

DFV NEWSLETTER

FROM THE CHIEF MAGISTRATE'S OFFICE



JUNE 2026



News

- A new edition of the Queensland Courts' [Equal Treatment Benchbook](#) has been published. The Benchbook provides practical, contemporary guidance for judicial officers to support procedural fairness and equality of treatment for all court participants. It is also a valuable resource for lawyers, self-represented litigants, parties to proceedings, witnesses, and interpreters.
- The Queensland Law Reform Commission's review of particular criminal defences was finalised in December 2025. The [Just, Clear and Modern: Reformed Criminal Defences for Queensland Final Report](#) was tabled in April 2026. The report makes 36 recommendations for reform that would significantly change the availability and operation of defences, including self-defence, provocation and domestic discipline. The QLRC also considered the sentencing for the offence of murder in Queensland and recommended retaining mandatory life imprisonment, however providing a discretion for courts to set the parole eligibility date with regard to the circumstances of the offences.
- In findings from the [Inquest into the deaths of F and M](#) delivered on 21 April 2026, Coroner Kirkegaard found that multiple agencies failed to identify a mother as a DFV risk before she fatally set her ex-partner alight during a custody dispute. The mother also died during the incident. The inquest highlighted systemic issues in risk assessment, gender-based assumptions, and failure to recognise coercive control perpetrated by women against male partners. Recommendations were made regarding better information-sharing between agencies involved in family court matters and improved mental-health support for parents subject to orders.

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Upcoming Events

27 - 29
July

[Australian Elder Abuse Conference](#)

RACV Royal Pines Resort, Gold Coast
27 - 29 July 2026

The 2026 Australian Elder Abuse Conference is a national gathering dedicated to creating a safer, more just future for older Australians. Over three days, delegates from across community, legal, health, aged care, government and advocacy sectors come together for bold conversations, lived-experience storytelling, cross-sector collaboration and practical solutions to end elder abuse. Shaped by those on the frontline and those with lived and living experience, the conference is a call to action: to listen, to stand up and to speak out for the generations to come.

6
August

[Selden Society Lecture: Domestic and Family Violence in Historical and Contemporary Perspective](#)

Banco Court, QEll Courts of Law & Online
6 August 2026

The Supreme Court Library on behalf of the Selden Society—Australian Chapter hosts an annual program of entertaining and informative lectures featuring prominent and renowned guest speakers covering a range of topics focused on legal heritage. This lecture is presented by presented by Dr Andy Kaladelfos, Senior Lecturer in Criminology in School of Law, Society and Criminology University of New South Wales.

15 - 17
Sept

[Westnet Technology Safety Summit](#)

Brisbane Convention & Exhibition Centre, South Brisbane
15 - 17 September 2026

This summit, presented by the Women's Services Network, brings together national and international experts on technology safety and gender-based violence. The material will explore the complex and evolving interplays between technology and family/domestic and other forms of gendered violence. Presentations, panel discussions and practical demonstrations will cover a wide range of topics including online dating, artificial intelligence, surveillance, young people and data management. Attendees include DFV frontline workers, advocates, policymakers, technologists, legal and law enforcement professionals and researchers.

8 & 9
October

[SPEAQ Forum - 2026](#)

Hotel Grand Chancellor, 334 Flinders Street, Townsville City
8 & 9 October 2026

The SPEAQ Forum is Queensland's practitioner-oriented, interactive conference bringing together domestic and family violence workers involved in interventions with those who use violence. This year's theme is 'Making the invisible visible: DFV intervention work within and beyond complexities'. SPEAQ Forum 2026 brings together local and national presenters and SPEAQ network members in an interactive forum with a focus on broadening understanding and strengthening practice for DFV behaviour change intervention practitioners and those working with persons using violence in adjacent fields.

Articles & Reports

[Reassessing criminalisation: A review of global responses to domestic violence](#)

International Journal of Comparative and Applied Criminal Justice
December 2025

This paper critically examines global responses to domestic violence, arguing that dominant criminalisation frameworks often fail to provide meaningful protection or long-term justice for survivors. Drawing on intersectional feminism, critiques of carceral feminism, and masculinity studies, the paper evaluates both the ideological foundations and practical outcomes of carceral and non-carceral strategies. Ultimately, it argues for a reimagined approach to justice that moves beyond the punishment–impunity binary and centres survivor autonomy, structural transformation, and long-term collective safety.

[Police-perpetrated domestic and family violence: A scoping review of Australian and international scholarship](#)

International Journal for Crime, Justice and Social Democracy
December 2025

The perpetration of domestic and family violence (DFV) by police officers is a serious abuse of power and has generated a growing body of scholarship in Australia and internationally. This paper sets out findings from a scoping review of 54 scholarly articles, chapters, theses, and other papers which address police perpetrated DFV (PPDFV).

[Can we predict domestic homicide? New research suggests we can't](#)

LSJ Online
February 2026

In 2024, 38 Australian women were murdered by a partner or ex-partner. New data shows the number of women killed by intimate partners has reduced to 32 over the most recent reporting period. The annual rate to June 2025 was among the lowest on record.

['You have caused all of this, it's all your fault': An argument for the application of grievance-fuelled violence frameworks to the prevention of male-perpetrated intimate partner homicide](#)

International Journal for Crime, Justice and Social Democracy
December 2025

Male-perpetrated intimate partner homicide (IPH) is one of the most common forms of homicide globally. There is considerable evidence that traditional responses to intimate partner violence (IPV) are, in most cases, ineffective at preventing the escalation of harm. This article highlights the empirical and theoretical similarities between perpetrators of grievance-fuelled violence and IPV and IPH. Using this evidence, an argument is made for applying a grievance-fuelled violence framework in IPH prevention.

[Cultural context and sentencing: Content analysis of sentencing remarks for Indigenous defendants of domestic violence in the Northern Territory, Australia](#)

Psychology, Crime and Law
2026

This article examined the extent to which cultural and customary contexts were acknowledged within the sentencing remarks of 72 Indigenous spousal domestic violence defendants sentenced in the Northern Territory Supreme Court between April 2015 and April 2016. The authors found limited acknowledgement of cultural and customary practices for these defendants. When cultural factors were identified, the impacts on sentencing were absent, superficial, or applied in a way to remove cultural meaning. Consequently, there was little evidence that sentencing courts adequately accounted for the unique experiences of Indigenous people. The authors consider plausible strategies for judicial decision-making processes that ensure cultural and customary contexts.

SSW v Commissioner of Police & Anor (No. 2) [2026] QDC 22

Byrne KC DCJ
24 March 2026

Byrne KC DCJ determined the costs consequences following the appellant's unsuccessful appeal against a Protection Order, holding that although some factual findings below were disturbed, both respondents were wholly successful and entitled to their costs. The Court rejected the appellant's argument that each party should bear their own costs and found no basis for indemnity costs for the appeal itself, noting that while the appellant's failed application to adduce further evidence attracted criticism, it did not amount to "relevant delinquency" warranting indemnity costs, and the collateral applications he filed were not shown to be unreasonable or directly connected to the conduct of the appeal.

However, the judge held that the appellant's unpreparedness to argue costs on the judgment delivery date, despite nine days' notice and no explanation for failing to secure counsel or prepare submissions, was unreasonable, and therefore ordered that both respondents receive indemnity costs for work incurred after 20 January 2026, with standard costs applying to the remainder of the appeal.

R v LBO [2026] QCA 51

Boddice JA, Bradley JA & Freeburn J
27 March 2026

The Court of Appeal reinstated the applicant's abandoned appeal and ultimately set aside his conviction for rape, ordering a new trial after finding that the prosecution had failed to disclose a relevant body-worn camera recording from 31 January 2021. The recording, which was in the possession of police, contained statements by the complainant indicating a potential motive related to custody proceedings and also showed the involvement of the preliminary complaint witness, both of which were highly material in a trial that turned entirely on credibility and involved only two witnesses. The Court held that the non-disclosure breached the prosecution's duty under s 590AB of the Criminal Code and constituted a miscarriage of justice because it could realistically have affected the jury's reasoning. Given the applicant's prompt steps to revive the appeal once the recording came to light, the Court reinstated the appeal, allowed it, set aside the guilty verdict, and ordered a new trial.

Caen v Commissioner of Police [2024] QDC 238

Kent KC DCJ
28 November 2024 (published on 27 March 2026)

The District Court dismissed an appeal against sentence where the appellant had pleaded guilty to two aggravated contraventions of a domestic violence order and one public nuisance offence. The appellant argued that the sentences of four- and six-months' imprisonment (with a parole release date at one-third) were manifestly excessive and that probation should have been imposed given his mental health issues, work history, remorse, and the five-year gap in his criminal history. The Court held that, applying *Chakka v QPS* [2024] QCA 213, and *House v The King*, no appealable error was shown, and the sentences were within the permissible range, particularly given three separate incidents over more than a month, the violent nature of the conduct, and the requirements of s 9(3) Penalties and Sentences Act 1992. Although the magistrate's remarks were forthright, the Court found no fettering of discretion and concluded the sentences were not manifestly excessive. The appeal was dismissed.

R v ABP [2026] QCA 55

Mullins P, Boddice JA & Bradley JA
31 March 2026

The Court of Appeal dismissed the appellant's conviction appeal, rejecting his claim that a fundamental irregularity had caused a miscarriage of justice. The appellant, who was self-represented at trial, argued that he misunderstood the trial process, specifically, that failing to put contrary matters to the complainant in cross-examination meant her evidence would go unchallenged, and that a document suggesting she had previously withdrawn a choking allegation would automatically be given to the jury.

The Court held that the appellant had repeatedly been warned by supervising judges and the trial judge about the consequences of not cross-examining the complainant and had knowingly declined free legal representation. The Court found that his misunderstanding was self-created, persisted despite clear judicial explanations, and did not amount to a miscarriage of justice. As he had full opportunity to challenge the evidence and present a defence, the appeal was dismissed.

R v HDD [2026] QCA 57

Bowskill CJ, Bradley JA & Wilson J
2 April 2026

The Court of Appeal allowed the appeal in part, quashing the appellant's conviction on count 5 after finding that the trial judge erred by directing an acquittal on the rape charge and immediately discharging the appellant before leaving the statutory alternative offence of indecent treatment to the jury, which rendered the subsequent guilty verdict "impermissible at law" because s578 of the Criminal Code could no longer operate once the appellant had been discharged.

The Court rejected all challenges to the domestic-violence and sexual-offence directions, holding they were properly given in response to the evidence and defence submissions, and also dismissed the complaint about joinder of the assault charge, finding it formed part of a series of related offences against the same child. The appellant's remaining convictions on counts 1–4 and 6 were upheld, and the parties were directed to file submissions on whether the original sentence for count 6 should be affirmed or varied.

R v LBP [2026] QCA 64

Bond JA, Bradley JA & Doyle JA
14 April 2026

The Court of Appeal allowed the appellant's appeal against conviction, set aside his convictions on counts 10–13 and ordered a retrial. Although the Court rejected arguments that the guilty verdicts were unreasonable or inconsistent with the numerous acquittals and upheld the trial judge's discretionary decision to admit a police field-interview recording, it found a miscarriage of justice in the inadequate jury directions concerning the appellant's admissions. The admissions were described as those "which could not be used as independent proof of the appellant's guilt on any of the counts" were capable only of being used as circumstantial relationship evidence and corroboration, not as standalone proof.

Because the trial judge failed to instruct the jury on these limitations, the convictions could not stand. The Court therefore granted the short extension of time to appeal, allowed the appeal, and ordered a new trial on the four affected counts.

Hartup v Queensland Police Service [2024] QDC 237

Kent KC DCJ

8 August 2024 (published on 16 April 2026)

The District Court allowed an appeal against a four-month wholly suspended sentence for contravening a domestic violence order, finding legal error in the magistrate's failure to declare one day of presentence custody and concluding the penalty was manifestly excessive given the circumstances, including his early plea, limited history, youth, and the relatively low-level nature of the breach ("to leap to a suspended sentence of four months imprisonment was a considerable leap").

After setting aside the original sentence, the Court resented him to 12 months' probation with standard conditions and exercised the discretion not to record a conviction, noting his rehabilitation efforts and that a conviction would not assist his future employment prospects ("a recorded conviction does not aid Mr Hartup's economic or social wellbeing").

MMHS v Commissioner of Police & Anor [2026] QDC 49

Haddrick DCJ

21 April 2026

This matter concerned an appeal against a final protection order that a magistrate made at a trial-review mention, in the absence of the respondent and his solicitor, after they failed to diarise the date. The District Court held that although the non-appearance was due to the appellant's own legal representatives' oversight, the magistrate denied procedural fairness by finalising the matter at a mention listed only for trial review, particularly where the appellant had previously engaged lawyers and was preparing for a contested hearing a week later.

Relying on authorities emphasising that final orders cannot be made in default and that natural justice requires a proper hearing, the Court found the magistrate's approach miscarried. The appeal was allowed, the final protection order set aside, the existing Temporary Protection Order declared to remain in force, and the matter remitted for rehearing before a different magistrate.

R v LJL [2026] QCA 71

Bond JA, Boddice JA & Bradley JA

24 April 2026

The Court of Appeal dismissed LJL's appeal against his convictions for repeated sexual conduct with a child and indecent treatment (domestic violence offences), holding that neither the trial judge's private observation about the appellant crying in the witness box nor the later jury direction on the complainant's emotional presentation created any risk of prejudice.

The Court found the judge's comment was merely a practical observation about microphone feedback, not an instruction undermining credibility, and the emotional-state direction was properly confined to the complainant, consistent with ss 103ZT and 103ZV of the Evidence Act 1977 (Qld). It also rejected the complaint that the judge failed to direct the jury on inconsistencies in the preliminary complaint, noting that defence counsel had expressly disavowed reliance on any inconsistency and that s 103ZY was not engaged because no difference relevant to truthfulness or reliability was suggested. As Boddice JA concluded, "there was no reason for the trial judge to give a direction in accordance with s 103ZY" and no miscarriage of justice was shown.

R v SFB [2026] QCA 83

Mullins P, Boddice JA & Brown JA
8 May 2026

The Court of Appeal dismissed the appellant's challenge to his conviction for strangulation in a domestic setting, rejecting his argument that the guilty verdict on count 2 was logically inconsistent with his acquittals on two rape counts arising from the same incident.

The Court held there was no inconsistency, because the jury had been properly directed to consider each count separately, the quality and extent of the evidence differed between the rape and strangulation allegations, and the photographs showing red marks on the complainant's neck were "directly relevant to the strangulation" and supported her account. While the complainant's evidence contained discrepancies, the jury could reasonably have held a doubt about consent to intercourse while still accepting her evidence of non-consensual strangulation, particularly given the physical evidence and preliminary complaint.

Mullins P and Brown JA therefore upheld the conviction, with Boddice JA dissenting and finding the verdicts inconsistent.

OMD v District Court of Queensland [2026] QCA 91

Boddice JA, Brown JA, Bradley JA
19 May 2026

The Court of Appeal dismissed the appeal, holding that the primary judge was correct to reject the appellant's application for judicial review of the District Court's 2021 decision upholding a protection order made against her.

The Court found that the appellant's sole ground of alleging jurisdictional error because the District Court judge supposedly failed to conduct a "real review" of the Magistrates Court hearing was misconceived. The primary judge had properly identified that the appellant misunderstood the appeal process under ss 168–169 of the DFVPA and wrongly assumed that a magistrate or appellate judge must summarise all cross-examination to demonstrate proper consideration of the evidence.

The Court of Appeal held that the District Court judge had in fact undertaken a real review, formed his own view of the evidence, and correctly addressed the issues relevant to whether domestic violence occurred. The appellant's additional complaints including alleged procedural unfairness were rejected, and she was ordered to pay the second respondent's costs.

Quick Links

- [Earlier editions of DFV Newsletter](#)
- [Domestic and Family Violence Protection Act 2012 Benchbook](#)
- [National Domestic and Family Violence Benchbook](#) – August 2025

- [Domestic and Family Violence Protection Act 2012](#)
- [Domestic and Family Violence Protection Rules 2014](#)
- [DFV Resources for Magistrates](#) *
- [DFV Bench Forms for Magistrates](#) *

NB - Links to pages on the Magistrates Intranet are not publicly accessible.