



### APPENDIX

## Apprehended Personal Violence Orders - A survey of NSW magistrates

You are invited to participate in a study of Apprehended Personal Violence Orders being conducted by the Bureau of Crime Statistics and Research. The aim of this study is to learn more about the nature of Apprehended Personal Violence Orders and the circumstances under which they are sought. All NSW magistrates and registrars have been asked to participate in this study.

If you would like to take part in this study, please complete this online questionnaire. This questionnaire should take no longer than 10 minutes to complete. The responses you provide will remain confidential and anonymous. No analysis will be able to identify individual respondents.

The results from this survey will be published as a Crime and Justice Bulletin by the Bureau of Crime Statistics and Research in 2012. If you would like to discuss any of the matters raised in this survey, please contact Dr Don Weatherburn, telephone (02) 92319190 or email [bcsr@agd.nsw.gov.au](mailto:bcsr@agd.nsw.gov.au).

### Demographic Information

#### 1. Approximately how many years have you been a magistrate in NSW?

#### 2. Is your age between:

 < 29 30-40 41-50 51-60 60+

#### 3. Are you:

 Male Female

#### 4. On average, what is the proportion of time you spend working in each jurisdiction?

Country (%)

Metropolitan (%)

#### 5. Over the last 12 months, what was the average amount of time (in hours) you spent on the bench each week?

#### 6. Over the last 12 months, what was the average amount of time (as a percentage) you spent on Apprehended Personal Violence Orders in comparison with other work on the bench?

## Apprehended Personal Violence Orders - A survey of NSW magistrates

### 7. In the last 12 months how often did you deal with Apprehended Personal Violence Order applications that were frivolous or vexatious in nature?

- Never
- Rarely - less than 10% of all applications
- Occasionally - between 10% and 29% of all applications
- Sometimes - between 30% and 49% of all applications
- Frequently - between 50% and 69% of all applications
- Usually - between 70% and 90% of all applications
- Almost always - more than 90% of all applications

The following questions ask about your experience with frivolous or vexatious Apprehended Personal Violence Orders (APVO) during the last 12 months. Please answer each question as accurately as possible.

The rating scale is as follows:

Never

Rarely - less than 10% of all applications

Occasionally - between 10% and 29% of all applications

Sometimes - between 30% and 49% of all applications

Frequently - between 50% and 69% of all applications

Usually - between 70% and 90% of all applications

Almost always - more than 90% of all applications

### 8. How often did the frivolous or vexatious APVO applications that you dealt with in the last 12 months involve:

	Never	Rarely	Occasionally	Sometimes	Frequently	Usually	Almost always
Allegations that were without substance and designed to harass, annoy or cause delay	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Trivial or insignificant matters	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Allegations of violence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A single act of harassment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Allegations of stalking or intimidation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## Apprehended Personal Violence Orders - A survey of NSW magistrates

### 9. How often did the frivolous or vexatious APVO applications that you dealt with in the last 12 months involve a dispute between the following parties:

	Never	Rarely	Occasionally	Sometimes	Frequently	Usually	Almost always
Acquaintances/former friends	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Neighbours	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
School children/school staff	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Housing authorities/tenants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Co-workers/business associates/customers or clients	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

### 10. How often did the frivolous or vexatious APVO applications that you dealt with in the last 12 months involve the following matters:

	Never	Rarely	Occasionally	Sometimes	Frequently	Usually	Almost always
School disputes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tenancy disputes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Work disputes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Neighbourhood disputes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Financial disputes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

### 11. How often did the frivolous or vexatious APVO applications that you dealt with in the last 12 months involve:

	Never	Rarely	Occasionally	Sometimes	Frequently	Usually	Almost always
Children (under 16 years)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other vulnerable groups (e.g. intellectually disabled persons)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public officers (e.g. police, sheriffs)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## Apprehended Personal Violence Orders - A survey of NSW magistrates

### 12. In the last 12 months, how often did you encounter multiple APVO applications or cross applications from the same parties?

- Never
- Rarely - less than 10% of applications
- Occasionally - between 10% and 29% of all applications
- Sometimes - between 30% and 49% of all applications
- Frequently - between 50% and 69% of all applications
- Usually - between 70% and 90% of all applications
- Almost always - more than 90% of applications

### 13. How often were these multiple or cross applications frivolous or vexatious in nature?

- Never
- Rarely - less than 10% of all applications
- Occasionally - between 10% and 29% of all applications
- Sometimes - between 30% and 49% of all applications
- Frequently - between 50% and 69% of all applications
- Usually - between 70% and 90% of all applications
- Almost always - more than 90% of all applications

### 14. In the last 12 months how often did you refer APVO applications to mediation (under s21 of the Crimes (Domestic and Personal Violence) Act 2007)?

- Never
- Rarely - less than 10% of all applications
- Occasionally - between 10% and 29% of all applications
- Sometimes - between 30% and 49% of all applications
- Frequently - between 50% and 69% of all applications
- Usually - between 70% and 90% of all applications
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## Apprehended Personal Violence Orders - A survey of NSW magistrates

### 15. What are the most common reasons for NOT referring APVO matters to mediation?

(more than one response can be selected)

- Disparity amongst parties in terms of bargaining power precludes mediation
- Application involves intimidation, stalking or harassment
- Application includes violence or a history of violence
- Lack of alternative dispute resolution services in the area
- Matter is of a trivial nature
- Parties have had previous unsuccessful attempts at mediation
- Parties (or a party) are unwilling to mediate
- Defendant is not contesting the action
- Other (please specify)

### 16. In your opinion, what are the major impediments to making a vexatious proceedings order under the Vexatious Proceedings Act (2008) in matters that involve Apprehended Personal Violence Orders?

## General Comments

### 17. Are there any other comments you would like to make in relation to Apprehended Personal Violence Orders?

## Apprehended Personal Violence Orders - A survey of NSW registrars

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### Demographic Information

#### 1. Approximately how many years have you been a registrar in NSW?

#### 2. Is your age between:

 <29

 30-40

 41-50

 51-60

 60+

#### 3. Are you:

 Male

 Female

#### 4. On average, what is the proportion of time you spend working in each jurisdiction?

Country (%)

Metropolitan (%)

#### 5. Over the last 12 months, what was the average amount of time (in hours) you spent on registrar work each week?

#### 6. Over the last 12 months, what was the average amount of time (as a percentage) you spent on Apprehended Personal Violence Orders in comparison with other registrar work?

## Apprehended Personal Violence Orders - A survey of NSW registrars

### 7. In the last 12 months how often did you deal with Apprehended Personal Violence Order applications that were frivolous or vexatious in nature?

- Never
- Rarely - less than 10% of all applications
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### 8. How often did the frivolous or vexatious APVO applications that you dealt with in the last 12 months involve:

	Never	Rarely	Occasionally	Sometimes	Frequently	Usually	Almost always
Trivial or insignificant matters	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Allegations of violence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Allegations that were without substance and designed to harass, annoy or cause delay	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A single act of harassment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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## Apprehended Personal Violence Orders - A survey of NSW registrars

### 9. How often did the frivolous or vexatious APVO applications that you dealt with in the last 12 months involve a dispute between the following parties:

	Never	Rarely	Occasionally	Sometimes	Frequently	Usually	Almost always
Neighbours	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Acquaintances/former friends	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Housing authorities/tenants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Co-workers/business associates/customers or clients	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
School children/school staff	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

### 10. How often did the frivolous or vexatious APVO applications that you dealt with in the last 12 months involve the following matters:

	Never	Rarely	Occasionally	Sometimes	Frequently	Usually	Almost always
Work disputes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Neighbourhood disputes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Financial disputes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
School disputes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tenancy disputes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

### 11. How often did the frivolous or vexatious APVO applications that you dealt with in the last 12 months involve:

	Never	Rarely	Occasionally	Sometimes	Frequently	Usually	Almost always
Children (under 16 years)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other vulnerable groups (e.g. intellectually disabled persons)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public officers (e.g. police, sheriffs)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



## Apprehended Personal Violence Orders - A survey of NSW registrars

### 12. In the last 12 months, how often did you encounter multiple APVO applications or cross applications from the same parties?

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### 13. How often were these multiple or cross applications frivolous or vexatious in nature?

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- Usually - between 70% and 90% of all applications
- Almost always - more than 90% of all applications

### 14. In the last 12 months, how often did people withdraw their application for an APVO after you explained the prospects of success and/or the consequences of an unsuccessful application?

- Never
- Rarely - less than 10% of all applications
- Occasionally - between 10% and 29% of all applications
- Sometimes - between 30% and 49% of all applications
- Frequently - between 50% and 69% of all applications
- Usually - between 70% and 90% of all applications
- Almost always - more than 90% of all applications

## Apprehended Personal Violence Orders - A survey of NSW registrars

### 15. In the last 12 months, how often did you use your discretion (under s53 of the Crimes (Domestic and Personal Violence) Act 2007) to refuse to issue process in APVO matters?

- Never  
 Rarely - less than 10% of all applications  
 Occasionally - between 10% and 29% of all applications  
 Sometimes - between 30% and 49% of all applications  
 Frequently - between 50% and 69% of all applications  
 Usually - between 70% and 90% of all applications  
 Almost always - more than 90% of all applications

### 16. In your opinion, what are the major impediments to the use of section 53 of the Crimes (Domestic and Personal Violence) Act (2007) in APVO matters?

(more than one response can be selected)

- Parties have had previous unsuccessful attempts at mediation  
 Lack of alternative dispute resolution services in the area  
 Application discloses allegations of harassment  
 Difficulty in determining whether complaint is frivolous, vexatious, without substance or has no reasonable prospects of success  
 Application discloses allegations of a personal violence offence, stalking or intimidation  
 Disparity amongst parties in terms of bargaining power precludes mediation  
 General unwillingness of parties to mediate  
 Police involved in application  
 Other (please specify)

## General Comments

### 17. Are there any other comments you would like to make in relation to Apprehended Personal Violence Orders?