



# Victims' voices: enforcement of domestic violence protection orders across borders

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# Presentation Outline

Background to research project

Research design

Key findings with a focus on victims' voices

Messages for research, policy and practice



# Background to study

'Improving legal and justice responses to violence against women' (4.1) was a research priority under [Australia's National Research Organisation for Women's Safety Limited](#) (ANROWS) Research Priorities 2014-15

The Queensland Centre for Domestic and Family Violence Research was commissioned to undertake the study with funding contributed by the Queensland Government.

Three justice-related themes underpinned the research:

- 1) enforcement of protection orders;
- 2) information sharing specific to protection orders; and
- 3) cross-border issues of enforcement of protection orders.



# Research Design

## 1. Literature Review

## 2. Online survey:

- 888 Professionals - police, magistrates, lawyers and victim advocates
- Nation-wide

## 3. Qualitative interviews (focused on cross border experiences)

- 20 victims
- 20 service providers
- Four jurisdictions - Queensland, New South Wales, Northern Territory and Victoria

# 1. Literature Review – key findings

ANROWS

AUSTRALIA'S NATIONAL RESEARCH  
ORGANISATION FOR WOMEN'S SAFETY  
*to Reduce Violence against Women & their Children*

## Landscapes

State of knowledge | December 2015

Domestic and family violence protection orders in Australia:  
An investigation of information sharing and enforcement:  
*State of knowledge paper*

Issue 16 | 2015

- The safety of victims was directly impacted by police and judicial decision-making and behaviours.
- The consequences of ineffective responses by professionals can be disempowering; re-victimising women and deterring them from reporting.
- Integrated responses, shared risk assessment, use of specialist courts, and good information-sharing contribute to more efficient and effective practice in the interests of improving victims' safety.
- Education and training in the dynamics of DFV needs to be available to all professions involved with enforcement of protection orders.



## 2. On-line survey – Perceptions of professionals

### **Agreement:**

- protection orders with standard conditions only kept victims safe sometimes.
- Responses to breaches and associated penalties were frequently not effective with perpetrators not taking breaches seriously.

### **Disagreement regarding:**

- Police and judiciary's understanding of DFV dynamics and consistency of actions and decisions.
- Disagreement over aiding and abetting clauses

### **Uncertainty**

- about ease of processes for victims crossing borders

### 3. Qualitative Interviews - Victims

#### **Rationale:**

- To rectify a gap in research to date regarding hearing from victims about their cross-border experience of protection orders.

#### **Service providers**

- Bridging another gap were interviews with front-line staff working with victims who cross borders.
- Included mid-way during the study.



# Legal dilemmas in crossing borders

*"I went... (through) three states, the hospital was in New South Wales, the hotel was in Queensland and I was from Victoria. So none of it relates, none of it has any connection. New South Wales can't computerise documents to Victoria. Victoria won't service interstate AVOs, they won't serve anything..."*

*..."One magistrate court's saying one thing, another one's saying something else. One state's saying this and that... come on, you know, you're not making us feel safer..."*

*"the New South Wales police do not consider they can breach the respondent for the stalking behaviour in Victoria because it does not constitute a breach of the Interim New South Wales Order. That" (Legal Service)*



# Onus on victims

- *I had to do it all. The interstate, stuff, there was not much help basically. I had legal aid but when I moved over here (Queensland) I couldn't get the funding for a video link by the time court came around from Western Australia...legal aid refused basically... and so the restraining order in Western Australia was dismissed because I couldn't appear in court."*
- *"There are no easily accessible information sharing protocols between agencies within states, let alone interstate..." (legal service)*



# When abuse isn't physical

“

- *And they said “don't bother coming down here unless it is really important. If it's just phone calls and things like that save it up over the week then come and see us and report it”. It didn't make me feel very good. It made me feel like what was going through was an inconvenience for everybody else.*
- *Truly they don't get it...by they I mean the police, the courts and just about everybody...when I'm on one side of the border and he's on the other and the breach is not physical. It doesn't have to be physical to be abuse you know.*

# When legislation is in conflict

## Susan's story

*Originally what I had been told is that if I had not left Frank when I did and if I had have continued having contact with him then Charlotte would have been taken off me by Child Protection because there would have been fears for her safety, having contact with him. But I leave him and then I'm required to let her have contact with him. And it just seems a little bit silly. It's counterintuitive because I'm trying to do the right thing by the law and keep my child safe and then the law is still telling me that until proven otherwise he can contact his children. And because he's been in gaol, the simple fact is that they (Family Law Court) will see it as rehabilitation, which it was not.*

- 15 years of violence
- 1 child
- Fled and lived interstate
- Jailed husband due to be released
- No Parenting Order
- Received advice husband can apply for a recovery order for daughter.
- Protection order due to be expire
- No breaches due to jail time.
- Concerned about safety.

# Potential for secondary victimisation

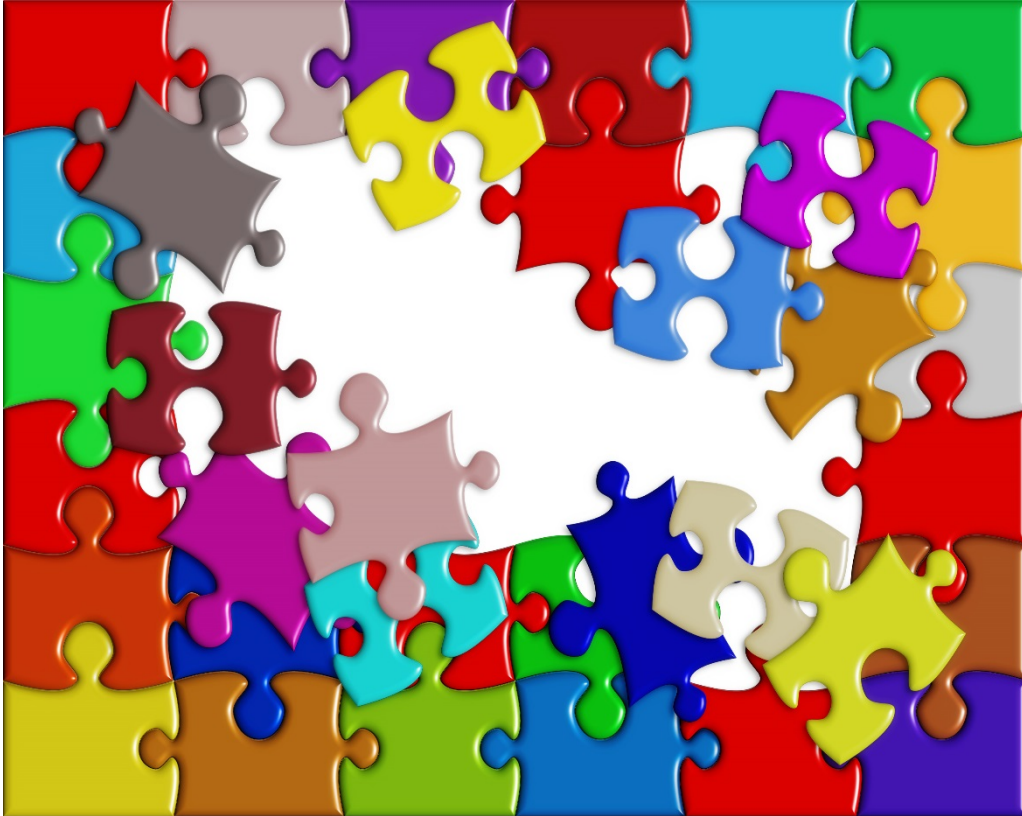
- *I still do weird things, even though we've moved and he doesn't know where we are – cos he's entitled to phone contact with our son so I still can't sleep and when I do I bite all the skin inside my mouth, like really badly.*
- *Cathy(child) doesn't like loud cars, she doesn't like men yelling, she has difficulty in being round men in general. She doesn't sleep well, she has night terrors. For awhile I couldn't go to the bathroom by myself, I couldn't have a shower, I couldn't walk out of her room or even get up out off the seat I was in. I'm away and he doesn't know where I am but the legal people said he has some rights so I wonder if it will ever be over.*
- *I've been diagnosed with post traumatic stress so at long last what's been happening has been explained. I'm not loony after all. You don't expect it after all this time but then the stalking, the having to renew orders and provide evidence to be believed...it doesn't stop.*

# Changes needed



- *“It should be a nationwide thing, so if you do have an AVO you don’t have to worry about putting in interstate and things like that, because a lot of people don’t even know that.”*
- *“You’ve got to tell your story over and over and over. Half the time it doesn’t even get listened to properly.”*

# Changes happening



- Integrated Responses a focus across Australia
- All jurisdictions committed to legislating for portability of protection orders.
- All jurisdictions committed to improved information-sharing both within and across jurisdictions.



# Messages for policy, practice and research



## **Practice**

Sufficient and appropriate resources need to support 'best practice' initiatives (integrated responses, specialist courts)  
Training and education for stakeholders working with victims and perpetrators.

## **Policy**

Maintain the commitment to legislative, reforms, information-sharing and integrated responses.

Need for policy and legislation change to be monitored for consistency in practice.

## **Further research:**

With victims, perpetrators and front-line staff to understand the impact of the system.

Investigating the nexus of Family law, DFV and child protection legislation and practice

# Queensland Centre for Domestic and Family Violence Research

Funded by



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