

Guidance for private investigators

Prevention of domestic and family violence

This guidance document has been developed in consultation with industry and community stakeholders.

It is designed to help private investigators licensed under the *Security Providers Act 1993* to:

- meet their obligations to prevent domestic and family violence (DFV)
- avoid the facilitation of coercive control by persons using violence against victim-survivors when performing the functions of a private investigator.

This document:

- recognises it is the responsibility of every person in Queensland to prevent and challenge DFV behaviours and protect the safety of victim-survivors as a first priority
- acknowledges the professionalism and integrity of private investigators and the service they provide the public
- reflects public expectations of the conduct of private investigators to manage risks to public safety and ensure their conduct conforms to the public interest
- can help to identify potential serious harm that private investigators may cause DFV victim-survivors when carrying out ordinary functions of a private investigator
- promotes ethical behaviour by private investigators and empowers them to identify and challenge DFV behaviours, thereby preventing and minimising DFV harm
- is designed to help private investigators meet their ethical responsibilities and obligations under law by proactively preventing the facilitation of coercive control, responding appropriately to DFV risks and harms, and holding people using DFV accountable
- is a useful resource for private investigators to reflect on their own practices, improve their ability to recognise relevant risk factors, and develop processes in response to those risk factors
- provides examples of general standards and descriptions of best practice, with specific emphasis on DFV and the facilitation of coercive control.

Adoption of this Guidance

While adoption of guidance contained in this document is voluntary, failure to consider or prevent the risk of DFV harm (including by facilitation) could affect the chief executive's decision about a person's suitability to hold a licence under the *Security Providers Act 1993*.

Private investigators are encouraged to review and assess their current practices using this document as a guide, and incorporate the general standards and best practice examples provided.

Due to the seriousness of DFV harm, private investigators should take a **precautionary approach** when managing DFV related risks. A precautionary approach means risks are regularly and actively considered and controls are implemented to manage risks and prevent harm, despite a lack of certainty regarding the likelihood or severity of that harm.

As the functions of a private investigator can vary in each case, private investigators must be prepared to adapt and respond to emerging risks, particularly as new information is revealed or verified.

Expectations of licensed private investigators

Private investigators should:

- recognise the public expectation for private investigators to ensure their functions do not contribute to or exacerbate DFV, including the facilitation of coercive control
- support the mutual responsibility of everyone in society, including the security industry, to prevent DFV harm and hold persons using violence accountable
- be able to recognise relevant DFV risk factors and develop risk management processes to prevent and minimise DFV harm at the beginning of an engagement and throughout an investigation:
 - take reasonable steps to verify information, ensuring that their activities and services do not contribute to or exacerbate DFV harm, and when there is a reasonable risk that their activities and services may contribute to or exacerbate DFV harm, take reasonable steps to minimise the risk and prevent DFV harm **before** it occurs.

Practical guidance

The following provides general examples of best practice to prevent DFV and help private investigators avoid being engaged to facilitate coercive control.

- 1 Private investigators should develop an understanding of the risk of DFV and coercive control (including the non-exhaustive list of potential indicators at **Annexure A**). They should seek further and ongoing education and training with respect to identifying DFV and coercive control behaviours.
- 2 Private investigators should regularly review their current processes at every stage of their work (including when engaging clients, accepting instructions, and providing personal information obtained without the subject's consent) to ensure that reasonable steps are taken to prevent DFV harm and the facilitation of coercive control.
- 3 The following risk assessment steps can be used by private investigators when considering risks for accepting and acting upon instructions from clients:

- **Identify the risk**—What is it? What would cause it to occur? What would it result in?
- **Assess the risk**—What is the consequence and how likely is this to occur?
- **Control the risk**—What can be done to manage or avoid the risk?
- **Review control measures**—Are the control/s working? What can be done better?

- 4 In conjunction with appropriate risk management processes, private investigators should undertake a risk assessment for each new client and/or service agreement to determine whether they are reasonably satisfied that their services will not contribute to DFV behaviour or facilitate coercive control. This assessment should happen prior to engagement or accepting instructions, during the course of providing services, and at any point in time where further information is obtained that may impact any previous assessment of risk. Examples of steps that private investigators should take include:

- taking reasonable steps to verify that the information provided by clients or other parties is correct
- referring to a checklist of DFV and coercive control indicators (see example at **Annexure A**) at the start and throughout an engagement to help identify and assess DFV risk
- requiring clients to read and sign a client declaration at the start of an engagement **Annexure B**.

- 5 If a private investigator considers that there is a reasonable risk their activities and services may contribute to or exacerbate DFV, they should take reasonable steps to mitigate the risk and prevent DFV harm before it occurs. What action is reasonable in response to particular risks depends on the nature of the risks and the particular circumstances, but may include:

- requiring clients and third parties to provide further information or documentation prior to any further action or provision of information which may result in DFV harm
- seeking advice or consulting with industry bodies to confirm best practice and reasonable responses to specific circumstances and identified risks
- terminating the contract for services
- contacting Triple Zero (**000**) where there is an immediate and serious risk to safety.

- 6 Private investigators should communicate clearly to all clients and the community generally that it is the responsibility of everyone, including the security industry, to protect victim-survivors from DFV risk and to put an end to DFV and coercive control.

Further information and resources can be found at **Annexure C** of this document.

Definitions and key concepts

Functions of a private investigator

Described in section 6 of the *Security Providers Act 1993*.

Domestic and family violence (DFV)

A variety of abusive behaviours which may take many forms, including but not limited to a pattern of behaviour called 'coercive control' by a person (person using violence) against another person (victim-survivor). DFV is defined in the *Domestic and Family Violence Protection Act 2012* (DFVP Act).

The causes of and contributors to DFV are extremely complex and are founded in cultural attitudes and behaviours, gender inequality, discrimination, and personal behaviours and attitudes.

Coercive control

A pattern of behaviour, conduct or actions by a person using violence, designed to control victim-survivors who are or have been in a domestic relationship with the persons using violence. Individual acts of coercive control may at first appear harmless, but together and over time may result in the victim-survivors' loss of capacity to make independent choices and cause significant harm.

Indicators of DFV and coercive control

There are many different types of DFV and coercive control. A person who uses violence will use a combination of behaviours to exert control over the victim-survivor. These behaviours can include:

- manipulation and abuse
- jealous and obsessive behaviours
- stalking
- monitoring
- surveillance
- micromanagement
- verbal abuse
- financial abuse
- physical abuse
- systems abuse
- technology-facilitated abuse
- threats to loved ones, such as children and pets.

Annexure A contains a non-exhaustive list of indicators for DFV and coercive control that private investigators should be aware of.

Priority of safety and protection

There is a community expectation that the safety, protection and wellbeing of victim-survivors who fear or experience DFV, including women and children, are paramount. In addition to any legal obligations not to commit or facilitate DFV, there is a community expectation that licensed private investigators do not facilitate DFV, and instead put the safety and protection of victim-survivors first.

Facilitation

There is a significant risk that a private investigator can be inadvertently used by a person using violence to facilitate and exacerbate DFV harm. The mere act of investigating, trailing and gathering information on a victim-survivor and then passing such information onto the persons using violence, extends and perpetuates coercive control. Private investigators must take reasonable steps to ensure they do not contribute to or exacerbate DFV harm.

Accountability for persons using violence

DFV in any form is not acceptable. There is an expectation from the community that persons using violence must be held accountable for DFV behaviours. Accountability for persons using violence involves everyone acknowledging the risks and impact of DFV harm and taking responsibility to end DFV behaviours.

In addition to enforcement under the DFVP Act and the Criminal Code, holding persons using violence accountable requires the consistent and unified rejection and challenging of DFV thinking and behaviour from every member of the community.

Private investigators can hold persons using violence accountable by being aware of DFV risks and indicators, taking reasonable steps to make enquiries and verify information and instructions, and taking reasonable steps when there is a risk that their services may be contributing to or exacerbating DFV.

Risk management

Risk management refers to the deliberate actions taken to identify, understand, and deal with DFV risks with the overall objective of preventing and minimising harm. Risk management is not red tape. It is critical for the prevention and minimising of harm suffered by victim-survivors.

The International Organisation for Standardisation (ISO) 31000:2018 Risk Management—Principles and Guidelines, provide guidance on how to manage risk. The standard is not industry- or sector-specific but its principles can be regarded as an appropriate foundation for effective and efficient risk management and decision making across all aspects of private investigator practice.

As it is not possible to implement a 'one-size fits all' approach to managing risks in the performance of the functions of a private investigator, it is the responsibility of each private investigator to ensure that their risk management approach and processes are appropriate and effective.

Reasonable steps

Considerations and behaviours that a reasonable person in the position of the private investigator would have taken will depend on the specific circumstances. An example of reasonable steps and general best practice is contained in this document, but private investigators are required to consider the facts and circumstances of each engagement and provide a suitably adaptive response in each case.

Private investigators may be required to exercise greater due diligence and implement more stringent risk management processes than those described in this document if the individual circumstances involved require it.

Contact details regarding this Guidance

13 QGOV (13 74 68)

Industry.Licensing@justice.qld.gov.au

Annexure A

Domestic and family violence and coercive control indicators checklist

Domestic and family violence (DFV) can be complex, and often involves a combination of behaviours rather than one simple red flag. Being aware of the following potential indicators of DFV may help private investigators identify if a DFV risk exists when agreeing to perform, or performing, an assignment.

This checklist is not exhaustive and further indicators may need to be considered and assessed.

If you do not have enough information to determine if a potential indicator is present, you may need to follow up with your client or take reasonable steps to verify the information provided.

Potential indicator of DFV	Is this indicator present?	
Nature of instructions		
You are unable to verify the identity of the client.	Yes	No
You are unable to identify a clear and legitimate reason for investigation.	Yes	No
There are ongoing or undefined instructions, including the length of time of the engagement.	Yes	No
There are instructions related to court or custody proceedings, including Domestic Violence Orders (DVOs).	Yes	No
There is reason to suspect the client is not truthful or is withholding information.	Yes	No
The client is unwilling to pay fees, sign a client declaration, or otherwise provide accurate and consistent instructions.	Yes	No
There is an issue with commitment described in the Guidance Document for private investigators, or the client is unwilling to sign/take seriously the client declaration.	Yes	No
Situational		
There is a recent or imminent separation, breakup, or change in the relationship.	Yes	No
There are signs of mental health concerns (including anxiety, depression, suicidality and self-harm).	Yes	No
There are signs of substance abuse or misuse.	Yes	No
The client has recently experienced homelessness or tenancy issues.	Yes	No
The client has recently been released from prison.	Yes	No
The client has recently lost employment.	Yes	No
The client is threatened or uncertain about their immigration status.	Yes	No
There are children or a pregnancy involved.	Yes	No
There are accusations of infidelity.	Yes	No
There are legal proceedings relating to the relationship, custody or access to children.	Yes	No
There are current DVOs.	Yes	No
There is a history of DVOs.	Yes	No
Isolation and deprivation tactics		
There are signs of limiting or controlling contact with friends/family in person or online.	Yes	No
There are signs of limiting or controlling money, or forcing financial dependence.	Yes	No
There are signs of preventing or controlling attendance to work, appointments (e.g., doctor) or education.	Yes	No
There are signs of limiting or controlling access to basic necessities like sleep, hygiene, medication, and food.	Yes	No
There are signs of limiting access to own property (e.g., house, cars).	Yes	No

Relationship dynamics		
The relationship appears unhealthy or unhappy.	Yes	No
The relationship or subject/client is described as controlling or prone to anger.	Yes	No
The relationship is described as turbulent or marked by extreme highs and lows.	Yes	No
The client displays highly possessive or entitled behaviour.	Yes	No
There are indications of jealousy (including of new or old partners, friends, family, children).	Yes	No
The client displays emotional or other dependency on the subject.	Yes	No
Degradation, harassment and threatening behaviour		
The client is putting the subject or a related party down, making them feel worthless.	Yes	No
There is repeated texting, calling or other contact from the client to the subject or a related party.	Yes	No
The client is threatening, including threatening to share information or pictures of the subject or a related party.	Yes	No
Aggression and violence		
The client is showing agitation or aggression in their voice, words, or body language.	Yes	No
The client is making violent or indirect threats, including sympathizing with what other persons using violence (PuV) go through and the legitimacy of their actions to regain power or get back at someone.	Yes	No
There is a history of violence or aggression in the relationship.	Yes	No
Monitoring and surveillance		
There is monitoring or controlling use of online accounts, including breaking into accounts or demanding passwords.	Yes	No
There is reading of personal correspondence without permission.	Yes	No
There is checking up on or stalking, either physically or online through social media.	Yes	No
There is installing of cameras, spyware or tracking devices to surveil.	Yes	No
Manipulation		
The client describes themselves as the “real” victim-survivor.	Yes	No
The client portrays the subject as the problem.	Yes	No
The client is very aggrieved or bitter about the subject’s actions, claiming that this justifies their actions (e.g. they see the subject as ruining their life or denying them something, and feel they have to get even or get back what is theirs).	Yes	No
The extent to which the client blames, pathologises or criticises the subject is concerning.	Yes	No
The client has no or limited insight into the situation or potential harm.	Yes	No
The client uses excuses and minimises their own actions and the seriousness of their actions.	Yes	No
The client wants to use the system (e.g. courts) to get what is theirs or control another person.	Yes	No
Vulnerable communities		
The client or subject is an Aboriginal or Torres Strait Islander person.	Yes	No
The client or subject is culturally and/or linguistically diverse.	Yes	No
The client or subject has a disability or mental health concern.	Yes	No
The subject is lesbian, gay, bisexual, transgender, intersex, or queer (LGBTIQ+)	Yes	No
The subject lives in a regional or remote area.	Yes	No
The subject is elderly.	Yes	No
There are other concerns or issues that should be followed up.	Yes	No

Annexure B

Client declaration

This declaration is designed to be provided to and signed by prospective clients prior to engagement.

In addition to being a useful tool to assist communication about DFV harm, behaviour, and risks, this declaration puts clients on notice of the responsibility of private investigators to ensure their functions do not contribute to or exacerbate DFV, including the facilitation of coercive control.

Domestic and family violence (DFV) and coercive control has a devastating impact on victim-survivors, resulting in significant mental, physical and emotional harm. DFV behaviour, in any form, is unacceptable.

Queensland licensed private investigators are responsible for ensuring that their actions and services do not facilitate or exacerbate DFV. In addition to meeting the requirements that allow private investigators to continue holding a private investigator's licence under the *Security Providers Act 1993* and meeting their own legal and criminal obligations, private investigators are expected to:

- (a) recognise their responsibility to ensure their activities and services do not contribute to or exacerbate DFV, including the facilitation of coercive control;
- (b) communicate the community and industry obligation to prevent DFV and hold persons using violence accountable, and that DFV in any form is unacceptable;
- (c) be aware of DFV considerations and risks when engaging a client, conducting an investigation of another person, and obtaining information and providing that information to the client;
- (d) take reasonable steps to make enquiries and verify information to satisfy themselves that their activities and services do not contribute to or exacerbate DFV; and
- (e) if there is a reasonable risk that their activities and services may contribute to or exacerbate DFV, take reasonable steps to address the risk and stop DFV before it occurs which may include the termination of private investigation services.

As such, prior to confirming the engagement of a private investigator, you are asked to read and sign this declaration.

I,....., date of birth.....
(Full name of client, printed) (dd,mm,yyyy)

have read and understand this declaration and state further that: (please tick each box)

I understand that private investigators have a duty to stop and prevent domestic and family violence.....

I understand that if there is reasonable concern that my instructions may facilitate or exacerbate domestic and family violence, the private investigator may:

- (a) cease acting for me;
- (b) require further information or evidence to address these concerns; and/or
- (c) report these circumstances where appropriate to authorities.....

I have provided all relevant information, including:

- (a) all current and past court intervention or domestic violence orders;
- (b) all current and past relevant convictions; and
- (c) copies of all relevant court documentation.....

I have provided full and complete information openly and honestly.....

I,....., dated.....
(Signature of client) (Date signed)

Annexure C:

Resources and contacts

Emergency help or support

If anyone is in immediate danger, call the police on **Triple Zero (000)**.

If there is not immediate danger, you can report domestic and family violence (DFV) to the police by:

- calling **Policelink** on **131 444**
- submitting an online request form
- attending any police station in person

Crisis support helplines

DVConnect Womensline

☎ 1800 811 811

DVConnect Womensline is a statewide telephone service offering free support to help women who are experiencing domestic or family violence. They can help women to obtain safe refuge accommodation, confidential counselling and referral to other services.

(24 hours a day, 7 days a week)

DVConnect Mensline

☎ 1800 600 636

DVConnect Mensline is a statewide telephone service offering free confidential counselling, referral and support to men affected by domestic and family violence.

(9am to 12 midnight, 7 days a week)

1800 RESPECT

☎ 1800 737 732

1800RESPECT is a national service providing confidential information, counselling and support to people impacted by sexual assault, domestic or family violence and abuse.

(24 hours a day, 7 days a week)

Lifeline

☎ 13 11 14

Lifeline provides Australians experiencing a personal crisis with access to crisis support and suicide prevention services.

(24 hours a day, 7 days a week)

Sexual Assault Helpline

☎ 1800 010 120

The Sexual Assault Helpline provides telephone support and counselling to anyone who has been sexually assaulted or abused, and for anyone who is concerned or suspects someone they care about might have been assaulted or abused.

(7.30am to 11.30pm, 7 days a week)

Mens Line Australia

☎ 1300 789 978

Mens Line Australia is a free telephone and online counselling service offering support for Australian men.

Additional support services are listed [here](#).

How police can investigate DFV

The police must investigate if they reasonably suspect DFV is occurring or has occurred before they arrive.

DFV in Queensland is governed by the *Domestic and Family Violence Protection Act 2012* (the Act). The police are also bound to this when investigating reports of DFV. The Act outlines how police must investigate DFV, and the steps they can take to ensure the safety of all parties involved. If you call the police to report an incident of DFV the safety of all parties involved will be their main priority.

Further information, resources, training and workshops

Get further information about [DFV](#) and [coercive control](#).

The Queensland Government has developed the *Domestic and Family Violence Training and Change Management Framework* (training framework) to assist organisations to guide the development and delivery of DFV-related training to their own workforce. [Learn more](#).

The Queensland Government has DFV [resources](#) and information about training and workshop options that are available to private investigators and staff.