

# Women's Safety and Justice Taskforce



## Hear her voice

*Report one*

Addressing coercive control and domestic and family violence in Queensland



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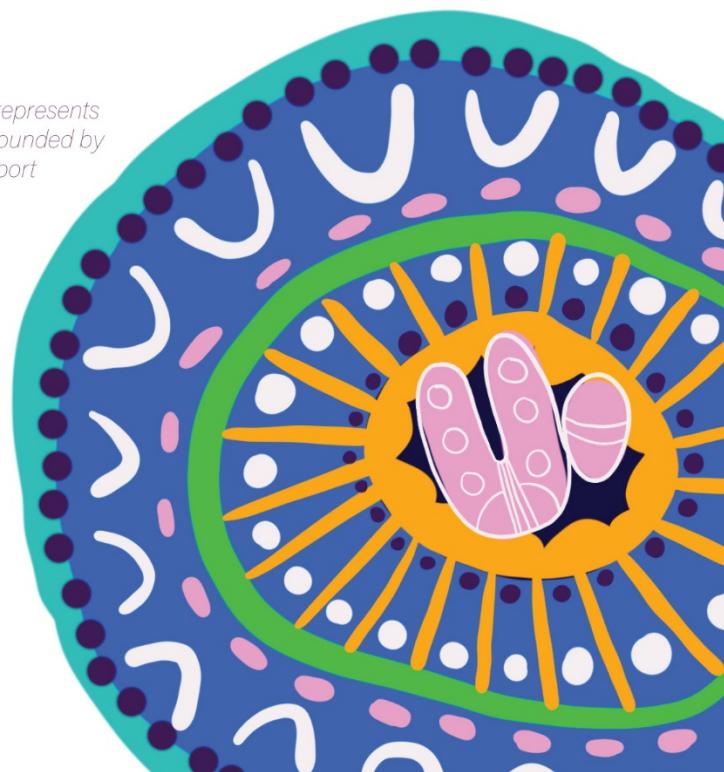
The Women's Safety and Justice Taskforce acknowledges and pays respects to Aboriginal and Torres Strait Islander peoples as the Traditional Custodians of Country throughout Queensland. This respect is extended to Elders past, present and emerging.

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The Women's Safety and Justice Taskforce would like to thank and acknowledge the brave women, men, family members and friends who have taken the time to share their experiences with us.

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*This symbol represents  
a female surrounded by  
love and support*







Artwork Title: **Journey to Justice**

Artist: **Emma Hollingsworth**

This artwork as a whole represents the journey we must go on as a community to protect and better the lives of women and girls and make the world a fairer place for them.

It represents the mountains we must climb, and the perseverance and determination it takes to make this a reality.



## Content Warning

The Taskforce has been overwhelmed by the generosity of victims who have shared their stories with us. Where permission has been granted, victims' stories are included in this report to provide context, understanding and awareness of domestic and family violence and coercive control. It is an immense privilege to be trusted to tell these stories to the people of Queensland.

These stories are often confronting. It is shocking to read of the painful physical and emotional abuse inflicted on so many victims. It is equally shocking to learn that many of their perpetrators are yet to be held to account.

But these are stories that must be told. The resilience and courage of these women is inspirational. We need to better understand victims and their children's experiences so that our community can do more to keep them safe and bring perpetrators to account.

**Reader discretion is advised** before reading parts of this report that explore these stories more closely. This report describes many forms of violence, including sexual violence and child abuse.

If you require professional assistance, the following support services are available:

- **DV Connect** is a 24 hour Crisis Support line for anyone affected by domestic or family violence, and can be contacted on **1800 811 811** or [www.dvconnect.org](http://www.dvconnect.org)
- **Mensline Australia** is a 24 hour counselling service for men, and can be contacted on **1300 78 99 78** or [www.menslineaus.org.au](http://www.menslineaus.org.au)
- **Lifeline** is a 24 hour telephone counselling and referral service, and can be contacted on **13 11 14** or [www.lifeline.org.au](http://www.lifeline.org.au)
- **Kids Helpline** is a 24 hour free counselling service for young people aged between 5 and 25, and can be contacted on **1800 55 1800** or [www.kidshelpline.com.au](http://www.kidshelpline.com.au)
- **Suicide Call Back Service** can be contacted on **1300 659 467** or [www.suicidecallbackservice.org.au](http://www.suicidecallbackservice.org.au)
- **Beyondblue** can be contacted on **1300 22 4636** or [www.beyondblue.org.au](http://www.beyondblue.org.au)

The **Domestic and Family Violence Media Guide** provides information for journalists about responsible reporting of domestic and family violence:

[www.csyw.qld.gov.au/resources/campaign/end-violence/domestic-family-violence-media-guide.pdf](http://www.csyw.qld.gov.au/resources/campaign/end-violence/domestic-family-violence-media-guide.pdf)

**Guidelines for safe reporting** in relation to suicide and mental illness for journalists are available here: [www.mindframe-media.info/for-media/media-resources](http://www.mindframe-media.info/for-media/media-resources)



(top row L-R Alexis Oxley, Thelma Schwartz, Tracy Linford APM, Professor Patrick O'Leary, Gillian O'Brian, bottom row L-R Laura Reece, the Honourable Margaret McMurdo AC, Di McLeod)

## Taskforce members

### Chair - The Honourable Margaret McMurdo AC

The Women's Safety and Justice Taskforce is chaired by the former President of the Queensland Court of Appeal, the Honourable Margaret McMurdo AC. Margaret McMurdo was admitted as a barrister of the Supreme Court of Queensland in 1976 and practised until 1991, when she became the first woman to be appointed a judge of the District Court of Queensland (1991-1998) and later the Childrens Court of Queensland (1993-98).

Justice McMurdo was appointed President of the Court of Appeal, Supreme Court of Queensland in 1998. Her Honour was the first woman appointed as a presiding judge of an appellate court in Australia. In 2001 Justice McMurdo was awarded the Centenary Medal and later appointed a Companion of the Order of Australia (2007) for service to the law and judicial administration in Queensland, particularly in the areas of legal education and women's issues.

The Hon Margaret McMurdo AC retired as President of the Court of Appeal on 26 March 2017. Margaret has served as Chair of the Legal Aid Board of Queensland since May 2017. Between December 2018 and November 2020 Margaret was Commissioner of the Royal Commission into the Management of Police Informants in Victoria.

### Dr Nora Amath, Islamic Women's Association of Australia (not pictured)

2006 Australian Muslim Woman of the Year Nora Amath is a sociologist and community developer. Nora is the National Manager of Refugee Settlement at the Islamic Women's Association of Australia and the CAMS Statewide Coordinator of the Islamic Women's Association of Australia, roles focused on the prevention of domestic and family violence in culturally and linguistically diverse (CALD) communities. Nora is a co-founder of Sakina Refuge, a short-term accommodation for CALD women and children experiencing DFV.

### Professor Patrick O'Leary, Griffith University

Patrick O'Leary has worked in the area of gendered violence as social worker and now researcher for over 25 years. Currently he is Director of the Violence Research and Prevention Program (VRPP) and member of the Executive Leadership and Research Committee in the Griffith Criminology Institute. Professor O'Leary's work is internationally recognised and he was commissioned as an Expert Academic Advisor to the Royal Commission into Institutional Responses to Child Sexual Abuse.



### **Deputy Commissioner Tracy Linford APM, Deputy Commissioner, Queensland Police Service**

Tracy Linford holds executive responsibility for the Crime, Counter-Terrorism and Specialist Operations portfolio and performs key governance roles on Boards and Committees including the QPS Board of Management and the People Committee. Tracy has over 36 years' policing experience in Victoria and Queensland.

### **Di Macleod, Deputy Chair, Queensland Sexual Assault Network**

Di Macleod has worked in the area of gender-based violence for over 40 years as a care provider, counsellor, refuge worker, advocate, educator and service manager in New Zealand and Australia. Di is the founder and current Director of the Gold Coast Centre Against Sexual Violence Inc., Vice Chair of the Queensland Sexual Assault Network, Expert Advisory Panel member of Australian Institute for Strangulation Prevention and member of the Queensland Sexual Violence Prevention Roundtable.

### **Philip McCarthy, QC, Deputy Director of Public Prosecutions (not pictured)**

Philip McCarthy is the Deputy Director of Public Prosecutions. Called to the Bar in 1997 and appointed as Queen's Counsel in 2019, Philip has extensive experience in criminal law. His work in the prosecution of complex and sensitive matters includes homicide, sexual crime, and other crimes of violence. Philip is also currently a member of the Queensland Sentencing Advisory Council.

### **Gillian O'Brien, Manager, WWILD**

Gillian O'Brien is the Manager of WWILD Sexual Violence Prevention Association, an organisation which supports people with intellectual or learning disabilities who have experienced sexual violence or other forms of crime or exploitation. Gillian's career has focused on supporting survivors of sexual and domestic violence, delivering community education and training to police and community on supporting people with disability who have experienced crime. Gillian is also a member of the Queensland Sexual Assault Network.

### **Alexis Oxley, Solicitor, Legal Aid Queensland**

Alexis Oxley was admitted as a solicitor of the Supreme Court of Queensland in 2002 and practised as a solicitor in family law and criminal law for 8 years. As Principal Lawyer, Legal Aid Queensland (Ipswich) since 2010, Alexis manages a team of family, criminal and civil law lawyers and practices in the areas of criminal and domestic and family violence.

### **Laura Reece, Barrister-at-Law**

Laura Reece was called to the Bar in 2006 and worked for almost ten years as an in-house barrister at Legal Aid Queensland before commencing private practice in 2017. She has appeared for defendants in criminal courts all over Queensland, including travelling to regional and remote communities. An experienced trial and appellate advocate, Laura is a member of the Criminal Law and Human Rights committees of the Bar Association, where she has drafted or contributed to submissions on most of the major issues in criminal law reform over the past decade.

### **Thelma Schwartz, Principal Legal Officer, Queensland Indigenous Family Violence Legal Service**

Thelma Schwartz has worked extensively with and for Aboriginal and Torres Strait Islander peoples, providing legal services and legal representation as a criminal defence solicitor with the Aboriginal and Torres Strait Islander Legal Service for nine years, and currently as Principal Legal Officer for QIFVLS. Thelma identifies as of Torres Strait Islander heritage alongside her German/Samoan and Papua New Guinean heritage.

### **Kelly-ann Tansley (not pictured)**

Kelly-ann Tansley has extensive experience delivering specialist domestic violence services in Queensland. As previous Manager of the Brisbane Domestic Violence Service, Kelly-Ann advocates for social change and systemic reform in response to domestic and family violence. She is also a Management Committee Member of Ending Violence Against Women Queensland and a member of the Queensland Domestic Violence Service Network.



## Foreword

The work of the Women's Safety and Justice Taskforce follows on from the Honourable Dame Quentin Bryce AD CVO's, landmark 'Not Now, Not Ever' report, which led to widespread improvements in Queensland's response to domestic and family violence.

This Taskforce had to consider and report on how to best legislate against coercive control and whether a specific offence of 'commit domestic violence' is needed.

Early in its work the Taskforce called for submissions. The response was overwhelming with over 700 submissions, over 500 from generous and brave individuals sharing their lived experiences. They are from all socio-economic backgrounds. Many are from First Nations women, as well as women from culturally and linguistically diverse backgrounds, those with disability, sex workers and people who identify as LBGTIQA+. Some are from men, a reminder that, exceptionally, women can be perpetrators.

The Taskforce has also held over 125 individual meetings with stakeholders, including the judiciary, legislators, police, the legal profession, policy makers, academics and service providers. Together with Taskforce members and the secretariat, I have conducted stakeholder forums in Brisbane, the Gold Coast, Townsville, Cairns, Thursday Island, Palm Island, Toowoomba and Mt Isa. I heard from dignified victim-survivors, and the families of victims who did not survive, right across this large and de-centralised state.

I learned so much from those voices. Despite my 40 years in the criminal justice system, my Taskforce work - completely different to my past lives as barrister, judge and royal commissioner - has been a process of rapid and intense education.



I have learned that coercive control is a pattern of deliberate and rational behaviour designed by one person to control another person within a personal relationship. This is done by causing the victim to fear for their, or someone else's, safety. The misconception that only physical violence is domestic abuse is so entrenched that coercive control victims themselves often do not realise they are victims. The Taskforce has repeatedly heard that non-physical abuse is more damaging than physical violence – as one woman explained, 'I was never hit. But I was tormented with comments, I started to go crazy, I lost myself, I wasn't me anymore'.

I expected to hear from women about their mistreatment at the hands of perpetrators. I did not expect to hear that women perceived their perpetrators are emboldened by police, legal practitioners and judicial officers. Many feel the justice system is failing them.

Despite the legal definition of domestic violence already including emotional and psychological abuse and coercive control, many police, service providers, lawyers and judicial officers are failing to identify coercive control or its devastating impact on victims' well-being and safety. Victims are being misidentified as perpetrators of domestic violence.

The Taskforce received articulate submissions opposing the criminalisation of coercive control. The commonly cited reason was unintended consequences, particularly the likely detrimental impact on First Nations peoples in the criminal justice system. But most submissions from legal stakeholders and victims supported criminalisation and ultimately so did the Taskforce. This report sets out a framework for that proposed legislation and other legislative and procedural reforms to support it.

Whether in favour or against criminalisation, almost universally, submissions called for intense education right across the community about coercive control and healthy relationships. The report contains recommendations as to how to achieve this, with a special emphasis on the education of police, lawyers, judicial officers, service providers, children and young people, the aged, people with disability and First Nations and culturally and linguistically diverse peoples. It is critical that education in First Nations communities is community led and delivered.

The recommended offence has a maximum penalty of 14 years imprisonment. There is a defence if the defendant's conduct was reasonable in all the circumstances.

To avoid the feared consequences from criminalising coercive control, the Taskforce has made three key recommendations. The first is that, as in Scotland, after the offence is enacted there be a lengthy period before it comes into force to ensure the community, police, the criminal justice system and the service sector are fully educated and prepared. The second is a review after five years to ensure the legislation is operating as intended. The third is that the Queensland Government work with First Nations peoples to urgently develop a strategy to meet the closing the gap justice targets which include reducing the representation of First Nations peoples as offenders in the criminal justice system.

Another common submission from victims was the need for more perpetrator programs, both for those in custody and in the community, and delivered at a much earlier stage. Many victims told us they do not want their perpetrators to go to jail – they just want the violence to stop. The Taskforce has listened and made a range of recommendations including for a diversionary scheme for first time offenders and an expanded state-wide network of perpetrator programs.

The Queensland Government has invested heavily in the Queensland Police Service to build its capacity to tackle domestic violence which now constitutes 40% of its work. The Taskforce is impressed with the efforts of the QPS leadership team, officers in specialist units and some individual officers to assist victims of domestic violence in a trauma informed and professional way.

Unfortunately, the Taskforce has also heard that many police officers right across the state are not responding to women's complaints of domestic violence and this is putting women's safety at risk. We heard that unfair targeting of Aboriginal and Torres Strait Islander peoples was a major factor in their overrepresentation in prisons. We heard complaints about the way police deal with officers alleged to be perpetrators of domestic violence. We also heard concerns about the way police deal with complaints about police handling of domestic violence matters.

Despite the efforts of government, the QPS leadership and the many dedicated officers who respond effectively to domestic violence, a Queensland woman seeking police help to stay safe from a perpetrator enters a raffle - she may get excellent assistance, or she may be turned away. Queensland women tell us that is not good enough. Police are the gatekeepers to our domestic violence protection system. A widespread failure to assist women seeking to escape domestic violence is apt to erode public confidence in the delivery of justice in Queensland. The Taskforce, by majority with one dissent, recommends that the Queensland Government establish an independent commission of inquiry to examine these issues within QPS.

Importantly the Taskforce recommends the appointment of an independent implementation supervisor so that the public will know the progress of the implementation of its proposed reforms

This report has been a mammoth undertaking in a short timeframe. I sincerely thank my talented Taskforce members who have so generously volunteered their time and wisdom while in demanding full-time roles. My small secretariat has been extraordinary in its diligence and commitment. I owe them all an enormous debt of gratitude.

So many women thanked the Taskforce for allowing them to tell their stories. I thank them. The wealth of knowledge gained from hearing their lived experience informed this report's 89 recommendations to government on how to best legislate against coercive control and make victims safer and perpetrators more accountable. For these women and girls, being heard and believed is the first step in their journey to justice.

Kaanju, Kuku Ya'u, Girramay artist, Emma Hollingsworth, created the exquisite artwork, *Journey to Justice*, on the cover and used throughout this report. It represents our state's complex journey ahead to protect and better the lives of women and girls in a fairer world. The circles are the loving and supporting communities in our culturally and gender diverse state. The mountain represents the hurdles to surmount. The sun is a symbol of hope. The U-shapes with spears represent men – not as perpetrators but as protectors of women. Journey lines connect the circle communities and lead to the circle in the top righthand corner surrounding a U-shape (image, right). This is the woman who has completed her journey to justice, resting in comfort and safety in her community.

Legislators, public servants, friends, family, bystanders, community members, service providers, police, lawyers, judicial officers - of whatever gender - together we can do so much more to make perpetrators accountable and keep women and children safe. But first -

**Hear her voice.**



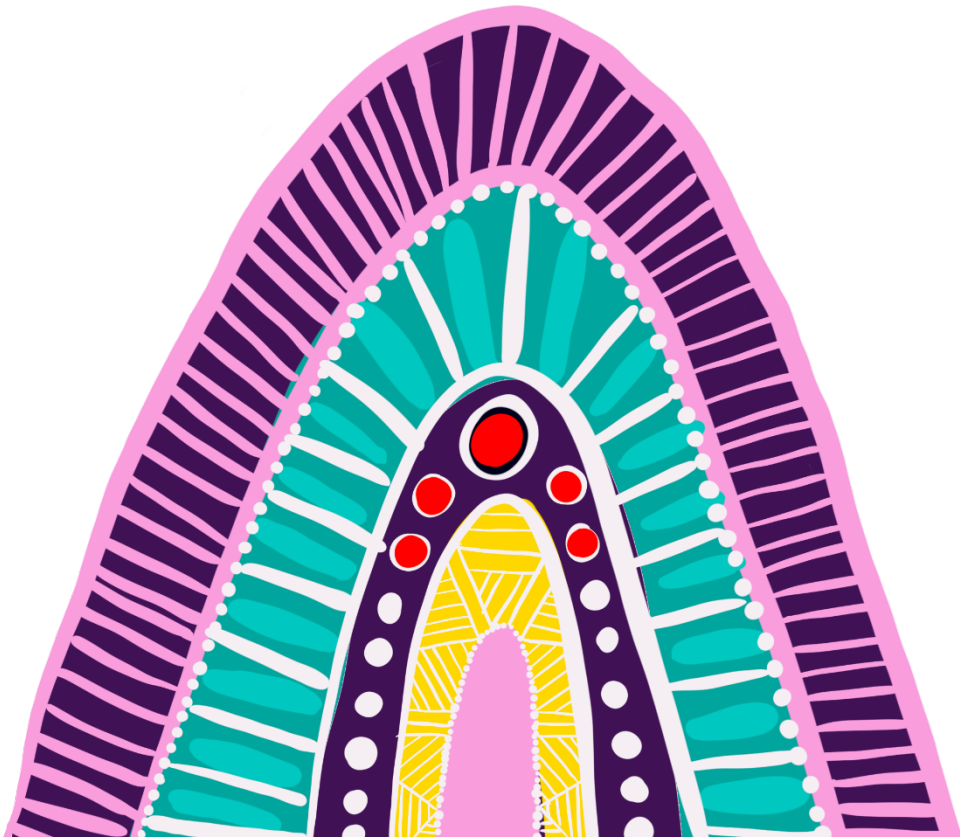
**Margaret McMurdo**





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# Executive summary

## Hear her voice

### A four-phase plan to address coercive control

The first report of the Women's Safety and Justice Taskforce presents the Queensland Government with a four-phase plan to prepare for and implement legislation to address coercive control in Queensland.

While the Taskforce has listened to all stakeholders, all parts of this report unashamedly prioritise the voices of women and girls who have been victims of coercive control.

Her voice is diverse.

She is a proud First Nations woman, she is a prosperous professional woman, she is a woman from a culturally and linguistically diverse background, she lives in remote Queensland, she lives in a suburb of Brisbane, she is a woman with disability, she identifies as LGBTIQ+, she is a young woman, she is a mother, she is an older woman, she is homeless, she is more than one of these. Her voice is strong.

Despite the diversity of her experiences, her voice is one voice — she wants to be safe.

This report invites the Queensland Government to hear her voice and begin a historic reform program to keep her — your mother, your aunty, your sister, your daughter, your granddaughter, your great-granddaughter — safe

**Part 1** of Hear Her Voice builds the evidence base that has informed the Taskforce’s approach to creating a four-phase plan about how we can achieve the goal of protecting and bettering the lives of women and girls.

**Part 2** lays the foundations of the Taskforce’s proposed four-phase plan. It places coercive control in a human rights context, makes recommendations for systemic reform, and provides the government with a four-phase plan to safely allow a new coercive control offence to commence in 2024.

**Part 3** contains the Taskforce’s recommendations about the specific steps we, as a community, must take if we are to achieve the goal of changing our systems and the law to keep victims safe and hold perpetrators to account.

**Part 4** outlines the Taskforce’s recommendations about how we can effect ongoing positive change by creating strong frameworks for monitoring and evaluation to keep perpetrators accountable and Queensland women and girls safe.

## **Part 1 — The mountains we must climb**

The Taskforce asked women and girls to tell us their stories. They did. They were generous, brave, articulate, and informative. Women and girls want the community and the government to listen. They want change so that all women and girls can be safe.

The Taskforce received over 500 submissions (largely from women and girls) about how coercive control impacted their lives or the life of someone they cared about. The Taskforce also heard the voices of the stakeholders who work with these women and girls in Mt Isa, the Torres Strait Islands, Cairns, the Gold Coast, Toowoomba, Townsville, Palm Island, and Brisbane. These brave women and girls were determined to help the Taskforce understand why and how Queensland should change the law and the system that supports it to better address coercive control and its dreadful impacts.

These voices form the foundation of the six chapters in part 1 of this report, which focus on the female victims of coercive control, and the mountains they climb to try to keep themselves, family members, and friends safe.

The chapters in part 1 also consider information from submissions that responded to the Taskforce’s first discussion paper, *Options for legislating against coercive control and the creation of a standalone domestic violence offence*, released on 27 May 2021. This information includes the views of legal stakeholders, government departments, academic experts, and service system organisations.

There is currently no single criminal offence in Queensland that holds a perpetrator to account for coercive and controlling behaviour. However, the overarching finding of part 1 is that, although this behaviour should be criminalised, the solution is not simply for Queensland to introduce a coercive control offence immediately. This on its own could cause more problems.

### **Chapter 1.1 – How is coercive control affecting women and girls in Queensland?**

Her voice is too often unheard. We can’t hear her voice because, as a community, we don’t recognise many of the perpetrator’s behaviours as abusive. She often has no bruises, no injuries that are discernible to the eye. The underlying weapon of the perpetrator in this kind of abuse is control — exerted slowly, steadily and with increasing intensity — over her free association, free movement, and free thought. Like water torture, the drip, drip, drip continues until she is disorientated, confused, and in fear of drowning. It destroys and far too often ends her life.

In this chapter, the victim-survivors of coercive control — and the people who care about them — share their experiences about how coercive control has impacted their lives.

They have told the Taskforce how prevalent and harmful coercive control is. Although these voices are the voices of women and girls from diverse backgrounds, together they are a single voice, united, telling a cohesive story about how coercive and controlling behaviour left them feeling isolated, invisible, with their sense of identity stolen: *she was unheard and robbed of her ability to make free and informed decisions.*

The narrative that emerges from this united voice is that coercive control is a pattern of ongoing and escalating behaviours. Perpetrators use these behaviours to destroy a woman's or girl's self-agency, her sense of safety, and her ability to seek help. These behaviours are supported through structural inequalities that continue to reinforce the self-entitlement of men and boys and their dominance over women and girls.

The Taskforce heard that coercive control is an intrinsic part of domestic and family violence. This challenges the widely held view that domestic violence is about physical abuse. In fact, domestic and family violence is a pattern of behaviour, over time. This means it needs to be considered in the context of the whole relationship, and not as an incident at a single point in time. This revised understanding of domestic and family violence is the fundamental premise for the Taskforce's examination of coercive control and shapes its findings throughout this report.

A content warning has been provided for this report in the introduction chapter. Readers are further advised that many of the most confronting and distressing accounts of abuse the Taskforce has received are contained in this chapter. Reader discretion is strongly advised and help is available (see page vi).

## **Chapter 1.2 — The service system response**

Chapter 1.2 summarises what the Taskforce heard about Queensland's approach to primary prevention, the specialist domestic and family violence service system, mainstream service intervention (including the media in Queensland) and the availability and quality of early interventions with perpetrators.

### **Primary prevention — we need to stop it before it starts**

Before she has even had a chance to speak her first words, the forces that will contribute to her abuse are marshalling against her. Structural inequality, including racism, ableism, homophobia, sexism, and misogyny, form the foundations of her future perpetrator's sense of entitlement to abuse her.

There needs to be an increased focus on primary prevention of domestic and family violence, including coercive control, in Queensland. Legislating against coercive control only holds perpetrators accountable *after* the violence has happened. We need to do more to stop it from happening or escalating in the first place.

Queensland's children are being exposed to violent pornography from a young age. This content is easily accessible online. It is warping children's understanding of healthy relationships and risks normalising sexual violence.

Throughout the Taskforce's consultation, and across the state, community members spoke of their concerns about pornography. The risk to community safety is too high to leave it solely to parents to educate young people about healthy relationships. Respectful-relationships education is already delivered in Queensland schools.



Schools are well placed to teach children and young people, in an age-appropriate way, about healthy, intimate relationships, and that violent pornography is not safe or healthy. There are, however, areas for improvement. Currently, respectful-relationships education is delivered in a fragmented and inconsistent way. Its quality and quantity depend on the views of an individual school or the type of school or educational setting a child attends. Children and young people who are disengaged from schooling — and these are the ones particularly vulnerable to abuse — miss out. Communities in Queensland, regardless of geography or demography, have been resounding in their message to the Taskforce: this must change. While encouraging schools to deliver the program in a way that involves, and is based on, community, the Taskforce considers all Queensland children and young people should have access to the same core education about healthy relationships.

### **The specialist service system — much has been done but more work is needed**

When she asks for help, there are not enough ears to hear her or hands to help her where she lives. The people trying to help her aren't always communicating with each other, and they all work in different systems with different rules and speak languages that don't speak to each other. Her voice gets lost, her risk gets overlooked, and her safety is compromised.

Funding for the domestic and family violence service system in Queensland has increased significantly since 2015, when the landmark *Not Now, Not Ever* report was released. Despite this, government investment has not kept pace with demand as more and more victims of domestic and family violence come forward desperately seeking help.

Services outside the south-east corner of Queensland are particularly under-resourced.

However, this isn't just an issue of funding. Queensland has an opportunity to pause and consider how a contemporary and innovative service system can best meet the needs of victims and perpetrators across its large and dispersedly populated state. How can we best invest to keep victims safe and hold perpetrators to account? Now is the time to set the vision for the future of the service system and strategically plan, design, and build it.

The absence of a funded integrated peak body for all domestic and family violence services across Queensland currently limits the potential to improve the consistency, capacity, capability building, and innovation across the sector. The Taskforce considers that a peak organisation is critical to lead the necessary systemic education and reform to support the implementation of legislative reform against coercive control.

The integrated service system response of High Risk Teams, led by the Office for Women and Violence Prevention (within the Department of Justice and Attorney-General), shows real promise. It provides a sophisticated multi-agency and multi-sector response to high-risk offenders and vulnerable victims. There should be more integrated service responses and High Risk Teams throughout the state, and this way of working should be embedded as business as usual.

There are several factors holding agencies and services back from fulfilling their potential to keep victims safe. Cultural capability within these teams needs to improve to better serve the needs of diverse communities, particularly Aboriginal and Torres Strait Islander communities.

The lack of consistency and alignment in the way agencies and services identify and assess risk is problematic. It also limits timely and cohesive decision-making and can compromise a trauma-informed response. The information-sharing provisions in the *Domestic and Family Violence Protection Act 2012* — recommended by the *Not Now, Not Ever* report — could operate more effectively to keep victims and children safe. Currently, government departments and agencies are interpreting and applying the legislation in different ways.

Mainstream services need to play a stronger role in keeping victims safe. Health, mental health, and drug and alcohol services need to better understand the impact of domestic and family violence on their clients and be more integrated with the specialist service system. Similarly, there is a lack of consistency and alignment, as well as gaps, in the training and education provided across the service and justice systems.

### Perpetrator programs

She wants him to change. She wants him to change for her, for his children, and for himself. He is not just her perpetrator, he is a father, a son, a brother, an uncle — they love him and want him to change his behaviour — they all want healing — they all want to be safe. If he doesn't change, nothing changes — the abuse continues, if not against her, against another woman or girl.

The Taskforce heard a clear consensus across stakeholder groups and Queensland communities that a significant deficit in Queensland's current approach is the lack of available and accessible high-quality intervention programs for perpetrators.

Understanding why perpetrators abuse women and girls, and how we can help them change their behaviour, is an important part of addressing domestic and family violence, including coercive control. There are long waiting lists for perpetrator programs, and the programs are often too short to effect real behavioural change and keep victims safe. The Taskforce has heard that these programs are mostly focused at the crisis end of the spectrum. They are limited to group programs that use Western psychology 'talking therapies'. These programs will not necessarily be appropriate or effective for all perpetrators. Programs need to be available for perpetrators across the state.

### Education and awareness — stopping the violence is everyone's responsibility

She needs everyone to listen to her voice. But her story needs to be told with care, not just with an eye to a great headline. How might her story be used by another perpetrator? Everyone needs to see his behaviour and call it out. Stopping the violence is not just the responsibility of the police, the service system, or the justice system. The community, our mainstream services, our media — we all have to step up to stop the violence.

Long before a victim of coercive control comes to the attention of police or the courts, she may talk to her family, a friend or a doctor, dentist, real estate agent, or hairdresser. Those working in mainstream services need to know how to recognise the signs of coercive control and refer a victim — or a perpetrator — to services for help. The Taskforce acknowledges that there have been huge improvements in this regard since the *Not Now, Not Ever* report. Private initiatives like 'Hairdressers with Hearts' emerging throughout Queensland are encouraging. The Taskforce found that employees working in mainstream services would benefit from knowing more about the patterned nature of domestic and family violence and how they can help.

The media is well placed to increase awareness about coercive control. Queensland's media has significantly improved the quality of how it reports domestic and family violence since the creation of the *Domestic and Family Violence Media Guide* recommended by the *Not Now, Not Ever* report. However, some problematic reporting is still occurring. The media in Queensland can do more to ensure its reporting on domestic and family violence minimises potential harm to future victims. The Taskforce agrees that current restrictions on the publication of domestic and family violence proceedings need further consideration. This will occur as part of the Taskforce's second body of work.

### Chapter 1.3 — How police respond to coercive control

Whether a police officer will hear her voice and act to keep her safe is a matter of luck. If she is lucky, she will find a police officer who believes her, supports her, keeps her safe, and maybe even saves her life. But she is too often unlucky. She may not be believed — particularly if she doesn't have physical injuries to 'prove' the violence or does not look or act like a 'real' victim. Even if she does have evidence of her abuse, she may be dismissed, belittled, treated like a time-waster or a creator of burdensome paperwork. When she defends herself from the violence, police may misidentify her as a perpetrator. If she complains about how the police treat her, she may not have confidence her complaint will be investigated, particularly if her perpetrator is a police officer.

This chapter examines what the Taskforce has heard about the response of the police in Queensland to coercive control.

In the six years since the delivery of the *Not Now, Not Ever* report, the Queensland Government has provided considerable funding to the Queensland Police Service (QPS) to improve its domestic violence response. The senior leadership of the QPS has worked hard, together with the specialist teams and many individual police officers, to address domestic and family violence. Every day, good police officers are changing and saving the lives of women and girls in Queensland. This chapter tells those stories and outlines many of the QPS's praiseworthy efforts and initiatives.

It is clear, however, that a widespread and negative culture within the QPS continues to undermine the good work and intentions of QPS change leaders.

The QPS's current response to domestic and family violence remains inadequate and inconsistent in keeping victims safe and meeting their justice needs, as well as holding perpetrators accountable. Its response tends to be framed by an incident-based approach to domestic and family violence, which places more importance on the presence of physical violence. As we now know, this approach is ill-suited to identifying and addressing coercive control. Many high-risk cases are not being identified because the conduct of the perpetrator is not viewed as a risk to the safety of the victim.

The Taskforce also heard that victims are being misidentified as perpetrators when they defend themselves or retaliate because the behaviour of both parties is viewed purely through an incident-based lens.

Many police also lack the cultural capability to respond to domestic and family violence involving First Nations peoples. This includes a failure to understand the cultural and historical barriers they face to reporting and cooperating with the police.

Some police officers' perceptions of victims are shaped by negative attitudes and beliefs about women and domestic and family violence, as well as stereotypes about how a 'real victim' should look and act. This contributes to negative culture, values, and beliefs across the QPS and undermines the efforts of the QPS leadership team and other officers to improve responses to domestic and family violence.

Again, we hear her voice in this chapter, as she describes her experiences of her interactions with the police. She told us:

- police did not believe her when she reported the abuse
- police colluded with her manipulative perpetrators
- police did not properly investigate domestic and family violence
- police did not disclose and mitigate conflicts of interest relating to claims of domestic and family violence perpetrated by, and complaints against, police officers.



The QPS has established specialist Vulnerable Persons Units to improve its response to domestic and family violence. It has also carried out a range of activities designed to enhance the rollout of domestic and family violence training to improve the service it provides to victims.

Nonetheless, general duty officers need to be better supported and skilled to understand the complexities of domestic and family violence. The QPS needs to examine its recruitment and promotion processes to consider if they are effective at recruiting a diverse workforce with the skills and attitudes to respond to complex social issues like domestic violence.

The QPS's processes to manage allegations of domestic and family violence perpetrated by police officers are not adequate to maintain public confidence in the fairness and independence of the investigation. The Taskforce has heard that, despite policies and procedures being in place, some police are not disclosing and mitigating conflicts of interest when investigating these complaints. When a police officer is alleged to have committed domestic violence, some officers may be enacting the 'code' or 'club rules' to protect the perpetrator from accountability and stop the victim from seeking help to stay safe.

#### **Chapter 1.4 — Judicial officers, courts and lawyers**

Her voice is stuck in a pink manilla folder on a trolley overflowing with other pink manilla folders containing stories like hers. If her folder gets to the top of the court list, she will have to come through the front doors of a courtroom, often with neither security nor a safe room to wait in, nor a remote witness room where she can give or pre-record her evidence. She may have to walk past his family and friends, who could harass and abuse her. Sometimes she will give her evidence in front of her perpetrator and be cross-examined by him.

This chapter examines what the Taskforce has heard about lawyers, judicial officers, and the courts.

Victims of coercive control in Queensland can sometimes struggle to find safety in an under-resourced and variable justice system.

Since the delivery of the *Not Now, Not Ever* report, there have been significant efforts both in Queensland and at the national level to improve judicial training about domestic and family violence. Queensland has also invested in specialist Domestic and Family Violence Courts in Southport, Beenleigh, Mt Isa, Townsville, and Palm Island. The Taskforce heard these specialist courts are providing a valuable service. However, the Taskforce also heard that some judicial officers do not understand the patterned nature of domestic and family violence and that it should be viewed in the context of the whole relationship.

The Taskforce recommends that Queensland judicial officers arrange ongoing professional development about domestic and family violence, including about the need for those who work regularly in this traumatic area to ensure they remain physically and mentally well. The nature and extent of this training should be transparent and publicly available.

Although there is an appeal process for judicial decisions, there needs to be a safe and transparent process for dealing with complaints about the conduct of judicial officers. These processes exist in other Australian jurisdictions in the form of judicial commissions. The New South Wales judicial commission has operated for over 30 years. Properly constituted judicial commissions do not pose any threat to the independence of the judiciary.

As awareness of coercive control and the effects of domestic and family violence increases, more people will seek help and the demand on the courts will increase. This growing complexity means that judicial officers will have to spend more time preparing, hearing, and determining domestic and family violence matters. Current funding arrangements do not recognise the inevitability of this increased demand.

Courtrooms are often not designed to make victims feel safe. Consideration needs to be given to the current configuration, design, and administration of all courts in Queensland so that victims are safe when they attend court. Courts and court processes must be trauma-informed. There should be security services provided in court precincts, particularly on days when civil and criminal domestic and family violence matters are considered. In some courts, there are little or no supports and services available for victims — and court registry staff, despite their best efforts, do not have the resources and training to adequately assist victims. Court support services for victims are not available in all locations.

Too few of Queensland's courthouses are equipped with safe rooms or remote witness rooms, or the technology to take evidence remotely. This can be a barrier to victims making or continuing a complaint and may provide an opportunity for a perpetrator to continue the abuse and intimidation. Victims often feel unsafe and not able to give their best evidence in court. Court registry staff in relatively junior roles often do their best to use workarounds to help keep victims safe.

Victims seeking protection and justice in Queensland courts should have access to court support services, safe courtrooms, and remote witness facilities regardless of where they live. Those working in the courts should have safe workplaces and systems.

Lawyers who work with victims of domestic violence require training and education about the nature and impact of domestic and family violence as well as the applicable law. They also need to know how to support their clients and witnesses by referring them to services. Training about domestic and family violence is not currently required for graduate lawyers in Queensland or as part of continuing legal education for lawyers admitted to practice — even though coercive control and domestic violence have the potential to impact every client-based area of legal practice. Some lawyers also do not understand the patterned nature of domestic and family violence. Lawyers are also not consistently using trauma-informed practice when providing services to victims and perpetrators. Lawyers representing perpetrators of violence are likely to encounter ethical issues and should be encouraged to seek assistance. Some lawyers are not using the current law effectively when they lead evidence of abuse and make submissions, and may inadvertently perpetuate the abuse.

## **Chapter 1.5 — State and Commonwealth legislation**

The law is only just starting to hear her voice. The law sometimes struggles to recognise the pain caused by crimes of personal violence that cause no physical injuries and crimes made up of a series of events rather than single incidents. Seeking the protection of the law puts her safety at risk. She cannot be confident the law will keep her safe anyway. It may be safer to stay silent and diminished in a dangerous relationship.

This chapter examines the existing Queensland laws that respond to domestic and family violence and coercive-controlling behaviour. Currently, there are laws in Queensland that can be used to respond to domestic and family violence. These include a civil protection order scheme and certain criminal laws, such as *unlawful stalking*, and *strangulation*, for example. The Taskforce believes that these laws can be improved so they can be used more effectively against coercive control. Again, the key to making better use of existing laws to keep victims safe and hold perpetrators accountable is training and education for all who work within the domestic and family violence and justice systems.

## Civil proceedings under the *Domestic and Family Violence Protection Act 2012*

While the *Domestic and Family Violence Protection Act 2012* (DFVP Act) acknowledges coercive controlling and intimidating behaviours as part of the definition of domestic violence — and the Act's introduction refers to patterns of behaviour over time — it could better reflect that domestic violence needs to be considered in the context of the relationship as a whole.

The DFVP Act requires a police officer to serve an application for a Domestic Violence Order once it is made by the court. While this is a burden for the QPS, it gives police an important opportunity to reinforce with a perpetrator that their behaviour constitutes domestic and family violence and will not be tolerated. It was suggested to the Taskforce that Police Liaison Officers also be able to serve applications and orders so that they can explain the consequences in language or cultural context. Some perpetrators deliberately evade the serving of documents despite the efforts of the police. Service delays can prevent the victim from having all the necessary legal protections.

It is clear from the submissions received by the Taskforce that some perpetrators of domestic and family violence also use court processes under the DFVP Act as a mechanism to continue to commit violence. Delaying matters by evading service or repeatedly seeking adjournments is a way of further inflicting power and control. This means a victim is not given the safety and protection of an order and remains connected to the perpetrator through the unnecessarily prolonged justice process.

Cross-applications continue to be used by perpetrators as a form of systems abuse. Perpetrators of domestic and family violence use cross-applications to diminish the protection given to a victim under an order and undermine the credibility of the victim. This has serious consequences for the victim. It can intimidate her into withdrawing her own application and undermine her future credibility, especially when she needs support and help to prevent the continuing violence against her. It means that the person most in need of protection in a relationship is unlikely to seek help again and, if she does, it reduces the likelihood of it being adequately provided. It can also have significant impacts on children's safety in later family law proceedings.

When cross-applications are made, the court should determine the person most in need of protection. Recent District Court decisions, however, show that the DFVP Act is not sufficiently clear that the court should be required to determine the person most in need of protection in the relationship as a whole, rather than in relation to each alleged incident. Cross-orders should only be made in rare and exceptional circumstances.

Perpetrators may use family members, friends, and private investigators to monitor and collect information about their victims. The Taskforce has heard that this can be a mechanism for perpetrators to continue the abuse and intimidation. This undermines the protection provided by a Domestic Violence Order and is not consistent with the message that emotional and psychological abuse is a form of domestic violence. Perpetrators should not be able to use third-party agents to continue to abuse their victims.

Domestic and family violence court proceedings are complex and difficult for all involved — the aggrieved party (victim), the respondent (perpetrator), police, lawyers, and judicial officers. Proceedings occur in the already busy Magistrates Court jurisdiction, with many self-represented parties, all claiming to be aggrieved. Some police, lawyers, and judicial officers have not yet realised that the DFVP Act has moved away from the incident-based approach to domestic and family violence towards an examination of each incident within the context of the relationship. The evidence placed before the court is often insufficient to allow the court to make an informed decision about who is the person in the relationship most in need of protection. Some police, lawyers, and judicial officers lack the necessary training to identify gaps in the evidence that need further exploration.



### Bail under the *Bail Act 1980*

The Bail Act already enables the courts and the police — when deciding whether an alleged perpetrator of domestic violence is an unacceptable risk for bail — to consider evidence of coercive and controlling behaviours and the risk of further domestic violence, and (if there is a risk) the level of that risk. Police, prosecutors, and judicial officers need to be aware of the latest evidence about what the relevant risk factors are for domestic and family violence offenders.

DJAG's Court Link bail program could have positive diversionary benefits for people charged with offences related to domestic violence. The Court Link program's quality and availability, however, vary considerably throughout Queensland. Court Link is not available to everyone who would benefit from it, particularly those living in regional and remote Queensland.

While there are obligations under the *Charter of Victims' Rights* in the *Victims of Crime Assistance Act 2009* to inform a victim about a perpetrator's bail application and release — and to have regard to a victim's safety when considering bail — some victims are not being informed. This could result in a victim being unable to consider her safety, or to put in place an appropriate safety plan, before the perpetrator is released from custody. The Taskforce will explore this further in its second stage of work.

### Criminal proceedings under the DFVP Act for a breach of a domestic violence order

Unpublished data from the Queensland Government Statistician's Office (QGSO) examining courts, police and administrative data, found that for all domestic violence orders made between 2008 and 2018 in Queensland, 75% of respondents were not convicted of breaching the order made against them. This statistic should be treated with some caution. The number of breaches charges is likely to be much less than the number of breaches actually committed, given the challenges and barriers victims face in reporting breaches and (when they do) being believed.

The analysis by the QGSO showed that rates (per 100,000 adults) for applications for domestic violence orders, cross-applications and charged breaches of domestic violence orders were higher in Queensland's remote and regional locations than in Queensland's major cities. Specialist resources and funding for programs for those areas need to be prioritised.

The QGSO data also points to a relatively small group of perpetrators who frequently breach Domestic Violence Orders. This suggests that a useful point of diversion may be at the first breach of a Domestic Violence Order. If a perpetrator's behaviour can be de-escalated at that time, it may prevent further breaches. The QGSO analysis also shows that a small proportion of perpetrators re-breached numerous domestic violence orders made against them to protect multiple victims. This suggests it may be useful to look at the means of preventing serial offending by this cohort.

Some perpetrators may breach an order because they do not understand the seriousness of the order or the nature of the conditions. The information provided when an order is served needs to be simple and clear.

Contraventions of orders need to be prosecuted with more consistency. Police and courts need to treat contact, or so-called technical breaches for non-physical forms of violence, seriously as this behaviour can indicate coercive control. Such individual incidents, when viewed in isolation, may seem small and insignificant; but when they form part of an ongoing pattern of behaviour in blatant disregard of a court order prohibiting this type of conduct, they become more serious. Again, this reaffirms the need for police, lawyers, and the courts to better understand domestic and family violence as a pattern of behaviour in the context of a relationship as a whole.

Many victims feel that breaches of domestic violence orders do not result in penalties that sufficiently reflect the gravity of the perpetrator's coercive control, particularly if the breach relates solely to non-physical acts of violence. Victims are deterred from reporting further breaches or seeking additional police or court protection because their experience is not taken seriously and the fear and intimidation they experience is not validated.

## **Criminal Code**

### **Offences**

Coercive and controlling behaviour can be relevant to a range of criminal offences under the Criminal Code. However, the offences of Unlawful stalking (Chapter 33A) and Torture (section 320A) of the Criminal Code are particularly relevant because they criminalise a course of conduct over time.

The offence of Unlawful stalking is underutilised by police and prosecutors. This is partly attributable to misconceptions that stalking is a behaviour that only occurs once a relationship has ended. Some misconceptions could also be attributed to the offence's dated language, which does not reflect modern surveillance methods.

While the offence of Torture has been used effectively to prosecute domestic and family violence — including circumstances that involve coercive-controlling behaviours — it could be more actively pursued in serious cases.

Neither the offence of Unlawful stalking nor the offence of Torture is sufficient to hold a perpetrator accountable for the full spectrum of behaviour involved in coercive and controlling abuse.

### **Defences**

Victims of coercive control may be forced to take part in criminal behaviour such as stealing, dealing in prohibited drugs, or neglecting or abusing their children. This behaviour is used by perpetrators to continue to control and entrap victims by encouraging self-blame and preventing disclosure of abuse to authorities. Victims may also feel that they are so trapped that they have no option but to attack or kill their perpetrator to escape the cycle of abuse.

The Taskforce received mixed feedback about how existing defences and excuses in the Criminal Code could be better applied in circumstances where an offender's conduct was attributable to the coercive control they had experienced and whether a new defence should be created. Many legal stakeholders told the Taskforce that the current defences under sections 27 (Insanity), 31 (Duress), 271 (Self-defence), 304 (Provocation), and 304B (Killing for preservation in an abusive relationship) of the Criminal Code could be used to defend a victim of coercive control.

Of concern to the Taskforce is that there are no reported cases where a jury has used the partial defence of Killing for preservation in an abusive relationship under section 304B of the Criminal Code to find an accused person not guilty of murder and guilty of manslaughter only.

It is clear that evidence of coercive control is not always being used by lawyers as part of a defence or excuse or as a mitigating factor on sentence. When lawyers don't have an up-to-date and accurate understanding of domestic violence and coercive control, they cannot effectively represent the interests of their clients, especially domestic violence victims who have killed their perpetrators. In some cases, the defence of self-defence may have been available to these victims.

The Taskforce recognises that the partial defence of provocation is sometimes able to be raised by victims of domestic violence who kill their abusers in retaliation. Most recently, this partial defence attracted controversy when it was raised successfully by Mr Peniamina, who killed his wife when their marriage was disintegrating and he accused her of infidelity. The partial defence of provocation was amended by the Queensland Parliament in 2011 with the intention that the amendments would 'reduce the scope of the defence being available to those who kill out of sexual possessiveness or jealousy'. The decision of the High Court of Australia in *Peniamina v The Queen* in late 2020 held that those provisions should be interpreted and applied narrowly. In a retrial in October 2021, Mr Peniamina went on to successfully raise the partial defence of provocation. His wife's so-called act of provocation was her attempt to defend herself during his violent attack on her. Mr Peniamina's case raises complex policy questions about whether provocation can be applied in a way that reflects modern community attitudes to criminal culpability whilst Queensland retains a mandatory minimum life sentence for the offence of murder.

### *Evidence Act 1977*

Sometimes victims are not having the full context of their experiences of coercive control admitted in evidence in court proceedings in Queensland. This is likely to lead to inadequate victim protections and perpetrators not being held sufficiently to account for their coercive and controlling abuse, making victims less safe. Clarifying section 132B of the Evidence Act may encourage greater consistency.

Some police officers appear to lack the understanding and skills required to gather and use relevant evidence of coercive control and domestic and family violence in civil and criminal proceedings. This lack of understanding and expertise is also reflected in the practice of lawyers and judicial officers. The Taskforce has heard of lawyers and magistrates not adequately understanding the distinction between the civil protection order scheme and the criminal prosecution of breaches and domestic violence-related offences, including wrongly requiring civil applications under the DFVP Act to be proved to a criminal standard.

Lawyers also contribute to these problems by not presenting the right evidence before the court. They do not always take full relevant instructions about the history of the coercive control of their client or, in the case of prosecuting lawyers, complainant victims. They sometimes lack the confidence and capability to lead evidence about domestic and family violence and coercive control and the broader context of the relationship. This may be due in part to a lack of adequate training for lawyers about how to identify and prove coercive control and confusion about how the provisions in the Evidence Act operate together with the common law.

### *Penalties and Sentences Act 1992*

A victim's experiences of domestic and family violence and coercive control could be raised under the current legislation as a mitigating factor when they are being sentenced for an offence, but some lawyers lack the knowledge and skills to make appropriate submissions on behalf of their clients.

Sentencing courts under the current legislation can take domestic violence and coercive control into account as an aggravating factor on sentence. Amendments to the Penalties and Sentences Act that were contained in the *Criminal Law (Domestic Violence) Amendment Act 2016* are helping to make sure sentencing courts are informed about and take into consideration an offender's domestic violence history.

Under the current legislation, courts do not have sufficient sentencing options at their disposal to impose individually tailored sentences to best hold serious and high-risk perpetrators to account, help stop the violence, and keep victims safe.

Given the prevalence and impact of coercive control and domestic and family violence, Queensland's judicial officers must thoroughly understand what it is.



## Commonwealth legislation — the *Family Law Act 1975* (Cth)

Although it is beyond the legislative power of the Queensland Government to change the legislation of the Commonwealth Government, the Taskforce has heard repeatedly from victims that perpetrators of coercive control use Commonwealth family law proceedings and outcomes as a mechanism to continue their violence and to exert power and control over their victims. This undermines efforts by states and territories to improve responses to domestic and family violence.

Community perceptions about the presumption of shared parental responsibility in the *Family Law Act 1975* (Cth) often lead victims of domestic and family violence to wrongly believe they are compelled to offer equal shared care of their children to abusive and coercively-controlling perpetrator parents. Victims also believe that they cannot act protectively for fear that this will be used as evidence of them alienating the child from the perpetrator parent. This is putting the safety of victims and their children at risk.

It is important that police, state courts, and lawyers better understand the limitations of family law processes and how perpetrators can use them to further exert power and control. The existence of family law orders should not dissuade victims from applying for, and obtaining, added necessary protections in the best interests of children through the state-based system. Magistrates need to fully understand their powers and duties to provide protection to victims, including child victims where a family law order is in place, and feel confident to exercise these powers and duties.

Likewise, police need to be confident to proactively seek additional necessary protection for a victim, including a child victim who is subject to a family law order. Police also need to know how to respond to threats to children from a biological perpetrator parent even when there are no family law orders in place.

## Chapter 1.6 — Options for legislative reform

No law responds to her voice crying for help. No single offence holds her perpetrator accountable for what he has done to her.

In this chapter, the Taskforce considers options for legislative reform based on feedback to the 13 options put forward in its first discussion paper.

### Legislative reforms that should progress

Amendments are needed to improve Queensland's current legislative response to coercive control.

The Taskforce recommends that legislative reform should occur in two tranches.

The first stage of legislative reform should focus on improving the existing legislation so that it can be used to respond to coercive control. This package of reform will improve the legislative response to coercive control immediately. It should be introduced and passed in 2022 with commencement, subject to passage, in 2023 to allow for police, the service system and lawyers to be trained appropriately and for judicial officers to undertake relevant professional development. The Taskforce outlines the specific amendments it recommends in chapter 3.8.

The second stage of legislative reform includes significant new initiatives to comprehensively address the full spectrum of behaviours involved in coercive control. This second stage of legislative reform includes a new standalone offence of coercive control. The successful implementation of the significant reforms included in the recommended second stage of legislative reform depends on significant systemic reform within the service system and criminal justice system being progressed first. This will mitigate risks and unintended consequences identified consistently by stakeholders and victims in their submissions to the Taskforce.

The reform includes raising community awareness, providing training and education across the service system and to police and lawyers, and, most importantly, increasing the accessibility and availability of appropriate perpetrator-intervention programs.

The Taskforce recommends that public consultation be undertaken on the draft legislative reforms for at least three months to enable victims and stakeholders the opportunity to identify unintended consequences and comment. The legislative reform should be introduced in 2023 and commenced, subject to its passage, in 2024. This will provide clarity and certainty to the community and the agencies and services about what the new law will be while providing sufficient time for final implementation requirements to be put in place. The specific amendments recommended for inclusion in the second stage of legislative reform are set out in detail in chapter 3.9 of the report.

#### **Legislative reforms that should not progress.**

The Taskforce considered that some options proposed in the first discussion paper should not proceed.

There should not be an offence of cruelty introduced into the Criminal Code to address coercive control, nor should there be a standalone offence of 'commit domestic violence' introduced into the DFVP Act. Neither of these options is suitable to address the full spectrum of behaviour involved in coercive control or the patterned nature of coercive and controlling offending.

A floating circumstance of aggravation of domestic violence should not be introduced in Queensland at this time as it may risk the imposition of sentences that are unjustifiably punitive and would disproportionately and unintentionally burden already over-criminalised cohorts. Based on what victims have told the Taskforce, more research needs to be done by the Queensland Sentencing and Advisory Council to ascertain whether Queensland Courts are appropriately treating domestic violence as an aggravating factor when perpetrators are sentenced for offences that do not involve physical acts of violence.

The Taskforce does not recommend the introduction of a process to enable serial family violence offender declarations (like the scheme that operates in Western Australia). Queensland's Bail Act and Penalties and Sentences Act already provide sufficient measures to consider relevant risk factors relating to domestic violence offending. Other measures recommended in this report will respond to the needs of offenders and victims with greater efficacy.

#### **Areas that extend beyond the Taskforce's Terms of Reference and capacity but require further examination**

The Taskforce examined the defences and excuses under the Criminal Code and the potential expansion of the *Dangerous Prisoners (Sexual Offenders) Act 2003* (DPSO Act). These have implications beyond the scope of the Taskforce's work, timeframes, and resources and should be further reviewed by an appropriate independent body.

## Part 2 — Protect and better the lives of women and girls

In part 2 of the report, the Taskforce considers the wider systemic reforms that need to happen to allow the Queensland Government to implement legislation to address coercive control safely and effectively so that we can better protect the lives of women and girls in Queensland.

### Chapter 2.1 — The human rights context

This chapter explores coercive control in a human rights context to inform how Queensland laws and the domestic and family violence and justice system should respond to this type of behaviour.

Coercive control represents a violation of some of the most important human rights protected under the *Human Rights Act 2019* and international law. These violations of human rights not only justify the Queensland Government taking action to address coercive control — they compel it.

The Taskforce has considered the following human rights to be critical in its examination of what steps the Queensland Government should take to address coercive control:

- **The right to life** — Coercive control is highly predictive of lethality. The near-universal prevalence of coercive control in deaths reviewed by the Queensland Domestic and Family Violence Death Review Advisory Board was highlighted in its *Annual Report 2019–2020*:  
*In the vast majority of the Board’s case reviews, regardless of death type, there was evidence of coercive controlling abuse*
- **The right to be protected from torture and cruel, inhuman and degrading treatment** — the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has stated that:  
*psychological and emotional violence, including coercive control, amounts to cruel, inhuman or degrading treatment or punishment and, where it involves the intentional and purposeful or discriminatory infliction of severe suffering on a powerless person, amounts to torture.*
- **The right to privacy** — this right encompasses the protection of the ‘physical and moral integrity of the person’ so that it protects a person’s physical and psychological integrity as well as their right to identity and personal development. As the experience of victims in chapter 1.1 tell us, this is a right that is denied to victims of coercive control.
- **The protection of families and children** — chapter 1.1 of this report also details the abuse of children (including children being used as a tool for abuse by a perpetrator) in relationships involving coercive control. Every child deserves protection from this form of abuse.

When considering the best legislative solutions to address the human rights violations involved in the perpetration of coercive control, the Taskforce has been mindful of whether our recommended solutions limit other important human rights including:

- cultural rights — generally
- cultural rights — Aboriginal peoples and Torres Strait Islander peoples
- right to liberty and security of person
- right to a fair hearing
- rights in criminal proceedings

The Taskforce has received many submissions from victims saying that the state has not protected them and their children from domestic and family violence and coercive control. To prevent future violation of the human rights of women and girls, the Queensland Government must establish more effective prevention measures and provide more effective legal deterrents to protect victims.

## **Chapter 2.2 – Fundamental issues across the criminal justice system**

Her voice will be heard. We will make the criminal justice system fair and more transparent.

In this chapter, the Taskforce identifies systemic and structural issues in Queensland’s criminal justice system that are eroding public confidence in the delivery of justice in Queensland.

The Taskforce is of the view that these complex cross-cutting and fundamental issues should be addressed as a priority to ensure the success of the proposed reforms to address coercive control and any other future criminal justice reforms. Each of the recommendations in this chapter relates to consistent messages received by the Taskforce in submissions and during consultations throughout Queensland.

The Taskforce recommends that the Queensland Government not pursue legislation to criminalise coercive control without first committing to a specific strategy, co-designed in partnership with First Nations peoples, to address the over-representation of Aboriginal and Torres Strait Islander peoples as offenders in Queensland’s criminal justice system (Recommendation 1).

Beyond stating that this recommendation should be operative before legislation to criminalise coercive control is introduced and that plans for measurement of success should be included in the strategy, the Taskforce does not presume to prescribe the form of the strategy. That is a matter for Aboriginal peoples and Torres Strait Islander peoples.

The Taskforce acknowledges that the strong message from the senior leadership of the QPS is that domestic and family violence is extremely serious and that its direction to all officers is to treat it accordingly and prioritise action against it. Excellent work is being done by the specialist teams and some individual officers. However, the Taskforce was deeply troubled by the high number of accounts in submissions and consultations of inadequate police responses right across the state. The Taskforce also received complaints, including from some police and ex-police, about the lack of independence in police investigations of alleged police perpetrators and complaints about the quality of police domestic violence investigations. This all indicates deep-seated and widespread harmful cultural issues that must be addressed. The Taskforce (by majority with one dissent) considers that a transparent and independent review of QPS culture is needed, with all necessary powers and protections, to ensure public confidence in the QPS’s ability to uniformly protect victims, hold perpetrators to account, and maintain community safety and access to justice. To be effective, the Taskforce considers that the powers of a commission of inquiry are necessary to ensure that any person, including current and former police officers, can feel safe to provide full and frank information (Recommendation 2). The dissent is included at the end of this chapter.

While some judicial officers were acknowledged for their work, both in submissions and consultations, the Taskforce heard a great deal of criticism. The Taskforce is concerned that the training and education currently undertaken by many judicial officers in Queensland about domestic and family violence, including coercive control, may be inadequate.

The Taskforce has also received reports of concerning behaviour on the part of some judicial officers, with people frightened to report the behaviour to the head of jurisdiction.



At the 2020 general state election, the Labor Party made a commitment that, if returned to government, it would explore the establishment of a judicial commission. Judicial commissions that provide coordination of professional development for judicial officers and an independent mechanism to assess complaints against judicial officers operate in other Australian jurisdictions. The Taskforce understands that the Supreme Court judges have favoured the establishment of a judicial commission since 2010. The Taskforce recommends that a Queensland Judicial Commission, based generally on the NSW model, should be established both to provide education and training to judicial officers and deal with complaints. (Recommendation 3). This is an important reform that should be prioritised and progressed in this term of government.

The Taskforce has observed chronic under-resourcing across some parts of the criminal justice system, specifically in justice services and the courts. This under-resourcing is causing unacceptable delays in proceedings and is impacting heavily on the wellbeing of victims and the administration of justice. The Taskforce will consider this further in the second part of its work.

### **Chapter 2.3 — A four-phase plan to improve responses to domestic and family violence and coercive control**

#### **New initiatives recommended**

The Taskforce suggests that a public health approach be embedded across the service and justice system responses to address coercive control. This approach should encompass:

- **Primary interventions** — These strategies are delivered to the whole of the community to improve safety with a focus on stopping coercive control before it occurs. They include a comprehensive and integrated plan for primary prevention of violence against women, the provision of consistent compulsory respectful-relationships education in schools, and a community awareness campaign.
- **Secondary interventions** — These strategies prevent violence before it escalates. They are delivered earlier and targeted towards those individuals who are using violence or are at risk of using violence to keep victims safe. They include a scheme to divert first-time breachers of domestic violence orders away from the criminal justice system and into perpetrator programs. Expanding the number and type of perpetrator-intervention programs will also enable courts to better utilise existing laws to make intervention orders as part of civil protection order proceedings.
- **Tertiary interventions** — These strategies hold perpetrators to account and keep victims safe after violence and abuse occurs. They are targeted to individuals perpetrating violence who require an immediate and more intensive response or who are serious high-risk offenders. These strategies are more intensive and tailored to keep victims safe. They include the introduction of a standalone coercive control offence, a post-conviction civil supervision and rehabilitation order for domestic violence offenders, a non-disclosable register of high-risk domestic and family violence offenders, and increased availability of perpetrator-intervention programs in correctional facilities for both prisoners on remand and serving their sentences.

#### **Critical work that must be done before new legislative initiatives commence**

Before new offences commence, we need to improve community awareness and understanding, strengthen our focus on primary prevention, and improve services and supports for both victims and perpetrators across the state. We need to shift the system to better respond to patterned violence over time in the context of a relationship as a whole. We need to make a clear and unequivocal commitment backed up by a shared plan to address the over-representation of Aboriginal and Torres Strait Islander peoples in the criminal justice system. And we need to address the concerning widespread cultural issues within the QPS that are getting in the way of achieving desired outcomes for victims and perpetrators.

The Taskforce acknowledges that additional resources will be required to implement the recommendations in this report. The Queensland Government should prioritise community awareness, primary prevention, training people who work across the systems, and improving accountability of institutions and agencies. Investing in these reforms is necessary to keep victims safe irrespective of whether legislative reform is progressed.

There is a need for fundamental change in the way all these systems work and respond to this unique form of violence. The shift from incident-based responses to patterned behaviour is critical, and it will take time.

#### **A four-phase plan to implement the recommended program of reform in this term of government**

The Taskforce recommends that no new offences to criminalise domestic and family violence commence until service and justice system responses are improved. The Taskforce is satisfied that to do so would involve an unacceptable risk of unintended consequences, which could cause more harm to those whom the reforms are intended to protect, particularly First Nations peoples.

The Taskforce has mapped a four-phase plan for the implementation of its recommendations within the current term of the Queensland Government, which will allow the government to deliver its election commitment to the people of Queensland to introduce legislation criminalising coercive control.

**Phase 1 (2021–2022)** — This first phase focuses on setting the foundations for reform. The Taskforce is recommending during this phase that implementation planning and governance arrangements for the delivery of the reform program should be put in place as soon as possible. Other actions that should begin during this phase are:

- Plan implementation
- Establish governance arrangements and appoint an implementation supervisor
- Agree on outcomes, plan how to monitor and evaluate them
- Collect baseline data
- Commence co-design of a strategy to reduce over-representation
- Establish a commission of inquiry
- Design a model for a Queensland Judicial Commission
- Commence development of communications strategy
- Commence development of primary prevention strategy
- Implement strengthened respectful-relationships education
- Undertake audit to inform strategic investment strategy
- Establish an integrated peak body
- Commence development of a risk assessment and safety planning framework
- Commence development of a training, education and safety planning framework
- Develop and plan rollout of training and education and change management across service and justice system, including for police, lawyers, judicial officers
- Develop a plan for a state-wide network of perpetrator-intervention programs
- Secure funding for priority perpetrator-intervention programs
- Commence development of a transformational plan for culture change within the QPS
- Design co-responder model trial
- Develop a plan to improve victim safety in the courts
- Prepare first-stage legislative amendments for consultation
- Commence reporting on implementation

**Phase 2 (2022–2023)** — This second phase involves progressing immediate legislative reforms and commencing the system reform required to improve responses to victims of coercive control. This stage also includes preparing for the more extensive and comprehensive legislative reforms to address coercive control.

This stage includes:

- Following public consultation on a draft Bill, introduce and, subject to passage, commence first-stage legislative reforms
- Finalise monitoring and evaluation framework and collect baseline data
- Commence implementation of a communication strategy
- Commence implementation of a primary prevention strategy
- Develop and implement a strategic investment strategy
- Implement revised risk assessment and safety planning processes
- Commence rollout of training and education and change management across service and justice system, including for police and lawyers, and through consultation with judicial officers
- Commence rollout of a state-wide network of perpetrator-intervention programs, prioritising programs to support legislative reform
- Expand integrated service system responses and High Risk Teams
- Commence implementation of strategies to improve victim safety at courts
- Expand specialist domestic and family violence courts and successful elements
- Prepare second-stage legislative reforms and consult on draft legislation

**Phase 3 (2023–2024)** — The third phase involves preparing for the comprehensive package of legislative reform to address coercive control including the creation of a new offence.

This phase involves:

- Introduce the second-stage legislative reforms
- Continue to implement a communication strategy
- Continue to implement a primary prevention strategy
- Continue to implement a strategic investment strategy
- Continuously review and update risk assessment and safety planning processes
- Continue to implement training and education and change management across service and justice systems with consultation with judicial officers
- Continue rollout of a state-wide network of perpetrator-intervention programs
- Monitor and review impacts and outcomes
- Continue to implement strategic investment plan to improve accessibility and availability of services and supports for victims
- Continue to monitor implementation, measure and evaluate, and publicly report on outcomes

**Phase 4 (2024 and beyond)** — This final phase is focused on the implementation of the significant and comprehensive package of legislative reforms recommended by the Taskforce to address coercive control. It is the phase designed to ensure we continue to measure and monitor impacts and outcomes across the system, including those related to the implementation of the Taskforce’s recommendations.

This phase includes:

- Commencing second-stage legislative reforms
- Ongoing training and education for police, legal practitioners, specialist service system providers, and mainstream services, and consultation with judicial officers about training and education
- Ongoing monitoring and evaluation of outcomes.
- Continue to improve services and supports for victims and perpetrators across the state
- Five-year review of the operation of legislative reforms

### **Part 3 – The journey we must go on as a community**

In this part of the report, the Taskforce makes recommendations to address coercive control. These responses recognise that victims will be safe in safe communities, organisations, and systems.

#### **Chapter 3.1 – Raising awareness and understanding in the community**

Her voice will be heard. Her story will be told responsibly. Members of the community will understand coercive control and stand up and play their part in ending the violence.

This chapter contains the Taskforce' recommendations 5 to 8.

The Taskforce has recommended that a communication strategy be developed to increase awareness and understanding of coercive control. It should provide information about how bystanders can support victims to access services and supports and encourage perpetrators to get help early to change their behaviour. It will also support the implementation of changes to the law recommended by the Taskforce in chapters 3.8 and 3.9. Widely consulting with stakeholders about aspects of the communication strategy will help communities and the service sector prepare for the new legislation and the additional demands on their services. The strategy should complement the Queensland Government's current 10-year Domestic and Family Violence Communication and Engagement Strategy. It would also complement messages provided to children and young people as part of respectful-relationships education (recommendations 10 and 11).

The Taskforce has recommended that the government should review the *Domestic and Family Violence Media Guide* to make sure it includes information about coercive control and provides appropriate and useful guidance for media outlets about reporting in a trauma-informed way including in diverse communities. The Taskforce would like to hear more voices of women from diverse backgrounds reported in the media.

The Taskforce considers that while much has been done and media reporting has improved, there is a clear need for national media industry standards for reporting domestic and family violence. The Taskforce recommends that the Queensland Government advocate nationally for consistent media standards to operate similarly to those reporting on suicide.

#### **Chapter 3.2 – Improving primary prevention**

Her voice is being heard. She has learned to recognise a healthy relationship and how to protect herself from abuse. He understands that violence and control are never acceptable. He is a better partner and father and calls out abusive behaviour when he sees it in his friends and colleagues.

This chapter contains the Taskforce's recommendations 9 to 12.

Before introducing criminal sanctions for coercive control, we need to increase community understanding about domestic and family violence and coercive control, including that it is a pattern of behaviour over time in the context of a relationship as a whole and can include non-physical violence.

The Taskforce recommends the implementation of a comprehensive and integrated plan for the primary prevention of violence against women in Queensland. A comprehensive plan for primary prevention needs to consider targeted and differentiated approaches to domestic and family violence in our diverse communities. The plan should include programs that target men and boys, engaging them as allies to challenge the dominant norms of toxic masculinity that reinforce gender inequality and violence. Queensland's comprehensive primary prevention plan should draw on, and contribute to, the growing body of research and evidence about what forms of prevention are most effective, including through a concerted effort to evaluate primary prevention activities to determine what is and isn't working and where there is value for money.

All children and young people in Queensland, regardless of the school they attend, should receive high-quality respectful-relationships education, ideally delivered in the context of a whole-of-school approach that will:

- encompass in-class education
- be embedded in a school's culture, policies, and procedures
- promote gender equality among school staff as well as the school children.

The Taskforce recommends that the Queensland Government mandate that all state and non-state schools in Queensland, including independent schools, special schools, schools in youth detention centres, and flexi-schools, provide consistent, high-quality respectful-relationships education that is delivered and embedded through a whole-of-school approach. Respectful-relationships education at every school must feature minimum core elements that address the causes of domestic, family, and sexual violence, including coercive control. Programs for young people not in formal education should also be provided.

### **Chapter 3.3 — Improving service system responses**

Her voice is heard. She receives high-quality services from a system that responds to her diverse needs no matter where she lives in Queensland. Those working in services that support and protect her will be trained to the highest standard and have a shared approach to risk assessment to keep her and her children safe. He is not only visible in this system — he is a focus of intervention to keep her safer.

This chapter contains the Taskforce's recommendations 13 to 24.

In this chapter, the Taskforce makes recommendations to support victims in gaining access to high-quality, integrated, and responsive services. A challenge for services is delivering tailored and responsive initiatives to victims across the decentralised landscape of Queensland that is home to many different communities.

The Taskforce recommends a whole-of-government strategic investment plan to provide a vision for a domestic, family and sexual violence service system for the future that is contemporary, integrated, effective, and efficient. This system will provide timely, accessible, and culturally appropriate domestic and family violence services for victims and perpetrators. The strategic investment plan should incorporate a shift in investment to Aboriginal and Community Controlled Organisations. Non-government domestic and family violence services also need the leadership of a peak body to guide and reform them, as well as to assist services to meet future needs and demands across the state.



As community awareness of domestic and family violence increases, so too does the need for services to be more responsive to victims and perpetrators from diverse communities, and those with intersecting and complex needs. This chapter recommends ways to improve integrated service responses, including by making them more accessible and responsive to Aboriginal and Torres Strait Islander peoples, people from culturally and linguistically diverse backgrounds, older people, people with disability, and LGBTIQ+ people.

A shared and aligned understanding of risk is required to support ongoing collaboration and coordination to improve management and response to risks for the victim. The Taskforce recommends a common approach to risk assessment that promotes a more consistent understanding of what risk is being assessed. A consistent understanding of violence as a patterned course of conduct will also help to improve safety planning.

This chapter recommends that training and education across all parts of the domestic and family violence and justice system be consistent to promote a shared understanding of the nature and impacts of coercive control, including common language and concepts. This will better prepare government and non-government agencies to adapt quickly to broader changes in the domestic and family violence and justice systems, including legislative changes to respond to coercive control. The involvement of people with lived experience, including Aboriginal and Torres Strait Islander peoples, people with disability, LGBTIQ+ people, older women, and people from culturally and linguistically diverse backgrounds, is essential to creating training and education that meets the 'real world' needs of victims. Developing and implementing a consistent, evidence-based, and trauma-informed training and education framework, which is accessible to all services that may come into contact with victims, their children or perpetrators, will strengthen the whole-of-service response to coercive control.

### **Chapter 3.4 — Holding perpetrators accountable to stop the violence**

Her voice is heard. He is given support and encouragement to change. We work together to heal and to keep her safe.

This chapter contains the Taskforce's recommendations 25 to 30.

Intervening to change perpetrator behaviour is essential to keeping victims safe from violence. Perpetrator programs need to work as part of an integrated system so that her voice and her safety is at the heart of any intervention.

The Taskforce recommends the Queensland Government design, establish, and adequately resource a state-wide network of perpetrator-intervention programs to address the current critical shortage of programs. The priority for these programs is people who have been charged with or convicted of a domestic violence-related offence.

The state-wide network of programs for perpetrators must incorporate a spectrum of perpetrator interventions across a continuum of risk and need so that appropriate responses are available for all perpetrators, or those at risk of perpetrating, domestic and family violence, including coercive control. This includes increased availability of programs at early points of intervention (for example, when people self-refer), as well as increasing the diversity of the types of programs, their intensity, and their modes of delivery.

Programs also need to better meet the needs of people with disability, young people, older people, people from culturally and linguistically diverse backgrounds, and people who identify as LGBTIQ+ in urban, rural, regional and remote locations. This will increase the accessibility and effectiveness of programs.

The Taskforce recommends that programs be specifically designed collaboratively with Aboriginal and Torres Strait Islander peoples to meet their needs, including for healing and connection to culture. These programs should incorporate a healing approach and reconnect perpetrators to culture and community.

Increasing the availability of perpetrator programs will require more skilled practitioners. The Taskforce recommends developing strategies to attract, recruit, and retain a skilled workforce to deliver perpetrator programs across Queensland, with a focus on rural, regional, and remote locations.

An enhanced and more consistent approach to assessing and managing risk is recommended to better manage victim safety and monitor program outcomes. This will also contribute to the emerging evidence-base about what works to change behaviour.

### **Chapter 3.5 — Improving police responses**

Her voice is heard. Police are addressing their cultural problems. Police officers understand they need to not just see an incident but a whole relationship. Police are supported by experts in domestic and family violence who help keep her safe. Police hear her voice, starting by believing her and treating her with respect.

This chapter contains recommendations 31 to 37.

The Taskforce received a high number of submissions calling for change in how police respond to domestic and family violence. This view was supported by stakeholders who work with victims and perpetrators of coercive control.

In some cases, policing initiatives that intend to hold perpetrators accountable fail to incorporate safety measures for victims. Some initiatives potentially infringe human rights. Operational reforms and initiatives will keep victims safer if they are underpinned by transformational change.

Meaningful change can only occur through whole-of-service transformational change. Taking this approach will reinvigorate police responses to victims of domestic and family violence and address widespread cultural issues, negative beliefs related to women and domestic and family violence, poor cultural capability, and misunderstandings about coercive control.

The Taskforce recommends the Queensland Government develop a plan for transformational change within the QPS. The Taskforce also recommends ongoing and regularly updated competency-based training, trauma-informed practices, effective risk assessment and safety planning, a domestic and family violence complaints process that empowers victims, and ongoing participation in interagency responses. These approaches support and reinforce the QPS's commitment to community-based policing approaches that value community connections, transparency, and collaboration.

If the government accepts the Taskforce's recommendation to establish an independent commission of inquiry into aspects of QPS culture that could be harmful, the transformational plan could form a key part of the government response to the inquiry.

Change must engage and be meaningfully informed and guided by the voices of people with lived experience (including First Nations peoples, culturally and linguistically diverse communities, people with disability, and LGBTIQ+ people), as well as academics and experts in the field of domestic and family violence.

The Taskforce recommends that the QPS continue to build specialist expertise to ensure it has state-wide capacity and capability to provide consistent high-quality responses to domestic and family violence. This should incorporate specially trained detectives with the skills and expertise to investigate coercive control and domestic and family violence-related offences.

Victims must have confidence in processes designed to hold QPS members accountable when their attempts to seek safety are hindered by poor policing practices or responses. In this chapter, the Taskforce recommends the QPS's complaints processes be accessible, open, and accountable to allow victims of domestic and family violence to make complaints safely and confidentially, including when their concerns involve alleged domestic violence by a police officer. This includes empowering victims by promoting a complaints process that is victim-centred and trauma-informed.

The community increasingly expects that police will identify and respond to the social issues that underpin offending behaviour, including domestic and family violence. The Taskforce considers that frontline police officers need more support from, and more opportunities to work in an integrated way with, domestic and family violence specialist services. These integrated responses or co-responder models can improve outcomes for victims and perpetrators and help police officers improve their understanding of the nature and impacts of domestic and family violence. The Taskforce recommends that a co-responder model involving QPS and specialist domestic and family violence services be further trialled in more locations.

### **Chapter 3.6 – Improving how lawyers and judicial officers respond**

Her voice is heard. Her lawyer hears and understands all her stories. The police, her lawyer, the judicial officers hearing her case understand trauma. She is supported with compassion to give her best evidence and understand her perpetrator's right to a fair trial. Everyone listens and understands.

This chapter contains recommendations 38 to 48.

Many undergraduate law students in Queensland complete their law degree without having learned about domestic and family violence, the civil domestic violence order legislative framework, or the impacts of abuse. There is no requirement for law students to learn about the role of the law in the colonisation of Australia and the resulting trauma for First Nations peoples. The Taskforce recommends that the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence request the Law Admissions Consultative Council to incorporate domestic and family violence (including coercive control), trauma-informed practice, issues of intersectionality, and the impact of colonisation and laws on Aboriginal and Torres Strait Islander peoples into the prescribed content for law degrees.

Once a lawyer is admitted to practice, regardless of where they work, there is no requirement that they undertake any professional development in domestic and family violence or trauma-informed practice. Only lawyers with a practising certificate are required to complete continuing professional development. While these lawyers may opt to undertake training specific to domestic and family violence, there is no requirement that they do so. Government legal officers are strongly recommended to comply with continuing professional development requirements, but this is not a requirement — these lawyers include prosecutors working for the Office of the Director of Public Prosecutions (ODPP) and police prosecutors. The Taskforce considers that regardless of where they work, all practising lawyers should have a current understanding of and be regularly participating in continuing professional development training about domestic and family violence and trauma-informed practice. Domestic and family violence can have relevance to any area of client-based legal practice. Further, those lawyers practising in criminal, family or domestic violence law must understand how to support their clients who may be experiencing domestic and family violence to seek the help and assistance they need.

The Taskforce recommends that the ‘Regulatory Authorities’ responsible for issuing practising certificates, namely the Bar Association of Queensland (BAQ) and the Queensland Law Society (QLS), work together to develop and implement a trauma-informed framework for practice for Queensland lawyers. These bodies should also work with the Queensland Government to ensure that all lawyers in Queensland have a current understanding of domestic and family violence, including coercive control, the substantive and procedural law, and how to refer clients to services and supports. The QLS and BAQ should ensure that their supports and services for lawyers include a focus on the complex ethical issues likely to arise in and because of domestic and family violence-related practice, including systems abuse. The QLS should ensure that accreditation in criminal and family law includes a requirement for lawyers to have a specialist understanding of the law, nature, and impact of domestic and family violence and the local support services available to victims and perpetrators, including referral processes. The QLS should work in conjunction with Legal Aid Queensland (LAQ) to review the Domestic and Family Violence Best Practice Framework, incorporate information about coercive control, and promote wider use of the Framework across the Queensland legal profession, including by government lawyers and barristers.

Lawyers employed by the ODPP, the QPS, and LAQ should be required to participate in regular domestic and family violence training. This training should form part of their continuing professional development requirements or be provided by the ODPP, QPS, and LAQ. The training should cover not only the nature and impact of domestic and family violence and the relevant law but also the local support services available to victims and perpetrators and how to refer people to these services. Lawyers on LAQ’s preferred supplier lists for criminal law, family law, and civil law matters should be required to participate in regular training on the law relating to domestic and family violence. This training should form part of the continuing professional development requirements or be provided by LAQ. Participation in training should be recorded as part of continuing professional development for all organisations and be included in their annual reports.

Heads of jurisdiction should consider ensuring judicial officers across all jurisdictions in Queensland are given time each year to complete a minimum of five days of training and professional development. Domestic and family violence should be a relevant subject matter for development and training across all jurisdictions. Planning should start early to consider court listings and provide for relieving judicial officers where necessary. The training undertaken and its cost should be publicly recorded. The Taskforce recommends that amendments to the *Magistrates Court Act 1921*, *District Court of Queensland Act 1967* and *Supreme Court of Queensland Act 1991* be progressed in 2022–2023 requiring that the annual report of each court record information about the training and professional development undertaken by judicial officers during the reporting period and the resulting expenditure of public money.

### **Chapter 3.7 – Improving court responses**

Her voice is heard. She is confident that she will be safe when she comes to court seeking protection or as a witness.

This chapter contains the Taskforce’s recommendations 49 to 51.

While the Taskforce acknowledges the significant improvements to Queensland’s courts and procedures since the *Not Now, Not Ever* report was released, more needs to be done. Enhancing the safety of courts for victims, including ensuring that all victims attending Queensland courts have access to appropriate supports and safety measures, should be a priority. Investment in the safety of Queensland’s courts is required to meet existing demand and prepare for the anticipated increase in demand.

The Taskforce recommends that the DJAG develop and implement a state-wide plan to improve safety for victims of domestic and family violence when attending court. The plan should be informed by a comprehensive safety audit of Queensland’s courthouses. The plan should include building new court infrastructure and creating new modes of service delivery to provide a safe environment for victims seeking protection under the DFVP Act and as witness complainants in criminal proceedings. To support a safer court system, DJAG should also develop and implement ongoing training for court staff about the nature and impacts of domestic and family violence (including coercive control), relevant trauma-informed practise, and relevant law and procedure.

The Taskforce supports the further rollout of specialist domestic and family violence courts, informed by evidence about demand and needs and the results of the ongoing Southport evaluation.

### **Chapter 3.8 — Immediate legislative reforms against coercive control**

Her voice is heard. We are changing the legislation we already have because she told us it isn’t working.

This chapter contains the Taskforce’s recommendations 52 to 73.

The Taskforce recommends amendments to the Criminal Code, the DFVP Act, the Evidence Act, and the Penalties and Sentence Act. The Taskforce recommends that these amendments be introduced in 2022 and commence, subject to their passage, in 2023 so that training of the service sector, police, legal professionals, and judicial officers can be operationalised. The Taskforce is also recommending that some existing components of the law need to be further reviewed by independent bodies other than the Taskforce.

The Taskforce has made recommendations in this chapter about updating the current benchbook used by magistrates courts and the creation of new benchbooks, updating of the draft Director of Public Prosecutions domestic and family violence guidelines, and advocacy for national family law reform.

### **Recommendations for legislative amendment**

#### **Criminal Code**

The offence of unlawful stalking in chapter 33A of the Criminal Code should be renamed and amended so that it reflects the modern forms of surveillance, monitoring, harassment, and abuse that victims have said are being perpetrated against them. It should attract an increased maximum penalty of 7 years imprisonment if the offence is committed against someone with whom the offender has a relevant domestic relationship. The parts of the offence that allow for restraining orders to be made should also be amended so that they have an operational period of 5 years unless the court is satisfied that a shorter period will not compromise the safety of the victim or children.

#### ***Domestic and Family Violence Protection Act 2012***

Coercive control should be better explained in the definition of domestic violence in the DFVP Act. The definition of domestic violence in section 8 of the DFVP Act should clarify that domestic violence includes a series or combination of acts, omissions or circumstances over time in the context of the relationship as a whole that may reasonably result in harm to the victim.

Documents under the DFVP Act should continue to be personally served by police officers. But when police have exhausted all reasonable efforts to personally serve a document, the DFVP Act should allow documents to be served by police liaison officers or a substituted service approved by a court.



Victims of domestic violence and coercive control should not have to be cross-examined by a self-represented perpetrator in proceedings under the DFVP Act or any other criminal proceedings. Legislation should be amended to provide publicly funded legal representation for unrepresented respondents and defendants where it is appropriate, regardless of the court jurisdiction in which proceedings take place.

Cross applications under the DFVP Act must not be used as a form of systems abuse against victims of domestic and family violence. The DFVP Act must be amended to ensure that courts cannot make orders against the person most in need of protection in the relationship. The DFVP Act should be amended to make it clear that cross orders can only be made in the rare circumstance when the court is satisfied that both parties are in equal need of protection in the context of the whole relationship. There should also be amendments to ensure that costs can be ordered under the DFVP Act against a party who obviously uses proceedings to inflict further domestic violence on victims by way of systems abuse.

Courts making orders under the DFVP Act or sentencing offenders for domestic violence offences need to have a full history of previous domestic violence orders and a complete criminal history to undertake a proper assessment of a respondent's or offender's risk profile. Magistrates have told the Taskforce this is not happening consistently. The DFVP Act should be amended to require the QPS and the DJAG to provide to the court both the criminal history and a written report about the domestic violence history of the respondent in all domestic violence order applications and for the perpetrator in sentences for contravention offences under Part 7. The Penalties and Sentence Act should also be amended to require that a written report about the domestic violence history of the perpetrator be provided to the court at the time of sentencing for any domestic and family violence offence.

#### *Evidence Act 1977*

Victims and others have said that domestic violence and particularly coercive control can be relevant to all types of criminal offences from sexual assault and unlawful stalking to fraud. Section 132B of the Evidence Act should be amended to make it clear that relevant evidence of domestic violence can be led in criminal proceedings relating to all criminal offences.

The patterned and cumulative nature of coercive control is complex and often not well understood within the broader community or by police, lawyers, or judicial officers. Coercive control can cause emotional and psychological harm to a victim affecting their actions in ways that people who have no expertise in or experience of domestic and family violence may find difficult to understand. It is important that juries and judicial officers alike understand and evaluate evidence from victims of coercive control in context and in a trauma-informed way.

The Evidence Act should be amended to allow for admissibility of expert evidence about domestic and family violence and for jury directions about domestic and family violence to ensure that judicial officers and juries can consider contextual evidence of the nature and impact of coercive control and domestic and family violence in criminal proceedings.

#### *Penalties and Sentences Act 1992*

It is crucial for a sentencing court to consider coercive control when determining a punishment that best reflects a victim's culpability for their criminal offending. The Penalties and Sentences Act should be amended to require a sentencing court to consider as a mitigating feature whether an offender's criminal behaviour is attributable, wholly or in part, to the offender being a victim of coercive control.

## **Legislation that should be further reviewed by independent bodies**

### **Defences and excuses in the Criminal Code**

The existing defences and excuses in the Criminal Code are urgently in need of review to ensure they meet our current knowledge about the effects of domestic and family violence — including coercive control over time. They must evolve beyond outdated, gendered understandings about the types of behaviour that cause fear and create an imminent threat to safety. These provisions require review not only to ensure that they reflect the impact of domestic violence on victims but also to ensure that they do not reinforce stereotypes that inappropriately reduce the culpability of perpetrators.

Mr Peniamina's successful use of the defence of provocation raises important contemporary legal and policy issues that require a wider review than the one being conducted by this Taskforce. The mandatory sentence of life imprisonment for murder in Queensland is often used to justify the defence because it provides mitigation in circumstances where otherwise the mandatory life sentence could be unjust. Amending existing defences and excuses and the mandatory minimum sentence of life imprisonment for murder in the Criminal Code will affect cases far beyond coercive control and domestic and family violence and is likely to affect more men than women. These issues are broader than the gendered terms of reference of this Taskforce. A separate dedicated independent review of defences and excuses in Queensland is required.

This review could be undertaken by the Queensland Law Reform Commission (QLRC) or another appropriately constituted independent review body. The Taskforce considers that it will be very important that the body conducting the review should draw on both legal expertise and expertise about domestic and family violence. The Taskforce recommends that the review should consider:

- whether the defence of self-defence should be expanded to cover circumstances where a victim of domestic and family violence, including coercive control, acts reasonably to protect themselves from a perpetrator
- whether the defence of provocation should be repealed
- the mandatory penalty for a conviction for murder, its impact on the operation of defences and excuses, and whether it should be removed.

The terms of reference for the review should require consultation with people with lived experience of domestic and family violence, including victims and Aboriginal and Torres Strait Islander peoples with lived experience.

### ***Dangerous Prisoners (Sexual Offenders) Act 2003***

The DPSO Act provides post-sentence custody options and supervision for dangerous sexual offenders but, unlike in other Australian jurisdictions, not for dangerous violent offenders. The Taskforce did not recommend an extension of the scheme because of the many concerns about how Queensland's current scheme operates. This includes the current cost of the scheme, whether it is operating effectively to keep Queenslanders safe, and why the scheme disproportionately applies to prisoners who identify as an Aboriginal person or Torres Strait Islander person or a person with disability. These concerns need to be addressed before a conclusion can be drawn about the merits of extending Queensland's scheme.

The Taskforce recommends that the parliamentary Legal Affairs and Safety Committee consider reviewing the current operation of the DPSO Act to determine whether the current scheme is operating effectively and whether it is suitable for expansion to the very worst serious violent offenders, including perpetrators of domestic and family violence.

### **Chapter 3.9 — Legislating against coercive control**

She is heard. We support him to change at the earliest opportunity. We do not let others abuse her on his behalf. There is a standalone offence of coercive control that holds him accountable for the spectrum of his abuse of her. We keep an eye on him in the community to protect her and potential future victims. We support him to change to be a better father and partner and live safely in our community.

This chapter contains the Taskforce’s recommendations 74 to 84.

The Taskforce recommends a comprehensive package of significant legislative reform to address coercive control in Queensland. It will include:

- a diversionary scheme for first-time breachers of domestic violence orders
- a facilitation offence to stop third parties from committing acts of abuse against victims on a perpetrator’s behalf when there is a DVO in place
- a standalone offence of coercive control
- a new aggravating factor on sentence if the commission of a domestic violence offence was also a breach of an existing court order or injunction or if the commission of the offence exposed a child to domestic and family violence
- a requirement that if a domestic violence offence exposes a child to domestic violence, this is recorded on the criminal history
- a post-conviction civil supervision and rehabilitation order
- a register of serious domestic and family violence offenders.

These reforms should only be introduced with great care and following significant systemic reform to address the significant risks highlighted in submissions to the Taskforce and discussed throughout the report. First responders, services, lawyers, the criminal justice system, and the general community must better understand that domestic and family violence includes non-physical violence and is a pattern of behaviour over time that must be considered within the context of the relationship as a whole. System responses must be improved to avoid misidentifying the person who is most in need of protection and failing to hold the primary aggressor in the relationship accountable.

It is recommended that these legislative reforms should be introduced into Parliament in 2023 and commence, subject to their passage, on a date set in 2024 — that is, at least 15 months later. This will provide certainty and clarity to the service and justice systems and will enable implementation activities to be undertaken and sufficient services and supports to be in place before commencement. It is further recommended that a draft Bill should be released at least three months before the legislation is introduced into the Queensland Parliament. This consultation should include legal, domestic and family violence, and Aboriginal and Torres Strait Islander stakeholders, and people with lived experience of domestic and family violence.

#### **A diversionary program for first-time breachers of domestic violence orders**

There is a need to support a path for diversion into perpetrator programs before the criminal justice system response is engaged. The Taskforce recommends that a diversion scheme be introduced into the DFVP Act to allow a respondent who has breached their first domestic violence order for the first time to be diverted to a perpetrator program. If the diverted person completes the program, they should not be further dealt with by the criminal justice system.

### **A facilitation offence to stop victims from being further abused by third parties**

The Taskforce is recommending the creation of a facilitation offence in the DFVP Act. This is to address what victims have told the Taskforce about their distress at being subjected to abuse not only by their perpetrator but also by the family and friends of the perpetrator and others hired to locate and monitor them. The recommended offence will criminalise conduct where: a) a person enables, aids, or facilitates domestic violence against another person on behalf of a respondent to a domestic violence order; and b) where that person knew or ought reasonably to have known that the other person was named as an aggrieved on a domestic violence order. The offence will be aggravated if it is committed for reward — for example, by a private investigator for a fee.

### **A standalone offence of coercive control**

The Taskforce recommends the creation of a standalone offence of coercive control in Queensland. It is recommended that the offence be placed into the Criminal Code and carry a maximum penalty of 14 years imprisonment. It is recommended that it be an offence to undertake a course of conduct of two or more incidents that constitute domestic violence, as outlined in the amended definition in section 8, within a relevant relationship, as defined in the DFVP Act, when:

- a reasonable person would consider the course of conduct to be likely to cause one person in the relationship (the first person) to suffer physical or psychological or emotional or financial harm; and
- the domestic violence behaviour is directed by the second person towards the first person.

### **New aggravating factors on sentence**

The Taskforce recommends that the Penalties and Sentences Act be amended so that a sentencing court must treat the following as aggravating factors when sentencing a person for a domestic violence offence:

- if during the commission of the offence a child was exposed to domestic and family violence within the meaning of section 10 of the DFVP Act
- if the offence committed was also a breach of a DVO or other court order or injunction.

It is also recommended that if a domestic violence offence has exposed a child to domestic violence within the meaning of section 10 of the DFVP Act, this should be reflected in the offender's criminal history.

### **A post-conviction civil supervision and rehabilitation order**

Sentencing courts require more flexibility to ensure that perpetrators of domestic and family violence, including coercive control, can be sent back to their communities safely and with supervision and support. The Taskforce recommends a post-conviction civil supervision and rehabilitation order be introduced in Queensland to offer a more flexible and tailored response to dangerous domestic violence offenders even after completion of a term of imprisonment.

### **A register of serious and high-risk domestic and family violence offenders**

We now understand that many perpetrators move from partner to partner using violence within each relationship in a serial manner. The Taskforce recommends that a publicly non-disclosable register should be created for limited sharing of information between police and certain government and non-government entities to provide greater capacity for targeted monitoring and intervention of these high-risk offenders. The register will have a similar purpose to the Child Protection Offender Register established by the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*, including to monitor an offender to reduce the likelihood of reoffending and support the investigation and prosecution of any future offences that the perpetrator may commit.

## Part 4 – Perseverance and determination

Her voice is heard. We remember her stories. We make sure the changes she has helped us to make are working to keep her safe.

Part 4 of the report contains the report's final and vitally important recommendations.

Recommendations 85-89 are in chapter 4.1 and are about establishing a framework for monitoring and evaluating the implementation of the Taskforce's recommendations and the impacts and outcomes achieved across the system.

It is important that an overarching monitoring and evaluation framework is developed and agreed on in phase one of the Taskforce's four-phase plan. Outcomes must be clear and agreed on before reforms are progressed. Baseline data must be collected and measured. The framework should focus on outcomes related to victim safety, perpetrator accountability, and service system integration and coordination.

Having robust mechanisms to measure and monitor the impact of the reform implemented in response to the Taskforce's recommendations and broadly across the system will enable government, service providers, and professionals to know what is working, what isn't, what changes have occurred as a result of the reform, and how those changes have occurred. As implementation progresses, objectively understanding whether actions and reforms have delivered outcomes will help to inform whether adjustments to the approach are required.

Reforms and initiatives should be based on evidence about what works. However, there isn't always a clear evidence base. This shouldn't be a barrier to trialling promising innovative ideas based on what we do know. The Taskforce acknowledges that implementing some recommendations in this report will involve accepting (and managing) a level of risk when exploring new ways of delivering programs in areas where there is limited evidence. The process of trialling innovative approaches is beneficial in providing learnings and insights into what does (or does not) work, and what shows promise for further investigation and implementation.

Queensland already has the building blocks for success in the *Domestic and Family Violence Prevention Strategy 2016–26* evaluation framework and revised indicator matrix. There are also national efforts afoot that Queensland can continue to draw upon. The Taskforce recommends building on these existing foundations.

The whole-of-government monitoring and evaluation framework for the domestic and family violence service system should incorporate as primary systemic outcomes the two justice outcomes and targets (outcome areas 10 and 11) and the family and household safety outcome and associated domestic and family violence target (outcome area 13) in the National Agreement on Closing the Gap. The response to domestic and family violence in Queensland and reforms implemented in response to this report must contribute to the safety of Aboriginal and Torres Strait Islander families by reducing all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children.

During its review, the Taskforce noted that important aspects of data were unavailable either because they were not captured or because they required data from various agencies to be collected and linked, which cannot currently be done without undertaking a manual review of files. Where data is available, the Taskforce observed a lack of consistency with data analysis that led to different advice and information being provided publicly. This can undermine agencies working collaboratively as part of an integrated service response. The Taskforce has recommended that Queensland Government agencies improve data collection and reporting capabilities across the system to implement the monitoring and evaluation framework. Where sufficient capabilities do not yet exist, agencies should put in place a plan to build this capacity throughout the implementation of the four-phase plan.



Finally, the Taskforce has recommended that the government establish an independent implementation supervisor to oversee the recommendations of this report and the achievement of outcomes identified in the monitoring and engagement evaluation plan, with regular reporting to ensure public accountability and transparency.

## **Recommendations**

## Recommendations for systemic reform

- 1.** The Queensland Government work in partnership with First Nations peoples to co-design a specific whole-of-government and community strategy to address the overrepresentation of Aboriginal and Torres Strait Islander peoples in Queensland’s criminal justice system and meet Queensland’s Closing the Gap justice targets. The strategy should be operative before legislation to criminalise coercive control is introduced and should include a framework for measuring the success of any initiatives introduced as part of the strategy.

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- 2.** The Queensland Government establish an independent commission of inquiry under the *Commissions of Inquiry Act 1950* to examine widespread cultural issues within the Queensland Police Service relating to the investigation of domestic and family violence, including the impact on the overrepresentation of First Nations peoples in the criminal justice system. At a minimum, the commission of inquiry should have terms of reference wide enough to also consider recruitment, promotion, resource allocation, performance monitoring of officers, the handling of complaints against serving officers, and whether Queensland should establish an independent law enforcement conduct commission.

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- 3.** The Queensland Government in this term of government consult with Queensland Courts, the Bar Association of Queensland, and the Queensland Law Society with a view to introducing legislation to establish an independent Queensland Judicial Commission. The Taskforce prefers a model that involves the establishment of an independent statutory commission to receive and respond to complaints about judicial officers and provides professional development for judicial officers, based on the New South Wales model with any necessary adaptations.

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- 4.** The Taskforce recommends the Queensland Government develop and execute a four-phase implementation plan, as outlined in chapter 2.3 of the Taskforce’s report, to support the delivery of the Taskforce’s recommendations, including the package of legislative reforms against coercive control.

The plan will incorporate:

  - Phase 1 (2021–2022): Setting the foundations for reform
  - Phase 2 (2022–2023): First-stage legislative and systemic reforms against coercive control
  - Phase 3 (2023–2024): Preparing for the criminalisation of coercive control
  - Phase 4 (2024 and ongoing): Criminalising coercive control and monitoring impacts and outcomes

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## Raising awareness and understanding in the community

### Chapter 3.1

5. The Queensland Government develop and adequately resource an overarching communication strategy to increase community awareness and understanding about the nature and impacts of domestic and family violence including coercive control and to clearly explain changes to the law. The strategy will aim to increase awareness and understanding about coercive control, provide information about how bystanders can help, support victims to access services and supports and encourage perpetrators to get help early to change their behaviour. It will also support the implementation of changes to the law including the introduction of new offences and potential consequences for perpetrators.

The strategy should incorporate:

- targeted community-specific awareness campaigns including First Nations people, people from culturally and linguistically diverse backgrounds, people with disability and LGBTIQ+ peoples
- exploring the use of multiple channels and modes to target messages effectively to specific groups
- developing a proactive public relations and media strategy
- creating accessible resources about domestic and family violence including coercive control and the new legislation, and should incorporate a standalone website with accessible information in plain English about the nature and impact of domestic and family violence and how to seek help

The strategy will be designed to complement the Queensland Government's current 10 year Domestic and Family Violence Communication and Engagement Strategy. The strategy will also complement messages provided to children and young people as part of respectful relationships education (recommendation 10).

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6. The Queensland Government review the Domestic and Family Violence Media Guide to ensure it:
    - includes content specific to the nature and impacts of coercive control as a form of domestic and family violence
    - includes content about the need to consider and reflect on the relationship as a whole
    - refers to changes in the law
    - provides guidance about reporting on the particular vulnerability and impacts for Aboriginal and Torres Strait Islander peoples, people from culturally and linguistically diverse backgrounds, people with disability and LGBTIQ+ people
    - provides a framework for media organisations to incorporate a trauma-informed approach to media reporting and interviewing.

- 7.** The Queensland Government advocate nationally for consistent media standards that operate similarly to those for reporting on suicide.

The standards should include a trauma-informed approach that mitigates risks associated with reporting on and interviewing domestic and family violence victims and their families.

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- 8.** The Queensland Government, as part of the overarching communication strategy, work with First Nations people, people from culturally and linguistically diverse backgrounds, people with disability, and LGBTIQ+ people (including in local communities) to develop resources about coercive control and changes to the law.

These resources would include:

- in-language radio advertisements for community radio stations
- plain English and in-language videos that could be used for social media or television campaigns and posted online
- in-language podcasts or yarns
- pictorial documents that use illustrations or photographs to explain key concepts of coercive control and the justice process
- reviewing the format of domestic and family violence orders that are served on respondents to include plain-English wording and easy-read diagrams and pictures.

When created, these audio and visual resources should be clearly signposted from the home page of the Queensland Government's domestic and family violence support website and distributed through government online channels, service providers, and relevant community organisations.



## Improving primary prevention

### Chapter 3.2

- 9.** The Queensland Government develop and implement a comprehensive and integrated plan for the primary prevention of violence against women in Queensland that extends and intensifies current efforts to address drivers across the 'spectrum of prevention' — at the individual, relationship, community, institutional, and societal levels.

This plan would:

- include awareness-raising activities that aim to provide all Queenslanders with an accurate understanding of the nature, prevalence, causes, and effects of domestic and family violence, including coercive control, and with the necessary skills to assist in early community-driven interventions (chapter 3.1), including the provision of respectful relationships education to all Queensland children and young people (chapter 3.2)
- feature activities at the community level developed and implemented by, or in partnership with, local communities and representative groups to ensure they are tailored to suit the needs of diverse Queenslanders
- include approaches and initiatives that work with men and boys, as well as women and girls, as partners in prevention at all levels
- draw on, and contribute to, the growing body of research and evidence about what forms of prevention are most effective, including through a concerted effort to evaluate primary prevention activities to determine what is and isn't working and where there is value for money.

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- 10.** The Queensland Government mandate that all state and non-state schools in Queensland, including independent schools, special schools, schools in youth detention centres, and flexi-schools provide consistent, high-quality respectful relationships education, delivered and embedded through a whole-of-school approach.

Respectful relationships education at every school must feature minimum core elements that address the causes of domestic, family and sexual violence and coercive control. This includes age-appropriate content on respectful relationships, the impact of colonisation on First Nations peoples, cultural respect and diversity, gender equality, sexual relationships, pornography and consent, and ways to seek help. Respectful relationships education, whilst containing the minimum core elements, must also be delivered in a culturally safe way that is relevant to students' home lives and community.

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- 11.** To support the effective state-wide rollout of respectful relationships education, the Queensland Government and private providers ensure educators from early childhood education through to year 12 receive ongoing professional development that allows them to deliver respectful relationships education as part of a whole-of-school approach.

Appropriate governance and accountability mechanisms will be put in place to regularly provide public transparency to the community about what schools have done to implement respectful relationships education and how a whole-of-school approach has been adopted.

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- 12.** The Queensland Government expand the availability of respectful relationships programs for young people who are not engaged in formal education.

Appropriately modified respectful relationships education will be developed and implemented in services and organisations that support vulnerable young people in locations and modes that are accessible and engaging for this cohort.

## Improving service system responses

### Chapter 3.3

- 13.** The Queensland Government develop a five-year whole-of-government domestic and family violence service system strategic investment plan encompassing services and supports delivered and funded by Queensland Government agencies.

The purpose of the investment plan is to provide a strategic and planned approach to better respond to existing and future demand in the system, support the introduction of new laws and reforms, and ensure there is a comprehensive framework of supports covering primary prevention, early intervention and tailored and intensive responses.

The plan will support the development of an innovative and contemporary network of coordinated and integrated services over time as investment becomes available. It will guide investment decisions across government by maximising value for money, efficiency and effectiveness of current investment and the rollout of any future additional investment for services that support victims and perpetrators. Development of the plan will involve a comprehensive gap analysis of current services and supports building upon work undertaken in response to the Not Now, Not Ever report.

The strategic investment plan will guide investment decision-making over the next five years including in relation to:

- the coordination of investment across the service and justice systems
- equitable access and state-wide coverage of service system supports for victims and perpetrators
- culturally safe and capable services that provide choice to Aboriginal and Torres Strait Islander peoples including a shift in investment to community-controlled organisations over time
- services that are better tailored to meet the needs of people from culturally and linguistically diverse backgrounds, people with disability and LGBTIQ+ people, young people and older people
- an integrated and coordinated network of service system responses
- innovative and contemporary approaches including trialling and testing new service and intervention responses to build the evidence base about what works, where and for whom
- implementation of a redesigned referral pathway to improve access to services enabling victims and perpetrators to be directed to the right service at the right time and support increasing awareness and expertise of professionals across the broader service system

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- 14.** The Queensland Government, in developing the strategic investment plan, prioritise establishing and adequately funding, a state-wide network of intervention programs for perpetrators (recommendation 25).

This will prioritise the establishment of targeted and intensive programs for people, including young people, who are convicted of domestic violence offences and are: in

custody (including on remand); on community based orders, including recommended post-conviction civil supervision and rehabilitation orders (recommendation 80); or on parole.

The plan will support the implementation of legislative reform against coercive control including the implementation of a new coercive control offence (recommendation 78).

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- 15.** After five years, the Queensland Government review the strategic investment plan taking into consideration the benefits that have been realised and outcomes achieved, and service gaps at that time. The review will inform the development of a further five-year plan.

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- 16.** The Department of Justice and Attorney-General, in partnership with the recommended integrated peak body (recommendation 17) and in consultation with legal, domestic and family violence and Aboriginal and Torres Strait Islander stakeholders and people with lived experience, support all parts of the system to better respond to the multiple and complex needs of people who experience domestic and family violence as a victim or a perpetrator.

This will include embedding a common approach to respond to intersectional issues so that services and supports are more accessible and responsive to the needs of victims with multiple and complex needs.

All services will better meet the needs of Aboriginal and Torres Strait Islander peoples, people from culturally and linguistically diverse backgrounds, people with disability and LGBTIQ+ peoples, young people and older people.

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- 17.** The Queensland Government establish and adequately resource an independent and integrated peak industry body for all specialist domestic and family violence services including shelters and perpetrator intervention services.

The main functions of the peak body will include:

- systemic advocacy, including supporting individual services to continue to participate and provide input into systemic and legislative reform processes
- service system capacity and capability building including to identify and address common workforce, industrial, workplace health and safety issues
- improving state-wide coordination and integration of services including with other government and non-government services
- assisting in the development and implementation of practice standards and quality improvement
- assisting in the development and implementation of mechanisms to collect and report on data to support ongoing performance improvement across the service system
- leveraging and maximising investment across the service system including improving coordination and integration between services

- supporting innovation and the delivery of efficient and effective services for victims and perpetrators
- supporting implementation of Taskforce recommendations and future systemic forms
- in partnership with services, First Nations peoples, and the Department of Justice and Attorney-General, leading the development of a consistent cultural capability plan for non-Indigenous providers and supporting services on their journey towards cultural capability.

This body will complement and support the role of existing Aboriginal and Torres Strait Islander peak bodies.

- 18.** The Queensland Government continue to roll out integrated service system responses and High Risk Teams in additional locations. Further rollout of these responses will build upon the lessons learned to date and will be informed by the outcome of the evaluation undertaken in 2019 and any developing evidence base.

High Risk Teams will better connect with each other to assess risks and provide responses to individuals who move from one area to another and to share information and lessons learned.

- 19.** The Department of Health and each Hospital and Health Service ensure that health, drug and alcohol and mental health services each play an active role in integrated service system responses and High Risk Teams.

Drug and alcohol and mental health services will better recognise and respond to domestic and family violence as a pattern of behaviour over time in the context of a relationship as a whole. Drug and alcohol and mental health services will meet the needs of an individual patient or client as a member of a family and as a parent. Services and professionals will be confident to refer and support clients and patients to specialist domestic and family violence services and supports and perpetrator programs.

The Taskforce notes and supports recommendations 2 and 3 of the Domestic and Family Violence Death Review and Advisory Board in its Annual Report 2019-20 about reviewing and enhancing domestic and family violence training and resources and ensuring that all frontline Queensland Health workers understand domestic and family violence perpetrator tactics, complex trauma presentations, and the link between suicidality and experiences of domestic and family violence.

The Taskforce notes and supports recommendation 4 of the Domestic and Family Violence Death Review and Advisory Board in its 2020-21 Annual Report about trialling and evaluating the use of the Domestic and Family Violence Capability Assessment Tool for Alcohol and Other Drug Settings in alcohol and other drug treatment and harm reduction services in multiple trial sites across Queensland.

The Queensland Government should implement these recommendations of the Domestic and Family Violence Death Review and Advisory Board urgently.



- 20.** The Department of Justice and Attorney-General review the Domestic and Family Violence Information Sharing Guidelines to ensure they provide a plain English and easy to use guide for agencies involved in integrated service system responses and High Risk Teams and support integrated approaches between agencies and services across the state.

The department will promote awareness and support implementation of the guidelines to improve information sharing across government and non-government agencies involved in the provision of domestic and family violence services.

The Taskforce notes and supports recommendation 5 of the Domestic and Family Violence Death Review and Advisory Board in its 2019-2020 Annual Report that the Queensland Government increase the awareness and consistent use of the existing information sharing provisions in the Domestic and Family Violence Protection Act 2012 by all agencies empowered to share or receive information under the Act.

The Queensland Government should implement the recommendation of the Domestic and Family Violence Death Review and Advisory Board urgently.

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- 21.** The Department of Justice and Attorney-General strengthen the whole-of-system approach to risk assessment and safety planning by developing a whole-of-system risk assessment framework and requiring use of risk assessment processes across all parts of the domestic and family violence service system and justice system that are consistent and aligned with this framework.

The framework will recognise and respond to patterns of all forms of domestic and family violence over time within the context of a relationship as a whole. It will require the use of consistent language and concepts to support and enable integrated responses.

The framework will include an assessment of the safety and risk of harm for the victims, including children, as well as the risk of a perpetrator continuing to use violence.

Queensland Government agencies will review and update their domestic and family violence risk assessment and screening tools and processes to consistently align with the overarching framework, based on the best available current evidence.

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- 22.** The Department of Children, Youth Justice and Multicultural Affairs continue to implement and embed a practice framework and tools that support Child Safety staff to work in partnership to support a victim of domestic and family violence to care protectively for their children, and to hold perpetrators accountable to stop the violence, including by providing ongoing training to staff.

The practice framework and tools will be reviewed to ensure that they recognise and respond to coercive control and patterns of violence over time in the context of a relationship as a whole and that they are based on current evidence.

The department will proactively work to remove barriers to victims seeking help and support that relate to fears that children will be removed from a protective parent, including building trust and demonstrating partnership with families and communities and fully implementing the practice approach and tools.

**23.** The Department of Justice and Attorney-General develop a consistent evidence-based and trauma-informed framework to support training and education and change management across all parts of the domestic and family violence and the justice system that incorporates:

- an understanding of the nature and impacts of domestic and family violence including coercive control as a pattern of behaviour over time in the context of a relationship as a whole
- supports the use of common language and concepts
- information about how to seek services and supports for victims, and interventions for perpetrators
- information about relevant laws and any changes to the law
- supports the development and implementation of effective change management approaches.

The training and education framework will be:

- informed by the voices of people with lived experience, including Aboriginal and Torres Strait Islander peoples, people with disability, LGBTIQ+ peoples and people from culturally and linguistically diverse backgrounds
- include a focus on culturally capable, victim-centred and trauma-informed approaches and incorporate a strong understanding of the gendered nature of domestic and family violence through an intersectional lens
- developed and delivered in collaboration with experts from the service sector, academia and policing
- focused primarily on victim safety and holding perpetrators to account to stop the violence

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**24.** The Queensland Government develop, implement and adequately fund consistent evidence-based and trauma-informed ongoing training, education and effective change management strategies within all relevant agencies that deliver or fund services to victims and perpetrators of domestic and family violence and coercive control.

Agencies should regularly review and continue to implement and embed training and education for all frontline and other relevant staff and funded non-government agency staff that is consistent with and aligns to the training and education framework developed by the Department of Justice and Attorney-General.

This includes as a priority agencies that are responsible for:

- justice and justice services
- police
- corrective services
- health, drug and alcohol and mental health services
- education
- child safety and family support services
- youth justice services
- youth services
- housing and homelessness services

- community services
- disability services
- Aboriginal and Torres Strait Islander partnerships
- seniors
- multicultural affairs

- 25.** The Queensland Government design, establish and adequately resource a state-wide network of perpetrator intervention programs. The network of programs will recognise that intervening to change perpetrator behaviour is essential to keeping victims safe from violence.

The state-wide network of programs will incorporate a public health approach and include victim-advocacy and support, to respond to people using violence and coercive control by:

supplementing existing positive parenting and family support programs to include information about coercive controlling behaviour and the nature, impacts and risks of domestic and family violence including coercive control

providing accessible early intervention programs for men who identify their own problematic behaviour and want to participate

providing targeted programs for respondents to Domestic Violence Orders to support courts in making intervention orders, and the recommended Domestic and Family Violence Diversion Scheme (recommendation 74), under the *Domestic and Family Violence Protection Act 2012*

providing programs especially designed to change behaviour of young people including those who are involved in the youth justice system on bail in the community, serving a community based order, or on remand or serving a sentence in detention

providing targeted and intensive programs for people charged or convicted of domestic violence offences who are in custody (including on remand) and as part of a community corrections order or the proposed post-conviction civil supervision and rehabilitation order and while on parole or probation.

The state-wide network of programs should respond to and incorporate implementation of recommendation 9 of the Domestic and Family Violence Death Review and Advisory Board in its 2019-20 Annual Report.

The state-wide network of programs will include trialling, testing and evaluating new approaches to continue to build the evidence base about what works to hold perpetrators accountable so that victims are safe.

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- 26.** The Queensland Government ensure that the state-wide network of programs for perpetrators (recommendation 25) incorporates making available a diversity of perpetrator interventions across a continuum of risk and need. This will include programs of longer duration and increased intensity for some perpetrators including those convicted of domestic and family violence related offences, and tailored individual case management for those with multiple and complex needs and some capacity for change.

It will also incorporate a multi-modal approach to address the underlying individual, relational and societal/structural factors that influence, support and facilitate domestic violence perpetration.

Programs must consider the diversity of experiences such as people with intersecting vulnerabilities.

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- 27.** The Queensland Government ensure that the state-wide network of programs for perpetrators (recommendation 25) incorporates programs specifically tailored to meet the needs of Aboriginal and Torres Strait Islander peoples that embed a healing approach and are connected to culture, community and country.

These programs should be accessible through existing services accessed by Aboriginal and Torres Strait Islander peoples including health services and build upon strengths of successful programs being implemented by Aboriginal and Torres Strait Islander services.

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- 28.** The Queensland Government ensure that the state-wide network of perpetrator intervention programs (recommendation 25) includes an intersectional approach to meet the needs of people with disability, young people, people from culturally and linguistically diverse backgrounds and people who identify as LGBTIQ+ in urban, rural, regional and remote locations.

Perpetrator programs will have strong relationships and clear referral pathways with local drug and alcohol and mental health services.

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- 29.** The Department of Justice and Attorney-General ensure that services case-managing perpetrators or delivering perpetrator programs undertake a comprehensive assessment of risk (recommendation 21) throughout the engagement with a perpetrator.

At a minimum this should include risk assessments being undertaken, initially to identify appropriate interventions suitable for an individual, again during engagement to inform appropriate delivery of interventions and monitor victim safety, and again after completion of a program to ensure ongoing victim safety and contribute to the evidence base about what works for perpetrator interventions.

The requirement could be included in practice standards for perpetrator interventions.

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- 30.** The Queensland Government work in partnership with the recommended integrated peak body for domestic and family violence services (recommendation 17) and service providers to develop and implement strategies to assist them to attract, recruit and retain a skilled workforce to deliver domestic and family violence perpetrator programs across Queensland with a particular focus on rural, regional and remote locations.

## Improving police responses

### Chapter 3.5

- 31.** The Queensland Government develop and implement a transformational plan to address widespread culture, values, and beliefs within the Queensland Police Service to enable the QPS to achieve better outcomes for victims of domestic and family violence (including coercive control) and better hold perpetrators to account.

The plan should be developed and implemented with the assistance of the Queensland Public Service Commission.

The transformational plan would be informed by the lived experiences of victims of domestic and family violence, including Aboriginal and Torres Strait Islander peoples, people from culturally and linguistically diverse backgrounds, LGBTIQ+ people, and people with disability. The plan will help the QPS achieve better outcomes through operational reforms and initiatives recommended by the Taskforce, as well as through reforms and initiatives already underway. This will enable the QPS to provide more effective policing responses to domestic and family violence and coercive control and better meet community expectations.

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- 32.** The Queensland Police Service further build specialist expertise across the QPS to ensure it has state-wide capacity and capability to provide high-quality responses to domestic and family violence. This strategy will include:

requiring officers within Domestic and Family Violence and Vulnerable Persons Units to have specialist expertise and values and beliefs aligned with the work and role of the unit

requiring a core set of functions and responsibilities across all Domestic and Family Violence and Vulnerable Persons Units, including the review and oversight of decision-making in individual matters that may involve domestic and family violence, and providing specialist expertise in the investigation of such offences, while enabling some flexibility to respond to particular needs and demands in each district

requiring specialist trained detectives to investigate domestic and family violence matters, especially those that may involve the commission of a serious offence, including offences arising from changes to the law recommended by the Taskforce

drawing on the expertise of the QPS's First Nations and Multicultural Affairs Unit to link and coordinate the implementation of plans and strategies to improve responses to domestic and family violence involving people with multiple and complex needs

expanding the role of the Domestic and Family Violence and Vulnerable Persons Units to provide guidance and support and improve awareness and understanding across the entire district, including for matters that may not initially present as related to domestic violence

allocating resources to the Domestic and Family Violence and Vulnerable Persons Units in each district commensurate with need and demand and the role of each unit to provide certainty and reinforce the importance of this work



streamlining and coordinating dedicated resources in each police district, including Domestic and Family Violence Coordinator positions, domestic violence liaison officers, and High Risk Team member positions with Domestic and Family Violence and Vulnerable Persons Units to better leverage expertise and resources

embedding training and education outcomes across each district

promoting proactive approaches, greater community engagement, and collaborative partnerships with multiple agencies and services within each district.

It will also build the capacity and capability to meet the needs of First Nations peoples, people from culturally and linguistically diverse backgrounds, people with disability, and LGBTIQ+ peoples who are experiencing domestic and family violence.

Any additional investment required to implement this recommendation will be considered as part of the domestic and family violence system strategic investment plan (recommendation 13).

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- 33.** As part of the transformational plan (recommendation 31), the Queensland Police Service review and update all relevant operational policies and procedures to ensure they guide police in identifying and responding to domestic and family violence as a pattern of behaviour over time in the context of a relationship as a whole.

Operational policies and procedures will be culturally capable, victim-centred, and trauma-informed and incorporate a strong understanding of the gendered nature of domestic and family violence through an intersectional lens. They will:

- include operational policies and procedures relating to complaints of domestic and family violence against currently serving sworn and un-sworn staff, and
- provide clear requirements for the disclosure of conflicts of interest.

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- 34.** The Queensland Police Service continue to develop and deliver ongoing evidence-based and trauma-informed domestic and family violence and coercive-control training and education to all levels of the service. This training will consistently align with the whole-of-system training and education framework developed by the Department of Justice and Attorney-General (recommendation 23).

Training must:

- be informed by the voices of people with lived experience, including Aboriginal and Torres Strait Islander peoples, people with disability, LGBTIQ+ people, and people from culturally and linguistically diverse backgrounds
- include a focus on culturally capable, victim-centred and trauma-informed approaches and incorporate a strong understanding of the gendered nature of domestic and family violence through an intersectional lens
- be developed and delivered in collaboration with experts from the service sector, academia, and policing
- focus on victim safety and holding perpetrators to account to stop the violence

- include evidence-based information about perpetrator tactics, including manipulation and image management
- consistently align with the whole-of-system training and education framework developed by the Department of Justice and Attorney-General (recommendation 23)
- be competency-based and supported by ongoing professional supervision on the job, and informed by the evaluation and outcomes of Investigating Sexual Assault – Corroborating and Understanding Relationship Evidence training (ISACURE), which is already being implemented in some areas of the QPS to train officers in trauma-informed questioning, investigation, and evidence collection.

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**35.** The Queensland Police Service, in consultation with First Nations stakeholders and people with lived experience of domestic and family violence, review its risk assessment processes to ensure they:

- consider the safety and risk of harm to a victim
- consider the risk of a perpetrator continuing to use violence
- are implemented in a tiered approach across the QPS.

Risk assessment processes should incorporate ongoing assessment and consideration of patterned violence, including non-physical violence over time in the context of a relationship as a whole. These processes will use both tools and professional judgement, where relevant, and adopt a tiered approach across the service.

The risk assessment process will be culturally capable and consider additional factors relevant to First Nations people, people with disability, people from culturally and linguistically diverse backgrounds, and LGBTIQ+ people experiencing coercive control and domestic and family violence.

The QPS risk assessment approach must consistently align with the broader risk assessment framework used across the domestic and family violence service system and be evidence-based.

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**36.** The Queensland Police Service, in consultation with domestic and family violence and First Nations stakeholders and people with lived experience of domestic and family violence, develop and implement a victim-focused and trauma-informed complaints process that allows victims to make a complaint safely and confidentially against sworn or non-sworn QPS staff.

The complaints process will include independent, confidential, transparent, and accountable mechanisms for complaints about police responses to domestic and family violence to be received and investigated, including complaints about police responses in relation to perpetrators who are sworn and non-sworn QPS staff.

The process should include informing complainants about the outcome of their complaints.

The QPS should provide information in its annual report about the complaints it has received and the responses made, including those related to domestic and family violence allegations against QPS staff.

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- 37.** The Queensland Government, led by the Department of Justice and Attorney-General, trial and evaluate an appropriately resourced co-responder model involving joint responses between Queensland Police Service and specialist domestic and family violence services in a number of locations.

The primary aims of the model would be to:

- improve victim safety by better identifying and responding to patterns of behaviour over time that constitute domestic and family violence, taking into consideration the relationship as a whole
- reduce the misidentification of the person most in need of protection in the relationship as a whole
- engage early with victims to connect them with services and supports to improve their safety and the safety of their children
- hold perpetrators accountable and stop the violence, including by engaging with them early to connect them with an appropriate intervention program
- provide expert advice and assistance to police to enable them to exercise the discretion to charge a perpetrator with a criminal offence
- improve service system integration, including a better understanding of agency roles and responsibilities.

The model should include a focus on meeting the needs of Aboriginal and Torres Strait Islander victims and perpetrators.

Consideration should be given to incorporating a remote, regional, and urban location as part of the trial. The model implemented as part of a trial should include adequate service system capacity and capability to support the trial.

The model should incorporate a mobile co-response to police callouts to undertake joint assessments of risk and safety plans as well as joint referrals for victims and perpetrators to relevant services and supports.

Informed by the outcomes of an evaluation, successful elements of the model should inform future rollout and service system design across the state.

## Improving how legal practitioners and judicial officers respond

### Chapter 3.6

- 38.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence request the Law Admissions Consultative Council to reconsider the new Prescribed Areas of Knowledge requirement for undergraduate students who want to progress to admission to practise law that was to commence on 1 January 2021 and was subsequently deferred indefinitely.

The Attorney-General Minister for the Prevention of and Minister for Justice, Minister for Women and Domestic and Family Violence should advocate for the new Prescribed Areas of Knowledge requirement to include that students study the impact of laws on Aboriginal and Torres Strait Islander peoples since colonial times, Indigenous perspectives and cultural competency, and the substantive law relating to domestic and family violence, including coercive control and its nature and impact on victims, the community, and the study and practice of law.

Courses relating to the experiences of the Aboriginal and Torres Strait Islander peoples should be developed and delivered by Aboriginal and Torres Strait Islander peoples or Aboriginal and Torres Strait Islander Community Controlled Organisations, or both.

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- 39.** The Queensland Government work with the Bar Association of Queensland and the Queensland Law Society to ensure that all lawyers in Queensland have a current understanding of the nature and impact of domestic and family violence, including coercive control, the substantive and procedural law, and how to refer clients to services and supports.

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- 40.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence, in consultation with the Queensland Law Society and Bar Association of Queensland, amend the Queensland Law Society Administration Rule 2005 and the Bar Association of Queensland's Administration Rules to require all lawyers in Queensland to regularly complete continuing professional development (CPD) points in domestic and family violence and trauma-informed practice as a requirement of retaining their practising certificates.

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- 41.** The Office of the Director of Public Prosecutions and Queensland Police Service in relation to police prosecutors, Legal Aid Queensland, and community legal centres, including the Aboriginal and Torres Strait Islander Legal Service, require all legal staff to participate in regular training on the nature and impact of domestic and family violence, as well as on the relevant law. Training will include an understanding of local support services for both victims and perpetrators and how to refer people to them. Participation in training should be recorded as part of continuing professional development and reported in each organisation's annual report.

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- 42.** The Queensland Law Society ensure that the specialist accreditation schemes for criminal law and family law include a requirement for lawyers to have specialist

understanding of the nature and impact of domestic and family violence, the relevant law, the local support services available for both victims and perpetrators, and how to refer clients to services and supports.

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**43.** Legal Aid Queensland require that lawyers on its preferred supplier lists for criminal, family law and civil law participate in regular training on the nature and impact of domestic and family violence, as well as the substantive and procedural law. Training should include an understanding of the local support services and how to refer to them. Participation in training should be recorded and reported in its annual report.

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**44.** The Queensland Law Society and the Bar Association of Queensland ensure that supports and services provided to lawyers to help them navigate ethical issues include a focus on the complex ethical issues likely to arise both in domestic and family violence-related legal practice and from domestic and family violence across all practices.

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**45.** The Queensland Law Society and Bar Association of Queensland promote and encourage lawyers practising in domestic and family violence-related areas of the law and across all areas of practice to access services and supports for ongoing and early support and assistance, such as the QLS ethics advice service, district legal committees, and ethics-focused professional development.

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**46.** Legal Aid Queensland and the Queensland Law Society update the *Domestic and Family Violence Best Practice Framework* to incorporate changes that result from this report and promote greater use of the Framework across all parts of the legal profession including government lawyers and members of the Bar.

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**47.** The Queensland Law Society and the Bar Association of Queensland develop and implement a trauma-informed practice framework for practice for legal practitioners in Queensland.

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**48.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence progress amendments to the *Magistrates Court Act 1921*, *District Court of Queensland Act 1967*, and *Supreme Court of Queensland Act 1991* to require the annual report of each court to record information about judicial officers completing the minimum five days of training recommended by the National Judicial College of Australia and all other judicial education or professional development undertaken during the reporting period that was publicly funded.

## Improving court responses

### Chapter 3.7

- 49.** The Department of Justice and Attorney-General develop and implement a state-wide plan to improve safety for victims of domestic and family violence including coercive control when attending courts. The plan should be developed in consultation with the relevant head of each jurisdiction, domestic and family violence, Aboriginal and Torres Strait Islander and legal stakeholders, and people with lived experience.

The plan should include:

- capital upgrades to court infrastructure to improve safety for victims, including the incorporation of safe waiting rooms, protected witness rooms, and safe entry and exit routes
- revised listing and scheduling processes for court matters to reduce the number of court appearances for related matters
- engaging security staff in and around the court precinct during times when victims are required to attend courts
- implementing processes that enable victims to appear and participate via video or telephone rather than in person
- developing and implementing electronic lodgement processes
- enhancing court services and safety planning, particularly for people with disability and culturally and linguistically diverse people
- a focus on improving victim safety and participation and fairness for Aboriginal and Torres Strait Islander peoples, particularly in relation to domestic and family violence-related matters as a key objective of work already underway to review the *Justices Act 1886* to establish contemporary, efficient and effective criminal justice procedure for the future.

The program of work to improve the safety of victims while at court will form part of the domestic and family violence strategic investment plan (recommendation 13). It will be informed by an independent and comprehensive audit of victim safety across Queensland courts.

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- 50.** The Department of Justice and Attorney-General continue to roll out specialist domestic and family violence courts informed by the outcomes of the evaluation of the Southport Specialist Domestic and Family Violence Court model.

This will include:

- a planned approach to roll out specialist courts prioritising key metropolitan areas, taking into consideration demand, need, service system capability and capacity to inform scheduling and priority
- requiring specialist courts to be constituted by a specialist trained magistrate



- identifying the key elements of the model that contribute to its success so that it can be replicated in regional and remote locations

The model operating in existing courts and rolled out in new locations should meet the needs of Aboriginal and Torres Strait Islander peoples including consideration being given to the role of Elders and Community Justice Groups. The rollout of specialist courts should be included as part of the domestic and family violence service system investment plan.

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- 51.** The Department of Justice and Attorney-General develop and implement ongoing training for court staff about the nature and impacts of domestic and family violence, including coercive control, as well as relevant law and procedure.

The training will incorporate a trauma-informed and intersectional approach consistent with training provided across the domestic and family violence service system.

This training and education will consistently align with the whole-of-system training and education and change management framework developed by the Department of Justice and Attorney-General (recommendation 23).

## Immediate legislative reforms against coercive control

### Chapter 3.8

- 52.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence immediately progress amendments to the Criminal Code to rename and modernise the offence of Unlawful Stalking in Chapter 33A and to introduce a new circumstance of aggravation when the Unlawful stalking is directed towards a person with whom a perpetrator has a 'relevant relationship' for the purpose of the *Domestic and Family Violence Protection Act 2012* (recommendation 53).

This will include updating the descriptions of conduct that constitute Unlawful stalking to incorporate an evidence-based approach including the use of technology.

A conviction for the offence with the new circumstance of aggravation should attract a higher maximum penalty of 7 years imprisonment.

Amendments will also be progressed to section 359F of the Criminal Code to state that the default period of a restraining order is 5 years unless the court is satisfied that a shorter period will not compromise the safety of the victim or children.

As part of the implementation of this recommendation, training and information should be provided to police, domestic and family violence and legal stakeholders and the community to raise awareness that this offence can be constituted during or after a relationship between the accused person and the victim and about the operation of the new circumstance of aggravation.

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- 53.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence immediately progress amendments to the definition of 'domestic violence' in section 8 of *Domestic and Family Violence Protection Act 2012* to make it clear that domestic violence includes coercive control and can be a series or combination of acts, omissions or circumstances over time, in the context of the relationship as a whole.

The amendments to the *Domestic and Family Violence Protection Act 2012* will also make it clear that the harm to the victim can be cumulative.

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- 54.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence immediately progress amendments to section 151 (Restriction on cross-examination of a Person) of the *Domestic and Family Violence Protection Act 2012* to clarify that it applies to criminal proceedings for offences under the *Domestic and Family Violence Protection Act 2012* including offences relating to the contravention of a domestic violence order.

To remove any doubt, it should also be made clear that, given proceedings for an offence under the *Domestic and Family Violence Protection Act 2012* are criminal proceedings, the *Evidence Act 1977* also applies.

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- 55.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence immediately progress amendments to Part

2, Division 6 of the *Evidence Act 1977* so that protections in that Division on the cross-examination of protected witnesses apply to proceedings on any offence that is a domestic violence related offence, including offences in the *Domestic and Family Violence Protection Act 2012*.

Adequate resources will be provided to Legal Aid Queensland to support the implementation of this recommendation.

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- 56.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence immediately progress amendments to the *Domestic and Family Violence Protection Act 2012* to provide that:
- applications and cross applications for a Domestic Violence Order must be considered together
  - remove the option for the court to hear the applications separately where there are concerns for the safety, protection or wellbeing of the aggrieved and instead require the court to consider whether any arrangements are required during the proceedings to protect the parties
  - make clear that, despite other amendments about cross applications and orders, the court should be able to continue to make temporary protection orders as considered necessary
  - require the court to determine the person most in need of protection and make it clear that this is 'in the relationship' as a whole rather than in relation to each application or alleged incident
  - make clear that, ordinarily, an order should only be made against the primary aggressor in the relationship as a whole to protect the person most in need of protection; and
  - make clear that, cross orders should only be made if the court is satisfied that there are exceptional circumstances where there is clear evidence that both parties are equally in need of protection in the relationship.

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- 57.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence immediately progress amendments to section 157 of the *Domestic and Family Violence Protection Act 2012* to specify that where a party has intentionally used proceedings as a means of committing or continuing domestic and family violence including coercive control, the court has the power to award costs against them.

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- 58.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence immediately progress amendments to the *Domestic and Family Violence Protection Act 2012* to require the Queensland Police Service to provide a copy of the respondent's criminal history to the court in all proceedings on private and police-initiated applications for a Domestic Violence Order.

Amendments will also be progressed to the *Domestic and Family Violence Protection Act 2012* to require the respondent's domestic violence history to be provided to the court in all proceedings on an application for a Domestic Violence Order.

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- 59.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence immediately progress amendments to the *Penalties and Sentences Act 1992* to require the respondent's domestic violence history to be provided to the court where the perpetrator is being sentenced for the breach of a Domestic Violence Order or other domestic violence related offence.

The Department of Justice and Attorney-General and the Queensland Police Service will work together to determine the best way for a written report of the domestic violence history, which notes orders made under section 51 of the *Domestic and Family Violence Protection Act 2012*, to be recorded and provided to the court.

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- 60.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence immediately progress amendments to the *Domestic and Family Violence Protection Act 2012* and to the associated Domestic and Family Violence Protection Rules 2014 to enable documents required to be served by a police officer to also be served by a police liaison officer. When documents are served by a police liaison officer, there should be a requirement for the police liaison officer to give the document or a copy to the person, tell them what the document is and explain it to them.

The amendments will also enable a court in limited circumstances to order substituted service for documents ordinarily required to be served by a police officer. Those limited circumstances are where the substituted service would provide better protection to the victim and:

- police have made reasonable attempts to serve the document personally and
- the police have reasonably reliable electronic or other contacts details for the respondent and
- the respondent agrees to be served by the alternative mechanism.

When substituted service is ordered, the responsible police officer will be required to provide a copy of the document to the respondent unless that is not reasonably possible in all the circumstances, tell them what the document is, and explain it to them.

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- 61.** To implement the legislative amendments in relation to service by police liaison officers (recommendation 60), the Queensland Police Service provide training and ongoing support to Police Liaison Officers to assist them to take on this role while maintaining their close functional relationships within their community.

This training should consistently align with the whole of system training and education framework developed by the Department of Justice and Attorney-General (recommendation 23).

This training should include the nature and impacts of domestic and family violence as well as information and guidance about the legislative amendments and how to

recognise and deal with conflicts of interest.

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- 62.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence immediately progress amendments to the *Security Providers Act 1993* and the Security Providers Regulation 2008 to introduce a new statutory code of conduct for private investigators. The code of conduct will include guidance for investigators about their responsibilities to protect victims of domestic and family violence including coercive control, and to hold perpetrators accountable so as to stop the violence. It will also incorporate a human rights framework.

The amendments will enable the regulator to require the licenced person to take action to rectify the non-compliance with the code of conduct, and to suspend or cancel the licence.

The code of conduct will be developed and implemented in consultation with industry bodies and licensed private investigators as well as domestic and family violence stakeholders and people with lived experience.

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- 63.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence immediately progress amendments to section 132B of the *Evidence Act 1977* to remove the restriction of the application of the section to offences only in Chapters 28 to 30.

The effect of this amendment is to clarify that relevant evidence of the history of the domestic relationship between the defendant and the person against whom the offence was committed is admissible in evidence in the proceeding on any offence.

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- 64.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence immediately progress amendments to the *Evidence Act 1977* modelled on section 39 of the *Evidence Act 1906 (WA)* to allow relevant expert evidence to be admitted in criminal proceedings about the nature and effects of domestic and family violence including coercive control:

- generally, on any person; and
  - on a particular person who has been the subject of domestic and family violence.
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- 65.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence immediately progress amendments to the *Evidence Act 1977* modelled on sections 38, 39C-39F of the *Evidence Act 1906 (WA)* to provide for jury directions to be made in proceedings for domestic violence related offences and where domestic violence has been raised in evidence during a trial to address stereotypes and misconceptions about family violence.

This will enable juries to be better informed and able to consider the evidence that has been raised during the trial.

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- 66.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence immediately progress amendments to the

*Penalties and Sentences Act 1992* to require a court, when sentencing an offender to consider whether the impact of being a victim of domestic and family violence, including coercive control, on their offending behaviour is a mitigating factor.

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- 67.** The Magistrates Court of Queensland consider reviewing and updating the *Domestic Violence and Family Protection Act 2012 Benchbook* to include:
- information about the nature and impact of domestic and family violence including coercive control
  - emphasise that domestic and family violence is a pattern of behaviour over time in the context of the relationship as a whole
  - provide guidance on how to identify the person most in need of protection in the relationship
  - guidance on using plain English and trauma informed language
  - content to address myths about family violence
  - reflect the legislative amendments recommended by the Taskforce.

The revised Benchbook may be informed by the *Judicial College of Victoria's Family Violence Bench Book*.

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- 68.** The District and Supreme Courts of Queensland should consider preparing and keeping updated a domestic and family violence bench book, relevant to the work of each court, that includes:
- information about the nature and impact of domestic and family violence including coercive control
  - emphasise that domestic and family violence is a pattern of behaviour over time in the context of the relationship as a whole
  - provide guidance on how to identify the person most in need of protection in the relationship
  - guidance on using plain English and trauma informed language
  - content to address myths about family violence
  - reflect the legislative amendments recommended by the Taskforce

The bench book may be informed by the Judicial College of Victoria's Family Violence Bench Book.

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- 69.** The Director of Public Prosecutions review and finalise the draft domestic and family violence guidelines to ensure they recognise and respond to all forms of domestic and family violence as a pattern of behaviour over time and within the context of a relationship as a whole and align with the legislative reforms progressed as a result of this report.



The Queensland domestic and family violence guidelines will be modelled on the Crown Prosecution Service legal guidance on ‘Domestic Abuse’ and ‘Coercive or Controlling Behaviour in Intimate or Family Relationship’ from the United Kingdom.

The prosecution guidelines will be evidence-based and trauma informed, incorporating an intersectional approach. The guidelines should include protections and safeguards for victims who wish to withdraw a domestic and family violence related complaint to ensure they are not doing so as a result of fear or intimidation from the perpetrator.

The Director of Public Prosecutions will also update the Director’s Guidelines to incorporate changes to the law recommended in this report.

The Office of the Director of Public Prosecutions will work with police prosecutors across Queensland to implement the revised guidelines with appropriate adaption including providing training.

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- 70.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence advocate nationally through the Meeting of Attorneys-General, for national reform to the family law system including for:
- the Federal Circuit and Family Court of Australia to implement and embed an understanding and approach to domestic and family violence that recognises and responds to patterned behaviour over time in the context of the relationship as a whole
  - the implementation of a risk assessment approach that includes the consideration of the risk of safety and harm for the victim and of a perpetrator continuing to use violence that is evidence-based and preferably aligned to those used by states and territories
  - the Federal Government to progress amendments to the *Family Law Act 1975* (Cth) to make clear that the presumption of shared parental responsibility does not mean equal shared care of a child
  - the Federal Government progress amendments to the *Family Law Act 1975* (Cth) to make clear that a victim of domestic and family violence acting to protect a child from exposure to domestic and family violence or other harm cannot be used as evidence that the victim is alienating the child from the other parent..

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- 71.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence refer for independent review the defences and excuses in the Criminal Code, including their operation in relation to homicide. Consideration should be given to making a reference to the Queensland Law Reform Commission.

In particular, the review should consider the following provisions:

- Provocation: section 304; sections 268 and 269
- Self-defence: section 271 and section 272
- Killing for preservation in an abusive domestic relationship: section 304B

The independent review will assess the adequacy of existing laws and whether amendments to or the repeal of provisions is required. It should also consider changes to laws, practices and procedures including:

- to clarify and simplify the defence of self-defence
- whether the defence of self-defence should be expanded to cover circumstances when a victim of domestic and family violence including coercive control acts reasonably to protect themselves from a perpetrator
- whether the defence of provocation should be repealed
- the mandatory penalty for a conviction for murder, its impact on the operation of defences and excuses, and whether it should be removed.

The independent review should propose any changes to laws, practices and procedures resulting from its review.

Those undertaking the review should include people with specialist expertise in relation to domestic and family violence.

The independent review will take into consideration and be informed by:

- the findings and recommendations of the Taskforce
- the views and perspectives of legal, domestic and family violence and Aboriginal and Torres Strait Islander stakeholders, and of people with lived experience of domestic and family violence
- the nature and impacts of domestic and family violence and
- the need to appropriately balance the interests of victims and accused persons where those interests compete.

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- 72.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence invite the Legal Affairs and Safety Committee to consider reviewing and investigating, the operation of the *Dangerous Prisoners (Sexual Offenders) Act 2003*.

The review and investigation could examine the effectiveness of the operation of the current scheme and whether it should be expanded to dangerous violent offenders.

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- 73.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence ask the Queensland Sentencing Advisory Council to give advice on the impact of the operation of the aggravating factor in section 9(10A) of the *Penalties and Sentences Act 1992* on sentencing outcomes for domestic violence related offences beyond outcomes for cases involving charges of assault and assault occasioning bodily harm.

- This will build upon the work already undertaken by QSAC in its research brief entitled 'The impact of domestic violence as an aggravating factor on sentence' that was released in May 2021.

- This further work should include consideration of the impact of the aggravating factor on sentencing outcomes for charges involving all forms of domestic and family violence including non-physical violence and coercive control.

- 74.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence progress an amendment to the Domestic and Family Violence Protection Act 2012 to create a new court based domestic violence perpetrator diversion scheme that applies in circumstances when:
- the accused person admits the conduct alleged to constitute the breach of the Domestic Violence Order
  - the accused person has not previously breached a Domestic Violence Order, including orders made against them involving other aggrieved persons and orders that may no longer be in place
  - the accused person does not have previous convictions for offences involving domestic and family violence
  - the behaviour that constituted the breach would not otherwise constitute an indictable offence, including the new offence of coercive control
  - the court is satisfied that the accused person is suitable for participation in an intervention program, taking into consideration the views and wishes of any victim
  - the court is satisfied there is an appropriate approved program under the *Domestic and Family Violence Protection Act 2012* in which the accused person can immediately commence participation

The aim of the scheme is to divert perpetrators earlier in their offending to interventions that address their behaviour, hold them accountable and stop the violence in order to keep victims safe.

If the perpetrator fails to successfully complete the program, the breach offence will be returned to the court for prosecution, unless the perpetrator has earlier applied to the court for a variation or revocation of the diversion order. Failure to complete the diversion program will be able to be considered by a sentencing court as an aggravating factor if the perpetrator is convicted of a breach of a Domestic Violence Order or another domestic violence offence in the future.

Legislation to establish the new diversion scheme should be introduced into Parliament in 2023, following the implementation of essential service system reforms recommended by the Taskforce as part of this report. The Bill including the new diversion scheme should be released as a consultation draft for a period of at least three months before it is introduced into Parliament. This consultation should include legal, domestic and family violence, and Aboriginal and Torres Strait Islander stakeholders, and people with lived experience of domestic and family violence.

The new diversion scheme should commence, subject to passage of the Bill with any amendments, on a set date in 2024, that is, at least 15 months after debate and passage to enable implementation activities to be undertaken and sufficient services and supports to be in place before commencement.

- 75.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence progress amendments to the Domestic and Family Violence Protection Act 2012 to introduce a new facilitation offence to stop a person facilitating domestic abuse on behalf of a perpetrator against a person named as an aggrieved in a Domestic Violence Order, with a circumstance of aggravation if it is for reward.

Legislation to establish the new facilitation offence should be introduced into Parliament in 2023, following the implementation of community awareness raising activities to ensure family and community members understand that knowingly engaging in this behaviour is a criminal offence.

The Bill including the new offence should be released as a consultation draft for a period of at least three months before it is introduced into Parliament. This consultation should include legal, domestic and family violence, and Aboriginal and Torres Strait Islander stakeholders, and people with lived experience of domestic and family violence, noting that the Taskforce did not specifically include this as an option for feedback as part of its first discussion paper.

The new facilitation offence should commence, subject to passage of the Bill with any amendments, on a set date in 2024, that is, at least 15 months after debate and passage to enable implementation activities to be undertaken.

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- 76.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence progress amendments to the *Domestic and Family Violence Protection Act 2012* to require a court making a Domestic Violence Order to impose an additional standard condition that the perpetrator must not counsel or procure someone else to engage in behaviour that if engaged in by the perpetrator would be domestic violence.

This amendment will reflect that this conduct is domestic violence as defined in section 8(3) of the Act and must not be undertaken as a condition of an order.

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- 77.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence progress amendments to the *Security Providers Act 1993* to include a conviction for the new facilitation offence in the *Domestic and Family Violence Protection Act 2012* (recommendation 75) as a 'disqualifying offence' for a private investigator's licence.

This amendment should commence at the same time as amendments to create the new facilitation offence.

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- 78.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence progress amendments to the Criminal Code to create a new offence to criminalise coercive control.

Legislation to establish the new offence should be introduced into Parliament by 2023, following the implementation of essential service system reforms recommended by the Taskforce as part of this report. The Bill including the new offence should be released as a consultation draft for a period of at least three months before it is introduced into

Parliament. This consultation should include legal, domestic and family violence, and Aboriginal and Torres Strait Islander stakeholders, and people with live experience of domestic and family violence.

The new offence will be modelled on the coercive control offence that operates in Scotland with necessary adjustments to reflect Queensland laws, systems and particular needs.

The amendment will make it an offence to:

- undertake a course of conduct of two or more incidents that constitute domestic violence as outlined in the amended definition in section 8 within a relevant relationship as prescribed in the *Domestic and Family Violence Protection Act 2012*, and
- that a reasonable person would consider the course of domestic violence to be likely to cause one person in the relationship (the first person) to suffer physical or psychological or emotional or financial harm; and
- the domestic violence behaviour is directed by second person towards the first person.

The offence will include an embedded defence that the conduct was reasonable in the context of the relationship as a whole. The onus of proof is on the defendant who must raise the defence on the evidence and prove it on the balance of probabilities.

The new offence will be an indictable offence with a maximum penalty of 14 years imprisonment.

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- 79.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence progress amendments to the *Penalties and Sentence Act 1992* to ensure that the new offence holds perpetrators accountable for non-compliance with court orders and harm caused to children by domestic and family violence and coercive control.

The amendments require a court sentencing an offender for a domestic violence offence to treat the following factors as aggravated for the purpose of sentencing:

- if the commission of the offence was also a contravention of an injunction or order imposed or made by a court or tribunal under a law of the Commonwealth or a State, including a Domestic Violence Order, or
- if some or all of the conduct that formed part of the offence exposed a child to domestic and family violence as prescribed in section 10 of the *Domestic and Family Violence Protection Act 2012*

The *Penalties and Sentences Act 1992* will also be amended to ensure that an offender's criminal history accurately reflects whether the domestic violence offence they have committed has also caused a child to be exposed to domestic and family violence.

Amendments to create the new offence and the amendments to the *Penalties and Sentences Act 1992* will commence, subject to passage on a set date in 2024 that is at least 15 months after debate and passage to enable implementation activities to be undertaken and enable sufficient services and supports to be in place before commencement.

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- 80.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence progress amendments to the *Penalties and Sentences Act 1992* to establish a new post-conviction civil supervision and rehabilitation order for serious domestic and family violence offenders.

The new order should be informed by the model in operation in the United Kingdom and previous recommendations made by the Queensland Sentencing Advisory Council to create a new flexible community correction order.

The main aims of a new post-conviction civil supervision and rehabilitation order will include:

- improving victim safety by holding the perpetrator accountable to stop the violence
- tailoring an order to the safety and risk of harm to the victim and risk of further offending by the perpetrator, particularly when used in conjunction with an order that the perpetrator be registered in the new domestic and family violence register (recommendation 81)
- increasing the range of sentencing options available to address serious domestic violence offending behaviour
- providing an opportunity for longer term case management, intensive supervision, and where possible rehabilitation of perpetrators in appropriate circumstances
- complementing the protections in place as part of a Domestic Violence Order.

It will be available to a court as a sentencing option for a person convicted of an offence including:

- the new coercive control offence (recommendation 78)
- choking, suffocation or strangulation in a domestic setting under section 315A of the Criminal Code, or
- any other domestic violence offence as defined under the *Domestic and Family Violence Protection Act 2012*.

A court sentencing a person convicted of an offence above if the court is satisfied:

- the offender had engaged in behaviour that constitutes domestic and family violence
- the court considers that making the order will prevent the offender from further engaging in behaviour that constitutes domestic and family violence, and
- that making the order is appropriate in all the circumstances

The terms of the order will be tailored to the individual offender and include, for example, engagement in treatment in the community as well as prohibitions on contact with certain individuals or attendance at certain places. This order could be applied to



offenders who present varying levels of risk and the conditions of the order could be scaled up or down accordingly and could be made in addition to a Domestic Violence Order.

Legislation to establish the new post-conviction civil supervision and rehabilitation order should be introduced into Parliament in 2023, following the implementation of essential service system reforms recommended by the Taskforce as part of this report. The Bill including the new post-conviction civil supervision and rehabilitation order should be released as a consultation draft for a period of at least three months before it is introduced into Parliament. This consultation should include legal, domestic and family violence, and Aboriginal and Torres Strait Islander stakeholders, and people with lived experience of domestic and family violence.

The new post-conviction civil supervision and rehabilitation order should commence, subject to passage of the Bill, on a set date in 2024, that is, at least 15 months after debate and passage to enable implementation activities to be undertaken and sufficient services and supports to be in place before commencement. This should be the same date as the commencement of the new coercive control offence.

- 
- 81.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence progress new standalone legislation to establish a non-publicly disclosable register of serious and high-risk domestic and family violence offenders to be jointly administered by the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence and the Minister for Police and Corrective Services and Minister for Fire and Emergency Services.

The new register will have a similar purpose to the Child Protection Offender Register established by the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* including to monitor an offender to reduce the likelihood of reoffending and support the investigation and prosecution of any future offences that the perpetrator may commit.

A court will be able to make an order that a person be included in the register when:

- the offender is convicted of an offence including:
  - the new coercive control offence (recommendation 78)
  - an offence of choking, suffocation or strangulation in a domestic setting under section 315A of the Criminal Code, or
  - any other domestic violence offence, and
- the court is satisfied that the offender has a prior conviction for one of the above offences against either the same or another victim, and
- the court is satisfied that making the order will help to protect the victim or victims in the future.

A court will also be able to make an offender prohibition order in circumstances where an offender on the register engages in concerning conduct which poses a risk to the safety or wellbeing of 1 or more individuals with which the offender has been in a relevant relationship within the meaning of the *Domestic and Family Violence Protection Act 2012*.

Legislation to establish the new register of serious and high-risk domestic and family violence offenders should be introduced into Parliament in 2023, following the implementation of essential service system reforms recommended by the Taskforce as part of this report. The Bill including the register should be released as a consultation draft for at least three months before it is introduced into Parliament. This consultation should include legal, domestic and family violence, and Aboriginal and Torres Strait Islander stakeholders, and people with lived experience of domestic and family violence.

The new register of serious and high-risk domestic and family violence offenders should commence, subject to passage of the Bill, on a set date in 2024 that is at least 15 months after debate and passage to enable implementation activities to be undertaken and enable sufficient services and supports to be in place before commencement. This should be the same date as the commencement of the new coercive control offence.

- 
- 82.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence, as part of legislation creating the register of serious and high-risk domestic and family violence offenders, will provide for limited sharing of information about an offender in the register.

This should be modelled on the information sharing provisions in the *Domestic and Family Violence Protection Act 2012*. It will enable the Queensland Police Service to share information about a person on the register (recommendation 81) with certain prescribed entities or specialist domestic and family violence service providers, including as part of an integrated service system response, while otherwise maintaining the confidentiality of the information, when:

- police believe that a person fears or is experiencing domestic violence and
- the information may help the entity receiving the information to assess whether there is a serious threat to the person's life, health or safety because of the domestic violence.

The prescribed entity or specialist domestic and family violence service provider receiving the information can use it to:

- assess whether there is a serious threat to a person's life, health or safety because of domestic violence, and
- lessen or prevent a serious threat to a person's life, health or safety because of domestic violence.

- 
- 83.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence and the Minister for Police and Corrective Services and Minister for Fire and Emergency Services advocate with the Federal Government and state and territory governments for the creation of a national register of serious and high-risk domestic and family violence offenders, based on the Queensland model.

A national model should incorporate the same protections and safeguards for the sharing of information, with necessary adaptations, as recommended by the Taskforce (recommendation 82).

- 84.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence include statutory review requirements for all of the legislative reforms included in this chapter of the Taskforce’s report which are intended to form part of a second stage of reform.

This will require the operation of each of the proposed amendments to be reviewed, as soon as possible, five years from the commencement of the provisions to consider whether the amendments are operating as intended.

The minister/s responsible for the administration of the *Domestic and Family Violence Protection Act 2012* and the Criminal Code to table in the Parliament of Queensland a report about the outcome of the independent review no later than seven years after the commencement of the legislation.

- 85.** The Queensland Government develop and implement a whole of government monitoring and evaluation framework to measure and monitor outcomes achieved across the domestic and family violence service system including the impact of reforms recommended by the Taskforce that:
- builds upon and updates the Evaluation Framework for the Domestic and Family Violence Prevention Strategy 2016-2021
  - is focused on the achievement of outcomes across the system as well as the delivery of recommendations
  - incorporates qualitative and quantitative indicators to measure impacts and outcomes
  - requires the early development of evaluation plans for key initiatives and reforms as part of the design process that are consistently aligned and contribute to delivering outcomes across the system
  - incorporates mechanisms to measure and monitor the views and perspectives of people with lived experience
  - includes impacts and outcomes for Aboriginal and Torres Strait Islander peoples that contribute towards achieving the outcomes and targets in the National Agreement on Closing the Gap.

The monitoring and evaluation framework will be developed and agreed in phase one of the Taskforce's four phase plan to enable baseline data to be collected and measured.

- 
- 86.** Relevant Queensland Government agencies ensure there are data collection and reporting capabilities within their agencies to enable the implementation of the monitoring and evaluation framework. Where sufficient capabilities do not yet exist, agencies should put in place a plan to build this capacity throughout the implementation of the four-phase plan.

Agencies will also support funded non-government service providers to collect and regularly report on data and information required for the monitoring and evaluation process.

- 
- 87.** The Queensland Government establish a ministerial level oversight committee and a directors-general implementation group with responsibility for implementing the recommendations made by the Taskforce and for the achievement of systemic outcomes for victims and perpetrators outlined by the Taskforce and included in the monitoring and evaluation framework.

Each level of governance will include representatives with portfolio responsibility for:

- women and domestic and family violence prevention
- justice and court administration

- police
- Aboriginal and Torres Strait Islander partnerships
- corrective services
- health
- education
- child safety services
- youth justice services
- housing and homelessness services.

The role of the ministerial level oversight committee will be responsibility and accountability for implementation of the Taskforce’s recommendations and achievement of systemic outcomes, negotiating the allocation of resources and progressing joint submissions for funding where required, resolving barriers and issues to ensure agencies remain on track to implement recommendations fully, within the specified timeframes to deliver agreed impacts and outcomes.

The role of the directors-general level implementation group will be to oversee implementation of the Taskforce’s recommendations and achievement of outcomes, fully and within specified timeframes. The directors-general implementation group will report and escalate issues to the ministerial oversight committee.

**88.** The Queensland Government establish a suitably qualified independent implementation supervisor with an adequately resourced secretariat within the portfolio responsibilities of the Department of Justice and Attorney-General, as the agency responsible for the prevention of domestic and family violence, to oversee both the implementation of the recommendations made by the Taskforce and the achievement of system outcomes identified in the monitoring and engagement evaluation plan. This should be established immediately.

The independent implementation supervisor should be appointed by early 2022 and will liaise with and receive assistance, including access to all reasonably requested information and reports, from:

- a ministerial level oversight committee and
- a directors-general implementation group.

The independent implementation supervisor will be responsible for overseeing implementation of the four-phase plan and the achievement of outcomes across the system. The supervisor will have the authority required to direct agencies to take reasonable actions to meet implementation requirements and timeframes approved by the Queensland Government.

The supervisor will report directly to the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence biannually, from mid-2022 until implementation is complete, on the progress of the implementation of the Taskforce’s recommendations and the achievement of systemic outcomes, the adequacy of implementation and what further measures may be required

to ensure the Taskforce's recommendations that are accepted by the Queensland Government are implemented fully within the specified timeframes. The independent supervisor will advise the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence when they are satisfied implementation is complete.

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- 89.** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence will report annually to the Queensland Parliament on the progress of the implementation of the Taskforce's recommendations and table the biannual reports of the independent implementation supervisor in the Queensland Parliament within 14 days of receipt, until implementation is complete.







*This is a sun which is  
representative of hope*

## **Introduction**

The Women's Safety and Justice Taskforce was established by the Queensland Government in March 2021 as an independent, consultative Taskforce to examine coercive control, review the need for a specific offence of 'commit domestic violence', and examine the experience of women across the criminal justice system in Queensland.

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'Thank you for the chance to even have my story looked at.'

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## **What have we been asked to do?**

The Women's Safety and Justice Taskforce was tasked with examining, and providing a report on our findings and recommendations in relation to:

- 1. 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'**
- 2. other areas of women's experience in the criminal justice system**

In doing so, the Taskforce was asked to undertake wide-ranging and in-depth consultation with the community, including victims and survivors of domestic, family and sexual violence, women and girls who have first-hand experience of the criminal justice system, and key stakeholders.

On 15 September 2021, due to the impact of COVID-19 upon the Taskforce's ability to engage with Queenslanders across the state, the Queensland Government announced an extension to the Taskforce's reporting timeframes at the request of the Taskforce Chair.

The Taskforce has been asked to provide a report to the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence by November 2021 (previously October 2021) in relation to coercive control and the need for a standalone offence, and by June 2022 (previously March 2022) in relation to other areas of women's experience of the criminal justice system.

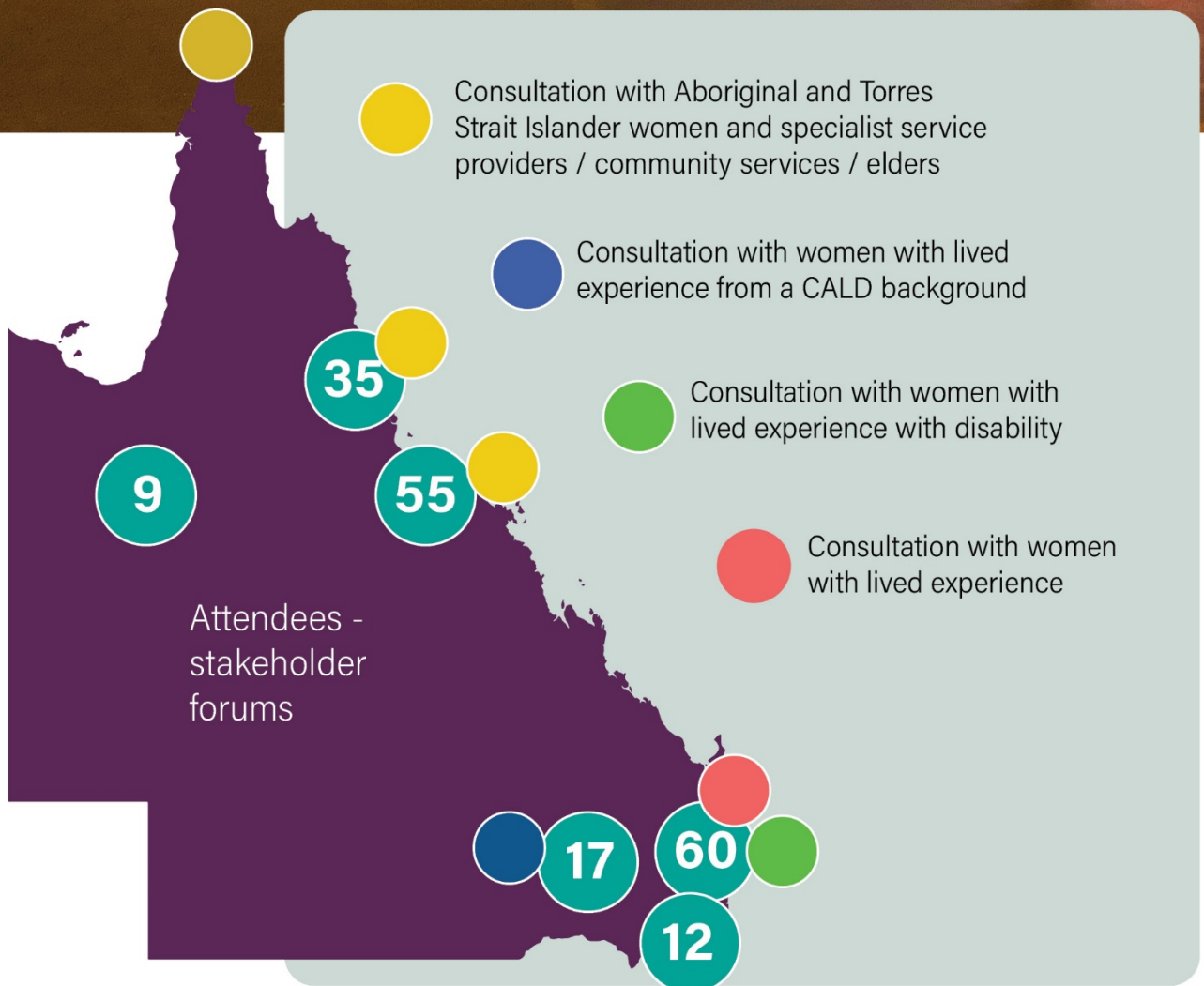
See Appendix 1 for the full Terms of Reference for the Taskforce

## **Who have we consulted and how?**

In the limited time available, the Taskforce has engaged with hundreds of people around the state who have generously shared their time, experiences and knowledge.

The Taskforce has carried out this consultation by releasing a discussion paper,<sup>1</sup> calling for submissions, and conducting face-to-face meetings and forums with targeted stakeholders and people with lived experience.

See Appendix 2 for a full list of stakeholders the Taskforce has consulted with.







Toowoomba  
stakeholder  
forum  
14 Sept 2021



Gold Coast  
stakeholder  
forum  
21 June 2021



Women with lived  
experience & WWILD  
forum  
20 July 2021

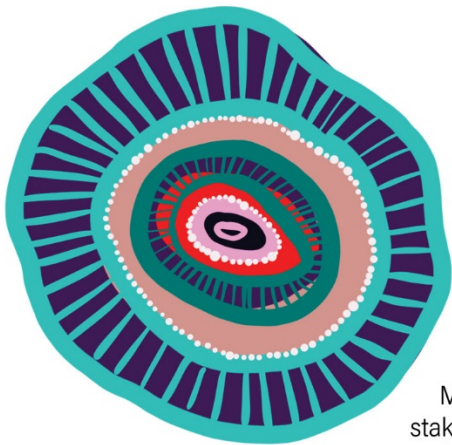




Palm Island stakeholder forum  
7 October 2021



Thursday Island HACC team  
4 August 2021



*This symbol represents communities and support.*



Mt Isa stakeholder forum  
1 June 2021



## Submissions information

731

Total submissions

646

Submissions from individual members of the public

503

Submissions from people with lived experience of domestic, family and sexual violence



“

I will speak out about my experiences to help others know that coercive control is valid, it is important to stand up to and just because we may not have visible bruises; we most certainly are bruised and battered.

”

95

Submissions to Discussion Paper 1 - Options for legislating against coercive control and the creation of a standalone domestic violence offence.

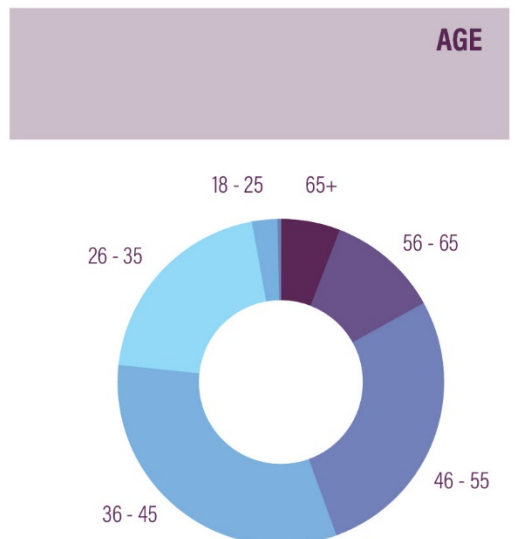
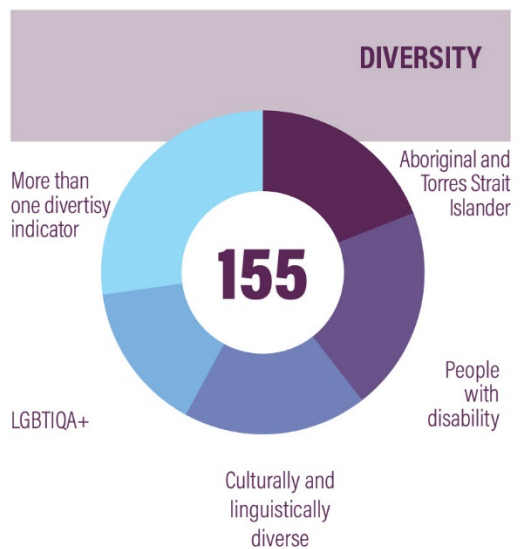
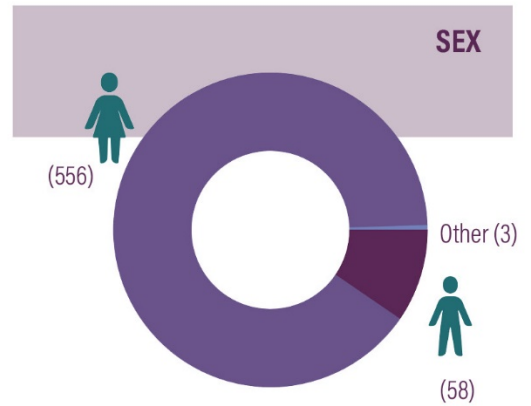


## Submissions information

“

I am submitting my story to the Women's Safety and Justice Taskforce on behalf of all the victims and survivors of domestic and family violence. Together, we can redefine what it means to be a survivor and end domestic violence and abuse. Speaking out now and sharing my, other victims, and survivors' stories will change history forever.

”



## Meetings with key stakeholders



L-R – Professor Patrick O’Leary, Jesse Geary (Project Booyah), the Hon. Margaret McMurdo

The Chair and Taskforce members also met with a wide range of stakeholders, with over 125 meetings held online and face-to-face around the state, including:

- 11 domestic violence service providers
- three perpetrator/men’s service providers
- two disability service providers
- two LGBTIQ+ service providers
- three culturally and linguistically diverse domestic and family violence service providers
- 12 Aboriginal and/or Torres Strait Islander organisations, including legal, women’s shelters and community support organisations
- Thursday Island and Palm Island elders
- Palm Island DV Network meeting
- Cairns High Risk Team
- Queensland Police Service, including the Townsville Vulnerable Person’s Unit and Townsville Stronger Communities Action Group
- 12 academics and other experts

These meetings have provided an opportunity for in-depth discussions with stakeholders including academic and other experts, service providers, advocates, industry representatives and individuals who have provided a wealth of information for the Taskforce’s consideration.

The Chair has also attended meetings with relevant government and judicial representatives and independent boards and committees including (but not limited to):

- Queensland First Children and Families Board
- Domestic and Family Violence Death Review and Advisory Board
- Domestic and Family Violence Prevention Council
- Queensland Family and Child Commission's Youth Advisory Council
- Queensland Human Rights Commission
- Queensland Disability Advisory Council
- Aboriginal and Torres Strait Islander Domestic and Family Violence Prevention Council
- Queensland's plan to respond to domestic and family violence against people with disability Consultative Working Group
- National Summit on Women's Safety

The Chair and Taskforce members have also presented the work of the Taskforce at the following conferences and events:

- Queensland Law Society Succession and Elder Law conference; Family Law conference; Legal Profession breakfast
- Sunshine Coast Community Foundation, University of the Sunshine Coast
- Child Protection Practitioners Association of Qld annual Leneen Forde presentation
- District 22 Zonta conference
- Queensland Magistrates conference
- Streamlining Criminal Justice Committee
- Women's Health Network Media Community of Practice
- White Ribbon Breakfast
- Perpetrator intervention community conversation (in partnership with MATE, Griffith University, *image below*)



### **Forums with people with lived experience**

In addition to the many submissions received by victims of domestic and family violence the Taskforce also held face-to-face forums with people with lived experience including:

- a group of women with intellectual, learning and other disabilities supported by WWILD in Brisbane
- a forum with women from culturally and linguistically diverse backgrounds supported by Multicultural Australia in Toowoomba
- a forum with women with lived experience supported by Brisbane Domestic and Family Violence Service in Brisbane

### **Past reviews and concurrent work**

The Taskforce has been informed by a significant body of relevant past work undertaken in Queensland including (but not limited to):

- The Special Taskforce on Domestic and Family Violence in Queensland in 2015
- The Taskforce on Women and the Criminal Code and its report in 2000
- The Aboriginal and Torres Strait Islander Women's Task Force on Violence and its report in 2000

The Taskforce was established amidst intense national discussion about men's violence against women, the treatment of victims and the appropriate legislative frameworks for responding to this violence and abuse.

Coercive control and considerations about whether criminalisation is appropriate has been, 'and' continues to be, a major theme of the national discussion as jurisdictions around the country consider the issue.

The Taskforce has taken these discussions into consideration, and noted the relevant work being undertaken at the national level, including by the National Federation Reform Council Taskforce on Women's Safety.

### **Data sources**

New research on coercive control and domestic and family violence is currently being generated at a considerable pace with information being released on an almost daily basis.

While it has been a challenge for the Taskforce to keep up to date with all of this new information, it does demonstrate how understanding and interest in coercive control and domestic violence is growing rapidly.

The Taskforce has considered information from a range of sources including existing academic literature, research reports, government data repositories, media reports, police and justice administrative data, submissions from organisations and services that support people experiencing domestic and family violence, and from the voices of victims themselves.



## **Limitations**

Within the timeframes of the review the Taskforce was not able to commission in-depth analysis of relevant data—for instance, information that would require manual reviews of case files. The Taskforce was limited using data that has already been captured.

Although the Taskforce was fortunate to be able to meet with hundreds of people around the state, there were places that we would have liked to visit but were unable to in the limited timeframes. The Taskforce’s ability to conduct face to face consultations was also limited by the evolving public health restrictions related to the COVID-19 pandemic, which caused it to reschedule numerous meetings and community engagement events.

In carrying out this work, the Taskforce has become aware that, while there is significant data captured across the criminal justice and domestic, family and sexual violence service systems, this data needs to be linked more effectively. Further work should also be done to better capture data to evaluate reforms in the domestic and family violence space. The issues of data, monitoring and evaluation is explored further in part 4.

## **Scope of this report**

This first report from the Women’s Safety and Justice Taskforce responds to the first parts of its Terms of Reference. It sets out the Taskforce’s findings and recommendations about to how best legislate against coercive control as a form of domestic and family violence and the need for a new offence of ‘commit domestic violence’.

The Taskforce has also thoroughly considered issues to address coercive control that go beyond legislative reform.

While recognising the overlap between domestic, family and sexual violence, coercive control and women’s experiences of the criminal justice system, this report focuses on how best to prevent and response to coercive control.

It does not consider in detail the experiences of female offenders or victims of sexual violence in the criminal justice system, which will be the focus of the Taskforce’s second report.

There are also many components of the domestic and family violence system that fall outside of the scope of this report that the Taskforce has not considered.

## **Structure of this report**

### **Part 1 – The mountains we must climb**

In part 1, the Taskforce reflects on the mountains we must climb to protect women and girls.

We hear the voices of brave women and girls across Queensland who have shared their experiences with the Taskforce. They have shared harrowing experiences of being victims of coercive control. They have shared how the police and legal system made them feel on their journey to justice. They have shared stories of hope.

This part hears from family members, friends, organisations and professionals about how Queensland currently responds to coercive control. This includes the police, legal system and support services.

Finally, part 1 examines what the Taskforce heard from the community about different options for legislating against coercive control.

## **Part 2 – Protect and better the lives of women and girls**

Part 2 outlines wider reforms and considerations needed to protect and better the lives of women and girls and make the world a fairer place for them.

This includes the Queensland Government’s responsibility to consider the human rights of coercive control victims, and key issues across the criminal justice system that the Taskforce believes are vital to maintaining public confidence in the justice system.

This part also introduces the Taskforce’s four-phase plan to prepare the community, services and the criminal justice system for coercive control legislation.

## **Part 3 – The journey we must go on as a community**

In part 3, the Taskforce gives its detailed recommendations to support the journey we must go on as a community to prepare for coercive control legislation.

These recommendations prioritise prevention, education, perpetrator intervention and increasing the capacity of services provided by domestic and family violence workers, police, the legal profession and courts before the new legislation is introduced.

The Taskforce also outlines its recommended legislative reforms and amendments.

## **Part 4 – Perseverance and determination**

In part 4, the Taskforce reminds the Queensland Government and community that system reform is not a box-ticking exercise, and will take perseverance and determination.

The focus of all reform should be whether it is delivering outcomes that better protect women and girls. In part 4, the Taskforce makes recommendations about how reform should be governed, measured and evaluated to make this a reality.

## **Key considerations**

### **‘Domestic violence’ and ‘domestic abuse’**

The Taskforce’s first discussion paper acknowledged that there is an ongoing public debate about whether the term ‘domestic abuse’ is preferable to the term ‘domestic violence’ when examining and legislating against these issues. We invited submissions about whether a change in terminology from ‘domestic violence’ to ‘domestic abuse’ should be adopted in Queensland.

The Taskforce received some submissions which supported a change in terminology from ‘domestic violence’ to ‘domestic abuse’.<sup>2</sup> Broadly, those submissions considered that ‘domestic abuse’ better reflected the spectrum of physical and non-physical behaviours that occur in coercively controlling relationships and may assist in better educating law enforcement agencies and the public. Several people we consulted within forums across Queensland also favoured a change in terminology to ‘domestic abuse’.

The Taskforce actively considered whether there should be this change in terminology in Queensland but ultimately decided against it. For the moment this report makes no recommendation to change the dominant terminology of ‘domestic and family violence’ in Queensland.

The Taskforce noted that the term 'domestic abuse' is most prevalently used in the United Kingdom and that the United Nations use the term interchangeably with the term 'domestic violence'<sup>3</sup> Internationally outside the United Kingdom, however, the term 'domestic violence' is still predominantly used.

The Taskforce ultimately accepted that there was a risk that if 'domestic abuse' was adopted as exclusive terminology it might create a perception that physical violence outside the home should be treated more seriously than violence inside the home – a perception that the women's rights movement has fought hard to overcome. In any case, the Taskforce considered that non-physical domestic abuse was always an act or acts of domestic violence against victims.

The Taskforce, however, acknowledges that in the United Kingdom, a world leading jurisdiction in addressing coercive control, the term 'domestic abuse' is now predominantly used, at least legislatively. There is also a growing use of the term in literature discussing the United Kingdom's reforms. For that reason, this report sometimes uses the terms 'domestic abuse', 'domestic violence' and 'domestic and family violence' interchangeably.

### **Other terminology**

The term victim, victim-survivor and aggrieved are used across the domestic and family violence literature<sup>4</sup> and by stakeholders. The Taskforce acknowledges and celebrates that many victims not only survive but ultimately thrive after experiencing abuse within an intimate or familial relationship.

The Taskforce uses the term 'victim' throughout this report, both to reflect the ongoing nature of abuse involving coercive control and to honour the many lives needlessly lost to domestic and family violence and abuse.

Terms such as offender, perpetrator and person who uses violence are also used within the literature and by stakeholders. While some people prefer the term 'offender', considering that it is widely understood and reflects the seriousness of the behaviour, the term can be problematic when describing behaviour that is not a criminal offence.

The Taskforce uses the term 'perpetrator' in this report to reflect the variety of behaviours enacted by a person within an abusive relationship, which are designed to harm, hurt, intimidate and control the other person.

### **Gendered language**

The language used in this report is unashamedly gendered. This reflects the data that shows the overwhelming majority of victims of coercive control are female and perpetrators male. A gendered approach also recognises the importance of context in how domestic and family violence is perpetrated, reported and the response victims and perpetrators receive.<sup>5</sup> The Taskforce acknowledges, however, that coercive control against men does occur. Indeed, we have received submissions from men describing their difficult experiences as victims. We also recognise that male victims can face different challenges in reporting, in being believed, and in accessing services.

Coercive control also occurs in all relationships, not just heterosexual relationships or between cisgender people. People who identify as LGBTIQ+ also may experience or perpetrate coercive control and can face additional challenges in identifying and accessing appropriate support. The findings and recommendations contained in this report will enable all victims, regardless of gender identity or sexuality, to access appropriate remedies.

The use of gendered terms should not in any way be construed as casting blame on all men.<sup>6</sup> The Taskforce recognises and applauds the critical role many men do and will continue to play in reducing violence against women and girls and in holding perpetrators to account.



## Queensland Context

### Who are Queenslanders?

With an area of 1,727,000 square kilometres, Queensland is the second largest state in Australia and seven times the size of Great Britain.<sup>7</sup> A total of 221,276 Aboriginal and Torres Strait Islander people call Queensland home, accounting for 4.6% of the total state population.<sup>8</sup>

Around one in five Queenslanders was born overseas and just over half of those were born in non-English speaking countries and speaks a language other than English at home.<sup>9</sup> Just under 1 in every 5 (18.3%) of Queenslanders have a disability.<sup>10</sup> The percentage of all Aboriginal and Torres Strait Islander peoples with a disability is significantly higher at 36%.<sup>11</sup>

While statistics are not available regarding the number of Queenslanders identifying as LGBTIQ+, data from the 2020 Australian Bureau of Statistics Social Survey indicates that 4% of Australians describe themselves as gay, lesbian or bisexual.

Queenslanders have told the Taskforce that legislation and programs from other domestic or international jurisdictions cannot simply be reproduced here with an expectation that the results of implementation will be the same.<sup>12</sup>

It is important to understand and appreciate the unique geography and demography of the State we live in to ensure that the Taskforce's recommendations are tailored to Queenslanders needs.

It is critical that Queensland's tools to address coercive control, legislative and non-legislative, are flexible enough to deliver safety to all women in Queensland regardless of whether they live in the state and their diverse backgrounds and characteristics.

Ongoing consultation with those working locally in the domestic and family violence space is vital.

## References

<sup>1</sup> Women's Safety and Justice Taskforce, *Discussion Paper 1 – Options for Legislating against coercive control and the creation of a standalone domestic violence offence*, 27 May 2021.

<sup>2</sup> Broken to Brilliant submission, 5; DV Connect submission 3.8; North Queensland Domestic Violence Resource Service submission, 5; North Queensland Women's Legal Service submission, 13.

<sup>3</sup> For an example of the United Nations' use of 'domestic abuse' see: <https://www.un.org/en/coronavirus/domestic-abuse>; For an example of the United Nations using 'domestic violence' see: [Types of violence against women and girls - UN Women Australia](#).

<sup>4</sup> Lisa Aronson Fontes, *Invisible Chains: Overcoming Coercive Control in Your Intimate Relationship*, (Guilford Publications, 2015) 5.

<sup>5</sup> Andy Myhill (2017). Measuring domestic violence: Context is everything. *Journal of Gender-Based Violence*, 1(1), 33-44.

<sup>6</sup> Lisa Aronson Fontes, *Invisible Chains: Overcoming Coercive Control in Your Intimate Relationship*, (Guilford Publications, 2015) 10.

<sup>7</sup> Queensland Government, Interesting facts about Queensland, accessed via <https://www.qld.gov.au/about/about-queensland/statistics-facts/facts>.

<sup>8</sup> Queensland Government Statisticians Office 'Population, Aboriginal and Torres Strait Islander Queenslanders, 30 June 2016', released 17 October 2018 (qgso.qld.gov.au), 1.

<sup>9</sup> Queensland Government Statisticians Office, *Queensland compared, Census 2016*, 28 September 2018, 3-4.

<sup>10</sup> Australian Bureau of Statistics, Ageing and Carers, Australia: Summary of Findings 2018 Available at: <https://www.abs.gov.au/statistics/health/disability/disability-ageing-and-carers-australia-summary-findings/latest-release> Accessed 10 September 2021

<sup>11</sup> Australian Institute of Health and Welfare, The Health and Welfare of Australia's Aboriginal and Torres Strait Islander peoples: 2015, 9 June 2015.

<sup>12</sup> ANROWS submission, 4; Queensland Disability Network submission, 8; Salvation Army submission 23.