

DFVDRAB implementation updates as at 31 December 2023

Annual Report 2020-21		
RECOMMENDATION	GOVERNMENT RESPONSE	IMPLEMENTATION UPDATE <i>'as at 31 December 2023'</i>
Recommendation 5 has been implemented with the responses being published in earlier implementation updates.		
<p>Recommendation 1 - That the Queensland Government explore opportunities to improve service collaboration and the coordination of support provided to families, particularly children, bereaved by a domestic and family violence death. This should consider existing approaches to postvention support for those bereaved by suicide or homicide.</p>	<p>Accept The Queensland Government will address this recommendation by undertaking targeted consultation with government agencies and funded services who support victims of homicide and domestic and family violence, including child victims, in order to identify opportunities for increased collaboration and/or integrated, culturally inclusive and appropriate service delivery for families, with a particular focus on postvention support for children bereaved by homicide or suicide. This may include engagement with persons with lived experience to guide and shape enhancements to the process.</p> <p>Lead agency: Department of Justice and Attorney-General</p> <p>Supporting agency: Queensland Health, Queensland Police Service, Department of Youth Justice and Department of Child Safety, Seniors and Disability Services</p>	<p>The Queensland Government's response to the recommendation is in progress.</p> <p>As at 31 December 2023 the Attorney-General and Minister for Justice, Minister for the Prevention of Domestic and Family Violence, Minister for Health, Mental Health and Ambulance Services and Minister for Women, Minister for Police and Community Service, Minister for Education and Minister for Youth Justice and Minister for Child Safety, Minister for Seniors and Disability Services and Minister for Multicultural Affairs responded: The Department of Justice and Attorney-General has commenced consultation with government agencies and will undertake further consultation with key non-government agencies supporting victims of homicide and domestic and family violence. The Department of Justice and Attorney-General is mapping existing models of support, assisted through consultations. This mapping will further identify opportunities for collaboration and coordination, to enhance service responses for bereaved children and families.</p> <p>The Department of Justice and Attorney-General through the Victim Services Funding Program (VSFP) also funds Queensland Victim Homicide Support Group (QVHSG) to provide trauma informed specialised support for people (including children) who have been impacted by homicide. In the financial year 2023-24 the Government provided additional temporary uplift funding over a five-year period to the VSFP which includes QVHSG. These funds were to meet current service delivery demands.</p>
<p>Recommendation 2 - That the Queensland Government implement the recommended policy and practice reform proposed by Australia's National Research Organisation for Women's Safety (ANROWS) in its report <i>"Accurately identifying the person most in need of protection in domestic and family violence law"</i>.</p> <p>This should include creating guidance for police and courts on identifying the person most in need of protection that is informed by international models and approaches in other jurisdictions.</p> <p>Taking into account recent case law, this should also extend to the consideration of potential legislative amendments to strengthen existing</p>	<p>Accept This recommendation is aligned with Recommendation 56 of the Taskforce's first report. In response to that recommendation, the Queensland Government is progressing legislative amendments to the <i>Domestic and Family Violence Protection Act 2012</i> to ensure applications and cross applications for a domestic violence order are considered together, and that courts should only make one domestic violence order which favours the person most in need of protection in the relationship, unless exceptional circumstances apply.</p> <p>This recommendation is also aligned with Recommendations 67 and 68 of the Taskforce's first report. In response to those recommendations, the Queensland Government will consult with Heads of Jurisdiction to consider updating and developing guidance in domestic and family violence bench books on how to identify the person most in need of protection.</p>	<p>The Queensland Government's response to the recommendation is implemented.</p> <p>As at 31 December 2023 the Attorney-General and Minister for Justice, Minister for the Prevention of Domestic and Family Violence and Minister for Police and Community Safety responded: The Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill 2022 (DFVP Bill) was introduced to Queensland Parliament on 14 October 2022, receiving assent on 28 February 2023, and commencing in full on 1 August 2023. The <i>Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Act 2023</i> (DFVP (CCC) Act) implements a range of recommendations from the first report of the Women's Safety and Justice Taskforce (Taskforce), <i>Hear her voice: Addressing coercive control and domestic and family violence in Queensland</i> (first report). This includes a number of amendments directed at ensuring identification of the person most in need of protection.</p> <p>In response to recommendation 56 of the first report, the DFVP (CCC) Act amended the principles for administering the <i>Domestic and Family Violence Protection Act 2012</i> (DFVP Act), making it clear that the person who is most in need of protection in the relationship must be identified, and only one</p>



<p>provisions designed to ensure the identification of the person most in need of protection in proceedings under the <i>Domestic and Family Violence Protection Act 2012</i>.</p>	<p>The Queensland Police Service has addressed this recommendation through the development and implementation of an online dedicated training product on coercive control which was rolled out in 2021-22. The training focuses heavily on providing guidance to Queensland Police Service members regarding the accurate identification of the person most in need of protection in situations where there are mutual allegations of violence. The training product is a mandatory requirement for completion by all Queensland Police Service members.</p> <p>Lead agency: Department of Justice and Attorney-General</p> <p>Support agency: Queensland Police Service</p>	<p>domestic violence order should be in force unless there are exceptional circumstances and clear evidence that each person in the relationship is in need of protection from the other.</p> <p>The DFVP (CCC) Act also strengthens the court's response to cross applications and the making of cross orders against victims of domestic and family violence (DFV) by:</p> <ul style="list-style-type: none"> (a) requiring applications and cross applications to be heard together; (b) requiring the court to consider whether to make arrangements for the safety, protection or wellbeing of the person most in need of protection; (c) requiring the court to identify the person most in need of protection in the context of the relationship as a whole; and (d) only allowing the court to make one order to protect the person most in need of protection, unless there are exceptional circumstances, where there is clear evidence that each of the parties in the relationship are in need of protection from each other. <p>The DFVP (CCC) Act also provides legislative guidance to magistrates in determining the person most in need of protection (new section 22A DFVP Act). This legislative guidance is included as a definition within the DFVP Act and was developed from the recommendations and comments of the Domestic and Family Violence Death Review and Advisory Board, findings of the ANROWS report "Accurately identifying the person most in need of protection in domestic and family violence law", and through consultation with DFV stakeholders. Magistrates received professional development on the legislative guidance and 'the person most in need of protection' at the Annual State Magistrates Conference in May 2023.</p> <p>The Queensland Police Service has addressed this recommendation through the development and implementation of a dedicated online training product on coercive control rolled out in 2021-22. The training focuses heavily on providing guidance to Queensland Police Service members regarding the accurate identification of the person most in need of protection in situations where there are mutual allegations of violence. The training product is a mandatory requirement for completion by all Queensland Police Service members.</p> <p>Roll out of a three-day, face-to-face Domestic and Family Violence: Holistic Approach Course commenced state-wide from August 2022. The course content has been informed by internal and external reviews of DFV policing practices, policies, and procedures, and includes a strong focus on cultural enhancement along with a focus on a holistic investigation to accurately identify the person most in need of protection. The course is being completed by all police officers up to and including the rank of Superintendent, and civilian employees who have contact with members of the public. This course utilises de-identified case studies, lived experiences and body worn camera footage recordings to support deeper learning of the aspects of culture that impact on the policing of DFV incidents broadly, and focus on recognition and response to coercive control and patterned approaches employed by perpetrators.</p> <p>A further two-day, face-to-face Domestic and Family Violence: Holistic Approach Extension Course commenced in 2023, with the course being mandatory for all members up to the rank of Chief Superintendent, and civilian members who have contact with DFV victim-survivors and perpetrators. This course is designed to reinforce the learnings of Domestic and Family Violence: The Holistic Approach three-day course, particularly in relation to coercive control and the patterned nature of the behaviour.</p> <p>The Queensland Police Service has also implemented three independent, five-day, face-to-face programs, co-designed with external non-government organisations and eminent academics; the first for Domestic and Family Violence and Vulnerable Persons specialist officers, a course tailored for Domestic and Family Violence and Vulnerable Persons Specialist Leadership roles, and a third for police communications centre staff.</p>
--	--	---

		<p>Implementation activities for commencement of the DFVP (CCC) Act on 1 August 2023, included training for police, lawyers and court staff, professional development for judicial officers, system changes, and updating of forms, policies and procedures, court rules and judicial bench books. The <i>Domestic and Family Violence Protection Act 2012</i> Benchbook and Chapter 9 Domestic Violence of the Queensland Police Service Operational Procedures Manual were updated following commencement of the legislation.</p> <p>The Queensland Police Service will continue to develop training and education products in line with these principles to support the accurate identification of the person most in need of protection.</p>
<p>Recommendation 3 –</p> <p>That the Queensland Government explore the development of an approach to triage and case management for domestic and family violence cases before the Magistrates and District Courts to identify those that are complex, high risk or that involve cross applications for protection orders. This should seek to ensure that all relevant evidence is available to inform judicial decision-making, beyond the information gathered by police at scene at a point of crisis.</p> <p>This approach should focus on identifying all relevant information and enable the gathering of additional information where gaps are identified to support judicial decision-making. It should also take into account what is known about systems abuse, and the inherent disadvantage that many victims of domestic and family violence face in their interactions with the justice system as well as existing models operating in other jurisdictions or courts.</p>	<p>Accept</p> <p>The Queensland Government supports exploring the development of an approach to triage and case management in consultation with the Chief Judge and Chief Magistrate, which will take into account the need to ensure judicial officers are provided with all relevant information and evidence to inform decision making.</p> <p>This recommendation aligns with Recommendations 21 and 49 of the Taskforce's first report and will be considered as part of the response to those recommendations. Implementation of the intent of this recommendation will also be supported by legislative changes in response to other Taskforce recommendations that relate to the Court's access to criminal history information.</p> <p>Lead agency: Department of Justice and Attorney-General</p> <p>Support agency: Queensland Police Service</p>	<p>The Queensland Government's response to the recommendation is in progress.</p> <p>As at 31 December 2023 the Attorney-General and Minister for Justice, Minister for the Prevention of Domestic and Family Violence and Minister for Police and Community Safety responded:</p> <p>Multiple recommendations of the Women's Safety and Justice Taskforce – <i>Hear Her Voice Report One</i> intersect with the intent of the Domestic and Family Violence Death Review and Advisory Board's recommendation, including:</p> <ul style="list-style-type: none"> roll-out of additional High-Risk Teams (Recommendation 18); review of the DFV Information Sharing Guidelines (Recommendation 20); promoting the use of the Common Risk and Safety Framework (CRASF) or aligned risk assessment tools to improve Queensland's approach to recognising, assessing, and responding to DFV and coercive control (Recommendation 21); implementing a whole-of-government education and training framework (Recommendation 23); development and implementation of a Statewide Court DFV Safety Plan (Recommendation 49); and development of a trauma-informed and intersectional strategy for Court Services Queensland and Community Justice Services (Recommendation 51). <p>Further recommendations related to legislative reform are also important for exploring a triage and case management model for Magistrate and District Courts.</p> <p>Early consultation with key stakeholders including the Federal Circuit and Family Court of Australia on the Lighthouse Model was conducted in February 2023. Following this, a current state of knowledge research paper that explored best practice in domestic and family violence risk triage and case management within the court system was completed in December 2023. Collaboration with the Queensland Police Service as supporting agency for this recommendation continues to support development of options to best respond to this recommendation.</p> <p>The DFV Live List project was implemented in Beenleigh Magistrates Court in 2023 to deliver a robust, efficient, consistent, and secure solution for safely managing and coordinating services to parties attending court for DFV matters.</p> <p>The state-wide <i>Court Services Queensland Domestic and Family Violence and Sexual Violence Safety Framework – Delivering Safer Courts 2024-2034</i> (Safety Framework) is in development for release in February 2024. The Safety Framework will provide a 10-year strategy for reforming court safety.</p> <p>In response to recommendations in the Taskforce's first report, the <i>Domestic and Family Violence Protection (Combatting Coercive Control) and Other Legislation Amendment Act 2023</i> (DFVP (CCC) Act) commenced in full on 1 August 2023, making multiple amendments in relation to criminal and domestic violence histories to support judicial decision-making.</p> <p>The DFVP (CCC) Act amends the <i>Domestic and Family Violence Protection Act 2012</i> to include a requirement for a respondent's criminal and domestic violence histories to be provided to the courts to help determine the risk to the aggrieved and whether to make a protection order; and to assist in best</p>

		<p>tailoring the conditions of the order to keep the victim safe. The amendments also provide that the court must consider the respondent's criminal and/or domestic violence history when making a protection order. The court may consider the respondent's criminal and/or domestic violence history when making a temporary protection order, when making or varying a domestic violence order by consent, or when varying a domestic violence order if the court thinks it is relevant to do so.</p> <p>The DFVP (CCC) Act also amends the <i>Penalties and Sentences Act 1992</i> to provide that the history of domestic violence orders made or issued against an offender, other than orders made or issued when the offender was a child, may be considered by a sentencing court when determining an offender's character.</p> <p>Implementation activities to support the commencement of the new laws included training for police, lawyers and court staff, professional development for judicial officers, system changes, and the amendment or development of forms, policies and procedures, court rules and judicial bench books, including the <i>Domestic and Family Violence Protection Act 2012</i> Benchbook and Chapter 9 'Domestic Violence' of the Queensland Police Service Operational Procedures Manual.</p> <p>The Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Bill 2023 was introduced on 11 October 2023. The Bill makes amendments to support judicial decision-making in DFV matters, including by requiring a sentencing court to take into account a number of additional factors, including where a defendant has a history of being abused or victimised; and expanding the admissibility of preliminary complaint evidence to domestic violence offences. As at 31 December 2023, the Bill has been referred for parliamentary committee consideration.</p> <p>The DFV Live List Phase 1 project was completed by the Courts and Tribunals Digitisation Program (CTDP) in August 2023 with the implementation of an enterprise live list application to manage the safe and timely coordination of services to parties attending court for DFV matters at the Beenleigh Specialist DFV Magistrates Court. The application successfully replaced a proof-of-concept version in Beenleigh, saving registry stakeholders hours each week.</p> <p>Subsequent to the phase 1 implementation, in late December 2023, CTDP successfully sourced funding for the further implementation of the enterprise solution from the Taskforce. Work is now in progress to plan the rollout across the remaining six Specialist DFV Magistrates Courts, and a further six high-volume Magistrates Courts throughout Queensland in 2024-25.</p> <p>The first key milestone in progressing this recommendation has been completed, with a research paper developed on best practice in domestic and family violence risk triage and case management within the court system.</p> <p>DJAG will continue to progress implementation of the intersecting recommendations of the Women's Safety and Justice Taskforce that support the intent of this recommendation in consultation with the Chief Magistrate and Chief Justice on potential options for implementing a case management and risk triage approach within Courts.</p> <p>Continue to monitor the progress of the <i>Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Bill 2023</i> through the parliamentary process, and progress implementation activities to support its commencement following passage.</p> <p>An options paper to identify best practice approaches for developing a triage and case management model will be developed and informed by consultation and findings from the state of knowledge paper for consideration of the executive leadership team in DJAG and the QPS prior to briefing heads of jurisdiction.</p>
--	--	--

<p>Recommendation 4 – That the Queensland Government trial and evaluate 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.</p> <p>This should include both government and non-government organisations with input from the peak body for alcohol and other drug services and domestic and family violence services within the trial sites.</p>	<p>Accept in principle This recommendation is aligned with Recommendation 19 of the Taskforce's first report. To address this recommendation and Recommendation 19 of the Taskforce's first report, Queensland Health will, depending on resource availability, collaborate with alcohol and other drug, mental health and domestic and family violence peak bodies to improve service responses to support the safety and wellbeing of victims and their children.</p> <p>This will include building the capability of mental health alcohol and other drugs services across Queensland Health and the non-government sector to recognise and respond to domestic and family violence.</p> <p><i>The Domestic and Family Violence Capability Assessment Tool for Alcohol and Other Drug Settings</i> will be considered as one potential data source for the establishment of a baseline and monitoring strategies which examine the capability of mental health alcohol and other drugs services across Queensland Health and the non-government sector to recognise and respond to domestic and family violence.</p> <p>Lead agency: Queensland Health</p> <p>Supporting agency: Department of Justice and Attorney-General (Women's Safety, and Victims and Community Support)</p>	<p>The Queensland Government's response to the recommendation is implemented.</p> <p>As at 31 December 2023, the Minister for Health, Mental Health and Ambulance Services and Minister for Women and the Department of Justice and Attorney-General responded:</p> <p>Queensland Health engaged the Queensland Network of Alcohol and Other Drug Agencies (QNADA) to undertake a project to trial and evaluate the use of a Domestic and Family Violence Capability Assessment Tool (DFV CAT) in State funded mental health, alcohol and other drug (MHAOD) services in Queensland. The DFV CAT will assist services to assess their current responses to domestic and family violence, and support identification of future opportunities to enhance responses.</p> <p>There are two phases to the project:</p> <ul style="list-style-type: none"> developing and trialling a capability assessment tool (the DFV CAT) in participating state funded MHAOD services (Gold Coast and Cairns and Hinterland regions) and refining the DFV CAT. Phase two involves extending use of the DFV CAT to other locations across Queensland (NGO's). <p>Contacts in the Cairns and Gold Coast trial sites within Queensland Health Hospital and Health Services and funded non-government organisations have been identified. QNADA has developed a DFV CAT as initial scoping identified the need to revise the tool, in line with the emerging evidence base and to ensure that it better reflected the different service types and settings in Queensland. The DFV CAT is currently in use within the phase 1 trial from February to May 2024. As at 31 December 2023, a Project Governance Group was established to oversee project progress and members meet regularly.</p> <p>Implementation of this recommendation is directly linked to and continues to be actioned and reported on under recommendation 19 of Hear Her Voice Report 1, Women's Safety and Justice Taskforce.</p>
<p>Recommendation 6 – That the Queensland Government explore trauma informed options to improve the accessibility, availability and acceptability of longer term supports for victims and their children beyond the point of crisis to support them to rebuild their lives. There should also be consideration of the longer-term support needs of perpetrators of domestic and family violence to embed ongoing behavioural change and improve protective outcomes for victims and their children.</p>	<p>Accept The Queensland Government provides funding to non-government specialist domestic, family and sexual violence services to provide trauma informed crisis and longer-term support to victims and their children. Opportunities to improve the accessibility and availability of these services will continue to be considered as part of ongoing reviews of investment and are dependent on available resources.</p> <p>This recommendation aligns with Recommendation 9 of the previous Board report and will be partially addressed through implementation of a state-wide perpetrator strategy which will consider early intervention, immediate and longer-term support needs of perpetrators. This recommendation also aligns with Recommendations 25, 26, 27 and 28 of the Taskforce's first report, which relate to the development of strengthened support for perpetrators. This recommendation will be considered as part of the implementation of the Government response to those recommendations from the Taskforce's first report.</p> <p>This recommendation aligns with Recommendation 74 of the Taskforce's first report. In response to that recommendation, the Queensland Government supports the establishment of a new court-based domestic violence perpetrator diversion scheme.</p> <p>This recommendation aligns with Recommendation 80 of the Taskforce's first report, which relates to establishing a new postconviction civil supervision and rehabilitation order for serious</p>	<p>The Queensland Government's response to the recommendation is in progress.</p> <p>As at 31 December 2023, the Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence, Minister for Fire and Disaster Recovery and Minister for Corrective Services, Minister for Education and Minister for Youth Justice and Minister for Child Safety, Minister for Seniors and Disability Services and Minister for Multicultural Affairs responded:</p> <p>The Queensland Government continues to provide funding to non-government specialist services to provide trauma-informed crisis and longer-term support to victim-survivors of domestic, family and sexual violence (DFSV). Opportunities to improve the accessibility and availability of longer-term supports continue to be explored.</p> <p>The new five-year DFSV strategic investment plan is in development, informed by a state-wide DFSV sector investment review, and in consultation with Queensland Government agencies. The development of this investment plan continues to explore service delivery models and ways to further build the capacity and capability of the sector and meet the longer-term needs of victim-survivors of domestic family violence and of people using violence.</p> <p>The Queensland Government has prioritised a 30 percent increase in funding to existing community men's behaviour change programs and to support victim advocates for behaviour change programs. A number of trials will continue to be designed and implemented to inform the establishment of a perpetrator network, build on the understanding of perpetrator accountability, intervention and behaviour change and ensure victim-survivor safety.</p> <p>A whole-of-government domestic, family and sexual violence service audit to analyse the current allocation of DFSV investment funding will be conducted.</p>

	<p>domestic and family violence offenders. This recommendation will be considered as part of the implementation of the Government response to Recommendation 80 of the Taskforce's first report.</p> <p>Lead agency: Department of Justice and Attorney-General</p> <p>Supporting agency: Queensland Corrective Services, Department of Youth Justice and Department of Child Safety, Seniors and Disability Services</p>	
--	---	--