve problems and issues in the operation of the court. Further, department support is provided through the role of a specialist court coordinator who managed the implementation of the specialist court, responds to and manages emerging problems in the specialist court's operation and processes, and liaises with specialist court stakeholders and the department.

(Appendix D maps the process for parties in civil applications through the specialist court; while the governance structure for the trial can be found in Appendix E.)

### **4.3 Comparing the Southport and Ipswich approaches**

Table 4.1 (next page) compares the Southport specialist and Ipswich approaches to the processing of domestic and family violence matters. As can be seen, there are a number of similarities, such as the processing of domestic violence civil applications together, a dedicated courtroom with a safe or support/safe room for female parties to applications, and the presence of support workers at the courthouse when domestic violence civil applications are heard. Additionally, support services are gender-based in both locations.

**Table 4.1: Comparing Southport and Ipswich approaches to family and domestic violence**

Feature/Element	Southport (trial site)	Ipswich (comparison site)
Listing	All civil domestic violence order applications , hearings, breaches and related criminal charges Court runs 5 days a week, with a breach list one day a week	Civil domestic violence list one day a week (with urgent applications listed any day) Hearings heard on general civil lists Breaches and criminal charges heard on general criminal list
Magistrate	Dedicated (2 magistrates)	Rotating (4 magistrates based at Ipswich)
Courtroom	Dedicated for all civil and criminal domestic violence matters	Dedicated for domestic violence civil list
Registry	Specialist domestic violence registry Registry clerk located in support (safe) room Ability to provide replacement copies of documents at time of proceedings	General registry
Support (women)	Gender-based service Support workers available at court for all matters Support (safe) room available for all matters	Gender-based service Support workers available at court for civil domestic violence list day only Safe room available for civil domestic violence list day only
Support (men)	Gender-based service Men's liaison worker available at court for all matters	Gender-based service Men's liaison worker available at court for civil domestic violence list day only
Legal representation provided by duty lawyers	Enhanced legal representation in both civil applications and criminal lists Available for both aggrieved and respondent in civil process, and to the accused in the criminal process	Advice only, <sup>24</sup> with specialist lawyers for civil applications list (for criminal matters, enhanced legal representation through general criminal lawyers in the general list) Available for both aggrieved and respondent
Police prosecution	Specialist approach with specialist prosecutors Provision of information by prosecutors to magistrates for both private and police-initiated applications Accelerated evidence procedure with body worn cameras Supported by specialist domestic violence taskforce	Standard approach with general police prosecutors
Information desk	Dedicated information desk	None
Stakeholder meetings	Weekly Registry-led; at least 1 magistrate attends; focus on problem-solving	Quarterly Registry schedules; at least 1 magistrate attends; focus on updates

However, there are also considerable differences between the two approaches, including the legal representation model, specialist police prosecutors, the registry support for domestic violence matters, the scope of the specialisation, and the use of dedicated magistrates.

<sup>24</sup> At the time of the evaluation, it was an advice only model at Ipswich Magistrates Court. As at 1 October 2016, Ipswich has moved to the enhanced legal representation model for the civil applications list.

#### **4.3.1 What makes the Southport specialist court model “different” from the Ipswich approach?**

The question of what makes Southport specialist court different from regular court practices in many metropolitan centres in Queensland emerged frequently during the evaluation. Current practice in busy locations is to list all civil applications for the same day, with a duty lawyer advice scheme and court support workers available at the courthouse. Ipswich Magistrates Court typifies this approach. Here, we highlight some important differences in the strategies beyond common listing practices, which characterise the specialist approach adopted in Southport. Although this somewhat repeats earlier descriptions, it is worth re-iterating that the key differences are:

- specialist magistrates
- hearing all civil domestic and family violence order applications, and breaches of orders and related criminal charges proceedings
- in the civil jurisdiction, cases follow the magistrate (i.e. adjourned to a time when the matter can be heard by the same magistrate)
- in general, more time to consider civil applications
- a dedicated court registry, with staff with specialist training in domestic and family violence
- specialised legal support at the courthouse through enhanced legal representation by duty lawyers for all types of civil applications for both victims and perpetrators,<sup>25</sup> providing both parties with legal advice before appearances, as well as representation in the courtroom itself
- specialist police prosecutors (appearing in both the civil and criminal jurisdictions of the specialist court) with a more active role in the courtroom, including for private applications
- presence of dedicated domestic violence court support workers for all matters (applications, hearings, criminal matters)<sup>26</sup>
- availability of support (or safe) room for women for all matters
- a registry staff member in the support/safe room to assist with information about cases and orders, access files and print out orders
- a dedicated information desk on the same floor staffed by volunteers to assist both victims and perpetrators with accessing assistance, but to also coordinate the flow of victims and perpetrators
- weekly stakeholder operational meetings, including registry staff, duty lawyers (civil and criminal), domestic violence court support workers and volunteers from both organisations, Queensland Corrective Services (probation and parole), police prosecutions, Gold Coast Domestic Violence Taskforce (Queensland Police Service), as well as at least one of the specialist magistrates.<sup>27</sup>

In other words, the model is designed to provide a level of coordination and information-sharing, feedback about processes, and concentrated specialised knowledge (prosecutorial, legal, support and magisterial) that is not present in the common listing model.

---

<sup>25</sup> Like for general criminal lists, enhanced legal representation is available for domestic violence criminal matters at Southport.

<sup>26</sup> At Ipswich, some support is available from the Victims Assist Queensland, when dedicated domestic violence court support is not present.

<sup>27</sup> The purpose of these meetings is to coordinate process and practice, but not to case manage particular matters that may be before the court. It provides a forum for innovation and idea testing to progress the objectives of the trial.

## 4.4 Assessing the interim evaluation recommendations

After three months of operation, an in-house interim evaluation was conducted. This evaluation, which focused primarily on the specialist magistrates and registry staff, found that assessments of the court by stakeholders and users were very positive (Department of Justice and Attorney-General 2016). However, a number of challenges were identified, including the need to document policies and protocols, better communication of the progress of proceedings to both parties, and support for specialist registry staff. Overall, based on documents and consultations with relevant stakeholders, these recommendations have been completed. Table 4.2 provides a brief overview of the key tasks undertaken in response to these recommendations.

**Table 4.2: Summary of progress on interim evaluation recommendations**

Interim recommendation	Assessment of progress
#1: the development of a comprehensive set of policies and protocols	<p>A wide-ranging suite of policies and protocols have been developed. These include:</p> <ul style="list-style-type: none"> <li>• a signed Memorandum of Understanding between the agencies involved in the specialist court, containing a description of roles and responsibilities for each agency</li> <li>• a set of working procedures, protocols and policies, including duty statements for specialist registry staff</li> <li>• documenting specialised processes developed within the specialist court, such as same day listing of urgent civil applications, interpreter engagement, fast-tracking of family court order requests, as well as case conferencing for criminal matters.</li> </ul> <p>The challenge will be to ensure that these remain current and updated and implemented consistently.</p>
#2: the development of appropriate data collection mechanisms <sup>28</sup>	<p>The interim evaluation provided a number of options for the implementation of this recommendation. In response, the following was completed:</p> <ul style="list-style-type: none"> <li>• additional data to be collected by evaluators as part of the 12-month evaluation</li> <li>• recording by registry staff of interpreter requests by list (including language) as well as type and number of communications between the specialist court and other courts (such as family court order requests).</li> </ul> <p>Additionally, work is in progress to modify the court administrative database (Queensland Wide Integrated Courts, or QWIC) to provide number of urgent temporary order applications, type of legal representation of parties, and nature of variations.</p>
#3: the exploration of the ability to link Queensland Police Service and Department of Justice and Attorney-General data (anticipating the needs of further evaluations)	<p>Data from Queensland Police Service and the Department of Justice and Attorney-General has been provided to the 12-month evaluation team.</p> <p>Linking of data across different departmental systems remains challenging, although improving. In particular, the relatively recent introduction of specific person identifiers (SPIs) now allows more accurate linking between Queensland Police Service data and court data. However, challenges in linking these data include:</p> <ul style="list-style-type: none"> <li>• data is often stored by event, rather than person</li> <li>• police and court boundaries are not the same</li> <li>• need to ensure similar definitions.</li> </ul> <p>Although the flow through from police to the courts does not directly address the short and medium-term outcomes, this will become more important for an evaluation of longer-term outcomes (especially in terms of measuring victim safety and perpetrator reoffending).</p>

<sup>28</sup> Recommendation 2 (of the interim evaluation) references the need to collect who initiates a variation. After further consideration, the Department determined that there was adequate information to identify who initiated a variation available in the court administrative database.

Interim recommendation	Assessment of progress
#4: the provision of adequate support to court staff in light of the stresses and workload of working in this area	<p>Support to registry staff, including specialist magistrates, is available. This support includes:</p> <ul style="list-style-type: none"> <li>• vicarious trauma psychological support sessions</li> <li>• vicarious trauma strategies</li> <li>• induction documentation and orientation</li> <li>• debriefing processes.</li> </ul> <p>Focus group discussions at the specialist court indicated that staff appreciated the support available, and had found it useful in managing the stresses of their work. In terms of how that support could be enhanced, it was suggested that more concrete strategies around safety would be useful.</p>
#5: improvement of information to both aggrieved and respondent #6: the possible development of a protocol for how to keep victims informed about the progress of criminal matters	<p>The Department is working on ways of improving information to parties generally. For example:</p> <ul style="list-style-type: none"> <li>• reviewing the court website's content on domestic and family violence.</li> <li>• producing six accessible information videos about the process and what parties should expect throughout, using video vignettes (released state-wide October 2016).</li> <li>• producing a Fact Sheet on "how long will my court case take at the Southport Domestic and Family Violence Court?"</li> <li>• within the specialist registry, responding to over-the-counter and phone inquiries by parties about the progression of applications, information on the process, including the process for same day hearing of urgent applications.</li> <li>• sharing information about listing arrangements and timeframes at weekly operational working groups meetings, so that other stakeholders in the process have information to guide their processes and assist aggrieved and respondents.</li> <li>• developing an iPad app to assist in tracking parties through the support options on their court day is in progress.</li> </ul> <p>Although work on a protocol to keep victims of domestic violence related crime informed is in progress, this remains an issue. Possible legislative changes to the <i>Victims of Crime Assistance Act 2009</i>, including the strengthening of victims' rights, adds a further complication. As is identified in Chapter 5, there remain some issues around proactively providing information to parties.</p>

## 4.5 Comparing Southport (trial site) and Ipswich (comparison site)

Table 4.3 (next page) provides the demographic profiles of the two sites. (The census information is based on local government area.) Southport Magistrates Court hears just over twice the number of domestic violence civil applications as Ipswich Magistrates Court, although this difference may be a result of the presence of a specialist court and the impact of recent high profile local incidents of fatal domestic violence. Ipswich court still has a reasonably high level of applications. Although Southport is a larger Magistrates Court (11 magistrates vs 4 magistrates at Ipswich), domestic violence constitutes almost a fifth of the overall court workload at Ipswich (17.8%) and just over a quarter at Southport (26.5%). However, in terms of their demographic profiles, there are strong similarities: a small proportion of the residential population identify as Aboriginal and/or Torres Strait Islander (1% Gold Coast city vs 4% Ipswich city); about half of the residential population is female (51% vs 50%); and a similar proportion is unemployed (7% vs 7%), of non-English speaking background (10% vs 8%), and have completed a Bachelor or higher degree (14% vs 10%). However, Ipswich has higher levels of disadvantage (as measured by the lower index of relative disadvantage).

**Table 4.3: Comparing Southport and Ipswich sites**

	Southport	Ipswich
Number of originating civil applications (Sept 2015 – August 2016)	3,548	1,867
% applications with one party identified as Aboriginal/ Torres Strait Islander (Sept 2015 – August 2016)	5.5%	12.7%
Number of domestic violence breaches (Sept 2015 - August 2016)	1,487	892
% matters with offender identified as Aboriginal/Torres Strait Islander (Sept 2015 – August 2016)	4.5%	15.9%
% domestic violence work of total work at the court	26.5%	17.5%
Number of specialist magistrates	2	0
Total number of magistrates	11	4
Estimated population (2015)	555,608	193,015
Estimated population density (2015)	4.17	1.77
Median age (2011)	37	32
% Aboriginal and Torres Strait Islander peoples (2011)	1%	4%
% female (2011)	51%	50%
% Non-English speaking background (2011)	10%	8%
% unemployed (2011)	7%	7%
% completed bachelor or higher degree	14%	10%
% couples with children	28%	34%
Median weekly household income (2011)	\$1,174	\$1,233
Index of relative socio-economic disadvantage score (2011)	1014	966

Sources: Administrative data;  
Australian Bureau of Statistics (demographic profile for city/local government area).

**Notes:**

- Percentages and scores rounded.
- In this table, originating applications include: protection order applications, police protection noticed, domestic violence police urgent temporary protection orders and domestic violence register interstate orders.
- A higher score on the index of relative socio-economic disadvantaged means a *lower* level of disadvantage.

Similar to Southport, there has been considerable development of partnerships in the provision of domestic violence support services. These developments are summarised in Figure 4.2 (over the page). Thus, Ipswich Magistrates Court provides a good comparison point to assess the achievements of the Southport specialist court in terms of its short and medium-term outcomes.



**Figure 4.2: Development of domestic violence partnerships at Ipswich (1994-2016)**

1994	The Ipswich Regional Domestic Violence Service was established.
2001	The Ipswich Regional Domestic Violence Service changed its name to The Ipswich Women's Centre Against Domestic Violence.
2003	The Ipswich Women's Centre Against Domestic Violence received funding for a court program to provide support services to female aggrieveds attending Ipswich, Gatton, Richlands and Toogoolawah Magistrates Courts for first mentions of applications.
2008	The Ipswich Women's Centre Against Domestic Violence expanded their role at the court for the applications list to include administrative function through managing the list on the day to facilitate greater access of the parties to the court, and improved relationships with police prosecutors and court clerks.
2012	The Ipswich Women's Centre Against Domestic Violence took on (unfunded) the convening role for the Domestic Violence Court Assistance Network (DVCAN). This Network is a vehicle for regular meetings with Chief Magistrate.  The Ipswich Women's Centre Against Domestic Violence took on a chairing role for the Domestic Violence Collaborative Justice Response meetings (attended by Legal Aid Queensland, Department of Communities Violence Prevention Unit, Department of Justice and Attorney-General, Victim Assist Queensland, Brisbane Magistrates Court Registry, and Chief Magistrate's Office).
2012	Funded men's court support worker positions were established at Ipswich and Richlands Magistrates Courts to provide integrated support to men and women in partnership with them.
2014-2016	The Ipswich Women's Centre Against Domestic Violence partnered with Probation and Parole (Queensland Corrective Services) to deliver a men's behaviour change program. It resulted from a joint application to Queensland Corrective Services from The Ipswich Women's Centre Against Domestic Violence and the Ipswich probation and parole office.
2015	Due to clarification of boundaries, the Ipswich Women's Centre Against Domestic Violence was no longer responsible for court support at Richlands Magistrates Court.
2015	Ipswich Women's Centre Against Domestic Violence changed its name to Domestic Violence Action Centre to reflect their growing approach of working with whole families, including men using violence.
2016	Ipswich Anti-Domestic Violence Community Taskforce (I-ACT) formed. The Taskforce is chaired by DVAC.

Source: personal communication, Domestic Violence Action Centre.

#### 4.5.1 Types of domestic and family violence matters at Southport and Ipswich

Figure 4.3 describes the most common (or frequent) characteristics of civil protection order applications appearing before Southport and Ipswich Magistrates courts, both before and during the first 12 months of the pilot. (This figure presents the mode, or most common, category, or mean, as appropriate. Thus the category reported in the table may be different across the courts.) The pattern of domestic and family violence appearing in civil applications filed at Southport Magistrates Court differs from that at Ipswich Magistrate Court *prior* to the implementation of the specialist court in several key ways. In Southport, compared to Ipswich, there was:

- a slightly higher proportion of applications based on intimate partner violence
- on average, the parties are older
- fewer Aboriginal and Torres Strait Islander parties
- lower proportion of aggrieved victims attending at the final order
- more use of ouster conditions across all order type
- more use of non-standard conditions across all order types.

**Figure 4.3: “Typical” civil application before the Southport and Ipswich Magistrates Court (pre and during the pilot)**

	Southport	Ipswich
<b>PRE PILOT</b> <b>(March 2015 – August 2015)</b>	Police-initiated original and other applications (58.9%) Intimate partners (80.0%) Either emotional/psychological violence (33.3%) or combined physical/psychological violence (33.3%)* Female aggrieved (76.1%) Aggrieved average age 37.6 years Male respondent (76.9%) Respondent average age 36.5 years Children mentioned in application (66.7%)* Non-Indigenous (95.0%)	Police-initiated original and other applications (52.5%) Intimate partners (76.1%) Emotional/psychological violence (55.6%)* Female aggrieved (76.8%) Aggrieved average age 34.7 years Male respondent (77.6%) Respondent average age 33.7 years Children mentioned in application (59.3%)* Non-Indigenous (84.9%)
	Aggrieved did <i>not</i> attend at final order (60.9%)* Respondent did attend at final order (69.6%)* No variations filed (85.8%) More than standard conditions on any order per case (68.5%) No ouster conditions on any order per case (57.0%)	Aggrieved did attend at final order (68.0%)* Respondent did attend at final order (60.0%)* No variations filed (87.3%) More than standard conditions on any order per case (61.8%) No ouster conditions on any order per case (66.5%)
<b>DURING THE PILOT</b> <b>(September 2015 – August 2016)</b>	Police-initiated original and other applications (53.1%) Intimate partners (80.1%) Combined physical/psychological violence (44.2%)* Female aggrieved (74.4%) Aggrieved average age 37.7 years Male respondent (74.7%) Respondent average age 36.4 years Children mentioned in application (58.1%)* Non-Indigenous (94.5%)	Police-initiated original and other applications (54.1%) Intimate partners (76.5%) Emotional/psychological violence (44.9%)* Female aggrieved (76.6%) Aggrieved average age 34.7 years Male respondent (77.3%) Respondent average age 33.5 years Children <i>not</i> mentioned in application (51.0%)* Non-Indigenous (87.3%)
	Aggrieved did <i>not</i> attend at final order (53%)* Respondent did attend at final order (64.7%)* No variations (86.0%) More than standard conditions on any order per case (71.2%) No ouster conditions on any order per case (52.4%)	Aggrieved did <i>not</i> attend at final order (63.2%)* Respondent did not attend at final order (59.2%)* No variations (93.1%) More than standard conditions on any order per case (64.7%) No ouster conditions on any order per case (63.7%)

Source: Court administrative data; supplemented with case file data

Notes: \* data from case file review. All other proportions calculated from court administrative data. The police-initiated statistic is per event, not per case, as multiple applications can be made throughout a single case.

This pattern is similar after the introduction of the specialist court. Overall, the data suggests that, compared to Southport, the Ipswich Magistrates Court handles slightly more family violence applications, as well as applications based on psychological and emotional abuse.

**Figure 4.4: “Typical” breach of domestic violence protection order case before the Southport and Ipswich Magistrates Court (pre and during the pilot)**

	Southport	Ipswich
<b>PRIOR</b> <i>(March 2015 – August 2015)</i>	Average number of charges per case = 2.9 Male offender (88.6%) Non-Indigenous offender (93.7%) Offender average age 35.0 years	Average number of charges per case = 3.4 Male offender (88.3%) Non-Indigenous offender (84.4%) Offender average age 31.9 years
	Legally represented (82.5%)* Did not go to trial (98.6%) Average number of adjournments = 2.9 Sentenced to fine (39.3%)	Legally represented (86.1%)* Did not go to trial (98.5%) Average number of adjournments = 2.6 Sentenced to fine (34.6%)
<b>DURING</b> <i>(September 2015 – August 2016)</i>	Average number of charges per case = 2.4 Male offender (87.9%) Non-Indigenous offender (95.5%) Offender average age 36.1 years	Average number of charges per case = 3.2 Male offender (88.6%) Non-Indigenous offender (84.1%) Offender average age 31.5 years
	Legally represented (70.0%)* Did not go to trial (97.4%) Average number of adjournments = 2.4 Of all charges, sentenced to fine (55.0%)	Legally represented (69.4%)* Did not go to trial (98.9%) Average number of adjournments = 2.0 Of all charges, sentenced to fine (51.7%)

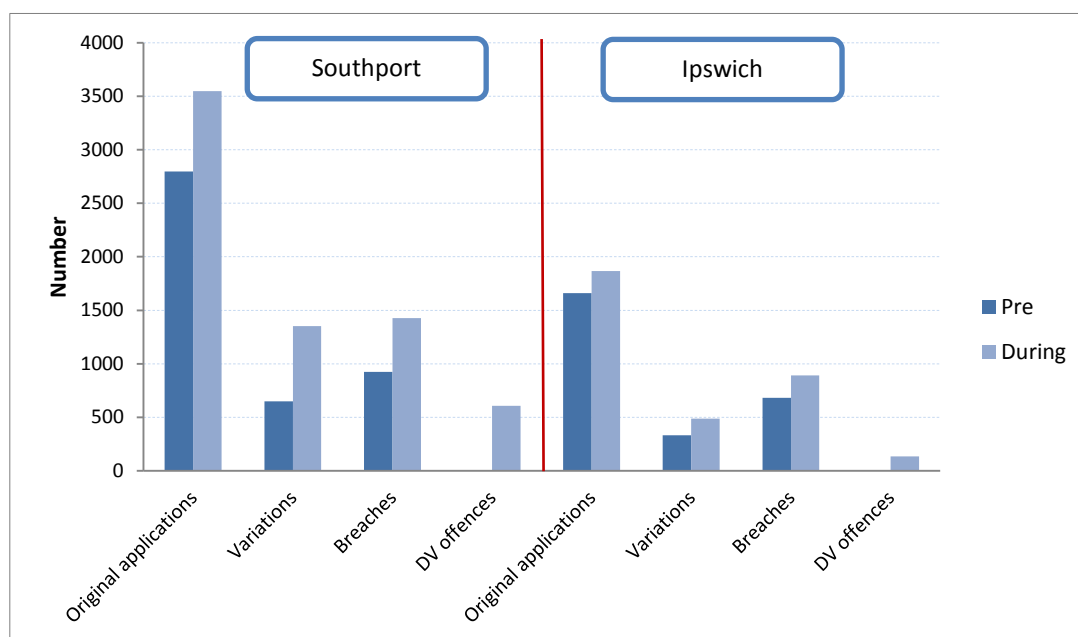
Source: Court administrative data, supplemented with case file data

Note: \* data from case file review. All other proportions calculated from court administrative data.

Figure 4.4 presents the most common characteristics for criminal cases involving a breach of a domestic violence order. The data indicates that there are similar demographic characteristics of offenders facing breach charges at these two sites. Typically, offenders are facing multiple charges in both courts. Interestingly, in cases of convicted breaches, the use of fines as a sentencing order increased in the period after 1 September 2015. (The pattern in sentencing orders is explored further in Chapter 6.) Unfortunately, there was insufficient information on the files to be able to describe the context and nature of the breaches or other related offending.

The volume of domestic and family violence work at the two sites is presented in Figure 4.5 for pre (September 2014 to August 2015) and during the trial (September 2015 to August 2016). Southport Magistrates Court processed a higher volume of matters of all types, compared to the Ipswich Magistrates Court, in both time periods. However, there has been increase in all domestic violence matters in both locations. Further analysis of the trends in applications, breaches and domestic violence-related offending can be found in Appendix F.

**Figure 4.5: Total number of civil applications, breach charges, and associated domestic violence offences, Southport and Ipswich Magistrates Courts (pre and during the pilot)**



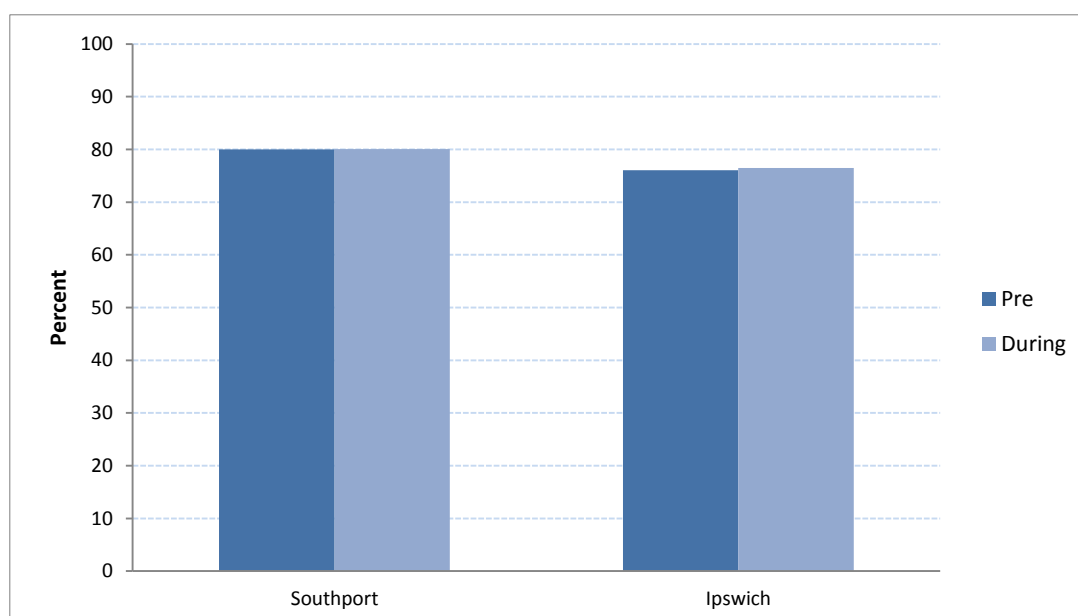
Source: Court administrative data

**Note:**

- In this figure, originating applications include: protection order applications, police protection noticed, domestic violence police urgent temporary protection orders and domestic violence register interstate orders.
- Data for domestic violence-related criminal offending are only available for December 2015 to August 2016. Recall these offences could only be identified in the administrative data when the domestic violence indicator was introduced.

As shown in Figure 4.6, the proportion of civil applications involving intimate partners has remained stable at both courts, with Southport having a slightly higher proportion of intimate partner applications (approximately 80% for both periods), compared to Ipswich (about 76%).

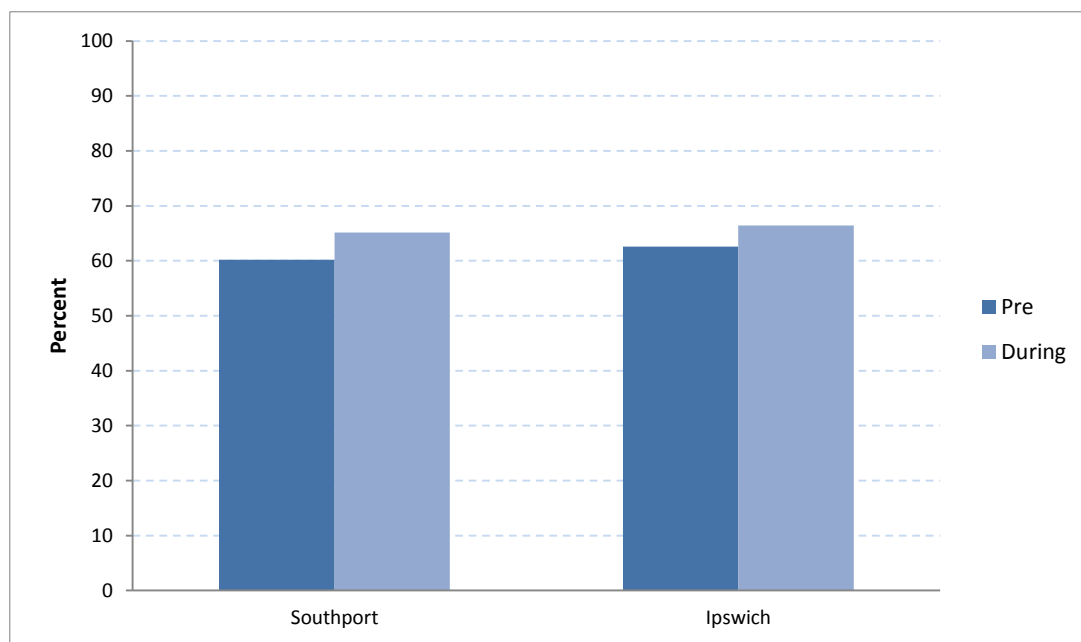
**Figure 4.6: Proportion of civil original applications filed involving intimate partners, Southport and Ipswich Magistrates Courts (pre and during the pilot)**



Source: Court administrative data

The proportion of police-initiated applications of all *original* applications is provided in Figure 4.7. Compared to Southport, Ipswich has slightly higher proportion of police-initiated applications in both time periods. At both sites, the proportion of police-initiated applications has slightly increased between the two periods (percentage change: 7.6% for Southport vs 5.8% for Ipswich).

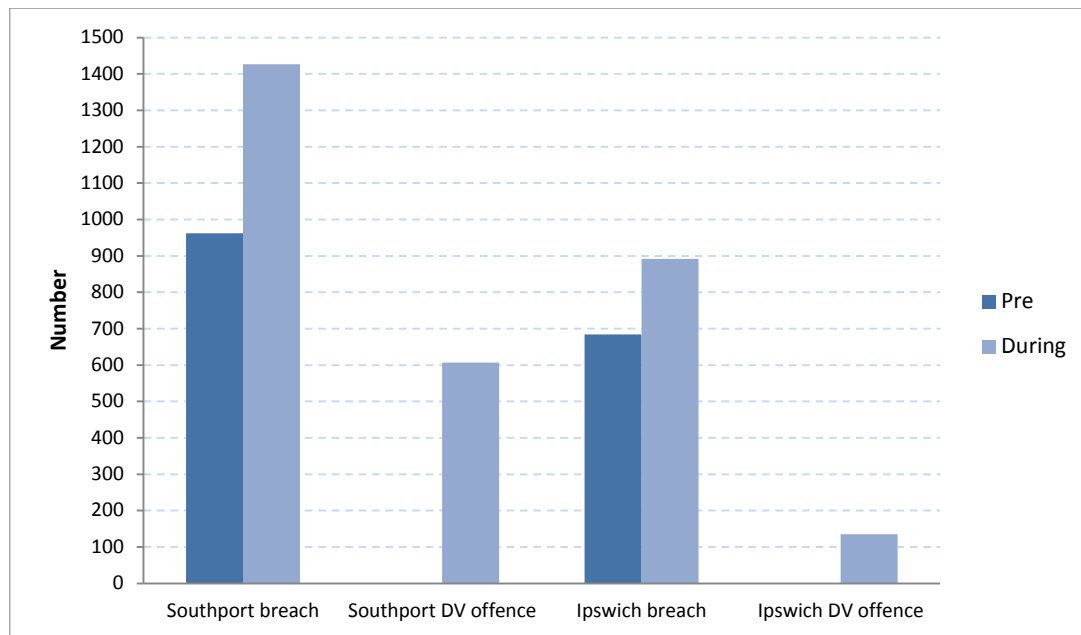
**Figure 4.7: Proportion of police-initiated applications of original applications filed, Southport and Ipswich Magistrates Courts (pre and during the pilot)**



Source: Court administrative data

Figure 4.8 describes the criminal-related workload of both courts. There has also been a growth in the volume of domestic violence order breach charges filed at both sites. However, the specialist court at Southport has experienced a higher growth in volume over the period (32.6% vs 23.3% at Ipswich), which may in part reflect the pro-charging approach of the Gold Coast Domestic Violence Taskforce (Queensland Police Service). Compared to Ipswich, the volume of domestic violence offence charges is higher at Southport. Again, this in part reflects the introduction of the police taskforce, as well as the larger population served by the court at Southport.

**Figure 4.8: Number of breach charges and domestic violence offences charges filed, Southport and Ipswich Magistrates Courts (pre and during the pilot)**



Source: Court administrative data

## 4.6 Summary

The Southport specialist court was implemented within a context with considerable capacity to support the required services and partnerships, but also at a time of increasing volumes of domestic and family violence matters state-wide. In contrast to regular court approaches in other high volume sites, the Southport approach is characterised by: collaborative relationships between stakeholders; specialised knowledge and practitioners (within and outside the court); enhanced legal representation for both parties for civil applications; criminal and civil listings before specialised magistrates; and listing practices that allow matters to follow magistrates.

## 5. EVALUATION RESULTS: MANAGING AND COORDINATING THE PROCESS

The results of the 12-month evaluation are presented in Chapters 5 and 6. In these chapters, we focus on whether the Southport specialist court has achieved its short and medium-term outcomes as set out in the program logic, and how well it applies to diverse groups. (The applicability of a specialist approach state wide is discussed in Chapter 8.) Our assessment is organised around the clusters of outcomes outlined earlier. We primarily rely on analyses of the qualitative interviews and focus group discussions, administrative data, and our survey of victims and perpetrators.

In this chapter, we focus on the management and coordinating outcomes of the specialist court.

### 5.1 Overall assessment

Our general conclusion is that the Southport specialist court has made strong progress on its short and medium-term process outcomes. Both from stakeholders as well as those who use the courts, there have been strongly positive assessments of the specialist court. Importantly, it is clear from the interviews and focus group discussions that a culture of innovation has developed in the specialist court. In particular, the specialist court, compared to the comparison court, evidenced a shared problem-solving orientation to improving court and related processes. Our analyses also suggest some persisting issues and gaps that would benefit from further work. These have been identified in the following discussion and recommendations.

We recommend that the Southport specialist court continue<sup>29</sup>, and importantly, have its long-term outcomes evaluated after 3 years of operation. In considering the findings of this 12-month evaluation, it would be timely to review the current program logic in terms of the short, medium and long-term outcomes (see Appendix A). Our interviews and focus groups discussions did not suggest that there were any routine performance measures formally in place to allow regular monitoring of the specialist court. This is not surprising, given the speed of the implementation (see Chapter 4). Thus, we also recommend, that given the specialist court has been operating for 12 months at the time of this evaluation, ongoing monitoring would be enhanced by the development of routine performance measures that can be easily collected to assist in providing timely robust information on the performance of the specialist court. (Performance measures are further discussed in Chapter 8.)

In our view, given the level of development and work implemented, Southport specialist court could operate as a hub for further innovation in court responses to domestic and family violence. As such, a self-critical perspective will need to be maintained, an orientation that acknowledges that any adaption to other locations will need to take account of Southport's unique features, and the

---

<sup>29</sup> We have deliberately chosen to use the word "continue", rather than "making permanent", for two key reasons. First, the long term outcomes of the specialist court are still unknown, although the short and medium term outcomes suggest promising coordination improvements, as well as enhanced victim experiences of the court processes. Second, the model should not be seen as static, but over time may well-evolve into a different structure. Through the use of the word "continue", we wish to communicate the importance of not treating the current model as "sacred" and "unchangeable".

particular characteristics, challenges and priorities of other locations. To facilitate this, we recommend that the role of coordinator for the specialist court be redeveloped. The coordinator role currently focuses on responding to, and managing problems, as the role emerged from the implementation and operation of the specialist court. However, as the specialist court, its functions and the roles of stakeholders are now well-established, this role should now focus on the development and coordination of monitoring and innovation.

Finally, we endorse an evaluation of the long-term outcomes set out in the program logic (see Appendix A). This evaluation must include a longitudinal component to assess offender behavioural change (such as a study of perpetrator trajectories of contact with police and the courts over time). We also suggest that some thought be given to tracking victim assessments of safety over time. Thus, we recommend that the evaluation of long-term outcomes occur in 3 years from 30 June 2017.

**Recommendation 1:**

- (1) The Southport specialist court should continue, with a role as a hub of innovation in developing initiatives in the processing of domestic and family violence matters through the courts.
- (2) In enhancing the Southport model, it is timely:
  - to review short, medium and long term outcomes in light of the evaluation results
  - to specify core service deliverables to victims and perpetrators within the civil justice processes
  - to develop routine ongoing monitoring measures from existing data systems, and in relation to these core deliverables
  - to consider redeveloping the coordinator role from responding and managing problems emerging from the trial, to one which focuses on developing and coordinating innovations.
- (3) The long-term outcomes of the Southport specialist court should be evaluated in a further 3 years from 30 June 2017.

What is important to note is that missing in most of the interviews and focus groups was a discussion of the criminal jurisdiction. Instead the primary focus of interviewees was the civil jurisdiction, with most examples and issues being drawn from civil matters.<sup>30</sup> What issues that did emerge about the criminal jurisdiction tended to revolve around which criminal matters should be listed in the specialist court, and the increasing wait times for the listing of criminal trials. The focus group data also shows, in the later period of the 12 months, the establishment of case conferencing processes in the criminal jurisdiction, with police prosecutors taking a lead role. Case conferencing facilitates early identification of the issues between police prosecutors and duty lawyers, and thus encourages an earlier resolution of criminal cases, which according to stakeholders has “shown some positive signs” (criminal duty lawyers, specialist court). From subsequent feedback provided to the evaluation team, we understand that the approach taken to criminal matters by the magistrates includes: ensuring victim safety is considered; taking into account previous domestic and family violence offending in sentencing; and ensuring that criminal sanctions are holistic responses to the

---

<sup>30</sup> This occurred to such an extent that there was minimal mention of the presence of Queensland Corrective Services (Probation and Parole) attendance at the specialist court on the breach list day to provide information where relevant to the magistrate, and coordinate services between Queensland Corrective Services and other stakeholders present.



circumstances of the offending. Although the civil and criminal lists are not integrated, we were advised that, if there is a known civil application in progress at the same time as a criminal matter is being heard, the magistrate will hear both at the same sitting. However, the criminal justice domain appears not to be as well developed as the civil jurisdiction in the Southport specialist court model.

Notwithstanding long-standing concerns about the operation of the criminal jurisdiction in domestic violence in Queensland (Crime and Misconduct Commission 2005; Cunneen 2010; Douglas 2008; Douglas and Nancarrow 2015; O'Leary et al. 2007), there are some different ways of thinking about what can be done in the criminal jurisdiction (which were discussed in Chapter 2). Although not mutually exclusive, we can identify four approaches adopted elsewhere:

- the early intervention approach, which focuses on first-time or low-risk perpetrators where there has been little harm to the victim, usually involving a guilty plea.
- the targeting of high-risk offenders at sentencing, with active judicial monitoring of compliance with sentences.
- the early referral approach, which focuses on assessing offender risk at an early decision point (e.g. bail) and referring offenders to programs to address identified risk factors (such as drugs and alcohol) prior to the usual criminal processing of the substantive charges.<sup>31</sup>
- the integrated and coordinated criminal approach, in which the criminal courts are supported by domestic and family violence specialists (such as police investigators, prosecutors, victim and perpetrator services, lawyers, probation officers), with practice directions and inter-connecting procedures and protocols specifically designed for managing domestic and family violence criminal matters.<sup>32</sup>

In all of these approaches, there are elevated and more rigorous procedures for victim contact, and advocacy services that ensure victims' interests are protected and their involvement is promoted. Currently, given the wraparound services and specialists available at the specialist court, the integrated criminal process approach would appear to be occurring at Southport, as it has strong parallels with the approach embedded for civil processes. However, in our view, Southport provides a good opportunity to formalise and evaluate an early referral approach using bail as a point for treatment programs.<sup>33</sup> We would argue that the wraparound services and support for victims and perpetrators should be embedded in any model.

To continue to build on our recommendations, we also strongly support the development of an action research project focused on the criminal jurisdiction in Southport, including the examination of:

---

<sup>31</sup> Western Australia is currently re-developing its domestic violence specialist courts around this model, including proactive contact with victims to identify information and concerns.

<sup>32</sup> Examples of this integrated criminal justice approach (often jurisdiction-wide rather than a single court location) are New South Wales and Australian Capital Territory (see: [www.crimeprevention.nsw.gov.au/domesticviolence/Documents/domestic-violence/DVJS.pdf](http://www.crimeprevention.nsw.gov.au/domesticviolence/Documents/domestic-violence/DVJS.pdf) and [www.victimsupport.act.gov.au/victims-of-crime-commissioner/fvip](http://www.victimsupport.act.gov.au/victims-of-crime-commissioner/fvip)). The most well-known example internationally is the Manitoba Family Violence Court and its circuit in Canada (see: [www.kpu.ca/sites/default/files/NEVR/NEVR%20-%20Vancouver%20-%20Feb%205%202014%20-%20Family%20Violence%20Courts.pdf](http://www.kpu.ca/sites/default/files/NEVR/NEVR%20-%20Vancouver%20-%20Feb%205%202014%20-%20Family%20Violence%20Courts.pdf)).

<sup>33</sup> Research has found mixed results of the impact of sentencing courts with judicial monitoring on offender recidivism (e.g. Western Australian evaluation of their domestic violence sentencing courts did not find a significant reduction in offending). For this reason, we are suggesting early referral approaches may be a good starting place for the further enhancement of the criminal jurisdiction at Southport. However, as the model of high risk teams in the integrated response trials develops, it might be worth considering the trial of a sentencing court (with judicial monitoring) for high risk offenders in a court site in the high risk team locations.

- offender profiles and characteristics including prior offending
- nature of the offending behaviour and subsequent substantive charges
- victim profile and extent of participation and involvement
- current practice and procedure of police (including enhanced evidence gathering and its impact), police prosecutors (including mapping the different civil and criminal processes in which they are involved), and of probation and parole
- the use of victim participation practices such as vulnerable witness provisions, victim impact statements, and submissions for probation and parole
- sentencing practices related to the behaviour alleged and convicted
- post-sentence practice and procedure including breach practices by probation and parole and communication with and notification of the victim of convicted offenders
- the nature and inter-relation of those cases that involve both civil and criminal processes.

Such a project is beyond the terms of reference of the current evaluation, but is important for ensuring the progressive improvement of the processing of domestic and family violence-related matters.

**Recommendation 2:**

- (1) To further enhance the criminal jurisdiction within the Southport specialist court, its role and purpose, initial focus should be on an early referral approach. Consideration should be given to formally evaluating a conditional bail approach in the criminal jurisdiction, including screening and assessment processes as well as linking to broader court treatment and referral pathways (such as the Queensland Integrated Court Referral (QICR) pathway).
- (2) More broadly, in exercising criminal jurisdiction, further development should include:
  - building further on the work of the Queensland Police Service at Southport in strengthening the collection of evidence in domestic and family violence cases and increasing charging for substantive criminal offences.
  - building on the current specialist prosecutorial model, to identify core components that may contribute to developing specialised police prosecution of domestic violence criminal matters.
  - refining of protocols about where non-domestic violence-related charges, that may be before the court at the same time, are heard.
  - to specify core service deliverables to victims and perpetrators within the criminal justice processes, and identifying short, medium and longer term outcomes for each.
  - to consider what makes effective post-sentence practice in the supervision of offenders on community-based orders, in the context of domestic and family violence offending.

## 5.2 Did the court achieve the process-related outcomes?

Overall, the evidence shows that the series of management and coordination process outcomes of the specialist court have been largely achieved, particularly for the civil jurisdiction. Although there are broadly similar civil court processes occurring at the courthouse for victims and perpetrators in both the specialist and comparison court (as noted in Chapter 4), there are some noticeable ways in which the specialist court has enhanced the management of the process, information-sharing, and

coordination of support. In particular, the analysis of the interviews and focus group discussions identified several key ways that have contributed to meeting these management and coordination outcomes, particularly in terms of: information sharing; enhanced legal representation model; and promotion of consistency through weekly operational stakeholder meetings, specialist registry, specialist magistrates, specialist police prosecutors and other specialist professionals.

### **5.2.1 Hearing of matters by Magistrates with interest and expertise in domestic violence**

The interviews and focus group discussions at the specialist court clearly revealed a strong consensus that the role of the specialist magistrates was vital to the operation of the specialist court. Specialist court magistrates were consistently described positively in terms of their interest and expertise in domestic violence. The magistrates were seen as having a safety orientated approach and, aided by the listing system, displayed a strong sense of ownership of matters before them. They were considered to be highly knowledgeable about domestic violence both in terms of the legislation and more broadly. Their expertise in family law was also viewed positively.

*Their interest and expertise [in domestic violence] is very high, they're really highly educated about the bigger picture of the DV experience, they're very grounded (service providers, specialist court).*

*They understand domestic violence, whereas other magistrates just do general stuff and a bit of domestic violence, they really need to understand the legislation, and how it affects people, yeah effectively. At least you don't have to make those submissions you know, the magistrates. They just know what you're talking about, we want to make this order, yes, okay, you don't have to explain it (duty lawyers, specialist court).*

*The expertise and knowledge that the magistrates have in family law as well. I mean we're just varying family law orders, I had very rarely if ever seen that prior to, being exercised prior to this specialist court, so it's fantastic to know that that's an option now and that you can successfully ask ... so that's a really big benefit, that expertise of the magistrates (duty lawyers, specialist court).*

*[We] both have an interest in what we do, and we own everything. We own everything in the sense that if someone files something today and it comes before me, typically that file will stay, it's like a docket system, typically that file will stay with me all the way through (magistrate, specialist court).*

The focus group discussions revealed that this expertise and understanding was noticeable in magisterial demeanour. Magistrates were described as being proactive in a number of ways, such as seeking more information from parties and others in the courtroom, being prepared to stand matters down, soliciting information from other court and agencies, and managing the courtroom to alleviate the stress of the parties.

*I think they're prepared to listen to a lot more issues than perhaps what just the law is, and that's where that... Yeah, and they're very patient ... you have to have a magistrate that's patient .... They're very respectful, and they do have some experience with all the other factors with domestic violence as well. I think that they're able to touch on some things and ask a few questions to the respondent, and he might be [inaudible] a little bit more, and feeling validated and heard. ... the aggrieved as well. I think that that's a huge factor of their work in the court. It's not just the law. It's [understanding] what domestic violence actually is, and who it impacts (police prosecutors, specialist court).*

With expertise, training and the listing practices, magistrates in the specialist court were, according to interviewees, able to achieve consistency in court process and outcome.

*There's definite consistency here so you can tell the clients what's going to happen and when you go in it does happen (duty lawyers, specialist court).*

*The other benefit...is the docket list ... the magistrate's likely to be the same magistrate up until the trial, which is very beneficial because ... each magistrate [knows] about that matter, very well. So that's beneficial, and I think it makes the aggrieved feel a lot better, because they know that it's the same person; we don't have to explain the same situation to them again. I think also consistency for the respondent, you know, that it's going to be the same comments (duty lawyers, specialist court)*

The magistrates in the specialist court spoke of their expertise in a number of ways: knowing the legislation in-depth; knowing more of the legal and procedural interconnections between the domestic violence legislation and other key areas of law; developing a better understanding of the dynamics of domestic violence; and acquiring more detailed knowledge of the support systems and services around the court.<sup>34</sup>

While the advantages of dedicated domestic violence magistrates were clearly appreciated, some concerns were expressed (primarily outside the specialist court) that dedicated magistrates who hear both civil and domestic violence criminal matters could open themselves up to accusations of bias.

*Look there's the advantages as I said of historical knowledge, I wonder though whether some defence counsel might be concerned about bias ... particularly if strong comments have been made in the making of an order. ... By the magistrate. And I might also think that if there's been an application for DV that's gone to hearing, and the magistrate's found against one person, by inference that usually means that they simply don't believe the other person's version of events, so their credit is immediately called into question. So if there's a breach action ... I might've thought that could become an issue then (magistrate, comparison court).*

Magistrates and police prosecutors in the specialist court acknowledged that the potential for bias might be there but also pointed out that different types of specialist courts operate across the country without accusations of bias being cast. Others, such as the police prosecutors, reflected that the magistrates were very aware of the potential issue, responding appropriately.

The demands of working in the area of domestic and family violence matters (for all specialised professionals including magistrates) were also raised. However, in interviews and focus group discussions at the specialist court site, the response was to discuss the strategies that were being implemented for staff. In addition to the availability of counselling and training on issues such as vicarious trauma, those working in the specialist court appeared to value the high degree of collaboration and shared problem-solving as somewhat mitigating stress. They also described the benefits of an enhanced security presence within the court precinct. It was clear from the interviews and focus groups discussions that dedicated security on the floor of the domestic and family violence

---

<sup>34</sup> There has been considerable investment in professional development training in domestic and family violence for magistrates across the state. Based on the workload figures for Ipswich and Southport (see Table 4.3), civil and criminal domestic and family violence may constitute about 20 per cent of the workload of the Magistrates Courts. Thus, continuing professional development for magistrates in this area remains important. Future professional development might benefit from providing magistrates with information about the evidence of the impact of domestic violence protection orders and sentencing orders, and the effectiveness of intervention programs, on victim satisfaction, victim safety and offender recidivism.

court was important for ensuring a more comfortable environment for all involved in the court, including the parties themselves.

### **5.2.2 Strong collaborative relationships resulting in effective coordination of matters and services to support the court**

In both the comparison and specialist courts, communicative relationships between key players in the court and a commitment to work together provided the basis for the effective coordination of matters and court support services. At the comparison court, positive working relationships were noted by all interviewees and highlighted as being crucial to the court process:

*Police prosecutors, legal services, we all communicate and there is a commitment to work in it together. We are all in the same place at the same time on Mondays. The police prosecutors, they are very committed. For the most part they have been here for quite a number of years and we've been able to build up that relationship. They also see the value in that work and being able to have that relationship. Being able to get that support to advocate and liaise for our clients in that really seamless way works brilliantly. We worked hard to get these happening...we do have regular meetings with key stakeholders. We have a planning meeting pre-court where we meet and prepare for the day. This is needed to make sure things run efficiently.....everybody working together for the same purpose. I think that's what works so well because again in other Courts if each role doesn't have that I suppose awareness about what we're all working towards, then it's going to fall apart somewhere. So I think all of us going this is what we're all working towards, we all have a different role to achieve that, but we all need to work together and keep the lines of communication open. I think that's the only reason that we are able to keep doing things as - well for the most part, seamlessly as we can (service providers, comparison court).*

Having men's support workers, duty lawyers, dedicated police prosecutors and domestic violence support services – including the volunteers who were described as indispensable – on-site at the court were highlighted as being particularly crucial to coordination and support.

*[What do you think is working really well with the way that Ipswich Court handles domestic violence civil applications?]. I think having DVAC, having Mensline, having the duty lawyers coming in. Our volunteers are so on the ball and able to jump in and tackle all these situations, compared to some courts where either there isn't a volunteer pool, or a volunteer pool is either very limited or they're not able to do as much. Everyone seems to be quite understanding of the situation and how it can get volatile or how oh yes, it's DV court [list] - it's a team thing (service providers, comparison court).*

*I think the DVAC ladies are brilliant and they take on a huge workload, and they've got a lot of volunteers that are really dedicated to it (police prosecutors, comparison court).*

However, the collegial relationships that have formed between police, lawyers and services providers did not appear to have extended to the registry staff at the comparison site. Here, staff described feeling unable to use their initiative to provide assistance on a number of matters without magisterial approval. There was less evidence provided in interviews to suggest that regular coordination meetings were held through which different issues and challenges could be addressed. Indeed, some non-court interviewees expressed a desire for more open and routine lines of communication with the comparison court registry so that positive working relationships could be developed.

The specialist registry was also identified as an important part of the coordination and information sharing processes, at both courts:

[Is there anyone else who should be involved in these relationships?] *The registry...To be honest I think the registry...needs to step up...yeah... [a little bit], yeah. I think one of the few things that I think - well sorry, not one of the few things ... One thing that I did actually really enjoy when I worked at Brisbane was the relationship we had especially with the DV registry. So not the main registry downstairs, but the specific DV clerks - is because we had quite a strong relationship with them they could be really helpful when it came to getting orders sorted; also passing information, you know, if a matter was being heard in a different Court, getting that information passed from one clerk to the next. Also I suppose when it came to things like issues with the list or issues with somebody not being there, knowing where to get that information from. So I remember that relationship with the registry and the clerks actually being really useful; actually them knowing what we did and us knowing what they did. Yes, absolutely, because that was one thing that - because that was also things like if a client really needed a copy of their protection order before they left Court - because at the moment it gets sent down to the main registry. They have to go down to the registry, get a number, wait Oh but even just to pick up their order, or it gets mailed to them and often that's a huge process. Whereas just to be able to say look, we do have the DV clerk, we can get you a copy of your order before you leave today if you need to show that to the police, if you need to take that to the school to show that there's a 100 metre no approaching school condition, whatever it might be. Just to be able to even ask questions about maybe why things haven't come up from the registry that we need, so just to be able to have that midway person (service providers, comparison court).*

Thus, although in the comparison court a number of positives were arguably evident, improvements in coordination and engagement with support services could still be made. In the specialist court, while there is always room for improvement, a high degree of efficacy was evident in the coordination of matters, service provision to and support of the court.

Interviewees continually expressed to us that the specialist court provided a 'wraparound service' made possible by the collegial communicative relationships that existed between those working in the court. Rather than working in silos all stakeholders, including the magistrates, police prosecutors, lawyers, service providers, registry staff and information desk volunteers, came together, with a shared purpose of ensuring efficacy in process and outcomes.

[So one of the biggest changes I guess you've seen then with the Specialist Court, is this integration between other people who played different roles in the support of the parties?] *Yep. So before, it would have just been the court support workers...Yeah...the prosecutors...and the courts...support worker...court worker. People always worked in silos to varying degrees (service providers, specialist court).*

*I think the wraparound service part of it too with the really close connection with the duty lawyers, CentaCare, the Domestic Violence Prevention Centre, the court staff... it's a wraparound service for people involved in domestic violence, and that really helps get the best outcomes for people I think (duty lawyers, specialist court).*

Unlike the stakeholder meetings at the comparison site, the weekly working group meeting has a focus on solution-focused development of the trial court. These meetings were described as a positive forum in which concerns, grievances and ideas could be openly discussed and debated. For many these meetings have been critical in breaking down silos and creating an environment in which everyone is working to improve court efficacy.

*I think our weekly meetings address all of those improvement issues, when I say we, I mean the working group identifies issues and then tries to solve them, and it's a good thing to have those meetings (magistrate, specialist court).*

*It's a strength that everyone meets and we collaborate and we're able to - I mean the relationships we have, I've seen operationally, people are so much more safer because we're able to talk and have that relationship and share information so much more freely now and that continually improves (service providers, specialist court).*

What is perhaps clear from the above is that a lot of 'behind the scenes work' is involved in the effective coordination and support of the specialist court. As was described by one interviewee, a lot of "underlying work" goes into the process to optimise court efficacy and reach desired outcomes.

*So that's what we're talking about, that underlying - the amount of work that's done by stakeholders, including the prosecutors, including the taskforce, and our duty lawyers. There's a whole body of work that's done before it even gets in before a court, and I guess that's what we're talking about. We're talking about if the evaluation of things will get court outcomes, there's a massive amount of work that goes into what is a good court outcome, or what is an outcome. That's, I guess, that driving body underneath (police prosecutors, specialist court).*

In the court on the day, effective coordination would not be possible without the work of the specialised registry staff and information desk volunteers who provide invaluable service support. Sitting at the information desk, the volunteers provide an initial and central point of contact for all those involved in the process. They deliver information to lawyers, prosecutors, service providers and parties. As described by one participant, these volunteers are the 'eyes and ears' of the waiting room:

*Okay the coordination of services, well we've spoken a bit ourselves, so it gives us an initial point of contact for the clients, the court staff, the witnesses and the legal representatives who come in, or anybody else really. It provides the court morning with the flow of information for that morning between prosecutors, women's support, men's support, duty lawyers and legal reps. Also for the client they have a point of contact if they don't understand the process, and not sure who to ask, so we don't look very threatening, like I mean you know it's like we're the easy person to go up to, so if they say look you're sure I'm on that list, or where should I, what sort of things do you think they're going to tell me, they just really want to know that look that'll all be discussed, don't worry about it, you know we don't go into it, but it does take a lot of pressure that point of contact that's not too official. And we also provide a good point of contact for the staff actually, to provide them with information before they take a client somewhere, whether someone look they've been pretty antsy out here on the floor, or they've been emotional, or they've complained of you know yesterday was claustrophobia, that sort of thing, so she [the staff] was prepared ... for that sort of problem. So I think we actually are a good point of contact for the professionals, professionals who are here, because we really do observe people and nobody really thinks about us observing them you know, and we see the real kind of behaviour (volunteers, specialist court).*

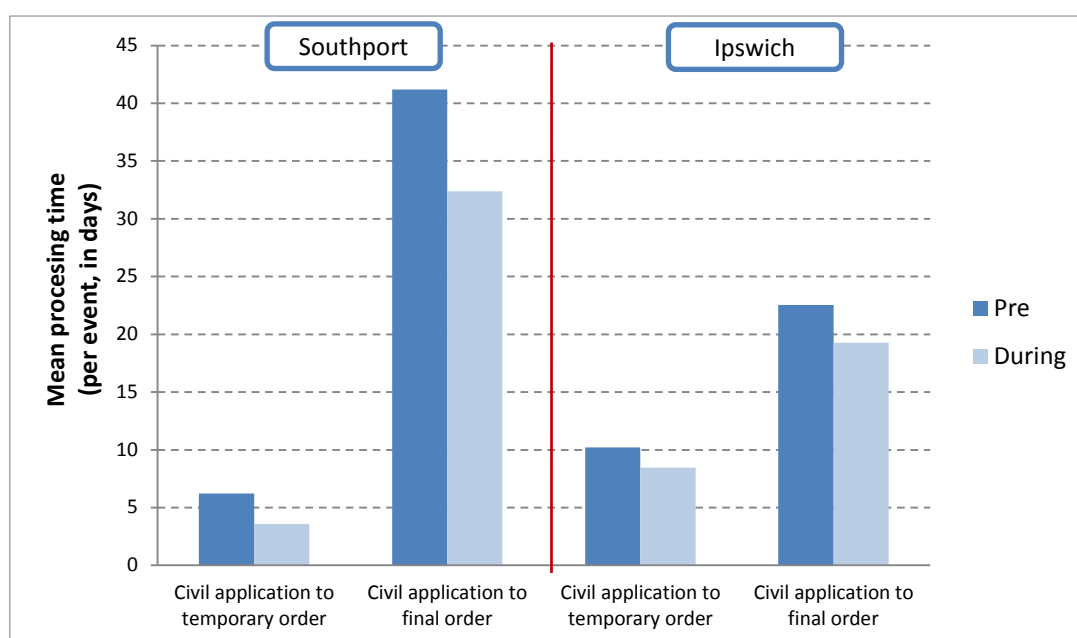
Increased collaboration and coordination by stakeholders around the processing of cases has reduced frustration among those working in the court, as well as working towards the smoothing of processes and the elimination of duplication. However, as noted later in this chapter, care must be taken to ensure that in collaborating and information sharing, the rights of individuals (e.g. privacy) are protected alongside other priorities (such as safety).

### 5.2.3 Role of specialised legal (including prosecutorial) and other support at court on timeliness of finalising domestic violence matters

The issue of timeliness of proceedings is a subject of wider debate within courts of all jurisdictions. For example, timeliness was central to the recommendations of the Moynihan (2008) review of the civil and criminal justice system in Queensland. It was an issue for the specialist court as well as the comparison one. There were some similarities to the issues but also some important differences.

Figure 5.1 summarises the average timelines for the processing of civil applications for Southport and Ipswich, before the commencement of the specialist court (September 2014 to August 2015) and during its 12 months of operation (September 2015 to August 2016).

**Figure 5.1. Average processing times for civil applications, Southport and Ipswich (pre and during the trial)**



Source: Court administrative data.

Note: N=10,581 cases across 18,236 events.

There are two points to note. First, across both sites, timelines of resolution of matters has decreased, although percentage change was greater for Southport. This suggests that there have been broader changes in the processing of domestic violence applications that have assisted in improving timelines; however, the larger impact at Southport suggests that the specialist model may have had an additional impact.

Second, the average timelines from application to temporary order have been consistently shorter at the specialist court. Since the commencement of the specialist court, there have been further improvements in the timeline for processing applications for temporary orders. In part, this can be



attributed to the same day listing practice for applications and variations requesting temporary protection orders (filed before 3:30pm).<sup>35</sup>

*Compared to other courts, ... [it's] going to be turned around [quickly] .... if you file [a temporary protection order application] before 3.30 you'll be heard that day (duty lawyers, specialist court).*

The practice, although not the practice preferred by the Department of Justice and Attorney-General, which occurs at various locations in the state is for the registrar to assess applications requesting temporary protection orders. Only those considered “urgent” through this assessment process would be listed within a few days. A further benefit of the Southport practice (same day listing) is greater consistency in the processing of requests for temporary protection orders, as it eliminates any differences in determinations of “urgent”.

Third, the average timelines from application to final order remain longer at the specialist court than at the comparison court (both before and during the trial period). *After removing contested matters*, the pattern does not change—the average timelines remain longer at Southport—although the averages are reduced. The longer average timelines at Southport may be explained by some practices within the court aimed at delivering better outcomes to victims and increased perpetrator accountability. In particular:

- as a matter of general policy, the specialist magistrates will adjourn an application for 6 months after a temporary protection order where the respondent has agreed to a voluntary intervention order. This allows the magistrates to know the outcome of the respondents' participation in the 16-week intervention program before making a final order.<sup>36</sup>
- as the specialist court is a combined civil/criminal jurisdiction, the magistrates have a practice of ordering temporary orders and adjourning civil applications, where charges have also been filed against the respondent. This allows the criminal charges to be processed and resolved, as defence lawyers generally will not advise agreement to a consent protection order until criminal matters have been finalised.<sup>37</sup>

(As temporary protection orders are in place, the victims are not left without protection by these practices.)

This highlights a broader issue for assessing specialist courts: there can be an assumption that quicker is better. Such an assumption masks practices within the court that may provide more tailored responsive outcomes to victims and perpetrators. However, this requires further consideration of what is meant by tailored and responsive, as well as more long-term and detailed case analysis than feasible within the timeframe of this evaluation.

Although there are some concerns around timeliness by interview and focus group participants (discussed later), a number of other strategies were identified by the interviews and focus group

---

<sup>35</sup> Remember that court operating hours are 9am to 4pm. Even for applications where a temporary order is not requested, the application can be listed within a few days as the specialist court operates five days a week. A temporary protection order may also be made at this time, even if not requested.

<sup>36</sup> Due to the length of the wait list (8 weeks at the time of writing) to start the intervention program offered at night, this has consequences for the length of the adjournment.

<sup>37</sup> At the same time, we acknowledge that, for many victims, the speed of court processes is an important issue (Holder & Caruana 2006).

participants as contributing to this smoother processing of matters in the specialist court. For example:

- Due to the locating of a court staff member in the support/safe room at the specialist court, there was ready access to documents available on site and at the time of the matter. There was considerable consensus that this assisted in reducing delays in the processing of cases. (This practice does not occur at the comparison court.)
- Relevant information from police information systems is provided in the courtroom by police prosecutors to the magistrate so that appropriate information is available to magistrates at the time of their decisions.
- Enhanced legal representation for both the aggrieved and respondent, as opposed to just advice, is provided. Several participants argued that representation helps in the negotiation between parties at first mention so that orders by consent can be more readily made, thus reducing the number of matters that need to go to trial.<sup>38</sup> In the courtroom itself, legal representation was thought to accelerate the process; lawyers can, as described by one magistrate, make things go faster because they “get to the nub of the issues more quickly”:

*...lawyers who are prepared, certainly the ones here, were quite prepared to tell people the facts of life, and that leads to resolution. I think it lessens the court's time having to explain certain things, you can just go in there like I just had a matter just then before magistrate [name] and you go in there and just say this is where it's at your honour, this is, I explained all this to my client and this is my instructions, it's done (duty lawyer, specialist court).*

- A fast tracking booking system for interpreters has been implemented, in which interpreters are organised when an application is filed. Further, telephone interpreters are used at first mention (although not at hearings or trials). This practice is strikingly different from the approach at the comparison court, where interpreters are generally ordered by the magistrate at first mention not when the application was filed. There was strong consensus across the participants that this resulted in delays in the process, including for temporary orders.

#### 5.2.4 Persisting issues

Although the specialist court had considerably enhanced the management and coordination of process, there are some issues that should be considered.

- ***Identification and information sharing around domestic violence applications, family law and child protection remains under-developed.***

Two short-term outcomes focus on communication and information sharing between magistrates, family law courts, children's courts and child protection. According to the interviews and focus groups discussions, the specialist court is engaging with this issue more proactively than the comparison site. Protocols for requesting child protection information (under s.55 *Domestic and*

---

<sup>38</sup> This point could be a measure for ongoing monitoring: the number of matters where parties had enhanced legal representation; associated number of adjournments; and time taken to finalise.

*Family Violence Protection Act 2012*) and family law orders have been implemented, and thus information sharing expedited.

Despite the improvements evident at the specialist court, the information pathways between the family law and specialist courts were not necessarily seamless. There was some confusion evident in focus group discussions about how this process works (although a protocol to streamline the process at Southport exists).<sup>39</sup> Other participants commented on continued issues encountered with managing the intersection between family and domestic violence order applications. Nevertheless, networking efforts are being made through Family Law Pathways (in which the specialist court participates) to better understand and perhaps respond to the intersections between child protection, family law and the specialist domestic violence court.

*One of the other things that has changed in our practice from our service delivery perspective is, through our family law pathways network we've now facilitated several workshops that has had the magistrate and police and child protection and family law court representatives involved in discussions about that nexus, which I don't think that discussion was happening well before. There's more of those happening, so it has been a complete change to the broader service delivery and training opportunities - learning and training opportunities, so I think it has brought a lot of that to the table (service providers, specialist court).*

However, identifying when there are relevant family law or child protection issues remains “hit and miss”: “it is not provided as a matter of course” (service providers, comparison court). While parties are expected to provide this information on their applications, they often neglected to do so. The onus was then placed on court staff including the magistrates to elicit this information from parties, often in the courtroom. A specialist magistrate commented that the information was more likely to “pop up” than be offered by parties, through a process of discussion in the courtroom:

*but it's your own initiative [to ask for it because] there's a trigger that says children involved, what's in the application is such that it causes you concern that there's been some exposure of the children to domestic violence, there's issues about who should have access to the children, so the mechanism, the section 55 of the Act mechanism allows us, and I have to say child safety are excellent in providing us with information in a very timely way (magistrate, specialist court).*

*you go through a process of discussion [with the parties] and you learn there is a family law order and thankfully we've got a good arrangement with Brisbane the registrar [of the Federal Circuit Court/Family Law Court] provides us with [the information] (magistrate, specialist court).*

Clearly, for many parties where a domestic violence order is sought or where domestic violence-related criminal charges have arisen, there are also family law issues about the care, safety and wellbeing of children. Duty lawyers, during focus groups discussions, also commented that family law matters frequently came up while advising parties. We acknowledge the commitment of the Queensland government to enhanced information sharing, evidenced in the recent amendments to the *Domestic and Family Violence Protection Act 2012*. We also note that concerns have been expressed in other forums about legal and other agencies transferring to each other the private information about parties without the full knowledge of those people, and without understanding the possible consequences of such transfers (e.g. Jones 2016; VoCC 2015).

---

<sup>39</sup> This is not surprising as many processes have evolved over time at Southport. A full set of documentation of processes, policies and protocols have been completed, but this has occurred primarily since May 2016 (a recommendation of the interim evaluation report). Thus, it might be timely for a broader dissemination to policies and processes to stakeholders outside the registry.

However, it remains unclear the proportion of cases where this issue of an interaction between a protection order and family court order and/or protection order arises. For example, the court administrative data shows that, during the first 12 months of the specialist court, there were 18 (in Southport) and no (in Ipswich) orders made under section 78 *Domestic and Family Violence Protection Act 2012*. (Under s.78, the court may consider the exercise of s.68R *Family Law Act 1975 (Commonwealth)* to vary, suspend, revive or suspend a family law order where the court is considering a civil protection order application). These statistics do not identify the proportion of cases in which it was even an issue before the magistrate. In our case file review sample, family law orders were noted on the file in 9.7 per cent (7 out of 72) civil cases in Southport, and 5.2 per cent (4 out of 77) in Ipswich. However, this may also under-estimate the extent of cases which intersect with family law orders. Our interview and focus group data suggests that parties often fail to identify family law order and/or child protection issues on their applications.

Thus, existing data does not allow for the easy routine identification of the proportion of civil applications with family law and/or child protection orders. This is not just a matter of information sharing protocols between the different courts, allowing for the request of information. A key issue is the identification of domestic and family violence cases which are common “clients” in across protection order, family law and child protection contexts.<sup>40</sup>

**Recommendation 3:**

To better ensure information about family law orders and child safety matters is before the court, further strategies need to be developed that allow the identification of this information before court appearances. To monitor the issue, consideration should be given to the tracking of the proportion and profile of cases affected.

- ***The impact of adjournments on the ability of the court to provide finalise matters in a timely manner.***

An issue that came up at both specialist and comparison courts was the impact of adjournments on the timely processing of civil matters.<sup>41</sup> The administrative data shows that the proportion of adjournments per case is higher in Southport (57.95% of cases had at least 1 adjournment), compared to Ipswich (36.96% of cases), in the 12 months following the implantation of the specialist court. The proportion of adjournments has remained fairly stable at Ipswich, but has increased at Southport: from 48.9% of cases having an adjournment at any stage (12 months before the specialist court) to 57.95% (in the following 12 months).

Interviews and focus group discussions identified a number of reasons contributing to adjournments. A commonly identified theme was service problems (failure to serve, failure to notify

<sup>40</sup> For example, Western Australia has established an information sharing protocol between the Family Court of Western Australia, the Magistrates Court, the Department of Attorney-General, the Department of Corrective Services and Legal Aid Western Australia, relating to matters involving family violence. It sets out a process by which each court can access information from the other to identify common clients (Senate Legal and Constitutional Affairs Committee 2016: 23). We thank the Department of Justice and Attorney-General for bringing this report to our attention.

<sup>41</sup> Again, we note that in the focus groups and interviews, there was little discussion of the incidence of, and reasons for, adjournments in breach/criminal matters.

the court of service, and incorrect affidavits of service filed). From the police perspective, there was some degree of frustration expressed, recognising that it was an issue, but not as easily resolved as other stakeholders may expect. However, the issue of service may be over-estimated by participants, as the most common reason identified from our review of case files for adjournments was to allow the respondent to file a response to the application (see Table 5.1).

However, the increased proportion of adjournments at the specialist court may in part reflect the higher proportion of temporary orders in Southport (thus requiring adjournment for service), as well as practices adopted by the specialist magistrates to improve the experience and outcomes for victims. For example, as noted earlier, the magistrates advised that they routinely adjourn applications with temporary orders and voluntary intervention orders so that the outcome of the respondent's participation in the voluntary intervention program can be known before decisions about final orders are made.

**Table 5.1: Most common reason for adjournments and variations in civil applications before the Southport and Ipswich Magistrates Court (pre and during the pilot)**

Most common reason	Southport		Ipswich	
	<i>Pre pilot (Mar 2015 – Aug 2015)</i>	<i>During pilot (Sept 2015 – Aug 2016)</i>	<i>Pre pilot (Mar 2015 – Aug 2015)</i>	<i>During pilot (Sept 2015 – Aug 2016)</i>
Adjournment	Allow respondent to file (58.3%)	Allow respondent to file (47.7%)	Allow respondent to file (52.0%)	Reason missing (34.0%) Mention (32.7%)

Source: Case file data

Note: N (Southport) = 24 (pre pilot) and 43 (during); N (Ipswich) = 27 (pre pilot) and 49 (during).

- ***The timeliness in criminal trials and civil hearings were identified as a critical concern in the specialist court.***

Timeliness in criminal trials and contested civil hearings were identified as a recent concern at the specialist court, with waiting lists stretching out to six months at the time of data collection. The proportion of events that were *finalised* at a hearing or trial, during the first 12 months of the specialist court, is small (3.5% of applications, and 2.6% of breach events).<sup>42</sup>

The issue of the wait time for contested civil hearings and criminal trials is in part a consequence of the volume of work in the specialist court. The number of matters has increased substantially since the specialist court commenced operations, with increases of 11.7 per cent in original applications, 46.5 per cent in applications to vary, and 37.7 per cent in breach charges. With two specialist magistrates, there is only so much available time and the volume of matters necessarily builds up over time. The magistrates and other court and legal staff are very conscious of these issues, and are currently working on a range of strategies to minimise the timelines for contested matters and trials. These include:

<sup>42</sup> Although we note that some cases will settle before hearing or trial, the proportion remains small.

- case management by magistrates through directions which require parties to file information (e.g. materials, affidavits) within a certain timeframe. If parties fail to comply with the filing dates, they are called by the magistrate to explain the failure to file, with non-attendance resulting in the matter being dealt with 'on the papers'. However, some stakeholders felt that there was not sufficient consequences for non-compliance with hearing directions, as requests for extra time were frequently successful.
- case negotiations between police prosecutors and duty lawyers<sup>43</sup> to determine whether a resolution can be negotiated before going to hearing, in response to many contested hearings and trials 'falling over' at court.

*There's starting to be a little bit of feeling, I think, in relation to just how many private hearings are listed probably too quickly without any pushback from the magistrates, in terms of, have you actually gone out and discussed this? Or is there an avenue for resolving it? They seemed to be able to just walk in and contest it and they get a hearing date straight away. There's definitely room for a type of case conferencing situation with a lot of these matters, that's for sure. Case conferencing has been phenomenal. You had to have the driving of, I think, the right people as well. I think engaging with Legal Aid and having that systematic way of doing things - there was a lot of long days to bring it all back in. But it's at a point now where I think it does - it has reduced. It does reduce numbers (police prosecutors, specialist court).*

- accelerated evidence (using body worn cameras) developed by the police prosecutors. The accelerated evidence trial allows police prosecutors to access evidence as it is collected by the operational or attending officers through downloads from online systems for early evaluation of evidence<sup>44</sup>, in conjunction with case conferencing:

*... We took them to the DV taskforce to say, hey, how do we do this operationally? The idea of it is, is to get the operational police to collect their evidence - which they have to do anyway, and investigate, like they normally would - but simply put it into QPRIME or on Evidence.com before the end of their shift. So as much evidence as they can...So we're in a position just to see it a lot earlier....that ability to see things early gives us the ability to conference matters. We know when our aggrieved are not favourable to the QPS [Queensland Police Service], or don't want to help us. So that's where the idea came from, is how do we speed up this process? We know the longer we delay things, the less likely an aggrieved person is going to want to help us, or come to court....So we're trying ... effectively bring it all forward. That's the accelerated part and the evidence part. So that was not possible without a district engagement. ... So supported by the taskforce I drafted the direction, they sent it out, and said here, this is now what we're going to do, and compliance - the uptake was actually really good, phenomenally good. Making download [of materials] that easy you're not hounding those police officers, or taking them away from something else that they're doing as well... (police prosecutors, specialist court).*

At the time of data collection, the accelerated evidence pilot had only been operating for approximately 2 months.

---

<sup>43</sup> In civil matters, case discussions may occur between aggrieved and respondent lawyers and (if a police-initiated application) police prosecutors. For criminal matters, case conferencing between police prosecutors and criminal duty lawyers occurs to facilitate the identification issues that can be agreed before trial.

<sup>44</sup> Proactive evidence gathering by police at the scene of a domestic violence incident in the 'first golden hour' has been developed and implemented in a number of sites outside of Queensland. The uniqueness of this project is its use of technology to allow prosecutors to access evidence early.

It is too early to assess the impact of these strategies on the timeliness of the finalisation of contested civil and criminal matters. The issue of negotiated settlements, especially in plea negotiations in criminal matters, are of critical concern to the fair and transparent administration of justice, especially for victims.<sup>45</sup> Thus, we strongly encourage that this is monitored and re-assessed in July 2017 (the end of the current funding period). If current strategies do not resolve this issue of timeliness, and the volume of matters continues to increase, there may be a case to consider more flexibility to assign a specific class of contested matters and trials to general lists while concentrating the specialists on case management and early resolution. We understand that this does not reflect the spirit of the Queensland Taskforce (2015) recommendations, and are aware of the concerns of stakeholders about such an approach. However, we note that research strongly shows that timeliness of resolution of matters is important to victims (for domestic and family violence victims: see Holder 2008; Holder & Caruana 2006; Bennett, Goodman & Dutton 1999; for sexual assault victims: see VoCC 2009).

- ***Lack of necessary information in private civil applications was identified in both sites as a key problem.***

Across all groups and sites, interviewees and focus group participants identified the lack of relevant and detailed information in private civil applications as one of the top problems in the court processing of domestic and family violence. A typical example of the problem is an application that simply states 'he bashed me'. In order to make a decision, magistrates require more detail, such as when did the incident occur, exactly what action, and what injury:

*That's when you've got to flesh, 9 times out of 10 you've got to flesh out their application and put some meat on the bones so to speak (magistrate, specialist court).*

*The biggest problem that we see is that the private applications their grounds for the application don't meet the legislative requirements, or they're so brief in their description of the incident or incidents that it's impossible for a court to make a decision as to whether or not the order is necessary and or desirable (police prosecutor, comparison court).*

At the specialist court, duty lawyer participants noted that the specialist magistrates were generally willing to allow amendments on the application at the hearing, rather than requiring the applicant aggrieved to re-file. Although this practice streamlines the process for the parties, and minimises adjournments, it does not address the underlying issues of lack of preparation and information.

*The court's pretty open to giving more information on the day because they understand that .... Oral submissions ... further material (duty lawyers, specialist court).*

However, the need for more support and assistance in this area was generally recognised:

*I think what would be good if there was somewhere where people could go when they come here, to provide them with assistance to draft their application, because what I think is important is if they're here, they've made that step and particularly against a background of you come to this place and you'll get your application dealt with today, rather than sending them away you know they might have issues about kids at school, parking, the dog, the partner's at work, that window might close on them and they might not come back, and ... I'd like to avoid that scenario, if there was someone available who could help with the drafting (magistrate, specialist court).*

---

<sup>45</sup> See, for example, the review of prosecution policies and guidelines on charge bargaining and tendering of agreed facts in New South Wales (Samuels 2002).

We acknowledge some current developments within the Department of Justice and Attorney-General which might assist with a better understanding of the legal requirements. Examples include: the development of an online application form, with drop-down menus which provide further information in plain English about the expected information; and the production of video vignettes available on the Department's website. There is currently an application preparation service, staffed by a social worker and funded through Legal Aid Queensland at Brisbane Magistrates Courts (mentioned by two interviewees). We also recognise that both domestic violence service providers and community legal centres can assist with applicant aggrieved preparation of applications and court appearances. Applicants can also take advantage of domestic violence support workers at the courthouse, if the workers are available and not tied up in court support work. However, if the experience of the court in terms of the quality of applications is an indicator, these services are not well accessed by applicant aggrieveds.

**Recommendation 4:**

To assist victims and perpetrators in preparing for, and understanding, the civil and criminal court processes, develop and implement a broader pro-active assistance and preparation service (see also recommendation 7).

- ***The process of prioritising matters in order to manage victim risk at court is unclear.***

In the specialist and comparison courts, there were a number of different criteria used to move matters forward on the day. Usually these criteria were informal, but were generally a combination of: whether both parties were present; whether either party was legally represented by non-duty lawyers (these commonly go in early); whether an aggrieved presented as especially fearful or a respondent appeared particularly agitated, volatile or angry. These matters would be 'push[ed] up' the list in an attempt to have them finalised quicker. However, the ability to accelerate matters on the day was also dependent on whether or not both parties had the benefit of legal advice or had been seen by a court support worker:

*So if you've got really big safety concerns for someone...Yes. Yeah, so if we know that her staying is going to exponentially increase those safety risks, then we will definitely look at strategies (service providers, comparison court).*

*At the court, we do I suppose a more informal version (of a risk assessment) (service providers, comparison court)*

*[Or this woman is extremely fearful, are they bumped up the list at all or is it done informally?] I think that well certainly in relation to the women, that is a priority and even this morning there was a woman where her safety was a concern and she had a big star next to her name and she was prioritised (service providers, specialist court).*



The prioritisation of matters *prior* to court day did not seem to occur at either court. In the specialist court, police prosecutors noted that maybe this was something that could be looked at further:

*So there's no formal [risk assessment]- police do what we call PAP reports, so they have a formal risk assessment when they go to a DV incident. As prosecutors, ours is perhaps a little bit more informal. But certainly, there is work being done in relation to what steps we should be taking. But we check history (police prosecutors, specialist court).*

Although assessing victim risk in order to prioritise cases was not universally supported, there was a common theme of encouraging and supporting the aggrieved and respondent to engage with service providers (legal and social) pre, during and post court to identify risk and actively work with respondents to address their needs:

*What else can I tell you? We've changed a lot of our internal referral pathways from the court. The court has actually now got processes put in place where they'll actually send us through a full copy of the DV application, which helps us address the potential risk and safety issues in relation to the clients that we're now taking on as referred clients, which also then informs the risk assessments that we might be doing through our women's advocate role ... (service providers, specialist court).*

Information was provided to the evaluation team of a risk model (a referral pathway of stages when risk is assessed). For example, when aggrieved parties file their protection order application, they are asked to complete a self-assessment of safety, which asks aggrieved parties to describe any concerns they have about their safety while attending and leaving court.<sup>46</sup> This assessment only triggers a security response (if needed) on the day on which the matter is listed. Further risk assessment may be completed. Once an application has been filed at the registry, the female aggrieved is escorted to the support/safe room by registry staff where further risk assessment may be completed. Kept by the court support workers, this information is used to assist in supporting and ongoing safety planning for the female victim. However, no clear articulation of the current practices and policies, the intersection between the two assessments, or the roles of different stakeholders, was provided in the interviews and focus groups. There did not appear to be a shared understanding of what was meant by risk, who is screening, who is assessing, or how such assessments should be used.

Our difficulty here is unpacking the meaning of 'assessing risk' and 'managing risk'. As evidenced in the interviews and focus groups, there was no single shared definition: participants had different things and different individuals and different procedural points in mind when discussing "risk". These may be the *risk* of repeat perpetration assessed for the perpetrator, or *risks* of injurious or fatal harms to the victim based on a combination of factors drawn from both the victim and perpetrator. There are also different risks depending on the location. Thus, there may be elevated concerns when the parties are brought to the same location in stressful circumstances when emotions are high. In this particular situation, the security of the users of the court and of court personnel becomes highly salient. However, identifying the issues and concerns of parties when attending court—from child care to medical needs and to physical safety—are all arguably issues that could also be ascertained prior to attending court, which leads to better management on the day.

---

<sup>46</sup> This form is part of the application 'package' that is provided with protection order application forms throughout the state.

In these circumstances, it is timely to:

- unpack what is meant by 'risk' for the court
- consider the role and timing of victim-assessed risk
- develop appropriate risk screening and assessment tools
- clarify the responsibilities of each stakeholder in these tasks
- clearly set out how risk assessments will be used within the court process, including procedures, with criteria for how matters are to be prioritised, for the daily management of cases and parties.

This should be undertaken as a collaborative process between the court registry and service providers, and link to broader work being completed on a common risk assessment framework through the development of high risk teams in the current integrated response trials. In implementing such a protocol, consideration might be given to holding daily management meetings between registry staff, support and legal staff to review priorities and lists.

**Recommendation 5:**

A clear risk screening and assessment framework for use at court should be developed.

### **5.3 Summary**

Overall, the evaluation found that the specialist court was making substantial progress on its process-related outcomes, and was well on the way to making further improvements. The court and its allied stakeholders have adopted a problem-solving and solution-focused approach. While some of the issues and problems (such as timeliness for example) are shared by all courts and remain an issue for the specialist court, the focus and energy provided by the pilot has enabled Southport to drive through some important changes.

## 6. EVALUATION RESULTS: VICTIM AND PERPETRATOR ASSESSMENTS AND EXPERIENCES

This chapter reports the evaluation results for the series of short and medium-term outcomes which focus on: information, support and access to victims and perpetrators; their experience of the court process; and the appropriateness of orders and outcomes. Unlike the outcomes assessed in Chapter 5, these outcomes have a “court user” focus, examining the assessments and experiences of victims/aggrieveds and perpetrators/respondents. The perceptions and assessments of victims and perpetrators were gathered through a survey at the courthouse of those in attendance.<sup>47</sup> These assessments primarily reflect the experiences of female aggrieveds in *private* applications for intimate partner violence. Although there is more diversity among the perpetrator sample, these participants are more likely male offenders and respondents in protection order applications for intimate partner violence. We also supplement this analysis with the views of key stakeholders who work with victims and perpetrators of domestic and family violence at the courthouse, but also more broadly in the community.

As this chapter largely focuses on the experiences of those who attend the specialist court, some features of the specialist court will not be as visible. In particular, there will have been minimal (if any) interaction with the specialist police prosecutors by victims and perpetrators at court. For instance, the duty lawyers mediate any interactions with police prosecutors by private applicants and respondents. As our data suggests, most victims in police-initiated applications, and breach and related criminal matters, do not attend court, so would not have any interaction with police prosecutors at court.

### 6.1 Did the court achieve the information and support-related outcomes?

Overall, our assessment is that the series of outcomes related to the information and support for victims/aggrieved and perpetrators/respondent of the specialist court have seen substantial progress, especially for female victims in the civil application process.

There was acknowledgement and concern expressed across the stakeholder and participant interviews that involvement with and participation in court processes was stressful and confusing for all parties. Those working in and with the specialist court identified that better role definition of key stakeholders, identifying and solving problems emerging in the interaction of victims and perpetrators with the court, and improved coordination between stakeholders was important to

---

<sup>47</sup> The survey data presents some challenges in analysis, due to the small sample size for certain items. Care must be taken in making inferences from this data, as only large differences achieve conventional levels of statistical significance. However, the reported patterns are in general consistent with our expectations of the impact of the specialist court. Further, the victim participants are not a representative sample of all aggrieved parties: these are typically aggrieved parties in civil matters, attending as a private party (either in an original application, or an application to vary). Almost all of the Southport, and all Ipswich, victim participants were female.

minimising that stress. A key area for future development will be exploring processes and procedures for pre-court contact and preparation of individuals that are sustainable and regularised.

### **6.1.1 Victims' knowledge and support**

The importance of information and support for victims through the process was clearly recognised in the interviews and focus group discussions. For example, one interviewee reflected that:

*[victims] don't understand the court process and I suspect that a lot of them are very surprised to discover that just writing their application is not the end of the matter, which is why I think a good application right at the start is the key for me because the application could be just the beginning of a whole very stressful process for them that they may not embark on if they knew that that's what was in store for them, particularly I don't think they understand that there has to be service on the respondent, that the respondent is going to then read everything that they've said and have a chance to argue against it (magistrate, comparison court).*

Table 6.1 (next page) summarises the pattern of use of the support services at the courthouse on the day of their attendance as reported by victim/aggrieved survey participants. This indicates that aggrieved/victim participants attending court reported accessing available support and services in both the specialist and comparison courts, with similar proportions at both courts reporting accessing court support workers and the support/safe room on the day. Although the data suggests good engagement and access of support services at the courthouse across both sites, a striking difference is the reported access to legal advice: about 83 per cent of participants reported accessing a duty lawyer at Southport, compared to around 36 per cent at Ipswich.

Overall, the participants rated these services positively (see Table 6.1), with generally higher levels of positive assessment at the specialist court (although the differences are not large enough to be statistically significant due to sample size).

However, interviews with those involved in both the specialist and comparison courts suggested that the stress and uncertainty for victims in appearing at court might be further mitigated by individuals receiving early advice and assistance *before* they came to court. Registry staff in the comparison court mentioned that applicants often came into the court simply expecting that they could ask for an order and receive it. One staff member commented that, "you're trying to tell them that you know you need time for the respondent to be served, we can't list it urgently, you haven't got enough information here, because they come in and grab it, fill it all in right then and they don't speak to anyone or, they just come in and do it straight away" (registry staff, comparison court).

**Table 6.1: Aggrieved participants' reported use and assessment of services at court (Southport and Ipswich)**

	% using service		Average assessment of service	
	Southport	Ipswich	Southport	Ipswich
A court support worker	74.0	76.5	3.69 (0.47) 68.6%	3.57 (0.51) 57.1%
A duty lawyer or other publicly funded lawyer	83.0	36.4	3.59 (0.64) 64.9%	3.57 (0.53) 57.1%
An interpreter	0.0	0.0	---	---
The information desk	70.5	---	3.38 (0.78) 51.7%	---
The specialist court registry	62.2	---	3.46 (0.64) 53.6%	---
The support/safe room	91.8	90.9	3.61 (0.68) 68.4%	3.4 (0.70) 50.0%

Source: Victim survey data.

Notes:

- N (Southport) = 38; N (Ipswich) = 10. For the average assessment, only participants who reported using the service were included.
- The table reports mean scores for each item, with standard deviation in brackets. The percentage represents the proportion of participants who rated the service as excellent. Responses ranged from 1 (Poor) to 4 (Excellent). Higher scores mean stronger agreement. At Ipswich, domestic violence court support is available only on the civil applications list day. The surveys were administered on those days.
- Grey shaded rows indicate services available at Southport specialist court only. Blue shaded rows indicate the difference between the trial and comparison sites is statistically significant at  $p < 0.05$ . Small sample tests were calculated.

Registry staff in the specialist court observed that much of the work was similar to the general registry but that they “have greater contact with applicants and aggrieved” and “do a little bit more ... leg work for the aggrieved” (registry staff, specialist court). These staff also commented that changes in information flow between the court and specialist domestic violence services helped. They gave the example that previously “DVPC [the Gold Coast Domestic Violence Prevention Centre] weren’t allowed to know [the outcome] because they weren’t a party to it; we never had duty lawyers but if solicitors came up and wanted a copy of applications or anything they had to provide proof they actually acted for one of the parties”. Now, “they’re allowed to” (registry staff, specialist court). Other staff observed that one improvement was “the amount of time that can be put into each [case]” (registry staff, specialist court). However, registry staff in the specialist court continued to observe that, especially for parties who sought variations to an order, there remained inadequate understanding of the implications of the conditions. Sometimes also it was difficult even for the registry staff to find out the outcome of police service of applications and orders (registry staff, specialist court). The focus groups, as well as information on the types of requests handled by the specialist registry, indicates that the specialist registry provides a broader support base for victims/aggrieved applicants, before, during and post court.

Perhaps reflective of this higher level of contact and service, Table 6.2 suggests that overall, victim participants felt more informed about the process *before* coming to court in the specialist court, compared to the comparison court. In the survey, victims were asked their level of agreement with a series of statements about information about their incident and the processes prior to coming to

court. Eighty-seven percent of participants at the specialist court agreed or strongly agreed that they had been given information about what was going to happen at court, compared to 69 per cent at the comparison court. In particular, more participants at the specialist court agreed that they had been given an opportunity to talk to someone about their preferences for the outcome of their matter (83% at Southport compared to 63% at Ipswich agreed or strongly agreed). However, there were lower levels of agreement about being kept informed about police progress or intentions at both sites (68% at Southport, and 25% at Ipswich, agreed or strongly agreed that they had been kept informed). Levels of agreement were still higher at the specialist court.

**Table 6.2: Aggrieved participants' assessment of how well informed before coming to court (Southport and Ipswich)**

Prior to coming to court:	Southport	Ipswich
I was given information about where I could get help.	4.24 (1.04) 88.9%	3.75 (1.18) 81.3%
I was told about what had happened so far in the police investigation of the incident.	3.65 (1.12) 68.4%	2.5 (1.17) 25.0%
I was told what the police intended to do about the incident.	3.69 (1.26) 71.4%	3.5 (1.24) 66.7%
I was given an opportunity to tell police how I wanted to be kept safe.	4.00 (1.22) 82.3%	3.5 (1.22) 71.4%
I was given information about what was going to happen at court.	4.11 (1.21) 87.0%	3.63 (1.26) 68.8%
I was given information about what I needed to do at court.	3.98 (1.23) 79.3%	3.5 (1.10) 75.0%
I was given an opportunity to tell someone (e.g. police, support worker, lawyer) what I wanted to see happen at court.	4.15 (1.20) 83.0%	3.38 (1.36) 62.5%

Source: Victim survey data.

**Notes:**

- N (Southport) = 54; N (Ipswich) = 16.
- The table reports mean scores for each item, with standard deviation in brackets. The percentage represents the proportion of participants who agreed or strongly agreed. Responses ranged from 1 (strongly disagree) to 5 (strongly agree). Higher scores mean stronger agreement. Respondents indicating not relevant excluded.
- Grey shaded rows were only relevant to participants who had had some police involvement in the initiating incident. In order, the sample sizes for these items are: n=33, 39 and 40 (Southport); and n=12, 12, and 14 (Ipswich).
- Blue shaded rows indicate the difference between the trial and comparison sites is statistically significant at  $p < 0.05$ . Small sample tests were calculated.

An important aspect of supporting and informing victims is ensuring that they understand not only what to expect in terms of process, but also what has been decided and its implications to them. In the survey of victims, we asked those who received an order whether they understood that order. Table 6.3 indicates a reported higher level of victim/aggrieved understanding of the court outcome at the specialist court. Of those who were granted orders, 88 per cent of aggrieved participants at the specialist court, compared to 64 per cent at the comparison court reported that they understood the court order. Of particular interest is the proportion of participants who indicated that they were

unsure about whether they understood the outcome of their appearance on that day, 25 per cent of participants at the comparison court compared to 10 per cent at the specialist court reporting that they were unsure.

**Table 6.3: Aggrieved participants' level of understanding of the court order (Southport and Ipswich)**

	Southport	Ipswich
Yes	87.8%	68.8%
No	2.0%	6.3%
Unsure	10.2%	25.0%

Source: Victim survey data.

Notes:

- a. N (Southport) = 49; N (Ipswich) = 16.
- b. There were only 2 participants at Southport who were attending in relation to a breach of a domestic violence order. Thus, it is not meaningful to explore differences between victims in the civil process and victims in the criminal process.

Taken together, these results suggest that the specialist court has improved the support and assistance available to victims.<sup>48</sup> However, as we had few victim participants who were involved in a breach or criminal matter (n=2), this is an assessment about the civil process. Similarly, in the interviews and focus group discussions, there was little reference to the needs of victims in the criminal process. A broader examination of the experiences of, and issues for, victims *not* attending court (i.e. aggrieved parties in police-initiated applications and victims in criminal matters) was outside the scope of the current evaluation (as the short and medium-term outcomes focus on the experiences of *court*). However, as part of the continuing improvement of the specialist court model, we strongly encourage further action research on these broader experiences of the larger civil and criminal processing of domestic and family violence matters.

### 6.1.2 Perpetrators' knowledge and assistance

Respondent/offender reported use of services is summarised in Table 6.4. Over three-quarters of respondent/offender participants at the specialist court reported accessing court support workers and duty lawyers, suggesting good access to support and legal services.<sup>49</sup> Interestingly, focus groups discussions highlighted that the magistrates at the specialist court were not averse to standing down proceedings if they had not, at the very least, spoken to the duty solicitors.

*If they have not seen the duty lawyer they will be sent back out to do so. Does the magistrate refer them out again? Yeah. Stand down. Send them out (duty lawyers, specialist court).*

<sup>48</sup> We do not have data from either court on the number or proportion of matters where an aggrieved received contact (beyond formal notices to appear) about their matter prior to the court day; the number or proportion who received a copy of their order on the day; or the number or proportion who received contact post-court. These data could be included in the measures for ongoing monitoring.

<sup>49</sup> Lower use of the specialist court registry is not unexpected, given the nature of the court process. Contact with the parties would generally only occur at the time of filing of applications, if copies of orders are required, or if parties had specific queries about their application or the process. Much of the work of the registry is behind the scenes in coordinating paperwork for court, facilitating the transfer of applications and orders between the court and the police, and managing the court lists.

However, only one participant indicated that they had used the information desk. Given the levels of access to the other services, this may simply indicate a lack of familiarity with the language (“information desk”) used in the questionnaire.

In contrast, of the small sample of participants at the comparison court (n=9), only 5 participants reported using a service, and that was talking with the male liaison court support worker.

**Table 6.4: Respondent/offenders’ reported use of services and assessment at court (Southport and Ipswich)**

	% using service		Average assessment of service	
	<i>Southport</i>	<i>Ipswich</i>	<i>Southport</i>	<i>Ipswich</i>
A court support worker	89.5	55.6	3.76 (0.60) 81.1%	---
A duty lawyer or other publicly funded lawyer	73.7	0.0	3.13 (0.50) 19.4%	---
An interpreter	2.6	0.0	---	---
The information desk	2.6	---	---	---
The specialist court registry	21.1	---	3.38 (0.52) 37.5%	---

Source: Perpetrator survey data.

**Notes:**

- N (Southport) = 34; N (Ipswich) = 9. For the average assessment, only participants who reported using the service were included.
- The table reports mean scores for each item, with standard deviation in brackets. The percentage represents the proportion of participants who rated the service as excellent. Responses ranged from 1 (Poor) to 4 (Excellent). Higher scores mean stronger agreement.
- A court support worker refers to the men’s liaison worker.
- Mean assessment for use of an interpreter and information desk is not included for Southport, as only 1 participant indicated using these services. Mean assessments of services are not included for Ipswich, as the numbers who reported using these services are too small for meaningful analysis. Only 5 participants reported using the court support worker.
- Due to the small numbers of participants at Ipswich, no statistical tests were estimated. Care must be taken in making inferences about differences from these data.
- Grey shaded rows indicate services available at Southport court only.

Overall, respondent/offender participants reported positive assessments of these services with mean scores above 3.0 (“good”).

Table 6.5 summarises respondent/offenders’ assessment of how well they were informed before coming to court. For participants at the specialist court, there was strong agreement that respondent/offender participants had been given information about where to get help (72% agreed or strongly agreed), and that they needed to attend court (92% agreed or strongly agreed). However, these participants indicated that they were less informed about the court process (50%) and their role (53%). Similar to the victim participants, respondent/offender participants at the specialist court reported low levels of agreement that they were informed about police intentions regarding the



initial incident (33% agreed or strongly agreed that they were told what the police intended to do).<sup>50</sup>

In contrast, respondent participants at the comparison court appear less well-informed about getting help and their role in the court process, but better informed about what the police intended to do. However, this is based on 9 participants, so a shift in one participant's response can result in large percentage changes, making any conclusions about differences unstable.

**Table 6.5: Respondent/offenders' assessment of how well informed prior to coming to court (Southport and Ipswich).**

Nature of prior support	Reported assessment	
	Southport	Ipswich
I was given information about where I could get help.	3.53 (1.25) 71.7%	2.78 (1.48) 55.6%
I was told what the police intended to do about the incident.	2.56 (1.43) 33.3%	3.44 (1.24) 55.6%
I was given information about what was going to happen at court.	3.04 (1.53) 50.0%	3.00 (1.32) 55.6%
I was given information about what I needed to do at court.	3.04 (1.54) 52.8%	2.78 (1.30) 44.4%
I was told that I needed to come to court. (Most common response for who told: Police (Southport); not answered (Ipswich))	4.33 (1.08) 92.3%	4.22 (0.97) 88.9%

Source: Perpetrator survey data.

**Notes:**

- N (Southport) = 53; N (Ipswich) = 9.
- The table reports mean scores for each item, with standard deviation in brackets. The percentage represents the proportion of participants who agreed or strongly agreed. Responses ranged from 1 (Strongly disagree) to 5 (Strongly agree). Higher scores mean stronger agreement. Respondents indicating not relevant excluded.
- Grey shaded rows were only relevant to participants who had had some police involvement in the initiating incident. The sample size for this items is n=48 (Southport) and n=9 (Ipswich).
- Due to the small numbers of participants at Ipswich, no statistical tests were estimated. Care must be taken in making inferences about differences from this data.

Interviewees and focus group participants from both sites expressed the view that it is important for respondents to have an understanding of the orders made by magistrates after the court appearance:

*... because often the parties don't understand the orders, they don't understand what has occurred in the courtroom. We need the opportunity to explain it to them. ... Having an understanding of what an order means and what happens if you breach, it could reduce breach numbers (service providers, comparison court).*

*Generally that follow up advice, personally I usually give that to because usually what their options, what the potential outcomes can be one of them. I made a couple of follow up calls after from yesterday, this morning, so that's the different service ... (duty lawyers, specialist court).*

<sup>50</sup> Recall that the most common reason for adjournment of matters at the specialist court was to allow a respondent to file a response to an application (see Table 5.1).

Based on self-evaluation by respondents/offenders at the specialist court, this concern is supported (see Table 6.6). Although the majority of respondent/offender participants who received orders indicated that they understood the orders, there remained a substantial proportion of participants who reported that they had not understood, or were unsure about, the court order. As shown in Table 6.6, just under one-third (30%) of our participants reported they did not understand or were unsure. The table suggests that the lack of understanding may be greater in breach and criminal matters, although the small numbers mean we cannot draw any strong conclusions. It does suggest that a lack of understanding may be greater among respondents/offenders than victim aggrieveds at Southport, despite the increased information and support available at the specialist court. This may in part be due to the stresses of attending court, and the volume of matters making it difficult for duty lawyers to debrief clients directly after their court hearing.

**Table 6.6: Respondent/offenders' level of understanding of the court order (Southport, n=63)**

	<b>Total (%)</b>	<b>Attending for civil applications % (n)</b>	<b>Attending for breach/criminal matters % (n)</b>
Yes	69.8	73.5 (36)	57.1 (8)
No	17.5	12.2 (6)	35.7 (5)
Unsure	12.7	14.3 (7)	7.1 (1)

Source: Perpetrator survey data.

Note: As all domestic violence related criminal matters appear in the general criminal list at Ipswich, there was no recruitment of offender participants at Ipswich. Of those participants at Ipswich who appeared as respondents in civil matters, the majority indicated that they understood the order (7 out of 9). The remaining 2 were unsure. These are similar patterns to the respondent participants (civil) at Southport.

Overall, the survey data suggests that respondent/offenders have mixed views on the information and support available to them. Interviews and focus groups discussions suggest that the support for male respondents may be broader at the specialist court (compared to the comparison court):

*The men's information referral court worker is there to provide information on what to expect when the client goes to court, to take them through a process and inform them about options that might be available to them, having [them] engage with the various players within the court and then to talk to them about VIO options and support programs and any other referral support needs that they might have. If there's a risk identified, they may then work with them around that risk. ... try to encourage them to stay after any hearings so that they might then also collect any orders that are put in place to try and ensure that they're served before they actually leave the court, so that's what they try to encourage ... Refer them over to the duty lawyers, suggest that they talk to the police prosecutors if there's an opportunity to discuss any matters that need further input ... So within his role, he [men's court support worker] now connects to volunteers, which wasn't something that was there before, which gives a more central point of information recording and passing information back to, so that we can be assured that all clients that are coming through the system have checked off at a single point ... (service providers, specialist court)*

Even so, interviews and focus groups discussions described the provision of assistance to perpetrators as falling short of that provided to the aggrieved (particularly at the comparison court), and this has implications for perpetrator accountability:

*It's top heavy in that it's all about the aggrieved....so I'm actually surprised we don't have more shenanigans on a Monday considering that it's a bit of a boiling pot outside, but yeah there should be an opportunity for someone to engage with those parties as well (police prosecutors, comparison court).*

These may be issues of perception. A 'top heavy' service system focused on female aggrieved reflects the volume and proportion of individuals in that group (see Figures 4.3 and 4.4). Further, these perceptions may benefit from ongoing monitoring in the future. In other words, tracking the number and proportion of male respondents offered and using the services provides important data for making informed decisions about resource allocation.

### **6.1.3 Persisting issues**

Despite the successes in the support and information provided to victims/aggrieveds and perpetrators/offenders, there were some continuing issues that should be considered.

- ***Lack of attendance is a problem where referrals and support is dependent on presence at courthouse, especially for respondents.***

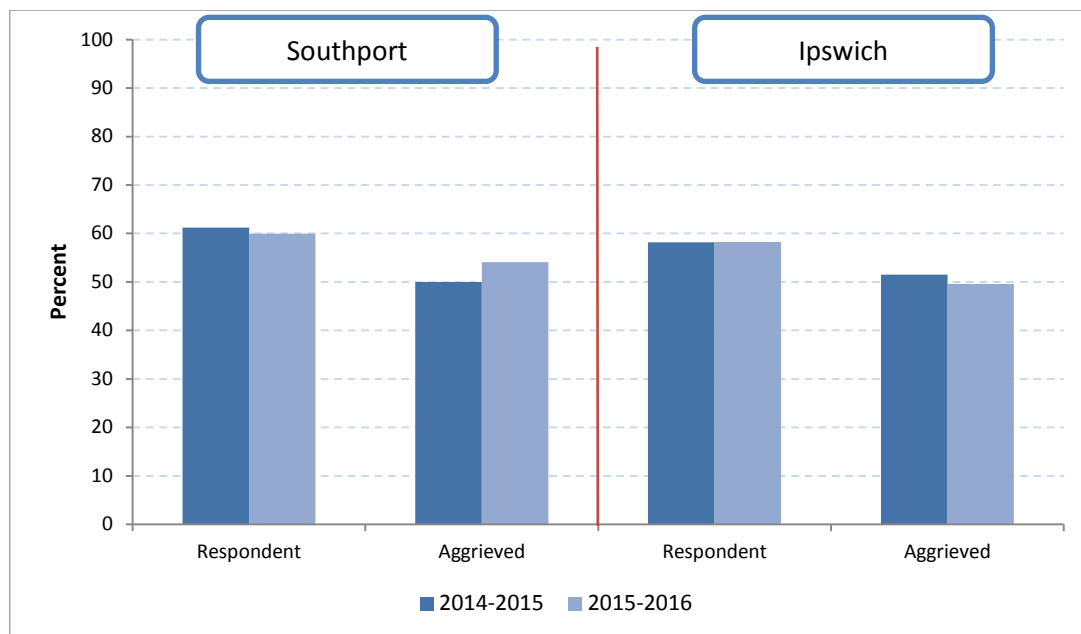
The non-attendance in civil matters was consistently identified in interviews and focus groups discussions as a concern at both sites.<sup>51</sup> This is supported by recorded attendance data for civil applications (regardless of type) (see Figure 6.1), which shows that close to 60 per cent of respondents and 50 per cent of aggrieved parties, were recorded as *not* attending. There are minimal differences over time, or across court sites.

Overall, there were different views identified about the desirability of the attendance of the aggrieved and respondent at court, especially in the case of the aggrieved for reasons around safety and trauma. Some interviews and focus group discussions indicated that the parties were at times discouraged from attending, although we were unable to accurately identify who was discouraging attendance. The application form itself in the notes to respondents uses language that suggests that attendance is not necessary ("If you do not appear in court a domestic violence order may be made in your absence. The court may issue a warrant for you to be taken into custody by a police officer and brought before the court if the court believes that it is necessary for you to be heard.")

---

<sup>51</sup> The issue of non-attendance is different in criminal matters. Given that most criminal matters are resolved by guilty plea, the non-attendance (or failure to attend) of victim witnesses was not perceived by stakeholders as an issue. Further, a failure to appear by a criminal defendant may result in a warrant for arrest.

**Figure 6.1: Percentage of *non-attendance* at *all* civil applications, Southport and Ipswich (2014-2015, 2015-2016)**



Source: Court administrative data.

Note: Missing (or unrecorded) were not included in the calculations. Information on attendance was missing for 2% of applications for respondents, and 1% of applications in 2014-2015, and 2% (Southport) and 3% (Ipswich) in 2015-2016 for aggrieved parties. Total number of applications (including missing): 20,824 (2014-2015); 29,474 (2015-2016).

A lack of court attendance means that a substantial numbers of aggrieved and respondents were not accessing the legal advice or support/assistance provided at court, including the opportunity to discuss the practical implications of any order. However, there are other important consequences of non-attendance. For aggrieveds, it may result in minimising victim preferences in terms of how they would like the matter handled, which in turn may mitigate victim agency. For respondents, attendance at court may facilitate increased perpetrator accountability, as highlighted by service provider participants:

*Men [respondents] are not turning up to court. There were 74 male respondents listed this week and only 19 attended. This needs to be dealt with; they are not accessing services, they are not going before the court and often times; this will result in the matter being adjourned. Coming to court provides a window of opportunity, a time when they might actually talk to someone, a time where there might actually be an opportunity for change; we need to be able to talk to men in the first instance (service providers, comparison court).*

The early involvement of parties should assist in the determination of workable conditions, reduce later applications to vary or to dismiss, and increase understanding of and compliance with conditions. Victim participation is one of the key principles for many international specialist domestic violence criminal courts (Ministry of Justice 2014: 16).

**Recommendation 6:**

To further improve the appropriateness of outcomes, and the effectiveness and efficiency of the court experience for perpetrators and victims, strategies that provide more engagement with perpetrators and victims in the process, including court attendance and increased participation, should be developed (see also recommendation 7).

- ***Lack of support for male aggrieveds and female respondents.***

Although not the view in all interviews and focus groups, there was disquiet expressed in both courts about the nature of the support and assistance for others who might not fall within the usual demographic categories of aggrieved or respondent. For example, during the first 12 months of the specialist court, about a quarter of aggrieved parties were male (25.6%) and respondents were female (25.3%) at the specialist court.

Focus groups with registry staff and duty lawyers in the specialist court observed that there were inadequate facilities for male aggrieveds. Similarly, female respondents were described as ‘falling through the gaps’ in service provision and assistance. Magistrates in both courts concurred that there was scope for improvement with the assistance and support for males at court as well as for female respondents. Across both sites, court support workers attempted to assist as best they could even though the nature of their services is clearly gendered (female victim/male perpetrator). Similar comments were made across both sites:

*[Then there is the] issue of female respondents, they are put in the safe room with the aggrieved and not provided with the same level of service as male respondents, for example MensLine (service providers, comparison court).*

*The other gap though too is I think which is good and maybe you need to look at is the DV relationships between parents and children, especially the drug addicted ones (police prosecutors, comparison court).*

Family violence is undoubtedly a gendered crime, in that it predominately involves the abuse of women at the ‘hands of’ their male intimate partners. However, interviewees and focus groups at both court locations discussed occasions when there was a male aggrieved. While some of these may be named as respondents in other applications (that is, in ‘cross applications’<sup>52</sup>), this was not always the case. Further, broader family violence incidents are not always characterised by the more common intimate relationship or gender dynamic. For example, they may involve violence by adult or adolescent children (male or female) against their parents, or female same-sex intimate partner abuse. At both sites, focus groups with service providers indicated that the needs of respondents in these cases were not being addressed:

*What about female respondents? We support both of them [aggrieved and respondent], so even where there's two women - we all sit with each woman and support them. They can't both be in the support room, but we'll support them outside of the support room (service providers, specialist court).*

*Adult children abusing parents... [Have you seen a change in the type of family violence coming through?] Since the 2012 Act change, yes.....traditionally people think of family violence as intimate partner violence. [What have you seen probably the most increase in, in terms of the other groups?]*

<sup>52</sup> For a discussion of this issue using Queensland data, see Douglas and Fitzgerald (2013).

*Child/parent. Yeah and also adolescent violence. In parents/adolescents [adolescents being violent toward parents]. Yep and we're seeing the under 18 group too. There's nowhere.....the court doesn't meet that need....The parental abuse that falls through that gap....worst-case scenario - you've got to work with what you've got (service providers, specialist court).*

Although wider statistics consistently show that intimate partner violence (or domestic violence) and male-on-female intimate partner violence remains the most dominant form of relationship that appears before the courts,<sup>53</sup> there is obviously a need for a court to be seen to respond fairly with all individuals and members of the public. The wider support system may need to develop more tailored responses, including one-on-one interventions, for individuals who do not fit the dominant pattern, as well as other issues related to violence (such as mental health and substance use).<sup>54</sup>

- ***Need for better preparation/support before court appearance, and follow-up after appearance.***

The issue that emerged from a consideration of the focus group discussions was the need for structured pro-active contact with victims and perpetrators prior and after court. Clearly, support, legal aid and community legal services are available outside the courthouse. However, our understanding from the interviews and focus groups at both sites is that this is primarily victim or perpetrator-initiated contact.

Thus, proactive contact with victims and perpetrators appeared ad hoc, although some examples of it occurring were identified. For example, in the specialist court, duty lawyers indicated that, at times, they took an active role in contacting or referring respondents post-court, but it was not systematic. This goal was supported by other court players such as police prosecutors who may actively identify a respondent who had a “not had a great time in court” to duty lawyers for more urgent follow-up:

*... I've had one prosecutor ask me to talk to somebody who's ... not had a great time in court, and explain what happens next and how best to address those kind of issues, so it's sort of collegial experience in the court which is good (duty lawyers, specialist court).*

However, as duty lawyers at the specialist court also point out, respondents may not wish to remain at court for a debriefing session. At the comparison site, the focus group discussions also suggested that there was not systematic follow-up with parties after they have left the courthouse.

The importance of structured support prior, during and post court appearance is that it provides a key engagement strategy for including victim participation in the process, as well as encouraging accountability for perpetrators.<sup>55</sup> We need to distinguish between information assistance and independent support and advocacy. An information provision role, which may be located within justice agencies, is crucial to enable access to justice and effective participation in justice by all parties. It helps to ensure consistent and appropriate information is available and provided to parties. Examples of this type of service in general criminal matters include the court-based Victim

---

<sup>53</sup> See, for example, the Crime and Misconduct Commission Report (2005) and the *Not Now Not Ever* report (2015) for contemporary data.

<sup>54</sup> A range of different ways of working with men and women should be considered, and not just “group program” models.

<sup>55</sup> Additionally, the *Victims of Crime Assistance Act 2009* is currently under review. A possible amendment being considered will shift the onus onto relevant agencies to proactively provide information to victims, rather than upon request.

Advisors in New Zealand and the U.K. Witness Care Units. In contrast, advocacy and support (such as victim advocates, counselling, assistance to access resources, and so on) focuses on the protection of individual rights, and the ability of individuals to deal with the impact of violence on their lives. This type of support may be provided within or outside the justice system, or as is commonly the case, a mix of system-based and community-based support. An example of an independent service that provides both information and advocacy on a comprehensive basis in relation to criminal and civil justice for victims is the Australian Capital Territory's Domestic Violence Crisis Service. U.S. research shows that independent victim advocates can increase the cooperation of victims with criminal justice agencies (DePrince et al. 2012).

In either case, any engagement must clearly respect personal autonomy, allowing individuals to make decisions about the extent of their participation and engagement. A proactive engagement strategy can accommodate these issues by offering clients the ability to 'opt out' of future contact.

Currently, in the specialist court, a form of independent support and advocacy is provided through domestic violence support workers and duty lawyers.<sup>56</sup> An information assistance role, which may be located in the court (such as the registry) differs from domestic violence support workers and duty lawyers in that its role is related solely to providing information about the legal processes at key stages, and ensuring that individuals have been provided with links and referrals to relevant support and legal services. The purpose is to proactively contact parties in matters before the court to ensure that they have been able to access information about the case, its progress and outcomes, as well as information about relevant services, if required. (In the past, courts waited for individuals to contact court registries for information.) As such, the role and responsibilities do not differ by type of matter. Responsibilities may end where relevant parties have been followed-up post court to ensure that they have a copy of any orders, understand the content of that order, and have links to any follow-up support and legal services.

We recognise that there is a "high risk teams" initiative currently being implemented in a number of locations in Queensland. How these teams will function is still being developed. As we understand the role of these teams, a system-based client information assistance program cannot be replaced by a high risk team approach. Rather, we recommend a structured information assistance service that focuses on supporting *all* victims and perpetrators, not just those identified as high risk, by:

- ensuring referrals are made to available resources and services, including legal (potentially the high risk teams if relevant)
- providing information about court processes, including the actual progress and decisions in their cases
- following up to ensure that victims and perpetrators understand the outcomes and know where further assistance and support can be accessed.

In developing a client information assistance service framework, we suggest that the courts may be an appropriate location, but other options may also be viable. Although it is important for courts to provide good service to the public, maintaining its neutrality is also a vital consideration in identifying how such a service would operate. Likewise, it is important that the parties continue to have independent (as distinct to court-based) support and advocacy.

---

<sup>56</sup> Although we recognise that this does not provide an independent victim advocate role in criminal matters for victims.

**Recommendation 7:**

To provide more proactive structured contact with, and support for, victims and perpetrators, a “client”-focused service framework for providing information assistance prior, during and after court should be developed and trialled.

The specification of a client service framework will require the development of clear policy and procedures about what matters are included, timeframes for first and subsequent contact, the precise nature of the deliverables, and criteria for individuals to opt out. A second step beyond the service framework will require specification of standards that clients can expect.

The service framework would need to:

- recognise diversity in victim/aggrieveds and perpetrator/respondents (such as gender, type of violence, culture)
- provide precise court information about their upcoming case(s) and service information should they wish to opt out of the assistance service and make their own arrangements.
- provide, or give a referral to, assistance with the completion of required paperwork.
- provide clear referrals or pathways to legal personnel (police prosecutors, duty lawyers) to ensure that the wishes of the client are communicated in a clear and timely manner for decision-making within the civil and/or criminal process.
- provide follow-up information to victims and perpetrators about the progress, any decisions and the final outcomes of their cases. This should include checking whether victims and perpetrators have understood court decisions, and any referrals to relevant resources to assist them.

The Southport specialist court would be an appropriate location for the trialling of this information assistance service.

- ***The impact of long lists and wait times at the courthouse on victims and perpetrators.***

The issue of long wait times was consistently mentioned in the interviews and focus group discussions at both courts. Similarly, over half of victim aggrieved and respondent/offender survey participants agreed or strongly agreed that they had to wait too long to go into the courtroom (see Table 6.7). Parties are expected to arrive at the court by 9:00am, but often their matter will not be heard until much later in the day. With the amount of organisation that needs to take place before parties enter the courtroom—locating the parties, talking with duty lawyers and service providers, and ensuring people remain on-site—starting on time and alleviating wait times becomes difficult to achieve.

At the specialist court, the dedicated information desk (staffed by two volunteers) was introduced to assist in managing the parties through the process on the day. The daily coordination role performed by these volunteers was seen by stakeholders as vital to the smooth running of the court list (see Chapter 5).<sup>57</sup> However, wait times continue to be an issue for parties (see Table 6.7).

---

<sup>57</sup> A similar role is provided by volunteers at the comparison court. However, at the specialist court, the role is more formalised, and situates the volunteers as a coordination hub.



**Table 6.7: Aggrieved and respondent/offender assessment of wait times at court (Southport and Ipswich)**

	Southport		Ipswich
	Victim/aggrieved	Offender/respondent	Victim/aggrieved
I had to wait too long to go into the courtroom	3.11 (1.42) 50.9%	3.60 (1.36) 66.0%	3.44 (1.50) 56.3%

Source: Perpetrator and victim survey data.

Notes:

- N (Southport, victim) = 54; N (Southport, offender); N (Ipswich, victim) = 16.
- The table reports mean scores for each item, with standard deviation in brackets. The percentage represents the proportion of participants who agreed or strongly agreed. Responses ranged from 1 (Strongly disagree) to 5 (Strongly agree). Higher scores mean stronger agreement.

Although the problem of long lists and wait times is more pressing at the comparison court, it exists in both locations.<sup>58</sup> Consequences include:

- additional stresses on the parties and increasing volatility in waiting rooms:  
*It is a long day on Mondays [DV list day] and people are not told that; they get angry. There is no information provided about what to expect on the day. Even just making sure that they are informed when they're either served by police or when they apply for the order, that it's not going to be in and out at 9:00; that it can be anywhere between one hour to five hours depending on how the day's going to go (service providers, comparison court).*
- pressure on magistrates to get through the list, minimising time they can spend on any single case.

A number of strategies to manage wait times include (some of which have been mentioned previously):

- a flyer or letter that informs parties that they may need to wait and to remember to bring “to bring water and some snacks or something... or money for parking” (service provider, comparison court).
- check-in ticketing system, with rolling list, so that you can see where you are on the list
- assigning contested matters to general magistrates
- adhering to timelines in Practice Directions and possibly capping lists
- pre-court preparation of parties
- educational resources available while waiting (e.g. showing videos about what different decisions and orders mean)
- weekly case tracking/case management meetings.

Some of the strategies proposed by participants tended to focus on managing parties’ expectations:

*[a] lot of it is about managing people’s expectations, isn’t it, rather than necessarily the length of time that they’re there. I don’t know what people expect when they come here; I think that people ... understand that there’s a high volume. But does that mean I wait half an hour, does that mean I wait 5 hours? (magistrate, specialist court).*

<sup>58</sup> During data collection, we observed daily lists of over 50 at Southport and 70 at Ipswich.

**Recommendation 8:**

- (1) To improve experiences at court for both victims and perpetrators, pre-court preparation must include clear communication of expectations on the day (including wait times), as part of the provision of support to victims and perpetrators (see also recommendation 7).
- (2) Given the vital importance of the volunteer coordinator role in managing the parties through the process at the courthouse, consideration should be given to creating this as a registry position. This will provide continuity to the position.

### **6.3 Did the court achieve the outcome and order-related outcomes?**

Overall, there has been positive achievement in meeting the court outcome and order-related outcomes. Victims reported more positive experiences in the specialist court, at least for the civil process, compared to the comparison court. Although we can document the pattern of orders in each court, the meaning of “appropriate” and “consistent” in this context is contestable. The issues around the timeliness of orders (i.e. the length of time to process an application to an order) have already been discussed in Chapter 5.

#### **6.2.1 Better court experience and outcomes for victims**

Table 6.8 summarises the victim participants’ assessment of the court experience at the specialist and comparison courts. The pattern of results in this table suggest that, on all measures those attending at the specialist court had a more positive experience than those at the comparison court. Just over 81 per cent of victim participants at Southport rated their court experience as “excellent”, compared to 50.0 per cent of victim participants at Ipswich. At the specialist court, 73 per cent of victim/aggrieved participants felt that they were believed by the Magistrate, compared to 40 per cent at the comparison court. Similarly, a higher proportion felt that the impact of what had happened to them was taken into account by the Magistrate at the specialist court, compared to the comparison court. There were also high levels of perceived procedural justice in the Southport sample, with over 85 per cent of participants agreeing or strongly agreeing that they were “treated with respect”, “the court process was fair”, and the decision was “fair”. In the Ipswich sample, fewer participants agreed that the court process was fair (61.5% compared to 85.2% at Southport).

**Table 6.8: Victim/aggrieved's assessment of court experience (Southport and Ipswich)**

Assessment of court experience	Southport	Ipswich
I had enough time to tell the Magistrate what happened to me.	3.34 (1.24) 58.0%	3.2 (1.57) 60.0%
I was able to tell the Magistrate about the impact of what happened.	3.08 (1.25) 48.1%	2.73 (1.49) 40.0%
I was believed by the Magistrate.	3.98 (0.91) 72.6%	3.13 (1.25) 40.0%
I felt that my story about what happened and its impact on me was taken into account in the Magistrate's decision.	3.77 (1.14) 67.9%	3.14 (1.35) 50.0%
I was treated with respect during my case.	4.34 (0.81) 92.5%	4.13 (0.81) 87.5%
The court process was fair.	4.13 (0.99) 85.2%	3.62 (1.12) 61.5%
The Magistrate's decision was fair.	4.26 (0.94) 86.8%	3.87 (1.13) 80.0%
I had no concerns about my safety in coming to court today.	3.62 (1.36) 69.8%	3.25 (1.39) 56.3%
Overall assessment	3.22 (0.84) 81.5%	2.69 (0.95) 50.0%

Source: Victim survey data.

**Notes:**

- N (Southport) = 54; N (Ipswich) = 16.
- The table reports mean scores for each item, with standard deviation in brackets. The percentage represents the proportion of participants who agreed or strongly agreed. Responses ranged from 1 (strongly disagree) to 5 (strongly agree). Higher scores mean stronger agreement. The overall assessment of the court process ranged from 1 (poor) to 4 (excellent), with higher scores indicating more positive assessments. The percentage represents the proportion who rated the experience as 'excellent'.
- Grey shaded rows indicated a statistically significant difference at  $p < 0.10$ . Small sample tests were calculated.

**6.2.2 Consistent, tailored and appropriate orders**

The general consensus amongst interview and focus group participants working in the specialist court was that the specialist magistrates were providing consistency in court outcomes:

*There's definite consistency here so you can tell the clients what's going to happen and when you go in it does happen (duty lawyers, specialist court).*

*The other benefit...is the docket list, when you've filed the form and the magistrate's likely to be the same magistrate up until the trial, which is very beneficial because the magistrates, each magistrates [knows] about that matter, very well. So that's beneficial, and I think it makes the aggrieved feel a lot better, because they know that it's the same person we don't have to explain the same situation to them again. I think also consistency for the respondent, you know, that it's going to be the same comments (duty lawyers, specialist court).*

As these quotes illustrate, consistency is seen by stakeholders in terms of predictability: support and legal staff know how the magistrate approaches matters, enabling them to communicate expectations to their clients about the process.

Some inferences about the granting of appropriate and tailored orders might be made through an examination of the court administrative data. Table 6.9 presents the proportion of temporary and

final protection orders with different types of conditions for pre (September 2014 to August 2015) and during the trial (September 2015 to August 2016).<sup>59</sup> Compared to Ipswich, Southport has consistently granted a higher proportion of temporary protection orders, both prior to and during the pilot. The proportion has increased in Southport since the commencement of the specialist court (46.4% to 53.7%), but remained relatively constant at Ipswich (35.1% to 35.7%). This pattern may be consistent with increased tailoring to victim safety concerns in the time following the incident and police attendance. Further, the data also suggest that Southport has granted temporary and final orders with particularised conditions more frequently than in the comparison court. However, this difference was greater in the period prior to the specialist court, and thus does not appear to be a result of the specialist court. It may be, for example, that the pre-existing domestic violence services integrated response in Southport was already proactively assisting victims to provide preferences to the court. Although the proportion of temporary orders with ouster conditions remains relatively stable in Southport across the time periods (62.3% vs 63.9%), its use in final orders has increased since the introduction of the specialist court (38.7% vs 43.4%). There has also been an increase in the imposition of ouster orders in final conditions at the comparison court, but the proportions remain significantly lower than at the specialist court. Orders on which children are named have also remained relatively stable across the time periods in both courts, with the proportion in Southport increasing from 32.3 per cent to 35.2 per cent.<sup>60</sup>

**Table 6.9: Types of civil orders and conditions (Southport and Ipswich, pre and during the trial)**

Characteristics of orders	Southport		Ipswich	
	<i>Pre</i> (1 Sept 2014 – 30 Aug 2015)	<i>During</i> (1 Sept 2015 – 30 Aug 2016)	<i>Pre</i> (1 Sept 2014 – 30 Aug 2015)	<i>During</i> (1 Sept 2015 – 30 Aug 2016)
% of cases with at least one temporary order	46.4	53.7	35.1	35.7
% temporary orders standard conditions <u>only</u>	19.3	16.4	34.1	20.7
% temporary orders with ouster conditions	62.3	63.9	44.4	58.2
% final orders standard conditions <u>only</u>	38.9	32.9	47.6	42.0
% final orders with ouster conditions	38.7	43.4	28.3	34.3
% of all orders naming children	32.3	35.2	29.4	30.3

Source: Court administrative data.

**Note:** In additional multivariate analyses, we tested for statistically significant differences between the two courts by estimating a logit model of the receiving the outcome (versus not), adjusting for some basic characteristics (police-initiated application, aggrieved age, aggrieved gender, aggrieved Indigenous status, respondent age, respondent gender, and respondent Indigenous status). The adjusted odds of each outcome between the specialist and comparison court, as well as within court over time, were statistically significant at  $p < 0.05$ . There was one exception: when adjusted, the odds of receiving a temporary order with an ouster condition was not significantly more likely during, compared to during, the trial.

Across the time periods, both courts appear to make different decisions about conditions for temporary than final orders, which likely reflects greater attention to safety in the early stages of the application process. This raised a critical question: what is “appropriate” and “tailored” depends on

<sup>59</sup> We also examined the proportion of civil applications dismissed before and during the trial in both courts. Regardless of time period, Southport had lower proportion of civil applications being dismissed, compared to Ipswich. The proportion of applications dismissed reduced during the trial period at both locations, although the percentage change was greater for Southport (7.37% Southport vs 3.56% Ipswich).

<sup>60</sup> We cannot interpret the level of such orders, as the proportion is calculated out of all orders, regardless of whether there were children involved.

the particulars of each case. For instance, more use of ouster orders does not necessarily mean that orders are more appropriate for individual victims and their families. The use of standard conditions only might well be appropriate to the circumstances of a particular aggrieved:

*... even though we might think “oh safety is a priority”, [there are] real practical issues for any aggrieved (duty lawyers, specialist court).*

Focus group discussions at the specialist court revealed a perception among stakeholders that the specialist magistrates are seriously considering the circumstances of each application in making their decision about orders: they “read the facts really, really well”, and “they just decide what conditions should be on there regardless of what police are seeking” (duty lawyers, specialist court).

However, the presence of adequate information or evidence on which to base a decision was of critical concern to magistrates in both the specialist and comparison courts. Sufficiently detailed information about the incidents and behaviour was essential to understand and respond to safety needs and risks to the aggrieved and any other third party, such as children. Part of getting the “right” information was the presence of the aggrieved or at least having clear material and affidavits from the aggrieved. Yet, as shown earlier (see Figure 6.1), non-attendance by aggrieved and respondent parties is high. In other words, the making of tailored and appropriate orders requires the participation of the parties.

The pattern of sentencing outcomes for criminal cases for pre (September 2014 to August 2015) and during the trial (September 2015 to August 2016), in which a convicted breach or domestic violence-related criminal offence was the principal offence, is reported in Table 6.10. For convicted breach cases, the proportion of custodial orders has reduced in both sites, while the proportion of probation orders has increased. Overall, the pattern suggests that the comparison court uses a higher proportion of custodial sentences than the specialist court for convicted breaches. For convicted criminal offences, the differences in use of penalty is not statistically significant between the two sites, except for custodial orders (see note d, Table 6.10).

However, further work is needed to explore the context of the offending behaviours that are shaping these outcomes. Unfortunately, there was insufficient information in our sample of court case files to determine the nature of the offending behaviours. Thus, for example, we could not identify the context of the breaches that resulted in a fine at sentence.

**Table 6.10: Most serious sentencing order for principal offence, breaches and associated criminal offences (Southport and Ipswich, pre and during the trial)**

Type of most serious order	Convicted cases of breaches as principal offence				Convicted cases of associated criminal offences as principal offence	
	Southport		Ipswich		Southport	Ipswich
	<i>Pre</i>	<i>During</i>	<i>Pre</i>	<i>During</i>	<i>During</i>	<i>During</i>
% custodial order	24.27	17.43	35.80	28.82	22.76	34.69
% probation	19.69	25.85	14.11	25.87	19.11	28.57
% fine	39.25	33.10	34.57	35.28	36.99	34.69

Source: Court administrative data.

**Notes:**

- Percentages will not sum to 100%, as not all sentencing orders are reported in this table.
- Principal offence refers to the most serious offence of which the offender was convicted in the bundle of offences at the same sentencing hearing.
- For associated criminal offences, the data covers only nine months from December 2015 to August 2016, as the domestic violence flag was only introduced 1 December 2015.
- In additional multivariate analyses, we tested for statistically significant differences between the two courts by estimating a logit model of receiving the sentence outcome (versus another sentence outcome), adjusting for some basic characteristics (offender age, offender gender, offender Indigenous status, plead guilty, and ever on remand). For breaches, the adjusted odds of each outcome between the specialist and comparison court, as well as within court over time, were statistically significant at  $p < 0.05$ . Except for the odds of a custodial order, the adjusted odds of probation or fine was not significantly different between the specialist and comparison courts for domestic violence criminal offence cases.

### 6.2.3 Perpetrator accountability

Table 6.11 presents victim and perpetrator assessments of perpetrator accountability. Victim participants were asked the level of their agreement with a series of statements about whether the act had been defined as wrong, and the perpetrator took responsibility. Overall, unlike in the comparison court, victim participants in the specialist court had higher levels of agreement that the wrongfulness of the behaviour had been communicated in the courtroom. Victim assessments that the perpetrator had been held to account are not as positive. However, the specialist court sample had higher levels of agreement: victim participants in the specialist court had a higher proportion (45.1%) agree or strongly agree that the perpetrator “was held responsible for the incident by the Magistrate” than in the comparison court (38.5%). Around one-quarter in both samples agreed that the perpetrator personally took responsibility for the behaviour (26.4% and 25.0%).

In contrast, 54 per cent of perpetrator participants at the specialist court strongly agreed or agreed that their behaviour needed to change. Two out of 9 perpetrator participants at the Ipswich similarly agreed.

**Table 6.11: Assessment of perpetrator accountability at court (Southport and Ipswich)**

Assessment of experience	Southport	Ipswich
<b>Victim/aggrieved</b>		
What happened in the courtroom made it clear that what happened to me was wrong.	3.5 (1.28) 57.7%	2.86 (1.35) 42.9%
What happened in the courtroom made it clear that what happened to me was against the law.	3.46 (1.18) 51.9%	2.86 (1.41) 35.7%
The other person involved was held responsible for the incident by the Magistrate.	3.37 (1.13) 45.1%	2.77 (1.42) 38.5%
The other person involved took responsibility for their behaviour.	2.47 (1.42) 26.4%	2.5 (1.32) 25.0%
<b>Perpetrator/respondent</b>		
I understand that my behaviour needs to change.	3.08 (1.59) 54.0%	2.44 (1.51) 22.2%

Source: Victim and perpetrator survey data.

**Notes:**

- N (Southport, victim) = 54; N (Southport, perpetrator) = 53; N (Ipswich, victim) = 16; N (Ipswich, perpetrator) = 9.
- The table reports mean scores for each item, with standard deviation in brackets. The percentage represents the proportion of participants who agreed or strongly agreed. Responses ranged from 1 (strongly disagree) to 5 (strongly agree). Higher scores mean stronger agreement.
- Small sample tests were calculated for the differences in the proportions for victims. No differences were large enough to achieve statistical significance at conventional levels ( $p < 0.05$ ). Due to sample size, no statistical tests were calculated for the perpetrator sample comparisons, as only 2 (out of 9) participants at Ipswich agreed that their behaviour needed to change. Inferences about differences must be made cautiously.

For those stakeholders working at the specialist court, there was a strong sense that the specialist nature of the court, especially the specialist magistrates, contributes to offender accountability:

*[The Magistrate] can then say to them, so tell me what you did in that program and tell me how that was for you and that person feels more accountable to them, because it's the same person. When you here last, I asked you to do this, tell me what you've done rather than a different person saying, well did you do it? It's a totally different engagement - more accountable (service providers, specialist court).*

*... there's probably greater accountability there, because I think they [the offenders] probably have a sense of the solemnity ... it's a bit more of a bigger deal, it's not just sort of going and parading through being mixed in with all the public nuisances and you know possessing, drug offences and whatever, and just sort of slipping through the system. I think people have a sense that when they're appearing in this jurisdiction that it's a kind of a big deal, so I think that probably increases their sense of accountability (criminal duty lawyers, specialist court).<sup>61</sup>*

Enhanced police practices were also seen as contributing to perpetrator accountability (at least in a “swift justice” sense of accountability) within the specialist criminal jurisdiction. Through a range of policing practices that have been enhanced during the period of the trial—enhanced evidence-gathering practices and the accelerated evidence project developed by the police prosecutors, the internal review of charge decisions by the Gold Coast Domestic Violence Taskforce (Queensland

<sup>61</sup> The potential problem of specialist magistrates being “too close to that case” (of being too familiar with a case due to having followed that case from first appearance) and having to excuse themselves was recognised by stakeholders at both courts.

Police Service), and the active filing of substantive criminal charges where there is sufficient evidence by police officers—stakeholders felt that breaches and associated criminal matters were able to be put before the court more quickly<sup>62</sup>:

*we're getting that perpetrator accountability earlier ... We know the longer we delay things, the less likely an aggrieved person is going to want to help us, or come to court, because six months down the track, it's all done (police prosecutors, specialist court).*

#### 6.2.4 Persisting issues

There are two particular issues that emerged around victim experience and court orders that have not been discussed elsewhere in this report. These are: a lack of appropriate responses for perpetrators, and maintaining consistency between family law orders and protection orders.

- ***Lack of responses (such as voluntary intervention orders) for perpetrators from diverse backgrounds***

Just under a third (31.7%) of the perpetrator participants at Southport in our survey reported that they had agreed to a voluntary intervention order (which is an order requiring attendance at an approved 'program' and/or counselling that work to assist respondents to change their behaviour). It was commonly observed in the focus groups with service providers and duty lawyers at the specialist court that the use of voluntary intervention orders had increased substantially.

However, at both sites, issues around the programs themselves were raised in interviews and focus groups. In particular, concerns about waiting times for the approved programs were frequently raised. Waiting lists at the comparison court had now stretched out to eight weeks, while in the specialist court they were between two (day-time program) and six weeks (night time program).<sup>63</sup> This is concerning because as one of the magistrates noted, when respondents are expressing a willingness to change, it is important to "strike while the iron is hot":

*One of the difficulties currently is though that, well the last time I was in DV court I must admit I haven't asked since, but last time I was in DV court they had a delay of about 8 weeks ... [for an opening in the program], which I personally think is not a good idea. I tend to think that ... you need to strike while the iron's hot; ... if they decide they want to go then they really need to go within about a week, because otherwise I think the impetus falls behind (magistrate, comparison court).*

*Some of the other changes for us have certainly been the increase in the [number of] Men's Behaviour Change Program, so we're running three now. We had a wait list on average for our day program of two weeks; for our night programs - four to six weeks, with a wait list of up to about 38 people at any given time (service providers, specialist court).*

The lack of options for female respondents and perpetrators of family violence (discussed earlier), as well as the Anglo-centric nature of many existing group programs (a point that is discussed later in

---

<sup>62</sup> As these enhancements developed throughout the trial stage, it is too early to track their impact on timelines within the court.

<sup>63</sup> While waiting for a space, one-to-one counselling could be available to perpetrators. These waiting times were at the time of data collection, and may now be longer. For instance, at the time of the completion of the final report, respondents at the specialist court were waiting for eight weeks for an opening to the evening program.



this chapter) was identified by interview and focus group participants in both court locations. Although the emphasis has been on group programs, shorter one-on-one interventions may be useful, for some groups of respondents.<sup>64</sup> Currently, projects are underway to develop better practice within behaviour change programs for perpetrators, which are also in line with the Queensland Taskforce's recommendation for the development of best practice standards for perpetrator programs (2015, recommendation 80).

Our further concern is that there is a limited robust evidence base on the effectiveness of perpetrator interventions: that is, what works and for whom (Mackay et al. 2015).<sup>65</sup> In other words, courts may be relying on perpetrator programs that may not yet have a strong empirical assessment of long-term effectiveness in changing perpetrator behaviour. Thus, we strongly suggest that as part of judicial education on domestic and family violence, information on program effectiveness is provided to magistrates.

**Recommendation 9:**

As the state agency responsible for perpetrator program funding in the community, the Department of Communities, Child Safety and Disabilities Services should:

- examine the type of programs currently available in Queensland for responses to perpetrators. These may include group-based or one-to-one responses. These should be reviewed for the nature of the response, its appropriateness for the behaviour, the profile of those undertaking the programs, and their connections (if any) with domestic violence service providers.
- based on this review, consider the availability of these resources across the state, and their use by courts. It may be that the distribution and availability needs to be increased. However, this must be considered in conjunction with domestic violence service providers.

Criminal sanctions can also be viewed as a type of intervention with perpetrators (Table 6.10 summarises the most serious sentencing outcomes for convicted breaches and associated criminal offending.) The interviews, particularly at the specialist court, did indicate that broader options for dealing with domestic violent criminal offending were needed.<sup>66</sup> Looking at other jurisdictions, strategies could include: systematic risk assessment at bail; conditional bail programs (e.g. referral to substance abuse programs as a condition of bail); and 'treatment' programs for first-time offenders. However, the current research base for understanding the relationship between the nature of domestic violence-related offending and criminal sanctions remains limited.

<sup>64</sup> Currently, one-on-one counselling may be made available to respondents where there is a long wait list for participating in the group program. In part, the lack of use of one-on-one programs reflects larger resource issues.

<sup>65</sup> We recognise the ongoing work by ANROWS to develop a rigorous evidence base for perpetrator interventions.

<sup>66</sup> In an evaluation of the domestic violence courts in the United Kingdom, interviews indicated that Magistrates were frustrated in about not knowing "what effective sentences ought to look like for particular cases" (NEF/Centre for Justice Innovation 2014, p. 15). This evaluation concluded that there was an "over-reliance" on perpetrator programming given that there is "limited" evidence that these programs have an impact on repeat offending (p.17).

**Recommendation 10:**

To enhance the criminal jurisdiction of the Southport specialist court, broader existing voluntary programs and interventions referral pathways (such as the Queensland Integrated Court Referral (QICR) pathway) should include a pathway from the domestic and family violence specialist court. This will embed a specialist approach within broader court strategies.

- ***Maintaining consistency between family law and protection orders***

The issue of information sharing around family law orders and civil protection order applications was discussed in Chapter 5 (see 5.2.4). Here, the concern is the difficulty in maintaining consistency between protection orders and family orders. Unlike the comparison court, interviews and focus group discussions suggested that magistrates in the specialist court appeared more willing to vary or suspend family law orders. This is supported by court administrative data which shows, for the 12 months of the trial, 18 orders were made to vary or suspend family law orders in Southport, but no orders were made in Ipswich. However, the extent to which family law orders are suspended or varied is only a rough proxy measure for whether there is consistency between family law and protection orders.

The powers of Magistrates Courts to vary or suspend family law orders under section 78 *Domestic and Family Violence Protection Act 2012* (which gives effect to s.68R *Family Law Act 1975 (Commonwealth)*) are limited. However, there was consensus among legal stakeholders about the need for caution when varying family law orders without being privy to the evidence used to inform original rulings. There would be value in identifying precisely what information magistrates require for making informed and relevant decisions to vary existing family court orders.

**Recommendation 11:**

To clarify the issues around family law orders and protection orders, discussions between family law courts and Magistrates Court to develop a clear protocol should be initiated (see also recommendation 3).

### **6.3 Does the specialist court model work for diverse populations?**

In addition to assessing the short and medium-term outcomes, we were also asked to consider whether the specialist court model applies to parties/defendants from diverse populations. Despite our best efforts, and given the tight timeframes on this project, we were only able to get limited information on the experience of victim/aggrieveds and perpetrator/respondents who were members of diverse groups. There is minimal information routinely collected to identify individuals before the courts who are members of these communities.

However, *from the data available*, there appears to be minimal diversity in the work of the Southport specialist court. (This assessment is limited by what is recorded; for example, if victims do not identify as belonging to particular groups, then the data will undercount the extent of diversity in the court.) For the period from 1 September 2015 to 30 August 2016:

- Based on registry records of interpreter requests, there were a total of 103 requests made for the Southport specialist court. Of these, 81.8 per cent were in the civil jurisdictions. The two most commonly requested languages were Mandarin (13.6% or 14 requests) and Thai (12.6% or 13). Similarly, Legal Aid Queensland activity data shows that less than one per cent of their clients were recorded as requiring an interpreter.
- From court administrative data, for 1 September 2015 to 30 August 2016, less than 1.5 per cent of respondents, around 3.0 per cent of aggrieveds, and less than 1 per cent of domestic violence-related criminal (including breach) defendants were over 65 years.
- Court administrative data shows 5.5 per cent of civil applications had at least one party who identified as Aboriginal and/or Torres Strait Islander, and 4.5 percent of defendants facing breach charges identified as Aboriginal and/or Torres Strait Islander.
- Legal Aid Queensland activity data<sup>67</sup> shows that, duty lawyers at the specialist court represented 256 clients (or 7.6% of total seen) with a physical, psychological or cognitive disability.

This is not entirely surprising given the low proportion of *some* of these groups within the specialist court's catchment area.

Thus, we rely on the perspectives of legal and support staff working at our two court sites to consider the issues raised by a specialist court model for these groups. In addition to the stakeholder interviews and focus groups within Southport and Ipswich, we also conducted eight interviews with stakeholders working with migrant and refugee, or Aboriginal and Torres Strait Islander communities. Again, the concerns expressed in these interviews primarily came out of experiences in the civil process.

### **6.3.1 Responding to cultural diversity**

Two general overarching themes emerged from these interviews, which are important for understanding the context in which courts work. First, the wariness with which their client groups engage with police and the justice system, whether as victim/aggrieved or offender/respondent, was frequently raised. These interviewees observed that the experience of their communities with police and courts generally ranged from mixed to poor. While there were examples given of positive and affirming interactions, generally the perspective was that these institutions both did not understand the experiences and needs of their communities or, at worst, did not seem to care. Describing the experience of a young woman migrant whose experience of sexual exploitation over a period of months had not been investigated, an interviewee said that:

---

<sup>67</sup> It is beyond the scope of this report to identify the barriers that might be influencing these groups' access to court responses to domestic and family violence. However, for the interested reader, there are a number of studies and reports that cover this issue.

*it's hard for someone from a non-English speaking background to advocate for themselves, to go to do things on their own. We couldn't, as an organisation, convince police to do more and that was really a miscarriage of justice and the system* (service provider, external).

At the same time, interviewees provided examples of positive experiences, often with police who responded thoughtfully and with diligence. A settlement worker described a woman who had been asked to attend a police station to provide a statement. The client was “so scared of going, she was so scared” but, after the encounter, was able to say “oh the police officer I saw he was just so nice, and so kind” (service provider, external). Another commented that “in the majority of the cases [police were] very helpful” (service provider, external). Thus, the challenge is one of consistency and reliability of interactions with police and the justice system.

Those working with large numbers of Aboriginal and Torres Strait Islander clients shared this history of poor and unhelpful experiences, but with deeper associations of police and the legal system with dispossession and discrimination. There was also a high degree of fear and distrust of police and child safety services: “the court process isn’t a good experience for anybody, but I think that their experience of the justice system pretty much puts them off straight away” (service provider, external).

The second overarching theme was observations about the value and strength of existing partnerships. All interviewees described strong ongoing relationships in their locations with other providers (legal, social service, housing, and cultural) that were vital to gaining access to the justice system.<sup>68</sup> Although interviewees described these relationships as requiring considerable effort to sustain, they were viewed as necessary when demand was high, presenting client issues were complex, and regional service provision was scattered. One Indigenous specialist service described their network of “other Murri organisations” as essential to responding to complex needs as well as support pathways into sources of community-based knowledge and authority (service provider, external). The long experience and history that these established services have garnered in areas outside of metropolitan Brisbane will be imperative to future developments.

In terms of thinking about the court process, the key issues raised in interviews and focus groups related to:

- language barriers to gaining information and advice. As already noted, the fast tracking of interpreter requests protocol adopted at Southport, as well as the use of phone interpreters at first appearances, was well-supported by support and legal staff as an important mechanism at the courthouse for including individuals from culturally and linguistically diverse communities.
- issues relating to the role of authority, intimate relationships and gender, and corresponding concerns about shame, family unity and different perspectives on the value of legal protections vary amongst different cultures. As one interviewee observed:

---

<sup>68</sup> The interviews also acknowledged that not all partnerships were successful, often dependent on a particular individual: “... very, very knowledgeable and helped [but] I think she moved ... we lost contact with the domestic violence centre” (service provider, external).

*generally speaking our clients are under pressure to deal with these sort of issues within the family, or within ... the community. The primary aim seems to be you keep the family together no matter what (service provider, external).*

In particular, there were concerns that the current behavioural change programs for perpetrators cannot manage these issues.

- intersection with immigration law for victims from migrant or refugee backgrounds. Interviewees provided examples of how engaging with the protection order process had consequences for the parties' visa status, such as the case of a young man who had been returned to immigration detention following a breach of a protection order:

*a lot of our clients think that if they interact with the police, even if they're the one reporting the crime, that somehow it goes against them and it might affect their visa status, or people get very fearful about that as well (service provider, external).*

- practical and social concerns about settlement (such as housing, employment and family reunion) preoccupy individuals who were newly arrived as migrants or refugees. These concerns are likely to take a high priority.
- inconsistent access to service providers and legal advice. A recurring theme in the interviews was that while many clients were connected to services, others were missed. While part of this was due to the types of services available in particular locations<sup>69</sup>, there was concern expressed that inconsistent procedures and referral practices contributed to this situation (e.g. dependent on a "really good DVLO [domestic violence liaison officer with the police]" (service provider, external).
- lack of understanding of the process and its outcomes. There was a general consensus among interviewees that, regardless of background, victim/aggrieveds and offender/respondents generally find the legal process difficult to understand, thus making participation in the process challenging. However, it was also clearly complicated by language and cultural issues:

*interpreting some of the laws such as DV [domestic violence] legislation ... because a lot of them came from a background where such legislation [is] non-existent, so that really helped them and they were also happy to have someone explaining differences between punishment and disciplining of children, it helped them a lot (service provider, external).*

There is a need for broader engagement with victims (and perpetrators) across the entire process: an issue that has been identified earlier in this chapter. For example, an interviewee working with Indigenous clients said that an ideal approach would enable an experienced Aboriginal female and male worker to make early contact with the parties following police intervention to talk through what was needed to help keep her safe, to assist him to find a place to "cool down" and to explain to both the conditions of any court orders and what these required.

---

<sup>69</sup> The interviewees generally recognised that recent reforms had increased the availability of duty lawyers. Outside our court sites, all interviewees observed how a respectful and informed demeanour by magistrates and police prosecutors made a difference to the experience of the parties.

However, although the focus was on the individual party in the interviews and focus groups, the flipside is the need for support workers and legal staff who understand the cultural issues and practical challenges involved. However, there were minimal concerns that a specialist model could apply. In these circumstances, the specialist services wrapped around a court process were considered essential. It was through these services that more detailed conversations were had with aggrieved and respondent persons about their particular situation, the different issues confronting them, what they thought legal intervention might achieve, and what they wanted to achieve. The key point is that the specialist domestic and family violence services can act as a hub to actively build and maintain communication and support for clients that will assist them in their interactions with the justice system. In locations with significant proportions of victims and perpetrators from cultural and linguistically diverse communities, it is important that the development of a broader support framework (Recommendation 6) should take account of the increased needs and challenges experienced by these communities. In the short-term in considering state-wide court responses to domestic and family violence, increasing and faster access to interpreters is vital.

**Recommendation 12:**

To improve the court processing of domestic and family violence cases, the fast tracking of interpreter requests protocol should be implemented across other locations and courts.

### **6.3.2 Responding to the needs of parties with disabilities<sup>70</sup>**

There has been minimal research on the experiences of parties with disabilities about the civil or criminal domestic violence court processes. Of the limited prior research readily available, the focus has been on estimating prevalence of domestic violence, barriers to accessing assistance and help, and experiences with the police (see, e.g., Dockerty et al. 2015; Frawley et al. 2015; Healy et al. 2008). Further, unsurprisingly, service responses to domestic violence for victims with disabilities have strong links to health care services and professionals. However, research suggests that many service providers are unprepared for victims with disabilities (Cripps, Miller & Saxton-Barney 2010; Dowse & Parkinson, 2007).

The key implications for court responses of this research include:

- *accessibility*. For instance, is information about court processes provided in various forms, such as video (with captioning), large-print, and audio? Can application forms be made more accessible? Are courthouses physically accessible? Are sign language interpreters available? Are proceedings in the courtroom explained as they occur?
- *support*. Is appropriate support available before, at and after court? Do court staff and support workers (for both victim and perpetrator) receive professional development about the adaptations that may be required, as well as the different impacts of violence? Are the parties provided with the resources to be able to communicate their needs and preferences to the magistrate?

---

<sup>70</sup> For our purposes, we adopt a broad definition of disability, including physical, cognitive, or sensory impairment which has a significant and ongoing impact on an individual's ability to fully participate in daily activities. However, we recognise that the term "disability" has different meanings in different contexts.

- *collaborative* partnerships with relevant stakeholders. Here, this means including health care stakeholders in the wraparound services and networks that support victims and perpetrators.

Except for the form in which it may need to be provided, appropriate access to courts, legal advice, support and strong collaborative partnerships are common to all parties involved in court processes.

**Recommendation 13:**

In developing the client service framework (see recommendation 7), culturally appropriate, as well as ability-appropriate, engagement and support strategies must be developed, in consultation with relevant service providers and community stakeholders.

### **6.3.3 Aboriginal and Torres Strait Islander victims and perpetrators**

During this evaluation, we have identified a number of concerns and issues facing courts in processing both civil and criminal domestic and family violence matters involving a party (whether victim/aggrieved and/or offender/respondent) identifying as Aboriginal and/or Torres Strait Islander. These concerns have also been documented in earlier reports such as the Aboriginal and Torres Strait Islander Women's Task Force on Violence (2000) and Cunneen (2010). These concerns and issues include:

- ***Lack of culturally appropriate perpetrator programs and interventions, but also victim support resources.***

Some good practices were identified in interviews and focus groups, but these programs were often at risk of being discontinued due to funding issues, or were only available in particular locations. We are not alone in identifying the lack of systematic development of culturally appropriate victim support and perpetrator interventions. For example, Day and colleagues (2011) identified that the development of perpetrator programs based on culturally informed understandings of violence and appropriate delivery has been slow; while Memmott and others (2006) have argued that our understanding of good practice for Aboriginal victims of domestic and family violence is fragmented and limited. More recently, research is being funded by Australian National Research Organisation for Women's Safety which will include scoping and describing practices with, and for, Aboriginal women experiencing domestic and family violence (see Holder, Putt and O'Leary 2016 for a review of past research).

- ***Lack of culturally appropriate court processes, such as the participation of Elders or other respected people.***

Some examples of programs providing culturally appropriate support for Aboriginal and/or Torres Strait Islander people seeking assistance from the legal system for domestic and family violence can be identified: for example, the "Breaking the Cycle" project at Rockhampton, the Koori Court Support Pilot Program (Victoria), and the Aboriginal Family Violence Court at Geraldton (Western Australia) (focusing on criminal domestic violence offending). Except for the Geraldton court (which

will be reviewed in light of recent evaluation), these offender-focused programs have not continued. Thus, although the need for culturally appropriate court processes has been recognised, we have yet to see the implementation of a long-term strategy. However, some site-specific Indigenous-led group programs with Indigenous men may hold promise for future directions.<sup>71</sup>

In a number of Australian jurisdictions, the sentencing of criminal offending that occurs in a domestic and family violence context by Aboriginal and/or Torres Strait Islanders may be processed through Indigenous sentencing courts.<sup>72</sup> Research suggests that the use of specialist sentencing courts in this context has the support of both the judiciary and respected members of Aboriginal communities involved in the processes (Marchetti 2010).

However, the capacity of community justice groups to take on another justice challenge was noted as a concern. Community elders and respected people already have a large and important involvement in the Murri Courts. The Department of Justice and Attorney-General is currently working on a community justice group domestic and family violence enhancement project.

- ***Different needs and expectations of Aboriginal and/or Torres Strait Islander victims of domestic and family violence, compared to non-Indigenous victims.***

In our interviews and focus groups, participants recognised that the needs and expectations of Aboriginal and/or Torres Strait Islander victims are different, including the differential impact of economic disadvantage on victims and perpetrators. Interviews with those working in services for Aboriginal and Torres Strait Islander clients reported that most women stayed in relationships and wanted the violence to stop: the challenge is “keeping her safe and helping him change” (service provider, external). Others have also found differences between non-Indigenous and Aboriginal perspectives of what is needed to achieve just outcomes for victims of domestic violence. For instance, Nancarrow (2006) found greater support for the appropriateness of restorative justice processes among Aboriginal and Torres Strait Islander women than among non-Indigenous women working in the field of domestic violence. However, in other locations, the views of Aboriginal female victims about their involvement in criminal justice processes are more mixed (VoCC 2009). Further, as research suggests that there is a high likelihood that Aboriginal and Torres Strait Islander victims and perpetrators will continue to interact, their active participation in specifying workable conditions on protection orders is important (Putt, Holder & Shaw 2015).

We need to collaboratively engage with communities to develop culturally appropriate justice processes for responding to domestic and family violence, especially domestic violence protection orders. This type of engagement and consultation is beyond the scope of a five-month project evaluating the specialist court in Southport. Although there was also some support for a Murri-court style Indigenous Domestic and Family Violence Court amongst interview and focus group participants, we must work with Aboriginal and/or Torres Strait Islander communities to develop appropriate frameworks for our justice responses to domestic and family violence. Specialist court processes, whether Murri court or a Southport model, are likely to be part of a set of responses that Indigenous victims, perpetrators, children and families feel work for them.

---

<sup>71</sup> Some of these activities are focused directly on men’s violence, and others are more generally about men’s well-being and strengthening cultural identity (see: [www.healthinfonet.ecu.edu.au/population-groups/men/programs-and-projects](http://www.healthinfonet.ecu.edu.au/population-groups/men/programs-and-projects)).

<sup>72</sup> Some jurisdictions exclude the sentencing of offenders for domestic violence from these courts.



What would this look like? Such a project must be based on action research principles, with a participatory method, which is respectful as well as acknowledging cultural knowledge. In particular, this means an approach that (Putt 2013):

- builds collaborative teams that rely on the combination of “academic and community knowledge” (Putt 2013, p.5). In other words, there is genuine involvement of members of the community in the development and control of the research process (e.g. partnership approaches, reference groups).
- actively involves Aboriginal and Torres Strait Islander victims and perpetrators in shaping an approach to processing domestic and family violence matters.
- uses appropriate data collection methods developed within this collaborative research environment (e.g. narratives, “yarning”).
- acknowledges the cultural knowledge and participation of the community and reciprocates by “giving back” to the community.

(More detailed discussions of the principles underlying a respectful collaborative approach can be found in NHMRC 2003, SPEaR & ANZEA 2007, and CIHR et al. 2010.)

**Recommendation 14:**

Further action research is needed to develop specialist court/justice models or interventions for domestic and family violence matters involving Aboriginal and/or Torres Strait Islander persons, using appropriate and respectful research methodology, discussions that are specific to victim, perpetrators as well as the wider community, and collaborative engagement with communities.

## **6.4 Summary**

Interestingly, in providing advice and support to victims and perpetrators, consistent and appropriate orders and more positive victim experiences, the challenges identified were similar across both the specialist and comparison courts. The key difference was that the specialist court in most instances had made further progress on achieving these progress outcomes.

## **7. THE COST EFFECTIVENESS OF THE SOUTHPORT MODEL**

The primary purpose of this chapter is to assess the cost-effectiveness of the Southport model as a whole, by comparing it to the costs of processing domestic violence matters at the Ipswich Magistrates Court. The aim is to identify the relative cost of the Southport model to gain the outcomes identified in Chapters 5 and 6. At this stage, identifying the costs of particular processes that are occurring in the specialist court is not possible as many of these processes have evolved over the first 12 months and only recently stabilised. Further, available financial data is calculated based on staffing, rather than assigned to particular processes. Thus disentangling these costs requires more time than available in this project.

Cost-effectiveness analysis is an alternative to the more widely used cost-benefit analysis. Simply, cost-effectiveness analysis assesses the cost of a project or program relative to the outcomes (benefits) it generates. Such an analysis is typically used where the need for a project has already been established, but uncertainty remains over the best method for achieving it. Further information about cost-effectiveness analysis can be found in Appendix G.

For both the Southport specialist court and the Ipswich Magistrates Court for the years 2014-2015, 2015-2016 and 2016-2017, costs associated with the Department of Justice and Attorney-General (Courts), Department of Justice and Attorney-General (Queensland Corrective Services), Legal Aid Queensland, Queensland Police Service (prosecutions), and domestic violence support services were used to determine the overall cost of the Southport model, as well as the relative cost of processing domestic and family violence matters in the specialist court compared to the comparison court.

A description of the methods employed to calculate the proportion of costs attributable to domestic and family violence matters and workloads is provided in Appendix H. The cost estimates for each of the services listed above for the financial years 2014-15, 2015-16 and 2016-17 can also be found in Appendix H. This is followed by a summary of the total costs (expenditures) attributable to domestic and family violence issues for both the Southport specialist court and the Ipswich Magistrates Court. This cost is reported in absolute and per-activity terms.

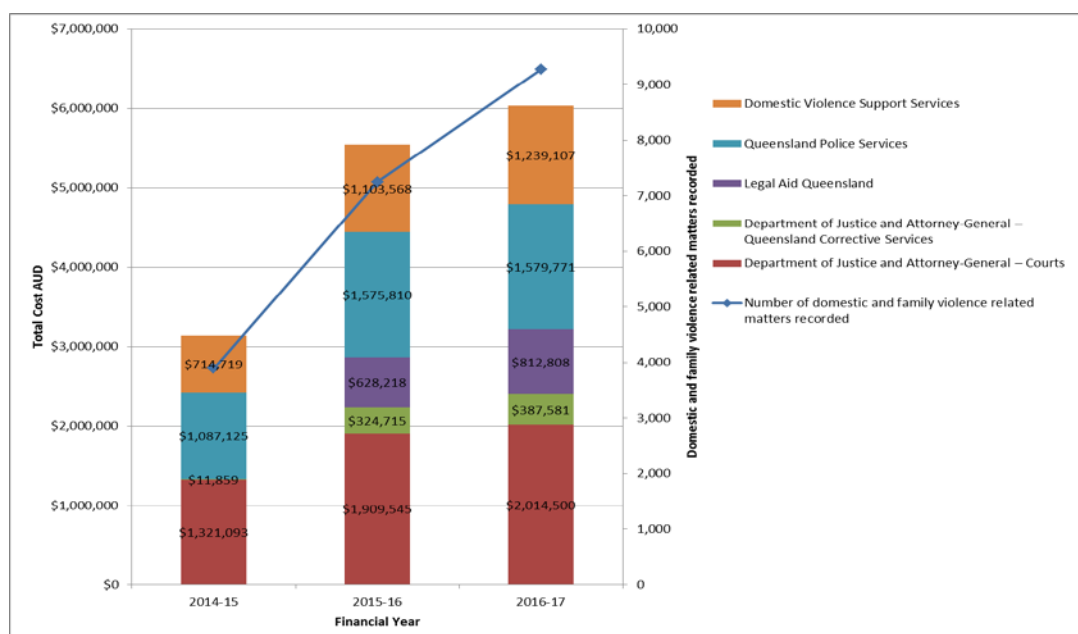
### **7.1 Summary of costs**

In this section, we summarise the total costs for the processing of domestic and family violence matters in the Southport and Ipswich Magistrates Courts, over the years 2014-15 (prior to the specialist court), 2015-16 and 2016-17. In all cases, the summary costs relate only to domestic and family violence related matters. Costs are reported as totals and also relative to the volume of activities; the relative costs can be viewed as some measure of cost effectiveness. (Summary costs tables can be found in Appendix H.)

### 7.1.1 Total cost of processing domestic and family violence matters in Southport

Figures 7.1 and 7.2 report the summary of costs for the processing of domestic and family violence matters for the financial years 2014-2015, 2015-2016 and 2016-2017 for the Southport Magistrates Court. Figure 7.1 shows the total costs related to the court processes, while Figure 7.2 shows per-activity (or per matter) costs.<sup>73</sup>

**Figure 7.1: Summary of domestic and family violence related costs 2014-15, 2015-16 and 2016-17 (Southport)**



Source: derived from financial data supplied by Department of Justice and Attorney-General, Queensland Police Service, Legal Aid Queensland, and domestic violence service providers.

As shown in Figure 7.1, for Southport:

- The costs associated with domestic and family violence have increased considerably, from approximately \$3.13 million in 2014-15 to an estimated \$6.03 million in 2016-17 (a 92% increase).
- Of the separate agencies/services, between 2014-15 and 2016-17, the largest increases have been in Department of Justice and Attorney-General court costs (an increase of \$693,407 or 52%) and domestic violence support services (an increase of \$524,388 or 73%).

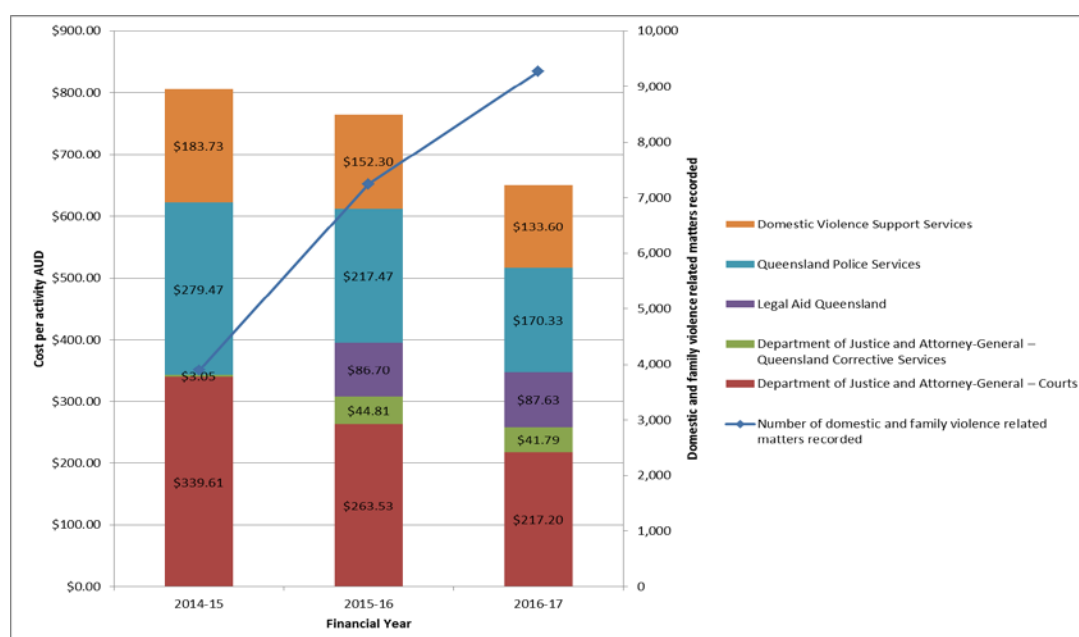
This increase in costs has been accompanied by a substantial increase in the number of domestic and family violence related matters, from 3,890 in 2014-15 to an estimated 9,275 in 2016-17 (a

<sup>73</sup> Since December 2015, criminal offences (e.g. assaults) committed in the context of domestic and family violence have been tagged (or noted) as domestic violence offences. Data on domestic violence offences in the period March to September 2016 have been used (along with data on contraventions of domestic violence orders) in order to derive the criminal lodgements component of the workload calculation undertaken by the Department of Justice and Attorney-General for financial years 2015-16 and 2016-17. For the 2014-15 financial year, however, criminal lodgement data only includes domestic and family violence contraventions. It is likely therefore, that domestic and family violence workload is underestimated for the 2014-15 financial year and comparisons of activity loads across financial years must be treated with caution.

138% increase). As a result, the cost per recorded domestic and family violence related matter has actually decreased, from \$805.86 in 2014-15 to \$650.54 (a 19% decrease; see Figure 7.2 below). Of the separate components, the largest proportional per-activity decreases have been in Department of Justice and Attorney-General court costs (a decrease of \$122 or 36%) and Queensland Police Service costs (a decrease of \$109 or 39%).

This increase in volume has to some degree complicated the assessment of cost-effectiveness, in that while the level of service provided to victims and perpetrators has increased (along with an increase in associated costs) the increase in volume and associated economies of scale have resulted in cost per activity declining. It would be useful for future cost-effectiveness analyses to endeavour to tease out the source of these economies of scale. Anecdotal evidence suggests much of these economies may be driven by the goodwill of staff who are working at a higher capacity than can be sustained in the long run.

**Figure 7.2: Summary of per-activity domestic and family violence related costs 2014-15, 2015-16 and 2016-17 (Southport)**

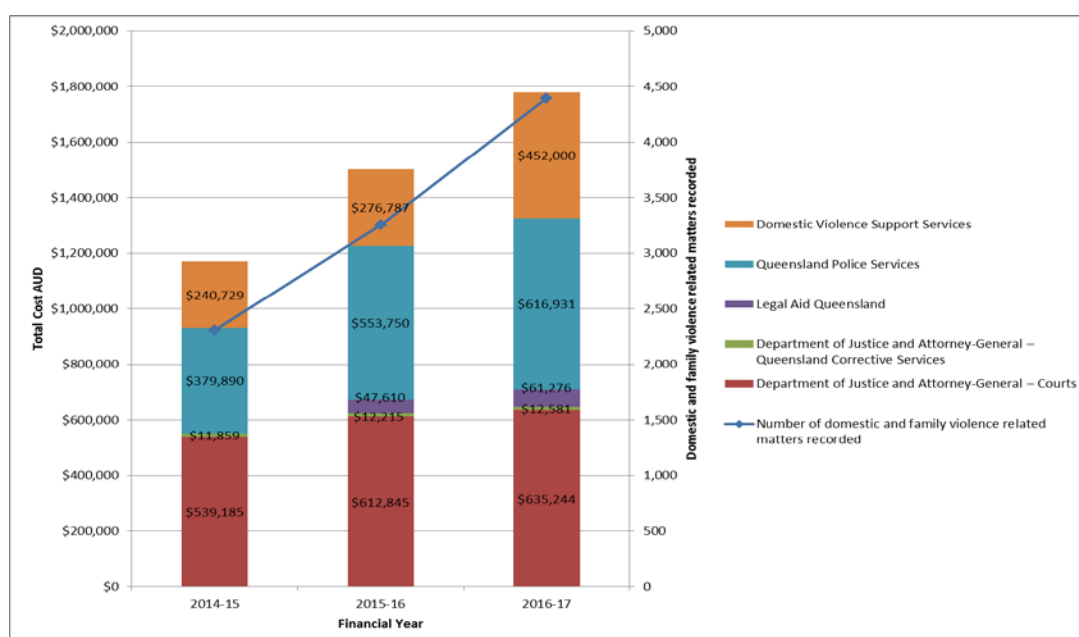


Source: derived from financial data supplied by Department of Justice and Attorney-General, Queensland Police Service, Legal Aid Queensland, and domestic violence service providers.

### 7.1.2 Total cost of processing domestic and family violence matters in Ipswich

The summary of the costs for the processing of domestic and family violence matters for the financial years 2014-2015, 2015-2016 and 2016-2017 for the Ipswich Magistrates Court are presented in Figures 7.3 (total costs) and 7.4 (costs per activity). Please note that the Legal Aid Queensland costs for Ipswich do not include the costs associated with criminal law duty lawyer services related to domestic and family violence, as this data is not available. Note also that Legal Aid Queensland costs for 2016-17 are estimates based on the 'advice only' model and do not include increased costs associated with the enhanced representation model that commenced in October 2016.

**Figure 7.3: Summary of domestic and family violence related costs 2014-15, 2015-16 and 2016-17 (Ipswich)**



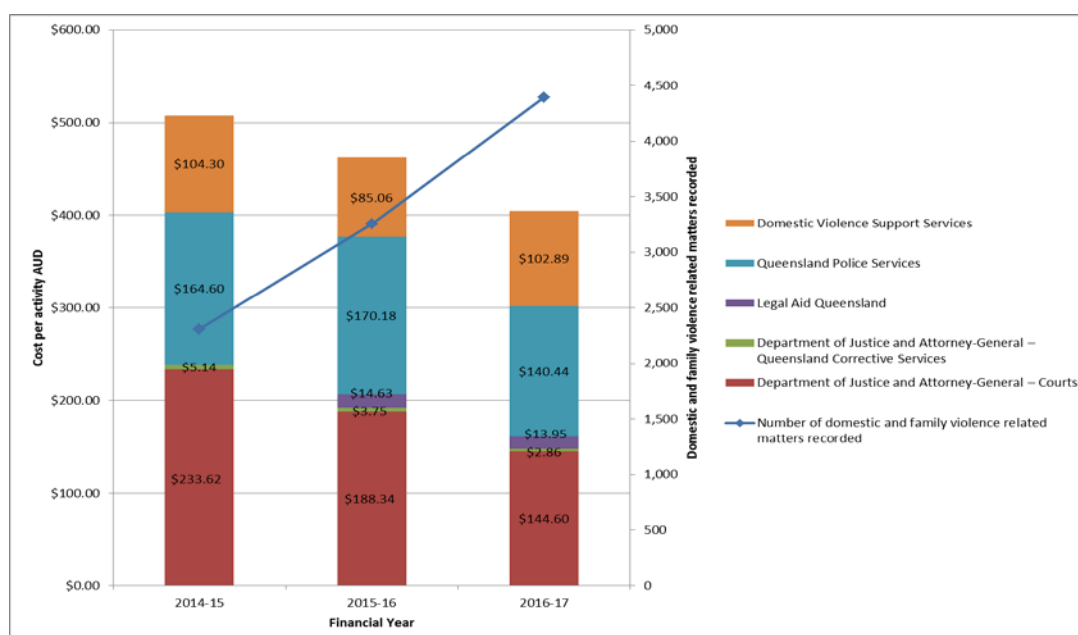
Source: derived from financial data supplied by Department of Justice and Attorney-General, Queensland Police Service, Legal Aid Queensland, and domestic violence service providers.

Like Southport, there has been a substantial increase in costs associated with domestic and family violence, from approximately \$1.17 million in 2014-15 to an estimated \$1.78 million in 2016-17 (a 52% increase; see Figure 7.3 above). Of the separate agencies/services, between 2014-15 and 2016-17 the largest increase has been in Queensland Police Service costs (an increase of \$237,041 or 62%).

Again like Southport, there has also been an increase in the number of domestic and family violence related matters, from 2,380 in 2014-15 to an estimated 4,393 in 2016-17 (a 90% increase). As a result, and as shown in Figure 7.4, the cost per recorded domestic and family violence related matter has decreased, from \$507.65 in 2014-15 to \$404.74 in 2016-17 (a 20% decrease). Of the separate components, the largest proportional per-activity decrease has been in Department of Justice and Attorney General court costs (a decrease of \$89 or 38%).<sup>74</sup>

<sup>74</sup> Since December 2015, criminal offences (e.g. assaults) committed in the context of domestic and family violence have been tagged (or noted) as domestic violence offences. Data on domestic violence offences in the period March to September 2016 have been used (along with data on contraventions of domestic violence orders) in order to derive the criminal lodgements component of the workload calculation undertaken by the Department of Justice and Attorney-General for financial years 2015-16 and 2016-17. For the 2014-15 financial year, however, criminal lodgement data only includes domestic and family violence contraventions. It is likely therefore, that domestic and family violence workload is underestimated for the 2014-15 financial year and comparisons of activity loads across financial years must be treated with caution.

**Figure 7.4: Summary of per-activity domestic and family violence related costs 2014-15, 2015-16 and 2016-17 (Ipswich)**



Source: derived from financial data supplied by Department of Justice and Attorney-General, Queensland Police Service, Legal Aid Queensland, and domestic violence service providers.

## 7.2 Comparing the costs of the specialist and comparison courts

In comparing the costs of the specialist court (Southport) and comparison court (Ipswich), the volume of domestic and family violence matters has increased in both sites, resulting in an increase in the costs of the court processing of these matters. However, Southport has been a consistently more costly court for addressing domestic and family violence matters, both before and during the trial. For example:

- in 2014-15 (pre-trial), the cost per recorded domestic and family violence related matter was \$805.86 at Southport and \$507.65 at Ipswich.
- during the years of the trial, the cost per recorded domestic and family violence related matter was \$764.82 (2015-16) and \$650.54 (2016-17) at Southport and \$461.96 (2015-16) and \$404.74 (2016-17) at Ipswich.

In absolute terms, the cost difference per matter between the two courts has narrowed over time, from a difference of \$298.21 in 2014-15 to a difference of \$245.80 in 2016-17 (an 18% reduction).

Further and as noted above, for both Southport and Ipswich, the per-activity cost has declined by approximately 20%. It is not immediately clear what is driving these declines, nor why the declines are similar across both courts. It may simply be a coincidence. It should, however, be acknowledged that there may be some efficiency gains from improved practices under the Southport model, but the change in cost per matter is also significantly influenced by the increase in volume. All of these factors point to some question around the sustainability of the Southport model under current funding arrangements.

### 7.3 What are the benefits?

This evaluation has assessed a range of short-term outcomes; however, we cannot at this stage assess the cost savings that might accrue with any long-term outcomes (e.g. fewer domestic violence offenders re-offending). In the short-term, the evaluation data indicates that the specialist court (compared to traditional processing approaches of the comparison court) achieved a range of benefits including, but not limited to:

- increased information-sharing, interaction and coordination between stakeholders
- a reduction in the proportion of dismissals of civil matters and an increase in the use of probation orders in criminal matters
- shorter civil application lists, and thus shorter wait times on the day<sup>75</sup>
- greater consistency in the outcomes of matters as assessed by stakeholders
- indications of a more positive court experience as assessed by victims
- indications of higher levels of access of legal assistance reported by victims
- indications of a higher reported sense of accountability among perpetrators
- the emergence of a hub of expertise in domestic and family violence matters
- the development of a culture of innovation.

### 7.4 Final comments

Given the ways in which financial data is recorded and the timeframe of the evaluation, our analysis of costs estimates, as best as possible, the incremental cost of the specialist model itself (compared to a conventional approach in a high volume court). However, there are some costs that are not reflected in our analysis. The analysis does not include the work of volunteers to the processing of domestic and family violence related matters at court. For example, in both the specialist and comparison courts, the domestic violence support services use a number of volunteers to assist in the management of the civil applications lists. The analysis also does not include the costs of planning and implementation of the specialist court itself. Nor are the significant costs associated with overtime and accrued or flex time included in the analysis.

In summary, the evaluation of short and medium-term outcomes suggests that the fairly modest additional cost of the specialist court may be justified. At this stage, we cannot link the costs of particular components or elements to particular short and medium-term outcomes, as a key finding of the evaluation is that all elements contribute to the achievement of the short and medium-term outcomes to varying degrees. We also recognise that a number of recommendations have resource implications, which might increase the overall cost of the specialist court approach.

Thus, the future assessment of long-term outcomes will be particularly important in considering whether the additional costs of the specialist model have produced effective benefits, such as enhanced victim safety and perpetrator behavioural change. The current analyses are only an early indication of the benefits that this additional investment may produce.

Future cost-effectiveness analyses would benefit from an agreed quantitative definition of 'benefit', against which costs can be compared. This benefit does not need to be quantified in monetary

---

<sup>75</sup> We estimate that the maximum wait time at court for the civil application list at the Southport specialist court is on average 2 hours less for victims and perpetrators attending, than at Ipswich Magistrates Court civil applications list. However, victims still reported that they had to wait too long (see Chapter 6).

terms, but could be quantified in terms of outcomes for victims. One possibility, borrowed from the research on subjective well-being, is to measure levels of self-reported satisfaction, with individuals choosing a number between 0 (totally dissatisfied) and 10 (totally satisfied) with particular aspects of their experience. This would require a relatively large sample of victims (including a control group of those who have not experience the specialist court) and would require sampling victims over time (i.e. a longitudinal approach). (Unfortunately, it was not possible in the current evaluation due to the small sample sizes of survey participants.) This approach could be complemented by more objective measures such as time spent in court or rates of recidivism.

Another aspect to consider for future cost-effectiveness analyses would be to try and disentangle the costs associated with particular elements of the specialist court. This would most likely require data to be gathered on time use for staff (and volunteers) from the various agencies, perhaps through the use of time use diaries. Such an approach would allow the cost-effectiveness of individual components of the specialist court to be assessed.



## 8. REFLECTIONS AND CONCLUSIONS

Although specialist domestic violence courts are one strategy for enhancing the justice system's response to domestic and family violence matters, they are emerging as a promising approach. However, at this stage, there is no consensus on the structure or goals of specialist domestic violence courts, although common best practice principles (at least for criminal domestic violence courts) are emerging in more recent reviews.

The approach in the Southport court model can be considered an integrated model, focusing on: the provision of coordinated management of services and information; a dedicated magistrate, courtroom, and registry; specialist police prosecutors; and the provision of victim and perpetrator support services at the courthouse, including enhanced legal advice and representation. Our assessment of the evidence shows that the Southport model is more well-developed for the civil application process. We have less data that focuses on the criminal jurisdiction.

Overall, based on the findings of this evaluation and broader consultations within the courts and the domestic violence service sector, our assessment is that the Southport Domestic and Family Violence Specialist Court has made substantial positive progress on its short and medium-term outcomes, especially in light of the short planning period (2 months) and operational period (12 months). In particular, the specialist court has demonstrated: (1) the development of strong local collaborative relationships between police prosecutorial, legal, service, and court stakeholders; (2) the embedding of wraparound assistance, advice and support for victims *within* the courthouse; and (3) potentially enhanced feelings of procedural justice for victims. The data does not suggest that we can identify any particular element as more important to the achievement of the short and medium-term outcomes. However, we have also identified some persisting issues and gaps that would benefit from more detailed consideration and further research. These concerns are discussed in Chapters 5 and 6, and reflected in our recommendations, including a recommendation for the continuation of the specialist court at Southport and the evaluation of critical longer-term outcomes around victim safety and offender accountability.

This chapter reflects on the broader implications of the lessons learnt from the Southport model for court responses toward domestic violence. It concludes with a summary of our responses to the evaluation questions, and lists all recommendations.

### 8.1 How does specialisation help?

Recent Queensland reviews and studies have discussed the importance of specialist domestic and family violence services as pathways to support, and as critical in assisting women's engagements with the legal system (e.g. Crime and Misconduct Commission 2005; Meyer 2011). Specialist services not only provide a pathway to formal legal assistance, but also a pathway out (Douglas & Stark 2010). The point is an obvious one that can be obscured by a focus on court outcomes. Domestic and family violence generates a range of issues and needs for women, children and men: issues that need to be recognised in the way that court outcomes are delivered.

The interviews and focus group discussions confirmed the importance of the different specialist components (e.g. magistrates, prosecutors, duty lawyers, support workers, registry). Asked whether the dedicated magistrate makes a specialised court work and one commented “absolutely, absolutely because the others don’t want to do it”. Furthermore, specialist police prosecutors, duty lawyers and support services were also viewed as integral to a specialist court:

*I think you always need a police prosecutor at the table, to be able to provide information. You always need the availability of a representative on each side. You always need the availability of a men’s program, and you always need the availability of a support program for both aggrieveds ... you’ve got to have the right structure, the structure is what’s important (magistrate, specialist court).*

However, why and how do those working in and alongside a specialised court see these components as working better? Certainly interviews with those working in and alongside the comparison court, as well as interviews with regional specialists, suggest that at least some of these components exist elsewhere in Queensland. Indeed, at the specialist court trial site, a domestic violence specialist also commented that “some of the pieces were here long before the rollout ... DVPC have been doing a lot of really unique work in this community for a long time” (service providers, specialist court). A magistrate in the comparison court listed working arrangements that are similar to the specialist site, and said that:

*I think essentially the listing process works well ... I do know that the DV support workers assist the prosecutors, there’s always a dedicated prosecutor on a Monday to assist aggrieved persons, whether they’re police applications or whether they’re appearing in person. But the DV Connect people are very good at lining people up and having it pretty much as a running program. I understand that there’s a duty lawyer outside, of course we don’t see them, that’s not part of the arrangement here but they do provide some assistance (magistrate, comparison court).*

Similarly, a domestic violence support worker in a regional area commented that they had been working with a specialist list since the early 1990s, and said that:

*... the DV duty lawyers ... recognised our expertise and that we have been helping to run the court for quite some time, so we didn’t really have any problems with our protocols around that, so basically because we actually have a court worker who actually sits at the bar table for each and every person who comes to court, so whether they’re a client of ours or not, once they walk into the court room they are actually sitting next to our support worker. So what we do usually is we’re usually working with the DV duty lawyers to help them triage around who are the people that actually need legal advice or legal representation, and who are the people that are perhaps you know already hooked in with us (service provider, external).*

The pilot specialist court does not appear in a vacuum in Southport. In many ways, it is a unique community because of the longstanding specialist domestic and family violence services (see Chapter 4). But it is perhaps more unique because of the expertise and experience of the specialist police prosecutorial and legal services in collaborating to improve justice responses. In our view the assistance and advocacy developed for victims and perpetrators within the justice system in relation to domestic and family violence is a particularly demanding area of specialisation. While specialist police prosecutorial, legal or para-legal services can offer support to victims and perpetrators in the course of providing their assistance and advocacy, not all support services are equipped to be specialist. In our view, Queensland could advance this expertise through building a specialised court-focused program state-wide. The goal is not so much the implementation of specialised *courts* alone.

Rather, it is the development of a specialised domestic and family violence jurisdiction of component parts working together on legal interventions.

Overall, the interviews and focus group discussions conducted for this evaluation confirmed the importance of legal system specialisation (both police prosecutorial as well as duty lawyers) on two key grounds: complexity was made and managed easier, and systemic problems could be broken down and digested in a collaborative problem-solving manner.

### **8.1.1 Managing complexity**

Managing complexity related to a number of features: the complexity of the presenting issues, the complexity of the processes, and the complexity of organisational and procedural interconnections.

Specialisation appears to provide opportunity to work through difficult presenting issues. Duty lawyers at the specialist court indicated that they witnessed the magistrates looking through everything: “they read the facts really, really well and they just decide what conditions should be on there, regardless of what the police are seeking, and that’s becoming more common lately” (duty lawyers, specialist court). The DV specialists mentioned the scope for specialist magistrates to become more aware of how much information they held about parties, such as “that this perpetrator has actually got four orders against him from four different women” (service providers, specialist court).

Specialisation also presents an opportunity as well as a structure to highlight and improve how the different elements of legal and adjunct processes work together. Police prosecutors in the specialised court commented,

*There’s a whole body of work that’s done before it even gets in before a court, and I guess that’s what we’re talking about. We’re talking about if the evaluation of things will get court outcomes, there’s a massive amount of work that goes into what is a good court outcome, or what is an outcome (police prosecutors, specialist court).*

Here the complexity that is highlighted is that court is but one link in an interlocking chain of other key information gatherers. Therefore, specialisation facilitates making the interconnections more transparent, more obvious to all players, and potentially more rigorous and routine. As an example, registry staff at the specialist court noted that applicants “who’ve engaged with a service beforehand” will have a more complete application and be more prepared (registry staff, specialist court). They also noted that previously “the DVPC workers were never allowed to ask for an outcome ... to check quick and see what happened” because “they weren’t a party to it”. However, recognising the specialist services were key links with applicants as well as respondents showed the court how necessary it was for the service to have this information.

Partly the complexity of organisational and procedural connections is bilateral—the working relationship between two organisations—and partly it is about the interconnection of organisations trying to work with a single individual or single case over time and process. Duty criminal lawyers at the specialist court describe their one-to-one reliance on the court volunteers by saying “if you took [them] away from the table on Fridays, we’d be floundering. I mean, we’ve got our own people that come over and assist us, but they work in very closely with the court support volunteers”. The duty lawyers’ case and person interconnection requires internal organisational management as well: “it’s

not just the three criminal duty lawyers on the Friday, there's also the four civil lawyers that are there" (duty lawyers, specialist court).

Interviews with professionals in the comparison court revealed similar complexity of operations. As an example, a Magistrate in the comparison court responded to a question about what helps managing the workload as follows:

*I think how it works really well here is that we've got a very good DV support workers, they really are the ones who are running the list in conjunction with the police prosecutor who is there to appear on the police applications but also sort of a friend of the court ... I will say "who are we expecting on this one have we got both parties", just one, and they'll say the respondent's not checked in, so call the respondent in case they are here but they haven't told anyone they are here, so it's – then I say they're the ones who are – who make it run smoothly (magistrate, comparison court).*

However, at the comparison court site the focus group discussions tended to describe some of the challenges managing the complexities without referencing the mechanisms through which the problems might be addressed. As an example, while registry staff at the comparison court heard complaints from the specialist workers when duty lawyers touched the files, they did not initiate any problem-solving: "we don't actually have anything to do with that" (registry staff, comparison court). Theirs was a more traditional approach to the role of registry staff.

### **8.1.2 Collaborative change management**

Those working in and alongside the specialist court consistently described how smoothing or reducing complexity was being undertaken in a collaborative manner: "that engagement ... is so phenomenal here" commented the police prosecutors. "There's a really good network of people that connect up" (police prosecutors, specialist court). For these professionals, the change process extended beyond the court and into operational police. The Gold Coast District Domestic Violence Taskforce (Queensland Police Service) had commenced at a similar time as the specialist court and was, in part, a response to a number of high profile domestic and family violence-related deaths in the area. This taskforce is described as implementing 'accelerated evidence gathering' and targeting criminal prosecutions of alleged perpetrators. According to the police prosecutors, "it's been a massive push" in changing police practices and police culture. Moreover, the taskforce has provided a central and high level team into which prosecutors can send matters for follow-up: "we get on the phone to the taskforce and they follow it up operationally".

The changing practices have also changed roles and responsibilities for many stakeholders, especially duty lawyers and police prosecutors. Specialist work required greater levels of engagement and collaboration with other stakeholders, as well as higher levels of preparation of cases due to case management and conference practices and the increased information sharing now occurring:

*the level of preparation that's involved now versus beforehand is probably greater, because ... as I said I think the information that's before the court is much more comprehensive than what it used to be (duty lawyers, specialist court).*

Other stakeholders also observed how these evolutions had changed practices:

*it's really evolved tremendously over that period of time, into teams becoming really more coordinated, communicating more, working really as a team (service providers, specialist court).*

*a very cooperative exchange of information between the teams, because of the joint effort to improve the DV [domestic violence] experience for clients (service providers, specialist court),*

*well supervised with a solution oriented style, if there's a problem it's not approached with finger pointing, but how can we do it better (volunteers, specialist court).*

The interviews and focus group discussions also spoke of how this collaborative change management was accelerated because of the leadership of the specialised magistrates. While they did not direct the change process, the specialist magistrates were regarded as 'owning' the changes in important ways. In particular, there was a sense that magistrates accepted responsibility for making changes, for collaborating with and keeping their colleagues involved and informed, and generating consistency, stability and predictability.

## **8.2 What's next? Reflections on court responses to domestic and family violence**

Here, we consider the fundamental best practice principles that underlie specialist courts, informed by our consultations, but also from past research on specialist domestic violence courts (keeping in mind that this research is primarily based on criminal responses). We recognise that the Southport model is only replicable where there are sufficient volume of cases, adequate numbers of magistrates, and a concentration of legal (both police prosecutorial and duty lawyer) and support services. We are not alone in that assessment: what about elsewhere was clearly an issue for most of our key stakeholders. The way forward is not to reify the features of the Southport model, but to identify their underlying function. Once we understand their function, we can craft alternative approaches that are responsive to differing contexts.

Before considering these principles, there are a number of assumptions and tensions that underlie much of the discussion of court responses to domestic violence that need to be explicitly identified:

- Taking domestic violence seriously tends to be done through criminalisation. In other words, a retributive response is appropriate for domestic and family violence. However, it is unclear how a civil justice response 'takes domestic and family violence seriously'. Perhaps greater acknowledgement of the function and purpose of these distinct legal processes may help clarify differential goals. That is, the focus on constraining future behaviour that is of interest in civil protection orders, and a determination on and response to the domestic violence-related criminal conduct that has occurred that is of interest in the criminal court. Of course, these are not either/or legal systems and individual victim/aggrieveds may engage with both or none at different points and for different reasons.
- Increased specialisation brings cultural change within justice organisations and wider society, and systemic change to the management of domestic and family violence matters across the whole process of justice. The first assumption is that justice system outcomes confirm the wrongfulness of certain behaviour and may also deter future wrongful conduct. These messages are delivered at both an individual and a social level.
- The real tension around victim agency and the dynamics of domestic violence. As noted in interviews:

*we will make orders, protection orders against the wishes of an aggrieved on a police application, I have got no problem doing that but I think at some point in time you've got to respect that an adult person is entitled – should be entitled to make decisions about her own life you know without being told that we know better (magistrate, comparison court).*

*it treats them [the women] as if they're children, not grown people who actually know what they want to do, it might not be what we all think they should do, but these are adults (service provider, external).*

There needs to be recognition that how victims and perpetrators from a range of backgrounds, circumstances and communities think about and attempt to use justice processes to deal with domestic and family violence will vary considerably.

### 8.2.1 Fundamental goals and principles

From consultations and past commentary on domestic violence courts, victim safety and offender (perpetrator) accountability can be identified as core overarching goals for court responses to domestic and family violence. We would also argue that active participation (or inclusion) in the process is also critical to successful processes. Figure 8.1 shows how these goals might be achieved for victims and perpetrators as they progress through court processes.

**Figure 8.1: What should a court response to domestic and family violence do?**

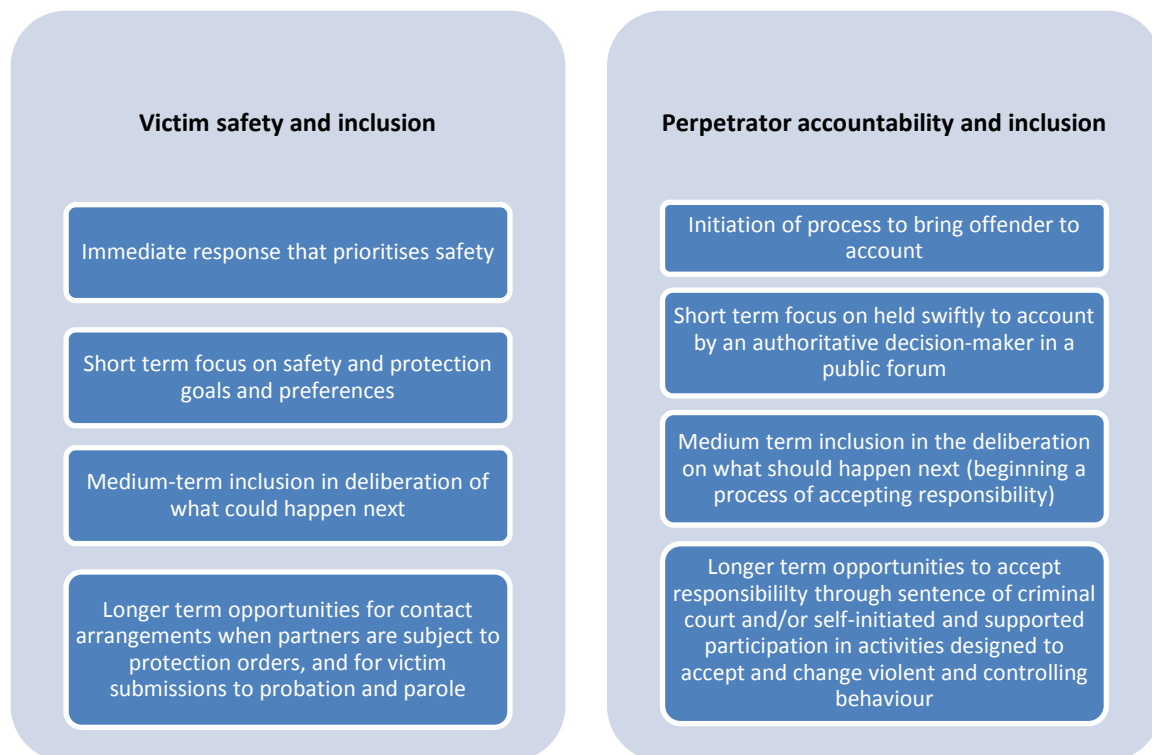


Table 8.1 sets out the core principles for a specialist justice response to domestic and family violence, *possible* strategies to implement those principles, and elements in the Southport model that align with the principles. The key principles in this table have been developed from those set out in a recent review of specialised domestic violence criminal courts conducted by the British Columbian (Canada) Ministry of Justice in British Columbia (2014: 15-18).<sup>76</sup>

In achieving these principles, there is no single model or strategy. Rather, there are a range of elements that are available and not all of them are used in Southport. What is clear is that a specialised justice response is more than simply a ‘specialist court’, but requires a wider eco-system of partnerships. The lessons from the operation of the Southport specialist court are three-fold:

- First, court ownership and magisterial investment (although this does not necessarily mean magisterial-led structures) is critical in establishing innovative court practice.
- Second, the independent effect of elements cannot be easily disentangled; it is combination of elements that contribute to the achievement of underlying goals.
- Finally, in considering replicability, we must consider that context in which the specialist court operates. Southport is a high volume court, with a concentration of external expertise (including police prosecutorial expertise) and services.

As shown in Table 8.1, a specialised justice response extends beyond the specific institution of the court. While developments may specify ‘a specialist domestic and family violence court’, such a court sits within a wider eco-system of interactions, links and interconnected functions and roles, all of which need to function well for a court to work.

---

<sup>76</sup> These principles and associated components are (Ministry of Justice 2014: 15-18):

- (1) Victim safety: requires designated, timely, accessible and coordinated services; comprehensive safety planning; and victim participation.
- (2) Offender accountability: requires proportionate response and flexible sanctions; accessible and effective treatment and rehabilitation; and offender case management including compliance monitoring.
- (3) Effective court processes: requires collaborative approach in development of DV court processes; coordination of information sharing, processes and services; independence of the judiciary and justice system stakeholders; and training the expertise of court partners.
- (4) Efficient court processes: requires timeliness of court processes and services; and designated and sustainable court scheduling and resources.
- (5) Reporting and evaluation.

**Table 8.1: Principles, possible strategies and components for court responses to domestic and family violence**

Principles	Possible Strategies	Southport elements
Coordination and partnerships	<ul style="list-style-type: none"> <li>Strategic approach to shared goals</li> <li>Realistic planning phases and review cycles</li> <li>Focus on re-engineering legal system responses</li> <li>Neutral but expert change agent in early phases</li> <li>Longer term agent/agency to maintain coordination and strategic direction</li> <li>Identifying baseline monitoring measures for (a) core service deliverables and (b) short, medium and longer term outcomes</li> <li>Monitoring measures may be for single agencies or agencies working together</li> </ul>	<ul style="list-style-type: none"> <li>Registry-led weekly stakeholder meetings with magistrate involvement</li> <li>Presence of specialist professionals, including magistrates, court staff, domestic violence support, duty lawyers and police prosecutors</li> <li>Specialist training</li> </ul>
Victim participation, preferences and safety	<ul style="list-style-type: none"> <li>Specification of core deliverables to victims within both civil and criminal justice processes</li> <li>Early contact, information and assistance on legal processes</li> <li>Robust and routine processes to engage with and assist all victims throughout the justice process(es)</li> <li>Protection of victims' legal, civil and social rights</li> <li>Wraparound services, including support and advocacy at court</li> <li>Legal advice and representation</li> <li>Safety assessments and planning</li> <li>Identify and actively respond to particular needs (e.g. community/language, age, sexuality, disability)</li> <li>Pathways to non-legal personal and social support</li> </ul>	<ul style="list-style-type: none"> <li>Support services at court, including opportunity for safety planning and referrals outside the court support</li> <li>Enhanced legal representation in civil applications by specialist lawyers</li> <li>Presence of support/safe room</li> <li>Presence of specialist registry</li> <li>Presence of specialist magistrate</li> </ul>
Perpetrator accountability and readiness for change	<ul style="list-style-type: none"> <li>Specification of core deliverables to perpetrators within both civil and criminal justice processes</li> <li>Early contact, information and assistance on legal processes</li> <li>Robust and routine processes to <i>engage</i> with and assist all perpetrators throughout the justice process(es)</li> <li>Support services</li> <li>Legal advice and representation</li> <li>Identify and actively respond to particular needs (e.g. community/language, age, sexuality, disability)</li> <li>Programs and interventions designed to assist and facilitate behavioural change that are appropriate for the different requirements of civil and criminal processes</li> <li>Structure assessments of offender readiness to change</li> </ul>	<ul style="list-style-type: none"> <li>Specialist male court support worker</li> <li>Enhanced legal representation in civil applications and criminal matters by specialist lawyers</li> <li>Behavioural change programs available through voluntary intervention orders (civil) or probation (criminal)</li> <li>Presence of specialist magistrate</li> </ul>
Timeliness and consistency	<ul style="list-style-type: none"> <li>Pro-active pre-court contact with and preparation of parties/materials</li> <li>Clear information in plain English for parties about what they need to bring</li> <li>Easy availability of copying for court orders and materials</li> <li>Court Practice Directions with timeframes, and adherence to times by all parties</li> <li>Specialist Magistrates to focus on early interventions and case management</li> </ul>	<ul style="list-style-type: none"> <li>Presence of specialist magistrate</li> <li>Presence of registry staff in support/safe room</li> <li>Development of policies and protocols, including criminal case conferencing and the accelerated evidence project</li> </ul>
Specialist knowledge	<ul style="list-style-type: none"> <li>Training</li> <li>Specialist practitioners at all stages</li> <li>Specialist service providers with knowledge and experience of court/legal systems</li> </ul>	<ul style="list-style-type: none"> <li>Specialist magistrates, police prosecutors, duty lawyers, court staff and support services</li> </ul>



## 8.2.2 Development of performance indicators

Finally, in considering these principles, routine monitoring and evaluation are vital. The development of performance indicators has been noted elsewhere in this report. In this section, we briefly provide some examples of potential performance indicators. We emphasise that there are two dimensions to these indicators:

- *activity* indicators: This type of indicator allows the routine monitoring that processes are operating in an appropriate manner, and often rely on data that is routinely collected by agencies.
- *outcome* indicators: These indicators, which often require independent data collection, measure outcomes. For these indicators, courts might consider the development of short 1-page questionnaire that could be administered each 6 months or 12 months to key groups (e.g. victims, perpetrators, key stakeholders).

Table 8.2 provides some examples; these are not the only possible indicators, but are typical indicators seen in the commentary on specialist domestic violence courts. Performance indicators for ongoing monitoring need to be meaningful and useful to stakeholders (including the public).

**Table 8.2: Example performance indicators for specialist domestic and family violence courts (civil and criminal jurisdiction, as appropriate)**

Activity indicators	Outcome indicators
<b>Processing</b>	
Average number of adjournments Average number of dismissals Number of victims attending Number of perpetrators attending Reasons for adjournments	Increased interagency cooperation and coordination Timeliness of matter resolution
<b>Victim safety</b>	
Proportion of temporary orders Proportion of victims with cases that are referred to services Number, and proportion, of pre contact with victims within a specified time Number, and proportion of, of service referrals made within a specified time Number, and proportion, of follow-up contact with victims within a specified time Number, and proportion, of victims attending, in civil and criminal matters	Increased victim satisfaction with the process Increased victim perceptions of safety Increased victim perceptions of procedural justice Decrease in breaches of temporary orders Decrease in breaches of final orders
<b>Perpetrator accountability</b>	
Number of perpetrators participating in behavioural change programs (via voluntary intervention orders) Number of convicted offenders on behaviour change programs Average number of sessions attended Time from breach event to charges being filed/case heard in court Type of noncompliance Number of perpetrators attending	Decrease in breaches of temporary orders Decrease breaches of final orders Decrease in repeat domestic violence repeat offending Decrease in number of repeat applications Increased perpetrator perception of procedural justice Increased perpetrator report of willingness to change behaviour

Sources: Center for Court Innovation ([www.isc.idaho.gov/dv\\_courts/articles/DV%20Court%20measures.pdf](http://www.isc.idaho.gov/dv_courts/articles/DV%20Court%20measures.pdf))

Ministry of Justice, British Columbia (2014).

### **8.2.3 The challenge of integrating key domestic and family violence court principles in rural and regional locations**

The challenge of equal access to specialist domestic violence justice approaches to victims in rural and regional locations is a critical one for Queensland, and other parts of Australia. It is also one that is being wrestled with in Canada and the United States. There are few published studies of rural survivors of domestic and family violence,<sup>77</sup> but we do know that living in remote and rural locations exacerbates the difficulties faced by victims in accessing help, including lack of health and domestic violence services, alternative accommodation, employment opportunities, and childcare options (e.g. Wisniewski et al., 2016; Barton et al., 2015; Johnson, 2000). Additionally, isolation aggravates the ability to access help (Johnson, 2000).

From past research and experience in Canada and the United States (e.g. Wisniewski et al., 2016; Barton et al., 2015; Nugent-Borakove, Mahoney & Whitcomb, 2011; Aldrich & Mazur, 2005), and the lessons from Southport, we can identify a number of strategies for providing a specialist response in rural and regional locations.

- ***Investigating specialisation in circuit courts.***

The issues of access to justice in rural and remote areas are not unique only to victims and perpetrators of domestic and family violence, nor to Australia. It would be useful to undertake a wider examination of developments in countries with similar geography and population distributions to Australia.

- ***Further developing partnerships between stakeholders and service providers.***

A key feature for an effective justice system response to domestic and family violence is the coordination and partnerships between stakeholders and service providers (Barton et al., 2015; Aldrich & Mazur, 2005). For instance, the Southport specialist court demonstrates the importance of shared collective working together of stakeholders (domestic service support staff and services; police prosecutors; lawyers; court staff and magistrates). This may be even more vital in rural and regional locations, where distances may prevent daily interaction.

We suggest that this involves a number of stages:

- Identifying all current services (domestic violence, financial, housing, health and so on) available within each court location. Maintaining a registry of these services (regularly updated and available on the courts website) would be beneficial to victims, perpetrators, service providers and court staff. It would also assist the identification of important gaps in services in particular locations, to allow for future planning.<sup>78</sup>

---

<sup>77</sup> For recent reviews of the Australian research, see Blagg, Bluett-Boyd and Williams (2015) and Holder et al. (2015).

<sup>78</sup> Legal Aid Queensland currently maintains a list of services on its website ([www.legalaid.qld.gov.au/Get-legal-help/Who-else-can-help](http://www.legalaid.qld.gov.au/Get-legal-help/Who-else-can-help); [www.legalaid.qld.gov.au/Listings/Organisations-directory](http://www.legalaid.qld.gov.au/Listings/Organisations-directory)) that could be used as a foundation for such a registry.

- Regular (at least monthly) working stakeholder meetings at each court location that can raise concerns, as well as identify and resolve problems.<sup>79</sup> With available technology, these meetings are not restricted to face-to-face interaction, allowing for a broad base of service providers and other stakeholders to participate.

We recognise that there are established networks amongst those that provide services to rural victims and perpetrators which will be important in further building partnerships, especially as interviews with service providers outside the evaluation sites suggest that these relationships can be dependent on individuals within the organisations (see Chapter 6). These regional networks and partnerships are often general service focused, not necessarily specialist services. However, a key issue raised in this evaluation is that justice responses require a high degree of sustained and specialised attention, due to: the inherent complexity of domestic and family violence; the importance of individual rights and freedoms involved in justice processes; and the overarching objectives of holding offenders to account and securing victim safety. Thus, we encourage these regional partnerships to consider governance frameworks and processes that are specific to the justice domain and that work alongside more general service coordination. Our suggestion is especially relevant for the early development phase of specialised court/justice responses given the level of planning involved. The need for standalone governance may diminish over time.

- ***Engaging and supporting victims and perpetrators***

In Chapter 6, we recommended a broader client-focused victim support framework that would provide a consistent site for pre, during and post court support. Using online tools and communication, this framework could be considered a state-wide strategy providing a place that would be able to communicate clear information about options, legal processes, and referral pathways. A critical part of this is access to independent legal advice and representation that works collaboratively with victim advocates. For rural and regional victims and perpetrators, this could run out of two or three locations in Queensland. Importantly, this service should be integrated in the stakeholder partnerships.

- ***Accessing the court for legal protection.***

Creative use of online technologies by domestic violence and legal services, as well as the court, are clearly important for enhancing access to the legal protections offered by the justice system.<sup>80</sup> The Department is currently developing a number of resources that will enhance access, including for rural and regional victims. These include an online form, availability of qualified interpreters by phone within court, and developing and trialling video conferencing for vulnerable victims.

In our view, it would be useful to introduce a rural specialist domestic and family violence ‘model’. One approach could consist of:

---

<sup>79</sup> We acknowledge that this may already occur in some locations.

<sup>80</sup> However, we must keep in mind that there may still be problems with access to functional phone and internet services in some locations and communities (a problem also experienced in Canada: Wisniewski et al. 2016).

- video “court” (using video conferencing facilities) with specialist magistrates for first appearances and urgent civil applications to allow for short-term safety
- circuit courts, running out of hubs, with specialist magistrates and specialist police prosecutors, especially for sentencing breaches and related criminal matters, and non-urgent applications.<sup>81</sup>
- online/phone victim and perpetrator support services for before, during and after court support. This should include online (e.g. skype) access to support and legal services in preparation for court appearances.
- broader internet-based advice and assistance may also be useful. For example, the National Crime Victim Centre in the U.S. provides e-counselling and e-advice to individuals from around the country. The New South Wales Women’s Legal Service provides a free online legal advice service for community workers.<sup>82</sup>

- ***Providing ongoing specialist education for those involved in court processes.***

Due to distance and time, it might not always be possible to provide a specialist magistrate. Thus, continuing the commitment to specialist education for magistrates and all those involved in supporting the court process is crucial to ensuring responsive and supportive court hearings. We acknowledge that there has been significant investment in professional development, especially for magistrates.

Overall, coordination and partnerships among stakeholders, integrating specialisation into regular practice, and thinking creatively about the use of technology and resources are keys in providing better access to justice responses for domestic and family violence victims in rural and remote locations (Aldrich & Mazur, 2005; see more generally Nugent-Borakove, Mahoney & Whitcomb, 2011).

#### **8.2.4 Key principles for an implementation strategy for expanding specialist domestic and family violence court responses**

This report has set out a number of ways in which the Southport model can be further developed, and some ways in which the approach may be adapted for other locations. The U.K. Centre for Justice Innovation has identified key interlinked principles for a rollout of problem-solving courts in that country. These key principles are (Centre for Justice Innovation 2016):

- combining judicial leadership with local service innovation
- evidence-led innovation
- developing consistent approaches that can be replicated
- supporting sites with practice development.
- integrating problem-solving with changing court technology.

These are consistent with the lessons identified in this evaluation, as well as relevant to further adaption and evolution of specialised domestic and family violence courts in Queensland.

---

<sup>81</sup> The Queensland Taskforce (2015, recommendation 100) recommended the use of specialist circuit magistrates.

<sup>82</sup> See, for the U.S., [//victimsofcrime.org](http://victimsofcrime.org) and for NSW, [www.asklois.org.au/](http://www.asklois.org.au/)

**Recommendation 15:**

(1) Using the above principles as a guide, a tiered approach to specialisation of justice responses to domestic and family violence throughout the state should be adopted:

- where possible, specialisation and support should be embedded in existing broader court structures and victim networks so that it is broadly and consistently available across the state.
- develop a framework for the core deliverables to victims and perpetrators from justice agencies and specialist justice support services within which local areas may specify and advance according to local needs and local priorities (recommendation 6)
- consider the need for continuing the development of enhanced police evidence-gathering in domestic and family violence cases, as well as the role of specialist domestic and family violence police prosecutors.
- develop a framework from these core deliverables for their ongoing routine monitoring.

In developing a tiered approach:

- in high volume locations, the adoption of the Southport model, adapted to local circumstances and needs, should be considered.
- in other urban/regional locations, civil application list and/or a sentencing list for cases involving guilty pleas with wraparound services available at court, adapted to local needs, should be considered.
- in rural and remote locations, a strategy for the use of technology for access to courts and support and legal services for civil applications should be developed, and a specialist circuit court for other matters (especially criminal) trialled.

(2) To allow for continuous improvement, a staged implementation process should be used:

- to introduce specialist courts in high volume locations
- to introduce civil and sentencing lists in regional locations
- to introduce video and circuit courts in rural locations.

(3) In implementing specialist processes, the provision of safe courthouses should be ensured. Safe courthouses include increased or dedicated security, safe waiting places (room or other arrangements) for victims, and safe entry and exit points (both the courtroom itself as well as the courthouse), as well as appropriate rooms for legal and support services.

(4) To ensure fidelity of implementation, continual innovation and flexibility to changing conditions, central coordination, including the establishment of a Domestic and Family Violence Court Implementation team, should be considered.

**Recommendation 16:**

To allow for continuous improvement and the embedding of cultural change within the court, implementation processes should include:

- consulting and collaborating with communities and relevant stakeholders
- building partnerships to share the design of specialised responses
- scoping existing support resources, both specialist and generic
- ensuring mechanisms for regular interaction between key stakeholders in the court process (e.g. regular court-led stakeholder meetings)
- scoping problems, concerns and issues for parties, and related system problems
- continuing education and training for all stakeholders, including joint professional development
- recognising best practice activities within the courts.

### 8.3 Summary of the key evaluation findings and recommendations

Below, we provide a brief assessment of the progress of the Southport model in achieving its short and medium-term outcomes; an overview of the applicability of this model to other contexts; and an assessment of its cost effectiveness. Three key themes emerged from this assessment:

- leadership, collaboration and partnerships are crucial to developing a culture of innovation
- sustained support, information and legal advice for victims and perpetrators are vital to access to courts, as well as a responsive service
- specialisation became a means of managing the complexity of domestic and family violence matters in the courts, as providing a meaningful service to victims and perpetrators.

Table 8.3 summarises the overall findings in response to the evaluation questions set by the Department of Justice and Attorney-General.

**Table 8.3: Summary of the 12-month evaluation findings**

Prescribed evaluation questions		What did the court achieve?
<i>Progress on interim evaluation recommendations</i>		Yes – but victim/respondent follow-up needs further consideration.
<i>Progress on short and medium-term outcomes:</i>		
	Court processes	Yes, strong collaborative partnerships; innovative culture – role of risk assessment remains unclear; although improved, family law and child protection issues still a concern to some stakeholders; primary focus on civil jurisdiction.
	Assistance and information	Yes, within the courthouse for victims – consider role of support for perpetrators as well as assistance and engagement before and after the court appearance/hearing for both parties.
	Outcomes and orders	Yes, to some extent – in this context, for stakeholders, consistency meant other stakeholders were able to provide better information and advice; difficult to measure whether civil orders and criminal outcomes are tailored appropriately.

Prescribed evaluation questions	What did the court achieve?
<i>Applicability to diverse groups</i>	Principles underlying specialisation applicable to diverse groups - few victims/perpetrators from these groups in data.
<i>Cost effectiveness of model</i>	Costs of court processing of domestic and family violence cases have increased at both sites, due to increases in volume. However, there has been a slower increase at Southport.
<i>Considerations for state-wide court responses</i>	Build from underlying principles – need for planned and staged implementation, building of stakeholder partnerships, and broader engagement with victims and perpetrators. Consider staged and flexible approach to resource allocations as needs change from start-up to broad-based inter-agency integration and targeted improvements.

Based on this assessment, we identified 16 recommendations for consideration in the future development of court responses to domestic and family violence (see Table 8.4).

**Table 8.4: List of recommendations**

<p><b>Recommendation 1:</b></p> <p>(1) The Southport specialist court should continue, with a role as a hub of innovation in developing initiatives in the processing of domestic and family violence matters through the courts.</p> <p>(2) In enhancing the Southport model, it is timely:</p> <ul style="list-style-type: none"> <li>• to review short, medium and long term outcomes in light of the evaluation results</li> <li>• to specify core service deliverables to victims and perpetrators within the civil justice processes</li> <li>• to develop routine ongoing monitoring measures from existing data systems, and in relation to these core deliverables</li> <li>• to consider redeveloping the coordinator role from responding and managing problems emerging from the trial, to one which focuses on developing and coordinating innovations.</li> </ul> <p>(3) The long-term outcomes of the Southport specialist court should be evaluated in a further 3 years from 30 June 2017.</p>	<p><b>Recommendation 2:</b></p> <p>(1) To further enhance the criminal jurisdiction within the Southport specialist court, its role and purpose, initial focus should be on an early referral approach. Consideration should be given to formally evaluating a conditional bail approach in the criminal jurisdiction, including screening and assessment processes as well as linking to broader court treatment and referral pathways (such as the Queensland Integrated Court Referral (QICR) pathway).</p> <p>(2) More broadly, in exercising criminal jurisdiction, further development should include:</p> <ul style="list-style-type: none"> <li>• building further on the work of the Queensland Police Service at Southport in strengthening the collection of evidence in domestic and family violence cases and increasing charging for substantive criminal offences.</li> <li>• building on the current specialist prosecutorial model, to identify core components that may contribute to developing specialised police prosecution of domestic violence criminal matters.</li> <li>• refining of protocols about where non-domestic violence-related charges, that may be before the court at the same time, are heard.</li> <li>• to specify core service deliverables to victims and perpetrators within the criminal justice processes, and identifying short, medium and longer term outcomes for each.</li> <li>• to consider what makes effective post-sentence practice in the supervision of offenders on community-based orders, in the context of domestic and family violence offending.</li> </ul>
---	---

**Recommendation 3:**

To better ensure information about family law orders and child safety matters is before the court, further strategies need to be developed that allow the identification of this information before court appearances. To monitor the issue, consideration should be given to the tracking of the proportion and profile of cases affected.

**Recommendation 4:**

To assist victims and perpetrators in preparing for, and understanding, the civil and criminal court processes, develop and implement a broader pro-active assistance and preparation service (see also recommendation 7).

**Recommendation 5:**

A clear risk screening and assessment framework for use at court should be developed.

**Recommendation 6:**

To further improve the appropriateness of outcomes, and the effectiveness and efficiency of the court experience for perpetrators and victims, strategies that provide more engagement with perpetrators and victims in the process, including court attendance and increased participation, should be developed (see also recommendation 7).

**Recommendation 7:**

To provide more proactive structured contact with, and support for, victims and perpetrators, a “client”-focused service framework for providing information assistance prior, during and after court should be developed and trialled.

The specification of a client service framework will require the development of clear policy and procedures about what matters are included, timeframes for first and subsequent contact, the precise nature of the deliverables, and criteria for individuals to opt out. A second step beyond the service framework will require specification of standards that clients can expect.

The service framework would need to:

- recognise diversity in victim/aggrieveds and perpetrator/respondents (such as gender, type of violence, culture)
- provide precise court information about their upcoming case(s) and service information should they wish to opt out of the assistance service and make their own arrangements.
- provide, or give a referral to, assistance with the completion of required paperwork.
- provide clear referrals or pathways to legal personnel (police prosecutors, duty lawyers) to ensure that the wishes of the client are communicated in a clear and timely manner for decision-making within the civil and/or criminal process.
- provide follow-up information to victims and perpetrators about the progress, any decisions and the final outcomes of their cases. This should include checking whether victims and perpetrators have understood court decisions, and any referrals to relevant resources to assist them.

The Southport specialist court would be an appropriate location for the trialling of this information assistance service.

**Recommendation 8:**

- (1) To improve experiences at court for both victims and perpetrators, pre-court preparation must include clear communication of expectations on the day (including wait times), as part of the provision of support to victims and perpetrators (see also recommendation 7).
- (2) Given the vital importance of the volunteer coordinator role in managing the parties through the process at the courthouse, consideration should be given to creating this as a registry position. This will provide continuity to the position.



**Recommendation 9:**

As the state agency responsible for perpetrator program funding in the community, the Department of Communities, Child Safety and Disabilities Services should:

- examine the type of programs currently available in Queensland for responses to perpetrators. These may include group-based or one-to-one responses. These should be reviewed for the nature of the response, its appropriateness for the behaviour, the profile of those undertaking the programs, and their connections (if any) with domestic violence service providers.
- based on this review, consider the availability of these resources across the state, and their use by courts. It may be that the distribution and availability needs to be increased. However, this must be considered in conjunction with domestic violence service providers.

**Recommendation 10:**

To enhance the criminal jurisdiction of the Southport specialist court, broader existing voluntary programs and interventions referral pathways (such as the Queensland Integrated Court Referral (QICR) pathway) should include a pathway from the domestic and family violence specialist court. This will embed a specialist approach within broader court strategies.

**Recommendation 11:**

To clarify the issues around family law orders and protection orders, discussions between family law courts and Magistrates Court to develop a clear protocol should be initiated (see also recommendation 3).

**Recommendation 12:**

To improve the court processing of domestic and family violence cases, the fast tracking of interpreter requests protocol should be implemented across other locations and courts.

**Recommendation 13:**

In developing the client service framework (see recommendation 7), culturally appropriate, as well as ability-appropriate, engagement and support strategies must be developed, in consultation with relevant service providers and community stakeholders.

**Recommendation 14:**

Further action research is needed to develop specialist court/justice models or interventions for domestic and family violence matters involving Aboriginal and/or Torres Strait Islander persons, using appropriate and respectful research methodology, discussions that are specific to victim, perpetrators as well as the wider community, and collaborative engagement with communities.

**Recommendation 15:**

- (1) Using the above principles as a guide, a tiered approach to specialisation of justice responses to domestic and family violence throughout the state should be adopted:
- where possible, specialisation and support should be embedded in existing broader court structures and victim networks so that it is broadly and consistently available across the state.
  - develop a framework for the core deliverables to victims and perpetrators from justice agencies and specialist justice support services within which local areas may specify and advance according to local needs and local priorities (recommendation 6)
  - consider the need for continuing the development of enhanced police evidence-gathering in domestic and family violence cases, as well as the role of specialist domestic and family violence police prosecutors.
  - develop a framework from these core deliverables for their ongoing routine monitoring.
- In developing a tiered approach:
- in high volume locations, the adoption of the Southport model, adapted to local circumstances and needs, should be considered.
  - in other urban/regional locations, civil application list and/or a sentencing list for cases involving guilty pleas with wraparound services available at court, adapted to local needs, should be considered.
  - in rural and remote locations, a strategy for the use of technology for access to courts and support and legal services for civil applications should be developed, and a specialist circuit court for other matters (especially criminal) trialled.
- (2) To allow for continuous improvement, a staged implementation process should be used:
- to introduce specialist courts in high volume locations
  - to introduce civil and sentencing lists in regional locations
  - to introduce video and circuit courts in rural locations.
- (3) In implementing specialist processes, the provision of safe courthouses should be ensured. Safe courthouses include increased or dedicated security, safe waiting places (room or other arrangements) for victims, and safe entry and exit points (both the courtroom itself as well as the courthouse), as well as appropriate rooms for legal and support services.
- (4) To ensure fidelity of implementation, continual innovation and flexibility to changing conditions, central coordination, including the establishment of a Domestic and Family Violence Court Implementation team, should be considered.

**Recommendation 16:**

To allow for continuous improvement and the embedding of cultural change within the court, implementation processes should include:

- consulting and collaborating with communities and relevant stakeholders
- building partnerships to share the design of specialised responses
- scoping existing support resources, both specialist and generic
- ensuring mechanisms for regular interaction between key stakeholders in the court process (e.g. regular court-led stakeholder meetings)
- scoping problems, concerns and issues for parties, and related system problems
- continuing education and training for all stakeholders, including joint professional development
- recognising best practice activities within the courts.

## REFERENCES

- Akoensi, T. D., Koehler, J. A., Lösel, F., & Humphreys, D. K. (2013). Domestic Violence Perpetrator Programs in Europe, Part II A Systematic Review of the State of Evidence. *International Journal of Offender Therapy and Comparative Criminology*, 57(10), 1206-1225.
- Aldrich, L., & Mazur, R. (2005). *Domestic Violence in Rural Communities: Applying key principles of domestic violence courts in smaller jurisdictions*. Center for Court Innovation. Retrieved from: <http://www2.uregina.ca/ipv/Research%20Documents/AB%20-%20IPV%20Community%20Report%20-%20Feb%208%202016%20FINAL.pdf>
- Australian Law Reform Commission & NSW Law Reform Commission [ALRC/NSWLRC] (2010). *Family Violence – A National Legal Response*. Final Report. Volumes 1 and 2. Canberra: Commonwealth of Australia.
- Barton, S., Hungler, K., McBride, D., Letourneau, N., & Mailloux, S. (2015). *Alberta Research Project Report for Provincial Stakeholders: Rural and Northern Community Response to Intimate Partner Violence*. University of Alberta, Faculty of Nursing. Retrieved from: <http://www2.uregina.ca/ipv/Research%20Documents/AB%20-%20IPV%20Community%20Report%20-%20Feb%208%202016%20FINAL.pdf>
- Bennett, L., Goodman, L., & Dutton, M.A. (1999). Systematic Obstacles to the Criminal Prosecution of a Battering Partner: A Victim Perspective. *Journal of Interpersonal Violence*, 14(7), 761-772.
- Berman, G., & Feinblatt, J. (2005). *Good Courts: The case for problem-solving justice*. New York: The New Press.
- Birdsey, E.M., & Smith, N. (2012). *The Domestic Violence Intervention Court Model: A follow-up study*. Sydney: NSW Bureau of Crime Statistics and Research.
- Blagg, H. (2008). *Problem-Oriented Courts*. Perth: Law Reform Commission of Western Australia.
- Blagg, H., Bluett-Boyd, N., & Williams, E. (2015). *Innovative Models in Addressing Violence against Indigenous Women: State of knowledge paper*. Issue 8. Sydney: ANROWS.
- Bledsoe, L.K., Sar, B.K., & Barbee, A.P. (2006). Impact of Coordinated Response to Intimate Partner Violence on Offender Accountability. *Journal of Aggression, Maltreatment and Trauma*, 13(1), 109-129.
- Bowen, P., & Whitehead, S. (2016). *Problem-Solving Courts: An evidence review*. London: Centre for Justice Innovation. Retrieved from: <file:///C:/Users/s2878366/Downloads/Problem-solving-courts-An-evidence-review.pdf>
- Bugeja, L., Dawson, M., McIntyre, S. J., & Walsh, C. (2015). Domestic/Family Violence Death Reviews: An international comparison. *Trauma, Violence, & Abuse*, 16(2), 179-187.
- Burton, M. (2006). Judicial Monitoring of Compliance: Introducing 'problem solving' approaches to domestic violence courts in England & Wales. *International Journal of Law, Policy & the Family*, 20(3), 366-378.
- Bybee, D., & Sullivan, C. (2002). The Process through which an Advocacy Intervention resulted in Positive Change for Battered Women Over Time. *American Journal of Community Psychology*, 30(1), 103-132.
- Canadian Institutes of Health Research, Natural Sciences and Engineering Research Council of Canada and Social Sciences and Humanities Research Council of Canada [CIHR et al.] (2010). Research Involving the First Nations, Inuit and Metis Peoples of Canada. In *Tri-Council Policing Statement: Ethical conduct for research involving humans*.
- Centre for Justice Innovation (2016). *Problem-Solving Courts: A delivery plan*. London: Centre for Justice Innovation.
- Centre for Justice Innovation/New Economics Foundation (2014). *Better Courts: A snapshot of domestic violence courts in 2013*. London: Centre for Justice Innovation.
- Cissner, A., Labriola, M., & Rempel, M. (2013). *Testing the Effects of New York's Domestic Violence Courts*. New York: Center for Court Innovation.
- Cook, D., Burton, M., Robinson, A., & Vally, C. (2004). *Evaluation of Specialist Domestic Violence Courts/Fast Track Systems*, University of Wolverhampton, U.K.

Courts and Programs Development Unit (2006). *Policy Framework to Consolidate & Extend Problem-Solving Courts and Approaches*. Melbourne: Victorian Department of Justice.

Crime and Misconduct Commission (2005). *Policing Domestic Violence in Queensland: Meeting the Challenges*. Brisbane: Crime and Misconduct Commission.

Cripps, K., Miller, L., & Saxton-Barney, J. (2010). 'Too Hard to Handle': Indigenous victims of violence with disabilities. *Indigenous Law Bulletin*, 21, 3-6.

Crown Prosecution Service (2008). *Justice with Safety: Specialist domestic violence courts review*, London. Retrieved from [www.cps.gov.uk/publications/equality/sdvc\\_review.html](http://www.cps.gov.uk/publications/equality/sdvc_review.html).

Cunneen, C. (2010). *Alternative and Improved Responses to Domestic and Family Violence in Queensland Indigenous Communities*. Sydney: University of NSW.

Cussen, T., & Lyneham, M. (2012). *ACT Family Violence Intervention Program Review*. Technical and Background Paper 52. Canberra: Australian Institute of Criminology.

Daly, K. (2016). Sexual Violence and Victims' Justice Interests. Paper prepared for Zinsstag, E., & Keenan, M. (eds.), *Sexual Violence and Restorative Justice: Legal, social and therapeutic dimensions*. London: Routledge (forthcoming).

Day, A., Jones, R., Nakata, M., McDermott, D. (2011). Indigenous Family Violence: An Attempt to Understand the Problems and Inform Appropriate Responses to Criminal Justice System Intervention. *Psychiatry, Psychology and Law*, 19(1), pp.104-117.

Department of Justice and Attorney-General, Queensland. (2016). *Interim Evaluation of the Trial Specialist Domestic and Family Violence Court in Southport*. Brisbane: Department of Justice and Attorney-General.

DePrince, A. P., Belknap, J., Labus, J. S., Buckingham, S. E., & Gover, A. R. (2012). The Impact of Victim-Focused Outreach on Criminal Legal System Outcomes Following Police-Reported Intimate Partner Abuse. *Violence Against Women*, 18(8), 861-881.

Dockerty, C., Varney, J., & Jay-Webster, R. (2015). *Disability and Domestic Abuse: Risk, impacts and response*. London: Public Health England.

Douglas, H. (2008). The Criminal Law's Response to Domestic Violence: What's Going On? *Sydney Law Review*, 30, 439-469.

Douglas, H., & Fitzgerald, R. B. (2013). Legal processes and gendered violence: Cross-applications for domestic violence protection orders. *University of New South Wales Law Journal*, 36(1), 13-12.

Douglas, H. and Nancarrow, H. (2015). Perils of Using Law: A critique of protection orders to respond to intimate partner violence. Pp. 77-90 in Johnson, H. Fisher, B., & Jaquier, V. (eds). *Critical Issues on Violence Against Women: International perspectives and promising strategies*. Abingdon and New York: Routledge.

Dowse, L., & Parkinson, A. (2007). Forgotten Sisters: Recognising and responding to domestic violence in the lives of women with disabilities. Paper presented to the Domestic Violence, Disability and Cultural Safety National Forum, November, Brighton-Le-Sands (NSW), Australia.

Eckhardt, C. I., Murphy, C. M., Whitaker, D. J., Sprunger, J., Dykstra, R., & Woodard, K. (2013). The Effectiveness of Intervention Programs for Perpetrators and Victims of Intimate Partner Violence. *Partner Abuse*, 4(2), 196-231.

Epstein, D. (2002). Procedural Justice: Tempering the state's response to domestic violence. *William and Mary Law Review*, 43, 1843.

Feder, L., & Wilson, D. (2005). A Meta-Analytic Review of Court-Mandated Batterer Intervention Programs: Can courts affect abusers' behaviour? *Journal of Experimental Criminology*, 1, 239-262.

Frawley, P., Dyson, S., Robinson, S., & Dixon, J. (2015). *Developing Informed and Effective Tertiary Responses to Violence and Abuse of Women and Girls with Disabilities in Australia*. Landscapes: State of Knowledge. Issue 03/2015. Sydney: ANROWS.

Freiberg, A. (2001). Problem-Oriented Courts: Innovative solutions to intractable problems? *Journal of Judicial Administration*, 11(1), 8-27.

- Garner, J. H., & Maxwell, C. D. (2000). What are the Lessons of the Police Arrest Studies? *Journal of Aggression, Maltreatment and Trauma*, 4(1), 83-114.
- Gilligan, J., & Lee, B. (2005). The Resolve to Stop the Violence Project: Reducing violence in the community through a jail-based initiative. *Journal of Public Health*, 27(2), 143-148.
- Goldberg, S. (2005). *Judging for the 21<sup>st</sup> Century: A problem-solving approach*. Washington DC: National Judicial Institute.
- Gondolf, E. W. (2009). *The Survival of Batterer Programs? Responding to evidence-based practice and improving program operation*. Retrieved from [www.futureswithoutviolence.org/userfiles/file/Children\\_and\\_Families/The%20Survival%20of%20Batterer%20Programs.pdf](http://www.futureswithoutviolence.org/userfiles/file/Children_and_Families/The%20Survival%20of%20Batterer%20Programs.pdf).
- Gover, A., Brank, E., & MacDonald, J. (2007). A Specialized Domestic Violence Court in South Carolina: An example of procedural justice for victims and defendants. *Violence Against Women*, 13(6), 603-626.
- Gover, A., MacDonald, J., & Alpert, G. (2003). Combating Domestic Violence: Findings from an evaluation of a local domestic violence court. *Criminology and Public Policy*, 3(1), 109-132.
- Harrell, A., Schaffer, M., DeStefano, C., & Castro, J. (2006). *Evaluation of Milwaukee's Judicial Oversight Demonstration*. Washington DC: Urban Institute.
- Healey, L., Howe, K., Humphreys, C., Jennings, C., & Julian, F. (2008). *Building the Evidence: A report on the status of policy and practice in responding to violence against women with disabilities in Victoria*. Melbourne: Victorian Women with Disabilities Network Advocacy Information Service.
- Hoffart, I., & Clarke, M. (2004). *Homefront Evaluation: Companion document to the final report*, Calgary. Retrieved from [citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.125.8068&rep=rep1&type=pdf](http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.125.8068&rep=rep1&type=pdf).
- Holder, R. (2008). Catch-22: Exploring Victim Interests in a Specialist Family Violence Jurisdiction. *International Journal of Comparative and Applied Criminal Justice*, 32(2), 265-290.
- Holder, R. (2006). The Emperor's New Clothes: Court and justice initiatives to address family violence. *Journal of Judicial Administration*, 16(1), 30-47.
- Holder, R. (2016). Untangling the meanings of justice: a longitudinal mixed method study. *Journal of Mixed Methods Research*. 1-17. DOI: 10.1177/1558689816653308
- Holder, R. & Caruana, J. (2006). *Criminal Justice Intervention in Family Violence in the ACT: The Family Violence Intervention Program 1998-2006*. Canberra: Office of the Victims of Crime Coordinator.
- Holder, R., & Mayo, N. (2003). What Do Women Want-Prosecuting family violence in the ACT. *Current Issues in Criminal Justice*, 15, 5-25.
- Holder, R., Putt, J. and O'Leary, C. (2015). *Advocacy for Safety and Empowerment: State of knowledge paper*. Sydney: ANROWS.
- Jane Doe Legal Network. (n.d.) *Imaging Courts that Work for Women Survivors of Violence*. Retrieved from [d3n8a8pro7vhmx.cloudfront.net/pivotlegal/pages/196/attachments/original/1353968413/Imagining\\_Courts\\_Web.pdf?1353968413](http://d3n8a8pro7vhmx.cloudfront.net/pivotlegal/pages/196/attachments/original/1353968413/Imagining_Courts_Web.pdf?1353968413).
- Johnson, H. (2010). Protecting Victims' Interests in Domestic Violence Court. Paper presented at the National Research Day – Engaging our Communities: Working together to end intimate partner violence, November, University of New Brunswick, Canada. Retrieved from [www.unb.ca/fredericton/arts/centres/mmfc/resources/pdfs/2johnson.pdf](http://www.unb.ca/fredericton/arts/centres/mmfc/resources/pdfs/2johnson.pdf).
- Johnson, H., & Fraser, J. (2011). *Specialized Domestic Violence Courts: Do they make women safer? Community Report: Phase I*. Retrieved from [endvaw.ca/wp-content/uploads/2015/12/dvc-do-theymake-women-safer.pdf](http://endvaw.ca/wp-content/uploads/2015/12/dvc-do-theymake-women-safer.pdf).
- Johnson, R. (2000). *Rural Health Response to Domestic Violence*. Washington, DC: US Department of HHS, Federal Office of Rural Health Policy.
- Jones, C. (2016). *Sense and Sensitivity: Family law, family violence, and confidentiality*. Sydney: Women's Legal Service NSW.

- Karan, A., Keilitz, S., & Denaro, S. (1999). Domestic Violence Courts: What are they and how should we manage them? *Juvenile and Family Court Journal*, 50(2), 75-86.
- Katz, S., & Rempel, M. (2011). *The Impact of Integrated Domestic Violence Courts on Case Outcomes: Results of nine New York state courts: 2006 and 2007 cases*. New York: Center for Court Innovation.
- Keys Young (2000). *Evaluation of ACT Inter-Agency Family Violence Intervention Program: Final report*. Report for the ACT Department of Justice and Community Safety.
- Klein, A. (1996). Re-Abuse in a Population of Court Restrained Male Batterers: Why restraining orders don't work. Pp. 192-213 in Buzawa, E., & Buzawa, C. (eds). *Do Arrests and Restraining Orders Work?* Thousand Oaks, CA: Sage.
- Labriola, M., Bradley, S., O'Sullivan, C. S., Rempel, M., & Moore, S. (2012). *National Portrait of Domestic Violence Courts*. New York: Center for Court Innovation.
- Mackay, E., Gibson, A., Lam, H., & Beecham, D. (2015). *Perpetrator Interventions in Australia: State of knowledge paper*. Issue PP01/2015. Sydney: ANROWS. Retrieved from: [anrows.org.au/publications/landscapes/perpetrator-interventions-in-australia](http://anrows.org.au/publications/landscapes/perpetrator-interventions-in-australia)
- Marchetti, E. (2010). Indigenous Sentencing Courts and Partner Violence: Perspectives of court practitioners and elders on gender power imbalances during the sentencing hearing. *Australian and New Zealand Journal of Criminology*, 43(2), pp.263-281.
- Maxwell, C. D., Garner, J. H., & Fagan, J. A. (2002). Research, Policy and Theory: The preventive effects of arrest on intimate partner violence. *Criminology and Public Policy*, 2(1), 51-80.
- Mazur, R., & Aldrich, L. (2003). What Makes a Domestic Violence Court Work? Lessons from New York. *The Judges Journal*, 42, 5.
- Memmott, P., Chambers, C., Go-Sam, C., Thomson, L. (2006). *Good Practice in Indigenous Family Violence Prevention: Designing and evaluating successful programs*. Issues Paper No.11. Sydney: Australian Domestic and Family Violence Clearinghouse.
- Minaker, J.C. (2001). Evaluating Criminal Justice Responses to Intimate Abuse through the Lens of Women's Needs. *Canadian Journal of Women and the Law*, 13(1), 74-106.
- Ministry of Justice, British Columbia. (2014). *Framework for Domestic Violence Courts in British Columbia*. Retrieved from [www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/victims-of-crime/vs-info-for-professionals/public/dv-courts-framework.pdf](http://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/victims-of-crime/vs-info-for-professionals/public/dv-courts-framework.pdf).
- Mirchandani, R. (2005). What's so special about specialized courts? The state and social change in Salt Lake City's domestic violence court. *Law and Society Review*, 39(2), 379-418.
- Moore, S. (2009). *Two Decades of Specialized Domestic Violence Courts: A review of the literature*. New York: Centre for Court Innovation.
- Murphy, K., & Cherney, A. (2011). Fostering Cooperation with the Police. *Australian and New Zealand Journal of Criminology*, 44, 235-257.
- Nancarrow, H. (2006). In Search of Justice for Domestic and Family Violence: Indigenous and non-Indigenous Australian women's perspectives. *Theoretical Criminology*, 10(1), pp.87-106.
- National Health and Medical Research Council [NHMRC] (2003). *Values and Ethics: Guidelines for ethical conduct in Aboriginal and Torres Strait Islander Health Research*. Canberra: Commonwealth of Australia.
- Nicholls, T. L., Pritchard, M. M., Reeves, K. A., & Hilterman, E. (2013). Risk Assessment in Intimate Partner Violence: A systematic review of contemporary approaches. *Partner Abuse*, 4(1), 76-168.
- Nugent-Borakove, E., Mahoney, B., & Whitcomb, D. (2011). *Strengthening Rural Courts: Challenges and Progress*. National Center for State Courts. Retrieved from: [www.ncsc.org/sitecore/content/microsites/future-trends-2011/home/Specialized-Courts-Services/3-2-Strengthening-Rural-Courts.aspx](http://www.ncsc.org/sitecore/content/microsites/future-trends-2011/home/Specialized-Courts-Services/3-2-Strengthening-Rural-Courts.aspx)
- O'Leary, P., Chung, D., & Bahnisch, L. (2007). *Project S.A.F.E.R Evaluation Report*. University of South Australia and Domestic Violence Prevention Centre, Gold Coast, Qld.
- Parker, S. J. (1998). *Courts and the Public*. Carlton, Victoria: Australian Institute of Judicial Administration.



- Payne, J. (2006). *Specialty Courts: current issues and future prospects*. Canberra: Australian Institute of Criminology.
- Petrucchi, C. (2002). Respect as a Component in the Judge-Defendant Interaction in a Specialised Domestic Violence Court that Utilizes Therapeutic Jurisprudence. *Criminal Law Bulletin*, 38(2), 263-295.
- Putt, J. (2013). *Conducting Research with Indigenous People and Communities*. Brief No. 15. Canberra: Indigenous Justice Clearinghouse.
- Putt, J., Holder, R., & Shaw, G. (2015). *Evaluation of the Alice Springs Integrated Domestic and Family Violence Response*. Report to the Northern Territory Department of Justice.
- Putt, J., Holder, R., & O'Leary, C. (forthcoming). *Women's Specialist Domestic and Family Violence Services: Their responsibilities and practices with and for Aboriginal women*. Horizons Report. Sydney: ANROWS.
- Queensland Special Taskforce on Domestic and Family Violence [Queensland Taskforce] (2015). *Not Now, Not Ever: Putting an end to domestic and family violence in Queensland*. Report of the Special Taskforce on Domestic and Family Violence in Queensland. Retrieved from [www.qld.gov.au/community/documents/getting-support-health-social-issue/dfv-report-vol-one.pdf](http://www.qld.gov.au/community/documents/getting-support-health-social-issue/dfv-report-vol-one.pdf).
- Roach Anleu, S., & Mack, K. (2007). Australian Magistrates, Therapeutic Jurisprudence and Social Change. Pp. 173-186 in Reinhardt, G., & Cannon, A., (eds.) *Transforming Legal Processes in Court and Beyond: A collection of refereed papers from the 3<sup>rd</sup> international conference on therapeutic jurisprudence*, June, Perth, Australia. Retrieved from [www.aija.org.au/TherapJurisp06/Monograph%20Papers/13%20Anleu&Mack.pdf](http://www.aija.org.au/TherapJurisp06/Monograph%20Papers/13%20Anleu&Mack.pdf).
- Robinson, A. (2008). *Measuring What Matters in Specialist Domestic Violence Courts*. [Working Paper]. School of Social Sciences Working Papers Series, vol. 102. Cardiff: Cardiff University. Retrieved from [www.cardiff.ac.uk/socsi/resources/wp102.pdf](http://www.cardiff.ac.uk/socsi/resources/wp102.pdf).
- Robinson, A. L. (2006). Reducing Repeat Victimization Among High-Risk Victims of Domestic Violence The Benefits of a Coordinated Community Response in Cardiff, Wales. *Violence Against Women*, 12(8), 761-788.
- Rodwell, L., & Smith, N. (2008). *An Evaluation of the NSW Domestic Violence Intervention Court Model*. Sydney: NSW Bureau of Crime Statistics and Research.
- Samuels, G. (2002). *Review of the New South Wales Director of Public Prosecutions' Policy and Guidelines for Charge Bargaining and Tendering of Agreed Facts*. Report for the New South Wales Office of the Director of Public Prosecutions. Retrieved from: [http://www.lawlink.nsw.gov.au/report/lpd\\_reports.nsf/files/Report%201.PDF/\\$FILE/Report%201.PDF](http://www.lawlink.nsw.gov.au/report/lpd_reports.nsf/files/Report%201.PDF/$FILE/Report%201.PDF)
- Senate Legal and Constitutional Affairs Committee (2016). *Family Law Amendment (Financial Agreements and Other Measures) Bill 2015*. Report of the Senate Legal and Constitutional Affairs Committee. Canberra: Commonwealth of Australia.
- Shorey, R. C., Tirone, V., & Stuart, G. L. (2014). Coordinated Community Response Components for Victims of Intimate Partner Violence: A review of the literature. *Aggression and Violent Behavior*, 19(4), 363-371.
- Social Policy Evaluation and Research Committee and Aotearoa New Zealand Evaluation Association [SPEaR & ANZEA] (2007). *Report on the SPEaR Best Practice Maori Guidelines Hui 2007*.
- Stewart, J. (2010). *Specialist Domestic Violence Courts: What we know now – how far have Australian jurisdictions progressed?* Australian Domestic and Family Violence Clearing House, Topic Paper 2010. Retrieved from [www.austdvclearinghouse.unsw.edu.au/topic\\_papers.htm](http://www.austdvclearinghouse.unsw.edu.au/topic_papers.htm).
- Stewart, J. (2005). *Specialist Domestic/Family Violence Courts within the Australian Context*. Australian Domestic and Family Violence Clearing House, Issues Paper 10. Retrieved from [www.austdvclearinghouse.unsw.edu.au/PDF%20files/Issuespaper\\_10.pdf](http://www.austdvclearinghouse.unsw.edu.au/PDF%20files/Issuespaper_10.pdf).
- Stubbs, J., & Wangmann, J. (2015). Competing Conceptions of Victims of Domestic Violence within Legal Processes. Pp.107-132 in Wilson, D., & Ross, S. (eds.) *Crime Victims and Policy: International contexts, local experiences*. New York: Palgrave Macmillan.
- Tasmanian Sentencing Advisory Council (2015). *Sentencing of Adult Family Violence Offenders*. Final report no.5. Hobart: Department of Justice, State of Tasmania. Retrieved from [http://www.sentencingcouncil.tas.gov.au/\\_data/assets/pdf\\_file/0018/333324/SAC\\_-\\_family\\_violence\\_report\\_-\\_corrected\\_accessible\\_version\\_for\\_web.pdf](http://www.sentencingcouncil.tas.gov.au/_data/assets/pdf_file/0018/333324/SAC_-_family_violence_report_-_corrected_accessible_version_for_web.pdf)

- Tutty, L., George, D., Nixon, K., & Gill, C. (2008). Women's Views of Programs to Assist Them with the Justice System. Pp.21-45 in Ursel, J., Tutty, L., & LeMaistre, J. (eds.) *What's Law Got To Do With It? The Law, Specialized Courts and Domestic Violence in Canada*. Toronto: Cormorant Press.
- Tyler, T. (2006). *Why People Obey the Law*. Princeton: Princeton University Press.
- Tyler, T., & Hou, Y. (2002). *Trust in the Law*. New York: Russell Sage Foundation.
- Ursel, J. (2013). Is Justice Delayed, Justice Denied? Changing the administration of the Winnipeg Family Violence Court. *Manitoba Law Journal*, 37(2), 339-364.
- Ursel, J. (2012). Domestic Violence and Problem-Solving Courts. Pp.160-181 in Ismaili, K., Sprott, J., & Varma, K. (eds.) *Canadian Criminal Justice Policy: Contemporary perspectives*. Ontario: Oxford University Press.
- Ursel, J., Tutty, L., & LeMaistre, J. (eds.) (2008). *What's Law Got To Do With It? The Law, Specialized Courts and Domestic Violence in Canada*. Toronto: Cormorant Books.
- Ursel, J., & Hagyard, C. (2008). The Winnipeg Family Violence Court. Pp.95-119 in Ursel, J., Tutty, L., & Lemaistre, J. (eds.) *What's Law Got To Do With It? The Law, Specialized Courts and Domestic Violence in Canada*. Toronto: Cormorant Books.
- Vera Institute (2006). *Enhancing Responses to Domestic Violence: Promising practices from the judicial oversight demonstration initiative*. New York: Vera Institute of Justice.
- Victims of Crime Commissioner (VoCC) (2015). *Protecting privacy of victims in court and tribunal proceedings of subpoenaed personal health information*. Position Paper. Canberra: Victims of Crime Commissioner, ACT.
- Victims of Crime Coordinator (VoCC) (2009). *We Don't Shoot our Wounded: Justice and Service Responses to Aboriginal & Torres Strait Islander Victims of Family Violence in the ACT*. Canberra: Victims of Crime Commissioner, ACT.
- Victorian Sentencing Advisory Council (2009). *Sentencing Practices for Breach Family Violence Intervention Orders: Final report*. Melbourne: Sentencing Advisory Council, State of Victoria. Retrieved from: <https://www.sentencingcouncil.vic.gov.au/sites/default/files/publication-documents/Sentencing%20Practices%20for%20Breach%20of%20Family%20Violence%20Intervention%20Orders%20Final%20Report.pdf>
- Victorian Sentencing Advisory Council (2013). *Family Violence Intervention Orders and Safety Notices: Sentencing for contravention. Monitoring report*. Melbourne: Sentencing Advisory Council, State of Victoria. Retrieved from: <https://www.sentencingcouncil.vic.gov.au/sites/default/files/publication-documents/Family%20Violence%20Intervention%20Orders%20and%20Safety%20Notices.pdf>
- Victorian Sentencing Advisory Council (2015). *Sentencing for Contravention of Family Violence Intervention Orders and Safety Notices: Second monitoring report*. Melbourne: Sentencing Advisory Council, State of Victoria. Retrieved from: [https://www.sentencingcouncil.vic.gov.au/sites/default/files/publication-documents/Sentencing%20for%20Contravention%20of%20Family%20Violence%20Orders\\_0.pdf](https://www.sentencingcouncil.vic.gov.au/sites/default/files/publication-documents/Sentencing%20for%20Contravention%20of%20Family%20Violence%20Orders_0.pdf)
- Victorian Sentencing Advisory Council (2016). *Contravention of Family Violence Intervention Orders and Safety Notices: Prior offences and offending*. Melbourne: Sentencing Advisory Council, State of Victoria. Retrieved from: <https://www.sentencingcouncil.vic.gov.au/sites/default/files/publication-documents/Contravention%20of%20FVIOs%20and%20FVSNs%20Prior%20Offences%20and%20Reoffending.pdf>
- Visher, A., Harrell, A., Newmark, L., & Yahner, J. (2008). Reducing Intimate Partner Violence: An evaluation of a comprehensive justice system-community collaboration. *Criminology and Public Policy*, 7(4), 495-523.
- Western Australian Department of Attorney General (2014). *Evaluation of the Metropolitan Family Violence Court and Evaluation of the Barndimalgu Court. Evaluation Report*. Perth: Department of Attorney General.
- Westmarland, N., & Kelly, L. (2012). Why Extending Measurements of 'Success' in Domestic Violence Perpetrator Programmes Matters for Social Work. *British Journal of Social Work*, 1-19. DOI:10.1093/bjsw/bcs049.
- Winick, B. J. (2000). Applying the Law Therapeutically in Domestic Violence Cases. *UMKC Law Review*, 69, 33-91.



Wisniewski, A., Arseneault, R., & Paquet, M. (2016). *Rural Realities Faced by Service Providers and Women Survivors of Intimate Partner Violence When Navigating the Justice System*. Fredericton, New Brunswick: Muriel McQueen Fergusson Centre for Family Violence Research. Retrieved from: [https://www.unb.ca/fredericton/arts/centres/mmfc/\\_resources/pdfs/ruralrealitiesfinalenglishmarch2016withtitlepageincolour.pdf](https://www.unb.ca/fredericton/arts/centres/mmfc/_resources/pdfs/ruralrealitiesfinalenglishmarch2016withtitlepageincolour.pdf)

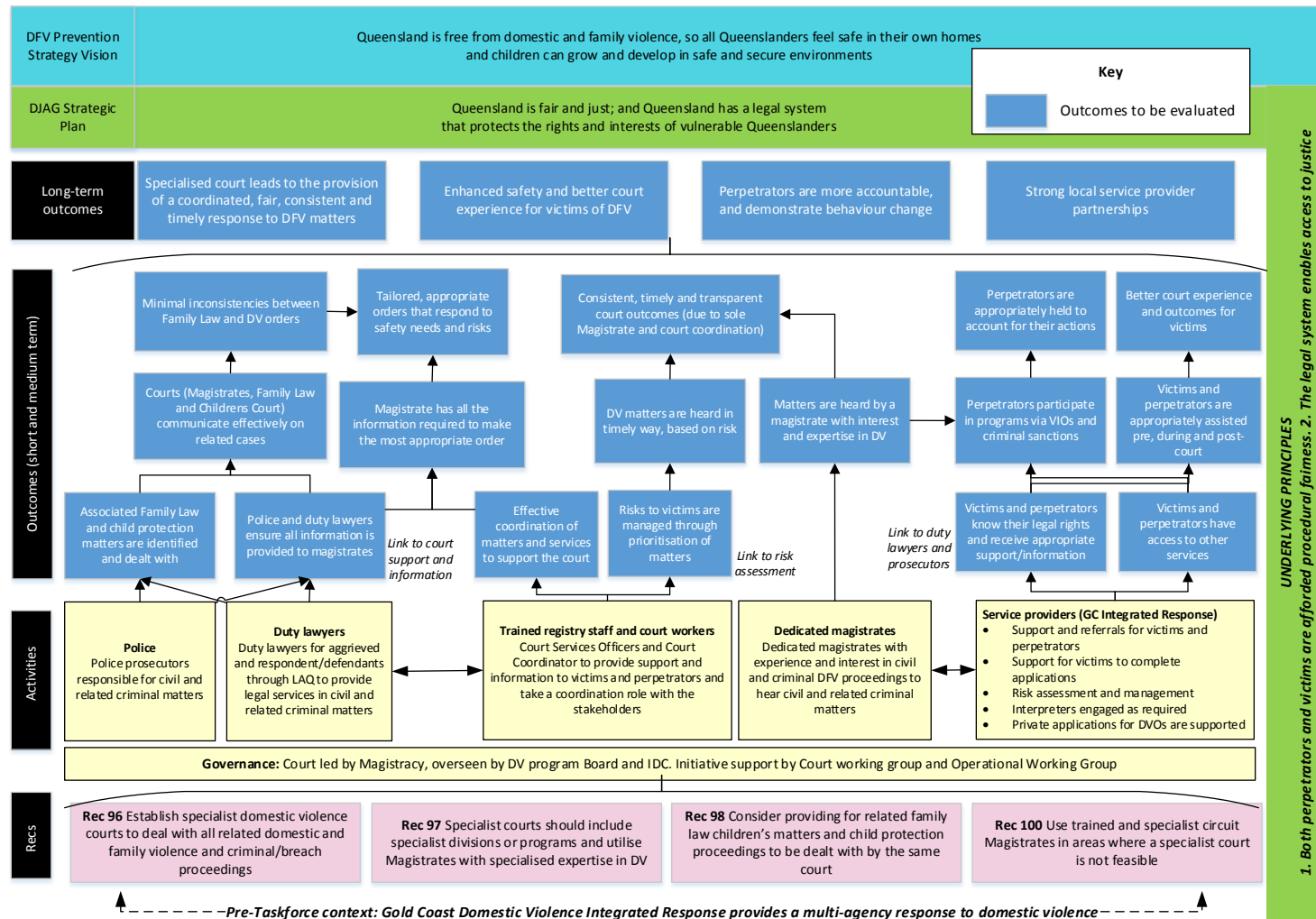
### **Legislation Cited**

*Domestic and Family Violence Protection Act 2012* (Qld)

*Family Law Act 1975* (Cth)

# APPENDIX A

## Program Logic of Domestic and Family Violence Specialist Court Trial



## APPENDIX B

### Initial Mapping Outcomes and Measures

At the completion of data collection and analysis, these measures may have been modified in light of the availability and limitations of the data.

Outcomes		Measure	
Outcomes with focus on court process			
Management of process	Police and duty lawyers ensure all information provided to magistrates	Magistrate assessment of quality of application/file Police prosecutor assessment of quality of application/file Duty lawyer assessment of quality of application/file Proportion of cases without legal representation	SP vs IPSW SP vs IPSW SP vs IPSW
	Magistrates have all the information required to make the most appropriate order	Magistrate assessment of quality of application/file Police prosecutor assessment of quality of application/file Duty law assessment of quality of application/file	SP vs IPSW SP vs IPSW SP vs IPSW
	Matters are heard by a magistrate with interest and expertise in domestic violence	Presence of dedicated magistrate	SP
	Domestic violence matters are heard in timely way based on risk	Training undertaken by Magistrates Time taken to process matters Magistrate assessment of process Registry staff assessment of process Duty lawyer/prosecutor assessment of process	SP vs IPSW SP vs IPSW SP vs IPSW SP vs IPSW SP vs IPSW
	Risk to victims is managed through prioritisation of matters	Magistrate assessment of process Registry staff assessment of process Duty lawyer/prosecutor assessment of process	SP vs IPSW SP vs IPSW SP vs IPSW
Coordination of services	Courts (Magistrates, Family Law and Childrens) communicate effectively on related cases	Proportion of cases with requests for copies of family law orders/child protection information from family law courts/Department of Communities (Child Safety and Disability Services) Magistrate assessment of any communication	SP pre vs during; SP vs IPSW  SP vs IPSW
	Effective coordination of matters and services to support the court	Presence of specialist court registry Number of meetings between stakeholders involved in the process	SP SP vs IPSW

Outcomes		Measure	
	Associated Family Law and child protection matters identified and dealt with	Presence of information desk, or other service to coordinate on the day  Proportion of cases with requests for copies of family law orders/child protection information from family law courts/Department of Communities (Child Safety and Disability Services) Magistrate assessment of how these matters are identified and dealt with Victim report of court knowledge of these matters Police prosecutor assessment of how these matters are identified and dealt with Duty lawyer assessment of how these matters are identified and dealt with	SP vs IPSW  SP pre vs during; SP vs IPSW  SP vs IPSW SP vs IPSW SP vs IPSW SP vs IPSW
<b>Outcomes with focus on victim</b>			
Appropriate orders	Tailored appropriate orders that respond to safety needs and risks  Minimal inconsistencies between Family Law and domestic violence orders  Consistent, timely and transparent court outcomes	Victim perceptions of civil/criminal outcome Victim perceptions of safety Magistrates' assessment of orders/conditions Magistrates' assessment of sentencing orders Duty lawyers/prosecutors' assessment of orders/conditions Duty lawyers/prosecutors' assessment of sentencing orders Proportion of temporary orders made in absence of service Proportion of orders with ouster condition Proportion of orders with special conditions  Magistrates' assessment of use of information about family law orders Magistrates' assessments of requesting information about family law orders Victim reports of magistrate knowledge of family law orders Proportion of case files with information on family law orders present Number of times changes to family law orders are made  Average time from filing application to key decision events (temporary protection order, final protection order) Average time from filing charges to key decision events (trial, sentence)	SP vs IPSW SP vs IPSW SP vs IPSW SP vs IPSW SP vs IPSW SP vs IPSW SP vs IPSW SP vs IPSW SP vs IPSW  SP vs IPSW SP vs IPSW SP vs IPSW SP vs IPSW SP pre vs during; SP vs IPSW  SP pre vs during; SP vs IPSW SP pre vs during; SP vs IPSW

Outcomes		Measure	
		Average time for service Police assessment of consistency of service Average civil/criminal outcome, adjusted for legal and demographic factors Proportion of civil cases with parties in attendance Proportion of civil/criminal cases with adjournments Reasons for adjournments Victim assessment of timeliness and fairness in processing of their civil/criminal matter	SP vs IPSW SP vs IPSW SP pre vs during; SP vs IPSW SP pre vs during; SP vs IPSW SP pre vs during; SP vs IPSW SP vs IPSW SP vs IPSW
Knowledge and experience	Better court experience and outcomes for victims	Victim assessment of experience and outcome in processing of their civil/criminal matter Stakeholder assessment of experience and outcomes in processing of civil/criminal matters	SP vs IPSW SP vs IPSW
	Victims are appropriately assisted pre, during and post court	Victim assessment of assistance (support/legal/interpreter) provided Proportion of civil cases with victim in attendance Proportion of civil/criminal cases with victim legally representation Duty lawyer/prosecutor assessment of assistance provided Service provider assessment of assistance provided Registry staff assessment of assistance provided Magistrate assessment of assistance provided during court Police assessment of type of assistance provided pre court	SP vs IPSW SP pre vs during; SP vs IPSW SP pre vs during; SP vs IPSW SP vs IPSW SP vs IPSW SP vs IPSW SP vs IPSW SP vs IPSW
	Victims have access to other services	Victim report use of services (support/legal/interpreter) Duty lawyer/prosecutor assessment of services recommended Service provider assessment of services recommended	SP vs IPSW SP vs IPSW SP vs IPSW
	Victims know their legal rights and receive appropriate support/information	Victim assessment of support and knowledge Duty lawyer/prosecutor assessment of information provided Service provider assessment of information provided Registry staff assessment of information provided Proportion of civil/criminal cases with victim legally represented Police assessment of information provided pre court	SP vs IPSW SP vs IPSW SP vs IPSW SP vs IPSW SP pre vs during; SP vs IPSW SP vs IPSW
<b>Outcomes with focus on perpetrator</b>			
Accountability	Perpetrators are appropriately held to account for their actions	Proportion of civil cases with perpetrator attending Magistrate assessment of accountability in civil/criminal process Victim assessment of accountability in civil/criminal process	SP vs IPSW SP vs IPSW SP vs IPSW

Outcomes		Measure	
		Perpetrator assessment of accountability in civil/criminal process Average civil/criminal outcome, adjusted for legal and demographic factors	SP vs IPSW SP pre vs during; SP vs IPSW
Knowledge and access	Perpetrators are appropriately assisted pre, during and post court	Perpetrator assessment of assistance (support/legal/interpreter) provided Proportion of civil cases with perpetrator in attendance Proportion of civil/criminal cases with perpetrator legally representation Duty lawyer/prosecutor assessment of assistance provided Service provider assessment of assistance provided Registry staff assessment of assistance provided Magistrate assessment of assistance provided during court Police assessment of type of assistance provided pre-court	SP vs IPSW  SP pre vs during; SP vs IPSW SP pre vs during; SP vs IPSW  SP vs IPSW SP vs IPSW SP vs IPSW SP vs IPSW SP vs IPSW
	Perpetrators know their legal rights and receive appropriate support/information	Perpetrator assessment of support and knowledge Duty lawyer/prosecutor assessment of information provided Service provider assessment of information provided Registry staff assessment of information provided Police assessment of information provided pre-court Proportion of civil/criminal cases with perpetrator legally represented	SP vs IPSW SP vs IPSW SP vs IPSW SP vs IPSW SP vs IPSW SP pre vs during; SP vs IPSW
	Perpetrators have access to other services	Perpetrator report use of services (support/legal/interpreter) Duty lawyer/prosecutor assessment of services recommended Service provider assessment of services recommended	SP vs IPSW SP vs IPSW SP vs IPSW
	Perpetrators participate in programs vis VIOs and criminal sanctions	Proportion of civil cases with VIOs Magistrate assessment of use of VIOs/sanctions Service provider assessment of use of VIOs/sanctions Perpetrator report of use of VIO/sanctions	SP pre vs during; SP vs IPSW SP vs IPSW SP vs IPSW SP vs IPSW

Note: SP = Southport; IPSW = Ipswich.

# APPENDIX C

## Further Details on the Evaluation Methods

### Administrative data

The evaluation relies on administrative data from Queensland Police Service, Queensland Department of Justice and Attorney General, and Legal Aid Queensland. Specifically:

- *Queensland Police Service calls for service data*: individual calls for service data for family violence related calls for Ipswich and Southport court districts (or the closest approximation of these geographical units) for a 24-month period from 1 September 2014 (12-months before the trial) to 31 August 2016 (12 months during the trial).
- *Queensland Police Service QPRIME data*: individual-event data for breaches and other personal (violent) offences for Ipswich and Southport court districts for the same 24-month period (1/9/2014 to 31/8/2016).
- *Department of Justice and Attorney General court data (civil domestic violence applications)*: case-level court data for all domestic violence order applications processed through Ipswich and Southport Magistrates Courts for the same 24-month period (1/9/2014 to 31/8/2016).
- *Department of Justice and Attorney General court data (criminal)*: case-level court data for all personal (i.e. violent offences) processed through Ipswich and Southport Magistrates Courts for a 9-month period from 1 December 2015 to 30 August 2016. (It has only been possible to identify family violence related criminal matters in the court administrative data since 1 December 2015.)
- *Legal Aid Queensland aggregate activity data*: for the period of the trial (1/9/2015-31/8/2016), information on the type of matters handled through the duty lawyer scheme in Southport and Ipswich Magistrates Court. The data is in aggregate form (i.e. number per month).

### Case file data

We planned to code a random sample (n=360) stratified by site (n=180 each) and type of file of domestic violence applications (n=120), breaches of domestic violence orders (n=120), criminal offences committed in a family violence context (n=60), and non-domestic violence related personal offences<sup>83</sup> filed in Ipswich and Southport Magistrates court from 1 March 2015 (6 months before, to 31 August 2016) (see Table C.1).<sup>84</sup> However, some difficulties were encountered in finding sufficient numbers of non-domestic violent related personal offending. Due to project timelines, we were not able to achieve the target sample for non-domestic violence personal offending.

---

<sup>83</sup> A sample of non-domestic violence related criminal (personal) offences was included to allow us to assess to what extent domestic violence criminal offences are being sentenced differently from other criminal offending.

<sup>84</sup> Except for the criminal case files which are selected from 1 December 2015 (when the domestic and family violence flag became available) and 31 August 2016.

**Table C.1: Sample structure for the case file review**

Files <u>closed</u> during:	Mar-May 2015	June-Aug 2015	Sept-Nov 2015	Dec 2015-Febr 2016	Mar-May 2016	June-August 2016	Total
Domestic violence - Civil	<i>Southport</i> N=10  <i>Ipswich</i> N=10	<i>Southport</i> N=10  <i>Ipswich</i> N=10	<i>Southport</i> N=10  <i>Ipswich</i> N=10	<i>Southport</i> N=10  <i>Ipswich</i> N=10	<i>Southport</i> N=10  <i>Ipswich</i> N=10	<i>Southport</i> N=10  <i>Ipswich</i> N=10	120
Domestic violence - Breaches	<i>Southport</i> N=10  <i>Ipswich</i> N=10	<i>Southport</i> N=10  <i>Ipswich</i> N=10	<i>Southport</i> N=10  <i>Ipswich</i> N=10	<i>Southport</i> N=10  <i>Ipswich</i> N=10	<i>Southport</i> 10  <i>Ipswich</i> N=10	<i>Southport</i> N=10  <i>Ipswich</i> N=10	120
Domestic violence - criminal				<i>Southport</i> N=10  <i>Ipswich</i> N=10	<i>Southport</i> N=10  <i>Ipswich</i> N=10	<i>Southport</i> N=10  <i>Ipswich</i> N=10	60
Non-domestic violence - criminal (* <b>convicted personal offence</b> )				<i>Southport</i> N=10  <i>Ipswich</i> N=10	<i>Southport</i> N=10  <i>Ipswich</i> N=10	<i>Southport</i> N=10  <i>Ipswich</i> N=10	60
							360

Coding was done on site in the registry during business hours by trained research assistants. Research assistants coded contextual information about the case, court processing information, presence of children/child protection matters/family law matters, as well as demographic details of the aggrieved and the respondent. No personal details (such as names, addresses, etc.) were recorded and the applications were not copied or otherwise removed from the court registries. The de-identified information was directly entered de-identified into a spreadsheet.

However, during coding and analysis, it became apparent that contextual details about criminal matters were not on the files. Thus, we were unable to locate the relationship with the victim, nature of the breach or criminal offence, or reasons for certain processing events (such as adjournments) for breach/criminal matters. Analysis also revealed that few of our domestic violence-related offences did not also involve a breach charge: 6 (Southport – pre); 0 (Ipswich – pre); 18 (Southport – during); 4 (Ipswich – during). Thus, we rely only on the applications and breach data coded from the case files, providing a final sample of: 67 (Southport) and 76 (Ipswich) applications; and 80 (Southport) and 85 (Ipswich) breaches.

## Victim and perpetrator survey data

All parties (victims/aggrieveds and perpetrators/respondents) attending court at the time of data collection were eligible to participate in an anonymous survey (target n=50 at each site (25 aggrieved and 25 respondent participants), for a total of n=100). If required, a participant-nominated support person could be present. To ensure the privacy and confidentiality of participants, questionnaires were completed in a private room, or screened area, at the courthouse. Further, no identifying details were collected on the questionnaire. At Ipswich, participants were recruited on



the day of the domestic violence court list; at Southport, participants were recruited all week. The recruitment of victims occurred on separate days from the recruitment of perpetrators. In total, we recruited across 4 weeks at Southport and 5 days across 5 weeks at Ipswich.

To minimise the risk of re-traumatising victims, the 15-minute questionnaire focused on the experiences (current/past) of the participant of the court process, rather than the abuse events that resulted in the court appearance. By conducting the questionnaires at the courthouse, participants were able to access the support services present, if there was any agitation or concerns. In addition, details on phone support services were provided in the information sheet provided to participants.

The final analytic sample consisted of 53 (Southport) and 16 (Ipswich) aggrieved participants, and 54 (Southport) and 10 (Ipswich) respondent participants. Due to the small numbers of respondent participants in the Ipswich sample, we do not include them in the analyses.

### **Focus group and interview data**

All personnel involved in the court processing of domestic and family violence matters at the two evaluation sites were asked to participate in focus groups. This included: registry staff, security, duty lawyers, police prosecutors, as well as domestic violence service providers and volunteers (an anticipated total of 11 to 12 focus groups). The focus groups asked participants their views and assessment of the management of court processes for domestic violence matters, the relationships between key stakeholder groups, and the impact on victims and perpetrators, as well as any gaps. Focus groups were recorded and transcribed (with consent). Those interested in participating, but unable to attend a focus group, participated in a 20 to 30-minute interview.

Similarly, magistrates working in the Southport specialist court, Ipswich Magistrates Court domestic violence list, as well as other judicial officers with particular interest in domestic violence matters were interviewed (n=12). Interviews ranged from 30 to 60 minutes, and were recorded and transcribed (with consent). These interviews focused on the management of the court process and the role of the magistrate. Interviews (30 minutes in length) were also conducted either by phone or face-to-face with stakeholders who work with diverse communities in the delivery of domestic violence services, external to the two evaluation sites. These interviews were particularly focused on the needs of individuals belonging to diverse communities, to assess the applicability of the Southport model to other locations.

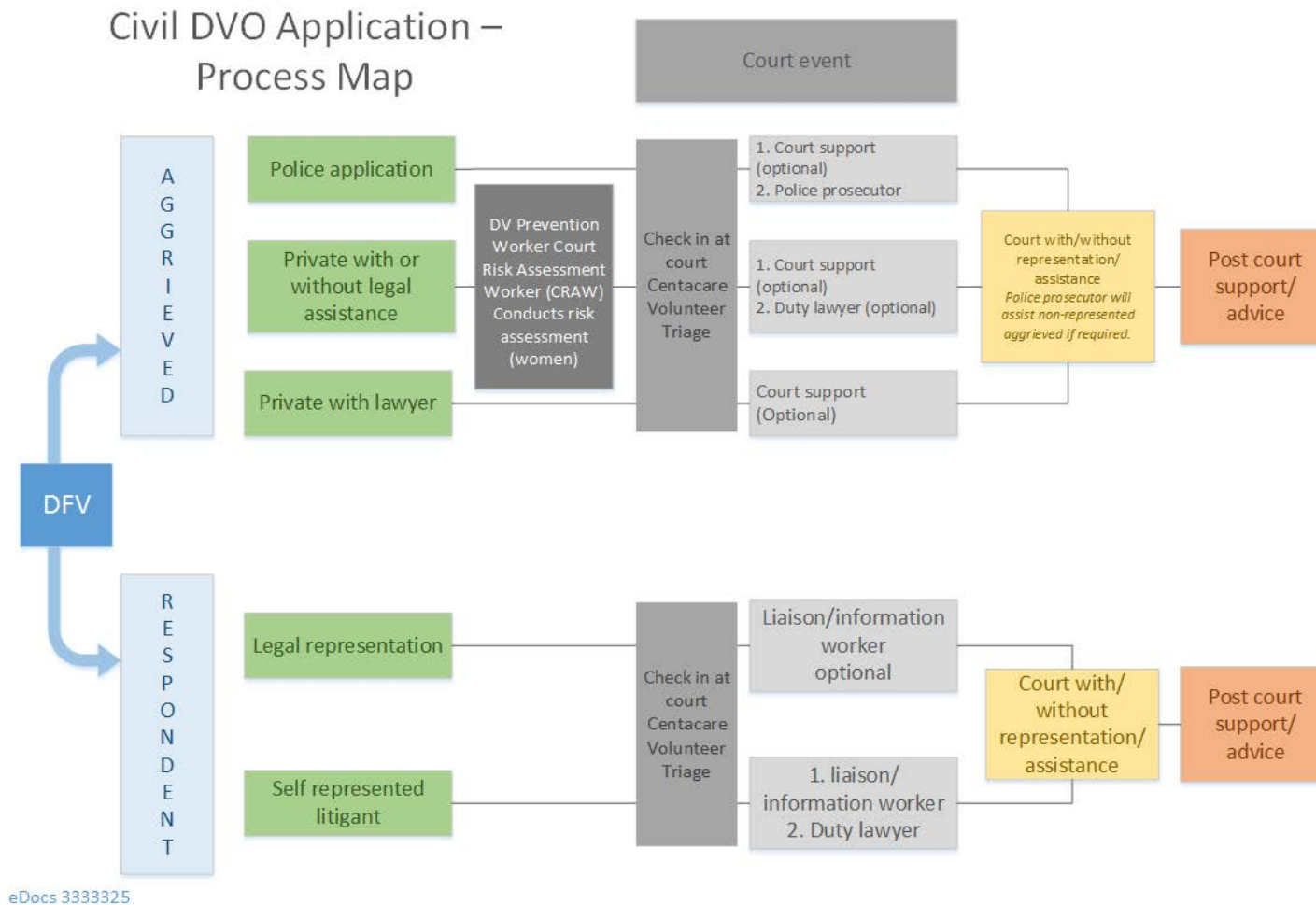
In total, we completed 23 interviews and 12 focus groups.

### **Financial (cost) data**

Costs of domestic and family violence work at the Ipswich Magistrates Court was estimated based on the proportion of court workload attributable to domestic and family violence. Infrastructure costs were not included in the analysis. This proportion method could not be used for all agencies, due to the different financial recording practices.

## APPENDIX D

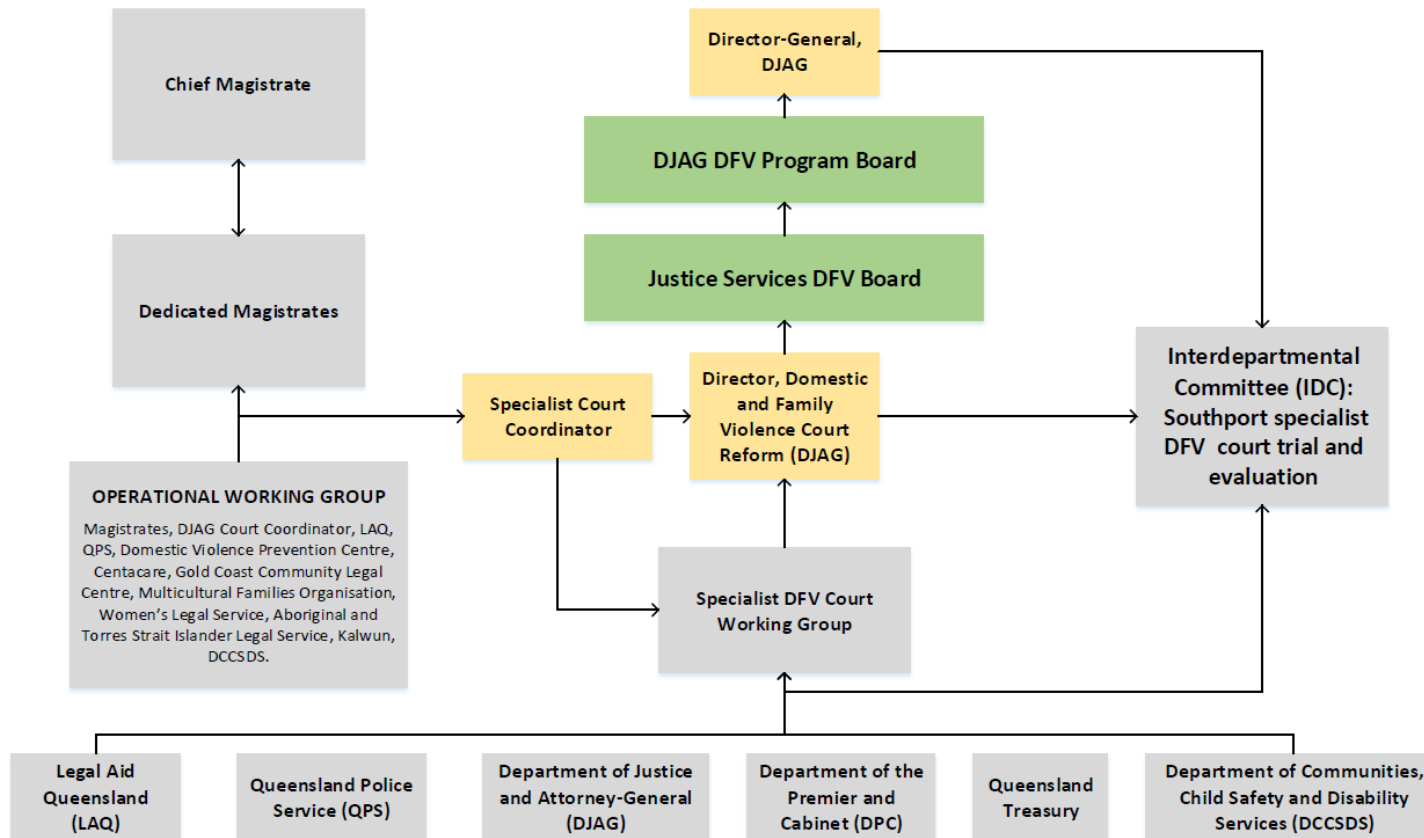
### Pathway of parties through the civil process at the Southport specialist court



Source: Department of Justice and Attorney-General

## APPENDIX E

### Governance Structure of the Southport Domestic and Family Violence Specialist Court Trial



Source: Department of Justice and Attorney-General (2016).

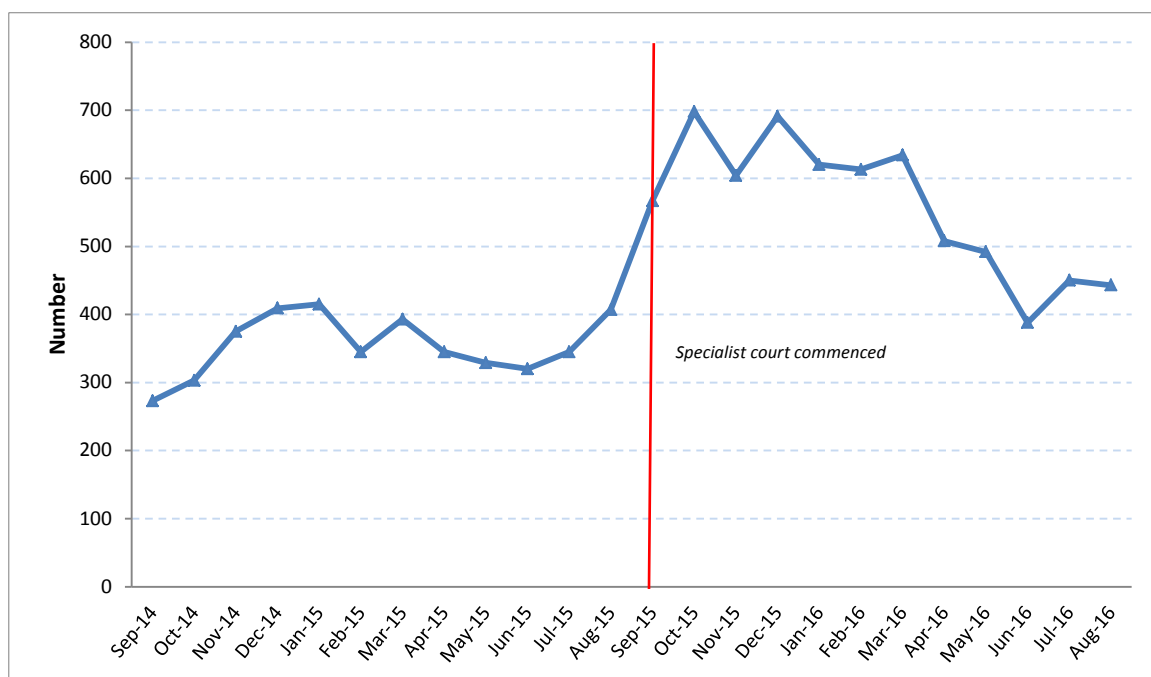
## APPENDIX F

### Trends in Civil and Criminal Domestic Violence Matters in Southport and Ipswich Magistrates Courts (September 2014 – August 2016)

#### Trends in domestic violence calls for service from September 2014 to August 2016

To provide the picture of the work coming into the Specialist Domestic and Family Violence Court at Southport, Figure F.1 presents the number of domestic violence calls for service received by the police from addresses within the Southport Magistrates Court boundaries from September 2014 to August 2016. (The red line indicates the commencement of the specialist court.) The numbers in Figure F.1 are the initial classification of the call made to police. As can be seen, there was a considerable increase in calls for service for suspected domestic violence around the time of the commencement of the specialist court. This may, however, in part reflect events (high profile domestic violence homicides) that occurred around the same time. Although the number of calls remains elevated, the number has reduced in recent months. About 3.4 per cent of these calls remain classified as domestic violence after officers have assessed the situation.

**Figure F.1: Number of domestic violence calls for service within Southport Magistrates Court boundaries (September 2014 – August 2016)**



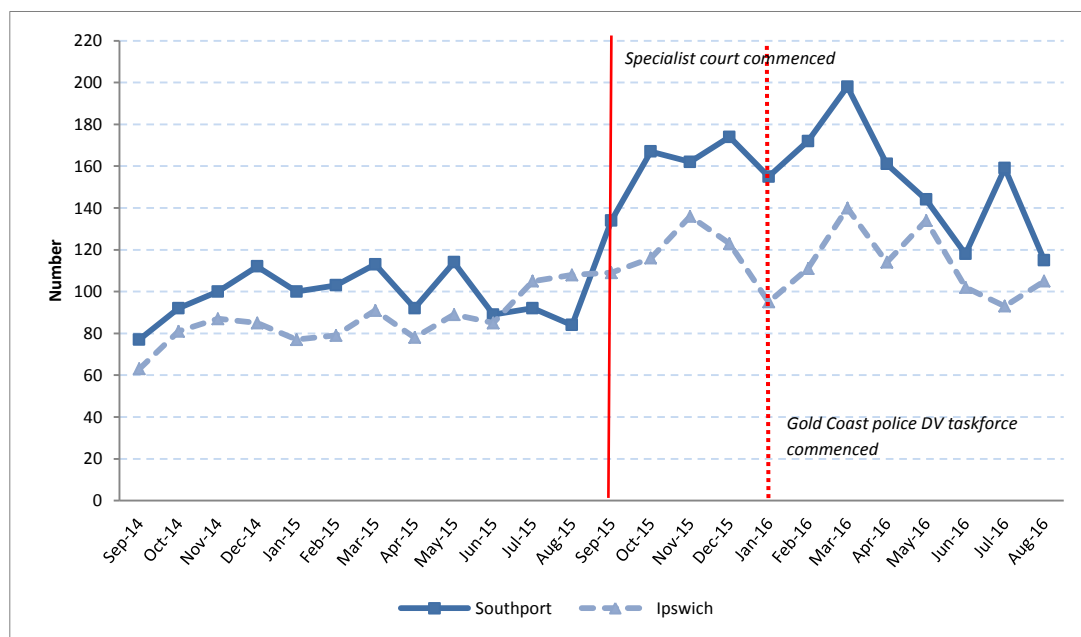
Source: Queensland Police Service calls for service data

**Note:** The domestic violence-related criminal offending is only available from December 2015, when the domestic violence indicator was introduced. The data is based on the date of filing, so at the end of the period, there will be more matters not yet finalised.

## Trends in breaches of domestic violence orders recorded by police from September 2014 to August 2016

Of the breaches recorded by the police during this 24-month period, 61.1 percent were recorded after the commencement of the specialist court in Southport, compared to 55.4% at Ipswich. As shown in Figure F.2, there has been a considerable increase in recorded breaches in both jurisdictions; however, Southport has experienced a greater increase (and this started before the commencement of the Gold Coast police domestic violence taskforce).

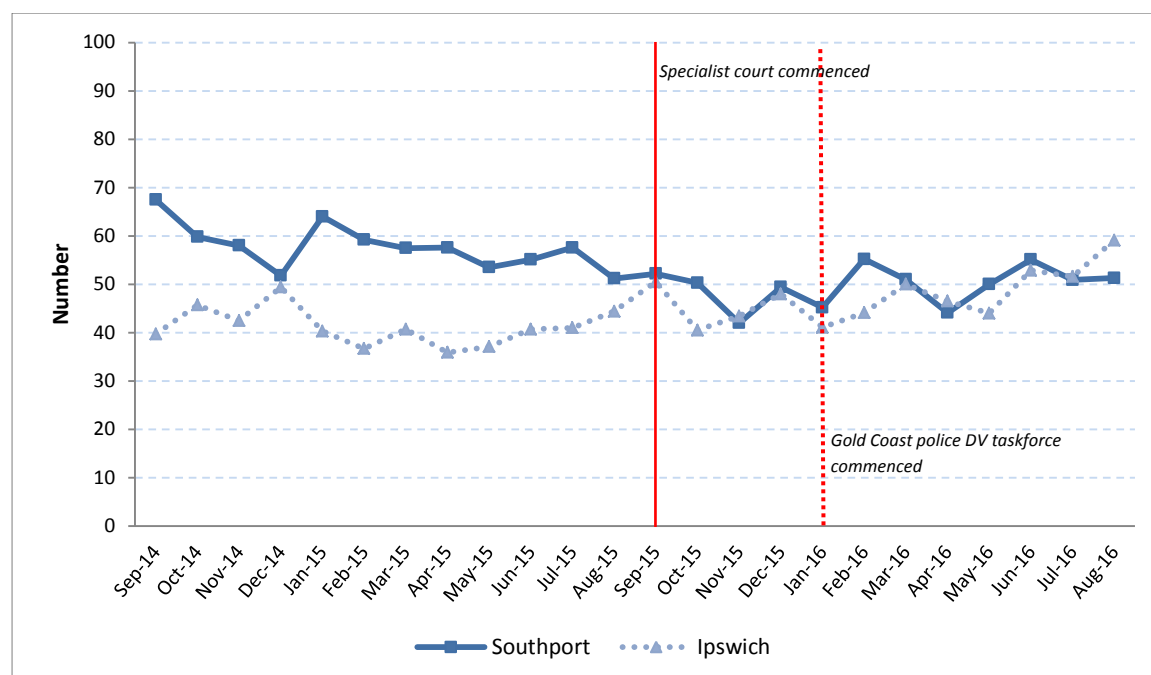
**Figure F.2: Number of breaches recorded by police within court boundaries (September 2014 – August 2016)**



Source: Queensland Police Service crime report data

Figure F.3 shows the proportion of breaches that resulted in an arrest being made by police by court for the 24-month period. Although there are a few outliers, overall there has been little change in this period at Southport, with around 50 per cent of breaches being resolved through an arrest. In contrast, Ipswich has seen an average increase in the proportion of breaches being resolved by arrest in this period.

**Figure F.3: Proportion of breaches recorded by police resulting in an arrest within court boundaries (September 2014 – August 2016)**



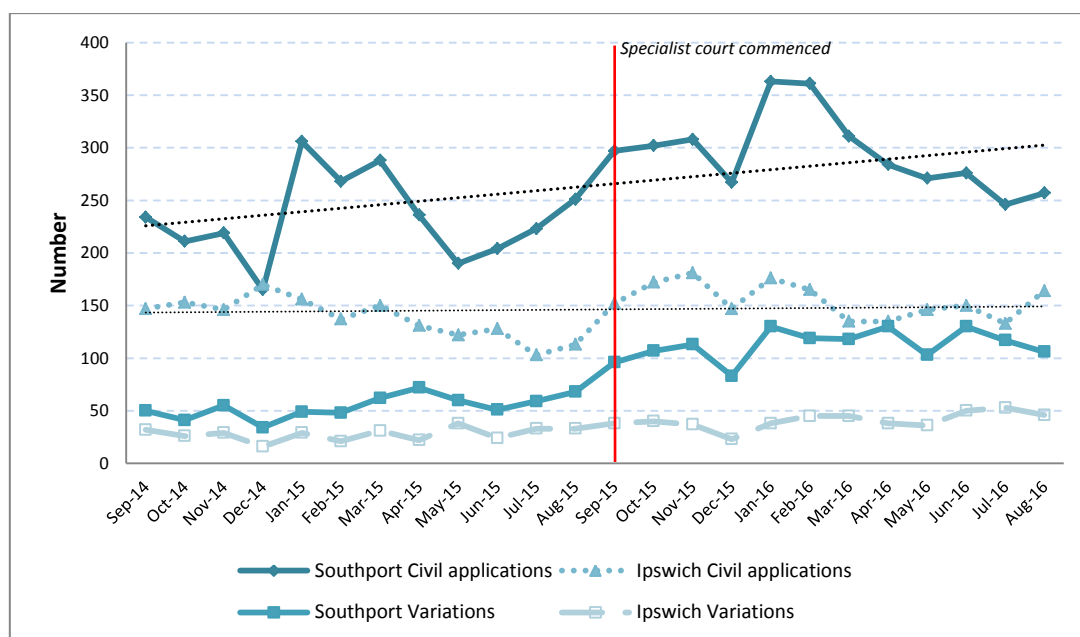
Source: Queensland Police Service crime report data

## Trends in civil applications from September 2014 to August 2016

The following figures provide an overview of the trends in civil applications for domestic violence orders for Southport and Ipswich Magistrates Courts over a 24-month period, 12 months before the specialist court commenced (September 2014-August 2015), and the first 12 months of its operation (September 2015-August 2016). The reported counts are based on court administrative data for applications *filed* during this period. However, due to the time to finalise applications, counts towards the end of the period will include higher proportions of unfinalised matters.

In general, the data show the impact of the changes in the broader context, including increased political and public attention to domestic and family violence. Figure F.4 shows the number of domestic violence civil originating and variation applications filed in Southport and Ipswich Magistrates Courts for a 24-month period (12 months before and 12 months after the commencement of the specialist court). The commencement of the specialist court at Southport is indicated by a red line. We would expect higher volumes of matters in the Southport Magistrates Court, due to the larger population within its catchment. Note that there is considerable seasonal variation in filings across both locations. Overall, the data suggests that there has been a greater increase in originating applications filed at Southport compared to Ipswich. In more recent months, the volume of originating applications at Southport appears to have reduced. In both jurisdictions, applications for variations have also increased.

**Figure F.4: Number of domestic violence civil applications filed per month by court (September 2014 – August 2016)**

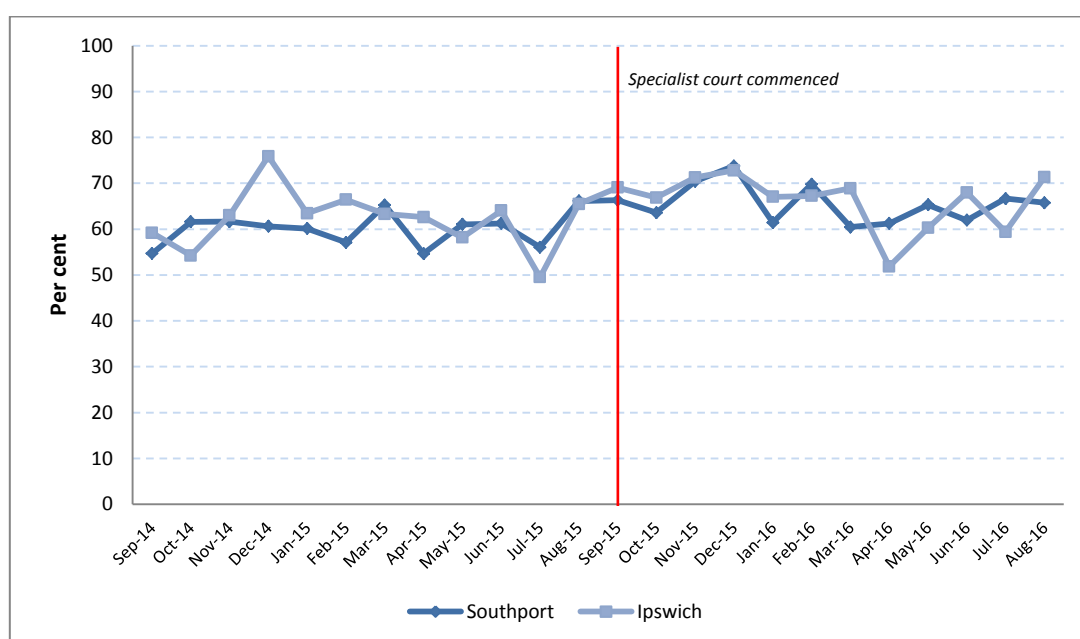


Source: Court administrative data

Note: The dotted line is the linear trend in applications filed at Southport for the 24-month period.

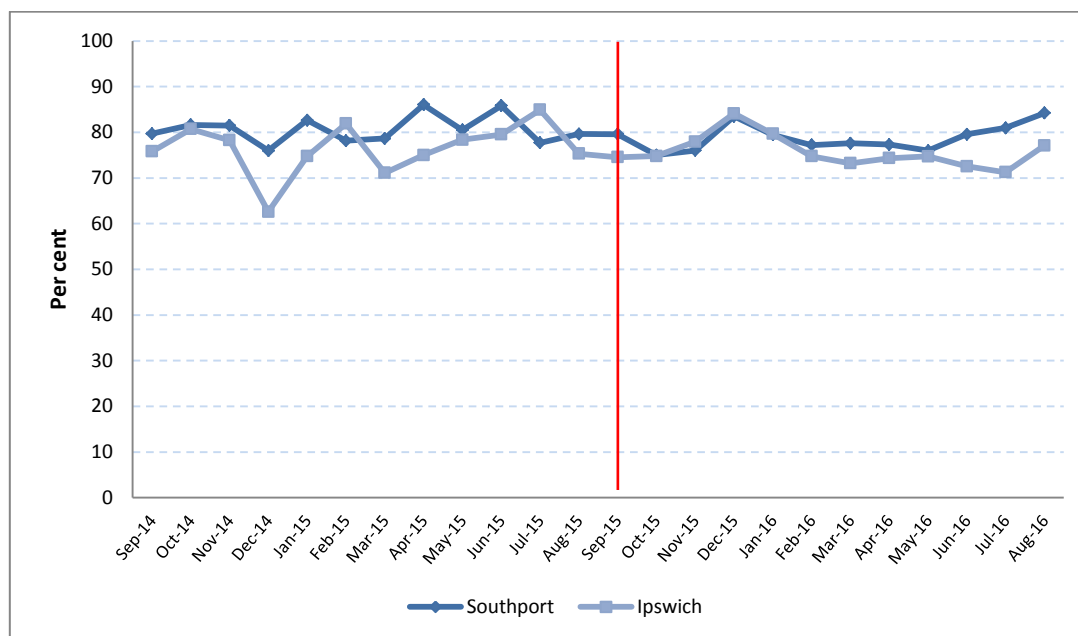
Over the two-year period, the proportion of applications initiated by the police has been fairly stable in both locations (see Figure F.5). Across the two-years, the average proportion of applications filed by the police at both sites is over 60 per cent (63.1% Southport; 64.4% Ipswich), although there is considerable monthly variation.

**Figure F.5: Percent of police-initiated applications filed by court (September 2014 – August 2016)**



Source: Court administrative data

**Figure F.6: Percent of police-initiated applications involving intimate partners filed by court (September 2014 – August 2016)**

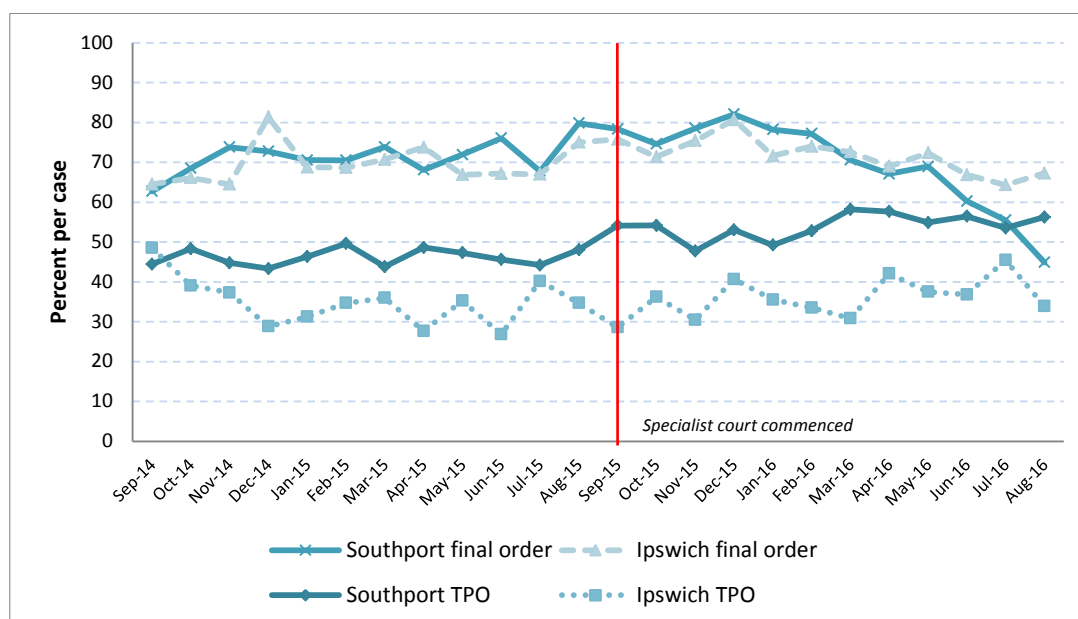


Source: Court administrative data

Figure F.6 shows the proportion of police-initiated applications involving intimate partners across the 24-months. Across the period, the majority of police-initiated applications were for intimate partner violence.

Overall, the Southport Magistrates Court issued higher proportion of temporary orders, compared to Ipswich Magistrates Court (see Figure F.7). The commencement of the specialist court in Southport corresponds to a subsequent increase in temporary orders at that location.

**Figure F.7: Percentage of applications receiving a temporary or final order by court (September 2014 – August 2016)**





Source: Court administrative data

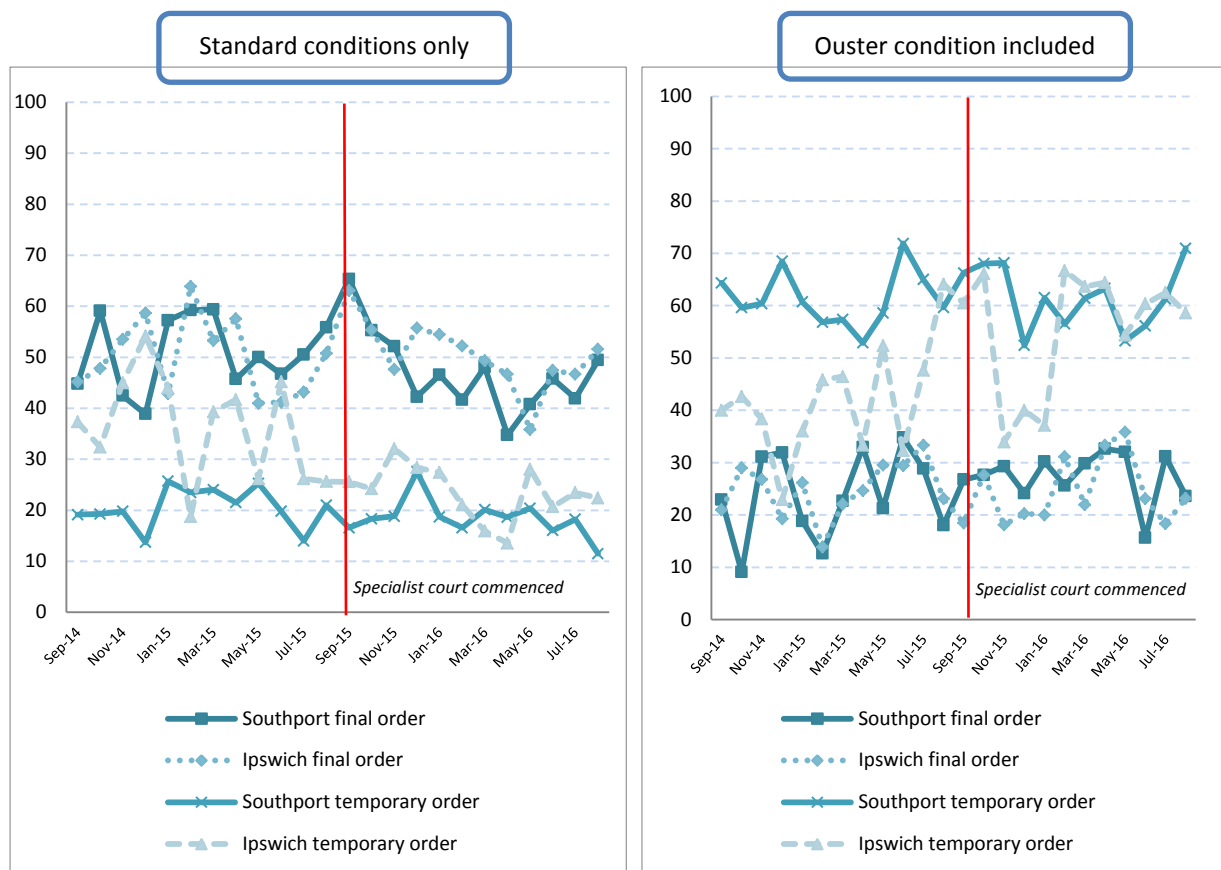
Note: This figure shows the type of order based on the month in which the application was filed. All applications were included; thus, applications filed near the end of the reporting period may not yet be finalised.

Figure F.8 presents the percentage of temporary and final orders with standard conditions only and with ouster conditions by court. In both jurisdictions, these data reflect a victim safety focus, with:

- a smaller proportion of temporary orders having only standard conditions, than final orders
- a greater proportion of temporary orders containing ouster conditions, than final orders.

However, there was a steeper reduction in the use of standard conditions only on both types of orders in Southport.

**Figure F.8: Percentage of temporary and final orders with particular types of conditions, by court (September 2014 – August 2016)**



Source: Court administrative data

Note: This figure shows the type of conditions based on the month in which the application was filed. All applications were included; thus, applications filed near the end of the reporting period may not yet be finalised.

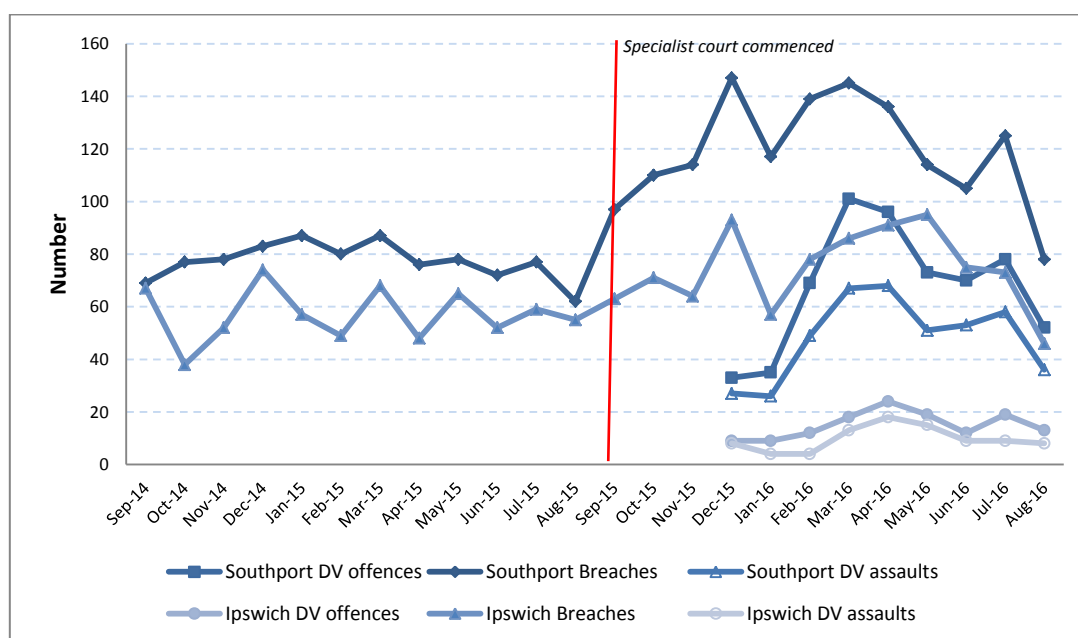
## Trends in domestic violence criminal matters from September 2014 to August 2016

The following figures provide an overview of the trends in breaches of domestic violence orders and domestic violence-related criminal matters processed in the Southport and Ipswich Magistrates Courts over a 24-month period, 12 months before the specialist court commenced (September 2014-August 2015), and the following 12 months of its operation (September 2015-August 2016).

We rely on court administrative data for charged *filed* during this period; thus, towards the end of the period, we have an increase in the number of matters not yet finalised.

The number of breaches and domestic violence-related criminal charges filed is summarised in Figure F.9. (Again, the red line indicates the commencement of the specialist court.) Compared to Ipswich, there has been a greater increase in the volume of breach charges filed since the commencement of the specialist court. In both sites, there has also been a considerable increase in domestic violence-related criminal charges, with higher levels in Southport. (Inferences are made cautiously as the data is only available for a 9-month period.) The higher levels at Southport are, at least in part, due to larger population within the court boundaries.

**Figure F.9: Number of breach charges and domestic violence-related criminal charges filed by court (September 2014 – August 2016)**

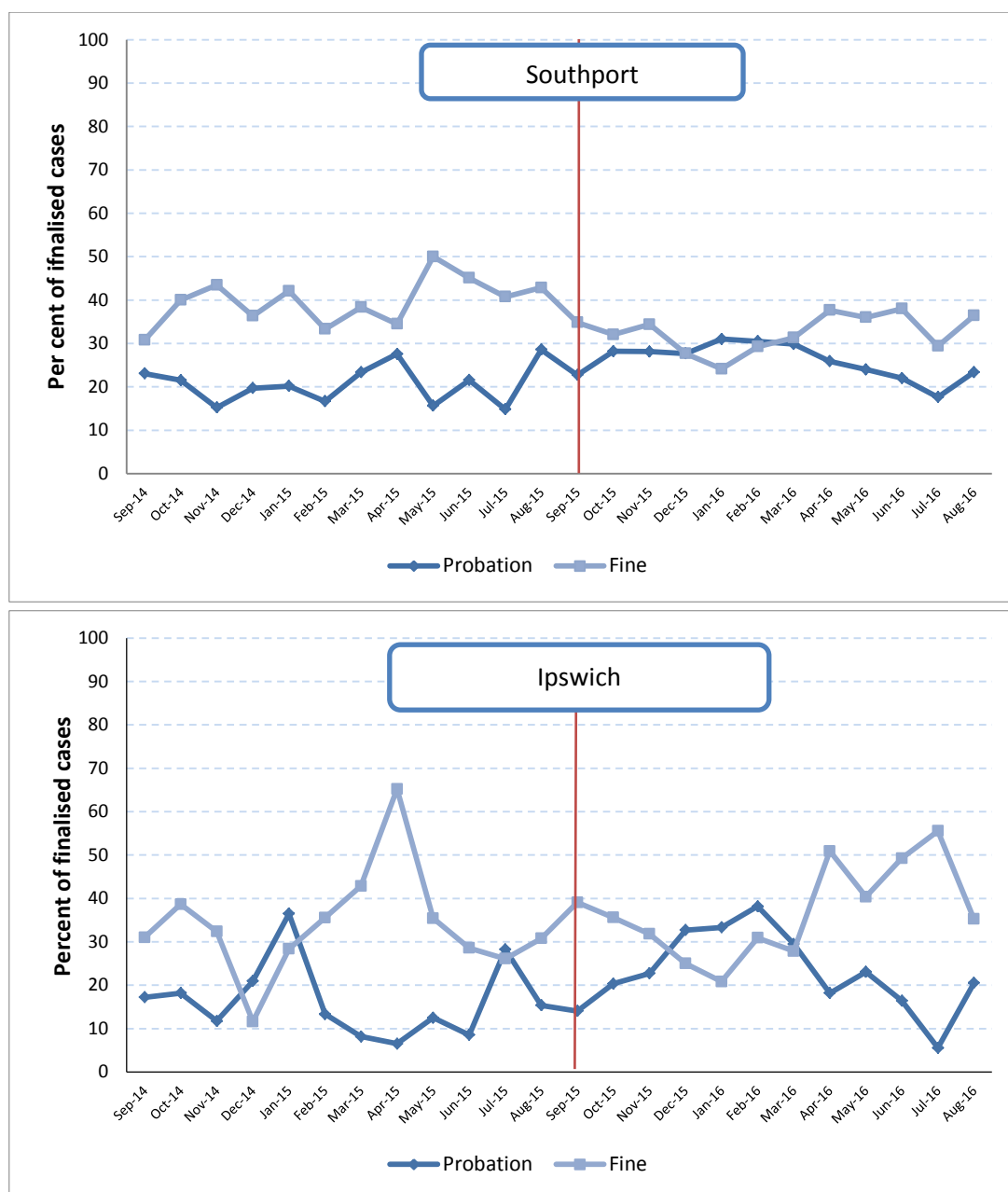


Source: Court administrative data

**Notes:** Counts are based on cases, not offenders. The domestic violence-related criminal offending is only available from December 2015, when the domestic violence indicator was introduced. The peak in domestic violence offending at Southport may reflect the introduction of the police Domestic Violence Taskforce in the Gold Coast District. Domestic violence assaults include choking, suffocation and strangulation within a domestic or familial context.

The proportion of finalised breaches of domestic violence orders sentenced to probation or a fine over the 24 months at Southport is presented in Figure F.10. Again, there is considerable monthly variation. However, on average, there is a higher proportion of probation sentences, than fines for most of the period across both courts.

**Figure F.10: Percentage of finalised breaches of a domestic violence order receiving probation or fine, Southport and Ipswich (September 2014 – August 2016)**



Source: Court administrative data

## APPENDIX G

### Cost-effectiveness analysis

In its most common form, cost-effectiveness analysis compares a number of (mutually exclusive) alternatives on the basis of the ratio of their costs and a single quantified (but not monetized) effectiveness measure. It is often used in areas such as health and defence where estimating monetary benefits can be difficult. For example, the effectiveness measure could be dollars per lives saved – a program that costs the least per life saved is deemed to be the most efficient.

Since cost-effectiveness analysis involves two metrics (monetary cost and an effectiveness measure) a single measure of social net benefits cannot be obtained. Rather, it is only possible to compute the ratio of the two. This can be done in two ways: cost per unit of outcome effectiveness or outcome effectiveness per unit cost (the former is more common).

That is, for program  $i$ :

$$CE_i = \frac{Cost_i}{Effectiveness\ Measure_i}, \text{ where lower is better.}$$

Or

$$EC_i = \frac{Effectiveness\ Measure_i}{Cost_i}, \text{ where higher is better.}$$

It should be acknowledged that cost-effectiveness analysis is a measure of technical efficiency and (unlike cost-benefit analysis) does not imply that a program is allocatively efficient. That is, we are simply assessing whether a program is a cost effective means of meeting a given objective – we are not assessing the validity of that objective.

In this case the desired outcomes (effectiveness measure) of the Southport specialist court are considered too varied and too difficult to measure as a single item. The decision has, therefore, been made to simply report and compare total expenditure related to domestic and family violence issues for both the Southport specialist court and the Ipswich Magistrates Court (chosen as the comparison site) and divide that number by the number of domestic violence related criminal and civil matters. That is, we are measuring and comparing cost per activity, not cost per outcome.

A higher cost per activity does not necessarily imply that a program is less efficient. The higher costs must be weighed against any additional benefits derived from the program. In this case, these benefits (e.g. increased confidence in the justice system) are discussed in a qualitative sense elsewhere in the report and not explicitly included in the cost-effectiveness analysis.

## APPENDIX H

### Calculating costs of processing domestic and family violence matters in the specialist and comparison courts

#### Proportion of domestic and family violence matters and workloads

The Department of Justice and Attorney-General does not record or itemise the costs of civil or criminal proceedings relating to domestic or family violence in magistrates courts. Rather, each court is given an annual budget and must manage all jurisdictions within that budget. There are some exceptions, particularly special programs (operating out of the Courts Innovation Program) that receive dedicated funding on top of the overall court budget. The Southport specialist court is one of those exceptions as it has received dedicated funding for the Magistrate and Registry staff costs of the trial.

In regards to Department of Justice and Attorney-General court related costs (i.e. those reported in Tables H.5 to H.7), costs associated with the Southport specialist court trial costs for financial year 2016-17 and 2015-16<sup>85</sup> provided below are based on the dedicated funding provided for the trial, together with pre-existing funding for positions that have been used to support the trial. However, as there are no specific itemised domestic and family violence costs, the 2014-15 domestic and family violence costs for Southport and all of the domestic and family violence related costs for Ipswich are based upon a proportional volumetric approach, as depicted in the following formula:

$$\begin{aligned} & \text{Domestic and family violence costs (\$)} \\ &= \frac{\text{Volume of domestic and family violence matters}}{\text{Volume of all matters}} \times \text{Total Court Costs (\$)} \end{aligned}$$

As depicted in Tables H1 to H.4, all domestic and family violence civil applications data, as well as domestic and family violence criminal lodgements, have been used to calculate the domestic and family violence proportion of total court workload. The domestic and family violence civil applications data includes all secondary (non-initiating) applications, such as applications for variation. Including these applications provides a more accurate representation of domestic and family violence workload as many secondary applications lodged in civil domestic and family violence proceedings are substantive. In particular, applications to vary a protection order are dealt with by the court in the same way as the initiating application. They may involve the same court time, including time for mentions, consideration of requests for temporary protection orders, directions, hearings and decisions.

Since December 2015 criminal offences (e.g. assaults) committed in the context of domestic and family violence have been tagged (or noted) as domestic violence offences. Data on domestic violence offences in the period March to September 2016 have been used (along with data on contraventions of domestic violence orders) in order to derive the criminal lodgements component of the workload calculation. As the tagging of domestic violence offences is a relatively new initiative, it is expected that some inconsistencies in application may be inherent in the data. This inconsistency is, at least in part, reduced by only employing data from March to September 2016 (thus allowing a three month 'bedding in' period of the new procedure). The civil and criminal

---

<sup>85</sup> Note that the volumetric method is used to obtain costs for the months of July and August in the 2015-16 financial year.

domestic and family violence workload proportion calculated over this six month period has been used as a notional indication of workload.

For the 2014-15 financial year, however, criminal lodgement data only includes domestic and family violence contraventions. That is, other domestic and family violence offences are excluded as this data was not collected. It is likely therefore, that domestic and family violence workload is underestimated for the 2014-15 financial year.

**Table H.1: Overall workload apportionment 2014-15 (Southport)**

Jurisdiction	Lodged <sup>1,2</sup>	Domestic violence component <sup>3</sup>	Modified count	Apportionment (%)
Adult criminal	21,756	479	21,277	79.4%
Child criminal	577	-	577	2.2%
Domestic violence <sup>4</sup>	3,411	-	3,890	14.5%
Child protection	279	-	279	1.0%
Other originating applications	361	-	361	1.3%
Civil claims <sup>5</sup>	421	-	421	1.6%
Total lodged	26,805	-	26,805	100.0%

Source: Department of Justice and Attorney-General.

Notes:

1. All secondary applications are included in the domestic violence and child protection workload figures.
2. Data includes lodgements in the Magistrates Court and excludes District Court data.
3. The domestic violence case component is those criminal lodgements where charges relate to contraventions of domestic violence orders. In the apportionment these have been subtracted from the adult criminal lodgement count and added to the domestic violence apportionment.
4. Domestic violence 'lodged' includes all civil applications. The 'modified count' for domestic violence includes civil applications and criminal domestic violence related cases.
5. Civil claims counted are only those claims proceeding to an event before a magistrate. It is not a count of all claims lodged.

**Table H.2: Overall workload apportionment 2014-15 (Ipswich)**

Jurisdiction	Lodged <sup>1,2</sup>	Domestic violence component <sup>3</sup>	Modified count	Apportionment (%)
Adult criminal	10,468	336	10,150	73.2%
Child criminal	695	-	695	5.0%
Domestic violence <sup>4</sup>	1,972	-	2,308	16.6%
Child protection	355	-	355	2.6%
Other originating applications	246	-	246	1.8%
Civil claims <sup>5</sup>	108	-	108	0.8%
Total lodged	13,862	-	13,862	100.0%

Source: Department of Justice and Attorney-General.

**Notes:**

1. All secondary applications are included in the domestic violence and child protection workload figures.
2. Data includes lodgements in the Magistrates Court and excludes District Court data.
3. The domestic violence case component is those criminal lodgements where charges relate to contraventions of domestic violence orders. In the apportionment these have been subtracted from the adult criminal lodgement count and added to the domestic violence apportionment.
4. Domestic violence 'lodged' includes all civil applications. The 'modified count' for domestic violence includes civil applications and criminal domestic violence related cases.
5. Civil claims counted are only those claims proceeding to an event before a magistrate. It is not a count of all claims lodged.

**Table H.3: Overall workload apportionment 1 March 2016 to 31 August 16 (Southport)**

Jurisdiction	Lodged <sup>1,2</sup>	Domestic violence component <sup>3</sup>	Modified count	Apportionment (%)
Adult criminal	11,680	794	10,886	69.8%
Child criminal	410	-	410	2.6%
Domestic violence <sup>4,5</sup>	2,829	-	3,623	23.2%
Child protection	163	-	163	1.0%
Other originating applications	212	-	212	1.4%
Civil claims <sup>6</sup>	301	-	301	1.9%
Total lodged	15,595	-	15,595	100.0%

Source: Department of Justice and Attorney-General.

**Notes:**

1. All secondary applications are included in the domestic violence and child protection workload figures.
2. Data includes lodgements in the Magistrates Court and excludes District Court data.
3. The domestic violence case component is those criminal lodgements where charges relate to a domestic violence related offence. This includes contraventions of domestic violence orders and offences flagged as domestic violence related in the charge title. In the apportionment these have been subtracted from the adult criminal lodgement count and added to the domestic violence apportionment.
4. Domestic violence 'lodged' includes all civil applications. Figures represent an average taken over 12 months from 1 September 2015 to 31 August 2016 multiplied by six to obtain a six month total. The 'modified count' for domestic violence includes civil applications and criminal domestic violence related cases.
5. Domestic violence offences (i.e. those offences occurring in a domestic violence context) have, in the last six months reached volumes which are consistent, lending confidence to the validity of the data. Calculations are, therefore, based upon the most recent six months for which data are available (March to September 2016).
6. Civil claims counted are only those claims proceeding to an event before a magistrate. It is not a count of all claims lodged.

**Table H.4: Overall workload apportionment 1 March 2016 to 31 August 16 (Ipswich)**

Jurisdiction	Lodged <sup>1,2</sup>	Domestic violence component <sup>3</sup>	Modified count	Apportionment (%)
Adult criminal	6,854	439	6,415	70.3%
Child criminal	627	-	627	6.9%
Domestic violence <sup>4,5</sup>	1,188	-	1,627	17.8%
Child protection	290	-	290	3.2%
Other originating applications	123	-	123	1.3%
Civil claims <sup>6</sup>	41	-	41	0.4%
Total lodged	9,123	-	9,123	100.0%

Source: Department of Justice and Attorney-General.

**Notes:**

1. All secondary applications are included in the domestic violence and child protection workload figures.
2. Data includes lodgements in the Magistrates Court and excludes District Court data.
3. The domestic violence case component is those criminal lodgements where charges relate to a domestic violence related offence. This includes contraventions of domestic violence orders and offences flagged as domestic violence related in the charge title. In the apportionment these have been subtracted from the adult criminal lodgement count and added to the domestic violence apportionment.
4. Domestic violence 'lodged' includes all civil applications. Figures represent an average taken over 12 months from 1 September 2015 to 31 August 2016 multiplied by six to obtain a six month total. The 'modified count' for domestic violence includes civil applications and criminal domestic violence related cases.
5. Domestic violence offences (i.e. those offences occurring in a domestic violence context) have, in the last six months reached volumes which are consistent, lending confidence to the validity of the data. Calculations are, therefore, based upon the most recent six months for which data are available (March to September 2016).
6. Civil claims counted are only those claims proceeding to an event before a magistrate. It is not a count of all claims lodged.

## Department of Justice and Attorney-General – Courts

The purpose of this section is to outline the cost of domestic and family violence related activities at both the Southport specialist court and the Ipswich Magistrates Court associated with the running of the courts. Unless otherwise stated, 'domestic and family violence workload' refers to both the processing of civil protection orders as well as breaches and other related criminal charges.

### • Southport

Tables H.5 and H.6 outline costs attributable to domestic and family violence for the Southport specialist court for the financial years 2014-15, 2015-16 and 2016-17, noting that 2014-15 estimates pre-date the trial and are likely to be underestimates due to criminal lodgement data only including domestic and family violence contraventions. For 2014-15 domestic and family violence workload proportion is used to calculate total court costs; actual allocated expenditures are used for 2015-16 and 2016-17.



**Table H.5: Total court costs 2014-15 for processing domestic and family violence matters (Southport)**

Role	2014-15
Magistrate salaries <sup>1</sup>	\$3,356,028
Registry salaries <sup>2</sup>	\$3,239,858 <sup>3</sup>
Less	
Bailiff's wages/retainers <sup>4</sup>	-\$20,059
District court registry staff salaries <sup>5</sup>	-\$293,934
Salary cost estimates	\$6,281,893
Proportion of domestic violence matters	14.5%
Estimated domestic and family violence salary cost	\$910,875
Judicial registrar <sup>6</sup>	\$146,000
Total salaries	\$1,056,874
Supplies and services <sup>7</sup>	\$264,219
Total	\$1,321,093

Source: Derived from data provided by the Department of Justice and Attorney-General.

**Notes:**

1. Magistrate salaries are based on nine permanent full time magistrates.
2. Southport has a combined District and Magistrates Court Registry and separate salary budgets are not maintained.
3. Actual expenditure in 2014-15 as shown in the Department of Justice and Attorney-General ledger.
4. Bailiff costs associated with the District Court have been removed and is actual expenditure in 2014-15 as shown in the Department of Justice and Attorney-General ledger.
5. The total salary cost has been reduced by the amount estimated by the Registrar to relate to District Court registry workload (1 x A05, 2 x A03 and 1 x A02).
6. Based on two part time Judicial Registrars (total 1 full-time equivalent (FTE)).
7. Based on 25% of total salaries.

**Table H.6: Total court costs 2015-16 and 2016-17 for processing domestic and family violence matters (Southport)**

Role	2015-16	2016-17
Magistrate salaries <sup>1</sup>	\$740,766	\$822,000
Project Manager (AO7)	\$100,000	\$120,000
DV Co-ordinator (AO4)	\$70,000	\$84,000
Depositions Clerk (AO3.4)	\$108,000	\$144,000
Court Services Officer (AO3.4)	\$120,000	\$144,000
Administrative Officer (AO2.8)	\$100,000	\$120,000
Administrative Officer (AO2)	\$100,000	\$120,000
Court Services Officer (AO3)	\$48,000	\$57,600
Additional registry salaries (July-August)	\$126,514	-
Judicial Registrar (July-August)	\$14,356	-
Total salaries	\$1,527,636	\$1,611,600
Supplies and services <sup>2</sup>	\$381,909	\$402,900
Total	\$1,909,545	\$2,014,500

Source: Derived from data provided by the Department of Justice and Attorney-General.

**Notes:**

1. Magistrate salaries are based on nine permanent full time magistrates.
2. Based on 25% of total salaries.

- **Ipswich**

Table H.7 outlines costs attributable to domestic and family violence for the Ipswich Magistrates Court for the financial years 2014-15, 2015-16 and 2016-17. Again costs for 2014-15 are likely to be underestimates due to criminal filing data only including breaches of domestic and family violence protection orders.

**Table H.7: Total court costs 2014-15, 2015-16 and 2016-17 for processing domestic and family violence matters (Ipswich)**

Role	2014-15	2015-16	2016-17
Magistrate salaries <sup>1</sup>	\$1,491,568	\$1,506,496	\$1,521,428
Registry salaries <sup>2</sup>	\$1,324,015 <sup>3</sup>	\$1,468,628 <sup>4</sup>	\$1,559,000 <sup>5</sup>
Less			
Bailiff's wages/retainers	-\$5,523 <sup>6</sup>	-\$2,637 <sup>7</sup>	-\$2,716
District court registry staff salaries <sup>8</sup>	-\$211,580	-\$218,129	-\$222,682
Total salary cost estimates	\$2,598,480	\$2,754,358	\$2,855,030
Proportion of domestic violence matters	16.6%	17.8%	17.8%
Total salaries	\$431,348	\$490,276	\$508,195
Supplies and services <sup>9</sup>	\$107,837	\$122,569	\$127,049
Total	\$539,185	\$612,845	\$635,244

Source: Derived from data provided by the Department of Justice and Attorney-General.

**Notes:**

1. Magistrate salaries are based on four permanent full time magistrates.
2. Ipswich has a combined District and Magistrates Court Registry and separate salary budgets are not maintained.
3. Actual expenditure in 2014-15 as shown in the Department of Justice and Attorney-General ledger.
4. Actual expenditure in 2015-16 as shown in the Department of Justice and Attorney-General ledger.
5. Budget allocated for 2016-17.
6. Bailiff costs associated with the District Court have been removed and is actual expenditure in 2014-15 as shown in the Department of Justice and Attorney-General ledger.
7. Bailiff costs associated with the District Court have been removed and is actual expenditure in 2015-16 as shown in the Department of Justice and Attorney-General ledger.
8. The total salary cost has been reduced by the amount estimated by the Registrar to relate to District Court registry workload (1 x A04, 1 x A03 and 50% of 2 x A02).
9. Based on 25% of total salaries.

## Department of Justice and Attorney-General – Queensland Corrective Services

The cost of domestic and family violence related activities at both the Southport specialist court and the Ipswich Magistrates Court associated with Queensland Corrective Services is described below.

- **Southport**

In 2014-15, prior to commencement of the Southport specialist court trial, the baseline business-as-usual allocation for probation and parole officers to perform court duties associated with domestic and family violence criminal court matters at Southport Magistrates Court amounted to a 0.1 x PO3.4 Senior Case Manager. In this role, probation and parole's primary duties consisted of bringing forward prosecutions of community based orders due to breaches of domestic and family violence

protection orders, as well as case management of domestic and family violence offenders and administrative duties (e.g. recording orders on the Integrated Offender Management System).

In the specialist court, Queensland Corrective Services provide:

- Two full-time equivalent (FTE) senior case managers, whose primary duties consist of prosecutions of community based orders impacted upon by breaches of domestic and family violence protection orders, case management of domestic and family violence offenders and administrative duties. The Case Managers also support the specialist magistrate by providing expert advice in relation to breaches of domestic and family violence orders and suitability of community based orders, as well as coordinating services between Queensland Corrective Services and the court and other stakeholders.
- A 0.5 FTE supervisor, who attends weekly triage meetings with stakeholders and stakeholder meetings with key partner agencies regarding operations and outcomes of the Specialist Court. The Supervisor also coordinates and shares information as part of an integrated response to high risk domestic violence offenders under supervision or aggrieved family members. Further, the supervisor undertakes safety planning and notifications as appropriate.
- A 0.5 FTE intelligence analyst, who attends weekly triage meetings with stakeholders, prioritises information sharing within and across agencies as it relates to high risk domestic violence cases, including proactive intelligence gathering regarding high risk domestic violence offenders and victims.
- A 0.2 FTE surveillance officer who undertakes surveillance of Men's Perpetrator Program, including home visits as required.

Table H.8 reports costs for financial years 2014-15, 2015-16 and 2016-17.

**Table H.8: Queensland Corrective Services costs attributable to the processing of domestic and family violence matters in court, 2014-15, 2015-16 and 2016-17 (Southport)**

Role	2014-15	2015-16	2016-17
Senior case manager (PO3.4) (pre-existing) <sup>1</sup>	\$9,487	\$9,772	\$10,065
Senior case manager (PO3.4) (additional) <sup>2</sup>	-	\$160,000	\$192,000
Supervisor (AO6.4) <sup>3</sup>	-	\$45,000	\$54,000
Intelligence analyst (AO4.4) <sup>4</sup>	-	\$35,000	\$42,000
Surveillance officer (AO3.4) <sup>5</sup>	-	\$10,000	\$12,000
Total salaries	\$9,487	\$259,772	\$310,065
Supplies and services <sup>6</sup>	\$2,372	\$64,943	\$77,516
Total	\$11,859	\$324,715	\$387,581

Source: Derived from data provided by the Department of Justice and Attorney-General.

Notes:

1. Based on 0.1 FTE.
2. Based on 2 FTE (10 months in 2015-16).
3. Based on 0.5 FTE (10 months in 2015-16).
4. Based on 0.5 FTE (10 months in 2015-16).
5. Based on 0.2 FTE (10 months in 2015-16).
6. Based on 25% of total salaries.

- **Ipswich**

For Ipswich for all financial years the estimated cost of providing Queensland Corrective Services resources to domestic and family violence related matters is 0.1 FTE for a senior case manager (P03.4). The 0.1 FTE workload allocation was calculated based upon practical knowledge of duties and job distribution to staff at Ipswich. Table H.9 reports these costs for financial years 2014-15, 2015-16 and 2016-17.

**Table H.9: Queensland Corrective Services costs attributable to the processing of domestic and family violence matters in court, 2014-15, 2015-16 and 2016-17 (Ipswich)**

Role	2014-15	2015-16	2016-17
Senior case manager (P03.4) <sup>1</sup>	\$9,487	\$9,772	\$10,065
Supplies and services <sup>2</sup>	\$2,372	\$2,443	\$2,516
Total	\$11,859	\$12,215	\$12,581

Source: Derived from data provided by the Department of Justice and Attorney-General.

**Notes:**

1. Based on 0.1 FTE.
2. Based on 25% of the senior case manager's salary.

## Legal Aid Queensland

This section outlines the costs associated with providing duty lawyer services to both the Southport specialist court and the Ipswich Magistrates Court for the years 2015-16 and 2016-17. As no civil duty lawyer services were provided at Ipswich prior to October 2015, no meaningful comparison between the two courts can be made for the 2014-15 year.

- **Southport**

In regards to criminal law duty lawyers, when the Southport specialist court pilot commenced operation, Legal Aid Queensland provided a criminal law duty lawyer service one day a week to advise and represent accused persons on the dedicated criminal law breach and associated charges list. This was initially resourced by Legal Aid Queensland from existing funding with no additional funding being provided for the two duty lawyers who serviced that dedicated list. It was estimated that this service was costing approximately \$9,000 per month. The pilot court dedicated criminal list is now serviced by three criminal law duty lawyers and 1.5 court support officers one day per week.

In regards to civil domestic and family violence duty lawyers, the service was expanded in November 2015 to support the specialist court pilot as a second magistrate came on board and to provide enhanced representation services to both the aggrieved and respondent parties to a civil application by the civil duty lawyers. This entailed the doubling of duty lawyers to service the civil domestic and family violence call over lists five days a week, with two lawyers being provided for the applicants and two lawyers for the respondents each week day. Table H.10 outlines these costs for the pilot court for the financial years 2015-16 and 2016-17.

**Table H.10: Costs of domestic and family violence related duty lawyer service 2015-16 and 2016-17 (Southport)**

Role	2015-16	2016-17
Civil lawyer costs	\$353,746	\$524,110
Program management <sup>1</sup>	\$23,952	\$24,671
Interpreting services <sup>2</sup>	\$6,947	\$7,155
Criminal lawyer costs <sup>3</sup>	\$162,000	\$166,860
Court support officers (AO3) <sup>4</sup>	\$21,820	\$22,475
Supplies and services <sup>5</sup>	\$59,753	\$67,537
Total	\$628,218	\$812,808

Source: Derived from data provided by Legal Aid Queensland.

Notes:

1. Salary costs only, based on 40% FTE of an A02 and 15% FTE of an A04.
2. Based on 3,564 clients over a 12 month period.
3. Based on three in-house duty lawyers each Friday to service criminal law breaches and related criminal matters.
4. Based on 1.5 days per week for 50 weeks (including on costs).
5. Based on 25% of salary costs for in-house staff only, where on costs have not previously been included.

- **Ipswich**

In regards to criminal law duty lawyers, there is no dedicated criminal law breach and associated charges list in Ipswich. No costs for criminal law duty lawyer services are provided in the figures presented below.

In regards to civil domestic and family violence duty lawyers, there was no civil domestic and family violence duty lawyer service in Ipswich prior to October 2015. In October 2015, Legal Aid Queensland was funded through a \$1.1 million allocation to establish a civil domestic and family violence duty lawyer service at the Ipswich Magistrates Court and 12 other courts. This service operates on the civil application list day for both aggrieved and respondent parties.

An announcement was made as part of the 2016-17 state-budget that the existing locations would be funded for a further four years (2016-17 – 2019-20) with ongoing funding of \$1.1 million per annum, and an enhanced representation model funded at approximately \$0.73 million per annum would commence in five new locations in Queensland (six locations including Ipswich and continuing at Southport). Table H.11 outlines these costs for financial years 2015-16 and 2016-17.

**Table H.11: Costs of domestic and family violence related duty lawyer service 2015-16 and 2016-17 (Ipswich)**

Role	2015-16	2016-17
Program management <sup>1</sup>	\$2,679	\$2,759
Supplies and services <sup>2</sup>	\$670	\$690
Total program management	\$3,349	\$3,449
Civil lawyer costs <sup>3</sup>	\$39,532	\$52,956
Criminal lawyer costs	N/A	N/A
Interpreting services <sup>4</sup>	\$1,380	\$1,421
Total	\$47,610	\$61,276

Source: Derived from data provided by Legal Aid Queensland.

**Notes:**

1. Salary costs only, based on 1/14<sup>th</sup> of 40% FTE of an A02 and 30% FTE of an A04 on the basis that Ipswich Magistrates Court is one of 14 courts where a domestic and family violence duty lawyer service is provided.
2. Based on 25% of program management salary costs. Note that civil lawyers and interpreting services are outsourced and the figures presented in the table above represent the full cost including supplies and services.
3. Service began October 2015.
4. Based on 708 clients over a 12 month period.

## Queensland Police Service

The purpose of this section is to outline the cost of domestic and family violence related activities at both the Southport specialist court and the Ipswich Magistrates Court undertaken by the Queensland Police Service for prosecution services. These figures presented below do not incorporate support work and stakeholder engagement undertaken by the Queensland Police Service to support the Southport specialist court (e.g. the Gold Coast domestic and family violence task force). These figures also do not include any accrued time. The Queensland Police Service note that the domestic and family violence Specialist Prosecution Corps members constantly accrue time outside of their standard rostered hours in order to meet the demands of the Southport integrated model. The estimated time accrued per roster period is 14.5 hours for each prosecutor per roster. In addition to accruing time, it is estimated that each prosecutor would perform on average five hours per week of unclaimed hours.

- **Southport**

The Southport specialist court operates under an 'integrated model', having specialised magistrates dealing with all civil applications as well as all criminal breaches or criminal charges which may be domestic and family violence related. The specialist prosecution unit only services this court and is funded for the project until 1 July 2017. Note however, that under this model the specialist court also at times is required to deal with non- domestic and family violence related offences for the purposes of ensuring the defendant is dealt with for all matters before the court.

To estimate the cost of the Southport specialist court to the Queensland Police Service for 2014-15, Department of Justice and Attorney-General proportions are used to apportion costs, with domestic and family violence matters representing approximately 14.5 per cent of the Southport Magistrates Courts entire workload. Applying this percentile to the 32 Prosecutors at Southport in 2014-2015,

this equates to 4.6 FTEs which, in turn, equates to approximately \$769,000 for that financial year. In addition, a number of Administration Officers would have undertaken domestic and family violence data entry activities. Currently, four AO3 officers are engaged in domestic and family violence data entry, equating to a cost of approximately \$259,000 for the 2014-15 financial year.

In regards to the 2015-16 and 2016-17 financial years, the staff costs of the Southport model are as follows:

- 1 PO5 Legal Officer
- 5.5 PO4 Legal Officers
- 4 AO3 Officers.

The Southport domestic and family violence Specialist Prosecution Corps has also had the benefit of one Senior Constable on a full-time basis (\$105,648). This Officer has engaged in assisting the prosecutorial workload and approach to domestic and family violence related matters, including but not limited to: preparation of court files; following up operational tasks or requirements (often at the request of one of the specialist magistrates); preparing and drafting applications and affidavits; sporadically undertaking data entry, including uploading and tasking of applications and orders; reviewing matters and engaging operational police with the view of identifying and resolving potential risks; and communicating with court staff and operational police with respect to progress of matters or general enquiries. Note that the cost of cost of conferencing and accelerated evidence procedures are not completely captured in the information provided below (nor are they completely reflected in the costs estimated for Legal Aid Queensland). These processes directly support court processes and contribute to the benefits realised from the trial.

Table H.12 outlines these costs for financial years 2014-15, 2015-16 and 2016-17.

**Table H.12: Queensland Police Service costs 2014-15, 2015-16 and 2016-17 (Southport) for prosecution services**

Role	2014-15	2015-16	2016-17
Prosecutors	\$769,000	\$880,460	\$880,460
Administration and police officers	\$259,000	274,540	274,540
Additional full-time Senior Constable	---	\$105,648	\$108,817
Total salaries	\$1,028,000	\$1,260,648	\$1,263,817
Supplies and services <sup>2</sup>	\$59,125 <sup>1</sup>	\$315,162 <sup>2</sup>	\$315,954 <sup>2</sup>
Total	\$1,087,125	\$1,575,810	\$1,579,771

Source: Derived from data provided by the Queensland Police Service.

Notes:

1. Figure provided by the Queensland Police Service.
2. Based on 25% of total salaries.

- **Ipswich**

Ipswich Magistrates Court deals with domestic and family violence matters in accordance with a 'traditional model'. Domestic and family violence civil applications are handled in separate proceedings to domestic and family violence contraventions or criminal charges which may be domestic and family violence related. Domestic and family violence matters are effectively spread across all magistrates and the Ipswich Police Prosecution Corps does not have dedicated prosecutors that deal solely with these matters.

The Ipswich Police Prosecutions Corps is staffed in accordance with the Service's current Prosecution Allocation Model, which allocates three prosecutors for every one magistrate. This model is currently under review as it is not meeting operational demands. Further, this model does not provide for stakeholder engagement – a key component of the integrated model practiced at Southport.

To estimate the cost of domestic and family violence matters of the Ipswich Magistrates Court to the Queensland Police Service for 2014-15, Department of Justice and Attorney-General proportions are used to apportion costs, with domestic and family violence matters representing approximately 16.6 per cent of the Ipswich Magistrates Courts entire workload. Applying this percentile to the 10 Prosecutors at Ipswich in 2014-2015, this equates to approximately 1.6 FTEs which, in turn, equates to approximately \$267,612 for that financial year. In addition, a number of Administration Officers would have undertaken domestic and family violence data entry activities. Utilising the information provided by Ipswich Prosecutions Corps that currently one AO3 spends the equivalent of 0.6 FTE and one AO2 spends the equivalent of 0.3 FTE on domestic and family violence data entry, we can derive a cost of approximately \$36,300.

For the 2015-16 financial year, employing the same approach as described above and the Department of Justice and Attorney-General data for the Ipswich Magistrates Court for the period 1 March 2016 to 31 August 2016, domestic and family violence matters represented approximately 17.8 per cent of the Ipswich Magistrates Courts entire workload. Applying this percentile to the 13 Prosecutors at Ipswich during 2015-2016, this equates to 2.3 FTEs which, in turn, equates to approximately \$393,300 for that financial year. In addition, a number of Administration Officers would have undertaken domestic and family violence data entry activities. Based on the information provided by Ipswich Prosecutions Corps that currently one AO3 spends the equivalent of 0.6 FTE and one AO2 spends the equivalent of 0.3 FTE on domestic and family violence data entry, we can estimate a cost of approximately \$49,700.

For the 2016-17 financial year, the figure of 17.8 per cent of Ipswich Magistrates Courts entire workload being attributed to domestic and family violence matters is again employed. Applying this percentile to the 14 Prosecutors at Ipswich, this equates to 2.5 FTEs which, in turn, equates to approximately \$436,745 per annum. In addition, a number of Administration Officers undertook domestic and family violence data entry activities. Information provided by Ipswich Prosecutions Corps reveals that currently one AO3 spends the equivalent of 0.6 FTE and one AO2 spends the equivalent of 0.3 FTE on domestic and family violence data entry.

Table H.13 outlines these costs for financial years 2014-15, 2015-16 and 2016-17.



**Table H.13: Queensland Police Service costs 2014-15, 2015-16 and 2016-17 (Ipswich)**

Role	2014-15	2015-16	2016-17
Prosecutors	\$267,612	\$393,300	\$436,745
Administration and police officers	\$36,300	\$49,700	\$56,800
Total salaries	\$303,912	\$443,000	\$493,545
Supplies and services <sup>1</sup>	\$75,978	\$110,750	\$123,386
Total	\$379,890	\$553,750	\$616,931

Source: Derived from data provided by the Queensland Police Service.

Note:

1. Based on 25% of total salaries.

## Domestic violence support services and perpetrator programs

In this section, the cost estimates on providing support services and perpetrator programs at both the Southport specialist court and the Ipswich Magistrates Court are reported. These services are provided by a range of providers and funded by various agencies including the Department of Justice and Attorney-General, the Department of Communities, Child Safety and Disability Services, and the Commonwealth Department of Social Services.

### • Southport

In the 2015-16 and 2016-17 financial years, funding provided to the Domestic Violence Prevention Centre court support workers is made up of base funding for court support at the Southport and Coolangatta Magistrates Courts on days domestic and family violence matters are heard, as well as additional funding received for the Southport specialist court trial (all figures presented in Table H.14 below are for Southport only). In the 2014-15 financial year only base funding was provided. The base funding covers 1.5 FTE (i.e. one team leader and 0.5 domestic violence prevention workers) for services related to the Southport court. The additional funding has been used to increase support for the Southport Court Support service. The Domestic Violence Prevention Centre currently provides this service five days a week from 8.30am until 4.30pm and later if required. The current staffing to support this service is:

- Court team manager (0.4FTE)
- Team leader (1 FTE)
- Domestic violence prevention worker (3 FTE)

Note that the funding provided to the Domestic Violence Prevention Centre for court support is only a small portion of the total amount provided by the Department of Communities, Child Safety and Disability Services to the Centre for domestic violence support services. An operational component of \$81,850 is used to meet the non-salary related costs of service delivery which, prior to November 2015 when the additional funding was received, were met from organisational resources (funded by the Department of Communities, Child Safety and Disability Services). Approximately 95 per cent of the domestic violence prevention worker's time is spent supporting women in civil matters; the remaining 5 per cent of time is spent supporting women who are facing criminal matters.

The Domestic Violence Prevention Centre is also funded to operate two Men's Domestic Violence Education and Intervention Programs per week on the Gold Coast. These are 27 week programs conducted in rolling participation format. All the funding to the Centre for perpetrator programs is used for associated staffing costs (i.e. 1 FTE Program Manager (\$110,000), facilitators engaged on a sessional basis (\$70,000), and supervision and training of facilitators (\$10,000). The costs do not include the Women's Advocate role which is funded separately by the Department of Communities, Child Safety and Disability Services. The costs of the venue, security and client supplies are met by Queensland Corrective Services. Costs of rent, phones, computers and vehicles are met from organisational funds resources (funded by the Department of Communities, Child Safety and Disability Services).

The Centacare Family and Relationship Service (Centacare) is funded to provide Men's Behaviour Change Programs and provision of information to respondents. For the financial year 2014-15, Centacare received \$275,613 from the Department of Communities, Child Safety and Disability Services as well as \$131,613 from the Department of Social Services. Centacare also provided in-kind support of \$35,895 to cover management and support services, including a wage contribution for a portion of the following positions:

- Regional Manager (7 hours fortnight)
- Regional Operations Manager (15 hours fortnight)
- Intake Practitioner (15 hours fortnight)

Total expenditure for 2014-15 was \$441,550, of which the proportion used for the Southport specialist court was approximately \$282,722 (100 per cent of the Department of Social Services funding and 88 per cent of the Department of Communities, Child Safety and Disability Services funding).

For the financial year 2015-16, Centacare received \$381,549 from the Department of Communities, Child Safety and Disability Services as well as \$133,656 from the Department of Social Services. Centacare also provided in-kind support of \$35,895 to cover management and support services. Total expenditure for 2015-16 was \$546,609, of which the proportion used for the Southport specialist court was approximately \$484,986 (100 per cent of the Department of Social Services funding and 88 per cent of the Department of Communities, Child Safety and Disability Services funding).

For the financial year 2016-17, Centacare received \$411,177 from the Department of Communities, Child Safety and Disability Services as well as \$135,660 from the Department of Social Services. Centacare also provided in-kind support of \$35,895 to cover management and support services. Total expenditure for 2015-16 was \$546,609, of which the proportion used for the Southport specialist court was approximately \$521,714 (100 per cent of the Department of Social Services funding and 81 per cent of the Department of Communities, Child Safety and Disability Services funding).

Table H.14 outlines the costs of running court support services and perpetrator programs at Southport specialist court for the financial years 2014-15, 2015-16 and 2016-17. Note that the costs of supplies and services are incorporated into the figures below and not calculated separately.

**Table H.14: Court support and perpetrator program costs 2014-15, 2015-16 and 2016-17 (Southport)**

Role	2014-15	2015-16	2016-17
Domestic Violence Prevention Centre court support workers	\$139,998	\$318,175 <sup>1</sup>	\$408,906 <sup>2</sup>
Court support (Helping out Families Program)	\$110,880	\$114,072	\$117,140
Domestic Violence Prevention Centre Perpetrators Program	\$181,119	\$186,335	\$191,347
Centacare Men's Behaviour Change Program and court assistance	\$282,722	\$484,986	\$521,714
Total	\$714,719	\$1,103,568	\$1,239,107

Source: Derived from data provided by the Department of Communities, Child Safety and Disability Services, the Gold Coast Domestic Violence Prevention Centre, the Helping out Families Program, the Domestic Violence Prevention Centre Perpetrators Program and Centacare's Men's Behaviour Change Program.

Notes:

1. Includes \$144,030 recurrent funding and \$174,145 additional trial-specific funding.
2. Includes \$147,906 recurrent funding and \$261,000 additional trial-specific funding.

• **Ipswich**

At the Ipswich Magistrates Court, court support for women is predominantly funded by the Department of Communities Child Safety and Disability Services and provided by the Domestic Violence Action Centre. The Department funds the Domestic Violence Action Centre to provide support at Ipswich, Gatton and Toogoolawah Magistrates Courts on days domestic and family violence matters are heard.

The Domestic Violence Action Centre has 1 FTE Court Advocate, who attends all the courts. The worker attends Ipswich every Monday most of the day and is available outside court hours to provide court information, application support and follow up support to women after court, including referring them internally or externally. The Centre allocates an additional 0.2 FTE to provide support at Ipswich Court on Mondays each week. The Centre is funded to support people who have court proceedings before the Magistrates Court in relation to domestic and family violence matters, but is unable to provide support at hearings or outside mention time. They do not attend children's court, family law courts or criminal courts at this stage. Supervision and support of workers is estimated as at least 0.1 FTE of the Team Leader position. The estimate of resources allocated to Ipswich Magistrates Court is based on a qualitative assessment.

The Domestic Violence Action Centre also reports that they take on a significant triage and administration role within the Ipswich Court, for both aggrieveds and respondents, including supporting the men's workers and volunteers in their role, and assisting the court and police prosecutions with keeping the list 'going'. This work involves 'directing traffic', an element of which is triage and can involve monitoring the waiting room and identifying any escalation. The Centre also plays a role in coordinating the response to domestic and family violence in the Ipswich region.

The Domestic Violence Action Centre has indicated that the cost of the court program at Ipswich is about \$2,592 per week (based on Court Advocate full time, 1 day per week domestic violence support, 1 day per week supervision). That is, approximately \$134,800 for the 2016-17 financial year. On this basis, the Centre estimates the proportion of their funding dedicated to domestic and family violence proceedings in the Ipswich Magistrates Court as 70 per cent. They also estimate that this has been consistent across previous financial years. Note that like at Southport, the funding provided to the Domestic Violence Prevention Centre for court support is only a small portion of the

total amount provided by the Department of Communities, Child Safety and Disability Services to the Centre for domestic violence support services.

The Department of Communities Child Safety and Disability Services also funds the Uniting Care Community's Men Stopping Violence Program. Uniting Care Community have used the percentage of referrals identified by them as relating to Ipswich domestic and family violence court proceedings to estimate the proportion of their funding utilised to support the Ipswich court domestic and family violence response. This includes referrals from probation and parole, courts, Voluntary Intervention Orders, child safety, prison ministry, the Queensland Police Service, solicitors and court support workers.

The Uniting Care Community advise that from 2014 to 2016, the Men Stopping Violence Program involved 1.2 FTE employees. This included two part time group facilitators and 0.2 FTE for a women's advocate position. The Program is a rolling group work program currently operating one evening per week. As a rolling program, participants can start at any time and complete the 16 week course. The service was awarded an additional \$200,000 per annum in September 2016. This will allow Uniting Care Community to provide the Program to approximately seven groups per annum. The increased funding will also be used to introduce perpetrator's court assistance work over three courts, including Ipswich. Note that Program referrals from probation and parole are currently closed as Uniting Care Community has an active holding list of 79 men (although they are still accepting Voluntary Intervention Orders). These referrals will reopen in light of the extra funding.

Victim Assist Queensland<sup>86</sup> has an AO5 Victim Coordination Officer based at the Ipswich courthouse. An estimate of the cost for this position is \$98,976. This role provides direct support to victims with high and complex needs where no other service is available, including support for victims of domestic and family violence (0.2 FTE). This support includes providing information, assisting with applications for financial assistance, providing emotional support in regards to court cases and supporting victims to write a Victim Impact Statement. A 1 FTE AO7 position supervises the Ipswich role. This role supervises 6 people and it is estimated that approximately 3 per cent of the total costs for the position (\$116,905) are required for the supervision role.

Victim Assist Queensland also funds the Court Network's Victim Support Unit to provide services at the Ipswich courthouse. Court Network is a not-for-profit organisation and the Victim Support Unit is based at the courthouse. Services provided at Ipswich court provide direct support to victims through the use of volunteers, including victims affected by domestic and family violence. Services can include providing information, assisting with application for financial assistance, providing emotional support in regard to court cases and supporting the victim to write a Victim Impact Statement.

Unfortunately Victim Assist Queensland does not currently record if the victims are a victim of domestic and family violence. However, the Victim Assist officer in Ipswich estimates that approximately 20 per cent of victims for both services would fall into this category. Domestic and family violence costs for the Victim Assist Queensland Victim Coordination Officer and the Victim Support Unit have been estimated on this basis. This is broadly in line with the 17.8 per cent identified by the Department of Justice and Attorney-General as the proportion of the Ipswich Court work related to domestic and family violence.

---

<sup>86</sup> This position does not exist at the Southport Magistrates Court.

Finally, the Department of Justice and Attorney-General provides some funding for the men's liaison/information role delivered by DV Connect each Monday. Total funding for DV Connect men's court support services in domestic and family violence matters between 2014 and 2017 was \$308,334, or just over \$100, 000 per annum. This funding is provided for services across four courts over seven outreach sessions each week. DV Connect has indicated that approximately \$20,000 of this funding supports the services provided at Ipswich each year. It is understood that DV Connect engages volunteers to further support the operation of this service.

Table H.15 outlines the costs of running court support services and perpetrator's programs at Ipswich Magistrates Court for the financial years 2014-15, 2015-16 and 2016-17. Note that the costs of supplies and services are incorporated into the figures below and not calculated separately.

**Table H.15: Court support and perpetrator program costs 2014-15, 2015-16 and 2016-17 (Ipswich)**

Role	2014-15	2015-16	2016-17
Domestic Violence Action Centre - Court Support Workers	\$129,650	\$133,385	\$136,972
Uniting Care Community - Men's Stopping Violence Program	\$59,181	\$89,943	\$259,994 <sup>1</sup>
Victim Assist Queensland – Victim Coordination Officer (AO5) <sup>2</sup>	\$19,795	\$20,389	\$21,001
Victim Assist Queensland - Victim Coordination Officer supervision <sup>3</sup> (AO7)	\$3,858	\$3,974	\$4,093
Court Network – Victim Support Unit <sup>4</sup>	\$8,245	\$8,496	\$8,722
DV Connect	\$20,000	\$20,600	\$21,218
Total	\$240,729	\$276,787	\$452,000

Source: Derived from data provided by the Department of Communities, Child Safety and Disability Services, the Domestic Violence Action Centre and Uniting Care Community.

Notes:

1. This figure includes perpetrator court assistance costs.
2. Based on a 0.2 FTE.
3. Based on a 0.03 FTE.
4. Based on a 0.2 FTE.

## Summary of costs

The summary of the costs of processing domestic and family violence related matters over the three financial years are presented in Tables H.16 and H.17 (for Southport) and Tables H.18 and H.19 (for Ipswich). Note again that as data on criminal offences committed in the context of domestic and family violence were not available for 2014-15, it is likely that the domestic and family violence workload is underestimated for the 2014-15 financial year.

**Table H.16: Summary of domestic and family violence related costs 2014-15, 2015-16 and 2016-17 (Southport)**

	2014-15	2015-16	2016-17
Department of Justice and Attorney-General – Courts	\$1,321,093	\$1,909,545	\$2,014,500
Department of Justice and Attorney-General – Queensland Corrective Services	\$11,859	\$324,715	\$387,581
Legal Aid Queensland <sup>1</sup>		\$628,218	\$812,808
Queensland Police Services	\$1,087,125	\$1,575,810	\$1,579,771
Support Services	\$714,719	\$1,103,568	\$1,239,107
Total	\$3,134,796	\$5,541,856	\$6,033,767

**Table H.17: Summary of per-activity domestic and family violence related costs 2014-15, 2015-16 and 2016-17 (Southport)**

	2014-15	2015-16	2016-17
Number of domestic and family violence related matters <sup>1,2</sup>	3,890	7,246	9,275
Department of Justice and Attorney-General – Courts	\$339.61	\$263.53	\$217.20
Department of Justice and Attorney-General – Queensland Corrective Services	\$3.05	\$44.81	\$41.79
Legal Aid Queensland	\$0.00	\$86.70	\$87.63
Queensland Police Services	\$279.47	\$217.47	\$170.33
Support Services	\$183.73	\$152.30	\$133.60
Total per activity	\$805.86	\$764.82	\$650.54

**Notes:**

1. These figures are taken from the information provided in Tables H.1 and H.3. For 2015-16, the figure is double that reported in H.3 (which was for six months only). For 2016-17, the figure is the 2015-16 figure plus an estimated 28% growth.
2. As noted by the Queensland Police Service, increases overtime may not be directly due to an associated increase in domestic violence offending behaviour – but more attributable to the manner in which the domestic violence charges were identified and finalised. Comparisons of activity loads across financial years, therefore, must be treated with caution.

**Table H.18: Summary of domestic and family violence related costs 2014-15, 2015-16 and 2016-17 (Ipswich)**

	2014-15	2015-16	2016-17
Department of Justice and Attorney-General – Courts	\$539,185	\$612,845	\$635,244
Department of Justice and Attorney-General – Queensland Corrective Services	\$11,859	\$12,215	\$12,581
Legal Aid Queensland <sup>1</sup>		\$47,610	\$61,276
Queensland Police Services	\$379,890	\$553,750	\$616,931
Support Services	\$240,729	\$276,787	\$452,000
Total	\$1,171,663	\$1,503,207	\$1,778,032

**Notes:**

1. Legal Aid Queensland costs for Ipswich do not include the costs associated with criminal law duty lawyer services related to domestic and family violence as this data is not available.

**Table H.19: Summary of per-activity domestic and family violence related costs 2014-15, 2015-16 and 2016-17 (Ipswich)**

	2014-15	2015-16	2016-17
Number of domestic and family violence related matters <sup>1,2</sup>	2,308	3,254	4,393
Department of Justice and Attorney-General – Courts	\$233.62	\$188.34	\$144.60
Department of Justice and Attorney-General – Queensland Corrective Services	\$5.14	\$3.75	\$2.86
Legal Aid Queensland <sup>3</sup>	\$0.00	\$14.63	\$13.95
Queensland Police Services	\$164.60	\$170.18	\$140.44
Support Services	\$104.30	\$85.06	\$102.89
Total per activity	\$507.65	\$461.96	\$404.74

Notes:

1. These figures are taken from the information provided in Tables H.2 and H.4. For 2015-16, the figure is double that reported in H.4 (which was for six months only). For 2016-17, the figure is the 2015-16 figure plus an estimated 35% growth.
2. As noted by the Queensland Police Service, increases overtime may not be directly due to an associated increase in domestic violence offending behaviour – but more attributable to the manner in which the domestic violence charges were identified and finalised. Comparisons of activity loads across financial years, therefore, must be treated with caution.
3. Legal Aid Queensland costs for Ipswich do not include the costs associated with criminal law duty lawyer services related to domestic and family violence as this data is not available.