

QUEENSLAND TREASURY

Applications for domestic violence orders in Queensland, 2008–09 to 2017–18

Crime research report

Queensland Government Statistician's Office

Queensland Treasury

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Research at a glance

Applications for domestic violence orders in Queensland

Data reported below relate to DVO applications or applications to vary made between 2008–09 and 2017–18 or compare 2008–09 with 2017–18.

Trends

- DVO applications and applications to vary increased when comparing 2008–09 with 2017–18

44% ↑

Number of DVO applications increased from 20,972 to 30,286

617% ↑

Number of applications to vary increased from 1,448 to 10,384

23% ↑

Rate of DVO applications increased from 648 to 795 per 100,000 adults

509% ↑

Rate of applications to vary increased from 45 to 273 per 100,000 adults

Changes in the number and rate of DVO applications coincided with amendments to legislation and the release of the *Not Now, Not Ever* report, and were mainly driven by applications lodged by the police.

Increases in applications to vary were impacted by the growing number of DVOs in operation, rises in the proportion of DVO applications sought to be varied, and increases in the average number of applications to vary per DVO application.

Characteristics

- Women and Aboriginal and Torres Strait Islander adults are overrepresented
- Most applications relate to intimate relationships
- Increased reporting of elder abuse possibly evident



74%

DVO applications with women listed as the aggrieved



78%

DVO applications involving intimate relationships

64% ↑

Rate of DVO applications involving family relationship grew from 122 to 200 per 100,000 adults

13% ↑

Rate of DVO applications involving intimate relationship grew from 523 to 592 per 100,000 adults

Aboriginal and Torres Strait Islander adults accounted for:

3%

of Queensland adult population

17%

of aggrieved listed on DVO applications

18%

of respondents listed on DVO applications



97%

of DVO applications in Aboriginal and Torres Strait Islander communities were lodged by police

Outcomes

- Most DVO applications result in a protection order being made by the court
- DVO applications lodged by police are more likely to result in a protection order



79%

of DVO applications resulted in a protection order



15%

of DVO applications were involved in cross-applications



48%

of DVO applications lodged by individuals resulted in a protection order



93%

of DVO applications lodged by police resulted in a protection order

1.0 Introduction

This report presents information on applications made for domestic violence orders (DVO) in Queensland and forms part of a larger research project called *Exploring domestic and family violence trends in Queensland* being undertaken by the Queensland Government Statistician's Office (QGSO).¹ This work involves the analysis of administrative data and has been undertaken given ongoing concern regarding domestic and family violence (DFV) in the community, and the heightened efforts made to reduce DFV through activities outlined in the Queensland Government's *Domestic and family violence prevention strategy 2016–2026* (DFV Prevention Strategy).² The DFV Prevention Strategy was informed by the 140 recommendations made in the *Not Now, Not Ever: Putting an end to domestic and family violence in Queensland* (*Not Now, Not Ever*) report which was released in February 2015.³ The vision of the DFV Prevention Strategy is a Queensland free from domestic and family violence with the primary long term outcome that all Queenslanders feel safe in their own homes and children can grow and develop in safe and secure environments. The underpinning elements of the Strategy are:

1. a significant shift in community attitudes and behaviours
2. an integrated response system that delivers the services and support that victims and perpetrators need
3. a stronger justice system response that will prioritise victim safety and hold perpetrators to account (Queensland Government 2016a).

The report commences by providing background and methodological information to contextualise the research findings that are subsequently presented and discussed.⁴

¹ Other reports related to this project include *Domestic and family violence calls for police service* (QGSO 2021a), *Summary of criminal justice reforms relating to domestic and family violence, 2015–early 2020* (QGSO 2021b) and *Cross applications for domestic violence orders in Queensland, 2008–09 to 2017–18* (QGSO 2021c).

² Current activities relating to Queensland's *Domestic and family violence prevention strategy: 2016–2026* are available in the *Third Action Plan of the Domestic and family violence prevention strategy: 2019–2020 to 2021–22*.

³ The *Not Now, Not Ever* report was prepared by the Special Taskforce on Domestic and Family Violence in Queensland (2015). The taskforce was established in September 2014 after statistics showed that more than 66,000 DFV incidents were reported to police in 2013–14 and 17 DFV-related homicides had been recorded in 2012–13 (Queensland Government 2017a).

⁴ The information presented in this report may vary from data published elsewhere by QGSO and others, due to data extraction dates and counting rules. Readers are therefore urged to exercise caution when making comparison between publications.

2.0 Background

Applications for a DVO made by or for adults form the focus of the research presented in this report. This section therefore includes a brief description of DVOs (including how it is applied for and how it can be varied) as prescribed in current legislation, before providing information on recent reform activity relevant to DVOs and DFV more broadly. The section then concludes with the key research questions underpinning analyses shown in the report.

2.1. Domestic violence orders

Queensland's law and justice system has mechanisms in place to respond to DFV in the community. This includes the use of protection orders and temporary protection orders, collectively known as DVOs, which outline a set of behaviours (conditions) that people subject to DVOs must comply with. The central purpose of a DVO is to protect the person/people listed on the order (aggrieved and other named persons⁵) from further DFV caused by the person who has committed DFV (respondent) listed on the order.⁶ In Queensland, a protection order is generally active for five years, although the courts can use their discretion to shorten or extend the length of their operating period (Queensland Government 2018).⁷ In certain circumstances, a temporary protection order will operate until the court can finalise its decision regarding the DVO application.

A DVO is a civil order, and therefore does not appear on a person's criminal history. However, it is a criminal offence to breach the conditions set out in a DVO.⁸ Standard conditions on DVOs include:

- being of good behaviour toward the aggrieved or any named person (listed on the order)
- not committing violence towards the aggrieved or any named person
- not having any weapons or a weapons licence.

The court may also decide to add further conditions, such as:

- not contacting the aggrieved in any way (including by phone, SMS or social media)
- not approaching or coming within a certain distance of the aggrieved (Queensland Government 2018).

DVOs are imposed by the courts, generally following applications made by individuals (private DVO application) or the police (police DVO application).⁹ Private DVO applications are made by the aggrieved (either personally or through a lawyer, friend or family member) and lodged directly with a Magistrates Court (Queensland Government 2017b). Police DVO applications are made on behalf of the aggrieved and are generally initiated following a call for police assistance regarding DFV. The terms of DVOs may be varied through an application to vary submitted for consideration by the court.¹⁰ A court may also make or vary a DVO on its own initiative (without application) as part of a criminal or child protection proceeding.

Police are able to issue a police protection notice (PPN) or make an application for a DVO if they reasonably believe that DFV has been committed and a person and/or their property is at risk. A PPN offers immediate protection to a victim and is taken to be an application for a DVO to be heard by the court and can include 'cool-down', 'no contact' and/or 'ouster' conditions.¹¹ When responding to DFV, police also have the power to pursue criminal charges if there is evidence that a

⁵ Named persons may include a relative or associate of the aggrieved, or a child who usually resides with the aggrieved.

⁶ A meta-analysis examining the effectiveness of protection orders found a small, but significant, reduction in DFV associated with the use of protection orders (Dowling et. al., 2018). Their use appeared to be more effective when the victim had fewer ties with, and less dependence on, the perpetrator; and less effective for perpetrators with a history of crime, violence and mental health issues (Dowling et. al. 2018).

⁷ Analyses presented in this report relate to DVO applications made between 2008–09 and 2017–18. Prior to June 2017, legislative provisions meant that protection orders were generally active for two years.

⁸ The maximum penalty for breaching a DVO the first time is three years; the maximum penalty for breaching the same DVO a second time within five years of its activation is five years (Queensland Government 2018).

⁹ In certain circumstances a temporary DVO may be sought by police or issued by the court to immediately protect a victim of DFV. Temporary DVOs operate until the next court hearing date.

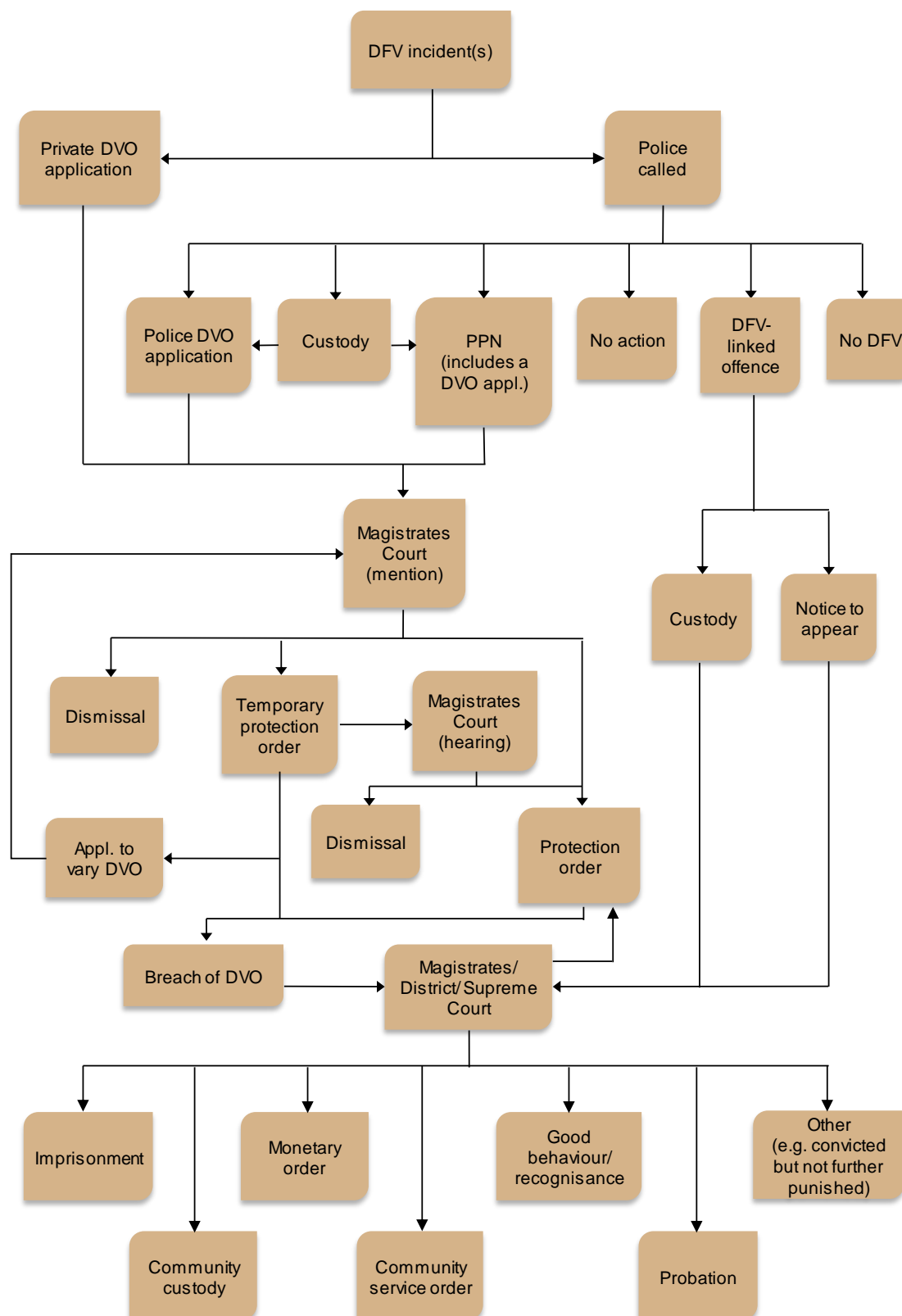
¹⁰ The terms of a DVO include its length, conditions and listed person(s) requiring protection. An application to vary may be made by individuals, police or the court and may be submitted before or after a DVO is imposed.

¹¹ A 'cool-down' condition operates for 24 hours and prevents the respondent from contacting the aggrieved or a named person and entering or coming within a certain distance of the premises stated on the PPN. A 'no contact' condition operates until the court date which must be within five days of the issuing of the PPN and requires the respondent to not approach or attempt to approach within a stated distance of the aggrieved or a named person, nor to contact the aggrieved/named person in any way, including by phone, SMS or social media, and to not ask someone else (except for their lawyer) to contact the aggrieved/named person on the respondent's behalf. An 'ouster' condition means that the respondent must leave the home they share with the aggrieved (*Domestic and Family Violence Protection Act 2012* (Qld)).

DVO has been breached or the acts of DFV amount to criminal offences (such as assault or non-fatal choking, property damage, suffocation or strangulation in a domestic setting) (Queensland Police Service (QPS) 2020).

Figure 1 summarises how a DFV incident may progress through the law and justice system and result in a DVO. This depiction is broadly indicative of the typical process and does not capture all the possible pathways.

Figure 1 Key processes involved in making application for a domestic violence order in Queensland



2.2. A context of reform

The interpretation of the DVO application trends described in this report is assisted through an understanding of how law and justice responses to DFV have changed over time, and information on other key review and reform activities relating to DFV. In particular, there has been considerable legislative change relating to DFV, and the *Not Now, Not Ever* report released in 2015 recommended and coincided with substantial practice and legislative reform, raised public awareness and the expansion of specialised support relating to DFV. Key review and reform initiatives are described in further detail below.

2.2.1. Special taskforce review of domestic and family violence

A special taskforce was established in 2014 to investigate DFV in Queensland. This taskforce was established after statistics showed continued rises in the number of reported DFV incidents and growing attention given to DFV-related homicides which highlighted the ongoing prevalence and impacts of DFV, despite ongoing efforts to reduce its incidence in the community (The Special Taskforce on Domestic and Family Violence in Queensland 2015). The taskforce report, *Not Now, Not Ever*, included 140 recommendations framed by three themes: “changing culture and attitudes, implementing an integrated service response and improving the law and justice system” (Queensland Government 2016a, p. 7). These themes and the recommendations made by the taskforce are reflected in Queensland’s DFV Prevention Strategy and related activities.

2.2.2. Legislative reform activities

A range of legislative initiatives has been implemented in Queensland over time to help address DFV in the community. This includes the introduction of stand-alone legislation, the *Domestic Violence (Family Protection) Act 1989*, following recommendations made by a DFV taskforce established in 1988 (The Special Taskforce on Domestic and Family Violence in Queensland 2015), which was later repealed by the passing of the *Domestic and Family Violence Protection Act 2012* (the Act). The Act has since been amended numerous times, most notably through the *Domestic and Family Violence Protection and Another Act Amendment Act 2015* (the 2015 Amendment Act) and the *Domestic and Family Violence Protection and Other Legislation Amendment Act 2016* (the 2016 Amendment Act) which incorporated recommendations made in the *Not Now, Not Ever* report. Key legislative changes prescribed in the Act and Amendment Acts relevant to discussions in this report are described in more detail below.

The key objectives of the Act were to place greater responsibility for the use of violence on the perpetrators of DFV, support the safety and wellbeing of DFV victims, ensure the appropriate use of cross applications¹² and reflect contemporary understandings of DFV (The Special Taskforce on Domestic and Family Violence in Queensland 2015). This was achieved in part by:

- placing an obligation on police to investigate DFV and take appropriate action, along with recording reasons for not taking any action
- enabling police to issue PPNs in more circumstances to allow for immediate protection for DFV victims, and for these to be automatically considered an application for a DVO
- prohibiting police from issuing a second PPN in circumstances where they are unable to identify the person who needs protection to reduce the prevalence of inappropriate cross applications¹³
- increasing penalties for breaching DVO
- changing the definition of what constitutes DFV to acknowledge that it can include emotional, psychological, sexual, economic, or other threatening or manipulative behaviour (Queensland Parliament 2012).

The legislative changes made via the 2015 Amendment Act and 2016 Amendment Act are part of Queensland’s broader DFV Prevention Strategy and aimed to provide DFV victims with earlier, and more tailored protection, place DFV victim safety at the centre of justice responses, support the mutual recognition of DVOs in other Australian jurisdictions and hold DFV perpetrators more accountable for their behaviour, while supporting their rehabilitation (Queensland Government 2016b).

The 2015 Amendment Act effected changes that require the court to a) hear cross applications together to ensure that the person most at risk of DFV is identified and protected and b) consider ‘ouster’ conditions (for respondents listed on DVO

¹² A cross application takes place when two people in a domestic or family relationship apply for a DVO against each other.

¹³ The intent of this change was supported further by the *Domestic and Family Violence Protection and Another Act Amendment Act 2015* which prescribed that courts are to hear cross applications at the same time to ensure the person most at risk from DFV is identified and protected. Police policy also guided the involvement of a senior officer in decisions regarding cross applications.

applications) when making a DVO. It also provided a legislative mechanism to ensure that the views and wishes of people who fear or experience DFV are sought (where appropriate and practicable) before a decision impacting them is made under the Act.

The 2016 Amendment Act changed the default life of DVOs from a minimum of two years to five years, unless the court is satisfied that there are reasons for a shorter order. Legislative amendments also mean that the court is now required to consider a) if additional DVO conditions are necessary; b) any relevant family law order and c) any respondent non-compliance with an intervention order when making or varying a DVO (Queensland Government 2016b).

The 2016 Amendment Act also expanded options available to police to provide support to DFV victims. Legislative amendments mean that:

- police are required to consider what action is necessary to provide DFV victims with protection until a court can hear a DVO application
- police are enabled to direct a respondent to an appropriate place to issue or serve a PPN (it is an offence to not comply with this direction)
- police are empowered to refer victims and perpetrators to specialist DFV service providers, without their consent, in situations where there is a threat to a person's life, health or safety, or if the person has committed DFV
- the types of conditions that can be included in PPNs have expanded (such as excluding a perpetrator from the family home and/or preventing them contacting the victim or their children until a court hearing, unless there is a family law order in place permitting contact)
- the maximum penalty for breaching a PPN has increased from two years to three years to be consistent with penalties associated with breaching a DVO (Queensland Government 2016b).

Most of the changes implemented via the 2016 Amendment Act came into effect in May 2017.

Other legislative changes relating to DFV were also made following recommendations made in the *Not Now, Not Ever* report. For example, the *Criminal Law (Domestic Violence) Amendment Act 2015* effected changes to the Criminal Code and the *Penalties and Sentences Act 1992* and introduced more severe penalties for breaching DVO. It also provided for victims of DFV to be automatically treated as 'special' or 'protected' witnesses during criminal proceedings to assist reduce the trauma of giving evidence against alleged perpetrators of DFV. The *Criminal Law (Domestic Violence) Amendment Act 2016* introduced non-fatal strangulation (choking, suffocation or strangulation) in a domestic setting as a new offence under the Criminal Code (with a maximum penalty of seven years imprisonment) and changed the Penalties and Sentences Act so that DFV is considered as an aggravating factor when sentencing for criminal offences.

2.2.3. Other recent reforms

The implementation of other activities outlined in Queensland's DFV Prevention Strategy could also potentially impact the use of DVOs. This includes changes to law and justice practice, the provision of increased support to DFV victims, and the roll-out of public awareness campaigns. Some of the key reform activities are described below, which occur among other initiatives led by local and federal government.

Practice reform

Some of the initiatives developed in response to the *Not Now, Not Ever* report included practice reform, including the establishment of specialised roles and units, the delivery of training, and the review of relevant reference materials. For example, the QPS established and reinstated specialised positions to support cultural change and facilitate coordinated DFV efforts (Queensland Government 2017c). A training package for police was also deployed across the state with the aim of equipping police with the information and skills required to respond and investigate DFV (Queensland Government 2017d).¹⁴

Efforts have also been made to support people in the navigation of court proceedings. This includes enhancing public awareness of DFV-related court processes through a series of videos in different languages, and the development of a new online form that guides people through the process of applying for a DVO (Queensland Courts 2017). Courts and registry staff are now also required to complete mandatory DFV-related training (Queensland Courts 2017), and the recently developed *Good practice resource for domestic and family violence court support workers* sets out role responsibilities and guidelines for court support workers (Queensland Government 2019a).

¹⁴ This training also focussed on responding to people with mental health issues.

Raised public awareness and specialised support

Other initiatives were introduced to raise public awareness of DFV and provide enhanced support to DFV victims and perpetrators. Public awareness campaigns included state-wide education campaigns that provided information on what behaviour constitutes DFV (including elder abuse) and promoted bystander intervention of DFV (Queensland Government 2017e). The Respectful Relationships education program was implemented in schools and early childhood settings, and some workplaces raised awareness of DFV through participation in the White Ribbon Accreditation Program or the adapted use of a workplace DFV package (Queensland Government 2017e).

Some of the ways in which specialised support was expanded includes:

- the provision of additional funding to DFV support services, including court-based support for victims and perpetrators, crisis shelters, counselling services and DFV perpetrator intervention programs
- increases to the number of DFV duty lawyers through Legal Aid Queensland
- the establishment of additional specialist DFV courts at Beenleigh, Townsville, Mount Isa and Palm Island following a successful trial at Southport
- the introduction of DFV high risk teams responsible for coordinating service delivery efforts made by police, health, corrections and other DFV services (Queensland Government 2017c).

Government actions aimed at reducing DFV in Aboriginal and Torres Strait Islander communities are set out in *Queensland's framework for action: Reshaping our approach to Aboriginal and Torres Strait Islander domestic and family violence* (Queensland Government 2019b). These actions are underpinned by strategies that aim to work in partnership with Aboriginal and Torres Strait Islander communities, deliver programs and wrap-around services that are trauma-informed and culturally appropriate, prioritise community-controlled organisations in the delivery of DFV services, and improve monitoring and evaluation activities.

The information summarised above provides a short description of reform activities that could contribute to an increased use of DVOs through multiple mechanisms. These include an increased awareness of DFV, more effective and efficient DVO application processes, a more knowledgeable and supportive law and justice system and an expanded social services sector. Further information about DFV initiatives relating to the law and justice system is available in the *Summary of criminal justice reforms relating to domestic and family violence, 2015–early 2020* (QGSO 2021b).

2.3. Research objectives

The central purpose of the research described in this report is to provide trended information on applications for DVOs made by or for adults to support ongoing monitoring of justice activities related to DFV.

The key research questions explored in this report are:

- How many DVO applications and applications to vary have been made in Queensland, and has this changed over time?
- What are the characteristics of DVO applications and applications to vary?
- What are the outcomes of DVO applications?
- Did changes in DVO applications and applications to vary coincide with system reform?
- Is there any evidence of growing elder abuse in DVO applications?¹⁵

¹⁵ A focus on elder abuse follows consultation with the Department of Child Safety, Youth and Women which raised particular interest in identifying possible measures of elder abuse. Elders may experience various forms of abuse in domestic, family or carer relationships. While elders may be abused by their partners, they can also be abused by adult children and grandchildren, other family members, or carers (Bartels 2010). Also, the form of abuse experienced by elders may involve economic or financial abuse, rather than that of a physical, psychological, or sexual nature (Bartels 2010; State of Victoria 2016; The Special Taskforce on Domestic and Family Violence in Queensland 2015).

3.0 Research approach

This chapter describes the data and approach used to address the project's key research questions. It commences with a description of the data and how it was processed, which is followed by a discussion of the data issues and limitations to be considered when interpreting research findings.

3.1. Data description

Administrative data from the Department of Justice and Attorney-General (DJAG) form the basis of research findings presented in this report. These data relate to cases involving DVO applications lodged in Queensland courts from 1 July 2008 to 30 June 2018 (the analysis period).¹⁶ They were extracted from the Queensland Wide Inter-linked Courts (QWIC) system on 21 January 2019.

The types of DFV-related applications included in the project's scope relate to lodgements to a court requesting a) the imposition of a DVO and b) applications made to vary a DVO. The categorisation of DFV-related applications was undertaken in consultation with DJAG. A DVO application may result in a temporary protection order, a temporary order before the imposition of a protection order, or a protection order. DVO applications may also be withdrawn by applicants or dismissed by the court.

For the purpose of this report, a *DVO application* is referring to the initial DVO application made by an individual or the police, while *applications to vary* is referring to an application to vary the terms set out in the DVO. References to *all applications* includes both DVO applications and applications to vary. *Police DVO applications* are those initiated by the police on behalf of individuals (including PPNs) and *private DVO applications* are those applications made by individuals or people representing individuals (such as a lawyer, friend or family member).

Some types of DFV-related applications were excluded from the dataset analysed as part of the project. These include:

- 'Other' types of DFV-related applications that were not categorised as DVO applications and applications to vary. 'Other' types of applications included applications to revoke and requests for subpoenas and accounted for 2.4% of total DFV-related applications.¹⁷
- Applications relating to people aged under 18 years listed as the aggrieved and/or respondent on the application.¹⁸

Other exclusions relating to specific analyses are noted beneath applicable charts and/or addressed in related text.

3.2. Data analyses

Information on all application trends and characteristics was developed using descriptive statistics. DVO applications and applications to vary represent the unit of analysis, rather than cases, people or DVOs.¹⁹ The ways in which descriptive statistics were calculated are outlined below.

3.2.1. Rate calculations

Trended information is reported by the number and rate of all applications across the analysis period. This enables the monitoring of trends in a way that accounts for population changes across different demographic groups and locations.

The rates presented in this research report are expressed as rates per 100,000 adults for the relevant population subgroups. These subgroups include gender, Aboriginal and Torres Strait Islander people status, age and Remoteness

¹⁶ Nearly all (99.9%) DVO applications made between 2008–09 and 2017–18 were lodged at a Magistrates Court.

¹⁷ DVO applications accounted for 79.4% of total DFV-related applications over the analysis period, while applications to vary accounted for 18.3%.

¹⁸ The number of DVO applications relating to people aged under 18 years is relatively small (less than one percent).

¹⁹ A DVO application involves two people (the aggrieved and respondent) and a DVO application case may involve multiple court hearings.

Area and relied on estimated resident population (ERP) figures from the Australian Bureau of Statistics (ABS).²⁰ Given the exclusion of persons under 18 years of age, only ERP figures for those aged 18 years and older within each population subgroup were used in relevant rate calculations (ABS 2018a, 2019a, 2019b, 2019c).²¹

3.2.2. Location analyses

The project involved examining the distribution of DVO applications in relation to the location of the court where they were lodged. The ABS Remoteness Areas Structure (ABS 2018a) was used to categorise court locations.

The ABS Remoteness Areas Structure (RA Structure) classifies locations into five remoteness areas using measures of relative access to services. The five classes of remoteness under the RA Structure are:

- Major cities of Australia (Queensland examples include Brisbane and Southport)
- Inner regional Australia (e.g. Toowoomba and Bundaberg)
- Outer regional Australia (e.g. Cairns and Townsville)
- Remote Australia (e.g. Mount Isa and Palm Island)
- Very remote Australia (e.g. Charleville and Mornington Island).

Due to data limitations, it was necessary to use the court's location to attribute applications to a remoteness area, rather than the usual place of residence of individuals listed on applications. The attribution of remoteness area to court location required some data manipulation given that there were circumstances where courts were in places that contain a statistical area level 1 (SA1)²² with more than one remoteness area attribution.

The ABS does not release ERP by single year of age for remoteness areas, therefore the necessary ERPs were calculated using the aggregated ERP figures from the SA1 components from which remoteness areas are constructed.

3.2.2.1. Remoteness area rate ratio

A rate ratio was calculated to compare the rate of DVO applications in each remoteness area category with the Queensland total. This rate ratio was calculated by dividing the rate of DVO applications per 100,000 adults for each remoteness area category by the rate per 100,000 adults for the total Queensland population. A rate ratio of one indicates that the DVO application rate for the remoteness area category is the same as that for the entire Queensland adult population, while a ratio greater than one indicates that the DVO application rate for the remoteness area category is greater than that for the total state.

3.2.3. Application outcomes

The project involved examining if DVO applications resulted in orders being made. Given that it is possible for a DVO application to result in a temporary protection order before a protection order is made, an 'if-ever' approach was taken to the analysis of the DVO outcome data. To operationalise this, two binary yes/no variables were created, one indicating whether the application ever resulted in a temporary protection order and the other indicating whether the application ever resulted in a protection order being made. Application outcomes therefore include 'temporary protection order only', 'temporary protection order to protection order', 'protection order only' and 'no order made'.

3.2.4. Cross applications

A cross application takes place when two people in a domestic or family relationship apply for a DVO against each other. For the purposes of this report, DVO applications were considered cross applications where the aggrieved listed on an originating application was alternately named as the respondent on a separate application made within six months of the originating application, including applications made on the same day.²³ That is, the same two people have been listed as

²⁰ Rates were calculated using midpoint ERPs for each subgroup given analyses were undertaken in relation to financial, rather than calendar years. Midpoint ERP figures were derived by averaging ERP figures as at 30 June for the years included in a given financial year. For example, to obtain a midpoint ERP for the 2017–18 financial year, 30 June ERP figures for 2017 and 2018 calendar years were averaged.

²¹ Single year of age population estimates for Queensland are sourced from ABS 3101.0, *Australian Demographic Statistics*. Single year of age population estimates for Aboriginal and Torres Strait Islander Australians were obtained from unpublished data from ABS 3238.0, *Estimates and Projections, Aboriginal and Torres Strait Islanders Australians, 2006 to 2031*. Single year of age estimates by remoteness area were obtained from unpublished data from ABS 3235.0, *Regional Population by Age and Sex, Australia 2018*.

²² SA1s are small geographic areas defined by the ABS that typically contain between 200 and 800 persons and aim to distinguish between areas within Suburb and Locality boundaries that have different geographic characteristics.

²³ Applications to vary were excluded from cross-application analyses.

both an aggrieved and respondent on DVO applications lodged within a six-month window.²⁴ Both DVO applications from an identified pairing of alternate aggrieved and respondent identified on DVO applications were included in the analyses.

Because cross applications require the identification of unique pairs of individuals, applications that were missing unique person identifiers (person IDs) for either the aggrieved or respondent (28,917 or 11.2% of DVO applications) were excluded from these analyses. The spread of missing person IDs did not show any evidence of concentration within a particular year, or within any population subgroup.

3.3. Data issues and limitations

There are data issues and limitations to be considered in the interpretation of findings presented in this report. These include:

1. Many factors contribute to changes in all DVO applications trends, and this report does not attempt to attribute any observed changes to specific reform activity (see section 2.2 for some of the key reform activities potentially contributing to changes in all DVO application trends).
2. The actual incidence of DFV is underrepresented in administrative data maintained by government and non-government agencies due to the underreporting of DFV incidents.²⁵ Although DFV is underreported, administrative data serves as an important indicator of DFV trends and its analysis supports an understanding of how the DFV protection system is engaging with reported DFV incidents.
3. There are instances where a DVO can be issued by the court on its own initiative during criminal and child protection proceedings. While these orders are not explicitly identified as being lodged by the court in the findings presented in this report, they are included in DVO application counts (as being lodged by police or privately depending on the circumstances of matters heard by the court). Court-initiated applications (that is, where the court has made a DVO on its own initiative, the court has, for the purposes of the analysis, "initiated" an application) accounted for 0.4% of DVO applications lodged between 2008–09 and 2017–18.
4. The data presented in this report is likely to undercount the representation of Aboriginal and Torres Strait Islander people involved in DVO applications. This is because there is variation in a person's willingness to provide information regarding Aboriginal and/or Torres Strait Islander identity when making a DVO application and applications can be lodged by persons other than those named on the application and not accurately record information regarding Indigeneity.
5. Analyses relating to family relationships (where one person is a relative of the other²⁶) was unable to be further broken down by specific relationship types (such as parent, sibling, grandchild, aunt, cousin) as this level of detail was not available in the dataset. This data limitation has impacted the types of analyses that were able to be performed, particularly in regard to exploration of elder abuse.
6. While people are guided to lodge DVO applications and applications to vary at their nearest court, it is possible to lodge a DVO application or application to vary in a court in a location that is not close to a respondent or aggrieved person's usual place of residence.
7. There are a small number of instances where an application to vary a DVO relates to an order imposed in another Australian jurisdiction. In such cases, the application for the related DVO is not recorded on QWIC and is therefore not included in DVO application counts. This will not affect the key messages of research findings presented in this report.
8. The project only observes information in relation to adults and does not explore adolescent DFV.
9. A person's age in this report refers to the age of the individual on the date the DVO application was made.
10. All applications are associated with at least two individuals – an aggrieved and a respondent. There are cases where analyses are presented in relation to information regarding only the aggrieved.

²⁴ It is possible for people to have been involved in more than one cross-application pair over the reference period.

²⁵ The 2016 ABS Personal Safety Survey found that over two thirds of surveyed Australians who reported having ever lived with a partner, and who had experienced partner violence (sexual or physical assault or threat) since the age of 15, reported that they had not contacted police about the experience (ABS 2017).

²⁶ Family relationships, besides relating to people connected by blood or marriage, also include those where persons regard themselves as relatives of each other in a wider concept than is ordinarily understood, for example, with Aboriginal and Torres Strait Islander peoples.

11. Legislative amendments in 2017 increased the default operating period of a DVO from two to five years. These legislative changes have not impacted the results discussed in this report given that that analysis period ends in 2017–18.
12. Data presented in this report may differ from those published elsewhere by the Queensland Government Statistician's Office and others, due to differences in counting rules applied and data extraction dates.

4.0 Research findings

The central aim of the *Applications for domestic violence orders in Queensland* research project was to understand the key characteristics of DVO applications and applications to vary and how they may have changed over time. The research findings described in more detail in this chapter showed that:

- there has been an overall increase in the number and rate of DVO applications and applications to vary made in Queensland
- much of the recent growth in DVO applications was driven by the police responding to DFV
- multiple factors contributed to increases in applications to vary
- women were more commonly listed as the aggrieved on DVO applications
- Aboriginal and Torres Strait Islander people were overrepresented as respondent and aggrieved on DVO applications
- most DVO applications resulted in a DVO being made by the court
- about fifteen per cent of DVO applications are cross applications
- there is some potential evidence to suggest increases in reported elder abuse.

Increases in the number and rate of DVO applications are possibly explained by a complex interplay between legislative reform, changes to police responses to DFV, the prevalence of DFV in the community and an increased willingness of people to report DFV incidents. In particular, it was observed that the number and rate of DVO applications experienced an upward trend after the introduction of legislation that prescribed more active involvement of police in DFV matters in 2012 and grew considerably around the release of the *Not Now, Not Ever* report in 2015 which recommended and coincided with practice and legislative reform, raised public awareness, and specialised support relating to DFV (see section 2.2.3).

In this report, a *DVO application* is referring to the initial DVO application made by individuals or police, while *applications to vary* is referring to an application to vary conditions set out in the DVO. References to *all applications* includes both DVO applications and applications to vary.²⁷ *Police DVO applications* are those initiated by police on behalf of individuals and *private DVO applications* are those applications made by individuals or people representing individuals (such as a lawyer, friend or family member).

4.1. DVO applications

The following section explores DVO application trends in relation to lodgement source, gender of the listed aggrieved, Aboriginal and Torres Strait Islander people representation, age of aggrieved and respondent, the relationship between aggrieved and respondent on DVO applications, and the location where DVO applications are lodged.

4.1.1. DVO applications have increased

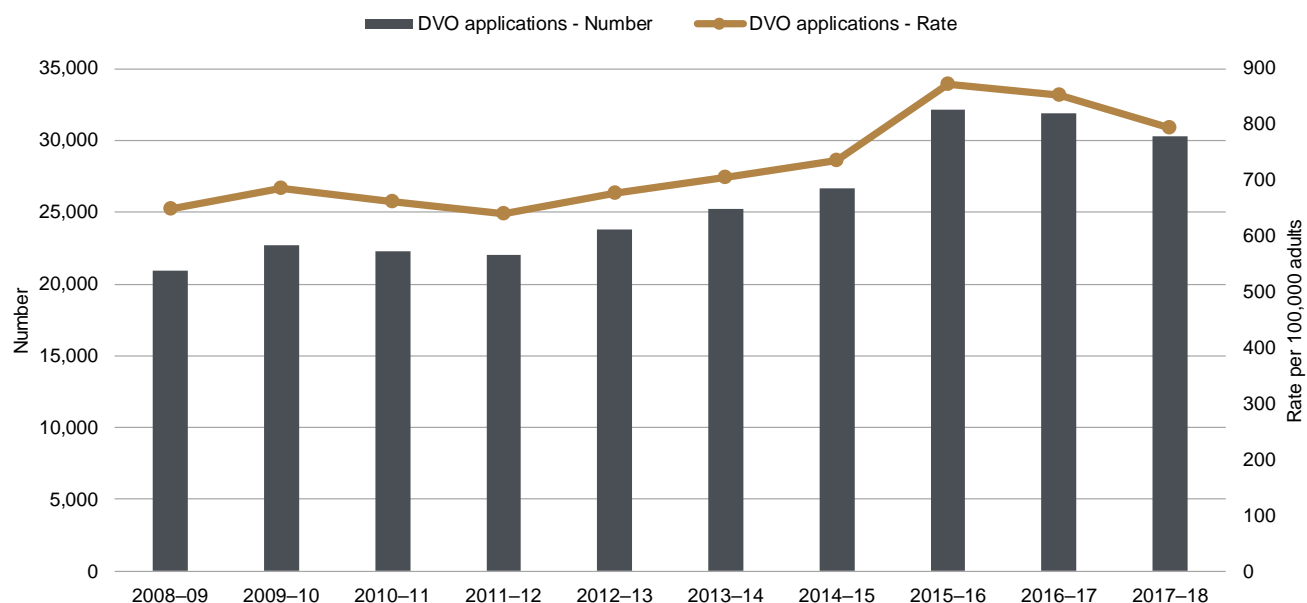
DVO applications accounted for four in five (81.3%) of all applications lodged in Queensland courts between 2008–09 and 2017–18, and the number and rate of DVO applications made between 2008–09 and 2017–18 are shown in Figure 2. Following relative stability, DVO applications trended upwards between 2012–13 and 2015–16 (with the peak occurring in 2015–16) and then declined between 2015–16 and 2017–18. When comparing 2008–09 with 2017–18:

- the number of DVO applications increased by 44.4%, from 20,972 to 30,286
- the rate of DVO applications per 100,000 adults increased by 22.6%, from 648 to 795.

²⁷ Some types of applications have been scoped out of the research (see section 3.1 for further information).

The substantial increase in DVO applications occurring in 2015–16 coincided with substantial system reform that aligned with the release of the *Not Now, Not Ever* report, however an upward trend was also apparent in the years preceding this report. This latter finding is consistent with the establishment of the Special Taskforce on Domestic and Family Violence (responsible for the *Not Now, Not Ever* report) which was partly initiated in response to increasing DFV incidents reported to police.

Figure 2 Number and rate of DVO applications



4.1.2. The rate of police DVO applications increased, while private DVO applications decreased slightly

DVO applications may be lodged by police or individuals. Just over two thirds of DVO applications were made by police (68.2% over the analysis period), and growth in police applications contributed most to the overall increase in DVO applications reported above. Figure 3 shows that when comparing 2008–09 with 2017–18:

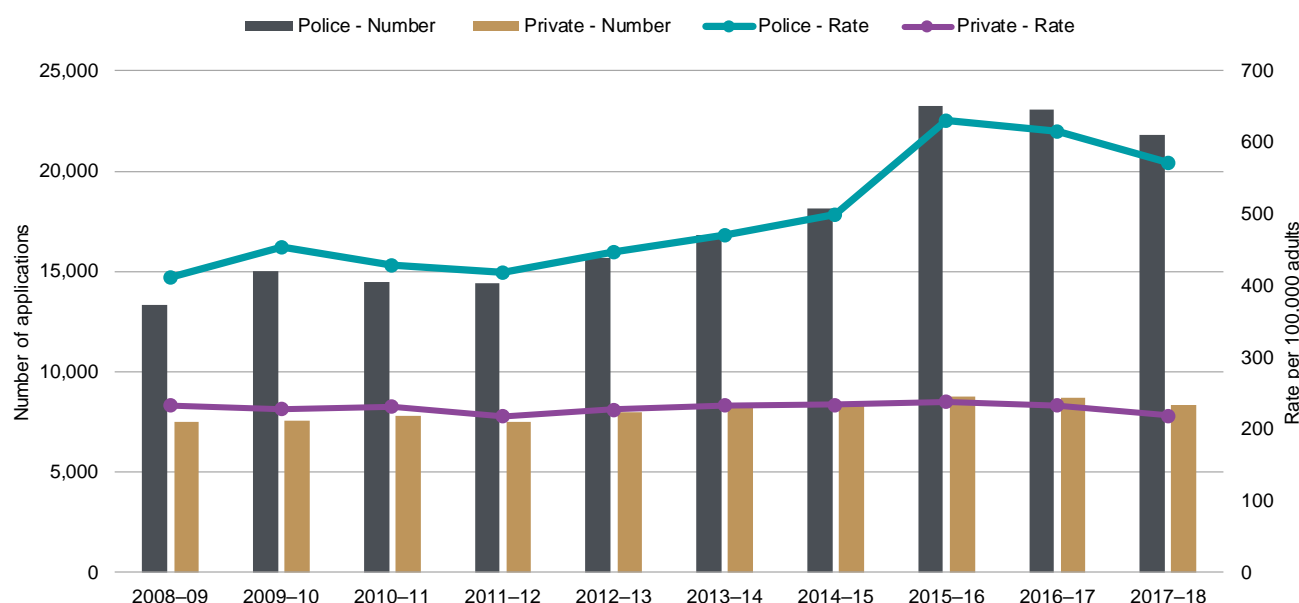
- the number of police DVO applications increased by 63.5%, from 13,322 to 21,785
- the rate of police DVO applications per 100,000 adults increased by 38.8%, from 412 to 572
- the number of private DVO applications increased by 10.7%, from 7,525 to 8,333
- the rate of private DVO applications per 100,000 adults decreased by 6.0%, from 233 to 219.

Increases in the number and rate of DVO police applications commenced in 2012–13 following legislative amendments that prescribed a requirement for police to investigate and take appropriate action regarding DFV incidents. There was also substantial growth in the number and rate of police DVO applications following substantial system reform coinciding with the release of the *Not Now, Not Ever* report, with the number and rate of police DVO applications increasing by 28.1% and 26.3% respectively when comparing 2014–15 with 2015–16.

Heightened police activity in relation to DFV over time may have reduced the requirement for individuals to lodge DVO applications and explain why the rate of private DVO applications has not increased. Efforts to increase public awareness of DFV in recent years do not appear to have coincided with rises in the number of DVO applications made by individuals, but may have contributed to increased reporting of DFV to police. Indeed, other research undertaken by QGSO showed that, when comparing 2012–13 and 2017–18, the number of distinct DFV calls for service made to police by the public increased by 61.2%, and the proportion of DFV incidents reported to police that resulted in a DVO application being made grew by 60.2% (QGSO 2021a).

Recent amendments to legislation appear to have influenced the use of PPNs by police, which accounted for 7.5% of police DVO applications in 2016–17 compared with 63.4% in 2017–18. These legislative changes involved expanding the types of conditions that can be included on a PPN and increasing the maximum penalty for breaching a PPN (see section 2.2 for further information on legislative reform).

Figure 3 Number and rate of DVO applications by source of application

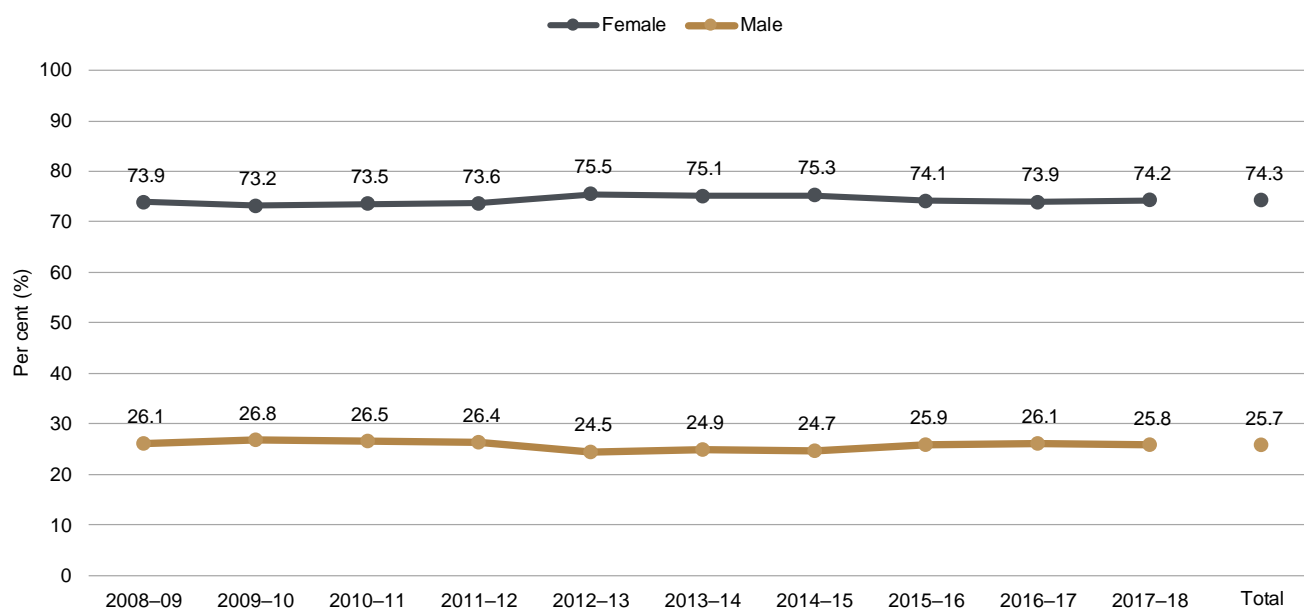


4.1.3. Women are more prevalent as the aggrieved

Most DVO applications were made by, or on behalf of, women. This finding is consistent with other research which highlights the gendered nature of DFV and the various sources of information showing that the majority of DFV is perpetrated by men against women (ABS 2017; Australian Institute of Health and Welfare 2018; Obasaju et al. 2009).

Figure 4 shows that about three out of four (74.3%) DVO applications identify women as the aggrieved and this remained relatively consistent across the reporting period. This suggests that the growth in DVO applications reported above is not differentiated by gender and further analyses (data not shown) confirmed that that percentage growth (when comparing 2008-09 and 2017-18) in the rate of DVO applications where women were listed as the aggrieved (22.5%) was similar to DVO applications where men were listed as the aggrieved (22.8%).

Figure 4 Gender of aggrieved listed on DVO applications



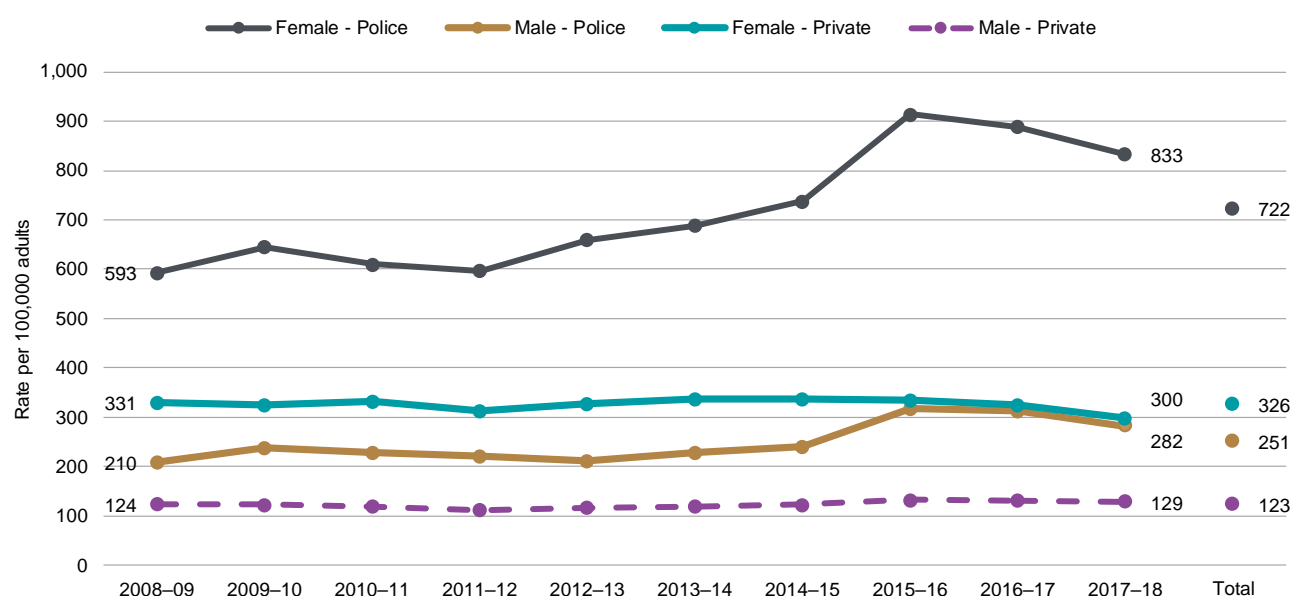
Note: This figure excludes applications where gender is unknown/not stated ($n = 4,240$).

The data presented in Figure 5 show that growth in the rate of female and male aggrieved listed on DVO applications was driven by DVO applications lodged by police, rather than those made privately. When comparing 2008–09 with 2017–18 rates:

- police DVO applications with women listed as the aggrieved increased by 40.4%, from 593 to 833 per 100,000 adult women
- private DVO applications with women listed as the aggrieved decreased by 9.5%, from 331 to 300 per 100,000 adult women
- police DVO applications with men listed as the aggrieved increased by 34.6%, from 210 to 282 per 100,000 adult men
- private DVO applications with men listed as the aggrieved increased by 3.7%, from 124 to 129 per 100,000 adult men.

Growth in the rate of police DVO applications with women listed as the aggrieved commenced in 2012–13 and peaked in 2015–2016. This differs with trends occurring for police DVO applications with male aggrieved, which did not increase substantially until 2015–2016. The contrasting police DVO applications trends occurring in relation to gender between 2011–12 and 2014–15 coincide with legislative amendments introduced in 2012 which aimed to limit police use of cross applications and support the identification of the person most need of protection.²⁸ Most of the growth apparent for DVO applications with men listed as the aggrieved coincides with the substantial system reform occurring around the release of the *Not Now, Not Ever* report. There was only minor variation in private DVO application rates regardless of the gender of the aggrieved or source of lodgement.

Figure 5 Rate of DVO applications by gender of aggrieved and source of application



4.1.4. DVO applications rarely involved same-sex intimate relationships

Further analyses were performed in relation to gender combinations of aggrieved and respondent. This highlighted the gendered nature of DFV and revealed that 68.0% of DVO applications had the aggrieved listed as being female and the respondent being male (Figure 6). Just under one in five DVO applications (18.8%) had the genders reversed, that is, there was a male aggrieved and a female respondent. The proportions of DVO applications which had the aggrieved and respondent recorded as both being female or both being male were similar, at 6.5% and 6.8% respectively, for a total of 13.3% of DVO applications having same-sex aggrieved and respondent.

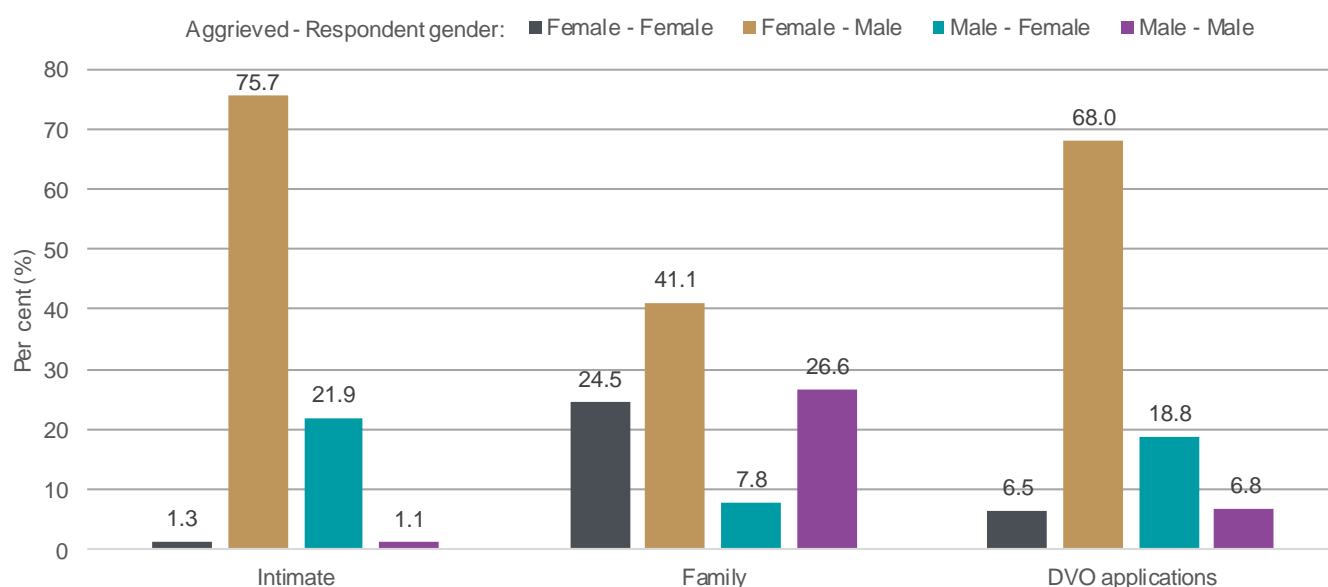
Information shown in Figure 6 also provides insight into the gender profile of DVO applications in terms of the relationship between aggrieved and respondent identified on DVO applications. It shows that DVO applications with women listed as the aggrieved and men listed as the respondent were more common among DVO applications involving intimate personal relationships (75.7%) than family relationships (41.1%).

²⁸ Further information on cross applications is available in QGSO's *Cross applications for domestic violence orders in Queensland, 2008–09 to 2017–18* research report (QGSO 2021c).

A relatively small proportion of DVO applications relating to intimate relationships involved same-sex relationships (1.3% for women and 1.1% for men). These data compare with available information indicating that for Queensland, the non-heterosexual population is estimated to be 3.0% of the adult population (Wilson and Shalley 2018), and same-sex couples account for 0.8% of all couples living in the same household (ABS 2018b).²⁹ DVO applications with the aggrieved and respondent identified as having the same gender were more common among DVO applications involving family relationships. Around one quarter of DVO applications involving family relationship involved women listed as both the aggrieved and respondent (24.5%) and men as listed as the aggrieved and respondent (26.6%). The gender/relationship patterns reported here remained stable over the analysis period (data not shown).

There is little, sometimes conflicting, information on the prevalence of DFV in lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) communities. For example, the Australian Institute of Family Studies has reported that people identifying as LGBTIQ+ experience DFV at similar rates to those who identify as heterosexual (Campo and Tayton 2015a), while elsewhere it has been suggested that DFV is higher in LGBTIQ+ communities than the general population (O'Halloran 2015). Available research and reviews often refer to the barriers faced by the LGBTIQ+ community in terms of reporting DFV (including the recognition of different forms of DFV that may be experienced) and accessing tailored legal and support services (Campo and Tayton 2015a, Law Council of Australia 2018; O'Halloran 2015).

Figure 6 DVO applications by gender of the aggrieved and respondent by relationship type, 2008–09 to 2017–18



Notes:

1. Intimate personal relationships include spousal, engaged and couple relationships; family relationships include parent, sibling and cousin relationships.
2. DVO applications with missing information relating to gender and type of relationship were excluded from analyses, as were 'other' relationship types.

²⁹ The Australian Human Rights Commission has referred to the difficulties associated with estimating the total LGBTI population in Australia and suggested that Australians of diverse sexual orientation, sex or gender identity may account for up to 11% of the Australian population (Australian Human Rights Commission 2014).

4.1.5. Aboriginal and Torres Strait Islander people are overrepresented

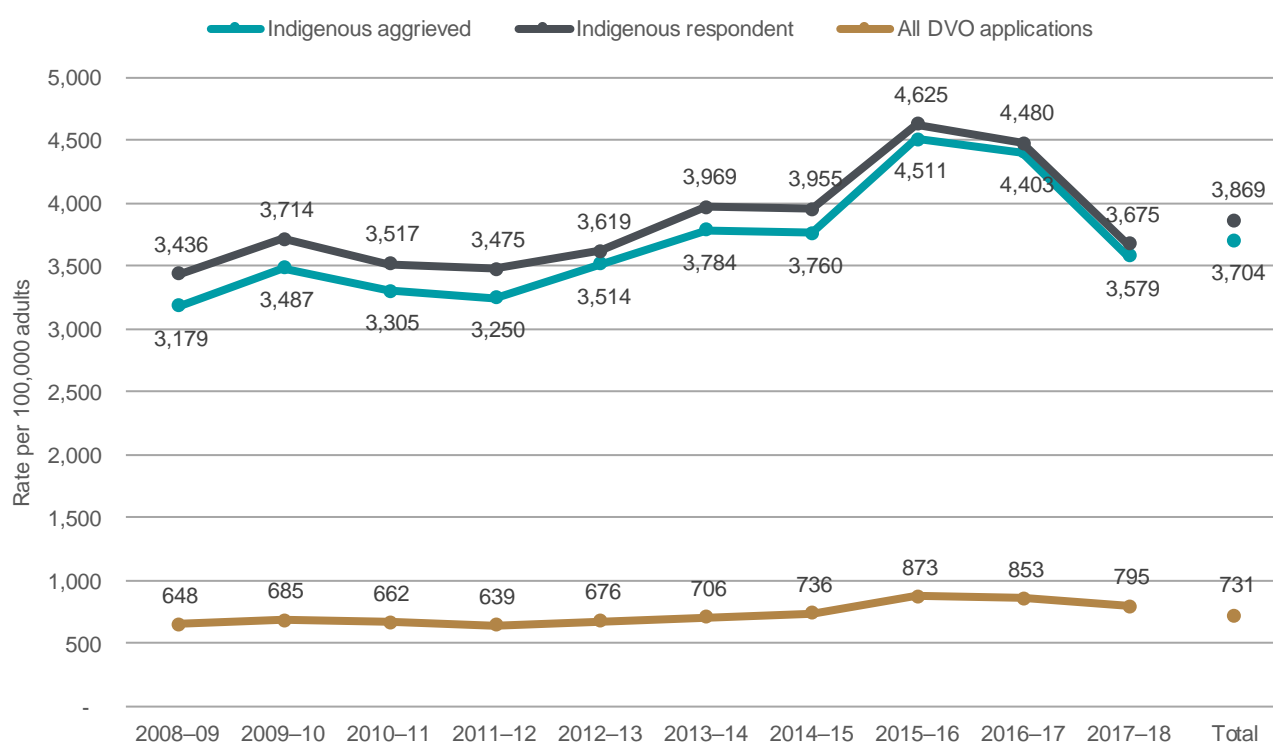
Aboriginal and Torres Strait Islander people were overrepresented on DVO applications. While Aboriginal and Torres Strait Islander peoples represented 3.3% of Queensland adults across the analysis period³⁰, they were listed as the aggrieved on 16.8% of DVO applications, and as a respondent on 17.5% of DVO applications made between 2008–09 and 2017–18.

Figure 7 shows that the rate of DVO applications that had an Aboriginal and Torres Strait Islander person listed as the respondent or aggrieved was around five times higher than the total rate of DVO applications across the 2008–09 and 2017–18 period. However, overall increases in the rates of DVO applications involving Aboriginal and Torres Strait Islander people was less than the growth in the rate of all DVO applications. When comparing 2008–09 with 2017–18, the rate of:

- applications with Aboriginal and Torres Strait Islander adults listed as the aggrieved increased by 12.6%, from 3,179 to 3,579 per 100,000 Aboriginal and Torres Strait Islander adults
- applications with Aboriginal and Torres Strait Islander adults listed as the respondent increased by 7.0% from 3,436 to 3,675 per 100,000 Aboriginal and Torres Strait Islander adults
- all DVO applications per 100,000 adults increased by 22.6%, from 648 to 795.

Growth in DVO applications involving an Aboriginal and Torres Strait Islander person as an aggrieved or respondent was most noticeable during a period of substantial system reform occurring in 2015–16. Further analysis shows that over the analysis period, of those DVO applications that had an Aboriginal and Torres Strait Islander person listed as the aggrieved, 79.3% had an Aboriginal and Torres Strait Islander person named as the respondent.

Figure 7 Rate of Aboriginal and Torres Strait Islander adults on DVO applications by aggrieved or respondent



The overrepresentation of Aboriginal and Torres Strait Islander people named on DVO applications is consistent with the broader literature regarding DFV perpetrator and victim populations (Douglas and Fitzgerald 2018; Law Council of Australia 2018; Ombudsman Western Australia 2015; Our Watch 2018). For example, research has shown that Aboriginal and Torres Strait Islander people experienced twice the rate of partner homicide, up to 32 times the rate of hospitalisation, and seven times the rate of child abuse/neglect due to DFV than non-Indigenous Australians (Australian Institute of Health and Welfare 2018). In the Queensland context, Douglas and Fitzgerald (2018) found that Aboriginal

³⁰ This was determined using midpoint ERPs (see section 3.2.1) calculated using the ABS (2019a) estimated resident population for Queenslanders aged 18 years and over, and the ABS (2019b) estimated resident population for Aboriginal and Torres Strait Islander Queenslanders aged 18 years and over.

and Torres Strait Islander people were disproportionately named on, and subsequently charged with breaching a protection order, and were significantly more likely to be imprisoned due to contravening a protection order than non-Indigenous people. These types of findings are often contextualised within the ongoing impacts of colonisation and resulting forms of marginalisation and disadvantage that contribute to involvement in the justice system as both victim and offender (Australian Law Reform Commission 2017a; Douglas and Fitzgerald 2018; Victorian Government 2018). The impacts of colonisation include disruptions of cultural and kinship systems, social and economic exclusion, drug and alcohol misuse, racism and institutionalisation (Australian Law Reform Commission 2017a; Gordon, Hallahan and Henry 2002).

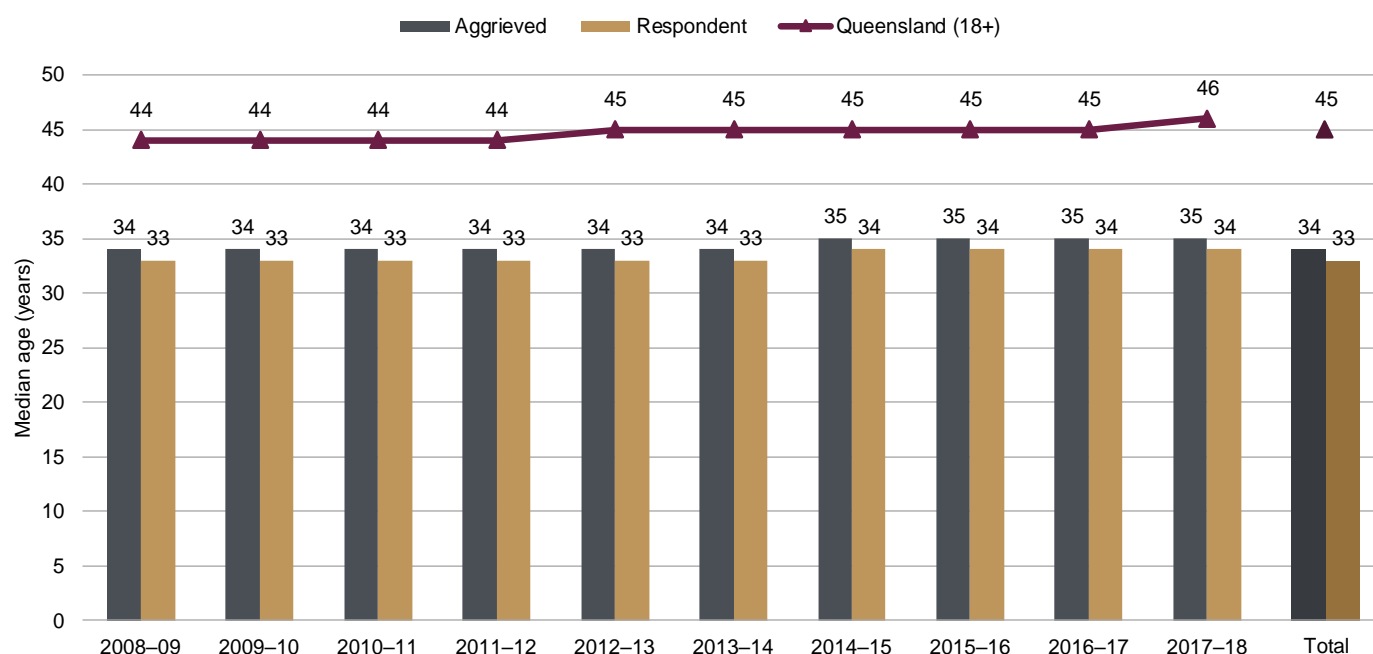
4.1.6. Aggrieved and respondents tend to be aged under 40 years and have gotten slightly older

Age-related analyses revealed that about two-thirds of aggrieved and respondents listed on DVO applications were aged under 40 years, with 64.4% of aggrieved and 68.6% of respondents aged 18–39 years for the 2008–09 to 2017–18 period. However, the profile of aggrieved and respondents aged slightly over time. These changes reflect trends occurring at the general population level and may potentially indicate a rise in DVO applications relating to elder abuse (explored further in section 4.1.7).

Figure 8 depicts the median age of aggrieved and respondents listed on DVO applications between 2008–09 and 2017–18 and shows that their overall median age is younger than the overall median age of adult Queenslanders (34 years for aggrieved and 33 years for respondents, compared with 45 years for adult Queenslanders).³¹ It also shows that the median age for both aggrieved and respondents increased by one year when comparing 2008–09 with 2017–18, from 34 to 35 years for aggrieved and from 33 to 34 years for respondents. The rise in median age for aggrieved and respondents was driven by slight decreases in the proportion of aggrieved and respondents aged 18–39 years and slight increases in those aged 40 years and older.

The inclusion of DVO applications relating to family violence in the data means that some respondents may be considerably younger than the aggrieved (potentially indicating elder abuse) and vice versa. The inclusion of DVO applications relating to family violence is likely to explain why the median age of the aggrieved tends to be slightly older than the respondent when examining DVO applications in total, which may not be anticipated given the gendered nature of DFV and typical age differences for men and women in intimate relationships (ABS 2013).

Figure 8 Median age of aggrieved and respondent on DVO applications



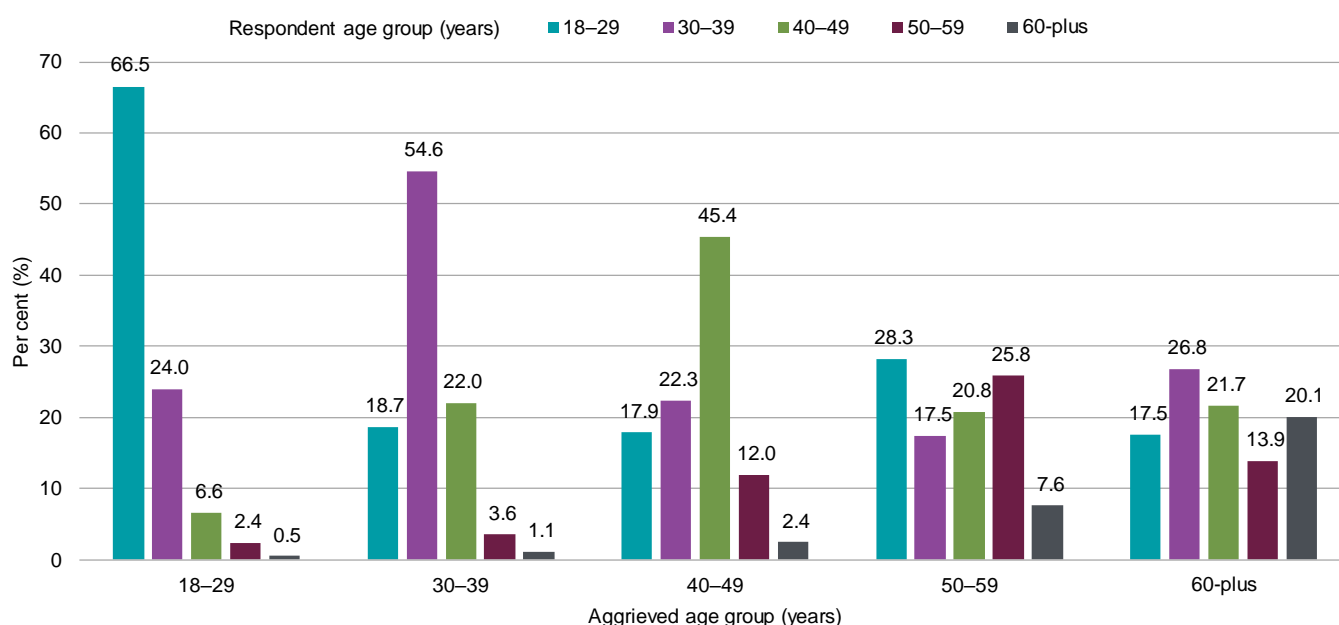
Note: This figure excludes applications where age is unknown ($n = 19,947$).

³¹ Queensland general population data referred to in this section includes people aged 18 years and over and was obtained from ABS 3101.0, *Australian Demographic Statistics*. The median age is discussed given the skewed nature of the data.

4.1.7. Evidence of growing elder abuse is possibly apparent

The incidence of elder abuse in the DVO applications data is potentially evident in DVO application trends. Figure 9 shows the age group of the aggrieved on DVO applications in relation to the age group of respondents for the 2008–09 to 2017–18 period. Where the aggrieved is aged between 18–49 years, respondents tend to be in the same age group as the aggrieved. For example, in two-thirds (66.5%) of applications where the aggrieved was aged 18–29 years, the respondent was in that same age group. However, this pattern is not present in applications where the aggrieved was aged 50 years and over, where the prevalence of same-age group respondents is much lower. For example, of those applications where the aggrieved is aged 60 years and over, about one in four (26.8%) have a respondent aged 30–39 years, and 20.1% have a respondent aged 60 years or more.

Figure 9 Respondent age groups as a proportion of each aggrieved age group, DVO applications, 2008–09 to 2017–18



Note: This figure excludes applications where age is unknown ($n = 19,947$).

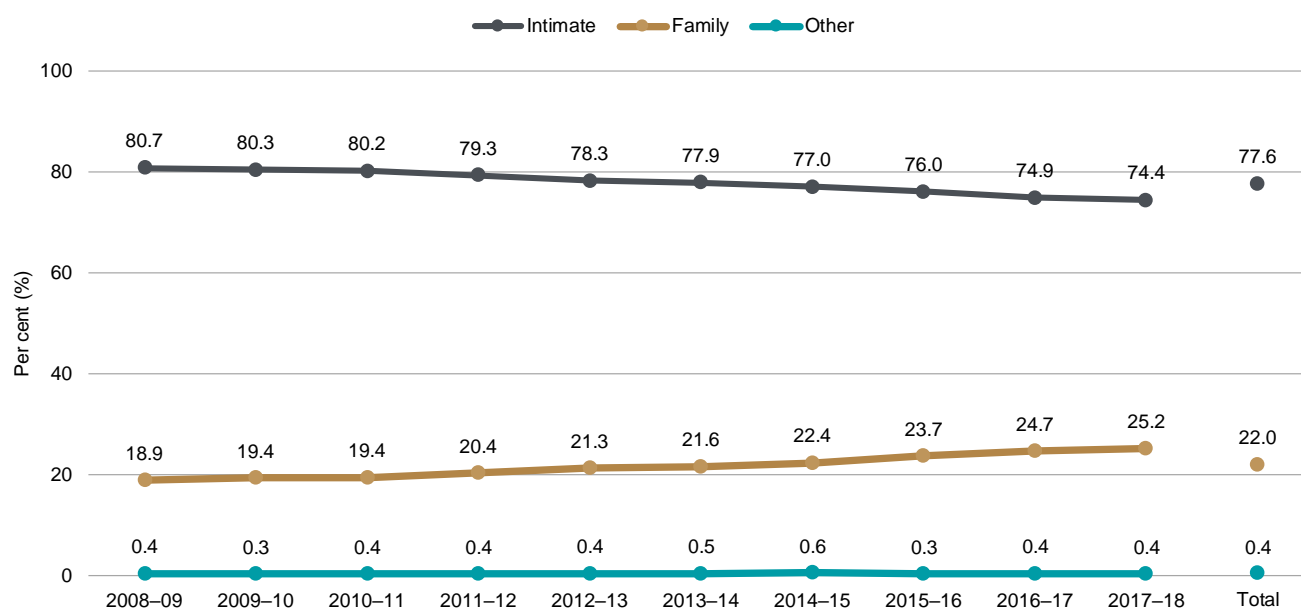
Further analyses (data not shown) indicated that while the rate of DVO applications per 100,000 adults³² rose by 22.6% when comparing 2008–09 with 2017–18, the rate of applications with an aggrieved aged 50–59 years increased by 63.7%, and the rate of applications with an aggrieved aged 60 years or more increased by 78.3%. This shows considerably higher growth for older aggrieved and the latter finding may indicate growing awareness and reporting of elder abuse. However, it is important to note that the number of aggrieved in older age groups is relatively small and changes in the age profile of the aggrieved on DVO applications occurred before 2015–16. The growing prevalence of applications relating to family violence is explored further in the following section.

4.1.8. Most DVO applications relate to intimate relationships, but applications relating to family relationships have increased more

About three in four (77.6%) DVO applications lodged between 2008–09 and 2017–18 related to intimate relationships, however the share of DVO applications relating to family relationships has been increasing since 2010–11 (Figure 10). The latter may provide further evidence of an increasing awareness and reporting of elder abuse.

When comparing 2008–09 with 2017–18, the proportion of DVO applications relating to intimate relationships decreased from 80.7% to 74.4%, while the proportion of applications relating to family relationships rose from 18.9% to 25.2%. Further analyses (data not shown) suggest that these changes were driven by DVO applications lodged by police. For example, police applications relating to family relationships accounted for 11.6% of applications in 2008–09 which rose to 19.1% in 2017–18, compared with 7.1% made privately in 2008–09 and 6.0% in 2017–18. A similar finding is apparent when rates of DVO applications are examined (see below).

³² The rate for DVO applications included those who ages were unknown.

Figure 10 Relationship between aggrieved and respondent on DVO applications

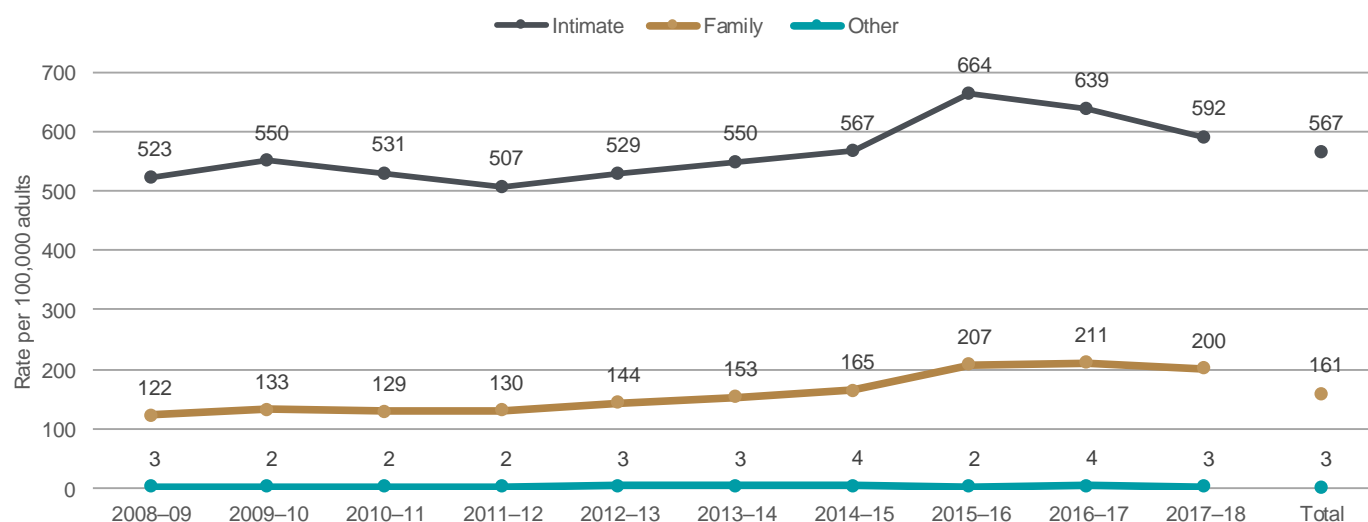
Note: 'Other' relationships include informal care which covers non-commercial relationships other than parent-child relationships (that is, not a nurse, hired carer or volunteer) and applications where the relationship is unknown.

The rate of DVO applications by the relationship between the aggrieved and respondent is provided in Figure 11. While the rate of applications involving intimate relationships is substantially higher than those relating to family relationships, the overall increase in the rate of DVO applications between family members was higher than those relating to intimate relationships. When comparing 2008-09 with 2017-18, the rate of DVO applications per 100,000 adults involving:

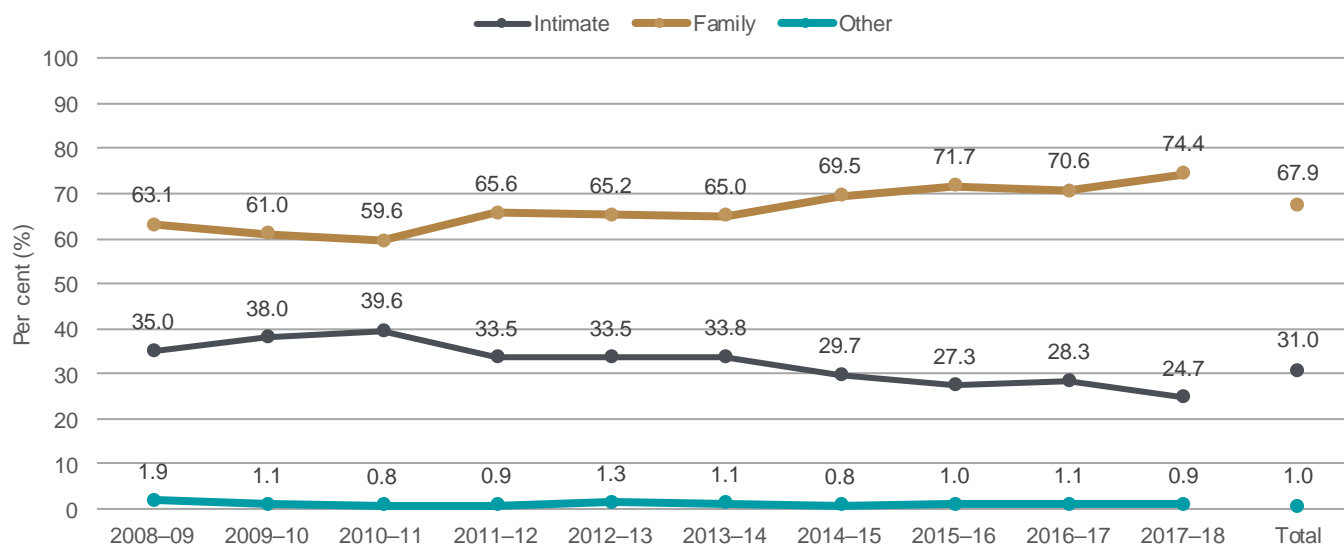
- intimate relationships grew by 13.1%, from 523 to 592
- family relationships increased by 63.9%, from 122 to 200
- 'other' types of relationships stayed the same, at 3.

Similar to trends reported elsewhere, increases in the rate of DVO applications occurred in a context of considerable system reform that coincided with the release of the *Not Now, Not Ever* report, with a substantial increase observed for applications involving both intimate and family relationships in 2015-16. However, while the rate of DVO applications relating to intimate partners declined from 2015-16, the rate of DVO applications involving family relationships remained relatively stable.

Further analyses (data not shown) indicated that growth in DVO application rates relating to family members was driven by police applications. The rate of police DVO applications involving family relationships doubled (up 101.6%) when comparing 2008-09 with 2017-18, while the rate of family-related applications lodged privately rose by 3.8%. This compares with DVO applications made by police involving intimate relationships which grew by 24.9%, while those lodged privately decreased by 8.7%.

Figure 11 Rate of DVO applications by relationship between aggrieved and respondent

Possible evidence of a growing prevalence of elder abuse is also apparent in Figure 12, which shows an association between the age of aggrieved and the type of relationship identified on the DVO application. While one in five DVO applications lodged between 2008-09 and 2017-18 involved family relationships (see Figure 10), Figure 12 shows that two-thirds (67.9%) of DVO applications where the aggrieved was aged 60 years or more involved a family member. When comparing 2008-09 with 2017-18, the proportion of DVO applications relating to family members for aggrieved aged over 60 years increased from 63.1% to 74.4%.

Figure 12 Relationship between aggrieved and respondent on DVO applications for aggrieved aged 60 years and over

4.1.9. Rates of DVO applications are higher in remote and very remote locations

The project examined DVO applications in relation to their lodgement location and found higher application rates occurring in Queensland's regional and remote areas compared with major city locations.³³ This finding is consistent with other research that has shown a higher prevalence of reported DFV in regional, rural and remote places (Campo and Tayton 2015b; Mishra et al. 2014). Across the analysis period, the rate of DVO applications in very remote areas was

³³ Areas of remoteness used in this report align with ABS' *Australian Statistical Geography Standard (ASGS): Volume 5 – Remoteness Structure* and are based on court locations, rather than usual place of residence. Major cities in Queensland include places such as Brisbane and Southport; inner regional areas include places such as Toowoomba and Bundaberg; outer regional areas include places such as Cairns and Townsville; remote locations include places such as Mount Isa and Palm Island; and very remote areas include places such as Charleville and Mornington Island.

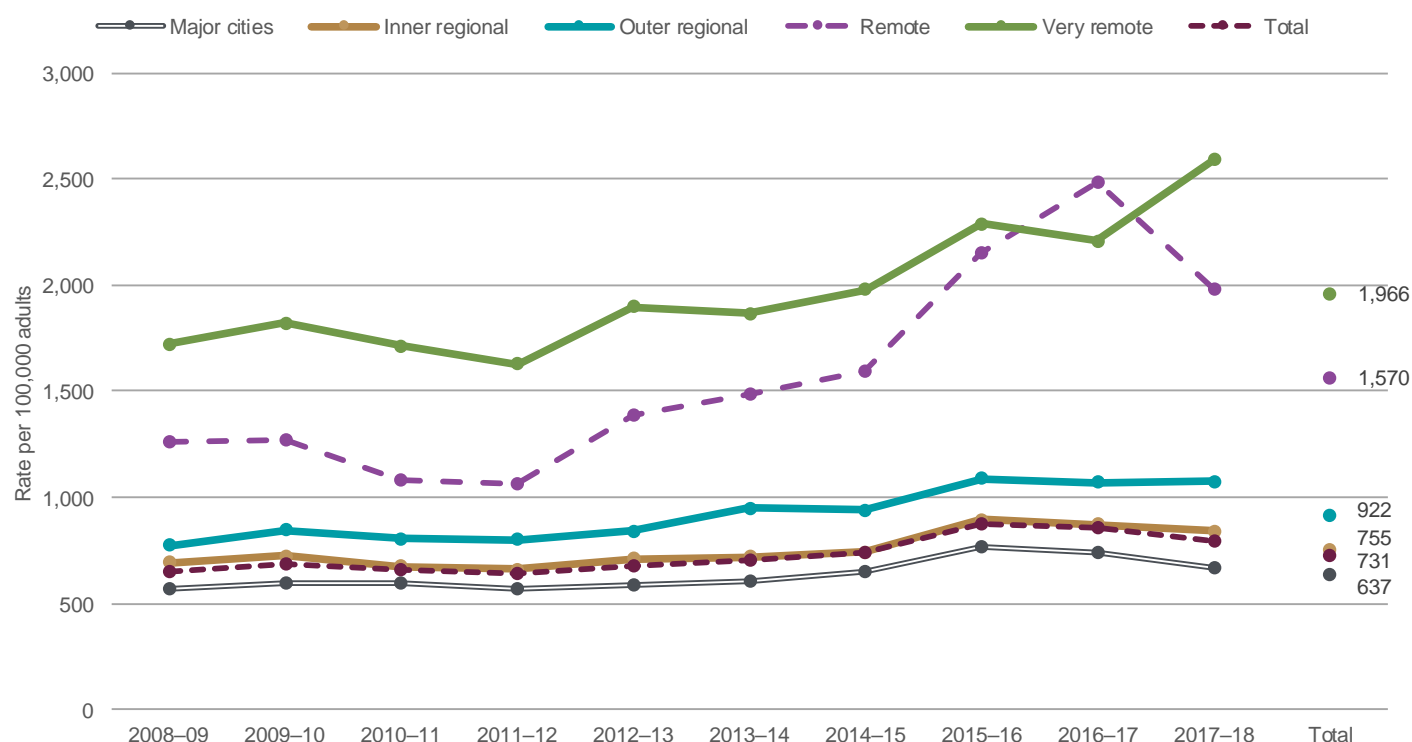
over three times higher than the rate of DVO applications per 100,000 adults lodged in major cities (1,966 compared with 637 respectively), and growth in the rate of DVO applications was also highest in remote and very remote areas (Figure 13). When comparing 2008–09 with 2017–18, the rate of DVO applications per 100,000 adults lodged in:

- major cities increased by 17.5%, from 568 to 667
- inner regional areas grew by 21.3%, from 692 to 839
- outer regional areas rose by 38.9%, from 772 to 1,073
- remote locations increased by 56.6%, from 1,263 to 1,978
- very remote areas grew by 50.5%, from 1,721 to 2,590.

Increases in DVO application rates tended to occur before the release of the *Not Now, Not Ever* report, although there was substantial growth immediately following the report's publication (especially for applications lodged in remote locations, which exceeded application rates in very remote locations in 2016–17). Population distribution across the different areas of remoteness meant that although major cities had the lowest rates of DVO applications overall, they accounted for more than half (55.0%) of all applications made in Queensland between 2008–09 and 2017–18.³⁴

Campo and Tayton (2015b) have outlined issues possibly contributing to higher rates of DFV in regional, rural and remote areas. These include geographical issues (such as isolation and the impact of natural disasters); different social norms and structures (such as conceptualisations of masculinity, self-reliance and privacy; lack of perpetrator accountability and complex financial arrangements) and variation in the availability of support services. The higher prevalence of Aboriginal and Torres Strait Islander people in remote and very remote locations is likely to be contributing to the higher DVO application rates in these locations (ABS 2018c). See section 4.1.5 for further information on the overrepresentation of Aboriginal and Torres Strait Islander people on DVO applications.

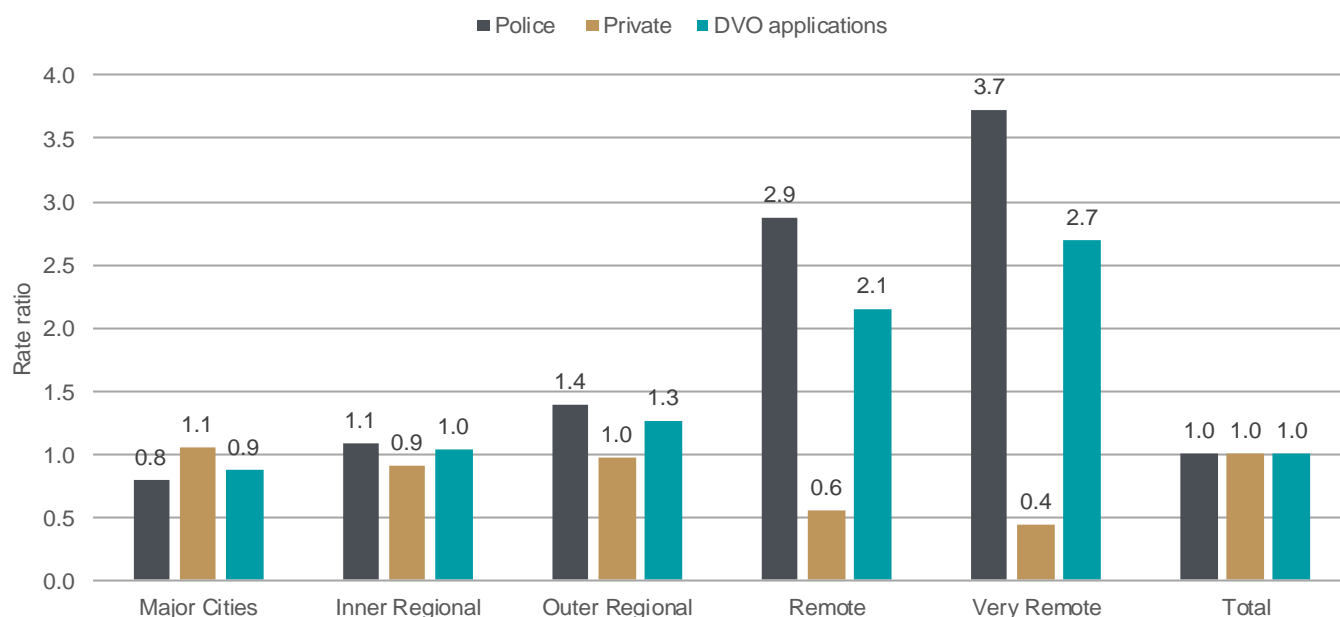
Figure 13 Rate of DVO applications by remoteness area



³⁴ DVO applications lodged in inner regional locations accounted for 20.6% of all applications made in Queensland, compared with outer regional (17.9%), remote (3.4%) and very remote (3.1%).

Further analysis found that DVO applications in remote and very remote locations tend to be driven by applications made by police. Figure 14 presents rate ratio information regarding the rate of DVO applications by lodgement source for different locations in relation to the total DVO application rate for the 2008–09 to 2017–18 period.³⁵ It shows that the rates of police applications in remote and very remote locations were around three times higher than Queensland's total police application rate, while private application rates were around half the rate for DVO applications lodged privately. Nearly all DVO applications lodged across the analysis period in remote (91.2%) and very remote (94.4%) locations were submitted by police.

Figure 14 DVO application rate ratios by lodgement location and application source, 2008–09 to 2017–18



Note: The rate ratio was calculated by dividing the DVO application rate per 100,000 adults of different areas of remoteness by the total DVO application rate per 100,000 adults. Rates relate to the 2008–09 to 2017–18 period.

While most DVO applications made in remote and very remote locations are made by police, further analysis showed that increases in the proportion of DVO applications lodged by police made in each area over the analysis period was highest for major cities. When comparing 2008–09 with 2017–18, the proportion of DVO applications made by police increased by:

- 10.7 percentage points in major cities, from 56.1% to 66.9%
- 4.5 percentage points in inner regional areas, from 68.5% to 73.0%
- 6.3 percentage points in outer regional locations, from 70.6% to 76.9%
- 5.3 percentage points in remote locations, from 88.0% to 93.3%
- 3.9 percentage points in very remote areas, from 92.0% to 95.8%.

Nearly all (97.0%) DVO applications lodged in courts located in Aboriginal and Torres Strait Islander communities between 2008–09 and 2017–18 were submitted by police, compared with 68.2% of total DVO applications (data not shown).³⁶

The data described above suggest police play a major role in responding to DFV in remote, very remote and Aboriginal and Torres Strait Islander communities, and their activity in response to DFV-related calls for service in major cities has increased over time. The low rate of private DVO applications in remote, very remote and Aboriginal and Torres Strait

³⁵ A rate ratio of one indicates that the application rate for the remoteness area category is the same as that for the entire Queensland adult population, while a ratio greater than one indicates that the application rate of the remoteness area category is greater than that for the total state.

³⁶ Aboriginal and Torres Strait Islander communities are defined in this report as those within Queensland where greater than two thirds of the population (average of 90.1%) identify as being of Aboriginal and/or Torres Strait Islander origin (data sourced from the Department of Aboriginal and Torres Strait Partnerships *Know Your Community: Key insights into Aboriginal and Torres Strait Islander Queenslanders* (developed by QGSO) website <<https://statistics.qgso.qld.gov.au/datsip/profiles>>).

Islander communities is possibly explained in part by issues outlined by Campo and Tayton (2015b) summarised above. The Australian Housing and Urban Research Institute has also reported on the limited culturally appropriate responses to DFV for Aboriginal and Torres Strait Islander peoples and the acute shortages in crisis, transitional and long-term housing for people impacted by DFV in regional and remote locations (Cripps and Habibis 2019). A limited understanding of Queensland's legal system, and the possible distrust of police and government authorities due to past trauma has also been acknowledged as possibly creating barriers to DFV services and support for some groups (Queensland Government 2016a).

4.1.10. Cross-application trends varied over time

A cross application takes place when two people in a domestic or family relationship apply for a DVO against each other. It involves the submission of a DVO application by (or on behalf of) the aggrieved, along with, or followed by, an application for a DVO made by (or on behalf of) the respondent listed on the original DVO application. The cross-applications data shown below were developed by counting DVO applications where the aggrieved listed on the application was named as the respondent on a DVO application made within six months. That is, the same two people have been listed as both an aggrieved and a respondent on DVO applications submitted within a six-month window.^{37,38}

Figure 15 below shows the number and rate of cross applications between 2009–10 and 2017–18 where both DVO applications involved in a cross application are counted. The number and rate of cross applications have varied over time, with a substantial decrease occurring in 2012–13 and a substantial increase taking place in 2015–16. The 2012–13 decline coincides with the introduction of legislative provisions in 2012 that aimed to ensure that cross applications were only used in warranted circumstances.³⁹ Subsequent increases in cross applications are likely to be explained by the increasing number and rate of DVO applications occurring more generally in Queensland, as shown in section 4.1.1.

When comparing 2009–10 with 2017–18⁴⁰:

- the number of cross applications increased by 3.0%, from 4,314 to 4,442
- the rate of cross applications per 100,000 adults decreased by 10.5%, from 130 to 117.

When comparing 2011–12 with 2012–13:

- the number of cross applications decreased by 26.1%, from 4,226 to 3,124
- the rate of cross applications per 100,000 adults decreased by 27.6%, from 123 to 89.

When comparing 2014–15 with 2015–16:

- the number of cross applications increased by 31.0%, from 3,540 to 4,638
- the rate of cross applications per 100,000 adults increased by 29.2%, from 98 to 126.

Further analysis (data not shown) found that 15.4% of all DVO applications were involved in a cross-application pair (that is, when counting index and secondary applications involved in a cross application) between 2009–10 and 2017–18. There was some variation in the proportion of DVO applications that were cross applications over time, with cross applications representing 19.0% of DVO applications in 2009–10, compared with 13.1% in 2012–13, and 14.7% in 2017–18.

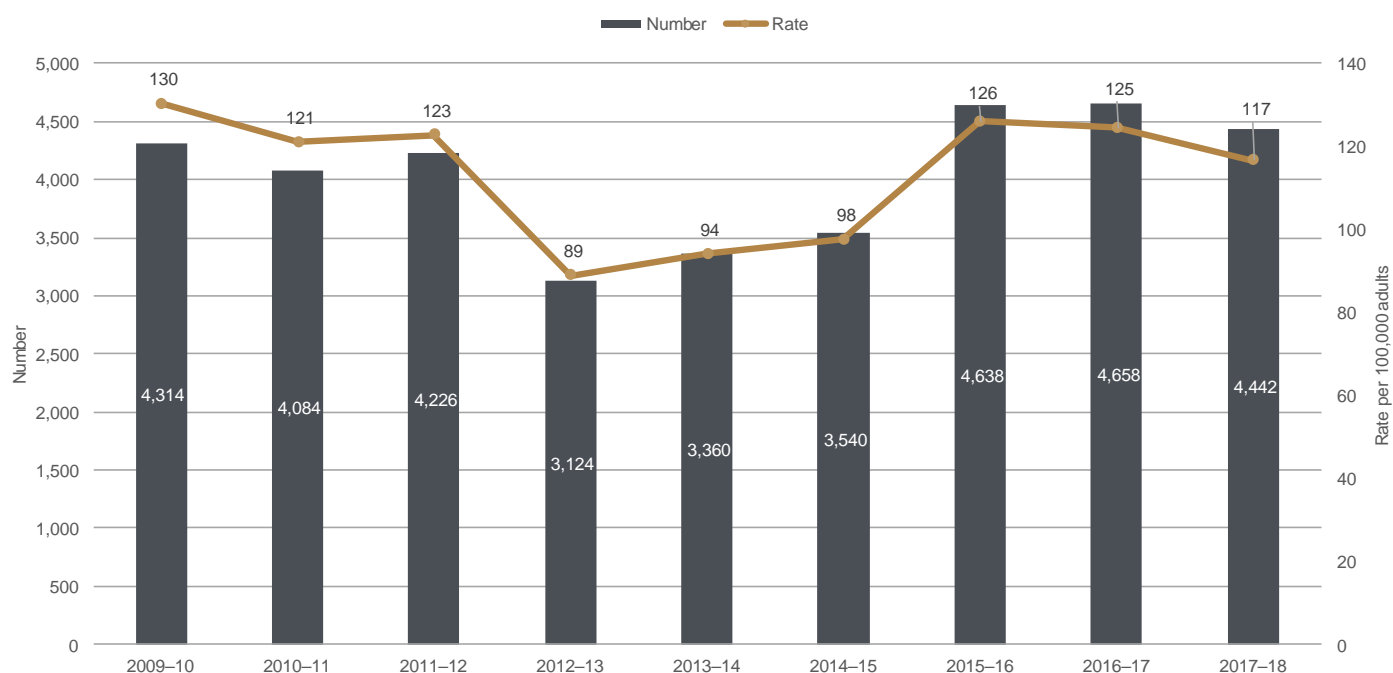
More detailed analyses relating to cross applications is available in QGSO's *Cross applications for domestic violence orders in Queensland, 2008–09 to 2017–18* research report. The report provides information on the characteristics of cross applications and shows that decreases in the number and rate of cross applications apparent in 2012–13 were largely driven by police activity (QGSO 2021c).

³⁷ A six-month monitoring period was determined to ensure that identified cross applications related to DFV events occurring around the same time. Further analysis shows that use of a 12-month window does not result in meaningful change in the proportion of total DVO applications that are cross applications. Most cross applications (89.8%) were made within 100 days of the index application.

³⁸ Cross applications can be made on the same or different days, and further analysis of DVO application data shows that cross applications made on the same day tend to be lodged by police (95.5% across the analysis period).

³⁹ These legislative provisions were introduced via the Act. See section 2.2.2 for further information.

⁴⁰ A comparison between 2009–10 and 2017–18 is provided, since 2008–09 data undercounts cross applications given that information relating to DVO applications made in 2007–08 is not available for inclusion in analyses.

Figure 15 Number and rate of cross applications

The results in this section showed that:

- the rate and number of DVO applications have increased
- the rate of police DVO applications increased, while the rate of private DVO applications decreased slightly
- women are more prevalent as aggrieved on DVO applications
- DVO applications rarely involved same-sex intimate relationships
- Aboriginal and Torres Strait Islander people are overrepresented on DVO applications
- aggrieved and respondents tend to be aged under 40 years and have gotten slightly older over time
- most DVO applications relate to intimate relationships, but applications relating to family relationships have increased more
- rates of DVO applications are higher in remote and very remote locations.

4.2. Applications to vary

A court may vary a DVO on application by police, private individuals or on its own initiative. Changes to DVOs can involve adding or removing conditions, adding or removing named people listed on the DVO (e.g. children) or extending or reducing the time the order is in operation (see section 2.1 for further information). Information presented below explores trends relating to applications to vary, including the time between the lodgement of the initiating application and the first application to vary, the characteristics of applicants, and whether applications to vary were dismissed or withdrawn.

4.2.1. Applications to vary increased

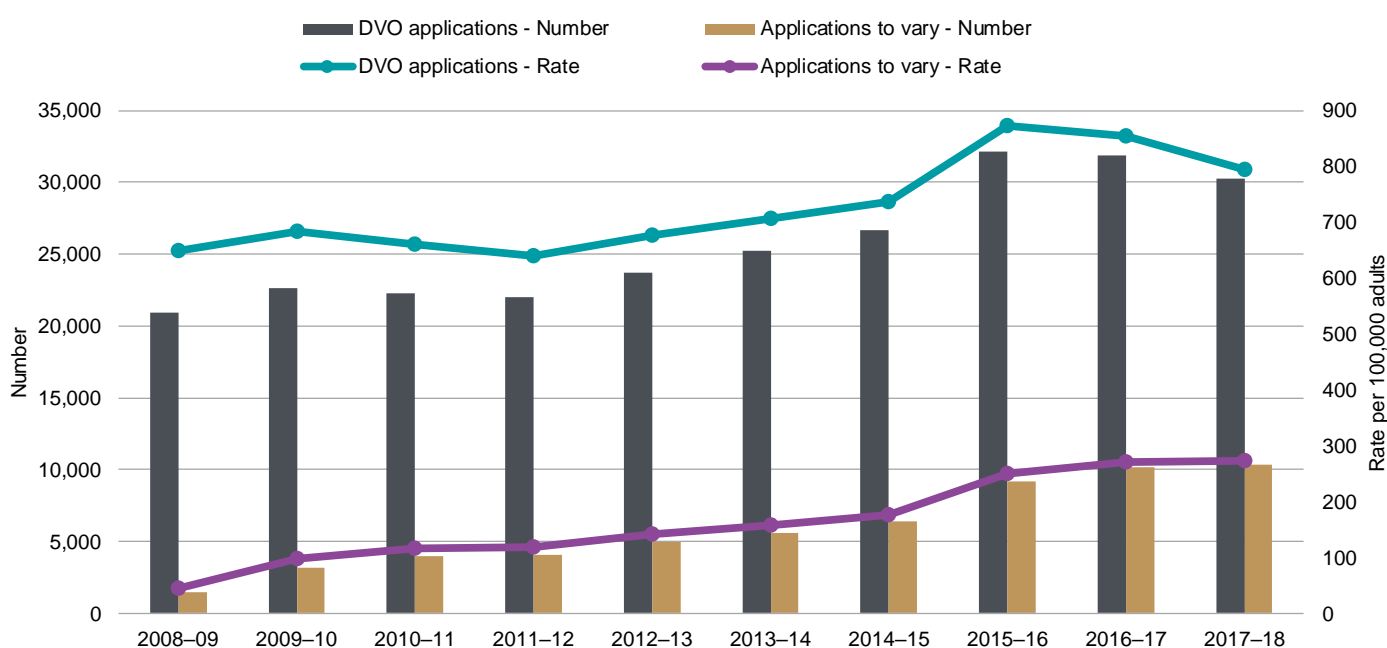
The number and rate of applications to vary are shown in Figure 16. While applications to vary are less common than DVO applications (accounting for 18.7% of all applications lodged between 2008–09 and 2017–18), their overall growth for the analysis period was substantially higher than that observed for DVO applications (see section 4.1.1 for further information on DVO applications).

The number and rate of applications to vary increased between 2008–09 and 2015–16 and, as with DVO applications, the largest increase for applications to vary occurred in the context of substantial system reform occurring in 2015–16. However, while the number and rate of DVO applications decreased from 2015–16, the number and rate of applications to vary remained relatively stable. When comparing 2008–09 with 2017–18:

- the number of applications to vary increased by 617.1%, from 1,448 to 10,384 (while the number of DVO applications increased by 44.4%)
- the rate of applications to vary per 100,000 adults increased by 508.8%, from 45 to 273 (while the rate of DVO applications increased by 22.6%).

The difference in growth between applications to vary and DVO applications meant that, over the analysis period, applications to vary became more prevalent as a proportion of all applications, rising from 6.5% in 2008–09 to 25.5% in 2017–18 (data not shown).

Figure 16 Number and rate of DVO applications and applications to vary DVO



4.2.2. Increases in applications to vary are driven by multiple factors

Information presented above showed continued increases in the number of applications to vary DVOs over the analysis period. While most DVO applications are not associated with an application to vary, increases in applications to vary are likely to be driven by the rising number of DVOs in operation (which increases the number of orders that can be varied), growth in the proportion of DVO applications associated with an application to vary, and slight increases in the number of applications to vary made in relation to the same DVO application.

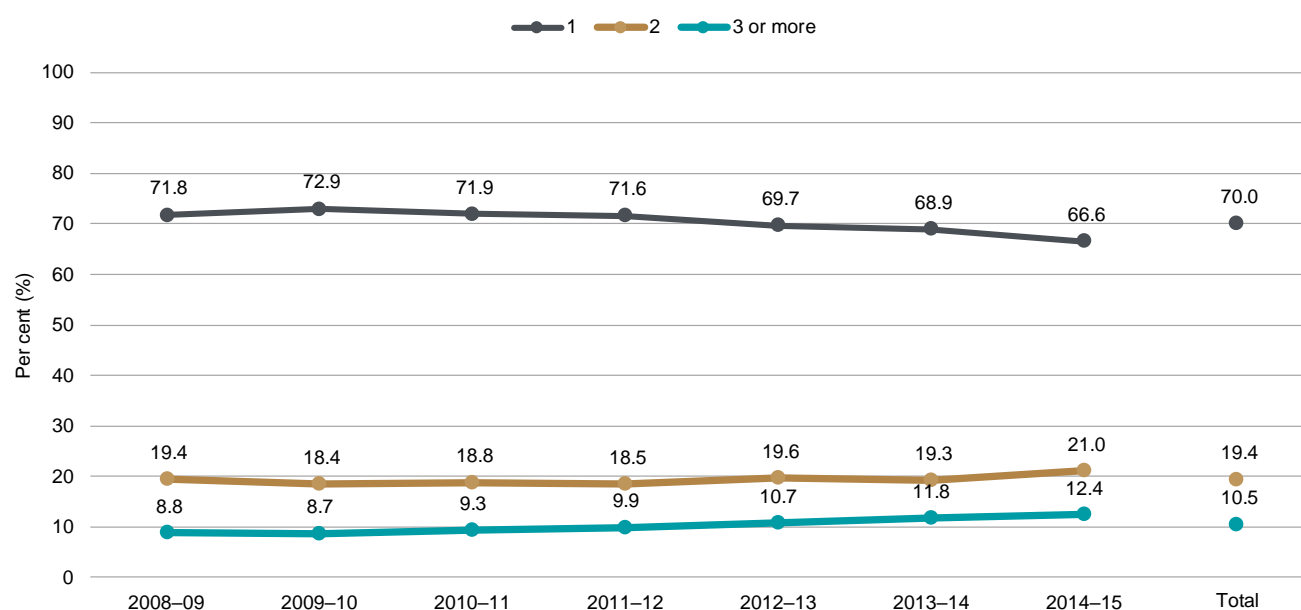
Between 2008–09 and 2014–15, 84.6% of DVO applications did not involve an application to vary (data not shown).⁴¹ However, the proportion of DVO applications with at least one application to vary rose from 13.3% in 2008–09 to 19.4% in 2014–15. There were also increases in the number of applications to vary made in relation to each DVO application

⁴¹ The 2008–09 to 2014–15 monitoring period was selected to ensure adequate time had elapsed to capture applications to vary associated with initiating applications. Legislative changes made in 2016 (coming into effect on 30 May 2017) that increased the operating period of protection orders will not have impacted results shown in this section.

(Figure 17). When comparing 2008–09 and 2014–15, of those DVO applications associated with an application to vary, the proportion of DVO applications associated with:

- one application to vary decreased from 71.8% to 66.6%
- two applications to vary grew from 19.4% to 21.0%
- three or more applications to vary rose from 8.8% to 12.4%.

Figure 17 DVO applications by total number of applications to vary per initial DVO application



Note: This figure excludes DVO applications which were not associated with an application to vary.

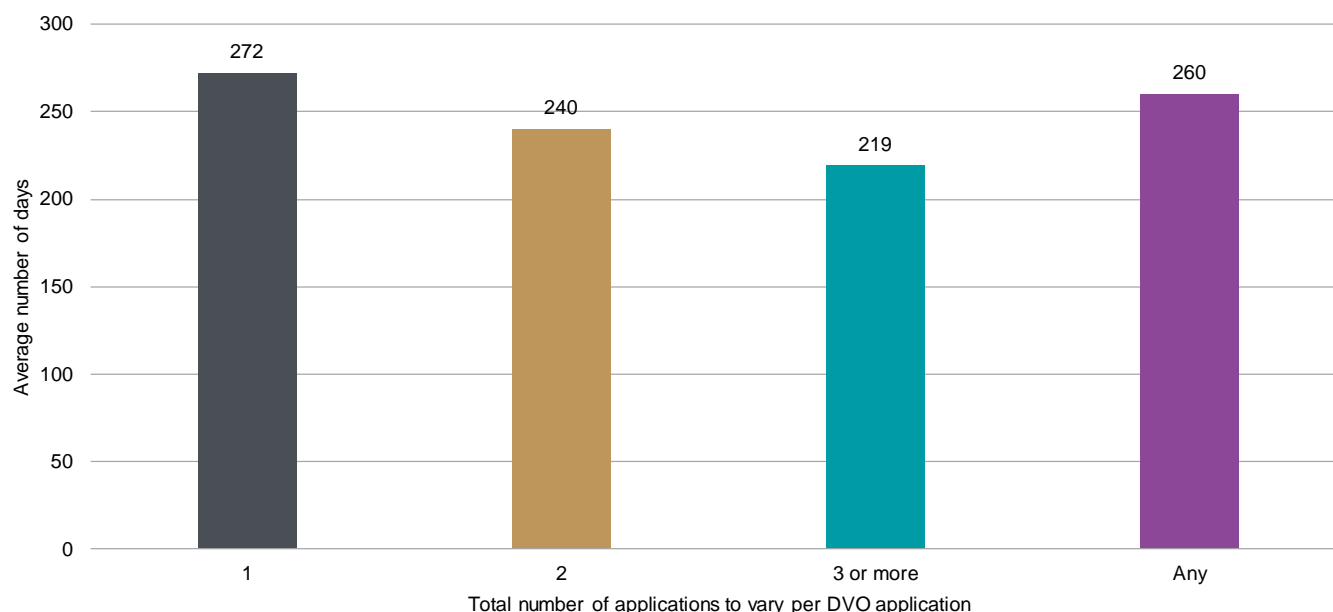
4.2.3. Average time to the first variation application changes in relation to number of variations made

Applications to vary DVO are usually made within nine months of the DVO application being made and DVO applications associated with multiple applications to vary are sought to be varied sooner.

Figure 18 shows the average number of days to the first variation application by total number of variation applications for DVO applications made between 2008–09 and 2014–15.⁴² Among DVO applications associated with an application to vary, the average number of days to first application to vary was 260 days (8.6 months), while the average number of days to first application for those associated with one variation, two variations and three or more variations was 272 days (8.9 months), 240 days (7.9 months) and 219 days (7.2 months) respectively. There was slight variation in the average number of days to first application to vary across the analysis period, however this did not result in a change to the overall trend (data not shown).

⁴² The 2008–09 to 2014–15 monitoring period was selected to ensure adequate time had elapsed to capture applications to vary associated with initiating applications. Legislative changes made in 2016 will not have impacted results shown in this section.

Figure 18 Average number of days to first application to vary by total number of applications to vary, 2008–09 to 2014–15



Note: This figure excludes DVO applications which were not associated with any application to vary.

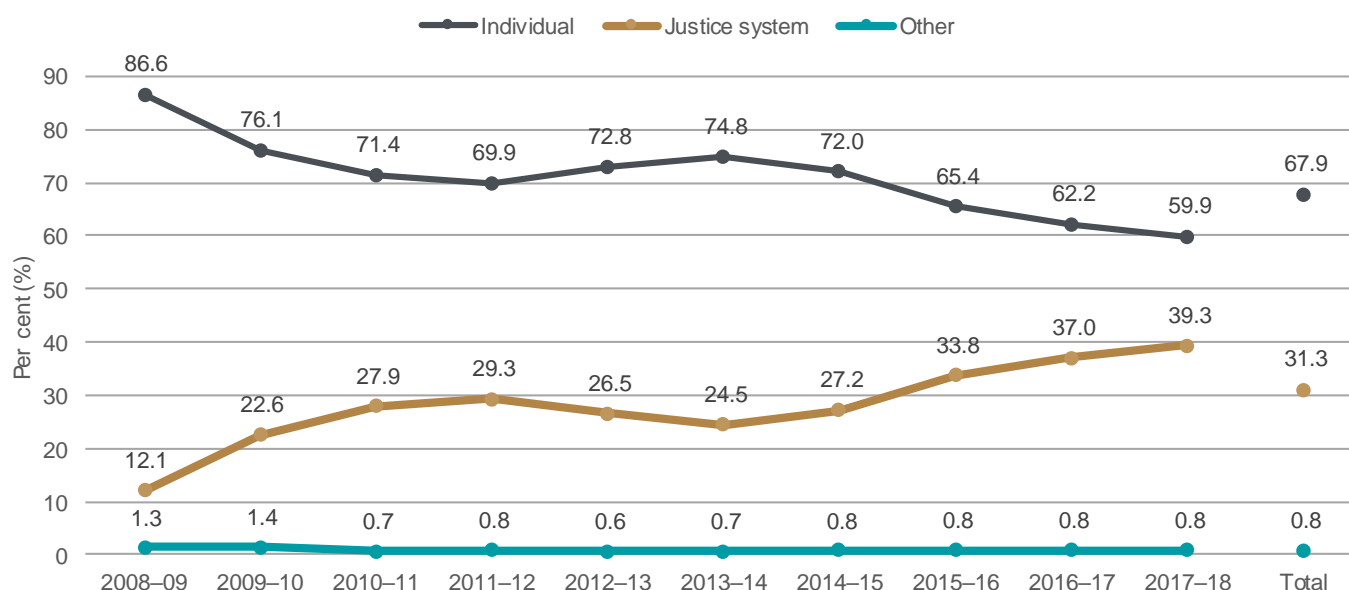
4.2.4. Most applications to vary DVO are made by individuals, but those lodged by the justice system are increasing

Applications to vary DVO between 2008–09 and 2017–18 were mostly made by individuals, however the law and justice system has played a more substantial role in the lodgement of applications to vary in recent years (Figure 19). Law and justice system applications to vary include DVO variations made by a court on its own initiative as part of criminal or child protection proceedings (without an application) and applications to vary made by police.

When comparing 2008–09 and 2017–18, the proportion of applications to vary made by:

- individuals decreased by 26.7 percentage points, from 86.6% to 59.9%
- police or courts increased by 27.2 percentage points, from 12.1% to 39.3%.

The greater involvement of the law and justice system in applications to vary is consistent with findings discussed elsewhere in this report which suggest that police activity is driving the changes observed in DVO applications (see section 4.1.2). Across the analysis period, police lodged 17.5% of all applications to vary, while the courts accounted for 13.7%.

Figure 19 Source of applications to vary DVO

Note: Applicants classified as individuals ($n = 40,351$) on applications to vary include those who were listed as either the aggrieved or the respondent on the associated DVO application, and law and justice system applicants ($n = 18,582$) include police officers and the court. Other applicants ($n = 487$) includes associates or relatives of the aggrieved, other authorised persons for the aggrieved, and unknown sources.

While applications to vary made by individuals as a proportion of all applications to vary decreased, the actual number of applications to vary made by individuals continued to rise over the observation period. Most applications to vary relating to individuals (88.2%) during the analysis period were made by the aggrieved (rather than the respondent) listed on the DVO application. The number of applications made by the law and justice system (overall, 56.1% were made by police and 43.9% were made by the court) also increased over the analysis period. When comparing 2008-09 with 2017-18 (data not shown), the number of applications to vary DVO made by:

- individuals who were listed as the aggrieved on the related DVO application increased by 384.4%, from 1,103 to 5,343
- individuals who were listed as the respondent on the related DVO application increased by 478.1%, from 151 to 873
- police increased by 1,741.2%, from 119 to 2,191
- the court increased by 3,275.0% from 56 to 1,890.⁴³

The most substantial increases in the number and rate of applications to vary made by police or courts occurred in 2015-16, which was a period of substantial reform coinciding with the release of the *Not Now, Not Ever* report and other factors that could potentially contribute to an increased reporting of DFV. The growth in the rate of private applications to vary took place for most years under analysis (data not shown).

4.2.5. Applications to vary resulting in variations to order conditions tend to involve requests to amend contact and living arrangements

Further examination of applications to vary resulting in amendment/s or inclusion/s of DVO conditions indicate that DVO condition changes most typically related to respondent contact with the aggrieved and respondent living arrangements.⁴⁴ Amended conditions operate alongside the standard DVO conditions that require a respondent to be of good behaviour toward the aggrieved; not to commit violence towards the aggrieved or any named person; and not to have any weapons or a weapons licence. As indicated previously, applications to vary can be made by individuals, police or the court.

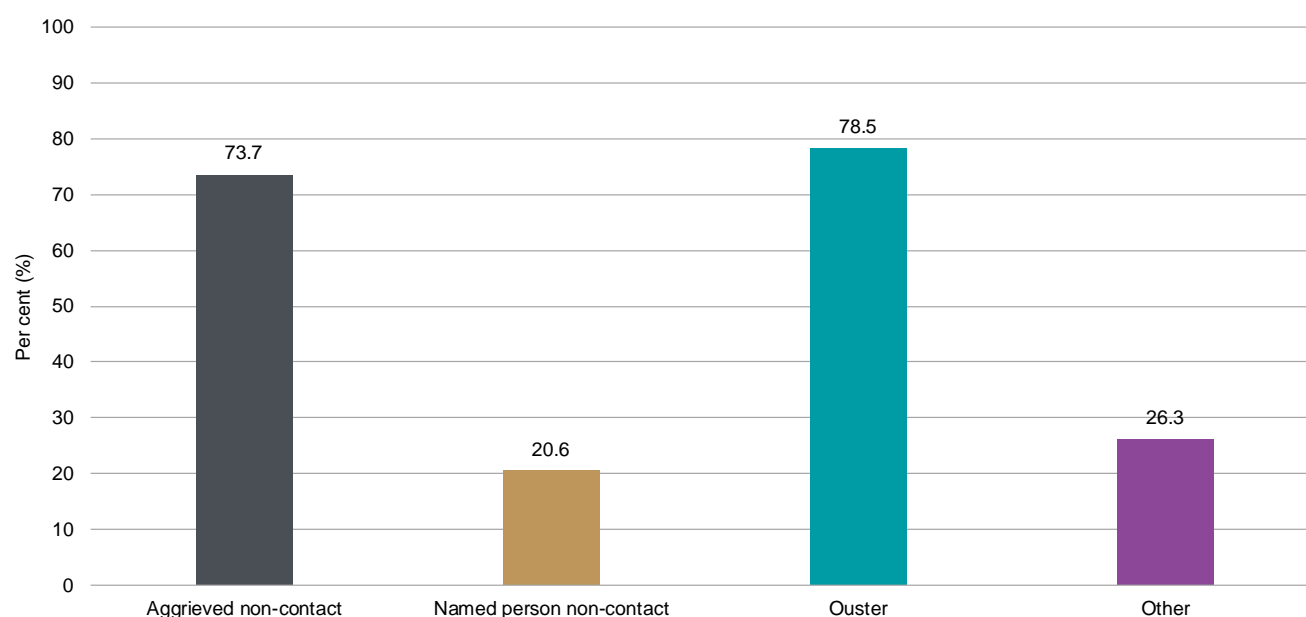
⁴³ The very high percentage growth calculated for the number of applications to vary lodged by police and courts is explained partly by the relatively small number of these applications in 2008-09.

⁴⁴ Just over a third (36.7%) of applications to vary resulted in a varied or added DVO condition/s. Applications to vary that did not result in amended conditions may occur in circumstances where the application to vary did not involve a request to change a condition (for example, application related to length of DVO), the applicant withdrew the application to vary or the court dismissed the application to vary.

Figure 20 shows that, of those applications to vary that resulted in amended DVO conditions, nearly four out of five (78.5%) related to an ouster condition⁴⁵, three quarters (73.7%) involved a condition ordering non-contact with the aggrieved, and one in five (20.6%) involved a condition ordering non-contact with a named person listed on the DVO. Just over a quarter (26.3%) related to 'other' conditions such as the return of property and protecting unborn children.

Additional information regarding DVO conditions will be included in future publications being prepared by QGSO as part of its *Exploring domestic and family violence trends in Queensland* research project.

Figure 20 Types of DVO conditions allowed by the court following applications to vary, 2008–09 to 2017–18



The results in this section showed that:

- increases in applications to vary are driven by multiple factors, including:
 - the number of DVO applications and DVOs in operation
 - rises in the proportion of DVO applications sought to be varied
 - increases in the average number of applications to vary made in relation to a given DVO application.
- DVO applications associated with multiple applications to vary tend to have a shorter time to first variation
- applications to vary tend to involve a request to amend conditions associated with contact and living arrangements.

⁴⁵ An ouster condition requires the respondent to leave the home previously shared with the aggrieved – regardless of whether it is owned or rented by the respondent.

4.3. Withdrawal or dismissal of DVO applications and applications to vary

The project examined how many DVO applications were dismissed by the court or withdrawn by applicants to determine if this changed over time. An application may be dismissed due to the applicant not appearing in court, insufficient evidence being available to support an order, or because the application is deemed to be malicious, deliberately false, frivolous or vexatious (Douglas and Fitzgerald 2013; Magistrates Court of Queensland 2019). A DVO application and application to vary can be withdrawn by the original applicant, or a person representing or acting for the applicant. A request to withdraw an application can be made in court, or through a written application to the clerk. Where a DVO application was made by police and the aggrieved seeks to withdraw it, police are able to attend to ensure this is not due to threats or intimidation by the respondent. Further, regardless of who requests a withdrawal, a court can refuse the request if it considers an order to be necessary or desirable to protect the aggrieved (Magistrates Court of Queensland 2019).

4.3.1. Applications to vary are withdrawn or dismissed more often than DVO applications

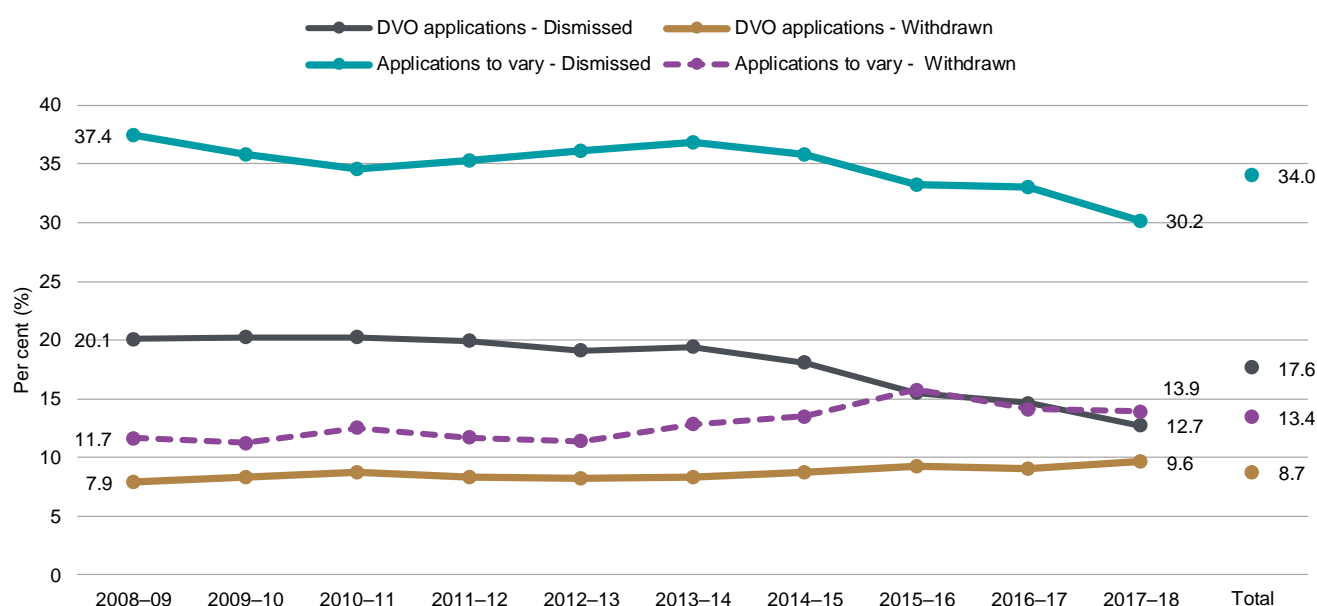
About one in five (20.7%) of all applications made between 2008–09 and 2017–18 were dismissed by the court and one in ten (9.6%) were withdrawn by applicants. A higher share of applications to vary were dismissed or withdrawn than DVO applications.⁴⁶

Figure 21 shows that nearly half (47.4%) of applications to vary were either dismissed or withdrawn, compared with about a quarter (26.3%) of DVO applications. Dismissal and withdrawal trends changed over time and when comparing 2008–09 with 2017–18, the proportion of:

- DVO applications dismissed by the courts decreased from 20.1% to 12.7%
- applications to vary dismissed by the courts decreased from 37.4% to 30.2%
- DVO applications withdrawn increased from 7.9% to 9.6%
- applications to vary withdrawn increased from 11.7% to 13.9%.

While the project was not able to determine the exact reasons for these trends, it is noted that decreases in dismissed DVO applications and increases in DVO application withdrawals tended to commence before 2015–16 (a period of substantial system reform), and further analyses shown below in section 4.3.2 indicates that police DVO applications are less likely to result in dismissal or withdrawal than private DVO applications. The latter is an important consideration given that growth in DVO applications has largely been driven by police activity.

Figure 21 Proportion of DVO applications which were dismissed or withdrawn by application type



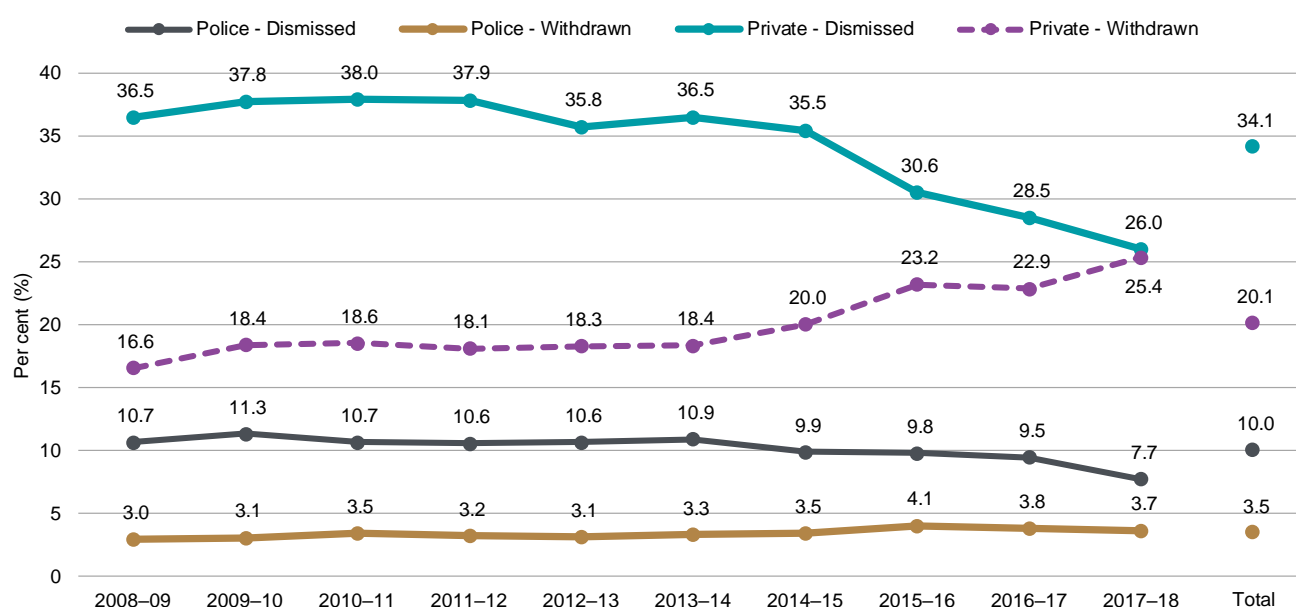
⁴⁶ DVO applications may be withdrawn before or after the imposition of a DVO. For this reason, information on DVO applications that are withdrawn or dismissed do not align exactly with application outcome information discussed in section 4.4.1.

4.3.2. Private DVO applications are withdrawn or dismissed more often than police DVO applications

Figure 22 shows that police DVO applications were associated with fewer withdrawals and dismissals than those made privately. When considering all DVO applications made between 2008–09 and 2017–18, 13.5% of DVO applications made by police were either dismissed or withdrawn compared with 54.3% of applications made privately. When comparing 2008–09 with 2017–18, the proportion of applications lodged by police that were subsequently dismissed decreased from 10.7% to 7.7%, while the proportion withdrawn remained relatively stable. These trends occur in a context of substantial growth in police applications (see section 4.1.2).

Conversely, DVO applications made privately, and then subsequently dismissed, decreased from 36.5% to 26.0% when comparing 2008–09 with 2017–18. There was also a substantial increase in the proportion of privately lodged DVO applications that were subsequently withdrawn (16.6% compared with 25.4%). These trends do not coincide with the considerable system reform noted in relation to 2015–16 and decreases in private applications being dismissed tend to align with increases in the number of private applications being withdrawn. There have been efforts to assist individuals in the navigation of court proceedings in recent years.

Figure 22 Proportion of DVO applications which were dismissed or withdrawn, by application source



The findings described above are consistent with other research that has shown that DVO applications made by police are generally more successful than those made privately (Douglas and Fitzgerald 2013; Dowling et al. 2018). This research suggests that police involvement in applications may provide the support needed by an aggrieved, help simplify the process, and provide for stronger evidence to support applications (Douglas and Fitzgerald 2013; Dowling et al. 2018). Researchers have also argued that the withdrawal of applications by an aggrieved may be the result of ‘... fears of reprisal, perceptions that orders are unlikely to have an impact, and previous negative court experiences’ (Dowling et al. 2018, p. 11). Further, the unfamiliar and complicated nature of the process may lead to applications being withdrawn when insufficient guidance and support is available to an aggrieved.

The results in this section showed that:

- the proportion of applications which are dismissed has decreased over time, while the proportion withdrawn has increased
- applications to vary are withdrawn or dismissed more often than DVO applications
- private applications are withdrawn or dismissed more often than police applications.

4.4. Outcomes of DVO applications

The courts are responsible for the imposition of DVOs after consideration of DVO applications. DVO applications can be submitted by police (via a temporary DVO application, police DVO application or PPN) or made privately by individuals, and there are circumstances where a court may decide to issue a temporary DVO before determining if a DVO is required.⁴⁷ The following section provides information on whether DVO applications result in a DVO being imposed by the court, and explores differences in outcomes in relation to lodgement source.

4.4.1. Most DVO applications result in an order being made, however there is variation in relation to certain factors

Examination of DVO application outcomes showed that almost four out of five (78.7%) DVO applications lodged between 2008–09 and 2017–18 resulted in a protection order ultimately being made by the court (Figure 23).⁴⁸ However, substantial differences in application outcomes occurred in relation to lodgement source, with 92.9% of police applications compared with 48.0% of private applications resulting in a protection order. This difference in application outcome is consistent with earlier results showing that police DVO applications were less likely than private DVO applications to be withdrawn or dismissed by the courts (see section 4.3). Research in other jurisdictions has indicated that police are less likely than individuals to make applications for non-physical forms of DFV (State of Victoria 2016) and matters involving serious physical violence are likely to be associated with higher rates of DVO imposition.

Differences in application outcomes were also observed in relation to the characteristics of the aggrieved listed on DVO applications. For example, a higher proportion of DVO applications with a woman listed as the aggrieved (80.8%) resulted in a protection order than those with a male aggrieved (73.0%); while 84.9% of DVO applications with an Aboriginal and Torres Strait Islander person listed as the aggrieved resulted in a protection order. There was no real difference in DVO application outcomes were similar for applications involving intimate (79.2%) or family relationships (77.2%).

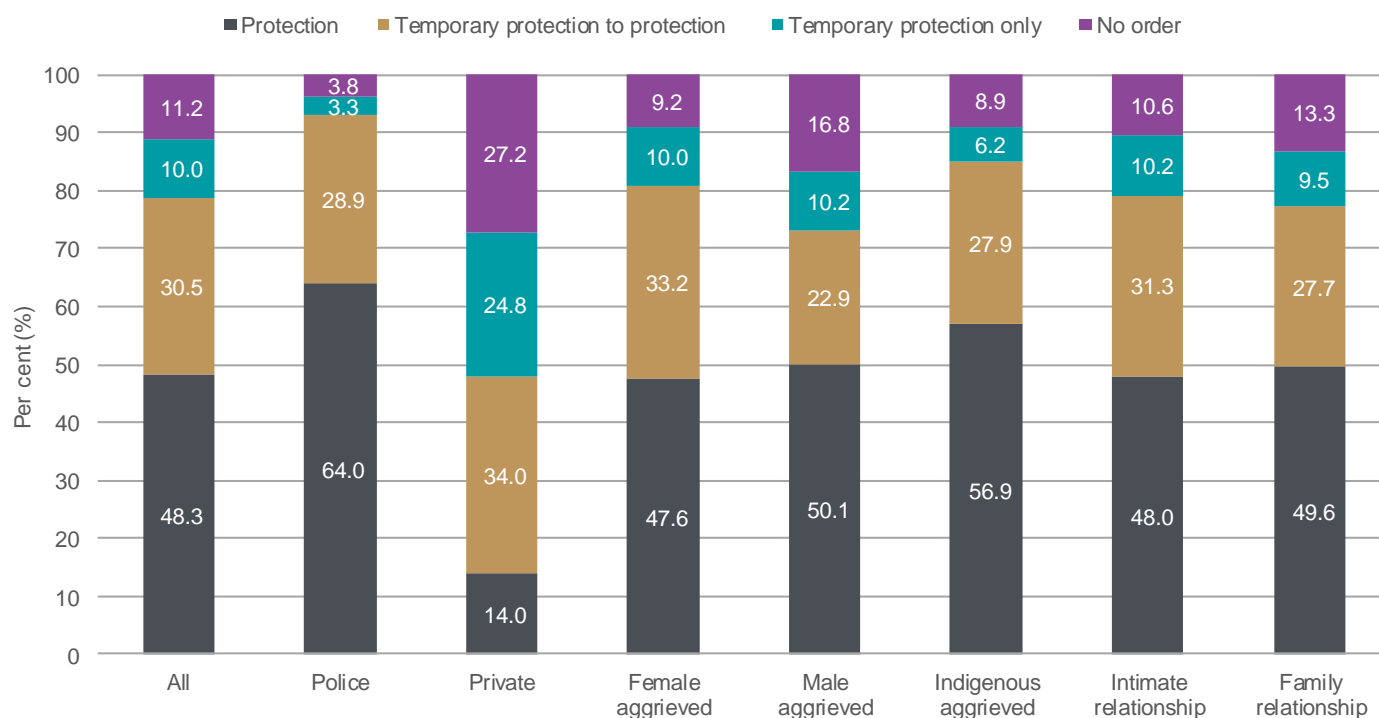
Many factors are likely to contribute to variation in DVO application outcomes, including the circumstances surrounding matters being heard by the court, and the level of police involvement. It is noted, for example, that police lodgements accounted for nearly all DVO applications made in Aboriginal and Torres Strait Islander communities (see section 4.1.9) and information just discussed shows a higher transition of applications into protection orders among those lodged by police than those made privately. Other research has also suggested that men may be more likely than women to submit frivolous or vexatious applications (Douglas and Fitzgerald 2013).

Figure 23 also shows that private DVO applications (24.8%) were more likely than police DVO applications (3.3%) to result in a temporary protection order only, which may relate to procedural matters. For example, respondents listed on private DVO applications may be less likely to have received advice about the application when compared with respondents listed on police DVO applications and the court may elect to issue a temporary DVO to operate until the respondent has been advised of court hearing dates and has time to obtain legal advice or gather relevant material.

There was a slight overall increase across the analysis period in the proportion of DVO applications resulting in a protection order being made which increased from 76.1% in 2008–09 to 80.4% in 2017–18 (data not shown).

⁴⁷ A court may issue a temporary DVO when an aggrieved is considered to require immediate protection prior to the finalisation of an application (for example, the court adjourns a proceeding), or as a result of a police application for a temporary DVO (Magistrates Court of Queensland 2019).

⁴⁸ This figure includes applications that involved a temporary protection order being made before a protection order was ultimately imposed. It does not include outcomes where *only* a temporary protection order was made, or no order was made.

Figure 23 Outcomes of DVO applications by application source and characteristics of the aggrieved, 2008–09 to 2017–18

4.4.2. Changes in the progression of order imposition is related to police DVO applications

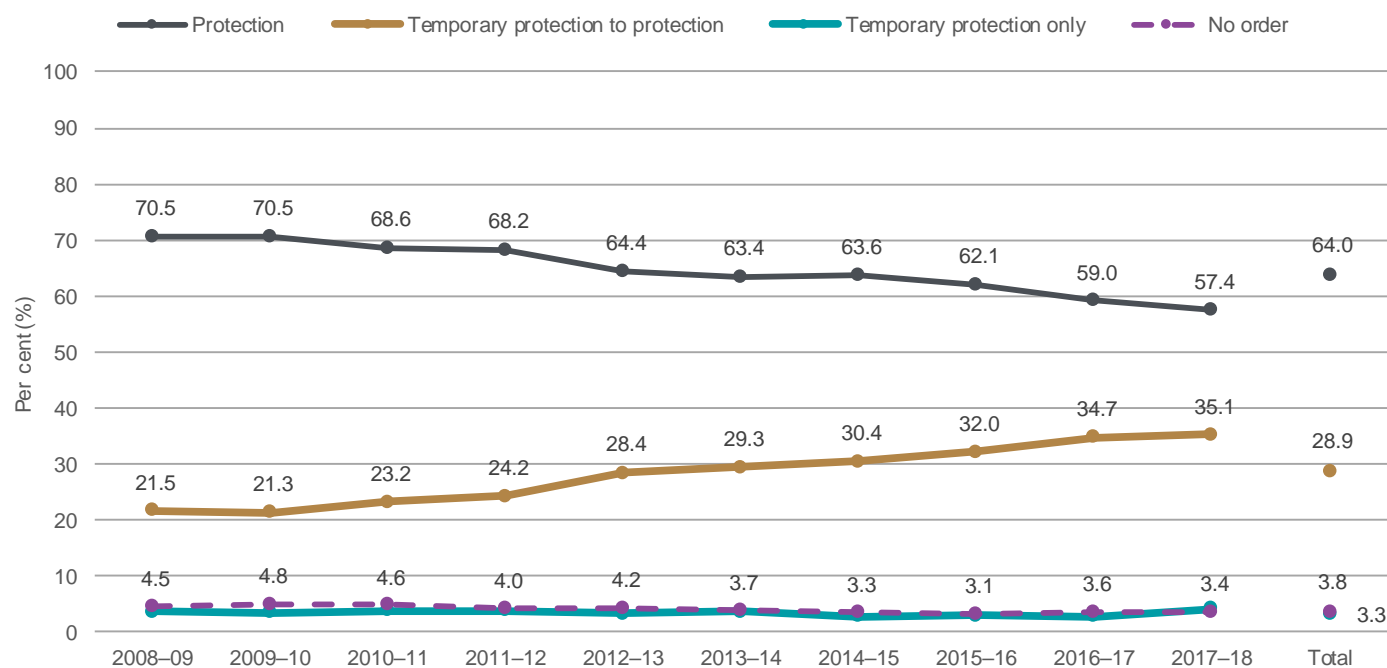
Trend-based analyses (data not shown) reveal changes in the progression of order imposition over time. For example, the proportion of all DVO applications which progressed from a temporary protection order to a protection order increased by 9.4 percentage points (from 25.9% to 35.3%), while the proportion of applications resulting in an immediate protection order decreased by 5.1 percentage points (from 50.2% to 45.1%). The contribution of DVO applications which resulted in a temporary protection order only or where no order was made remained relatively stable over the course of the analysis period.

Further exploration of application outcomes by application source and aggrieved characteristics revealed that the changes in the progression of order imposition were driven by police DVO applications. Figure 24 shows the outcomes of DVO applications lodged by police for the 2008–09 to 2017–18 period. When comparing 2008–09 with 2017–18, the proportion of police applications which resulted in:

- a temporary protection order before progressing to a protection order increased by 13.6 percentage points, from 21.5% to 35.1%
- an immediate protection order decreased by 13.1 percentage points, from 70.5% to 57.4%
- a temporary protection order only remained steady, from 3.5% to 4.0%
- no order being made remained steady, from 4.5% to 3.4%.

The progression of DVO applications to orders with regard to private DVO applications remained relatively steady over the observation period (data not shown).

Figure 24 Progression of DVO applications lodged by police



The results in this section showed that

- most DVO applications result in a protection order being made, however there is variation in relation to:
 - application lodgement source
 - gender of the aggrieved
 - Aboriginal and Torres Strait Islander identification of the aggrieved
- changes in the progression of order imposition is related to police DVO applications.

5.0 Discussion

The *Applications for domestic violence orders in Queensland, 2008–09 to 2017–18* research report provides detailed information on DVO application trends and their characteristics to inform the development of, and understand the potential impact of, future responses to DFV.

The research showed overall increases in the number and rate of DVO applications made in Queensland between 2008–09 and 2017–18. This growth may be explained by an interplay between multiple factors, including a more responsive law and justice system, a greater willingness of people to report DFV incidents and/or a growing prevalence of DFV in the community. While it is not possible to attribute causality between DVO application growth and different factors, the research discussed in this report showed that DFV application growth was largely driven by police activity and often coincided with reform activities.

There was a steady increase in DVO applications in the years following the introduction of the *Domestic and Family Violence Protection Act 2012* (the Act) and a substantial increase in DVO applications was recorded immediately after the release of the *Not Now, Not Ever* report in 2015 which recommended and coincided with practice and legislative reform, raised public awareness and specialised support relating to DFV. The growth observed in 2015–16 was then followed by slight decreases occurring in 2016–17 and 2017–18. The Act prescribed proactive police investigation of DFV matters and introduced the use of PPNs, which may suggest that some of the growth apparent after 2012 is related to a more responsive law and justice system. The substantial rise in DVO applications immediately following the *Not Now, Not Ever* report is likely to be somewhat attributable to a greater willingness of people to report and seek support for DFV given other research demonstrating that public enquiries can result in behavioural change or heightened awareness of health and social issues (Satyen, et. al. 2020).⁴⁹ An increased willingness to report DFV in recent years may have been facilitated by a more supportive system coinciding and generated in response to recommendations made in the *Not Now, Not Ever* report through activities outlined in Queensland's DFV Prevention Strategy and broader cultural changes.

While other research is required to understand the true extent of DFV in the community and the effectiveness of law and justice responses to it, some of the other findings discussed in this report may be indicative of a more responsive law and justice system supported by changes in legislation in relation to DFV matters. For example, there was:

- higher growth in the number and rate of DVO applications lodged by police in comparison with rises recorded for private applications (which may indicate greater confidence in law and criminal justice responses, thereby reducing the need for individuals to lodge DFV applications)
- decreases in the proportion of DVO applications dismissed by the courts (which coincide with increases in police applications, which are less likely to be dismissed by the courts when compared with private applications)
- slight increases in the proportion of DFV applications that result in a DVO being imposed (possibly attributable to relative increases in police DVO applications which have substantially higher order imposition rates than private DVO applications).

The impact of legislative reform was also apparent in cross-application trends, with the number and rate of cross applications declining considerably after the Act provided greater guidance on their use. The intent of this reform was to ensure that greater efforts are taken to identify the person most in need of protection, and to minimise the automatic use of cross applications in DFV circumstances – an intent supported by changes to police operating procedures.

Similar to other research, analyses of DVO applications data demonstrated the gendered nature of DFV, with the majority of DVO applications involving a female aggrieved (rather than a male aggrieved), and most relating to intimate personal, rather than family, relationships. However, the proportion of applications relating to family relationships rose over time and there was potential evidence of increased reporting of elder abuse apparent in the DVO applications data. For example, there was:

- growth in the rate of DVO applications involving family members, which was higher than the growth recorded for DVO applications concerning persons in intimate relationships
- a greater increase in the rate of DVO applications with an aggrieved aged 60 years and over than for DVO applications overall

⁴⁹ For example, the Victorian Royal Commission into Family Violence was associated with increased reporting of intimate partner violence and help-seeking behaviour, and the Australian Royal Commission into Institutional Responses to Child Sexual Abuse (2013–2017) led to one in ten survivors disclosing their experience for the first time (Satyen, et. al. 2020).

- a rise in the proportion of DVO applications involving family members where the aggrieved was aged 60 years and over.

Elder abuse is an emerging field of inquiry characterised by information gaps, and the research presented in this report suggests that DVO applications data may provide important (albeit limited) indicator information regarding this issue.⁵⁰ A report released by the Australian Law Reform Commission following its enquiry into elder abuse suggested that increases in elder abuse may be associated with Australia's ageing population (Australian Law Reform Commission 2017b). Other studies have noted possible risk factors connected with elder abuse, including cognitive impairment, functional dependence/disability, low income/socio-economic status, poor physical/mental health, race/ethnicity and social isolation (Blundell et. al. 2017).

Other research has established the overrepresentation of Aboriginal and Torres Strait Islander people as both victims and perpetrators of DFV (Douglas and Fitzgerald 2018; Law Council of Australia 2018; Ombudsman Western Australia 2015; Our Watch 2018). This overrepresentation is often considered in relation to the impact of colonisation on cultural and kinship systems, social and economic exclusion, drug and alcohol misuse, racism and institutionalisation (Australian Law Reform Commission 2017a; Gordon, Hallahan and Henry 2002). Overrepresentation of Aboriginal and Torres Strait Islander people was also apparent in the DVO applications data which showed that:

- Aboriginal and Torres Strait Islander people accounted for a greater share of DVO applications than their representation in the general Queensland population
- the rate of DVO applications relating to Aboriginal and Torres Strait Islander people (either as an aggrieved or respondent) was higher than the rate of DVO applications for the general Queensland population.

However, growth in the rate of Aboriginal and Torres Strait Islander people listed as either the aggrieved or respondent on DVO applications between 2008–09 and 2017–18 was less than the increases recorded for the Queensland adult population. Nearly all DVO applications lodged in Aboriginal and Torres Strait Islander communities were lodged by police, and the relatively small number of private applications made by Aboriginal and Torres Strait Islander people may benefit from further examination to assist with the development of culturally informed DFV responses (Queensland Government 2019b).

Growth in DVO applications also coincided with substantial increases in applications to vary. This growth is likely to be related to the rising number of DVOs in operation (which increases the number of orders that can be varied), growth in the proportion of DVO applications associated with an application to vary and slight increases in the number of applications to vary made in relation to the same DVO application. The average time to first application to vary was around 9 months and this figure remained relatively stable across the analysis period. The DVO conditions most typically varied by the courts were ouster conditions and conditions ordering non-contact with the aggrieved.

The substantial increase of DFV applications coinciding with the release of the *Not Now, Not Ever* report highlights the importance of mobilising relevant support services when initiating review mechanisms to investigate sensitive and complex social issues. The continued overrepresentation of Aboriginal and Torres Strait Islander people on DFV applications both as the aggrieved and as a respondent also points toward the need for additional culturally responsive measures to reduce the impact of DFV on Aboriginal and Torres Strait Islander communities.

Further monitoring of DVO application trends is likely to prove beneficial, given indications of a declining rate of police applications and stabilised rate of private DVO applications in 2016–17 and 2017–18, in addition to concerns raised regarding the possible increase in DFV due to the community containment measures introduced in March 2020 to reduce the spread of COVID-19 such as physical distancing and self-isolation, as well as increased financial insecurity, children at home and reduced ability to access support. It may also be of benefit to conduct further research to determine the extent to which police DVO applications are associated with more serious DFV matters, and how this might impact the likelihood of DVOs being imposed by the courts given observed differences in application outcomes when comparing police and private DVO applications.⁵¹

⁵⁰ There is no consistent definition of elder abuse, which hinders data collection efforts. However, a recent Queensland study estimated that 14.3% of those aged 65 years or more experienced elder abuse, with financial abuse being the most common type of elder abuse experienced (Blundell et. al. 2017).

⁵¹ QGSO is undertaking further research in relation to DFV as part of its *Exploring domestic and family violence trends in Queensland* research project. This work includes the analysis of law and justice system administrative data relating to DFV calls for service made to police, cross applications, DVOs, breaches of DVO, DFV reoffending and revictimisation.

Glossary

Aboriginal and Torres Strait Islander people: is the collective term used by this project when discussing administrative data indicating that a person has been identified as an Australian Aboriginal and/or Torres Strait Islander. This information may have been self-reported or reflect information included on a DVO application made on behalf of another person. The use of this term is not intended to diminish or deny the diversity between and within Aboriginal and Torres Strait Islander individuals, families, communities, groups and nations across Australia.

Aggrieved: is used to refer to the primary person listed on a DVO application, PPN, temporary protection order or protection order who requires protection.

Applicant: is used to refer to the entity who applies for an application to vary, and includes aggrieved, respondents and named persons on DVO applications, other authorised parties, police officers or the court.

Application to vary: is an application lodged with a court (typically a Magistrates Court) by an applicant that seeks to alter the characteristics of an existing DVO or application.

Cross application: defined as interrelated DVO applications relating to two people in a relevant relationship who have been alternately named as the aggrieved and respondent on DVO applications lodged within a six-month time period.

Domestic violence order (DVO): is a collective term for temporary protection orders and protection orders imposed by the court (typically a Magistrates Court) to protect people experiencing DFV. DVOs protect the aggrieved and named persons by listing various conditions that the respondent must adhere to, any breach of which is an offence.

Domestic violence order (DVO) application: is an application made for a DVO and can be lodged by police, the aggrieved, or another authorised party.

Elder abuse: is the term used in this report to reflect the various forms of violence used against those aged 60 years and over, and includes physical, emotional and economic abuse.

Indigenous: a term used in figures to refer to individuals in the data that either self-identified as Australian Aboriginal and/or Torres Strait Islander, or where police or another applicant have identified them as being Australian Aboriginal and/or Torres Strait Islander.

Named person(s): refers to a party/parties other than the aggrieved who is named as being in need of protection from the respondent on an application for a DVO. Named persons can include children or family members of the aggrieved or respondent, or any other relative or associate of the aggrieved.

Police protection notice (PPN): is issued by police when protection of an aggrieved person is required as soon as possible. Issuance of a PPN is also taken to be an application for a DVO.

Protection order: is a civil order made by a court for the protection of people experiencing DFV. Protection orders have standard conditions but can have other conditions added to prevent future DFV from occurring. In Queensland, a protection order is generally active for five years (prior to June 2017, the minimum duration for a protection order was two years).

Relationship type: refers to the relationship between the aggrieved and respondent listed on an a DVO application. These relationships can include intimate personal relationships (e.g. spousal, engagement and couple relationships), family relationships (e.g. parent, sibling and cousin) and other relationship, including informal care relationships. Family relationships, besides relating to people connected by blood or marriage, also include those where persons regard themselves as relatives of each other in a wider concept than is ordinarily understood, for example, with Aboriginal peoples and Torres Strait Islander peoples.

Respondent: is a person identified on a DVO application or a protection order as being the individual using domestic or family violence against the aggrieved and is thus the individual from which the aggrieved requires protection.

Temporary protection order: is an order that provides interim protection to the aggrieved and named persons listed on the order before a court makes a decision on whether to issue a protection order. Temporary protection orders have standard conditions, but these can be tailored.

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