

QUEENSLAND TREASURY

# Summary of criminal justice reforms relating to domestic and family violence, 2015–early 2020

**Queensland Government Statistician's Office**

Queensland Treasury

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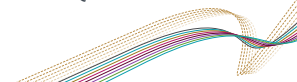
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# Acronyms

CJS	criminal justice system
DFV	domestic and family violence
DVO	domestic violence order
IO	intervention order
PPN	police protection notice
QPS	Queensland Police Service



# Introduction

A range of initiatives and reform activities that aim to reduce domestic and family violence (DFV)<sup>1</sup> in the community have been implemented by the Queensland Government following the release of the *Not Now, Not Ever: Putting an end to domestic and family violence in Queensland (Not Now, Not Ever)* report in 2015.<sup>2</sup> This report included 140 recommendations which were used to inform the development of Queensland's *Domestic and Family Violence Prevention Strategy 2016–2020*.<sup>3</sup> This strategy seeks to ensure that 'all Queenslanders live safely in their own homes and children can grow and develop in safe and secure environments'. It lists three underpinning foundational elements which align with the key areas of reform identified in the *Not Now, Not Ever* report:

- i. A significant shift in community attitudes and behaviours.
- ii. An integrated response system that delivers the services and support that victims and perpetrators need.
- iii. A stronger justice system response that will prioritise victim safety and hold perpetrators to account.

This document is intended to provide a summary of criminal justice reforms related to DFV. Reform activities are listed in the below table and are categorised depending on their primary relationship with reform areas identified above. Reforms which involve the Queensland criminal justice system primarily align with the second and third elements listed above.

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<sup>1</sup> DFV is behaviour by a person (the first person) towards another person (the second person) with whom the first person is in a relevant relationship (intimate personal, family, or informal care relationship) that is physically, sexually, emotionally, psychologically, or economically abusive; and/or is threatening, coercive, or in any other way controls or dominates the second person and causes the second person to fear for the second person's safety or wellbeing or that of someone else (as defined in the *Domestic and Family Violence Protection Act 2012* (Qld)).

<sup>2</sup> The Special Taskforce on Domestic and Family Violence in Queensland 2015, *Not Now, Not Ever report: Putting an end to domestic and family violence in Queensland*, Brisbane.

<sup>3</sup> Queensland Government 2015, *Domestic and family violence prevention strategy 2016–2020*, Brisbane.

## Queensland criminal justice system reforms aimed at ending domestics and family violence (DFV) implemented since 2015

Reform mechanism	Date	Reform details	Reform area <sup>(a)</sup>
<b>Legislative amendment<sup>4,5,6,7</sup></b>			
<u><i>Coroners (Domestic and Family Violence Death Review and Advisory Board) Amendment Act 2015 (Qld)</i></u>	October 2015	The Domestic and Family Violence Death Review and Advisory Board established to identify common systemic failures, gaps or issues and makes recommendations to improve systems, practices and procedures to help prevent further DFV-related deaths. The Board became effective in December 2015 and consists of multi-disciplinary experts.	iii.
<u><i>Criminal Law (Domestic Violence) Amendment Act 2015 (Qld)</i></u>	October 2015	Victims of DFV now automatically treated as 'special' or protected witnesses to support reducing the trauma of giving evidence in criminal proceedings against alleged perpetrators. Effective 22/10/2015.	iii.
		More severe penalties for breaching domestic violence orders (DVO) introduced. Maximum penalties for first-time and subsequent breaches of DVO increased to three and five years' imprisonment respectively. Effective 22/10/2015.	iii.
		Enhanced recording of DFV-related convictions by way of a notation under the <i>Penalties and Sentences Act 1992</i> (Qld) so that patterns of DFV are more obvious to police and court officers. Effective 01/12/2015.	iii.
<u><i>Domestic and Family Violence Protection and Another Act Amendment Act 2015 (Qld)</i></u>	December 2015	'Ouster' conditions for perpetrators of DFV to be considered by courts in all DVO applications. An ouster condition involves removing a perpetrator from the family home, increasing scope for victims to stay in their own homes when it is safe to do so. Effective 29/01/2016.	iii.
		The views and wishes of people who fear or experience DFV to be sought (where appropriate and practicable) before a decision affecting them is made under the <i>Domestic and Family Violence Protection Act 2012</i> (Qld). Effective 29/01/2016.	iii.
		Courts are required to hear cross applications together to ensure the person most at risk is identified and protected. Effective 29/01/2016.	iii.
<u><i>Family Responsibilities Commission Amendment Act 2015 (Qld)</i></u>	December 2015	When DVOs are made in relation to respondents residing in a welfare reform community the court is required to notify the Family Responsibilities Commission. Effective 17/12/2015.	ii.

<sup>4</sup> Queensland Government 2015, *Queensland government response to the report of the special taskforce on domestic and family violence*, Brisbane, <<https://cabinet.qld.gov.au/documents/2015/Aug/RespNotNowDFV/Attachments/Response.PDF>>.

<sup>5</sup> Queensland Government 2019, *Delivery of recommendations. Not Now, Not Ever: Putting an end to domestic and family violence in Queensland*, Brisbane, <<https://www.csyw.qld.gov.au/resources/campaign/end-violence/dfvp-nnne-delivery-of-recommendations-report.pdf>>.

<sup>6</sup> Queensland Government 2020, *Legislative changes*, <<https://www.csyw.qld.gov.au/campaign/end-domestic-family-violence/our-progress/strengthening-justice-system-responses/legislative-changes>>.

<sup>7</sup> Queensland Government 2020, *Queensland Legislation*, Brisbane, <<https://www.legislation.qld.gov.au>>



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Reform mechanism	Date	Reform details	Reform area <sup>(a)</sup>
<u><i>Criminal Law (Domestic Violence) Amendment Act 2016 (Qld)</i></u>	May 2016	DFV becomes an aggravating factor when sentencing for criminal offences under the <i>Penalties and Sentences Act 1992</i> (Qld). Effective 5/05/2016.	iii.
		Non-fatal strangulation (choking, suffocation or strangulation) in a domestic setting becomes a new stand-alone offence under the Criminal Code. The offence has a maximum penalty of seven years' imprisonment. Effective 5/05/2016.	iii.
<u><i>Domestic and Family Violence Protection and Other Legislation Amendment Act 2016 (Qld)</i></u>	October 2016	Courts now required to consider any existing family law order it is aware of and decide if that order needs to be varied or suspended if it is not consistent with the protection needed by the victim or named children. Effective 30/05/2017.	iii.
		The duration of DVOs increased from a minimum of two years to five years unless the court is satisfied that there are reasons for a shorter order. A court is also required to consider whether additional DVO conditions (beyond the standard conditions that the respondent be of good behaviour and not commit DFV) are required to better protect the victim or a named person. Effective 30/05/2017.	iii.
		The scope of police protection notices (PPN) expanded to enable police to better protect a victim as well as their children, relatives and associates. This includes the ability to include additional conditions in PPNs, such as excluding a perpetrator from the family home and/or preventing them contacting the victim of their children until a court hearing (unless there is a family law order in place permitting contact). Police are also no longer required to be in the same location as the respondent to issue a PPN. Effective 30/05/2017.	iii.
		Maximum penalties for breaches of PPN and release conditions increased to three years' imprisonment. New penalties are consistent with those related to DVO breaches. <sup>8</sup> Effective 30/05/2017.	iii.
		A comprehensive information sharing framework is established to facilitate information sharing between key government and non-government agencies to enable better risk assessment and the management of serious DFV threats. This includes sharing of information without consent in certain circumstances. Effective 30/05/2017.	ii.
		Police are empowered to refer victims and perpetrators to specialist DFV service providers, without their consent, if there is a threat to a person's life, health or safety, or if the person has committed DFV. Effective 30/05/2017.	ii.
		Automatic mutual recognition of DVOs across Australia is facilitated through Queensland's participation in the National DFV Order Scheme. Effective 25/11/2017.	iii.
The name of voluntary intervention orders (where respondents agree to attend an intervention program or counselling) is changed to intervention orders (IO) to reflect that although respondents must agree to an IO, once made, compliance with the order's conditions is not voluntary. Courts must also consider non-compliance with an IO when making a protection order or varying a DVO. Compliance with an IO can be considered by the courts when making a protection order or varying a DVO but is not considered grounds for refusing to make a protection order and varying a DVO. Effective 30/05/2017.	iii.		

<sup>8</sup> Release conditions are conditions given to a person who had been taken into custody for DFV and then released before the hearing of an application for a DVO, an urgent temporary protection order had not been obtained, or the person is the aggrieved in another PPN or DVO.



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Reform mechanism	Date	Reform details	Reform area <sup>(a)</sup>
<u><i>Bail (Domestic Violence) and Another Act Amendment Act 2017 (Qld)</i></u>	March 2017	The usual presumption in favour of bail is reversed in circumstances where the alleged offender is charged with relevant DFV offence/s. Effective 30/03/2017.	iii.
		The courts and police required to consider the risk of further DFV and associated DFV when deciding bail applications by DFV offenders. Effective 30/03/2017.	iii.
		Decisions to release alleged DFV offenders from custody on bail can be stayed for up to three business days to allow for an urgent review of the bail decision in a higher court. Effective 30/03/2017.	iii.
		A special bail condition enabling police or courts to require defendants charged with DFV offences to wear a GPS tracking device while on bail is introduced. Effective 31/03/2018.	iii.
		Mandatory reporting provision to the parole system is introduced that requires victims of DFV to be notified of a prisoner's release to the community through the expansion of the Queensland Corrective Services' Victims Register. This notification occurs irrespective of what the prisoner was convicted of. Effective 30/03/2017.	iii.
<u><i>Victims of Crime Assistance and Other Legislation Amendment Act 2017 (Qld)</i></u>	March 2017	Clarification on the availability of financial assistance for victims of DFV, including victims of emotional abuse. Effective 1/07/2017.	ii.
		The establishment of absolute privilege in preliminary proceedings and qualified privilege in other proceedings to protect confidentiality of communications between counsellors and victims of sexual assault. Established 1/12/2017.	ii.
<u><i>Corrective Services (Parole Board) and Other Legislation Amendment Act 2017 (Qld)</i></u>	May 2017	The chief executive (Corrective Services) can require an offender who is released on parole to wear a device for monitoring the offender's location. Effective 26/05/2017.	iii.
<u><i>Land, Explosives and Other Legislation Amendment Act 2019 (Qld)</i></u>	March 2019	People with a DVO against them will no longer be able to hold an explosives licence. The Explosives Inspectorate will work closely with the Queensland Police Service (QPS) to ensure initial and ongoing checks are made to ensure those holding explosives licenses are not subject to a DVO. Effective 1/02/2020.	iii.
<u><i>Police Powers and Responsibilities and Other Legislation Amendment Act 2020 (Qld)</i></u>	February 2020	Police officers have been given new search powers which enables them to search a person for potentially dangerous items, prior to transporting them, in cases where police believe an individual is involved in a DFV situation and needs to be transported to another location. Effective 26/02/2020.	iii.



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Reform mechanism	Date	Reform details	Reform area <sup>(a)</sup>
<b>Court response</b>			
Establishment of specialist domestic and family violence court at Southport <sup>9,10</sup>	September 2015	The specialist domestic and family violence court is designed to better handle the unique character of DFV matters. It operates as a central location for civil and criminal DFV matters to be processed within the magistrate court jurisdiction. Unique components of the Southport specialist court include: <ul style="list-style-type: none"> <li>• dedicated magistrates with expertise in DFV matters</li> <li>• civil cases follow the magistrate who first heard the case</li> <li>• dedicated case managers, court registry and information desk</li> <li>• a dedicated specialist prosecutorial division</li> <li>• duty lawyers to provide advice and representation for either party</li> <li>• court support/liason workers to assist the aggrieved and the respondent</li> <li>• multiagency DFV service integration and collaboration facilitated through colocation.</li> </ul>	iii.
DFV Best practice guidelines <sup>11</sup>	2015	Legal Aid Queensland released a number of best practice guidelines in relation to domestic violence. One example, <i>Best practice guidelines for lawyers working with respondents in domestic violence proceedings</i> , focuses on the need for legal practitioners to maintain knowledge and awareness about domestic violence, prioritise the safety of all those involved, and to facilitate respondents' accountability.	iii.
DFV Duty lawyers <sup>12</sup>	2015–2018	Expansion of the domestic violence duty lawyer service, through Legal Aid Queensland, to a total of 17 locations across the state (Beenleigh, Brisbane, Bundaberg, Caboolture, Cairns, Holland Park, Ipswich, Mackay, Maroochydore, Pine Rivers, Redcliffe, Richlands, Rockhampton, Sandgate, Southport, Toowoomba, and Townsville). Services are provided to both victims and defendants.	iii.
Enhancing awareness of court processes <sup>13,14</sup>	2015	Improving access to tools and information to enhance awareness of court processes for victims and perpetrators, such as an online form guide for DVO applications and a series of videos of the DFV court process.	ii.

<sup>9</sup> Bond, C, Holder, R, Jeffries, S & Fleming, C 2017, *Evaluation of the specialist domestic and family violence court trial in Southport*, Griffith Criminology Institute, Griffith University, Brisbane, <[https://www.courts.qld.gov.au/\\_data/assets/pdf\\_file/0007/515428/dfv-rpt-evaluation-dfv-court-southport-summary-and-final.pdf](https://www.courts.qld.gov.au/_data/assets/pdf_file/0007/515428/dfv-rpt-evaluation-dfv-court-southport-summary-and-final.pdf)>.

<sup>10</sup> Queensland Courts 2019, *Specialist domestic and family violence court*, <<https://www.courts.qld.gov.au/courts/domestic-and-family-violence-court>>.

<sup>11</sup> Legal Aid Queensland 2019, *Best practice guidelines*, <<http://www.legalaid.qld.gov.au/About-us/Policies-and-procedures/Best-practice-guidelines>>

<sup>12</sup> Legal Aid Queensland 2019, *Domestic and family violence duty lawyer*, <<http://www.legalaid.qld.gov.au/Find-legal-information/Relationships-and-children/Domestic-and-family-violence/Domestic-and-family-violence-duty-lawyer>>.

<sup>13</sup> Queensland Courts 2017, *How Queensland Courts is helping*, <<https://www.courts.qld.gov.au/going-to-court/domestic-violence/how-queensland-courts-is-helping>>.

<sup>14</sup> Queensland Government 2019, *End domestic and family violence: Strengthening justice system responses*, <<https://www.csyw.qld.gov.au/campaign/end-domestic-family-violence/our-progress/strengthening-justice-system-responses>>.





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Reform mechanism	Date	Reform details	Reform area <sup>(a)</sup>
Integrated service response tools <sup>15</sup>	2017	Australia's National Research Organisation for Women's Safety (ANROWS) commissioned to co-design a suite of tools to support integrated service responses to DFV. This includes a common risk and safety framework, a model for high risk intervention and supporting professional resources. The framework and resources are being used at the trial sites and new high risk team locations.	ii.
Interpreter services – Best practice guidelines <sup>16,17</sup>	2017	QPS and Queensland Courts have improved access to interpreter services for people who have difficulty communicating in English.	ii.
DFV high risk teams <sup>14</sup>	2017–2019	Implementation of high risk teams in eight locations (Logan/Beenleigh, Mount Isa, Cherbourg, Brisbane, Cairns, Ipswich, Mackay and Moreton) for DFV cases coordinating service delivery from government and non-government agencies including, but not limited to police, health, corrections, and other domestic violence services. The intent is multifaceted, focusing primarily on reducing revictimization and ensuring protection of the aggrieved and holding perpetrators accountable for their actions.	ii.
Rollout of other specialist DFV courts <sup>18,19</sup>	2017–2020	After a successful 22-month trial at Southport, specialist DFV approaches have been established in Beenleigh, Townsville, Mount Isa and Palm Island. A specialist DFV magistrate from Townsville circuits to Mount Isa and Palm Island and offers a culturally responsive approach for Aboriginal and Torres Strait Islanders.	iii.
Domestic and Family Violence Benchbook <sup>20</sup>	2018	The <i>Benchbook – Domestic and Family Violence Protection Act 2012</i> outlines the relevant law and suggested procedure for judicial officers who deal with DFV applications.	iii.
<i>Domestic and Family Violence Best Practice Guidelines</i> <sup>21</sup>	July 2016	The Queensland Law Society developed the <i>Domestic and Family Violence Best Practice Guidelines</i> to assist practitioners in dealing with legal matters that are impacted by domestic and family violence.	iii.
The Domestic and Family Violence Prevention Council <sup>22</sup>	February 2020	A DFV Prevention Council was established to oversee the Third Action Plan of the <i>Domestic and Family Violence Prevention Strategy (2019–20 to 2021–22)</i> following the end of the Domestic and Family Violence Implementation Council which oversaw the implementation of recommendations made in the <i>Not Now, Not Ever</i> report.	ii.

<sup>15</sup> Queensland Government 2019, *End domestic and family violence: Integrated service responses*, <<https://www.csyw.qld.gov.au/campaign/end-domestic-family-violence/our-progress/enhancing-service-responses/integrated-service-responses>>.

<sup>16</sup> Department of Justice and Attorney-General 2019, *Domestic and family violence reform*, <<https://www.justice.qld.gov.au/corporate/justice-initiatives/domestic-and-family-violence-reform>>.

<sup>17</sup> Queensland Police Service 2017, *Use of interpreters in domestic and family violence incidents*, Brisbane, <[https://www.police.qld.gov.au/sites/default/files/2018-10/DFV\\_InterpreterGuidelinesFinal%20Approved%20v1.0.pdf](https://www.police.qld.gov.au/sites/default/files/2018-10/DFV_InterpreterGuidelinesFinal%20Approved%20v1.0.pdf)>

<sup>18</sup> Department of Justice and Attorney-General 2019, *Domestic and family violence reform*, <<https://www.justice.qld.gov.au/corporate/justice-initiatives/domestic-and-family-violence-reform>>.

<sup>19</sup> Queensland Courts 2019, *Specialist domestic and family violence court*, <<https://www.courts.qld.gov.au/courts/domestic-and-family-violence-court>>.

<sup>20</sup> Magistrates Court of Queensland 2018, *Benchbook – Domestic and Family Violence Protection Act 2012*, Brisbane, <[https://www.courts.qld.gov.au/data/assets/pdf\\_file/0020/435026/dv-bench-book.pdf](https://www.courts.qld.gov.au/data/assets/pdf_file/0020/435026/dv-bench-book.pdf)>

<sup>21</sup> Queensland Law Society 2020, *Domestic and Family Violence Best Practice Guidelines*, Brisbane, <[https://www.qls.com.au/For\\_the\\_profession/Advocacy/Domestic\\_and\\_Family\\_Violence\\_Best\\_Practice\\_Guidelines](https://www.qls.com.au/For_the_profession/Advocacy/Domestic_and_Family_Violence_Best_Practice_Guidelines)>.

<sup>22</sup> Queensland Government 2020, *New chapter for domestic and family violence reform*, Brisbane, <<http://statements.qld.gov.au/Statement/2020/2/28/new-chapter-for-domestic-and-family-violence-reform>>.



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Reform mechanism	Date	Reform details	Reform area <sup>(a)</sup>
<b>Policing response</b> <sup>23,24,25,26</sup>			
Queensland Police Service DFV roles and units	2015–2018	<ul style="list-style-type: none"> <li>• Appointment of a Deputy Commissioner, Domestic and Family Violence Cultural Change Champion and designated Assistant Commissioner Community Contact Command as senior officers responsible for overseeing the delivery of the QPS DFV reforms</li> <li>• Reinstatement of the State Domestic and Family Violence Coordinator, and the creation the Domestic, Family Violence and Vulnerable Persons Unit in late 2015. An Inspector and Senior Sergeant within the Community Contact Command have been appointed to coordinate DFV–related research, analysis and operational policy development as part of the reestablishment of the QPS Domestic, Family and Vulnerable Persons Unit.</li> <li>• Establishment of DFV teams in Gold Coast and Rockhampton, which are trialling different service delivery models to enhance police responses to DFV.</li> <li>• Establishment of 24 additional DFV Coordinator officer positions allocated across Queensland (for a total of 54) and 20 DFV High Risk Team member positions to ensure police who deal with domestic and family violence daily are properly supported in their work.</li> <li>• Establishment of Vulnerable Persons Units in several police districts to ensure vulnerable people in the community, including those experiencing DFV, are supported. Vulnerable Persons Units take a person-centric approach to policing, acknowledging DFV is multifaceted and requires a holistic response.</li> <li>• Sunshine Coast District DFV Perpetrator Engagement program designed to reduce recidivism by holding perpetrators accountable for their actions and supporting behaviour change in collaboration with local DFV service providers.</li> <li>• Partnerships developed with non-government sector to provide specialist support to people experiencing DFV, ensuring victims and their families are safe and perpetrators are held to account and receive support to change their behaviours.</li> <li>• Introduction of DFV coordinator officers within the Police Communications Centre to support frontline officers attending incidence of DFV.</li> </ul>	iii.
Training	2016– 2020	Training of police officers in recognising or identifying DFV while building capacity to respond in appropriate and safe ways. Training included: Vulnerable Persons Training, Non-lethal strangulation, Domestic and Family Violence Specialist Course and sponsoring QPS employees to undertake the graduate certificate in domestic and family violence through the Queensland University of Technology and Central Queensland University.	iii.
Charter of Victims' Rights operationalisation	2018	Operationalising the Charter of Victims' Rights from within the <i>Victims of Crime Assistance Act 2009</i> (Qld) (VOCAA) in the QPS Operational Procedures Manual.	iii.

(a) Key areas of reform:

- i. A significant shift in community attitudes and behaviours.
- ii. An integrated response system that delivers the services and support that victims and perpetrators need.
- iii. A stronger justice system response that will prioritise victim safety and protection and hold perpetrators to account.

<sup>23</sup> Queensland Government 2015, *Queensland government response to the report of the special taskforce on domestic and family violence*, Brisbane, <<https://cabinet.qld.gov.au/documents/2015/Aug/RespNotNowDFV/Attachments/Response.PDF>>.

<sup>24</sup> Queensland Government 2019, *End domestic and family violence: Policing response*, <<https://www.csyw.qld.gov.au/campaign/end-domestic-family-violence/our-progress/enhancing-service-responses/policing-response>>.

<sup>25</sup> Queensland Police Service 2018, *Operational procedures manual: Chapter 9 - Domestic Violence*, Brisbane, <<https://www.police.qld.gov.au/sites/default/files/2019-12/OPM%20-%20Chapter%209%20-%20Domestic%20Violence.pdf>>.

<sup>26</sup> Input provided by QCS on 23 April 2020.

