

TERMS OF REFERENCE

Taskforce on Coercive Control and Women's Experience in the Criminal Justice System

An independent, consultative Taskforce will be established to examine:

- 1) coercive control and review the need for a specific offence of commit domestic violence; and
- 2) the experience of women across the criminal justice system.

The Taskforce will undertake independent consideration of issues within scope of the review and make recommendations to the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence (Attorney-General).

The Taskforce will be comprised of a Chair and other subject matter experts.

The Taskforce will be supported by a secretariat provided by the Department of Justice and Attorney-General (DJAG) and will regularly engage with women with a lived experience, including survivors of Domestic, Family and/or Sexual Violence (DFSV).

Timeframe

The Taskforce will provide a report on its findings and recommendations to the Attorney-General as follows:

- (a) in relation to how best to legislate against coercive control as a form of domestic and family violence and the need for a new offence of "commit domestic violence", by **October 2021**; and
- (b) in relation to other areas of women's experience in the criminal justice system, by **March 2022**.

Scope

In making recommendations, the Taskforce may consider:

- how best to design, implement and successfully operationalise legislation to deal with coercive controlling behaviour in a domestic and family violence context with regard given to the Government's existing commitments relating to coercive control, training for first responders and public education and awareness;
- whether a stand-alone offence of domestic violence is required;
- actual or perceived barriers which contribute to the low reporting of sexual offences and the high attrition rate throughout the formal legal process of those who do report;
- the need for attitudinal and cultural change across Government, as well as at a community, institution and professional level, including media reporting of DFSV;
- the unique barriers faced by girls, Aboriginal and Torres Strait Islander women, culturally and linguistically diverse women, incarcerated women, elderly women, women in rural, remote and regional areas and LGBTIQ+ women, when accessing justice as both victims and offenders;
- policing and investigative approaches, including the collection of evidence and specialist training and trauma-informed responses to victims and survivors;

- how best to improve capacity and capability across the criminal justice system to understand and respond to the particular issues experienced by women as victims and offenders including for support and advocacy services, police, prosecutions, defence representation, courts and the judiciary;
- the adequacy of DFSV service system integration with the justice system;
- other legislative and policy issues, including in relation to the criminal justice system and the interface between the criminal justice and domestic and family violence and sexual violence systems; and
- any other policy, legislative or cultural reform relevant to the experience of girls and women as they engage with the criminal justice system.

Guiding principles and considerations

In undertaking the Review, the Taskforce should have regard to the principles and considerations related to:

- i. keeping victims safe and holding perpetrators to account;
- ii. a trauma-informed, and evidence-based approach that takes into consideration the lived experience of women who are involved in the criminal justice system;
- iii. just outcomes by balancing the interests of victims and accused persons;
- iv. efficacy, efficiency and value for money, including in relation to current investment across the system;
- v. consideration of the Queensland Government's current domestic and family violence, sexual violence prevention and criminal justice system reform program and achievements;
- vi. the diversity of women involved in the criminal justice system and their individual experiences;
- vii. the opportunity to learn from, leverage and build upon local, national and international research, evidence and best practice approaches;
- viii. the need to protect and promote human rights, including the rights protected under the *Human Rights Act 2019*; and
- ix. any other related matters the Taskforce considers relevant.

Consultation

The Taskforce's examination should be informed by broad and wide-ranging consultation with:

- a. DFSV survivors and victims, and women with personal experience of the criminal justice system;
- b. DFSV service providers and networks;
- c. other relevant advocacy groups, including the Queensland Police Union;
- d. prosecution and policing agencies, including the Queensland Police Service and Director of Public Prosecutions;
- e. the Domestic and Family Violence Prevention Council;
- f. government departments, agencies, local governments and relevant statutory bodies;

- g. other governance bodies supporting the Queensland Government's domestic and family violence and sexual violence reform agenda;
- h. legal stakeholders and practitioners;
- i. the judiciary, including the State Coroner;
- j. the public generally; and
- k. any other group or individual, in or outside Queensland, that the Taskforce considers relevant.

Consultation may be undertaken by the Taskforce in any form, including for example the release of discussion/issues papers and use of focus groups. **(End)**