



QUEENSLAND POLICE

UNION

MAKE DFV

A

CRIME

'QPU BLUEPRINT FOR ACTION'

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Executive Summary

Domestic and family violence (DFV) has existed for a very long time. The previous lack of awareness and response can be attributed to the view that it was previously regarded as personal and private family business together with societal values related to the role of women. Indicative of that was that the first legislation in 1989 was some 90 years after the establishment of the Queensland Criminal Code.

In recent times, commencing with the 'Not Now Not Ever' Report and its 140 Recommendations and since then a series of inquiries, reports and recommendations following the tragic murders of Hannah Clarke and her three children in February 2020, the issues associated with domestic and family violence have received wide attention in both Queensland and nationally.

It is sometimes overlooked that domestic and family violence is also having significant and far-reaching impacts on children in Australia, both in the short and long term. These impacts affect various aspects of a child's development, including emotional, psychological, physical, and social well-being. Some of these impacts are manifesting in offending behaviours that ultimately put children in contact with criminal justice system. There was sufficient evidence to this effect offered by various stakeholders to the recent parliamentary Justice, Integrity and Community Safety Committee's inquiry into the Making Queensland Safety Bill 2024.

The *Unlocking the Prevention Potential* report prepared by the Rapid Review Expert Panel established by National Cabinet included the following chilling fact:

Data relating to the homicides of children and young people is likely to be underreported but should be brought firmly into the spotlight. In cases of filicide where there was a Domestic, Family and Sexual Violence context, for example, children are often not reported as a victim of violence to authorities, despite domestic and family violence (DFV) being a significant risk factor for filicide

Additionally, the Rapid Review Expert Panel noted a recent report released by ANROWS indicating that 76 per cent of filicides nationwide occur within the context of DFV, involving a history of child abuse, intimate partner violence, or both. The ANROWS study involved 113 cases of filicide occurring between 2010 and 2018, with 86 cases (76 per cent) having an identifiable history of DFV.

In 2023-24, the Queensland Police Service (QPS) responded to 192,287 DFV occurrences in Queensland, which equates to approximately 526 domestic violence occurrences across the State daily. This is up from 171,841 occurrences in 2022-23 and means that police officers

across Queensland respond to a DFV-related occurrence approximately once every 3 minutes. Concerningly, the ABS, Personal Safety, Australia, 2021-22 report estimates that up to 80% of DFV occurrences go unreported. By extension, the DFV sector is similarly overwhelmed by the growing demand. This places added pressure and expectations on police to fill the space that rightfully falls to DFV specialists trained in intervention and counselling, including making civil applications to the Court.

The QPU is in receipt of constant advice and concern from its members across the State as to the impact on the primary policing roles of the protection of the public, its safety and their property security. Some police advise that DFV accounts for up to 90% of their workload.

The QPU is not advocating that police should not be first responders but as indicated the current processes are unsustainable and will become increasingly so.

The societal change to reduce and prevent DFV to the greatest extent possible will take a long time. Significant past societal changes such as attitudes to drink driving, cigarette smoking and sun protection (against skin cancer) took decades bear fruit and were characterised by inarguable data. The data also supports the need to change societal views about DFV, which has the additional aspect of the complexity of human relationships. It is fundamentally essential then that our responses make the best use of our limited resources as possible.

The QPU is very concerned about the welfare aspect of its members who are regularly, repeatedly and constantly attending DFV matters. When domestic violence escalates to the point where a police crisis response is required the dynamics of that incident are both highly unpredictable and potentially violent. The risk factors increase where alcohol and drugs are involved and where there is no prior information available about those involved.

The QPU also holds the following concerns about officer welfare and QPS's duty of care in relation to:

- Minimising the risks of physical harm.
- Minimising the risks of psychological harm.
- Vicarious trauma.
- Compassion fatigue.
- The lack of support services e.g. crisis accommodation.
- The likely link to the current levels of police officer attrition.

- The frustration experienced by officers who due to constant attendance at DFV matters are frustrated at being unable to address issues such as break and enters, car theft and road safety.
- Unreasonable criticism of officers' good faith decision making in difficult highly elevated circumstances by those who later hold different views.
- The cumulative impact in respect of the heightened levels associated with risk, alertness and adrenalin.

We are now almost nine years into Queensland's ten-year DFV reform agenda under the *Domestic and Family Violence Prevention Strategy 2016-2026*, with four sequential action plans, the last of those, the Fourth Action Plan is currently being progressed. It sets out a four-part approach of:

- Prevention;
- Early Intervention;
- Crisis Response; and
- Recovery.

National Cabinet is also responding to this crisis by accelerating action to end gender-based violence in a generation and deliver on the *National Plan to End Violence against Women and Children 2022-2032*.

Without criticism of any aspect the above Strategies and Action Plans, the current reality is that there is an avalanche of DFV complaints and the **crisis response**, which is primarily the role of the QPS, is by far the greatest area of activity. This is unsustainable for the QPS and will become increasingly so unless remedial changes are introduced.

The QPS is not alone in this regard, as mentioned other areas under stress are the services of DFV organisations, crisis accommodation and the availability of perpetrator programs.

For example, DVConnect fields 450 calls a day on average, connecting many callers with services on the ground across the State. Demand for help through DVConnect has increased by one-third in the past 12 months.

The *QPU Blueprint for Action* identifies five priority areas to enhance whole of system responses to the scourge of domestic and family violence. **Priority Area 1**, the centrepiece of the *Blueprint for Action*, is to **Make DFV a Crime** through the creation of a new standalone offence of "committing domestic violence" within the *Domestic and Family Violence Protection Act 2012*. This offence would be complemented by a requirement in

respect to either refusing bail or otherwise imposing bail conditions which put the protection of the victim and the victim's children as the primary purpose.

The proposed offence optimises the ability of Queensland Police to immediately protect victim survivors, including an ability for police to issue Protection Directions. These Directions would be issued in conjunction with bail conditions where an arrest is made.

The Police Protection Directions would take immediate effect and remain in force for 12 months. The perpetrator would have 28 days following issue to elect to contest the matter in court. The onus will be on the perpetrator to make that election. The level of proof required for issuing this type of Direction would be the civil standard of the balance of probabilities. This type of protection direction, as envisaged by the QPU, is currently being used effectively in Tasmania. There would also need to be an administrative support system to allow for amendments to such directions, including in the event of misidentification of the perpetrator, their withdrawal and cancellation.

Making DFV a crime and creating Police Protection Directions will also assist to streamline the legal response to domestic and family violence by removing the need for Domestic Violence Orders (DVOs) with standard conditions as a prerequisite for prosecution.

In essence, the creation of this offence means every individual is protected at all times from DFV. The need for a victim survivor to have to go to court to get a protection order under current laws would be removed. This is because all victim survivors would automatically have the minimum level of protection at all times. There will no longer be a five year limit to orders. It means victim survivors will not need to relive their trauma by giving evidence to obtain that initial level of protection, as the offence will always provide it.

The operation of the offence also means perpetrators will be unable to weaponise the current protection system by bringing a cross order application.

The QPU contends it is time to put the onus on the perpetrators of DFV by holding them accountable for their actions and for encouraging them to modify their behaviour to break the DFV cycle. This approach is consistent with the Foundational Elements and Guiding Principles of the *Domestic and Family Violence Prevention Strategy 2016-2026*, and its *Fourth Action Plan 2022-23 to 2025-2026*.

The QPU senses community frustration that despite numerous enquiries, recommendations, strategies, action plans and significant government investment, DFV occurrences are growing exponentially, services are overwhelmed, and police are spread too thin. That's why we will be launching a statewide *Make DFV a Crime* campaign to lay

out the case for change and seek public support for a standalone offence of ‘committing domestic violence’.

Priority Area 1 is underpinned by other priority areas designed to alleviate pressure on the broader DFV system and streamline frontline policing responses.

Priority Area 2 reinforces the QPU’s contention an initial frontline police response must solely focus on the immediate protection of victim survivors and then be supported by specialist services as part of a whole of system response. That’s why the QPU advocates for the statutory appointment of a **Commissioner for Domestic and Family Violence** to:

- provide advice to the government on issues affecting DFV;
- work collaboratively with the DFV Peak and other stakeholders to optimise DFV prevention and responses;
- allocate funding to DFV services; and
- foster the DFV sector’s participation in policy and legislative processes.

The QPS has an Assistant Commissioner for its Domestic, Family Violence and Vulnerable Persons Command and DFV Prevention has been a specified discrete Ministerial portfolio responsibility for successive governments. However, it needs someone in authority, dedicated to DFV, to provide a single focus point and high-level direction in the State’s effort eliminate all forms of domestic and family violence and abuse.

Ideally such a person would be the Minister responsible for the DFV portfolio; but in the alternative a DFV Commissioner or a Deputy Commissioner for DFV attached to the Victims’ Commissioner’s Office.

Notably, the creation of a Commissioner type position was also a recommendation made by Ms Betty Taylor, Chief Executive Officer of the Red Rose Foundation, in a submission to the Commission of Inquiry into Police Responses to DFV (COI-DFV) in which the Foundation called for:

....the establishment of an Office of Domestic Violence and Sexual Violence Commissioner similar to the Children’s Commissioner to provide external oversight, policy direction, research, and victim safety advocacy.

Ultimately, the COI-DFV recommend the establishment a victims’ commissioner, as an independent statutory officer, to assist victim-survivors of DFV and to provide oversight of police responses to DFV, supported by a deputy commissioner to lead this capability.

In 2022, the Australian Government established the Domestic Family and Sexual Violence Commission, appointing Micaela Cronin as its inaugural Commissioner. In 2023, the NSW Government prioritised women's safety by becoming the first state or territory in Australia to have a standalone Women's Safety Commissioner. The QPU envisages the creation of a similar position in Queensland, that is independent of line agencies and reports direct to the Minister for the Prevention of Domestic and Family Violence.

Priority Area 3 relates to the **administration of the *Domestic and Family Violence Protection Act 2012*** (the DFVPA). The DFVPA is currently administered by the Honourable Amanda Camm MP, Minister for Families, Seniors and Disability Services and Minister for Child Safety and the Prevention of Domestic and Family Violence through the Department of Families, Seniors, Disability Services and Child Safety (the DFSDSCS). In the longer-term the QPU advocates for a complete re-write of the DFVPA to ensure it is contemporary and understood after more than 10 years of piecemeal amendment.

In the interim, the QPU calls for the transfer of administrative responsibility for Part 4 of the DFVPA, which sets out a range of police functions and powers in relation to DFV, to the Police Minister. Alternatively, the Government should give a commitment to the Minister for Child Safety and the Prevention of Domestic and Family Violence working closely and collaboratively with the Minister for Police on all DFV issues.

The current administrative arrangement means that the Police Minister and the Queensland Police Service do not have legislative control of the role of police in this challenging and high demand environment. Legislative proposals relating to Part 4 of the DFVPA are required to be taken to the Queensland Cabinet, and ultimately through the Legislative Assembly, by the Minister for DFV Prevention as the responsible Minister.

Priority Area 4 calls for the **immediate expansion and roll-out of the of body worn camera video as evidence in chief in DFV proceedings.**

A QPS - Department of Justice and Attorney General (DJAG) co-led pilot to trial the use of video recorded statements, taken by trained police officers from victim survivors of DFV offences within the Gold Coast and Ipswich Districts concluded in September 2023, and was evaluated by the University of Queensland.

The QPU is aware that the QPS has an 'in-principle' agreement to scope an expanded VRE Program across 5 additional trial sites: Coolangatta; Logan; Townsville; Cairns; and Mt Isa.

The QPU believes that body worn camera evidence is an accurate record of what happened (in a DFV occurrence) and that a modern criminal justice system should be using technology to ensure that more perpetrators are held criminally responsible for their actions. For these reasons the QPU strongly recommends the immediate roll-out of the of body worn camera footage as evidence in chief for DFV proceedings statewide.

Priority Area 5 also challenges the status quo by championing a new approach to supplement the Queensland Police response to DFV. **Rapid Video Response (RVR)** has been successfully trialled in the United Kingdom (UK) and the QPU advocates that Queensland should follow suit.

RVR enables officers to engage with family violence victims virtually in critical moments, providing a fast response and immediate support to victims of crime. UK police report that the initiative has enhanced victim engagement and satisfaction.

A trial by the Kent Police demonstrated RVR effectiveness, reducing response times for high-priority family violence cases from a mean average of 32hrs 49 minutes to 3 minutes.

The program replicates what frontline officers do, but with a digital operating model to improve the victim's journey. The victim receives the same service as if an officer attends in person but without the delay.

Priority Area 6 calls for the establishment **safety hubs and improved information sharing and collaboration** across the DFV 'system'. This priority area has been included late in the development of the QPU Blueprint in response to feedback garnered through extensive consultation with stakeholders.

Improved outcomes for DFV victims hinge on all participants in the DFV system working collaboratively. While progress has been made in Queensland thanks to the findings and recommendations of various taskforces and inquiries the QPU has learned, through consultation, opportunities remain to build on the foundations now in place.

For example, there are elements of the Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM) developed in Victoria in response to their Royal Commission into Family Violence that could be adapted to Queensland. In particular, the Child Information Sharing Scheme which enables authorised organisations and services to share information to promote the wellbeing or safety of children and the Family Violence Information Sharing Scheme which also enables authorised organisations and services to share information to facilitate assessment and

management of family violence risk to children and adults are worthy of consideration in Queensland.

Picking up on the need for better information sharing, the DFV Perpetrator Visibility Project, for which a proof of concept has been developed in partnership by Microsoft, Griffith University, the Queensland Police Service, Domestic Violence Action Centre and DVConnect, identifies there is a data capability gap in the domestic and family violence space that could be bridged by automating information sharing across disparate government and non-government systems.

Safety Hubs are also a feature of the response to DFV in Victoria through the Orange Door service. The Orange Door network aims to be accessible, safe and welcoming, providing quick and simple access to support for:

- adults, children and young people who are experiencing family violence
- families who need support with the care and wellbeing of children and young people
- perpetrators of family violence.

It brings services together as a partnership so that individuals and families don't have to go to multiple services or to retell their story multiple times to have their needs met.

In Queensland, Beyond DV has established recovery centres known as Hope Hubs. The Crisafulli Government has already recognised the value of this model and committed funding for the establishment of additional Hope Hubs as part of its Government Election Commitments. Support provided at Hope Hub recovery centres includes peer support morning teas, DV counselling, group therapy, legal support, housing advocacy, financial counselling, job readiness activities, career mentoring, training and employment opportunities.

The QPU supports the further exploration of safety hubs like The Orange Door model with a view to providing additional support to expand existing services in Queensland, such as Hope Hubs.

Conclusion

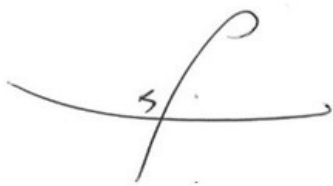
Presently, the average DFV call for service can take officers between four and six hours to resolve. This is largely due to the amount of paperwork necessary for making DFV applications for protection orders. The QPU estimates the time savings achievable through

a standalone DFV offence could immediately return the equivalent of more than 600 experienced officers to the frontline.

The DFV Sector is similarly under resourced and overwhelmed by demand.

Almost nine years into Queensland's ten-year DFV reform agenda perpetrator behaviours have not sufficiently changed, and victim survivors remain at unacceptable risk.

The [QPU Blueprint for Action](#) contains sensible proposals to enhance whole of system responses to DFV by alleviating pressure on frontline services, holding DFV offenders accountable, and, importantly, better protecting and supporting victim survivors.

A handwritten signature in black ink, appearing to be 'S. Prior', written over a faint horizontal line.

Shane Prior
General President
Queensland Police Union

27 February 2025

Priority 1: **Make DFV a Crime – *It's a crime every time!***

1. **Background**

- In 2000, the Taskforce on Women and the Criminal Code (Qld) recommended the Queensland Government investigate the creation of a 'specific offence of domestic or family violence', to 'specifically name the behaviour and encourage the prosecution of it'.
- In 2014, the Queensland Legal Affairs and Community Safety Committee – Inquiry on Strategies to Prevent and Reduce Criminal Activity recommended that the Special Taskforce on Domestic and Family Violence in Queensland (the Special Taskforce), led by the Hon. Quentin Bryce, consider possible legal amendments to strengthen the operation and application of the DFVP Act, including standalone domestic and family violence offences.
- The Special Taskforce considered the desirability of the creation of a standalone 'umbrella' offence of domestic violence, noting the benefit of this approach would be to allow police to apply protective bail conditions following the arrest of a perpetrator.
- Although the Special Taskforce's final report *Not Now Not Ever*, delivered in February 2015, noted there had been calls throughout Queensland for such an offence, it did not ultimately recommend a standalone DFV offence.
- The Special Taskforce found the difficulties with prosecuting existing offences involving domestic and family violence related more to challenges with evidence gathering, witness cooperation, police practices and court processes which may undermine the effective use of existing Criminal Code provisions.
- The Special Taskforce found enacting a new offence specifically for domestic and family violence facing the same evidentiary and process issues may not achieve the goal of protecting victims or increasing accountability of perpetrators.
- The Special Taskforce also heard from many victims who did not want their partners to be subjected to criminal proceedings or who feared the impacts to the family of monetary penalties. Service providers were concerned a dedicated offence would place victims who use violence in retaliation or self-defence at great risk of prosecution.
 - The QPU recognises the view of Service providers, and believes this risk can be alleviated, like current provisions, which prohibit a victim survivor being

criminally charged as a party to an offence. Additional safeguards would also be imposed which require police, as they presently do, to identify the person most in need of protection before charging, and a similar provision requiring the court to only convict where it is satisfied the defendant is not in fact a victim survivor responding to DFV offending. A further safeguard will recognise victims on some occasions may strike out in response to being the subject of ongoing DFV abuse. It will recognise the need to look holistically at a situation and the lead up to situations both before charging, and as a defence in any criminal proceedings, to further safeguard victims and prevent their misidentification.

- In 2021, the Women’s Safety and Justice Taskforce examined coercive control and the need for a specific offence of ‘commit domestic violence’, as well as women’s experiences across the criminal justice system as both victims and offenders.

2. A Standalone Offence, Police Protection Directions & Control Orders

The creation of a new standalone offence of “committing domestic violence” within the *Domestic and Family Violence Protection Act* will optimise the ability of Queensland Police to immediately protect victim survivors and aims to streamline the legal response to domestic and family violence by removing the need for Domestic Violence Orders (DVOs) with standard conditions as a prerequisite for prosecution.

Under the current approach, police attending an initial incident of DFV must rely upon the victim survivor to make a criminal complaint; for example, assault or wilful damage. The experience of police, which is strongly reinforced by feedback from the DFV sector, is victims are often reluctant to act as complainants out of fear of further violence and pressure to withdraw their complaints.

In the absence of a complaint, the only action police can take is to make an application for a protection order. Such orders can be contested by the perpetrator. Where this occurs, it means the victim survivor must relieve their trauma and be subject to cross examination in court all in order to get an order made, which has a maximum operational period of five years.

Under the QPU proposal, all victims will automatically be afforded the minimum protection offered by a current DFV protection order, at all times. They will not be exposed to cross examination nor any aspect of the court process in order to receive that protection. Any DFV which is committed against them will be able to be prosecuted by police without the

victim needing to make a complaint. This will also reduce the ability of perpetrators to threaten and abuse victims to withdraw complaints.

This approach provides immediate and consistent legal protection for individuals experiencing DFV, strengthens enforcement mechanisms, and promotes a proactive stance against domestic violence.

Police officers who attend a DFV matter will be able to arrest the perpetrator and charge them, thus affording immediate protection to victims and the children of victims. The *Bail Act* will be strengthened to require such perpetrators to be kept in custody, or, if released on bail, placed on stringent conditions, the primary focus of which is the protection of the victim and the victim's children.

Further efficiencies gained through a modernised approach to applying QPS resources in response to Domestic Violence will increase the accessibility to the services the QPS provides to the communities they serve.

The QPU proposes that the stand-alone DFV offence would be supplemented by Police Protection Directions, similar to the approach adopted in Tasmania, and Control Orders for high-risk DFV perpetrators as discussed below.

Police Protection Directions

- **Issuance:**

Police officers must consider issuing police protection directions whenever they attend a DFV incident. These directions would be issued even in cases where the perpetrator is arrested. This means a perpetrator may be subject to bail conditions in addition to mirroring protection directions.

A decision not to issue a Direction must be approved by a senior officer of at least the rank of Sergeant, who was not involved in investigating the call for service.

Examples of situations where this could arise is where a couple is in the process of a relationship breakup and emotions are high, but no DFV has been committed. It would allow for a cooling off period, with the parties being separated.

- **Content:**

Directions may include ouster conditions, cool off periods, no contact conditions, and other measures to protect relevant persons and prevent DFV.

- **Duration:**

Directions take effect immediately and remain in force for 12 months or until successfully contested in court.

The obligation would be on the perpetrator to elect to contest the Direction in court by making an election to do so within 28 days of the Direction being issued. A failure to make the election would mean the Direction becomes final. However, there would remain an administrative process (similar to banning notices in respect to licenced premises) where the conditions could be modified, or the directions immediately withdrawn in the case of misidentification of a victim survivor.

Misidentification and Safeguards

One of the consistent issues raised by stakeholders with whom the QPU has consulted is the issue of police misidentifying the person most in need of protection in DFV occurrences and the potential for a stand-alone DFV offence and police protection directions to exacerbate the impacts on misidentification on the true victim survivors.

The QPS has rolled-out comprehensive specialised DFV training to police officers since the final report of the Commission of Inquiry in Police Responses to DFV was delivered in November 2022. At that time the number female respondents in DFV matters recorded by the QPS was reportedly around 22-23% of all matters. In 2025, that figure is understood to have fallen to around 12-13%. The accepted level according to researchers, academics and experts in the DFV sector is 7-8%. While the concerted efforts of the QPS to deliver cultural change within in its workforce and uplift their capability and expertise is showing positive signs the QPU acknowledges anecdotal evidence from with the Queensland DFV sector that misidentification is still occurring too frequently.

While the proposals in this Blueprint to create a stand-alone DFV offence and introduce police protection directions will not of themselves add to police misidentification levels the QPU acknowledges that any misidentification that occurs could have more serious implications for a wrongly identified respondent than it would currently.

For this reason the QPU proposes a range of safeguards, including:

- The introduction, and adaptation to Queensland Police operations, of the:
 - **Predominant Aggressor Practice Guideline** operating under the Multi Agency Risk Assessment and Management (MARAM) framework in Victoria; and

- **Duluth Model Approach to cases of family violence.**
- prior to a police officer being able to charge with the stand alone offence, or issue a Police Protection Directive, the officer must hold a reasonable belief the person to be charged (or to receive the direction) is:
 - a. not the person most in need of protection;
 - b. the act or acts which constituted the DFV matter were not as a consequence of the person acting in defence of themselves, another, or theirs or another's property (which includes pets); and
 - c. the taking of a holistic view as to the circumstances of the alleged offending (for example, was it really a case of a victim of ongoing DFV abuse taking pre-emptive action in order to protect themselves or their loved ones?).
- prior to a Court being able to convict a person of the stand-alone offence, the Court itself must be satisfied the prosecution have proven the person charged is not both (a) not the person most in need of protection; (b) the person was not acting in defence; and (c) a holistic view of the alleged offending is such that it was not a victim taking pre-emptive measures to ensure their safety or the safety of their loved ones.
- 100% audit by supervising QPS officers of all charges and police protection directions where the respondent is female.
- to reduce the harm caused to victim survivors by potential misidentification of the victim, an independent authority, such as the DFV Commissioner or similar position proposed by the QPU, be administratively empowered to advise the Police Commissioner in instances where a victim survivor has incorrectly been identified as a perpetrator in order criminal proceedings, and/or police protection directions can be withdrawn or amended as a matter of urgency.

The **predominant aggressor guidance and tool** used under the MARAM framework in Victoria are prescribed for use by specialist family violence workers to ensure accurate identification of the predominant aggressor. Information about the predominant aggressor guideline is not published online nor discussed further in this Blueprint owing to the need to mitigate the risk related to perpetrators of family violence seeing and using the detailed information to further harm victim survivors.

Since the early 1980s, Duluth, a community in Minnesota, USA has been an innovator of ways to hold DFV perpetrators accountable and keep victim survivors safe. The “**Duluth Model**” is an ever-evolving way of thinking about how a community works together to end domestic violence. Features of the Model relating to Duluth Police include:

Report & 5 Risk Questions

Policy 310.7 -An officer investigating any alleged incident of domestic abuse must complete a written report and per department policy complete the Risk Questions and document the responses in the narrative.

1. Do you think he/she will seriously injure or kill you, your children, or someone else close to you? What makes you think so? What makes you think not?
Does he/she have access to guns?
2. How frequently does he/she assault you? Describe the time you were the most frightened or injured by him/her.
3. Does he/she initiate unwanted contact either electronically or in person?
Describe the unwanted contact. How often?
4. How frequently does he/she intimidate or threaten you? Has he/she intimidated or threatened you regarding talking to police or seeking help from the court?
5. Has he/she ever forced you to do things sexually you didn't want to?

Self-Defence

Policy 310.3.2 -When both parties have used violence:

- Officers must first determine whether any injuries were inflicted as a result of self-defence.
- Reasonable force may be used by any person in resisting or aiding another to resist an offence against the person.
- The use of force must be reasonable for that person given the nature of the threat and may include the use of weapons.
- If one of the persons acted entirely in self-defence, the situation is dealt with as if there were a single offender; arrest the party who was not acting in self-defence as the predominant aggressor.
- Dual arrest is discouraged

Predominant Aggressor

Policy 310.3.2: If police cannot determine self-defence, assess for the predominant aggressor; mandatory arrest when predominant aggressor is determined. To determine predominant aggressor compare the following of both parties:

- Severity of their injuries and their fear(incident)
- Use of force and intimidation
- Prior domestic abuse by either party
- Likelihood of either party to cause future injury
- Strength of each party

Control Orders for High-Risk DFV Perpetrators

- This proposal recommends strengthening the *Domestic and Family Violence Act* by implementing measures mirroring aspects of the New South Wales scheme for serious organised crime participants, including outlaw motorcycle gang members, to manage high-risk perpetrators.
- The QPU recommends this scheme operate alongside GPS tracking on high risk DFV perpetrators, announced by the Crisafulli Government on 20 January 2025.
- Once developed by the Government, the criteria used to identify high risk GPS tracking would also apply for DFV Control Orders.
- This approach recognises the serious and often patterned nature of domestic and family violence and the need for enhanced monitoring and intervention.
- Specifically, the proposal seeks to extend, with appropriate modifications, existing reporting obligations for paedophiles and sex offenders under the Reportable Sex Offenders legislation to certain DFV perpetrators.
- Given the frequent co-occurrence of sexual violence, including rape, within DFV contexts, this extension is crucial to safeguarding vulnerable individuals, including victim-survivors of DFV.
- Under this proposed framework, designated DFV perpetrators would be mandated to report specific information to law enforcement and maintain its accuracy throughout the reporting period.
- The mandated information would encompass:
 - current name;

- residential and employment addresses;
 - relationship status and partner details;
 - details of any child residing with or having close contact with the perpetrator (for child protection purposes); and
 - email addresses and passwords.
- Furthermore, these offenders would be subject to conditions, such as GPS tracking devices and providing police access to their mobile phones, tablets, and computers for random and warrantless inspection, consistent with current obligations for reportable sex offenders.
 - To mitigate the risk of further offending, these individuals would be prohibited from using online dating platforms and attending nightclubs during the reporting period. This would involve using the existing infrastructure which supports banning notices for licenced premises being expanded to include these perpetrators.
 - The reporting period would align with the duration of any active DFV order and extend for five years following the expiration of the most recent order.
 - In the absence of criteria yet to be announced for GPS tracking of high risk DFV offenders the QPU suggests control orders be applicable to perpetrators meeting one or more of the following criteria:
 - two or more DFV orders against them within a five-year period, involving different partners;
 - any person convicted of a strangulation offence (for a period of five years post-conviction); and
 - any person a court declares to be a controlled perpetrator.

3. **Rationale for a standalone offence and police protection directions**

The current system, which relies heavily on DVOs, presents several challenges:

- **Delay in Protection:**

Victims often experience violence before a DVO can be obtained, leaving them vulnerable.

At present, a DVO or Police Protection Notice (PPN) needs to be in force, and served on the perpetrator, before it can be enforced. This proposal removes this need, and makes the general law apply. It creates a standalone offence of committing DFV.

In a modern society, individuals should not require a piece of paper to tell them not to assault or abuse their loved ones. Common sense should apply. Perpetrators should be held to account for DFV, regardless of whether they have a DVO telling them not to commit DFV.

- **Administrative Burden:**

The process of applying for and enforcing DVOs places significant burden on victims, police, and the courts.

An average DVO/PPN application takes a police crew approximately four to six hours, depending on its complexity and their experience. DFV calls for service are given priority, meaning police will be directed to attend them before other calls for service.

The consequences of this policy are officers are so tied up with dealing with DFV matters, they are unable to attend routine matters such as shop stealing, petrol drive offs, noise complaints, and other routine complaints. Furthermore, this burden reduces the ability of Police officers to provide agility in responding to varying crime trends at the forefront of community expectations, including youth and juvenile offending due to furnishing overly onerous administrative tasks associated with DFV.

This gives the public a perception there are insufficient police. It allows the community to draw an inference crime is out of control as police are unavailable to deal with routine calls for service.

From a court perspective, the current process also traumatises a victim by potentially requiring them to give evidence and be cross examined, only to receive a piece of paper which says they should not be subject to abuse.

The victim survivor does not just need to face the perpetrator in the court room, and recount the events, but also is exposed to the uncertainty of the court process and the possibility the court will not determine them to need protection.

- **Focus on Orders, Not Behaviour:**

The current system gives no real incentive to perpetrators to break the DFV cycle. Even if a victim is saved, perpetrators often move onto a new victim. There is currently little to address serial perpetrators, and no real incentive to encourage them

to change their behaviours. The report 'Not Now, Not Ever' handed to the Queensland Government in 2015 sought to put an end to DFV in QLD however, the implementation of the recommendations failed to address the fact perpetrators are able to inflict serious acts of Domestic Violence on victims prior to perpetrators being held to account criminally for their actions, reducing the intended effect of the report wording 'Not Now, Not Ever'. Effectively, the acceptance of a civil stance relating to DFV permitted perpetrators to have access to 'a free hit' prior to repercussions.

- **Professional Intervention by Consent:**

The current system only allows referral of victims, direct witnesses and perpetrators to professionals with consent. Given the scourge of DFV, police need the ability to refer all involved persons to professional support services without having to first obtain consent.

- **Police are not Social Workers:**

Police officers are not trained to provide professional intervention or counselling to people involved in DFV. They are not trained to make civil applications to the Court. Their role is maintaining the peace, enforcing the criminal law, protecting the community, and apprehending offenders. These functions are core policing functions.

The role of the police in attending DFV should be limited to providing an emergency response to ensure the individuals are safe, investigating any criminal offending and gathering evidence of same, and taking any enforcement action necessary to bring offenders to justice and/or to prevent further offending, which would include refusing bail or imposing stringent bail conditions whose primary purpose is the protection of victims and their children.

The intervention role which is currently performed by police would be better and more effectively performed by professional support services, who can intervene after police have diffused any situation and commenced any necessary prosecutions. If no priority response is required, it could be suggested it would be more beneficial to the parties involved to have direct intervention by professional support services, circumventing a QPS response where no professional expertise is held.

- **Identified value in Standalone Strangulation Offence:**

The key achievements from the implementation of the recommendations from the 'Not Now, Not Ever' report included legislative changes to better protect

Queenslanders, including the standalone offence of 'Strangulation'. The realisation that previously accepted 'elements of DFV' could be considered as a criminal offence is a strong indicator that the umbrella act of committing DFV is inherently criminal in nature.

A standalone offence directly criminalises domestic violence, sending a clear message such behaviour is unacceptable and will be met with swift legal consequences. This approach aligns with best practice models internationally, notably in the United States, where many states have enacted specific domestic violence crimes. For example, *California Penal Code* section 273.5 defines "corporal injury to a spouse or cohabitant" as a standalone offence. This shift in focus from protective orders to criminal culpability has been instrumental in enhancing victim safety and holding perpetrators accountable.

4. **Proposed Offence**

4.1 **Definitions**

- **Relevant Relationship:**

Consistent with existing definitions in the DFV Act, encompassing individuals in intimate personal, family, or informal care relationships.

- **Domestic and Family Violence:**

Aligned with the existing definition, including associated domestic violence, exposure to domestic violence, emotional or psychological abuse, intimidation, and economic abuse.

4.2 **Protections DFV Professionals**

- In keeping with the need for professional support and advice, the QPU proposes any conversations had between a professional from the DFV Sector and a victim should be privileged and attract the same protections for sexual assault counselling. This means victims can approach DFV professionals with the secure knowledge their confidence will be maintained. It also means the DFV Sector workers do not need to be concerned they will suddenly be called as witnesses in Court.

4.3 Elements of the Offence

- It is proposed a standalone offence be created. The provision would make it either a crime or a summary offence to commit domestic violence against another where a relevant relationship exists.

4.4 Defences

- It is proposed prior to a police officer being able to charge with the stand alone offence, or issue a Police Protection Directive, the officer must hold a reasonable belief the person to be charged (or to receive the direction) is:
 - d. not the person most in need of protection;
 - e. the act or acts which constituted the DFV matter where not as a consequence of the person acting in defence of themselves, another, or theirs or another's property (which includes pets); and
 - f. the taking of a holistic view as to the circumstances of the alleged offending (for example, was it really a case of a victim of ongoing DFV abuse taking pre-emptive action in order to protect themselves or their loved ones?).
- Secondly, prior to a Court being able to convict a person of the stand-alone offence, the Court itself must be satisfied the prosecution have proven the person charged is not both (a) not the person most in need of protection; (b) the person was not acting in defence; and (c) a holistic view of the alleged offending is such that it was not a victim taking pre-emptive measures to ensure their safety or the safety of their loved ones.

4.5 Sentencing

- **Indictable Offence:**

Maximum penalty of 240 penalty units and/or five years imprisonment if the perpetrator has a prior domestic violence conviction within the past five years.

- **Summary Offence:**

Otherwise, a maximum penalty of 120 penalty units and/or three years imprisonment.

In either event, it is proposed the Penalties and Sentences Act be amended to provide specifically for DFV sentencing which places the priority on the protection of a victim and the victim's children. The sentencing court must also

consider the impact of any sentence on the victim. For example, the imposition of a fine will often be a burden which falls on a victim, as their financial situation is likely to be affected as opposed to that of the perpetrator.

5. **Procedural and Enforcement Mechanisms**

5.1 **Weapons Licensing**

- **Automatic Suspension:**

Upon arrest or commencement of proceedings, any weapons licence held by the perpetrator is immediately suspended.

- **Ineligibility:**

A conviction (recorded or not) results in immediate cancellation of any weapons licence and ineligibility to apply for a licence in accordance with the *Weapons Act*.

- **Court Discretion:**

Even in cases of acquittal or withdrawal of charges, the court retains the power to impose restrictions on weapons licensing.

5.2 **Extended Protection Orders**

- **Mandatory Consideration:**

The court must consider making an extended protection order in all cases, regardless of the outcome of the proceedings. This would operate in a similar manner to the current anti-stalking orders under the *Criminal Code*. There, the Court can still make a restraining order in circumstances where the proceedings for a stalking offence are discontinued, or the accused is acquitted.

- **Scope of Orders:**

Orders may include ouster conditions, no contact conditions, no approach directions, and any other conditions deemed necessary to prevent DFV and protect relevant persons.

5.3 **Arrest and Bail**

- **Presumption of Arrest:**

Police officers must arrest and transport the perpetrator to a police station or watchhouse unless proceeding by notice to appear or summons is deemed appropriate in the circumstances, prioritising the safety of relevant persons.

- **Presumption of Custody:**

Watchhouse managers and the court must consider holding the perpetrator in custody unless bail conditions can adequately ensure the safety of relevant persons and prevent further DFV. The primary focus of any bail conditions is the protection of the victim survivor and their children.

5.4 Sentencing

- The impact of a sentence on a victim can itself act as a deterrent in reporting DFV. It is proposed a specialised sentencing regime be implemented to sentencing perpetrators of DFV.
- Under such a scheme, the primary duty of the Court in sentencing will be the protection of the victim survivor, and any children.
- The secondary duty will be to implement a sentence which encourages the perpetrator to genuinely engage in rehabilitative efforts (for example by considering any programs genuinely engaged in whilst on remand)
- The final consideration must be to ensure the consequences of the sentence are unlikely to have an adverse effect on the victim or any children (for example, a fine will often not impact the perpetrator's use of money, but rather the will reduce the victim's access to money and be used as a further means of controlling and demeaning the victim).

5.5 Rehabilitation

- The need to be incentives for perpetrators to engage in genuine attempts at rehabilitation in order to break the violence cycle and reduce the likelihood of a person becoming a serial perpetrator with a series of victims.
- It is proposed there be legislative reform, so that a perpetrator who completes courses whilst on remand, or as part of bail programs, or which are self-initiated, can do so without fear anything said or done during the course would be admissible against them as a means of providing their guilt or liability in Court.

- However, the Court would be entitled to consider genuine attempts at rehabilitation when sentencing such a perpetrator, and where the Court is satisfied the attendance included genuine engagement and attempts to address behaviour, must consider such as a highly mitigating factor.

5.6 Release of Perpetrators

- It is proposed to include a statutory requirement a perpetrator who is released either on bail, or at the conclusion of a period of imprisonment shall continue to be held in custody, despite being granted bail, granted parole, or served their sentence, until any and all victim survivors are notified the perpetrator is being released.
- The period of additional custody cannot exceed 24 hours from the date they would otherwise be released and should be at least one hour after all survivors have been notified, or such longer period which is necessary in the particular circumstances of a victim.
- It is further proposed to seek the Commonwealth Government's support to allow Border Force to advise the AFP and State Police when a perpetrator, who has left Australia, returns, in order to inform the victim.

5.7 Release of Information

- The proposed mandatory referral process be expanded to include referrals to other support agencies which offer specialist services, such as drug and alcohol counselling, rather than just DFV support services.
- Police already have an obligation to report suspect child protection issues to DoCS. It became apparent however from a specialist provider who also works in the child protection sector, that by the time DoCS engages the service provider, harm has already occurred, and court orders are being sought. This in turn has led to, particularly First Nations children, being removed from their family and extended family, as well as their community for lengthy periods.
- It is proposed police be required to report child protection matters not only to DoCS, but also be permitted to release such information to specialist service providers who provide family and child protection services to allow early intervention.

- The existing referral protocol police use on their QLites (iPad issued to officers), has a field relating to the reasons for referral but the referral report does not include the “police report” prepared for QPS purposes. It is proposed the existing field be removed, and instead the referral contain the QPS internal report to provide support services with a fuller picture of the incident and previous police interactions. It is also proposed prior to the referral being able to be submitted, officers will be required to fill out a “new field” which contains the victims best contact number or email address, and tick a box indicating whether it is safe for support services to contact the victim, and if so, during what time periods. It is proposed creating this new field will ensure officers confirm the contact details for a victim are up to date.

5.8 Evidence Act Amendments

- **Admissibility of Recordings:**

Amendments to the *Evidence Act* will allow the admission of police recordings of victim and witness statements in DFV matters, similar to provisions for child sexual offences under section 93A. This streamlines the evidence gathering process and reduces the burden on victims.

It also means victims and witnesses will not be retraumatised by having to give evidence in chief about what happened to them, or what they experienced. Such witnesses would still be subject to cross examination; simply their evidence-in-chief will be given by tendering the recording.

Existing protections which prevent self-represented perpetrators from cross examining certain witnesses would remain.

All victims would automatically be treated as special witnesses under the *Evidence Act*.

6. Breaking the Perpetrator Cycle

6.1 No-Contest Plea

- **Availability:**

Perpetrators may enter a plea of “no-contest”, authorising the court to proceed as if a guilty plea was entered, provided they have no prior DFV convictions within the past five years.

The Court would proceed to issue an order for the defendant to participate in identified programs, and as such other programs as directed by a service

provider. These could extend to alcohol, drug, conflict resolution and anger management programs, amongst others. No sentence would be imposed, and instead the court's order would require the defendant to reappear in approximately 12 months.

6.2 Revocation:

The no-contest plea may be revoked if the perpetrator successfully completes designated intervention programmes, counselling, and demonstrates a reduced risk of re-offending.

On revocation, the no-contest plea is taken to have never been entered, and no order to have been made. There would be no formal criminal history entry. This operates as an incentive for perpetrators to reform as the absence of a criminal history has a direct benefit to employment prospects. A revocation can only be made if the perpetrator has not been convicted of a DFV offence in the intervening period. Where a charge of DFV remains outstanding, the revocation cannot be determined until that charge has been finalised.

Where a revocation cannot be made, then the Court shall proceed to sentence the defendant as if the no-contest plea was a guilty plea. In sentencing, the Court would have regard to any programs or parts of programs the defendant did successfully complete. This too will operate as an incentive to participate in programs with a view to reformation.

7. Referrals

- **Early Intervention:**

Police officers are on the front line when it comes to responding to DFV. They often encounter serial perpetrators, who have several DFV orders or convictions involving multiple previous partners.

Police need to ability to inform such serial perpetrators' new partners of the risk they are facing, and to attempt to intervene and prevent the new partner being exposed to the same pattern of DFV.

This could also be achieved by being able to release information to the new partner about a serial perpetrator's DFV history and refer the new partner to appropriate support services to assist that person in escaping before becoming a victim themselves.

- **Automatic Disclosure:**

The proposed automatic referral system, where police disclose contact details of those involved in DFV incidents to service providers without requiring consent, is a crucial element in breaking the cycle of violence. At present this is authorised but only to domestic violence service providers. It is proposed this be opened up, so police and service providers can refer to other professionals as well. Here's why:

- **Reaching those in need:**

Many individuals experiencing DFV may be hesitant or unable to seek help independently due to fear, manipulation, or lack of awareness of available resources. Automatic referral allows service providers to reach out proactively, offering support and guidance at a critical time.

- **Early intervention:**

By connecting individuals with services early on, the cycle of violence can be interrupted, potentially preventing escalation and reducing long-term harm.

- **Fear and isolation:**

Victims of DFV often face isolation and manipulation from abusers, making it difficult to seek help. Automatic referral removes the burden of initiating contact, allowing professionals to establish a connection and provide support.

- **Shame and stigma:**

Shame and stigma associated with DFV can prevent individuals from seeking help. Proactive outreach from service providers can help break down these barriers and encourage engagement.

- **Addressing underlying issues:**

DFV is often intertwined with other complex issues such as substance abuse, mental health concerns, financial difficulties, and parenting challenges. Automatic referral ensures access to a range of services tailored to individual needs, addressing the root causes of violence.

- **Empowerment and self-sufficiency:**

By connecting individuals with services that address their specific needs, automatic referral empowers them to regain control of their lives and build a safer future.

- **Reduced burden on police:**

Automatic referral allows police to focus on their core duties while ensuring that individuals involved in DFV incidents receive appropriate support from specialised services.

- **Improved coordination:**

It facilitates better collaboration between police and service providers, ensuring a coordinated and comprehensive response to DFV.

- **Data collection and evaluation:**

Automatic referral systems can provide valuable data on the prevalence and nature of DFV, enabling better targeting of resources and evaluation of intervention programmes.

- **Ethical Considerations:**

While concerns about privacy and consent are valid, the paramount concern in DFV cases is the safety and well-being of those at risk. Automatic referral strikes a balance by:

- **Prioritising safety:**

The potential benefits of proactive intervention in preventing further harm outweigh the limited disclosure of contact information.

- **Ensuring confidentiality:**

Service providers are bound by strict confidentiality obligations, ensuring that disclosed information is used solely for providing support.

- **Providing opt-out options:**

Individuals should be informed of the referral and given the option to decline further contact with service providers.

Automatic referral to professional services is a vital component of a comprehensive response to domestic violence. By overcoming barriers to help-seeking, providing holistic support, and promoting early intervention, this mechanism plays a crucial role in protecting victims, holding perpetrators accountable, and breaking the cycle of violence.

8. **Role of the Proposed Domestic and Family Violence Commissioner**

- There is a need for strong leadership within the community surrounding the scourge of DFV.
- Ideally the Minister responsible for the DFV portfolio should provide this leadership.
- It is recognised however, Ministers have many responsibilities and the complexity of DFV may require the appointment of an independent DFV Commissioner by statutory appointment.
- The appointment must be a person with extensive experience within the DFV sector, providing professional services and cannot be a police officer or former QPS employee.
- To reduce the harm caused to victim survivors by potential misidentification of the victim, it is proposed the DFV Commissioner be administratively empowered to advise the Police Commissioner in instances where a victim survivor has incorrectly been identified as a perpetrator in order criminal proceedings, and/or police protection directions can be withdrawn or amended as a matter of urgency.
- Given the existence of the Victims' Commissioner, and keeping with Col recommendations, it would also be possible instead of creating a DFV Commissioner, a deputy commissioner position could be created within the Victim's Commissioner's office.
- Ultimately the focus of this position is to ensure appropriate funding and resourcing is provided to the DFV Sector to ensure a high level of victim support is provided, but also to provide for extensive intervention strategies and programs to curb perpetrator behaviours, as well as educational programs to prevent DFV in the first instance.

9. **Conclusion**

The proposed standalone domestic violence offence represents a significant shift towards a more proactive and victim-centric approach to addressing DFV in Queensland. By criminalising the behaviour directly, streamlining legal processes, and strengthening

enforcement mechanisms, this reform aims to enhance victim safety, hold perpetrators accountable, and contribute to breaking the cycle of domestic violence.

The introduction of a standalone domestic violence offence offers significant potential for streamlining legal processes and freeing up valuable police and court time. By removing the need to obtain a DVO with standard conditions as a prerequisite for prosecution, this reform eliminates several time-consuming steps currently involved in responding to DFV incidents. Most importantly it removes the possibility of victim survivors being retraumatised by having to give evidence in a court environment and perpetrators attempting to weaponise those processes.

Currently, police officers often spend considerable time applying for DVOs, preparing affidavits, and attending court hearings for order applications. This process can be lengthy and resource-intensive, diverting officers from other critical duties. The standalone offence eliminates this administrative burden, allowing police to focus on investigating DFV incidents, gathering evidence, and supporting victims. This translates to quicker response times, increased proactive policing, and more efficient use of police resources.

What is particularly troubling is QPS is having to prioritise DFV calls for service against other DFV calls for service. At present, in some police districts, a large number of DFV calls for service go unanswered for up to a week. By streamlining the administrative processes around DFV, police would be able to attend all DFV calls for service promptly, and in most cases in a real time capacity immediately following the call for assistance being received.

Similarly, the courts will experience a reduction in workload associated with processing DVO applications. With the standalone offence in place, cases can proceed directly to prosecution, eliminating the need for separate court hearings dedicated solely to obtaining protective orders. This streamlines court processes, reduces backlogs, and frees up court time to focus on the criminal aspects of DFV cases, ensuring swifter justice for victims and holding perpetrators accountable more efficiently. It means police prosecutors will have more time to prepare for trials and sentencing hearings, in turn providing better service and protection to victim survivors.

Furthermore, the elimination of the DVO application process removes a potential barrier for victims seeking justice. The current system can be daunting and time-consuming, potentially discouraging some victims from pursuing legal action. The standalone offence

simplifies the process, making it easier for victims to access the justice system and hold perpetrators accountable for their actions. This not only saves time but also empowers victims and promotes a more victim-centric approach to addressing domestic violence.

Priority 2: Appoint a Commissioner for Domestic and Family Violence.

Priority Area 2 reinforces the QPU's contention that initial frontline police responses must solely focus on the immediate protection of victim survivors and then be supported by specialist services as part of a whole of system response. That's why the QPU strongly advocates for an individual to be responsible to inform Government and:

- provide advice to the government on issues affecting DFV;
- work collaboratively with the DFV Peak and other stakeholders to optimise DFV prevention and responses;
- securing and allocating funding to DFV services; and
- foster the DFV sector's participation in policy and legislative processes.

Ideally this individual should be the Minister with responsibility for the DFV portfolio. However, it is recognised Ministers have many responsibilities and DFV is an extremely complex issue. As such consideration should be given to supporting the Minister through a DFV Commissioner, or a Deputy Commissioner within the Victim's Commissioner's Office.

The QPS has an Assistant Commissioner for its Domestic, Family Violence and Vulnerable Persons Command and DFV Prevention has been a specified discrete Ministerial portfolio responsibility for successive governments. However, it is essential Queensland has an individual dedicated to DFV, to provide a single focus point and high-level direction in the State's effort eliminate all forms of domestic and family violence and abuse.

Notably, this was also a recommendation made by Ms Betty Taylor, Chief Executive Officer of the Red Rose Foundation, in a submission to the Commission of Inquiry into Police Responses to DFV in which the Foundation called for:

...the establishment of an Office of Domestic Violence and Sexual Violence Commissioner similar to the Children's Commissioner to provide external oversight, policy direction, research, and victim safety advocacy.

Ultimately, the report of the COI-DFV 'A Call for Change' recommend the establishment a victims' commissioner, as an independent statutory officer, to assist victim-survivors of DFV and to provide oversight of police responses to DFV, supported by a deputy commissioner to lead this capability.

Of course, the precedence for dedicated Commissioners to assist governments to end gendered violence already exists in Australia.

The Commission for Domestic, Family and Sexual Violence, established by the Albanese Government in 2022, is tasked with promoting the objectives outlined in the National Plan to end gender-based violence.

Led by Commissioner Micaela Cronin, the Commission is an Exclusive Agency established under the *Public Service Act 1999* (Cth). It is an independent agency assisting to ensure national coordination and reduce fragmentation to improve outcomes.

In 2023, the NSW Government prioritised women's safety by becoming the first state or territory in Australia to have a stand-alone Women's Safety Commissioner. The QPU envisages the creation of a similar position in Queensland, that is independent of line agencies and reports direct to the Minister for the Prevention of Domestic and Family Violence. The Queensland Commissioner for Domestic and Family Violence should be a statutory appointment and the appointee should have experience working in the DFV sector and should not be recruited from the QPS or another line agency.

In NSW, the Women's Safety Commissioner assists in sharpening the government's focus on primary prevention and early intervention, with specific responsibilities, including:

- Providing leadership and oversight of whole-of-government policy and programs on domestic, family and sexual violence.
- Monitoring implementation of strategies and initiatives and providing oversight of specialist and mainstream service systems responsible for responding to domestic, family and sexual violence and harassment.
- Raising awareness and promote education and public engagement to deliver improved women's safety outcomes.
- Fostering collaboration and coordination between government and community and give victim-survivors a greater voice.

The NSW Women's Safety Commissioner is supported by the Office of the Women's Safety Commissioner in the NSW Department of Communities and Justice.

On 13 April 2024, the Government announced the Queensland Council of Social Service (QCOSS) as the State's new peak body for the Domestic and Family Violence (DFV) sector. QCOSS has since been overseeing the development of the DFV sector into an independent stand-alone peak body. The QPU understands that this project is scheduled over 2 – 3 years. This activity should be fast-tracked under the direction of the proposed new Commissioner for Domestic and Family Violence.

Relevantly, in her findings on inquests into the deaths of Miss Yunupinu, Ngeygo Ragurk, Kumarn Rubuntja and Kumanjayi Haaywood, delivered on 25 November 2024, Northern Territory (NT) Coroner, Elisabeth Armitage, recommended (Recommendation 2) that the NT Government establish a peak body for DFSV with the aim of providing a coordinated response to DFV. This further validates the urgency of the work underway by QCOSS to establish a 'DFV Peak' in Queensland as well as the need for a dedicated Queensland Commissioner for Domestic and Family Violence.

The QPU also recognises that the *Victims' Commissioner and Sexual Violence Review Board Act 2024* established a Victims' Commissioner in Queensland, in line with Recommendation 78 of the Commission of Inquiry into QPS Response to Domestic and Family Violence report 'A Call for Change'. The current Victims' Commissioner for Queensland is Ms Beck O'Connor, former CEO of DV Connect and a co-convenor of the Queensland Domestic Violence Service Network.

Currently, the functions of the Victims' Commissioner are—

- a) to identify and review systemic issues relating to victims; and
- b) to conduct research into matters affecting victims, including particular cohorts of victims; and
- c) to consult in relation to matters relating to victims, including a person's experience as a victim and their experience in the criminal justice system; and
- d) to deal with complaints about alleged contraventions of the victims charter; and
- e) to publish information in relation to the criminal justice system; and

- f) to promote the victims charter and rights of victims and to advocate on behalf of victims by making recommendations and providing advice, training, information or other help to government and non-government entities; and
- g) to provide advice to the Minister on issues affecting victims and the promotion of victims' rights, including making recommendations about improvements to government policy, practices, procedures and systems to support the rights of victims; and
- h) to monitor the implementation of recommendations made by the commissioner under this Act; and
- i) to perform any other function given to the commissioner under this Act or another Act.

Additionally, the Victims' Commissioner has the power to do all things necessary or convenient to be done in performing the commissioner's functions under *Victims' Commissioner and Sexual Violence Review Board Act* or another Act; and may engage appropriately qualified persons to give advice to the commissioner relevant to the commissioner's functions.

The Commission of Inquiry into QPS Response to Domestic and Family Violence (COI-DFV) recommended (Recommendation 78):

The Queensland Government establish a victims' commissioner as an independent statutory officer in the terms of Recommendation 18 of the Women's Safety and Justice Taskforce Hear her voice: Report Two (2022). The victims' commissioner have, at a minimum, a function of:

- *assisting individual victim-survivors of domestic and family violence, including in relation to complaints about poor police responses to domestic and family violence; and*
- *identifying systemic trends and issues relating to police responses to domestic and family violence.*

The victims' commissioner have a deputy commissioner to lead this capability.

The former Queensland Labor Government established the position of Victim's Commissioner but stopped short of appointing a deputy commissioner with a specific DFV role and responsibilities as envisaged in *A Call for Change*.

A significant part of this person's portfolio should be ensuring the DFV sector is properly resourced to provide not only support to victims and their children, but also timely intervention and rehabilitative strategies for perpetrators and educational processes to eliminate the prospect of DFV.

The QPU fully supports existing programs which involve High Risk Teams, the placement of DFV sector professionals in police stations to provide advice and support, and co-responder models. The QPU believes these current programs are essential to addressing, and eventually eradicating DFV. It is only through the intervention of professionals, rather than police, the necessary support, education and intervention will be achieved. To this end, the QPU believes these programs should be rolled out to all 24 hour police stations and major police establishments and resourced sufficiently to allow DFV sector professionals to provide a 24 hour response. Similarly, such resources should be made available were practical to all other stations, even if it is through the use of remote conferencing technology.

Priority Area 3: Immediately allocate administrative responsibility for Part 4 of the *Domestic and Family Violence Protection Act 2012* to the Police Minister followed by a full review and re-write of the Act.

The DFVPA is currently administered by the Minister for Families, Seniors and Disability Services and Minister for Child Safety and the Prevention of Domestic and Family Violence through the Department of Families, Seniors, Disability Services and Child Safety (the DFSDSCS). Part 4 of the DFVPA sets out a range of police functions and powers in relation to DFV.

This administrative arrangement means the Police Minister and the Queensland Police Service do not have legislative control of the role of police in this challenging and high demand environment. Legislative proposals relating to Part 4 of the DFVPA are required to taken to the Queensland Cabinet, and ultimately through the Legislative Assembly, by Minister Camm as the responsible Minister.

As an alternative to a Machinery of Government change in this regard, the QPU would welcome a commitment from both Ministers to working collaboratively on DFV and taking forward any QPS proposals to Cabinet jointly where police are impacted.

Barriers to streamlining administrative processes also exist outside the QPS's direct control, such as processes required under the *Domestic and Family Violence Protection Act 2012* including, for example, in relation to service of Protection Order applications.

At a hearing, Assistant Commissioner Codd provided an example where police officers in rural and regional Queensland might have to drive several hours to serve a document on a respondent and, if they are not present, police would need to undertake that task again at a later stage.

Both the QPS and the QPUE have submitted that there could be a range of benefits associated with legislative change:

- To allow for the electronic service of DFV documents, although the QPS submitted that this would only be appropriate where the respondent is in the physical presence of the police officer and consents to the electronic service of the document.
- To allow electronic signatures on documents filed with courts electronically.
- So that a PPN could be used as an application to vary a domestic and family violence order.
- To expand the availability and use of video recorded statements in Protection Order proceedings to remove the requirement for police to complete affidavits for an aggrieved person.

It is not possible for the QPS to achieve legislative reform on its own. It requires government commitment and endorsement by other departments who may have other competing priorities. Assistant Commissioner Codd reported that while there had been attempts by the QPS in the past to engage with the Department of Justice and Attorney-General to obtain legislative reform on the more time-consuming aspects of service delivery for police these attempts have largely been unsuccessful.

All of these submissions have merit and are likely to result in streamlined processes without compromising the quality of QPS responses to domestic and family violence. The Commission encourages the Queensland Government to engage with the QPS to consider how such streamlining can be put into effect. (*A Call for Change*, page 131).

In the 12 years since the commencement of the DFVPA in 2012, it has been amended to varying extents on 18 separate occasions creating a patchwork of policy approaches in response to various reviews and inquiries.

In Victoria the Multi Agency Risk Assessment Management (MARAM) Framework has been established with the *Family Violence Protection Act* to create the system architecture and accountability mechanisms required to establish a system-wide approach to and

shared responsibility for family violence risk assessment and management. This is the type of approach the QPU suggests is required in Queensland and another reason to embark on a comprehensive review and rewrite of the DVFPA. Such review should involve all stakeholders, to enable a whole of system approach to make our DFV laws contemporary as well as addressing administrative burdens that may reduce the effectiveness of protective action taken by police to support victims of DFV.

Priority Area 4: Permit Body Worn Camera video as evidence in chief in DFV proceedings.

A QPS - Department of Justice and Attorney General (DJAG) co-led pilot to trial the use of video recorded statements, taken by trained police officers from victim survivors of DFV offences within the Gold Coast and Ipswich Districts concluded in September 2023, and was evaluated by the University of Queensland.

The evaluation concluded that it was premature to assess many of the expected outcomes and a longer monitoring period was required. The QPS identified during the trial that there are time savings in taking a Video Recorded Evidence (VRE) over that of the traditional witness statement as well as an increase in the number of guilty pleas associated with the framework. The evaluation recommended further monitoring on the basis no VRE matter went to trial. The QPU agrees with the QPS's own assessment that this is a success as no victim was exposed to the traumatising effect of having to attend court.

The video recorded statements can be used as an alternative to oral evidence-in-chief within the Magistrates Courts.

The aim of the VRE framework is to;

- Reduce victim trauma by lowering the number of times they re-tell their story;
- Enable the court to see the emotional impact of the offending on the victim close in time to the event;
- Improves evidence-gathering and the strength of the prosecution's case;
- Reduces the time taken by police officers to prepare evidence for a matter.

The Commissioner of Inquiry into Police Responses to Domestic and Family Violence (COI-DFV) recommended (Recommendation 21) *Within 12 months, the Queensland Government provide, by necessary legislative amendment, that the video recorded evidence trial be expanded across the state, pending a positive evaluation of the trial.*

As noted in the final report of the COI-DFV “The potential extension of the Video Recorded Evidence trial recognises the need to lessen the trauma and disadvantage experienced by victim-survivors during the court process, elevating their rights of recognition and equality before the law (s 15 of the *Human Rights Act 2019*)”. Recommendation 21 (and 22) of the COI-DFV are aimed at streamlining administrative processes around domestic and family violence applications and Police Protection Notices. The final report of the COI-DFV noted the current processes are unnecessarily time consuming and repetitive, adding that “simplifying the administrative processes will allow police more time to respond to and investigate domestic and family violence, elevating the human rights of victim-survivors”.

The Commission received submissions from frontline officers which spoke positively of the benefits of the use of video recorded evidence. Submissions received from domestic and family violence services also supported, in principle, the use of video recorded evidence, with informed consent from victim-survivors. (*A Call for Change*, page 131)

The QPU is aware the QPS has an ‘in-principle’ agreement to scope an expanded VRE Program across 5 additional trial sites – Coolangatta, Logan, Townsville, Cairns and Mt Isa.

The QPU believes that body worn camera evidence is an accurate record of what happened (in a DFV occurrence) and that a modern criminal justice system should be using technology to ensure that more perpetrators are held criminally responsible for their actions. For these reasons the QPU strongly recommends that there is an immediate and justifiable need to roll-out of the of body worn camera footage as evidence in chief for DFV proceedings statewide, as soon as possible.

The benefits of VRE for police include:

- Increased processing efficiency and time savings;
- Improved contemporaneous evidence gathering;
- No written or typed statements required; and
- Increase in successful DFV investigations finalised.

Further consideration should be given to repealing the current framework and implement an arrangement consistent with the video recorded evidence statements in section 93A of the *Evidence Act 1977*. The *Evidence Act 1997* framework includes safeguards (sections 93AA, 93AB and 93AC) and is a well-established process within the criminal justice system (introduced as of 1989), having been exposed to significant judicial oversight as well as legislative review and amendments.

Priority Area 5: Trial rapid video responses to DFV.

Rapid Video Response (RVR) has been successfully trialled in various United Kingdom (UK) police jurisdictions and the QPU advocates that Queensland should follow suit.

RVR is a virtual policing response available to victims of domestic abuse. Victims receive the same service as they would if an officer attended in-person, but without any delay.

This service involves:

- the reporting of any crime;
- completion of a risk assessment;
- receiving safeguarding advice; and
- investigative steps needed to advance the case

Under the UK model, RVR is only eligible for:

- mid-level domestic abuse victims (category two 'priority response', category three 'scheduled response' or above);
- those over the age of 18 years old;
- cases where the perpetrator is no longer present or at the scene with the victim; and
- those who have a stable internet connection and sufficient phone battery.

UK police report that the initiative has enhanced victim engagement and satisfaction. A trial by the Kent Police demonstrated RVRs effectiveness, reducing response times for high-priority family violence cases from a mean average of 32 hours 49 minutes to just three minutes.

The Australia New Zealand Policing Advisory Agency (ANZPAA) has closely followed the development of RVR. ANZPAA recently hosted an online forum to discuss the key learnings and insights from the RVR trials.

In Kent, the RVR program uses 'warranted' police officers to conduct immediate video responses to high-priority and appointment-graded family violence calls, aiming to improve victim experience and safety, streamline the initial response process and expedite investigations. The program replicates what frontline officers do, but with a digital operating model to improve the victim's journey. The victim receives the same service as if an officer attends in person but without the delay.

The Kent Police pilot trial showed improvement in satisfaction for female victims of intimate family violence rising from 78 to 89%, a 50% increase in the number of arrests and prevention of 25% call backs into the force control and incident room.

A key element of the program is that it is victim led. Eligible callers are directed to an RVR script reader who explains the process, allowing the victim to opt into the service. If they consent, a link to a live video call is sent through 'GoodSAM', an online platform. Callers can still request an in-person visit anytime during the call and no specialised technology is required. Also, data charges are waived by UK phone companies, making the service accessible and equitable.

RVR enables police to respond intuitively to victims, improving their overall satisfaction and engagement with police. Wraparound support services are activated more efficiently, as partner agencies like Victim Support receive referrals within hours of the initial call.

For Dorset Police, an outcome of their pilot trial was an increased resourcing capacity for local policing, allowing them to serve more victims of crime. An added benefit of this initiative has been the opportunity for officers unable to perform frontline duties to still play an active role by supporting the online service. The trial programs have emphasised the crucial role of family violence specialists in RVR, along with the need for targeted officer training to achieve the safest outcomes for victims.

During the pilot phase, RVR was also applied to various crime types, demonstrating its potential for broader expansion. Building on the original blueprint, the program is now set to expand its use beyond the initial pilot scope across the UK.

With family, domestic, and sexual violence representing major health and welfare issues in Australia (where 1 in 6 women experience physical or sexual violence), there is a strong opportunity for Australian and New Zealand police forces to adopt insights.

Priority Area 6: Safety Hubs, Improved Information Sharing and Collaboration.

Priority Area 6 calls for the establishment **safety hubs and improved information sharing and collaboration** across the DFV 'system'. This priority area has been included late in the development of the QPU Blueprint in response to feedback garnered through extensive consultation with stakeholders.

Improved outcomes for DFV victims hinge on all participants in the DFV system working collaboratively. While progress has been made in Queensland thanks to the findings and

recommendations of various taskforces and inquiries the QPU has learned, through consultation, opportunities remain to build on the foundations now in place.

For example, there are elements of the Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM) developed in Victoria in response to their Royal Commission into Family Violence that could be adapted to Queensland. In particular, the Child Information Sharing Scheme which enables authorised organisations and services to share information to promote the wellbeing or safety of children and the Family Violence Information Sharing Scheme which also enables authorised organisations and services to share information to facilitate assessment and management of family violence risk to children and adults are worthy of consideration in Queensland.

The MARAM Framework can be used by all services that come into contact with individuals and families experiencing family violence. The Framework aims to establish a system-wide shared understanding of family violence. MARAM covers all aspects of service delivery from early identification, screening, risk assessment and management, to safety planning, collaborative practice, stabilisation and recovery.

The MARAM Framework has been established with the *Family Violence Protection Act* in Victoria to create the system architecture and accountability mechanisms required to establish a system-wide approach to and shared responsibility for family violence risk assessment and management. This has been achieved by incorporating the Framework and accompanying principles and pillars into law, regulation, policy and by providing supporting materials and practice guides.

Picking up on the need for better information sharing, the **DFV Perpetrator Visibility Project**, for which a proof of concept has been developed in partnership by Microsoft, Griffith University, the Queensland Police Service, Domestic Violence Action Centre and DVConnect, identifies there is a data capability gap in the domestic and family violence space that could be bridged by automating information sharing across disparate government and non-government systems.

This innovative proposal combines government, specialist non-government services and the corporate sector in developing an information exchange platform to securely exchange data as per Part 5A of the *Domestic and Family Violence Protection Act* to improve responses for those at risk of serious harm from domestic and family violence

The project aims to build and trial a proof of concept to:

- provide a more wholistic view of individual cases;
- enable government departments and DFV service providers to make more informed decisions to protect victim-survivors;
- maximise joint capabilities to prevent crime and enhance community safety through collaborative partnerships with government agencies, non-government organisations and community groups;
- enhance understanding and specialist capability in identifying perpetrators and ensuring they are held to account;
- identify persons most in need of protection; and
- reduce risk of cross orders

The existing gap for agencies is undertaking an investigation or review including a risk assessment based on information from a single data source (QPRIME – QPS, DVConnect systems etc.). According to project documentation, access to information held by DFV support agencies would advance a holistic investigation and risk assessment leading to enhanced outcomes and protection for victim survivors and holding perpetrators to account.

The QPU has been advised the proof of concept would enable officers or specialist workers to access a system and identify if agencies hold relevant information. Through a simple flag/indicator, the system will identify if another agency has DFV information regarding the individual and the date of the last contact. Using the legislative framework under Part 5A of the DFVPA, the information would enable an agency to make application to request the data custodian to share DFV information in accordance with the DFVPA and in line with current practice.

Safety Hubs are also a feature of the response to DFV in Victoria through The Orange Door service. The Orange Door network aims to be accessible, safe and welcoming, providing quick and simple access to support for:

- adults, children and young people who are experiencing family violence
- families who need support with the care and wellbeing of children and young people
- perpetrators of family violence.

It brings services together as a partnership so that individuals and families don't have to go to multiple services or to retell their story multiple times to have their needs met.

The Orange Door network can connect people to a range of services that provide ongoing safety and wellbeing supports, including:

- risk and needs assessment
- safety planning
- crisis support.

Perpetrator accountability is also a strong focus. The Orange Door network engages perpetrators and works with the system to hold them accountable for their actions and changing their behaviour. The QPU considers this to be a vital part of the overall approach to driving down DFV occurrence in Queensland.

In Queensland, Beyond DV has established recovery centres known as Hope Hubs. The Crisafulli Government has already recognised the value of this model and committed funding for the establishment of additional Hope Hubs as part of its Government Election Commitments. Support provided at Hope Hub recovery centres includes peer support morning teas, DV counselling, group therapy, legal support, housing advocacy, financial counselling, job readiness activities, career mentoring, training and employment opportunities.

The QPU advocates further support for the Beyond DV Hope Hub model and its potential for expansion beyond recovery services to include a broader range of services of the type offered by The Orange Door in Victoria.

Consultation List

Stakeholder	Date	Details
QCOSS.	04/12/2024 17/12/2024 21/01/2025	Letter. Personal meeting, West End. Email.
Queensland Police Service	10/12/2024 10/01/2025 21/01/2025 Ongoing	Email (A/C DFVVC). Email (Commissioner). Email (CoS, A/C DFVVPC, E/D P&P). Various individual officers.
Domestic & Family Violence Prevention Council.	10/12/2024 18/12/2024 21/01/2025	Letter. Personal meeting, Brisbane. Email.
Premier & Minister for Veterans.	31/10/2024 12/12/2024 19/12/2024 17/01/2025 21/01/2025	Letter. Letter. Letter. Personal meeting, Mt Isa Email.
Minister for Police & Emergency Services.	12/12/2024 19/12/2024 15/01/2025 21/01/2025	Letter. Letter. Teleconference. Email.
Minister for Families, Seniors and Disability Services and Minister for Child Safety and the Prevention of Domestic and Family Violence.	12/12/2024 15/01/2025 21/01/2025	Letter. Personal meeting, Brisbane (Min. Purdie via Teleconference). Email.
Attorney-General and Minister for Justice.	12/12/2024 21/01/2025	Letter. Email
Micah Projects (Brisbane Domestic Violence Service).	20/12/2024 21/01/2025 04/02/2025 17/02/2025	Letter. Email. Teams Meeting Personal meeting, Brisbane.
DV Connect.	20/12/2024 21/01/2025	Letter. Email.
Domestic Violence Prevention Centre, Gold Coast.	20/12/2024 21/01/2025	Letter. Email.

Stakeholder	Date	Details
	04/02/2025 25/02/2025	Teams Meeting. Teams Meeting.
Centre for Women.	20/12/2024 21/01/2025 23/01/2025 04/02/2025	Letter. Email. Personal meeting, Brisbane. Teams Meeting.
Domestic Violence Action Centre.	20/12/2024 21/01/2025 04/02/2025	Letter. Email. Teams Meeting.
North Queensland Domestic Violence Resource Service.	20/12/2024 21/01/2025 04/02/2025	Letter. Email. Teams Meeting.
Queensland Indigenous Family Violence Legal Service.	20/12/2024 13/01/2025 21/01/2025	Letter. Personal meeting, Cairns. Email.
Cairns Regional Domestic Violence Service.	20/12/2024 13/01/2025 21/01/2025 04/02/2025	Letter. Personal Meeting, Cairns. Email. Teams Meeting.
Mayor, Cairns Regional Council.	09/01/2025	Email.
Mayor, Mackay Regional Council.	09/01/2025	Email.
Shadow Minister for Child Safety, Communities and the Prevention of Domestic and Family Violence.	20/12/2024 21/01/2025	Letter. Email.
Shadow Attorney-General, Shadow Minister for Justice, Shadow Minister for Housing , Homelessness & Home Ownership.	20/12/2024 08/01/2025 21/01/2025	Letter. Personal Meeting, Brisbane Email.
Shadow Treasurer, Shadow Minister for Women	28/01/2025	Letter
Shadow Minister for Police and Crime Prevention, Shadow Minister for Corrective Services, Shadow Minister for Sport.	20/12/2024 21/01/2025 18/02/2025	Letter. Email. Personal Meeting, Brisbane.

Stakeholder	Date	Details
Red Rose Foundation	10/01/2025 21/01/2025	Letter. Email.
Dr Brian Sullivan, SICURA Domestic Violence Intervention and Training.	19/02/2025	Email.
Leader of the Opposition	21/01/2025 24/01/2025	Letter. Personal meeting, Brisbane.
Victims' Commissioner	21/01/2025 06/02/2025	Letter. Personal Meeting, Brisbane
Women's Safety Commissioner (NSW)	21/01/2025 31/01/2025	Email. Personal meeting, Sydney.
Mark Ryan MP, Member for Morayfield	28/01/2025 18/02/2025	Letter. Personal Meeting, Brisbane.
Torchlight Foundation (NSW)	28/01/2025	Email.
Police Association of NSW	31/01/2025	Personal meeting, Sydney.
Assistant Minister for Social Services & Assistant Minister for the Prevention of Family Violence (Cwlth)	03/02/2025	Letter
Small Steps for Hannah Foundation	03/02/2025 24/02/2025	Letter Personal meeting, Brisbane
Centre Again Domestic Abuse (CADA)	04/02/2025	Teams Meeting
Centrecare	04/02/2025	Teams Meeting
Gympie DFV Service Community Action Group	04/02/2025	Teams Meeting
Qld Centre for Domestic and Family Violence Research, Central Queensland University	04/02/2025	Teams Meeting
Gladstone Women's Health	04/02/2025	Teams Meeting
Edon Place Domestic and Family Violence Centre.	04/02/2025	Teams Meeting
Lifeline (Darling Downs & Southwest Qld).	04/02/2025	Teams Meeting
54 Reasons	04/02/2025	Teams Meeting
Youth & Family Service (YFS) (Logan)	04/02/2025	Teams Meeting

Stakeholder	Date	Details
DV Lived Experience Group	12/02/2025	Personal Meeting with Victim Survivors, Brisbane.
Beyond DV	04/02/2025 21/02/2025	Letter Teams Meeting.
Dr Leigh Gassner, Gassner Consulting	20/02/2025 24/02/2025	Email. Teams Meeting.
