

DFV NEWSLETTER

FROM THE CHIEF MAGISTRATE'S OFFICE



August 2025



In This Issue

- ### News
- The [Queensland Sentencing Advisory Council](#) are conducting a review of the provisions that require a court to treat a domestic violence offence as an aggravating factor when deciding the sentence. The review will assess what impact this law has had on court sentencing practices and whether it has improved victim survivor satisfaction with the sentencing process. The review will also evaluate the impact of the increased maximum penalty for contravening a domestic violence order. Submissions have now closed, and the final report is due to the Attorney-General by 27 February 2026.
 - A new [Domestic and Family Violence Advisory Panel](#) was established in May 2025. The panel comprises of DFV experts from a variety of backgrounds, including former police officers, solicitors, support services and academics. It is intended that the panel will provide advice on reforms to strengthen responses to DFV in Queensland.
- Under the [Queensland Government 2025-26 Budget](#) and relevant to domestic and family violence, the State government is providing additional funding to the Queensland Police Service to enhance their response to domestic and family violence, to Queensland Corrective Services for the delivery of an electronic monitoring pilot of high risk offenders, to the ODPP for the expansion of the Victim Liaison Service, to the Department of Families, Seniors, Disability Services and Child Safety for the prevention of domestic and family violence and for the upgrading of courthouse infrastructure to improve safety and functionality.

- The Queensland Law Reform Commission (QLRC) are currently conducting a review of particular criminal defences. In July 2025, the Commission released [Background Paper 4](#) which reflects feedback provided thus far during consultations, submissions, interviews and focus groups.
- A new [Vulnerable Persons Hub](#) was opened in Mackay in June 2025. The hub brings together key specialist services under one roof and includes dedicated safe rooms for police and support service interviews
- The QLRC are further reviewing the offence of non-fatal strangulation in the Criminal Code. In July 2025, the Commissioner released their second research report [Investigating, Prosecuting and Defending Non-Fatal Strangulation in Queensland: The Experiences of Police and Lawyers](#). This report shares the views of Queensland police, prosecutors, Legal Aid, ATSILS and defence counsel about their experiences in investigating, prosecuting and defending non-fatal strangulation. The final report is due to the Attorney-General in September 2025.

Upcoming Events

19 Sept	<p>QLS Family, Criminal and DFV Law Conference</p> <p>Queensland Law Society 19 September 2025 Sofitel Brisbane Central</p> <p>The conference program is specifically tailored to Family, Criminal and generalist practitioners who represent clients in criminal and family law matters. The full day program covers a range of topics with practical and in-depth sessions exploring core elements of exemplary professional practice delivered by senior members of the profession and leading industry expert. There is a dedicated DFV track, specifically addressing the latest developments.</p>
9 Oct	<p>Domestic Violence & Advocacy</p> <p>JCU Law Seminar Series 9 October 2025, 2:30pm Online</p> <p>Join Rowan King, founder of RK Law, for a seminar on the major legal reforms set to reshape Queensland's approach to DFV in 2025, including criminalisation of coercive control. The seminar will offer real work insight into how these changes will affect the legal system, frontline advocacy, and support services, particularly in vulnerable and regional communities.</p>
13 Nov	<p>Sexual Offences - Has the Pendulum Swung Too Far?</p> <p>Current Legal Issues Seminar Series 13 November 2025 Online</p> <p>This seminar addresses the current state of the law regarding the prosecution of sexual assault cases, asking the question whether the pendulum has swung too far in trying to balance the rights of complainants in sex cases with minimising (and hopefully preventing) miscarriages of justice for accused persons. Participants include Mr Terry Gorman AM, Professor Heather Douglas and Her Honour Judge Richards</p>

Reports & Articles

[The Prevalence of Intimate Partner Violence in Australia: A National Survey](#)

The Medical Journal of Australia
May 2025

This report examines the prevalence of intimate partner violence in Australia, broken into violence type, multiple intimate partner violence, gender, age group and sexual orientation.

[Male Victim-Survivor Views on the Criminalisation of Coercive Control in Australia](#)

Current Issues in Criminal Justice
May 2025

Male survivors of coercive control were interviewed for this report to examine the risks, benefits and impacts of a stand-alone criminal offence of coercive control.

[Track, Harass and Repeat: Investigating Attitudes that Normalise Tech-Based Coercive Control](#)

eSafety Commissioner
May 2025

The eSafety Commissioner surveyed over 2,000 Australian adults about the use of technology to facilitate coercive control and the extent to which they agreed or disagreed with specific behaviours or expectations as being either caring or reasonable in an intimate relationship.

[Sentencing Spotlight on Contravention of a Domestic Violence Order](#)

Queensland Sentencing Advisory Council
May 2025

This report from the Queensland Sentencing Advisory Council examines sentencing outcomes for contravention of a domestic violence order finalised in Queensland courts between 2005-6 and 2023-4.

Practice Directions

[Practice Direction No 10 of 2025](#)

Evidence Act 1977, Part 6C

The purpose of this Practice Direction, which commenced on 26 May 2025, is to facilitate procedural consistency in the determination of applications for non-publication orders and complainant privacy orders where a defendant is charged with a prescribed sexual offence.

[Practice Direction No 1 of 2025](#) [\(Amended\)](#)

Summary Proceedings for Domestic Violence Offences - Brisbane Magistrate Court

This Practice Direction was amended on 26 May 2025 and applies to all summary proceedings under the Justices Act 1886 for a domestic violence offence (as defined in s103B *Evidence Act 1977*) in the Brisbane Magistrates Court. The amendment addresses the new Diversion Order Scheme under the *Domestic and Family Violence Protection Act 2012*.

[Practice Direction No 4 of 2022](#) [\(Amended\)](#)

Domestic and Family Violence

This Practice Direction was amended on 26 May 2025 to address the new provisions for accredited media entities to apply for access to certain transcripts in domestic violence application matters.

Legislation Updates

Penalties and Sentences (Sexual Offences) and Other Legislation Bill 2025

The *Penalties and Sentences (Sexual Offences) and Other Legislation Bill 2025* was introduced to Parliament on 20 May 2025.

The [Justice, Integrity and Community Safety Committee](#) tabled their report to Parliament on 11 July 2025.

Relevant amendments proposed by this Bill include:

- Amendments to [s9\(1\) Penalties and Sentences Act 1992](#) to expand the purposes of sentencing to include recognition of the harm done by the offender to a victim of an offence as a sentencing purpose.
- New [ss9\(3A\) – \(3D\) Penalties and Sentences Act 1992](#) which qualify the court's treatment of good character in sentencing offenders convicted of offences of a sexual nature.
- Amendments to [s179K\(5\) Penalties and Sentences Act 1992](#) to clarify that the absence of a victim impact statement or other details of harm at sentencing does not give rise to any inference that the offence caused little or no harm to the victim.

Family Law Amendment Act 2024 (Cth)

The *Family Law Amendment Act 2024 (Cth)* commenced in June 2025. Amongst other things, the amendments to the [Family Law Act 1975](#) include:

- A framework for deciding family pet ownership and preventing the use of animals to perpetrate family violence
- A new power for family law courts to stop the viewing or use of sensitive information as evidence in family law proceedings, if the danger in doing so would outweigh the necessity for the evidence
- Courts are to consider the economic effects of family violence when dividing property and finances between separated couples.

Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Act 2024

The final tranche of the *Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Act 2024* commenced on 26 May 2025.

Amendments include a new offence of [coercive control](#) under the Criminal Code and a new [perpetrator diversion order scheme](#) in the Domestic and Family Violence Protection Act 2012.

Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025

The *Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025* was introduced to Parliament on 30 April 2025.

The [Education, Arts and Communities Committee](#) tabled their report to Parliament on 20 June 2025.

Relevant amendments proposed by this Bill include:

- The introduction of [Police Protection Directions \(PPDs\)](#) to enable a police officer, in certain circumstances, to administratively issue a 12-month protection direction without filing an application for a proceeding with the court;
- An [electronic monitoring pilot](#) for high risk DFV perpetrators;
- Expansion of the current video recorded evidence in chief framework statewide;
- Clarification that a video recorded evidence in chief statement can be considered in civil proceedings under the *Domestic and Family Violence Protection Act 2012*;
- Technical amendments to the *Domestic and Family Violence Protection Act 2012* as to the maintenance of the Approved Provider List.

[R v OAE \[2025\] QCA 129](#)

Mullins P, Bradley JA & Morrison AJA
22 July 2025

The applicant sought leave to appeal against a five and a half year sentence with no parole eligibility date for torture (domestic violence offence) and contravening a domestic violence order. Whilst affected by drugs, the applicant commenced a series of assaults on his female de facto partner, including whipping and strangling her with cords, stomping on her head, dragging her around the premises and pouring bleach on her body. The complainant suffered a wrist fracture, bruising and swelling. The Court of Appeal held that the applicant's mental health condition and the benevolent views of the complainant were not sufficient to establish that the sentence was manifestly excessive.

[LBM v ELO \[2025\] QDC 103](#)

Porter KC DCJ
17 July 2025 (*ex tempore*)

In this case, Porter KC DCL considered an appeal against a final protection order made in the absence of the appellant. His Honour found that the Magistrate had erred by making final orders during what was listed as a procedural mention without proper hearing or findings, thereby breaching natural justice. His Honour emphasised the importance of adhering to procedural fairness in civil domestic violence matters.

[R v WCI \[2025\] QCA 131](#)

Mullins P, Bradley JA & Morrison AJA
17 July 2025

The applicant sought leave to appeal against a six-year sentence for aggravated possession of dangerous drugs. Her involvement in the offending was closely linked to a history of prolonged domestic violence by her former partner, including significant physical harm, psychological trauma, and eventual social isolation. The applicant suffered from PTSD and severe anxiety, with the domestic violence contributing to her psychological vulnerability and impaired decision making. These factors were found to have indirectly influenced her offending, as she became dependent on and unable to refuse those who later exploited her as a drug courier. The Court of Appeal held that, though significant, this factor did not render the sentence manifestly excessive given the scale of the offending.

[Savage v ESC \[2025\] QMC 19](#)

Magistrate Hughes
4 July 2025 (*ex tempore*)

The defendant was charged with disqualified driving. Although the elements of the offence were not disputed at the hearing, the court accepted the defence of extraordinary emergency. The defendant had driven to escape an immediate and credible threat from her then-partner, who had threatened to kill her dog. The court recognised this as a form of coercive control in domestic violence. Magistrate Hughes found that the threat constituted an extraordinary emergency and determined that an ordinary person in the same circumstances could not reasonably be expected to act differently. The charge was dismissed, and the defendant was acquitted.

EES v SDH [2025] QMC 15

Chief Magistrate Brassington

24 April 2025

In this case, Her Honour Judge Brassington considered an application by the Queensland Police Commissioner for authorisation to obtain and publish information from domestic violence proceedings for disciplinary information purposes. The case stemmed from a dismissed protection order application in which the respondent SDH, who was a serving police officer, had admitted to acts of domestic violence. While the Magistrate in the original application found that no order was necessary, the Commissioner sought to use the case materials in an internal disciplinary process against the respondent. The application raised issues around confidentiality under ss159 and 160 Domestic and Family Violence Protection Act 2012 and whether disclosure would deter victims from reporting abuse. The aggrieved EEH consented to the disclosure however the respondent objected, citing privacy and information misuse concerns. Ultimately, the Court balanced the competing public interests of protecting confidentiality against upholding police integrity and authorised publication and access to the records. The Court found that doing so best upheld the Act's objectives of accountability and victim protection.

REG v MIH [2025] QMC 13

Magistrate Sinclair

24 April 2025

Magistrate Sinclair addressed cross applications for domestic violence orders between REH and MIH, both of whom has histories of domestic violence and drug offences. The court had to determine which party was most in need of protection under the Domestic and Family Violence Protection Act 2012, particularly in light of the 2023 amendments to the legislation which restricted mutual final orders. Despite differing view of the applicant police officers and legal representatives, Magistrate Sinclair concluded that REH was the party most in need of protection. His Honour noted that, while she had used weapons, her actions were reactive to MIH's provocations. Consequently, a domestic violence order was issued in REH's favour and the existing order protecting MIH was varied to expire that day.

R v CDO [2025] QCA 56

Mullins P, Brown JA & Wilson J

17 April 2025

In this case, the Court of Appeal considered an application for leave to appeal against a sentence imposed for unlawful stalking with a circumstance of aggravation. The applicant pleaded guilty and was sentenced to eight months' probation with a convicted recorded. The aggravating factor was that four of the stalking acts contravened a protection order. The Court dismissed the application, finding that the sentence was not manifestly excessive and appropriately reflected the seriousness of the offending.

Quick Links

- [Earlier editions of DFV Newsletter](#)
- [Domestic and Family Violence Protection Act 2012 Benchbook](#)
- [National Domestic and Family Violence Benchbook – June 2023](#)
- [Domestic and Family Violence Protection Act 2012](#)
- [Domestic and Family Violence Protection Rules 2014](#)

- [JVL Domestic Violence Material](#) *
- [DFV Resources, Magistrates Intranet](#) *
- [QJIS sentencing data](#) search page (search DFVP Act) *
- [Queensland Judgments](#) – Online search page *
- [Women's Safety and Justice Taskforce](#)

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